

ORDINANCE NO. 2019-17

AN ORDINANCE OF THE CITY OF OVILLA, TEXAS, AMENDING CHAPTER 8, ARTICLE 8.02, SECTION 8.02.006 OF THE OVILLA CODE OF ORDINANCES; PROVIDING NEW PROVISIONS PERTAINING TO NUISANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERANCE CLAUSE; PROVIDING FOR INCORPORATION INTO THE OVILLA CODE OF ORDINANCES; PROVIDING FOR IMMEDIATE EFFECT; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City Council of the City of Ovilla, Texas, finds and determines that it is in the best interest of the citizens of the City of Ovilla to promote and preserve the aesthetic appeal of the City; and

WHEREAS, the City Council further finds and determines that certain conditions of property can constitute a nuisance which substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities attempting to use and enjoy land and can detrimentally affect the aesthetic appeal of the City; and

WHEREAS, the City Council further finds and determines that the City's current nuisance ordinance should be amended to provide enhanced and non-exclusive enforcement provisions in order to serve and protect the health, safety and welfare of the citizens of the City of Ovilla.

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

SECTION 1. AMENDMENT OF ARTICLE 8.02 OF THE CODE OF ORDINANCES OF THE CITY OF OVILLA

Chapter 8, Article 8.02, Section 8.02.006(a)(2) of the Code of Ordinances of the City of Ovilla is hereby amended to read as follows:

ARTICLE 8.02 NUISANCES GENERALLY

Sec. 8.02.006 Exceptions and affirmative defenses; outside storage

(a) The following are exceptions to nuisance outside storage:

(2) Nonhazardous materials or items of any kind:

(A) Awaiting city trash and recycling service, it shall be unlawful for any customer to place covered containers of garbage, trash or recycling curbside or in an alley for collection location prior to 3:00 pm the day before the day of scheduled collection. Following collection containers shall be removed from curbside and alley prior to midnight on the day of collection;

(B) Awaiting bulk collection by city service provider;

(1) It shall be unlawful for any customer to place brush at the curb for collection prior to seven (7) days before the day of scheduled collection. Brush tagged by the service provider and remaining after collection must be removed from the curb within 48 hours following the scheduled collection day;

(2) It shall be unlawful for any customer to place an amount of brush greater than 4 cubic yards at the curb for collection prior to seven (7) days before the day of scheduled collection;

(C) In a covered container or bag approved by the city; or

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(D) In an approved location for the city trash service or other trash service pick-up.

SECTION 2. SAVINGS CLAUSE

In the event that any other Ordinance of the City of Ovilla, Texas, heretofore enacted is found to conflict with the provisions of the Ordinance, this Ordinance shall prevail.

SECTION 3. SEVERANCE CLAUSE

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. INCORPORATION INTO THE CODE OF ORDINANCES

The provisions of this ordinance shall be included and incorporated in the City of Ovilla Code of Ordinances and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

SECTION 5. EFFECTIVE DATE

Because of the nature of interest and safeguard sought to be protected by this Ordinance and in the interest of the citizens of the City of Ovilla, Texas, this Ordinance shall take effect immediately after passage, approval and publication, as required by law.


SECTION 6. PUBLICATION

The City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.


PASSED, ADOPTED AND APPROVED by the City Council of Ovilla, Texas on this the

22nd day of July 2019.




Richard Dormier, Mayor

ATTEST:


Pamela Woodall, City Secretary

APPROVED AS TO FORM:


Ron G. MacFarlane, Jr., City Attorney