

**CITY OF LAVON, TEXAS**

**ORDINANCE NO. 2016-08-07**

Solid Waste Disposal

**AN ORDINANCE FOR THE CITY OF LAVON, TEXAS ADOPTING REGULATIONS FOR SOLID WASTE DISPOSAL; REQUIRING SERVICE; ESTABLISHING LIMITS AND PROHIBITED ACTIVITIES; PROVIDING FOR ADOPTION OF SOLID WASTE COLLECTION RATES; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Lavon has authority to provide garbage collection services, require that residents utilize the garbage collection services and establish rates for such services; and

**WHEREAS**, the City of Lavon has authority to enter into a contract with a private company for solid waste collection and recycling services.

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

**SECTION 1.           GENERAL - SOLID WASTE**

**A. Mandatory use of collection service**

It shall be mandatory that each residence, commercial and non-residential establishment within the corporate limits of the City take and subscribe to the garbage collection service offered by the City through its contract garbage operator.

**B. Collection of fees**

The City shall bill customers for garbage collection and recycling fees as established by the City Council for garbage collection and recycling service. Such fees may be billed independently or attached to the monthly utility bill of every residence or commercial user that is connected to a utility system for which the City regularly bills.

**C. Residential containers and recycle bins**

(1) Residential units shall be provided an approved trash receptacle and recycle bin provided by the city designated waste collection contractor. The approved receptacle or receptacles shall be roll-out containers. The volume of the container will be designated by the city. The monthly fees assessed on the customer utility bill shall be based on number of containers requested by the customer(s).

- (2) The container(s) shall be issued to a residential address and shall not be removed from the premises.
- (3) The roll-out containers and recycle bins shall be the property of the waste collection contractor and must not be painted, marked, abused, mutilated, altered or modified in any way. Abuse and damage to a container by customers shall result in an assessment equal to the replacement cost of the containers.
- (4) The containers shall be placed at the curb or designated collection point no later than 7:00 a.m. on the scheduled collection day. The containers must be placed at or near the driveway approximately four feet from any mailbox or other obstacle. Where applicable, the containers must be placed between the sidewalk and the curb. No container may be placed in the street or be placed on any part of a sidewalk. The city secretary or their designee may make reasonable exceptions to the foregoing location requirements as needed to meet unique circumstances or to avoid undue hardship caused by literal compliance.
- (5) The containers shall be removed from the curb or designated collection point no later than noon the day after the regular scheduled pickup for the residential unit.
- (6) A stolen container shall be reported to the utility billing department.
- (7) Trash containers and recycle bins shall be placed and kept behind the front building line except as allowed in subsections (4) and (5) of this section when they are placed adjacent to the street for emptying by the designated waste collection contractor for the city.

#### **D. Non-residential collection and containers**

- (1) All non-residential customers shall contract with the City for solid waste collection services.
- (2) It shall be unlawful for any person other than the City's contract provider to collect or remove solid waste materials from a commercial container.
- (3) Non-residential customers shall remit payments for solid waste services directly to the City.
- (4) Non-residential customers may receive recycling services from the City's contract provider upon request.
- (5) The charge for collection and removal of solid waste from premises used for business, industrial, or institutional purposes shall be based upon the size, type and number of containers in use at such establishments and the frequency with which such containers are scheduled to be serviced. Such charges shall be in an amount established, and from time to time amended, by separate action of the City Council.
- (6) Non-residential customers shall establish with the City solid waste collection services and acquire an appropriately sized commercial container, such container to be serviced at a frequency that prevents the accumulation of waste outside the container and prevents littering or spilling

materials onto public areas or neighboring sites. Collection of non-residential solid waste shall not be made less than one time per week.

(7) Overfilled containers will not be emptied if a safety hazard exists. The customer will be responsible for removing excess and collection will be rescheduled when the excess material has been removed.

(8) The customer is responsible for providing access to the solid waste container and keeping the area around the top of the container clear of obstructions so that the container can be serviced as scheduled. If the container is blocked and not cleared, service will not be provided. Customer will be responsible for the cost of extra collections required.

(9) Non-residential containers owned by the contract provider shall not be marked, modified, or damaged by the customer in any way.

## **SECTION 2. RATES AND CHARGES**

The monthly rates or charges for garbage collection, recycling services and late payment penalties shall be established from time to time by separate action of the City Council.

## **SECTION 3. CUMULATIVE CLAUSE**

This ordinance shall be cumulative of all provisions of ordinances of the City except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

## **SECTION 4. SEVERABILITY CLAUSE**

It is hereby declared by the City Council that if any of the sections, paragraphs, sentences, clauses, phrases, words, or provisions of this ordinance should be declared unconstitutional or otherwise invalid for any reason, such event shall not affect any remaining sections, paragraphs, sentences, clauses, phrases, words, or provisions of this ordinance.

## **SECTION 5. PENALTY**

Any person violating any provision(s) of this ordinance shall be fined in a sum not to exceed Two Thousand Dollars (\$2000.00) and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

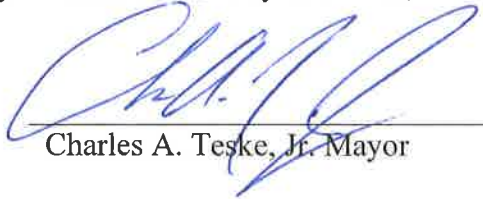
## **SECTION 6. PUBLIC MEETING**

It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

## **SECTION 7. EFFECTIVE DATE**

This ordinance shall be in full force and effect immediately upon its passage and approval by the City Council.

**PASSED AND APPROVED** by the City Council of the City of Lavon, Texas, this 23<sup>rd</sup> day of August, 2016.

  
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Charles A. Teske, Jr. Mayor

Attest:

  
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Kim Dobbs, Interim City Secretary

