



To: City Council  
From: Michael Barrera, City Manager  
Date: April 6, 2017  
Re: Solid Waste Ordinance Amendment

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**Caption**

**AN ORDINANCE OF THE CITY OF MATHIS, TEXAS, AMENDING THE SOLID WASTE ORDINANCE OF THE CITY OF MATHIS, SECTION 30-6, MAINTENANCE OF SIDEWALKS, RIGHTS-OF-WAY AND OTHER CITY-OWNED PROPERTY; AND PROVIDING FOR ENFORCEMENT OF THE ORDINANCE, PROVIDING FOR A SAVINGS AND SEPARABILITY CLAUSE, REPEAL OF CONFLICTING ORDINANCES AND PROVISIONS, AND ESTABLISHING AN EFFECTIVE DATE.**

**Purpose**

This action will amend the solid waste ordinance by clarifying that all property owners are required to mow and maintain the city-owned property adjacent to their private property.

**Background**

The Solid Waste Ordinance currently requires property owners to maintain city-owned property that is adjacent to their property up to the edge of the street. However, City crews continue to mow and edge this property due to the failure of some property owners to take on this responsibility. This amendment specifically lists cutting, mowing and edging as a requirement of the property owner and therefore eliminates any ambiguity on who is responsible for this maintenance.

Notice of this amendment will be communicated to the community via the local newspaper, City website and utility bill in an effort to make everyone aware of their responsibility. A thirty day compliance period will be monitored by crews and law enforcement as the City migrates this responsibility over to the property owners. Door hanger notices will be placed on those properties that continue to neglect their responsibility. Enforcement in the form of citations will ultimately be required for continued violations noted.

**Solid Waste Ordinance Amendment #O-17-4-11**

**AN ORDINANCE OF THE CITY OF MATHIS, TEXAS, AMENDING THE SOLID WASTE ORDINANCE OF THE CITY OF MATHIS, SECTION 30-6, MAINTENANCE OF SIDEWALKS, RIGHTS-OF-WAY AND OTHER CITY-OWNED PROPERTY; AND PROVIDING FOR ENFORCEMENT OF THE ORDINANCE, PROVIDING FOR A SAVINGS AND SEPARABILITY CLAUSE, REPEAL OF CONFLICTING ORDINANCES AND PROVISIONS, AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Mathis has determined that it is in the best interest of the citizens of this City to require all owners and occupants of property in the City to maintain their property including adjacent city-owned property in a clean and litter free manner to ensure the safety of its citizens, enhance the quality of life and maintain order and,

**WHEREAS**, such regulations were and are authorized by the police power provisions of the Texas Constitution, and pursuant to such authority, the City Council seeks to protect the health, safety and welfare of its citizens with the adoption of this ordinance;

**WHEREAS**, to promote the health, safety and welfare of its citizens, this Ordinance regulates the maintenance of specific city-owned property;

**WHEREAS**, this Ordinance seeks to promote the quality of life within the City;

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATHIS, TEXAS:**

**Part 1.**

That the Solid Waste Ordinance, Section 30-6 is amended as follows:

***Section 30-6 Maintenance of sidewalks, rights-of-way and other city-owned property.***

All owners and occupants, jointly and separately, of property shall maintain their property in a clean and litter-free manner by cutting, mowing and or edging, including adjacent sidewalks, grass strips, curbs, gutters and rights-of-way to the edge of the surface of the vehicular travel way of any public street.

**Part 2. Invalidity**

It is the intent of the governing body that every word, phrase, sentence, clause and paragraph of this ordinance shall be considered separable and if any of which is judged to be invalid or unconstitutional by a court of competent jurisdiction, then all remaining words, sentences, phrases, clauses and paragraphs will remain valid and in full effect as if originally enacted without the inclusion of such invalid or unconstitutional provision.

**Part 3: Conflicts**

Any provision of any previously enacted ordinance found to be in conflict herewith is expressly repealed to the extent that such conflict exists.

**Part 4: Effective Date**

This Ordinance shall be effective immediately upon its passage and publication as required by law.

**FIRST READING PASSED AND APPROVED THIS \_\_\_\_\_ OF \_\_\_\_\_,  
2017.**

By: \_\_\_\_\_

Ciri Villarreal, Mayor

ATTEST:

By: \_\_\_\_\_

Mary Gonzales, City Secretary

**SECOND READING PASSED AND APPROVED THIS \_\_\_\_\_ OF \_\_\_\_\_,  
2017.**

By: \_\_\_\_\_

Ciri Villarreal, Mayor

ATTEST:

By: \_\_\_\_\_

Mary Gonzales, City Secretary