

Ordinance 2024.11.1

AN ORDINANCE OF THE CITY OF FLATONIA, TEXAS, ADOPTING AND ENACTING A NEW CODE OF ORDINANCE; PROVIDING DEFINITIONS AND REGULATIONS FOR THE REGULATION OF RESIDENTIAL AND COMMERCIAL COLLECTION, DISPOSAL, AND RECYCLING SERVICES OF TIRES WITHIN THE CITY LIMITS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR CODIFICATION; FINDING AND DETERMINING THAT THE MEETING AT WHICH THE ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS Tires left near roadways, waterways, open fields, or buildings can create safety, environmental, and health hazards. For example, tires can pose a fire hazard and provide a habitat for disease-causing vectors. The City of Flatonia, for the safety and health of the citizens of Flatonia, hereby sets the following:

Sec. 1 Definitions

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

Driver means a person designated to act as a driver of a permittee's trucks pursuant to the permit.

Elements of nature means rainfall, snow, sleet, hail, or other natural precipitation.

Public highway means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Tire means any tire, whether new or used, whether serviceable or unserviceable, made wholly or partially of rubber which was manufactured for use on any vehicle propelled by a motor (including vehicles pushed or pulled by a vehicle propelled by a motor), regardless of whether such vehicle is intended for use on a public highway, provided that such tire is not mounted upon a wheel or rim and in service upon or carried as a component spare part of a vehicle.

Tire disposer means any person who, in compliance with all applicable state, federal, and local laws, rules, and regulations, disposes of or converts tires to another purpose, including, without limitation, persons who:

- a. landfill, incinerate, or otherwise dispose of tires as waste or as fuel; or
- b. by shredding, grinding, chemical treatment, or other means to reduce tires into basic components for oil, steel, carbon black, rubber, road paving, or other marketable salvage materials; or
- c. convert tires into other useful items such as doormats and sandal soles.

Tire re-processor means any person who regrooves, recaps, retreads, or otherwise remanufactures unserviceable tires into serviceable tires.

Truck means a vehicle designated to be operated by a permittee's drivers for the transport of unserviceable tires pursuant to the permit.

Unserviceable tire means any tire that is worn, defective, or damaged so that it is not fit for use upon a vehicle, regardless of whether such tire is in such condition that it can be remanufactured by a tire re-processor or not. Any tire manufactured for use on a public highway that is worn, defective, or damaged so that it fails to meet any one or more of the standards adopted by the Department of Public Safety for inspection of tires in conjunction with the state's inspection of vehicles program conducted pursuant to Article 6701d of the Revised Civil Statutes of Texas shall constitute an unserviceable tire. In the application of such standards, it shall be presumed that a tire was manufactured for use upon a public highway unless it is marked "not for highway use," "farm use only," "for racing purposes only," or with other use restrictions that would indicate the tire is not meant for highway use. The term "unserviceable tire" shall not include any tire that has been shredded, ground, or cut up into pieces one quarter or less the size of the whole tire from which they were derived.

Unserviceable tire generator means any person (including, but not limited to, a person engaged in the sale and mounting of new, used, or remanufactured automobile, truck, and equipment tires who receives unserviceable tires in the exchange process associated therewith and a person who owns or operates fleets of trucks, taxicabs, buses, implements or other vehicles and services all or a portion of their own tire needs) who in the course of his normal business activities generates 100 or more unserviceable tires per calendar year.

Sec. 2 Open storage of tires declared a nuisance

The storage of any tire upon any premises within the city in such a manner that the tire is exposed to the elements of nature is hereby declared to be a nuisance which is subject to abatement at the expense of the owner of such premises as provided by law.

Sec. 3 Open storage of tires prohibited

It shall be unlawful for any person to store or to suffer or permit the storage of any tire or tires upon any premises within the city in such a manner that the tire or tires are exposed to the elements of nature.

Sec. 4 Tire business and mobile tire road repair service

Tires must be stored under a roof, as defined by the Texas Commission on Environmental Quality, preventing the tire from being exposed to the elements of nature. Additionally, tires must be enclosed behind a privacy fence.

Sec. 5 Penalty for article violations

A violation of any of the provisions of this article constitutes a misdemeanor that shall be punishable, upon conviction, by a fine of not less than \$250.00 nor more than \$2,000.00, and each day that any violation continues shall constitute a separate offense; provided, however, that an offense provided in this article which also constitutes an offense under state law shall be punishable as provided in the applicable state law.

Sec 6. Texas State Law Sec 343.011 Public Nuisance

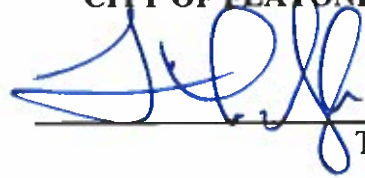
- (a) A person may not cause, permit, or allow a public nuisance under this section.
- (b) A public nuisance is:
 - a. keeping, storing, or accumulating refuse on premises in a neighborhood unless the refuse is entirely contained in a closed receptacle.
 - b. keeping, storing, or accumulating rubbish, including newspapers, abandoned vehicles, refrigerators, stoves, furniture, tires, and cans, on-premises in a neighborhood or within 300 feet of a public street for 10 days or more, unless the rubbish or object is completely enclosed in a building or is not visible from a public street.
 - c. maintaining premises in a manner that creates an unsanitary condition likely to attract or harbor mosquitoes, rodents, vermin, or other disease-carrying pests.

Sec 7. Effective Date

- (a) The effective date for this ordinance is April 15, 2025, allowing ample time for current tire businesses to comply with the changes.

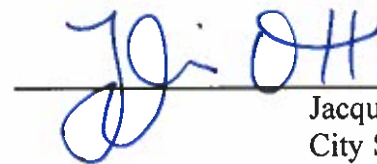
PASSED AND APPROVED by the City Council of Flatonia, Texas, on the 10th day of
December 2024.

CITY OF FLATONIA, TEXAS



Travis Seale
Mayor

ATTEST



Jacqueline Ott
City Secretary

APPROVED AS TO FORM



Barbara Boulware-Wells
City Attorney

