

## ORDINANCE NO. 206-85

AN ORDINANCE REGULATING THE DISPOSITION OF GARBAGE WITHIN THE CITY OF WILLOW PARK, TEXAS; SETTING FORTH DEFINITIONS; REQUIRING RESIDENTIAL GARBAGE AND TRASH TO BE PLACED AT THE CURB; ESTABLISHING CHARGES FOR GARBAGE; REQUIRING TRASH TO BE PREPARED FOR PICKUP; PROHIBITING LITTERING AND THE MAINTENANCE OF LITTERED PREMISES; PROHIBITING THE DEPOSITING OF BURNING MATERIALS; PROHIBITING GARBAGE OR TRASH COLLECTION WITHOUT A LICENSE EXCEPT BY THE CITY AND THOSE WITH WHOM IT CONTRACTS FOR SERVICE; SETTING FORTH STANDARDS FOR LICENSES; REQUIRING BUILDING OPERATIONS WASTE TO BE REMOVED BY MEANS OTHER THAN ORDINARY PICKUP; PROVIDING A PENALTY AND PROVIDING FOR PUBLICATION OF THIS CAPTION AND THE PENALTY CLAUSE HEREOF.

WHEREAS, the City Council desires to set forth requirements and standards for garbage pickup in order to protect the health and safety of the citizens of Willow Park; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS;

Sec. 1. Definitions:

Words used in this ordinance shall be defined as follows;:

Brush: Tree and shrub trimmings which are not easily placed in disposable containers.

Debris: Dirt, concrete, rocks, bricks or other waste building materials.

Disposable container: Any plastic bag having no outside dimension of more than four (4) feet and capable of containing garbage or trash, without leaking or emitting odors, at no more than 30 gallon capacity, and which is placed at curbside for removal.

Garbage: Refuse animal or vegetable matter, as from a kitchen or food processing facility; ashes, any other household waste which is damp or capable of omitting noxious odors.

Trash: All refuse other than garbage, debris, brush, household furniture and appliances; trash shall include grass clippings, leaves, paper and other

household trash except as included in the foregoing definitions.

Sec. 2. Duties of Customer.

a. It shall be the duty of every owner, agent, lessee, tenant or occupant of any premises in the City to provide and use containers sufficient in number to hold the garbage and trash accumulating on such premises.

b. Every customer shall keep all garbage and trash containers in use securely closed in such a manner as to prevent the scattering of the contents thereof and to render said contents inaccessible to insects, rodents and other animals.

Sec. 3. Residential Collection - Containers and their Placement.

It shall be the duty of each residential customer to place garbage and trash as follows:

a. All garbage shall be placed in securely closed plastic bags, no more than 30 gallon capacity.

b. Containers shall be placed at the curbside on the street bearing the customer address.

c. Trash, excluding wet materials or material which will cause disagreeable smells, shall be placed at curbside on the street bearing the customer address in disposable containers in such a manner as to prevent such trash from being scattered.

d. Garbage shall be placed at curbside no more than twenty-four (24) hours prior to 7:00 a.m. on the day of scheduled collection, if they are to be picked up.

e. All garbage or trash mixed with water or other liquids shall be drained before being placed into a garbage or trash container.

Sec. 4. Residential Collection - Brush.

In the event brush is of such a nature that it cannot be placed in disposable containers, it shall be cut in lengths not to exceed five (5) feet and shall be bundled, tied and stacked at curbside to a height of not more than three (3) feet. No single limb shall be more than five (5) inches in diameter. No bundle shall weigh more than sixty (60) pounds. A customer may receive a special pickup upon request, for an additional charge, depending on the quantity of material to be removed.

Sec. 5. Wastes from Building Operations.

Debris, as that term is defined herein, or other trash resulting from construction, major remodeling, general cleanup of property, or resulting from sizeable amounts of trash and debris being cleared in preparation for construction will not be removed by the City as regular service. The owner will have such debris and trash removed at his expense, by either his own agent or by the City contractor.

