

ORDINANCE NO. _____, 2019
(Solid Waste Collection & Disposal – LMW)

AN ORDINANCE OF THE CITY COUNCIL
CITY OF TEMPLE

WHEREAS, the City of Temple has plenary authority to adopt ordinances for the health, safety, and welfare of its citizens; and

WHEREAS, the City, pursuant to this authority, desires to pass an ordinance for the provision of the collection and disposal of solid waste within its city limits; and

WHEREAS, the City finds that the collection and disposal of solid waste in the fashion set forth herein is in the best interest of its citizens; and

NOW, THEREFORE, be it ordained and it is hereby ordained and established by the Mayor and Council of the City of Temple as follows:

Section 1:

The City does hereby adopt those provisions as set forth on Exhibit “A” hereto as its solid waste collection and disposal ordinance, to be codified in the discretion of the codifier.

Section 2:

All laws and parts of law in conflict herewith are specifically repealed.

Section 3:

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this enactment are severable, and if any phrase, clause, sentence, paragraph or section hereof shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this enactment, since the same would have

been enacted by the City Council without the incorporation herein of any such unconstitutional phrase, clause, sentence paragraph or section.

ADOPTED AND APPROVED by the City Council of the City of Temple at a regular meeting on this the _____ day of _____, 2019. Council Members _____ voting "Aye" and _____ voting "No".

BY: _____
MAYOR, CITY OF TEMPLE

ATTEST:

CITY CLERK, CITY OF TEMPLE

EXHIBIT "A"

• **Sec. _____ - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Carts means mobile devices with wheels which are used to store garbage and which can be rolled to the edge of the street for mechanized emptying into authorized garbage trucks.

City garbage or trash trucks means any vehicles owned or used by the city, either itself or through an independent contractor, for the collection of garbage or trash within the city.

Commercial cart means the authorized cart device used by any commercial business or other business establishment in lieu of a dumpmaster container.

Dumpmaster container means a stationary (nonmobile) containerized unit for holding substantial amounts of garbage, trash and other debris which is emptied by means of picking the container up and over the top of a garbage truck and emptying the contents thereof.

Garbage means domestic waste composed of meat, vegetable and fruit scraps, cans, bottles, paper, cardboard, recyclable materials, rags, ashes and other such waste matter normally to be disposed of from residences, churches, schools, small business establishments and similar places. Animal, fowl and fish entrails, bones and carcasses, whether in whole or in part, from business establishments such as slaughterhouses and meat and fish markets shall not be considered as garbage but as other waste.

Industrial wastes means all waste byproducts of manufacturing, wholesale establishments, warehouses and similar businesses.

Landfill means any tract of land designated by the city as a site for disposal of garbage, trash and other wastes.

Landfill user fees means a rate of charge assessed for solid waste disposal at a designated landfill, which may also be referred to as tipping fees.

Lift charge means the rate of charge made each time a garbage truck raises or lifts a dumpmaster container for purposes of emptying the contents thereof.

Other wastes means animal, fowl and fish excrement, entrails, bones, carcasses in whole or in part and small dead animals.

Public works director means the public works director or official in charge of health and sanitation or his authorized representative.

Recyclable materials means item authorized by the Public Works Director for collection at the curb by the City, such as No. 1 and No. 2 plastics, paperboard, cardboard, junk mail, magazines, newspaper, books, aluminum and steel cans.

Residential unit means each separate residence address, apartment residence or other dwelling occupied by residents of the city to which garbage service is available.

Scavenger means any person who salvages or collects, for resale or use, any garbage, paper, cardboard, boxes, crates or other wastes which are being or are to be disposed of from any residence or establishment where people reside, congregate or are employed.

Trash means garden and yard wastes such as weeds, grass and hedge trimmings, leaves, brush, tree limbs, garden plants and similar items.

• **Sec. _____ . – Special rates for collections exceeding normal amounts.**

Whenever the collection of garbage from any establishment or place shall exceed the normal amount for such a place, so that the fee prescribed for such collection is not fair and reasonable as applied to that particular place, the Director of Public Works (or other designated officer) shall recommend to the city council the establishment of a special rate for such place.

