

ORDINANCE NO. 02-2018

AN ORDINANCE OF THE CITY OF OAK RIDGE NORTH, TEXAS, AMENDING CHAPTER 66 – SOLID WASTE, SECTIONS 66-26, 66-30 AND 66-31 OF THE CITY OF OAK RIDGE NORTH, TEXAS, CODE OF ORDINANCES TO CONFORM THESE SECTIONS OF CHAPTER 66 TO THE CITY’S CURRENT SOLID WASTE AGREEMENT; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Oak Ridge North, is continuously reviewing the requirements of the various chapters contained within its Code of Ordinances; and

WHEREAS, the City Council of the City of Oak Ridge North entered into a new Municipal Solid Waste Collection and Transportation Agreement (“Solid Waste Agreement”) on August 28, 2017; and

WHEREAS, the City Council finds Sections 66-26, 66-30 and 66-31 of Chapter 66 – Solid Waste of the City of Oak Ridge North Code of Ordinances no longer conform to the terms of the new Solid Waste Agreement; and

WHEREAS, the new Solid Waste Agreement provides for new container and new large or bulky items size and location requirements for collection that are inconsistent with Sections 66-26, 66-30 and 66-31 of the current Chapter 66 – Solid Waste of the City of Oak Ridge North Code of Ordinances; and

WHEREAS, the City Council of the City of Oak Ridge North finds that good cause exists to amend Chapter 66 – Solid Waste of the City of Oak Ridge North Code of Ordinances in order to conform Sections 66-26, 66-30 and 66-31 of Chapter 66 to the terms of the new Solid Waste Agreement.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OAK RIDGE NORTH, TEXAS:

Section 1. Findings.

The City Council of the City of Oak Ridge North hereby adopts the recitals of this Ordinance as if fully set forth herein.

Section 2. Solid Waste Amendment – Section 66-26.

Chapter 66 of the Code of Ordinances of the City of Oak Ridge North, entitled “Solid Waste,” Section 66-26 entitled “Definitions” is hereby amended and shall read as follows:

“Sec. 66-26. - 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:

Carts mean a City provided rubber-wheeled waste receptacle with a maximum capacity of 96 gallons constructed primarily of plastic, metal or fiberglass, designed for automated or semi-automated waste collection systems, and having a tight-fitting lid capable of preventing entrance into the container by small animals. The weight of a Cart and its contents shall not exceed 175 pounds.

Charge. See Fee.

Compost and *composting* mean the controlled biological decomposition of organic solid waste under aerobic conditions.

Fee means the garbage and rubbish removal fee established by the city council from time to time, as stated in the city's fee schedule (section 2-192).

Garbage means decomposable animal or vegetable solid waste from the handling, preparation, cooking, consumption or sale of food or food products.

Greenwaste recyclables means yard waste including, but not limited to, leaves, lawn clippings, limbs of less than one-quarter-inch in diameter, and other yard waste which is separated for collection for processing and/or reuse (as opposed to being landfilled).

Household recyclables means items which are separated for collection for the purpose of processing and/or reuse (as opposed to being landfilled). This includes, but is not limited to, aluminum cans, newsprint, cardboard, glass, etc. "Household recyclables" does not include leaves, lawn clippings, limbs, and other yard waste, nor does it include appliances, furniture, or other large or bulky items.

Rubbish means solid waste which does not tend to decompose quickly under normal conditions, including but not limited to rags, boxes, cartons, wood, metal, cans, glass, plastics, appliances, furniture, carpet and debris of various kinds."

Section 3. Solid Waste Amendment – Section 66-30.

Chapter 66 of the Code of Ordinances of the City of Oak Ridge North, entitled "Solid Waste," Section 66-30 entitled "Containers; placement for collection" is hereby amended and shall read as follows:

"Sec. 66-30. - Carts; placement for collection.

(a) All garbage and rubbish, with the exception of debris as addressed in section 66-31, shall be placed in closed Carts designed for Garbage and Rubbish collection, weighing less than 175 pounds each when full, which shall be left for pickup or collection within three (3) feet of the curb or swale and placed on the paved surface of the roadway, closest accessible roadway, or other location agreed to by contractor and customer.

(b) The Carts shall not be overloaded, and the Carts shall be loaded such that the lids shall close securely.

(c) The Carts shall not be located in a manner that will block the driveway or mailbox or otherwise inhibit proper servicing.

(d) The Carts may be placed or left out for collection the evening in advance of a scheduled collection; provided, however, the person who places the containers or bins is responsible for the cleanup of garbage or rubbish which is scattered or spilled prior to collection.

(e) When a Cart is not left in place for scheduled collection, the Cart shall not be kept or stored forward of (in front of) a line parallel to the outermost front or side portion of the residence or main building on the lot.

(f) Carts which have sharp or jagged edges, or which have other defects which may create a hazard to the collectors, shall not be used, and use of such Carts may result in the garbage or rubbish being left in the container at the originating site."

Section 4. Solid Waste Amendment – Section 66-31(a).

Chapter 66 of the Code of Ordinances of the City of Oak Ridge North, entitled "Solid Waste," Section 66-31 entitled "Yard waste; construction materials and similar debris; large or bulky items", subsection (a) is hereby amended and shall read as follows:

"(a) All debris such as tree limbs, brush and construction materials shall be placed in closed containers, if possible, as provided in section 66-30, or may be tied in secure bundles, not to exceed four (4) feet in length, three (3) inches in diameter and weighing less than 50 pounds each, which shall be placed within three (3) feet of the curb, swale, paved surface of the roadway, closest accessible roadway, or other location agreed to by contractor and customer."

Section 5. Ordinance Cumulative.

This Ordinance shall be cumulative of all provisions of ordinances of the City of Oak Ridge North, Texas, except where the provisions of this ordinance are in direct

conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 6. Severability.

If any section, sentence, clause or phrase of this ordinance should be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

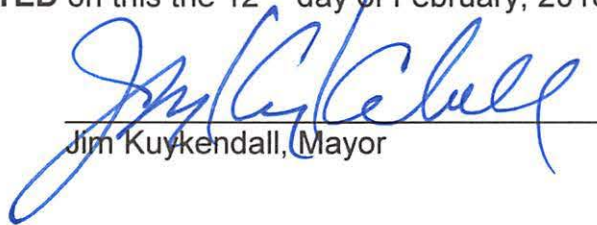
Section 7. Penalties for Violation.

Any person who violates or causes, allows or permits another to violate any of the provisions of this Ordinance shall be punished by a fine of up to two thousand dollars (\$2,000). Each day a violation continues shall constitute a separate offense.

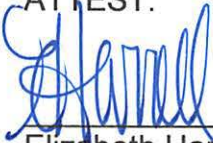
Section 8. Effective Date.

This Ordinance shall be effective when published as required by law.

PASSED, APPROVED, and ADOPTED on this the 12TH day of February, 2018.



Jim Kuykendall, Mayor

ATTEST:


Elizabeth Harrell, City Secretary

