

CITY OF SANDY OAKS, TEXAS

ORDINANCE NO. 2016- 42

AN ORDINANCE OF THE CITY OF SANDY OAKS, TEXAS ESTABLISHING REGULATIONS FOR PROHIBITING LITTER; DECLARING LITTERING A PUBLIC NUISANCE; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Sandy Oaks ("City Council") seeks to prohibit littering and and improper solid waste disposal to preserve the scenic environment of the City of Sandy Oaks, Texas ("City");

WHEREAS, the City Council finds that littering and improper solid waste disposal pose health and sanitation risks to the citizens of the City;

WHEREAS, the City Council finds that littering and improper solid waste disposal constitute public nuisances;

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City;

WHEREAS, pursuant to Chapter 217 of the Local Government Code, the City Council has the express authority to declare and abate public nuisances;

WHEREAS, pursuant to Chapter 365 of the Texas Health and Safety Code, the City, as a political subdivision of the State of Texas, is committed to enforcement of littering laws under the Texas Litter Abatement Act; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace and order of the City to adopt an ordinance prohibiting littering and improper solid waste disposal and providing procedures for the disposal of solid waste.

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

Section 1. Definitions.

(a) "Garbage" shall mean rubbish, trash, kitchen and household waste, ashes, bottles, cans, rags, paper, food, food containers, lawn trimmings, tree trimmings, hedge trimmings, leaves, grass, weeds and refuse, and all decayable wastes, including solid waste that is putrescible animal and vegetable waste materials from the handling, preparation, cooking or consumption of food, including waste matters from markets, storage facilities and the handling and sale of produce and other food products.

(b) "Junk" means all worn out, worthless and discarded material, in general, including, but not limited to, wood products, scrap iron, scrap tin, scrap brass, scrap copper, scrap lead or scrap zinc and all other scrap metals and their alloys, and bones, rags, glass, paper, cordage, cloth, rubber, rope, tinfoil, bottles, old cotton, machinery, tools, construction materials, appliances, furniture, fixtures, utensils, boxes or crates, pipe or pipe fittings, automobile or airplane tires, dismantled motor vehicles, boats, boat trailers, or travel trailers or parts thereof, or other manufactured goods or odds and ends that are worn out, worthless, deteriorated, burned, obsolete, discarded material or other wastes, especially those that are unusable in their existing condition.

(c) "Litter" means any quantity of uncontainerized paper, metal, plastic, glass, or miscellaneous solid waste which may be classified as trash, debris, rubbish, refuse, garbage, or junk not placed in a solid waste container, except that which is contained and clearly set out for collection by the City's solid waste provider.

(d) "Person" means any individual, firm, organization, partnership, unincorporated association or corporation.

(e) "Refuse" means the same as "garbage" herein.

(f) "Rubbish" means all refuse, junk, rejected tin cans, old vessels of all sorts, useless articles, abandoned pipe, waste wood, wood products, tree trimmings, grass cuttings, dead plants, weeds, leaves, dead trees or branches thereof, chips, shavings, sawdust, printed matter, paper, pasteboard, rags, straw, used and discarded clothing, used and discarded shoes and boots, combustible waste, pulp and other products used for packaging or wrapping crockery and glass, ashes, cinders, floor sweepings, glass, mineral or metallic substances, textiles and objects of all sorts, and in general all litter.

(g) "Trash" means the same as "garbage" herein.

(h) "Waste" means rejected, unutilized or superfluous substances in liquid, gaseous or solid form resulting from domestic, agricultural, commercial, or industrial activities.

Section 2. Littering Prohibited. It shall be unlawful for any person to throw, discard, place, or deposit litter, trash, refuse, garbage, rubbish, waste or junk in any manner or amount on any public or private property within the corporate limits of the City, except in lawfully provided containers.

Section 3. Declaration of Nuisance. Litter, trash, refuse, garbage, rubbish, waste or junk disposed of in violation of this Ordinance or state law or dumped on public or private property is declared a nuisance by the City Council.

Section 4. Offense; Penalty. An offense under this Ordinance is a Class C misdemeanor. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of Four Thousand Dollars (\$4,000.00). Each occurrence shall be deemed to be a separate violation. Each day that a violation is permitted to exist shall constitute a separate offense.

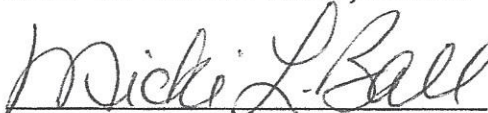
Section 5. Severability. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 6. Publication. The City Clerk is hereby authorized and directed to publish the caption of this Ordinance together with the penalty provision contained herein in the manner and for the length of time prescribed by law.

Section 7. Effective Date. This Ordinance shall take effect immediately upon its publication as required by section 52.011 of the Local Government Code.

PASSED AND APPROVED on this 11th day of February, 2016.

CITY OF SANDY OAKS, TEXAS

A handwritten signature in cursive script that reads "Micki L. Ball". The signature is written in dark ink and is positioned above a horizontal line.

Micki L. Ball, Mayor

ATTEST:

A handwritten signature in cursive script that reads "Charlotte Rabe". The signature is written in dark ink and is positioned above a horizontal line.
Charlotte Rabe, City Clerk