

CHAPTER 11 UTILITIES & SOLID WASTE

ARTICLE 11.400 GARBAGE COLLECTION

*

| |
|---|
| <u>ARTICLE 11.400 GARBAGE COLLECTION*</u> |
|---|

Sec. 11.401 Duties of Customer(a) Generally.

(1) To Provide Containers: Every customer shall provide and use approved containers sufficient in number to hold the garbage and trash normally accumulating on the premises of said customer.

(2) To Secure Containers: Every customer shall keep all garbage and trash containers used by it securely closed in such manner as to prevent the scattering of the contents thereof and to render said contents inaccessible to insects, rodents and other animals.

(b) Garbage Containers; Specifications.

(1) Garbage Containers Must Meet the Following Requirements: The container shall be a watertight receptacle of a durable grade of material, not to exceed thirty (30) gallons in capacity, and the combined weight of the garbage and container shall not exceed sixty (60) pounds. It shall be provided with a suitable, close-fitting cover.

(2) The container must not have inside structures, such as inside bands or reinforcing angles or anything within the container to prevent the free discharge of the contents. Sturdy cardboard containers or cartons may be used as containers up to their level capacity for material defined as trash, but they will be collected with their contents.

(c) Residential Collection - Placement of Containers. It shall be the duty of each customer of residential premises in the city to place garbage and trash containers at locations as follows:

(1) Premises on Alleys: If the premises from which garbage and trash are to be collected are adjacent to a dedicated public alley, the customer shall place all containers adjacent to the alley at a location on the premises and easily accessible to the collector from outside said premises.

(2) Other Premises: In the event there is no alley adjacent to the premises, the customer shall place all containers for collection at curbside on the street on which said premises are addressed.

(3) Designation of Collection Point: In the event it is not practical to place containers for collection at locations hereinabove provided, the city sanitation inspector or his duly authorized representative shall designate the point most easily accessible for collection in such instances.

(4) Time of Placement: All containers shall be placed at the hereinabove prescribed locations not later than seven o'clock (7:00) a.m. on the day of scheduled collection.

(d) Residential Collection - Trash and Brush, Etc. In the event trash is of such a nature that it cannot be placed in approved containers, it shall be placed in bundles or disposable containers having an outside dimension of not more than four feet (4') and shall be placed for collection as provided in subsection (c) hereof. Brush shall be cut in lengths not to exceed four

feet (4') and shall be trimmed and stacked at curbside to a height of not more than three feet (3') with the larger ends placed toward the curb or street. All vines and thorny bushes shall be placed in disposable containers. No bundle, container, or other item shall weigh more than sixty (60) pounds. Discarded furniture or appliances not exceeding four feet (4') in length and eighty (80) pounds in weight need not be in a container.

| |
|------------------------------------|
| ARTICLE 11.400 GARBAGE COLLECTION* |
|------------------------------------|

Sec. 11.402 Collection of Garbage and Trash

(a) It shall be the duty of all residential and commercial customers to subscribe to a commercial garbage collection service that is licensed by the city. Those commercial customers that generate special types of garbage that are not covered by an exclusive contract entered into pursuant to this article shall be allowed to use any other garbage collector duly permitted pursuant to this article. The city council may authorize an individual to dispose of his own garbage and trash where hardship is shown. The city manager shall cause an investigation to be made of the circumstances surrounding any application for exception and shall report to the city council on the results of his investigation. A list of such exempt persons shall be kept and given to any city garbage company monthly. The city council may revoke said exemption at any time.

(b) Residence Service: The residences of the city and small professional and business firms who receive twice a week regular service have been divided into fair and reasonable types according to their structure and uses, for the purposes of collection of garbage and trash. Fair and reasonable charges for service where pickups are made from alleys or from front or side-line street curbs shall be charged as provided for in the

[fee schedule](#) found in the appendix of this code.

(c) Inspection Charge, Reports: In addition to the above specified amounts, the city shall charge an inspection fee as provided for in the [fee schedule](#) found in the appendix of this code for each customer of all licensed garbage haulers. In all cases wherein the city acts as collecting agent for a licensed garbage hauler, the city shall include such additional fee in the monthly bills for garbage collection. The funds thus obtained shall be retained by the city and shall be separate and distinct from any funds retained by the city according to the terms of any contract existing between the city and such garbage hauler. All private garbage haulers shall submit to the water utilities department a monthly report of the number of customers served by such private garbage haulers and shall remit therewith a sum as provided for in the [fee schedule](#) found in the appendix of this code. In the event any private garbage hauler fails or refuses to submit such report and remittance, the city council may immediately revoke the permit granted to such private garbage hauler under the provisions of this code.

(d) Landfill Surcharge:

(1) In addition to the above specified amounts, the city will charge a landfill surcharge as provided for in the [fee schedule](#) found in the appendix to this code for each commercial customer of all licensed garbage haulers. In all cases in which the city acts as collecting agent for a licensed garbage hauler, the city shall include such additional fees in the monthly bills for garbage collection. All private garbage haulers shall submit to the water utilities department a monthly report of the number and type of customers served by such haulers and shall remit therewith a sum as provided for in the [fee schedule](#) found in the appendix of this code. In the event any private garbage hauler fails or refuses to submit such report and remittance, the city council may immediately revoke the permit granted to such private garbage hauler under the provisions of this code.

(2) All funds collected hereby shall be retained by the city and shall be separate and distinct from any funds retained by the city under any contract between the city and any garbage hauler.

(3) The purpose of this surcharge is to defer the expense of engineering, testing and maintaining the city's landfill in accordance with all state and federal rules, regulations and permits; and for future landfill development and expansion.

(e) State Landfill Surcharge Fee:

(1) In addition to the above specified amounts, the city will charge a state landfill surcharge fee as provided for in the [fee schedule](#) found in the appendix of this code for each residential customer, for each commercial dumpster (box), and for each commercial roll off container. In all cases in which the city acts as collecting agent for a licensed garbage hauler, the city shall include such additional fees in the monthly bills for garbage collection.

(2) All private garbage haulers shall submit to the water utilities department a monthly report of the number and type of customers served by such haulers and shall remit therewith a sum as provided for in the fee schedule found in the appendix of this code for each residential customer, for each commercial dumpster (box), and for each commercial roll off container. In the event any private garbage hauler fails or refuses to submit such report and remittance, the city council may immediately revoke the permit granted to such private garbage hauler under the provisions of this code.

(3) All funds collected hereby shall be retained by the city and shall be separate and distinct from any funds retained by the city under any contract between the city and any garbage hauler. The charges set forth under this section will be identified in the water bill as a state surcharge fee.

| |
|------------------------------------|
| ARTICLE 11.400 GARBAGE COLLECTION* |
|------------------------------------|

Sec. 11.403 Garbage and Trash Collectors

(a) Permit to Collect: No person shall empty garbage and trash containers or receptacles, or convey or transport the contents thereof on the streets, alleys or public thoroughfares of the city for hire, without having first obtained a written permit from the council.

(b) Application for Permit: Any person desiring a permit for the collection, removal and disposal of garbage and trash shall make application for such permit to the council, who shall make or cause to be made such investigations as may be considered necessary in order to determine whether or not the public convenience and necessity requires the granting of such permit and whether the applicant is a fit and proper person to conduct such business. Among other things the application shall consist of the following:

(1) The application shall set forth the name and address of the applicant; the trade name under which the applicant does or proposes to do business; the number of vehicles the applicant desires to operate; the class, size and design of each vehicle; the financial status and responsibility of the applicant; his ability to respond in the event of damages to persons or property by reason of the negligent operating of a vehicle on a street or public thoroughfare of the city; the nature and character of the service the applicant proposes to render; the experience he has had in rendering such service; the patrons from whom he proposes to render the service; and such other information as may be required.

(2) No permit shall be issued to any applicant hereunder unless and until such applicant has obtained a policy of public liability insurance and has filed with the city clerk a certificate evidencing such policy. Such policy shall:

(A) Include the city as a named insured;

(B) Provide at least thirty (30) days' written notice to the city as a condition precedent to cancellation;

(C) Insure the public against any loss or damage that may result to any person or property arising out of the applicant's operation under the permit; and

(D) Provide a minimum amount of recovery in such policy as to each and every vehicle to be not less than the following amounts:

(i) For injury to or death of one person in any one accident \$25,000.00

(ii) For injury to or death of two (2) or more persons in any one accident \$50,000.00

(iii) For damage to or destruction of property in any one accident \$10,000.00

The termination or cancellation of the policy of insurance required herein shall automatically revoke the permit granted under the provisions of this code.

(c) Issuance of Permits: Permits shall be issued to qualified applicants for a period of one year provided, however, that qualified holders of a permit shall be required to pay an initial permit fee as provided for in the fee schedule found in the appendix of this code for the first year. Thereafter an annual fee as provided for in the fee schedule found in the appendix of this code shall be charged. All permits granted shall be nontransferable and may be revoked by the council after ten (10) days' notice and hearing before the council upon a finding by said council that the holder thereof is operating under his permit in such a manner as to be detrimental to the public safety, health or the general welfare of the city.

(d) Special Contracts: Because of the large investment in special equipment required to properly collect the garbage and trash of residential customers, public convenience and necessity requires the council to, from time to time, enter into an exclusive or nonexclusive contract with an established garbage collection company for the collection of garbage and trash of residential customers. Said contract may extend for a period of not more than twenty (20) years, subject to termination prior to its expiration for cause. Said contract may provide that the city will bill the customer for collection charges through its water department and remittance to the city under such contract shall be in lieu of any permit fees provided in this section, and such contract shall likewise be in lieu of the permit required by this section.

(e) Duties of Collectors:

- (1) All trucks used to haul garbage or trash shall have a completely covered bed which will fully contain the contents thereof.
- (2) The collection, removal and disposal of all garbage, trash and debris shall be carried on in a systematic, efficient manner to keep the entire city in a clean and sanitary condition.
- (3) Collectors shall make collections of garbage and trash of residential customers with a frequency of not less than twice each week and as of commercial, industrial or institutional customers as required, but in no event less than once a week.
- (4) Collectors shall dispose of garbage, trash and debris only at landfills or dumps designated by the city.

| |
|------------------------------------|
| ARTICLE 11.400 GARBAGE COLLECTION* |
|------------------------------------|

Sec. 11.404 Disposal of Garbage, Trash and Debris(a) Land Fill:

(1) Each person and licensed collector who dumps or disposes of garbage, trash and other refuse at any landfills or dumps within the city limits shall place or dump such garbage, trash and refuse upon said fills or dumps only at sites and locations as designated by the city. In any event, dumping shall be allowed only at attended and controlled locations.

(2) Each person or licensed collector who desires to dispose of waste, garbage, trash and refuse at any city landfill or dump shall pay the charges as provided for in the

[fee schedule](#) found in the appendix of this code for the privilege of using such areas.

(3) The landfill operator will weigh all loads, including loads brought into the area with their own equipment and shall keep records indicating point of origin and weight of all loads, provided however, the weight of loads brought in cars, pick-up trucks or trailers shall be estimated by the operator, for such records.

(4) Persons shall be allowed to dispose of refuse at the city landfill at the city resident rate only upon presentation to the landfill attendant of a recent water bill, valid Texas driver's license or other document showing the person's name and address, and provided said address is located within the limits of the city.

(5) The landfill operator shall remit to the city a fee as provided for in the [fee schedule](#) found in the appendix of this code for garbage collected by the operator in the city, a separate fee as provided for in the fee schedule found in the appendix of this code for waste in specified categories deposited in the landfill by or for city residents, as applicable, and a separate fee as provided for in the [fee schedule](#) found in the appendix of this code for waste in such specified categories deposited in the landfill by or for non city residents who live within Tom Green County and a separate fee as provided for in the fee schedule found in the appendix of this code for waste in such specified categories deposited in the landfill by or for people living outside Tom Green County. The landfill operator shall remit to the city a separate fee for car tires, for truck tires, for off road tires and for bulky items deposited in the landfill by or for city residents as provided for in the fee schedule; and a separate fee for car tires, for truck tires, for off road tires and for bulky items deposited in the landfill by or for non city residents as provided for in the [fee schedule](#) found in the appendix of this code.

