



## **Ordinance No. 129**

### **AN ORDINANCE OF THE CITY OF PATTISON, TEXAS PROHIBITING ILLEGAL DUMPING OF GARBAGE ON PUBLIC PROPERTY AND PUBLIC ROADS; PROVIDING FOR A PENALTY FOR VIOLATIONS OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, it is the intent of the City Council with this Ordinance to promote a clean, healthy, safe and attractive environment in which to live; and

**WHEREAS**, it is the intent of this Ordinance to prohibit illegal dumping of garbage on public property and public roads; and

**WHEREAS**, the City Council determines that illegal dumping of garbage and waste on public property and public roads constitutes an immediate danger to the health, safety, and welfare of the public.

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

#### **SECTION 1. DEFINITIONS.**

The following words, phrases, or terms used in this Ordinance shall have the following meanings:

A. **Garbage and waste** shall include but is not limited to the following:

1. Disposal of household waste, water heaters, washing machines, furniture, mattresses, construction debris, air conditioning units and components and other waste materials. Disposal of tires and all automotive parts and components. Any and all disposal of non-hazardous refuse, debris, and waste products generated by the operation of industries, single-family and multi-family dwellings, stores, building contractors, offices, churches, public facilities, multi-family dwellings and other business establishments. Every disposal of waste (animal, vegetable and/or other matter) that results from the handling, packing, preparation, processing, consumption, dealing in, canning, storage, transportation, decay, or decomposition of meats, fish, fowl, birds, fruits, grains, or other animal or vegetable matter (including but not by way of limitation, used tin cans and other food containers; including all putrescible waste matter which is likely to attract flies or rodents).
2. Hazardous Waste in any amount, which is defined, characterized or designated as hazardous by the United States Environmental Protection Agency or appropriated State agency by or pursuant to Federal or State law, or waste, in any amount, which is regulated under Federal or State law. For purposes of this ordinance, the term Hazardous Waste shall also include motor oil, gasoline, paint, and appliances containing Freon.



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3. Outdoor furniture, wire, plastics, bicycles, toys, grills, or any other outdoor items or yard waste, combustible and noncombustible wastes such as paper, rags, cartons, wood, furniture, rubber, plastics, yard trimmings, leaves and similar material, glass, crockery, metal cans, metal furniture and like material.
  4. Leaves, grass cuttings, weeds, garden waste, tree limbs, and other vegetative wastes generated at residential, commercial, institutional, governmental, or industrial properties.
- B. **Person.** Any person, owner, lessee, firm, business, partnership, sole proprietorship, association, corporation, company or organization of any kind.
- C. **Public Road.** Any road or roadway that is maintained by a City, County, State or Federal government using public funds.
- D. **Public Property.** Any and all streets, public rights of way, easements, medians, sidewalks, boulevards, highways, streets, alleys, or other public parks, squares, spaces, grounds, buildings, and infrastructure.

### SECTION 2. VIOLATION.

No person shall deposit, dispose of, throw away, dump, discharge or abandon any garbage or waste at, in or on any public road or public property within the corporate limits of the city.

### SECTION 3. PENALTY.

- A. Violations of this ordinance which governs public health and sanitation, shall be subject to a fine not to exceed two thousand dollars (\$2,000.00) for each offense; and
- B. Each day any violation of this ordinance shall continue shall constitute a separate offense. Violation of this Ordinance which constitutes an immediate danger to the health, safety, and welfare of the public, may be enjoined in a suit brought by the city for such purposes.
- C. The imposition of a penalty under this Ordinance shall not prevent, impede or delay the rights of the city to proceed in any court of competent jurisdiction to secure equitable relief, including, but not limited to, injunctions, or to file suits in the name of the city or as a member of a class for damages or other relief as provided by law.
- D. Any person or corporation who permits, aids, assists, or employs another person or corporation to violate this ordinance shall be deemed in violation of this ordinance as if such person or corporation had actually committed such act or failed to actually perform such act as herein required. Such person or corporate representative need not actually be present at the time of the violation; and a person or corporation may be deemed in violation of this ordinance whenever the act of permitting, aiding, assisting, or employing occurs before or after the violation.



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### SECTION 4. SEVERABILITY.

In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Pattison, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.


### SECTION 5. REPEALING CONFLICT.

All provisions in conflict with the provision of this Ordinance shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

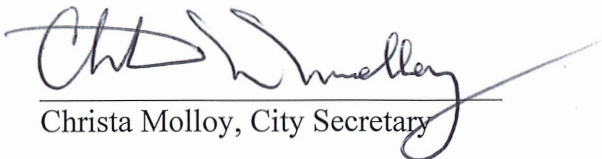
This ordinance shall become effective upon its approval and passage.

**PASSED AND APPROVED and EFFECTIVE** on the 4th day of February 2020.

APPROVED:

  
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Joe Garcia, Mayor

ATTEST:

  
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Christa Molloy, City Secretary