

## **ARTICLE 7.04 LITTER CONTROL**

**State law references**—Municipal regulation of sanitation, V.T.C.A., Health and Safety Code, sec. 342.001 et seq.; Solid Waste Disposal Act, V.T.C.A., Health and Safety Code, ch. 361; Texas Litter Abatement Act, V.T.C.A., Health and Safety Code, ch. 365.

### **7.04.001 Purpose**

This article is adopted so that the village council may promote the public health, safety, and general welfare within the village through the adoption of a litter ordinance. By the adoption of a litter control ordinance, the village council seeks to prevent health risks, bodily injury, death, and property damage within the village limits.

### **7.04.002 Definitions**

When used in this article, the following definitions shall apply, unless the context clearly indicates otherwise:

Industrial wastes means all liquid- and water-borne solid, liquid or gaseous wastes resulting from industrial manufacturing, food-processing operations, or processing any natural resource, or any mixture of such wastes with water or domestic sewage.

Litter shall mean and be defined, consistent with chapter 365 of the Texas Health and Safety Code, as:

1. ***All decayed and unwholesome food;***
2. All pools of stagnant water or vessels holding stagnant water in which insects can breed;
3. Carcasses of animals not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death;
4. Accumulations of manure, rubbish, trash, rubble, refuse, debris, paper, combustible material, building materials, offal or waste, or matter of any kind or form which is uncared for, discarded, or abandoned, or improperly stacked building materials, all of which are potential breeding places for fires, insects or other vermin;
5. All buildings, walls, and other structures which have been damaged by fire, decay, or otherwise, and which endanger the health, peace and safety of the public;
6. ***Any solid waste*** or industrial waste, ***including but not limited to garbage, tin cans, bottles, rubbish, refuse, trash***, construction waste or demolition waste, tree and shrub trimmings, manufacturing waste or industrial waste, dumped, thrown, burned, spilled or abandoned;
7. Trees damaged or dead to the extent that a limb, tree or part could fall or has fallen down.

Person means any person, firm, corporation, association or other entity.

Premises means real estate, improved or unimproved.

Private property means a platted lot or part thereof, either occupied or unoccupied, of which the owner has control.

Public nuisance means unlawfully doing an act or omitting to perform a duty, which act or omission does any one or more of the following:

1. Annoys, injures or endangers the safety, health, comfort or repose of others; or
2. Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous passage to the lake, park or streets.

Public property means all property within the village that is not private property.

#### **7.04.003 Enforcement; Penalties**

1. Enforcement. The village shall have the power to administer and enforce the provisions of this article as may be required by governing law. Any person violating any provision of this article is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this article is hereby declared a nuisance.
2. Criminal prosecution. Any person violating any provision of this article shall, upon conviction, be fined a sum not more than five hundred dollars (\$500.00), except as may be otherwise expressly provided by state law. Each day that a provision of this article is violated shall constitute a separate offense. An offense under this article is a class C misdemeanor punishable by a minimum fine of \$25.00 and a maximum fine of to \$500.00 plus court costs and administrative fees.
3. Civil remedies. Nothing in this article shall be construed as a waiver of the village's right to bring a civil action to enforce the provisions of this article and to seek remedies as allowed by law, including but not limited to the following:
  1. Injunctive relief to prevent specific conduct that violates this article or to require specific conduct that is necessary for compliance with this article;
  2. A civil penalty up to one thousand dollars (\$1,000.00) a day when it is shown that the defendant was actually notified of the provisions of this article and after receiving notice committed acts in violation of this article or failed to take action necessary for compliance with this article; and
  3. Other available relief.

#### **7.04.004 Litter Prohibited**

No person shall create any litter in the village, and no person shall through inaction permit any litter to occur or continue on any property under such person's control, nor shall any person permit litter to occur involving any personal property under such person's control.

### **ARTICLE 11.04 PARKING**

**State law references**—Authority to regulate parking, V.T.C.A., Transportation Code, sec. 542.202(2); stopping, standing and parking, V.T.C.A., Transportation Code, sec. 545.301 et seq.; privileged parking for persons with disabilities, V.T.C.A., Transportation Code, ch. 681.

#### **11.04.001 Parking On Street Prohibited**

*Parking vehicles, recreational vehicles, boats, and/or trailers is prohibited on all streets in the village.* This restriction is due to the narrow width of the streets, which do not permit safe passage of traffic flow under existing conditions, and due to the need for emergency vehicles to have unimpeded access to properties in the village. (Ordinance 2007-06-01, sec. VI, adopted 6/11/07)

#### **11.04.002 Parking On Unimproved Right-Of-Way Prohibited**

*Parking vehicles, recreational vehicles, boats, and/or trailers is prohibited on all unimproved portions of the street rights-of-way in the village.* This restriction is due to the village's need to be able to access the unimproved right-of-way area, to ensure the safety of drivers navigating village streets, and to ensure the safety of pedestrians approaching the street curb area. Vehicles parked in violation of this section for more than seven calendar days are subject to the enforcement section of this chapter. (Ordinance 2007-06-01, sec. VII, adopted 6/11/07)