

## ARTICLE VI. ILLEGAL DUMPING

### Sec. 33-400. Purpose and Goals.

The purposes and objectives of this ordinance are as follows:

- A. To protect the health, safety, welfare, resources and property of the general public through prevention of illegal dumping or the illegal filling of land with materials that may affect our environment.
- B. To enable the City to comply with city, state, and federal regulations.
- C. To minimize long-term effects to our environment from activities, such as illegal dumping or the illegal filling of land that may adversely, impact the natural flow of water or that may contaminate the city's only source of drinking water, the Rio Grande.
- D. To protect the life and property of our citizens from flooding due to illegal dumping or illegal filling of land.

### Sec. 33-401. Scope and Intent.

This ordinance sets forth guidelines, standard practices, rules and regulations to control filling of land and to stop illegal dumping within the city limits. The provisions of this ordinance shall apply to all property owners, persons or their agents filling, grading, excavating or otherwise disturbing the surface of real property within the city, whether they be contractors, subcontractors, supervisors, inspectors, managers, agents, employees or otherwise.

### Sec. 33-402. 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:

**City** shall mean the City of Laredo, Texas.

**City Engineer** shall mean the person appointed to the position of Director of the Engineering Department or his/ her authorized representative.

**Clean Soil** shall mean dirt that is used for fill such as potting soil, fill dirt, red, brown, and black soil that can be used for landscaping. Please note that all fill dirt needs to be clean and free from any kinds of debris and must not contain any hydrocarbons, such as oil or fuel or any other materials that may contaminate the ground.

**Disposal** shall mean the discharging, depositing, injecting, dumping, spilling, leaking, or placing of solid waste or hazardous waste, whether containerized or uncontainerized, into or on land or water so that the solid waste or hazardous waste or any constituent thereof may be emitted into the air, discharged into surface water or groundwater, or introduced into the environment in any other manner.

**Easement** shall mean the right of use over the property of another.

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

**Environmental Protection Agency (EPA)** shall mean the United States Environmental Protection Agency, the regional office thereof, any federal department, agency, or commission that may succeed to the authority of the EPA, and any duly authorized official of the EPA or such successor agency.

**Federal Emergency Management Agency (FEMA)** shall mean the federal agency under which the NFIP (National Flood Insurance Program) is administered.

**Floodplain** shall mean any land area susceptible to being inundated by flood waters from any source or any other area determined by FEMA in its current floodplain study.

**Floodway** shall mean the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water-surface elevation more than a designated height. The base flood is defined as the one-percent chance flood and the designated height is usually one foot above the base flood elevation, however, this height may vary (but is not more than one foot) depending on what the State has or City has adopted.

**Fill Material** shall mean material that is used for filling such as clean soil, clay, shale, gravel or sands. Concrete pavement will be allowed if the maximum particle size is 24" in diameter, and all protruding reinforcing steel is removed from concrete.

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

**Illegal Dumping** shall mean the act of illegally placing any material on any location other than the appropriate place of disposal whether the location is public or private.

**Junk** shall mean any material that has been discarded or has no value or use.

**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.

**National Flood Insurance Program (NFIP)** shall mean the program intended to make insurance available on a nationwide basis through the cooperative efforts of the Federal Government and the private insurance industry and to encourage state and local governments to exercise sound floodplain management to reduce losses caused by flood.

**100-Year Flood** shall mean the flood that is equaled or exceeded once in 100 years on the average; equivalent to the one percent annual flood.

**Private property** shall mean land that is acquired or held for special benefit or that is owned by an individual, family, estate or a corporation.

**Public property** shall mean land that is governmental and that is used for the benefit of the general public.

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

**Right of Way (ROW)** shall mean property that has been dedicated for uses of the public such as any street, highway, road, alley, or land used for vehicular & passenger movement and / or ingress or egress.

**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.

**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.

**TNRCC** shall mean the Texas Natural Resource Conservation Commission.

**Trash** shall mean any household garbage including leaves, tree limbs, bottles, cans, 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.

**Sec. 33-403. General Prohibition.**

- A. It shall be unlawful for any person to cause, permit, maintain or to allow someone to dump any material such as trash, rubbish, solid waste or any other materials that may reduce property values or obstruct the natural flow of water within the city.
- B. No person shall fill any creek or any part of the Floodway with any materials unless written permission has been obtained from FEMA.
- C. No person shall fill any land within the 100-year floodplain without first obtaining written consent from the city floodplain administrator. All fill material used must comply with the provisions of this ordinance.
- D. Filling in areas outside the 100 year flood plain will be allowed for development purpose or for improvement of land (Excluding right of ways or easements) with approved fill materials.

