

**CITY OF SANDY OAKS, TEXAS**

**ORDINANCE NO. 2018-114**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANDY OAKS, TEXAS REGULATING REFRIGERATORS, ICE BOXES, AND OTHER AIRTIGHT OR SEMI-AIRTIGHT CONTAINERS.**

**WHEREAS**, the City of Sandy Oaks ("City") is a Type A General Law Municipality in Bexar County incorporated and operating under the laws of the State of Texas; and

**WHEREAS**, Chapter 756 of the Texas Health and Safety Code governs miscellaneous hazardous conditions, including refrigerators, ice boxes and other air tight or semi-airtight containers; and

**WHEREAS**, the City Council of the City finds that abandoned refrigerators, ice boxes or other air tight or semi-airtight containers may create a safety hazard and therefore desires to adopt regulations related to refrigerators, ice boxes and other air tight or semi-airtight containers;

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

**SECTION 1. FINDINGS OF FACT.** The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

**SECTION 2. LEAVING REFRIGERATOR OR CONTAINER ACCESSIBLE TO CHILDREN.**

- (a) This section applies to a refrigerator, ice box, or other airtight or semi-airtight container that has:
  - (1) a capacity of at least 1-1/2 cubic feet;
  - (2) an opening of at least 50 square inches; and
  - (3) a door or lid equipped with a latch or other fastening device capable of securing the door or lid shut.
- (b) No person, firm, entity or corporation shall place a refrigerator, ice box, or other airtight or semi-airtight container as described in subsection (a) outside of a structure or in a warehouse, storage room, or unoccupied or abandoned structure so that the container is accessible to children in the City.
- (c) No person, firm, entity or corporation in the City shall permit to be placed or allow to remain a refrigerator, ice box, or other airtight or semi-airtight container as described in subsection (a) outside of a structure or in a warehouse, storage room, or unoccupied or abandoned structure so that the container is accessible to children.
- (d) The duties of this section are imposed alike on the owner of the refrigerator, ice box or other air tight or semi-airtight container, and the owner or occupant of the premises where the receptacle is permitted to be placed or remain.

**SECTION 3. PENALTY.** Any person who violates or causes, allows, or permits another to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon

conviction thereof, shall be punished by a fine of not less than Five Dollars (\$5.00) or more than Two Hundred Dollars (\$200.00). Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of this Ordinance occurs shall constitute a separate offense.

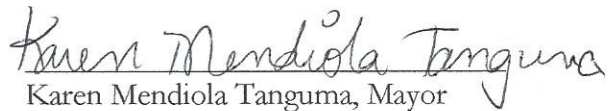
**SECTION 4. SEVERABILITY.** If any section, subsection, sentence, clause or phrase of this Ordinance for any reason is held invalid, illegal, or incapable of being enforced, such section, subsection, sentence, clause or phrase shall be excluded to the extent of such invalidity, illegality, or unenforceability; all other sections, subsections, sentences, clauses or phrases hereof shall remain in full force and effect.

**SECTION 5. 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 6. 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 8<sup>th</sup> day of November, 2018.

**CITY OF SANDY OAKS, TEXAS**

  
Karen Mendiola Tanguma, Mayor

**ATTEST:**

  
Katherine Yelton, City Clerk