Sec. 6. Prohibited Acts.

a. It shall be unlawful for any person to sweep, throw, or deposit any garbage, trash, debris, stagnant water, or dead animal into, upon, or along any public property or private property of another, except as may be specifically provided by this ordinance.

b. It shall be unlawful for any person owning or otherwise in control of any premises within the City to permit any of the conditions described in Sec. 6a hereof to exist upon property owned or controlled by him after having actual or constructive notice thereof.

c. It shall be unlawful for any person to place in any container any material other than as specifically provided in this ordinance.

d. It shall be unlawful for any person to deposit or maintain garbage or trash except as provided for by this ordinance.

e. It shall be unlawful for any person to deposit any burning match, charcoal, ember or other material in any container used for the disposal of garbage or trash.

Sec. 7. Residential Collection - Charges.

The collection and removal of garbage, trash and brush from premises used for residential purposes shall be made two (2) times each week, with a two or three day interval between each collection, The charges for such service are hereby established to be \$8.00 per residential unit per calendar month. All charges for services furnished or rendered by the City under this ordinance shall be due and payable on the date indicated on the bill, and if not paid by the 15th day after date indicated on bill, a five percent (5%) penalty will be added to the current amount and become due and owing.

Sec. 8. Duties of Commercial, Institutional and Industrial Customers.

It shall be the duty of the owner or person otherwise in charge of commercial, institutional or industrial premises within the City to cause all garbage and trash accumulated on said premises to be placed in a dumpster

provided by the contractor, or, with the approval of the contractor, in disposable containers, if such disposable containers will not create a nuisance. Dumpsters and disposable containers shall be placed at a location on the premises which is readily accessible to the collector and screened, subject to review by the City at any time. Commercial type containers may be used and may be placed at a location on the premises as arranged between the customer and collector, but subject to review by the city at any time.

Sec. 9. Commercial, Institutional, and Industrial Collection.

Frequency of collection: The collection and removal of garbage and trash from houses, buildings, and premises used for commercial, institutional, or industrial purposes shall be made as often as necessary in order to maintain such premises free of accumulations of garbage and trash. In this regard, garbage collection shall be made not less than one (1) time each week.

Sec. 10. Collection of Charges.

a. The charges fixed herein for the removal and disposal of all garbage and trash, save and except for commercial garbage collection, shall be entered by the City against the customer and shall be collected as charges for other City services. Any person who shall fail or refuse to pay the charge herein specified within fifteen (15) days from the date of any bill containing an arrears balance shall have his garbage service suspended, and the City shall be notified immediately for appropriate action. The City Attorney is hereby authorized to act as agent for the City in the collection of charges herein provided.

Sec. 11. Manner of Collection, Transportation.

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

b. All vehicles used for the collection and transportation of garbage and trash shall be equipped with suitable covers which shall be used to prevent blowing or scattering of refuse while garbage and trash is being transported for disposal.

Sec. 12. Private Disposal.

No person, firm, business or corporation may dispose of its own residential or commercial garbage, trash and rubbish. No commercial enterprise, other than City's contractor, shall be employed to remove and dispose of garbage, trash or rubbish within the City.

Sec. 13. Penalty.

Any person violating any provision of the foregoing sections shall be deemed guilty of a misdemeanor and upon final conviction thereof shall be fined in an amount not to exceed One Thousand Dollars (\$1000.00). Each and every day such occurrence shall continue shall constitute a separate offense.

Sec. 14. Publication.

The City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause of this ordinance as an alternative method of publication provided by law and this ordinance shall become effective immediately upon publication.

AND IT IS SO ORDERED.

PASSED AND ADOPTED by the City of Willow Park, Texas, this the 12<sup>th</sup> day of August, 1985.

Carl Heath Jr

CARL HEATH, JR., MAYOR

ATTEST:

Bernadette Wright

BERNADETTE WRIGHT, CITY SECRETARY

APPROVED AS TO FORM:

Carter L. Hampton

CARTER L. HAMPTON, CITY ATTORNEY