



## ORDINANCE NO. 3708

**AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, RETITLING AND AMENDING CHAPTER 56 “PROPERTY MAINTENANCE” OF THE CODE OF ORDINANCES OF THE CITY OF FARMERS BRANCH BY AMENDING SECTION 56-10 “DEFINITIONS” TO ADD A DEFINITION FOR THE WORD “CROPS;” ADDING SECTION 56-53 TITLED ‘MAINTENANCE OF CROPS’ RELATING TO THE MAINTENANCE OF CROPS GROWN WITHIN THE CITY; AND AMENDING SECTION 56-61(b) BY ADDING A PARAGRAPH (21) ESTABLISHING A DEFENSE TO THE PROHIBITION OF OUTSIDE STORAGE OF HAY BALES IN CERTAIN INSTANCES; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE EXCEPT WHERE OTHERWISE PROVIDED IN SAID CHAPTER 56; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Farmers Branch, Texas, finds it in the public interest to amend Chapter 56 of the Code of Ordinances to provide for a defense to the growing of crops within the City under certain circumstances.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:**

**SECTION 1.** Chapter 56 “Property Maintenance” of the Code of Ordinances of the City of Farmers Branch, Texas, is amended as follows:

- A.** Article II “Definitions;” Section 56-10 “Definitions” is amended by adding a definition for the word “Crops” to read as follows:

*Crop or Crops* means plant materials produced for human food, animal feed, planting seed, or fiber.

- B.** Article V “Vegetation” is amended by adding Section 56-53 titled “Maintenance of Crops” to read as follows:

**Sec. 56-53. – Maintenance of Crops.**

It shall be a defense to a violation of this article relating to the maintenance and height of vegetation growing on a property within the City if:

- (1) The vegetation consists of a homogenous crop;

- (2) The property on which the crop is being grown is presently being appraised by the Chief Appraiser of the Dallas Central Appraisal District as Qualified Open Space Land and/or Agricultural Land in accordance with Chapter 23, Subch. D. of the Texas Tax Code;
- (3) The crop does not exceed four feet (4.0') in height; and
- (4) The vegetation on the property located within twenty feet (20') of all property lines to the tract where the crop is being grown is maintained in accordance with Section 56-51 unless the crop is being grown on adjacent tracts owned by the same person or entity, in which case the crop may be grown up to the common boundary between such commonly-owned tracts.

C. Article VI "Outside Storage," Section 56-61 "Declared a Public Nuisance and Prohibited," Subsection (b) "Defenses" is amended by adding paragraph (21) to read as follows:

- (21) is a hay bale located on property on which crops are being grown and maintained in accordance with Section 56-53, provided such hay bale does not remain on the property in public view for more than seven (7) calendar days.

**SECTION 2.** All provisions of the Ordinances of the City of Farmers Branch, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 3.** An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

**SECTION 4.** Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinance as a whole.

**SECTION 5.** Unless a lesser fine is established in Chapter 56 of the Code of Ordinances as amended by this Ordinance, any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense as set forth in Section 1-14 of the Code of Ordinances.

**SECTION 6.** This ordinance shall take effect immediately following its passage and publication in accordance with the provisions of the charter and state law.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH,  
TEXAS, ON THIS THE 19<sup>TH</sup> DAY OF OCTOBER 2021.**

ATTEST:

APPROVED:

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Amy Piukana, City Secretary

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Robert C. Dye, Mayor

APPROVED AS TO FORM

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Peter G. Smith, City Attorney  
(kbl:10/12/2021:125361)