

**ORDINANCE NO. 22- 074**

**AN ORDINANCE AMENDING CHAPTER 24, SOLID WASTE, OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN, TEXAS, BY AMENDING SPECIAL COLLECTION SERVICES; REMOVAL OF MOVE-IN CARDBOARD BOXES AND PACKING MATERIALS; AMENDING TRANSFER STATION USE FOR KILLEEN RESIDENTS; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Killeen, Texas is a home-rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and,

**WHEREAS**, the City Council of the City of Killeen deems the continued operation and functionality of the City's solid waste management infrastructure to be of vital importance to the protection of the public health, safety, and welfare of its citizens; and,

**WHEREAS**, City Council deems it appropriate to amend special collections services to bulk collection services, to change Transfer Station use from 300 to 500 pounds, to remove move-in boxes and packing paper provisions, and to make other clerical changes to ensure clarity;

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

**SECTION I.** That Chapter 24, Article II of the City of Killeen Code of Ordinances is hereby amended to read as follows:

**Chapter 24 SOLID WASTE**

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## ARTICLE II. MUNICIPAL COLLECTION AND DISPOSAL SERVICE

### DIVISION 1. GENERALLY

#### Sec. 24-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Approved receptacle* shall mean:

- (a) A container of various sizes furnished by the city to residential and commercial customers to store solid waste for collection.
- (b) A plastic bag having sufficient wall strength, a thickness of not less than 1.2 mils, to maintain physical integrity when lifted at the top, the opening closed by tie or other seal, and contents not weighing more than fifty (50) pounds.

*Automated collection* - the use of mechanical devices to lift and empty solid waste containers into solid waste collection vehicles.

*Automated container* - a container provided by the city of varying capacity used for garbage/rubbish collection.

*Boxes* - corrugated cardboard boxes with dimensions not exceeding 2 ft x 2 ft x 2 ft, and/or a volume of 8 cubic feet, capable of holding the materials therein, when lifted. Solid waste materials placed in the box shall be acceptable materials for ~~collection, and~~ collection and shall be contained so as not to cause windblown litter.

*Brush* - cuttings or trimmings from trees or shrubs of such length and bulk that cannot be placed in a container.

*Bulky waste* shall mean large items, objects, or stable matter, which because of their bulk, size, weight, and/or dimensions, can-not be placed in an approved receptacle or container, and require special bulk collection methods. ~~Examples include furniture items, appliances, tree limbs, and construction debris.~~

*Business*, as used herein, shall mean any commercial operation, or any usage of property for other than residential purposes, involving the employment of any individual, or the sale or manufacture of any product.

*Chlorinated fluorocarbon (CFC)* - a refrigerant used in freezers, refrigerators, and air conditioners.

*City* - the city of Killeen, Bell County, Texas.

*Collection* - the act of removing accumulated solid waste from the point of collection and transporting it to a solid waste management facility; collection may also occur at centralized points where generators deliver their solid waste.

*Collection day* - for residential collection is 7:00 a.m. to ~~68~~:00 p.m., Monday, Tuesday, Thursday, and Friday, as designated for a particular service area or geographical region.

*Collection frequency* - the number of times per week that collection service is provided.

*Collection/service stop* - a term used to describe a unique address that is a point of collection and requires collection services, i.e., a geographical point within a service area that requires the collection vehicle to stop and collect solid waste and/or recyclables, or other materials.

*Collection system* - a combination of the various components that are necessary to provide a collection service, including the system design, equipment and human resources, point of collection, frequency, system costs, and method of financing.

*Commercial customer* - any enterprise or establishment whose main purpose is to carry on a business activity whether for profit or not, and typically includes, but not limited to, such enterprises as: hotels, motels, restaurants, fast food establishments, retail stores, schools, offices, shopping centers/malls/plazas, factories/manufacturing facilities, warehouses, and high density occupied dwellings such as apartment complexes and mobile home parks.

*Compost* - compost is an organic soil conditioner that has been stabilized to a humus-like product that is free of viable human and plant pathogens and plant seeds, that does not attract insects or other vectors (organisms that transmit pathogens), that can be handled and stored without nuisance, and that is beneficial to the growth of plants.

*Construction debris* - shall mean building material waste resulting from demolition, remodeling, repair, or construction; including but not limited to carpet, padding, roofing shingles, doors, lumber, sinks, commodes, and sheetrock.

*Curbline* - the area directly behind the curb. In the absence of a curb, the area directly behind the edge of the roadway.

*Curbside collection* - the collection of solid waste, recyclables, or other materials placed in front of the property (curbside) by the generator who then returns the container to its normal location after it has been emptied.

*Disabled household* - shall mean a residential dwelling unit where all occupants over the age of sixteen (16) are physically incapable of transporting garbage and/or rubbish to the property curbside. A statement or certification from a licensed medical doctor may be required to substantiate the incapacity.

*Dumpster* - a common term used to describe storage bins (containers) for commercial, institutional, and industrial solid waste.

*Garbage* - shall mean 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.

*Hazardous waste material* - shall mean any solid waste identified or listed as a hazardous waste by the administrator of the Environmental Protection Agency (EPA) pursuant to the Federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, section 42 USC, section 6901 et seq., as amended. Materials include but are not limited to flammable liquids or solids, medical waste, paints, motor oil, herbicides, and solvents.

*Manual collection* - a method of collecting solid waste where the operator and/or collector(s) leave the collection vehicle and manually empties the container(s). Storage containers may be brought to the point of collection by the generator or a member of the collection crew.

*Materials recovery facility* - a term used for a facility that separates mixed (commingled) recyclables into various components and processes those components for sale as secondary materials.

*Non-collection material* - materials that shall not be collected by the solid waste services division, including, but not limited to, construction materials, rock, dirt, manure, dead animals, tires, tire and wheel combinations, hazardous waste material, lead acid batteries, engines, lawn mowers, riding mowers, liquid waste of any kind, vehicle bodies, boats, mobile homes, trailers, campers, and other items of like size; waste from undeveloped property, and landscaping waste for new homes or commercial sites.

*Point of collection* - a geographical point on a generator's property where storage containers are placed for collection service.

*Premises* - businesses, houses, boarding and rooming houses, theaters, hotels, restaurants, cafes, eating houses, tourist camps, apartments, sanitariums, schools, private residences, vacant lots, and all other places within the city where garbage, trash or rubbish accumulates in ordinary quantities.

*Prohibited material* – shall mean any solid waste identified as requiring special collection and disposal procedures including, but not limited to, dead animals, hot ashes, medical waste, and hazardous waste material as described above.

*Putrescible garbage*, -- as used herein, shall be held and construed to mean animal or vegetable matter, such as waste material from kitchens, grocery stores, butcher shops, restaurants, cafes, hotel, rooming and boarding houses, such as scraps of meat, bread, bones, and peelings of fruit and vegetables.

*Recycling* - the diversion of specific materials from a solid waste stream and the processing of those materials for use as new products and/or other productive uses including composting.

*Recycling drop-off center* - a location, either temporary or permanent, established for the receipt of recyclable ~~solid waste materials~~ including, but not limited to, aluminum, cardboard, metal, paper, glass, and plastic.

*Residential solid waste* - solid waste generated from single and multi-family sources; frequently called household solid waste, or household wastes.

*Roll-off container* - a container used for the storage, collection and transport of commercial, institutional, or industrial solid waste. The container is pulled onto the tilt-frame of the collection vehicle with a cable by winch, reeving cylinders, or by hooks and taken to a solid waste management facility for emptying. Normally, an empty roll-off container is delivered to a customer at the time of collection, rolled off, and left for future use.

*Route* - a round of stops to collect solid waste; a path regularly visited by a collection vehicle.

*Rubbish*, as used herein, shall mean non-putrescible solid waste, consisting of both combustible and noncombustible waste materials; including, but not limited to, paper, rags, cartons, excelsior, rubber, plastics, ~~yard trimmings, leaves,~~ glass, crockery, tin cans, aluminum cans, and other such waste generated from residential and commercial sources.

*Scavenging* - the uncontrolled and unauthorized removal of materials from any container, bag, or receptacle within the corporate limits of the city.

*Scrap tire* - any tire that can no longer be used for its original intended purpose.

*Service area* - a geographic area provided solid waste collection service; service areas are normally divided into districts or routes to provide collection services.

~~*Special wastes* – a term commonly used to describe specific materials that may require special collection and management approaches.~~

*Transfer station* - a facility where the ~~transfer processing~~ of collected solid wastes from collection vehicles to transfer vehicles ~~which transports the waste to the landfill takes place.~~

*White goods* - used to denote large household appliances such as refrigerators, stoves, ranges, air conditioners, dryers, and washing machines.

*Yard waste*, -- as used herein, shall mean leaves, grass clippings, shrubs or plant cuttings, yard and garden debris, resulting from yard maintenance, that can be placed in a plastic bag for disposal.

## **Sec. 24-27. Placement in receptacle.**

Each person within the city having garbage and rubbish to be disposed of is hereby required to place same in approved receptacles. It is unlawful for any person to place any garbage or rubbish on the ground, or in anything other than an approved receptacle except as allowed herein.

## **Sec. 24-29. City to provide solid waste services.**

- (a) The city's solid waste services division shall be the exclusive provider of residential and commercial garbage, rubbish, and solid waste collection and disposal services for all premises within the city. It shall be unlawful

for any person or corporation to provide residential or commercial garbage, rubbish, or solid waste collection or disposal services to any person for compensation within the ~~city, or city or~~ to make use of the public streets for that purpose, ~~without first obtaining an approved permit from the city council.~~

- (b) All residential and commercial premises shall subscribe to the city solid waste services.

#### **Sec. 24-32. Non-collection material.**

Non-collection material, as defined in section 24-26 definitions, shall be hauled away from the premises by the owner, occupant, tenant or lessee thereof at his own expense and by his own means. Such material shall not be considered garbage or rubbish and shall not be collected by the solid waste services division. Such material shall not be dumped, placed in alleys, streets, or retained on the premises so as to become a nuisance.

#### **Sec. 24-34. Hauling to transfer station does not avoid charges.**

Should any person, owner, occupant, tenant or lessee within the city haul all or any part of ~~his~~their garbage or rubbish to the transfer station, ~~he~~they shall nevertheless be required to pay garbage and rubbish collection fees in accordance with this article, ~~and shall be required to deposit his garbage and rubbish at the transfer station in accordance with and subject to the rules and regulations of the solid waste services division.~~

### ***DIVISION 2. RESIDENTIAL COLLECTION***

#### **Sec. 24-46. Residential collection services.**

- (a) *Utility account:* All residential units that subscribe to water service shall establish a solid waste account with the utility collection division. A mandatory monthly collection fee shall be assessed and shall entitle the residential unit to receive standard weekly collection services. A separate deposit as stated in the ~~rate schedule, division 6~~adopted fee schedule, shall be required for solid waste services. A waiver of the deposit maybe given to all active military members. All residential customers who maintain their utility account without incurring a penalty for late payment for a period of twelve (12) months shall receive a refund of their deposit. Such refund shall be credited to the customer's utility account. If the customer incurs more than one (1) late charge during any subsequent twelve (12) month period, a deposit in the amount of the solid waste deposit charge in effect at the time the penalty is incurred will be billed to the customer's account. Any account changes or request for services must be completed by account holder or authorized agent.
- (b) *Standard weekly collection service:* Standard weekly collection services that are included in the base monthly rate (fee) shall be:
- (1) Once per week collection of garbage/rubbish placed in the city provided roll-out container(s) ~~); fees assessed for additional bags as stated in the adopted fee schedule.~~
  - (2) Once per week collection of brush, up to six (6) cubic yards; fees assessed for additional brush as stated in the adopted fee schedule.
  - (3) Once per week collection of yard waste (leaves, grass clippings, shrubs/tree trimmings), placed in bags only; up to six (6) bags will be collected per service day.
- (c) *Special Bulk collection services:*
- (1) Special Bulk collection services will be provided weekly, for an additional fee as stated in the adopted fee schedule, on the scheduled collection service day for the pickup of large items such as furniture; white goods such as appliances; ~~excess garbage/rubbish in bags;~~ excess waste in boxes as defined under section 24-26, definitions ~~;~~ construction and demolition debris such as dismantled fencing

~~material, lumber, floor coverings, plumbing fixtures, and other materials as approved by the solid waste director, or appointed designee.~~

- (2) The additional fees for this ~~special-bulk~~ collection service are stated in the adopted fee schedule, and shall be charged to the monthly utility bill for the residential unit or address that generated the waste.

