



**FARMERS
BRANCH**

Code Topics by Request

Leo Bonanno
Deputy Director of Neighborhood Services



Background

Several Council Members have requested discussions about a number of topics in present codes.

The City's Property Maintenance Code (Chapter 56) has been in place for one year. A small list of updates will be recommended by staff in the near future. Additional updates may also be made based on the discussion that occurs today.

Other codes (Chapter 26: Businesses and Chapter 62: Signs) will also be included in today's discussion. Chapter 26 is currently under staff review with hopes to have an update in effect by January 1, 2023.

Today's Discussions

- Solid Waste Cart Storage
- Rain Barrels
- Garage Sales
- Tree Stumps
- Shopping Carts

Chapter 56 (Outside Storage)

Chapter 56 (Outside Storage)

Chapters 58 and 62 (Sales / Signs)

Chapter 56 (Vegetation)

Chapter 56 (Trash / Outside Storage)

Easement Maintenance

- Introduction by Staff
- Presented by the City Attorney's Office

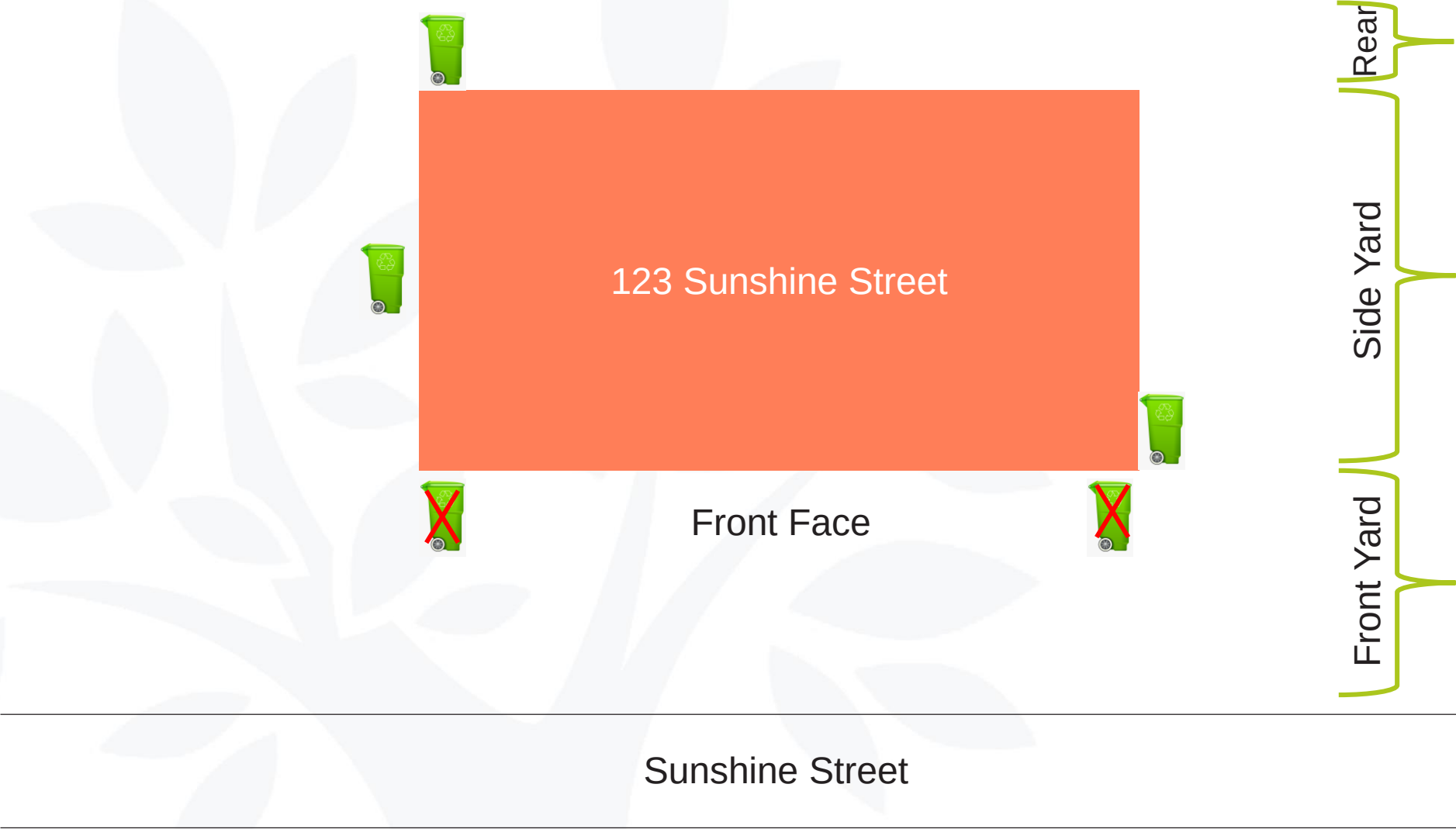
Solid Waste Cart Storage

According to the current outside storage regulations in Chapter 56, trash/recycling carts cannot be stored in the front yard of a property.

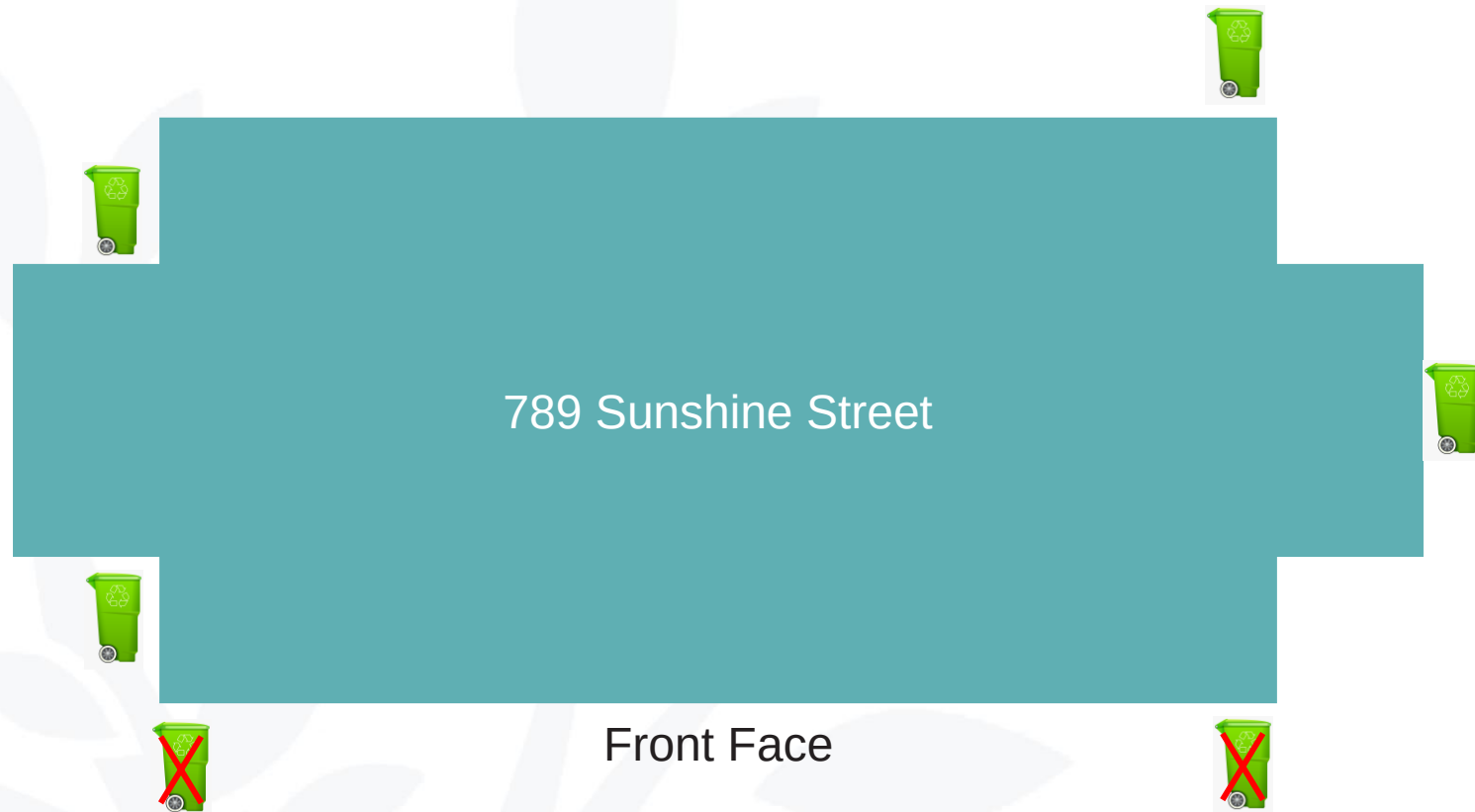
The “front yard” of a property is the area from the front face of the building to the front property line or street.

