

ORDINANCE NO. 23- 070

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, AMENDING THE CODE OF THE CITY OF GALVESTON, AS AMENDED, CHAPTER 15, "GARBAGE AND TRASH" BY PROVIDING FOR INCIDENTAL SERVICE COSTS TO INCLUDE RETURN TRIP COSTS, ADDITIONAL WASTE COSTS, AND BULK WASTE DISPOSAL COSTS; PROVIDING DEFINITIONS; PROVIDING A PENALTY VIOLATION; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; PROVIDING FOR AN EFFECTIVE DATE.

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**WHEREAS**, the Galveston City Council seeks to promote the public health, safety, and general welfare of the municipality; and,

**WHEREAS**, staff has reviewed the current costs for collection and removal of refuse for residential and commercial accounts. Staff has determined there is a need to address incidental costs to collection service, herein commonly described as the costs for return service pickup, additional waste and bulk waste removal, as well as replacement carts and additional cart servicing; and,

**WHEREAS**, staff has updated definitions applicable to the chapter; and,

**WHEREAS**, staff recommends a penalty provision for disposal violations; and,

**WHEREAS**, the City Council of the City of Galveston, Texas, deems it in the public interest to amend Chapter 15, "Garbage and Trash", to provide for incidental service costs and provide for penalty violations to maintain the overall public health and welfare of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS:**

**SECTION 1.** The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

**SECTION 2.** Chapter 15, "Garbage and Trash" of "The Code of The City of Galveston 1982, as amended," is amended to provide as follows:

**Sec. 15-1. - Scope.**

All garbage, trash, recycling and refuse collection within the city shall be controlled by the provisions of this chapter. All properties within the City who have an active utility account, excluding irrigation accounts, are required to have permanent sanitation services, provided by the City or a licensed private hauler.

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## Sec. 15-2. - Definitions.

As used in this chapter, the following terms shall have the meanings respectively ascribed to them in this section:

Additional waste material collection – collection of waste material resulting from solid waste placed outside of or on top of the collection cart, or at the curb or alley. Additional waste material includes items which can be readily loaded by hand into a can/cart; including, but not limited to garbage or trash bags, boxes, and waste placed in non-city carts or cans. Waste extending above the top of the cart such that the lid is at or above a forty-five degree angle will be considered additional waste material.

Bulk waste - large items of solid waste, distinguished from the general, domestic, municipal waste stream collected in carts or receptacles. Examples include, but are not limited to, appliances, furniture, tree stumps and other oversized wastes.

Brush means tree limbs and other cuttings from branches of trees, ~~and~~ shrubs ~~or~~ lawns and similar materials.

Cart- herein refers to common usage for receptacle, collection cart, can or container, issued by the city for the placement of appropriate garbage and trash.

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Director herein, shall be known as the Director of Solid Waste, or his or her designee. ~~of municipal utilities or director of public works shall be known as director of public infrastructure, or his or her designee.~~

Garbage means solid waste consisting of putrescible animal and vegetable waste materials resulting from the handling, preparation, cooking and consumption of food, including waste materials from markets, storage facilities, handling and sale of produce and other food products.

~~every refuse accumulation of animal, fruit or vegetable matter attending the preparation, use, cooking and dealing in or storage of meats, fish, fowl, fruit, vegetables or grains and may also include wastepaper and other miscellaneous household rubbish.~~

Household waste – any solid waste (including garbage, trash,) derived from households. For purposes of this chapter, "brush" is not included in the definition.

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Putrescible waste – Organic wastes, such as garbage, wastewater treatment plant sludge and grease trap waste that are capable of decomposition by microorganisms with sufficient rapidity as to cause odors or gases or are capable of providing food for or attracting birds, animals and disease vectors.

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Receptacles means ~~automated~~ collection carts ~~that are~~ issued by the city for the placement of appropriate garbage and trash.

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Replacement or additional cart cost – cost charged to the person responsible for making the payment of fees for collection under this code shall be responsible for any replacement of a cart or for an additional cart assigned to their property.

Return trip or Return Service Call – Customer generated or complaint generated request to return to a location to service a cart. Return trip or service is applicable:

1. where route collection has occurred and request is made prior to the next scheduled service;
2. where collection does not or did not occur for any reason not the fault or error of the department, and request is made prior to the next scheduled service;
3. where customer requests collection at any time outside of scheduled service, excluding bulk waste removal.
4. where collection is deemed necessary by the city resulting from a customer's special handling needs or violation.

Solid waste - garbage, refuse, trash and other discarded material.

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#### Sec. 15-3. - **Containers** **Carts** generally.

(a) Receptacles for refuse shall be limited to city issued automated carts.

- (1) City issued carts are for household garbage and trash only. All garbage and trash shall be bagged and placed within the cart as to allow the lid to close.
- (2) Area around the cart must be kept clean and clear of loose trash and garbage.
- (3) All refuse collected by the city shall be stored in proper receptacles between times of collection.
- (4) To receive service, the property shall be current on its garbage collection fee.
- (5) Should any location, in the opinion of the Director of Solid Waste or designee, regularly generate more garbage and trash than will fit into an cart, the director may require additional cart(s) for the location.

~~(a) Receptacles for refuse shall be limited to city issued automated carts. All garbage and trash shall be placed within the automated cart in such a way as to allow the lid to close. Should any location, in the opinion of the director of municipal utilities or his designee, regularly generate more garbage and trash than will fit into an automated cart, the director may require additional cart(s) for the location. That person responsible for making the payment of fees for collection under this Code shall also be responsible for maintaining the receptacles in a clean and sanitary manner.~~

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(d) Receptacle collection: All receptacles shall be set out for collection between the hours of 5:00 p.m. of the day prior to collection and 6:30 a.m. on the regular day of collection. Where possible, as determined by the Director of Solid Waste or designee all receptacles shall be returned to private property, secured and screened from view as soon as practicable after servicing, but, in no case later than 10:00 p.m. of the day of service. The Director of Solid Waste may allow receptacles to remain in alleys when appropriate.

~~(d) All receptacles shall be set out for collection prior to 6:30 a.m. on the regular day of collection whether for refuse or for recyclable material, but no sooner than 5:00 p.m. of the day prior to collection. Where possible, as determined by the director of municipal utilities or his designee, all receptacles shall be returned to private property, secured and screened from view as soon as practicable after servicing, but, in no case later than 10:00 p.m. of the day of service. The director of municipal utilities may allow receptacles to remain in alleys when appropriate.~~

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#### **Sec. 15-5. - Brush and trash.**

(a) Brush, tree limbs, and other wastes shall be collected from alleys and curbsides only.

(b) Tree stumps and root balls must be cut in size to allow for collection by the City.

(c) A nursery person, tree surgeon, owner or individual or person who cuts or trims trees, shrubs or grass, as an independent contractor, or otherwise having responsibility thereof, shall remove or cause to be removed all trash from the premises and properly dispose of such cuttings or trimmings. Failure to properly dispose of such cuttings or trimmings shall constitute littering and a violation of this section.

(d) Collection of One (1) compliant bundle/pile of limbs and brush will be serviced during the regular collection day.

a. A compliant bundle or pile shall neither exceed five (5) feet in length nor three (3) feet in height, nor three (3) feet in spread, and such bundles shall not exceed fifty (50) pounds in weight.

b. Additional piles of brush and limbs beyond the stated size will be charged at the bulk waste rate.

(e) All such items to be collected by the city shall be stacked neatly in separate piles, and shall not be stacked under low overhead cabling, over utility meters, around signs, posts or other similar obstructions. Damages that may occur because of placement over these items are the responsibility of that person responsible for making the payment of fees for collection under this Code.

~~(a) Brush, tree limbs, and other wastes shall be collected from alleys and curbsides only. Brush, tree limbs and other similar wastes shall not be deposited for collection in the street or blocking any drainage way earlier than one calendar day in advance of the collection day, and may be bundled and tied. Any such bundle or pile shall neither exceed five (5) feet in length nor three (3) feet in spread. Bundles shall not exceed fifty (50) pounds in weight. All such items to be collected by the city shall be stacked neatly in separate piles, and shall not be~~

stacked under low overhead cabling, signs, posts or other similar obstructions. The director of public works, or designated representative, may limit the amount of brush, tree limbs, or other similar wastes to be collected by the city at any location. Failure to properly dispose of such materials shall constitute littering.

- (b) Trash service shall not be provided for commercial accounts unless said trash items may be collected as an incident to normal garbage service and only then when properly containerized along with said garbage and in conformity with the regulations therefor.
- (c) Collection of items such as building debris (lumber), shingles, siding, insulation, brick, dirt, plaster, sand, gravel, large automobile parts, scrap metal, wire, dead animals and other bulky or heavy material generated by work from a contractor shall not be included in services provided by the city. Such debris shall be arranged to be removed by the owner at the owner's expense. The director of public works may authorize the collection of building debris, discarded from small projects undertaken by the customer. To utilize this service the customer shall make arrangements in advance with the director of public works, or designee. The director of public works, or designee, may require specific placement, particular containerization, separation of material types, and exclusions of certain materials.

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#### **Sec. 15-27. - Incidental Service Costs: Sec. 15-40. Reserved.**

The Director of Solid Waste may waive the following incidental service costs, for extenuating, unforeseen, or other circumstance beyond the control of the customer.

- **Additional Cart Servicing:** - six dollars (\$6.00) monthly for each additional cart.
- **Additional Waste Collection:** shall be charged at a rate of five dollars and fifty cents (\$5.50) per 32 gallon equivalent;
- **Bulk Waste Collection:** shall be charged out at a rate of forty-five dollars (\$45.00) per cubic yard;
- **Replacement or Additional Cart:** the current cost or value to the city for the replacement of or for an additional cart(s).
- **Return trip or return service call:** Fourteen dollars (\$14.00) per occurrence.

#### **Sec. 15-28. Violation.**

- (a) It is a violation for a property owner, resident, business owner or operator, to dispose of refuse, garbage, and/or solid or liquid waste materials, typically purposed for collection, in city owned receptacles located adjacent to or in city rights-of-ways.

(b) Litter or items used by pedestrians, visitors, and the like, that are related to, incidental to, or naturally generated through foot travel shall be in accordance with the codes of the city of Galveston for depositing of litter and any other applicable rules and regulations.

(c) Any person violating any provision of this section shall be guilty of a misdemeanor and subject to a fine of five hundred dollars (\$500.00). Each day a violation of this section occurs shall constitute a separate offense.

**Secs. 15-29. - 15-40. - Reserved.**

**SECTION 3.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

**SECTION 4.** All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

**SECTION 5.** All Ordinances of general and permanent nature, and amendments to such Ordinances, hereinafter adopted by the City Council, shall be drafted, so far as possible, as specific amendments of, or additions to, this Code. Amendments to this Code are intended for publication to the Galveston City Code. The Codifier is authorized pursuant to the Galveston City Code to make non-substantive changes to the Ordinance prior to publishing.

**SECTION 6.** In accordance with the provisions of Sections 12 and 13 of Article II of the City Charter this Ordinance has been publicly available in the office of the City Secretary for not less than 72 hours prior to its adoption; that this Ordinance may be read and published by descriptive caption only.

**SECTION 7.** This Ordinance shall be and become effective, from and after its adoption and publication in accordance with the provisions of the Charter of the City of Galveston.

APPROVED AS TO FORM:

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DONNA M. FAIRWEATHER  
SR. ASSISTANT CITY ATTORNEY

I, Janelle Williams, Secretary of the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of Galveston at its Regular meeting held on October 26, 2023, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this 27th day of October, 2023.

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Secretary for the City Council  
Of the City of Galveston