

**ORDINANCE NO. 3244**

**AN ORDINANCE AUTHORIZING AMENDMENTS TO SOLID WASTE, RECYCLING, AND CONVENIENCE STATION PROVISIONS, BY AMENDING SECTIONS 14-1 THROUGH 14-43 OF THE CODE OF ORDINANCES, CITY OF WAXAHACHIE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND SETTING AN EFFECTIVE DATE**

**WHEREAS**, the City Council of the City of Waxahachie (“City Council”) has authorized a third party contractor to provide solid waste and recycling services to residential, commercial and industrial customers within the corporate limits of the City; and

**WHEREAS**, the City Council has approved a new contract for solid waste and recycling services, which provides residential, commercial, and industrial customers with enhanced operational service delivery; and

**WHEREAS**, the enhanced services necessitate amendments to Chapter 14 of the City of Waxahachie Code of Ordinances; and

**WHEREAS**, the City operates a citizen’s convenience station to provide residents and non-residents, based on availability of space, an alternative location to dispose of solid waste, recyclable, and other acceptable materials; and

**WHEREAS**, operational changes at the convenience station necessitate amendments to Chapter 14 of the City of Waxahachie Code of Ordinances.

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

**Section 1.** The City Council finds that the recitals set forth above are true and correct, and said recitals are incorporated into this ordinance as if set forth in full.

**Section 2.** That if any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any person or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this 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. All ordinances of the City in conflict with the provisions of this ordinance are repealed to the extent of that conflict.

**Section 3.** This ordinance shall become effective on April 1, 2021.

Chapter 14 - GARBAGE AND TRASH<sup>[1]</sup>

ARTICLE I. - IN GENERAL

Sec. 14-1. - Definitions.

The following words and phrases shall, for the purposes of this chapter, have the meanings respectively ascribed to them:

**City.** City employees, or the city's contracted or authorized agent.

**Construction wastes.** Waste building materials resulting from construction, remodeling, repair, or demolition operations that are directly or indirectly the by-products of construction work or that result from the demolition of buildings or other structures, but specifically excluding inert debris, land-clearing debris, yard debris, or used asphalt, asphalt mixed with dirt, sand, gravel, rock, concrete, or similar materials.

**Class I nonhazardous solid waste.** Any industrial solid waste designated as class I by the executive director of the Texas Commission on Environmental Quality (TCEQ) as any industrial solid waste or mixture of industrial solid wastes which because of its concentration or physical or chemical characteristics are toxic, corrosive, flammable, a strong sensitizer or irritant, a generator of sudden pressure by decomposition, heat, or other means and/or may pose a substantial present or potential danger to human health or the environment when improperly processed, stored, transported, or otherwise managed, including hazardous industrial wastes.

**Garbage.** Municipal Solid Waste (MSW) consisting of putrescible or animal and vegetable waste materials resulting from the handling, preparation, cooking, and consumption of food, including waste materials from markets, storage facilities, handling and sale of produce and other food products, and all Dead Animals of less than ten pounds (10 lbs.) in weight, except those slaughtered for human consumption.

**Hazardous wastes.** Any solid waste identified or listed as a hazardous waste by the administrator of the United States 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.

**Household Hazardous Waste (HHW):** items which have been segregated from residential garbage and are designated as hazardous by the United States Environmental Protection Agency or the State of Texas and shall include, but not be limited to, outdoor insecticides and fertilizers, automotive products, household insecticides and maintenance chemicals, paint products and other items including electronics, small batteries, vehicle batteries, and lamps.

**Industrial wastes.** Solid waste resulting from or incidental to any process of industry or manufacturing, or mining or agricultural operations.

**Recycled materials or recyclables.** A material that has been recovered or diverted from the non-hazardous waste stream for purposes of reuse, recycling, or reclamation, a substantial portion of which is consistently used in the manufacture of products that may otherwise be produced using raw or virgin materials. Recyclable Material is not Solid Waste. However, Recyclable Material may become Solid Waste at such time, if any, as it is abandoned or disposed of rather than recycled, whereupon it will be Solid Waste, concerning the party abandoning or disposing of such material. Residential Recyclables include juice boxes, glass containers (clear, brown, green), tin-steel cans, paper board, cardboard, magazines, aluminum cans, newspapers,

junk mail, phone books, office paper, and plastics all codes (#1 through #7, except for # 6, which is Styrofoam products).

