

**TOWN OF BARTONVILLE
ORDINANCE NO. _____-23**

**AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS,
AMENDING THE TOWN OF BARTONVILLE CODE OF
ORDINANCES, CHAPTER 6, "HEALTH AND SANITATION,"
ARTICLE 6.05 "REFUSE, GARBAGE, RUBBISH AND JUNK," TO
ESTABLISH REGULATIONS AS TO PLACEMENT TIME OF
WASTE AND RECYCLING RECEPTACLES, AND OTHER
AMENDMENTS; PROVIDING A SEVERABILITY CLAUSE;
PROVIDING A SAVINGS CLAUSE; PROVIDING FOR
ENGROSSMENT AND ENROLLMENT; PROVIDING FOR
PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Town of Bartonville, Texas ("Town"), is a Type A General Law Municipality located in Denton County, Texas, created in accordance with provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Town as a general law municipality, is empowered under the Texas Local Government Code, Section 51.001, to adopt an ordinance or rule that is for the good government of the Town; and

WHEREAS, the Town Council of the Town of Bartonville has determined that it is in the best interest of the health, safety and welfare of its citizens to amend Chapter 6, Article 6.05, of the Town Code of Ordinances to establish regulations as to placement time of waste and recycling receptacles, and other amendments.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF
THE TOWN OF BARTONVILLE, TEXAS, THAT:**

**SECTION 1.
INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct legislative determinations and are incorporated herein and made a part hereof for all purposes.

**SECTION 2.
AMENDMENT OF ARTICLE 6.05**

From and after the effective date of this Ordinance, the Town of Bartonville Code of Ordinances, Chapter 6, "Health and Sanitation," Article 6.05 "Refuse, Garbage, Rubbish and Junk," is hereby amended and shall read as follows:

**“ARTICLE 6.05
REFUSE, GARBAGE, RUBBISH AND JUNK**

§ 6.05.001. Definitions.

For the purposes of this article, the following words and phrases have the meanings as follows:

Garbage. Includes all decayable wastes, including vegetable, animal and fish offal and carcasses of such animals and fish.

Junk. Includes all worn-out, discarded materials in general, including, but not limited to, odds and ends, old iron or other metal, glass, paper, cordage or other waste or discarded materials.

Refuse. Includes garbage, rubbish, and other decayable and nondecayable waste, whether solids or liquids, including vegetable, animal and fish carcasses.

Rubbish. Includes all nondecayable wastes, except ashes, from all public and private establishments and from all residences.

Streets or highways. The entire width between property easement or right-of-way lines of any road, street, way, thoroughfare, bridge, or public park in the town, not privately owned or controlled.

**§ 6.05.002. Dumping or accumulation of waste prohibited;
transporting waste.**

- (a) All refuse, garbage, rubbish or junk, and all recycling materials, shall be placed in waste and recycling receptacles provided by the town's solid waste collection contractor in such a manner as to prevent the littering or spilling of such materials onto the ground. It shall be unlawful for any person owning, claiming, occupying or having supervision or control of any real property in the town, including any adjacent and contiguous rights-of-way or easements, to permit, allow, or dump any refuse, garbage, rubbish or junk, as defined herein, on any real property in the town, including any contiguous right-of-way or easement, or to permit or allow the accumulation of any refuse, garbage, rubbish or junk, as defined

herein, on any real property in the town, including any adjacent and contiguous rights-of-way or easements. The unlawful acts described in this section are declared by the town to be a nuisance per se.

- (b) No person, corporation or political subdivision shall transport junk, refuse, rubbish or garbage in any manner over and upon any street or highway in such a manner that it is strewn upon and along such street or highway.
- (c) Notwithstanding the above, properly maintained compost piles that do not constitute a public nuisance or a health hazard and that are not visible from a public place, public right-of-way, or adjacent property shall be permitted.

§ 6.05.003. Notice to abate; abatement by town.

- (a) Notice to abate. In the event that any person owning, claiming, occupying, or having supervision or control of any lot, tract, or parcel of land or portion thereof shall fail to comply with section 6.05.002 of this article, then said person will be given notice to comply with the same by letter addressed to him at his post office address or, if service may not be had as aforesaid, by publication two (2) times within ten (10) consecutive days in a newspaper of general circulation in the community.
- (b) Abatement by town; assessment of costs; lien. If, after the expiration of ten (10) days after notification, there has remained the nuisance prohibited in section 6.05.002, the town may do or cause to be done the work necessary to obtain compliance with this article, including, but not limited to, the removal of dumped, abandoned or discarded refuse, garbage, rubbish, or junk. The expense incurred in correcting the condition of such property, including a one hundred dollar (\$100.00) administration fee, shall be charged to the owner of such property, and the town may cause the expense thereof to be assessed on the real estate or lot or lots upon which such expense is incurred. On filing with the county clerk a statement by the town secretary of the expense incurred in correcting the condition on the property, the town shall have a privileged lien on such property, second only to ad valorem tax liens, to secure the payment of the

amount so expended. Such amount shall bear interest at the rate of ten percent (10%) from the date the town incurs the expense. For any such expenditures and interest, suit may be instituted and recovery and foreclosure had by the town. The statement of expense filed with the county clerk or a certified copy thereof shall be prima facie proof of the amount expended as specified in chapter 342 of the Texas Health and Safety Code or as subsequently amended or codified, which is hereby adopted by reference.

§ 6.05.004. Placement time of waste and recycling receptacles.

- (a) All waste and recycling receptacles provided by the town's solid waste collection contractor shall be stored off of the streets or highways of the town, and behind the property line, when not placed at the designated pickup location for solid waste or recycling collection.
- (b) It shall be unlawful and declared a nuisance for any person owning, claiming, occupying or having supervision or control of any real property in the town, occupied or unoccupied, to place waste and recycling receptables at the designated pickup location for waste or recycling collection prior to 12:00 p.m. (noon) on the day before pickup, or to fail to remove waste or recycling receptacles from the designated pickup location by 7:00 p.m. on the day following the designated pickup day.
- (c) Notwithstanding any other notice provision in this article, a 24-hour notice to abate the violation shall be issued for violating this section, and the failure of the person to correct said violation within that time period subjects the person to the enforcement and penalty provisions of this article.

§ 6.05.005. Penalty.

A violation of any section of this article shall be punishable by a fine in accordance with the general penalty provision found in section 1.01.009 of this code. Each day a violation of this article is violated shall be a separate offense, and each violation shall constitute a common nuisance which may be abated by the town in any manner authorized by law."

SECTION 3. SEVERABILITY

It is hereby declared to be the intention of the Town Council of the Town of Bartonville, Texas, that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the Town Council without incorporation in this Ordinance of such unconstitutional phrases, clause, sentence, paragraph, or section.

SECTION 4. SAVINGS

An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Town of Bartonville Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 5. ENGROSS AND ENROLL

The Town Secretary of the Town of Bartonville is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the Town Council of the Town of Bartonville and by filing this Ordinance in the Ordinance records of the Town.

SECTION 6 PUBLICATION

The Town Secretary of the Town of Bartonville is hereby directed to publish in the Official Newspaper of the Town of Bartonville the Caption and the Effective Date of this Ordinance for two (2) days.

SECTION 7. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such case provides.

AND IT SO ORDAINED.

DULY PASSED AND APPROVED by the Town Council of the Town of Bartonville, Texas, on the 16th day of May 2023.

APPROVED:

Jaclyn Carrington, Mayor

ATTEST:

Tammy Dixon, Town Secretary