The word “face” is not defined in the law.

Cart Storage: The Square House

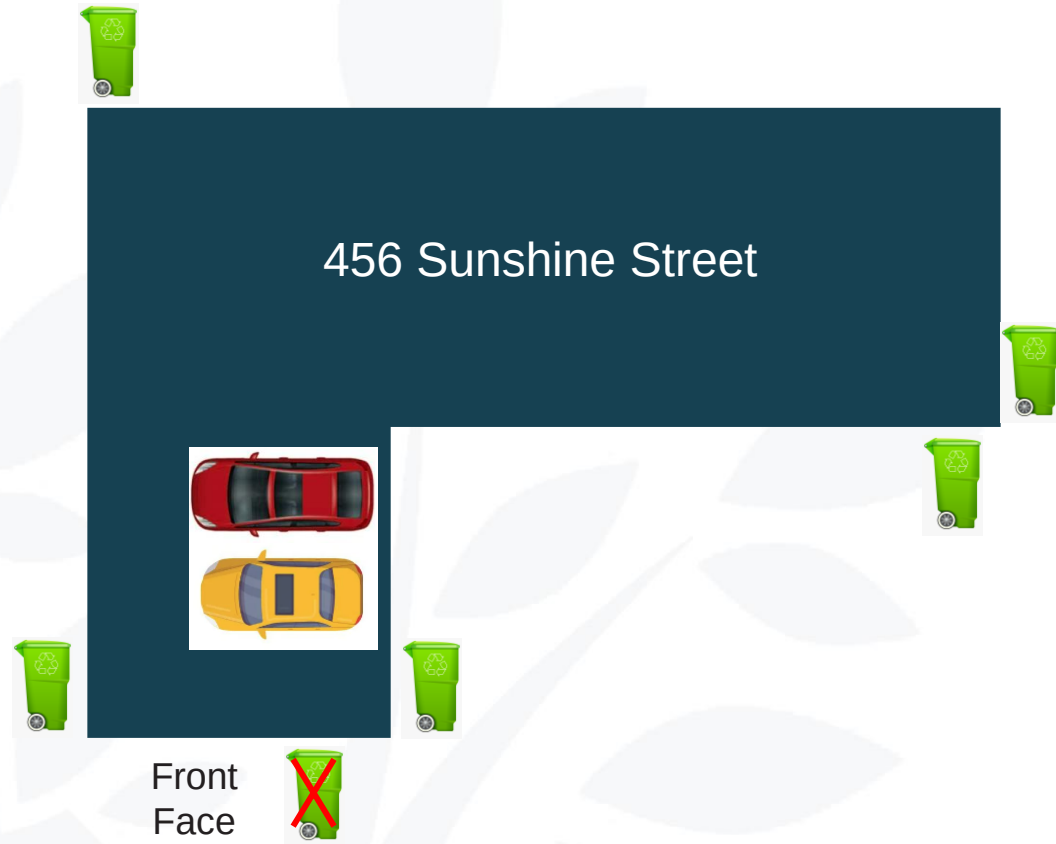


Cart Storage: The Unique House



Sunshine Street

Cart Storage: The “L” House



Sunshine Street

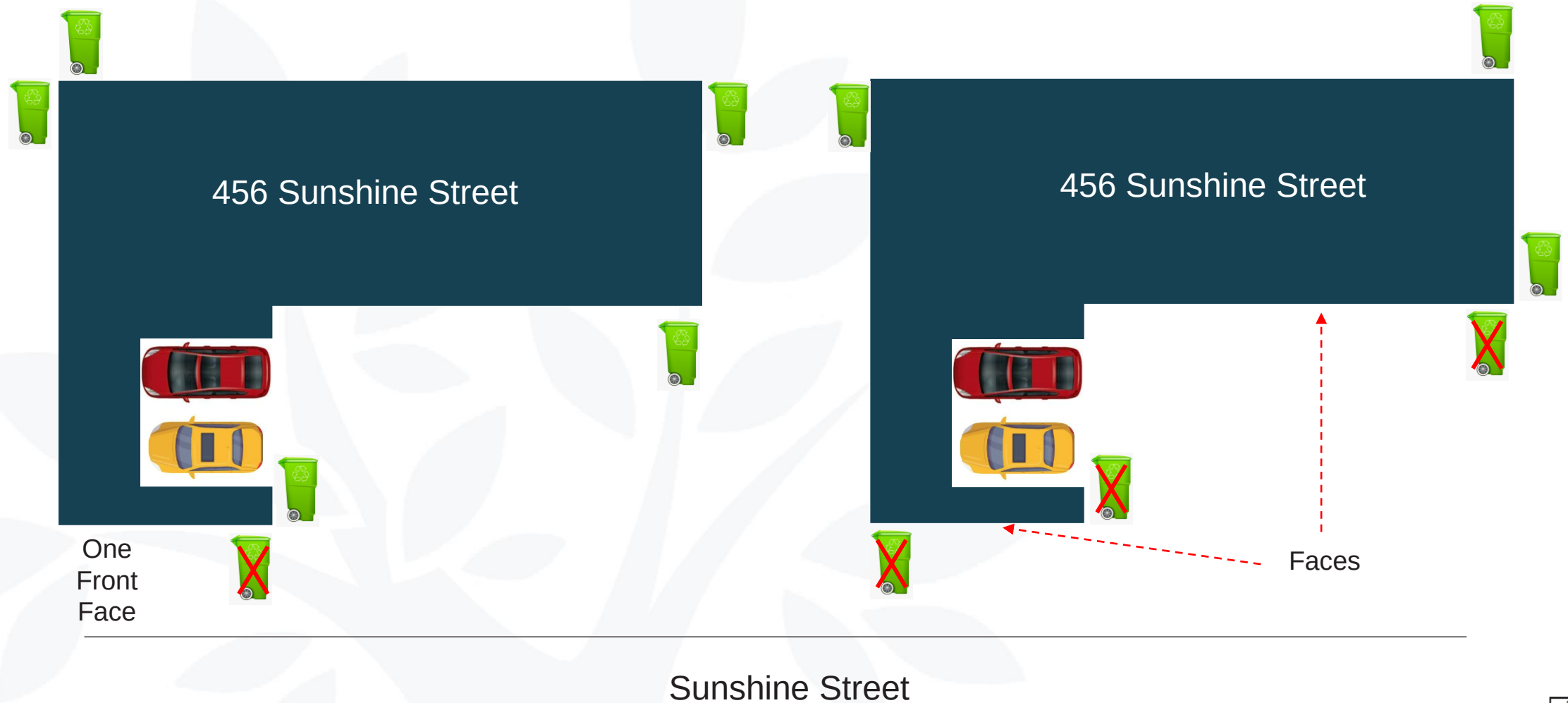
Discussion: Cart Storage

The current interpretation of the code states that a building has only one face based on the verbiage in the definition of “front yard”.

Defining the “face” of a building could allow for more than one face. However, the more faces a building has, the less cart storage options are available to residents.

The Code Enforcement Task Force discussed cart storage during its review of Chapter 56 in 2021. It was determined that carts should not be stored between the front of the building and the road, but that all other storage locations were acceptable.

Question: Should a Building Have More than One “Face”?



Rain Barrels

According to the current outside storage regulations in Chapter 56:

All outside storage is prohibited unless objects are specifically listed as exempt from the law.

