

ORDINANCE NO. 18-3229

AN ORDINANCE AMENDING CHAPTER 102. "SOLID WASTE" OF THE CITY OF BEDFORD CODE OF ORDINANCES; REPEALING ALL ORDINANCES IN CONFLICT HERewith; CONTAINING A PENALTY CLAUSE; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Bedford, Texas desires to update Chapter 102. "Solid Waste" to conform with updated practices in solid waste and recycling collection; and,

WHEREAS, the updates to Chapter 102. "Solid Waste" will align with the City's franchise agreement with Republic Services for solid waste and recycling services, and with practical enforcement by Code Compliance staff.

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

SECTION 1. That the findings above are found to be true and correct, and are incorporated herein.

SECTION 2. That Chapter 102. "Solid Waste" of the City of Bedford Code of Ordinances shall read in its entirety as follows:

CHAPTER 102. – SOLID WASTE

ARTICLE I. - IN GENERAL

Sec. 102-1. - 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:

Brush means tree trimmings, weeds, large hedge trimmings and trees not to exceed three inches in diameter, and cut in lengths not to exceed four feet.

Garbage means all animal and vegetable matter, food containers, ashes, paper, small hedges and lawn trimmings, rubbish, trash, waste material and refuse from kitchens, residences, grocery stores, cafes, drugstores, garages and all other commercial establishments.

Sec. 102-2. - Containers—Required.

- (a) Every owner, occupant, tenant or lessee using or occupying any building or structure within the city for church, school, lodge, commercial, business or other purposes must provide and maintain garbage cans and receptacles of substantial material and of sufficient number and size to hold the garbage and trash that will normally accumulate on the premises.
- (b) Containers placed on the curb for garbage collection must be in plastic bags or a similar suitable paper container or a throwaway container. All garbage must be securely tied or closed to prevent the scattering of garbage by the elements. Plastic bags may be placed inside garbage cans of up to 32 gallons in size to protect against wildlife and elements, but must be tied and able to be lifted easily from the container.

Sec. 102-3. - Same—Location.

Garbage containers from houses, buildings and premises used for residential purposes maintained in accordance with section 102-2 shall be located on the premises within those boundaries established by the building lines and easements of such property, maintained in accordance with section 54-70. It shall be unlawful for any person to construct or maintain any

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installation for placement of garbage containers extending beyond the building lines and into any easement or any public premises within the corporate limits of the city.

Sec. 102-4. - Dumping illegally.

It shall be unlawful for any person to sweep, throw or deposit any garbage, dirt, concrete, rocks, dead animals or brush into, upon or along any drain, gutter, alley, sidewalk, street or vacant lot or field, or upon any public or private premises within the corporate limits of the city.

Sec. 102-5. - Disposal of building and general cleanup refuse.

Rock, brick, waste, building materials or other refuse resulting from building or remodeling operations or a general cleanup of vacant or improved property will not be removed by the city as a regular service, but may be arranged as a special collection, as provided in section 102-39. The owner or occupant may personally remove such waste or may arrange for removal of such waste by the city but may not utilize the services of a private collector.

Sec. 102-6. - Disposal of dead animals.

Dead animals must not be placed in garbage containers. Heavy dead animals, such as cows, horses and mules, will not be included in the service by the city, but must be disposed of by the owner or person having charge of any such animal, at his own expense, in the manner and by the method specified by the animal control officer of the city.

Sec. 102-7. - Placement of brush, garbage and recycling carts for collection.

- (a) All residential brush and garbage to be collected by the city shall be placed between the curb line and the sidewalk, or if there is no sidewalk, as near as possible to the curb line of the property where the items originated.
- (b) No brush or garbage shall be placed in or upon any street or gutter.
- (c) Recycling carts shall be placed at the curb or within two feet of the edge of the street. The handle should be facing the property, with no obstructions on any side.

Sec. 102-8. - Unlawful accumulation or disposal generally.

The accumulation or disposal of garbage or brush in any manner other than designated by the terms of this chapter in any place within the city is prohibited.

Sec. 102-9. - Littering prohibited.

It shall be unlawful for any person to litter any public or private property, whether improved or unimproved, by throwing, placing or otherwise depositing thereon any cans, bottles, glass, garbage, paper or other garbage.

Sec. 102-10. - No limit on plastic bags.

There is no limit on the number of plastic bags which may be placed on the curb for collection.

Sec. 102-11. - Franchise to collect garbage; fee.