#### **Sec. 24-47. Title to solid waste placed for collection.**

- (a) Title to all solid waste placed at the curb or collection point for collection by the city shall be vested in the city immediately upon placement by the person disposing of such solid waste.
- (b) This section does not apply to solid waste that shall not be placed for collection under this chapter and solid waste that the city is prohibited by law or permit condition from collecting, handling or disposing of, to include but not limited to; construction debris, hazardous waste material, and non-collection items as defined in section 24-26, definitions. The responsibility for properly disposing of such solid waste shall remain with the person placing such waste for disposal.

#### **Sec. 24-48. Prohibited materials.**

The following categories of solid waste are defined as ~~non-collection~~prohibited items and shall not be placed at curbside at any residence or premises for collection by the solid waste services division or at the Killeen transfer station.

~~(a) Rock.~~

~~(b) Dirt.~~

- (a) ~~(c)~~ Dead animals or dead animal waste.

~~(d) Tires; tire and wheel combinations (see sections 24-85 and 24-108).~~

- (b) ~~(e)~~ Hazardous waste material.

~~(f) Lead acid batteries (see section 24-85).~~

- (c) ~~(g)~~ Vehicle bodies, engines, boats, camper shells.

~~(h) Lawn mowers; riding mowers (see section 24-104).~~

- (d) ~~(i)~~ Liquid waste of any kind.

#### **Sec. 24-49. Automated residential collection system.**

- (a) *Container selection (size and quantity):* Residential units shall be provided roll-out containers of various sizes or volume. The customer may select the size of container(s) that best fulfills their disposal needs for once per week collection. The monthly base rate assessed on the customer utility bill shall be based on size and number of containers requested by the customer.
- (b) The container(s) shall be issued to a residential address and shall not be removed from the premises, except by employees of the solid waste services division.
- (c) *Containers are city property:* The roll-out containers shall be the property of the city and must not be painted, marked, abused, mutilated, altered, or modified in anyway. Abuse and damage to a container by customers shall result in an assessment equal to the replacement cost of the container and/or time and materials involved to repair such container as stated in the adopted fee schedule. Collection service may be discontinued until the assessed fees are paid to the city. Without limiting the foregoing general statement, examples of abuse include, but are not limited ~~to; to~~ overloading the container beyond the rated weight capacity of the container; fire damage caused by hot coals and/or ashes; painting or marking the container in any manner; or failing to follow the proper care, cleaning, and use instructions for the container.

- (d) *Point of collection:* The container must be placed at the curbside or designated collection point not earlier than 8:00 p.m. prior to the collection day and no later than 7:00 a.m. on the scheduled collection day. The container must be placed at or near the driveway at least four (4) feet from any mailbox or other obstacle. On streets where "no parking" is allowed, the container shall be placed behind the curb. On streets where parking is allowed, the container shall be placed in the street with wheels against the curb. The solid waste division director may make reasonable exceptions to the foregoing location requirements as needed to meet unique circumstances or to avoid undue hardship caused by literal compliance.
- (e) Container(s) shall be removed from the curbside or designated collection point not later than 9:00 p.m. on the scheduled collection day. Container(s) shall be kept or stored on the premises no closer to the street than the front of the residence. Container(s) observed to be on the street at times not allowed shall be removed from the curbside by employees of the solid waste services division, and placed near the front edge of the residence or near the garage area. A tag shall be left on the container handle explaining the infraction and service performed. A fee as stated in the ~~rate schedule, division 6~~adopted fee schedule, for this service will be charged to the monthly utility bill.
- (f) *Missed service:* Residents whose containers were not collected because they were not placed at the required time or location as required by subsection (d) above are considered a "missed service." Customers with "missed service" may receive collection service for a fee as stated in the ~~rate schedule, division 6~~adopted fee schedule, which will be added to the monthly utility bill for that residence.
- (g) *Stolen or missing container procedures:* A stolen container shall be reported to the police department and the solid waste services division. If a container is stolen at a time other than that described in subsections (d) and (e) above, the customer shall be assessed a fee as stated in the adopted fee schedule, to replace the container. If the container is later recovered, the replacement fee will be refunded to the customer.
- (h) *Container exchange:* A customer may request a different sized container within 30 days of establishing an account at a new property. A container exchange fee will be charged for an exchange to a ~~larger~~different size container any time after the first 30 days as stated in the adopted fee schedule. ~~There is no exchange fee for requesting a smaller container.~~
- Additional container:* An additional container of any size may be acquired by paying the additional container fee stated in the ~~rate schedule, division 6~~adopted fee schedule and monthly charge, for the size of the additional container requested.
- (i) *Excess household garbage or rubbish placed in plastic bags:* Excess garbage or rubbish that will not fit into the automated container may be put in plastic bags, not larger than 33 gallons, secured, and placed at the curb at least four feet from the container. After dumping the container provided for the base service, the driver will load the excess bagged garbage into the container for dumping. The driver will reload the container a maximum of twice per collection day. An additional fee for this service will be assessed to the residential unit as stated in the ~~rate schedule, division 6~~adopted fee schedule.
- (j) *Overloaded container:* An overloaded container is one in which the capacity is exceeded, which is indicated by trash extending above the container rim, so the lid will not close properly. The driver will remove the excess bagged garbage or rubbish level to the top rim of container, dump the container, and reload the excess garbage into the container for dumping. The "overloaded container" fee, as stated in the ~~rate schedule, division 6~~adopted fee schedule, shall be charged to the monthly utility bill for that residence.
- (k) *Assistance to disabled households:* Disabled households desiring special assistance on collection day must apply for that service by contacting the solid waste services division and providing the information and verifications required by the solid waste director. At qualifying residential units, the employees of the solid waste services division shall roll the container from its storage location to the curbside for ~~emptying,~~ and emptying and return the container to its storage location. The storage location shall be coordinated with the ~~household, but~~household but shall be on the premises outside the residence and safely accessible to the employee. Solid waste staff cannot enter any gated area on the premises to retrieve a container for service.

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## Sec. 24-50. Brush collection.

- (a) Brush collection shall be done once per week on the scheduled collection day for that service area.
- (b) Brush, tree limbs, and tree trunks must be cut in lengths not more than twelve feet in length, and the pile shall not be mixed with any other waste, because it is taken to a location to be shredded/chipped into mulch.
- (c) Brush must be set within 3 feet of the curb by 7:00 a.m. on the scheduled collection day, and be placed away from fences, shrubs, signs, fire hydrants, gas meters, mailboxes, overhead wires, sprinkler systems, or other obstacles with a clearance of at least four (4) feet on the sides, two (2) feet in the rear, and fourteen (14) feet above, so as not to restrict pickup by a vehicle with a mechanical boom and grapple. Brush shall be placed at least four (4) feet away from the roll-out container so as not to interfere with the automated emptying of the container.
- (d) The collection of brush is part of the standard weekly collection service, provided that the brush pile does not exceed six (6) cubic yards or the representative dimensions of 4 ft wide x 4 ft high x 12 ft long. Collection of brush in excess of six (6) cubic yards shall be assessed an excess brush fee as established in the ~~rate~~ schedule, division 6 adopted fee schedule.

## Sec. 24-51. Yard waste - grass clippings, leaves, shrubs, and garden trimmings.

- (a) Yard waste shall be placed at curb in bags and shall not weigh more than fifty (50) pounds each. The bags shall have sufficient wall strength and thickness (a minimum of 2.0 mils) to maintain physical integrity when lifted at the top, with the opening ~~closed~~secured.
- (b) Yard waste, in bags, shall be placed at curb not later than 7:00 a.m. on the scheduled collection day for that service area.
- (c) The bags of yard waste shall be placed at least four (4) feet away from the roll-out container so as not to interfere with the automated emptying of the container.
- (d) The collection of yard waste in plastic bags, up to six (6) bags per service day, is included in the base monthly rate for standard weekly collection service. Additional fees are not assessed.

## Sec. 24-52. ~~Move-in cardboard boxes and packing materials.~~

- ~~(a) A special one-time pickup of move-in cardboard boxes is offered to newcomers to Killeen. The pickup service must be requested by contacting the solid waste services division within six (6) months of establishing an account with the utility collection division. This service shall be provided free of charge on a one-time basis to residential customers.~~
- ~~(b) The collection is done on Wednesdays only. The cardboard boxes (ten or more) must be flattened and placed at curb side by 7:00 a.m. Up to six (6) boxes are allowed to be filled with paper wrappings. Boxes that contain garbage or styrofoam are not allowed, these materials shall not be collected and are the responsibility of the resident for proper disposal.~~
- ~~(c) Inclement weather notice: corrugated cardboard boxes and paper have no recycling value if they become wet. Do not place at curbside for collection if inclement weather is eminent or forecast. A fee is charged for the pickup of wet cardboard and paper. Reserved.~~



### Sec. 24-53. Special free collection of excess Christmas garbage/rubbish.

On the first scheduled collection day after Christmas day, the excess garbage/rubbish that accumulates during the holidays may be placed in plastic bags, not larger than 33 gallons or boxes not greater in volume than 8 cubic ~~feet, and feet~~ and placed at the curb for pickup; at least four (4) feet from container. There shall be no charge for this service. This special free service does not apply to other collections such as bulk items as described in section 24-26, definitions. white goods and large items such as furniture. ~~Bulk items left at the curb will be assessed a bulk collection fee as stated in the adopted fee schedule.~~

### Sec. 24-54. ~~Special Bulk~~ collection services.

- (a) ~~(a)~~ Bulk collection services are for collection of waste material not included in the Fees shall be assessed for collection services not included in the standard weekly collection service. Fees shall be assessed to the residential address that generated the waste materials. The rates are as stated in the adopted fee schedule.
- (b) ~~(b)~~ Special Bulk collection services are provided on the same day as the scheduled collection day. Waste materials shall be placed at curbside not later than 7:00 a.m., but not earlier than one day prior to the scheduled collection day.
- (c) Bulk collection services requested on a day other than the scheduled collection day will incur a "Premium Service" fee as stated in the adopted fee schedule.
- ~~(b)(d)~~ Bulk items shall be placed with a clearance of at least four (4) feet on the sides, two (2) feet in the rear, and fourteen (14) feet above, so as not to restrict pickup by a vehicle with a mechanical boom and grapple.
- ~~(c)(e)~~ (e) Examples of waste material collected for a fee are:
  - (1) Bulky waste as defined in section 24-26, definitions.
  - (2) Home furnishing or furniture items such as chairs, tables, couches, and mattresses.
  - (3) White goods or appliances such as washers, dryers, and stoves. See other instructions pertaining to white goods that contain chlorinated fluorocarbon (CFC) in section 24-55, white good collection.
  - ~~(4) Excess household garbage/rubbish placed in plastic bags or boxes. The boxes must have dimensions not greater than 2 ft x 2 ft x 2 ft, and sufficiently sturdy to hold the materials therein when lifted. Waste materials in boxes must be secured so as not to cause litter.~~
  - ~~(5) Construction and demolition debris such as carpet, padding, dismantled fences, sinks, commodes, and etc.~~

### Sec. 24-55. White goods collection.

- (a) White goods are considered a bulk collection service and will be collected on the regularly scheduled collection day. Items must be separated from other waste with a clearance of at least four (4) feet on the sides, two (2) feet in the rear, and fourteen (14) feet above, to allow pickup by a collection vehicle equipped with a mechanical boom and grapple. ~~The vehicle must have safe clearance for its operation, both lateral and overhead clearance.~~
- (b) Special provisions apply to air conditioning units, freezers, and refrigerators. The refrigerant or chlorinated fluorocarbons (CFC) must be removed by a licensed technician; additional fees will be added for items that do not have the CFC removed prior to collection. Items must be free of all contents and have doors secured prior to pick up. The appliance must be free of CFC before the item can be picked up. The solid waste services division must be called for instructions. Forms required for certification by a licensed technician can be obtained from the solid waste services division.

- (c) White goods must be placed at curb not later than 7:00 a.m. on the scheduled collection day, but not earlier than one day prior to collection day.
- (d) A fee is charged for the collection as stated in the adopted fee schedule, under "~~collection~~ bulk collection fees ~~for special collection services~~."

#### **Sec. 24-56. Transfer station use.**

Residential customers are authorized ~~one~~ free disposal of not more than ~~300~~ 500 pounds ~~per~~ calendar month at the transfer station, when presenting a current utility bill for their residence showing that solid waste services is a paid utility and a valid ID card. Weight in excess of ~~300~~ 500 pounds shall be assessed at the current scale rate. Items which shall be accepted for disposal are brush, yard waste, grass clippings, leaves, garbage, rubbish, furniture items, building waste, demolition or construction materials or debris such as carpet, padding, roofing shingles, doors, lumber, sinks, commodes, and sheetrock. Walk behind lawnmowers may also be discarded provided it is demonstrated that the mower does not contain fuel or engine oil.

