

ORDINANCE NO. 17 - 08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMMERCE, TEXAS AMENDING THE CODE OF ORDINANCES OF THE CITY, BY AMENDING CHAPTER 78 (SOLID WASTE), IN PART, BY AMENDING SECTION 1 ESTABLISHING THE DEFINITIONS FOR SOLID WASTE.

WHEREAS, the City of Commerce has offered brush collection for residents of the city in the past;

WHEREAS, the City of Commerce is required to secure a permit from the Texas Commission on Environmental Quality (TCEQ) for the burning of brush collected through this service, and

WHEREAS, TCEQ requires certain conditions to be met prior to issuing a burn permit to the City of Commerce for the collected brush, and

WHEREAS, it is necessary to establish a definition for a standard load with which to associate the fee, and

WHEREAS, the City of Commerce incurs a level of costs in offering this service that can be offset with a minimal user fee for this service, and

WHEREAS, it is necessary to establish a definition for a standard load with which to associate the user fee.

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

Sec. 78-1. - Definitions.

The following words and terms, when used in this chapter, shall have the meanings, respectively, ascribed to them in this section:

Bags means 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.

Bin means receptacle designed to be lifted and emptied mechanically. All bins must have attached lids.

Bulky waste means 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.

Bundle means 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.

Commercial and industrial refuse means all bulky waste, construction debris, garbage, rubbish and stable matter generated by a producer at a commercial and industrial unit.

Construction debris means waste building materials resulting from construction, remodeling, repair or demolition operations including dirt, concrete, rocks, bricks, roofing material or other waste building materials.

Customer means 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 chapter.

Garbage means any and all dead animals of less than ten 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.

Hazardous waste means any chemical, compound, mixture, 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.

Load means a vehicle (car or truck) or trailer not greater than 16 feet in length carrying a reasonable amount of brush and natural vegetation.

Nonstandard disposal waste means items prohibited or restricted in class "C" landfills by the Texas Department of Health, i.e. special waste, batteries, and tires.

Producer means an occupant of a commercial and industrial unit or a residential unit who generates waste.

Residential unit means a dwelling within the corporate limits of the city or serviced by a city water meter, or occupied 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.

Residential waste means all garbage and rubbish generated by a producer at a residential unit.

Rubbish means 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.

Special waste means animal waste, blood products, microbiological waste, pathological waste and sharps.

Stable matter means 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.

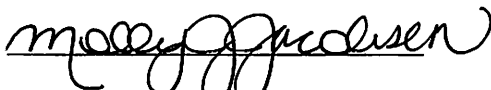
Waste means residential refuse and bulky waste, construction debris and stable matter generated at a residential unit, unless the context otherwise requires, and commercial and industrial waste.

PASSED AND APPROVED on its **FIRST READING** at a regular meeting of the City Council of the City of Commerce, Texas on this the 16th day of May 2017.

PASSED AND APPROVED on its **SECOND READING** at a regular meeting of the City Council of the City of Commerce, Texas on this the 20th day of June 2017.

ATTEST:

CITY OF COMMERCE:



Molly Jacobsen, City Secretary



Wyman Williams, Mayor

(seal)

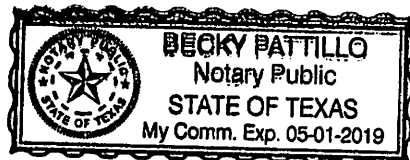
I, Molly Jacobsen, City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of an Ordinance, and that the same has not been repealed and is in full force and effect.

(seal)

Molly Jacobsen
Molly Jacobsen, City Secretary

Sworn to and subscribed before me, on this the 21st day of June 2017, to certify which witness my hand and seal of office.

(seal)



Becky Pattillo
Notary Public, State of Texas