

AN ORDINANCE ESTABLISHING REGULATIONS FOR THE PLACEMENT AND DISPOSAL OF BRUSH, DEBRIS, GARBAGE AND TRASH WITHIN THE CITY OF PELICAN BAY, ESTABLISHING A PENALTY AND AUTHORIZING PUBLICATION AND PROVIDING A SEVERABILITY CLAUSE.

WHEREAS, the City of Pelican Bay needs garbage regulations as herein provided to adequately protect public health;

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

Section 1: **Definitions.**

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

Brush means tree and shrub trimmings which are not easily placed in disposable containers.

Curbside means within six (6) feet of the curb street bearing the customer's address.

Debris means dirt, concrete, rocks, bricks or other waste building materials.

Disposable container means any plastic bag, cardboard, metal or wooden box having no outside dimension of more than four (4) feet and capable of containing garbage or trash without leaking or emitting odors and which weighs, when loaded, less than fifty (50) pounds and which is placed at curbside for removal.

Garbage means refuse animal or vegetable matter (as from a kitchen or food-processing facility), ashes or any other household waste which is damp or capable of emitting noxious odors.

Trash means all refuse other than garbage, debris, brush, household furniture and appliances, including grass clippings, leaves, paper and other household trash except as included in the foregoing definitions.

Section 2: **Containers.**

(a) It shall be the duty of every owner, agent, lessee, tenant or occupant of any premises in the City to provide and use containers sufficient in number

to hold the garbage and trash accumulating on such premises.

- (b) Every customer shall keep all garbage and trash containers in use securely closed in such a manner as to prevent the scattering of the contents and to make them inaccessible to insects, rodents and other animals.

Section 3: Residential collection; conditions and container placement.

Garbage and trash shall be placed as follows:

- (a) All garbage shall be placed in either securely closed plastic bags or in closed waterproof containers, metal containers or metal cans of no more than thirty-gallon capacity.
- (b) Containers shall be placed at the curbside on the street bearing the customer's address.
- (c) Trash, excluding wet materials or material which will cause disagreeable smells, shall be placed at curbside on the street bearing the customer's address in disposable containers in such a manner as to prevent such trash from being scattered.
- (d) Garbage shall not be placed at curbside more than twelve (12) hours prior to the day of pickup. All containers shall be placed at the foregoing prescribed locations not later than 7:30 a.m. on the day of scheduled collection, if they are to be picked up.
- (e) All garbage or trash mixed with water or other liquids shall be drained before being placed into a garbage or trash container.

Section 4: Same - Handling of brush.

If any brush cannot be placed in disposable containers, it shall be cut in lengths not to exceed four (4) feet and shall be trimmed and stacked at curbside to a height of not more than three (3) feet with the larger ends placed toward the street. Normal brush and trash pickup will not take brush or trash occupying more than sixty-four (64) cubic feet whether loose or in bags. All vines and thorny bushes shall be placed in disposable containers, and no item shall weigh more than fifty (50) pounds. A customer may receive a special pickup upon request for an additional charge, depending on the quantity of material to be removed.

Section 5: Charges.

The charge for garbage and trash collection service shall be _____ dollars and _____ cents (\$ _____) per residential unit per calendar month for

curbside pickup, which charges shall be made to all residents.

Charges shall accrue for each and every month or portion thereof during which such service is available and provided to the customer. Such charges shall be billed through the City's water provider and shall be subject to the same late payment penalty rate or early payment discount rate as are such water bills.

Section 6: Wastes from building operations.

Debris, as that term is defined in this Ordinance, or other trash resulting from construction, major remodeling, general clean-up of property or resulting from sizable amount of trash and debris being cleared in preparation for construction, will not be removed by the City as a regular service. The owner will have debris and trash removed at his expense, by either his own crew or by the City contractor.

Section 7: Customer to see that containers are emptied.

Every customer is hereby required to maintain supervision and surveillance over garbage and trash containers on his premises and to call the City contractor if such customer has been missed. If, after having been timely placed for collection, the containers are not collected or emptied and the contents removed, as may be applicable, and after the City contractor has been contacted within twenty-four (24) hours of scheduled collection, the customer shall notify the City by calling City Hall and reporting the non-collection.

Section 8: Prohibited acts.

- (a) It shall be unlawful for any person to sweep, throw or deposit any garbage, trash, debris, stagnant water or dead animal into, upon or along any public property or private property of another, except as may be specifically provided by this Ordinance.
- (b) It shall be unlawful for any person owning or otherwise in control of any premises within the City to permit any of the conditions described in subsection (a) to exist upon property owned or controlled by him after having actual or construction notice thereof.
- (c) It shall be unlawful for any person to place in any container any material other than as specifically provided in this Ordinance.
- (d) It shall be unlawful for any person to deposit or maintain garbage or trash except as provided for by this Ordinance.
- (e) It shall be unlawful for any person to deposit any burning match, charcoal, ember or other material in any container used for the disposal of garbage

or trash.

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- (f) It shall be unlawful for any person, firm or corporation to remove any recycling container or item contained therein after it has been placed at curbside for collection, save and except occupants of the premises, duly authorized agents or employees of the City, and persons acting pursuant to a contract with the City for residential curbside recycling collection.