#### **Sec. 24-57. Premium service.**

Premium service includes collection of roll out container or bulk items on a day other than the normal scheduled collection day for that residential service area. Premium service requests must be submitted by phone is available upon request and charges ~~are~~ as stated in the adopted fee schedule will be assessed on the next monthly bill.

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### ***DIVISION 3. COMMERCIAL COLLECTION***

#### **Sec. 24-61. Commercial collection services.**

- (a) *Utility account:* All commercial businesses shall establish a solid waste account with the utility collections division.
- (b) *Service level:* Commercial businesses shall select a level of service sufficiently adequate to prevent a health, sanitation, or litter problem. Service options that are available, but subject to approval by the solid waste director, or appointed designee, are:
  - (1) Once per week collection using the 96-gallon container.
  - (2) ~~Once per week collection using the 300-gallon container.~~
  - (3) One ~~(1)~~ to ~~six~~ seven (7) collections per week using a selected size and quantity of dumpster container(s). Available sizes are 2, 3, 4, 6, and 8 cubic yard.

#### **Sec. 24-62. Special-Bulk collection services.**

~~For a~~ Additional fees as stated in the adopted fee schedule, will be assessed to commercial customers ~~may request special collection for the following services for~~ required on the scheduled collection days:

- (a) The pickup of segregated brush.
- (b) The pickup of bulky waste, such as furniture items and appliances.
- (c) The cleanup of excess garbage and rubbish on the site.
- (d) The removal of large or bulky items placed in containers will incur a "Mechanical Assistance" charge as stated in the adopted fee schedule.

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### Sec. 24-63. Shared containers.

To the maximum extent possible, container(s) shall be issued to each commercial customer necessary to accommodate their specific disposal needs. However, there are areas in the city that have limited space for container storage, or access is restricted for collection vehicles. In such cases, as approved by the solid waste director, or his appointed designee, a container may be placed in a common area to serve several business activities or commercial customers. Shared container service shall be prorated by the number of customers using the container. The fee for use of the container shall be based ~~on the adopted fee schedule~~ as stated in Division 6, Rate Schedule.

### Sec. 24-65. Roll-off services.

- (a) Roll-off containers are large, open top containers used primarily on construction sites to store construction and demolition debris. Roll-off containers are available for rental in sizes of 20, 30, and ~~30-40~~ cubic yards.
- (b) To obtain the service, an account shall be established with the utility collections division by contacting the transfer station, and a pre-paid deposit shall be made based on size of the container, estimated number of container pickups per month, and the average weight of contents as historically determined by the solid waste director. An additional deposit may be required if the actual expenses incurred over a monthly billing cycle exceed the initial deposit.
- (c) The fees for roll-off services are as shown in the ~~adopted fee schedule~~ Division 6, Rate Schedule, but include the following:
  - (1) A monthly rental fee for use of the container.
  - (2) A service fee to ~~pick up~~ pick up, transport, and return container to the site or return to stock.
  - (3) Weight of container contents.

### Sec. 24-66. Compactor services.

- (a) The city provides collection services for compactors owned by the customer. The city does not own, rent, or repair compactors.
- (b) Privately owned compactors must be compatible with the city's hauling equipment.
- (c) The fees for servicing compactors are as shown in the ~~adopted fee schedule~~ Division 6, Rate Schedule.

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### Sec. 24-68. Prohibited items for commercial containers.

- (a) It shall be unlawful to place any item in any ~~container-dumpster~~ that because of weight, size, or other physical property, could cause damage to the collection vehicle. These items include, but are not limited to, any one (1) item over three (3) feet in any dimension, any one (1) item weighing in excess of fifty (50) pounds, any concrete, masonry products, earthen materials or furniture items such as couches and mattresses. A mechanical assistance charge will be added to the monthly service bill as described in the adopted fee schedule for the unloading of prohibited items from the container.
- (b) It shall be unlawful for any person to start a fire, burn any material in a city-owned solid waste container, or to paint or mark the same, or to place any poster, placard, or sign upon the same.

- (c) It shall be unlawful for any person, other than the owner or occupant of any premise that is paying for the collection service, to deposit any garbage, trash, or other material in any container.
- (d) Other items prohibited for placement in a container ~~are:~~are tires, tire and wheel components, dead animals, dead animal waste, lead acid batteries, paint, lawn mowers, liquid waste of any kind, engines, unbagged or unsealed putrescible waste, and hazardous waste materials of any type.

#### **Sec. 24-69. Container site location and accessibility.**

Commercial businesses using the city's container system for the removal of garbage, trash, and rubbish shall provide a readily accessible site for placement of container(s) on the establishment's property. Locating containers in streets, right-of-ways, the traveled portion of alleys, and intersection sight triangles is strictly prohibited. The site must have overhead clearance to allow pickup and emptying of containers by the city's collection vehicles. The site location shall be subject to approval of the solid waste director, or appointed designee based on section 24-74, container pads for commercial properties.

#### **Sec. 24-70. ~~Site maintenance.~~**

~~Maintenance of the site, together with the approach, shall be the responsibility of the owner. The city shall not be responsible for damage caused by collection vehicles to driveways, parking lots, or other traveled surfaces. Reserved.~~

#### **Sec. 24-71. ~~Compactor~~Container maintenance.**

- (a) The city maintains and repairs city-owned containers on an ~~cycle and~~ as needed or requested basis, such as washing, painting, replacement of lids and doors, and welding repairs to the container body.
- (b) Customers shall not paint, mark, abuse, damage, alter, or modify the container in any way. Only those decals authorized by the solid waste director, or his appointed designee, may be affixed to containers and the installation shall only be done by city employees.
- (c) Containers, or parts thereof, that are damaged through other than fair wear and tear shall be charged to the customer. For example, any container that is destroyed or damaged by hot ashes or coals shall be the responsibility of the customer and shall be repaired or replaced at the customer's expense as stated in the adopted fee schedule.
- (d) Maintenance and/or repair of privately owned compactors is the responsibility of the commercial customer or owner.

#### **Sec. 24-72. Site maintenance and clean up.**

(a) Maintenance of the site, together with the approach, shall be the responsibility of the owner. The city shall not be responsible for damage caused by collection vehicles to driveways, parking lots, or other traveled surfaces.

~~(a)~~(b) It is the responsibility of the customer to keep the area around the point of collection clean and sanitary. If conditions are a nuisance, thereby causing a litter, odor, environmental, unsanitary, or potential health hazard, the condition shall be abated as directed by the solid waste director. The customer shall pay all costs related to the cleanup, including but not limited to employee hourly wages, collection vehicle hourly rates, and the transport, and disposal costs for all solid waste collected.

