

**ARTICLE 12.02
SOLID WASTE**

§ 12.02.001. Definitions.

As used in this article:

Garbage means all animal and vegetable matter, such as waste material and refuse from kitchens, residences, grocery stores, drug stores, butcher shops, restaurants, cafes, hotels, and rooming and boarding houses, as well as other deleterious substances.

Refuse means all substances included in the terms “garbage,” “trash” and “rubbish.”

Rubbish means waste and refuse material such as tin cans, bottles, glass, rags, rubber, pieces of wood, scraps of iron, tin, wire, or other metals, and any brick, concrete, mortar or other materials resulting from tearing down, building, or remodeling of any property within the city.

Trash means waste and refuse material such as feathers, coffee grounds, paper of all kinds, boxes, barrels, crates, grass, weeds, shrubs, yard cleanings, grass clippings, leaves, tree trimmings, and sweepings from sidewalks.

(Ordinance 77, sec. 1, adopted 1/14/85)

§ 12.02.002. Penalty.

- (a) Any person, firm, corporation or association who shall violate any of the provisions of this article shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine in accordance with the general penalty provided in section 1.01.009 of this code, and each and every day of continuance thereof shall constitute a separate and distinct offense.
- (b) Violation of any of the terms or provisions of this article by any corporation or association shall subject the officers and agents actively in charge of the business of such corporation or association to the penalty herein provided.

(Ordinance 77, sec. 22, adopted 1/14/85; Ordinance adopting Code)

§ 12.02.003. Violations; unlawful deposit of waste.

- (a) It shall be unlawful for any person, firm, corporation, partnership or association to place, deposit or throw or permit or cause to be placed, deposited, or thrown any garbage, trash, rubbish, brush, loose waste or refuse of any kind, on public or private property outside of any house, building, flat or tenement in the city, unless the same has been deposited in accordance with the provisions of this article.
- (b) The following acts, among others, are declared to be unlawful and in violation of this article and are declared to be trespasses and subject to the penalties of this article, but such enumeration shall not be deemed to be exclusive, viz:
 - (1) The throwing, placing, dumping or depositing of any lawn trimmings, hedge trimmings or any other cuttings or trimmings of weeds, flowers or other vegetation on lots, vacant or occupied, driveways or any other private property.
 - (2) The throwing, placing, dumping or depositing of any lawn trimmings, hedge trimmings or other cuttings or trimmings of weeds, flowers or other vegetation on or in any gutter, street, sidewalk, parkway, driveway, curb, alley or any other public property of the city.

§ 12.02.003 (3) The throwing, placing, dumping, or depositing, or the permitting or causing to be thrown, placed, dumped or deposited, of any garbage, trash, rubbish, or refuse or any animal or vegetable waste matter of any kind on or in any gutter, street, sidewalk, parkway, driveway, curb, alley or any other public property of the city or in or on any lot, vacant or occupied, driveway, or other private property in the city. § 12.02.008

(c) A violation of this article shall constitute a trespass, and shall be subject to the penalties provided herein.

(d) It shall be unlawful for any person, firm, corporation, partnership, or association to cause or permit to be or remain in or upon any premises, private or public, any animal, vegetable or mineral matter, or any composition or residue thereof, which is in an unsanitary condition or injurious to public health.

(Ordinance 77, sec. 2, adopted 1/14/85)

§ 12.02.004. Containers required; use of incinerators.

Every owner, occupant, tenant or lessee using or occupying any building, house, or structure within the corporate limits of the city for residences, churches, schools, lodges, commercial business or other purposes shall provide and maintain garbage cans or receptacles of sufficient number and size, as hereinafter specified, to hold the garbage, trash and rubbish that will normally accumulate on the premises; provided, however, any owner, occupant, tenant or lessee who is using incinerators to dispose of garbage, trash and rubbish at the time this article becomes effective shall have the right to continue to use such incinerators and shall not be subject to the charges imposed by this article.

(Ordinance 77, sec. 4, adopted 1/14/85)

§ 12.02.005. Standards for containers.

(a) Every owner, occupant, tenant, or lessee shall provide a container or containers for garbage and rubbish of not less than five (5) nor more than thirty-two (32) gallon capacity with a tightfitting lid.

(b) The lids or covers of all containers shall at all times be kept secure and fastened so that cats, dogs, rodents, flies and other insects may not have access to the contents thereof, and said lids shall be removed only while the containers and receptacles are being filled or emptied, as the case may be.

(Ordinance 77, sec. 5, adopted 1/14/85)

§ 12.02.006. Condemnation of containers.

Garbage containers that have deteriorated to the extent of having jagged or sharp edges capable of causing injury to the garbage collectors or others whose duty it is to handle the containers, or to such an extent that the lids will not fit tightly or securely, will be condemned by the city acting through the superintendent of the garbage department or by the health department.

(Ordinance 77, sec. 6, adopted 1/14/85)

§ 12.02.007. Collection by unauthorized persons prohibited.

It shall be unlawful for anyone except the employees of the city or their duly authorized contractors to empty garbage cans or trash and rubbish receptacles or convey or transport garbage or trash and rubbish on the streets, alleys and public thoroughfares of the city.

(Ordinance 77, sec. 7, adopted 1/14/85)

§ 12.02.008. Placement for collection.

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- (a) **Residences.** In residential areas, receptacles as required shall be placed inside of the property line, at the edge of the alley where there is no alley fence; and where there is an alley fence, the receptacle or receptacles must be placed against the outside of the fence. Where there is no alley the receptacles must be placed in front of said property between the sidewalk and curb at a place most accessible to the collectors. Under no conditions will city vehicles, employees or any duly authorized contractor be allowed to enter private property for the purpose of picking up garbage.
- (b) **Business establishments.** Business establishments are required to use the same type of container as for residences, and such containers shall be placed in the alleys where there is an alley; and where there is no alley, containers must be placed on or near the curb line of such place of business. All boxes and cartons must be broken down and tied into bundles, not exceeding 75 pounds in weight. Business establishments having such quantities of waste paper to make the use of barrels impracticable are required to use paper balers.

(Ordinance 77, sec. 8, adopted 1/14/85)

§ 12.02.009. Weight limit; preparation and placement of tree limbs and hedge cuttings.

The total weight of each garbage can and contents, or of each trash and rubbish receptacle and contents, shall not exceed seventy-five (75) pounds, so that each can or receptacle may be removed conveniently. In the event trash and rubbish is of such a nature that it cannot be put in the receptacle, it shall be carefully prepared in units or pieces under seventy-five (75) pounds in weight and placed at such point as the representative of the city shall find and designate to be the most accessible for collecting and removing. Tree limbs, shrubs and hedge cuttings shall not exceed five (5) feet in length and shall be prepared in pieces or units under seventy-five (75) pounds in weight and placed in an orderly manner at such point as the representative of the city shall find and designate to be the most accessible for collecting and removing.

(Ordinance 77, sec. 9, adopted 1/14/85)

§ 12.02.010. Pilfering.

The meddling with garbage cans, receptacles, trash or rubbish or in any way pilfering, scattering contents and junking in any alley or street within the city is prohibited.

(Ordinance 77, sec. 11, adopted 1/14/85)

§ 12.02.011. Heavy accumulations.

Heavy accumulations such as brick, broken concrete, rock, stones, ashes, lumber, clinkers, cinders, dirt and plaster, sand, gravel, automobile frames, dead trees, and other bulky, heavy material shall be disposed of at the expense of the owner or person controlling same.

(Ordinance 77, sec. 13, adopted 1/14/85)

§ 12.02.012. Burning trash or garbage.

It shall be unlawful for any person or persons to burn trash or garbage within the city limits; provided, however, the burning thereof shall not be unlawful provided a permit therefor has been issued by the city secretary, upon proper application therefor, and further provided that any such burning shall be under the supervision of the chief of the fire department or such other person as by him may be designated.

(Ordinance 77, sec. 14, adopted 1/14/85)

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§ 12.02.013. Disposal at unauthorized place.

The disposal of garbage, trash, and rubbish in any place within the city limits, except as authorized by the city administrator, is prohibited.

(Ordinance 77, sec. 18, adopted 1/14/85)

§ 12.02.014. Residential pickup schedule and service charge.

(a) The collection and removal of garbage, trash and rubbish from houses, buildings and premises used for residential purposes shall be **twice each week**. Fair and reasonable charges for this residential service shall be [as **set by the city council**], for a calendar month, and will be changed from time to time as deemed necessary by the city council.

(b) **The basis of the above service charge is the collection and removal of the normal accumulation of all garbage of each family unit twice each week and the collection and removal of the maximum of eight (8) cubic feet or the volume of two (2) thirty-two (32) gallon cans or receptacles of trash and rubbish twice each week.**

(Ordinance 77, sec. 15, adopted 1/14/85)

§ 12.02.015. Commercial pickup schedule and service charge.

(a) The collection and removal of garbage, trash and rubbish from houses, buildings and premises used for commercial business purposes shall be **twice each week**. Fair and reasonable charges for this commercial and business service shall be [as **set by the city council**], for a calendar month, and will be changed from time to time as deemed necessary by the city council.

(b) **The basis of the service charge will be the number of collections each week and the cubic yardage of such garbage, trash and rubbish.**

(c) **The representative of the city shall determine the cubic yardage of garbage, trash and rubbish and the service charge, which shall be approved by the city administrator.**

(Ordinance 77, sec. 16, adopted 1/14/85)

§ 12.02.016. Complaints or “no service” reports.

(a) Every owner, occupant, tenant, or lessee of a house or building used for residential, business, or commercial purposes is required to maintain constant supervision and surveillance over the garbage can or trash and rubbish receptacles on his premises, and if either the garbage can or trash and rubbish receptacle should not be emptied and the contents removed by a representative of the city, or by other duly authorized person, for a period of five (5) days, he must notify the city superintendent by telephone or in writing of this fact, within five (5) days.

(b) Do not enter into controversy with workmen concerning garbage collection. To make a complaint call the city hall telephone number, 628-**2621**. In making a complaint, be sure to give the name and correct address.

(Ordinance 77, sec. 17, adopted 1/14/85)

§ 12.02.017. Billing.

To avoid duplication in billing and as a convenience to the public, fees for the service herein provided for shall be billed on the monthly water bills, and shall be promptly remitted to the city monthly as the same accrue.

§ 12.02.018. Suspension of water and solid waste services for failure to pay charges.(a) Definitions.

- (1) The terms “water services” and “water supply,” as used in this section, shall be held to mean the supplying of water to premises within the jurisdiction of the city by the city or any authorized agent thereof.
- (2) The term “solid waste collection service,” as used in this section, shall be synonymous with the term “garbage collection service” or any derivative of said term, and shall mean the collection, removal and disposal of garbage, trash and rubbish within the city, by the city or any of its authorized agents, or any of its contractors, as authorized by the ordinances of the city.
- (3) The term “due notice,” as used in this section, shall mean written notice effective upon the deposit into the U.S. mail of the relevant information or actual notice given by any means; to be due notice, such notice shall be given not less than ten (10) days prior to the termination of water supply or garbage collection services.
- (4) The term “suspend” or “suspension of services,” as used in this section, shall mean the discontinuance or cutting off of the water supply or garbage collection services to the premises of a party who has become delinquent in payment in full of the fees therefor until such delinquency has been paid in full. This section shall be enforceable to the fullest extent contemplated by the state legislature in enacting the County Solid Waste Control Act, V.T.C.A., Health and Safety Code, chapter 361.

(b) Authority to suspend services. To aid in enforcing collection of fees for the garbage removal and disposal services provided by the city, the city is authorized to discontinue its water supply service and garbage collection service to the premises of any party who does not pay or tender, in a timely manner, the full amount of any and all monthly fees therefor as determined by the city, and as thus reflected and provided on the monthly water bill and garbage collection bill sent to said party. The city is authorized to suspend these services only after due notice has been given to such party.

(c) Notice prior to suspension of services.

- (1) Prior to the suspension of water supply services to the premises of any party who does not pay or tender, for solid waste collection services, the full amount appearing on his monthly bill therefor, such party shall be given no fewer than ten (10) days’ notice of the proposed action to suspend the supplying of water to the affected premises pending full payment of his bill.
- (2) This notice shall be addressed to the owner, manager or party in possession, actual or constructive, shall describe the affected premises or location thereof by street address or other reasonably accurate means, shall set forth the amount due and owing (including all arrearages) for solid waste collection services, shall specify the periods for which the amount owing is applicable, and shall clearly state that if payment in full of such sums is not received by the city prior to the expiration of ten (10) days from the date the notice is given, the water supply to the affected premises will be discontinued.
- (3) When such notice is written, it shall be signed by the duly authorized agent of the city for such purposes and shall state the capacity in which he is so authorized. When actual notice is given by any other means, the authorized agent of the city shall satisfy himself that the requirements set forth in subsection (2) above have been met and shall so state in a memorandum to this

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effect signed by him in his official capacity.

- (4) The notice required prior to the suspension of garbage collection services shall be the same as that required for the suspension of the water supply services; the former may be given concurrently with the latter.

(Ordinance 77-A adopted 4/1/85)