

ORDINANCE NO. O-20-009

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS AMENDING CHAPTER 11, GARBAGE AND TRASH, OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS PROVIDING FOR THE REGULATION OF RESIDENTIAL AND COMMERCIAL SOLID WASTE COLLECTION, DISPOSAL AND RECYCLING SERVICES WITHIN THE CITY LIMITS; PROVIDING FOR THE REGULATION OF COMMERCIAL OR RESIDENTIAL ROLL-OFF SERVICES AND FRANCHISE AGREEMENTS; PROVIDING FOR A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND MEETINGS

WHEREAS, the City of Brenham (“City”) is a Texas home-rule municipality; and

WHEREAS, as a home-rule municipality, Texas Local Government Code, Section 51.072 confirms that the City has the full power of local self-government; and

WHEREAS, pursuant to Texas Local Government Code, Section 51.001, the City has the authority to adopt ordinances and regulations that are for good government, peace and order of the City; and

WHEREAS, in order to enhance, promote and protect the health, safety and general welfare of the citizens of Brenham, Texas the City Council must from time to time amend and/or adopt new regulations; and

WHEREAS, the City Council finds the following regulations to be reasonable and beneficial to the general health, safety and welfare of the citizens of Brenham;

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

SECTION 1.

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2.

Chapter 11, Garbage and Trash, of the Code of Ordinances of the City of Brenham, Texas, is hereby amended in its entirety to read as follows:

ARTICLE I. GENERAL PROVISIONS

Sec. 11-1. - Definitions.

As used in this chapter, the following terms shall have the respective meanings ascribed to them in this section:

Brush shall mean cuttings or trimmings from trees, shrubs, or lawns and similar materials.

Bulky Waste shall mean non-hazardous, non-freon containing items too large to fit in a Residential Customer's garbage container. Bulky waste does not include tires. Collection and acceptance of these items will be determined case by case.

Cart shall mean a receptacle/container, equipped with wheels and a bar, with a capacity of approximately sixty-four (64) or ninety-six (96) gallons, designed to be mechanically dumped into collection equipment via a fully automated truck arm or semi-automated truck tipper.

City shall mean the City of Brenham, Texas and the City's officers, elected officials, employees, agents, volunteers, and representatives.

City Council shall mean the governing body of the City.

City Facility shall mean a City-owned or operated facility.

Collect or Collection shall mean the act of removing Solid Waste, Recyclables, or Yard Waste for transport to a disposal or recycling facility.

Commercial Refuse shall mean all Refuse, Garbage, Solid Waste, and other waste generated by, at, or within a Commercial Unit, but not including Construction Debris.

Commercial Unit shall mean all premises, locations or entities, public or private requiring Refuse, Garbage and/or Solid Waste collection within the corporate limits of the City that are not classified as a Residential Unit or City Facility.

Construction Debris shall mean waste building materials resulting from construction, remodeling, repair, or demolition operations, typically collected in roll-off bins without lids or accepted at a permitted disposal or permitted processing facility.

Container shall mean a weatherproof container easily identifiable and designated for solid waste or recycling collection.

Contaminated Materials shall mean Recyclable Materials and/or Yard Waste mixed with solid waste or altered in a way that results in materials being unrecyclable or non-compostable.

Curbside shall mean the location within three (3) feet of the curb of the street abutting Customer's property that provides primary access to the Service Unit unless such placement interferes with or endangers movement of vehicles or pedestrians in the public right-of-way.

Customer(s) shall mean an occupant of a Residential Unit or Commercial Unit that has a City utility account that is billed for Solid Waste and/or Recyclable Materials service on a monthly basis.

Dead Animal (Small) shall mean an animal or part of an animal equal to or greater than ten (10) pounds in weight, but less than one hundred fifty pounds (150) pounds in weight, that has expired from any cause except those slaughtered or killed for human use.

Dead Animal (Large) shall mean an animal or part of an animal equal to or greater than one hundred fifty (150) pounds in weight, that has expired from any cause except those slaughtered or killed for human use.

Disposal shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste (whether containerized or non-containerized) into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwater, as defined in 30 Texas Administrative Code § 330.3(44).

Disposal Site or Facility shall mean all contiguous land, structures, other appurtenances, and improvements on the land that is licensed and permitted, as required by all governmental bodies having jurisdiction, for disposing of Solid Waste. A Disposal Site may be publicly or privately owned and may consist of several Disposal operational units.

