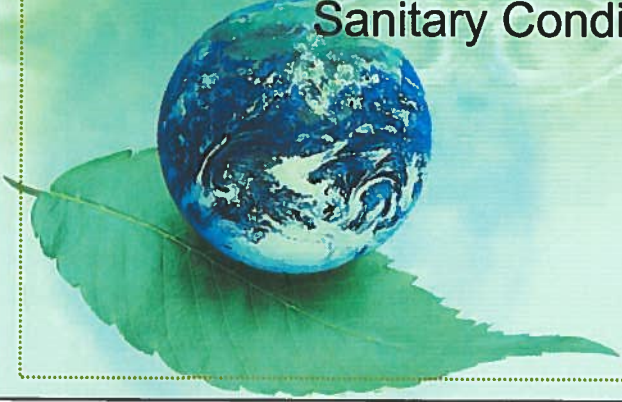


Code Revision:

10-5-21

**Duty to Maintain Property in
Sanitary Condition**



Council Resolution No. 20110804-024

WHEREAS, on March 8, 2007, the Austin City Council passed Resolution No. 20070308-028 which proclaimed that it is the will of the City Council that Austin become certified as a National Wildlife Federation (NWF) Community Wildlife Habitat; and

WHEREAS, in March of 2009 Austin became the largest metropolitan area in the country and the first city in Texas to be certified by NWF as a Community Wildlife Habitat; and

WHEREAS, the code of ordinances does not allow the accumulation of weeds or grass more than 12 inches tall on a person's property or in the area from the person's property line to the adjacent curb-line; and

WHEREAS, the code of ordinances also allows the director of the Solid Waste Services Department to determine if "unsightly" conditions exist on a property; and

WHEREAS, providing ground cover, meadows and native understory vegetation are all ways of providing cover for wildlife as well as places for them to raise their young and are criteria used by NWF to determine if a yard meet their habitat requirements; and

WHEREAS, what might be considered "weeds" or "unsightly" by some residents, Code Enforcement Officers or the Director of the Solid Waste Services Director is actually an integral part of providing suitable wildlife habitat;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
The City Manager is directed to work with the relevant City departments and community stakeholders to identify those elements in the City code of ordinances which may be in conflict with the Wildlife Habitat Certification program and recommend to Council any necessary amendments to resolve those conflicts.

Directive

Several interdepartmental meetings have occurred over the past 18 months to reach a consensus decision.

- Watershed Protection Department
- Parks & Recreation Department (Urban Forestry, Maintenance, and Park Rangers)
- Health & Human Services, Rodent & Vector Program
- Code Compliance
- Law Department

Stakeholders

Current Code Language:

§ 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 curb-line:

- (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.

Issues

Code Language:

ARTICLE 2. RESTRICTIONS ON TREE OR PLANT MAINTENANCE.

• § 6-3-21 PLANTING RESTRICTED AT STREET CORNER.

(A) This section only applies to property located at a street corner intersection within a ten-foot setback from the curbline and 40 feet along the curbline from the intersection.

(B) A person may not place, maintain, or permit a plant:

- (1) more than two feet taller than the level of the ground surrounding the plant; or
- (2) on property more than one foot above the level of an adjacent street.

• Source: 1992 Code Section 16-7-40 ; Ord. 031023-10; Ord. 031211-11.

• § 6-3-22 PLANTING RESTRICTED BY FIRE HYDRANT.

• A person may not place, maintain, or permit a tree or plant within five feet of a fire hydrant.

• Source: 1992 Code Section 16-7-42 ; Ord. 031023-10; Ord. 031211-11.

• § 6-3-23 PLANTING RESTRICTED BY SIDEWALKS.

(A) A person may not place, maintain, or permit a tree or plant to overgrow or obstruct a sidewalk to prevent public use of the area.

(B) A person shall trim tree limbs growing over a sidewalk at a minimum clearance of 14 feet above the street level measured at the nearest curb-line.

Issues

Code Language Update

(D) It is an affirmative defense to a violation of § 10-5-21 (B)(1) that the weeds or grasses in excess of 12 inches height on the property did not obstruct, impede, reduce, or impair visibility or line of sight at, of, from or for right of way, vehicles, cyclists or pedestrians, and that the over-height weeds or grasses were located at or on one or more of the following:

- (1) An area within or closely adjacent to a stream, waterway, or water quality facility;
- (2) A landscaped area arranged and maintained consistent with a plan accepted by the City which area includes native and/or adapted vegetation, weed control and periodic maintenance; or
- (3) City parkland, a greenbelt, nature preserve, or other publicly maintained open space.

Recommendations

Update Education Materials

- Creation of new Grow Green Fact Sheet
 - Visual representation of ROW restrictions
 - Viewable on website and Grow Green displays
 - Code Compliance & Wildlife Habitat Program handouts



Recommendations

Questions?

