

ORDINANCE NO. 6-2005

AN ORDINANCE AMENDING CHAPTER 27, REFUSE, ARTICLE II, RECEPTACLES, OF THE CITY OF ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTION AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE, DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, no person other than a duly authorized employee of the City of Abilene is specifically authorized by City Code to remove items from receptacles; and

WHEREAS, law enforcement officials may have the need to secure evidence in receptacles from time to time, and even though allowed to collect evidence pursuant to state law, have requested a specific written amendment to Chapter 27 to confirm this right; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 27, Refuse, Article II, Receptacles, Sec. 27-21, Unauthorized Removal; of the Code of the City of Abilene is amended as set forth in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provision or section of this Ordinance is held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining Ordinance provisions or sections, which shall remain in full force and effect.

PART 3: That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as set forth in Section 13-106 of the attached Exhibit "A". No culpable mental state is required for the commission of an offense under this Ordinance. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper as provided by Section 19 of the Charter of the City of Abilene, Texas.

PASSED ON FIRST READING this 10th day of March, 2005.

PASSED ON SECOND AND FINAL READING this 24th day of March, 2005.

ATTEST:



City Secretary



Mayor

APPROVED:



City Attorney

EXHIBIT "A"

Amend Sec. 27-21. Unauthorized Removal by adding the following:

No person other than a duly authorized employee of the city or law enforcement personnel acting within the official scope of their duties shall collect or remove any refuse from refuse receptacles used in the regular city collection service or from any container utilized in the city container collection or stationary compactor services.