CONTAINER LITTERING ORDINANCE

WHEREAS, the Water Oriented Recreation District of Comal County, Texas ("WORD"), a recreation district authorized by the Texas Legislature and created by a vote of the citizens of Comal County, Texas; and

WHEREAS, pursuant the powers vested in WORD by the Texas Legislature to improve the public health, safety and welfare in the district and conserve the natural resources in the district as provided by Section 324.001 of the Texas Local Government Code; and

WHEREAS, the Board of Directors of WORD finds that the environmental quality of the waterways within its boundaries shall be improved by the passage of a littering ordinance which will ban the use of plastic containers with a volume of five (5) fluid ounces or less on the waterways within the district; and

WHEREAS, the Board of Directors of WORD also finds that litter, including plastic containers with a volume of five (5) fluid ounces or less: (i) impose a potential health and safety risk to the public navigating the Guadalupe River or Canyon Lake; (ii) create a public nuisance, and (iii) can lead to increases in WORD taxes in an effort to clean both the River and Lake; and

WHEREAS, the City of New Braunfels is contiguous to the WORD district and has passed Ordinance No. 2006-78 which prohibits open containers with a volume of five fluid ounces or less on certain public waterways, including the Guadalupe River;

NOW, THEREFORE, BE IT ORDERED by the Water Oriented Recreation District of Comal County, Texas, through its Board of Directors and pursuant to the powers set forth in Sections 324.001 and 324.066 of the Texas Local Government Code, hereby passes this Container Littering Ordinance:

A. It shall be considered unlawful and a misdemeanor offense for anyone to use, carry, possess, or dispose of an open plastic container with a volume capacity of five (5) fluid ounces or less on or in the public waterways of the Guadalupe River and Canyon Lake which are located within the district's boundaries;

B. For purposes of this section, "open plastic container" means: a bottle, can, or other receptacle that is open, that has been opened, that has a broken seal, or the contents of which are fully or partially removed, and is made of plastic;

C. Any person who shall violate any provision of this section shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not more than $500. Possession by a person of one or more containers in single criminal episode shall be considered a single offense.

D. It is an affirmative defense to prosecution if the person in possession of an open plastic container is participating in a WORD sponsored Guadalupe River and/or Canyon Lake cleanup, either pursuant to a contract or as a volunteer.

E. This Ordinance becomes effective on 1st day of January, 2009.

SIGNED effective this _____ day of October, 2008.

_____	_____
Paul Rich, President	Johnnie Bezdek, Vice-President
_____	_____
David Davenport, Secretary	Karen Vordenbaum, Treasurer
_____	_____
William Korioth, Director	James Arnold, Director
_____	
Don King, Director	

ATTEST:

_____

David Davenport, Secretary