ORDINANCE #10132009-1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MUNDAY, TEXAS PROHIBITING LITTERING WITHIN THE CITY; PROVIDING DEFINITIONS; SEVERABILITY CLAUSE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDIANANCES; PROVIDING PENALTY; REPEALING ALL INCONSISITENT ORDIANACES AND PROVIDING EFFECTIVE DATE

WHEREAS, the City Council wishes to promote a clean, healthy, safe and attractive environment for the citizens of the City of Munday, Texas; and,

WHEREAS, the City Council has determined that the accumulation of litter, garbage or rubbish on public or private property tends to degrade the environment of the community and can lead to health and safety hazards; and,

WHEREAS, the City Council finds that this ordinance is necessary to promote the health and safety of the citizens and to enhance the city's appearance;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUNDAY, TEXAS;

DEFINITIONS:

1. **CONTAINER** means a city-approved receptacle used for the disposal of waste.

2. **LITTER** shall be defined as any man-made material that, if thrown, discarded, or disposed as prohibited by this ordinance, may create a danger to public health, safety, or welfare or degrades the environment. Litter shall include, but is not limited to, any garbage, trash, refuse, rubbish, newspaper, magazine, glass, metal, plastic or paper container, construction waste or any discarded object.

3. **RUBBISH** shall be defined as, but not limited to, combustible materials, which include, but not limited to, trees, wood, leaves, trimmings from shrubs or trees, printed matter, plastic, and paper products, grass, rags, and other combustible materials not included under the term garbage.

4. **GARBAGE** shall be defined as putrescible discarded materials composed of animal, vegetable, or other organic matter.

5. **ELEMENTS** shall be defined as any effect of weather patterns which may create a force sufficient to move or otherwise transport litter as defined above.

6. **PARK** shall be defined as a park, playground, recreation center, or any other public area in the City owned or used by the City and devoted to active or passive recreation.

7. **PRIVATE PROPERTY** means and includes, but is not limited to, yards, grounds, driveways, entrances, passageways, parking areas, working areas, storage areas, vacant lots, and recreation facilities owned by private individuals, firms, corporations, institutions, and organizations.

8. **PUBLIC PROPERTY** means and includes but is not limited to streets, medians, roads, road medians, catch basins, sidewalks, strips between streets and sidewalks, alleys, lanes, public right-of-way, public parking lots, school grounds, parks, publicly owned recreation facilities, and municipal bodies of water and waterways.

9. **PERSON** shall be defined as any person, firm, partnership, corporation, company, or organization of any kind.

OFFENSES: A person commits an offense if the person throws or deposits or allows to be thrown or deposited any litter, garbage or rubbish anywhere except in a designated container provided by the city.

It shall be unlawful to sweep into or deposit in any storm sewer, gutter, street, or other public place within the city the accumulation of litter, garbage or rubbish from any building, lot, public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk and right-of-way in front of their premises free of litter, garbage or rubbish. Any person owning or occupying a residence or a place of business shall at all times maintain the premises free of litter, garbage or rubbish and shall prevent any litter, garbage or rubbish from the premises from being carried or deposited by the elements upon any street, right-of-way, alley, sidewalk or other public place or upon any private property.
It shall be unlawful, while a driver or a passenger in a vehicle, to throw or deposit litter, garbage or rubbish upon any street or other public place within the city or upon private property. Further, no person shall drive or move any truck or other vehicle within the city unless such vehicle is so constructed or loaded as to

prevent any load or contents from being blown or deposited upon any street, alley, stream or other public place.

No person shall throw or deposit litter, garbage or rubbish in any park within the city except in public receptacles and in such a manner that the litter, garbage or rubbish will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter, garbage or rubbish shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.

No person shall throw or deposit litter, garbage or rubbish in any drainage ditch or any other body of water within the city.

VIOLATION: Violation of any provision of this ordinance shall be punishable by a fine not to exceed $1,000.00 except where contradictory to the laws of the State. Each day any violation of any provision of this ordinance shall continue shall constitute a separate offense.

Ten (10) days after a citation is issued to any owner, agent, occupant, operator or lessee of any property, business, industry, institution or construction site to remove litter, garbage or rubbish from the premises, the City is authorized to clean up such property, by use of City employees or by employing an agent of the City and bill such owner or occupant for the abatement costs thereof. If the bill has not been paid within thirty (30) days, execution may be issued by the City against the property for the abatement cost and such execution shall constitute a lien on the property. Execution of the notice to remove litter, garbage or rubbish shall be in writing and shall be in the form of a registered or certified letter.

DUTY TO KEEP PROPERTY FREE OF LITTER: It shall be the duty of the person who owns, occupies or leases or is engaged in construction on any private or public property to keep the exterior property free of litter, garbage or rubbish.

Persons who are owners, occupants, or lessees of private property which abuts city sidewalks, streets, parkways, drainage ditches or curb and gutter, shall keep those sidewalks, streets, parkways, curb and gutter, and drainage ditches free of litter, garbage and rubbish by removing litter, garbage or rubbish and placing it in a container.

CONTAINER CLOSURE & MAINTENANCE: All residential and commercial containers shall be closed with a well-fitting lid (cover) when any garbage, refuse, trash, debris, rubbish, solid waste or junk is in such container. If bags are utilized as a container they shall be tightly sealed with a fastener.

All persons placing containers for collection and removing them after collection shall take the necessary precautions to prevent the contents thereof from becoming litter.

SEVERABILITY: If any provision of this ordinance is held invalid for any reason, such invalidity shall not affect any other provision of this ordinance which can remain in effect without the invalid provision and to this end, the provisions of this ordinance are severable.

All prior ordinances or portions of ordinances of the City of Munday in conflict with the terms and provisions of this ordinance are hereby repealed.

1st reading-
2nd reading-

PASSED AND APPROVED this 8 day of December, 2009.

Buddy Norville

Buddy Norville, Mayor

ATTEST:

Dwayne Bearden

Dwayne Bearden, City Administrator