• **Sec. _____ . - Cart method of collection, pickup.**

- (a) Residential garbage will be picked up one time per week from the curb or roadside area adjacent to the front of property of any resident within the city or at such other place as might be designated by the city manager so as to accomplish the efficient collection of garbage within the city. Containers for residential pickup service shall be carts furnished by the city or its garbage contractor. All residents of the city shall use these designated carts in the storage and disposal of residential garbage. It shall be unlawful for any person to use any other device or method of disposal of garbage except by the cart method authorized by the city.
- (b) A schedule of residential cart pickups by the city shall be published and adhered to by all residents to ensure the proper collection and disposal of garbage within the city. Any person who is unable to physically transport the cart from a storage area near the residence to the designated area adjacent to the street for purposes of collection shall obtain a written certificate from that person's treating physician. This certificate shall indicate the person's inability to perform the function of transporting the cart to the area adjacent to the street for pickup. Upon a duly verified physician's certificate having been approved by the city manager, disabled persons' carts shall be picked up adjacent to the residence by the city or its authorized agents.
- (c) Garbage carts shall be placed adjacent to a street at the front or side of property for garbage collection, or any other suitable location accessible for pickup authorized by the code enforcement officer. Cart containers shall be placed by 4:00 a.m. of the pickup day unless otherwise directed or exempted but not earlier than the previous evening of the published scheduled day of pickup. When emptied by the garbage collectors, containers shall be removed from the streets and walkway to the side or rear of the property or residence, or at a location designated by the code enforcement officer, on the same day of the pick up. For the purposes of this section, "exempted" shall mean carts that have been approved for removal by the contractor for residential customers certified as physically handicapped and unable to place and remove their cart.

• **Sec. _____ . - Container requirements; preparation, disposal of waste for collection.**

- (a) All garbage, refuse and household domestic wastes for collection shall be placed in carts furnished by the city or its garbage contractor. All city residents shall use these designed carts in the storage and disposal of residential garbage. With the approval of the designated city official, residents may utilize metal or durable solid plastic containers complying with the specifications of subsection (b) of this section when carts are damaged and/or unavailable.
- (b) Receptacles used for the storage of garbage and refuse materials shall be watertight and meet the following specifications:
 - (1) Trash cans shall be of a durable grade of galvanized metal or durable solid plastic approved by the Public Works Director, from ten to 30 gallons' capacity and weighing less than 25 pounds empty or 75 pounds fully loaded with normal refuse. They shall be provided with two lifting handles on opposite sides and a tightly fitting cover with a lifting handle. The can shall be without inside protrusions, and the refuse shall be loosely packed so that the contents shall discharge freely when the receptacle is inverted.
 - (2) Garbage bags shall be made of heavy, multiple-ply paper or polyethylene or ethylene copolymer resin and designed for the outdoor storage of refuse. Bags must be securely tied or sealed to prevent the emission of odors, be of a material so liquids and greases will not be able to penetrate through the material, and be of sufficient thickness and strength to contain the refuse enclosed without tearing or ripping under normal handling. In the event that multiple complaints should be made by city employees or by city residents of garbage bags being torn open by dogs or destroyed for other reasons at a particular collection point, the Public Works Director may require that only trash cans be used at that location for collection of garbage and prohibit at said location the use of uncanned garbage bags.

• **Sec. _____ . - Placement of dumpmasters by city administrator.**

- (a) It shall be within the discretion of the city administrator to cause to be placed at various locations in and around the commercial area of the city, dumpmaster containers for the purpose of receiving garbage, trash and other refuse.
- (b) It shall be within the discretion of the city administrator to assign, guided by locations, environment and practical experience, the containers to parties, stores and retail businesses, to be used in lieu of the pickup service provided by the city.

• Sec. _____ - Charges, fees.

- (a) *Residential units.* Upon and against all persons residing in or doing business in the city benefiting from such sanitary and health services as rendered by or through the city in making what is commonly referred to as garbage pickups, a sanitary and health service charge is hereby assessed and levied, as against the individual and the property to which service is rendered, a monthly charge for residential pickups as set out in the Schedule of Fees established pursuant to Section 1-18 of this Code.
- (b) *Commercial cart pickups.* There is hereby further assessed and levied as a sanitary and health service charge, as against the individual and property to which service is rendered, an amount per month for commercial cart pickups within the city as set out in the city's schedule of fees as established by Section 1-18 of this Code.
- (c) *Applicability of sanitary and health service charge.* This monthly charge shall apply in full to any part of a month in which service is rendered. Garbage pickups shall be made as are required in the efficient operation of rendering health and sanitary services for the city. Only one such charge shall be made monthly for each separate residential unit or place of business where garbage is being picked up by the city. This monthly service charge is hereby assessed and levied against the head of each housekeeping operation or the operator of any place of business within the city, and against the real property upon which the service is rendered.
- (d) *Lift charge for dumpmaster containers.* In addition to the basic residential or commercial rates of charge outlined in the preceding subsections of this section, there is hereby assessed and levied the following charge for commercial users within the city who use dumpmaster containers instead of commercial carts. The rate of charge shall be per lift, for each container, based on the size of the container and shall be set out in the schedule of fees established by Section 1-18 of this Code.
- (e) *Determination of collection requirements.* The number of lifts required of commercial establishments shall be determined by the city administrator in his discretion, so as to keep the area surrounding the dumpmaster container in a safe and sanitary condition. The city administrator shall further have the authority and discretion to determine the number, location and use of dumpmaster containers, commercial carts or other devices used for garbage collection.
- (f) *Container rental charge.*
 - (1) *City-owned containers.* In addition to the above charges there shall be assessed against each party, store or retail business a prorated share of the rent of the containers to which each user is assigned. The minimum monthly prorated share and the rental charges assessed shall be as set out in that schedule of fees established by Section 1-18 of this Code. Such rates shall be for dumpmaster containers owned by the city.

- (2) *Containers owned by contractor.* Certain dumpmaster containers within the city are rental units not owned by the city, but owned by the independent garbage contractor presently doing business, within the city pursuant to an authorized contract for garbage collection. The minimum monthly prorated share that any user shall pay for these rental containers, and the rental charges assessed, shall be as set out in the schedule of fees established pursuant to Section 1-18 of this Code.
- (g) *Landfill user fees.* Upon and against all persons residing in or doing business in the city, except residential carts, disposing of solid waste in a designated landfill through the services provided by the city there is hereby assessed and levied landfill user charges, as against the individual and the property to which service is rendered by monthly charge as set out in Section 1-18 to this Code. Further, user fees may include any other charges assessed against the city for trash disposal or other landfill use.
- (h) *Fees cumulative.* This section shall not be construed to abrogate any fee for garbage services heretofore assessed, but shall be cumulative and paid in addition thereto.
- (i) *Placement of refuse in dumpmaster containers.* No person using the dumpmaster container shall be allowed to place any wet refuse or garbage therein without first placing the wet refuse or garbage in a plastic or other waterproof bag or container. Business establishments with large quantities of cardboard shall break the cardboard down and place in bundles tied securely.
- (j) *Placement of refuse on streets, alleys.* It shall be unlawful for any party assigned to use any container to place garbage, trash or refuse along any street or alleyway in any manner except as provided in this article.
- (k) *Delinquent charge.* Delinquent charges shall apply to any garbage bill as set out in the schedule of fees and charges, and Section 1-18 of this Code, as fully as if such provisions were set out in this section.

• **Sec. _____ . - Disposition, collection of trash.**

- (a) Small amounts of trash, yard rakings and garden wastes may be sealed in plastic bags and be deposited in containers described in section _____ for collection on regular garbage collection days. Large amounts of trash shall be routinely collected by the city garbage and trash trucks or its independent contractor. Collections shall be at a time and in a manner prescribed by the public works director, provided that at no time shall trash be placed in such a manner as to obstruct gutters, drains, walkways or streets, and provided further that tree limbs and branches shall not exceed five feet in length or 50 pounds by weight in the units to be handled. No one residence or business shall place out for collection at any one time more than five cubic yards or 400 pounds of trash. If a residence or business establishment places out for collection at one time more than five cubic yards or 400 pounds of trash, the residence or business shall be assessed an additional fee for such service in the amount of the actual cost of equipment and labor. Trash shall be placed adjacent to a public street or alley easily accessible by the city

trash trucks. Trash shall be deposited on the city right-of-way adjacent to the owner's or occupant's property and not on the property of any other person, firm or corporation without express written permission. All trash, yard raking, or similar waste shall be placed on the owner's or occupant's side of the right-of-way so that it shall not obstruct the normal flow of traffic, water runoff, or other public uses of the right-of-way.

