

**ORDINANCE NO. 2022-332**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEVERS, TEXAS, PROHIBITING ILLEGAL GARBAGE, WASTE, AND TOXIC SUBSTANCE DUMPING IN THE CITY OR ITS EXTRATERRITORIAL JURISDICTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR A FINE NOT TO EXCEED \$2000.00 FOR EACH DAY IN VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Devers (the “City”) is a Type B, general law municipality and has the authority to regulate, police, and penalize the dumping of refuse and/or waste in accordance with Chapter 54.001 of the Texas Local Government Code within both the city limits and within the City’s extraterritorial jurisdiction (ETJ); and

**WHEREAS**, the City Council has determined that it is in the best interest of the City and its residents to regulate, police, and penalize the dumping of refuse, waste, and toxic substances as provided for in this Ordinance to promote the health, safety, and general welfare of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEVERS, TEXAS THAT:**

**SECTION 1.** The statements provided in the caption and the recitals are true and correct and are incorporated herein and made a part of this Ordinance.

**SECTION 2.** The City of Devers’ Code of Ordinances is hereby amended to include the additions as set forth below:

**SECTION 1. ILLEGAL DUMPING**

**Sec. 1.01 Title.** These regulations shall officially be known, cited, and referred to as the illegal dumping regulation of the City of Devers, Texas.

**Sec. 1.02 Illegal Dumping.**

It shall be unlawful for any person, company, corporation, or entity, by his own action or that of his agent, employee or any person under his control to cause any garbage, trash, sludge, toxic wastes, refuse or other waste matter to be dumped, deposited, spilled, leaked, poured, or otherwise discharged or disposed of on any street, lot, park, public place, body of water, waterway or other area whether publicly or privately owned, except at legally established dumping areas within the city limits and within the City’s extraterritorial jurisdiction. Waste matter includes, but is not limited to, tires, household furnishings, mattresses, appliances, hazardous waste, vehicle parts, construction debris, solid or liquid waste, special waste, or any other organic or inorganic waste materials.

**Sec. 1.03 Penalty.**

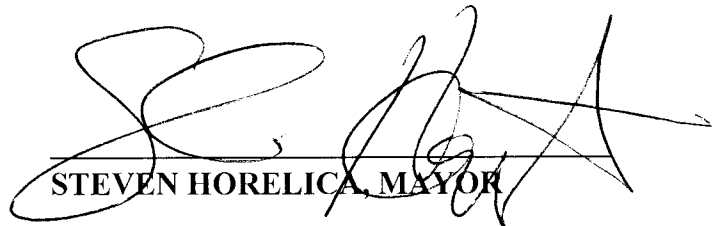
An offense under this section shall be punishable by a fine of not less than five hundred dollars (\$500.00) and not more than ten thousand dollars (\$10,000.00) for each violation pursuant to Chapter 54.001(b)(2) of the Texas Local Government Code. Each day any violation of this section of the Code continues shall constitute a separate offense.

**SECTION 3.** All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

**SECTION 4.** In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council declares that it would have passed each and every part of the same notwithstanding the omission of any such part.

**SECTION 5.** This Ordinance shall become effective in accordance with the laws governing ordinances. The City Secretary is authorized to publish a summary of the Ordinance along with the penalty in accordance with the City of Devers' Code of Ordinances and State law.

**PASSED AND ADOPTED at a regular meeting of the City Council of the City of Devers, Texas this the 10th day of May, 2022.**

  
STEVEN HORELICA, MAYOR

**ATTEST:**

  
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Kristi Ayers, City Secretary