

**ORDINANCE NO. 230-I**

**AN ORDINANCE REPEALING ORDINANCE NUMBER 230-H IN ITS ENTIRETY AND REPLACING WITH AN ORDINANCE REGULATING GARBAGE DISPOSAL WITHIN THE CITY OF WEST ORANGE, TEXAS; ADOPTING AND PROVIDING CERTAIN DEFINITIONS, RULES, SPECIFICATIONS AND REGULATIONS; AND PROVIDING A PENALTY FOR VIOLATION THEREOF**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST ORANGE, TEXAS:**

That Ordinance No. 230-I hereby repeals and replaces Ordinance 230- H. Ordinance No. 230-H is hereby in all things repealed effective immediately upon adoption of this ordinance.

It shall be unlawful for any person, firm, partnership, corporation or association to violate any of the provisions of this ordinance hereinafter enumerated.

Section 1. Definitions:

- A. Owner – Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the County Appraisal District as holding title to the property; including the guardian of the estate of such person if ordered to take possession of real property by a court; or other documents that provide proof of ownership as determined by the Public Works Director or City Secretary.
- B. Trash – The term “trash” shall mean normal accumulation of waste or unwanted products to include food, rubbish, such as tin cans, paper, rags, boxes, glass, household furnishings, appliances, small automobile parts, yard clippings, leaves and brush. It shall not include any construction materials or hazardous waste.
- C. Dry Trash – The term “dry trash” shall refer to large and abnormal collection of the trimmings, household appliances, or any other abnormal collection of large trash, not to include any chemical waste, batteries, tires, automobiles or residue as a result of building, remodeling or demolition.

Section 2. Garbage Pick-up Required.

- A. Every owner of an active business or occupied residence within the City of West Orange, Texas is at all times required to be enrolled with a garbage pickup service (that has a valid franchise to provide collection services within the city) for each active business or occupied residence owned. An owner is considered no longer to be enrolled with a garbage pickup service once their account has become 30 or more consecutive days delinquent in payment. To re-enroll in service, all amounts deemed delinquent must be paid in full.

It shall be the responsibility of the owner of commercial property and the commercial tenant to acquire sufficient sanitation service for said occupancy.

- B. Every owner of an active business and/or occupied residence within the City of West Orange, Texas who is enrolled with a garbage pickup service must provide proof of enrollment to any City employee requesting said proof.

Requests for waivers of exemption may be submitted to the City Secretary for consideration. Requests will be reviewed by the City Secretary and submitted to the City’s Sanitation Review Committee (which is appointed by the Mayor), if necessary. Said exemption request will in no way release the requestor from the mandates of this Ordinance during this review period.

Section 3. Garbage Containers – Required Specifications.

- A. Every owner (Section 1-A) using the City of West Orange garbage service, shall provide and maintain garbage containers of sufficient number and size to hold the garbage that will normally accumulate on the premises. However, the City or a contractor may provide and/or require specific container(s) for use while on active enrollment of garbage services.
- B. Such containers shall be regulated by City staff members by size, weight and construction approved by the City and/or its contractor. The City in no way shall be responsible for damage, theft, or loss of/to containers. The top of such containers shall be larger in diameter than the bottom to prevent the garbage from sticking to the sides. Every such owner shall place all garbage which has accumulated on his premises in such containers.
- C. Garbage container weight shall not exceed City policies in effect at time of pickup, with said weight to include contents; no bricks, concrete, lumber, iron or other metals will be placed in containers; containers must be covered during rainy weather or strong winds and always when garbage is within the container; containers must not be loaded to exceed a level above which spillage or litter would likely occur because of a freeze or slight jostling and must not be compressed in the container to the extent that the contents cannot be easily removed or container might be damaged; the City at no time will be responsible for replacement of containers or such damage to the container.
- D. The lids or covers of all garbage containers and trash receptacles shall at all times be kept secure and fastened so that flies and other insects may not have access to the contents thereof. Such lids or covers shall only be removed while the containers or receptacles are being filled or emptied, as the case may be.
- E. The City/Contractor shall not be responsible for picking up garbage that has been spilled from containers. It is the responsibility of the owner or occupant to maintain and secure garbage containers.

Section 4. Trash: required specifications.

- A. All leaves, grass and other small yard trimmings placed for collection must be in the garbage container or bundled according to City/contractor policies in effect at the time of street-side placement or placed in a disposable container.
- B. In the event that dry trash is of such nature that it cannot be placed in a disposable container or receptacle, it may be placed in bundles (following specifications detailed by City policies at the time of placement), or stacked carefully in a manner to prevent contents from blowing onto the street and to allow convenience of collection.
- C. Collection, disposition of certain items: Heavy dead animals, materials such as bricks, broken concrete, lumber, ashes, sand, gravel, automobiles and other heavy, bulky materials, and manure from cow lots, horse stables, poultry yards and waste oil from garages or commercial establishments, shall be collected and disposed of by the owner at the expense of the owner or person responsible.
- D. Every nurseryman, tree surgeon and every other person who cuts or trims trees, shrubs or grass as an independent contractor or business, shall remove or cause to be removed all debris from the premises serviced by him and disposed of legally.

