

ORDINANCE NO. 786
{Amending Ord. 571, Nuisance}

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PARKER, TEXAS, AMENDING ORDINANCE NO. 571 (MODIFYING ORDINANCE 553) REGARDING TREE HEIGHT; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, Ordinance No. 553 established regulations regarding nuisances within the City of Parker, Texas; and,

WHEREAS, Ordinance No. 571 amended and modified Ordinance No. 553 by further defining and enumerating nuisances, including tree height regulations; and,

WHEREAS, the City Council of the City of Parker, Texas wishes to made certain amendments to Ordinance No. 571 to change the minimum permissible tree branch height to better accommodate the needs of the Parker Fire Department; and,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARKER, TEXAS:

SECTION 1. AMENDMENT: Subsection T, under the Section entitled “Enumeration” shall be amended to state:

“It shall be unlawful for any owner or occupant of any property within the City to suffer or permit limbs, brush, and other vegetation, existing above a public street to hand lower than ~~42~~ 15 feet above the public pavement, gravel, or other street surface.

“This provision shall not apply to City owned open space, parks, nature or trail areas, nor shall it apply to those portions of property under active cultivation of crops, ~~nor the center median of divided roadways.~~”

SECTION 4. REPEALER CLAUSE: That all provisions of the Ordinances of the City of Parker in conflict with the provision of this Ordinance be, and the same are hereby, repealed, and all other provisions of the Ordinances of the City of Parker not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 5. SEVERABILITY CLAUSE: It is the intent of the City Council that each sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be deemed severable and, should any such sentence, paragraph, subdivision, clause, phrase or section be declared invalid or unconstitutional for any reason, such declaration of invalidity

or unconstitutionality shall not be construed to affect the validity of those provision of the Ordinance left standing.

SECTION 6. EFFECTIVE DATE: This Ordinance shall take effect immediately from its passage and publication of the caption as the law in such cases provides.

SECTION 7. That it is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

ADOPTED on this the 19th day of November, 2019.

CITY OF PARKER, TEXAS



BY: *Lee Pettle*
LEE PETTLE, MAYOR

ATTEST:

BY: *Ratti Scott Grey*
RATTI SCOTT GREY, CITY SECRETARY

**APPROVED AS TO FORM
AND CONTENT:**

BY: *Brandon S. Shelby*
**BRANDON S. SHELBY,
CITY ATTORNEY**

Agenda Item



Item 6
C'Sec Use Only

Budget Account Code:	Meeting Date: November 19, 2019
Budgeted Amount:	Department/ Requestor: Public Works Gary Machado
Fund Balance-before expenditure:	Prepared by: Public Works Gary Machado
Estimated Cost:	Date Prepared: November 12, 2019
Exhibits:	<ol style="list-style-type: none">1. Proposed Ordinance2. Ordinance No. 571, passed and approved June 28, 2005

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE NO. 786, UPDATING ORDINANCE NO. 571 (NUISANCE – AMENDING ORD. NO. 553), REGARDING TREE HEIGHT. [MACHADO/SHELBY]

SUMMARY

City Staff would like City Council to consider increasing tree height from 12 feet to 15 feet above public street pavement, gravel or other street surfaces to accommodate the new fire department ladder truck. Ordinance No. 571, Section 2.T. is attached, along with the City of Parker, Texas, Code of Ordinances, section § 94.02 below.

§ 94.02 NUISANCES ENUMERATED.

(T) The possessor and/or owner of property adjacent to a public roadway in the city shall keep the owner or possessor's property, and the property within the public right-of-way, or public easement, abutting the pavement and/or traveled portions of the public roadway, free and clear of high grass and weeds, and other objectionable, unsightly or unsanitary manner of whatever nature. Unsightly or unsanitary matter of whatever nature shall include, without limitation, grass, weeds, brush or other living material in excess of 12 inches in height. Property owners and possessors adjacent to public roadways shall also be responsible for removal of brush and other objectionable unsightly or unsanitary matter and shall be responsible for mowing of the grass in such Bar Ditches and the Parkway. It shall be unlawful for any owner or any occupant of any property within the city to suffer or permit limbs, brush and other vegetation, existing above a public street to hang lower than 12 feet above the public street pavement, gravel, or other street surface. This provision shall not apply to city owned open space,

parks, nature or trail areas, nor shall it apply to those portions of property under active cultivation of crops, nor the center median of divided roadways.

POSSIBLE ACTION

Council may direct staff to take appropriate action.

Inter – Office Use			
Approved by:			
Department Head/ Requestor:	<i>Gary Machado</i>	Date:	11/14/2019
City Attorney:		Date:	
City Administrator:	<i>Luke B. Olson</i>	Date:	11/15/2019