

ORDINANCE NO. 01-09-1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HALLSVILLE, TEXAS, PROHIBITING THE DEPOSIT OF LITTER UPON STREETS AND ROADWAYS, PROHIBITING THE DEPOSIT OF LITTER UPON PRIVATE PROPERTY, WITH RESPECT TO THE SWEEPING AND REMOVAL OF LITTER, AND PROHIBITING THE DEPOSIT OF LITTER FROM VEHICLES; ESTABLISHING A PENALTY FOR VIOLATION HEREOF; PROVIDING FOR THE SEVERABILITY OF THE PROVISIONS HEREOF; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Hallsville, Texas, a Type A General Law municipality, has the authority to adopt ordinances, acts, laws, and/or regulations, not inconsistent with Texas state law, which are found to be necessary for the government, interest, welfare, and/or good order of the municipality as a body politic pursuant to § 51.012 of the *Texas Local Government Code*; and

WHEREAS, the City Council finds and determines that the public interest is served by regulating and/or prohibiting the deposit of litter within the city limits;

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

- (a) **Deposit of litter upon streets and roadways; use of receptacles.** No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the city, except in public receptacles, in authorized private receptacles, or in the official city dump, if any. Persons placing litter in public or private receptacles shall do so in such manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk, or other public place, or upon private property.
- (b) **Deposit of litter upon private property; private receptacles.** No person shall throw or deposit litter upon any occupied or unoccupied private property within the

city, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection of litter in such manner that such litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

- (c) **Sweeping and Removal of Litter.** No person shall sweep into or deposit in any storm sewer, gutter, street, or other public place within the city the accumulation of litter from any building, lot, public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter. No person owning or occupying a place of business in the city limits shall sweep into or deposit in any gutter, street or other public place within the city the accumulation of litter from any building or lot, or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the city shall keep the sidewalk in front of their business premises free of litter. Any person owning or occupying a place of business shall at all times maintain the premises free of litter and shall prevent any litter from his premises from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.
- (d) **Deposit of litter from vehicles prohibited.** No person, while a driver or a passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the city or upon private property.
- (e) **General Provisions.** The provisions of this ordinance as set forth above are effective immediately upon adoption by the City Council. If any section, paragraph,

subdivision, clause, phrase, or provision of this ordinance is hereafter determined to be invalid or violative of the laws of the State of Texas or the Constitution of the United States by a court of appropriate jurisdiction, such finding of invalidity shall affect the continued enforcement only of the provision or provisions so determined to be invalid, it being the intent of the City Council of the City of Hallsville that all other terms and provisions of this ordinance not affected thereby shall remain in full force and effect.

(f) **Definition of Litter.** The term "litter" used in this ordinance shall mean the following:

- (1) decayable waste from a public or private establishment, residence, or restaurant, including animal and vegetable waste material from a market or storage facility handling or storing produce or other food products, or the handling, preparation, cooking, or consumption of food, but not including sewage, body wastes, or industrial by-products; or
- (2) non-decayable solid waste, except ashes, that consists of:
 - (i) combustible waste material, including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, or similar materials;
 - (ii) noncombustible waste material, including glass, crockery, tin or aluminum cans, metal furniture, and similar materials that do not burn at ordinary incinerator temperatures of 1800 degrees Fahrenheit or less; or
 - (iii) discarded or worn-out manufactured materials and machinery, including motor vehicles and parts of motor vehicles, tires, aircraft, farm

implements, building or construction materials, appliances, and scrap metal.

(g) **Violation.** That if any person violates the provisions of this ordinance, such act shall constitute a misdemeanor and subject such person to a fine of \$200.00 per violation. Each and every act shall constitute a separate offense.

(h) **Effective Date.** The provisions of this ordinance are effective as of the date of its adoption as set out below.

PASSED AND APPROVED by an affirmative vote of the members of the City Council is the 20th day of January, 2008.

Charles W. Dawson

MAYOR

ATTEST:

Darlene Worrell

CITY SECRETARY