Rain Barrels are not listed as an exempted item and are therefor prohibited in public view.

Discussion: Rain Barrels

Should rain barrels be exempt under the law and therefor allowed to be in public view? If so, what regulations should be in place?

Examples:

- Define “rain barrel”
- Establish an acceptable number of barrels
- Create placement, safety and installation requirements
- Regulate the size, style and/or other aspects of barrels



Examples: Rain Barrels



A rain barrel is a barrel placed so as to catch water.
Merriam-Webster Dictionary

Garage Sales

Garage sales and their signage are regulated by the Sales Code (Chapter 58) and the Sign Code (Chapter 62) and state the following:

- Maximum of 2 garage sales per year not to exceed 3 days each.
- The second sale must be at least a week after the first.
- Signs can only be placed on private property with permission from the property's owner.
- Signs must be at least 15 feet back from the curb or edge of pavement (if no curb exists).
- Signs cannot be larger than 3 square feet in area.
- Garage sales cannot be used as a business.

Current Garage Sale Enforcement

Since the creation of Neighborhood Services Department in February 2022, the Animal Services Division has been assisting the Code Enforcement Division in responding to weekend complaints, including those on excessive garage sales. This avoids the need for overtime as Animal Services staff are already scheduled on Saturdays.

If a violation is observed, the Animal Services employee documents the violation and shares their evidence with a Code Enforcement Officer who follows the normal enforcement process to address the violation.

Tree Stumps

According to the vegetation regulations in Chapter 56:

Tree stumps located in the front yard and/or adjacent right-of-way of a premises shall be cut or ground to no higher than six inches (6") above grade level.

Stumps existing before the law was passed in August 2021 are not exempt from this regulation.



Current Tree Stump Enforcement Plan

➤ August 2022

Mail 30-day courtesy letters to all properties found to have offending tree stumps. These letters explain the “new” law and let residents know that Code Enforcement will be returning to their properties to perform official inspections.

➤ September 2022

Official inspections take place after courtesy letters expire. Any tree stumps still found to be in violation will be formally addressed by Code Enforcement using standard procedures.

➤ October 2022

Re-inspections take place after 10 days. Any stump still found to be in violation will be addressed by the Code Enforcement contractor at the property owner’s expense. Citations may also be issued.

This plan will initiate in early August unless Code is given other direction.

Shopping Carts

The Council, staff and residents have noticed an increase in the number of shopping carts discarded in various areas of the City, especially locations near bus stops.

Despite numerous attempts to encourage local Walmart stores, to whom a majority of the stray carts belong, to collect their carts, the problem continues.

City's throughout the country have enacted regulations to address stray carts. Regulations include impounding carts and imposing fees for their return and installing invisible fences to lock carts that leave the business's property.

In Farmers Branch, the largest number of stray carts to belong to the Walmart Store located at 4122 LBJ Frwy. Since this store is not located in the City limits, any cart regulations put in place by Farmers Branch would not apply to this store.

Current Shopping Cart Enforcement

It is illegal to store any objects in the public right-of-way, which is where most stray carts are found. Any object that is found in the public right-of-way can be removed and discarded immediately.

Currently, Code Enforcement Officers proactively and reactively locate, remove, and discard carts found in the public right-of-way.

The employees of Fire Station 2 are assisting in this effort by watching a nearby bus stop (and frequent cart dumping ground) and removing carts as soon as they appear. The Solid Waste Division is also providing assistance by collecting carts stored at City Hall and Fire Station 2 and disposing of them.

Easement Access and Maintenance

A number of neighborhoods throughout Farmers Branch contain utility easements shared between two adjacent property backyards. Complaints about the lack of easement maintenance increase during the growing season.

Easements give certain parties special access to the land for a specific purpose. There are many different kinds of easements. Utility easements in Farmers Branch, like other cities, are typically reserved for public utility companies like Oncor.

For example:

- A utility easement might give Oncor the right to enter onto private property to repair a fallen power line.
- A drainage easement might give a city's drainage department the right to access drainage channels to remove trash and debris that is inhibiting the flow of water.
- An access easement might give the public permission to drive across one property to get to another.



Questions