

ORDINANCE NO. 2025-12

AN ORDINANCE OF THE CITY OF TEXAS CITY, TEXAS, AMENDING CHAPTER 94 PROHIBITING THE PLACEMENT OF DONATION BINS OR RECEPTACLES FOR CLOTHING OR OTHER ITEMS ON PUBLIC OR PRIVATE PROPERTY; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, the City Commission of the City of Texas City, Texas finds that the unregulated placement of donation bins and receptacles for clothing and other household goods contributes to blight, illegal dumping, and the improper use of property;

WHEREAS, the City of Texas City (“City”) has received complaints regarding the visual appearance, maintenance, and misuse of such bins and receptacles;

WHEREAS, the City Commission seeks to preserve the public health, safety, and welfare of all residents by prohibiting such donation bins and receptacles within the City;

WHEREAS, the City Commission of the City, needs to amend the Code of Ordinance Title IX Entitled “General Regulations”, Chapter 94 – Health and Sanitation to add a section prohibiting donation bins;

WHEREAS, pursuant to TEX. LOCAL GOV'T CODE § 211.001 *et seq.*, the City of Texas City, Texas, is authorized to adopt ordinances for the purpose of promoting the public health, safety, morals, or general welfare and protecting and preserving places and areas of historical, cultural, or architectural importance and significance

NOW, THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS, THAT:

Section 1. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Commission hereby further finds and determines that the rules, regulations, terms, conditions, provisions, and requirements of this ordinance are reasonable and necessary to protect the public health, safety, and quality of life. The City of Texas City’s Code of Ordinances, Chapter 94 – Entitled “Health and Sanitation”, is amended by adding the following:

DONATION BINS OR RECEPTACLES

Sec. 94.080 – Definitions

(A) *Donation Bin or Receptacle.* Donation Bin or Receptacle shall mean any container, box, trailer, or similar device placed outdoors and intended for use by the public to collect clothing, shoes, textiles, household goods or similar items for use by any person or entity for the purpose of donation, resale, recycling, or redistribution.

Sec. 94.081 – Prohibitions

(A) The placement, installation, maintenance, or operation of any donation bin or receptacle is hereby prohibited within the corporate limits of the City of Texas City, Texas.

(B) It shall be unlawful for any person, business, organization, or entity to place or allow the placement of a donation bin or receptacle on either public or private property within the City.

Sec. 94.082 – Enforcement

(A) This Ordinance shall be enforced by the Code Enforcement Officers or any officials for the City.

(B) Any donation bin or receptacle placed in violation of this Ordinance shall be declared a public nuisance and may be removed by the City. All costs associated with removal, storage, or disposal shall be the responsibility of the owner or party responsible for the placement.

Sec. 94.083 – Penalty

(A) Any person, business, organization, or entity who violates this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed One Thousand Dollar (\$1000.00) per offense.

(B) Each day a violation exists shall constitute a separate and distinct offense.

Section 2. This ordinance shall be cumulative of all provisions of the City of Texas City, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the more restrictive provision shall apply.

Section 3. It is hereby declared to be the intention of the City Commission of the City of Texas City 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 should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, since the same would have been enacted by the City Commission without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 4. All rights and privileges of the City of Texas City are expressly saved as to any and all violations of the provisions of any Ordinances affecting land use or development, which 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 5. That this Ordinance shall be read on three (3) separate days and shall become effective upon its final reading, passage, and adoption.

Section 6. That this Ordinance shall be finally passed upon the date of its introduction and shall become effective from and after its passage and adoption and publication by caption only in the official newspaper of the City of Texas City, Texas

PASSED ON FIRST READING this 18th day of June 2025.

Dedrick D. Johnson, Sr., Mayor
City of Texas City, Texas

ATTEST:

Rhomari D. Leigh
City Secretary

PASSED ON SECOND READING this 2nd day of July 2025.

Dedrick D. Johnson, Sr., Mayor
City of Texas City, Texas

ATTEST:

Rhomari D. Leigh
City Secretary

PASSED AND FINALLY ADOPTED this 16th day of July 2025.

Dedrick D. Johnson, Sr., Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

Rhomari D. Leigh
City Secretary

Kyle L. Dickson
City Attorney