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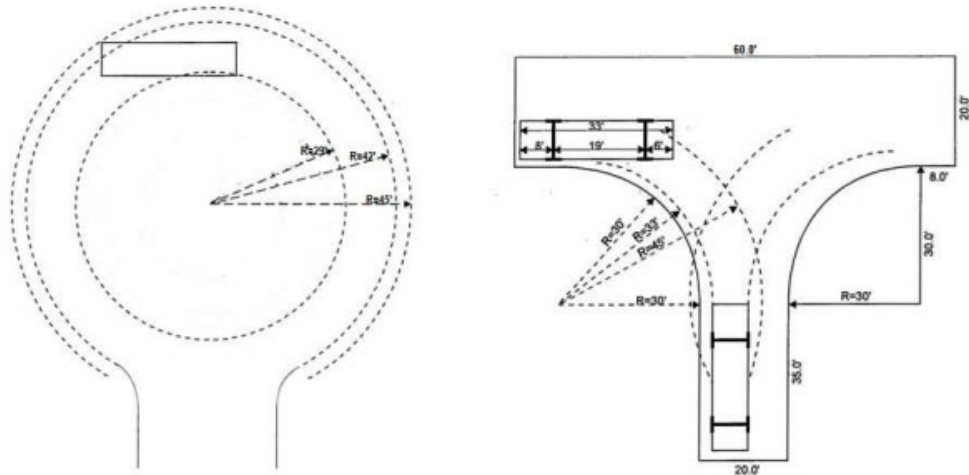
### Sec. 24-73. Container locking devices.

Locking devices are available to secure the container lid to prevent unauthorized access. The locking device allows the container to be secured at times ~~needed, and~~ needed and does not have to be unlocked for the city to service the container. Fees are as stated in the adopted fee ~~schedule, and~~ schedule and include a ~~one time~~ onetime installation fee of the locking device and a monthly fee.

### Sec. 24-74. Container pads for commercial containers.

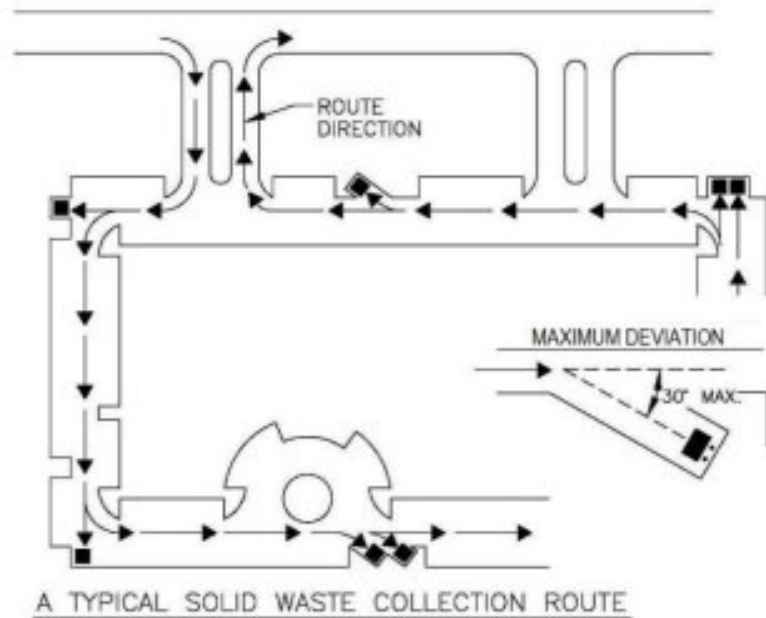
As of the effective date of this article, all new container service requests must first comply with the following standards for container pads and screening prior to collection by the city.

- (a) Concrete pad and approach apron shall be constructed from concrete and shall be deemed to support the collection equipment.
- (b) The minimum dimensions of the approach apron shall be fourteen feet (14') wide and a depth of fifteen feet (15'). The approach drive shall not vary more than ten degrees (10°) above or below the horizontal plane.
- (c) The minimum dimensions of the concrete pad, where a single container sits, shall be fourteen feet (14') wide and a depth of twelve foot four inches (12'-4").
- (d) All pads shall have screening on at least three (3) sides. Screens shall be constructed of masonry block, wood, or chain link fencing with slats. Doors are optional, but if installed, shall have features to secure doors in an open position while the collection vehicle is emptying the container.
- (e) All pads shall have two (2) six-inch (6") DIA bollards eight foot (8') long, filled with concrete. Four foot (4') above slab, and four foot (4') deep below slab. Bollards shall be placed far enough back to allow the full depth of the anticipated dumpster bin and any additional space needed to prevent dumpster bin(s) from conflicting with any other requirements. Bollards shall be no more than five foot (5') apart from each other.
- (f) Dimensions for maneuvering, the maximum deviation from access path to the enclosure shall be thirty degrees (30°), a clear maneuvering area of up to sixty-five feet (65') in front of the container will be required. No parking will be allowed in the maneuvering area.
- (g) Pad shall be level with roadway or slope to roadway for easy access by collection vehicles. All access areas shall be a minimum unobstructed width of twenty feet (20'), sixty-five feet (65') in length and sixteen feet (16') in height. Outside turning radii in these areas shall be a minimum of forty-five feet (45'). At no time shall a collection vehicle be required to back while turning, or more than fifty feet (50') while on the property or be required to back out into, or in from a public right-of-way. In such cases, a tee or circle turnaround that meets the minimum standards, as shown below, will be required.



In all cases, approach design should facilitate a looping or circle ingress/egress path that avoids necessity of collection vehicle having to conduct backing maneuvers as much as possible.

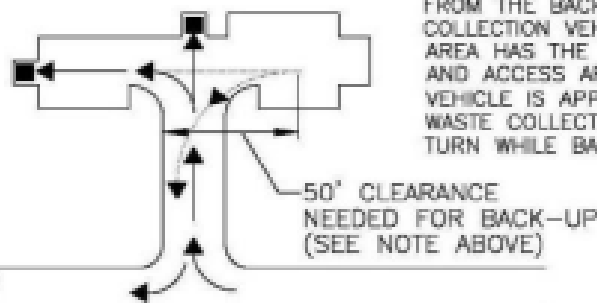
- (h) Whenever, in the opinion of the Solid Waste Director or designee, a dumpster or screen cannot be located upon a particular site so as to conform with these requirements, or there are special circumstances which make the requirements wholly impracticable, the Solid Waste Director or designee may designate a location for the dumpster which in their discretion is the most accessible and aesthetically appropriate or make exemptions from the requirements as necessary.