Dumpster shall mean a watertight receptacle, with a capacity of approximately two (2) cubic yards up to approximately eight (8) cubic yards, equipped with a tight-fitting lid and designed to be mechanically dumped into a loader-packer type truck.

Excluded Waste means Hazardous Waste, Special Waste, and Construction Debris.

Facility means all contiguous lands and structures, other appurtenances, and improvements on the land used for the storage, processing or disposal of Solid Waste or Recyclable Materials.

Garbage shall mean solid waste consisting of non-hazardous refuse, dead animals (small), putrescible animal and vegetable waste materials resulting from the handling, preparation, cooking, and consumption of food, including waste materials from markets, storage facilities, handling, and sale of produce and other food products, as defined in 30 Texas Administrative Code §330.3(56).

Generator shall mean any person or entity that produces Solid Waste.

Hazardous Waste shall mean any solid waste identified or listed as a Hazardous Waste by the administrator of the United States Environmental Protection Agency under the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, 42 United States Code, §6901 et seq., as amended and defined in 30 Texas Administrative Code §330.3(62).

Heavy Trash shall mean refuse that is of such size and weight that it cannot be placed in a sixty-four (64) or ninety-six (96) gallon container. Heavy trash shall include tree limbs less than four feet (4') in length and loose lumber less than five feet (5') in length.

Landfill shall mean a permitted municipal solid waste landfill.

Municipal Solid Waste (MSW) shall mean solid waste resulting from or incidental to municipal, community, commercial, institutional, and recreational activities, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and all other solid waste other than industrial solid waste, as defined in 30 Texas Administrative Code §330.3(88).

Non-Compacted Waste means Solid Waste not easily containerized in a Cart such as, but not limited to, appliances, furniture, etc.

Recyclables or Recyclable Materials shall mean materials, recovered from the solid waste stream for the purpose of reuse or reclamation, a substantial portion of which are consistently used in the manufacture of products that may otherwise be produced using raw or virgin materials. Recyclable materials are not solid waste unless they are abandoned or disposed of as garbage rather than reprocessed into another product.

Recycling service shall mean the Collection of Recyclables for transport to a recycling facility for the purpose of reuse or reclamation.

Refuse or Rubbish shall mean non-putrescible solid waste (excluding ashes), consisting of both combustible and noncombustible waste materials, combustible rubbish, including paper, rags, cardboard, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, and similar materials; noncombustible rubbish, including glass, crockery, tin cans, aluminum cans, metal furniture and like materials which will not burn at ordinary incinerator temperatures (1600° F to 1800° F), as defined in 30 Texas Administrative Code §330.3(130).

Resident shall mean a person who resides in a Residential Unit.

Residential Unit(s) shall mean an improved property which is used, or capable of being used, for a dwelling, including but not limited to a single-family dwelling, duplex, four-plex, townhouse, apartment, condominium unit and similar dwellings. A Residential Unit shall be deemed occupied when either water or electric services are being supplied thereto.

Residential Service shall mean Solid Waste Services, Yard Waste Services, and Recycling Services for Residential Units.

Residue shall mean the material regularly associated with and attached to Recyclable Materials as a part of the original packaging or usage of that material that is not recyclable.

Roll-off shall mean an open top receptacle, having a minimum capacity of approximately ten (10) cubic yards up to approximately forty (40) cubic yards, intended to be loaded onto a motor vehicle.

Roll-off Compactor shall mean an enclosed, watertight Roll-off with a Compactor.

Roll-off Service shall mean the temporary placement of a roll-off or roll-off compactor for use other than regularly scheduled sanitation service, or collection/servicing of the same.

Solid Waste shall be defined in accordance with 30 Texas Administrative Code §330.3(145), as garbage, rubbish, refuse, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations and from community and institutional activities. The term does not include:

- 1) Solid or dissolved materials in domestic sewage, or solid or dissolved material in irrigation return flows, or industrial discharges subject to regulation by permit issued under Texas Water Code, Chapter 26;
- 2) Soil, dirt, rock, sand, and other natural or man-made inert solid materials used to fill land if the object of the fill is to make the land suitable for the construction of surface improvements; or
- 3) Waste materials that result from activities associated with the exploration, development, or production of oil or gas or geothermal resources and other substance or material regulated by the Railroad Commission of Texas under Natural Resources Code, §91.101, unless the waste, substance, or material results from activities associated with gasoline plants, natural gas liquids processing plants, pressure maintenance plants, or re-pressurizing plants and is Hazardous Waste as defined by the administrator of the United States Environmental Protection Agency under the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, as amended (42 United States Code, §6901 *et seq.*).

