

10-11-95
12A

Resolution



THE STATE OF TEXAS)
COUNTY OF JEFFERSON)

BE IT REMEMBERED at a meeting of Commissioners' Court of Jefferson County, Texas, held on the 10th day of January, 1994, on motion made by Ed Moore, Commissioner of Precinct No. 4, and seconded by Waymon D. Hallmark Commissioner of Precinct No. 3, the following Resolution was adopted:

JEFFERSON COUNTY LITTER ABATEMENT ORDER

ARTICLE I

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE OF METHODS SECTION A, STATUTORY AUTHORIZATION.

The Legislature of the State of Texas has in Chapter 365 of the Health and Safety Code authorized local governmental units to adopt regulations to control litter.

SECTION B, FINDINGS OF FACT

There are places within Jefferson County where "litter" has collected. These areas have become unsightly and could be unhealthy.

SECTION C, STATEMENT OF PURPOSE

It is the purpose of this order to promote the public health safety and general welfare and to minimize public danger due to the accumulation of "litter".

ARTICLE II

DEFINITIONS

Unless specifically defined below, words or phrases used in this order shall be interpreted to give them the meaning they have in common usage and to give this order its most reasonable application.

Court means Jefferson County Commissioners' Court

Department means the Jefferson County Environmental Control.

Litter means:

A. 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 wastes, or industrial by-products; or

B. nondecayable solid waste, except ashes, that consists of:

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

(b) 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 of less; and

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

Public Highway means the entire width between property lines of a road, street, way, thoroughfare, bridge, public beach, or park in this county, not privately owned or controlled, if any part of the road, street, way, thoroughfare, bridge, public beach, or park;

- A. is opened to the public for vehicular traffic;
- B. is used as a public recreational area; or
- C. is under the state's legislative jurisdiction through its police power.

ARTICLE III.

Accumulation of litter Prohibited

The Commissioners' Court of Jefferson County hereby prohibits the accumulation of litter for more than 30 days on private property within 50 feet of a public highway in Jefferson County, Texas.

ARTICLE IV.

County Removal and Disposal of Litter and Assessment of Cost.

- (A) Commissioners' Court may remove and dispose of litter accumulated in violation of this Order.

(B) The Department is hereby authorized to administer the procedures for the removal and disposal of any litter accumulated in violation of Article III of this Order.

(C) The cost of removal and disposal of litter pursuant to Article III of this order will be assessed against the owner of the property from which the litter is removed.

(D) Removal and disposal of litter may be performed by anyone authorized to do so by the Department.

ARTICLE V.

Notice to Owner of Record

(A) Before the Department takes any action to remove or dispose of litter under this order, the Department shall send a notice by certified mail to the record owners of the property on which the litter is accumulated in violation of Article III of this Order.

(B) The Department may not remove or dispose of the litter or assess the costs of the removal or disposition against a property owner before the 30th day after the date the notice is received.

(C) If notice is returned undelivered, the Department shall post notice on the premises on which the litter is accumulated.

ARTICLE VI.

Failure to Pay Assessment

(A) If a person assessed costs under this section does not pay the cost within 60 days after the date of assessment, a lien in favor of the county attaches to the property from which the litter was removed to secure the payment of the costs with interest accruing at the annual rate set by statute for post judgment interest.

(B) The Court shall file a record of the lien in the office of the county clerk.

ARTICLE VII.

Appeal Procedure

(A) The owner of record of property who has been issued a notice of intent by the county to remove and dispose of litter and assess the cost has 15 days from the date of receipt of notice to file a written demand to the County Judge for a hearing.

(B) Commissioners' Court shall conduct a hearing within 15 days of the request.

(C) At the hearing, Commissioners' Court shall determine whether the removal, disposal and assessment of cost is in accordance with this Order.

ARTICLE VIII.

Criminal Penalty

(A) A violation of Article III of this Order is a Class C misdemeanor.

ARTICLE IX.

Severability

(A) If any provision of this Order or its application to any person or circumstances is held invalid for any reason, the invalidity does not affect any other provision or application of this Order which can be given effect without the invalid provision or application, and to this end the provisions of this Order are declared to be severable.

ARTICLE X

Effective Date

(A) This Order is effective February 1, 1994.

IN WITNESS WHEREOF, we have hereunto set our hands and
caused the Seal of Jefferson County to be affixed this
9 day of October, 1995.

R.P. LeBlanc, Jr.

JUDGE RICHARD LEBLANC, JR.

COUNTY JUDGE

Jimmie P. Cokinos
COMMISSIONER JIMMIE P. COKINOS
Precinct No. 1

Mark Domingue
COMMISSIONER MARK DOMINGUE
Precinct No. 2

Waymon D. Hallmark
COMMISSIONER WAYMON D. HALLMARK
Precinct No. 3

Ed Moore
COMMISSIONER ED MOORE
Precinct No. 4

