

AN ORDINANCE PROVIDING FOR THE COLLECTION OF GARBAGE AND TRASH, SETTING REQUIREMENTS AS TO THE SIZE AND LOCATION OF GARBAGE CANS, PROHIBITING CERTAIN MATERIALS BEING PLACED WITHIN THE CANS, PROHIBITING THE BURNING OF GARBAGE, TRASH, OR RUBBISH WITHIN THE LIMITS OF SAID TOWN, ESTABLISHING RATES FOR GARBAGE COLLECTION, PROVIDING FOR THE ISSUANCE OF A PERMIT TO COLLECT GARBAGE, SETTING A PENALTY FOR VIOLATION AND PROVIDING FOR PUBLICATION.

WHEREAS, the effective containment and disposal of garbage and trash within the Town of Pelican Bay, Texas, is essential to the protection of the health and welfare of the citizens; and,

WHEREAS, the general health and welfare of the citizens would best be served by an organized and well operated garbage pick-up and disposal system; and,

WHEREAS, the accumulation of debris, garbage, trash, and other waste materials on or near the public ways of the Town of Pelican Bay, Texas, will and has provided a breeding place for disease and a means for the spread of infectious diseases;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE TOWN OF PELICAN BAY, TEXAS:

I.

The following words, when used in this ordinance, shall have the meanings respectively ascribed to them in this section:

A. Carry-out garbage and refuse - The term "carry-out" garbage and refuse shall mean all animal matter, vegetable matter, tin cans, bottles, sacks, paper, clothes, and other waste material which normally accumulates in kitchens, residences, grocery stores, butcher shops, restaurants, cafes, drugstores, hotels, rooming and boarding houses, tourist and trailer camps, offices, business houses, clinics, schools, etc. This does not include heavy accumulations of newspapers and magazines.

B. Curb trash - The term "curb trash" shall mean rubbish such as grass, shrubs, yard clippings, leaves, tree trimmings, weeds, broken furniture, heavy accumulations of newspapers and magazines, old clothes, pieces of wood, boxes, barrels, crates, scraps of iron, wire, old rubber and similar type trash not suitable for "carry-out" trash collection.

II.

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

III.

Every owner, occupant, tenant or lessee using or occupying any building, house or structure within the corporate limits of the city, for residences, churches, schools, colleges, lodges, commercial, business, or other purposes shall provide and maintain garbage cans and receptacles of sufficient number and size as hereinafter specified, to hold the carry-out garbage, refuse, and curb trash that will normally accumulate on the premises.

IV.

Each of such owners, occupants, tenants, or lessees described in the preceding section of this ordinance shall provide a container for carry-out garbage and refuse of not less than twenty nor more than thirty gallon capacity, constructed of some substantial material, with a tight fitting lid or cover and with handles sufficiently strong for workmen to empty conveniently.

V.

Heavy accumulations such as bricks, broken concrete, lumber, dirt, plaster, rocks, sand or gravel, automobile frames, dead trees, and other bulky, heavy materials shall be disposed of at the expense of the owner or person occupying said property.

VI.

The lids or covers of all garbage and trash containers shall at all times be kept secure and fastened so that flies and other insects may not have access to the contents thereof. Such lids or covers shall only be removed while the containers or receptacles are being filled or emptied as the case may be.

VII.

All carry-out garbage and refuse containers shall be located at the curb located on the premises in a location that will allow the collector of garbage to gain access to and remove from the premises the garbage can. Curb trash shall be placed in a garbage can, box, barrel, or other suitable receptacle of reasonable size, not to exceed fifty pounds, at or near the curb, and all shrubbery trimmings shall be cut into three or four foot lengths, tied in bundles or placed within the trash cans or receptacles located near or at the curb. Lumber, old appliances, etc. shall be neatly stacked and arranged at the curb on the day of the scheduled pick-up.

VIII.