- E. The sanitation department will not pick up ashes, scrap iron, building or construction material. Such materials shall be removed by the owner thereof and failure to remove such materials shall be unlawful.

Section 5. Placement for Emptying.

- A. On designated collection days, every owner/occupant shall place garbage containers and trash receptacles for collection in a convenient place adjacent to the street abutting their respective premises or at such other place designated by the Sanitation Department, so as to be easily accessible to employees/contractors of the City.
- B. On all days/times other than collection days, residential garbage and containers are to be stored in a secure location away from the street.
- C. Garbage for collection must be placed out by 7:00 a.m. on the day of pickup.

Section 6. Defective, Damaged or Missing Containers.

- A. Garbage containers and trash receptacles, owned by the owner, which have deteriorated or become so damaged as to allow the contents thereof to leak or fall out as to the extent of having jagged or sharp edges capable of causing injury to garbage collectors, or to such an extent that the corners will not fit securely, are hereby declared to be a public nuisance and shall be summarily taken up and destroyed by employees of the sanitation department, or its contractor.
- B. Containers that have been provided by the City and/or its contractor will be repaired and/or replaced when damaged due to normal wear and tear. Damaged (other than normal wear and tear) or missing containers become the responsibility of the primary account holder on record with the City. It shall be declared a violation of City Ordinance not to return to the City, and/or its contractor, the container(s) upon the request of the Public Works Director and/or his designee.

Section 7. Rates.

- A. The Sanitation Department or the City's contractor may collect and remove garbage, trash and dry trash from premises used for residential or commercial purposes at rates established by the City Council.
- B. The City Council will periodically review and establish the rates and fees charged for sanitation service and may revise said rates and fees either up or down to insure recovery of contract fees, tax, landfill costs, equipment replacement, labor and any costs passed to the City by state or federal authority.
- C. No rate adjustment will be made for temporary use of service or partial months of service.
- D. A special garbage pickup may be provided by the City when deemed feasible and practical by the Public Works Director or his designee for a fee to be assessed per pickup.
- E. There is hereby created a garbage RENEWAL AND REPLACEMENT FUND into which fund there shall be collected and deposited one dollar (\$1.00) per month assessed to the above garbage rate/service charges.
- F. There is hereby created a garbage CART REPLACEMENT PROGRAM FUND into which fund there shall be an amount collected and deposited that establishes a fund to repay for non-returned carts that have not been reimbursed. If, and when, this

fund is not longer needed or utilized, the balance and proceeds of the fund shall be transferred to the Renewal and Replacement Fund.

- G. The City Council may, at their discretion, suspend some or all rates for debris cleanup as a result of disaster caused by an act of God.

Section 8. Dry Trash Pickup and Disposal.

The Sanitation Department will remove and dispose of dry trash at its earliest convenience – the amount and size of which are to be covered in the following. A maximum of one stop per week will be made at any residence.

- A. Tree Trunks and limbs shall be stacked parallel to each other.
- B. The length and size of trash must be within safe operational limits of the truck.
  - 1. The operator and his supervisor shall make judgment when necessary.
  - 2. Pile trash near curb and away from overhead power lines, for operator safety; where not possible, with prior permission of department supervisor, trash may be piled at another designated place on property for pick up. A release, provided by the City, will have to be signed, allowing the truck to enter the property with no liability to the City for any cause.
  - 3. Land clearing and building demolition waste disposal will be the responsibility of the resident, property owner or contractor, as the case may be, at his own expense.
  - 4. Heavy rubbish, caused by an act of God, will be cleared as soon as possible within guidelines previously set forth in this Ordinance.
  - 5. No person, firm, partnership, corporation or association shall use the City's dumpsters on City property for disposing of garbage except when permission is given by the Public Works Director or his designee.
  - 6. No person, firm, partnership, corporation or association shall use any dumpster other than his own for disposing of garbage except as shown in Section 8 (B-5) above.

Section 9.

Any person, firm, partnership, corporation or association who shall violate any of the provisions of this Ordinance shall be fined any amount allowed by the laws governing the State of Texas for each offense. Each day that an offense occurs constitutes a separate offense.

**PASSED, APPROVED AND AUTHENTICATED** this 10th day of September, 2018.

  
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 Roy McDonald, Mayor

ATTEST:

  
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 Theresa Van Meter, City Secretary

APPROVED:

  
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 Rex Peveto, City Attorney

