

CHAPTER 434

S.B. No. 858

An Act relating to litter abatement; providing penalties; amending the Texas Litter Abatement Act, as amended (Article 4477-9a, Vernon's Texas Civil Statutes), by amending and renumbering Section 2.01 and adding a new Section 2.01; amending Subsection (b), Section 2.02; Subsection (a), Section 2.03; and Subsection (a), Section 2.04.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Article II, Texas Litter Abatement Act, as amended (Article 4477-9a, Vernon's Texas Civil Statutes), is amended by amending Section 2.01, renumbering that section as Section 2.011, and adding a new Section 2.01 to read as follows:

"Section 2.01. **DEFINITIONS.** In this article:

"(1) 'Junk' means all worn-out, worthless, and discarded material, including odds and ends, old iron or other metal, glass, and cordage.

"(2) 'Garbage' means all decayable wastes from public and private establishments and restaurants, including vegetable, animal, and fish offal and animal and fish carcasses. The term does not include sewage, body wastes, or industrial by-products.

"(3) 'Rubbish' means all nondecayable wastes, except ashes, from a public or private establishment or residence.

"(4) 'Refuse' means garbage, rubbish, paper, and other decayable and nondecayable waste, including vegetable matter and animal and fish carcasses. The term does not include sewage from a public or private establishment or residence.

"Section 2.011 [~~2.01~~]. **DISPOSING OF SOLID WASTE RESTRICTED.** (a) A person commits an offense if that person disposes of [~~trash,~~] junk, garbage, rubbish, refuse, [~~unsightly matter,~~] or other solid waste on a public highway, right-of-way, other public or private property, or into inland or coastal waters of Texas.

"(b) A person who commits an offense under this section is, on conviction, subject to a fine of not less than \$15 nor more than \$200.

"(c) It is a defense to prosecution under this section that before the disposal, the person disposing of solid waste had written consent to dispose of solid waste on that property from the owner, the owner's agent, or the public official in charge of the property.

"(d) A law enforcement officer of this state or of a political subdivision of this state or a health officer of a municipality authorized by law to regulate matters of sanitation and public health may enforce this section."

SECTION 2. Subsection (b), Section 2.02, Texas Litter Abatement Act, as amended (Article 4477-9a, Vernon's Texas Civil Statutes), is amended to read as follows:

"(b) A person commits an offense if that person discards in a county park situated in a county that has as one boundary the Gulf of Mexico junk garbage, rubbish, [~~paper,~~] or other refuse in a place that is not an officially designated refuse container or disposal unit."

SECTION 3. Subsection (a), Section 2.03, Texas Litter Abatement Act, as amended (Article 4477-9a, Vernon's Texas Civil Statutes), is amended to read as follows:

"(a) A person commits an offense if that person, without prior permission of the owner, stores, dumps, disposes of, or otherwise places in a cave a chemical, a dead animal, sewage, junk, [~~trash,~~] garbage, rubbish, or other refuse."

SECTION 4. Subsection (a), Section 2.04, Texas Litter Abatement Act, as amended (Article 4477-9a, Vernon's Texas Civil Statutes), is amended to read as follows:

"(a) In this section 'public highway' [:

"[(1) 'Refuse' means garbage, rubbish, and other decayable and nondecayable waste, including vegetable matter and animal and fish carcasses. The term does not include sewage from a public or private establishment or residence.

"[(2) 'Garbage' means all decayable wastes from public and private establishments and restaurants, including vegetable, animal, and fish offal and animal and fish carcasses. The term does not include sewage, body wastes, or industrial by-products.

"[(3) 'Rubbish' means all nondecayable wastes, except ashes, from a public or private establishment or residence.

"[(4) 'Junk' means all worn-out, worthless, and discarded material, including odds and ends, old iron or other metal, glass, paper, and cordage.

"~~(5) 'Public highway'~~ means the entire width between property lines of a road, street, way, thoroughfare, bridge, public beach, or park in this state, not privately owned or controlled, if any part of the road, street, way, thoroughfare, bridge, public beach, or park is opened to the public for vehicular traffic, is used as a public recreational area, or is under the state's legislative jurisdiction through its police power."

SECTION 5. (a) This Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense is committed before the effective date of this Act.

(b) An offense committed before the effective date of this Act is governed by the law in effect at the time the offense was committed, and that law is continued in effect for that purpose.

SECTION 6. This Act takes effect September 1, 1985.

SECTION 7. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on April 18, 1985, by the following vote: Yeas 31, Nays 0; passed the House on May 21, 1985, by the following vote: Yeas 143, Nays 0, two present not voting.

Approved: June 11, 1985

Effective: September 1, 1985