

Chapter 11 GARBAGE, LITTER, AND VEGETATION

11-1 DEFINITIONS.

Approved Construction Site Container is a leak proof container made of metal, of sufficient size to hold all construction waste at the site, and capable of being covered with a lid or tarp material at the end of each day.

Approved Greenwaste Container or Can is a can of galvanized iron, noncorrosive metal or plastic, rodent and fly proof, durable and leak proof, of the type commonly sold as garbage cans of a suitable gauge, weight and construction to insure durability, with suitable handles on can and lid and a capacity of not more than 50 gallons or 50 pounds when full.

Approved Waste Container is a 96 gallon polycart container as provided by the City's waste disposal provider.

Approved Green waste Bag is a non-plastic biodegradable bag with a typical capacity of 33 gallons.

Code Enforcement Official is any person authorized by the City to enforce City Ordinances.

Garbage is rubbish, kitchen, household, market or store wastes, ashes, paper, and paper food containers.

Greenwaste is grass or weed clippings, leaves, plant clippings, sticks, and limbs not over 4 inches in diameter.

Industrial waste is all of the solid residue or waste resulting from manufacturing, commercial or industrial operations or processes.

Litter is any garbage, refuse, rubbish, and all other waste material which creates a potential danger to public health, safety and welfare if not deposited in an authorized receptacle.

Recyclable Material is paper, cans, cardboard/paperboard, and plastics without food contamination but does not include plastic bags and Styrofoam.

Refuse is all solid waste (except body waste) including garbage, rubbish, ashes, street cleanings, dead animals, and solid market waste.

Rubbish is all solid waste consisting of combustible and noncombustible waste including but not limited to paper, wrappings, cigarettes, cardboard, and tin cans.

Weeds are grasses or similar vegetation.

Vegetation is any plant life.

11-2 ADMINISTRATION.

The administration of this chapter is delegated to the City Manager and his designees.

11-3 LITTER AND OTHER UNSIGHTLY ITEMS

It is unlawful for any property owner or person in control of property inside the City to cause, allow, or to maintain litter on the property including but not limited to:

1. Furniture, appliances, sculptures, ornaments, or items left outside that were not originally intended for outdoor use, items intended for outdoor use that are now broken, or other matter that creates breeding and living places for insects and rodents.
2. Containers intended for chemicals, which have not been recently used.
3. Any boat that is not in a useable condition.
4. Any trailer that is not in a useable condition.
5. Parts typically associated with trucks, cars, motorcycles, boats, farm equipment, construction equipment or other vehicle.
6. Storage containers of any type used for personal items, inventory or other storage exceeding 72 hours except for approved containers.
7. Any material or item that could provide nesting, harborage, or feeding for vermin or pest, or that could negatively affect the City's storm water system.
8. The accumulation of materials that emit any gases, noxious fumes, or odors that may become a nuisance or a source of endangerment to the health, safety and welfare of surrounding property or people in the area.
9. Other conditions deemed by the City to be objectionable, unsightly, unsanitary, or detrimental to the health, safety, or welfare of the public.

11-4 ACCUMULATION OF OFFENSIVE MATTER.

It shall be unlawful for any person to cause or allow any animal, vegetable, or mineral matter, or any residue thereof which is offensive, unsanitary, or injurious to public health as determined by City health officials.

11-5 LITTER AND WASTE ON CONSTRUCTION SITES.

Property owners and any person working for the property owner or person in control of the property must have private containers for any debris associated with construction, remodeling, building material and workmen's litter. All debris from construction, building, or any related activity shall be properly placed in the approved construction site container(s) at the end of each day. The approved construction site container must be covered with a lid or tarp material when

construction personnel are not on site. Approved construction site container is defined herein in Section 11-1, Definitions.

11-6 ACCUMULATION OF INDUSTRIAL WASTE.

Except as provided by this chapter, no person who owns or is in control of property in the City shall cause or allow the accumulation of industrial waste on the property. Any such waste accumulated in a container must be in an approved container situated for regularly scheduled pickup in accordance with the City's contract for waste disposal services.

11-7 DUMPING.

It shall be unlawful for any person to dump or deposit any brush, leaves, garbage, litter, trash, waste matter, or refuse of any kind on any street, gutter, sidewalk, parkway, driveway, alley, public property, or property belonging to another person anywhere within the city limits.

11-8 LITTER FROM TRUCKS.

It shall be unlawful to operate any truck or other vehicle within the city which allows any of the contents of the truck or vehicle to be blown or deposited on any street, alley or other public or private property.

11-9 VEGETATION.

1. Any property owner or person in control of property must maintain all vegetation on the property in accordance with the provisions of this chapter. When property is not maintained in accordance with this section, the condition shall be deemed a nuisance and a danger to public safety.
2. All premises and exterior property within the City shall be maintained free from weeds and non-ornamental grasses in excess of 12 inches, including rights-of-way areas between property lines and a defined paved surface under the control of a governmental entity. Where an alley or right-of-way exist that has not been paved, maintenance responsibility shall be considered to be to the centerline of the alley.
3. All noxious weeds are prohibited.
4. All vegetation on any premises and exterior property within the City shall be maintained so that the vegetation does not grow into or hang lower than 14 feet over a street or alleyway. Vegetation must be maintained so that it does not grow into or hang lower than 7 feet above a sidewalk.
5. It shall be the duty of the property owner or person in control of the property to cut or trim the vegetation so that it is in compliance with this section. It is unlawful for any person to leave any form of vegetation on the City right of way, in a public place, or on the property of another after they have cut or trimmed such growth.

6. Grass clippings, leaves, weed cuttings, and other small-sized yard waste shall be put in an approved greenwaste bag or an approved greenwaste container or can. Large sticks and limbs shall be cut into four foot lengths, bundled together in bundles not over 40 pounds, and the bundle must be tied.

11-10 DISPOSAL OF DEAD ANIMALS.

The City's contractor for waste disposal services will not pick up dead animals. City Animal Services will only remove dead animals from private property if the property owner requests Animal Services to pick up the animal and the animal has been placed in a plastic bag and set at the curb for collection.

11-11 BURNING, DUMPING AND BURYING OF LITTER OR WASTE.

It is unlawful to burn, dump, bury or dispose of litter or waste of any kind within the city limits of the City of Texarkana, Texas, by any other means except as authorized by the city.

11-12 REQUIREMENT TO KEEP APPROVED WASTE CONTAINERS.

1. Every property owner or person in control of any property in the City where people reside, board or lodge, where food is prepared or served, or any private residence, shall keep and maintain at all times an approved waste container(s) as defined in this chapter or as provided by the City's waste disposal provider.
2. The lids or covers of all containers shall be kept closed so that flies and other insects may not have access to the contents. The lids or covers shall only be opened while the containers are being filled or emptied.
3. No receptacles, other than containers of the specifications and sizes approved by this chapter or as specified in the City's contract for waste disposal shall be used by any resident or business for the accommodation of garbage, trash or other waste material except that waste may be placed in a plastic bag and placed at curbside during the Christmas holiday.
4. Grass clippings, leaves, weed cuttings, and other small-sized yard waste shall be put in an approved greenwaste container/can, or an approved greenwaste bag, which is a non-plastic biodegradable bag with a 50 gallon capacity or smaller.
5. The City's contract for waste disposal includes provisions for approved waste containers and recycling containers to be provided. Recyclable material includes paper, cans, cardboard/paperboard, and plastics but does not include plastic bags or Styrofoam. Persons are prohibited from disrupting the waste disposal process or the recycling program by:
 - a. placing any form of non-recyclable waste material in a container designated solely for recyclable material, or

- b. placing waste in bags or other non-approved containers in conflict with the City's contract for waste disposal services except for plastic bags as authorized only during the Christmas holiday, or
- c. intentionally damaging the waste container or recycling container, or
- d. removing the waste container or recycling container from the premises where it is placed, or
- e. using the waste container or recycling container for any purpose other than its intended purpose

11-13 PLACEMENT OF WASTE AND RECYCLING CONTAINERS

All persons are required to store the waste containers and recycling containers in a location away from the curb/street and near the residence, business, or premises. Persons may only place containers at the curb or allow containers to remain at the curb/street on the night before or the day of waste/recycling pickup.

11-14 ENFORCEMENT.

1. The provisions of this chapter will be enforced by Texarkana, Texas Peace Officers and Code Enforcement Officials.
2. It is a violation of this chapter to interfere with a Peace Officer or a Code Enforcement Official enforcing the provisions of this chapter.

11-15 OFFENSE.

A person is guilty of a misdemeanor and is subject to a fine upon conviction in Municipal Court if the person:

1. litters as defined herein, or
2. causes or allows the accumulation of garbage, refuse, offensive matter, brush, or waste, or
3. dumps any item(s) as prohibited by this chapter, or
4. disrupts the City's waste disposal process or recycling program by any of the means stated herein, or
5. places waste in bags or other non-approved containers in conflict with the City's contract for waste disposal services except for plastic bags as authorized only during the Christmas holiday, or
6. fails to store both the waste container and recycling container away from the curb/street except as allowed herein for waste/recycling pickup, or
7. fails to maintain property in accordance with the provisions of this chapter, or
8. violates any other provision of this chapter.

11-16 ABATEMENT.

1. When property is not maintained in accordance with all provisions of this chapter, the property shall be deemed a nuisance and a danger to public

safety. The City reserves the right to abate any nuisance as described in this chapter at the cost of the property owner or person in control of the property if the property owner or person in control of the property fails to comply with this ordinance after being given notice of the violation. 10 days after the property owner or person in control of the property has been given notice of the violation and fails to remedy the situation, the City may:

- a. Remove any litter, garbage, waste, refuse, rubbish, or vegetation from the property at the property owner's expense, or
 - b. Pay for removal of any litter, garbage, waste, refuse, rubbish, or vegetation from the property and charge the expenses to the property owner, or
 - c. Do the work or make any improvement(s) required at the owners expense, or
 - d. Pay to have the work done or improvement(s) made and charge the expenses to the property owner.
2. If the property has weeds in excess of 48 inches in height it is a danger to the health, life or safety of the public and is hereby declared a nuisance. The City reserves the right to immediately abate the nuisance at the expense of the property owner or person in control of the property without giving notice to the property owner or the person in control of the property.

11-17 CIVIL PENALTY.

In addition to criminal charges filed in Municipal Court, Chapter 5, Article III, Unsafe Buildings, Structures, or Property provides for a civil penalty of up to \$1,000 per day for each day that the property is in violation of a city ordinance or \$5,000 per day for violations related to point source effluent limitations or the discharge of a pollutant. Violations of this chapter may be presented to the Building Standards Commission for a ruling on the civil penalty, and such rulings will be filed in the County Court at Law or District Court.

11-18 NOTICE TO PROPERTY OWNER.

The City may give written notice of a violation to a property owner prior to issuance of a citation and/or prior to abatement of the nuisance. (See Section 11-15, Abatement) The notice must be given:

1. Personally to the owner by written citation, or
2. By letter addressed to the owner at the owner's post office address, or
3. If personal service cannot be obtained or the owner's post office address is unknown the notice may be given by:
 - a. Posting the notice on or near the front door of each building on the property to which the violation relates, or

- b. Posting the notice on a placard attached to a stake driven into the ground on the property where the violation exists if the property contains no buildings.