- (b) The owner of property within the corporate limits of the city on which trees are cut down, whether by the owner or by another, is required following such cutting to promptly remove or have removed from the property at his own expense all tree trunks, logs, limbs, tops and other debris resulting therefrom, when such materials are clearly visible from any public street, alley, sidewalk, land or path or from the property of another that adjoins the property on which the materials are located. Such materials shall not be destroyed or removed by burning.
- (c) All firms, partnerships, proprietorships or corporations engaged in the business of trimming or removing trees, shrubbery or similar growth shall remove from the property where the work is being done all sawdust, branches, stumps and all portions of the byproduct of the trimming or removal service.
- (d) All firms, partnerships, proprietorships or corporations engaged in the business of yard maintenance, landscaping or nurserymen, who shall contract with the property owner, his agent or occupant to improve the property, trim or remove shrubbery and trees or maintain yards, shall remove from the property all rubbish, including rocks, dirt, glass, trimmings and other byproducts of that service.
- (e) It shall be unlawful for any firm, partnership, proprietorship or corporation to trim trees or bushes, do landscaping or yard work for compensation within the city unless the byproduct from those services is immediately removed from the premises and placed or deposited by the contractor in the city-designated landfill.
- (f) "Compensation" shall be interpreted to include receiving as compensation the wood, limbs and other residue from such trimming and cutting. Any form of compensation shall place the burden of disposal directly upon the individual or contractor performing the task.
- (g) Any owner, or occupant of residential property within the corporate limits of the city, may make a request by written work order to the street superintendent for the scheduled removal of rubbish, junk or inert materials by the Public Works Department.
- (h) Upon request, the Public Works Department superintendent or his designated representative shall physically observe and inspect the item(s) to be removed to determine that no unauthorized or hazardous materials are present before approving the request.
- (i) If approved, the removal of items shall be scheduled at the discretion of the Public Works Department and a placard or other identifier shall be issued for authorization of removal by city personnel and payment of applicable fees.

- (j) The fee for removal of rubbish, junk or inert materials shall be as set forth pursuant to Section 1-18 of this Code for every knuckleboom truck load or part thereof at the discretion of the Public Works Director.
- (k) The City of Temple reserves the right of refusal for removal of any rubbish, junk or inert materials that will interfere with normal city services or deemed unacceptable by the local landfill.

Sec. _____, - Unauthorized disposal of trash, garbage, other wastes.

It shall be unlawful for any person to place, or permit another to place, any garbage or trash in any receptacle at any refuse collection point or in any refuse container collection service unless the refuse is from the premises served by the container or from the premises at which the receptacle or collection point is located.

- **Sec. _____, - Noncollectible garbage, trash, other wastes.**

Notwithstanding anything to the contrary contained in this article, it is specifically required that every person who disposes of dead animals (except dogs, cats, fowl, fish or other small or similar animals), junk cars, dirt, rocks, cement, manufacturing byproducts, hazardous wastes, building material, equipment and machinery shall make such disposal at the city-designated landfill or such site as specified by the public works director. Such removal of the aforesaid shall be done within 24 hours after the matter has been abandoned or after the completion of the project undertaken. The city will not remove any household items where a resident is moving or relocating or has been evicted.

- **Sec. _____, - Scavengers.**

- (a) It shall be unlawful for any person to operate as a scavenger within the city or land maintained by the city who does not possess a business license secured from the licensing authority of the city. The license shall be secured annually at the time other business licenses are issued or renewed, and the cost of the license shall be determined by the city council.
- (b) Every scavenger shall conduct his operations in such a manner as not to hinder or interfere with garbage and trash collection and disposal by city garbage trucks. Trash, wastes and garbage shall not be scattered by the scavenger at the place of collection or upon any street, alley or walkway in the city, nor shall such trash, waste and garbage be left by the scavenger in such a condition that it may be scattered by other persons, animals or natural causes, and all scavenger trucks shall have a cover approved by the public works director.
- (c) Violations of these requirements shall be sufficient cause of immediate revocation of the scavenger license, and such revoked license shall not be reinstated or reissued for at least one year from the date of revocation.

- **Sec. _____, - Use of independent contractor.**

The city council, acting by and through its administrator, shall have authority to enter into any private contract for garbage and trash collection and disposal, under such terms and conditions as the council shall deem

reasonable and proper. Any person who contracts with the city for garbage and trash collection and disposal shall act as an independent contractor for the city pursuant to the terms and provisions of this article.

• **Sec. _____ . – Discontinuance of water services for nonpayment of garbage bills.**

Garbage collection shall be billed together with water and sewer services. If any bill for charges for garbage collection as hereinabove provided is not paid within 60 days of the due date, the water services to that residence or business location at which the garbage pickup is made shall be cut off, and in no case shall it be reinstated to the same property until the delinquencies shall have been paid in full.