

AN ORDINANCE NO 2005-O-198

AMENDING CHAPTER 33, ENVIRONMENTAL PROTECTION OF THE CODE OF ORDINANCES OF THE CITY OF LAREDO, TEXAS BY CREATING ARTICLE III, COMMERCIAL LITTER PREVENTION, WHICH WILL REGULATE THE HANDLING AND DISPOSAL OF COMMERCIAL LITTER; PROVIDING FOR SEVERABILITY, PUBLICATION AND AN EFFECTIVE DATE.

Whereas, the City Council finds that commercial activities produce large amounts of litter that must be handled and disposed of according to certain guidelines; and

Whereas, the City Council finds that the following regulations adequately begin to address this environmental issue.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1. Amendment.

The City of Laredo Codes of Ordinances, Chapter 33, Environmental Protection, Article III, be amended as follows:

Article III. COMMERCIAL LITTER PREVENTION

Sec. 33-231. Purpose and Goals.

The purposes and objectives of this ordinance are as follows:

- A. To promote the beautification of the City through prevention of litter generated from commercial activities.
- B. To enable the City to comply with state and federal regulations.
- C. To reduce costs associated with floatable trash controls and the maintenance of the municipal separate stormwater sewer system.
- D. To protect life and property from flooding that is a consequence of improper stormwater drainage attributed to obstruction by commercial litter .

Sec. 33-232. Scope and Intent.

This ordinance sets forth provisions, which prevent and prohibit commercially generated litter within the city limits.

Sec. 33-233. Applicability.

The provisions of this ordinance shall apply to all retail commercial activity, except for establishments located in the Central Business District as defined by the Official Zoning Map of the City of Laredo, Texas.

Sec. 33-234. Definitions.

For the purpose of this ordinance only, the following terms, words, phrases, and their derivations, shall have the meanings set forth below except where the context clearly indicates a different meaning. Any terms, words, or phrases not specifically defined herein, shall have the meaning given in the definitions of Chapter 14 of the Code of Ordinances:

City shall mean the City of Laredo, Texas.

Retail Commercial Activity shall mean retail activity associated with commercial establishments.

Commercial Establishments shall mean any establishment that sells retail goods to the general public, except for establishments located in the Central Business District as defined by the Official Zoning Map of the City of Laredo, Texas. This term includes property management businesses that lease space to retail establishments, such as shopping malls and shopping centers.

Commercially Generated Litter shall mean trash generated by customers of the commercial establishment, or trash deposited on the commercial establishment by human or natural means such as by wind or stormwater runoff.

Commercial Litter Prevention Plan shall mean the plan submitted to the Environmental Services Department for control of commercially generated litter.

Director shall mean the administrative head of the city Environmental Services Department and/or his/her authorized representative.

Enforcement Officer shall mean any city employee authorized to enforce city codes.

Garbage shall mean all putrescible wastes, except sewage and body wastes, including all meat, vegetable and fruit refuse, and carcasses of small animals.

Landfill shall mean a controlled area of land on which solid waste is placed for permanent disposal and that is permitted or registered by the State of Texas, in accordance with standards and rules set by the state.

Litter shall mean trash.

Large Commercial Establishments shall mean any commercial establishment that has a parking lot area of 40,000 square feet or more.

Medium Commercial Establishments shall mean any commercial establishment that has a parking lot area of more than 10,000 square feet, but less than 40,000 square feet.

Operator shall mean the person or persons who, either individually or taken together, meet the following criteria (1) they have operational control over the parking facilities and/or (2) they have the day-to-day operational control over those activities of the parking facilities necessary to ensure compliance with the commercial litter prevention plan.

Owner shall mean the person who owns a facility or part of a facility or his/her assignee.

Parking Lot shall mean a paved, surfaced or leveled area used for customer, visitor or employee parking of motor vehicles, including leased premises available for public parking. This does not include parking garages, commercial storage lots, impoundment facilities or sales lots of new or used vehicles. Paved, surfaced or level areas connected by drives, private streets, or other ways in or along which parking is not permitted, shall be considered separate parking lots for purposes of this code.

Public property shall mean land that is owned by the City of Laredo .

Retail Business shall mean commercial establishments.

Refuse shall mean all solid wastes, including garbage and rubbish.

Rubbish shall mean nonputrescible solid waste, that consists of (A) combustible waste materials, including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, and similar materials; and (B) noncombustible waste materials, including glass, crockery, tin cans, aluminum cans, metal furniture, and similar materials that do not burn at ordinary incinerator temperatures.

Small Commercial Establishments shall mean any commercial establishment that has a parking lot area of 10,000 sq. ft. and less.

Solid waste shall mean garbage, rubbish, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations and from community and institutional activities.

State shall mean the State of Texas.

Trash shall mean any household garbage including leaves, tree limbs, bottles, can, metals, construction materials, demolishing debris or any other materials that may contaminate ground water or pollute the air, but is not limited to, garbage, refuse, and rubbish.

Trash Receptacles shall mean plastic or metal containers designed and manufactured to hold trash.

Sec. 33-235. General Prohibition.

- A. It shall be unlawful for any commercial establishment to operate without providing trash receptacles in parking areas.
- B. It shall be unlawful for medium and large commercial establishments to operate without first submitting a Commercial Litter Prevention plan to the City.

Sec. 33-236. Requirements.

All operators of commercial establishments are required to distribute and maintain at a minimum, two (2) fifty-five (55) gallon trash receptacles for up to 5,000 square feet of parking lot area, and one additional 55 gallon trash receptacle for every 2,500 square feet in additional area above 5,000 square feet. Trash receptacles must be placed so that parking lot coverage is maximized.

All operators of commercial establishments are required to place one (1) reflective anti-littering sign per 5,000 square feet of parking lot in an area that is visible to customers. Anti-littering signs must be in English and Spanish.

All operators of medium and large commercial establishments are required to submit a Commercial Litter Prevention Plan to the City. All required commercial establishments must submit a Commercial Litter Prevention Plan thirty (30) days prior to initial retail operations, or, within thirty (30) days after the passage of this ordinance. Such establishments must follow the Commercial Litter Prevention Plan, once approved by the City.

Sec. 33-237. Administration and Review Process.

Duties of Director are as follows:

1. Review all Commercial Litter Prevention Plans to determine that the permit requirements of this ordinance have been satisfied.
2. Develop and implement an inspection program for commercial establishments within the City of Laredo and its jurisdictional areas.
3. The Commercial Litter Prevention Plan may be reviewed, if needed, with the applicant, after Director review, where it will either be approved, approved with changes, or rejected. If rejected, then changes, additional analysis, or other information necessary to approve the next submittal of the concept plan shall be identified.

Sec. 33-238. Commercial Litter Prevention Plans.

1. In addition to name, address, telephone, and contact information. All Commercial Litter Prevention Plans must include the following:

- a. A site plan sketch to accompany the narrative, which shall contain:
- 1.) A site location map of the commercial establishment, indicating the location of the commercial establishment in relation to roadways, jurisdictional boundaries, streams and rivers;
 - 2.) Property lines;
 - 3.) Existing landscaping, fencing, and vegetation;
 - 4.) Prevailing wind direction;
 - 5.) Drainage flow direction and structures;
 - 6.) Placement of required trash receptacles;
 - 7.) Anti-littering signage placement (if large commercial establishment);
- b. A summary of potential daily commercially generated litter found on property;
- c. A schedule, expressed in time and days of the week, of when trash receptacles will be emptied;
- d. A schedule, expressed in time and days of the week, of manual and/or mechanical litter removal activities on the property.
- e. The Commercial Litter Prevention Plan shall contain signed certification by the owner/operator of the commercial activity that the Commercial Litter Prevention Plan will be followed in accordance with the plan that is submitted to the City.
- f. The Commercial Litter Prevention Plan shall contain signed certification by the owner/operator of the commercial activity that all trash will be disposed of at a registered landfill.

Sec. 33-239. Penalties for Noncompliance.

Violation of the provisions of this ordinance by failure to comply with any of its requirements shall constitute a Class C misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$2000.00 for each violation, and in addition shall pay all court costs and expenses involved in the case. Each day of violation and each violation of a particular section of this Ordinance shall constitute separate offenses. Nothing herein contained shall prevent the City of Laredo from taking such other lawful action as is necessary to prevent or remedy any violation.

Secs. 33-240-33-299. Reserved.

Section 2. SEVERABILITY.

The City Council, hereby declares that it would have passed each and every word, phrase, sentence, section, and subsection hereof, regardless of the validity of any other word, phrase, sentence, section or subsection hereof, and if any word, phrase, sentence, section or subsection hereof should be declared invalid, in whole or in part, such invalidity, if any shall not affect the remaining provisions of this ordinance.

Section 3. PUBLICATION.

That this ordinance shall be published one time in a local newspaper, pursuant to the City Charter 2.09 (D).

Section 4. EFFECTIVE DATE.

That this ordinance shall take effect and be in force from and after its publication.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS
_____ DAY OF _____, 2005.

Elizabeth G. Flores
Mayor

ATTEST:

Gustavo Guevara, Jr.
City Secretary

APPROVED AS TO FORM:

Jaime L. Flores
City Attorney

By: Valeria M. Acevedo
Valeria M. Acevedo
Assistant City Attorney