

ORDINANCE NO. O-26-11

AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, AMENDING CHAPTER 30, ENVIRONMENT, OF THE MISSOURI CITY CODE; PROHIBITING WEEDS AND BRUSH ON THE RIGHT OF WAY; PROVIDING FOR REPEAL; PROVIDING A PENALTY; AND PROVIDING FOR SEVERABILITY.

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WHEREAS, in accordance with Goal 1 of the City of Missouri City’s Strategic Plan, the City of Missouri City (the “City”) desires to create a great place to live; and

WHEREAS, in accordance with Goal 3 of the City’s 2017 Comprehensive Plan, the City desires to focus on neighborhood integrity and commercial development as the community continues to mature; and

WHEREAS, the City expends approximately \$100,000 annually on mowing the right of way adjacent to certain commercial tracts to ensure that the health, safety, and desired aesthetics of the City’s main corridors are preserved; and

WHEREAS, the City Council of the City of Missouri City now deems it appropriate to approve the proposed amendments; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS:

Section 1. The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The Missouri City Code is hereby amended by deleting Section 30-31 of Division 1 of Article II of Chapter 30 and substituting therefor, a new Section 30-31 of Division 1 of Article II of Chapter 30 to provide as follows:

“CHAPTER 30

. . . .

ARTICLE II. – ENVIRONMENTAL NUISANCES

DIVISION 1. - GENERALLY

. . . .

Sec. 30-31. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Brush means all shrubbery under seven feet in height which is not cultivated or cared for by persons owning or controlling the premises on which such shrubbery is growing.

Flatwork means any paved area including, but not limited to, a driveway, a walkway, a sidewalk, a curb, a roadway, a gutter, or a parking or storage area.

Garbage means all decayable and nondecayable waste, including junk, refuse and rubbish, but not including sewage, body wastes or industrial byproducts.

Graffiti means visual markings, including, but not limited to, symbols, words, figures, inscriptions, designs, drawings, or messages on a building, structure, wall, fence, sign, residence, property, street, curb, sidewalk, gutter, alley, or other surface using paint, ink, marker, etching device, engraving device or any other implement meant to be permanent in nature or difficult to remove and made without the consent of the owner or authority under the law.

Lot means a lot, tract or parcel of land one acre or less in size.

Occupied building means a building, mobile home or structure occupied by any person for any period of time, whether for residential, recreational or commercial purposes.

Right-of-way means property that is publicly owned or upon which a governmental entity has an express or implied property interest (e.g., fee title, easement, etc.) held for a public purpose, including area lying between the property line of a lot or tract and the back of the curb line or the edge of pavement of an improved street or highway. Examples of such public purpose include, by way of example and not limitation, highways, streets, sidewalks, drainage facilities, sewerage and water facilities.

Rubbish means all refuse, useless articles, and discarded items and litter.

Tract means a tract or parcel of land over one acre in size.

Unsanitary means whatever is dangerous to life or health; whatever renders the ground, the water, the air or any food or drink unhealthy and a hazard to life or health; whatever is liable to produce disease; whatever emits foul or offensive odors; or unwholesome or decaying matter liable to promote the breeding of mosquitoes or vermin.

Weeds means uncultivated vegetable growth or matter, including grasses, which has grown to a height of more than nine inches or a distance of more than six inches across or upon any flatwork."

Section 3. The Missouri City Code is hereby amended by deleting Section 30-33 (a) and substituting therefor, a new Section 30-33 (a) to provide as follows:

"CHAPTER 30

. . . .

ARTICLE II. – ENVIRONMENTAL NUISANCES

DIVISION 1. - GENERALLY

. . . .

Sec. 30-33. Prohibited conditions; declaration of nuisance; violation.

- a) The following conditions are prohibited:
- (1) The existence of weeds or brush on:
 - a. A lot;
 - b. A tract provided such weeds or brush are located within 100 feet of an occupied building or a public or private street as defined in section 82-6;
 - c. A tract, provided such weeds or brush are within 100 feet of a school, athletic field, arena, park or playground;
 - d. Any flatwork on a lot, tract or right-of-way; or
 - e. The right-of-way adjacent to a lot or tract.
 - (2) The accumulation of garbage, rubbish or unsanitary matter on a lot or tract, including the adjacent right-of-way;
 - (3) The existence of a tree, brush or other vegetation, or a portion thereof on a lot or tract, including the adjacent right-of-way that:
 - a. Is at a height that is less than 13 feet six inches above the pavement of a roadway;
 - b. Is at a height that is less than eight feet above the pavement of a sidewalk;
 - c. Obscures a motorist's or pedestrian's view of any street intersection, sign or traffic control device;
 - d. Hinders or impairs the passing of a motorist or pedestrian; or
 - e. Causes or creates a hazard that could reasonably cause property damage or personal injury.
 - (4) The existence of graffiti that is:
 - a. Visible from a public right-of-way;
 - b. Visible from any public property; or
 - c. Visible from the private property of another person.
 - (5) The placement of a portable toilet without a required permit issued by the city.

- (6) The covering of a parked or stored vehicle using a tarpaulin, commonly referred to as a tarp, or a similar cover that is:
 - a. Visible from a public right-of-way; or
 - b. Visible from any public property.
- (b) Each condition prohibited by this section is specifically declared to be a public nuisance, and as such, may be abated.
- (c) It is an affirmative defense to prosecution of conduct prohibited by subsection 30-33(a)(6) that the tarpaulin or similar cover is made of a durable fabric, provided that the tarpaulin or similar cover:
 - (1) Is manufactured to cover a vehicle;
 - (2) Does not obscure the vehicle's license plates;
 - (3) Is kept in good repair and free from staining, rips, or other damage;
 - (4) Is secured properly to the vehicle;
 - (5) Is beige, black, brown, buff, cream, gray, tan, or white; and
 - (6) Is not used to cover a junked vehicle.”

Section 4. *Repeal.* Any ordinance or any part of an ordinance in conflict herewith shall be and is hereby repealed only to the extent of such conflict.

Section 5. *Penalty.* Any person, firm, partnership, association, corporation, company, or organization of any kind who or which violates any provision of this zoning ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed Five Hundred Dollars (\$500.00). Each day during which said violation shall exist or occur shall constitute a separate offense. The owner or owners of any property or of premises where any violation of this zoning ordinance shall occur, and any agent, contractor, builder, architect, person, or corporation who shall assist in the commission of such offense shall be guilty of a separate offense unless otherwise prohibited by law and, upon conviction thereof, shall be punished as above provided.

Section 6. *Severability.* In the event any section, paragraph, subdivision, clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Missouri City, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED and APPROVED on first reading this 16th day of February, 2026.

PASSED, APPROVED and ADOPTED on second and final reading this 2nd day of March, 2026.



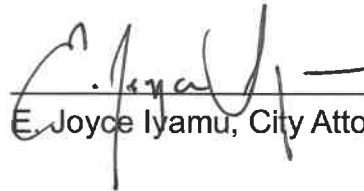
Robin J. Elackatt, Mayor

ATTEST:



Crystal Roan, City Secretary

APPROVED AS TO FORM:



E. Joyce Iyamu, City Attorney

