

ORDINANCE NO. 424

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, MAKING IT UNLAWFUL AND AN OFFENSE FOR ANY PERSON, FIRM OR CORPORATION TO PERMIT THE ACCUMULATION OF TRASH OR REFUSE UPON PUBLIC SIDEWALKS; TO LEAVE RUBBISH UPON THE PUBLIC STREETS AFTER THE CONSTRUCTION OF BUILDINGS; TO DEPOSIT OR THROW TRASH OR REFUSE UPON ANY PUBLIC STREETS OR PROPERTY; TO DRIVE ANY TRUCK OR OTHER VEHICLE WITHIN THE CITY UNLESS SUCH VEHICLE IS CONSTRUCTED OR LOADED SO AS TO PREVENT ANY TRASH OR REFUSE FROM BEING DEPOSITED UPON ANY STREET OR PUBLIC PLACE; TO THROW TRASH OR REFUSE IN PUBLIC PARKS EXCEPT IN RECEPTACLES PROVIDED THEREFOR; TO THROW TRASH OR REFUSE IN ANY BODY OF WATER; TO DISTRIBUTE HANDBILLS IN PUBLIC PLACES OR PRIVATE PROPERTY OR PLACE HANDBILLS ON VEHICLES, EXCEPT TO PERSONS WILLING TO ACCEPT THE SAME, EXCEPT NEWSPAPERS AND UNITED STATES MAIL; TO PLACE, STICK, TACK OR PASTE HANDBILLS UPON ANY PUBLIC OR PRIVATE PROPERTY WITHOUT PERMISSION OF THE OWNER; TO DROP ANY OBJECT FROM ANY AIRCRAFT OVER THE CITY; TO THROW TRASH OR REFUSE ON PRIVATE PROPERTY; TO PERMIT THE DEPOSIT OF OIL, BRINE, OR OTHER INJURIOUS SUBSTANCES ON GRASS, TREES OR OTHER VEGETATION; TO PERMIT CELLARS, ETC. TO BECOME INJURIOUS OR OFFENSIVE TO PUBLIC HEALTH; TO CARRY ON ANY BUSINESS INJURIOUS TO PUBLIC HEALTH; TO FAIL TO REMOVE DEAD ANIMALS WITHIN TWENTY-FOUR (24) HOURS FROM THE TIME OF DEATH; REPEALING CERTAIN SECTIONS FROM THE CITY CODE OF THE CITY OF MESQUITE, 1960, PROVIDING FOR A SAVINGS CLAUSE AND PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. It shall be unlawful and an offense for any person, firm or corporation, occupant or agent of any property that abuts or joins any paved street in the City of Mesquite to allow or permit any animal or vegetable substance whatever or any tin, glass or piece of iron or any trash, mud, slop, refuse, matter, or filth of any kind or description whatever to accumulate or remain on any part of the sidewalk abutting or adjacent to the premises owned or occupied by such person, firm or corporation on such paved street in the City of Mesquite.

SECTION 2. It shall be unlawful for any person who has occupied a portion of the street for building purposes to leave any rubbish in the street after the completion of said building.

SECTION 3. It shall be unlawful for any person, firm or corporation to throw or deposit trash or refuse of any kind in,

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or upon any street, sidewalk, or other public place within the City, except in public receptacles or in authorized private receptacles for collection or in the official City disposal area.

SECTION 4. All persons, firms or corporations placing trash or refuse of any kind in public or private receptacles, shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

SECTION 5. It shall be unlawful for any person, firm or corporation to sweep into or deposit into any gutter, street or other public place within the City the accumulation of trash, or other refuse of any kind, from any building or lot or from any public or private sidewalk or driveway. All persons, firms or corporations owning or occupying property, shall keep the sidewalk in front of their premises free of all trash and other refuse.

SECTION 6. It shall be unlawful for any person, firm or corporation while a driver or passenger in a vehicle to throw or deposit trash or rubbish of any kind upon any street or other public place within the City or upon private property.

SECTION 7. It shall be unlawful for any person, firm or corporation to drive or move any truck or other vehicle within the City unless such vehicle is so constructed or loaded so as to prevent any load, contents, trash or refuse from being blown or deposited upon any street, alley or any public place.

SECTION 8. It shall be unlawful for any person, firm or corporation to throw or deposit any trash or rubbish of any kind or nature in any park within the City, except in public receptacles and in such a manner that the trash or rubbish will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or any public place. Where public receptacles are not provided, all such trash or rubbish shall be carried away from the park by the person responsible for its presence and properly disposed of as same is provided for herein.

SECTION 9. It shall be unlawful for any person, firm or corporation to throw or deposit any trash or rubbish of any kind or nature whatsoever in any fountain, pond, lakes, stream or any other body of water in a park or elsewhere within the City.

SECTION 10. It shall be unlawful for any person, firm or corporation to throw or deposit any commercial or non-commercial handbills in or upon any sidewalk, street or any other public place within the City, nor shall any person hand out or distribute or sell any commercial handbill in any public place, provided, however, that it shall not be unlawful on any sidewalk, street or any public place within the City for any person to hand out or to distribute without charge to the receiver thereof any non-commercial handbills to any person willing to accept it.

SECTION 11. It shall be unlawful for any person, firm or corporation to throw or deposit any commercial or non-commercial handbills in any or upon any vehicle, provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof a non-commercial handbill to any occupant of a vehicle, who is willing to accept it.

SECTION 12. It shall be unlawful for any person, firm or corporation to throw or deposit any commercial or non-commercial handbills in or upon any private premises or property which are temporarily or continuously uninhabited or vacant.

SECTION 13. It shall be unlawful for any person, firm or corporation to throw or deposit or distribute any commercial or non-commercial handbills in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner or occupant or other person then present in or upon such private property, provided, however, that such handbills may be placed or deposited in or upon such inhabited private property if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such property or sidewalk or street and other public places, and, except, that mailboxes may not be so used when so prohibited by United States Postal laws or regulations.

The provisions of this section shall not apply, however, to the distribution of United States mail nor to newspapers, except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or any other public place or upon private property.

SECTION 14. It shall be unlawful for any person, firm or corporation to paste, stick, tack or place any advertisement, handbill, placard or any printed, pictured, or written matter or other thing whatsoever upon any house, wall, building, fence, railings, sidewalks or other property, public or private, without the permission of the owner or the person in charge thereof.

SECTION 15. It shall be unlawful for any person, firm or corporation to throw out, drop or deposit any object whatsoever from an aircraft within the City.

SECTION 16. It shall be unlawful for any person, firm or corporation to throw or deposit any type of rubbish of any kind on any occupied private property within the City, whether owned by such person or not, except that the owner or person in control of the property may maintain authorized private receptacles for the collection in such a manner that such trash and refuse will be prevented from being carried or deposited by the elements upon any street, sidewalk or any public place or upon any private property within the City.

SECTION 17. It shall be unlawful for any person, firm or corporation, or the owner or person in control of any private property, to fail to maintain said property free of trash or other rubbish, provided, however, that this action shall not prohibit the storage of trash or other refuse in authorized private receptacles for such collection.

SECTION 18. It shall be unlawful for any person, firm or corporation to throw or deposit any trash or refuse of any kind upon any open or vacant private property within the City, whether owned by such person or corporation or firm or not.

SECTION 19. It shall be unlawful for any person, firm or corporation, their agents, servants or employees, while handling, using or transporting any oil, salt water, brine or any other substance of any character in connection with the icecream business or oil business, or any other character or kind of business, or otherwise, to suffer or permit any of the same to drip upon or be thrown into or discharged into any street or any gutter of any street or upon any sidewalk or parkway on any street so that the same may injure or likely or probably cause injury to any growing grass plot or any growing shrubbery or trees or to discharge any of the said substances or liquids into any gutter of any street or otherwise so that the same may flow onto or near any grass plot or shrubbery or growing trees so as to injure the same or so as to likely or probably cause injury to the same, provided, however, that nothing herein contained shall prevent any person herein described from discharging, throwing or placing any of the liquids herein described into the inlet of any sewer that may be in any street where the same will not cause injury to any such shrubbery, grass, or trees, save and except that nothing shall be placed or discharged in any such sewer that is likely to cause fire or combustion or that may be otherwise prohibited by this code or any other ordinances of the City of Mesquite.

SECTION 20. It shall be unlawful for any person, firm or corporation to permit any cellar, vault, drain, pool, privy, sewer, yard, grounds or premises belonging to, controlled or occupied by him to become from any cause nauseous, foul, offensive or injurious to public health, or unpleasant and disagreeable to the adjacent residents or property owners.

SECTION 21. It shall be unlawful for any person, firm or corporation to carry on any trade, business or occupation injurious to the health of those who reside in the vicinity thereof, nor shall any substance which shall have that effect be permitted to remain on any such property.

SECTION 22. It shall be unlawful for any person, firm or corporation to permit the carcass of any dead animal to be or remain upon any property under his control for more than twenty-four (24) hours after the death of the animal.

SECTION 23. It shall be unlawful for any person, firm or corporation to fail to immediately remove any destructive or injurious material which may have been dropped or thrown upon any public street or highway by such person.

SECTION 24. Any person, firm or corporation who shall remove a wrecked or damaged vehicle from a highway or other street shall remove any glass or other injurious substances dropped upon the highway from such damaged or wrecked vehicle.

SECTION 25. Section 11-4, Section 11-5, Section 11-6, Section 11-10 and Section 11-15 of the Code of the City of Mesquite, Texas, 1960, be and the same are hereby repealed.

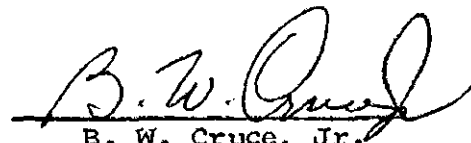
SECTION 26. The repeal provided for in the preceding section of this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established, accruing on or before the effective date of this ordinance, nor shall such repeal affect any offenses now pending, which have been filed and based upon said sections hereby repealed.


SECTION 27. Should any phrase, clause or sentence, or paragraph or section of this ordinance be declared unconstitutional, illegal or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the remaining portions of this ordinance.

SECTION 28. Any person, firm or corporation who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction in Corporation Court shall be subject to a fine not to exceed \$200.00 for each offense and each day any violation shall be permitted to exist shall constitute a separate offense.

SECTION 29. Whereas, there is presently no ordinance in the City of Mesquite regulating or prohibiting the depositing of trash, rubbish or other refuse on public property and that such an ordinance is necessary and creates an urgency and an emergency and in the immediate preservation of public health, safety and welfare requires that this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law and charter in such cases provides.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS
this the 7th day of May, 1962.


B. W. Cruce, Jr.
Mayor

ATTEST:

Norma G. McGaughy
City Secretary

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