



## **UNSIGHTLY CONDITIONS**

**ORDINANCE 82-05-01**

Amended 07-06-19

**AN ORDINANCE OF THE CITY OF SAVOY, TEXAS, PROHIBITING CERTAIN OBJECTIONABLE, UNSANITARY, AND UNSIGHTLY CONDITIONS ON PRIVATE OR COMMERCIAL PREMISES; PROVIDING FOR NOTICE TO OWNERS TO REMEDY OR REMOVE CONDITION AND MANNER OF GIVING SUCH NOTICE; PROVIDING FOR CORRECTION OR REMOVAL OF CONDITION BY CITY; PROVIDING FOR FILING BY CITY OF STATEMENT OF EXPENSES INCURRED AND ESTABLISHING LIEN FOR AND COLLECTION OF EXPENSES; AND PROVIDING FOR THE EFFECTIVE DATE OF ORDINANCE.**

**WHEREAS, to allow or permit the accumulation of objectionable, unsanitary and unsightly condition constitute a public health and safety hazard to the citizens of the City of Savoy and;**

**WHEREAS, the City Council of the City of Savoy is authorized to regulate certain objectionable, unsanitary and unsightly conditions and;**

**WHEREAS, the City Council of the City of Savoy wishes to protect its citizens from undue health and safety hazards and improve the appearance of the community: now therefore;**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAVOY, FANNIN COUNTY, TEXAS:**

### **SECTION I. – DEFINITIONS**

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning, and any words not herein defined shall be construed in the context used and by ordinary interpretation and not as a word of art:

1. *Brush*: Scrub, vegetation or dense undergrowth.
2. *Carrion*: the dead and putrefying flesh of any animal, fowl or fish.
3. *City*: City of Savoy, Texas, or its agents.
4. *Dump*: to dispose, discharge, place, deposit, throw, leave, sweep, scatter, unload, or, toss.
5. *Filth*: any matter in a putrescent state.
6. *Garbage*: any kitchen refuse, food products, or related material, including all decay able waste.
7. *Impure or unwholesome matter*: any object or matter that may, could or tends to cause injury, death or disease to human beings.
8. *Junk*: all worn out, worthless or discarded material, including but not limited to any of the following materials, or parts of said materials or any combination thereof: new or used iron, steel or nonferrous metallic scrap, brass or waste materials; used and/or inoperative household appliances, household electrical or plumbing fixtures, floor coverings and/or window coverings not currently in use; used lumber; brick, cement block, wire, tubing and pipe, tubs, drums, barrels and/or roofing material not currently in use; air conditioning and heating equipment not currently in use; used vehicle components and parts not currently in use; used furniture other than that designed for outdoor use or that which would normally be considered as antique furniture; used and/or inoperative residential lawn care equipment and machinery not currently in use; used pallets, windows or doors not currently in use; new or used sheet metal, structural steel and/or chain not currently in use; used and/or inoperable vending machines, radios and/or televisions not currently in use; and any other type of used and/or inoperable machinery or equipment not currently in use.
9. *Matter*: that of which any physical object is composed.
10. *Nuisance*: any condition, object, material or matter that is dangerous or detrimental to human life or health; or that renders the ground, water, air or food a hazard or likely to cause injury to human life or health; or that is offensive to the senses; or that threatens to become detrimental to the public health; and shall include but not be limited to any abandoned or uncovered (including unsecured covered) wells, shafts or basements, abandoned refrigerators, stagnant or unwholesome matter of any kind, and any objectionable, unsightly, or unsanitary matter of whatever nature.
11. *Objectionable, unsightly or unsanitary matter*: any matter, condition or object that is objectionable, unsightly or unsanitary to a person of ordinary sensitivities.
12. *Owner*: means any person or entity shown as the property owner on the latest property tax assessment rolls or any person having or claiming to have any legal or equitable interest in the property, including any agent who is responsible for managing, leasing or operating the property.
13. *Person*: any individual, firm, partnership, association, business, corporation or other entity.
14. *Property*: all privately owned, occupied or unoccupied property, including vacant land, and/or a building designed or used for residential, commercial, business, industrial or religious purposes. The term shall also include a yard, ground, wall, driveway, fence, porch, steps or other structure appurtenant to the property.

15. *Putrescible*: the decomposition of organic matter with the formation of foul-smelling, incompletely oxidized products.
16. *Refuse*: heterogeneous accumulation of worn out, used, broken, rejected or worthless material, including but not limited to garbage, rubbish, paper or litter, and other decay able or nondecayable matter.
17. *Rubbish*: means junk, trash, debris, rubble, stone, useless fragments of building materials, and other miscellaneous, useless waste or rejected matter.
18. *Trash an debris*: all manner of refuse, including but not limited to mounds of dirt, piles of leaves, grass and weed clippings, paper trash, useless fragments of building materials, rubble, furniture other than furniture designed for outside use, useless household items and appliances, items of salvage, such as scrap metal and wood, old barrels, old tires, objects that hold water for an extended period of time, tree and brush trimmings, dead standing or fallen trees, and other miscellaneous wastes or rejected matter.
19. *Vegetative growth*: any grass, weeds, shrubs, trees, brush, bushes or vines.
20. *Weeds*: any vegetation that because of its height is objectionable, unsightly or unsanitary, excluding: shrubs, bushes, trees, cultivated flowers and cultivated crops.

