

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, AMENDING SECTION 6.03.003, "REGULATION OF WEEDS, RUBBISH, BRUSH, AND OTHER OBJECTIONABLE, UNSIGHTLY, OR UNSANITARY MATTER," OF ARTICLE 6.03, "MAINTENANCE OF PROPERTY," OF CHAPTER 6, "HEALTH AND SANITATION," OF THE CODE OF ORDINANCES OF THE TOWN OF PROSPER, TEXAS, ALLOWING FOR THE IMPOSITION OF AN ABATEMENT ADMINISTRATIVE FEE FOR CERTAIN COSTS INCURRED BY THE TOWN; MAKING FINDINGS; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the Town of Prosper, Texas ("Town"), has determined that in those instances where the Town is required to mow property and/or remove trash and debris to attain compliance with the Town's ordinances relative to weeds, rubbish, brush, and other objectionable, unsightly, or unsanitary matter, the Town incurs expenses for which it is not otherwise reimbursed, including but not limited to costs related to investigation of properties not in compliance with applicable Town ordinances; reinspection(s) of property; preparation of documentation and notices; review of public data; selection of and coordination with mowing or other contractors; lien filing fees; and possible remediation fees; and

WHEREAS, for the costs incurred by the Town in addition to any contractor charges that may be incurred by the Town, it is reasonable for the Town to impose an Abatement Administrative Fee related to the costs reference in this Preamble.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:

SECTION 1

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2

From and after the effective date of this Ordinance, existing Section 6.03.003, "Regulation of Weeds, Rubbish, Brush, and Other Objectionable, Unsightly, or Unsanitary Matter," of Article 6.03, "Maintenance of Property," of Chapter 6, "Health and Sanitation," of the Code of Ordinances of the Town of Prosper, Texas, is hereby amended to read as follows:

"ARTICLE 6.03 MAINTENANCE OF PROERTY

* * *

§ 6.03.003. Regulation of Weeds, Rubbish, Brush, and Other Objectionable, Unsightly, or Unsanitary Matter; Providing for an Abatement Administrative Fee.

* * *

- (g) In the event that the Town must do the work or make the improvements required to abate any violation, or pay for the work done or the improvements made, the Town may impose an Abatement Administrative Fee, as set forth in the Fee Schedule, Appendix A, to the Town's Code of Ordinances, as amended."

SECTION 3

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The Town hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 4

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, and any remaining portions of said ordinances shall remain in full force and effect.

SECTION 5

This Ordinance shall become effective from and after its adoption and publication as required by law.

DULY PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 16TH DAY OF SEPTEMBER, 2025.

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney