

**City Ordinance No. 2010-07-20**

**ORDINANCE TO REGULATE DRAINAGE AND STREET DITCHES USAGE WITHIN THE CITY LIMITS OF PAYNE SPRINGS, TEXAS.**

**Whereas, The City of Payne Springs, Texas, (City) is a type A General Law Municipality under the laws of the State of Texas,**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PAYNE SPRINGS, TEXAS**

From and after the passage of this Ordinance it shall be unlawful, and shall be a class "C" misdemeanor for any person, firm or corporation owning property within the City of Payne Springs, Texas or any tenant of such property which abuts a drainage or street ditch to permit trash, rubbish, debris, tree limbs, leaves, scrap material or any kind of rubble to remain in the drainage ditch or street ditch in front of their property or to in any manner obstruct or cause to be obstructed the natural flow of run-off waters in the City of Payne Springs, Texas.

It shall further be unlawful for any person, firm or corporation to place trash, rubbish, debris, tree limbs, leaves, scrap material or any kind of rubble in the drainage ditches, including but not limited to ditches along and beside streets in the City Limits of the City of Payne Springs, Texas and such offense shall be a Class "C" misdemeanor.

It shall further be unlawful for any person, firm or corporation to knowingly and intentionally obstruct or cause to be obstructed the drainage ditches and/or drainage structures in the City of Payne Springs, Texas. A violation of this paragraph of this ordinance shall be a Class "c" misdemeanor.

It shall be unlawful for any person, firm or corporation to utilize the trash dumpster, or trash receptacle of any other person, firm or corporation without the consent of the person, firm or corporation either owning or having the right to control the such trash dumpster, or trash receptacle, and a violation of this section of this ordinance shall be a class "c" misdemeanor.

Any person, firm or corporation who shall violate the provisions of this ordinance shall be presumed to have knowingly and intentionally violated the provisions of the Ordinance.

Any person, firm or corporation, who shall violate any of the terms and provisions of this Ordinance shall be punished by fine of not less than Ten (\$10.00) Dollars nor more than Five Hundred (\$500.00) Dollars, and each day such offense shall continue shall constitute a separate offense.

The fact that the drainage ditches have been filled with trash, rubbish, tree limbs, dead weeds, debris, scrap materials and rubble of all kinds causing the natural flow of run-off waters from rain to be altered and diminished, creates flooding, and endangers the health and safety of the Citizens of the City of Payne Springs, Texas, creates an emergency and urgent public necessity that this ordinance take effect immediately upon its passage.

Should any section, clause, or provision of this Ordinance be declared to be unconstitutional and void by a Court of competent jurisdiction, such decision shall in no way affect the validity of the remaining parts, save the part held unconstitutional and void is inseparable from and indispensable to the operation of the remaining parts. The City of Payne Springs hereby certifies that they would have passed those parts which are valid and would have omitted those parts which may be invalid and unconstitutional had they known that such part or parts were void and unconstitutional at the time of the passage of this ordinance.

ORDINANCE NO. 2010-07-20

Passed and Approved this 20th Day of July, 2010.

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**Rodney Renberg, Mayor**

**SEAL**

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**Karen Juica , City Secretary**