

**ORDINANCE NO. 2018-O-02C**

**BRUSH COLLECTION PROGRAM ORDINANCE**

**AN ORDINANCE AMENDING THE CITY OF MARBLE FALLS, CODE OF ORDINANCES, CHAPTER 21, SOLID WASTE, BY AMENDING SECTION 21-1, DEFINITIONS AND CREATING A NEW SUBSECTION 21-17, BRUSH COLLECTION; ESTABLISHING REQUIREMENTS AND PROCEDURES FOR THE PROPER DISPOSAL OF BRUSH AND ESTABLISHING A BRUSH COLLECTION AND DROP-OFF PROGRAM; PROVIDING FINDINGS OF FACT; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR PROPER NOTICE AND OPEN MEETING.**

**WHEREAS**, the City of Marble Falls (City), seeks to establish a brush management program to effectively and efficiently manage the resources necessary for the proper collection and disposal of brush; and,

**WHEREAS**, the brush management program is intended to aid residents and property owners in property code compliance regarding vegetation; and,

**WHEREAS**, the purpose of the brush management program is to make available to the public an opportunity for proper disposal of wastes associated with yard maintenance and establish procedures related to the services provided by the City and establishing fees associated with these services.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARBLE FALLS, TEXAS, THAT:**

**SECTION I. FINDINGS OF FACT.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Marble Falls and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

**SECTION II.** Chapter 21, Solid Waste, Section 21-1, Definitions, is hereby amended to add the following definition: “Brush” is defined as tree cuttings, twigs, branches, leaves, shrubbery, grass clippings and organic material resulting from yard maintenance.

**SECTION III.** Chapter 21, Solid Waste, is hereby amended to add a new subsection 21-17, Brush Disposal as follows:

- (a) Each resident within the city limits of Marble Falls will receive curbside pickup of general brush and yard waste at no charge during the regularly scheduled time. The pick-

up schedule and frequency will be set by the City and may be amended from time to time as determined by the City. The scheduled time for pick up may include a time frame of up to seven (7) days within which the pick-up will occur.

(b) Brush intended to be picked up must be piled at the curb/edge of street and within five feet of the curb and be in place prior to the first scheduled day of pickup in order to guarantee pickup at no charge. Brush placed at the curb after the first day of the assigned week for the pick-up is not guaranteed to be picked up without charge.

(c) Residents and property owners who wish to have brush picked up at a time other than the regularly scheduled time may contact the City and request pick up for a fee. The fee will be assessed on the monthly utility bill or submitted in the form of an invoice to the resident and/or property owner.

(d) In addition to curb side pick-up, the City will provide a designated brush drop-off location, with posted hours of operation to be determined by the City, for residents and property owners at no charge. The designated drop-off location will be available to contractors or commercial firms for a fee.

(e) The City may adopt reasonable fees as described in the Master Fee Schedule, Appendix C, Marble Falls Code of Ordinances, which may be amended from time to time for reimbursement of costs associated with the services provided as part of the brush management program, which costs may include, but shall not be limited to, the following:

(1) Brush Disposal. Fees for non-residents, contractors or commercial firms utilizing the City designated brush drop-off location.

(2) Brush Pick-up. Fees assessed on the resident or property owner's monthly utility bill for pick-up of brush that is not placed at curbside in time for the regularly scheduled pickup.

(3) Fees and charges described herein may be combined or separated and shall be billed and collected as generally described in Section 21-7.

(4) Other fees as the City may deem necessary to carry out the requirements contained in Section 21-17. These fees relate solely to the matters covered by Section 21-17 and are separate from all other fees, fines, and penalties chargeable by the City.

(5) The City Manager or his/her designee may, at any time, elect to waive fees assessed for curbside brush pickup or assessed at the designated drop-off site.

**SECTION IV. REPEALER CLAUSE.** The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject

matter as that which is covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

**SECTION V. EFFECTIVE DATE.** This ordinance shall take effect immediately upon passage.

**SECTION VI. PROPER NOTICE AND MEETING.** It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

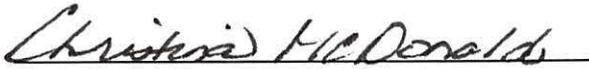
ADOPTED AND APPROVED on this 6th day of February, 2018 by a vote of the City Council of the City of Marble Falls, Texas.

City of Marble Falls



John Packer, Mayor

ATTEST:



Christina McDonald, City Secretary



APPROVED AS TO FORM:



Patty L. Akers, City Attorney