

ORDINANCE NO. 2002- 7

AN ORDINANCE AMENDING DIVISION 1 OF ARTICLE II OF CHAPTER 10, "HEALTH AND SANITATION", OF THE VICTORIA CITY CODE TO ADD SECTION 10-29, "DISCARDING YARD WASTE ONTO STREET," WHICH WILL PROHIBIT THE BLOWING OR SWEEPING OF LEAVES AND GRASS INTO CITY STREETS OR GUTTERS; PROVIDING A PENALTY NOT TO EXCEED \$500.00 UPON CONVICTION; PROVIDING FOR ENFORCEMENT; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VICTORIA, TEXAS:

1.

Division 1 of Article II of Chapter 10, "Health and Sanitation," of the Victoria City Code is amended to add Section 10-29, which will read as follows:

Sec. 10-29. Discarding yard waste onto street:

It shall be unlawful for any person to discard of leaves, grass, weeds, or other vegetable matter by blowing or sweeping or otherwise depositing said items into a street or gutter of the City.

2.

Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined any sum not to exceed \$500.00 as provided in Section 1-8 of the City Code.

3.

In addition to any other remedy provided by law, the City and its officers shall have the right to enjoin any violation of this ordinance by injunction issued by a court of competent jurisdiction.

4.

All parts of ordinances in conflict with this ordinance are repealed to the extent of such conflict.

5.

If any provision of this ordinance, or the application thereof to any person or circumstances, shall be held invalid or unconstitutional by a Court of competent jurisdiction, such invalidity shall not affect the other provisions, or application thereof, of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

6.

The Code of the City of Victoria, Texas, as amended, shall remain in full force and effect, save and except as amended by this Ordinance.

7.

The City Secretary shall publish the caption or a descriptive title of this Ordinance one time within 10 days after final passage of the Ordinance in a newspaper of general circulation in the City of Victoria in accordance with Article II, 10 of the City Charter.

8.

The provisions of this Ordinance shall become effective 10 days after final passage and approval by the City Council of the City of Victoria, Texas.

PASSED FIRST READING, this the 2nd day of April, 2002.

AYES: 7

NAYS: 0

ABSTENTIONS 0

PASSED SECOND READING, this the 16th day of April, 2002.

AYES: 7

NAYS: 0

ABSTENTIONS: 0

PASSED THIRD READING, this the 16th day of April, 2002.

AYES: 7

NAYS: 0

ABSTENTIONS: 0

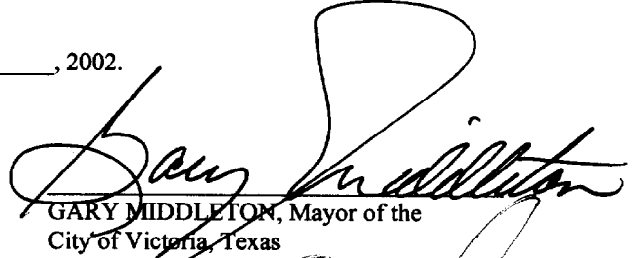
APPROVED AND ADOPTED, this the 16th day of April, 2002.



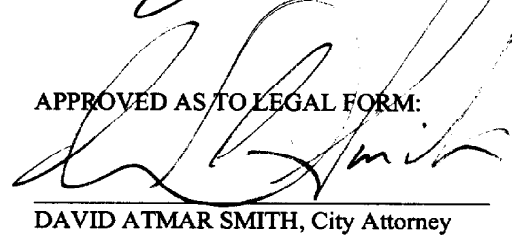
ATTEST:


SCARLET SWOBODA, City Secretary

Distribution: Legal Department
 Parks & Recreation Department
 Dept of Public Works


GARY MIDDLETON, Mayor of the
City of Victoria, Texas

APPROVED AS TO LEGAL FORM:


DAVID ATMAR SMITH, City Attorney

Copies Sent: April 18, 2002