The collector of trash and garbage shall not be responsible nor required for the pick-up of garbage or trash cans which have no lids, have holes in the bottom of the same, exceed a thirty gallon capacity, contain water within them or which are located in such a position as to make it impractical or impossible to empty and remove same from the premises. The collector of trash shall not be responsible to remove or empty trash cans which contain rocks within them or other heavy boards or lumber stuffed within them. The receptacle for trash shall be placed at the curb of the premises involved in a position accessible for collecting and removing. In the event trash is of such a nature that it cannot be put in the receptacle, it shall be carefully placed in bundles not over fifty pounds so it can be removed conveniently, and tree limbs, trunks, and hedge cuttings shall not exceed four feet in length. Leaves are to be placed in bags.

IX.

The collection, removal, and disposal of all garbage, trash, and rubbish shall be carried on in a systematic and efficient manner, keeping the entire City in a clean and sanitary condition.

X.

Every owner, occupany, tenant, or lessee of a house or building used for residential, business or commercial purposes is required to maintain constant supervision and surveillance over the garbage cans and trash receptacles on his premises.

XI.

All garbage and trash that is mixed with water or other liquid shall be drained before being put in the garbage or trash can or receptacles. All animal matter that is subject to decomposition shall be well wrapped in paper or other combustible material before being deposited in such container or receptacle.

XII.

The application for permit required by this section shall set forth the name and address of the applicant; the trade name under which the applicant does or proposes to do business; the number of vehicles the applicant desires to operate; class, design, size of each vehicle; whether or not the applicant has been convicted of a violation of any national, state, or municipal law; whether or not the applicant or any persons with whom he has been associated or employed have a claim or judgment against him for damages resulting from the negligent operation of a vehicle; the financial responsibility and ability of the applicant; his ability to respond in damages in the event of damages to persons or damage to property by reason of the negligent operation of a vehicle in the streets or public thoroughfares of the town; the nature and character of the service the applicant proposes to render; the experience he has had in rendering such service; the patrons for whom he proposes to render the service, and such other information the Board of Alderman from time to time require.

XIII.

Any person desiring a permit for the collection, removal, and disposal of garbage, trash, and rubbish shall make application for such permit to the Board of Alderman, who shall make or cause to be made such investigation as it may consider necessary in order to determine whether or not the public convenience and necessity requires the granting of such permit, and whether the applicant is a fit and proper person to conduct such business. The Board of Alderman shall also determine the amount to be charged for such permit.

XIV.

In all cases where permits have been issued for the collection, removal, and disposal of garbage, trash, and other rubbish, such permit shall be in possession of the person rendering the service and shall be subject to inspection at all times, and the permit number shall be made plainly visible on the vehicle engaged in the performance of such service.

XV.

It is hereby made the duty of the members of the Board of Alderman to make inspection trips at regular intervals to determine whether or not garbage, trash, and rubbish is being properly collected, removed, and disposed of as required by the provisions of this ordinance, or any other applicable health ordinance. In the event that it is found that this ordinance or any other applicable health ordinance is being violated, appropriate and timely action shall be taken to insure a full compliance with its provisions.

XVI.

In the event that a customer violates any requirement contained within this ordinance, the collector of garbage and trash shall leave a written notice attached to the garbage can or at the front door of the residence or other business involved indicating the nature of the violation and the correction required in order that such garbage may then be collected at the next regular collection date.

XVII.

It shall be unlawful for any person, firm or corporation to burn any garbage, trash, or rubbish within the city limits of the Town of Pelican Bay, Texas.

XVIII.

Any person or persons, firms, agency, corporation or co-partnership violating any of the provisions of this ordinance or failing to comply therewith, shall be deemed guilty of a misdemeanor, and upon conviction of the violation thereof, shall be fined in any sum not exceeding Two Hundred Dollars (\$200.00) for each separate offense.


XIX.

This ordinance shall become effective after its passage, approval, and publication as required by law.

This law shall be, and is in full force from and after its passage and publication.

PASSED AND ADOPTED at a regular Council meeting on this 6th day of July, 1982.

APPROVED:

BY: 
MAYOR

ATTEST:

BY: 
CITY SECRETARY