

ORDINANCE NO. 23-386

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DENTON, TEXAS REPEALING CHAPTER 24, TITLED "SOLID WASTE," OF THE CODE OF ORDINANCES IN ITS ENTIRETY; ADOPTING A NEW CHAPTER 24 TITLED "SOLID WASTE"; PROVIDING SEVERABILITY, SAVINGS, PENALTY, AND PUBLICATIONS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Denton adopted Ordinance No. 2005-256 on September 20, 2005 to amend Chapter 24 "Solid Waste" of the Code of Ordinances of the City of Denton that outlined rules, procedures and charges for solid waste, recycling, and yard waste services provided by the City of Denton, and

WHEREAS, the City of Denton ("City"), finds it in the best interest of the citizens of the City of Denton, to review, update, and amend, from time to time as needed, Chapter 24 – Solid Waste & Recycling, to make sure it provides support and direction based on City Council policies; and

WHEREAS, in 2020 the City participated in a waste audit that determined, by random sampling, that approximately 42%-55% of the material in Denton trash containers was recyclable material, and

WHEREAS, in 2021 the City contracted with a consultant to help develop a Comprehensive Solid Waste Management Strategy ("CSWMS") to help guide the City and direct the Solid Waste and Recycling Department operation for the foreseeable future, and

WHEREAS, the City Council having approved the CSWMS recognizes the importance of having a guiding strategy and directed that the City should place a priority on recycling and diversion to maximize the life of the landfill as well as promote the responsible use of recyclable and divertible materials, and

WHEREAS, the City desires to update and enhance Chapter 24 to improve regulations for all waste, but especially regarding the requirement for recycling and diversion as well as being able to track and be aware of all materials being diverted within the City, and

WHEREAS, the City Council finds that approval of the new Chapter 24 "Solid Waste", which is attached hereto and incorporated by reference, is in the best interest of the City of Denton.

NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF DENTON, TEXAS HEREBY ORDAINS:

SECTION 1. Chapter 24 "Solid Waste" of the City of Denton Code of Ordinances is hereby repealed in its entirety.

SECTION 2. Chapter 24, "Solid Waste" attached hereto as Exhibit A and incorporated herein is hereby adopted.

SECTION 3. If any section, subsection, paragraph, sentence, clause, phrase or word in this ordinance, or application thereof to any person or circumstances is held invalid by any court of

competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance, and to this end the provisions of this ordinance are severable and the City Council of the City of Denton, Texas hereby declares it would have enacted such remaining portions despite any such invalidity.

SECTION 4. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the City of Denton Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 5. Any person, firm, partnership or corporation violating any provision of this ordinance shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished by fine in sum not exceeding \$500.00 for each offense. No culpable mental state shall be required as an element of a violation of any provision of this ordinance. Each day that a provision of this ordinance is violated, shall constitute a separate and distinct offense.

SECTION 6. In compliance with Section 2.09(c) of the Denton Charter, this ordinance shall become effective fourteen (14) days from the date of its passage, and the City Secretary is hereby directed to cause the caption of this ordinance to be published twice in the Denton Record Chronicle, a daily newspaper published in the City of Denton, Texas, within ten (10) days of the date of its passage.

The motion to approve this ordinance was made by [Paul Meltzer] and seconded by [Brian Beck].

The ordinance was passed and approved by the following vote [6 - 0 - 1]:

	Aye	Nay	Abstain	Absent
Mayor Gerard Hudspeth:	<u>✓</u>	_____	_____	_____
Vicki Byrd, District 1:	<u>✓</u>	_____	_____	_____
Brian Beck, District 2:	<u>✓</u>	_____	_____	_____
Paul Meltzer, District 3:	<u>✓</u>	_____	_____	_____
Joe Holland, District 4:	<u>✓</u>	_____	_____	_____
Brandon Chase McGee, At Large Place 5:	<u>✓</u>	_____	_____	_____
Chris Watts, At Large Place 6:	_____	_____	_____	<u>✓</u>

PASSED AND APPROVED this the 18<sup>th</sup> day of July, 2023.

  
 \_\_\_\_\_  
 GERARD HUDSPETH, MAYOR

ATTEST:  
JESUS SALAZAR, INTERIM CITY SECRETARY

BY: \_\_\_\_\_

APPROVED AS TO LEGAL FORM:  
MACK REINWAND, CITY ATTORNEY

BY: **Susan Keller**  
Digitally signed by Susan Keller  
Date: 2023.07.12 10:54:40 -05'00'