**Refuse.** 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, yard trimmings, leaves, or similar materials; noncombustible rubbish includes glass, crockery, tin cans, aluminum cans, metal furniture, and similar materials that will not burn at ordinary incinerator temperatures (1,600 degrees Fahrenheit to 1,800 degrees Fahrenheit).

**Rubbish.** Same as refuse.

**Solid waste.** Waste consisting of everyday items such as product packaging, grass clippings, furniture, clothing, bottles and cans, food scraps, newspapers, appliances, consumer electronics, and batteries. These wastes come from homes; institutions such as schools and hospitals; and commercial sources such as restaurants and small businesses. Municipal Solid Waste does not include municipal wastewater treatment sludges, industrial process wastes, automobile bodies, combustion ash, or construction and demolition debris. The term does not include source-separated recyclable materials.

**Special waste.** Waste that requires special handling and management due to the nature of the waste, including, but not limited to, the following: (A) containerized waste (e.g. a drum, barrel, portable tank, box, pail, etc.), (B) waste transported in bulk tanker, (C) liquid waste, (D) sludge waste, (E) waste from an industrial process, (F) waste from a pollution control process, (G) Residue and debris from the cleanup of a spill or release of chemical, or (H) any other waste defined by Texas law, rule or regulation as "Special Waste".

**Yard waste.** Accumulations of lawn, grass, or shrubbery cuttings or clippings, and dry leaf rakings, small tree branches (not to exceed 4 feet in length, nor 4 inches in diameter), bushes or shrubs, green leaf cuttings, fruits, or other matter usually created by refuse in the care of lawns and yards, except large branches, trees, bulky or non-combustible materials not susceptible to normal loading and collection in "load packer" type sanitation equipment used for regular collections from domestic households. No stacks, bags, bundles or containers shall exceed forty (40) pounds in total weight.

#### Sec. 14-2. - Littering prohibited—Generally.

- (a) It shall be unlawful for any person to throw, drop, cast or deposit upon any street, alley, sidewalk or any yard or premises, public or private, any filth of any kind, or cans, paper, trash, paper containers, rubbish, bottles or any other form of litter or waste matter.
- (b) It shall be unlawful for any person to throw, drop, cast or place any yard waste matter upon any street, street gutter or alley.

#### Sec. 14-3. - Duty of business owners, occupants.

- (a) The owner or occupant of any store or other place of business situated within the city shall exercise reasonable diligence at all times to keep his premises clean of wastepaper, wrapping paper, paper napkins, cartons, package containers and other used or waste

materials thrown or left on the premises by its customers, and to take reasonable measures to prevent same from drifting or blowing to adjoining premises.

- (b) Receptacles. Receptacles of sufficient size and number shall be placed on the premises accessible to the customers of such business for the disposition of articles of waste referred to above.
- (c) Signs. Each and every business establishment shall place upon its premises in conspicuous places in close proximity to the receptacles as above referred to, above signs which shall, in essence, convey to its customers a request that they use such receptacles for the disposal of waste material.

**Sec. 14-4. - Duty of customer.**

It shall be unlawful for any customer going upon the premises of another to in any manner dispose of wastepaper, wrapping paper, paper napkins, cartons, package containers and other used or waste materials except in receptacles provided for such purposes.

**Sec. 14-5. - Litter control.**

- (a) Definitions. For purposes of this section:

Containers are city manager approved metal, heavy-duty paper or plastic receptacles used for the disposal and storage of solid waste.

Litter is any quantity of paper, metal, plastic, glass or miscellaneous solid waste which may be classified as trash, debris, rubbish, refuse, garbage, junk, or yard waste matter that is not confined to a container.

Private property includes, but is not limited to, the following exterior locations owned by private individuals, firms, corporations, institutions or organizations: Yards, grounds, driveways, entranceways, passageways, parking areas, working areas, storage areas, vacant lots and recreation facilities.

Public property includes, but is not limited to, the following exterior locations: Streets, street medians, roads, road medians, catch basins, railroad rights-of-way, sidewalks, lanes, alleys, public rights-of-way, public parking lots, school grounds, municipal housing project grounds, municipal vacant lots, parks, beaches, playgrounds, other publicly-owned recreation facilities, and municipal waterways and bodies of water.