## SECTION II. - OFFENSES

- a.) It shall be unlawful for the any person owning, claiming, occupying, or having supervision or control of any lot or other premises in the City of Savoy to allow or permit holes or places where water may accumulate and become stagnant to be or remain on such lot or premises or to allow or permit the accumulation of stagnant water thereon, or to permit the same to remain thereon.
- b.) It shall be unlawful for the any person owning, claiming, occupying, or having supervision or control of any lot, building, house, establishment or premises in the City of Savoy to allow or permit any carrion, filth or any other impure or unwholesome matter of any kind to accumulate or remain thereon.
- c.) It shall be unlawful for any person owning, claiming, occupying, or having supervision or control of any lot in the City of Savoy to allow or permit weeds, tall grass, rubbish, brush or any other unsightly objectionable or unsanitary matter of whatever nature to accumulate or remain on such lot or premises. For the purpose of this Ordinance, the height of any grass shall not exceed 12 inches.
- d.) It shall be unlawful for any person owning, claiming, occupying, or having supervision or control of any lot in the City of Savoy to allow or permit the accumulation of materials that emit offensive or unwholesome odors on any lot or premises.

### **SECTION III. - DUTY OF THE OWNER/OCCUPANT**

It shall be the duty of any person owning, claiming, occupying, or having supervision or control of any real property, occupied or unoccupied to remove, drain and/or fill all prohibited matter or conditions and to cut and remove all weeds, brush, vegetative growth, and other objectionable or unsightly matter as often as may be necessary to comply with this ordinance and to use every precaution to prevent the same from occurring or growing on such property. Failure to comply shall be a violation of this article.

### **SECTION IV. - AUTHORIZATION**

- a.) For purpose of ascertaining whether violations of this article exist, the Chief of Police or his designee is authorized to inspect the exterior of a structure and/or premises that contains no structure.
- b.) Any Peace Officer may enter onto such property to ascertain whether a violation exists.

### **SECTION V. - NOTICE TO CUT OR REMOVE**

- a.) In viewing that a violation clearly exists, a peace office may issue a citation to any owner, occupant or property manager for such violation. If such violation is corrected prior to the court date, the court may dismiss at its discretion, any such citation for the first violation.
- b.) Upon failure of the owner, occupant, or property manager in control of any real property, occupied or unoccupied within the city, to comply with this article, the Chief of Police or his designee may notify the owner of the premises to bring the premises into compliance within ten days. The notice must be in writing and given to the owner, occupant, or property manager in person or by letter addressed to the owner, occupant, or property manager at the owner's, occupant's, or property manager's post office address, or if the person service cannot be obtained or the owner's post office address is unknown, then the owner, occupant, or property manager may be notified by:
  - (1) Publication at least two times within ten consecutive days;
  - (2) Posting notice on or near the front door of each building on the premises to which the violation relates;
  - (3) Posting notice on a placard attached to a stake driven into the ground on the premises to which the violation relates, if the premises contain no buildings.
- b.) If a second violation of the same kind or nature poses a danger to the public health and safety by the end of the calendar year of the original notice, then the city may without further notice correct the violation at the owner's expense and assess the expenses against the property. If a property manager has been assigned

responsibility for maintenance of the property, and the Chief of Police or designee has been notified in writing of this assignment, then the city will additionally notify the property manager by certified mail. If a violation covered by such notice occurs within the one-year period, and the city has not been informed in writing by the owner of an ownership change, then the city without further notice may do the work or make the improvements required and pay for the work done or improvements made, and then charge the expenses to the owner and assess the expenses against the property.

- c.) The Chief of Police or designee may issue citations and prosecute persons for violating this Article regardless of whether a notice is issued under this section.

#### **SECTION VI. – PROVIDING FOR CORRECTION OR REMOVAL BY CITY**

Upon the failure of the owner, occupant, or property manager in control of any real property, occupied or unoccupied, within the city to comply with this article, or to keep the property free from weeds, rubbish, brush and any other objectionable, unsightly, or unsanitary matter of whatever nature, the city, after notice has been given to the owner, occupant, or property manager as provided in section VIII, may do the work or make the improvements required, or pay for the work done or improvements made, and charge the expenses in doing or having such work done or improvements made to the owner of such property and assess the expenses against the property on which the work is done or improvements made.

#### **SECTION VII. - ENFORCEMENT**

The provisions of this article shall be enforced by the Chief of Police or his designee, and it shall be unlawful for any person to interfere with or hinder the Chief of Police or his designee in the exercise of their duties under this article. Notwithstanding any provisions contained herein to the contrary, the Chief of Police or his designee, is hereby granted the authority to issue immediate citations to persons violating any provision of this article in their presence.

#### **SECTION VIII. – SAVINGS CLAUSE**

If any provision of this ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

#### **SECTION IX. – EFFECTIVE DATE**

This ordinance shall be effective upon the posting and/or publication of its caption as required by law and the City Secretary is hereby directed to implement such posting and/or publication.

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