

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 50 OF THE CODE OF ORDINANCES OF THE CITY OF MANSFIELD, TEXAS, RELATING TO THE COLLECTION OF SOLID WASTE, GARBAGE AND REFUSE FROM PREMISES WITHIN THE CITY; PROVIDING FOR ADDITIONAL REGULATIONS GOVERNING THE PHYSICAL CHARACTERISTICS, ACQUISITION, DISTURBANCE, PLACEMENT, USE AND STORAGE OF WASTE AND RECYCLING CONTAINERS WITHIN THE CITY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A PENALTY CLAUSE FOR VIOLATIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Mansfield is a home rule city acting under its charter adopted by the electorate to Article IX, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council has previously adopted Chapter 50 of the Code of Mansfield, Texas to provide regulations for the collection of garbage, refuse and solid waste within the City to protect the public health, safety and well being of all citizens by eliminating possible germ breeding materials and conditions which may contribute to the spreading of diseases and infections to humans and animals, and to provide a means for the controlled and safe handling, collection, transporting and disposal of municipal solid waste within the City; and

WHEREAS, the City Council of the City of Mansfield, Texas, now deems it appropriate to amend Chapter 50 to provide for additional regulations governing the physical characteristics, acquisition, disturbance, placement, use and storage of waste and recycling containers within the City; and

WHEREAS, the Texas Legislature has found that control of solid waste collection and disposal is the responsibility of local governments; and

WHEREAS, State law mandates that each municipality shall assure that municipal solid waste collection and disposal services are provided to all persons within its jurisdiction either by the municipality or a private person; and

WHEREAS, the City Council finds that the amendments proposed herein are in furtherance of the above-stated goals and that they benefit the public health, safety, morals and general welfare.

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

SECTION 1.

That Chapter 50 of the Code of Mansfield, Texas, is hereby amended as set forth in the attached and incorporated Exhibit "A," hereto, a copy of which is on file with the office of the City Secretary.

SECTION 2.

That all ordinances of the City in conflict with the provisions of this Ordinance be and the same are hereby, repealed and all other ordinances of the City not in conflict with the provision of this Ordinance shall remain in full force and effect.

SECTION 3.

Should any paragraph, sentence, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole or any part of provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Mansfield, Texas, as a whole.

SECTION 4.

Any person, firm or corporation violating any of the provisions of this Ordinance or the Code of Mansfield, Texas, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the Municipal Court of the City of Mansfield, Texas, shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

SECTION 5.

All rights and remedies of the City of Mansfield are expressly saved as to any and all violations of the provisions of any ordinances governing the collection of garbage, refuse and solid waste or recycling materials, 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 6.

The City Secretary of the City of Mansfield is hereby directed to publish the caption and penalty clause of this ordinance at least once in the official newspaper of the City of Mansfield.

SECTION 7.

This Ordinance shall take effect immediately from and after its passage on third and final reading and the publication of the caption, as the law and charter in such cases provide.

The first reading approved on the _____ day of _____, 2012.

Second reading approved on the _____ day of _____, 2012.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this ____ day of _____, 2012.

David L. Cook, Mayor

ATTEST:

Vicki Collins, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Allen Taylor, City Attorney