- (b) Regulations.

- (1) Pedestrians and motorists:

- a. It shall be unlawful for any person to throw, discard, place or deposit litter in any manner or amount on any public or private property within the corporate limits of the city, except in containers or areas lawfully provided therefore;
- b. In the prosecution charging a violation of subsection (b)(1)a. from a motor vehicle, proof that the particular vehicle described in the complaint was the origin of the litter, together with proof that the defendant named in the complaint was at the time of such violation the registered owner of said vehicle, shall constitute in evidence a presumption that the registered owner was the person who committed the violation;

- c. It shall be the duty of every person distributing commercial handbills, leaflets, flyers or any other advertising and information material to take whatever measures that may be necessary to keep such materials from littering public or private property;
  - d. It shall be unlawful for any person to dispose of garbage, refuse, solid waste, and/or special wastes in a city-owned waste container other than one under the users control or ownership without permission from the person, business, institution or organization leasing the container;
- (2) Vehicles transporting loose materials:
- a. It shall be unlawful for any person, firm, corporation, institution or organization to transport any loose cargo by truck or other motor vehicle within the corporate limits of the city unless said cargo is covered and secured in such manner as to prevent depositing of litter on public and private property;
  - b. The duty and responsibility imposed by subsection (b)(2)a. shall be applicable alike to the owner of the truck or other vehicle, the operator thereof, and person, firm, corporation, institution or organization from whose residence or establishment the cargo originated.
  - c. In the prosecution charging a violation of subsection (b)(2)a. lack of adequate covering and securing shall in itself constitute proof a violation has been committed;
- (3) Loading and unloading operations:
- a. Any owner or occupant of an establishment or institution at which litter is attendant to the packing and unpacking and loading and unloading of materials at exterior locations shall provide suitable containers there for the disposal and storage of such litter and shall make appropriate arrangements for the collection thereof;
  - b. Further, it shall be the duty of the owner or occupant to remove at the end of each working day any litter that has not been containerized at these locations;
- (4) Construction/demolition projects:
- a. It shall be unlawful for the owner, agent or contractor in charge of any construction or demolition site to cause, maintain, permit or allow to be caused, maintained or permitted the accumulation of any litter on the site before, during or after completion of the construction or demolition project;
  - b. It shall be the duty of the owner, agent or contractor to have on the site adequate containers for the disposal of litter;
  - c. The owner, agent or contractor may be required at any time to show proof of appropriate collection or, if transported by himself, of final disposition at an authorized facility;
- (5) Provision for solid waste disposal and storage facilities at new buildings:

- a. Before building permits shall be issued for construction of commercial buildings and multiple-dwelling units, a plan for the adequacy, location and accessibility of solid waste containerization and storage facilities must be approved by the Department of Building and Community Services
  - b. No certificate of occupancy shall be issued for said premises until the department's approval of these facilities has been obtained;
- (6) Keeping property clean:
- a. It shall be the duty of the owner, agent, occupant or lessee to keep exterior private property free of litter. This requirement applies not only to removal of loose litter, but to materials that already are, or become, trapped at such locations as fence and wall bases, grassy and planted areas, borders, embankments and other lodging points;
  - b. Owners, agents, occupants or lessees whose properties face on municipal sidewalks and strips between streets and sidewalks or abutting alleys shall be responsible for keeping those sidewalks, alleys and strips free of litter;
  - c. It shall be unlawful to sweep or push litter from sidewalks and strips into streets. Sidewalk and strip sweepings must be picked up and put into household or commercial solid waste containers;
  - d. It shall be unlawful for the owner, agent, occupant or lessee of private property to cause, maintain, permit or allow to be caused, maintained or permitted the accumulation of any litter on the exterior of private property.

Secs. 14-6—14-14. - Reserved.

## Article II. RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL WASTE AND RECYCLING COLLECTION

### Sec. 14-15. Exclusive Franchise Agreement

The city's contracted agent shall have the sole and exclusive franchise, license and privilege to provide residential, commercial, industrial, and construction garbage, refuse, rubbish, and solid waste collection, removal, and disposal services. The city's contracted agent shall also have the sole and exclusive franchise, license and privilege to provide residential collection, removal, and disposal services of recyclables within the corporate limits of the city, with the following exceptions:

- (a) A person may haul garbage, refuse, or recyclables, originating within his personal family dwelling unit to an approved disposal facility, providing his means of conveyance is approved by the Department of Building and Community Services as being sanitary and of a type that will prevent the spilling or leakage of its contents, littering, and the emanation of disagreeable odors.
- (b) The City may authorize the collection, removal, and disposal of all solid waste under such terms, conditions, and limitations deemed necessary in the interest of public health, safety, and welfare.