- (a) Application for a permit to collect garbage, refuse, trash or rubbish, or any kind of junk within the city limits, shall be made in writing to the city council and shall set forth the

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name and address of the applicant, the trade name under which applicant does or proposes to do business, the number, kind and size of vehicles the applicant proposes to operate, the nature and character of service that the applicant proposes to render, rates to be charged for such service, facts showing the demand for such service, location of dumping grounds, and applicant's financial ability to respond in damages in the event of injury to persons or damage to property, by reason of negligence of employees, or negligent operation of motor vehicles.

- (b) All licensees receiving a permit or contract to collect garbage, trash, rubbish, or any kind of junk on a regular basis within the city limits shall be required to furnish to the city either negotiable bonds, securities or cash in escrow in such an amount as may be required by the city council to indemnify the city for any and all damages sustained by the city, growing out of, or by reason of a breach of any agreement or the provisions of any contract or permit issued and shall further furnish such city certificates of insurance, in such amount as may be required by the city council, designating therein the city as coinsured, indemnifying the city for any and all damages that may be sustained by reason of injury to persons or damage to property due to negligence of the contractor or the permittee or contractor's employees or negligent operation of motor vehicles operated by such contractor or permittee and contractor's employees.

Secs. 102-12—102-35. - Reserved.

ARTICLE II. - CHARGES FOR CITY COLLECTION

Sec. 102-36. - Part of utility bill.

All charges for garbage or recycling services shall be billed along with and as part of the city utility bill. The city utility bill shall be one bill for all purposes and shall be payable in one lump sum to the city.

Sec. 102-37. - Residential rates.

Garbage from houses, buildings and premises used for residential purposes will be collected and removed twice each week. The fair and reasonable rate for such garbage collection will be set by ordinance of the city council as set forth by the charter of the city. Duplex apartments are defined as two or more residences. Apartments are defined as two or more residential units served by a common water meter.

Sec. 102-38. - Commercial rates.

The fair and reasonable rate for pickup of garbage at business premises shall be at the rates and times set forth by ordinance of the city council as set forth by the charter of the city.

Sec. 102-39. - Rates for special trips.

Special trips will be made for the purpose of collecting and disposing of brush, trees, tree trimmings, building scraps and other types of debris at the rates set forth by ordinance of the city council as set forth by the charter of the city.

Sec. 102-40. - No extra charge for household furniture and appliances.

Household furniture and appliances will be picked up at no extra charge. Arrangements for pick-up must be made by contacting the garbage collection franchisee.

Sec. 102-41. - Hours for garbage and recycling bin placement and collection.

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- (a) No person shall set out garbage or recyclable materials for collection earlier than 6:00 p.m. on the day prior to the scheduled collection day for that location.
- (b) No person shall leave a garbage container or recyclable materials cart out more than 24 hours after 7:00 p.m. of the scheduled collection day for that location.
- (c) The collection of recyclable materials shall not start before 7:00 a.m. or continue after 7:00 p.m. on the same day except in cases of emergency as determined by agreement of the city and the recycling franchisee.
- (d) The collection of garbage shall not start before 7:00 a.m. or continue after 11:00 p.m. of the same day as provided in section 54-36(8).

Sec. 102-42. - Prohibition of scavenging recyclable materials.

- (a) No person, other than the current resident of the property on which the items are placed, or a carrier authorized by the city, shall remove, pick up, or transfer recyclable materials left at curbside in any residential area. Recyclable materials left at curb side in either specifically marked recovery containers or any other type of container are to be picked up by a carrier authorized by the city to remove recyclable materials. The recyclable materials referred to in this section shall mean any recyclable materials included in the city's recycling program.
- (b) Each removal of an item or items from a residential residence location shall constitute a separate violation of this chapter. Unauthorized persons removing materials or bins other than those persons designated above shall be fined upon a first conviction a minimum of \$25.00, upon a second conviction a minimum of \$100.00 and upon a third or subsequent conviction a minimum of \$250.00 for each such violation.

SECTION 3. That a person who violates a provision of this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed \$500.00.

SECTION 4. That this ordinance shall be cumulative of all provisions of other ordinances of the City of Bedford, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting revisions of such ordinances are hereby repealed.

SECTION 4. That if any section, paragraph, clause, phrase, or provision of this ordinance, shall for any reason be held to be invalid or unenforceable, the validity or unenforceability of such section, paragraph, clause, phrase, or provision shall not affect any of the remaining provisions of this ordinance.

SECTION 5. That this ordinance shall be in full force and effect from and after its passage.

PRESENTED AND PASSED on this 24th day of July 2018, by a vote of 7 ayes, 0 nays and 0 abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

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Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney