

ORDINANCE 77-8

AN ORDINANCE PROHIBITING LITTERING WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF JAMAICA BEACH, TEXAS AND PROVIDING A PENALTY FOR VIOLATION THEREOF.

BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF JAMAICA BEACH, TEXAS:

SECTION 1. It shall be unlawful for any person to throw or deposit litter, in or upon any street, sidewalks, public beach, or other public or private place within the Village except in public receptacles, in authorized private receptacles for collection or in official Village refuse disposal areas.

SECTION 2. No person shall throw or deposit litter on any open or vacant private property within the Village whether owned by such person or not.

SECTION 3. No person shall throw or deposit litter on any occupied private property within the Village, whether owned by such person or not except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk, public beach or other public place or upon any private property located within the Village.

SECTION 4. No person, while a driver or passenger in a vehicle shall throw or deposit litter upon any street, public beach, or other public place within the Village or upon private property located within the Village.

SECTION 5. No person shall drive or move any automobile, truck or other vehicle within the Village unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, sidewalk, public beach or other public place or upon any private property located within the Village.

SECTION 6. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalks, public beach or other public place or upon private property located within the Village.

SECTION 7. The owner or person in control of any private property shall at all times maintain the premises free of litter. The provisions of this section shall not be construed so as to prohibit the storage of litter in proper private receptacles as herein provided.

SECTION 8. Definitions

a) "Authorized private receptacle" "Authorized private receptacles" shall mean rigid type enclosed container made from wood, plastic, metal or other suitable material or combination thereof suitable for containing plastic garbage bags.

b) "Village" "Village" is the Village of Jamaica Beach, Texas.

c) "Litter" "Litter is "garbage", "refuse", and "rubbish" as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

d) "Person" "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

e) "Private Premises" "Private Premises" is any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

f) "Public place" "Public place" is any and all streets, sidewalks, boulevards or other public ways and any and all public parks, squares, spaces, grounds and buildings.

g) "Public beach" "Public beach" is any beach area, whether publicly or privately owned, extending inland from the line of mean low tide to the line of vegetation bordering on the Gulf of Mexico.

h) "Garbage" "Garbage" shall mean every refuse accumulation of animal, fruit, or vegetable matter, attending the preparation, use, cooking and dealing in or storage of meats, fish, fowl, fruit, vegetables, or grains and may also include wastepaper and other miscellaneous household rubbish.

i) "Refuse" : Refuse" is all petrescible and non-petrescible solid waste, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and other solid market and industrial wastes.

j) "Rubbish" "Rubbish" is nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin or aluminum cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

k) "Vehicle" "Vehicle" is every device in, upon or by which any person or property is or may be transported or drawn upon a highway.

SECTION 9. Any peace officer or auxilliary peace officer duly appointed by the Village may arrest any person violating this Ordinance without a warrant under the following conditions:

a) If such peace officer or any person charged with the enforcement of this Ordinance has reasonable cause to believe and does believe that any person has violated any provision of this Ordinance.

b) Whenever any person is arrested for any violation of this Ordinance, he shall be immediately taken before a magistrate.

c) Whenever a person is arrested for any violation of this article and such person is not immediately taken before a magistrate as hereinbefore required, the arresting officer shall prepare in duplicate a written notice to appear in the Municipal Court of the Village. Such notice shall contain the name, and address of such person, the license number of his vehicle, if any, the number of his driver's license, if any, the offense charged and the time when such person shall appear in Court.

(1) The time specified in such notice appear must be at least ten (10) days after such arrest unless the person arrested shall demand an earlier hearing.

(2) The arrested person, in order to secure a release as provided in this section, must give a written promise to appear in Court by signing in duplicate the written notice prepared by the arresting officer. The original of said notice shall be retained by said officer and

the copy thereof delivered to the person arrested. Thereupon, said officer shall forthwith release the person arrested from custody.

(3) The arrested person shall not be allowed to sign the aforementioned notice to appear in Court, thereby securing his release as a matter of right, but such signing of a notice to appear in Court shall be a matter of discretion with the arresting officer.

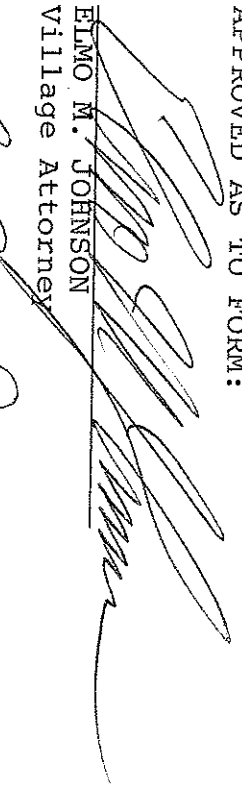
d) Any person who violates his written promise to appear in Court without showing good cause shall be guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested and upon conviction thereof shall be fined not less than Five and No/100 Dollars (\$5.00) nor more than Two Hundred and No/100 Dollars (\$200.00).

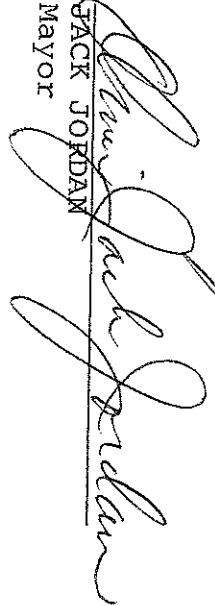
SECTION 10. Any person found in violation of any provision of this Ordinance shall, upon conviction be guilty of a misdemeanor and upon conviction shall be fined not less than Five and No/100 Dollars (\$5.00) nor more than Two Hundred and No/100 Dollars (\$200.00).

SECTION 11. That the hereinbefore recited ordinance be enacted as 77-8 of the Ordinances of the Village of Jamaica Beach, Texas.

SECTION 12. That this ordinance shall be and become effective from and after its adoption and publication as required by law.

APPROVED AS TO FORM:

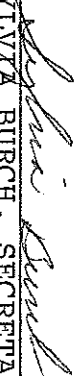
  
ELMO M. JOHNSON  
Village Attorney

  
JACK JORDAN  
Mayor

CERTIFICATION

I, SYLVIA BURCH, Secretary of the Village Council of the Village of Jamaica Beach, Texas, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Village Council of the Village of Jamaica Beach, Texas, this 21<sup>st</sup> day of Nov., 1977, as the same appears in records of this office, and after the enactment of such Ordinance the full text thereof was published by publishing same for at least ten (10) days between the 22<sup>nd</sup> day of Nov. 1977, and the 5<sup>th</sup> day of Dec., 1977 in the Galveston Daily News, the official paper of the Village of Jamaica Beach, Texas.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the Village of Jamaica Beach, Texas, this 21<sup>st</sup> day of Nov., 1977.

  
SYLVIA BURCH, SECRETARY OF THE  
VILLAGE COUNCIL OF THE VILLAGE  
OF JAMAICA BEACH, TEXAS.