

ORDINANCE NO. 27-A
CITY OF WALLIS, CLEAN CITY ORDINANCE

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH AND PROMOTE THE PUBLIC WELFARE OF THE CITY OF WALLIS, TEXAS BY PROVIDING FOR THE FILLING AND DRAINAGE OF LOTS THAT HAVE UNWHOLESOME PLACES OR PLACES WHERE STAGNANT WATER MAY ACCUMULATE THEREON; THE CLEANING OF ANY BUILDING OR PREMISES OF FILTH, CARRION OR OTHER UNSANITARY, IMPURE AND UNWHOLESOME MATTER; REQUIRING OWNERS AND OCCUPANTS OF LOTS IN THE CITY OF WALLIS TO KEEP SAID LOTS FREE FROM WEEDS, RUBBISH, BRUSH, GLASS, TREES AND OTHER UNSIGHTLY OR UNSANITARY MATTER; ESTABLISHING ENFORCEMENT PROCEDURES AND PENALTIES; PROVIDING FOR NOTICE TO BE GIVEN TO OWNERS OF PREMISES IN CASE OF FAILURE OF THE OWNER TO MAKE LOTS AND/OR PREMISES SANITARY AND SIGHTLY THAT THE SAME MAY BE DONE AT THE EXPENSE OF THE CITY OF WALLIS; PROVIDING RESTRICTIONS AGAINST LITTERING; PROVIDING FOR DISPOSAL OF ABANDONED AND JUNKED AUTOMOBILES, APPLIANCES AND BUILDING MATERIALS; AND REPEALING CONFLICTING ORDINANCES.

All enforcement proceedings under this ordinance shall be the responsibility of the officials designated by the City Council and under the supervision of the Mayor pursuant to his specific authorization to enforce the Ordinance in accordance with the terms herein contained.

Any and all persons or entities who are violators of this ordinance shall be notified in writing by the City at the last known address of such person as recorded in the City or County Tax Assessor's records of the specific violation and such notice shall provide said person ten (10) days from the date of such notice to remove and / or remedy the violations, or abate the nuisance. In the event such person cannot be notified by mail, a similarly written public notice shall be posted at a highly visible point on the property where such nuisance, unhealthy, or unsightly condition exists and at the designated public posting board at City Hall; and said notice shall be published in a local newspaper of general circulation at least two (2) times before further action by the City.

Whenever the violation of any provision of this chapter has occurred, the City Health Officer, Director of Public Works, or code enforcement officer may cause a citation or warrant to be issued to that person in violation to appear in the Municipal Court. Any person, firm, or corporation violating any provision of this chapter shall be fined not more than two hundred dollars (\$200.00) for each offense, and a separate offense shall be deemed committed on each day during which a violation occurs or continues.

Any person or persons engaging in disposing of solid waste into a container not designated to his business will be subject to a fine not more than two hundred dollars (\$200.00) and not less than (\$10.00).

The burning of any type of waste in any place within the city limits is prohibited as provided by the applicable federal and state statutes and regulations.

Weeds shall mean all rank and uncultivated vegetable growth or matter, including grass, which has grown to more than twelve inches (12") in height, or which, regardless of height, is liable to become an unwholesome or a decaying mass or breeding place for mosquitoes or vermin and / or subject to becoming a fire hazard.

Brush shall mean all trees or shrubbery under seven feet (7') in height which are not cultivated or cared for by persons owning or controlling the premises.

In the event the owner of any lot or premises upon which a condition described in this article exists fails to correct, remedy, or remove such condition within (10) days after notice to do so is given in accord with this article, the city may do such work or make such improvements as are necessary to correct, remedy, or remove such conditions and / or abate the nuisance and / or cause the same to be done in whole or in part, and pay therefore and charge the expenses incurred thereby to the owner of such lot. Such expenses shall be assessed against the lot or real estate upon which the work was done or the improvements made. The doing of such work by the city shall not relieve such person from prosecution for violation of this Ordinance.

Whenever any work is done or improvements are made by the city under the provisions of Section IV, the Mayor, health officer, or code enforcement officer, on behalf of the City, shall file a statement of the expenses incurred thereby with the City Clerk. Such statement shall give the amount of such expenses and the date or dates on which the work was done or the improvements were made.

After the statement provided for in Section IV (B) is filed, the City Attorney shall file on behalf of the City a recordable preferential lien on the property or real estate upon which the work was done or improvements made, to secure the repayment of the expenses thereof. Such lien shall be inferior only to tax liens and liens for street improvements, and the amount thereof shall bear interest at the rate of ten percent (10%) per annum, or the maximum legal rate, whichever is greater on the date the statement was filed. For

any such expenditures and interest, suit may be instituted by the City Attorney and recovery and foreclosure of the lien may be had in the name of the City and the statement of expenses made in accord with Section IV, or a certified copy thereof, shall be prima facie proof of the amount expended for such work or improvements.

It shall be unlawful for any owner of any lot or premises within the City of Wallis, Texas, to allow or permit weeds, grass of a length of more than twelve inches (12") above ground level, brush, rubbish or any unsightly, objectionable or unsanitary matter or whatever nature of kind to accumulate or remain upon such lot or premises, and it shall be the duty of the owner of the premises to promptly remove or cause to be removed at the owner's cost and expense any such growth or accumulation.

A vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or a junkyard, or unlicensed, operable or inoperable antique or special interest vehicle stored by a collector on his property, provided that the vehicle and outdoor storage areas are maintained in such a manner that they do not constitute a health hazard and are screened from ordinary public view by means of a fence, rapidly growing trees, shrubbery, or other appropriate means.

Whenever any such public nuisance exists in the City in violation hereof, the code enforcement officer who shall administer this article, or the health officer, shall send written notice, by certified or registered mail with a five day return request, to the owner of the real property or the occupant, if any, of the premises whereon such public nuisance exists, to abate or remove the same. Said notice shall specify the nature of the public nuisance; specify that it must be removed and abated within ten (10) days after the delivery date of the certified mail receipt of such notice; and specify that a request for a public hearing under Section V of this article must be made before expiration of said ten (10) day period. If the notice is returned undelivered by the United States Post Office, official action by the City of Wallis to abate said nuisance shall be continued to a date not less than ten (10) days from the date of such return.

A public hearing prior to the removal of the vehicle or part thereof as a public nuisance shall be held before the governing body of the City or any other board, commission, or official of the City, as designated by the governing body, when such hearing is requested by the owner or occupant of the premises on which said vehicle is located within ten (10) days after delivery date of the certified mail receipt of the notice to abate the nuisance. Any resolution or order requiring the removal of a vehicle should contain the correct vehicle identification number and license number of the vehicle, if available. If said owner or occupant fails to comply with said resolution or order, he shall be subject to the penalty as established herein.

If, within ten (10) days after receipt of notice from the code enforcement officer, or his duly authorized agent, to abate the nuisance, as herein provided, the owner or occupant of the premises shall give his written permission to the code enforcement officer or his duly authorized agent, for removal of the junked motor vehicle from the premises, the giving of such permission shall be considered compliance with the provisions of this article.

If such public nuisance is not abated by said owner or occupant after notice is given in accordance with this article, official action shall be taken by the City of Wallis to abate such nuisance. Junked vehicles or parts thereof may be disposed of by removal to a scrap yard, demolisher, or any suitable site, whether operated by the City of Wallis, or not, for processing as scrap or salvage, which removal or process shall be consistent with this article. A junked vehicle disposed of to a demolisher, in accordance with this article, must be transferred to such demolisher by a form acceptable to the Texas Highway Department. The transfer receipt must be listed on the demolisher's inventory list and surrendered to the Texas Highway Department in lieu of the certificate of title under the provisions of the Revised Civil Statutes of Texas, Article 6687-1.

After a vehicle has been removed pursuant to this article, it shall not be reconstructed or made operable by any person.

Notice shall be given to the Texas Highway Department within five (5) days after the date of removal identifying the vehicle or part thereof.

The code enforcement officer, or his agent, may enter upon private property for the purposes specified in this article to examine vehicles or parts thereof, obtain information as to the identity of vehicles and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this article. The Municipal Court of the City of Wallis shall have authority to issue all orders necessary to enforce such article.

Nothing in this article shall affect ordinances that permit immediate removal of a vehicle left on public property which constitutes an obstruction to traffic.

If any part of this ordinance is, or should be held invalid for any reason, then that fact shall not invalidate the entire ordinance, but the balance thereof shall remain in full force and effect.

PASSED AND APPROVED this the 25th day of February, 1992.
CITY OF WALLIS, TEXAS
By John Lockwood, Mayor

ATTEST:
Barbara Grigar,
City Secretary

THESE ORDINANCES ARE ON FILE AND AVAILABLE TO THE PUBLIC AT CITY HALL, 114
SOUTH 3RD STREET, WALLIS, TEXAS.

The law does not require a lengthy ordinance to be published in its entirety. Herein are the essential elements; however, all ordinances are available to the public and copies may be obtained at City Hall, 114 South 3rd Street.

Ordinance

#27-A

Replaced by

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WHEREAS, it is deemed by the City Council of the City of Wallis, Texas that it is dangerous to the public health for lots and/or parcels of real property in the City of Wallis to have places thereon where stagnant water may accumulate, and for filth, carrion or other impure and unwholesome matter to accumulate on lots in said city and that it is dangerous to public health and/or constitutes a fire hazard to have weeds, brush, rubbish, junk, abandoned vehicles, appliances, household garbage, and other unsightly and/or unsanitary matter in the City of Wallis; and

WHEREAS, it is expressly provided by the Revised Civil Statutes of Texas that cities shall have the power to correct the nuisances and unsafe conditions hereinbefore recited.

WHEREFORE, the City deems it is in the best interest of the citizens of Wallis, Texas, to enact the herein setout provisions and Ordinance.

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

Section I. Definitions (of terms contained herein):

- (A) Junked vehicle shall mean any motor vehicle as defined in Section 1 of Article 6701d-11, Vernon's Texas Civil Statutes, as amended, which:

- (1) Is inoperative and which does not have lawfully affixed thereto both an unexpired license plate or plates and a valid motor vehicle safety inspection certificate and which is wrecked, dismantled, partially dismantled or discarded; or
 - (2) Vehicular parts remaining inoperable for a continuous period of more than one hundred twenty (120) days.
- (B) Person shall mean any individual, firm, partnership, association, corporation, company or organization of any kind.
 - (C) Demolisher shall mean any person whose business is to convert a motor vehicle into processed scrap or scrap metal, or otherwise to wreck or dismantle motor vehicles.
 - (D) City shall mean the City of Wallis, Texas.
 - (E) Dry kitchen refuse shall mean and include all solids remaining after liquids, slurry, scum and slop have been drained off of kitchen garbage.
 - (F) Kitchen Garbage shall mean and include all dry refuse, meat, vegetable and fruit refuse, small dead animals and dead fowl.
 - (G) Premises shall mean any business house, business establishment, grocery stores, dry goods stores, mercantile stores, department stores, boardinghouses, hotels, tourist camps, apartment houses, hospitals, rooming houses, schools, theaters, barbershops, beauty parlors, filling stations, garages, cafes, restaurants, lumberyards, electric shops, plumbing shops, tailor shops, private residences, mobile homes and trailers, vacant lots, and all other places of business or places in said city where garbage, trash or rubbish accumulates.
 - (H) Rubbish and Litter shall mean and include all tin cans, bottles, glass, and scraps of iron, tin, wire or other metals, fabric, clothing, or other textiles, and any other articles to which the term "rubbish" is usually applied.

By the term "litter" is also meant dirt, mud, rubbish, waste material or waste article, thing or substance whatsoever, whether liquid or solid.

- (I) Trash shall mean and include paper of all kinds, rags, old clothing, paper containers, pieces of wood, boxes, barrels, crates, feathers, and any other articles to which the term "trash" is usually applied.

Unusual accumulations of trash:

- (1) Residential service: Accumulation of more than nine (9) 35-gallon plastic bags of permissible solid waste, and limbs or cuttings that exceed one (1) cubic yard.
 - (2) Commercial service: Any accumulation not ordinarily encountered in the usual operation of a business, or an accumulation substantially greater than normally generated in a thirty (30) day period of operation of said specific business operation.
- (J) Weeds shall mean all rank and uncultivated vegetable growth or matter, including grass, which has grown to more than twelve inches (12") in height, or which, regardless of height, is liable to become an unwholesome or a decaying mass or breeding place for mosquitoes or vermin and/or subject to becoming a fire hazard.
- (K) Brush shall mean all trees or shrubbery under seven feet (7') in height which are not cultivated or cared for by persons owning or controlling the premises.
- (L) The words "any and all other objectionable, unsightly, or unsanitary matter of whatever nature" shall include all uncultivated vegetable growth, objects, and matters not included within the meaning of the other terms as herein used which are liable to produce or tend to produce an unhealthy, unwholesome, or unsanitary condition to the premises within the general locality where the same are situated, and shall also include any species of ragweed or other vegetable growth which might be unhealthy to individuals residing within the general locality where the same are situated.

- (M) Nuisance shall mean an act that violates the provisions of this Ordinance or constitutes conduct defined to be a nuisance under the statutory or common law of the State of Texas.
- (1) The storing or keeping of any garbage, trash or rubbish so as to produce an unsightly and ugly appearance, or which may harbor insects, reptiles or rodents, create a fire hazard or result in unsanitary conditions, is declared a public nuisance and is unlawful.
- (2) The dumping, unauthorized placing or depositing of garbage, trash or rubbish (or any materials that may be classified as such) in any unauthorized location is declared a public nuisance and is unlawful.
- (N) Sanitation Department shall mean the City Department established by the City to dispose of garbage or the City designated garbage contractor.
- (O) For the purposes of this article, the phrase "collections of water" and/or "stagnant water" shall be defined and held to be those waters contained in ditches, pools, ponds, excavations, holes, depressions, open cesspools, privy vaults, fountains, cisterns, tanks, shallow wells, barrels, troughs (except horse troughs in frequent use), urns, cans, boxes, bottles, tubs, buckets, defective house roof gutters, tanks or flush closets or other similar water containers.

Section II. Enforcement Officer and Personnel

All enforcement proceedings under this ordinance shall be the responsibility of the officials designated by the City Council and under the supervision of the Mayor pursuant to his specific authorization to enforce the Ordinance in accordance with the terms herein contained. The person or persons so designated to carry out the enforcement of this ordinance shall be known as "code enforcement officer(s)".

Section III. Enforcement Procedure and Penalties

Any and all persons or entities who are violators of this ordinance shall be notified in writing by the City at the last known address of such person as recorded in the City or County Tax Assessor's records of the specific violation and such notice shall provide said person ten (10) days from the date of such

notice to remove and/or remedy the violations, or abate the nuisance. In the event such person cannot be notified by mail, a similar written public notice shall be posted at a highly visible point on the property where such nuisance or unhealthy or unsightly condition exists and at the designated public posting board at City Hall; and said notice shall be published in a local newspaper of general circulation at least two (2) times before further action by the City is commenced.

In the event the violator fails to respond timely to the written or posted/published notice, such failure shall be deemed to constitute an unlawful act in violation of this Ordinance and the City may thereafter take one or more or all of the following actions set out in Section IV.

Section IV. Correction or removal of conditions by City - Generally

(A) City to Make Improvements

In the event the owner of any lot or premises upon which a condition described in this article exists fails to correct, remedy or remove such condition within ten (10) days after notice to do so is given in accord with this article, the city may do such work or make such improvements as are necessary to correct, remedy or remove such condition and/or abate the nuisance and/or cause the same to be done in whole or in part, and pay therefor and charge the expenses incurred thereby to the owner of such lot. Such expenses shall be assessed against the lot or real estate upon which the work was done or the improvements made. The doing of such work by the city shall not relieve such person from prosecution for violation of this Ordinance.

(B) Correction or removal of conditions by City - Filing of statement of expenses incurred

Whenever any work is done or improvements are made by the city under the provisions of Section IV, the Mayor, health officer, or code enforcement officer, on behalf of the City, shall file a statement of the expenses incurred thereby with the City Clerk. Such statement shall give the amount of such expenses and the date or dates on which the work was done or the improvements were made.

