

ORDINANCE NO. 2009-07

AN ORDINANCE PROHIBITING THE PLACEMENT OF MATERIALS GENERATED BY CONTRACTORS WITHIN STREET RIGHTS-OF-WAY OR ALLEYS; REQUIRING CONTRACTORS TO FULLY COLLECT, SAFELY TRANSFER AND LEGALLY DISPOSE OF THE MATERIALS THAT THEY GENERATE; REQUIRING PROPERTY OWNERS TO ENSURE CONTRACTOR COMPLIES; PROVIDING A PENALTY FOR VIOLATIONS, A SEVERANCE CLAUSE AND EFFECTIVE DATE

WHEREAS contractor generated materials prevent the timely collection of routine residential brush and bulk items; and,

WHEREAS delays in the collection of routine residential brush and bulk items negatively impact property appearance and neighborhood image; and,

WHEREAS delays in the collection of routine residential brush and bulk items pose a potential public health threat; and,

WHEREAS the City Council has determined that the elimination of contractor generated materials from the residential waste stream is in the best interest of Ingleside on the Bay citizens.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INGLESIDE ON THE BAY, TEXAS:

SECTION 1: The following definitions shall be used to clarify and enforce the terms of this Ordinance:

- CONTRACTOR: A person, company or corporation that is compensated in any way (bid cost, cost plus, fixed fee, stated sum, percentage fee, time based rate or barter) for performing landscaping that generates disposable material, fencing, tree trimming or tree removal on property he, she or it does not own.
- MATERIALS: Tree trunks, tree limbs, brush of any kind, lumber, fencing of any kind or other landscaping by-products.

SECTION 2: Contractors shall be responsible for the collection, transfer and legal disposal of materials they generate. In no event shall materials generated by such contractors be placed within the street rights-of-ways or alleys for routine collection by the solid waste company to which the City of Ingleside on the Bay has granted exclusive franchise.

SECTION 3: The property owner, as listed in the latest Certified Appraisal Tax Roll, shall be responsible to ensure contractor meets the requirements of this Ordinance.

SECTION 4: Any violation of this Ordinance shall be deemed a misdemeanor and, upon conviction thereof, any person so violating it shall be fined a sum not to exceed two thousand (\$2,000). Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 5: If any provision, section, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is, for any reason held to be unconstitutional, void or invalid, the invalidity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this Ordinance are declared severable for that purpose.

SECTION 6: The descriptive caption of this Ordinance shall be published in one issue of the official newspaper of the City of Ingleside on the Bay. This Ordinance shall be in full force and effect upon the date of that publication.

PASSED and APPROVED this the 7<sup>th</sup> day of July, 2009.

By:   
Howard Gillespie, Mayor

ATTEST:

  
Diane Hosea, City Secretary