



CITY OF MCKINNEY, TEXAS

Legislation Text

File #: 24-1620, **Version:** 1

Consider/Discuss/Act on an Ordinance Amending the Code of Ordinances' Section 70-54, "Definitions"; Section 70-56, "Weeds, Brush, and Other Objectionable or Unsightly Matter, etc."; Section 70-60, "Authority to Abate Nuisance" to Align with Recent Amendments to the Texas Agricultural Code

COUNCIL GOAL: Operational Excellence
(Continuously provide a high level of customer service to our citizens)

MEETING DATE: June 4, 2024

DEPARTMENT: Development Services/Code Services

CONTACT: Michael Quint, Executive Director of Development Services
Alan Lathrom, Assistant City Attorney

RECOMMENDED CITY COUNCIL ACTION:

- Approved the proposed ordinance.

ITEM SUMMARY:

- The Texas Agricultural Code was amended in 2023 to limit cities' ability to regulate agricultural operations. Specifically, the code now inhibits the city's ability to address high grass and weeds on undeveloped properties.
- Section 70-56(a) (Weeds, brush, and other objectionable or unsightly matter, etc.) of the City of McKinney's Code of Ordinances currently states, in part:
 - *It shall be unlawful for any person owning, claiming, occupying or having supervision or control of any real property, occupied or unoccupied, within the corporate limits of the city, to permit weeds, brush, or any objectionable or unsightly matter to grow to a greater height than 12 inches upon such real property within 150 feet of any property line which abuts street rights-of-way, alleys, utility easements, subdivided additions, developed property or any buildings or other structures.*
- However, Section 251.055(d) of the Texas Agricultural Code states, in part:

(d) *A city may impose a maximum height for vegetation that applies to agricultural operations only if:*

 - (1) *the maximum vegetation height is at least 12 inches; and*
 - (2) *the requirement applies only to portions of an agricultural operation located no more than 10 feet from a property boundary that is adjacent to:*

(A) *a public sidewalk, street, or highway; or*

(B) *a property that:*

(i) is owned by a person other than the owner of the agricultural operation; and

(ii) has a structure that is inhabited.

- The proposed amendments to Section 70-54, -56, and -60 of the City of McKinney's Code of Ordinances will resolve the conflict between the aforementioned regulations and clear up confusion when code compliance staff seek to enforce high grass and weeds regulations.

BACKGROUND INFORMATION:

- N/A

FINANCIAL SUMMARY:

- N/A

BOARD OR COMMISSION RECOMMENDATION:

- N/A