(C) Correction or removal of conditions by City - Lien for and collection of expenses

After the statement provided for in Section IV(B) is filed, the City Attorney shall file on behalf of the City a recordable preferential lien on the property or real estate upon which the work was done or improvements made, to secure the

repayment of the expenses thereof. Such lien shall be inferior only to tax liens and liens for street improvements, and the amount thereof shall bear interest at the rate of ten (10) per cent per annum, or the maximum legal rate, whichever is greater on the date the statement was filed. For any such expenditures and interest, suit may be instituted by the City Attorney and recovery and foreclosure of the lien may be had in the name of the City and the statement of expenses made in accord with Section IV, or a certified copy thereof, shall be prima facie proof of the amount expended for such work or improvements.

(D) Penalty

Whenever the violation of any provisions of this chapter has occurred, the City Health Officer, Director of Public Works, or code enforcement officer may cause a citation or warrant to be issued to that person in violation to appear in the Municipal Court. Any person, firm or corporation violating any provision of this chapter shall be fined not more than two hundred dollars (\$200.00) for each offense, and a separate offense shall be deemed committed on each day during which a violation occurs or continues.

(E) Court-ordered Relief Not Waived

City use or implementation of any or all of the above enforcement action shall not pre-empt or waive the City's option or right to seek injunctive relief or mandatory court-ordered action or commencing other legal and/or equitable remedies against a person violating this ordinance.

Section V. Prohibited Acts and Violation of this Ordinance
Care of Premises

(A) It shall be unlawful for the owner or occupant of a residential building, structure or property to utilize the premises of such residential property for the open storage of any abandoned motor vehicle, ice box, refrigerator, stove, glass, building material, building rubbish or similar items. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such residential property clean and to remove from the premises all such abandoned items as listed above, including but not limited to weeds, dead trees, trash, garbage, etc., upon notice.

(B) It shall be unlawful for the owner of any lot, building, house, establishment or premises in the City to allow or permit any carrion, filth or any other impure or unwholesome matter of any kind to accumulate or remain thereon.

(C) Placement for Collection

(1) Containers for garbage and trash and tree limbs, which shall be cut into lengths not exceeding four (4) feet, shall, where an alley is accessible, be placed inside the property line at the edge of the alley, where there are no fences. Where there is a back fence, such containers and tree limbs shall be placed outside and against the fence in the alley. However, under no circumstances shall garbage, trash or tree limbs be placed within two (2) feet of any gas meter, water meter, or other utility meter serving a residence or business within the City of Wallis, Texas, or placed in such a manner so as to obscure, obstruct, or cover any such utility meter.

Where there is no accessible alley, all kitchen garbage, trash and rubbish shall be placed inside the curblineline of the street, on the day of collection only, for collection by city garbage vehicles.

(2) All garbage bags or containers about a premises in the city for garbage, trash or refuse shall be kept tightly closed while in use for garbage, trash or refuse pickup by the City. The owner or occupier of premises within the City of Wallis, Texas, shall be and is charged with the responsibility to use due diligence and care to protect the contents of all bags or receptacles for garbage, trash or refuse used in connection with such premises from being opened, blown or scattered by the wind upon, over or across public or private property. Failure to exercise such diligence shall be punishable as provided in this Code.

(3) It shall be the duty of every person owning, managing, operating, leasing or renting any premises, or any place where kitchen garbage accumulates, to provide a plastic garbage bag with a minimum thickness of two (2) mils. Bags shall be of a capacity of not more than thirty-two (32) gallons and the accumulation of kitchen garbage and dry kitchen refuse shall be placed in the bags and the top of the bags securely tied. The total weight of any type container and contents shall not exceed fifty (50) pounds.

(4) It shall be the duty of every person owning, managing, operating, leasing or renting any premises to place and prepare all trash, limbs and rubbish as follows:

- a. When trash and rubbish is of such a nature that it cannot be placed in an approved receptacle it shall be prepared (so as to prevent blowing and scattering) at the regular point of collection;

- b. Tree limbs, shrubs and hedge cuttings shall not exceed four (4) feet in length and shall be stacked neatly with one cut end toward the street or alley. Loose material shall be placed in approved plastic bags.

(D) Garbage and Trash

Containers furnished by City for commercial and industrial concerns - regulation of use.

- (1) The sanitation department may locate and place metal refuse containers for use by commercial and industrial concerns in accordance with the needs of the individual concern as determined by the City.
- (2) All solid waste shall be placed inside the container and the lids shall be closed after placing material therein.
- (3) All boxes and cartons must be broken down and crushed or folded flat.
- (4) No hazardous materials, large metal objects which are not compactable by city garbage trucks, or concrete objects shall be placed in the metal containers.
- (5) Maximum weight of container and contents shall not exceed twelve hundred (1,200) pounds. If it becomes necessary for the City to empty any metal container due to weight over twelve hundred (1,200) pounds, the business concerned will be responsible for the cost of the removal of material.
- (6) Any person or persons engaging in disposing of solid waste into a container not designated to his business will be subject to a fine of not more than two hundred dollars (\$200.00) and not less than ten dollars (\$10.00).
- (7) The City reserves the right to move the containers at its discretion and to determine on what days the solid waste is to be collected.

(E) Disposition of wholesale accumulations

The places of wholesale accumulations, such as killing and dressing plants for fowl and wholesale fruit and vegetable houses, where the daily accumulation of kitchen garbage, trash and rubbish is more than ordinary quantities, shall make special

arrangements with the City Sanitation Department for the daily pickup of such garbage, trash and rubbish.

(F) Heavy or unusual accumulations not included in regular service.

(1) Heavy accumulations such as brick, broken concrete, rocks (or anything of this nature) and other bulky, heavy materials shall be disposed of at the expense of the owner or person controlling the same.

(2) The bodies of dead animals shall not be placed in solid waste containers or in any street, alley, easement or public way. Dead animal bodies shall be collected as a service of the City upon request by any citizen of the City of Wallis. Requests shall be made to the animal control officer and the dead animals shall be placed at the curbside for collection.

(3) Brush, limbs, leaves and cuttings from trees and shrubs which have been trimmed or removed by a commercial tree trimmer, or accumulations of construction materials or any materials of this nature, including roofing material, shall be disposed of at the expense of the owner or person controlling the same.

(G) Disposition of certain wastes

Manure from cow lots, horse stables, poultry yards, pigeon lofts, and waste oils from garages or filling stations shall be disposed of at the expense of the party responsible for same under the direction of the City's designated official.

(H) Disposal in streets, etc., prohibited

It shall be unlawful for any person to place or dispose of any kitchen garbage, dry kitchen refuse, trash or rubbish in or upon any street, alley or sidewalk within the city. Every owner or operator of any premises shall keep the alleys, streets and sidewalks abutting on such premises free and clear of all such garbage, trash and rubbish.

(I) Burning prohibited

The burning of any type of waste in any place within the city limits is prohibited as provided by the applicable federal and state statutes and regulations.

(J) Meddling, tampering with garbage prohibited

It shall be unlawful for any person to meddle or tamper with any garbage can or receptacle, or any trash or rubbish

receptacle, or with any garbage, trash or rubbish, or to in any manner pilfer such cans or receptacles or such garbage, trash or rubbish, or to scatter the contents thereof in any street, alley, sidewalk or premises in the City.

(K) Littering prohibited - duty of business owners, occupants

(1) Generally. The owner or occupant of any store or other place of business situated within the City shall exercise reasonable diligence at all times to keep his premises clean of wastepaper, wrapping paper, paper napkins, cartons, package containers, and other used or waste materials thrown or left on said premises by its customers, and to take reasonable measures to prevent the same from drifting or blowing to adjoining premises.

(2) Receptacles. Receptacles of sufficient size and number shall be placed on the premises accessible to the customers of such business where the above referred to articles of waste may be disposed of.

(3) Signs. Each and every business establishment shall place upon its premises in a conspicuous place or places in close proximity which shall, in essence, convey to its customers a request that they use such receptacles for the disposal of waste material.

(L) Littering prohibited - duty of customer

It shall be unlawful for any person or customer going upon the premises of another to in any manner dispose of wastepaper, wrapping paper, paper napkins, cartons, package containers, and other used or waste materials except in receptacles provided for such purposes.

