

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF AURORA, TEXAS, PROHIBITING LITTERING WITHIN THE CITY; PROVIDING DEFINITIONS; REQUIRING CLOSED CONTAINERS FOR WASTE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Aurora, Texas is a Type A general-law municipality located in Wise County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the City Council wishes to promote a clean, healthy, safe, and attractive environment for the citizens of the City of Aurora; and

**WHEREAS**, the City Council has determined that the accumulation of litter on public or private property tends to degrade the environment of the community, and can lead to health and safety hazards;

**WHEREAS**, the City Council finds that this ordinance is necessary to promote the health and safety of the citizens, and to enhance the city's appearance;

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

**SECTION 1.  
DEFINITIONS**

In this ordinance:

**CONTAINER** means a city-approved receptacle used for the disposal of waste.

**LITTER** means any wastepaper, used beverage or food container, rubbish, trash, or garbage not placed in a container.

**LITTERING** or **TO LITTER** means the act of placing, throwing, depositing, disposing or dropping of litter.

**PEDESTRIAN LITTER CONTAINER** means a container provided on public or private property for the disposal of litter by pedestrians.

**PERSON** means a natural person, joint venture, joint stock company, partnership, association, club, company, lessee, agent, servant, officer or employee of any of them.

**PRIVATE PROPERTY** means and includes, but is not limited to, yards, grounds, driveways, entrances, passageways, parking areas, working areas, storage areas, vacant lots, and recreation facilities owned by private individuals, firms, corporations, institutions and organizations.

**PUBLIC PROPERTY** means and includes but is not limited to streets, medians, roads, road medians, catch basins, sidewalks, strips between streets and sidewalks, alleys, lanes, public right-of-way, public parking lots, school grounds, parks, publicly owned recreation facilities, and municipal bodies of water and waterways.

## **SECTION 2. LITTERING UNLAWFUL**

A person commits an offense if the person throws or deposits litter except in a container or a pedestrian litter container.

## **SECTION 3. DUTY TO KEEP PROPERTY FREE OF LITTER**

(A) It shall be the duty of the person who owns, occupies, or leases, or is engaged in construction on any private or public property to keep the exterior property free of litter.

(B) Persons who are owners, occupants or lessees of private property which abuts city sidewalks, streets, parkways, drainage ditches, or curb and gutter, shall keep those sidewalks, streets, parkways, curb and gutter, and drainage ditches free of litter by removing litter and placing it in a container.

## **SECTION 4. CONTAINER CLOSURE, MAINTENANCE**

(A) All residential and commercial containers shall be closed with a well-fitting lid (cover) when any garbage, refuse, trash, debris, rubbish, solid waste or junk is in such container. If bags are utilized as a container they shall be tightly sealed with a fastener. Pedestrian litter containers may be open for ease of use, but shall be designed in such a way as to reasonably prevent their contents from becoming litter.

(B) All persons placing containers for collection and removing them after collection shall take the necessary precautions to prevent the contents thereof from becoming litter.

**SECTION 5.  
PEDESTRIAN LITTER CONTAINER USE RESTRICTIONS**

A person commits an offense if the person deposits household or commercial garbage, refuse, trash, debris, rubbish, solid waste or junk in pedestrian litter containers.

**SECTION 6.  
VEHICLES TRANSPORTING LOOSE MATERIALS**

(A) Every vehicle used to transport manure, garbage, swill, ashes, cinders or other loose material on any of the streets of the City shall be fitted with a tight and sufficient cover to prevent the cargo of the vehicle from becoming litter.

(B) Failure to utilize such a cover which results in the cargo of the vehicle becoming litter, shall constitute littering.

**SECTION 7.  
LITTERING FROM MOTOR VEHICLE--EVIDENCE**

If littering occurs from a motor vehicle, proof that the particular vehicle was the origin of the litter, together with proof that the defendant was at the time of such violation the registered owner or lessee of the vehicle, shall constitute prima facie proof that the registered owner or lessee is the person who committed such littering.

**SECTION 8.**

This ordinance shall be cumulative of all provisions of ordinances of the City of Aurora, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**SECTION 9.**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 10.**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 11.**

All rights and remedies of the City of Aurora are expressly saved as to any other ordinances affecting nuisances which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

**SECTION 12.**

The city secretary of the City of Aurora is hereby directed to publish in the official newspaper of the City of Aurora, the caption, penalty clause, publication clause and effective date clause of this ordinance two (2) days as authorized by Section 52.011 of the Local Government Code.

**SECTION 13.**

This ordinance shall be in full force and effect after its passage and publication as provided by law and it is so ordained.

**PASSED AND APPROVED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005.**

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY SECRETARY

EFFECTIVE: \_\_\_\_\_

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
CITY ATTORNEY