Solid Waste Services shall mean the collection of Solid Waste and Disposal of Solid Waste at a Disposal Site.

Special Waste shall be defined in accordance with 30 Texas Administrative Code §330.3(148), as any solid waste or combination of solid wastes that because of its quantity, concentration, physical or chemical characteristics, or biological properties requires special handling and Disposal to protect the human health or environment. If improperly handled, transported, stored, processed, or disposed of or otherwise managed, it may pose a present or potential danger to the human health or the environment. Special wastes are:

- 1) Hazardous Waste from conditionally exempt small-quantity generators that may be exempt from full controls under Chapter 335, Subchapter N of Title 30 TAC (relating to household materials which could be classified as hazardous wastes);
- 2) Class 1 industrial nonhazardous waste;
- 3) Untreated medical waste;
- 4) Municipal wastewater treatment plant sludges, other types of domestic sewage treatment plant sludges, and water-supply treatment plant sludges;
- 5) Septic tank pumpings;
- 6) Grease and grit trap wastes;
- 7) Wastes from commercial or industrial wastewater treatment plants; air pollution control facilities; and tanks, drums, or containers used for shipping or storing any material that has been listed as a hazardous constituent in 40 Code of Federal Regulations (CFR) Part 261, Appendix VII but has not been listed as a commercial chemical product in 40 CFR §261.33(e) or (f);
- 8) Slaughterhouse wastes;
- 9) Dead animals (large);
- 10) Drugs, contaminated foods, or contaminated beverages, other than those contained in normal household waste;
- 11) Pesticide (insecticide, herbicide, fungicide, or rodenticide);
- 12) Discarded materials containing asbestos;
- 13) Incinerator ash;
- 14) Soil contaminated by petroleum products, crude oils, or chemicals in concentration of greater than 1,500 milligrams per kilogram total petroleum hydrocarbons; or contaminated by constituents of concern that exceed the concentrations listed in Table 1 of § 335.521(a)(1) of Title 30 TAC (relating to Appendices);
- 15) Used oil;
- 16) Waste from oil, gas, and geothermal activities subject to regulation by the Railroad Commission of Texas when those wastes are to be processed, treated, or disposed of at a solid waste management facility authorized under this chapter;
- 17) Waste generated outside the boundaries of Texas that contains;
 - a. Any industrial waste;
 - b. Any waste associated with oil, gas, and geothermal exploration production, or development activities; or
 - c. Any item listed as a special waste in this paragraph;
- 18) Lead acid storage batteries; and,
- 19) Used oil filters from International combustible engines.

TAC shall mean the Texas Administrative Code now and as amended.

Unit shall mean Residential and Commercial Units that qualify for services.

Yard Waste shall be defined in accordance with 30 Texas Administrative Code § 330.3 (181) as leaves, grass clippings, yard and garden debris, and brush, including clean woody vegetative material not greater than six inches in diameter, that results from landscaping maintenance and land-clearing operations. This term does not include stumps, roots, or shrubs with intact root balls, as defined in 30 Texas Administrative Code § 330.3 (181). Brush, tree limbs and similar materials must be securely tied together forming an easily handled package not exceeding four (4) feet in length or fifty pounds (50 lbs.) in weight; tree limbs shall not exceed three (3) inches in diameter.

Yard Waste Services shall mean the Collection of Yard Waste and Disposal of Yard Waste at a Disposal Site.

Sec. 11-2. Exclusivity.

The City retains the exclusive right to provide solid waste services, disposal and recycling services for commercial and residential customers within the city limits. The City may provide such services directly or by granting a franchise to one or more independent contractors. It shall be unlawful for any person, firm or corporation to provide solid waste services or recycling services without a franchise from the City.

Sec. 11 -3. Container Assignment

Solid waste and recycling containers are assigned and issued to the physical address of the customer. Containers shall not be removed, transferred, or replaced by the customer. This prohibition does not apply to City employees or an independent contractor with a franchise from the City.

Sec. 11-4. Unauthorized use of and or damage to residential or commercial containers.

It shall be unlawful for any person or business to place anything in a container, scavenge through or remove anything from a container, or relocate a container, or interfere with the servicing of a container that belongs to another customer or business.

It shall be unlawful to set fire to or burn any material in a container or paint or mark upon a container. Damage to a container caused by a customer's abuse, misuse, or neglect may result in additional charges equal to the cost of a new container. Sanitation service may also be discontinued until such fees for a replacement are paid in full. It is the customer's responsibility to file police reports for damaged, stolen or vandalized containers.

Sec. 11- 5. Obstruction of Containers Prohibited.

It shall be unlawful to park, place, allow, permit, or cause to be parked or placed any motor vehicle, trailer, boat, or similar obstruction within three (3) feet of a container, or in a way that obstructs the servicing of a container. If an obstruction prevents the servicing of a container, the City is authorized to remove the obstruction. Any and all costs associated with the removal of the obstruction shall be the responsibility of the customer.

Sec. 11- 6. Covering on vehicles to prevent scattering.

It shall be unlawful for any person to transport by vehicle or trailer any refuse, garbage, rubbish or junk within the City unless such refuse, garbage, rubbish or junk is covered in a manner sufficient to prevent any such from blowing out of or falling from said vehicle or trailer onto any public street or right-of-way.

Sec. 11- 7. Burning refuse.

It shall hereafter be unlawful for any person to burn any trash, waste, or rubbish within the corporate limits of the City. The fire marshal may adopt and promulgate rules necessary for the administration of this section consistent with the fire marshal's duties under Chapter 8 of this Code of Ordinances regarding the safety and welfare of the public.

Sec. 11-8. Rates for collection, removal and/or disposal of solid waste and recycling.

The charges for residential and commercial solid waste services, recycling services, and yard waste services from customers shall be established by the City Council.

Sec. 11-9. Failure to Pay.

Any customer who fails or refuses to pay the monthly charges established by the City Council when due shall no longer receive solid waste services, recycling services, or yard waste services until all related charges are paid in full.

Sec. 11-10. Holidays.

Thanksgiving, Christmas Day, and New Year's Day are designated as holidays. No solid waste services or recycling services shall be provided on these designated holidays. If a regularly scheduled pickup day falls on a holiday, collection shall take place within twenty-four (24) hours of the scheduled collection day unless a longer delay is approved by the City Manager.

Sec. 11- 11. Special programs.

The City Council may authorize special programs to assist eligible customers with the collection of solid waste and recyclable materials. Programs may include, but are not limited to, assistance moving containers to and from the curb, recycling opt-out programs, and reduced-size containers.

A customer's participation in any special program offered by the City shall be approved by the City Manager or his designee. The Customer will be responsible for any fees associated with a special program, change or reduction in service.

Sec. 11 - 12. Unlawful Dumping.

It shall be unlawful for any person, by his own action or that of his agent, employee or any person under his control, to cause any garbage, trash, refuse or other waste matter to be dumped, deposited or otherwise discharged or disposed of on any street, lot, park, public place or other area whether publicly or privately owned, except an area legally established as a dumping area. Waste matter includes, but is not limited to, tires, household furnishings, mattresses, appliances, household hazardous waste, vehicle parts, construction debris, solid waste, special waste, or brush.

Sec. 11 - 13. Special Sanitation Services.

When deemed necessary, in the best interests of the general public, the City may direct a special clean-up of unprepared waste, unbundled brush and limbs, and/or bulky waste in circumstances which constitute a health and sanitation or public safety concern. Rates for such special clean-up shall be set by City Council.

Sec. 11 - 14. Penalty.

Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction of any such violation such person shall be punished by a fine of not less than one dollar (\$1.00) and not more than two thousand dollars (\$2,000.00). Each and every day, or portion thereof, during which any violation of any of the provisions of this chapter is committed, continued or permitted, shall be deemed a separate offense.

Secs. 11-15 – 11-19. - Reserved.

ARTICLE II. RESIDENTIAL WASTE COLLECTION

Sec. 11-20. Solid waste collection and prohibitions.

Only residential refuse is to be placed in the solid waste container. Yard waste, brush and limbs, construction debris, tires, special waste, large dead animals, hot ashes/coins and stable matter such as dirt, brick and rock will not be accepted. All solid waste shall be bagged prior to placement in a container to minimize wind-blown litter and scattered debris caused by spills or animals.

It shall be unlawful for any person to place any solid waste in or around a container that cannot be completely contained within the container. Any waste not placed in the container will not be collected and will remain the responsibility of the customer. Container lids shall be kept closed to prevent scattering of the contents thereof by the wind, and so that insects and vermin may not have access to the contents thereof.

Sec. 11-21. Container availability, placement and collection.

Customers shall be provided one (1) solid waste container per residential unit that has a City utility account that is billed for residential solid waste service on a bi-weekly basis. Additional containers may be available upon request, for an additional fee as established by the City Council.

Residential containers will be collected once per week on a regularly scheduled day. Containers must be placed at the curb, or other approved collection point, no later than 8:00 a.m. on the customer's designated collection day. Containers shall not be placed at the curb for collection before 8:00 p.m. on the day prior to the scheduled collection day. Serviced containers shall be removed from the curb, or other approved collection point, and returned to a location near or adjacent to the dwelling structure no later than 8:00 p.m. on the day of collection.

Customers shall ensure that containers placed for collection are not blocked by a motor vehicle and are at least three (3) feet from other carts, mailboxes, vehicles, trees, telephone poles, water or gas meters, or other fixed objects. Containers shall be placed with arrows on the top of the cart facing the street. Carts shall not be placed on a sidewalk, over sprinkler heads, or under low-hanging tree limbs or cable/electrical wires.

Containers cannot be stored at the curb. All containers must be stored near or adjacent to (side or back) the residential dwelling occupied by the customer. Residential structures that do not have an area on the side or back may store containers in front of the residential dwelling as long as they are stored in manner that is not displeasing to neighbors or diminish the overall look of the neighborhood.

Sec. 11-22. Yard waste disposal and collection.

Customers needing collection of brush and yard waste must request a special pick-up by contacting the Collection/Transfer Station. Prior to collection, yard waste and brush must be cut into four-foot lengths or shorter and put in a separate pile for collection.

Secs. 11-23 – 11-29. Reserved.

ARTICLE III RESIDENTIAL RECYCLING SERVICES

Sec. 11-30. Residential curbside recycling collection.

Only recyclable materials shall be placed in the recycling container. Solid waste, yard waste, brush and limbs, construction debris, tires, special waste, large dead animals, hot ashes/coins and stable matter such as dirt, brick and rock will not be accepted. In the event a customer places garbage or any other item in the container designated for recycling, the customer shall be responsible for removing the garbage or other items from the container.

It shall be unlawful for any person to place any recyclable materials in or around a container that cannot be completely contained within the container. Any recyclable materials not placed in the container will not be collected and will remain the responsibility of the customer. Container lids shall be kept closed to prevent scattering of the contents. Shredded paper may be recycled but must be contained in a clear plastic bag before placement in the container.

Sec. 11-31. Container availability, placement and collection.

Customers shall be provided one (1) recycling container per residential unit that has a City utility account that is billed for residential solid waste service on a monthly basis. Additional containers may be available upon request, for an additional fee as established by the City Council.

Recycling containers will be collected bi-weekly on a regularly scheduled day. Containers must be placed at the curb, or other approved collection point, no later than 8:00 a.m. on the customer's designated collection day. Containers shall not be placed at the curb for collection before 8:00 p.m. on the day prior to the scheduled collection day. Serviced containers shall be removed from the curb, or other approved collection point, and returned to a location near or adjacent to the dwelling structure no later than 8:00 p.m. on the day of collection.

Customers shall ensure that containers placed for collection are not blocked by a motor vehicle and are at least three (3) feet from other carts, mailboxes, vehicles, trees, telephone poles, water or gas meters, or other fixed objects. Containers shall be placed with arrows on the top of the cart facing the street. Carts shall not be placed on a sidewalk, over sprinkler heads, or under low-hanging tree limbs or cable/electrical wires.

Containers cannot be stored at the curb. All containers must be stored near or adjacent to (side or back) the residential dwelling occupied by the customer. Residential structures that do not have an area on the side or back may store containers in front of the residential dwelling as long as they are stored in manner that is not displeasing to neighbors or diminish the overall look of the neighborhood.

Secs. 11-32 – 11-39. Reserved.

ARTICLE IV: COMMERCIAL WASTE COLLECTION

Sec. 11-40. Commercial solid waste disposal and collection.

Commercial solid waste service is available to commercial customers within the city limits. Commercial solid waste rates shall be based on container size and customer's requested service level. All commercial solid waste rates shall be set by the City Council.

Sec. 11-41. Container availability, placement and collection.

