

ORDINANCE NO. 59

AN AMENDMENT TO ORDINANCE NO. 19-2, AN ORDINANCE PROHIBITING THE DUMPING OF GARBAGE, RUBBISH, DEBRIS, OR JUNK AS DEFINED HEREIN WITHIN THE CITY OF ROSE CITY, TEXAS, AND PROVIDING PENALTY BY FINE OF UP TO \$200.00 FOR ANY VIOLATION HEREOF.

WHEREAS, the City Council of Rose City, Texas, finds that there is a need for the protection of the residents of the City and their property from the dumping of garbage, rubbish, or junk within the city limits of Rose City, and that such protection shall be provided in form of this ordinance:

BE IT ORDAINED BY THE CITY COUNCIL OF ROSE CITY, TEXAS:

ARTICLE I. DEFINITIONS

Section 1.

The following terms as herein defined shall control in construction and enforcement of this act:

- (a) The term "garbage" shall include all decayable wastes, including vegetable, animal and fish offal and carcasses of such animals and fish, and shall include all such substances from all public and private establishments and from all residences.
- (b) the term "rubbish" shall include all nondecayable wastes, except ashes, from all public and private establishments and from all residences, including specifically wood and products made therefrom.
- (c) The term "junk" shall include all worn-out worthless, and discarded material, in general, including, but not limited to, odds and ends, all iron or other metal, glass, paper, cordage, or other waste or discarded materials.
- (d) The term "debris" shall include limbs, trees, logs, poles, wire, crossties, wood material and wood products, metal material and metal products of any kind whatsoever in an unsightly, objectionable or unsanitary manner.
- (e) The term "person" shall include any municipal corporation, private corporation, firm or person.

Section 2.

It shall be unlawful and declared a public nuisance for person(s) to dump, deposit or to accumulate any rubbish, junk, garbage or debris within the city limits of Rose City, Texas on any property, whether publicly or privately owned.

Section 3.

It shall be unlawful and declared a public nuisance for any person(s) to dump, deposit or to accumulate any rubbish, junk, garbage or debris within the city limits of Rose City, Texas on any property whether developed or undeveloped.

Section 4.

This ordinance shall not apply to the dumping or depositing of garbage, rubbish, junk or debris within the areas which may be designated by the City Council of Rose City, Texas, as grounds approved for such dumping, depositing or accumulation.

Section 5.

It is no defense to this ordinance that the garbage, rubbish, junk or debris being dumped, deposited, or left, or the land on which the same is dumped, deposited or accumulated or left belongs to the offender.

Section 6.

It is no defense to the ordinance that the offender had permission, whether verbal or written to dump on the land, except on land designated and approved by the City Council of Rose City, Texas.

Section 7.

Any violation of the ordinance by a person(s) shall, upon conviction, subject the offender to a fine not more than Two Hundred Dollars (\$200.00).

Section 8.

This ordinance is not to be so construed as to prevent the homeowner from setting aside material for which he plans to use at a later date for remodeling, renovation, or construction purposes, so long as materials are stored in a neat and orderly manner.

ARTICLE II - PENALTY

If any Section - Sub-section, sentence, clause or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision, and such holdings shall not affect the validity of the remaining portions hereof.

This Ordinance shall be published at least once within 10 days of final passage thereof in a newspaper with general circulation in the City of Rose City, Texas, this Ordinance shall be in full force and effect from and after passage and publication as required by law.

PASSED AND APPROVED this 11<sup>th</sup> day of January, 1990.

H.P. Dubuisson  
Mayor

ATTEST:

Annette Lukenbill  
City Secretary