

ORDINANCE # 01-11-01

AN ORDINANCE OF THE CITY OF JEWETT, TEXAS, PROVIDING FOR MINIMUM PROPERTY STANDARDS; PROVIDING FOR NOTIFICATION PROCEDURES; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Jewett possesses all the rights, powers, and authorities as authorized by the Texas Local Government Code;

WHEREAS, IN THE City of Jewett properties and structures exist that are substandard in maintenance;

WHEREAS, in the absence of corrective measures, such areas will experience a deterioration of social values, a curtailment of investment and tax revenue, and an impairment of economic values;

WHEREAS, the establishment and maintenance of minimum property, structural and environmental standards are essential to the prevention of blight and decay and the safeguarding of public health, safety and welfare; and

WHEREAS, the City of Jewett deems it necessary to establish requirements and standards for the continued maintenance of property, buildings and structures within the Town limits.

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

SECTION 1

All the above premises are hereby found to be true and correct and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

SECTION 2

From and after the effective date of this Ordinance, the following shall apply:

Property Maintenance Standards

TITLE AND SCOPE

(1) Title

These regulations shall be known as the City of Jewett “Property Maintenance Standards,” and may be cited as such and will be referred to herein as “these standards.”

(2) Purpose

The purpose of the standards is:

- A. To protect the health, safety, and welfare of the citizens of the City of Jewett by establishing minimum standards applicable to the property and structures.
- B. These standards are found to be remedial and essential to the public interest, and it is intended that these standards be liberally construed to affect their purpose.

ENFORCEMENT

- (1) Authority. The Town’s code official is hereby authorized and directed to enforce all provisions of these standards.
- (2) Inspections. For the purposes of ascertaining whether violations of these standards exist, City of Jewett employees will be referred to as Code Officials and are hereby authorized to inspect the exterior of a structure and exterior property areas.

## DEFINITIONS

For the purpose of these standards, certain terms, phrases, words and their derivatives shall be construed as specified in this section. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, Copyright 1986, shall be considered as providing ordinary accepted meanings. Words in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

**ACCESSORY BUILDING OR STRUCTURE** means a building or structure devoted to uses incidental and accessory to the main use and can be either attached or detached, such as an attached garage, storage area, carport, detached garage, shed, or outbuilding.

**BUILDING** means any structure used or intended for supporting or sheltering any use or occupancy.

**CODE OFFICIAL** means the official charged with the administration and enforcement of these standards, or any duly authorized representative.

**DEPARTMENT** means the department designated by the City Mayor to enforce and administer these standards.

**DETERIORATION** means a state of disrepair making the building or structure or appurtenance in question of such quality or integrity as to be unsafe and subject to structural failure or to depreciate and infringe on adjacent properties.

**EXTERIOR PROPERTY AREAS** means the open space on the premises and on adjoining property under the control of the same owners or operators of such premises.

**GARBAGE** means the animal and vegetable waste resulting from the handling, preparation, cooking, serving, and non-consumption of food.

**MAINTENANCE** means repair and other acts to prevent a decline in the condition of property, ground, structures, appurtenances and equipment, such that the condition does not fall below the standards established by these standards and other applicable statutes, codes, ordinances.

**OCCUPANT** means any person living and/or sleeping in a dwelling unit or having possession of a space within a building.

OWNER means any person who, alone, or jointly or severally with others

- A. shall have legal title to any premise, dwelling or dwelling unit, with or without actual possession thereof, or,
- B. shall have charge, care, or control of any premise, dwelling or dwelling unit, as owner or agent of the owner, or an executor, administrator, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this section and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

PREMISES means a platted lot or part thereof or an unplatted lot or tract of land or plot of land, either occupied or unoccupied by any dwelling or non-dwelling structure, and including any such building, accessory structure or other structure thereon.

PUBLIC NUISANCE means the following:

- A. The physical condition, or use of any premises regarded as a public nuisance at common law; or
- B. Mowing overgrown lots and yards, trimming trees and clearing fence rows.
- C. Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures; or
- D. Presence of abandoned vehicles or equipment.
- E. Any premise which is manifestly capable of being a fire hazard, or is manifestly unsafe or unsecured as to endanger life, limb, or property; or
- F. Because of violations of these standards, any physical condition, use or occupancy of any premises or its appurtenances that is in such a state of disrepair that it could reasonably cause injury, damage, or harm to a considerable portion of the community in the use and enjoyment of property, materially interfering with the proper use or comfort and enjoyment of surrounding property, taking into consideration the nature and use of the properties in the area and the character of the community in which they are situated, which condition would be substantially offensive and annoying to persons of ordinary sensibilities living in the community.

- G. REFUSE means an accumulation of worn out, used, broken, rejected or worthless materials, including but not limited to, garbage, rubbish, paper or litter, and other decayable or nondecayable matter.
- H. SAFETY means the condition of being reasonably free from danger and hazards which may cause accidents or disease.

PENALTIES FOR VIOLATION

- A. Any person violating or failing to comply with any property maintenance standard or requirement of this section, who continues to violate or fail to comply with the same after 15 days of notice is given and received as set forth herein, shall also be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined as provided herein not to exceed five hundred dollars (\$500.00) for each offense. A separate offense shall be deemed committed upon each day during or on which a violation or failure to comply occurs or continues to occur.
- B. In addition to any other remedies or penalties contained herein, the City of Jewett may enforce the provisions of this section pursuant to the applicable provisions of Chapter 54 and Chapter 214 of the Texas Local Government Code, which chapters provides for the enforcement of municipal ordinances.
- C. Allegations and evidence of a culpable mental state is not required for the commission of an offense under these standards.

NOTICES

The procedure for the issuing of notices shall be as follows:

- A. The City of Jewett shall post a Notice on the front porch or other structure on the property in a visible location.
- B. The City of Jewett shall mail to the owner of said property, based on the City of Jewett's tax rolls, a certified mail letter, return receipt requested, at said owner's last known address setting forth the violations charged herein and setting forth the date for a hearing on said violations; and
- C. All other Notice provisions of Chapter 214 of the Local Government Code shall be complied with.

REMOVAL BY THE CITY OF JEWETT UPON FAILURE OF OWNER TO COMPLY

The procedure for the City of Jewett to correct any violations and assess liens shall be the same as defined in Chapter 214 of the Texas Local Government Code.

SECTION 3

All ordinances, orders, or resolutions heretofore passed and adopted by the City Council of the City of Jewett, Texas, are hereby repealed to the extent that said ordinances, orders or resolutions or parts thereof are in conflict herewith.

SECTION 4

If any section, subsection, clause, phrase, or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void, or unconstitutional, the remaining sections, subsections, clauses, phrases, and provisions of this Ordinance, or the applications thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

The effective date of this Ordinance is the 15<sup>th</sup> day of January, 2007

PASSED AND APPROVED THIS THE 13<sup>th</sup> DAY OF November, 2001.

APPROVED:



*Judi Kirkpatrick*  
JUDI KIRKPATRICK, Mayor  
City of Jewett

*Virginia S. Sitton*  
VIRGINIA S. SITTON, City Secretary  
City of Jewett