

**TOWN OF PANTEGO, TEXAS
ORDINANCE NO. 2024-932**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PANTEGO, TEXAS, AMENDING CHAPTER 14, "ZONING," OF THE CODE OF ORDINANCES, TOWN OF PANTEGO, TEXAS, BY AMENDING, DIVISION 9, "DONATION BOXES," OF ARTICLE 14.10, "DEVELOPMENT STANDARDS;" TO DECLARE DONATION CONTAINERS TO BE A NUISANCE; REPEALING, SECTION A11.004, "DONATION BOXES," OF ARTICLE A11.000, "SUBDIVISIONS, ZONING AND DEVELOPMENT," OF APPENDIX A, "FEE SCHEDULE," PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

- WHEREAS,** the Town of Pantego ("Town") is a Type A General Law Municipality in Tarrant County, Texas, created in accordance with the provisions of Local Government Code, Chapter 6, and operating pursuant to enabling legislation of the State of Texas; and
- WHEREAS,** the Texas Local Government Code, Section 217.002 allows the Town to define what constitutes a nuisance and provides that the Town may abate and remove a nuisance and punish by fine the person responsible for the nuisance; and
- WHEREAS,** the Town Council finds that combating illegal dumping of trash and debris is a valid concern of the Town; and
- WHEREAS,** the Town has experienced a growing problem with illegal dumping occurring around "Donation Containers" located within the Town's jurisdiction; and
- WHEREAS,** such illegal dumping has blighted the Town and has created the potential for the expenditure of the Town's resources to remediate such problem; and
- WHEREAS,** as a result of these findings, the Town Council desires to declare "Donation Containers" to be a nuisance and to prohibit the use of such containers within the limits of the Town; and
- WHEREAS,** the Planning and Zoning Commission of the Town held a public hearing on Tuesday, September 3, 2024, and the City Council held a public hearing on Monday, September 23, 2024 with respect to the amendments described herein; and
- WHEREAS,** the City has complied with all requirements of Chapter 211 of the Local Government Code and all other laws dealing with notice, publication and procedural requirements for the amendments described herein; and
- WHEREAS,** the Town Council finds that regulations set forth herein are in the best interest of the health, safety, and welfare of the citizens of the Town and the public.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF PANTEGO, TEXAS:

SECTION 1.

That the findings above are found to be true and correct and are incorporated herein.

SECTION 2.

Division 9, "Donation Boxes," of Article 14.10, "Development Standards," of Chapter 14, "Zoning," of the Code of Ordinances, Town of Pantego, Texas, is hereby amended by to read as follows:

"Division 9 **Donation Containers.**

§ 14.10.805 **Purpose.**

The purpose of this division is to protect the health, safety, and welfare of the town residents by declaring donation containers a public nuisance due to the growing concern of illegal dumping and debris. This division further serves to protect the aesthetic well-being of the community and promote the tidy and ordered appearance of developed property.

§ 14.10.810 **Definitions.**

The following words, terms and phrases, when used in this division, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Donation Container. Any container, box, trailer or other receptacle that is intended for use as a collection point for donated clothing, other household items or personal property; the term does not include recycle bins or any container contained within a building.

Person. Any individual, business entity, association, or partnership recognized under Texas law other than a governmental entity.

Recycle bin. A receptacle used for the collection of recyclable materials and that is governed or regulated by state or local law.

§ 14.10.815 **Donation containers prohibited.**

- (a) It shall be unlawful for any person to place or maintain, or allow to be placed or maintained, a donation container on property within the corporate limits of the town.
- (b) Any donation container located within the corporate limits of the town shall be subject to impoundment by the town. Any donation container impounded by the town shall be released to the owner upon the payment of an impoundment fee of \$200.00 and a daily storage fee of \$20.00 for each day the donation container remains in the possession of the town.
- (c) Any impounded donation container not claimed within thirty (30) days of the date of impoundment may be destroyed or discarded without additional notice from the town.

Secs. 14.10.820 – 14.10.865 Reserved."

SECTION 3.

Section A11.004, "Donation boxes," of Article A11.000, "Subdivisions, Zoning and Development," of Appendix A, "Fee Schedule," of the Code of Ordinances, Town of Pantego, Texas, is hereby repealed in its entirety.

SECTION 4.

This Ordinance shall be cumulative of all provisions of ordinances of the Town, except where the provisions of this Ordinance are in direct conflict with the provisions of such existing ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 5.

It is hereby declared to be the intention of the Town Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining, phrase, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the Town Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 6.

Any person, firm, or corporation who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in accordance with Section 1.01.009, Code of Ordinances, Town of Pantego, Texas. Each such violation shall constitute a separate offense and shall be punishable as such hereunder.

SECTION 7.

All rights and remedies of the Town are expressly saved as to any and all violations of the provisions of the Code of Ordinances, Town of Pantego, Texas, as amended, or any other ordinances affecting any other ordinances regulating donation containers that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 8.

The Town Secretary of the Town is hereby directed to publish the caption and penalty clause in the official Town newspaper as authorized by Section 52.011 of the Texas Local Government Code.

SECTION 9.

This Ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

AND SO, IT IS ORDAINED, ON THIS, THE 23RD DAY OF SEPTEMBER 2024, BY A VOTE OF __ AYES, __ NAYS, AND __ ABSTENTIONS DURING A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF PANTEGO, TEXAS.

ATTEST:

APPROVE:

CITY SECRETARY LESLIE E. GALLOWAY

MAYOR RUSSELL RUSS S. BREWSTER