

ORDINANCE NO. 2024-09-071

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, THROUGH THE AMENDMENT OF CHAPTER 86, ENTITLED "SOLID WASTE," BY DELETING ARTICLES I AND II AND SECTIONS 86-1 THROUGH 86-41 OF SAID CHAPTER 86 IN THEIR ENTIRETY AND ADOPTING A NEW CHAPTER 86, ENTITLED "SOLID WASTE & RECYCLING," REGARDING THE COLLECTION AND DISPOSITION OF SOLID WASTE AND RECYCLABLE MATERIAL IN THE CITY; AND AMENDING APPENDIX A, "SCHEDULE OF FEES," IN PART, BY ADOPTING CERTAIN FEES IDENTIFIED IN SECTIONS 86-27, 86-32, 86-35, AND 86-37 OF CHAPTER 86; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; RESERVING ALL EXISTING RIGHTS AND REMEDIES; PROVIDING FOR IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of McKinney, Texas (the "City") is a Home Rule City possessing the full power of local self-government pursuant to Article XI, Section 5 of the Texas Constitution, Section 51.072 of the Texas Local Government Code, and the City's Home Rule Charter; and

WHEREAS, the City Council of the City of McKinney, Texas ("City Council") possesses, pursuant to Chapters 363 and 364 of the Texas Health & Safety Code, the authority to regulate the collection and disposal of solid waste and recyclable material in the City; and

WHEREAS, the City Council finds and determines that the City's current Solid Waste regulations, recorded in Chapter 86 of the Code of Ordinances, City of McKinney, Texas, (the "McKinney Code") need numerous revisions to better serve the needs of the City; and

WHEREAS, the City Council finds and determines that it is in the best interest of the public health, safety and general welfare of the citizens of McKinney, Texas, to completely delete all of the Articles and Sections currently in Chapter 86, "Solid Waste," of the McKinney Code and enact new regulations controlling and pertaining thereto and in place thereof as Chapter 86, "Solid Waste & Recycling."

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, THAT:

Section 1. FINDINGS

All of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if set forth in their entirety.

Section 2. AMENDMENT OF CHAPTER 86, ENTITLED "SOLID WASTE," BY DELETING ALL OF THE ARTICLES AND SECTIONS OF SAID CHAPTER 86 IN THEIR ENTIRETY AND ADOPTING A NEW CHAPTER 86, ENTITLED "SOLID WASTE & RECYCLING," REGARDING THE COLLECTION AND DISPOSITION OF SOLID WASTE AND RECYCLABLE MATERIAL IN THE CITY

From and after the effective date of this Ordinance, Chapter 86, entitled "Solid Waste," is hereby amended by the deletion of Articles I and II and the deletion of Sections 86-1 through 86-41 in their entirety and adopting and enacting the following Articles and Sections as being and comprising

Chapter 86, "Solid Waste & Recycling," of the Code of Ordinances, City of McKinney, to read as follows:

"Chapter 86 - SOLID WASTE & RECYCLING

ARTICLE I. - IN GENERAL

Sec. 86-1. - Purpose of chapter; duties of property owners and occupants.

The accumulation of Garbage, Recyclable Material, Brush, Yard Waste, Bulky Waste, and other Refuse (collectively "Disposable and/or Recyclable Materials") on the premises of private residences, businesses, public/private institutions, vacant lots, in the streets/alleys, and on other property located within the City, constitute a public nuisance, a health hazard, a fire hazard and a safety hazard. Therefore, it shall be required that every Person who owns, leases, rents, operates, occupies or is otherwise responsible, in whole or in part, for a private residence, private commercial building and business, private noncommercial building, public/private institution, and/or vacant lot that accumulates Disposable and/or Recyclable Materials, gather their Disposable and/or Recyclable Materials and set the same out for "Collection" by the City's "Designated Contractor." Such owners, lessees, renters, operators, occupants, and responsible parties shall maintain the premises of the buildings and property for which they are entirely or partially responsible free of accumulations of all other waste materials and Nuisance materials. Such owners, lessees, renters, operators, occupants, and responsible parties shall not allow materials intended for recycling to create a Nuisance on the premises of buildings and properties for which they are entirely or partially responsible. All waste materials shall be disposed of in a place and by methods deemed appropriate by the City. The purpose of the regulations contained in this Chapter is to preserve and protect the public health, safety, and general welfare of the City and provide for a method of collecting and disposing of Disposable and/or Recyclable Materials that will also maintain neighborhood quality and aesthetics and maintenance of property values in addition to providing for the general health and welfare.

Sec. 86-2. - Definitions.

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

Additional Residential Bulky Waste Collection Services means Residential Bulky Waste Collection Services that exceed the Collection quantity of four (4) cubic yards in any week or more than twelve (12) Bulky Waste Collections per calendar year that are requested by a Resident, Collected on a Collection Day agreed upon by the Resident and the Designated Contractor and billed directly to the Residential Service Unit by the Designated Contractor.

Bags means plastic sacks designed to store Garbage, Recyclable Material, Rubbish, Brush, or other Refuse with sufficient wall strength to maintain physical integrity when lifted by the top. The total weight of a bag and its contents shall not exceed 50 pounds.

Brush means plants or leaves or branches or cuttings or trimmings from trees, shrubs, flowers and stalks that are placed in Yard Waste bags or tied in Bundles or Yard Waste Bundles. Brush shall not be placed in Garbage Carts or Recycling Carts.

Bulky Waste means stoves, refrigerators with a freon evacuation certificate, water tanks, washing machines, furniture, carpet, fencing materials less than four (4) feet in length and less than fifty (50) pounds in weight, more than ten bags of Yard Waste or Yard Waste Bundles and other items of a similar nature that can be loaded by two employees in five minutes or less. Bulky Waste shall NOT include brick, rock, dirt, concrete, floor tiles, roofing materials or other materials comprised of construction debris; Dead Animals; hazardous waste; or stable matter with weights or volumes greater than those allowed for trash Collection containers. Bulky waste generated by a Residential Service Unit in an amount of up to 4 cubic yards per Collection may be Collected up to twelve times per calendar year per billing account, at no additional charge. Amounts larger than 4 cubic yards on any one Collection date or more than twelve Collections in one calendar year become Additional Residential Bulky Waste Collection Services for which the Resident pays an additional charge.

Bulky Waste Services means the Collection and disposal of Bulky Waste and the Collection and recycling of Bulky Waste by the Designated Contractor. (A Customer's or Resident's recycling of Bulky Waste is non-exclusive.) The Designated Contractor may contract with a Resident to provide Additional Residential Bulky Waste Collections Service in accordance with this Ordinance to collect and dispose of Construction or Demolition Waste in addition to Bulky Waste. Bulky Waste Service is only provided to a Resident for the Residential Service Unit in which the Resident lives. If a Person is renovating a Residential Service Unit but the monthly utility bill is not in the name of the Person performing the renovation that Person cannot receive the Bulky Waste Service.

Bundle or Yard Waste Bundle means tree, shrub and brush trimmings securely tied together forming an easily handled package less than four (4) feet in length and less than fifty (50) pounds in weight with no limbs exceeding six (6) inches in diameter.

Cart means a City-approved receptacle having a tight-fitting lid capable of preventing littering that is designated for the Collection of Garbage or Recycling with wheels with a capacity of approximately ninety (90) to ninety-six (96) gallons designed or intended to be mechanically dumped into a loader-packer type truck. The weight of the Cart and its contents shall not exceed 150 pounds when filled.

City means the City of McKinney, Texas.

Collect or Collection and Collection Services means the act(s) of the Designated Contractor in (a) collecting and removing Municipal Solid Waste and Bulky Waste and transporting it to a Solid Waste Facility, (b) collecting and removing Recyclable Material and Bulky Waste and transporting it to a Recyclable Material Facility, and/or (c) collecting and removing Yard Waste and transporting it to a Yard Waste Delivery Facility. *Collect or Collection and Collection Services* also means the act(s) of a Hauler in collecting and removing Recyclable Material from the Premises of a Commercial Customer and transporting it to a Recyclable Material Facility.

Commercial means originating from any structure other than single-family, duplex and triplex residential developments including but not limited to commercial and institutional buildings or establishments, offices, hospitals, schools, industrial and manufacturing facilities, hotels, motels, residential structures containing four or more dwellings, and residential care facilities.

Commercial Garbage means all normal establishment Solid Waste products originating from a Commercial Service Unit location excluding sewage and body waste, manure, Dead Animals over ten pounds in weight, Special Waste and Hazardous Waste, Yard Waste, Construction or Demolition Waste (“C&D”), or any other waste material that cannot be broken down to fit into Commercial Garbage Containers herein specified. Any material that makes the Container too heavy to empty safely will not be collected. Notwithstanding the foregoing, the Designated Contractor shall also have the right to collect C&D Waste in Roll-Off containers from all Commercial Service Units save and except that a Commercial Service Unit or Commercial enterprise may dispose of C&D using its own vehicles and employees provided that the C&D is secured as required by Section 86-35.

Commercial Service Unit means any structure located within the corporate limits of the City other than a residential building with three (3) or fewer dwelling units on a single lot. In addition to the uses and structures identified in the definition for “Commercial,” Commercial Service Units also include hotels, motels, residential structures containing three four or more dwellings, and residential care facilities. A Commercial Service Unit shall be deemed occupied when either water or domestic light and power services are being supplied to the Commercial Service Unit.

Compactor means any Container, regardless of its size, which has a compaction mechanism, whether stationary or mobile, and approved for use by the City.

Construction or Demolition Waste or “C&D” means Municipal Solid Waste resulting from construction or demolition projects including all materials that are directly or indirectly the by-products of construction work or that result from demolition of buildings and other structures, including, but not limited to, paper, cartons, gypsum board, wood, excelsior, rubber, plastics, concrete, asphalt, and cardboard. C&D intended for recycling must be reused or recycled. C&D Waste that is ineligible for reuse or recycling must be taken to an approved landfill or disposal facility.

