

**ORDINANCE NO. 2011-09**

**AN ORDINANCE  
PROHIBITING DUMPING OF TRASH, RUBBISH, LITTER, OR OTHER DEBRIS;  
PROVIDING DEFINITIONS; PROVIDING FOR SEVERANCE; PROVIDING A  
PENALTY; AND PROVIDING FOR PUBLICATION**

WHEREAS, Ingleside on the Bay is an attractive community with many attractive views; and

WHEREAS, Ingleside on the Bay is a residential community which is tranquil in nature; and

WHEREAS, Citizens, staff and Council Members have observed dumping of unsightly and unattractive material within the corporate limits of the City; and

WHEREAS, the City Council finds that regulation of such dumping is necessary for the protection of public peace, safety, morals, health and general welfare.

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

**Section 1. Definitions:**

A. "Trash" means litter, cigarette butts, fishing line, charcoal, garbage, trash, refuse or debris, except when found in receptacles provided for proper storage and disposal thereof.

B. "Rubbish" means nonputrescible solid waste, excluding ashes, that consists of:

- (1) combustible waste materials, including paper, rags, cartons, wood, excelsior, furniture, chairs, tables, couches, beds mattresses, rubber, plastics, yard trimmings, leaves and similar materials; and
- (2) noncombustible waste materials, including glass, crockery, tin cans, aluminum cans, metal furniture, white goods, refrigerators, bath tubs, toilets, box springs and similar materials that do not burn at ordinary incinerator temperatures (1,600 to 1,800 degrees Fahrenheit).

C. "Boat" means a vehicle, including a barge, airboat, motorboat, canoe, kayak, or sailboat, used for transportation on water.

D. "Dispose" and "dump" means to discharge, deposit, inject, spill, leak or place litter on or into land or water.

E. "Litter" means:

(1) decayable waste from a public or private establishment, residence, or restaurant, including animal and vegetable waste material from a market or storage facility handling or storing produce or other food products, or the handling, preparation, cooking, or consumption of food, but not including sewage, body waste, or industrial by-products; or

(2) nondecayable solid waste, except ashes, that consists of:

(i) combustible waste material, including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, or similar materials;

(ii) noncombustible waste material, including glass, crockery, tin or aluminum cans, metal furniture, and similar materials that do not burn at ordinary incinerator temperatures of 1800 degrees Fahrenheit or less; and

(iii) discarded or worn-out manufactured materials and machinery, including motor vehicles and/or parts of motor vehicles, tires, aircraft, boats, farm implements, building or construction materials, manufactured homes and/or parts of manufactured homes, appliances and/or parts of appliances, and scrap metal.

## **Section 2. Illegal dumping:**

A. Chapters 342 and 365, Health & Safety Code are hereby adopted by the City of Ingleside on the Bay.

B. A person commits an offense if the person disposes or allows or permits the disposal of trash, rubbish, litter, debris, boat or other solid waste at a place that is not an approved solid waste site, including a place on or within 300 feet of a public highway, on a right-of-way, on other public or private property, or into inland or coastal water of the City.

C. A person commits an offense if the person receives trash, rubbish, litter, debris, boat or other solid waste for disposal at a place that is not an approved solid waste site, regardless of whether such trash, rubbish, litter, debris or the land on which same is disposed is owned or controlled by the person.

D. An offense under this Ordinance may be prosecuted without alleging or proving any culpable mental state.

## **Section 3. Penalty:**

An offense under this Chapter is a Class C misdemeanor punishable by a fine, upon conviction, not to exceed \$2,000.00.

## **Section 4. Severance:**



If any sentence, paragraph or section or any part thereof of this Ordinance is held invalid or unenforceable for any reason by a court of competent jurisdiction then the remaining sentences, paragraphs or sections or parts thereof shall remain in full force and effect, it being the intention of the City Council to enact each sentence, paragraph or section or any part thereof without any other portion of this Ordinance.


**Section 5. Publication.**

This Ordinance shall be effective upon the publication of the caption hereof in the official newspaper of the City of Ingleside on the Bay on one occasion and the City Secretary is authorized and directed to provide for such publication.

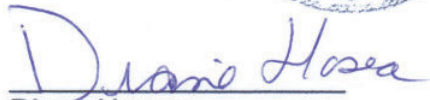
PASSED and approved this the 18<sup>th</sup> day of October, 2011.

CITY OF INGLESIDE ON THE BAY



  
Howard Gillespie  
Mayor

ATTEST:

  
Diane Hosea  
City Secretary

Legal Notice

CITY OF  
INGLESIDE ON  
THE BAY  
ORDINANCE #  
2011-09

An Ordinance Pro  
dumping of trash,  
rubbish, litter, or  
other debris; provid-  
ing definitions; pro-  
viding for severance;  
providing a penalty;  
and providing for  
publication.

Published in The Ingleside  
Index, october 26, 2011.

THE STATE OF TEXAS  
COUNTY OF SAN PATRICIO:

Before me, the undersigned authority, personally appeared  
Brenda Burr of The Ingleside Index, who after being  
by me duly sworn, on his oath deposes and said:

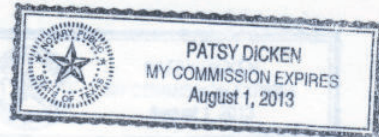
1. That (he) (she) is Publisher of The Ingleside Index a weekly newspaper  
published in San Patricio County, Texas.

2. That the City of Ing on Bay - Published  
Ordinance no 2011-09

hereto annexed, was published in the regular issues of said Ingleside Index once  
each week for One week successive weeks said publications  
having been made on the October 26, 2011

3. That a printed copy of said Notice  
as the same appeared in said issues is attached hereto.

Burr



Sworn to and subscribed before me this 10<sup>th</sup>  
day of November, 2011

Patsy Dicken

PUBLICATION FEE: \$ \_\_\_\_\_

Notary Public, San Patricio County, Texas