PLEASE NOTE:

SOLID WASTE VEHICLES WEIGH APPROX. 33 TONS WHEN FULL. DRIVEWAYS MUST BE BUILT TO SUPPORT THIS WEIGHT WITHOUT DAMAGE TO DRIVE.

HAMMER HEAD DRIVE



SAFETY NOTE:

BACKING UP MORE THAN 50' AFTER SERVICE TO A SOLID WASTE BIN IS PROHIBITED. THE 50' IS MEASURED FROM THE BACK OF THE SOLID WASTE COLLECTION VEHICLE. MAKE SURE THE AREA HAS THE PROPER TURNING RADIUS AND ACCESS AREA TO LEAVE SITE. THE VEHICLE IS APPROX. 36' LONG. SOLID WASTE COLLECTION VEHICLES WILL NOT TURN WHILE BACKING.

The minimum dimensions of the approach apron shall be fourteen (14) feet wide and a depth of six (6) feet.

- (c) The minimum dimensions of the concrete pad, where a single container sits, shall be fourteen (14) feet wide and a depth varying from six (6) feet to fourteen (14) feet, depending on size of container. All containers have a width of eighty (80) inches.
- (d) All pads shall have screening on at least three (3) sides. Screens shall be constructed of masonry block, wood, or chain link fencing with slats. Doors are optional, but if installed, shall have features to secure doors in an open position while the collection vehicle is emptying the container.
- (e) The orientation of the pad shall accommodate a safe approach by the collection vehicle. The pad shall be level with the roadway or slope to roadway for easy access.

## ***DIVISION 4. RECYCLING PROGRAM***

### **Sec. 24-81. Definitions.**

The following words, terms, and phrases, when used in this article, shall have the following meaning ascribed to them.

- (a) *Recycle materials* means materials such as, but not limited to, paper products, glass, aluminum and other metals, plastic, and containers made in whole or in part of aluminum, metal, or plastic, which are separated and segregated from other garbage, trash, or refuse for the purpose of recycling and which are placed in a recycling receptacle for use in a recycling program.
- (b) *Recycling* means the ~~process of collecting and turning used products into new products by reprocessing or remanufacturing them~~ diversion of specific materials from a solid waste stream and the processing of those materials for use as new products and/or other productive uses including composting.
- (c) *Recycling program* means the organized collection of recyclable material for the purpose of resource recovery and recycling in pursuit of the goals of the city.

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## Sec. 24-85. Recycling drop-off center.

- (a) The city operates two (2) citizen drop-off sites and three (3) drop-off trailer locations for recyclable materials. Drop off sites are located at One is the Killeen recycle center located at 111 East Avenue F and the other at the Killeen transfer station located at, 90648-12200 South State Hwy- 195. Drop-off trailers are located at 3301 South W S Young Drive, 6520 Clear Creek Road, and 2906 E. Rancier Ave. All recycling trailers are located at 3301 South W S Young on weekends and holidays. Drop-off trailers may be relocated to various areas as needed.
- (b) Acceptable materials vary by drop-off ~~site, but~~ site but are as posted at the site. Generally, acceptable materials at all locations include: include paper products, metals, plastic containers #1 and #2, and glass jars and bottles, ~~and~~ Automotive materials such as waste oil, oil filters, transmission oil, hydraulic oil, differential oil, and lead acid batteries are only accepted at Killeen recycling center and Killeen transfer station. Fees are not charged for depositing these materials.
- (c) Scrap tires are accepted at the ~~drop-off center~~ recycling center and transfer station only; ~~but~~ a fee is charged per tire as stated in the adopted fee schedule.
- (d) Materials brought to the drop-off sites shall be placed in the designated container, or as directed by a site attendant. Materials shall not be left at drop-off sites during non-operational or non-public access hours.

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## Sec. 24-88. ~~Move-in cardboard boxes and packing materials.~~

- ~~(a) A special one time pickup of move-in cardboard boxes is offered to newcomers to Killeen. The pickup service must be requested by contacting the solid waste services division within six (6) months of establishing an account with the utility collection division. This service shall be provided free of charge on a one time basis to residential customers.~~
- ~~(b) The collection is done on Wednesdays only. The cardboard boxes (ten or more) must be flattened and placed at curb side by 7:00 a.m. Up to six (6) boxes are allowed to be filled with paper wrappings. Boxes that contain garbage or Styrofoam are not allowed; these materials shall not be collected and are the responsibility of the resident for proper disposal.~~
- ~~(c) Inclement weather notice: corrugated cardboard boxes and paper have no recycling value if they become wet. Do not place at curbside for collection if inclement weather is eminent or forecast. A fee is charged for the pickup of wet cardboard and paper. Reserved.~~

## Sec. 24-89. Freon or chlorinated fluorocarbon (cfc) evacuation service.

- (a) Appliances, such as refrigerators, that contain Freon or CFC's, are accepted ~~if delivered to~~ the Killeen recycling center and Killeen transfer station. A fee is charged for the evacuation of CFC's by a licensed technician and the disposal of the appliance; the fee is stated in the adopted fee schedule.
- (b) For residences without transportation means, the pickup of an appliance that contains CFC's may be arranged with the ~~Killeen recycling centers~~ solid waste by request for bulk service and will be collected



curbside ~~collection~~. A fee is charged for the collection, the CFC evacuation service, and the disposal of the appliance, as stated in the adopted fee schedule.

~~(b)(c)~~ Refrigerators and freezers must be completely empty of all food and debris with doors secured prior to collection.

#### **Sec. 24-90. Roll-off service for special recycling purposes or events.**

- (a) The solid waste services division may offer roll-off containers for occasional use for the restricted collection of recyclable materials. The use of a roll-off shall be coordinated with the recycling manager.
- (b) It is the responsibility of the roll-off customer to insure only designated recyclables are placed in the roll-off container. Roll-offs with garbage/rubbish will be charged standard rates as stated in Division 6, Rate Schedule.
- (c) A roll-off rental fee as stated in the adopted fee schedule, shall be paid at the time the roll-off service is coordinated with the recycling manager.
- (d) Recyclable material placed in the roll-off becomes the property of the city.

### *DIVISION 5. TRANSFER STATION*

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#### **Sec. 24-101. Hours of operation.**

The hours of operation for the public are 8:00 a.m. - 5:00 p.m. on Monday, Tuesday, Thursday, Friday; and 8:00 a.m. - 3:00 p.m. on Wednesday and Saturday. The facility is closed to the public on Sundays, ~~and the holidays: Thanksgiving Day, Christmas Day, and New Year's Day.~~

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#### **Sec. 24-104. Transfer station use and charges for Killeen residents.**

Residential customers are authorized ~~one~~ free disposal of not more than ~~300-500~~ pounds, up to two (2) trips per calendar month at the transfer station, when presenting a current utility bill for their residence showing that solid waste services is a paid utility. Weight in excess of ~~300-500~~ pounds shall be assessed at the current scale rate. Items which shall be accepted for disposal are brush, yard waste, grass clippings, leaves, garbage, rubbish, furniture items, building waste, demolition or construction materials or debris such as carpet, padding, roofing shingles, doors, lumber, sinks, commodes, and sheetrock. Walk behind lawnmowers may also be discarded provided it is demonstrated that the mower does not contain fuel or engine oil. This service is available to residential customers only with a valid ID and current city utility bill; does not apply to commercial businesses.

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**Sec. 24-107. Recycling drop off-site.**

- (a) A citizen's drop-off site for recyclable materials is located at the transfer station. Recycle materials that are accepted are posted at the site. Fees are not charged for depositing these materials.
- (b) White goods are accepted at the facility ~~without payment of fees~~. However, any appliance such as freezer, air conditioning unit, or refrigerator must have a certification from a licensed technician that the appliance is free of refrigerant or chlorinated fluorocarbon (CFC). Fees are assessed as stated in the adopted fee schedule.

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**Secs. 24-109—24-114. ~~Reserved.~~Public Scale.**

The Killeen Transfer Station operates a certified public scale which can accommodate most vehicles, including large tractor trailers. A fee is charged for the use of scales as stated in the adopted fee schedule.

**SECTION II.** That all ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.


**SECTION III.** That should any section or part of any section, paragraph or clause of this ordinance be declared invalid or unconstitutional for any reason, it shall not invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this ordinance.

**SECTION IV.** That the Code of Ordinances of the City of Killeen, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

**SECTION V.** That this ordinance shall be after its passage and publication according to law.

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this 18th day of October, 2022, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 *et seq.*

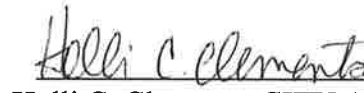
**APPROVED**

  
Debbie Nash-King, MAYOR

**ATTEST:**

**APPROVED AS TO FORM:**

  
Judy Paradise, INTERIM CITY SECRETARY

  
Holli C. Clements, CITY ATTORNEY

ORD 22-074

Date: 10/18/22

**CITY COUNCIL MEMORANDUM FOR ORDINANCE**

**DATE:** October 4, 2022  
**TO:** Kent Cagle, City Manager  
**FROM:** Jeffery Reynolds, Executive Director of Public Works  
**SUBJECT:** Ordinance amending solid waste collection services

**BACKGROUND AND FINDINGS:**

On May 17, 2022, Council approved the suspension of bulk collection through September 30, 2022, to assist with the staff shortage caused by new requirements by the Department of Transportation (DOT) for obtaining a Commercial Driver License (CDL). Current CDL holders became a high demand and there were many sign-on bonuses being offered by all companies that employ CDL operators. This created a staff shortage for the solid waste division. Simultaneously, Council also approved an immediate salary increase to CDL positions within solid waste. This increase assisted with the hiring of current CDL holders to fill vacancies within solid waste.

Bulk collection services are a vital service offered by the city to residents who are unable to dispose of bulk items themselves or choose not to. During the suspension of bulk services, staff took this time to evaluate the program and develop a revised program. Changes to the program will assist residents with knowledge of the rates being charged, ensure that staff can complete their bulk routes, and help create neighborhoods that are clean and aesthetically pleasing.

Section 24-54, Special Collection Services has been revised as follows to implement the procedure of bulk collection services.

- Changed title to "Bulk Collection Services", as the City does not offer a special collection service.
- Bulk collection services will continue to be provided on the scheduled collection day for a fee.
- Bulk items shall be placed curbside no later than 7:00 a.m., but not earlier than one day prior to the collection day.
- Fees will continue to be assessed on the monthly bill for the address that requested the service as stated in the adopted fee schedule.
- Bulk collection service that is requested on a day other than the regularly scheduled collection day will incur an additional "Premium Collection Fee" as has been adopted in the current fee schedule.

Additionally, Section 24-56, Transfer Station Use, has been revised to allow residential customers free disposal of not more than 500 pounds total, per calendar month free of charge. An increase in weight and additional trips to make up that weight will assist with giving the citizens of Killeen alternatives for their bulk disposal.

Another proposed revision is to Sections 24-52 and 24-88, move-in cardboard boxes and packing materials. The sections are redundant and now that we have five (5) drop off locations throughout the city to recycle cardboard, these sections have been removed. This would allow time for collection of the current recycling customers, processing of recyclables, and the transportation of recyclable materials.

Lastly, there are various grammatical edits throughout the ordinance to ensure clarity and provide a document to the citizens of Killeen that is thorough and concise.

**THE ALTERNATIVES CONSIDERED:**

- (1) Do not approve revisions to the solid waste ordinance.
- (2) Approve solid waste revisions to the ordinance.

**Which alternative is recommended? Why?**

Alternative two (2) is recommended as it provides alternatives for bulk collection services and disposal and creates a concise document overall for all residential and commercial customers.

**CONFORMITY TO CITY POLICY:**

The proposed ordinance conforms to applicable City policy.

**FINANCIAL IMPACT:**

**What is the amount of the expenditure in the current fiscal year? For future years?**

N/A

**Is this a one-time or recurring expenditure?**

N/A

**Is this expenditure budgeted?**

N/A

**If not, where will the money come from?**

N/A

**Is there a sufficient amount in the budgeted line-item for this expenditure?**

N/A

**RECOMMENDATION:**

City Council approve the ordinance amending Chapter 24, Solid Waste, of the Code of Ordinances, to provide a concise document overall for all residential and commercial customers.

**DEPARTMENTAL CLEARANCES:**

Public Works

Finance

Legal

**ATTACHED SUPPORTING DOCUMENTS:**

Ordinance