Container means a Cart, Compactor, Dumpster, or Roll-off that is used for Collection Services regardless of whether used for Solid Waste or Recycling.

Contamination means the existence of any other material or substance on or contained in Recyclable Materials other than Recyclable Materials or the existence of any material or substance on or contained in Yard Waste other than Yard Waste.

Curbside means within five (5) feet of the street or alleyway that provides primary access to the Residential Service Unit or the Commercial Customer’s property as designated by the City.

Customer means the owner, lessee, renter, tenant, or occupant (or an authorized agent thereof) of a Commercial property located within the Service Area but outside the Downtown Business District, or their representative.

DBD Service Unit means Service Units in the Downtown Business District.

Dead Animals means animals or portions thereof equal to or greater than ten pounds in weight that have expired from any cause, except those slaughtered or killed for human use.

Delivery Facility means any suitably licensed transfer station, Disposal Site, or Processing Facility designated by the City for the delivery of Garbage, Bulky Waste, Yard Waste or Recyclable Materials.

Designated Collection Contractor or Designated Contractor means such private firm designated by the City to perform the Collection, transportation, and/or disposal of solid waste, and the Collection, transportation and/or processing of Recyclable Materials.

Director of Public Works means the Director of the City of McKinney's Public Works Department and/or their duly appointed designee.

Disposal Site means a Solid Waste management facility authorized by the Texas Commission on Environmental Quality to receive Solid Waste for final disposal in accordance with all local, state, and federal requirements, such as the North Texas Municipal Water District 121 RDF Landfill.

Downtown Business District or DBD, also known as the *Central Business District or CBD*, means the area within the City bounded by McDonald Street, Church Street, Davis Street, and Hunt Street. (The DBD is located within the McKinney Town Center Zoning District and contains the entirety of the Historic Core Character District and portions of the Downtown Core Character District and Downtown Edge Character District.)

Dumpster means any Container, excluding Compactors, with a minimum capacity of one (1) cubic yard up to a maximum capacity of ten (10) cubic yards that is approved for use by the City.

Enclosure means any enclosure for the screening of any Cart or Container used for Commercial Garbage or Recyclable Materials in the DBD or by a Commercial Service Unit, which Enclosure shall comply with this Chapter and the requirements of Table 2-35: "Site Feature Screening Requirements" in Section 206.C. as well as Section 206.D. of the Unified Development Code, Chapter 150 of the McKinney Code (the "UDC").

Excluded Waste means Hazardous Waste and Special Waste. Excluded Waste shall also mean Construction and Demolition Waste that is disposed of by a Commercial Service Unit or a Commercial enterprise.

Garbage means Commercial Garbage and Residential Garbage.

Garbage Cart means a Cart used for the deposit of Garbage to be collected by the Designated Contractor.

Generator means any Person, by site or location, whose acts or processes produces or causes Solid Waste and/or Recyclable Materials.

Hauler or Private Hauler means a person, other than the Designated Contractor, who has obtained and maintains a valid permit from the Director of Public Works to Collect and divert Commercial Recyclable Materials.

Hazardous Waste means any solid waste identified or listed as a hazardous waste by the administrator of the U.S. Environmental Protection Agency (EPA) pursuant to the Federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901 *et seq.*, as amended.

McKinney Code means Code of Ordinances, City of McKinney, Texas.

Modified Point of Collection means a designated location other than the Curbside that is acceptable to both the Resident or Customer and the Designated Contractor for providing Collection Services when the Curbside is not readily accessible. The City reserves the right to designate the Modified Point of Collection if the Resident or Customer and the Designated Contractor cannot agree on an acceptable location or the location agreed upon by the Resident or Customer and the Designated Contractor presents or may present health and safety hazards.

Municipal Solid Waste means Solid Waste resulting from or incidental to activities of Residential Service Units, commercial buildings or establishments, City Facilities, and City Events, including Garbage and Rubbish. Municipal Solid Waste shall not include Excluded Waste.

Nuisance means Solid Waste or Recyclable Material that is stored, processed or disposed of in an unsightly manner that causes the pollution of surrounding land, the contamination of groundwater or surface water, the breeding of insects or rodents, or the creation of odors adverse to human health, safety or welfare.

Person means any person, firm, corporation, business trust, partnership, association, organization or municipal entity, incorporated or unincorporated, other than the City.

Point of Collection means a location along the Curbside that is free from obstructions (i.e., overhead lines, gas meters, fire hydrants, mailboxes, parked cars, etc.) unless the Point of Collection is not easily accessible to the Designated Contractor's Collection vehicles, in which situation a Modified Point of Collection acceptable to both the Resident or Customer and the Designated Contractor for providing Collection Services shall be identified. A minimum of three feet spacing shall be provided and maintained between carts, brush, bulky waste, and any other obstruction(s) at the Point of Collection.

Premises means all public and private establishments, including Residential Service Units, all Multi-family Complexes and Multi-family Units therein, residential care facilities, hospitals, schools, businesses, other buildings and all properties including but not limited to vacant lots.

Processing Facility means a facility permitted under all applicable local, state, and federal laws and regulations for Processing Recyclable Material or Yard Waste.

Putrescible Waste means waste that rots or decays quickly and should be kept away from other waste by being placed in heavy duty sealable plastic bags or containers before being placed in the Garbage Cart. This type of debris is comprised primarily of food waste including, but not necessarily limited to, fruits, vegetables, meats, dairy products and other produce.

Recyclable Material means any non-putrescible, source-separated material, substance or byproduct that has been recovered or diverted from the non-hazardous waste stream for purposes of reuse, recycling or reclamation, and is any material or product designated in writing by the City's Environmental Services Manager or their designee as being suitable for reuse, recycling or reclamation. Residents and businesses participate in the City's Recycling program by placing acceptable Recyclable Materials in Recycling Carts and Containers.

Recycling means a process by which materials that have served their intended use or are scrapped, discarded, used, surplus, or obsolete are collected, separated, or processed and returned to use in the form of raw materials in the production of new products. While Recycling is non-exclusive, the monthly payment for Residential Services includes payment for the Collection of Recyclable Materials together with the Collection and removal of Solid Waste and Brush once a week.

Recycling Cart means a Cart used for the deposit of Recyclable Material to be collected by the Designated Contractor.

Recycling Collection Services means the Collection of Recyclable Material by the Designated Contractor from Commercial Service Units and Residential Service Units within the Service Area. *Recycling Collection Services* also means the Collection of Recyclable Material by a Private Hauler from Commercial Service Units.

Refuse means all solid waste except hazardous wastes.

Resident(s) means a Person (or Persons) who reside(s) at a Residential Service Unit situated within the Service Area.

Residential Garbage means all normal Solid Waste products of single-family, duplex and triplex residential developments other than sewage and body waste, manure, Dead Animals over ten pounds in weight, Special Waste, Hazardous Waste, as well as any large tree trimmings (being limbs greater than six (6) inches in diameter or four (4) feet in length), Construction or Demolition Waste, or any other waste material that cannot be broken down to fit into Residential Garbage receptacles herein specified.

Residential Service Unit means a residential building with three (3) or fewer dwelling units on a single lot located within the Service Area occupied by a Person or group of Persons. A *Residential Service Unit* shall be deemed occupied when either water or domestic light and power services are being supplied thereto.

Residential Services means Garbage Services, Bulky Waste Services, Recycling Services, and Yard Waste Collection Services for Residential Service Units.

Roll-Off means any Container, excluding Compactors, with a capacity of ten (10) cubic yards or more that is normally loaded onto a motor vehicle and transported to a Solid Waste Facility or Recyclable Material Facility and approved for use by the City.

Rubbish means any non-putrescible solid waste (excluding ashes), consisting of both combustible and noncombustible waste materials. Combustible rubbish includes paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, brush, or similar materials; noncombustible rubbish includes glass, crockery, tin cans, aluminum cans, and similar materials that will not burn at ordinary incinerator temperatures (1,600 degrees Fahrenheit to 1,800 degrees Fahrenheit).

Scavenging means the unauthorized removal of Recyclable Material, Bulky Waste, Solid Waste, or any material set out for Collection after the Generator(s) thereof divest(s) control physically or as a matter of appropriate law, rule or regulation.

Service Area means the area contained within the corporate limits of the City of McKinney, Texas, as such corporate limits may be amended from time to time.

Service Unit means a property located within the corporate limits of the City that qualifies for Service under the Agreement.

Solid Waste means Garbage; Rubbish; Refuse; and other discarded material, including solid, liquid, semi-solid or contained gaseous material resulting from industrial, municipal, commercial, mining and agricultural operations and from community and institutional activities. The term does not include:

- (1) Solid or dissolved material in domestic sewage, or solid or dissolved material in irrigation return flows, or industrial discharges subject to regulation by permit issued under Tex. Water Code ch. 26, as amended;
- (2) Soil, dirt, rock, sand or other natural or manmade inert solid materials used to fill land if the object of the fill is to make the land suitable for the construction of surface improvements; or
- (3) Waste materials that result from activities associated with the exploration, development or production of oil or gas or geothermal resources and other substance or material regulated by the Railroad Commission of Texas under Tex. Nat. Res. Code § 91.101, as amended, unless the waste, substance or material results from activities associated with gasoline plants, natural gas liquids processing plants, pressure maintenance plants or re-pressurizing plants and is hazardous waste as defined by the administrator of the United States Environmental Protection Agency under the Federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, as amended (42 U.S.C. §§ 6901, *et seq.*); or
- (4) Recyclable Material; however, Recyclable Material may become solid waste at such time, if any, as it is abandoned or disposed of as other solid waste, rather than recycled, whereupon it will be solid waste with respect only to the party actually abandoning or disposing of the material.

Special Waste means Solid Waste or a combination of wastes that, because of its quantity, concentration, physical or chemical characteristics or biological properties, requires special handling and disposal to protect the human health or the environment. If improperly handled, transported, stored, processed or disposed of or otherwise managed, it may pose a present or potential danger to human health or the environment. Special Waste includes, but is not limited to:

- (1) Hazardous Waste from conditionally exempt small-quantity generators that may be exempt from full controls under 30 Tex. Admin. Code §§ 335.401—335.419, as amended, relating to household materials which could be classified as Hazardous Waste;
- (2) Class I industrial nonhazardous waste not routinely collected with Municipal Solid Waste;
- (3) Untreated waste from health-care-related facilities (refers to certain items of medical waste);
- (4) Municipal wastewater treatment plant sludges, other types of domestic sewage treatment plant sludges, water-supply

treatment plant sludges, and sludge from air pollution control facilities;

- (5) Septic tank pumpings;
- (6) Grease and grit trap wastes;
- (7) Wastes from commercial or industrial wastewater treatment plants, air pollution control facilities, and tanks, drums, or containers used for shipping or storing any material that has been listed as a hazardous constituent in 40 C.F.R. ch. 261, Appendix VIII, as amended, but has not been listed as a commercial chemical product in 40 C.F.R. § 261.33(e) or (f), as amended;
- (8) Slaughterhouse wastes;
- (9) Dead Animals;
- (10) Drugs, contaminated foods, or contaminated beverages, other than those contained in normal household waste;
- (11) Pesticide (insecticide, herbicide, fungicide, or rodenticide) containers;
- (12) Discarded materials containing asbestos;
- (13) Incinerator ash;
- (14) Soil contaminated by petroleum products, crude oils, or chemicals or contaminated by constituents of concern that exceed the concentrations listed in Table 1 of 30 Tex. Admin. Code § 335.521(a)(1);
- (15) Used oil;
- (16) Light ballasts and/or small capacitors containing polychlorinated biphenyl (PCB) compounds;
- (17) Waste from oil, gas, and geothermal activities subject to regulation by the state railroad commission when those wastes are to be processed, treated, or disposed of at a solid waste management facility permitted under this chapter;
- (18) Waste generated outside the boundaries of the City that contains:
 - a. Any industrial waste;
 - b. Any waste associated with oil, gas and geothermal exploration, production or development activities; or
 - c. Any item listed as a Special Waste in this definition;
- (19) Any waste stream other than household or commercial Garbage, Refuse or Rubbish;
- (20) Lead acid storage batteries; and
- (21) Used-oil filters from internal combustion engines.

Unusual Accumulations that are not included in routine Collection Services means:

- (1) for Residential Garbage, that the amount of Residential Garbage proposed for Collection does not fit into the Person's Cart for Solid Waste;
- (2) for Commercial Garbage, that the amount of Commercial Garbage proposed for Collection will not fit into the Person's Cart for Solid Waste;
- (3) Bulky Waste, that the amount of Bulky Waste exceeds four (4) cubic yards in any week or more than twelve (12) Bulky Waste Collections per calendar year;
- (4) Bundles or Yard Waste, that the Bundle is more than four (4) feet in length and/or more than fifty (50) pounds in weight with limbs exceeding six (6) inches in diameter;
- (5) materials judged by the Director of Public Works to be hazardous, such as oil, acid or caustic materials; and
- (6) existing conditions favorable to the harboring and/or breeding of any agent, such as an insect, reptile, rodent or other agents capable of transferring a pathogen from one organism to another.

Yard Waste means bagged cuttings or trimmings from trees, shrubs, or lawns, and similar materials such as grass clippings, leaves, flowers, stalks, tree trimmings, Brush, and branches that are set out in Yard Waste Bags to be collected as a part of the Yard Waste Collection Service. Any such material set out to be collected with Garbage or Bulky Waste Services shall be considered Garbage or Bulky Waste.

Yard Waste Bag means a Kraft bag or other biodegradable, and compostable sack authorized by the City, designed to store Yard Waste with sufficient wall strength to maintain physical integrity when lifted. Total weight of a Yard Waste Bag and its contents shall not exceed fifty (50) pounds.

Yard Waste Collection Service means the Collection of Yard Waste and delivery to the Yard Waste Delivery Facility.

Yard Waste Delivery Facility means the Yard Waste Delivery Facility identified by the City to which the Designated Collection Contactor shall deliver Yard Waste.

ARTICLE II. - COLLECTION AND DISPOSAL

Sec. 86-23. - Sanitation service deposits and fees.

- (a) Fair and reasonable deposits and fees for the Collection and removal of Solid Waste and Recycling by the City's Designated Contractor shall be in an amount as specified in Appendix A, Schedule of Fees, of the McKinney Code, which amount(s) may be modified from time to time, shall be required of every Person receiving utility services within the Service Area (each a "Utility Customer") and any Person not receiving utility services that owns, leases, rents, or maintains land requiring Collection Services within the Service Area (each a "Land Manager").

- (b) Every Utility Customer and Land Manager shall pay a regular charge for each month or part thereof for Solid Waste and Recycling Collection Services, even if the Collection Services are not used.
- (c) Any new Utility Customer making application for water service and posting a deposit with the City's Water Utilities Department will pay the minimum charge that is applicable for Solid Waste and Recycling Collection Services, even if the Collection Services are not used. Deposits may be waived at the discretion of the Utility Billing Supervisor if proof of good credit standing is provided.
- (d) New account charges shall be prorated for each day of the month during which such Collection Services are available and made available to the new Utility Customer for the first month's billing.
- (e) All Utility Customers and Land Managers shall have the opportunity to receive Solid Waste and Recyclable Material Collection Services. The charges for Collection Services shall be included on the monthly utility bill for all Utility Customers in Residential Service Units and DBD Service Units even if the Collection Services are not used. The charges for Collection Services for Commercial Customers and Land Managers shall be billed monthly by the Designated Collector. For partial months, such charges shall be prorated for each and every day of the month during which such Collection Services are available and provided.
- (f) There shall be no refunds made to any Utility Customer or Land Manager for missed pickups or when no service is provided due to holidays or days on which there exists inclement weather which prevents the Collection and removal of Solid Waste and Recycling.
- (g) There shall be no refunds made due to vacations or when the Premises are vacated for whatever reason when the water service remains active.
- (h) An increase in monthly fees may be made upon approval of the City Council. A penalty for overdue payment of the Collections Services bill may be charged and collected.

Sec. 86-24. - Garbage, Recyclable Material, Rubbish, Brush and Refuse nuisances.

The storing or keeping of Garbage, Rubbish, Brush, Refuse and/or Recyclable Material that is unsightly or a health, fire or safety hazard or a harbor for reptiles, rodents, insects, or other animals is prohibited and shall constitute a public nuisance. Removal of all such materials is the responsibility of the Utility Customer or the Land Manager and shall be done so promptly and at their sole cost and expense.

Sec. 86-25. – Unlawful Dumping.

Dumping of any Garbage, Solid Waste, Recyclable Material, Rubbish, Brush and/or other Refuse in any place and in any manner other than a manner designated in this Chapter is prohibited and unlawful. Any unlawful dumping may result in the issuance of citations and/or fines in accordance with Tex. Health & Safety Code, ch. 365. In addition, it shall be unlawful under this Chapter for any Person or entity to deposit any Solid Waste, Recycling, Brush, Bulky Waste, or any other debris in the Cart(s) or Container(s) of, or on the property of, another Person or entity without the consent of the owner, agent, lessee, renter, operator, or occupant of said Cart(s), Container(s), or property.

Sec. 86-26. - Collection Containers and Carts for Solid Waste, Garbage, Brush, and Recyclable Material.

- (a) Every Person using or occupying any building, house, structure, or Premises within the Service Area for residential, church, school, commercial, business or other purpose shall use one or more Carts or Containers authorized by this Chapter and provided by the City or its Designated Contractor. All liquid shall be removed from Solid Waste and/or Recycling before the Solid Waste and/or Recycling is placed into the respective Solid Waste or Recycling Cart(s) or Container(s). Please note that it is a violation of the McKinney Code and state and federal law to deposit or discharge any liquid waste onto a street or into a storm drain or sanitary sewer or an area that drains into the wastewater or stormwater system.
- (b) The lids of any Carts and Containers shall at all times be closed.
- (c) Every Person using or occupying any building, house, structure, or Premises within the Service Area for residential, church, school, commercial, business or other purpose shall notify the City of any loss, theft or damage to their Container or Cart used for Solid Waste or Recycling Collection Services and shall be responsible for replacement costs unless the damage is a result of Collection by the Designated Contractor.
- (d) It shall be the duty of every Person using or occupying any building, house, structure, or Premises within the Service Area to keep the Carts and Containers used for Solid Waste or Recycling in a clean and sanitary condition. All Solid Waste shall be placed in bags and tightly closed before being placed in the Cart or Container. Recycling shall not be placed in bags.
- (e) Except when placed for collection, Carts shall be stored behind the front building line of the Premises if collection occurs from a public street, or stored adjacent to the main structure on the Premises if collection occurs from an alley. Containers used for the collection of Solid Waste or Recycling from Commercial Customers shall be kept in a screened area unless the Director of Public Works waives such requirement.
- (f) Brush is an unacceptable item in Carts. Instead, Brush shall be placed in Yard Waste Bags or tied in Bundles and placed at least three (3) feet away from the Point of Collection for any Carts for Solid Waste or Recycling. Brush shall not be mixed with any other Solid Waste.
- (g) Yard Waste may be accumulated and put out for Collection using only Yard Waste Bags that have been approved as specified by the City. All Yard Waste Bags placed out for Collection must be tightly folded and must not be filled above the dotted line indicated on the Yard Waste Bag. A filled Yard Waste Bag must weigh no more than 50 pounds. There shall be no contents, other than grass, leaves, limbs (less than six inches in diameter and less than four (4) feet long), and other items designated as Yard Waste placed in the Yard Waste Bags. Failure to utilize the specified Yard Waste Bags where appropriate will result in non-collection of bagged Yard Waste.
- (h) Material that is tightly packed into a Cart, Container, or Dumpster may not be completely emptied when Collected. Material should therefore be placed in Carts, Containers, and Dumpsters in a manner that allows for sufficient space and effortless discharge.

- (i) The Director of Public Works shall cause regular inspections to be made to ensure compliance with the terms of this Section, and if any unsanitary Container or Cart is found, a notice shall be placed upon such Container or Cart informing the Responsible Party to clean the same within five (5) days. Failure to comply with such notice shall constitute a violation of this Section.

Sec. 86-27. - Residential Collection regulations (outside of the DBD).

- (a) There shall be Collection one (1) time weekly for regular Garbage, Recyclable Material, Rubbish, and Brush and Yard Waste other than Bulky Waste. Each Residential Service Unit shall have at least one (1) Cart for Solid Waste and one (1) Cart for Recycling Materials.
- (b) It shall be the duty of the Person occupying or using a residence, commercial establishment or other building to place the Garbage or Recyclable Material in the proper Cart(s) at the Point of Collection, together with any Brush, Yard Waste and Bulky Material.
- (c) Garbage and Recyclable Material as well as Brush, Yard Waste and Bulky Material shall not be placed at the Point of Collection before 6:00 p.m. prior to the designated day of Collection and must be at the Point of Collection no later than 7:00 a.m. on the designated day of Collection.

Failure to place Garbage and Recycling Carts or Brush, Yard Waste and Bulky Material at the Point of Collection by 7:00 a.m. on the specified Collection day may result in the items not being Collected or a late setout premium Collection fee if Collection is requested by the Resident or Customer earlier than the next scheduled Collection day.

Any Garbage or Recycling Carts shall be removed within 24 hours from the Point of Collection and stored in accordance with Section 86-26(e).

- (d) Unusual Accumulations of Brush or Bulky Wastes or Yard Wastes or other Refuse shall not be placed for regular Garbage Collection. Removal of Unusual Accumulations of Brush or Bulky Wastes or Yard Wastes or other Refuse may be requested for a special Collection, and there shall be an additional fee for such service as determined from time to time by City Council per pick-up truckload for more than 12 pick-ups per calendar year. The City shall be the authority to determine what constitutes Unusual Accumulations if there is a difference of opinion between a Resident or Customer and the Designated Contractor.
- (e) Materials intended for Recycling shall not be placed for Collection with Solid Waste. Materials intended for Garbage Collection shall not be placed with Recyclable Materials. Recycling Collection shall be maintained separate from Solid Waste Collection.
- (f) It shall be the duty of the Person responsible for any Premises to report the Designated Contractor's failure to Collect properly prepared and placed Garbage and Recyclable Material within 24 hours to the City.
- (g) All Putrescible Waste must be placed in heavy duty sealable plastic bags or containers before being placed in the Garbage Cart or

being taken by the Generator directly to the Solid Waste Disposal Site.

- (h) From the time of placement of Solid Waste and/or Recyclable Material at the Point of Collection for Collection in accordance herewith, such properly placed Solid Waste and Recyclable Material (save and except Hazardous Waste, Special Waste and Excluded Waste) shall become the property of the City or the Designated Contractor.
- (i) Placement of Carts at the Point of Collection.
 - (1) Garbage Carts and Recycling Carts should be placed at the Point of Collection aligned such that the handles on the Cart face the house and the opposite side of the Cart is flush with the back of the curb. In areas where there is no curb at the Point of Collection, the Cart should be placed immediately adjacent to the street or alley pavement. The Cart must be located at least three (3) feet away from any fence, gas or electric meter, utility pole, street sign, stop sign or stop light, mailbox, cable box, sprinkler heads, or other containers or large stationary objects (collectively "Impediments") so that the Cart is accessible to the Designated Contractor's automated Collection vehicle. In addition, any Yard Waste, Brush, Bundles, or Bulky Waste must be placed at least three (3) feet away from any Cart and any Impediments.
 - (2) Garbage Carts and Recycling Carts or Yard Waste, Brush, Bundles, or Bulky Waste located behind fences, inside garages or outside the Point of Collection area will not be serviced. City employees and the Designated Contractor's employees will not leave the public rights-of-way to enter gates, enclosed areas, garages, breezeways, carports or other structures to make Collections unless the Resident or Customer is approved for Door Side Cart Collection Assistance as identified in this Chapter. If it is not practicable to place the Carts for Collection at the Point of Collection, the Designated Contractor and/or the City shall work with the Resident or Customer to identify a Modified Point of Collection.
 - (3) No Person shall place a Garbage Cart or Recycling Cart or any Brush, Bundles, Yard Waste, or any Bulky Waste on or touching a stormwater drainage inlet structure, gas meter, water meter, electric transformer or other utility system equipment. In addition, no Person shall place Carts, Yard Waste, Brush, Bundles, or Bulky Waste underneath overhanging limbs, low hanging wires, or other obstructions that limit or prohibit access thereto by the Designated Contractor. Any damage occurring during Collection to such surrounding structures due to improper placement shall be the responsibility of the Person, or Utility Customer, or Land Manager placing or causing the placement.
- (j) Any Person owning, renting, leasing, occupying, using or operating a residence, business, or institution that generates Hazardous Waste, Excluded Waste and Special Waste shall be individually responsible for the collection and lawful disposal of such Hazardous Waste, Excluded Waste and Special Waste.

Sec. 86-28. - Residential Collection fees (outside of the DBD).

- (a) For the Collection of Solid Waste in one single Garbage Cart and Collection of Recyclable Materials in one single Recycling Cart (in addition to Brush, Bulky Waste, and Yard Waste subject to certain limitations and restrictions) once a week, a monthly fee shall be assessed as specified in Appendix A of the McKinney Code, which fee may be modified from time to time by the City Council.
- (b) For each additional Garbage Cart, or Recycling Cart beyond one of each such Carts, an additional monthly fee shall be assessed as specified in Appendix A of the McKinney Code, which fee may be modified from time to time by the City Council.
 - (1) Each Residential Service Unit may request up to two (2) additional Carts for Solid Waste for a maximum of three (3) Carts for Solid Waste at an additional fee as specified in Appendix A of the McKinney Code, which fee may be modified from time to time by the City Council.
 - (2) Each Residential Service Unit may request up to three (3) additional Carts for Recycling Materials for a maximum of four (4) Carts for Recycling Materials at an additional fee as specified in Appendix A of the McKinney Code, which fee may be modified from time to time by the City Council.
- (c) As noted in Section 86-27 of this Ordinance, there shall be a separate fee assessed as specified in Appendix A of the McKinney Code, which fee may be modified from time to time by the City Council for the Collection of Unusual Accumulations.
- (d) For other Solid Waste Collection or Recycling Collection Services not listed, the City and Designated Contractor shall work together to determine a reasonable fee, pending City Council approval of the fee within 60 days.

Sec. 86-29. - Commercial Collection regulations (outside of the DBD).

- (a) Containers commonly used for the Collection of Commercial Garbage and Recycling Materials, including Carts (for commercial use), shall be placed at a location on the premises mutually agreeable to the Customer, the City, and the City's Designated Contractor. The Director of Public Works may authorize the use by a Commercial Customer of Garbage Carts or Recycling Carts on a case-by-case basis after the Commercial Customer requests the use of Carts. The Collection and removal of Garbage and Recyclable Material from buildings and premises used for Commercial and institutional purposes shall not be made less than one (1) time per week and as often as necessary in order to maintain such premises free of accumulations of Garbage and Recyclable Materials. Materials for Recycling shall not be placed for Collection with Solid Waste materials. Recycling Collection activities shall be separate from Garbage Collection activities.
- (b) Any Commercial business that generates Hazardous Waste, Excluded Waste and Special Waste shall be individually responsible for the Collection and lawful disposal of Hazardous Waste, Excluded Waste and Special Waste generated by that Commercial business.
- (c) From the time of placement of Solid Waste and of Recyclable Material at the Point of Collection by the Commercial

business for Collection in accordance herewith, such Solid Waste and Recyclable Material shall be Collected by the Designated Contractor and delivered to the appropriate Delivery Facility or Disposal Site designated by the City.

Sec. 86-30. - Commercial Collection fees (outside of the DBD).

The service charge for Commercial Collections shall be based on the type and number of Carts or Containers and the frequency of Collection necessary and the amount(s) regularly collected.

- (1) *Minimum service level.* The minimum service level provided is the Collection of one (1) Garbage Cart or Container picked up one (1) time a week for a fee as determined from time to time by the City Council. Additional Containers or Carts and additional Collections per week can be requested for an additional fee as determined from time to time by the City Council. The Customer is responsible for replacement of the Containers or Carts in the e of theft, loss, or damage. There shall be a fee as determined from time to time by the City Council charged for Collections of Unusual Accumulations.
- (2) *Other solid waste Collection and disposal services.* For other Solid Waste Collection or Recycling Collection Services not listed, the City and Designated Contractor shall work together to determine a reasonable fee, pending City Council approval of the fee within 60 days.
- (3) Service charges for Private Haulers of Recyclable Materials shall be by Customer agreement.

Sec. 86-31. - Collection of Garbage and Recyclable Material in the Downtown Business District.

- (a) The term "Downtown Business District" as used in this section is defined to mean the area encompassed by the following streets: Hunt Street, Davis Street, Church Street, and McDonald Street.
- (b) The Downtown Business District contains a unique mixture of business, institutional, professional office, restaurant, club, or other enterprises, and residential uses in an area where shared walls, elevations, pedestrian areas, congestion and the lack of available space on-premises and adjacent to the rights-of-ways and narrow alleyways renders the use of individual Carts for each occupant of the DBD impractical and requires the use of shared Commercial Solid Waste Carts and Containers and Recycling Containers placed in or near alleyways, rights-of-ways, or on public parking lots for the common use of the occupants of that area of the DBD where the Carts and/or Containers are located (the "Shared DBD Carts/Containers"). Decorative Solid Waste and Recycling cans deployed throughout the DBD shall not be used by a DBD Customer for the disposal of Commercial Solid Waste or Recycling.
- (c) It shall be the duty of the Person owning, renting, leasing, occupying, using or operating a residence, business, institution, commercial establishment, restaurant, or enterprise of any other kind in any building, space, or location in the DBD to place the Garbage or Recyclable Material generated therefrom in the appropriate Shared DBD Carts/Containers located within the DBD for that purpose.

- (d) Collections from the Shared DBD Carts/Containers shall be made as often as necessary to maintain the DBD free of accumulations of Garbage and Recyclable Materials. Materials for Recycling shall not be placed in the Shared DBD Carts/Containers intended for the Collection of Solid Waste, and Solid Waste shall not be placed in Shared DBD Carts/Containers intended for the Collection of Recycling Materials. Recycling Collection activities shall be maintained separate from Garbage Collection activities.
- (e) Any Person owning, renting, leasing, occupying, using or operating a residence, business, institution, commercial establishment, restaurant, or enterprise of any kind in any building, space, or location in the DBD that generates Hazardous Waste, Excluded Waste and Special Waste shall be individually responsible for the collection and lawful disposal of such Hazardous Waste, Excluded Waste and Special Waste.
- (f) It shall be unlawful for any Person to place any Garbage, Rubbish, C&D, and/or Recyclable Material outside of, adjacent to, or on top of any Container or Enclosure situated within the DBD that is used for the Collection of Solid Waste or Recyclable Material, or Rubbish or Brush.
- (g) It shall be unlawful for any Person to utilize any Container or Enclosure situated within the DBD unless they maintain a current account for Collection Services in the DBD with the City of McKinney.
- (h) It shall be unlawful for any Person to place any matter considered to be Construction or Demolition Waste within any Container or Enclosure situated within the DBD notwithstanding the fact the Person possesses an active account for Solid Waste Collection Services within the DBD.

Sec. 86-32. - Collection fees in the Downtown Business District.

- (a) Each Utility Customer or Person owning, renting, leasing, occupying, using or operating a residence, business, institution, commercial establishment, restaurant, or enterprise of any kind in any building, space, or location in the DBD shall pay the fees determined by the City Council to cover the costs and expenses associated with the rental and maintenance of the Shared DBD Carts/Containers and the Collection of Solid Waste and Recyclable Materials from the Shared DBD Carts/Containers.
- (b) Charges for the Shared DBD Carts/Containers for Solid Waste and Recyclable Materials shall be billed to the Utility Customer(s) in each building, space, or location in the DBD calculated in accordance with the commercial rates and determined as follows:
 - (1) For buildings occupied by one or more businesses, institutions, professional offices, restaurants, clubs, or other enterprises or residential uses, the rate shall be the sum of the rates for each individual occupant regardless of whether the individual occupant is a Utility Customer. The minimum rate for any occupant shall be the current minimum commercial rate.
 - (2) The rate for individual occupants within a building regardless of whether the individual occupant is a Utility Customer will be established based on a combination of:

- i. the building square footage occupied by the occupant;
- ii. the occupant's type of use; and
- iii. the maximum occupancy rate allowed for the occupant's use based on the square footage or number of seats or number of tables permitted; or,
- iv. as deemed appropriate by the Director of Public Works based on a comparison of similarly situated uses as explained herein below.

The various categories and fee ranges are more particularly described and set forth in Appendix A, "Schedule of Fees," of the McKinney Code, which fees may be modified from time to time by the City Council.

- (3) Such proposed rates for the DBD may be compared with rates charged to users similar in nature and size in other areas of the City where the fees charged are more precisely determined by the level of service requested by a Person using or occupying any building, house, structure, or Premises within a Service Area outside of the DBD for a similarly situated use.
- (c) Charges for Solid Waste and Recycling Collection Service will be billed to the Utility Customer(s) through which the building, space, location, or use they operate receives water and sanitary sewer services. Utility Customer(s) are responsible to provide complete billing information to the City regarding the occupants situated within the building together with the information necessary for the City to calculate the rates to be charged and provide timely notification of any owner, tenant, renter, occupant, or operator changes as they occur.
- (d) If the Utility Customer(s) who own the account(s) through which the building, space, location or use receives water and sanitary sewer services fails to provide the City with the information necessary to correctly calculate the fees to be assessed based on the occupancy of the building, the City shall bill such Utility Customer's(s') account(s) at the highest rate for the most intense use and greatest square footage assessable identified in Appendix A, "Schedule of Fees," of the McKinney Code, which classifications, calculations and fees may be amended or modified from time to time by the City Council. The City shall have no obligation or liability to reimburse the account(s) of the Utility Customer(s) through which the building, space, location, or use receives water and sanitary sewer services for any overcharges arising out of such Utility Customer's(s') failure to timely provide the City with the information needed to properly calculate the fee(s) to be assessed.
- (e) Any charges which cannot be collected from the account(s) of the Utility Customer(s) through which the building, space, location, or use receives water and sanitary sewer services either during their occupancy or after they vacate the premises will be billed to the owner of the building, space, location, or use.

If the Utility Customer(s) through which a building, space, location, or use receives water and sanitary sewer services is able to provide proper facilities for placing Containers or Carts for Solid Waste Collection and Recycling Materials Collection on or near their

building, space, location, or use such Utility Customer(s) shall be billed at the Commercial Cart and/or Container rates set forth in Appendix A, "Schedule of Fees," of the McKinney Code, which rates may be modified from time to time by the City Council.

- (f) The disposal of Garbage and/or Recyclable Material by placing the same in public trash receptacles located on public streets in the City is prohibited. The Collection of Garbage and Recyclable Material from buildings and premises used for commercial or institutional purposes shall be made not less than one (1) time per week and as often as six times a week in order to maintain such premises free of accumulations of Garbage and Recyclable Material, and related odors.
- (g) Fee charges for Downtown Business District Garbage and Recyclable Material Collection may be modified as determined from time to time by the City Council.
- (h) Fee charges for authorized Private Haulers of Recyclable Materials shall be by customer agreement.

Sec. 86-33. – Designated Collection Contractor.

- (a) The City Council shall, in the exercise of its sound discretion, determine what means shall be employed for the Collection, hauling and disposal of Solid Waste and Recycling within the City so as to preserve and protect the public health, and may in the exercise of its sound discretion, by ordinance, select one (1) Designated Collection Contractor subject to such conditions as the City Council may impose to regularly collect and remove all Garbage, Recyclable Material, Rubbish, Brush and Solid Waste, excluding Hazardous Waste and Special Waste, from all premises within the City's corporate limits, as such corporate limits may be amended from time to time. This Designated Collection Contractor shall operate by contract with the City. The City Manager or their designated representative shall take action to see that the terms of the contract are fulfilled. In the event of any conflict between the terms of the contract and the McKinney Code regarding the Collection of Solid Waste and Recycling Materials, the McKinney Code shall control. The Designated Collection Contractor shall not be responsible for the Collection of Hazardous Waste or Special Waste.
- (b) In the event the Designated Collection Contractor lacks adequate and/or appropriate resources to Collect and remove Solid Waste and Recycling Materials from public improvement projects, the Director of Public Works may authorize Solid Waste and Recycling Collection by another contractor.
- (c) The City's Designated Collection Contractor shall be the exclusive provider of Solid Waste Collection and disposal services for all Premises within the Service Area.
- (d) Any other Person or entity is prohibited from providing Solid Waste Collection or disposal services to any Person or entity for compensation or other benefits within the Service Area, or to make use of the public streets for that purpose, except as expressly provided for in this Chapter. No prior notice of violation shall be required for violation of this section.

Sec. 86-34. - Disposal of solid waste.

- (a) In addition to receiving Solid Waste and Recycling Collection Services, individual Residents may remove Garbage, Recyclable Material, Rubbish, Brush or Unusual Accumulations from their own Residential Service Unit, provided that the Garbage, Recyclable Material, Rubbish, Brush or Unusual Accumulations are secured as provided in Section 86-36(a).
- (b) A Resident shall be allowed to dispose of up to two (2) “pick-up truckloads” of Garbage generated and obtained from the Resident’s Residential Service Unit per month at the Disposal Site without charge upon presentation of a current utility bill and a driver's license with identical addresses. A “pick-up truckload” means a passenger vehicle that has up to an eight (8) foot long truck bed filled no higher than the top of the standard rails on such pick-up truck.
- (c) A Resident shall be allowed to take Recyclable Material to a Recycling drop-off site or Delivery Facility contracted with the City and identified on the City’s website.
- (d) It shall be unlawful for any Person other than the Designated Collection Contractor to Collect, or engage in the business of collecting, Solid Waste within the City except as may be specifically authorized by contract with the City and the payment of a license fee to so operate.
- (e) It shall be unlawful for any Person other than the Designated Collection Contractor to Collect or engage in the business of collecting Solid Waste within the City except as may be specifically authorized in accordance with this Chapter.

Sec. 86-35. - Permits for Private Haulers of Recyclable Materials.

- (a) *Permits Required.*
 - (1) *Private Hauler’s Permit.* It shall be unlawful for any person, company, or corporation to Collect Commercial Recyclable Materials without first obtaining a permit from the Director of Public Works to Collect Recyclable Materials (a “Private Hauler’s Permit”). Each person, company, or corporation desiring to provide services as a Private Hauler shall pay the annual fee for Private Hauler’s Permit as specified in Appendix A of the McKinney Code, which fees may be amended from time to time by the City Council, for the right to use and occupy the City’s streets, rights-of-way, and public property in the Collection of Commercial Recyclable Materials.
 - (2) *Generator’s Permit.* It shall also be unlawful for any person, company, corporation, or Private Hauler to Collect Commercial Recyclable Materials from any Commercial Service Unit without obtaining a separate permit from the Director of Public Works to Collect Commercial Recyclable Materials for each such Commercial Service Unit (each being a “Generator’s Permit”). Generator’s Permit shall be required for each location (or Commercial Service Unit) of a Generator of Recyclable Materials from which the Hauler intends to Collect Recyclable Materials. Each person, company, corporation, or Private Hauler shall pay the annual fee for a Generator’s Permit for each location (or Commercial Service Unit) from which Commercial Recyclable Materials are to be Collected as specified in

Appendix A of the McKinney Code, which fees may be amended from time to time by the City Council, for the right to use and occupy the City's streets, rights-of-way, and public property in the Collection of Commercial Recyclable Materials.

- (b) *Letter of certification.* A Hauler shall only receive a Private Hauler's Permit for Recyclable Material Collection and a Generator's Permit for each location (or Commercial Service Unit) from which the Hauler proposes to Collect Recyclable Materials if the Hauler includes a "Letter of Certification" for each location (or Commercial Service Unit) with the permit applications. A Letter of Certification shall be from the Recyclable Material Generator and shall certify to the City the name and address of each location (or Commercial Service Unit) from which Generator desires to have Recyclable Materials Collected, the name and address of the desired Hauler, the constituents to be Recycled, a brief contingency plan ensuring that Recyclable Materials from each location (or Commercial Service Unit) will be kept free from Contamination prior to and throughout Collection Services, arrangements for solid waste management, and the final destination of the Recyclable Materials. If the Generator is responsible for more than one location (or Commercial Service Unit), a separate Letter of Certification shall be required for each individual location (or Commercial Service Unit). This information shall be amended, as necessary.
- (c) *Application for permit.* An applicant for a permit as a Private Hauler of Commercial Recyclable Materials and for a Generator's Permit must provide the following:
- (1) The Hauler's business name;
 - (2) The name and driver's license number of the Hauler's owner;
 - (3) The Hauler's business address;
 - (4) The home address of the Hauler's owner;
 - (5) The Hauler's business phone number;
 - (6) The home phone number of the Hauler's owner;
 - (7) List of vehicles used for Collection of Recyclable Materials including:
 - a. Make;
 - b. Model; and
 - c. License number;
 - (8) Proof of current Bond in the amount of at least Ten Thousand Dollars (\$10,000.00) on a form provided or approved by the City ("Bond");
 - (9) The name and address of the Generator of Recyclable Materials and each individual location (or Commercial Service Unit) from which the Hauler intends to collect Commercial Recyclable Materials.

- (10) The name and address of the Processing Facility to which the Generator's Commercial Recyclable Materials from each location (or Commercial Service Unit) will be delivered and proof that the Processing Facility has demonstrated its ability to be an approved processor capable of diverting Recyclable Materials in accordance with all applicable laws and regulations;
- (11) Proof of Hauler's liability insurance satisfying the following minimum requirements (collectively "Liability Insurance"):
 - a. Automobile Liability with a minimum of \$1,000,000 combined single limit per occurrence for bodily injury and property damage;
 - b. Umbrella Liability with a minimum \$2,000,000 per occurrence combined limit per occurrence/aggregate for bodily injury and property damage; and
 - c. Environmental or Pollution Liability with a minimum \$10,000,000 per Contamination incident; \$10,000,000 General Aggregate.

As noted above, a separate permit application and permit fee as specified in Appendix A of the McKinney Code, which fees may be amended from time to time by the City Council, for a Generator's Permit shall be required for each location (or Commercial Service Unit) from which a Hauler intends to Collect a Generator's Commercial Recyclable Materials. This fee shall not be prorated for a partial year.

All information required in this subsection (c) for the issuance of a Private Hauler's Permit and a Generator's Permit shall be amended and updated for each Hauler and each location (or Commercial Service Unit), within thirty (30) days of a change or when any of the current information provided to the City therefor becomes outdated.

All applications for a Private Hauler's Permit and/or a Generator's Permit must be full and complete and accompanied by the proper permit fee when delivered to the City for processing. Incomplete applications for a Private Hauler's Permit and/or a Generator's Permit will not be considered.

- (d) *Renewal of permit.* Each Private Hauler's Permit and each Generator's Permit shall be renewed annually, and the information listed in subsection (c) of this Section shall again be provided for each Private Hauler's Permit and each Generator's Permit, along with a copy of the Bond renewal, Liability Insurance, name and location of the Generator of Recyclable Materials, the name and address of each Commercial Service Unit, name of the Processing Facility, and a renewal fee as specified in Appendix A of the McKinney Code for each of such permits, which fees may be amended from time to time by the City Council, for the right to use and occupy the City's streets, rights-of-way, and public property in the Collection of Commercial Recyclable Materials.
- (e) *Term of permit.* The term of each such Private Hauler's Permit and Generator's Permit shall be from January 1 to December 31 of each year. An expired Private Hauler's Permit is not valid for continued operation under this Chapter. Similarly, an expired Generator's Permit is not valid for continued Collection Services under this Chapter.

- (f) *Vehicle permit required.* Any vehicle used by a Hauler for the purpose of providing Collection Services for Recyclable Materials must have, prominently displayed, a Private Hauler's Permit supplied by the City.
- (g) *Collection and diversion of Recyclable Materials.* Haulers shall only Collect Recyclable Materials in accordance with the requirements of this Chapter and State law.
 - (1) *Reporting requirements.* Haulers shall provide the City with a semi-annual report within ten (10) calendar days following the end of June of each calendar year and an annual report within thirty (30) days following the end of each calendar year summarizing the information set out hereinbelow demonstrating Hauler's compliance with this Chapter. Failure to provide the information as specified and in a timely manner shall be a violation of this Section.
 - a. The amount of Recyclable Materials collected from each location (or Commercial Service Unit) of a Generator of Recyclable Materials in tons delivered to the Processing Facility;
 - b. The number of loads from each location (or Commercial Service Unit) of a Generator of Recyclable Materials delivered to the Processing Facility;
 - c. Dates of Collection from each location (or Commercial Service Unit) of a Generator of Recyclable Materials; and
 - d. Receipts for each load of Recycling Materials Collected from each location (or Commercial Service Unit) of a Generator and delivered to the Processing Facility.
 - (2) The City has the right to inspect and audit the records of any Hauler to ensure compliance with this Chapter. Diversion of Construction and Demolition Waste as Recyclable Material shall only be accomplished after separation of Recyclable Material from Solid Waste at the construction or project site. Construction and Demolition Recyclable Materials must be source-separated unless taken to an authorized TCEQ commingled facility. Commingling Construction and Demolition Solid Waste with Construction and Demolition Recyclable Material is prohibited.
 - (3) The failure of a Hauler to separate at the source any Recyclable Material from Solid Waste causes the Recyclable Material to become contaminated, and its status converted from Recyclable Matter to Solid Waste, which results in the Hauler transporting Solid Waste in violation of this Chapter. Collecting Solid Waste is limited solely to the City's Designated Contractor and any Hauler that engages in Collecting Solid Waste may be prosecuted for violating this Chapter. In addition to being subject to the issuance of criminal charges against the Hauler, the Private Hauler may also have their Private Hauler's Permit and Generator's Permit(s) immediately revoked by the Director of Public Works.

(h) *Revocation of permit.* A Private Hauler's Permit and Generator's Permit(s) may be revoked by the Director of Public Works and citations issued for violations of this Chapter for any one or more of the following reasons:

- (1) Failing to keep a current Bond and/or Liability Insurance filed with the Director of Public Works;
- (2) Being observed by the Director of Public Works placing Recyclable Materials or any Solid Waste in any location other than as authorized by this Chapter or State law;
- (3) Being observed by the Director of Public Works improperly securing a load of Recyclable Materials while in transit to or from any location that requires transport on City streets;
- (4) Failure to display a Private Hauler's Permit on any vehicle used for the Collection of Recyclable Materials;
- (5) Being observed by the Director of Public Works commingling Solid Waste with Recyclable Material and thereby transporting Solid Waste as an unauthorized solid waste contractor in violation of this Chapter; or
- (6) When a Generator of Recyclable Materials terminates the Letter of Certification for any location (or Commercial Service Unit) as explained in this Section 86-35.

If the Director of Public Works revokes the Private Hauler's Permit of a Hauler, the Hauler must surrender the Private Hauler's Permit and each of the Generator's Permits that have been issued to Hauler by the Public Works Department for each site or location (or Commercial Service Unit) of a Generator of Recyclable Materials being provided Collection Services by Hauler. Operating under a revoked or expired permit is a violation of this Section.

(i) *Restoration of revoked permit.* A Hauler may appeal the revocation of their Private Hauler's Permit and/or any Generator's Permit(s) to the City Manager or their duly appointed representative in writing within five (5) days of the date of revocation. The City Manager or their duly appointed representative shall have the authority to reverse or uphold the revocation or establish terms by which the Private Hauler's Permit and/or any Generator's Permit(s) may be restored. The decision of the City Manager or their duly appointed representative shall be final. If a Private Hauler's Permit has been revoked due to illegal dumping by a Hauler, the Private Hauler's Permit may only be restored with the payment of a restoration fee as specified in Appendix A of the McKinney Code, which fee may be modified from time to time by the City Council. If a Private Hauler's Permit revocation is upheld by the City Manager or their duly appointed representative, the Private Hauler of Recyclable Materials may only obtain a new permit, as follows:

- (1) After the first revocation: the applicant for a Private Hauler's Permit must make payment of a restoration fee as specified in Appendix A of the McKinney Code, which fees may be amended from time-to-time by the City Council; and
- (2) After the second or subsequent upheld revocation, a Hauler may not obtain a new Private Hauler's Permit under this

Chapter for twelve (12) calendar months from the date of revocation.

- (j) *Transferability.* The Private Hauler's Permit is not transferable. A Private Hauler's Permit shall be required for each Hauler desiring to provide Commercial Recycling Collection Services on a case-by-case basis.

