

CITY OF SANGER, TEXAS

ORDINANCE XX-XX-25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANGER, DENTON COUNTY, TEXAS, AMENDING CHAPTER 6 HEALTH AND SANITATION, ARTICLE 6.100 WEEDS, GRASS, RUBBISH, BRUSH, AND OTHER OBJECTIONABLE MATTER; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A CUMULATIVE CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OR FINE IN ACCORDANCE WITH SECTION 1.109 OF THE CODE OF ORDINANCE FOR VIOLATIONS; PROVIDING FOR A SAVINGS CLAUSE; AUTHORIZING PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Sanger (the “City”) is a home rule municipality regulated by state law and Charter; and

WHEREAS, the City Council finds it necessary for the public health, safety and welfare that development occur in a controlled and orderly manner; and

WHEREAS, On June 16, 2025 the City Council approved Ordinance 06-15-25 amending Chapter 6 Health and Sanitation; and

WHEREAS, all requests for a amendment to the Code of Ordinances were duly filed with the City of Sanger, Texas, concerning the hereinafter described; and

WHEREAS, the Planning and Zoning Commission on June 9, 2025, duly covered and conducted public hearing for the purpose of assessing a request for an amendment to the code of ordinances recommending approval for the hereinafter described and

WHEREAS, the City Council finds that the passage of this Ordinance is in the best interest of the citizens of Sanger.

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

SECTION 1. That Chapter 6 Health and Sanitation, are amended as provided below.

6.100. Weeds, Grass, Rubbish, Brush and Other Objectionable Matter.

6.101 Definitions

Alley. A public space or thoroughfare which affords only secondary means of access to property abutting thereon.

Brush. Tree and shrub trimmings which exceed three feet in length or width.

Carrion. The dead, putrefying flesh of any animal, fowl, or fish.

Debris. Dirt, concrete, rocks, bricks, large pieces of steel, and other waste building materials.

Easement. A right to cross or otherwise use someone else's land for a specified purpose.

Filth. Any matter in a putrescent state.

Garbage. See Art. 6.200 Littering

Junk. Worn out, worthless, or discarded material, objects, or items.

Litter. See Art. 6.200 Littering

Nuisance. Whatsoever is dangerous or detrimental to human life or health; whatsoever renders the ground, the water, the air, or the food hazardous or injurious to human life or health; whatsoever is offensive to the senses; or whatsoever is detrimental to the public health or welfare, including but not limited to:

- (1) Whatsoever is identified as a public nuisance by common law or in equity jurisprudence.
- (2) Whatsoever attracts and may prove detrimental to children whether in a building, on the premises of a building, or on an unoccupied lot. This includes, but is not limited to, any abandoned wells, shafts, basements, excavations or structures; abandoned refrigerators and motor vehicles; any structurally unsound fences or structures; or any lumber, trash, fences, debris or vegetation that may prove a hazard for inquisitive minors;
- (3) Abandoned structures or facilities such as basin chambers, pools or tanks located indoors or outdoors containing artificial bodies of water intended to be used for swimming, diving, or recreational bathing, including spas or hot tubs, which become unfit to be used for the purpose intended;
- (4) Structures with insufficient ventilation or illumination.
- (5) Structures with inadequate or unsanitary sewage or plumbing facilities
- (6) Whatsoever renders ground, air, food or water unwholesome or detrimental to the health of human beings; and
- (7) Whatsoever is offensive to the physical senses.

Objectionable, Unsightly or Unsanitary Matter. Any matter, condition or object which is objectionable, unsightly or unsanitary to a person of ordinary sensitivities.

Owner. Any person or entity shown as the property owner on the latest property tax assessment rolls or any person having any legal or equitable interest in the property, including any agent who is responsible for managing, leasing or operating the property and including any tenant.

Person. An individual, firm, partnership, proprietorship, association, corporation, estate, receiver, syndicate, branch of government, social or fraternal organization, or any other group or combination acting as a legal entity, and including any trustee, assignee, executor, or other representative.

Right of Way. The right of passage acquired for or by the public through dedication, purchase or condemnation and intended to provide pedestrian and vehicular access to abutting lots, tracts or areas which may also be used for utilities and to provide for drainageways.

Rubbish. See Art. 6.200 Littering

Refuse. See Art. 6.200 Littering

Trash. All manner of refuse including, but not limited to junk, carrion, filth, garbage, impure or unwholesome matter, grass and weed clippings, paper trash, useless fragments of building material, rubble, useless household items, items of salvage such as scrap metal and wood, old barrels, old tires, objects that hold water for an extended time, tree and brush trimmings, and other miscellaneous wastes or rejected matter.

