

FAQ for Code Enforcement and Health

1. **Are Garage Sales regulated?** Yes, this is a sale of used house hold or personal articles not exceeding for (4) days in length which is (i) Open to the public; (ii) held on a residential premises owned by one of the sellers and (iii) conducted more than ninety days after a similar sale at the same premise.
2. **Are high weeds, grass, and brush violations?** I Sec. 58-105. It shall be unlawful for any person owning or occupying property in the City to allow weeds or brush to grow on the property to a height exceeding 12 inches, or regardless of height, to remain on the property in an unsightly manner. It shall be a defense to a violation of this section if the plant matter in question constitutes: Regularly cultivated ornamental, fruit-bearing, vegetable-bearing, or flowering plants, bushes, or trees; Regularly cultivated crops grown on property that is classified as agriculture exempt according to the tax rolls of the county; Pasture lands on property that is classified as agriculture exempt according to the tax rolls of the country; Heavily wooded property or property with steep slopes, on which mowing equipment cannot reasonably be used; or Property which the city health official determines should be exempted because of the lack of harm to the public health, safety, and welfare.
3. **What is a nuisance?** Sec. 58-105 – Nuisances (b)(4) It shall be unlawful to allow rubbish, debris, trash, earth and construction materials, or any other unsightly, objectionable, or unsanitary matter to accumulate and remain on the property. OTHER NUISANCES: It shall be unlawful for any person owning or occupying property in the city: To allow holes or other places on the property to exist where water may accumulate and becomes stagnant; To allow stagnant water to accumulate and remain on the property; To all filth, carrion, putrescible waste, or any impure or unwholesome matter to accumulate and remain on the property. Cross references: injunctions granted to prohibit nuisances activity, § 46-1.
4. **What about unlawful discharge?** Sec. 46-72. Unauthorized discharge. (a) A person commits an offense if the person discharges or allows the discharge of any waster or pollutant into any water, in the city or within 5,000 feet of the city limits, that causes or threatens to cause water pollution unless the waste or pollutant is discharged in strict compliance with all required permit or with a valid and currently effective order issued or rule adopted by the appropriate regulatory agency. b. Such prohibited conduct and the result thereof is a nuisance. ANYTHING OTHER THAN CLEAN CLEAR WATER DISCHARGED ONTO THE GROUND OR STORM DRAIN IS ILLEGAL!!
5. **What about noise?** All noise complaints are handled by the Kerrville Police Department. If a citizen feels someone is causing an unreasonable noise at an unreasonable time, they should report this to the Kerrville Police Department.
6. **What should I do if I have a problem with a neighbor's tree that has damaged my property?** This is a civil matter. You would need to contact the neighbor first, or a private attorney.

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7. **What are some violations code enforcement does not enforce?** Property line disputes, mold, peeling paint on house/fences, tenant/landlord disputes, drainage between properties, or obstruction of private views are just a few not enforced by code enforcement.
8. **How many dogs or cats are allowed in Kerrville?** Sec. 18-73 (a) No person shall harbor or keep more than four dogs or four cats, or any combination of four dogs and cats over the age of four months, except in an animal shelter, clinic, hospital or kennel as provided in the zoning ordinance.
9. **What if my neighbor doesn't cleaning up after their dog and it smells?** Sec. 18-73 (b) No person shall keep, own or be in control of any animals of any kind which on account of their number, conditions in which they are kept, noise or odor interferes with another's quiet use and enjoyment of his property within the immediate vicinity.
10. **Does my dog have to be on a leash?** Sec. 18-72 Every person who owns, keeps or is in charge of a dog or other animal, shall restrain his dog or animal at all times, except this section shall not apply to cats.
11. **How many chickens can I have on my property?** Sec. 18-78 (a) Number of domestic fowl kept on premises limited. No person shall keep, harbor, possess or allow to remain on any one premises under his control within the corporate limits of the city more than 12 grown chickens, nor more than 50 baby chickens; nor any turkeys, ducks, geese, or any other domestic fowl. No person shall keep, harbor, possess or allow to remain on premises under his control within the corporate limits of the city any male chicken after it is old enough to crow.
12. **How do I know if I have a junked vehicle on my property?** Sec. 102-461 Junked vehicle means a vehicle that is subject to registration pursuant to V.T.C.A., Transportation Code ch. 501, which is self-propelled and:
 - (1) Does not have lawfully attached to it:
 - a. An unexpired license plate; or
 - b. A valid motor vehicle inspection certificate; and
 - (2) Is:
 - a. Wrecked, dismantled or partially dismantled, or discarded; or
 - b. Inoperable and has remained inoperable for more than:
 1. Seventy-two consecutive hours if the vehicle is on public property; or
 2. Thirty consecutive days if the vehicle is on private property.

Motor vehicle collector means a person who:
 - (1) Owns one or more antique or special interest vehicles; and
 - (2) Acquires, collects, or disposes of an antique or special interest vehicle or part of an antique or special interest vehicle for personal use to restore and preserve an antique or special interest vehicle for historic interest.

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13. **Can I park my car on the sidewalk?** Sec. 90-32 Obstruction of public ways unlawful. (c) Placing obstructions in streets, alleys, sidewalks prohibited. No person shall place, or cause to be placed, anything in any street, square, alley or public passage in this city that may in any manner obstruct the free passage of such street, alley or public passage, except building materials for immediate use, when the such material does not occupy more than one-third of such street, alley or public passage, and is so placed as not to obstruct the proper drainage of the street, alley or public passage. Obstruction of sidewalks at any time so as to prevent free passage along such sidewalks shall be unlawful.
14. **What kinds of foods are NOT allowed as cottage foods?** No meat products and no foods that require refrigeration. Some specific examples of foods not allowed are: cheesecake, kombucha, kefir, any beverage, hot meals, pizza, casseroles, tacos, beef jerky, tamales, flan, pumpkin pie, cream pies, meringue pies, ice cream, or popsicles.
15. **Can my kids have a lemonade stand under this law?** Lemonade (and all other beverages) are not cottage foods and may not be sold as such. However, [HB 234 passed in 2019](#) allows minors to sell lemonade and other non-alcoholic beverages on private property or in city parks.
16. **Why is it necessary to permit and inspect retail food operations?** The Centers for Disease Control estimates that approximately 76 million cases of foodborne illness occur each year, resulting in 5 thousand deaths. This alone, as well as the billions of dollars these illnesses cost the consumers and the industry each year, makes continuous improvement in the areas of food safety and sanitation a goal shared jointly by both the food industries and those with responsibility for regulatory oversight. These senseless deaths caused from mishandling foods can be reduced by providing regulatory oversight of retail food operations.
17. **What are the Texas Food Establishment Rules (TFER)?** The TFER is a comprehensive set of rules for the regulation of retail food establishments. These rules are based on the current FDA Model Food Code. In these rules, food establishments include: restaurants, grocery stores, mobile food vendors, temporary food establishments, roadside food vendors and others. A copy of the TFER can be downloaded from the [Food Establishments Laws & Rules page](#).
18. **Should foods be date marked with the date of consumption or the date of preparation?** According to the TFER, the container of ready-to-eat TCS food shall be marked to indicate the date by which food shall be consumed on the premises, sold or discarded. The ready-to-eat TCS food if held at 41°F can only be held for a maximum of 7 days, with day of preparation being day.