(6) In addition to the above specified amounts, the city will charge a state landfill surcharge fee on uncompacted waste as provided for in the fee schedule found in the appendix of this code for all waste, garbage, trash or refuse brought into the landfill.

(7) The landfill operator shall remit to the city all state landfill surcharge fees collected. Any billing or documentation will identify the above charge as a state surcharge fee.

(b) Said charges shall not apply to waste, garbage, trash, or debris resulting from city operations or services.

(c) Any solid waste collected by, or under contract with, a governmental entity outside the city limits but within Tom Green County, shall be authorized to dump at the city landfill only under special contract arrangements with the city at the rate provided for in the [fee schedule](#) found in the appendix of this code plus the state landfill surcharge fees specified above.

(d) Any solid waste collected by, or under contract with, the following counties or a governmental entity within the following counties: Sterling, Coke, Runnels, Concho, Menard, Schleicher, Sutton, Irion and Crockett, shall be authorized to dump at the city landfill only with prior approval of the city council at the rate provided for in the [fee schedule](#) found in the appendix of this code plus the state landfill surcharge fees specified above.

| |
|------------------------------------|
| ARTICLE 11.400 GARBAGE COLLECTION* |
|------------------------------------|

Sec. 11.405 Commercial, Institutional and Industrial Customers

(a) Location of Containers: It shall be the duty of the owner or person otherwise in control of the commercial, institutional or industrial premises within the city to cause all garbage and trash accumulated on said premises within the city to be placed at a location on the premises which is readily accessible to the collector and approved by the city sanitation inspector. Commercial-type containers shall be placed at a location on the premises arranged by the customer, and collector, said containers to be sufficient in size and number to handle all trash and garbage generated.

(b) 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 time each week.

(c) Collection and Disposal: Collection of garbage and trash from commercial, institutional or industrial premises shall be performed by a licensed collector. Charges for collection shall be a matter of contract between the customer and collector, based on the quantity and frequency of collection.

(d) Special Contracts: Because of the large investment in special equipment required to properly collect the garbage and trash of commercial customers, public convenience and necessity requires the council to, from time to time, enter into an exclusive or nonexclusive contract with an established garbage collection company for the collection of garbage and trash of commercial customers. Said contract may extend for a period of not more than twenty (20) years, subject to termination prior to its expiration for cause. Said contract may provide that the city will bill the customer for collection charges through its water department and remittance to the city under such contract shall be in lieu of any permit fees provided in this section, and such contract shall likewise be in lieu of the permit required by this section. Fair and reasonable charges for the collection of garbage and trash of commercial customers shall be charged as provided for in the

[fee schedule](#) found in the appendix of this code.

(e) Exception: Notwithstanding the foregoing, a commercial, institutional or industrial business may, by obtaining a permit from the sanitation inspector, haul its own garbage, trash and debris provided it uses its own employees and vehicles for hauling, and those vehicles conform to the requirements of vehicles used by licensed collectors as set forth in this article; provided, however, no business engaged in food handling, such as a restaurant, quick food or take out food business, may haul its own garbage but must subscribe to a licensed hauler to insure the orderly and regular removal of rapidly deteriorating garbage.

| |
|------------------------------------|
| ARTICLE 11.400 GARBAGE COLLECTION* |
|------------------------------------|

Sec. 11.406 Sanitation Inspector

The city manager shall appoint a sanitation inspector who shall hold office for the duration of his appointment or unless removed at will by the city manager. It shall be the duty of the sanitation inspector or his designee to regularly inspect the streets and alleys of the city, and to enforce the provisions of this code regulating the collection and removal of garbage and trash. The sanitation inspector or his designee shall have the authority to issue citations to any third persons, firms or corporations who shall violate such laws. In the event the violator is a firm or corporation, such citation shall be issued to the owner, operator or manager of such firm or corporation. Such citation shall command the person so named to appear in the municipal court within ten (10) days to answer the charge stated therein.

ARTICLE 11.400 GARBAGE COLLECTION*

Sec. 11.407 Penalty

The penalty provisions of

[Section 1.106](#) of this code shall be applicable in all cases of violations of this article.