**Sec. 33-404. Fill materials allowed.**

All fill materials used for land filling must comply with the list below. All fill placed on a site and visible from a public thoroughfare shall be leveled and have a final cover of topsoil, six (6) inches minimum depth, and must be seeded with a seeds such as Bermuda immediately following completion of filling operation. Intermediate leveling and cover shall be required at intervals not to exceed ten (10) days for filling operations. In areas where fill is being placed to control erosion, the city engineer may at his discretion substitute an alternate cover that is resistant to erosion for the requirement to cover fill with topsoil.

**A. In areas zoned for commercial use (excluding ROW or easement):**

- 1. Clean soil, clay, shale, gravel, sands, rocks;
- 2. Broken concrete pavement and stones if the maximum particle size is 24" in diameter and all protruding reinforcing steel is removed from concrete.

Note: Consult with the Building Inspection Division for Compaction Requirements.

**B. In areas zoned for residential developments (excluding ROW or easement):**

- 1. Clean soil, clay, shale, gravel or sands.

Note: Consult with Building Inspection Division for Compaction Requirements.

**C. In areas for erosion control:**

- 1. Gravel, rocks, stones and bricks,

2. Broken concrete pavement, if the maximum particle size is 24” in diameter and all protruding reinforcing steel is removed.

**Sec. 33-405. Fill Materials not allowed:**

The following materials are unsuitable for fill due to their high potential for decomposition, settlement, or other unsatisfactory engineering properties:

1. Trash, Rubbish, Refuse or debris.
2. Any soil or debris that has a high organic content, such as pond silt, topsoil with roots, brush or tree limbs, will not be allowed as fill but will be allowed as cover in areas where fill is being placed.
3. Asphaltic materials.
4. Broken concrete pavement, if the particle size is greater than 24” in diameter or if there is any protruding reinforcing steel.

**Sec. 33-406 --- 33-420. Reserved**

**Sec. 33-421. Enforcement.**

The City of Laredo has authorized any city enforcement officer the power to enforce any provisions of this ordinance.

**Sec. 33-422. Right of Entry, Inspection.**

The City Enforcement Officer shall have the right to enter any premises for the purpose of performing the duties imposed upon him/her by the provisions of this ordinance.

**Sec. 33-423. Notification of Violation.**

Any person found to be in violation of the provisions of this Ordinance shall be required to correct the problem upon written notification of violation, from the City’s Enforcement Officer. Such written notification may require that certain conditions be adhered to in the correction of the problem. These may include, but are not limited to, the following:

1. Use of specific pollution prevention measures and techniques;
2. Clean up and disposal at an approved landfill.
3. Completion of work within a specified time period; and
4. Submittal of all landfill receipts from disposal.

If compliance is not achieved to the City’s satisfaction, the City may, at its discretion, report the noncompliance to the EPA, the T.N.R.C.C., the U.S.G.S., the U.S. Wildlife and Fisheries, the U.S. Army Corps of Engineers, or any other state or federal agency for further action.

### **Sec. 33-424. Penalties for Noncompliance.**

#### *(a) Criminal Penalties*

A penalty is hereby established whereby any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and shall, upon conviction, be fined a minimum amount of not less than five hundred dollars (**\$500.00**) per violation and a maximum amount of not more than two thousand dollars (**\$2000.00**) per violation. Each day after notification was given for violation for any particular section of this Ordinance shall constitute a separable offense for the purpose of the City's enforcement of this Ordinance. A culpable mental state is not required to prove an offense under this Ordinance.

#### *(b) Civil Penalties*

In addition to any criminal enforcement, the City Attorney is authorized to petition any court of competent jurisdiction for an injunction to enjoin the continuance of such violation. This remedy shall be cumulative of and to all other enforcement powers granted to the City by the terms of its Charter or any ordinance, or by the laws of the State.

### **Sec. 33-425. Severability.**

No provision of this Ordinance is intended, nor shall any part or portion hereof be construed so as to conflict with the Texas Water Code, state regulations, or federal regulations.

If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Ordinance would have been enacted without such invalid provision.

### **Sec. 33-426. Citizen Participation.**

**Citizen reports of violations:** All citizens are encouraged to report to the City Engineer's office or to the hotline at (956) 727-7794, any illegal dumping or filling in low lying areas or any other violation of this Ordinance which they become aware of.