

ORDINANCE NO. 21-07-20

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAVOY, TEXAS, PROHIBITING OBSTRUCTIONS TO ANY STREET, ALLEY, SIDEWALK OR OTHER PUBLIC WAY; PROHIBITING OBSTRUCTIONS TO ANY TRAFFIC CONTROL OR SIGN; REGULATING MAINTENANCE ON SIDEWALKS AND ABUTTING PROPERTY; SETTING A CRIMINAL PENALTY; CONFIRMING SEVERABILITY; AUTHORIZING PUBLICATION; AND, ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City to protect its citizens, including keeping public ways open and protecting visibility; and

WHEREAS, Texas Transportation Code Chapter 311 and other statutes and rights grant the City control over streets, sidewalks and other public ways; and,

WHEREAS, the City Council does hereby find that the regulations adopted herein are in the best interest of the health, safety and welfare of the citizens.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAVOY, TEXAS, THAT:

I. ADDITION TO CITY ORDINANCES. The following restrictions and provisions are added to the City of Savoy Ordinances, as follows:

**Sec. 1 Obstructions Prohibited**

- a) It shall be unlawful for any person, entity, firm, group or corporation to cause, create or maintain any obstruction to any street, alley, sidewalk, bridge, crossway, culvert or other public way, or any traffic control device, sign or signal, except on specific permission of the City.
- b) It shall be unlawful to erect or maintain any building or structure which encroaches upon any public street, sidewalk, alley or property.
- c) It shall be unlawful to place any item, wares, merchandise, displays, tables, chairs or other matters in a location that cause, create or maintain any obstruction to any public street, alley, sidewalk or traffic control, sign or signal.
- d) No activities, items or displays on any street, alley, sidewalk, bridge, crossway, culvert or other public way, shall be allowed that restricts, obscures or interferes with any view or sight line for any motorist or pedestrian, including those approaching from adjoining streets, driveways or sidewalks. Corner sight lines shall be protected and preserved within reasonable limits. No activities, items, displays or other matters on any street, alley, sidewalk, bridge, crossway, culvert or other public way shall be allowed that cause, create or maintain any obstruction to any public street, alley, sidewalk or traffic control, sign or signal.

- e) It shall be unlawful to erect or maintain any poles or wires over any public place, street, sidewalk, alley or other public way without permission of the City. This does not apply to regulated utility and service providers.
- f) It shall be unlawful to dump, place or maintain any materials on any public street, sidewalk, alley, way or drainage.
- g) The City specifically retains all rights to abate or remove an encroachment or obstruction on a highway, street, sidewalk, drainage, or alley or to any traffic control device, sign or signal,

## **Sec. 2 Maintenance by Owner/Occupier**

- a) Abutting owners or occupiers shall keep weeds, unclean matter, or trash from the street, sidewalk, or gutter in front of the person's premises.
- b) Abutting owners and occupiers shall improve and maintain the sidewalk in front of the person's land in order to keep it open and usable.
- c) Abutting owners and occupiers shall cut, mow and maintain all grass, weeds, bushes and vegetation upon the right-of-way or easement abutting the property. Grass shall be mowed to a uniform height. No plant, bush, tree or other vegetation shall be allowed that restricts, obscures or interferes with any view or sight line for any motorist or pedestrian, including those approaching from adjoining streets, driveways or sidewalks.
- d) Abutting owners and occupiers shall trim trees so that such trees hang no lower than thirteen (13) feet over any street, right of way or easement and no lower than nine (9) feet over any sidewalk within the City.
- e) For property at a corner intersection, no plant, tree, bush or vegetation may be placed or allowed in a location that obstructs vehicle or pedestrian view of traffic and the corner sight lines shall be protected and preserved within reasonable limits.
- f) No vegetation or other matters shall be allowed in a location that cause, create or maintain any obstruction to any public street, alley, sidewalk or traffic control, sign or signal.
- g) If an owner or occupier fails to maintain the right of way, the City may trim, cut or remove any item, material, tree, plant, bush or vegetation in furtherance of this ordinance.

### **Sec. 3 Penalty**

Any person, firm or corporation violating a provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine not to exceed \$500.00. Each occurrence or incident is a separate violation. Each day may be a separate violation.

### **Sec. 4 Severability**

The provisions of this Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full force and effect.

### **Sec. 5 Savings Clause**

All rights and remedies of the City of Savoy, Texas, are expressly saved as to all violations of the provisions of any other ordinance which was secured at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the court.

### **Sec. 6 Cumulative**

This Ordinance shall be cumulative of all provisions of ordinances of the City of Savoy, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

### **Sec. 7. Publication**

The City Secretary of the City of Savoy, Texas, is hereby directed to publish in the Official newspaper of the City of Savoy, Texas, the Caption, as provided by Section 52.011 of the Texas Local Government Code.

### **Sec. 8 Effective Date**

This Ordinance shall become effective from and after its date of passage and publication in accordance with law.

PASSED, APPROVED AND ADOPTED this the 20 day of JULY, 2021.

CITY OF SAVOY TEXAS

  
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Mayor, City of Savoy, Texas



ATTEST:

  
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City Secretary