The city shall take any action necessary and appropriate to protect and enforce the contracted agent's exclusive franchise, license, and privileges from infringement by any vendor including but not limited to, civil suit and injunction against such parties.

#### Sec. 14-16. Base Residential Services

The city's contracted agent shall provide the following services to all residential units within the city limits. The following services are included in the base residential sanitation rate:

- (a) **Solid Waste Collection:** The city's contracted agent shall collect garbage, refuse, rubbish, and/or solid waste once a week. Materials must be placed, bagged or bundled, in a polycart, provided by the city's contracted agent, in such a manner that the polycart lid may be securely closed prior to collection. Yard waste is accepted in the general solid waste collection, however yard waste must be bagged or bundled, and must meet the definition of yard waste herein. Yard waste that cannot be placed inside the polycart may be collected with Brush and Bulk collection, provided the materials are bundled per the brush collection requirements and meet the requirements herein. Yard waste that cannot be placed bagged or bundled in a polycart or bungled as brush collection, may be bagged and placed outside of a polycart with a pink tag. The weight of a polycart and its contents shall not exceed approximately 170 lbs.
- (b) **Recyclable Collection:** The city's contracted agent shall collect recyclable materials every other week. Materials must be placed loose in a polycart, provided by the city's contracted agent, in such a manner that the polycart lid may be securely closed prior to collection. The weight of a polycart and its contents shall not exceed approximately 170 lbs.
- (c) **Household Hazardous Waste:** The city's contracted agent will collect household hazardous waste weekly, on a call in basis.
- (d) **Brush and Bulk Collection:** The city's contracted agent shall collect up to three combined cubic yards of brush and bulk weekly.
- (e) **Special Accommodations:** Individuals who are unable to place their solid waste and/or recyclable polycart(s) at their designated collection location, including but not necessarily limited to senior citizens or individuals with special needs, may make arrangements with the city's contracted agent for special collection accommodations. When such accommodations are made, the city's contracted agent will: 1) collect solid waste and/or recyclable polycart(s) that are easily accessible and stored at the side of a home behind the front build line; 2) empty the respective polycart(s) on the designated collection day; 3) and return the polycart(s) to the polycart(s) to their designated storage areas.

#### Sec. 14-17. Special Residential Services

The city's contracted agent shall provide the following services to all residential units within the city limits. Services are provided for an additional fee, at the then prevailing rate of the contacted agent's agreement with the city, above and beyond the base residential services rate:

- (a) **Pink Tags:** All solid waste and recyclables must be contained within their respective polycarts. Polycarts may not be overloaded, preventing lids from properly fitting and closing. It shall be unlawful to pile or stack loose, bundled, or bagged garbage, refuse, rubbish, and/or solid waste outside of a polycart without a Pink Tag. Residential units may purchase Pink Tags from the city's contracted agent for an additional fee beyond the base sanitation rate. Pink Tags must be placed on each bundle or bag of garbage, refuse, rubbish, and/or solid waste. Pink Tags may not be purchased for recyclable materials.
- (b) **Unusual Accumulation:** A special collection may be arranged by a residential unit with the city's contracted agent for an unusual accumulation of waste. A special collection of unusual accumulation may be collected by the city's contracted agent, for an additional fee beyond the base sanitation rate, after an inspection of the unusual accumulation is made by the city's contracted agent. The residential unit must contact the city's contracted agent to arrange an inspection date and time before the materials are placed at their designated collection location. It shall be unlawful for any customer to place any unusual accumulation at the designated collection location prior to 7:00 p.m. the day before the scheduled inspection.
- (c) **Additional Solid Waste and/or Recyclable Polycart(s):** Residential units may request additional solid waste and/or recyclable polycart(s) from the city's contracted agent. The city's contracted agent shall provide the residential unit with the additional polycart(s) for an additional fee beyond the base sanitation rate.

#### Sec. 14.18. Base Commercial and Industrial Services

The city's contracted agent shall collect garbage, refuse, rubbish, and/or solid waste from all commercial and industrial entities within the city limits. Small commercial entities may elect to have materials collected in either a polycart or a front load container. Large commercial and industrial entities must have their materials collected in front load or roll off containers. The frequency of collection and container size will be established by the entity based on need. Restaurants are required to arrange for collection at minimum three times per week.

#### Sec. 14.19. Hours of Operation

- (a) The city's contracted agent shall collect residential solid waste and recycling materials Monday through Friday between the hours of 7:00 a.m. and 7:00 p.m. In the event that a holiday falls on a Friday or there is a missed collection, the city's contracted agent will be authorized to collection residential solid waste and recycling materials on a Saturday between the hours of 7:00 a.m. and 7:00 p.m.
- (b) The city's contracted agent shall collect commercial and industrial solid waste materials Monday through Saturday between the hours of 5:00 a.m. and 7:00 p.m. If a commercial

or industrial entity is within 500 feet of a residence, the city's contracted agent shall collect the solid waste materials Monday through Saturday between the hours of 7:00 a.m. and 7:00 p.m.

#### Sec. 14.20. Duty to Provide Containers

- (a) The city's contracted agent shall provide a single 95 gallon polycart for solid waste collection, and a single 95 gallon polycart for recyclable collection for all residential units within the city limits. The cost associated with the polycarts will be reflected in the base residential services fee. An additional 95 gallon solid waste or recyclable polycart(s) may be provided for a residential unit for an additional monthly fee upon request. Residential polycarts shall remain at the location of the residential unit. If a polycart is lost, stolen, or damaged beyond repair, other than through general wear and tear, the resident will be assessed a \$70.00 replacement fee per polycart.
- (b) The city's contracted agent shall provide 95 gallon polycart(s) or front load containers of varying size for small commercial businesses, based on need. The cost associated with the polycarts or front load containers will be built into the base commercial and industrial services rates for small commercial businesses, based on the frequency of collection and container size. The city's contracted agent shall provide front load or roll off containers of varying size for large commercial or industrial businesses, based on need. The cost associated with the front load or roll off containers will be built into the base commercial and industrial services rates for large commercial or industrial businesses, based on the frequency of collection and container size.

#### Sec. 14-21. Placement, Storage, and Maintenance of Residential Containers

- (a) Where streets are used by collection trucks, solid waste and recycling polycarts shall be placed adjacent to and back of the curb or adjacent to and back of the ditch if there is not a curb.
- (b) Where alleys are used by collection trucks, solid waste and recycling polycarts shall be placed on the alley line and must not be so placed as to intrude upon the traveled portion of the alley.
- (c) All solid waste and recycling polycarts shall be placed at the herein prescribed locations not later than 6:45 a.m. on the day of their scheduled collection. It shall be unlawful for any customer to place any solid waste or recycling polycarts at the prescribed location prior to 7:00 p.m. the day before the scheduled collection. All polycarts shall be collected from their prescribed location no later than 9:00 p.m. of the day of collection.
- (d) All solid waste and recyclables must be contained within their respective polycarts. Polycarts may not be overloaded to prevent the lid from properly fitting and closing. It shall be unlawful to pile or stack solid waste outside of a polycart without a pink tag.

- (e) Solid waste and recycling polycarts may be stored in a garage, carport, outbuilding, backyard, or on the side of a residential unit behind the front build line. For the purpose of this ordinance the front build line is defined as the side of the residential unit on which the polycarts are being stored, closest to the street. Special screening is not required for polycarts, regardless of where they are stored.
- (f) Solid waste and recycling polycarts should be maintained, by the owner, agent, occupant, and/or lessee of a residential unit, in as sanitary a condition as possible. Such maintenance shall include, but will not be limited, to thoroughly washing, scalding, and/or disinfecting the polycarts.
- (g) The city's contracted agent shall be responsible for providing physical maintenance to ensure the proper function of all solid waste and recycling polycarts.

