

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, AMENDING CHAPTER 8, "OFFENSES AND NUISANCES," OF THE CODE OF ORDINANCES BY ADOPTING A NEW ARTICLE 8.09, "DUMPING OF TRASH ON PUBLIC OR PRIVATE PROPERTY"; MAKING FINDINGS; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR A PENALTY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town of Prosper, Texas ("Town"), is a home-rule municipal corporation duly organized under the laws of the State of Texas; and

WHEREAS, it has come to the attention of the Town that people are or have been illegally dumping trash, waste, and refuse in trash receptacles or dumpsters on private or public property without the consent of the owner; and

WHEREAS, the Town Council has determined it is in the best interest for the protection of the public health and general welfare of Town residents that this matter be addressed.

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

SECTION 1

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2

From and after the effective date of this Ordinance, Chapter 8, "Offenses and Nuisances," of the Code of Ordinances of the Town of Prosper, Texas, is hereby amended by adding a new Article 8.09, "Dumping of Trash on Public or Private Property," to read as follows:

"ARTICLE 8.09. DUMPING OF TRASH ON PUBLIC OR PRIVATE PROPERTY

Sec. 8.09.001 Dumping of Trash on Public or Private Property.

Any person who places, throws, drops, dumps, deposits, or discards any garbage, trash, waste, rubbish, refuse, debris, or other deleterious substance on any public property, or on any private property of another without consent of the property owner, including the placing, throwing, dropping, dumping, depositing, or discarding of any garbage, trash, waste, rubbish, refuse, debris, or other deleterious substance in a trash receptacle or dumpster on any private property of another without consent of the property owner, shall, upon conviction, be deemed guilty of a misdemeanor.

Sec. 8.09.002 Penalty.

Any person or business violating any provision of this article, or as amended, shall be deemed guilty of a misdemeanor, and upon conviction therefor, shall be fined in a sum not to exceed \$2,000.00, and each and every day a violation continues shall constitute a separate offense."

SECTION 3

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portion of conflicting ordinances shall remain in full force and effect.

SECTION 4

If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

SECTION 5

This Ordinance shall take effect and be in full force from and after its passage and publication, as provided by the Revised Civil Statutes of the State of Texas and the Home Rule Charter of the Town of Prosper, Texas.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS THE 9TH DAY OF JANUARY, 2024.

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney