

ORDINANCE NO. 2019-4093

AN ORDINANCE AMENDING CHAPTER 40, "UTILITIES," ARTICLE IV, "SOLID WASTE COLLECTION AND DISPOSAL," DIVISION 2 "WASTE COLLECTION GENERALLY," SECTION 40-389, "RESIDENTIAL COLLECTION GENERALLY," OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING CERTAIN SECTIONS RELATING TO RESIDENTIAL WASTE COLLECTION GENERALLY; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

- PART 1:** That Chapter 40, "Utilities," Article IV, "Solid Waste Collection and Disposal," Division 2 "Waste Collection Generally," Section 40-389 "Residential Collection Generally," of the Code of Ordinances of the City of College Station, Texas, be amended as set out in **Exhibit "A"** attached hereto and made a part of this Ordinance for all purposes.
- PART 2:** If any provision of this Ordinance or its application to any person or circumstances is held invalid or unconstitutional, the invalidity or unconstitutionality does not affect other provisions or application of this Ordinance or the Code of Ordinances of the City of College Station, Texas, that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this Ordinance are severable.
- PART 3:** That any person, corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than twenty five dollars (\$25.00) and not more than five hundred dollars (\$500.00) or more than two thousand dollars (\$2,000) for a violation of fire safety, zoning, or public health and sanitation ordinances, other than the dumping of refuse. Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.
- PART 4:** This Ordinance is a penal ordinance and becomes effective ten (10) days after its date of passage by the City Council, as provided by City of College Station Charter Section 35.

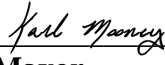
PASSED, ADOPTED and APPROVED this 23rd day of May, 2019.

ATTEST:



City Secretary

APPROVED:



Mayor

APPROVED:



City Attorney

EXHIBIT A

That Chapter 40, "Utilities," Article IV, "Solid Waste Collection and Disposal," Division 2 "Waste Collection Generally," Section 40-389 "Residential Collection Generally," of the Code of Ordinances of the City of College Station, Texas, is hereby amended to read as follows:

Sec. 40-389. - Residential collection generally.

- (a) **Residential Units with less than Four Attached Units.** Each single-family detached residential unit in a building with less than a total of four attached residential units not required by the City's Unified Development Ordinance (see App. A) solid waste minimum standard to provide dumpster enclosures will each be provided with a 70-gallon, City-owned, automated solid waste collection container. Service shall be once per week. All containers must be placed out for collection by 8:00 a.m. on the scheduled service day and removed from the designated pick up place within 12 hours after scheduled collection. The utility customer, owner and occupant are responsible for placing the container out for collection and removing the container after collection.
- (1) **70 Gallon Containers.** Each single-family detached residential unit or housing unit with less than four attached residential units that has been assigned a 70-gallon, City-owned, automated solid waste container will be provided with once per week garbage, brush, rubbish, and recycling collection.
- (2) **Automatic Solid Waste Container.** Each single-family detached residential unit or housing unit with less than four attached residential units that has been assigned a city-owned automated solid waste container will be provided with once per week garbage, brush, rubbish, and every other week recycling collection.
- (b) **Residential Units with Four or more Attached Units.** Each residential unit with four or more attached residential units in a complex not been identified as a multi-family apartment complex by the City that has been assigned a shared large City-owned automated solid waste collection container, will be provided with twice per week garbage collection, once per week brush/rubbish collection, and every other week recycling collection.
- (c) **Residential Refuse Only.** Only residential refuse is to be placed in containers. Construction demolition waste, tires, dead animals, hazardous substances and stable matter such as dirt, brick and rock will not be accepted.
- (d) **Waste Not in Container is Customer's Responsibility.** Any garbage or waste not contained in the automated container provided will not be picked up or hauled by City services and shall remain the responsibility of the customer/generator for disposal. The cleanup of any spillage caused by overfilling a container will be the responsibility of the customer/generator.
- (e) **Container Lid Closed, No Items on Lid.** When storing the container or when the container has been set out for collection, the lid must be kept closed at all times to prevent any

accumulation of water. No bags, boxes or other items shall be placed on the top of the closed container lid so as to hinder servicing of the container.

- (f) **Container Replacement.** If the container is lost by theft or damaged beyond use by any means other than by the occupant's own neglect or misuse, the container shall be replaced by the City at no cost to the occupant. If the container is lost or damaged beyond use as a result of the occupant's neglect or misuse, the cost of a replacement container will be charged. The occupant shall promptly notify the City in the event of the need for repair or replacement of the container.
- (g) **Additional Containers.** Any customer generating more waste than one container will hold may request an additional container and shall pay an additional fee as established in Section 2-117.
- (h) **Authorized Container Pick-up Only.** Only authorized automated containers provided by the City will be serviced on collection day, no other containers, boxes, or bags placed at the collection site will be picked up by the automated system.
- (i) **Container Assignment.** Automated containers are assigned and issued to the location of the utility user and will not be removed, transferred, or replaced by the customer.
- (j) **Prohibited Waste.** It shall be unlawful for Customers to put construction demolition waste, hot ashes, oil, corrosive solvents, pool chemicals, lead acid batteries or any other hazardous substances in the residential container.
- (k) **Container and Bulky Waste Placement.** Each residential automated container, bag, or bundle shall be placed at curbside for solid waste collection. Each residential customer shall place bulky waste at a location that is acceptable to the City for solid waste collection. Items shall be placed as close to the paved or traveled portion of the roadway as practicable without interfering with or endangering the movement of vehicles or pedestrians. When construction work is being performed in the right-of-way, items shall be placed as close as practicable to an access point for the City collection vehicle.
- (l) **Container Placement Time.** Automated containers shall not be placed curbside before 5:00 a.m. the day of which collection is scheduled. Automated containers shall be removed from the designated pickup point and placed either adjacent to their dwelling or at a location designated by the City within 12 hours of their scheduled collection day. Under no circumstances, shall an automated container be placed for normal daily use within an area defined by the edge of the street, pavement, or curb and the building set back line.
- (m) **Prohibited Parking.** It shall be unlawful to park, place, allow, permit, or cause to be parked or placed any motor vehicle, trailer, boat, or similar obstruction ("obstructing item") within 15 feet of, or obstruct in any manner, the collection of solid waste contained in a City-owned container larger than 90 gallons. If an obstructing item prevents the collection of a City-owned solid waste container larger than 90 gallons, the City shall be authorized to order the removal of the obstructing item. The cost of the removal shall be the responsibility of the owner of the

obstructing item. All City-owned solid waste containers larger than 90 gallons shall be marked with a sign and/or label that states: "Do Not Block or Park Within 15 Feet of Container - Tow Away Zone."