

Maya Sanchez  
Mayor  
Leticia Miranda  
Alderson Place 1  
David Cantu  
Alderson Place 2



Miguel Najera Jr.  
Alderson Place 3  
Rebecca Martinez-Juarez  
Alderson Place 4  
George Almanzar  
Alderson Place 5

## **ORDINANCE NO. 1704.09**

**AN ORDINANCE DEFINING AND REGULATING A NUISANCE, TO-WIT: THE PROHIBITION OF GLASS BEVERAGE CONTAINERS IN CITY PARKS OR RECREATION AREAS; DECLARING A VIOLATION AS A MISDEMEANOR OFFENSE WITH A MAXIMUM PENALTY OF \$500 PER OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of San Elizario ("City") seeks to promote the health, safety and general welfare of the community by preventing death, injury, property damage and urban blight within the City limits; and

**WHEREAS**, the City Council finds that the use, dumping, exhibiting, carrying, possession or disposal of a glass beverage container in a park or recreation area within the city limits increases illegal dumping and littering, increases fire hazards, decreases the aesthetics of the City, and overall, lowers the quality of life for citizens of the City; and

**WHEREAS**, the City Council finds that the existence of these unsanitary, unsafe and dangerous conditions poses a menace to the health, safety and welfare of its citizens; and

**WHEREAS**, pursuant to Texas Local Government Code Chapter 217, the City has the statutory authority to define nuisances and impose fines; and

**WHEREAS**, pursuant to Texas Local Government Code Section 51, the City Council is authorized by law to adopt an ordinance that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

**WHEREAS**, the City Council finds that it is necessary and proper for the good government, peace or order of the City and for proper public health and sanitation in the City to adopt an ordinance regulating the use of glass beverage containers in a park or recreation areas in the City.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of San Elizario:

**ARTICLE I. FINDINGS OF FACT**

The foregoing recitals are adopted as facts and are incorporated fully herein.

**ARTICLE II. ADOPTION AND ENACTMENT**

The City Council hereby adopts and enacts the Ordinance regarding the "Prohibition of Glass Beverage Containers in City Parks or Recreation Areas," attached hereto as "Attachment A" and incorporated fully herein in this Ordinance for all intents and purposes.

**ARTICLE III. REPEALER AND SEVERABILITY**

**REPEALER:** All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

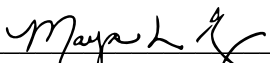
**SEVERABILITY:** Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

**ARTICLE IV. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon passage and publication.

**PASSED AND APPROVED** this, the 11th day of April, 2017, by a vote of 5 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of San Elizario, Texas.

CITY OF SAN ELIZARIO, TEXAS

  
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Maya Sanchez, Mayor

**ORDINANCE NO. 1704.09**

**PROHIBITION OF GLASS BEVERAGE CONTAINERS  
IN CITY PARKS OR RECREATION AREAS**

- (a) Nuisance Declared. Unless specifically stated otherwise, an offense defined in this Ordinance is hereby declared a nuisance if it exists within the corporate limits of the City.
- (b) Misdemeanor Offense Defined. It shall be unlawful for anyone to use, dump, exhibit, carry, possess or unlawfully dispose of a glass beverage container in a park or recreation area within the city limits of the City of San Elizario. A person who violates any part of this Ordinance is guilty of a misdemeanor.
- (c) Exemption. The provisions of this ordinance shall not apply to City personnel engaged in authorized maintenance of or construction upon park property or recreation areas.
- (b) Definitions. The following definitions shall apply to the provisions of this section:

*City* means the City of San Elizario.

*Glass beverage container* means any glass receptacle which:

- (i) has at some point in time contained a beverage;
- (ii) currently contains a beverage; or
- (iii) was created for the purpose of containing a beverage.

A glass beverage container does not include the following:

- (i) glass-lined vacuum bottles and glass-lined picnic beverage coolers; or
- (ii) baby bottles or baby food jars containing products for consumption by a baby.

*Park or recreation area* means a parcel of land, water, or land and water used for park and/or recreational purposes and under the administrative control of and managed by the City.

- (c) Criminal Penalties and Civil Remedies.

(1) Criminal Prosecution.

A person violating any provision of this Ordinance shall, upon conviction, be fined a sum not to exceed \$500.00. Each day that a provision of this Ordinance is violated shall constitute a distinct and separate offense.

(2) Civil Remedies.

Nothing in this Ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law.