Vegetation. Any plant life, including, but not limited to, shrubs, trees (including saplings), brush, bushes, wildflowers, cultivated flowers, native or ornamental grasses, grass (lawn), weeds, ground cover, annuals, perennials, or vines.

6.102 Tall Weeds, Grasses, or Plants Unlawful in excess of twelve inches in height declared a nuisance and prohibited.

Replace with content below

- a) It shall be unlawful and declared a nuisance for any person having supervision or control of any lot, tract, parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the corporate limits of the City of Sanger to suffer or permit grass, weeds, vegetation or any other plant that is not cultivated to grow in rank profusion or upon said premises to a greater height than twelve inches (12").

With respect to lots, tracts or parcels of land of five (5) or more acres under single ownership, the provisions of this section shall not be applicable to the area in excess of one hundred feet (100') from any open public street or way, or to the area in excess of one hundred feet (100') from any adjacent property under different ownership on which habitable dwellings are located.

- b) It shall be unlawful and declared a nuisance for any person having supervision or control of any lot, tract, parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the corporate limits of the City of Sanger to suffer or permit grass, weeds, vegetation or any other plant that is not cultivated to grow in rank profusion or otherwise in, along, upon or across the sidewalk, street, right of way, easement or alley to a height greater than twelve inches (12").
- c) It shall be unlawful for any owner or occupant of any property within the city to fail to remove any vegetation growing or encroaching upon the surface of any portion of an improved right-of-way, or any dirt that has encroached upon a sidewalk or twelve (12) feet above an alley.
- d) It shall be unlawful and declared a nuisance for any owner or occupant of any property within the city to fail to remove tree limbs existing lower than sixteen (16) vertical feet above a street, and seven (7) vertical feet above a sidewalk.

However, it shall be a defense to prosecution under this subsection if the trees do not obstruct the safe passage of vehicles, including fire and emergency vehicles, sanitation vehicles, recreation vehicles, or buses.

Replace 6.102 with content below

6.103 Rubbish, Brush or Any Objection, Unsightly or Unsanitary Items.

It shall be a nuisance and unlawful for any person having supervision or control of any lot, tract, parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the corporate limits of the City of Sanger to suffer, or permit or fail to remove any refuse, trash, debris, filth, carrion, junk, garbage, rubbish, brush or to allow any and all other objectionable, unsightly or unsanitary matter of whatever nature to accumulate or be present upon any such lot, tract or parcel of land including easements and rights-of-way.

- a) It is a violation of this section if the refuse, trash, debris, filth, carrion, junk, or garbage is visible from any right-of-way or an adjacent property.
- b) It is unlawful to maintain premises in a manner that creates unsanitary conditions that are likely to attract or harbor mosquitoes, rodents, vermin, or disease-carrying pests.

6.104 Owner's Duty to Abate Violation.

6.105 Immediate Abatement by City.

6.106 Failure to Comply with Provisions

Amend changes below

In the event that any person owning, claiming, occupying or having supervision or control of any real property occupied or unoccupied within the corporate limits of the city fails to comply with the provisions of Sections 6.101, 6.102, and 6.103, it shall be the duty of the city to give notice, and if the owner of the property does not comply with this section after seven days of such notice, the city may: do the work or make the improvements required; and pay for the work done or improvements made and charge the expenses to the owner of the property. **The costs shall include an administrative fee established by the City Council and on file in the office of the City Secretary. The payment shall be due within thirty (30) days of the date of mailing.** If the city mails the notice to the property owner in accordance with this section and the United States Postal Service returns the notice “refused” or “unclaimed,” the validity of the notice is not affected and the notice is considered as delivered. (Ordinance 11-43-07 adopted 11/5/07)

6.107 Notice Given Within One Year.

6.108 Assessment of Expenses; Lein.

SECTION 2. That all matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

SECTION 3. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, phrases and words of this Ordinance are severable and, if any word, phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining portions of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional word, phrase, clause, sentence, paragraph, or section.

SECTION 4. That this Ordinance shall be cumulative of all other City Ordinances and all other provisions of other Ordinances adopted by the City which are inconsistent with the terms or provisions of this Ordinance are hereby repealed.

SECTION 5. Any person, firm or corporation who shall violate any of the provisions of this article shall be guilty of a misdemeanor and upon conviction shall be fined in accordance with the general penalty provision found in The Code of Ordinances, Section 1.109 General Penalty for Violations of Code.

SECTION 6. This ordinance will take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such case provides.

PASSED AND APPROVED by the City Council of the City of Sanger, Texas, on this **16th** day of **June**, 2025.

APPROVED:

Thomas E. Muir, Mayor

ATTEST:

Kelly Edwards, City Secretary

APPROVED TO FORM:

Hugh Coleman, City Attorney

