

RULE NO.: R161-13.15

NOTICE OF PROPOSED RULE

POSTING DATE: June 3, 2013

The Director of the Department of Code Compliance proposes to adopt the following rule after July 5, 2013.

Comments on the proposed rule are requested from the public. Comments should be submitted to Lia Warner, Code Compliance Department, P.O. Box 1088, Austin, Texas 78767 or hand delivered to 1520 Rutherford Lane, Code Compliance Suite, 1st floor, Room 102.02, 512.974.1968. To be considered, comments must be submitted before July 5, 2013, the 32nd day after the date this notice is posted. A summary of the written comments received will be included in the notice of rule adoption that must be posted for the rule to become effective.

An affordability impact statement regarding the proposed rule has been obtained and is available for inspection or copying at the address noted in the preceding paragraph.

EFFECTIVE DATE OF PROPOSED RULE

A rule proposed in this notice may not become effective before the effective date established by a separate notice of rule adoption. A notice of rule adoption may not be posted before July 5, 2013 (the 32nd day after the date of this notice) or not after September 1, 2013 (the 90th day after the date of this notice).

If this proposed rule is not adopted on or before September 1, 2013 it is automatically withdrawn and cannot be adopted without first posting a new notice of a proposed rule.

TEXT OF PROPOSED RULE

Code Compliance Regulations

13.1.0 Alternative Compliance - Grasses/Weed Maintenance on large, undeveloped, or minimally developed parcels

(A) For a contiguous site or parcel measuring one acre or more of land area that is undeveloped or minimally developed and violates City Code Section 10-5-21(B)(1), a property owner, occupant, or other responsible party is not required to maintain free of all weeds and grasses exceeding 12 inches in height the entire site but meets the requirements of this alternative compliance rule adopted under City Code Section 10-5-21(F) if all of the following conditions are met:

- (1) for each area within 150 feet from an adjacent property line associated with any legally occupied residential or commercial structure, all grasses and weeds at all times are maintained at or below the maximum height of 12 inches above grade or

- above the adjacent soil or surface from which the grasses or weeds originate, whichever is lower;
- (2) The Code Compliance Director or designee has approved in writing and not revoked an alternate compliance plan for the site under this rule, and the owner, occupant, or other responsible party maintains the site in compliance with the terms, conditions, and requirements of the plan; and
 - (3) None of the weeds or grasses at the site requires abatement under Section 10-5-26(D).

BRIEF EXPLANATION OF PROPOSED RULE

City Code Section 10-5-21(F) provides that an authorized department can adopt alternative compliance rules 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 Section 10-5-21(B). Otherwise, Section 10-5-21(B) generally prohibits a person from allowing any weeds or grasses in excess of 12 inches height to accumulate anywhere at a site. The proposed rule identifies the alternative compliance standards a property owner, occupant, or other person in control of real property must meet in order for the property to be considered compliant despite the presence of over height grasses or weeds on a large, undeveloped, or minimally developed parcel. The proposed rule is intended to assure the sanitary condition of real property while also promoting improved water quality, habitat preservation, and efficient maintenance of publicly maintained land.

A copy of the complete text of the proposed rule is available for public inspection and copying at the following locations. Copies may be purchased at the locations at a cost of ten cents per page:

Department of Code Compliance, located at 1520 Rutherford Lane, 1st Floor, Code Compliance Suite, Room 102.02 and;

Office of the City Clerk, City Hall, located at 301 West 2nd Street, Austin, Texas.

AUTHORITY FOR ADOPTION OF PROPOSED RULE

The authority and procedure for adoption of a rule to assist in the implementation, administration, or enforcement of a provision of the City Code is provided in Chapter 1-2 of the City Code. The authority to regulate the sanitary condition of real property is established in Chapter 10-5 Article 2 of the City Code and in Chapter 342 of the Texas Local Government Code. The authority to adopt alternative compliance rules for certain categories of property is established in City Code Section 10-5-21(F).