

ORDINANCE NO. 41

AN ORDINANCE OF THE MUNICIPALITY OF LOWRY CROSSING, TEXAS REQUIRING THE TRIMMING AND CONTROL OF TALL WEEDS, BRUSH AND TREES IN PUBLIC RIGHTS OF WAY AND VACANT LAND BY PROPERTY OWNERS; PROVIDING AN EXCEPTION FOR WILDFLOWERS; PERMITTING THE CITY TO PERFORM SAME UPON FAILURE OF PROPERTY OWNERS TO DO SO AND TO ASSESS COSTS TO SAID PROPERTY OWNERS; PROVIDING A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF:

WHEREAS, the uncontrolled growth of tall weeds, brush and trees along and in public rights of way presents a serious threat to public safety by blocking motorists' visibility and creating a fire hazard; and

WHEREAS, such uncontrolled growth presents a potential health hazard by creating a breeding ground for vermin; and

WHEREAS, such uncontrolled growth is a public nuisance presenting an unsightly condition to residents and visitors, and resulting in detrimental impact to property values; and

NOW THEREFORE: BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF LOWRY CROSSING, TEXAS:

SECTION 1. Purpose

The purpose of this ordinance is to require that all persons, partnerships, corporations, institutions or other organization owning property within the boundaries of Lowry Crossing, TX shall keep weeds, grasses, brush and trees trimmed and controlled as described in Sections 2 and 3 below.

SECTION 2 Rights-of-way

This section establishes the requirements which apply within the public rights-of-way as recorded in the Land Records of the Collin County Clerk's office.

- a) Grasses and weeds. All grasses and weeds growing in any right-of-way shall be kept mowed to a height no greater than 18 inches during the active growing season, and no greater than 12 inches during the dormant season.
- b) Shrubs and brush. No shrubs and/or brush shall be planted closer than 10 feet from a roadway nor permitted to grow in such a way as to obstruct vision in a right-of-way.
- c) Trees. No trees shall be planted in any right-of-way and closer than 15 feet of a roadway. Where existing trees do not meet this standard, they shall be permitted to remain 1) but be at risk should the roadway or ditches be improved, and 2) as long as they are kept trimmed as defined below.

All trees shall be kept trimmed so that 1) within ten feet of any roadway, no foliage is permitted to grow less than 8 feet above the ground, and 2) over the roadway, no branches are permitted to grow less than 12 feet above the ground.

SECTION 3. Vacant Land

This section establishes requirements for weed control on vacant lots and/or non-agricultural-use land. These requirements shall apply anywhere within 100 feet of a public right-of-way or property line as recorded in the Land Records of the Collin County Clerk's office.

For purposes of this section, agricultural-use land is defined to mean land cultivated and planted to raise crops or actively used as pastureland within the preceding six months.

Grasses and weeds. All grasses and weeds growing on any vacant lot and/or non-agricultural-use land shall be kept mowed to a height no greater than 18 inches during the active growing season, and no greater than 12 inches during the dormant season.

SECTION 4. Wildflowers

Any area set aside for the planting, growth, and propagation of wildflowers may be exempted from the weed-height provisions of this ordinance providing 1) that written notification is presented to the Board of Aldermen, and 2) that the area is promptly mowed after the seeds have fallen.

SECTION 5. Responsibility and Recourse

- a) It shall be the property owner's responsibility to see that all aspects of the above requirements are met, and shall extend to the edge of the public roadway..
- b) If a property owner fails to meet these responsibilities, the City Secretary shall issue a warning letter citing this Ordinance and the applicable paragraph, giving the property owner 30 days to comply.
- c) Continued failure to comply shall be cause for a citation of non-compliance giving the property owner an additional 15 days to comply, together with a warning that further non-compliance can result in charges filed in a court of law and/or will serve cause for the City to perform the work at the property owner's expense. Said citation shall be served by the Town Marshall, or alternatively shall be sent by registered mail, return receipt requested.
- d) Should the City find it necessary to have the work done, a bill for actual costs shall be presented to the property owner in the same manner as described in subparagraph c) above.

- e) Should a property owner fail to pay the bill, a lien shall be placed upon the property in favor of the Town of Lowry Crossing, said lien being such that it must be satisfied prior to any sale of the property.

SECTION 6. Repealer

All ordinances or parts of ordinances found to be in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 7. Appeals

A property owner may appeal a warning letter, citation, or bill to the Board of Aldermen.

SECTION 8. Severability Clause

If any part of this ordinance should be declared unconstitutional or invalid by any judgement of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining clause, sentence, paragraph, or section of the ordinance.

SECTION 9. Publication and Effective Date

The caption of this ordinance shall be published one (1) time in a newspaper having general circulation in the Town of Lowry Crossing, and shall be effective upon publication.

PASSED AND APPROVED this 20th day of Nov., 1990.

/s/ Peggy Simpson
Mayor

ATTEST:

/s/ Delinda Armstrong
City Secretary