§ 10-5-21 - DUTY TO MAINTAIN PROPERTY IN SANITARY CONDITION.

(A) An owner, occupant, or other person in control of real property shall maintain the property in a safe, sanitary condition.

(B) A person may not allow the following to accumulate on the person's property or in the area from the person's property line to the adjacent curbline:

(1) weeds or grasses more than 12 inches tall;

(2) garbage, rubbish, or brush; or

(3) filth, carrion, or any other unsightly, objectionable, or unwholesome matter.

(C) A person may not allow stagnant water that is likely to promote disease to accumulate on the person's property. A person shall drain, fill, or re-grade the person's property to remove or prevent a violation of this subsection.

(D) It is an affirmative defense to a violation of Section 10-5-21(B)(1) that the weeds or grasses observed on the subject property did not reduce or impair visibility or line of sight at, of, or for right-of-way, vehicles, cyclists or pedestrians, and that the over-height weeds or grasses observed were located at or on one or more of the following:

(1) an area within or adjacent to a stream, waterway, or water quality facility;

(2) a landscaped area arranged and managed consistent with a plan accepted by the City which area includes native or adapted vegetation, where weed control and other periodic maintenance occurs; or

(3) city parkland, a greenbelt, nature preserve, or other publicly maintained open space.

(E) The City Manager may authorize a department to adopt rules under Section 1-2-1 to implement, administer, enforce, or comply with Chapter 10-5 (Miscellaneous Public Health Regulations).

(F) The City Manager may authorize a department to adopt alternative compliance rules under Section 1-2-1 that permit maintenance of specified perimeters on properties defined as large parcels, undeveloped, or minimally developed, as an alternative to compliance of the entire property with Subsection 10-5-21(B).

(G) Violation of Chapter 10-5 or any rule adopted under Section 1-2-1 pursuant to Chapter 10-5 is a violation of City Code, with enforcement authorized and punishable by any one or combination of the following:

(1) an administrative adjudication under Texas Local Government Code Chapter 54 Subchapter C through procedures that comply with the requirements of Section 54.043 or 54.044;

(2) as a Class C misdemeanor by a fine upon conviction not to exceed $500 unless proof of a culpable mental state is pled, in which case the fine upon conviction shall not exceed $2,000. Proof of a culpable mental state is expressly waived when a fine of $500 or less is sought for the offense;

(3) in a civil proceeding brought before any court, hearing officer, or quasi-judicial body of competent jurisdiction as applicable; or

(4) via an abatement of the property or of any unsafe or unsanitary condition present upon consent or as authorized by applicable state or local law when conditions present an immediate danger to the health, life, safety, or welfare of any person.

Source: 1992 Code Section 10-2-1; Ord. 031023-11; Ord. 031211-11; Ord. 20120628-012.