(M) Litter prohibited

It shall be unlawful for any person to throw, drop, cast or deposit upon any street, alley, sidewalk, or any yard or premises, public or private, any filth of any kind, or cans, paper, trash, paper containers, rubbish, bottles or any other form of litter or waste matter.

(1) Scope of prohibition. It shall be unlawful for any person, firm or corporation, in person or by his or its agent, servant or employee, to cast, throw, sweep, sift or deposit, in any manner, any kind of litter in or upon any public right-of-way, street or alley, or other public place within the incorporated city limits of the City of Wallis, Texas,

or in or upon any river, canal, public waters, drain, sewer, receiving basin or drainage ditch within the jurisdiction of the City of Wallis, Texas. Nor shall any such person, firm or corporation, their agents, servants or employees cast, throw, sweep, sift or deposit or cause to be deposited, sifted, carried, cast, thrown or swept, any form of such litter anywhere within the jurisdiction of the City of Wallis, Texas, in such manner that it may be carried or deposited, in whole or in part, by action of the sun, wind, rain, or snow or by motor vehicle, into any of the above mentioned places within the jurisdiction of the City of Wallis, Texas.

(2) Exceptions. Provided, however, this section shall not apply to the deposit of material under a permit authorized by any Ordinance of this City; nor shall such section apply to goods, wares or merchandise deposited upon any such public way or other public place temporarily, in the necessary course of trade, and which is removed therefrom within two (2) hours after being so deposited; nor shall such section apply to articles or things deposited in or conducted into the city sewer system through lawful drains in accordance with the ordinances of the City relating thereto; nor shall this section apply to the City's or other governmental bodies' construction or repair of streets, alleys, drains or other public ways.

(3) Applicability to negligent acts. Nothing contained herein shall be construed in such manner so as to relieve any person, firm or corporation, their agents, servants or employees, from any negligent act or causing any public right-of-way to be unusually slick by causing mud or other litter to be deposited thereupon.

(N) Disposal of garbage, trash or rubbish only in authorized locations

(1) It shall be unlawful for any person to dispose of garbage, trash or rubbish in any unauthorized location.

(2) Any material possessing characteristics deemed by any federal, state or local agency to be unsuitable or detrimental to the environment when disposed of in a sanitary landfill is prohibited. Such materials shall be disposed of in such a manner as prescribed by the appropriate agency, and at the expense of the individual party.

(O) Nuisances

(1) The storing or keeping of any garbage, trash or rubbish so as to produce an unsightly or ugly appearance, or which may harbor insects, reptiles or rodents, or create a fire

hazard or result in unsanitary conditions, is declared a public nuisance and is unlawful.

(2) Allowing or engaging in the dumping, unauthorized placing or depositing of garbage, trash or rubbish (or any material that may be classified as such) in any unauthorized location is declared to be a public nuisance and is unlawful.

(P) Ownership of material in dump

All junk and other material in the city dump ground shall be the property of the City. No person shall be allowed to separate and collect, carry off or dispose of same except under the direction of the designated city official.

(Q) Prohibited conditions designated - sidewalks and alleys

Sidewalks and alleys are to be kept free from litter, carrion, filth, etc. It shall be unlawful for persons owning, occupying or in control of any public place or private premises to not keep the sidewalks and alleys adjacent thereto free of litter, grass, and weeds; the persons owning, occupying or in control of the aforesaid sidewalks and alleys, in addition to the above, shall keep and maintain such receptacles as may be required by the regulations promulgated by the director of public works or code enforcement officer.

(R) Prohibited conditions designated - construction sites

(1) Each contractor, demolisher, building remover, or person with a permit for construction, shall be responsible for the jobsite in such a manner that litter will be prevented from being carried or deposited by the elements upon any public place or private premises.

(2) Debris, lumber, junk, trash and litter on the jobsite shall be removed by the contractor or permit holder as generated, so as not to cause an accumulation of same. The city inspector shall not sign off on any job or jobsite, unless the premises and jobsite comply with this provision.

(S) Prohibited conditions designated - Neglected premises

It shall be the duty of any person owning, controlling, occupying or the agent of any owner or occupant of lots, parcels or areas within the City of Wallis, Texas, containing a house or other building or premises, including vacant lots visible from any public place or private premises, to maintain such premises

in a reasonably clean and orderly manner and to a standard conforming to other orderly premises in that vicinity. It shall be unlawful to abandon, neglect or disregard the conditions or appearance of any premises, so as to permit it to accumulate litter, trash, high grass or weeds or debris thereon.

(T) Prohibited conditions designated - stagnant water

It shall be unlawful for the owner and/or occupiers of any lot or other premises in the City to allow or permit holes or places where water may accumulate and become stagnant to be or remain on such lot or premises or to allow or permit the accumulation of stagnant water thereon, or to permit the same to remain thereon. It shall be unlawful for any person, firm, or corporation who shall own or occupy any lot or lots in the City of Wallis, Texas, to permit or allow the accumulation of stagnant water thereon, or to permit same to remain.

(U) Prohibited conditions designated - accumulation of carrion, filth, etc.

It shall be unlawful for the owner of any lot, building, house, establishment or premises in the City to allow or permit any carrion, filth or any other impure or unwholesome matter of any kind to accumulate or remain thereon.

(V) Prohibited conditions designated - growth or accumulation of weeds, rubbish, etc.

It shall be unlawful for any owner of any lot or premises within the City of Wallis, Texas, to allow or permit weeds, grass of a length of more than twelve (12) inches above ground level, brush, rubbish or any unsightly, objectionable or unsanitary matter of whatever nature or kind to accumulate or remain upon such lot or premises, and it shall be the duty of the owner of the premises to promptly remove or cause to be removed at the owner's cost and expense any such growth or accumulation.

(W) Compliance with chapter provisions required

The City garbage department shall not collect kitchen garbage, trash or rubbish or tree limbs where the same is not prepared for collection and placed as provided by the provisions of this Ordinance. Failure to comply with this provision shall be deemed an offense, and each day's failure to comply herewith shall constitute a separate offense.

(X) Weeds, junk and rubbish

(1) It shall be unlawful for any person, firm or corporation who shall own, manage, control or occupy any house,

building, establishment, lot or yard in the City of Wallis to permit or allow any filth or other impure or unwholesome matter to accumulate or remain upon said house, building, establishment, lot, yard or adjacent right-of-way area, said right-of-way area not to exceed fifteen feet (15') in width.

(2) It shall be unlawful for any person, firm or corporation who shall own, manage, control or occupy any lot in the City of Wallis, to allow rubbish, junk, brush, limbs or any other unsightly, objectionable or unsanitary matter to accumulate on said lot or lots or adjacent right-of-way areas, said right-of-way area not to exceed fifteen feet (15') in width.

(3) It shall be unlawful for any person, firm or corporation who shall own, manage, control or occupy any lot in the City of Wallis, to permit grass or weeds to grow to a height in excess of twelve inches (12") upon said lot or lots or adjacent right-of-way areas, said right-of-way area not to exceed fifteen feet (15') in width.

(4) It shall be the duty of any person, occupant or anyone having supervision, ownership or control of any lot, tract, parcel of land or portion thereof, or property, occupied or unoccupied, improved or unimproved, within the city limits of the City of Wallis to cut, or cause to be cut and remove, or cause to be removed, if necessary, all such grass, weeds, rubbish, junk, brush, limbs and any other unsightly, objectionable or unsanitary matter of whatever nature as often as may be necessary to comply herewith.

(Y) Location or presence of junked vehicles within City deemed public nuisances; exceptions

Junked vehicles which are located in any place where they are visible from a public place or public right-of-way are detrimental to the safety and welfare of the general public, tending to reduce the value of private property, to invite vandalism, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, and are detrimental to the economic welfare of the state, by producing urban blight which is adverse to the maintenance and continuing development of the City of Wallis, Texas, and such vehicles are, therefore, declared to be a public nuisance.

(1) Exceptions. This section shall not apply to:

a. A vehicle or part thereof which is completely enclosed within a building or which is completely covered by a tarpaulin securely fastened to the vehicle or part thereof so that it is not visible from either public or private property.

b. A vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or a junkyard, or

c. Unlicensed, operable or inoperable antique or special interest vehicle stored by a collector on his property, provided that the vehicle and outdoor storage areas are maintained in such a manner that they do not constitute a health hazard and are screened from ordinary public view by means of a fence, rapidly growing trees, shrubbery, or other appropriate means.