#### Sec. 14.22. Placement, Storage, and Maintenance of Commercial and Industrial Containers

- (a) Commercial and industrial solid waste dumpster, roll off and similarly sized containers must be placed on private property, may not obtrude or protrude into the city's right of way, must not be placed in the visibility triangle, and must be screened if required and as required by the city's zoning ordinance.
- (b) Commercial and industrial polycart containers must be stored in an area that is not visible from the right of way or must be screened to prevent visibility from the right of way by fencing material or landscaping acceptable by the city's zoning ordinance.
  - a. Polycarts shall be placed in a location that is accessible for the city's contracted agent to collect the containers. Polycarts may not be in a location that result in traffic congestion or that would result in a public safety concern through their collection by the city's contracted agent.
  - b. Polycarts shall be placed at the herein prescribed locations not later than 4:45 a.m. on the day of their scheduled collection. It shall be unlawful for any customer to place any polycarts at the prescribed location prior to 9:00 p.m. the day before the scheduled collection. All polycarts shall be collected from their prescribed location no later than 9:00 p.m. of the day of collection.
- (c) Commercial and industrial containers shall be maintained, by the owner, agent, occupant, and/or lessee of the commercial or industrial entity, in as sanitary condition as possible. Such maintenance shall include, but will not be limited, to thoroughly washing, scalding, and/or disinfecting the containers.
- (d) Commercial and industrial customers shall contact the city's contracted agent regarding the maintenance or replacement of any container that has deteriorated or that has jagged edges capable of causing injuries to those whose duty it is to handle the container or those who may come in contact with the container. It shall be the responsibility of the city's contracted agent to repair or replace such damaged containers.

#### Sec. 14.23. Placement of Residential Brush and Bulk

- (a) Brush and bulk items shall be placed at the curb to facilitate removal of the same. Brush and bulk items will not be collected from an alley, regardless if solid waste and recycling materials are collected from the alley.
- (b) Brush and bulk items shall be limited to a total of three combined cubic yards.
- (c) Brush may include any cuttings or trimmings from trees, shrubs, or lawns, including green waste. Limbs must not exceed four (4) feet in length and not exceed four (4) inches in diameter. All Brush must be bagged or bundled and may be stacked in such a way as to allow safe lifting by the employee into the collection vehicle. No stacks, bags, bundles or containers shall exceed forty (40) pounds in total weight.
- (d) All appliances containing refrigerants must be tagged certifying that all refrigerants have been removed by a certified refrigerant technician before their placement for collection.

#### Sec. 14.24. Placement of Residential Pink Tagged Materials

- (a) A pink tag must be placed on every bundle or bag of garbage, refuse, rubbish, or solid waste placed outside of the solid waste polycart that is not a brush or bulk item or a special accumulation collection.
- (b) An individual pink tag is required for each individual bundle or bag of garbage, refuse, rubbish, or solid waste placed outside of a polycart.
- (c) Where streets are used by collection trucks, bundles or bags of garbage, refuse, rubbish, or solid waste with an accompanying pink tag, shall be placed adjacent to and back of the curb or adjacent to and back of the ditch if there is not a curb. Pink tagged items must be placed out on the residential unit's regularly scheduled solid waste collection day.
- (d) Where alleys are used by collection trucks, bundles or bags of garbage, refuse, rubbish, or solid waste with an accompanying pink tag, shall be placed on the alley line and must not be so placed as to intrude upon the traveled portion of the alley. Pink tagged items must be placed out on the residential units regularly scheduled solid waste collection day.

#### Sec. 14.25. Placement of Residential Unusual Accumulation

- (a) Unusual accumulation of waste materials shall be placed adjacent to and back of the curb or adjacent to and back of the ditch if there is not a curb. Unusual accumulation will not be collected from an alley, regardless if solid waste and recycling materials are collected from the alley.
- (b) Unusual accumulations of waste must be bundled or bagged, unless the materials are a bulk item or items.

- (c) Unusual accumulations of waste are not required to be placed out on the residential unit's regularly scheduled solid waste collection day.

#### Sec. 14.26. Placement of Residential Household Hazardous Waste

- (a) Household hazardous waste may be placed at either the front porch of the residential unit or placed adjacent to and back of the curb or adjacent to and back of the ditch if there is not a curb. Household hazardous waste will not be collected from an alley, regardless if solid waste and recycling materials are collected from the alley.
- (b) Household hazardous waste left at the front porch of a residential unit may be left loose, if not at risk for being blown away, or placed in an open container or clear plastic bag.
- (c) Household hazardous waste left adjacent to and back of the curb or adjacent to and back of the ditch shall be placed in an open container or clear plastic bag and may not be left loose.
- (d) Household hazardous waste shall be placed at the herein prescribed locations not later than 7:45 a.m. on the regularly scheduled collection date. It shall be unlawful for any customer to place any household hazardous waste at the prescribed location prior to 7:00 p.m. the day before the scheduled collection.

