

ORDINANCE NO. 083-081

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, PROVIDING THAT THE CODE OF ORDINANCES, TOWN OF ADDISON, TEXAS, BE AMENDED TO ADD CHAPTER 46, DISPOSAL OF CONSTRUCTION WASTE; REQUIRING THE MAINTENANCE OF REFUSE CONTAINERS ON CONSTRUCTION SITES; PROVIDING NOTICE OF VIOLATION AND REVOKING OF THE PERMIT; PROVIDING A PENALTY NOT TO EXCEED A FINE OF \$200.00; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the Town of Addison finds and declares that:

A. Holders of building permits are not safely disposing of waste and rubbish upon job construction sites;

B. Such waste and rubbish are being wind-blown onto adjacent property and public rights-of-way, causing an inconvenience or danger to adjacent property owners and persons using public rights-of-way.

C. It is a matter of public necessity that the Town of Addison protect persons using the public rights-of-way from construction waste and rubbish.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. Section 5-37.3 of the Code of Ordinances, Town of Addison, Texas, is hereby amended to read as follows:

Section 5-37.3. Chapter 46 is added to the Uniform Building Code to read as follows:

CHAPTER 46

DISPOSAL OF CONSTRUCTION WASTE

(1) Each holder of permit under this Code shall be required to provide a refuse container for disposal of waste and rubbish upon construction sites. The size of such container shall be approved by the Building Official and shall be sufficiently large to hold the rubbish and waste in such manner that it will not blow out or spill over. The location of such refuse container shall be approved by the Building Official.

(2) If the proposed improvement for which the permit has been issued is less than \$5,000.00, the Building Official may, in his sole discretion, waive the requirement of a refuse container if he deems it not necessary and other means of disposal have been approved by him.

(3) In this section:

a. Waste means garbage and other decayable, non-decayable, used up broken, rejected or worthless materials.

b. Rubbish means trash, debris, rubble, stone, useless fragments of building materials and other miscellaneous useless wastes or rejected matter.

c. Public right-of-way means the entire width between property lines of road, streets, ways, thoroughfares, bridges or parks in this City, not privately owned or controlled, if any part of the road, street, way, thoroughfare, bridge or park is opened to the public for vehicular traffic.

(4) Upon determination by the Building Official that a

permit holder has failed to maintain or use an approved refuse container, in violation of the provisions of this Ordinance, an order to correct the offending condition will be issued to the permit holder. Such order shall be telephoned to the permit holder and confirmed by mailing a copy of the order by certified mail, return receipt requested. The order shall specifically describe the offending condition and suggest actions necessary to correct the condition. Failure to properly correct the offending condition within three (3) days (excluding Saturdays, Sundays, and legal holidays) after the mailing date of the order shall subject the permit holder to the issuance of a citation.

(5) In addition to the enforcement procedures provided in this Ordinance, it shall be within the power and discretion of the Building Official to suspend or revoke the permit for violation of any provision of this Ordinance. Suspension or revocation shall be mandatory for the third offense under this Ordinance.

SECTION 2. That any person, firm or corporation violating any of the provisions of this Ordinance, shall upon commission be deemed guilty of a misdemeanor, and shall be subject to a fine not to exceed the sum of Two Hundred and no/100 Dollars (\$200.00) for each offense, and each day such violation continues shall constitute a separate offense.

SECTION 3. If any section, subsection, sentence, clause, or

phrase of this Ordinance is for any reason to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

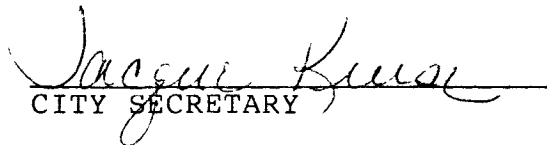
SECTION 4. The fact that the present ordinances and regulations of the Town of Addison are inadequate to control the problem of construction waste materials and debris within the corporate limits of the Town of Addison, Texas, creates an emergency for the immediate protection of the business, property, health, safety and general welfare of the public which requires that this Ordinance shall become effective from and after this date and after publication of the caption as the law requires.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, this the 6th day of December, 1983.

MAYOR



ATTEST:



CITY SECRETARY