

**ORDINANCE NO.: 2012-H
(AMENDS ORDINANCE 2007-E)**

AN ORDINANCE FOR THE CITY OF LIVERPOOL, TEXAS PROHIBITING ANYONE FROM MAINTAINING, OPERATING, OR DEVELOPING ANY GARBAGE DUMP, OR SANITARY LANDFILL OPERATION FOR THE DISPOSAL OF GARBAGE, TRASH, OR RUBBISH, OR ANY OTHER FACILITY FOR THE DISPOSAL OF SOLID OR LIQUID WASTE MATTER OF ANY TYPE WITHIN THE CITY LIMITS OF THE CITY OF LIVERPOOL.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIVERPOOL, BRAZORIA COUNTY, TEXAS:

SECTION 1: PURPOSE

It is the City of Liverpool's policy and the purpose of this ordinance to safeguard the health, welfare, and physical property of the people and to protect the environment by controlling the management of solid waste. The storage, processing and disposal of waste at municipal solid waste facilities poses a risk to public health and the environment, and in order to provide measures for adequate protection of public health, it is in the public interest to require waste to be stored, processed, and disposed of only at permitted industrial solid waste facilities.

It is the intent of this ordinance to correct blatant and hazardous health and safety problems that affect primarily the occupant's neighbor. The purpose of this ordinance is not to harass landowners who might commit a technical violation, but do not harm their neighbors or the general public.

SECTION 2: PROVISION

No one shall maintain, operate, or develop any garbage dump, or sanitary landfill operation for the disposal of garbage, trash or rubbish, or any other facility for the disposal of solid liquid waste matter or any type within the city limits of the City of Liverpool Texas, unless authorized to do so by a city-issued permit. It shall further be unlawful for anyone to transport, deposit or dump any solid or liquid waste material on, over, under, along or across any public road, street or other public property within the corporate limits, except for removal from within the Liverpool City Limits, without a proper permit issued by the City of Liverpool.

It shall be unlawful for anyone to allow garbage, trash, rubbish or other solid or liquid waste matter to accumulate upon any property, to the extent that said waste emits noxious odors or in any way becomes a public nuisance to the residents of the City of Liverpool.

A public nuisance is:

- Keeping, storing, or accumulating refuse on premises in a neighborhood unless the refuse is entirely contained in a closed receptacle;
- Keeping, storing, or accumulating rubbish or debris, including newspaper, abandoned or unused vehicles, unlicensed watercraft and trailers, household appliances, furniture, bedding, tires and cans, upon any public or private property for 30 days or more, unless the rubbish or object is completely enclosed in a building or is not visible from a public street;
- Maintaining premises with a structure within 150 feet in a manner that creates an unsanitary condition likely to attract or harbor mosquitoes, rodents, vermin, or disease carrying pests;
- Maintaining a building in a manner that is structurally unsafe or constitutes a hazard to safety, health, or public welfare because of inadequate maintenance, unsanitary conditions, dilapidation, obsolescence, disaster, damage, or abandonment or because it constitutes a fire hazard;
- Allowing grass or weeds to grow tall enough to create a nuisance, in a manner that would attract or harbor insects or animals, rodents, vermin or disease carrying pests.

This public nuisance section does not apply to a site or facility that is permitted and regulated by a state or county agency.

SECTION 3: EXECEPTION

Any debris or garbage accumulated due to construction (new construction/remodeling construction) shall be exempt. However, once the construction is finished, the debris or garbage must be removed within 30 days.

SECTION 3: ENFORCEMENT

Anyone violating the provisions of this ordinance shall be guilty of a misdemeanor and punishable by fines of not more than two hundred dollars (\$200.00) per day for each day of violation therefore plus costs of taxes provided by law.

SECTION 4: SEVERABILITY

Should any section, provision, or part of this ordinance be declared unconstitutional or void by a court of competent jurisdiction, such decision shall in no way affect the validity of the remaining parts, and for this purpose said parts are severable. The City Council

hereby declares that it would be passes those parts of this ordinance which are valid and omitted any parts which may be unconstitutional at the time of the passage of this ordinance.

ORDINANCE NUMBER: 2012-H
PASSED AND APPROVED THIS 25th DAY OF February, 2013

Bill Strickland
Bill W. Strickland, Mayor

ATTEST:

Raquel Fernandez
Raquel Fernandez, City Secretary