#### Sec. 14.27. Dead Animals

Small dead animals, of a weight less than 10 pounds, may be placed in the standard solid waste collection. Dead animals 10 pounds or greater may not be placed in the standard solid waste collection. The person owning or in possession of dead animals 10 pounds or greater shall be responsible for their prompt disposal in such manner as the Animal Services Department may direct. Any person having knowledge of the existence of a dead animal should telephone or otherwise immediately notify the Animal Services Department.

#### Sec. 14.28. Fees

The fees to be charged by the city for the collection, removal and disposal of solid waste, garbage, rubbish, refuse, and residential curbside recycling shall be as determined by the city council based on the contracted rate provided by the contractor to the city and increased annually according to the Consumer Price Index (CPI) for all Urban Consumers (published by the United States Bureau of Labor Statistics, Consumer Price Index, U.S. City Average, All Urban Consumers, Garbage and Trash Collection). A listing of these rates and fees will be held on file with the Department of Building and Community Services and on file in the office of the City Secretary. Residential dwelling units which are served with city water service shall be responsible for the billing, charges for garbage, trash, and recycling and shall be billed with the monthly water bill for such services. Those residential dwelling units who are not served with city water service, but are located within the jurisdictional city limits shall be billed separately for garbage, trash, and recycling service.

- (a) Residential Rates: Base service fees include once per week solid waste collection, every other week recycling collection, weekly household hazardous waste collection, and weekly brush and bulk collection (limited to 3 cubic yards collectively). The charge shall be mandatory.
- (b) Multiple Unit Rates: Residential customers occupying multiple residential units on one (1) water meter (such as duplexes, triplexes, etc.) will be charged per unit. The charge shall be mandatory.
- (c) Commercial and Industrial Rates: Base service fees include solid waste collection, with varying collection frequencies and container sizes, based on the needs of the commercial or industrial entity. Base service fees do not include recyclable collection. The charge shall be mandatory.
- (d) Senior Citizens Discount: Each resident who is age sixty-five (65) or older qualifies for a 10% discount on their monthly bill. The resident must show a valid photo ID that states their date of birth.

#### Sec. 14.29. Penalty for Violations

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction shall be fined an amount not to exceed two thousand dollars (\$2,000.00). Each and every day the violation exists shall constitute a separate offense.

Secs. 14-309—14-37. - Reserved.

### ARTICLE III. - CITIZEN'S CONVENIENCE STATION

Sec. 14-38. - Access restricted.

- (a) The main purpose of the citizen's convenience station is to provide the city's residents a place to dispose of solid waste and recyclable materials that cannot be collected by their curbside or alley service. Non-residents, commercial service companies, and/or businesses may utilize the citizen's convenience station as space dictates. Availability of space will be determined by the convenience station attendant. During times of limited space, access may be denied in order to provide available space to the city's residents.
- (b) Construction waste will be accepted from city residents. Construction waste from non-city residents will not be accepted. Construction waste originating from materials hauled from commercial establishments, multi-family residential property, or other similar sites will not be accepted. Construction waste not accepted includes but not limited to inert debris, land-clearing debris, yard debris, or used asphalt, asphalt mixed with dirt, sand, gravel, rock, concrete, or similar materials. Wood fencing, free of concrete or other similar base material, will be accepted limited to 50 feet per visit.

(c) The convenience station may be closed during times of inclement weather and during all observed city holidays.

Sec. 14-39. - Fees.

- (a) Service fees for the handling, compaction, disposal, or otherwise processing of refuse brought to the city's convenience station shall be charged for according to the bulk, nature of refuse, and difficulty of handling, compaction, or disposal based on the fee chart below. General refuse shall include solid waste and other materials that can be readily compacted and reduced in size without special handling with the exception of Class I nonhazardous waste, hazardous waste, and special waste.
- (b) Tree limbs, brush, and hedge trimming disposal. City residents may dispose of tree limbs, brush, and hedge trimmings for free as long as no solid waste of any kind is mixed in with the load. Individuals and/or businesses who operate a tree trimming service are not allowed this free service.
- (c) Tree limbs, brush, hedge trimmings brought to the convenience station by tree trimming businesses or non-residents shall be charged based on the fee chart below. Loads mixed with solid waste will not be accepted.

	Residents	Non-residents, Commercial Service Companies, and/or Businesses
30-gallon plastic bags, bagged	No Charge (limit 10 bags per week)	\$2.00 per bag (limit 10 bags per week)
General refuse	\$5.00 per cubic yard	\$15.00 per cubic yard
Tree limbs, brush, and hedge trimmings	Free (no-limit)	\$10.00 per cubic yard (minimum charge of \$20.00)
Construction waste	\$10.00 per cubic yard	Not accepted
Kitchen ranges, washers, water heaters, box springs, mattresses, dryers	\$10.00 per unit	\$20.00 per unit
Recycling items	(one cubic yard free) \$1.00 per additional cubic yard	Not accepted

Automobile or truck tires	3.00 (\$6.00 with rim)
Tractor truck tires	\$20.00 (\$30.00 with rim)

**ARTICLE IV. - PRIVATE COMMERCIAL AND INDUSTRIAL REFUSE SERVICE**

**Sec. 14-40. - Definitions.**

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

**Commercial or industrial recyclables.** Materials diverted or removed from the waste stream which can be sold in a spot or future market and that may be reused, and a substantial amount of the materials is consistently utilized to manufacture a product which otherwise would have been produced using virgin materials. Recyclables include but are not limited to, newsprint, magazines, plastic bottles, glass containers, aluminum and other metals. Where commercial and industrial recyclables are mixed with solid waste in containers intended for disposal, for purpose of this agreement such combined materials shall be considered solid waste.

**Commercial/industrial solid waste service.** Any service provided by any person to collect, for a fee, refuse, garbage, trash, solid waste, junk, building waste, Class I nonhazardous solid waste, industrial waste, hazardous waste, special waste, and/or yard waste from commercial or industrial businesses.

**Person.** Any person, firm, partnership, association, corporation, company, or organization of any kind.

**Private waste hauler.** A person, firm, partnership, association, corporation, company, or organization that engages in the collection and/or disposal of solid waste for a fee.

**Solid waste.** All waste generated by any producer of residential, commercial, industrial, or construction solid waste resulting from either household waste or incidental to any process of industry, manufacturing, construction, mining, or agricultural operations, excluding hazardous waste.

**Sec. 14-41. - City responsible for regulating proper collection and disposal of all commercial/industrial solid waste service.**

The director of Building and Community Services shall have the responsibility to oversee the proper collection, removal, and disposal of all solid waste and commercial or industrial recyclables generated by a business (including commercial and industrial) in the city to ensure the health and safety of all citizens, employees, and/or persons. The director may require registration of commercial or industrial recyclables.

**Sec. 14-42. - Requirements of businesses (commercial and/or industrial).**

- (1) Any business, firm, partnership, association, corporation, company, and/or organization shall be required to provide the department of Building and Community Services any information necessary concerning the collection, handling and disposal of their solid waste and commercial or industrial recyclables, including but not limited to the following information:
  - (a) Amounts and types of solid waste generated, handled and/or serviced.
  - (b) The types and amounts of commercial or industrial recyclables to be generated.
  - (c) Where the solid waste and commercial or industrial recyclables are to be disposed of on the premises.
  - (d) And any other information the Department of Building and Community Services deems necessary to insure proper collection, handling, and/or disposal of solid waste.
- (2) Commercial and industrial businesses shall separate solid waste from commercial or industrial recyclables for purposes of disposal. Materials intended for disposal shall be placed in separate containers, which in the case of solid waste shall be provided by the city's contract agent.

Sec. 14-43. - Penalty for violation.

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction shall be fined an amount not to exceed two thousand dollars (\$2,000.00). Each and every day the violation exists shall constitute a separate offense.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, ON THIS THE 4<sup>th</sup> DAY OF JANUARY, 2021.**



A handwritten signature in blue ink, which appears to read "David Hill", is written over a horizontal line.

David Hill, Mayor

**ATTEST:**

A handwritten signature in blue ink, which appears to read "Amber Villarreal", is written over a horizontal line.

Amber Villarreal, Assistant City Secretary