

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY OF KYLE, TEXAS, THAT
ESTABLISHES RESTRICTIONS UPON THE UNNECESSARY
DISTRIBUTION OF PRINTED MATERIALS**

WHEREAS, it is the city's intent to reduce litter throughout the city; and

WHEREAS, Kyle strives to protect its citizens' private property; and

WHEREAS, this ordinance will increase compliance with MS4 program requirements to protect our waterways and drainage ways from excess litter and debris.

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

Section 1. Article IX, Stormwater Regulations, Section 50-406(c) is hereby added to Chapter 50 "Utilities" of the Code of Ordinances, and is hereby amended to read and be as follows:

Section 50-406. – Prohibitions.

(c) Prohibit the placement of certain printed materials

- (1) It shall be unlawful for any person to distribute, or cause to be distributed, within the city any handbill, phone book, advertisement or printed or written material by placing, or causing such handbill or printed or written material to be placed in any yards, driveways, walkways or porches of any structure within the city.
- (2) The provisions of this section shall not apply to any newspaper, or to any publication containing printed or written material, to which the occupants of the subject premises pay money (United States currency) in return for receiving such material.
- (3) This section is not intended, nor shall it be construed to prohibit distribution of printed or written material utilizing any means of distribution which does not cause such materials to be placed or deposited in any yards, driveways, walkways or porches of any structure within the city which means of distribution shall include, but shall not be limited to, the following:
 - a. The U.S. mail;
 - b. Personally, handing such material to persons willing to accept the same on streets, sidewalks, parks or at their residences; or
 - c. Utilizing doorknobs or mailbox hanging devices in a manner which reasonably ensures that such material shall not be placed or caused to become placed or deposited upon any yards, driveways or porches of any structure within the city.

(d) Allowable discharges.

- (1) A discharge authorized by, and in full compliance with, a TPDES permit;
- (2) A discharge or flow resulting from firefighting by the fire department;
- (3) A discharge or flow of fire protection water that does not contain oil or hazardous substances;
- (4) Agricultural stormwater runoff;
- (5) A discharge or flow from water line flushing, but not including a discharge from water line disinfection by super chlorination or other means unless the total residual chlorine (TRC) has been reduced to less than 1.0 mg/l and it contains no harmful quantity of chlorine or any other chemical used in line disinfection;
- (6) A discharge or flow from lawn watering, or landscape irrigation, or other irrigation water;
- (7) A discharge or flow from a diverted stream or natural spring;
- (8) A discharge or flow from uncontaminated pumped groundwater or rising groundwater;
- (9) Uncontaminated groundwater infiltration (as defined as 40 CFR 35.2005(20)) to the MS4;
- (10) Uncontaminated discharge or flow from a foundation drain, crawl space pump, footing drain, or sump pump;
- (11) A discharge or flow from a potable water source not containing any harmful substance or material from the cleaning or draining of a storage tank or other container;
- (12) A discharge or flow from air conditioning condensation that is unmixed with water from a cooling tower, emissions scrubber, emissions filter, or any other source of pollutant;
- (13) A discharge or flow from individual residential car washing;
- (14) A discharge or flow from water used in street washing that is not contaminated with any soap, detergent, degreaser, solvent, emulsifier, dispersant, or any other harmful cleaning substance;
- (15) Stormwater runoff from a roof that is not contaminated by any runoff or discharge from an emissions scrubber or filter or any other source of pollutant;
- (16) Swimming pool water that has been dechlorinated so that total residual chlorine (TRC) is less than 1.0 mg/l and that contains no harmful quantity of chlorine, muriatic acid or other chemical used in the treatment or disinfection of the swimming pool water or in pool cleaning.

Section 2. Violations and Penalty

Violations of this section shall be punishable as stated in Sec. 50-418. - Penalties.

PASSED AND APPROVED on this the ____ day of _____, 2020.

FINALLY PASSED AND APPROVED on this the ____ day of _____, 2020.

The City of Kyle, Texas

Travis Mitchell, Mayor

ATTEST:

Jennifer A. Vetrano, City Secretary