

ORDINANCE NO 105

CITY OF PATTISON, TEXAS

SOLID WASTE LANDFILL ORDINANCE

AN ORDINANCE OF THE CITY OF PATTISON, TEXAS, REGULATING THE LOCATION OF SOLID WASTE LANDFILLS WITHIN THE CITY OF PATTISON; SPECIFYING THE LOCATION IN WHICH A LANDFILL MAY BE LOCATED WHEN OTHERWISE ALLOWED BY LAW; PROVIDING FOR EXCEPTIONS AS REQUIRED BY LAW; AMENDING ORDINANCE NO. 70; PROVIDING FOR CIVIL AND CRIMINAL PENTALTIES FOR VIOLATION OF NOT TO EXCEED TWO THOUSAND (\$2000.00) DOLLARS FOR EACH SEPARATE OFFENSE; PROVIDING FOR AN EFFECTIVE DATE; REPEALER; SEVERABILITY; AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Pattison (City Council) seeks to promote the health, safety and general welfare of the City of Pattison ("City"); and

WHEREAS, Ordinance No. 70, adopted July 29, 2003, provides that no person may operate a landfill in the City unless current authorization has been issued by the City for the use of the lot for such purpose; and

WHEREAS, pursuant to Texas Health and Safety Code Section 363.112, the City may prohibit the processing or disposal of municipal or industrial sold waste in certain areas of the City provided that the specifically designates an area of the City in which the disposal of municipal or industrial solid waste will not be prohibited; and

WHEREAS, pursuant to Section 363.112, the City Council desires to designate an area of the City in which the disposal of municipal or industrial solid waste will not be prohibited provided that all other requirements of law are met whereby the use of that property for that purpose is allowed and such disposal if fully permitted and authorized by all applicable levels of federal, state, and local government;

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

1. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

2. REGULATIONS

(a) The locating, siting, maintaining, constructing, use, or allowing the processing or disposal of municipal or industrial solid waste is prohibited at all locations within the corporate limits of the City of Pattison except within that one certain tract of land that was annexed into the City pursuant to Annexing Ordinance No. 21, dated February 1, 1982, and which is fully described in said ordinance, being one certain tract of land comprising 0.907 acres, more or less, in the S.C. Hady Survey more fully described as follows:

Beginning at an iron pipe at the East fence corner of this said tract in the S.W. line of the Town of Pattison, said corner bears S 34° 00' W, 34.5 feet and S 55° 11' 00" E, 33.0 feet from the South corner of Block 56, Town of Pattison;

Thence: S 33° 31' 10" W along the S.E. fence line of the said tract, 202.5 feet to iron pipe set at the South fence corner of this tract;

Thence: N 69° 41' 12" W along a post line at the S.W. side of this tract, 179.5 feet to an iron pipe set at the West fence corner of this tract;

Thence: N 33° 17' 38" E along the N.W. fence line of this tract, 247.0 feet to iron pipe set at the North fence corner of this tract in the S.W. line of the Town of Pattison;

Thence: N 55° 11' 00" E along the fence line at the S.W. Town line, 176.0 feet to the point of beginning, containing 0.907 acres of land, as surveyed by W.D. Kennedy, Registered Public Surveyor No. 511, May 16, 1979.

(b) This Ordinance shall not apply to any area to which Texas Health and Safety Code Sec. 361.090 applies regarding the processing or disposal of industrial solid waste at a site owned or otherwise effectively controlled by the owners or operators of an industrial plant, manufacturing plant, mining operation, or agricultural operation from which the waste results or is produced, or to an area for which an application for a permit or other authorization under Texas Health and Safety Code Chapter 361 has been filed and is pending before the Texas Commission on Environmental Quality, as provided by Texas Health and Safety Code, Sec. 363.112, provided that such site is otherwise covered by and is in full compliance with Sec. 363.112, Sec. 361.090 and all other requirements of law.

3. AMENDMENT OF EXISTING ORDINANCES

Ordinance No. 21 is hereby amended by the provisions of this Ordinance with regard to the locating of any site for the processing or disposal of municipal or industrial solid waste within the City of Pattison. Except as herein amended, Ordinance No. 21 shall remain in full effect.

4. PENALTIES FOR NON-COMPLIANCE

Any person or entity found to be operating a site for the processing or disposal of municipal or industrial solid waste in violation of this Ordinance shall be subject to Criminal or Civil Penalties of not to exceed Two Thousand Dollars (\$2000.00). Violation of this Ordinance shall be considered a Class C misdemeanor. Each day of violation shall be considered a separate offense.

5. PUBLICATION

Attached hereto as Exhibit "A" to this Ordinance, and incorporated herein, is a publisher's affidavit showing that it was published for two consecutive weeks in a newspaper of general circulation in the area of the municipality before the date this Ordinance was adopted by the City Council, as required by Texas Health and Safety Code Section 363.112.

6. EFFECTIVE DATE

This Ordinance shall be and become effective immediately upon and after its passage and publication as may be required by governing law.

7. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

8. SEVERABILITY

Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.


9. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of


said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND ADOPTED, EFFECTIVE THE 8th, day of September, 2015.

CITY OF PATTISON, TEXAS


Bill Mathews, Mayor

ATTEST:


Lynda L. Fairchild, City Secretary

DAYSTAR PUBLISHING, INC.
Dba The Times Tribune
PO Box 1549, Brookshire, Texas 77423

PUBLISHER'S AFFIDAVIT

Proof of Publication Provided to

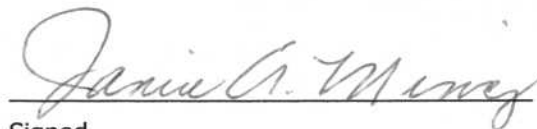
CITY OF PATTISON

See attached tear sheet(s) for:

08-27-15 PUBLIC NOTICE - Processing or disposal of municipal or industrial solid waste
09-03-15 PUBLIC NOTICE - Processing or disposal of municipal or industrial solid waste

Before me, the undersigned authority, on this day personally appeared Janice A. Mincy, Publisher of The Times Tribune, a weekly newspaper of general circulation, published at Brookshire, in Waller County, Texas, who deposes and says that the advertisement, as per copy attached, was published in the regular issue(s):

Thursday, August 27, 2015
Thursday, September 27, 2015


Signed

NOTARY

Subscribed and sworn to before me this the 4th day of Sept, 2015.