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Section 9: **Nonresidential customer - Duties.**

It shall be the duty of the owner or person otherwise in charge of commercial, institutional or industrial premises within the City to cause all garbage and trash accumulated on the premises to be placed in either a garbage can with a tight-fitting lid or, with the approval of the City contractor, in disposable containers, if in the contractor's opinion such disposable containers will not create a nuisance. Cans and disposable containers shall be placed at a location on the premises which is readily accessible to the collector. Commercial-type containers may be used and may be placed at a location on the premises as arranged between the customer and the collector, but subject to review by the City at any time.

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Section 10: **Same - Collection of waste; charges.**

- (a) *Frequency of collection.* The collection and removal of garbage and trash from houses, buildings and premises used for commercial, institutional or industrial purposes shall be made as often as necessary in order to maintain the premises free of such accumulations. Garbage, except dry trash in contractor-supplied containers, shall be collected not less than one (1) time each week, except for roll-off containers which shall not be subject to this provision so long as they are used solely for brush and dry trash.
- (b) *Charges.* Commercial, institutional and multi-family residential complex customers may utilize commercial-type containers provided by City's contractor. The type, size and frequency of collection shall be subject to City approval based on need to prevent health hazards and nuisance to adjacent properties. The charge for the various types of service and containers for multi-family and non-residential customers shall be established by the contractor.

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Section 11: **Payment of collection charges.**

The charges fixed in Section 10 for the removal and disposal of all garbage and trash shall be entered against the customer and shall be collected as charges for water service. Any person who shall fail or refuse to pay the specified charge within sixteen (16) days from the date of any bill containing an arrears balance shall be deemed guilty of a misdemeanor and fined in an amount not to exceed

five hundred dollars (\$500.00).

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Section 12: **Manner of collection, transportation.**

- (a) The collection, removal and disposal of all garbage, trash and brush shall be carried on in a systematic, efficient manner to keep the City in a clean and sanitary condition.
- (b) All vehicles used for the collection and transportation of garbage and trash shall be equipped with suitable covers which shall be used to prevent blowing or scattering of refuse while garbage and trash are being transported for disposal.

Section 13: **License - Required for private collection.**

- (a) No person shall collect, remove or dispose of garbage containers or trash receptacles or convey or transport garbage or trash on the streets, alleys and public thoroughfares of the City except duly authorized agents or employees of the City and persons acting pursuant to a contract with the City for public collection and disposal of garbage, trash and brush; provided, however, upon application and compliance with this Section, a license may be obtained to service the licensee's place of business. Provided further, this Section shall not apply to the transportation of garbage, trash or brush from outside the City to a disposal site outside the City.
- (b) *Issuance of license.* A license shall be issued upon application to the water office for the collection and transportation of garbage and trash from the licensee's premises or place of business using the licensee's own vehicles, equipment and personnel.
- (c) *License fees.* The fee for a license hereunder shall be twenty-five dollars (\$25.00) per year.
- (d) *Identification of vehicles.* All licensed trucks and containers used for the collection and transportation of garbage and trash shall be clearly marked with the owner's name and telephone number in letters and figures not less than two (2) inches high.
- (e) *Covers on vehicles.* All vehicles used for the collection and transportation of garbage and trash shall be enclosed or covered with net, canvas or wire to prevent the contents thereof from falling or blowing into the public streets or adjacent property.
- (f) *Frequency of removal.* Garbage and trash shall be removed by the licensee at least twice a week.

2 (g) *Occasional hauls.* Individuals desiring to occasionally remove brush,
debris or trash from their own residence or business may do so if they
4 have regular service from the City's contractor.

6 Section 14: **Same - Application; revocation.**

8 (a) Application for a license shall set forth the name, address and business of
the applicant, the type of vehicles to be used, the size and number of such
10 vehicles and the proposed disposal site. The appropriate license fees shall
be submitted with the application.

12 (b) Violation of any of the provisions of this Ordinance shall be sufficient
14 cause for revocation of the license by the Mayor or his designee.

16 Section 15: **Penalty.**

18 Violation of this Ordinance shall constitute a misdemeanor and any person, firm
or corporation convicted thereof shall be fined in an amount not to exceed Five
20 Hundred Dollars (\$500.00). Each day any such prohibited condition shall
continue shall constitute a separate offense punishable hereunder.

22 Section 16: **Severability.**

24 If any Section, sentence, clause or phrase of this Ordinance is found invalid by a
court of competent jurisdiction, it is the intent of the governing body of the City
26 that the remaining Sections, sentences, clauses and phrases continue in full force
and effect.

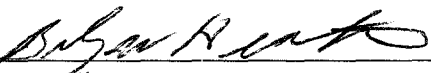
28 Section 17: **Publication.**

30 The City Secretary is hereby authorized and directed to cause publication of the
32 descriptive caption of this Ordinance as an alternative method of publication
provided by law.


34 AND IT IS SO ORDERED.

36 PASSED AND APPROVED on the 22 day of March 1995 by a vote of 5 to —.

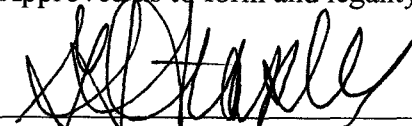
40 CITY OF PELICAN BAY

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44 By: 
Billy Heaton, Mayor

ATTEST:

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Shirley Climer, City Secretary

Approved as to form and legality:


George A. Staples, Jr., City Attorney