Sec. 86-36. - Transport of Refuse or Recyclable Materials.

- (a) Refuse or Recyclable Materials Collected by Persons other than the City's Designated Contractor shall be transported in vehicles that are covered by a metal top, screening or canvas or in such other manner so as to prevent the escape of any particle(s) of Refuse or Recyclable Materials from the vehicle. Refuse or Recyclable Materials escaping from such a vehicle shall be deemed as litter, and the driver of the vehicle shall be responsible for littering.
- (b) Haulers from any locale other than the City using the streets of the City shall be required to use similarly suitable vehicles and to be responsible for the containment and escape of any part or portion of the Refuse, Recyclable Materials, or other contents, as provided in subsection (a), above.

Sec. 86-37. - Prohibited acts.

- (a) Pilfering, Scavenging, scattering contents or meddling with Disposable and/or Recyclable Materials or Containers or Carts placed at the Point of Collection by any Person other than the owner, lessee, renter, tenant, operator or occupant of the Premises is prohibited. No Person shall Collect, remove, or otherwise interfere with the Collection of Solid Waste and/or Recycling unless specifically permitted to so act pursuant to this Chapter.
- (b) It shall be unlawful for any Person to deposit any burning match, charcoal, ember or other burning material in any Container or Cart used for the Collection of Garbage, Solid Waste, Recyclable Material, Rubbish, or Brush.
- (c) It shall be unlawful for any Person to ignite a fire or burn material in any Residential or Commercial Solid Waste or Recycling Container or Cart.
- (d) It shall be unlawful for any Person to paint, deface, or place any placard or sign upon any type of Container or Cart furnished by the Designated Contractor or the City.
- (e) Any Person, Resident, or Customer responsible for damage to a Container or Cart shall be charged a repair or replacement cost up to the cost of a new Container or Cart.
- (f) It shall be unlawful for any Person to deposit any materials not included in the definitions of Solid Waste or Recyclable Material in any Container or Cart used for the Collection of Solid Waste or Recyclable Material.
- (g) It shall be unlawful for any unauthorized Person, other than the Commercial Customer or its employees or agents, to deposit any materials in a Commercial Collection Container or Cart.

- (h) It shall be unlawful for any Person to deposit Solid Waste generated from within the Service Area in any place other than a Delivery Facility designated in this Chapter unless authorized in advance by the Director of Public Works.
- (i) Only the Designated Contractor's Containers and Carts are permitted to be placed inside an Enclosure for Solid Waste and/or Recycling Containers and/or Carts. It shall be unlawful to store or place in an Enclosure that is provided for Solid Waste and/or Recycling Containers and/or Carts any debris, Solid Waste or any other item for storage that is not a Solid Waste and/or a Recycling Container and/or Cart including but not limited to grease traps.
- (j) It shall be unlawful for any Person to place lithium-ion batteries, electronics, propane tanks, or "household hazardous waste" as defined and listed by the United States Environmental Protection Agency ("EPA") under the Federal Solid Waste Disposal Act of 1965, the Resource Conservation and Recovery Act ("RCRA"), and the Code of Federal Regulations ("CFR") within any Cart or Container within the Service Area, except through an approved method as defined and regulated by 30 Tex. Admin. Code ch. 335. Lithium-ion batteries, electronics, propane tanks, and "household hazardous waste" require specialized Collection and Recycling and transportation and disposal accommodations and processes. Residents may contact the City for up to twelve (12) pick-ups of such batteries, electronics, tanks, and household Hazardous Waste per year with certain restrictions.
- (k) It shall be unlawful for any Person to place hypodermic needles or other sharp objects in any Cart or Container unless the sharp objects are placed inside a puncture resistant container such as a plastic jug or detergent container.
- (l) It shall be unlawful for any Person to place roofing materials, concrete, asphalt, rocks, dirt, or bricks at the Point of Collection for Solid Waste, Recycling, Brush, Yard Waste, or Bulky Waste.
- (m) It shall be unlawful for any Person to place tires, tire and wheel combinations, automotive parts, oil, or oil filters, or any other Special Waste, Hazardous Waste or Excluded Waste at the Point of Collection for Solid Waste, Recycling, Brush, Yard Waste, or Bulky Waste.
- (n) It shall be unlawful for any Person to place drugs, medication, x-ray material, or pharmaceutical waste at the Point of Collection for Solid Waste, Recycling, Brush, Yard Waste, or Bulky Waste.
- (n) It shall be unlawful for any Person to collect, take, or remove any Refuse, Rubbish, Solid Waste, or Recyclable Materials, or any other discarded items placed in Containers or Carts at the Point of Collection or otherwise placed at the Point of Collection. This prohibition applies to any activity related to searching through, picking up, or taking items from Containers, Carts, or Collection Points intended for Collection as Solid Waste or Recycling.
- (o) It shall be unlawful for any Person to stop, stand, or park a vehicle or trailer on public or private property in a manner that interferes with or prevents access to the Point of Collection by the Designated Contractor to Collect Solid Waste or Recycling from a Container or Cart. For the purposes of this section, if any vehicle is found to be in violation of this section, and the identity of the driver cannot be determined, the owner or Person in whose name such vehicle is

registered is presumed to be the Person who stopped or parked the vehicle or trailer at the time and place the offense occurred. A premium Collection Service fee may be charged for any blocked Containers or Carts and any late setouts and Solid Waste and/or Recycling may not be Collected.

Sec. 86-38. - Diversion of Recyclable Materials.

- (a) Any Person may remove Recyclable Material from the Residential Service Unit in which they reside; provided that the Recyclable Materials are secured as required for Refuse in Section 86-36.
- (b) It shall be unlawful for any Person, including, without limitation, a Resident or a Commercial Customer, to cause the diversion of Recyclable Materials at, from or to any location within the Service Area in violation of state law.
- (c) No Person, including, without limitation, a Resident or Commercial Customer, may contract for the Collection and diversion of Recyclable Materials with a Person who is not the Designated Contractor or a Permitted Hauler in compliance with Section 86-35.

Sec. 86-39. - Wastes from tree-trimming operations.

It shall be the duty of any Person employing a contractor, tree-trimmer, or other Person to trim or prune trees or shrubs to have said trimmings removed from their Premises at their own individual cost and expense. Such trimmings will not qualify for weekly Yard Waste Collection Service.

Sec. 86-40. - Applicability of state law.

The provisions of this Chapter are adopted pursuant to Tex. Health & Safety Code Chapters 363 and 364.

- (a) Chapter 363 of the Texas Health & Safety Code authorizes a City to:
 - (1) Adopt rules for regulating Solid Waste Collection, handling, transportation, storage, processing, and disposal (Tex. Health & Safety Code § 363.111(a));
 - (2) Ensure that Solid Waste Collection Services are provided to all Persons in its jurisdiction by a public agency or private Person (*Id.* § 363.113);
 - (3) Offer Recycling Collection Service to Persons in its jurisdictional boundaries and charge fees for that service (*Id.* § 363.114);
 - (4) Enter into contracts to enable it to furnish or receive Solid Waste Collection Services on the terms considered appropriate by the City Council (*Id.* §§ 363.116(a), 363.117); and
 - (5) Fund Solid Waste Collection Services by various means (*Id.* § 363.119).
- (b) Chapter 364 of the Texas Health & Safety Code authorizes a City to:

- (1) Contract with other public entities or a private contractor to furnish Solid Waste Collection Services (Tex. Health & Safety Code § 364.031);
- (2) Offer Solid Waste Collection Services to Persons in its territory, require the use of the Collection Services by those Persons, charge fees for the Collections Services, and establish the Collection Service as a separate utility (*Id.* § 364.034); and
- (3) Enter into an agreement for the collection of unpaid Solid Waste Collection Services fees (*Id.* § 364.037).

Sec. 86-41. - Enforcement.

The provisions of this Chapter shall be enforced by the Director of Public Works, and it shall be unlawful for any Person to interfere with or hinder the Director of Public Works in the exercise of their duties under this Chapter. The Director of Public Works is authorized to enforce the provisions of this Chapter relating to Solid Waste and Recycling Collection Services. This authority includes inspecting Carts, Containers and Premises, as well as issuing immediate citations to persons violating any provision of this Chapter and taking such other actions as may be required to protect the public health, safety and welfare subject to the requirements of Texas law.

Sec. 86-42. - Offense.

- (a) Any Person violating or failing to comply with any provision or requirement of this Chapter, who continues to violate or fails to comply with same, shall also be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed \$2,000.00, such offenses listed herein being violations of the health and safety ordinances of the City. A separate offense shall be deemed committed upon each day or portion of a day during or on which a violation or failure to comply occurs or continues to occur. This section shall be in addition to and cumulative of the provisions for abatement by the City of any Nuisance created by the violation of this ordinance and the charging of the cost of abatement of said Nuisance against the owner of the property.
- (b) Notwithstanding the foregoing, any violation of any provision of this Chapter which constitutes an immediate danger or threat to the health, safety and welfare of the public may be enjoined in a suit brought by the City for such purpose.
- (c) In addition to any other remedies or penalties contained herein, the City may enforce the provisions of this article pursuant to the applicable provisions of Tex. Loc. Gov't Code ch. 54, which chapter provides for the enforcement of municipal ordinances.
- (d) Allegation and evidence of a culpable mental state is not required for the proof of an offense defined by this article.

Sec. 86-43. – Ownership of Solid Waste and Recyclable Materials.

Solid Waste and Recyclable Materials placed in or adjacent to a Solid Waste or Recycling Materials Container or Cart for Collection become the property of the entity that issued the Container or Cart.

Sec. 86-44. - Door Side Trash and Recycling Cart Collections Assistance

A Person living in a single-family Residential Service Unit who is mobility impaired or visually impaired and unable to move their Residential Solid Waste and Recycling Carts to the Point of Collection may request permission to place their Residential Solid Waste and Recycling Carts just outside their front door or garage door for Collection ("Door Side Collection Assistance"). The Person shall file a request for permission to establish Door Side Collection Assistance with the Director of Public Works and the Person shall not be charged a fee for the application. The application shall contain the following:

- (1) A confirmation that the Person requiring Door Side Collection Assistance (or the Person submitting the request on their behalf) suffers from a disability (such as vision or mobility impairment) which substantially interferes with their ability to place the Residential Solid Waste and Recycling Carts at the Point of Collection;
- (2) A statement from the Person requiring Door Side Collection Assistance that the request is both reasonable and necessary. A request under this Section is "necessary" if no member of the Person's household (or Residential Service Unit) is physically able to place the Cart(s) at the Point of Collection and if without the Door Side Collection Assistance, the Person will be unable to place their Residential Solid Waste and Recycling Carts at the Point of Collection; and
- (3) Verification signed by a physician licensed in the State of Texas verifying that the Person suffers from a disability that limits their ability to place the Cart(s) at the Point of Collection. For the application to be valid the physician must be the one to submit the verification form.

If the request for Door Side Collection Assistance is granted, the Person's Residential Solid Waste Cart and Recycling Cart shall be placed for Collection in a location approved by the Director of Public Works which is easily accessible to the Designated Contractor and not located within a fenced area, walled or screened area, garage, or inside a Residential Service Unit. A renewal notice may be sent annually to Persons receiving Door Side Collection Assistance which shall be promptly returned to the Director of Public Works in order to verify the Person's continued qualification for Door Side Collection Assistance.

- (4) Door Side Collection Assistance applies to Solid Waste and Recycling Cart assistance and does NOT include support for Brush, Bulky Material, HHW, electronics recycling, or any other program.
- (5) Persons who receive Door Side Collection Assistance grant the City and the Designated Collection Contractor permission to enter their Property to Collect from the Carts.
- (6) Door Side Collection Assistance will last for a period of one (1) year from acceptance into the Door Side Collection Assistance program. A reminder to reapply will be sent at least 60 days prior to expiration.

Section 3. **AMENDMENT OF APPENDIX A, “SCHEDULE OF FEES,” IN PART, BY ADOPTING CERTAIN FEES IDENTIFIED IN SECTION 86-27 OF CHAPTER 86**

From and after the effective date of this Ordinance, Appendix A, “Schedule of Fees,” is hereby amended by adding certain additional classes of fees related to Section 86-27 in addition to the fees that were adopted by the City Council by and through Ordinance No. 2024-09-069, adopted on September 3, 2024, to read as follows:

Appendix A, Section 86-27. Residential Collection regulations

(c) Late setout premium Collection fee (per occurrence) \$50.00

Section 4. **AMENDMENT OF APPENDIX A, “SCHEDULE OF FEES,” IN PART, BY ADOPTING CERTAIN FEES IDENTIFIED IN SECTION 86-32 OF CHAPTER 86**

From and after the effective date of this Ordinance, Appendix A, “Schedule of Fees,” is hereby amended by the addition of fees related to Section 86-32 to read as follows:

Appendix A, Section 86-32. Collection fees in the Downtown Business District (Rate Structure for Individual Occupants within a Building - Year 1)

DBD Monthly Rate

SIZE CLASSIFICATION	Small (R1)	Medium (R2)	High (R3)	Exceptions
MONTHLY COLLECTIONS FEE	\$28.48	\$62.85	\$109.00	Rate Individually Assessed
SIZE AND TYPE OF USE¹	Small Service Uses	Small Restaurant Uses Without Alcohol Sales	Large Restaurant Uses Without Alcohol Sales	Hotel Uses
	Medium Service Uses	Medium Restaurant Uses Without Alcohol Sales	Medium Restaurant Uses With Alcohol Sales	Mixed Business Uses
	Small Office Uses	Small Restaurant Uses With Alcohol Sales	Large Restaurant Uses With Alcohol Sales	Specialty Uses
	Medium Office Uses	Medium Retail Uses	Large Retail Uses	Residential Uses
		Large Office Uses		
		Small Retail Uses		
		Large Service Uses		

DBD Types of Uses

¹ **Mixed Business Uses:** If a business includes two or more different types of uses (e.g., retail and restaurant), the Mixed Business Use will be charged at the higher rate.

The types of uses for occupants of buildings in the DBD are generally grouped together and classified as follows:

1. **Service/Office Uses:** Office space or service-related businesses (e.g., barber shop, travel agent, law office, small IT consulting, real estate agency).
2. **Retail Uses:** Businesses involving the sale of products directly to end consumers (e.g., boutique, antique shop, floral shop).
3. **Restaurant Uses:** Commercial establishments where food and non-alcoholic beverages are prepared and served and/or alcoholic beverages are also served (e.g., coffee shops, donut shops; sandwich shops, specialty food shops, and full-scale or limited menu restaurants;).

In addition, the following uses are identified as separate from the groups of classifications identified above and are analyzed separately and distinctly upon request:

1. **Hotel Uses:** High regardless of square footage.
2. **Church Uses:** Medium regardless of square footage.
3. **Residential Uses:** Low rate charged per dwelling unit.

Please note that the impacts of the maximum occupancy rates for the uses classified herein have not yet been fully studied and determined and included in these charts. Those impacts will be further evaluated and may be included in the future to more specifically narrow down or modify the groupings identified, the impacts of each grouping or classification and increase or decrease the fees for such groupings.

OFFICE USES			
Size Classification	Small	Medium	Large
Square Footage	< 2,000 sq ft	2,001 - 4,500 sq ft	4,502 - 11,000 sq ft
Occupancy Limit	TBD	TBD	TBD
Monthly Solid Waste Fee	\$28.48	\$28.48	\$62.85

RESTAURANT USES WITHOUT ALCOHOL SALES			
Size Classification	Small	Medium	Large
Square Footage	< 2,000 sq ft	2,001 - 4,500 sq ft	4,502 - 11,000 sq ft
Occupancy Limit	TBD	TBD	TBD
Monthly Solid Waste Fee	\$62.85	\$62.85	\$109.00

RESTAURANT USES WITH ALCOHOL SALES			
Size Classification	Small	Medium	Large
Square Footage	< 2,000 sq ft	2,001 - 4,500 sq ft	4,502 - 11,000 sq ft
Occupancy Limit	TBD	TBD	TBD
Monthly Solid Waste Fee	\$62.85	\$109.00	\$109.00

RETAIL SALES USES			
Size Classification	Small	Medium	Large
Square Footage	< 2,000 sq ft	2,001 - 4,500 sq ft	4,502 - 11,000 sq ft
Occupancy Limit	TBD	TBD	TBD
Monthly Solid Waste Fee	\$62.85	\$62.85	\$109.00

SERVICE USES			
Size Classification	Small	Medium	Large
Square Footage	< 2,000 sq ft	2,001 - 4,500 sq ft	4,502 - 11,000 sq ft
Occupancy Limit	TBD	TBD	TBD
Monthly Solid Waste Fee	\$28.48	\$28.48	\$62.85

Section 5. AMENDMENT OF APPENDIX A, “SCHEDULE OF FEES,” IN PART, BY ADOPTING CERTAIN FEES IDENTIFIED IN SECTION 86-35 OF CHAPTER 86

From and after the effective date of this Ordinance, Appendix A, “Schedule of Fees,” is hereby amended by the addition of fees related to Section 86-35 to read as follows:

Appendix A, Section 86-35. Permits for Private Haulers of Recyclable Materials

Annual Fee for Private Hauler’s Permit	\$500.00
Annual Fee for Generator’s Permit Per Location	\$250.00
Annual Fee for Renewal of Private Hauler’s Permit	\$500.00
Annual Fee for Renewal of Generator’s Permit Per Location	\$250.00
Fee to Restore Revoked Permit(s) (First Revocation)	\$500.00

Section 6. AMENDMENT OF APPENDIX A, “SCHEDULE OF FEES,” IN PART, BY ADOPTING CERTAIN FEES IDENTIFIED IN SECTION 86-37 OF CHAPTER 86

From and after the effective date of this Ordinance, Appendix A, "Schedule of Fees," is hereby amended by the addition of fees related to Section 86-37 to read as follows:

Appendix A, Section 86-37. Prohibited Acts

Premium Collection Services Fee for Carts or Containers
Blocked by a vehicle or trailer owned by the Person responsible
for the Blocked Carts or Containers (per occurrence) \$50.00

Section 7. **REPEALER CLAUSE**

This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances are in direct conflict with the provisions of this Ordinance and such ordinances shall remain intact and are hereby ratified, verified and affirmed.

Section 8. **SEVERABILITY CLAUSE**

If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any person or circumstance, is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the Ordinance, and the City Council hereby declares it would have passed such remaining portions of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 9. **RESERVATION OF EXISTING RIGHTS AND REMEDIES**

All rights and remedies of the City of McKinney are expressly saved as to any and all violations of the provisions of any Ordinances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 10. **IMMUNITY**

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of McKinney in the discharge of his duties, shall not thereby render himself personally liable; and he is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his said duties.

Section 11. **INJUNCTIONS**

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of McKinney in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of Ordinances, City of McKinney, Texas.

Section 12. **PENALTY**

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of McKinney, Texas, shall be punished by a fine not to exceed the sum of five hundred dollars (\$ 500.00) for each

offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

Section 13. PUBLICATION

The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of McKinney following the City Council's adoption hereof as provided by law.

Section 14. EFFECTIVE DATE

This Ordinance shall become effective from and after the date of its final passage and publication as provided by law, and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ON THE ____ DAY OF SEPTEMBER 2024.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER, Mayor
GERÉ FELTUS, Mayor Pro Tem

CORRECTLY ENROLLED:

EMPRESS DRANE, City Secretary
TENITRUS BETHEL, Deputy City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER, City Attorney