

ORDINANCE NO. 97-13

AN ORDINANCE REGULATING THE COLLECTION OF GARBAGE AND REFUSE IN THE CITY OF COMMERCE, TEXAS; PRESCRIBING METHODS OF COLLECTION OF GARBAGE AND REFUSE IN THE CITY; DEFINING TERMS; PRESCRIBING DUTIES OF CUSTOMERS; ESTABLISHING REGULATIONS FOR RESIDENTIAL, COMMERCIAL, INSTITUTIONAL AND INDUSTRIAL COLLECTIONS; PROHIBITING LITTERING OR THE MAINTENANCE OF LITTERED PREMISES; PRESCRIBING A PENALTY FOR VIOLATION HEREOF; PROVIDING A SAVINGS CLAUSE; REPEALING CHAPTER 78 (STYLED SOLID WASTE) OF THE CODE OF ORDINANCE OF THE CITY OF COMMERCE AND ALL OTHER ORDINANCES IN CONFLICT HEREWITH; DECLARING AN EMERGENCY AND NAMING AN EFFECTIVE DATE:

BE IT ORDAINED BY THE CITY OF COMMERCE, TEXAS:

SECTION 1. DEFINITIONS. The following words and terms, when used in this Ordinance, shall have the meanings, respectively, ascribed to them in this Section:

- (1) **Bags** - Plastic sacks designed to store refuse with sufficient wall strength to maintain physical integrity when lifted by the top. Total weight of a bag and its contents shall not exceed 35 pounds.
- (2) **Bin** - Receptacle designed to be lifted and emptied mechanically. All bins must have attached lids.
- (3) **Bulky Waste** - Stoves, refrigerators, water tanks, washing machines, furniture and other waste materials other than construction debris, dead animals, special waste or stable matter with weights or volumes greater than those allowed for bins or containers, as the case may be.
- (4) **Bundle** - Tree, shrub and brush trimmings or newspapers and magazines securely tied together forming an easily handled package not exceeding four feet in length or 35 pounds in weight.
- (5) **Commercial and Industrial Refuse** - All bulky waste, construction debris, garbage, rubbish and stable matter generated by a producer at a commercial and industrial unit.
- (6) **Construction Debris** - Waste building materials resulting from construction, remodeling, repair or demolition operations including dirt, concrete, rocks, bricks, roofing material or other waste building materials.
- (7) **Garbage** - Any and all dead animals of less than 10 pounds in weight, except those slaughtered for human consumption; every accumulation of waste (animal,

vegetable and/or other matter) that results from the preparation, processing consumption, dealing in, handling, packing, canning, storage, transportation, decay or decomposition of meats, fish, fowl, birds, fruits, grains, or other animal or vegetable matter (including, but not by way of limitation, that used in tin cans and other food containers; and all putrescible or easily decomposable waste animal or vegetable matter which is likely to attract flies or rodents); except (in all cases) any matter included in the definition of bulky waste, construction debris, dead animals, hazardous waste, rubbish or stable matter.

- (8) **Hazardous Waste** - Any chemical, compound, n-fixture, substance or article which is designated by the United States Environmental Protection Agency (USEPA) or appropriate agency of the State to be "hazardous" as that term is defined by or pursuant to Federal or State Law.
- (9) **Producer** - An occupant of a commercial and industrial unit or a residential unit who generates waste.
- (10) **Waste** - This term shall refer to residential refuse and bulky waste, construction debris and stable matter generated at a residential unit, unless the context otherwise requires, and commercial and industrial waste.
- (11) **Residential Waste** - All garbage and rubbish generated by a producer at a residential unit.
- (12) **Residential Unit** - A dwelling within the corporate limits of the City or serviced by a City water meter by a person or group of persons comprising not more than four families. A residential unit shall be deemed when either water or domestic light and power services are being supplied thereto and shall be billed per unit.
- (13) **Rubbish** - All waste, wood, wood products, tree trimmings, grass cuttings, dead plants, weeds, leaves, dead trees or branches thereof, chips, shavings, sawdust, printed matter, paper, pasteboard, rags, straw, used and discarded clothing, used and discarded shoes and boots, combustible waste pulp and other products such as are used for packaging, or wrapping crockery and glass, ashes, cinders, floor sweepings, glass, mineral or metallic substances, and any and all other waste materials not included in the definition of bulky waste, construction debris, dead animals, garbage, hazardous waste or stable matter.
- (14) **Stable Matter** - All manure and other waste matter normally accumulated in or about a stable, or any animal livestock or poultry enclosure, and resulting from the keeping of animals, poultry or livestock.
- (15) **Special Waste** - Animal waste, blood products, microbiological waste, pathological waste and sharps.

- (16) **Non-Standard Disposal Waste** - Items prohibited or restricted in Class "C" landfills by the Texas Department of Health i.e.; special waste, batteries, and tires.
- (17) **Customer** - Any owner, occupant, tenant, or person otherwise in control of any premises in the City on which garbage, rubbish, and waste are accumulated and from which the same is removed or required to be removed pursuant to the terms of this Ordinance.

SECTION 2. DUTIES OF CUSTOMER

A. Containers: Every customer shall use approved containers sufficient in number to hold the garbage and trash normally accumulated on the premises of said customer. Only bags and/or bundles or disposal containers having outside dimensions of less than three (3) feet and weighing no more than 35 pounds are approved for residential customers. Waste contractor shall provide bins for business/commercial and industrial units whenever customers request their use. Business customers not using bins will use bags, bundles, and/or disposal containers having outside dimensions of less than three (3) feet and weighing no more than 35 pounds.

B. To Secure Containers: Every customer shall keep all garbage and waste containers used by it securely closed in such manner as to prevent the scattering of the contents thereof and to render said contents inaccessible to insects, rodents and other animals. All garbage and waste must be placed inside container (bags or bins). Garbage and waste will not be permitted outside container.

SECTION 3. RESIDENTIAL COLLECTION - PLACEMENT OF BAGS AND BUNDLES.

A. Premises on Alleys: If the premises from which garbage and waste are to be collected is adjacent to a dedicated public alley, the customer shall place all containers adjacent to the alley at a location on the premises and easily accessible to the collector from outside said premises.

B. Other Premises: In the event there is no alley adjacent to the premises, the customer shall place all containers for collection at curbside on the street on which said premises are addressed.

C. Designation of Collection Point: In the event it is not practical to place containers for collection at locations hereinabove provided, the City Manager, or his duly authorized representative shall designate the point most accessible for collection in such instances.

D. Time of Placement: All containers shall be placed at the hereinabove prescribed locations not later than 7:00 a.m. on the day of scheduled collection. In this regard, it

shall be unlawful for any customer to place any containers of garbage at said location prior to the day of scheduled collection.

SECTION 4. RESIDENTIAL COLLECTION - BUNDLED TRASH AND BRUSH.

In the event trash is of such a nature that it cannot be placed in bags, it shall be placed in bundles or disposable containers having no outside dimension of more than three (3) feet and shall be placed for collection as provided in Section 3 hereof. Brush shall be cut in length not to exceed four (4) feet and shall be trimmed and bundled and shall be placed for collection as provided in Section 3 hereof. All vines and thorny brush shall be placed in disposable containers. No bundle, bag, or container shall weigh in excess of thirty-five (35) pounds.

Special collection from residential units of bulky waste, construction debris and stable matter shall be provided by the contractor at an additional per cubic yard cost according to Section 5 of this Ordinance. Customer shall contact contractor for cost of such collection.

SECTION 5. COLLECTION FEES.

The collection and removal of garbage and waste in approved containers from premises used for residential purposes, shall be made two times each week; the number of bags, bundles and containers in total not to exceed ten (10) at each time. From premises used for commercial, business, and industrial purposes, in accordance with customers' demands, the contractor to evaluate the amount and frequency of pickup. The fair and reasonable charges for such services are hereby determined and marked Exhibit "A" and made a part hereof as if copied herein verbatim.

If required by customer, special collection of dead animals, non-standard waste, and/or special waste shall be provided by the contractor at a price consistent with industry price.

SECTION 6. DUTIES OF COMMERCIAL AND INDUSTRIAL CUSTOMERS

A. Approved Containers. It shall be the duty of the owner or person otherwise in control of the commercial or industrial premises within the City to cause all garbage and trash accumulated on said premises to be placed in approved containers.

B. Location of Containers. Containers shall be placed at a location on the premises which is readily accessible to the contractor and approved by the City Manager. Bins shall be placed in an accessible, outside location on a hard surface according to individual agreement of customer and contractor. Contractor may decline to collect refuse in bins not so placed.

C. To Secure Containers. It shall be the duty of the owner or person otherwise in control of premises within the City to cause lids on bins to be securely closed in such a manner as to prevent scattering of the contents thereof. Garbage, trash, bulky waste, and rubbish are not allowed outside the container. It shall be the duty of the owner or person

otherwise in control of the premises to cause all garbage, trash, bulky waste, or rubbish to be placed in bins or removed from the premises.

SECTION 7. COMPULSORY GARBAGE FEE.

The compulsory garbage fee fixed herein for the collection and disposal of garbage, waste, rubbish or refuse shall be entered by the City on customer's utility statements, and such charges shall be collected as similar charges are collected. A customer who shall fail or refuse to pay the charge herein specified within twenty (20) days from the date same shall become due and payable shall have his garbage service suspended and the County Health Officer shall be notified immediately for appropriate action in accordance with the provisions of this Ordinance.

SECTION 8. COLLECTION TO BE CARRIED ON IN A SYSTEMATIC, EFFICIENT AND SANITARY MANNER.

A. The collection, removal and disposal of all garbage, waste, rubbish, and trash shall be carried on in a systematic, efficient manner, keeping the entire City in a clean and sanitary condition.

B. All garbage or trash that is mixed with water or other liquids shall be drained before being put into a container. All animal matter subject to decomposition shall be well wrapped in paper or other material before being deposited in such container.

SECTION 9. DUTY OF CUSTOMER TO SEE THAT CONTAINERS EMPTIED, REPORTING REQUIREMENTS

Every customer is hereby required to maintain constant supervision and surveillance over garbage containers on his premises. If, after having been timely placed for collection, the containers are not collected, or emptied and the contents removed, as the case may be, by the contractor within a period of eight (8) hours of scheduled collection, the customer shall promptly notify the contractor. If containers are not collected, or emptied and the contents removed, within twenty-four (24) hours of notification of contractor, the customer shall promptly notify the City Manager or his duly authorized representative of this fact.

SECTION 10. PROHIBITED ACTS

A. Unlawful to Litter: It shall be unlawful for any person to sweep, throw or deposit any garbage, waste, bulky waste, construction debris, rubbish, stagnant water, or dead animals into, upon or along any drain, gutter, alley, sidewalk, street, or vacant lot, or upon any public or private premises within the City.

B. Maintaining Littered Premises: It shall be unlawful for any person owning or otherwise in control of any premises with the City to permit any of the conditions described in SECTION I OA hereto, to exist upon property owned or controlled by him after having actual or constructive notice thereof.

C. Construction Debris in Bins: It shall be unlawful for any person to place construction debris in any bin provided for collection of garbage. Special containers for construction debris are available from the contractor.

D. Open Bins Prohibited: It shall be unlawful for any person to deposit or maintain garbage or trash in open bins or other containers not designated as approved containers as that term is herein defined.

E. Burning Materials: It shall be unlawful for any person to deposit any burning match, charcoal, ember or other flammable substance in any container used for the disposal of garbage or trash.

F. Unauthorized Use of Commercial Bins: It shall be unlawful to use a commercial bin without authorization from the owner of the premises.

SECTION I 1. DUTY OF CITY MANAGER OR HIS AUTHORIZED REPRESENTATIVE AS TO INSPECTION AND ENFORCEMENT OF ORDINANCE.

In addition to the usual enforcement agencies of the City, it is hereby made the duty of the City Manager or his authorized representative to make inspection trips at regular intervals to determine whether or not garbage, trash, rubbish, bulky waste and refuse is being properly collected, removed and disposed of as required by the provisions of the Ordinance or any other applicable health ordinance. In the event it is found that this Ordinance or any other applicable Ordinance is being violated, appropriate and timely action shall be taken to insure a full compliance with its provisions.

SECTION 12. COLLECTION AND DISPOSAL BY PERSONS OR ORGANIZATIONS OTHER THAN CONTRACTOR, AND BY CONTRACTOR.

