

Deleted items are in red
Added items are in yellow

ORDINANCE NO. 499

PROVIDING FOR AN AMENDMENT TO CHAPTER 34, ARTICLE II, SECTION 34.21 OF THE CODE OF ORDINANCES OF THE CITY OF LOS FRESNOS, TEXAS DEFINING THE KINDS AND SIZES OF RECEPTACLES IN WHICH TO PLACE SAME, THE MANNER OF ITS PREPARATION AND WHERE IT MUST BE PLACED TO BE COLLECTED BY THE CITY OR THE CITY'S CONTRACTOR; PROVIDING REGULATIONS FOR COLLECTING SAME AND PROHIBITING THE PLACEING OF GARBAGE, SOLID WASTE, OR ANY ARTICLE OR MATERIAL IN THE STREETS AND ALLEYS OF THE CITY OF LOS FRESNOS; PROVIDING FOR SERVICE CHARGES, PROHIBITING THE MEDDLING, SCATTERING CONTENTS, PILFERING OR JUNKING, WITH AND/OR OF GARBAGE CANS, TRASH OR RUBBISH RECEPTACLES; PROHIBITING THE COLLECTION OF GARBAGE, TRASH, OR RUBBISH BY OTHERS THAN THE CITY OR THE CITY'S CONTRACTOR WITHIN THE CITY LIMITS; PROVIDING A PENALTY; PROVIDING FOR AN EFFECTIVE DATE.

This ordinance was introduced and submitted to the City Council for passage and adoption after the second reading of the Ordinance. After presentation and discussion of the Ordinance, a motion was made by Councilmember Swain Real that the Ordinance be finally passed and adopted in accordance with the City's Home Rule Charter. The motion was seconded by Councilmember Yolanda Cruz and carried by the following voted:

Mayor Polo Narvaez	<u>X</u>	For	___	Against	___	Abstained
Mayor Pro-tem Yolanda H. Cruz	<u>X</u>	For	___	Against	___	Abstained
Councilmember Swain Real	<u>X</u>	For	___	Against	___	Abstained
Councilmember James Herrera	<u>X</u>	For	___	Against	___	Abstained
Councilmember Joe Collinsworth	<u>X</u>	For	___	Against	___	Abstained
Councilmember Juan Munoz	<u>X</u>	For	___	Against	___	Abstained

Sec. 34-21. - Carts.

It shall be the duty of every person owning, managing, operating, leasing, or renting any premises to use a cart or dumpster provided by Allied Waste Services for the daily accumulation of solid waste. All solid waste is to be bagged prior to placing it in the cart or dumpster. The cart shall be placed on the curb or not more than five feet from the curb of the street in the front yard for pickup. Placing the cart, brush, or any solid waste on any street or alley within the city limits is prohibited. Carts are to be ready for pickup on the street by 7:00 a.m. on the scheduled day but no more than 24 hours before the scheduled time. Carts are to be removed from the public right-of-way as soon as reasonably possible, but not more than 24 hours after garbage is picked up. Permanent structures are not authorized to be placed at the curb or in the front yard of a premises for the purpose of containing receptacles used for garbage. Every person owning, managing, operating, leasing, or renting any premises shall be

responsible to ensure that each cart placed at the street curbside is kept in a sanitary condition, closed tightly, and sealed sufficiently to prevent animals from entering and scattering the material from within the cart onto the street and premises. The contents of all receptacles shall be so protected that the wind cannot blow and scatter garbage over the streets, alleys, and other premises of the city. The method of picking up the solid waste, the type of containers, the designated location for pickup, the day of the week, and the time of pickup may be revised from time to time by Allied Waste Services or the city as it deems necessary.

- (b) Residential and commercial cart service will be charged at a rate in the amount provided in the city fee schedule for the initial cart and in the amount provided in the city fee schedule for additional carts. This rate will be included with the water and wastewater bill monthly payable in full by the 15th of each month. Penalties and finance charges will be assessed if not paid in full by the 15th of each month.
- (c) Cart replacement will be charged at a rate in the amount provided in the city fee schedule due to gross negligence. If a cart is stolen and a report is filed with the city police department there will be no charge for replacement of cart.
- (d) New construction. Cart service or dumpster service is not required during the construction phase until the certificate of occupancy is issued. However, arrangements must be made with city solid waste contractor for construction debris removal or self-removal to the landfill. Construction debris cannot accumulate on site and must comply with chapter 28, nuisances, of this code.

(d). Exceptions:

1. New construction – Cart or dumpster service is not required during the construction phase until the structure is occupied. However, arrangements must be made with City solid waste contractor for construction debris removal or self-removal to the landfill. Construction debris cannot accumulate on site and must comply with Chapter 28- Nuisance of Los Fresnos' Code of Ordinance.
2. Uninhabited structures – Uninhabited structure means no one is occupying the structure for its normal use. Cart or dumpster service is not required when the structure will be uninhabited for a minimum of 3 months. Requests to discontinue service for a minimum of 3 months but not more than 6 months at a time must be made and approved by the City in advance. Charges will be suspended during this time. It is the duty of the resident to notify the City in advance. Charges will be suspended during this time. It is the duty of the resident to notify the City of changes in status immediately. Failure to do so could result in all charges being applied and fines or penalties being assessed as allowed.

INTRODUCED AND APPROVED on the first reading this 12th day of March, 2019.

APPROVED AND PASSED on the second reading this 9th day of April, 2019.



Polo Narvaez
Polo Narvaez, Mayor

ATTEST:

Jacqueline Moya
Jacqueline Moya, City Secretary