(2) Abatement or removal order, contents; service. Whenever any such public nuisance exists in the City in violation hereof, the code enforcement officer who shall administer this article, or the health officer, shall send written notice, by certified or registered mail with a five-day return request, to the owner of the real property or the occupant, if any, of the premises whereon such public nuisance exists, to abate or remove the same. Said notice shall specify the nature of the public nuisance; specify that it must be removed and abated within ten (10) days after the delivery date of the certified mail receipt of such notice; and specify that a request for a public hearing under section (5) of this article must be made before expiration of said ten day period. If the notice is returned undelivered by the United States Post Office, official action by the City of Wallis to abate said nuisance shall be continued to a date not less than ten (10) days from the date of such return.

(3) Public hearing. A public hearing prior to the removal of the vehicle or part thereof as a public nuisance shall be held before the governing body of the City or any other board, commission, or official of the City, as designated by the governing body, when such hearing is requested by the owner or occupant of the premises on which said vehicle is located within ten (10) days after delivery date of the certified mail receipt of the notice to abate the nuisance. Any resolution or order requiring the removal of a vehicle should contain the correct vehicle identification number and license number of the vehicle, if available. If said owner or occupant fails to comply with said resolution or order, he shall be subject to the penalty as established herein.

(4) Removal with permission of owner or occupant. If, within ten (10) days after receipt of notice from the code enforcement officer, or his duly authorized agent, to abate the nuisance, as herein provided, the owner or occupant of the premises shall give his written permission to the code enforcement officer, or his duly authorized agent, for removal of

the junked motor vehicle from the premises, the giving of such permission shall be considered compliance with the provisions of this article.

(5) Disposal of junked vehicles. If such public nuisance is not abated by said owner or occupant after notice is given in accordance with this article, official action shall be taken by the City of Wallis to abate such nuisance. Junked vehicles or parts thereof may be disposed of by removal to a scrapyard, demolisher, or any suitable site, whether operated by the City of Wallis, or not, for processing as scrap or salvage, which removal or process shall be consistent with this article. A junked vehicle disposed of to a demolisher, in accordance with this article, must be transferred to such demolisher by a form acceptable to the Texas Highway Department. The transfer receipt must be listed on the demolisher's inventory list and surrendered to the Texas Highway Department in lieu of the certificate of title under the provisions of the Revised Civil Statutes of Texas, Article 6687-1.

(6) No reconstruction of junked vehicles. After a vehicle has been removed pursuant to this article, it shall not be reconstructed or made operable by any person.

(7) Notice to Highway Department. Notice shall be given to the Texas Highway Department within five (5) days after the date of removal identifying the vehicle or part thereof.

(8) Authority to enforce. The code enforcement officer, or his agent, may enter upon private property for the purposes specified in this article to examine vehicles or parts thereof, obtain information as to the identity of vehicles and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this article. The Municipal Court of the City of Wallis shall have authority to issue all orders necessary to enforce such article.

(9) Application. Nothing in this article shall affect ordinances that permit immediate removal of a vehicle left on public property which constitutes an obstruction to traffic.

Section VI. Repeal of Conflicting Ordinances.

If any part of this ordinance is, or should be held invalid for any reason, then that fact shall not invalidate the entire ordinance, but the balance thereof shall remain in full force and effect.

Section VII. Repeal of Conflicting Ordinances

All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.


PASSED AND APPROVED this the 25th day of February, 1992.

CITY OF WALLIS, TEXAS

By: 

John Lockwood, Mayor

ATTEST:


Barbara Grigar,
City Secretary

ORDINANCE NO. 27-A

CITY OF WALLIS, CLEAN CITY ORDINANCE

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH AND PROMOTE THE PUBLIC WELFARE OF THE CITY OF WALLIS, TEXAS BY PROVIDING FOR THE FILLING AND DRAINAGE OF LOTS THAT HAVE UNWHOLESOME PLACES OR PLACES WHERE STAGNANT WATER MAY ACCUMULATE THEREON; THE CLEANING OF ANY BUILDING OR PREMISES OF FILTH, CARRION OR OTHER UNSANITARY, IMPURE AND UNWHOLESOME MATTER; REQUIRING OWNERS OR OCCUPANTS OF LOTS IN THE CITY OF WALLIS TO KEEP SAID LOTS FREE FROM WEEDS, RUBBISH, BRUSH, GLASS, TREES AND OTHER UNSIGHTLY OR UNSANITARY MATTER; ESTABLISHING ENFORCEMENT PROCEDURES AND PENALTIES; PROVIDING FOR NOTICE TO BE GIVEN TO OWNERS OF PREMISES IN CASE OF FAILURE OF THE OWNER TO MAKE LOTS AND/OR PREMISES SANITARY AND SIGHTLY THAT THE SAME MAY BE DONE AT THE EXPENSE OF THE CITY OF WALLIS; PROVIDING FOR THE FIXING OF A LIEN AGAINST SUCH LOTS FOR SUCH IMPROVEMENTS; PROVIDING RESTRICTIONS AGAINST LITTERING; PROVIDING FOR DISPOSAL OF ABANDONED AND JUNKED AUTOMOBILES, APPLIANCES AND BUILDING MATERIALS; AND REPEALING CONFLICTING ORDINANCES.

WHEREAS, it is deemed by the City Council of the City of Wallis, Texas that it is dangerous to the public health for lots and/or parcels of real property in the City of Wallis to have places thereon where stagnant water may accumulate, and for filth, carrion or other impure and unwholesome matter to accumulate on lots in said city and that it is dangerous to public health and/or constitutes a fire hazard to have weeds, brush, rubbish, junk, abandoned vehicles, appliances, household garbage, and other unsightly and/or unsanitary matter in the City of Wallis; and

WHEREAS, it is expressly provided by the Revised Civil Statutes of Texas that cities shall have the power to correct the nuisances and unsafe conditions hereinbefore recited.

WHEREFORE, the City deems it is in the best interest of the citizens of Wallis, Texas, to enact the herein setout provisions and Ordinance.

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

Section I. Definitions (of terms contained herein):

- (A) Junked vehicle shall mean any motor vehicle as defined in Section 1 of Article 6701d-11, Vernon's Texas Civil Statutes, as amended, which:

- (1) Is inoperative and which does not have lawfully affixed thereto both an unexpired license plate or plates and a valid motor vehicle safety inspection certificate and which is wrecked, dismantled, partially dismantled or discarded; or
- (2) Vehicular parts remaining inoperable for a continuous period of more than one hundred twenty (120) days.
- (B) Person shall mean any individual, firm, partnership, association, corporation, company or organization of any kind.
- (C) Demolisher shall mean any person whose business is to convert a motor vehicle into processed scrap or scrap metal, or otherwise to wreck or dismantle motor vehicles.
- (D) City shall mean the City of Wallis, Texas.
- (E) Dry kitchen refuse shall mean and include all solids remaining after liquids, slurry, scum and slop have been drained off of kitchen garbage.
- (F) Kitchen Garbage shall mean and include all dry refuse, meat, vegetable and fruit refuse, small dead animals and dead fowl.
- (G) Premises shall mean any business house, business establishment, grocery stores, dry goods stores, mercantile stores, department stores, boardinghouses, hotels, tourist camps, apartment houses, hospitals, rooming houses, schools, theaters, barbershops, beauty parlors, filling stations, garages, cafes, restaurants, lumberyards, electric shops, plumbing shops, tailor shops, private residences, mobile homes and trailers, vacant lots, and all other places of business or places in said city where garbage, trash or rubbish accumulates.
- (H) Rubbish and Litter shall mean and include all tin cans, bottles, glass, and scraps of iron, tin, wire or other metals, fabric, clothing, or other textiles, and any other articles to which the term "rubbish" is usually applied.

By the term "litter" is also meant dirt, mud, rubbish, waste material or waste article, thing or substance whatsoever, whether liquid or solid.

- (I) Trash shall mean and include paper of all kinds, rags, old clothing, paper containers, pieces of wood, boxes, barrels, crates, feathers, and any other articles to which the term "trash" is usually applied.

Unusual accumulations of trash:

- (1) Residential service: Accumulation of more than nine (9) 35-gallon plastic bags of permissible solid waste, and limbs or cuttings that exceed one (1) cubic yard.
 - (2) Commercial service: Any accumulation not ordinarily encountered in the usual operation of a business, or an accumulation substantially greater than normally generated in a thirty (30) day period of operation of said specific business operation.
- (J) Weeds shall mean all rank and uncultivated vegetable growth or matter, including grass, which has grown to more than twelve inches (12") in height, or which, regardless of height, is liable to become an unwholesome or a decaying mass or breeding place for mosquitoes or vermin and/or subject to becoming a fire hazard.
- (K) Brush shall mean all trees or shrubbery under seven feet (7') in height which are not cultivated or cared for by persons owning or controlling the premises.
- (L) The words "any and all other objectionable, unsightly, or unsanitary matter of whatever nature" shall include all uncultivated vegetable growth, objects, and matters not included within the meaning of the other terms as herein used which are liable to produce or tend to produce an unhealthy, unwholesome, or unsanitary condition to the premises within the general locality where the same are situated, and shall also include any species of ragweed or other vegetable growth which might be unhealthy to individuals residing within the general locality where the same are situated.

- (M) Nuisance shall mean an act that violates the provisions of this Ordinance or constitutes conduct defined to be a nuisance under the statutory or common law of the State of Texas.
- (1) The storing or keeping of any garbage, trash or rubbish so as to produce an unsightly and ugly appearance, or which may harbor insects, reptiles or rodents, create a fire hazard or result in unsanitary conditions, is declared a public nuisance and is unlawful.
- (2) The dumping, unauthorized placing or depositing of garbage, trash or rubbish (or any materials that may be classified as such) in any unauthorized location is declared a public nuisance and is unlawful.
- (N) Sanitation Department shall mean the City Department established by the City to dispose of garbage or the City designated garbage contractor.
- (O) For the purposes of this article, the phrase "collections of water" and/or "stagnant water" shall be defined and held to be those waters contained in ditches, pools, ponds, excavations, holes, depressions, open cesspools, privy vaults, fountains, cisterns, tanks, shallow wells, barrels, troughs (except horse troughs in frequent use), urns, cans, boxes, bottles, tubs, buckets, defective house roof gutters, tanks or flush closets or other similar water containers.

Section II. Enforcement Officer and Personnel

All enforcement proceedings under this ordinance shall be the responsibility of the officials designated by the City Council and under the supervision of the Mayor pursuant to his specific authorization to enforce the Ordinance in accordance with the terms herein contained. The person or persons so designated to carry out the enforcement of this ordinance shall be known as "code enforcement officer(s)".

Section III. Enforcement Procedure and Penalties

Any and all persons or entities who are violators of this ordinance shall be notified in writing by the City at the last known address of such person as recorded in the City or County Tax Assessor's records of the specific violation and such notice shall provide said person ten (10) days from the date of such

notice to remove and/or remedy the violations, or abate the nuisance. In the event such person cannot be notified by mail, a similar written public notice shall be posted at a highly visible point on the property where such nuisance or unhealthy or unsightly condition exists and at the designated public posting board at City Hall; and said notice shall be published in a local newspaper of general circulation at least two (2) times before further action by the City is commenced.

In the event the violator fails to respond timely to the written or posted/published notice, such failure shall be deemed to constitute an unlawful act in violation of this Ordinance and the City may thereafter take one or more or all of the following actions set out in Section IV.

Section IV. Correction or removal of conditions by City - Generally

(A) City to Make Improvements

In the event the owner of any lot or premises upon which a condition described in this article exists fails to correct, remedy or remove such condition within ten (10) days after notice to do so is given in accord with this article, the city may do such work or make such improvements as are necessary to correct, remedy or remove such condition and/or abate the nuisance and/or cause the same to be done in whole or in part, and pay therefor and charge the expenses incurred thereby to the owner of such lot. Such expenses shall be assessed against the lot or real estate upon which the work was done or the improvements made. The doing of such work by the city shall not relieve such person from prosecution for violation of this Ordinance.

(B) Correction or removal of conditions by City - Filing of statement of expenses incurred

Whenever any work is done or improvements are made by the city under the provisions of Section IV, the Mayor, health officer, or code enforcement officer, on behalf of the City, shall file a statement of the expenses incurred thereby with the City Clerk. Such statement shall give the amount of such expenses and the date or dates on which the work was done or the improvements were made.

(C) Correction or removal of conditions by City - Lien for and collection of expenses

After the statement provided for in Section IV(B) is filed, the City Attorney shall file on behalf of the City a recordable preferential lien on the property or real estate upon which the work was done or improvements made, to secure the

repayment of the expenses thereof. Such lien shall be inferior only to tax liens and liens for street improvements, and the amount thereof shall bear interest at the rate of ten (10) per cent per annum, or the maximum legal rate, whichever is greater on the date the statement was filed. For any such expenditures and interest, suit may be instituted by the City Attorney and recovery and foreclosure of the lien may be had in the name of the City and the statement of expenses made in accord with Section IV, or a certified copy thereof, shall be prima facie proof of the amount expended for such work or improvements.

(D) Penalty

Whenever the violation of any provisions of this chapter has occurred, the City Health Officer, Director of Public Works, or code enforcement officer may cause a citation or warrant to be issued to that person in violation to appear in the Municipal Court. Any person, firm or corporation violating any provision of this chapter shall be fined not more than two hundred dollars (\$200.00) for each offense, and a separate offense shall be deemed committed on each day during which a violation occurs or continues.

(E) Court-ordered Relief Not Waived

City use or implementation of any or all of the above enforcement action shall not pre-empt or waive the City's option or right to seek injunctive relief or mandatory court-ordered action or commencing other legal and/or equitable remedies against a person violating this ordinance.

Section V. Prohibited Acts and Violation of this Ordinance
Care of Premises

(A) It shall be unlawful for the owner or occupant of a residential building, structure or property to utilize the premises of such residential property for the open storage of any abandoned motor vehicle, ice box, refrigerator, stove, glass, building material, building rubbish or similar items. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such residential property clean and to remove from the premises all such abandoned items as listed above, including but not limited to weeds, dead trees, trash, garbage, etc., upon notice.

(B) It shall be unlawful for the owner of any lot, building, house, establishment or premises in the City to allow or permit any carrion, filth or any other impure or unwholesome matter of any kind to accumulate or remain thereon.

(C) Placement for Collection

(1) Containers for garbage and trash and tree limbs, which shall be cut into lengths not exceeding four (4) feet, shall, where an alley is accessible, be placed inside the property line at the edge of the alley, where there are no fences. Where there is a back fence, such containers and tree limbs shall be placed outside and against the fence in the alley. However, under no circumstances shall garbage, trash or tree limbs be placed within two (2) feet of any gas meter, water meter, or other utility meter serving a residence or business within the City of Wallis, Texas, or placed in such a manner so as to obscure, obstruct, or cover any such utility meter.

Where there is no accessible alley, all kitchen garbage, trash and rubbish shall be placed inside the curblineline of the street, on the day of collection only, for collection by city garbage vehicles.

(2) All garbage bags or containers about a premises in the city for garbage, trash or refuse shall be kept tightly closed while in use for garbage, trash or refuse pickup by the City. The owner or occupier of premises within the City of Wallis, Texas, shall be and is charged with the responsibility to use due diligence and care to protect the contents of all bags or receptacles for garbage, trash or refuse used in connection with such premises from being opened, blown or scattered by the wind upon, over or across public or private property. Failure to exercise such diligence shall be punishable as provided in this Code.

(3) It shall be the duty of every person owning, managing, operating, leasing or renting any premises, or any place where kitchen garbage accumulates, to provide a plastic garbage bag with a minimum thickness of two (2) mils. Bags shall be of a capacity of not more than thirty-two (32) gallons and the accumulation of kitchen garbage and dry kitchen refuse shall be placed in the bags and the top of the bags securely tied. The total weight of any type container and contents shall not exceed fifty (50) pounds.

(4) It shall be the duty of every person owning, managing, operating, leasing or renting any premises to place and prepare all trash, limbs and rubbish as follows:

- a. When trash and rubbish is of such a nature that it cannot be placed in an approved receptacle it shall be prepared (so as to prevent blowing and scattering) at the regular point of collection;

- b. Tree limbs, shrubs and hedge cuttings shall not exceed four (4) feet in length and shall be stacked neatly with one cut end toward the street or alley. Loose material shall be placed in approved plastic bags.

(D) Garbage and Trash

Containers furnished by City for commercial and industrial concerns - regulation of use.

- (1) The sanitation department may locate and place metal refuse containers for use by commercial and industrial concerns in accordance with the needs of the individual concern as determined by the City.
- (2) All solid waste shall be placed inside the container and the lids shall be closed after placing material therein.
- (3) All boxes and cartons must be broken down and crushed or folded flat.
- (4) No hazardous materials, large metal objects which are not compactable by city garbage trucks, or concrete objects shall be placed in the metal containers.
- (5) Maximum weight of container and contents shall not exceed twelve hundred (1,200) pounds. If it becomes necessary for the City to empty any metal container due to weight over twelve hundred (1,200) pounds, the business concerned will be responsible for the cost of the removal of material.
- (6) Any person or persons engaging in disposing of solid waste into a container not designated to his business will be subject to a fine of not more than two hundred dollars (\$200.00) and not less than ten dollars (\$10.00).
- (7) The City reserves the right to move the containers at its discretion and to determine on what days the solid waste is to be collected.

(E) Disposition of wholesale accumulations

The places of wholesale accumulations, such as killing and dressing plants for fowl and wholesale fruit and vegetable houses, where the daily accumulation of kitchen garbage, trash and rubbish is more than ordinary quantities, shall make special

arrangements with the City Sanitation Department for the daily pickup of such garbage, trash and rubbish.

(F) Heavy or unusual accumulations not included in regular service.

(1) Heavy accumulations such as brick, broken concrete, rocks (or anything of this nature) and other bulky, heavy materials shall be disposed of at the expense of the owner or person controlling the same.

(2) The bodies of dead animals shall not be placed in solid waste containers or in any street, alley, easement or public way. Dead animal bodies shall be collected as a service of the City upon request by any citizen of the City of Wallis. Requests shall be made to the animal control officer and the dead animals shall be placed at the curbside for collection.

(3) Brush, limbs, leaves and cuttings from trees and shrubs which have been trimmed or removed by a commercial tree trimmer, or accumulations of construction materials or any materials of this nature, including roofing material, shall be disposed of at the expense of the owner or person controlling the same.

(G) Disposition of certain wastes

Manure from cow lots, horse stables, poultry yards, pigeon lofts, and waste oils from garages or filling stations shall be disposed of at the expense of the party responsible for same under the direction of the City's designated official.

(H) Disposal in streets, etc., prohibited

It shall be unlawful for any person to place or dispose of any kitchen garbage, dry kitchen refuse, trash or rubbish in or upon any street, alley or sidewalk within the city. Every owner or operator of any premises shall keep the alleys, streets and sidewalks abutting on such premises free and clear of all such garbage, trash and rubbish.

(I) Burning prohibited

The burning of any type of waste in any place within the city limits is prohibited as provided by the applicable federal and state statutes and regulations.

(J) Meddling, tampering with garbage prohibited

It shall be unlawful for any person to meddle or tamper with any garbage can or receptacle, or any trash or rubbish

receptacle, or with any garbage, trash or rubbish, or to in any manner pilfer such cans or receptacles or such garbage, trash or rubbish, or to scatter the contents thereof in any street, alley, sidewalk or premises in the City.

(K) Littering prohibited - duty of business owners, occupants

(1) Generally. The owner or occupant of any store or other place of business situated within the City shall exercise reasonable diligence at all times to keep his premises clean of wastepaper, wrapping paper, paper napkins, cartons, package containers, and other used or waste materials thrown or left on said premises by its customers, and to take reasonable measures to prevent the same from drifting or blowing to adjoining premises.

(2) Receptacles. Receptacles of sufficient size and number shall be placed on the premises accessible to the customers of such business where the above referred to articles of waste may be disposed of.

(3) Signs. Each and every business establishment shall place upon its premises in a conspicuous place or places in close proximity which shall, in essence, convey to its customers a request that they use such receptacles for the disposal of waste material.

(L) Littering prohibited - duty of customer

It shall be unlawful for any person or customer going upon the premises of another to in any manner dispose of wastepaper, wrapping paper, paper napkins, cartons, package containers, and other used or waste materials except in receptacles provided for such purposes.

(M) Litter prohibited

It shall be unlawful for any person to throw, drop, cast or deposit upon any street, alley, sidewalk, or any yard or premises, public or private, any filth of any kind, or cans, paper, trash, paper containers, rubbish, bottles or any other form of litter or waste matter.

(1) Scope of prohibition. It shall be unlawful for any person, firm or corporation, in person or by his or its agent, servant or employee, to cast, throw, sweep, sift or deposit, in any manner, any kind of litter in or upon any public right-of-way, street or alley, or other public place within the incorporated city limits of the City of Wallis, Texas,

or in or upon any river, canal, public waters, drain, sewer, receiving basin or drainage ditch within the jurisdiction of the City of Wallis, Texas. Nor shall any such person, firm or corporation, their agents, servants or employees cast, throw, sweep, sift or deposit or cause to be deposited, sifted, carried, cast, thrown or swept, any form of such litter anywhere within the jurisdiction of the City of Wallis, Texas, in such manner that it may be carried or deposited, in whole or in part, by action of the sun, wind, rain, or snow or by motor vehicle, into any of the above mentioned places within the jurisdiction of the City of Wallis, Texas.

(2) Exceptions. Provided, however, this section shall not apply to the deposit of material under a permit authorized by any Ordinance of this City; nor shall such section apply to goods, wares or merchandise deposited upon any such public way or other public place temporarily, in the necessary course of trade, and which is removed therefrom within two (2) hours after being so deposited; nor shall such section apply to articles or things deposited in or conducted into the city sewer system through lawful drains in accordance with the ordinances of the City relating thereto; nor shall this section apply to the City's or other governmental bodies' construction or repair of streets, alleys, drains or other public ways.

(3) Applicability to negligent acts. Nothing contained herein shall be construed in such manner so as to relieve any person, firm or corporation, their agents, servants or employees, from any negligent act or causing any public right-of-way to be unusually slick by causing mud or other litter to be deposited thereupon.

(N) Disposal of garbage, trash or rubbish only in authorized locations

(1) It shall be unlawful for any person to dispose of garbage, trash or rubbish in any unauthorized location.

(2) Any material possessing characteristics deemed by any federal, state or local agency to be unsuitable or detrimental to the environment when disposed of in a sanitary landfill is prohibited. Such materials shall be disposed of in such a manner as prescribed by the appropriate agency, and at the expense of the individual party.

(O) Nuisances

(1) The storing or keeping of any garbage, trash or rubbish so as to produce an unsightly or ugly appearance, or which may harbor insects, reptiles or rodents, or create a fire

hazard or result in unsanitary conditions, is declared a public nuisance and is unlawful.

(2) Allowing or engaging in the dumping, unauthorized placing or depositing of garbage, trash or rubbish (or any material that may be classified as such) in any unauthorized location is declared to be a public nuisance and is unlawful.

(P) Ownership of material in dump

All junk and other material in the city dump ground shall be the property of the City. No person shall be allowed to separate and collect, carry off or dispose of same except under the direction of the designated city official.

(Q) Prohibited conditions designated - sidewalks and alleys

Sidewalks and alleys are to be kept free from litter, carrion, filth, etc. It shall be unlawful for persons owning, occupying or in control of any public place or private premises to not keep the sidewalks and alleys adjacent thereto free of litter, grass, and weeds; the persons owning, occupying or in control of the aforesaid sidewalks and alleys, in addition to the above, shall keep and maintain such receptacles as may be required by the regulations promulgated by the director of public works or code enforcement officer.

(R) Prohibited conditions designated - construction sites

(1) Each contractor, demolisher, building remover, or person with a permit for construction, shall be responsible for the jobsite in such a manner that litter will be prevented from being carried or deposited by the elements upon any public place or private premises.

(2) Debris, lumber, junk, trash and litter on the jobsite shall be removed by the contractor or permit holder as generated, so as not to cause an accumulation of same. The city inspector shall not sign off on any job or jobsite, unless the premises and jobsite comply with this provision.

(S) Prohibited conditions designated - Neglected premises

It shall be the duty of any person owning, controlling, occupying or the agent of any owner or occupant of lots, parcels or areas within the City of Wallis, Texas, containing a house or other building or premises, including vacant lots visible from any public place or private premises, to maintain such premises

in a reasonably clean and orderly manner and to a standard conforming to other orderly premises in that vicinity. It shall be unlawful to abandon, neglect or disregard the conditions or appearance of any premises, so as to permit it to accumulate litter, trash, high grass or weeds or debris thereon.

(T) Prohibited conditions designated - stagnant water

It shall be unlawful for the owner and/or occupiers of any lot or other premises in the City to allow or permit holes or places where water may accumulate and become stagnant to be or remain on such lot or premises or to allow or permit the accumulation of stagnant water thereon, or to permit the same to remain thereon. It shall be unlawful for any person, firm, or corporation who shall own or occupy any lot or lots in the City of Wallis, Texas, to permit or allow the accumulation of stagnant water thereon, or to permit same to remain.

(U) Prohibited conditions designated - accumulation of carrion, filth, etc.

It shall be unlawful for the owner of any lot, building, house, establishment or premises in the City to allow or permit any carrion, filth or any other impure or unwholesome matter of any kind to accumulate or remain thereon.

(V) Prohibited conditions designated - growth or accumulation of weeds, rubbish, etc.

It shall be unlawful for any owner of any lot or premises within the City of Wallis, Texas, to allow or permit weeds, grass of a length of more than twelve (12) inches above ground level, brush, rubbish or any unsightly, objectionable or unsanitary matter of whatever nature or kind to accumulate or remain upon such lot or premises, and it shall be the duty of the owner of the premises to promptly remove or cause to be removed at the owner's cost and expense any such growth or accumulation.

(W) Compliance with chapter provisions required

The City garbage department shall not collect kitchen garbage, trash or rubbish or tree limbs where the same is not prepared for collection and placed as provided by the provisions of this Ordinance. Failure to comply with this provision shall be deemed an offense, and each day's failure to comply herewith shall constitute a separate offense.

(X) Weeds, junk and rubbish

(1) It shall be unlawful for any person, firm or corporation who shall own, manage, control or occupy any house,

building, establishment, lot or yard in the City of Wallis to permit or allow any filth or other impure or unwholesome matter to accumulate or remain upon said house, building, establishment, lot, yard or adjacent right-of-way area, said right-of-way area not to exceed fifteen feet (15') in width.

(2) It shall be unlawful for any person, firm or corporation who shall own, manage, control or occupy any lot in the City of Wallis, to allow rubbish, junk, brush, limbs or any other unsightly, objectionable or unsanitary matter to accumulate on said lot or lots or adjacent right-of-way areas, said right-of-way area not to exceed fifteen feet (15') in width.

(3) It shall be unlawful for any person, firm or corporation who shall own, manage, control or occupy any lot in the City of Wallis, to permit grass or weeds to grow to a height in excess of twelve inches (12") upon said lot or lots or adjacent right-of-way areas, said right-of-way area not to exceed fifteen feet (15') in width.

(4) It shall be the duty of any person, occupant or anyone having supervision, ownership or control of any lot, tract, parcel of land or portion thereof, or property, occupied or unoccupied, improved or unimproved, within the city limits of the City of Wallis to cut, or cause to be cut and remove, or cause to be removed, if necessary, all such grass, weeds, rubbish, junk, brush, limbs and any other unsightly, objectionable or unsanitary matter of whatever nature as often as may be necessary to comply herewith.

(Y) Location or presence of junked vehicles within City deemed public nuisances; exceptions

Junked vehicles which are located in any place where they are visible from a public place or public right-of-way are detrimental to the safety and welfare of the general public, tending to reduce the value of private property, to invite vandalism, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, and are detrimental to the economic welfare of the state, by producing urban blight which is adverse to the maintenance and continuing development of the City of Wallis, Texas, and such vehicles are, therefore, declared to be a public nuisance.

(1) Exceptions. This section shall not apply to:

a. A vehicle or part thereof which is completely enclosed within a building or which is completely covered by a tarpaulin securely fastened to the vehicle or part thereof so that it is not visible from either public or private property.

b. A vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or a junkyard, or

c. Unlicensed, operable or inoperable antique or special interest vehicle stored by a collector on his property, provided that the vehicle and outdoor storage areas are maintained in such a manner that they do not constitute a health hazard and are screened from ordinary public view by means of a fence, rapidly growing trees, shrubbery, or other appropriate means.

(2) Abatement or removal order, contents; service. Whenever any such public nuisance exists in the City in violation hereof, the code enforcement officer who shall administer this article, or the health officer, shall send written notice, by certified or registered mail with a five-day return request, to the owner of the real property or the occupant, if any, of the premises whereon such public nuisance exists, to abate or remove the same. Said notice shall specify the nature of the public nuisance; specify that it must be removed and abated within ten (10) days after the delivery date of the certified mail receipt of such notice; and specify that a request for a public hearing under section (5) of this article must be made before expiration of said ten day period. If the notice is returned undelivered by the United States Post Office, official action by the City of Wallis to abate said nuisance shall be continued to a date not less than ten (10) days from the date of such return.

(3) Public hearing. A public hearing prior to the removal of the vehicle or part thereof as a public nuisance shall be held before the governing body of the City or any other board, commission, or official of the City, as designated by the governing body, when such hearing is requested by the owner or occupant of the premises on which said vehicle is located within ten (10) days after delivery date of the certified mail receipt of the notice to abate the nuisance. Any resolution or order requiring the removal of a vehicle should contain the correct vehicle identification number and license number of the vehicle, if available. If said owner or occupant fails to comply with said resolution or order, he shall be subject to the penalty as established herein.

(4) Removal with permission of owner or occupant. If, within ten (10) days after receipt of notice from the code enforcement officer, or his duly authorized agent, to abate the nuisance, as herein provided, the owner or occupant of the premises shall give his written permission to the code enforcement officer, or his duly authorized agent, for removal of

the junked motor vehicle from the premises, the giving of such permission shall be considered compliance with the provisions of this article.

(5) Disposal of junked vehicles. If such public nuisance is not abated by said owner or occupant after notice is given in accordance with this article, official action shall be taken by the City of Wallis to abate such nuisance. Junked vehicles or parts thereof may be disposed of by removal to a scrapyard, demolisher, or any suitable site, whether operated by the City of Wallis, or not, for processing as scrap or salvage, which removal or process shall be consistent with this article. A junked vehicle disposed of to a demolisher, in accordance with this article, must be transferred to such demolisher by a form acceptable to the Texas Highway Department. The transfer receipt must be listed on the demolisher's inventory list and surrendered to the Texas Highway Department in lieu of the certificate of title under the provisions of the Revised Civil Statutes of Texas, Article 6687-1.

(6) No reconstruction of junked vehicles. After a vehicle has been removed pursuant to this article, it shall not be reconstructed or made operable by any person.

(7) Notice to Highway Department. Notice shall be given to the Texas Highway Department within five (5) days after the date of removal identifying the vehicle or part thereof.

(8) Authority to enforce. The code enforcement officer, or his agent, may enter upon private property for the purposes specified in this article to examine vehicles or parts thereof, obtain information as to the identity of vehicles and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this article. The Municipal Court of the City of Wallis shall have authority to issue all orders necessary to enforce such article.

(9) Application. Nothing in this article shall affect ordinances that permit immediate removal of a vehicle left on public property which constitutes an obstruction to traffic.

Section VI. Repeal of Conflicting Ordinances.

If any part of this ordinance is, or should be held invalid for any reason, then that fact shall not invalidate the entire ordinance, but the balance thereof shall remain in full force and effect.

Section VII. Repeal of Conflicting Ordinances

All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.


PASSED AND APPROVED this the 25th day of February, 1992.

CITY OF WALLIS, TEXAS

By: 

John Lockwood, Mayor

ATTEST:


Barbara Grigar,
City Secretary