No person or organization other than those hereinafter enumerated shall empty garbage containers or trash receptacles or convey or transport garbage, rubbish, or trash on the streets, alleys or public thoroughfares of the City of Commerce, Texas.

The enumerated persons or organizations exempted from this provision are as follows, to wit:

- (1) Authorized agents or employees of the City of Commerce, Texas in the exercise of their duties with respect to disposal of the City of Commerce garbage, rubbish or trash.
- (2) Contractor, acting pursuant to contract with the City of Commerce, Texas, for collection of garbage, trash and rubbish, and the disposal thereof

- (3) Texas A&M University-Commerce, acting pursuant to agreement with the City of Commerce, Texas.

SECTION 13. SAVING CLAUSE.

If any section, part or provision of this ordinance is declared unconstitutional or invalid, then in that event, it is expressly provided, and it is the intention of the City Council of the City of Commerce, Texas, in passing this Ordinance, that all other parts of this Ordinance shall not be affected thereby and shall remain in full force and effect.

SECTION 14. PENALTY.

Any person who shall violate any of the provisions of this Ordinance shall be deemed guilty of a Class "C" misdemeanor punishable by a fine, and each and every day of such violation shall be deemed a separate and complete offense.

SECTION 15. REPEALING CLAUSE.

This Ordinance specifically repeals Chapter 78 (styled solid waste) of the Code of Ordinance of the City of Commerce and all other Ordinances in conflict herewith, and any amendments thereto and all other Ordinances and parts of Ordinances in conflict with terms of this ordinance.

SECTION 16. DECLARING AN EMERGENCY.

Whereas an emergency is apparent for the immediate preservation of order, health, safety, and general welfare of the public, all rules and regulations requiring the reading or Ordinances more than one time on more than one occasion are hereby suspended.

SECTION 17. EFFECTIVE DATE.

This Ordinance shall become effective on the 6th day
May, 1997 of such date being subsequent to the passage and publication as made and provided by the Charter of the City of Commerce, Texas.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Commerce, Texas on this the 6th day of May, 1997.

ATTEST:

CITY OF COMMERCE:

Marty Morrison
Marty Morrison, City Secretary

(seal)

John R. Sands
John R. Sands, Mayor

I, Marty Morrison, City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of an Ordinance, and that the same has not been repealed and is in full force and effect;

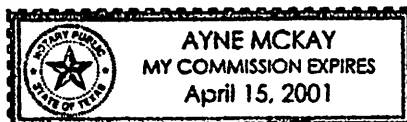
(seal)

Marty Morrison
City Secretary
City of Commerce, Texas

Sworn to and subscribed before me, on this the 6 day of

May, 1997 to certify which witness my hand and seal of office.

(seal)



Ayne McKay
Notary Public, State of Texas

EXHIBIT "A" **SOLID WASTE COLLECTION AND DISPOSAL FEES**

RESIDENTIAL **\$11.15**
 Bulky Waste
 per cu. yd. 7.95

COMMERCIAL HAND COLLECT

	<u>1 X WEEK</u>	<u>2 X WEEK</u>
5 or less bags	\$13.50	\$16.50
6-10 bags	16.50	19.50
10-20 bags	21.00	24.00

COMMERCIAL DUMPSTER

	<u>1 X Week</u>	<u>2 X Week</u>	<u>3 X Week</u>	<u>4 X Week</u>	<u>5 X Week</u>
2 yards	33.00	55.00	74.00	95.00	116.00
3 yards	44.00	74.00	105.50	135.00	166.00
4 yards	55.00	95.00	134.00	173.50	211.50
6 yards	76.00	131.00	184.00	238.50	292.00
8 yards	94.00	158.50	224.00	292.00	359.00

OPEN TOP CONTAINERS

30 cubic yard

Each Disposal	\$320.00
Daily Rental	2.25

40 cubic yard

Each Disposal	\$360.00
Daily Rental	2.25

ANY COMMERCIAL NON-STANDARD WASTE DISPOSAL OR WASTE DISPOSAL EQUIPMENT NOT ADDRESSED IN THE ABOVE RATES WILL BE CHARGED AT 10% OV THE CONTRACTOR'S S PRICE.