Commercial solid waste containers issued to customers shall remain the property of the entity providing the solid waste services. Customers shall only use the containers for their proper and intended purpose and shall not overload (by weight or volume) or alter the containers.

Containers must be set in a place and manner approved by the City. Lids and doors of all containers shall be kept closed at all times except when the container is being filled. Screening must comply with applicable zoning regulations. The City may provide exceptions to screening requirements on a case-by-case basis.

All solid waste shall be bagged prior to placement in a container to minimize wind-blown litter and scattered debris caused by spills or animals. The customer for whom a container has been furnished shall be responsible for keeping the area around the container clean and clear of all garbage and trash. Container lids shall be kept closed to prevent scattering of the contents thereof by the wind, and so that insects and vermin may not have access to the contents thereof.

Customers shall provide safe and unobstructed access to containers on their designated collection days. If a container is blocked or contains prohibited items, it will not be serviced. The customer may be charged for an additional pickup, at a rate to be established by City Council.

Secs. 11-42 – 11-49. Reserved.

ARTICLE V COMMERCIAL RECYCLING SERVICES

Sec. 11-50. Commercial recycling.

Commercial recycling service is available to commercial customers within the city limits. Commercial recycling rates shall be based on container size and customer's requested service level. All commercial recycling rates shall be set by the City Council.

Secs. 11-51 – 11-59. Reserved.

ARTICLE VI COLLECTION/TRANSFER STATION SERVICES

Sec. 11-60. Authorized users of the Collection/Transfer Station.

The City owns a collection/transfer station which acts as a receiving and transfer point for certain municipal solid waste. Persons authorized to utilize the facility are:

- (a) City of Brenham residents and commercial businesses; and
- (b) Washington County residents and commercial businesses.

Sec. 11-61. Rules and regulations for Collection/Transfer Station.

The collection/transfer station must operate in compliance with all applicable Texas Commission on Environmental Quality (“TCEQ”) rules, regulations, and the approved operating site plan. It shall be unlawful for the operator of the collection/transfer station to not comply with all applicable TCEQ rules, regulations, and the approved operating site plan.

Sec. 11-62. Hazardous and special waste.

The collection/transfer station is not permitted to receive hazardous waste or special waste. It shall be unlawful for any person, firm, or corporation to dispose of hazardous waste or special waste at the collection/transfer station.

Sec. 11-63. Operating hours.

The collection/transfer station shall be open during the hours set by the operator of the collection/transfer station. It shall be unlawful for any person to enter onto the premises or leave any waste on the premises when the collection/transfer station is not open.

Secs. 11-64 – 11-69. Reserved.

ARTICLE VII. COMMERCIAL OR RESIDENTIAL ROLL-OFF SERVICE; FRANCHISE REQUIRED.

Sec. 11-70. Roll-off container and commercial compactor services; franchise required.

Commercial and residential roll-off service shall be for the sole purpose of engaging in the business of collecting solid waste using roll-off containers and commercial compactors from commercial and residential sites within the city limits, as approved by the City Council.

No person, firm or corporation shall use any city street, alley or other public right of way in any manner for commercial or residential roll-off or compactor service, unless such person, firm or corporation obtains a franchise from the City for such purpose. Franchise payments shall be made to the City upon acceptance and approval of a franchise agreement by the City Council. The City Council reserves the right to grant an exclusive franchise to one person, firm or corporation to provide roll-off and commercial compactor services with the city limits.

Any person, firm or corporation that obtains a franchise from the City shall use a Type I permitted landfill for the disposal of all solid waste collected from within the corporate limits of the City.

SECTION 3.
SAVINGS CLAUSE

All provisions of any ordinance, resolution or other action of the City in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portions of said ordinances, resolutions or other actions shall remain in full force and effect.

SECTION 4.
SEVERABILITY

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentences and clauses and phrases remaining should any provision be declared unconstitutional or invalid.

SECTION 5.
REPEALER

Any other ordinance or parts of ordinances in conflict with this Ordinance are hereby expressly repealed.

SECTION 6.
EFFECTIVE DATE

This Ordinance shall become effective upon adoption and publication as required by law.

SECTION 7.
PROPER NOTICE AND MEETINGS

It is hereby officially found and determined that the meetings at which this Ordinance was passed were open to the public as required and that public notice of the time, place and purpose of said meetings were given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED and APPROVED on its first reading this the 30th day of April 2020.

PASSED and APPROVED on its second reading this the 7th day of May 2020.

Hon. Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary