

ORDINANCE NO. 2018 - ____

AN ORDINANCE OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE NEW BRAUNFELS CODE OF ORDINANCES CHAPTER 110, SOLID WASTE CODE BY AMENDING COMMERCIAL RATES AND OPERATIONAL CHANGES; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of New Braunfels established an ordinance containing rules, regulations, policies, and rate provisions affecting solid waste within the City limits and collection and disposal of same (Chapter 110 "Solid Waste", Code of Ordinances of the City of New Braunfels); and

WHEREAS, In 2010 Council approved the establishment of the Solid Waste Rate Model, for monitoring and making recommendations on changing or amending the Solid Waste rates; and

WHEREAS, In fiscal year 2013-14, the rate model was reviewed and updated due to some commercial process improvements and new services; and

WHEREAS, In fiscal year 2016-17, as part of an ongoing effort to more equitably distribute the required full cost of service recovery City Council approved the first of three possible 8.5% commercial rate adjustments in the Solid Waste Ordinance, along with some operational changes; and

WHEREAS, If approved by Council, the second 8.5% adjustment in commercial rates to continue to bring that line of business closer to the required full cost of service recovery will be in FY 2017-18; and

WHEREAS, The proposed operational changes consist of increasing the cost of a private hauler permit in FY 2018-19 from \$600 to \$2,000 per truck per year to begin to more evenly distribute the cost of street maintenance for usage by private solid waste collection vehicles; and

WHEREAS, Additional operation changes are required to improve the City's dumpster enclosure and vehicle access requirements; and

WHEREAS, new fees are necessary for requested or required services such as cleaning containers or the enclosure area of dumpsters due to odor, unsanitary, or unsafe conditions, the need for repair after a fire in the container, assistance to remove unauthorized or oversized items from the container, or removal of excess garbage that extends above the rim of the container; and

WHEREAS, the City Council of the City of New Braunfels, Texas has the authority under its Home Rule Charter and under the laws of the State of Texas to adopt regulations aimed to protect the health, safety, and general welfare of its citizens; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

Section 1: That Chapter 110 of the New Braunfels Code of Ordinances shall be amended to hereinafter read as follows:

Chapter 110 SOLID WASTE*

Article I. In General

Sec. 110-1. Short title.

Sec. 110-2. Definitions.

Sec. 110-3. City to provide Solid Waste services.

Sec. 110-4. Placement of Residential garbage, recycling and green waste.

Sec. 110-5. Services not furnished by City. Sec. 110-6. Collection methods. Sec. 110-7. Solid Waste Collection Services.

Sec. 110-8. Service charges; billings.

Sec. 110-9. Dumping prohibited.

Sec. 110-10. Meddling and scavenging.

Sec. 110-11. Public disposal.

Sec. 110-12. Permitting of private haulers.

Sec. 110-13. Hardship Residents; carry out service.

Sec. 110-14. Duty of property owners to trim overhanging trees, etc., and remove debris.

Sec. 110-15. Violations by corporations.

Sec. 110-16. Penalty for violation of chapter.

Sec. 110-17. Prohibited materials.

Sec. 110-18. Garbage collection on private streets.

Sec. 110-19. Refusal of service.

Sec. 110-20 - 110-38. Reserved.

Article II. Containers

Division 1. Residential Users

Sec. 110-39. Automated Residential Garbage Collection.

Sec. 110-40. Automated Residential Recycling Collection.

Sec. 110-41. Green Waste.

Sec. 110-42. Residential bulk trash/large brush placement and collection services.

Sec. 110-43--110-55. Reserved.

Division 2. Business, Commercial, Industrial and Institutional Users

Sec. 110-56. Commercial containers furnished by City, use of.

Sec. 110-57. Prohibited items for commercial containers.

Sec. 110-58. Container pads and enclosures for commercial containers.

Sec. 110-59.1. Roll-off service open top

Sec. 110-59.2. Compactor services

Sec. 110-60. Charges.

Sec. 110-61. Containers not furnished by City, requirements for use.

Sec. 110-62. Recyclables to be collected.

Sec. 110-63. Conflicts of ordinances; liability Sec. 110-64--110-80. Reserved.

ARTICLE I. IN GENERAL

It is hereby declared the policy of the City of New Braunfels, within Comal and Guadalupe counties, State of Texas, to preserve and maintain the clean and wholesome character of its environment and to preserve and maintain the health and welfare of its residents and businesses within the incorporated area of the City, and in so doing it is necessary to establish regulations governing the

accumulation, storage and disposal of garbage, refuse, rubbish, litter and other waste materials within the Incorporated City of New Braunfels.

Sec. 110-1. Short title.

This chapter shall be known and may be cited as the "Solid Waste Code" of the City.

Sec. 110-2. Definitions.

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

Apartment: means a self-contained housing unit that occupies only part of a building. Such a building may be called an apartment building/condominium, especially if it consists of many apartments for rent. Apartments may be owned by an owner/occupier or rented by tenants.

Approved Container: A container of various sizes furnished by the City to residential and commercial customers to store solid waste and recycling for collection.

Bag: means a plastic bag sack or trash compactor sacks designed to store refuse and having sufficient wall strength, a thickness of no less than two (2) mils, to maintain physical integrity when lifted at the top, with opening closed; or biodegradable Kraft paper yard waste bags.

Biodegradable: means decomposable by natural process.

Brush: means cuttings or trimmings from trees or shrubs and similar materials.

Bulky Waste: means large objects or stable matter with weights and/or dimensions and proportions greater than those allowed for in basic collection, including but not limited to stoves, water heaters, washing machines, furniture, loose brush, loose tree limbs and trimmings, and bundles in excess of forty pounds (40 lb.) in weight. This definition shall exclude household waste, construction debris, dead animals, or hazardous waste.

Bundle: means loose objects of the same characteristics, such as tree, shrub or brush trimmings, securely tied together using rope or twine forming an easily handled package not exceeding four feet (4') in length or forty-pounds (40 lb.) in weight.

Business: as used herein, shall mean any commercial operation, or any usage of property for other than residential purposes, involving the employment of any individual, or the sale or manufacture of any product.

Church: a place for the purpose of religious study, worship, fellowship, education and contemplation, including but not limited to a sanctuary, parish house, public school, parochial school, rectory or convent. For the purpose of this article, real property used as a church shall be considered a commercial usage.

Chlorofluorocarbons (CFC's): means coolant found in air conditioners, freezers and refrigerators; also, propellants (in aerosol applications) and solvents; they are also commonly known by the DuPont trade name Freon.

City: means the governmental entity and/or the corporate limits of the City of New Braunfels located in Comal and Guadalupe Counties.

City Recycle Center Aka Recycle Drop-Off Center: means a designated location, either temporary or permanent, within the City of New Braunfels established for the receipt of recyclable material including, but not limited to, aluminum, cardboard, glass, metal, paper, and plastic.

Collection: means the act of removing solid waste (or materials that have been separated for the purpose of recycling) which have been placed for the purpose of collection and transportation to a permitted solid waste disposal or processing facility.

Collection frequency: The number of times per week that collection service is provided.

Commercial Customer: means any enterprise or establishment whose main purpose is to carry on a commercial activity whether for profit or not. Typically includes, but not limited to, such enterprises as; hotels, motels, restaurants, fast food establishments, retail stores, schools, offices, shopping centers/malls/plazas, factories/manufacturing facilities, warehouses, and high density occupied dwellings such as apartment/condominium complexes and mobile home parks.

Construction Waste: means waste resulting from construction or demolition projects; includes all materials that are directly or indirectly the by-products of construction work or that result from demolition of buildings and other structures, including, but not limited to paper, cartons, gypsum board, wood, rubber, glass, metal, plastics, etc.

Container: means any portable device in which a material is stored, transported, or processed.

Customer: means a person, firm, partnership, association, corporation, governmental entity, or other entity receiving service provided from the City.

Disposal: means the discharge, deposit, dumping, spilling, leaking, or placing of any solid or liquid waste (whether containerized or non-containerized) into or on any land.

Disposal Site: means a managed area of land upon which solid waste is disposed of in accordance with standards, rules or orders established by the Texas Commission on Environmental Quality (TCEQ).

EPA: means Environmental Protection Agency.

Excess Garbage: Garbage or rubbish that will not fit into the city-issued approved container but may be put in plastic bags, not larger than thirty-three (33) gallons, and placed at the curb at least three (3) feet from the approved container and marked with a City issued excess garbage tag.

Excess Garbage Fee: means fee associated with excess garbage.

Garbage: solid waste consisting of 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.

Green Waste: means leaves, grass clippings, yard and garden trimmings, brush, including clean woody vegetative material measuring six inches or less in diameter that results from home owner landscaping maintenance and not commercial land clearing operations. This term does not include stumps, roots, yucca, cactus, palm debris, soil or rocks.

Hazardous waste: means any liquid or solid waste identified or listed as a hazardous waste by the administrator of the U.S. Environmental Protection Agency (EPA) pursuant to the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976.

Hardship Resident: means City residents who for health reasons established to the satisfaction of the Solid Waste Manager or designee, who are unable to physically place their cart curbside for collection, and who live alone or have no one residing with them physically able to place the cart curbside.

Household hazardous wastes: means any hazardous waste determined to be from residential origin and shall include but not limited to bleaches, herbicides, pesticides, drain cleaners, paint thinners and solvents, oil-based paints, and sharp objects such as syringes.

Illegal dumping: discarding waste in an illegal manner, where it doesn't belong and/or where environmental damage is likely due to improper disposal.

Litter: means any man-made or man-used object, organic or inorganic material, or solid waste and specifically includes trash which is not properly placed in a container, or an authorized sanitary waste disposal site; or another approved area, depository or in, a vehicle designated for transport or disposal of litter, trash, garbage or waste.

Missed Service: (City caused) customer whose container was not collected because City inadvertently missed collection of a properly placed container.

Missed Service: (Customer caused) customer whose container was not collected because it did not meet the required conditions of this code.

Municipal Solid Waste: means 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 industrial activities. The term does not include:

- (A) Solid or dissolved material 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;
- (B) Soil, dirt, rock, sand, and other natural 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
- (C) 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.*).

Non-collection material: Materials that shall not be collected by the Solid Waste Division, including, but not limited to, rock, dirt, manure, dead animals, hot coals, ashes, embers, tire and wheel combinations, tires, hazardous waste material, lead acid batteries, engines, lawn mowers, riding mowers, liquid waste

of any kind, vehicle bodies, boats, mobile homes, trailers, campers, and other items of like size; waste from undeveloped property, and landscaping waste for new homes or commercial sites.

Overloaded container: A container in which the capacity is exceeded, which is indicated by trash extending above the container rim, so the lid will not close properly.

Point of collection: A geographical point on or near a customer's property where approved containers are placed for collection service.

Premises: means businesses, houses, boardinghouses, theaters, offices, hotels, restaurants, cafes, eating houses, tourist camps, apartments, sanitariums, rooming houses, schools, private residences, tourist camps, vacant lots and all other places within the City where garbage, trash or rubbish accumulates in ordinary quantities.

Putrescible Waste: means organic wastes, such as garbage, waste water treatment plant sludge, and grease trap waste, that is capable of being decomposed by microorganisms with sufficient rapidity as to cause odors or gases or is capable of providing food for or attracting birds, animals, and disease vectors.

Recycling: means a process by which materials that have served their intended use or are scrapped, discarded, used, surplus, or obsolete are collected, separated, or processed and returned to use in the form of raw materials in the production of new products.

Recyclable Material: means a material that has been recovered or diverted from the non-hazardous waste stream for purposes of reuse, recycling, or reclamation. Recyclable material is not solid waste.

Recycling program: means the organized collection of recyclable material for the purpose of resource recovery and recycling in pursuit of the goals of the city.

Refuse: means all putrescible and non-putrescible solid waste including garbage and rubbish.

Residential Unit: means a dwelling within the corporate limits of the City of New Braunfels within Comal and Guadalupe Counties occupied by a person or group of persons.

Roll-off container: means a container used for the storage, collection and transportation of municipal, commercial, institutional, or industrial solid waste.

Route: means a series of concurrent stops to collect solid waste; a path regularly visited by a collection vehicle.

Rubbish: means non-putrescible solid waste (excluding ashes) consisting of both combustible and noncombustible waste materials. Combustible waste materials include but are not limited to paper, rags, cartons, wood, furniture, rubber, plastic, yard trimmings and leaves. Noncombustible waste materials include but are not limited to glass, tin cans, and metals.

Salvaging: means the controlled removal of waste materials for utilization, recycling, or sale.

Scavenging: means the uncontrolled and unauthorized removal of materials from a disposal or recycling center, any container, bag, or container within the corporate limits of the City or County.

Scrap Tire: means any tire that can no longer be used for its original intended purpose.

Screening: means process to detect and prevent unauthorized waste from entering the waste stream.

Service area: A geographic area within which solid waste collection services are provided.

Solid Waste Manager: means City official whose responsibility is the overall direction of the Solid Waste Division.

Special Pickup: means service required to pick-up and dispose of discarded items not serviced under normal collection procedures outlined in these provisions.

Special Waste: means any commercial or residential garbage, trash, rubbish, hazardous waste, infectious waste, or other solid waste that because of its quantity, concentration, physical or chemical characteristics or biological properties is not collected by the City's Solid Waste Division.

Uncovered: means any load of garbage or refuse which is uncontrolled to the extent that the garbage or refuse can escape from the carrier either from the top, sides or the bottom of the carrier under ordinary circumstances of travel.

Unprepared Solid Waste: means any solid waste garbage, brush, rubbish, recycling material or green waste which has not been placed in an approved cart or prepared for collection or is in contact with the ground, regardless of surface.

Vacant Lot: means land held and maintained in its natural state without building improvements or active utility account(s).

Vector: means an agent such as an insect or animal which transmits diseases from one person or animal to another.

White Goods: means major appliances such as refrigerators, freezers, washing machines, dryers, hot water heaters, stoves, and dishwashers.

Sec. 110-3. City to provide Solid Waste Services.

The City's Solid Waste and Recycling Division shall be the exclusive provider of residential and commercial garbage, residential recycling, residential green waste and residential refuse collection for all premises within the City. Service can be provided by an approved private hauler, where the Solid Waste Manager or designee has determined certain service is not available or furnished by the City, or it is not in the best interest of the City to provide service. It shall be unlawful for any person or entity to provide residential or commercial garbage, rubbish, recycling, green waste or refuse collection to any person or business for compensation within the City, or to make use of the public streets for that purpose, without first obtaining an approved service agreement with the City.

All residential, commercial, governmental, and non-profit premises must subscribe to City solid waste services or an approved City provider where the City is not providing said service as determined by the Solid Waste Manager or designee.

Sec. 110-4. Placement of Residential garbage, recycling and green waste.

The City's Solid Waste and Recycling Division shall not collect garbage, rubbish, green waste, or recyclable materials where such materials are not prepared for collection and placed as designated by the terms of this section. Failure to comply will be an offense and each day's failure to comply will constitute a separate offense.

- (a) All items (example: carts, trash bags, recyclables, green waste and/or biodegradable bags) intended for City collection shall be placed on the addressed side of the structure or designated point of collection approximately five (5) feet laterally from any obstacle. Place cart at the street's edge with the wheels against the curb, where curbs exist, or wheels facing away from main street section, where curbs do not exist.
- (b) The Solid Waste Manager or designee shall have the authority to designate an alternative point of collection with consideration for such factors as: employee safety, equipment maneuverability convenience for customers, hazardous conditions such as cables, utility poles, equipment clearance, animals; and collection costs.
- (c) Collection materials shall be placed no earlier than 8:00 p.m. the day prior to collection day, and no later than 6:30 a.m. on the day of scheduled collection. At all other times garbage, recyclables and green waste shall be kept at the side or rear of structure no closer to the street than the front of said structure.
- (d) No items shall be placed out for collection in an alley way, under any overhead lines of any type or low overhanging branches and shall be placed five (5) feet from any obstacle or structure. Exceptions to this shall only be given by the Solid Waste Manager or designee.
- (e) Green Waste such as tree leaves and grass shall be placed at the curb in biodegradable Kraft paper yard waste bags and shall not weigh more than forty pounds (40 lbs.) each. Bags will be provided at the discretion of the City and availability will be limited by budgetary and ordering constraints. When bags are not available for distribution by the City the customer will be responsible for securing bags to meet their needs at their cost. Brush, tree trimmings and limbs shall be totally separated from all other waste, including metals, lumber, paper, plastic, furniture, and appliances. Brush that cannot be placed in bags should be cut into four (4) foot lengths and bundled with rope or twine. Any waste regardless of quantity or sizes mixed with tree and shrubbery trimmings constitutes a violation of this section and shall not be collected.
- (f) It shall be unlawful to park, place, allow, permit or cause to be parked, place any motor vehicle, trailers, boats, or similar obstruction within five feet (5') of, or obstruct in any manner the collection of solid waste contained in a commercial or residential solid waste or recycling container.

Sec. 110-5. Services not furnished by City.

- (a) Disposal services for the following are not furnished by the City's Solid Waste and Recycling Division; the person or company that is in charge of the property where such accumulations or materials are found on the property or in a solid waste container/container shall be responsible for and required to remove and dispose of the accumulations in the manner and by the method directed by the Solid Waste Manager or designee: *Wholesale food establishments*. Places of wholesale accumulations, such as killing and dressing facilities for animals, fowl, wholesale fruit and vegetable houses, storage and other places where the daily accumulation of garbage and rubbish is more than the ordinary quantities.
- (b) *Dead animals*. Whole or part of dead animals, such as but not limited to, cows, horses, and mules.
- (c) *Manure*. Manure from cow lots, horse stables, poultry yards, and pigeon lofts.
- (d) *Garages and filling stations*. Waste oils from garages or filling stations.
- (e) *Used Tires*. Any used tires from service station, retail tire outlets, junk yards, etc.
- (f) *Burned materials*. Any accumulations of ashes, clinkers and cinders.
- (g) *Construction*. Any accumulations such as brick, broken concrete, lumber, dirt, plaster, sand or gravel, etc.
- (h) *Bulky materials*. Automobile frames, dead trees, and other bulky, heavy material.
- (i) *White goods*. White goods containing chlorofluorocarbons (CFC's, commonly known by the DuPont trade name Freon) i.e. refrigerators, freezers, and air-conditioning units.
- (j) *Electronic goods*. Computers, televisions and other electronic goods.

Sec. 110-6. Collection methods.

No one except the duly authorized agents and employees of the City shall empty garbage carts, recycling carts, or green waste or convey or transport garbage or recyclables on the streets, alleys and public thoroughfares of the City without first obtaining an approved permit with the City.

Anything left or placed within a three-foot radius of any approved container at its point of collection shall be deemed as placed or left there for collection, and the Solid Waste and Recycling Division and its employees shall not be liable for the removal thereof.

Sec. 110-7. Solid Waste Collection Services

Standard residential solid waste collection service shall include once-a-week collection of garbage and once-a-week collection of recyclables and green waste. Standard commercial solid waste collection service shall include garbage collection of a frequency and volume as stated in Sec. 110-8 Service charges; billings but no less than once per week.

- (a) *Residential*. In the residential areas, garbage shall be prepared for collection to be made no more than one time per week. Garbage volume shall not exceed one 96-gallon cart or one 48-gallon cart at each collection, the container lid must close completely. Any garbage in excess of this limit shall not be collected unless the bag with the excess garbage is tagged with a City issued sticker and placed at least five (5) feet laterally away from a City issued cart. In those areas where automated recycling is provided (single family residences, duplex apartments, triplex apartments, and fourplex apartments), collection of recyclables and green waste shall be made one time per week.
- (1) Any person making application for water and/or electric service inside the City limits shall be deemed to have applied for garbage and recycling services and shall be considered a customer

of the Solid Waste and Recycling Division of the City until such time as water and/or electric service to such person has been discontinued. The cost of residential garbage service shall be as defined in Sec. 110-8 Service charges; billings.

- (2) New single-family residences or premises shall be exempted from City residential garbage collection service charges while under construction and until initial occupancy of the structure. Initial occupancy shall be interpreted as the sale or lease of the property to a second party for occupancy, commercial use as a model home, or the first electric meter account change from contractor to occupant, whichever occurs first.
- (3) Excess garbage stickers shall be made available at locations designated by the Solid Waste Manager or designee.
- (4) Excess garbage service utilizing an additional City issued garbage container (limit two), will be evaluated for approval by the Solid Waste Manager or designee. Excess garbage service provided through a City issued additional garbage container shall be required for a minimum four consecutive months before the service can be discontinued, reinstated, changed or modified. The cost of the excess garbage stickers or a City issued additional cart shall be as defined in sec. 110-8 service charges; billings.

(b) *Commercial business.* In the commercial and/or business districts comprising hotels, motels, boardinghouses, apartments, condominiums, churches, rest homes, funeral homes, sanitariums, hospitals, recreation areas, retail, restaurants, and cafes, collection will be made as often as may be necessary to comply with sanitary standards but no less than once weekly.

(1) Commercial customers making application for water and/or electric service inside the City limits shall be deemed to have applied for garbage service and shall be considered a customer of the Solid Waste and Recycling Division of the City until such time as water and/or electric service to such person has been discontinued. The cost of commercial garbage service shall be as defined in sec. 110-8 Service charges; billings. Commercial customers requiring seasonal service may request a change in service with 30 days' notice to the City. Any change in service shall be locked in for a minimum four-month time period before the service can be changed or modified

Sec. 110-8. - Service charges; billings.

(a) *Residential.* The fair and reasonable charges for providing garbage removal service for residential areas shall be as set out in this subsection and unless noted otherwise such charges shall be collected monthly.

- (1) Residential unit:
Refuse \$13.40
Recycling 4.26
Total 17.66
- (2) Apartment minimum 13.40

- (3) Brush/bulky pick up, minimum for first one-half hour 25.00
Each one-half hour thereafter 25.00
 - (4) Excess garbage tags, per five tags 10.00
 - (5) Excess garbage fee for additional residential cart 6.50
 - (6) Administrative fee for additional recycling cart No charge
 - (7) Administrative fee for additional cart, per request for service charge per each container 10.00
 - (8) Replacement cart (second request and after): Actual cost of cart
 - (9) Container rental (each 3—8 cubic yard container) 45.00
 - (10) Container collection service, per each collection:
 - Three cubic yards 15.00
 - Four cubic yards 20.00
 - Six cubic yards 30.00
 - Eight cubic yards 40.00
 - (11) Missed service (resident-caused) (as determined by solid waste manager or designee), each occurrence 15.00
 - (12) Missed service (city-caused), or undetermined cause No charge
- (b) *Commercial/business.* The fair and reasonable charges for providing garbage removal service for each business shall be as set out in this subsection, and such charges shall be collected monthly:
- (1) *Commercial standard carts collected one time per week.*
 - a. Minimum charge (two 96-gallon carts) \$ 29.32
 - b. Additional commercial 96-gallon cart (limit two), each 14.66
 - c. Administrative fee for additional cart, per request for service change 10.00
 - d. Brush/bulky pick up, minimum for first one-half hour 25.00
 - (2) Necessary dumpster cleaning, repair, and painting after a fire in container 250.00
 - (3) Dumpster cleaning required by Solid Waste Manager or customer requested, due to odor, unsanitary, or unsafe condition 75.00

- (4) Mechanical assistance to remove unauthorized and/or oversized items from container65.00
- (5) Manual collection of excess garbage and rubbish on site 140.00 per hour based on total amount of time including, but not limited to, travel, loading, disposal, and weight of contents.
- (6) Installation of locking mechanism 30.00
- (7) Key charge 5.00
- (8) Waiting time for blocked container (requested by customer) 134.40/hour; 2.24/minute
- (9) Overloaded/excess garbage fee
 - a. 3 cubic yards 15.00
 - b. 4 cubic yards 20.00
 - c. 6 cubic yards 30.00
 - d. 8 cubic yards 40.00
 - e. 10 cubic yards 50.00
- (10) *Three cubic yards.*
 - a. One time per week 97.71
 - b. Two times per week 112.18
 - c. Three times per week 123.95
 - d. Four times per week 184.22
 - e. Five times per week 185.08
 - f. Six times per week 185.92
- (11) *Four cubic yards.*
 - a. One time per week 123.02
 - b. Two times per week 138.33
 - c. Three times per week 153.04
 - d. Four times per week 187.49
 - e. Five times per week 232.50
 - f. Six times per week 247.22
- (12) *Six cubic yards.*
 - a. One time per week 174.82
 - b. Two times per week 191.30

- c. Three times per week 208.37
- d. Four times per week 265.61
- e. Five times per week 317.84
- f. Six times per week 320.79

(13) *Eight cubic yards.*

- a. One time per week 226.03
- b. Two times per week 249.99
- c. Three times per week 263.70
- d. Four times per week 343.74
- e. Five times per week 374.94
- f. Six times per week 411.33

(14) *Ten cubic yards.*

- a. One time per week 277.83
- b. Two times per week 312.51
- c. Three times per week 319.03
- d. Four times per week 421.82
- e. Five times per week 446.76
- f. Six times per week 467.36

(15) *Three cubic yard compactor, customer-owned.*

- a. One time per week 108.57
- b. Two times per week 133.88
- c. Three times per week 156.50
- d. Four times per week 227.62
- e. Five times per week 239.33
- f. Six times per week 251.03

Four cubic yard compactor, customer-owned.

- a. One time per week 139.29
- b. Two times per week 165.45
- c. Three times per week 196.44
- d. Four times per week 241.74
- e. Five times per week 303.03
- f. Six times per week 334.02

Six cubic yard compactor, customer-owned.

- a. One time per week 196.52
- b. Two times per week 234.70

- c. Three times per week 273.47
- d. Four times per week 352.41
- e. Five times per week 420.91
- f. Six times per week 445.57

Eight cubic yard compactor, customer-owned.

- a. One time per week 253.15
- b. Two times per week 304.24
- c. Three times per week 350.50
- d. Four times per week 452.24
- e. Five times per week 515.99
- f. Six times per week 579.51

(19) *20 cubic yard compactor, customer-owned.*

- a. One time per month 393.55
- b. Two times per month 786.63
- c. Three times per month 118.48

30 cubic yard compactor, customer-owned.

- a. One time per month 508.87
- b. Two times per month 1,017.73
- c. Three times per month 1,565.95

40 cubic yard compactor, customer-owned.

- a. One time per month 623.88
- b. Two times per month 1,247.75
- c. Three times per month 1,871.63

Open top roll-off rates 20, 30 and 40 cubic yards.

- a. Minimum one-month rental 150.00
- b. Delivery fee 150.00
- c. Service fee, plus disposal fee for weight of container contents 150.00

- (c) *Discarded used tire pickup.* The collection and removal of discarded tires from service stations, retail tire outlets, junkyards and similar establishments shall be the responsibility of those respective establishments at their own cost and are not considered municipal solid waste.

(d) *Lien created.* The mayor or local health authority shall file a statement of expenses incurred under this section, giving the amount of such expenses, the date on which such work was done or improvements made, with the county clerk of Comal County, Texas; and the city shall have the privileged lien on such lot or lots or real estate upon which such work was done or improvements made to secure the expenditures so made, in accordance with the provisions of V.T.C.A., Health and Safety Code § 342.003 et seq., which such lien shall be second only to tax liens and liens for street improvements; and such amount shall bear ten percent interest per year from the date such statement was filed. It is further provided that for any such expenditures and interest, as aforesaid, suit may be instituted, and recovery and foreclosure of such lien may be had in the name of the city; and the statement of expenses so made, as aforesaid, or a certified copy thereof shall be prima facie proof of the amount expended for such work improvements.

(e) *Special provisions.* A fee in the amount shown on the schedule below shall be assessed to each commercial business account requiring a collection frequency greater than their normal weekly pick up. This fee shall be collected monthly and shall be known as a call-in collection of commercial containers:

Call-in collection charges:

Three cubic yards	\$123.88
Four cubic yards	152.75
Six cubic yards	211.25
Eight cubic yards	276.07
Ten cubic yards	345.11

Call-in collection charges (roll-off/front load compacting containers).

Three cubic yards	133.06
Four cubic yards	170.75
Six cubic yards	240.39
Eight cubic yards	310.32
20 cubic yards	482.79
30 cubic yards	623.77
40 cubic yards	764.75

(f) *Penalty.* Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined in any sum not exceeding \$1,000.00, and each day's violation shall constitute a separate and distinct offense. If the owner or occupant of any lot, lots or premises under the provisions of this chapter shall be a corporation, and shall violate any provisions of this section, the president, vice-president, secretary, treasurer of such corporation, or any manager, agent, or employee of such corporation shall be also severally liable for the penalties provided in this section.

(g) *Billings.* A bill for garbage collection services will be rendered no less frequently than monthly. The "net amount due" stated on the bill is due when the bill is rendered. The bill shall be considered delinquent in 14 days from the date rendered (the "net amount due date" shown on

the bill). A delinquency or late charge equal to ten percent of the net amount due shall be payable in addition to the next amount due if the bill is not paid by the net amount due date.

(h) *Fees.* All fees paid for garbage and recycling services shall be placed in a separate enterprise fund for the purpose of funding the provision of these services. All fees and rates shall be set by resolution or ordinance and adopted by city council.

(i) *Charges set:* The City council shall from time to time set by resolution or ordinance all charges and assessments to be collected from each customer. The City shall reimburse for up to six (6) months of any overcharges. Customers may be liable for up to six (6) months of undercharges.

Sec. 110-9. - Dumping prohibited.

(a) It shall be unlawful and is hereby declared a public nuisance for any person to throw, dump, deposit or place any litter, trash, or waste material of any kind on public or private property within the city limits or its extraterritorial jurisdiction. It shall be an affirmative defense to prosecution that the litter, trash, or waste material was thrown, dumped, deposited or placed at a city-designated disposal area.

(b) Any person who shall violate any of the provisions of this section or fail to comply therewith shall be deemed guilty of a class "C" misdemeanor and, upon conviction, shall be fined not less than \$200.00 nor more than \$2,000.00 and be liable for cleanup costs associated with removal. This offense is hereby declared to be a strict liability offense and the culpable mental state required by V.T.C.A., Penal Code Ch. 6.02 is hereby specifically negated and clearly dispensed with.

Sec. 110-10. - Meddling and scavenging.

The meddling with or theft from garbage cans and recycling containers or in any way pilfering, scavenging, or scattering contents from any such container is prohibited. It is further prohibited for any person to place or remove anything in any can, container, dumpster, or container unless placed or removed by the person or entity owning or exercising control over the container or paying for its use.

Sec. 110-11. - Public disposal.

(a) *Residence and business owners.* Residence and business owners shall not dispose of garbage, trash, rubbish, bottles, broken glass, cans, and dead animals by placing same in public trash barrels or garbage containers in public places, along city streets, or in driveways, rivers or creeks.

(b) *Picnics and parties.* Persons picnicking in or using the facilities of any park or any public place in the city shall place all their garbage, trash, rubbish, bottles, broken glass, cans, and dead animals in trash barrels or containers provided in such public places for that purpose.

(c) *River related activities.* Persons using river amenities shall place all their garbage, trash, rubbish, recyclable material, etc. in appropriate bags or devices while in the water or upon exit

from the water in barrels or containers provided in such public places for that purpose and shall not deposit litter in the river or on adjacent lands.

Sec. 110-12. Permitting of private haulers.

- (a) It is unlawful to operate a solid waste vehicle without a permit. It shall be an offense for a person to engage in the business or occupation of hauling, collecting, disposing, or offer to haul, collect or dispose of solid waste or recyclable materials within the City's corporate limits unless the person has obtained and affixed a current, valid permit decal to each vehicle covered by this section. Under authority of V. T. C. A., Local Government Code CH. 217, sub. Ch. C, regulation by a home rule municipality. It is further declared a public nuisance for a person to collect or offer to collect, or to dispose or offer to dispose of, solid waste within the City's corporate limits unless the person has secured and affixed a current, valid permit decal to each vehicle covered by this section.

(1) For the purpose of this section *Vehicle* means a "for-hire" or other commercial, industrial, motorized instrument of solid waste conveyance regulated under this section, and used, designed and/or equipped to collect, move, or dispose of solid waste materials within the corporate limits of the City. For example, vehicle includes, but is not limited to, those owned or operated to haul waste generated by the owner of the vehicle, such as a demolition company, construction company, commercial or residential builder, including but not limited to hazardous or special wastes regularly or occasionally collected or disposed within the City's jurisdiction, including those vehicles that transport liquid wastes.

(b) *Permitting procedure.*

- (1) Each application for a permit required by this section shall be made to the Solid Waste and Recycling Division, and shall include:
- a. Name, business address, and telephone number of the applicant solid waste hauler;
 - b. The trade name under which the applicant hauls or intends to haul solid waste;
 - c. The number and type of vehicle(s) the applicant intends to operate, together with a general physical description of each vehicle (e.g. year made, model, manufacture's rate capacity) along with state registration number;
 - d. The period the applicant has been engaged in the activity of hauling solid waste refuse and the daily hours of operation intended for collection transportation and disposal activities.
 - e. Address of container, number of containers at each location, and size of containers
 - f. Statement whether the applicant or any person or entity with whom he has been associated or employed has a claim or judgment against him for damages resulting from the negligent operation of a vehicle;
 - g. Statement of the financial ability and responsibility of the applicant;
 - h. Certificates of Insurance - copy of proof that the applicant has a valid general (public) liability insurance policy for the full term of the license period in the amounts of not less than \$500,000.00. In addition, a business automobile liability coverage for each vehicle operated by the hauler with combined single limits for bodily injury and property damage of not less than \$500,000.00. The policies shall contain a provision requiring that the City be provided with a 30-day notice, in writing, of cancellation or material change in the policies. In the event of cancellation or material change in the hauler's policies, the permit shall be suspended along with the hauler's vehicular activities until such time as the hauler can again secure appropriate coverage.; and
 - i. Such other information as the permitting officer may reasonably require.

- (2) Each application for a permit under this section shall be accompanied by a permit fee in an amount equal to \$2,000.00 for each truck with a gross vehicle weight of 7,000 pounds or more and \$150.00 for each truck with a gross vehicle weight of 6,999 pounds and less operated.
- (3) The permitting period under this section shall be for one year, twelve (12) months from the date of issuance, if issued and fully paid at commencement of the permit year, January 1 of each year. Quarterly permits may be secured on January 1, April 1, July 1, and September 1 of each calendar year, or the next business day should any of the above dates fall upon weekends or City holidays. These individual quarterly permits and quarterly fee payments shall not be prorated for use of the vehicle during partial quarters. Failure to pay within a ten (10) day grace period will result in a ten (10) percent late fee penalty. The annual permit is required to be renewed each year by January 2 or the first City working day after January 1 and the permit fee shall be paid each time the permit is renewed for the upcoming calendar year ending on December 31.
 - a. Prior to the issuance of a solid waste hauler permit, the applicant shall pay the current permit fee for each vehicle in accordance with the vehicle permit fees in this section. Such fees may be reviewed by the City annually and adjusted by the City Council.
 - b. Applicant will be entitled to prorate annual permit fees for vehicle units added after commencement of the annual permit period. Proration's shall not be allowed on a daily or monthly basis but will be calculated on a quarterly basis. Any portion of a quarter for which a permit fee is paid must satisfy the entire quarterly obligation.
 - c. Late payments, made after a ten (10) day grace period, applicable to annual and quarterly payments, shall be subject to a ten (10) percent late fee penalty.
 - d. Vehicles owned and/or leased by the City are exempt from paying the vehicle permit fee and from displaying a permit decal.
- (4) The permit issued under this section is nontransferable and may be revoked by the City at any time when in its judgment such action is in the best interest of the public, without refund or rebate to the permittee for any unused portion of the permit fee.
- (5) Before any permit under this section is issued or renewed, the Solid Waste Manager or designee shall evaluate the application as necessary to determine whether the Solid Waste and Recycling Division could or should provide a comparable service and whether the public convenience or necessity requires the granting of such permit. The Solid Waste and Recycling Division shall refuse to issue a permit to an applicant when it has been determined that the best interest of the public will not be served. In such case, the application fee shall be wholly refunded to the applicant. Denial of a permit by the City of New Braunfels prevents the applicant from providing service in the City of New Braunfels. Supplying false information to the Solid Waste and Recycling Division shall be grounds for refusal to grant a permit or revocation of a permit if already issued. The hauler shall at least annually update the information contained in the application to reflect any substantive changes in the information required by the initial application. Before issuance or renewal of a permit, the Solid Waste Manager or designee shall verify that all trucks shall be marked in a manner that will make them readily identifiable and that a sticker for the current permit is affixed to the truck permitted and being used for such purpose. Commercial concerns that are not in the business of hauling solid waste for others but

rather are hauling waste generated by themselves or their own commercial activities, shall permit their vehicles in accordance with this section.

- (6) Prior to the issuance of a permit, the Solid Waste and Recycling Division may require the applicant to submit for inspection by the Solid Waste and Recycling Division at a City facility each. Any City inspections hereunder shall be conducted by trained and qualified City technicians. In the event that the Solid Waste and Recycling Division chooses to inspect the vehicle, the Solid Waste and Recycling Division or its agents shall determine whether the vehicle(s) is constructed and equipped in accordance with the provisions of this section and that the vehicle(s) are generally in good repair. In addition to the initial optional Solid Waste and Recycling Division inspection prior to the issuance of a permit, designated employees of the Solid Waste and Recycling Division are hereby authorized to randomly re-inspect the vehicles at "off-road" locations periodically in order to observe that the vehicles are generally maintained in good repair and are likely not to constitute a public health hazard or public nuisance under provisions of this and any other governing ordinances. These optional "off-road" Solid Waste and Recycling Division inspections may take place at a City facility to be designated by the Solid Waste and Recycling Division. These "off-road" Solid Waste and Recycling Division inspections do not supplant the legally mandated inspection of motor vehicle requirements of the State Department of Public Safety or the State Department of Transportation. All transport vehicles shall have a valid department of public safety inspection sticker properly displayed.
- (7) The City will monitor collection sites within its jurisdiction on an as needed basis and may pursue enforcement, including, but not limited to, issuance of criminal citations to drivers of non-compliant vehicles used for hauling, citations to responsible legal entities, and establishment of predicates for civil enforcement against any responsible person.
- (8) For purposes of notice, where required by this section, it shall be sufficient to notify the permittee by certified mail at the address represented in the permit application. When a violation of this section is alleged, in contemplation of criminal or civil prosecution, certified mail, return receipt, shall be sufficient evidence of notice of violation to a permittee in whose name a permit has been issued, whether the permit is current or delinquent.

When a violation of this section is alleged, based upon a vehicle's displaying no evidence of a permit, a citation given directly to the driver of the vehicle shall be the same as and legally sufficient to effect notice of the violation to the owner. In which case, the driver is the apparent agent of the owner, as allowed by law. Thereafter, service of process for civil or criminal prosecutions shall be conducted as prescribed by law. Where the permittee is a corporation, notice may be personally, hand delivered to the president, any vice president, or agent of the corporation. In the event the president, a vice president, or registered agent cannot with reasonable diligence be found at the registered office, duplicate copies of the notice shall be sent to the registered agent identified according to records of the secretary of state by certified mail, return receipt requested. Or, in the alternative or in supplementation, any sufficient form of substituted service provided by law may be employed.

- (9) Prior to the issuance of any permit under this section, the applicant shall demonstrate, upon the Solid Waste Manager's request, the payment of any undisputed, previously due and outstanding, sales and/or property taxes, fees, and other debts owed to the City including.

Contractors and subcontractors who perform city contracts and/or who participate in public projects must be in compliance with permit and fee requirements. Non-compliant haulers are not eligible to perform City contracts or to act as subcontractors to City contractors. Eligibility shall be verified by the city's various departments in coordination with the Solid Waste and Recycling Division.

(10) Upon the applicant's fulfilling the requirements set out in this section, the department will issue either an annual or quarterly permit(s) to the applicant for the qualifying vehicle(s). The annual permit(s) shall be valid for a period of twelve (12) months from the date of issuance or for a quarter (three (3) months), dependent on timely payment of vehicle permit fees. The requirements set out herein must be satisfied prior to the reissuance of a permit.

a. A permit issued by the City pursuant hereto does not authorize the collection, transporting, discharge, or disposal of regulated hazardous solid wastes. Any transporter carrying hazardous solid waste from, within, or through, the City shall have obtained applicable state department of health services, state commission on environmental quality, or EPA permit(s), all as may be necessary, and use the appropriate hazardous solid waste transportation and disposal manifest and routing system.

b. Prior to the operation of any vehicle regulated by this article, each permittee:

1. Shall clearly and visibly display on both exterior sides of each vehicle on the door(s) or fender(s) the business or trade name of the hauler contained in the permit application in a color clearly contrasting with the background color in three-inch letters or larger.
2. Shall permanently affix the permit decal for prominent display as instructed by the solid waste and recycling division. The permitted solid waste hauler shall keep the vehicle permit issuance receipt, or a copy thereof, with the vehicle and/or equipment operator at all times.
3. A permit issued under this section is non-transferable from one solid waste hauler to another solid waste hauler without prior written approval of the Solid Waste Manager and submittal of proper re-registration information to the City. A permitted hauler who changes names or transfers permits by sale or other enterprise transfer, such as lease, must notify the City and pay an administrative transfer fee of twenty-five dollars (\$25.00) per vehicle or as established by subsequent City budget ordinances.

c. Solid waste hauling vehicle specifications and maintenance requirements.

1. It shall be the duty of the permittee to ensure that all solid waste transportation vehicles utilizing the public streets, public alleys, and highways within the corporate limits of the city to transport solid waste at all operational times conform to the following minimum vehicle specifications and maintenance requirements. Failure to do so shall constitute a violation of this section and permit conditions.
2. The permittee shall be required to maintain and operate its solid waste hauling vehicles and related equipment in good order to render sanitary service subject to the terms of this ordinance and the permit(s) issued pursuant hereto. The vehicles that are seven thousand (7,000) pounds gross vehicular weight or more used in the collection

of solid waste refuse shall be all metal, watertight, and shall be equipped with closed bodies equipped with hydraulically operated devices for compacting collected garbage. Those vehicles that are seven thousand (7,000) pounds gross vehicular weight or more shall meet all federal and state laws and regulations brush trucks and vehicles designed to haul roll-off collection containers, are also regulated by the state tarp law. All vehicles shall be kept in a clean and sanitary condition and all vehicles shall be cleaned inside and outside at least once each week. The hauler shall additionally cause the vehicle exterior to be clean, vector free, and relatively odor free at the beginning of each working day and provide for intermittent wash downs of vehicle and equipment exteriors and wash outs of container interiors as necessary to generally maintain the above conditions. Failure to comply with this section may result in revocation of a vehicle permit granted herein.

d. It shall be unlawful for a person to do or perform any act prohibited by this section and it shall be unlawful for a person to fail to do or perform any act required hereby. Each day's violation hereof shall constitute a separate offense. Any person or permittee who is found guilty in the municipal court of the City of violating this section and/or waste hauler permit provisions shall be fined not less than five hundred dollars (\$500.00) nor more than two thousand dollars (\$2,000.00) for each offense. If the finder of fact (the court or jury) imposes fine more than five hundred dollars (\$500.00), the finder of fact must also find that the violation was committed knowingly, intentionally, or recklessly. Each day on which a violation shall occur or continue shall be deemed a separate and distinct actionable offense. In addition to the penalties provided for herein, the City may seek recovery in a court of competent jurisdiction for any actual damages it might suffer. The City may also seek reasonable attorney fees, court costs, and other expenses of litigation along with all other relief, both in law and in equity, to which it might be entitled. Additional recoveries and relief in law and/or equity under existing federal or state law are not precluded by specific recoveries obtained by the City under this section.

1. In prosecuting permit violations, the Solid Waste and Recycling Division will refer cases for civil and criminal prosecution and will assist the office of the city attorney in preparing and prosecuting petitions in courts of competent jurisdiction. The office of the City attorney is authorized to pursue civil relief, which may include, but is not limited to, an injunctive order, to remove vehicles belonging to offenders from streets and City property, and to enjoin persons from operating vehicles in violation of this section's permitting provisions. In such case, a petition for injunctive relief need not be preceded by a criminal conviction. The City may be entitled to its attorney's fees and costs and may plead entitlement to delinquent permit fees, and interest on the debt and judgment as may be allowed by law. The City may plead and prove facts to uphold issuance of a court order, the violation of which shall place the offender at risk of contempt of court and jail.

In addition to criminal prosecution, this section is cumulative, and not exclusive, of any other remedies at law and in equity to which the City may be entitled.

2. A hauler's use of City property, streets, alleys, roads, or other rights-of-way, without permit, shall create a presumption of debt. The City may elect to pursue debt enforcement against a hauler who uses such City property without proper permit(s). If the City elects this remedy, the City may plead the value of the service rendered to the delinquent hauler. In such case, the City may enforce a final judgment by all means at

its disposal, including but not limited to recording and fixing liens, acquiring execution, foreclosure, and seizure orders from the court, and orders from the court directing sale of hauler's property to satisfy the judgment.

e. Any person who knowingly makes any false statements, representations, or certifications in any permit application or affidavit filed with the City or required to be maintained pursuant to this article shall, upon conviction, be punished by a fine of not more than two thousand dollars (\$2,000.00).

Sec. 110-13. Hardship Residents; Carry out service.

City residents who for health reasons establish to the satisfaction of the Solid Waste Manager or designee, that they are unable to physically place their container curbside for collection, and who live alone or have no one residing with them physically able to place the container curbside, are eligible for carry out service. A statement from a medical physician verifying the need for carry out service shall be required before carry-out service is established. The container for carry out service shall be placed near the front of the house, at a point visible from the street. Containers for carry out collection shall not be placed inside fenced areas or a garage. Carry out service constitutes retrieving cart from near or at the front of the residence, rolling the cart to the street, collecting the material, and returning the cart to where it was obtained from originally.

Sec. 110-14. Duty of property owners to trim overhanging trees, etc., and remove debris.

It shall be the duty of the occupant, owner or agent of every premises in the City to keep all trees and shrubs on his premises well-trimmed so that they will not impede the collection of residential or commercial containers.

Sec. 110-15. Violations by corporation.

Whenever a corporation which cannot be arrested violates this chapter, the officer or servant authorizing or responsible for such violation shall be personally liable for such penalty, or the corporation may be sued in the justice court by the City for the maximum penalty.

Sec. 110-16. Penalty for violation of chapter.

Any person who shall violate the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be fined any sum not less than \$25.00 and not exceeding \$1,000.00 for the first offense; upon conviction for a second or subsequent offense, the fine shall be any sum not less than \$150.00 and not exceeding \$2,000.00; and each day's violation shall constitute a separate and distinct offense.

Sec. 110-17. Prohibited materials.

The following categories of solid waste are defined as non-collection items and shall not be placed at curbside or in a container at any residence, business or premises for collection by the Solid Waste and Recycling Division.

- (a) Rock;
- (b) Dirt;
- (c) Dead animals or dead animal waste;
- (d) Hot coals, ashes, or embers
- (e) Tires, tire and wheel combinations;
- (f) Hazardous waste material;
- (g) Lead acid batteries;
- (h) Vehicle bodies, engines, boats, camper shells;
- (i) Other waste classified as special waste by the Texas Commission on Environmental Quality;
- (j) Construction and demolition site material including, but not limited to, bricks, building blocks, concrete, sand, gravel, and roofing; and further including, but not limited to, mobile homes, travel trailers or other items of like size, and waste from undeveloped or vacant property, including brush shall not be collected by the City. These materials shall be the responsibility of the owner and/or contractor and must be removed at the expense of the owner and/or contractor.

Sec. 110-18. Collection on private streets.

If in the opinion of the Solid Waste Manager or designee, gated or private neighborhood streets are arranged so that collection may occur without creating a safety hazard, the City may choose to require proper indemnification from the community association or individual property owner(s) prior to providing collection. The community association or individual property owner(s) shall furnish combination or gate code entry into said community for garbage, recycling, and green waste collection. The community association or individual property owner(s) must maintain, at their expense, suitable access drives or roads to the satisfaction of the Solid Waste Manager or designee. Any damage to said access drives or roads attributed to City collection vehicles must also be repaired by the community association or individual property owner(s) at their expense.

Collection locations shall be subject to the approval of the Solid Waste Manager or designee. In the event the City does not collect garbage, recycling, and green waste within a private location, all units within the community may be exempted from payment of garbage and recycling fees upon furnishing of evidence ensuring acceptable removal of all garbage, recycling, and green waste by private means. To receive such exemption, written application must be submitted to and approved by Solid Waste Manager or designee.

Single-family residences or premises not abutting public roadways, and to which access is possible only across private property, and premises abutting public roadways but on which the dwelling is so remote from such roadway as to make City collection of garbage, recycling, and green waste impractical, may be exempted from such collection service and charges.

Sec. 110-19. Refusal of service.

If any of the regulations and provisions contained herein is not adhered to, the City retains the right to refuse service to that container and/or customer.

Sec. 110-20--110-38. Reserved.

ARTICLE II. CONTAINERS*

DIVISION 1. RESIDENTIAL USERS

Sec. 110-39. Automated Residential Garbage Collection.

- (a) Customers shall be provided a ninety-six (96) or forty-eight (48) gallon cart by the City. An additional cart may be requested by customer if a customer's volume exceeds issued cart. Requests for an additional cart will be evaluated for approval by the Solid Waste Manager or designee and will be collected at an additional fee as defined in Section 110-8 Service charges; billings.
- (b) Collection materials shall be placed no earlier than 8:00 p.m. the day prior to collection day, and no later than 6:30 a.m. on the day of scheduled collection. At all other times garbage, recyclables, green waste, bags, bundles, and carts shall be kept at the side or rear of structure no closer to the street than the front of said structure.
- (c) Customer's carts which were not collected because they were not placed at curb or collection point as required by subsection (b) above are considered a "missed service" (resident caused). As determined by the Solid Waste Manager or designee customers with "missed service"(resident caused) can receive collection service for an additional fee as defined in Section 110-8 Service charges; billings. Missed service (City caused), or undetermined cause, will be collected at no additional cost to customers.
- (d) Customers shall ensure cart placed for service is not blocked by a motor vehicle or any other obstruction within five (5) feet of a customer's cart placed for collection. Any vehicle or any other fixed obstruction including but not limited to, power lines or low hanging tree limbs will be cause for non-collection, if the customer calls for service a return service fee as outlined in Sec. 110-8 Service charges; billings shall apply.
- (e) The cart for automated pickup shall be the property of the City. Abuse and damage to cart by customer placing materials prohibited by subsection (f) below may result in an assessment equal to the cost of a cart and/or time involved to repair or replace such cart. At the discretion of the Solid Waste Manager or designee garbage service may be discontinued until fees for the replacement or repair to cart are reimbursed to the City.
- (f) Only residential refuse is to be placed in carts. Yard waste, brush and limbs, construction debris, tires, dead animals, hazardous substances, hot ashes/coals and stable matter such as dirt, brick and rock will not be accepted.
- (g) All solid waste shall be bagged prior to placement in cart to help eliminate windblown litter.

- (h) Pointed or sharp objects, including, but not limited to, broken glass, jagged metal, razors, needles and wire, shall be sufficiently wrapped in paper or boxed in other suitable carts and securely taped or tied before bagging or bundling to prevent injury when handled.
- (i) Any garbage or waste not placed in the cart provided will not be collected by City Solid Waste and Recycling Division and shall remain the responsibility of the customer/generator for disposal.
- (j) The City may, at the discretion of the Solid Waste Manager or designee, utilize a manual or semi-automated solid waste collection system for residential collection in areas where automated collection vehicles cannot safely or efficiently operate.
- (k) All household medical and infectious solid waste including lancets, syringes and hypodermic needles must be properly contained before disposing of in the solid waste cart. Household and infectious waste must be placed in plastic bags and securely tied before placing in the solid waste cart. Lancets, syringes and hypodermic needles must be placed in a rigid, leak-proof and puncture resistant container with a secured and taped lid and must be clearly labeled identifying the contents before placing in the solid waste cart. Depositing or disposing of improperly contained household medical and infectious waste or lancets, syringes and hypodermic needles in any solid waste cart or in any recycling cart whatsoever is prohibited.
- (l) Any violation of the rules and regulations as set out herein shall be punishable as such for health, safety and public welfare violations, pursuant to Sec. 110-16 of this Code. Additionally, any customer not complying with the provisions of this chapter shall be subject to having their garbage collection service suspended until such time as they comply with the violated ordinance provisions.

Sec. 110-40. Automated Residential Recycling Collection.

- (a) Customers shall be provided a ninety-six (96) or forty-eight (48) gallon cart by the City. An additional cart may be requested by customer if customer's volume exceeds issued cart. Requests for an additional cart will be evaluated for approval by Solid Waste Manager or designee and will be assessed a onetime administrative fee as defined in Sec. 110-8 Service charges; billings.
- (b) Collection materials shall be placed no earlier than 8:00 p.m. the day prior to collection day, and no later than 6:30 a.m. on the day of scheduled collection. At all other times garbage, recyclables, green waste, bags, bundles, and carts shall be kept at the side or rear of structure no closer to the street than the front of said structure.
- (c) Customer's carts which were not collected because they were not placed at curb or collection point as required by subsection (b) above are considered a "missed service" (resident caused). As determined by the Solid Waste Manager or designee customers with "missed service" (resident caused) can receive collection service for an additional fee as defined in Sec. 110-8 Service charges; billings. Missed service (City caused), or undetermined cause, will be collected at no additional cost to the customer.

- (d) Customers shall ensure cart placed for service is not blocked by a motor vehicle or any other obstruction within five (5) feet of a customer's cart placed for collection. Any vehicle or any other fixed obstruction including but not limited to, power lines or low hanging tree limbs will be cause for non-collection, if the owner of the cart calls for service a return service fee as outlined in Sec. 110-8 Service charges; billings shall apply.
- (e) The cart for automated pickup shall be the property of the City. Abuse and damage to cart by customer placing materials prohibited by subsection (f) below may result in an assessment equal to the cost of a cart and/or time involved to repair or replace such cart. At the discretion of the Solid Waste Manager or designee recycling service may be discontinued until fees for the replacement or repair to cart are reimbursed to the City.
- (f) Only residential recycling is to be placed in carts. Garbage, refuse, yard waste, brush and limbs, construction debris, tires, dead animals, lancets, syringes, hypodermic needles, hazardous substances, diapers, hot ashes/coals and stable matter such as dirt, brick and rock will not be accepted. Any prohibited items found in the cart will result in a non-collection; all unauthorized items must be removed from the cart by the resident or home owner before servicing. If the customer calls for a return service a fee as outlined in Sec. 110-8 Service charges; billings shall apply.
- (g) All recyclables shall not be bagged prior to placement in cart except shredded paper it should be put in a paper bag and closed with staples.
- (h) Any recycling not placed in the cart provided will not be collected by City Solid Waste and Recycling Division and shall remain the responsibility of the customer/generator for disposal.
- (i) The City may, at the discretion of the Solid Waste Manager or designee, utilize a manual or semi-automated solid waste collection system for recycling collection in areas where automated collection vehicles cannot safely or efficiently operate.
- (j) Any violation of the rules and regulations as set out herein shall be punishable as such for health, safety and public welfare violations, pursuant to Sec.110-16 of this Code. Additionally, any customer not complying with the provisions of this chapter shall be subject to having their recycling collection service suspended until such time as they comply with the violated ordinance provisions.

Sec. 110-41. Green Waste.

- (a) Green Waste such as tree leaves and grass shall be placed at the curb in biodegradable Kraft paper yard waste bags and shall not weigh more than forty pounds (40 lbs.) each. Brush, tree trimmings and limbs shall be totally separated from all other waste, including metals, lumber, soil, rocks, paper, plastic, furniture, and appliances. Any waste regardless of quantity or sizes mixed in with bundles or bags constitutes a violation of this section and shall not be collected.
- (b) Green Waste to be placed for collection shall be cut in lengths not exceeding four feet and tied securely in bundles with rope or twine.
- (c) Every nurseryman, tree surgeon, and every person who cuts or trims trees, shrubs or grass as an independent contractor, shall remove or cause to be removed all materials from premises serviced

by said entity and it shall be unlawful for such a person to deposit any bundles, bags, tree, tree or shrub cuttings or trimmings at any location for collection by the City.

Sec. 110-42. Residential bulk trash/large brush placement and collection services.

Bulky trash/large brush items, such as discarded furniture and appliances or tree branches not practical to containerize or collect by hand maybe collected upon requests for a fee. The City will collect normal household discarded furniture and appliances, including sofas, chairs, beds, washers, dryers, water heaters and similar items, but not including root balls, furnaces, air conditioning units, freezers, refrigerators, computers, televisions, electronics and tires. Tree limbs, tree trunks must be cut in lengths of no more than 10 feet. Items for collection shall be placed at curbside no earlier than noon the day preceding the scheduled collection.

Bulk trash/large brush placed out for curbside collection shall be placed on the resident's property, parallel to the street or curb and no more than three feet from the street or curb line. The Solid Waste Manager or designee may designate alternative placement and collection points. Bulk trash/large brush shall not be placed on the sidewalk or in the street, behind a fence or any obstruction or barrier. Brush, tree trimmings and limbs shall be totally separated from all other waste, including metals, lumber, soil, rocks, paper, plastic, furniture, and appliances.

Bulk trash/large brush shall not be placed within five feet of any fixed object, solid waste or recycling cart, under power lines, low hanging tree branches or in any manner which would interfere with or be hazardous to pedestrians, bicyclists, equestrians or motorists.

The City uses mechanical collection equipment. If bulk trash/large brush cannot be placed for collection as set forth in this subsection, the Solid Waste Manager or designee, at his discretion, may collect the bulk trash/large brush and may require a waiver which holds the City harmless for any and all damage associated with the collection activity. A waiver must be signed prior to collection.

Bulk trash/large brush collection will be collected at an additional fee as defined in Sec. 110-8 Service charges; billings. If the bulk trash/large brush items are not out on the scheduled collection date when the Solid Waste Operator arrives to perform the requested service, the minimum collection fee as defined in Sec. 110-8 Service charges; billings shall be assessed.

Sec. 110-43--110-55. Reserved

DIVISION 2. BUSINESS, COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL USERS

Business establishments shall be serviced by the City's Solid Waste and Recycling Division. If service is not available or furnished by the City or it is not in the best interest of the City to provide said service as determined by the Solid Waste Manager or designee, i.e. businesses require containers larger than the City can provide, or containers in which materials would be placed that the City will not accept (i.e. building materials), service may be provided by a commercial hauler permitted to operate in the city. Every business establishment must contract with either the City or an approved commercial hauler, if the City is unable to provide the required level of service, for weekly waste disposal service for their business.

All containers, regardless of whether collection service will be provided by the City or by private hauler, shall be maintained in a safe and sanitary condition and shall be cleaned by the owner/occupant of the container site as often as necessary to prevent the container from becoming malodorous. Litter and debris shall not be allowed to accumulate around the container, and all refuse shall be deposited in such manner as to prevent it from blowing out of the container.

- (a) No special waste, hazardous waste, medical waste, paints, solvents, flammable liquids, green waste or hot ashes shall be placed in any container for which the City provides collection service. The director of public works, upon consultation with the Solid Waste Manager or designee, is hereby authorized to promulgate further regulations regarding containers in order to provide standards for location and maintenance not in conflict with this section.

Sec. 110-56. Commercial Containers furnished by City, use of.

- (a) Upon request for garbage collection service, the Solid Waste Manager or designee shall designate the service level requirements for that location. Requirements pertaining to the type and number of solid waste containers or frequency of collection are based on the type of commercial activity at the location, and the size of the development itself. The Solid Waste Manager or designee, may upon notice, require replacement of containers and/or changes in container type or the service levels at any location when he deems the current service level to be inadequate causing a health, sanitation, or litter problem.
- (b) Commercial service shall be based on containers of various sizes. The concept is to place the minimum number of containers to be serviced the minimum times per week. The container location will be determined by the Solid Waste Manager or designee and will be based on the approved site plan, routing accessibility, customer convenience and serviceability for both the customer and the City.
- (c) Businesses which generate a small amount of waste shall be furnished two (2) automated containers 96-gallon in size. Containers will be collected by the City once a week. As requested by the customer and where warranted as determined by the Solid Waste Manager or designee up to two (2) additional containers may be obtained for an additional fee. Container fees are as defined in Sec. 110-8 Service charges; billings. Containers shall be placed on or near the curb line in front of such place of business, in such manner and at such time as shall be prescribed by the City. Immediately after the garbage has been removed by the collector the customer shall remove same from the curb line or alley to a place within or next to the business establishment until the next regularly scheduled time for the collection.
- (d) No person shall place or permit to be placed any manure, offal, soil, dead animals, including fish and entrails and heads thereof, hot coals, ashes, embers, rocks or construction waste materials in containers provided by the City under this section. All garbage that is subject to decomposition shall be well wrapped in paper, plastic bags or other biodegradable material before being deposited in the container.
- (e) All boxes and cartons to be placed for collection under this division must be completely broken down before being deposited in the container.
- (f) It shall be unlawful to make a fire or burn any material in a solid waste container furnished by the City or to paint or mark upon such container or to place any poster, placard or sign upon such container. Fees for damages listed in this subsection are as defined in Sec. 110-8 Service charges; billings.

- (g) Public, business and commercial institutions using the City's larger container(s) for the removal of garbage and trash shall provide a readily accessible site for placement of container(s) on the establishment's property. If access to the container requires the driver to carry a key and unlock a lock to empty the container, a Key charge will apply as defined in Sec. 110-8 Service charges; billings. Locating containers in streets, right-of-way, the traveled portion of alleys, and sight triangles is strictly prohibited. Maintenance of the site, cleanliness of the container, together with the approach shall be the responsibility of the owner. The City shall not be responsible for damage caused by collection vehicles to driveways, parking lots, or other sites.
- (h) Lids of all containers furnished under this article shall be kept closed at all times except when the container is being filled. Items that are larger than the container and that would extend out of the container opening shall not be placed in the container. All items placed out for collection shall be located in a designated container unless otherwise approved in this ordinance. Cleaning up materials spilled from the container when emptying shall be the responsibility of the property owner or occupant.
- (i) It shall be unlawful for any person to deposit any garbage, trash, or other material in any container furnished by the City other than the owner or occupant of any premise that is paying for the container service.
- (j) If a container is unserviceable, such as being blocked, overloaded with excess trash, or containing prohibited items, the City truck shall only return to empty the container after the container is clear from other vehicles, the excess garbage has been paid for, prohibited items, and/or excess garbage are removed from in and/or around the container. The container enclosure shall not be used for the storage of items that may impede the collection process. A call-in collection service fee shall apply as defined in Sec. 110-8 Service charges; billings.
- (k) For additional fees as defined in Sec. 110-8 Service charges; billings customers may request special collection services for:
 - (1) The collection of segregated brush.
 - (2) The collection of bulky waste, such as furniture items and appliances.
 - (3) The cleanup of excess garbage and rubbish on site.
 - (4) The removal of large bulky items placed in containers.

Sec. 110-57. - Prohibited items for commercial containers.

- (a) It shall be unlawful to place any item in any container furnished by the City that because of weight, size, or other physical property, could cause damage to the collection vehicle. These items include, but are not limited to, any one item over three feet in any dimension that would cause it to extend above the rim of the container, any one item weighing in excess of 50 pounds, any of the materials found in Sec. 110-17 Prohibited materials.
- (b) If tires are detected, they will be returned to the customer responsible for the use of the container.

- (c) Persons, businesses, and other entities placing such items identified in subsections (a), (b), and Sec. 110-17 Prohibited materials in any container furnished by the City will be required to remove these items before collection can take place.

Sec. 110-58. Container pads and enclosures for commercial containers.

All new container, new account holder, and service requests to change container size must first comply with the following standards for container pads and screening prior to collection by the City:

(a) No dumpster or screening shall be permanently placed or constructed upon any site without first obtaining a permit from the Building Department. In order to obtain such permit, an application accompanied by a plat of the property on which the dumpster and screening is to be located, drawn to scale and showing construction details, the location of all structures, utilities, storm drain inlets, public rights-of-way, and the location of the proposed dumpster and all required screening, shall be submitted to the Building Department and Solid Waste and Recycling Division. The plat shall contain a statement that it is a true and accurate depiction of the site shown thereon and be signed by the owner or person who has charge, care, or control of the premises.

(b) Pavement Standards, all solid waste service locations on site shall be constructed with the following minimum standard:

1. All container pads and aprons shall be constructed of concrete six inches thick. The reinforcement within the concrete section shall consist of number four bars on 18-inch centers, centered within the pavement thickness.

(c) Required Screening, all containers are required to be screened from the right-of-way and all adjacent properties by a minimum seven-foot-high screen. A gate is required when opening is in view of the public right-of-way. Gates shall have a minimum width of 12 feet when open, shall swing 180 degrees from the closed position, and shall utilize a positive-locking mechanism while in the open position.

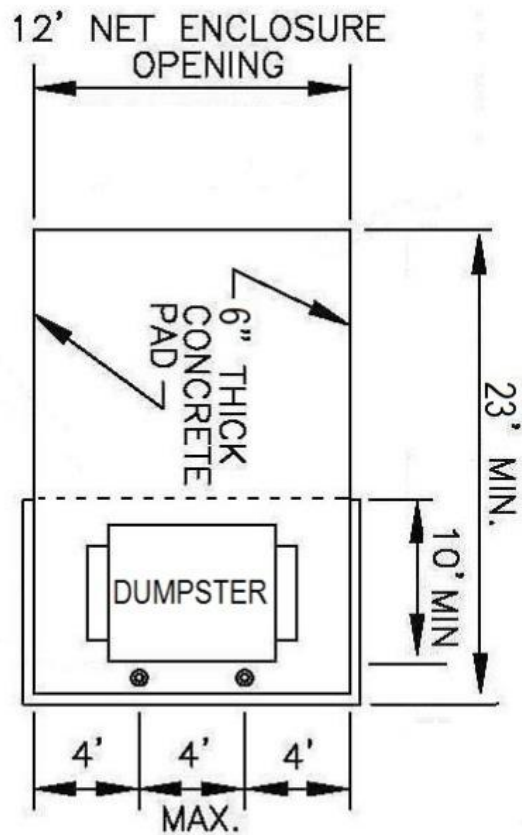
(d) Enclosures shall not be located closer than thirty feet (30') of any storm drain or in drainage flow areas.

(e) It is the City's preference that screening structures be located outside of any public easement. If maintenance of City utilities requires the removal of a screening structure, it must be replaced at the property owner's expense.

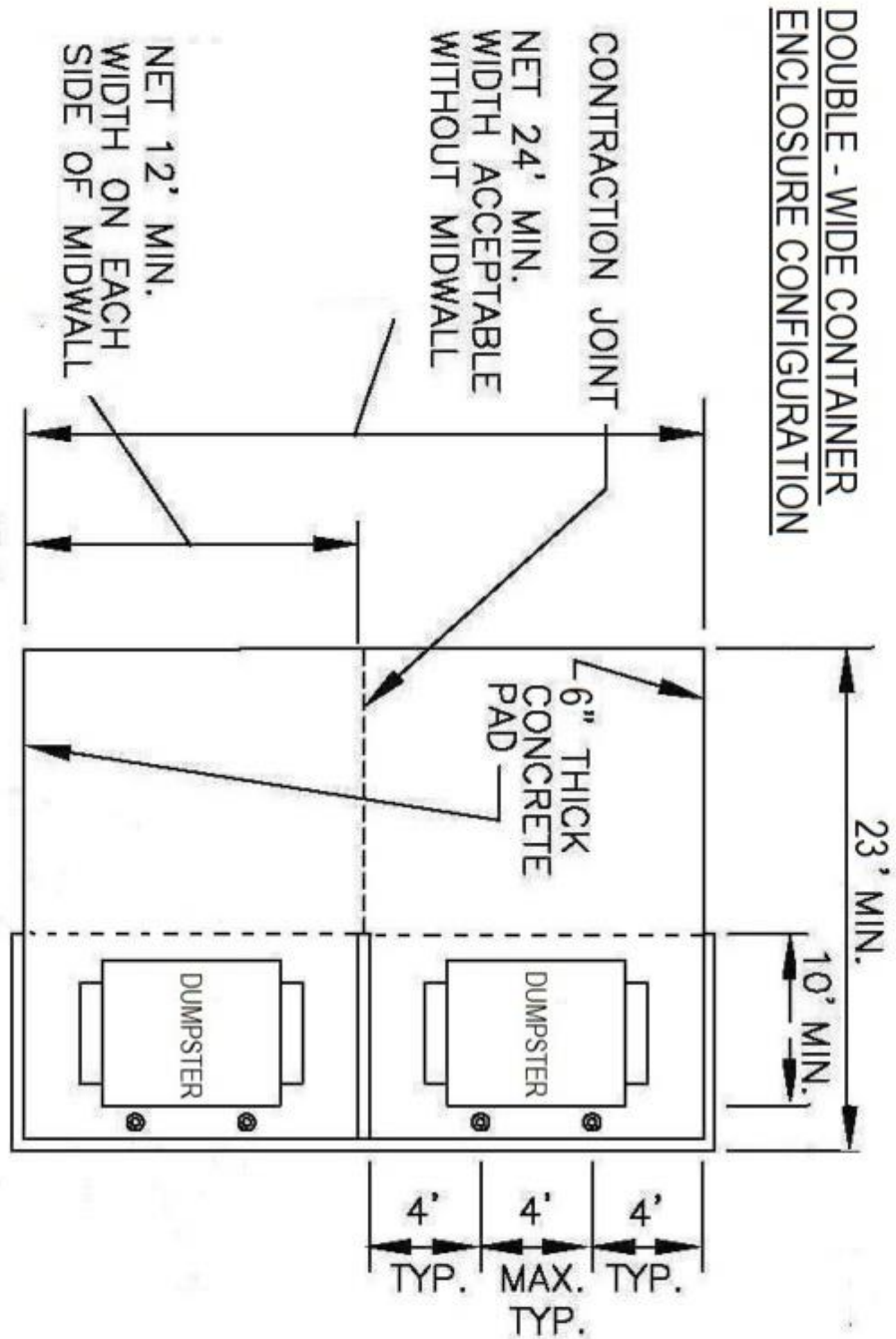
(f) Minimum interior clear measurements of enclosures: Bollards and other such obstructions shall not be set within the minimum dimensions for enclosures.

1. Interior clearance (inside the screen) dimensions for a:
 - a. Single (3, 4, 6, or 8-yard) dumpster enclosure shall be 10 feet deep x 12 feet wide. The minimum width of the gate or doors shall be no less than the enclosure opening, and they shall open 180°.

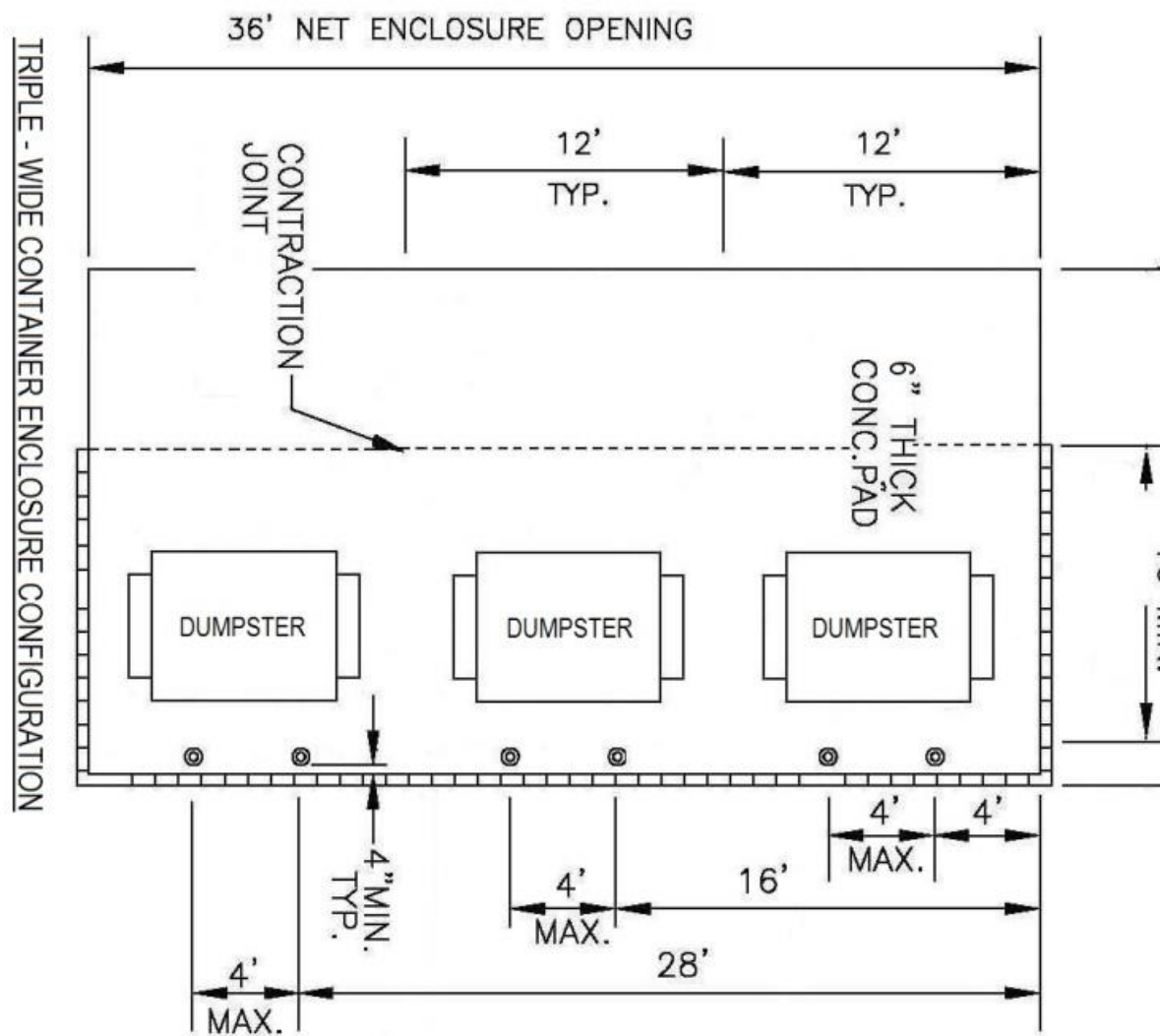
SINGLE - WIDE CONTAINER
ENCLOSURE CONFIGURATION



b. Double (two 3, 4, 6, or 8-yard) dumpster enclosure shall be no less than 10 feet deep x 24 feet wide. The minimum width of the gate or doors shall be no less than the enclosure opening, and they shall open 180°.

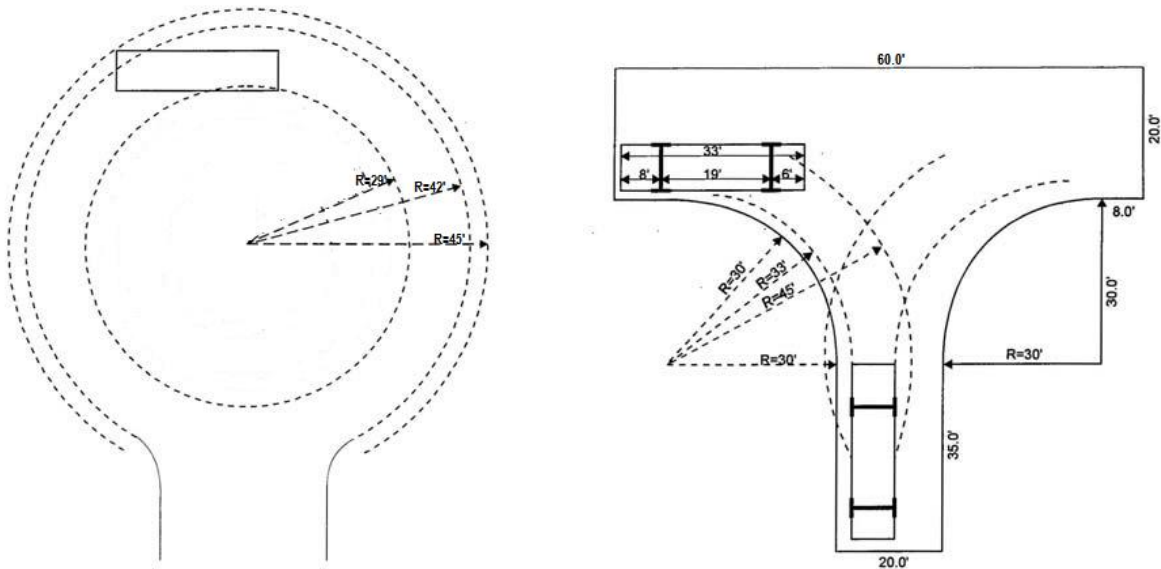


c. Triple (three 3, 4, 6, or 8-yard) dumpster enclosure shall be 10 feet deep x 36 feet wide. The minimum width of the gate or doors shall be no less than the enclosure opening, and they shall open 180°.



d. A roll-off compactor enclosure shall be a minimum of 29 feet deep x 16 feet wide. The minimum width of the gate or doors shall be no less than the enclosure opening.

(h) Pad shall be level with roadway or slope to roadway for easy access by collection vehicles. All access areas shall be a minimum unobstructed width of 20 feet, 65 feet in length and 16 feet in height. Outside turning radii in these areas shall be a minimum of 45 feet. At no time shall a collection vehicle be required to back while turning or more than 50 feet while on the property or be required to back out into or in from a public right-of-way. In such cases, a tee or circle turnaround that meets the minimum standards, as shown below, will be required.



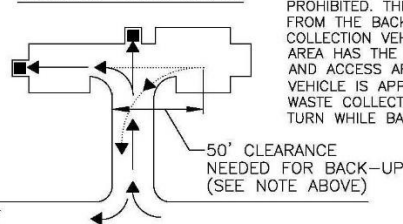
In all cases, approach design should facilitate a looping or circle ingress/egress path that avoids necessity of collection vehicle having to conduct backing maneuvers as much as possible. Screens may be constructed of stone, masonry block; wood or chain link fencing with slats and shall be constructed so as to screen viewing by persons standing at ground level on the site, or an immediately adjoining property.

(i) Dimensions for maneuvering, the maximum deviation from the access path to the enclosure shall be 30°, a clear maneuvering area of up to 65 feet in front of the container will be required. No parking will be allowed in the maneuvering area.

PLEASE NOTE:

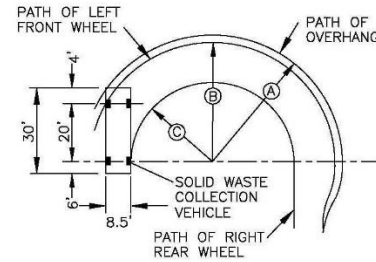
SOLID WASTE VEHICLES WEIGH APPROX. 33 TONS WHEN FULL. DRIVEWAYS MUST BE BUILT TO SUPPORT THIS WEIGHT WITHOUT DAMAGE TO DRIVE.

HAMMER HEAD DRIVE



SAFETY NOTE:

BACKING UP MORE THAN 50' AFTER SERVICE TO A SOLID WASTE BIN IS PROHIBITED. THE 50' IS MEASURED FROM THE BACK OF THE SOLID WASTE COLLECTION VEHICLE. MAKE SURE THE AREA HAS THE PROPER TURNING RADIUS AND ACCESS AREA TO LEAVE SITE. THE VEHICLE IS APPROX. 36' LONG. SOLID WASTE COLLECTION VEHICLES WILL NOT TURN WHILE BACKING.

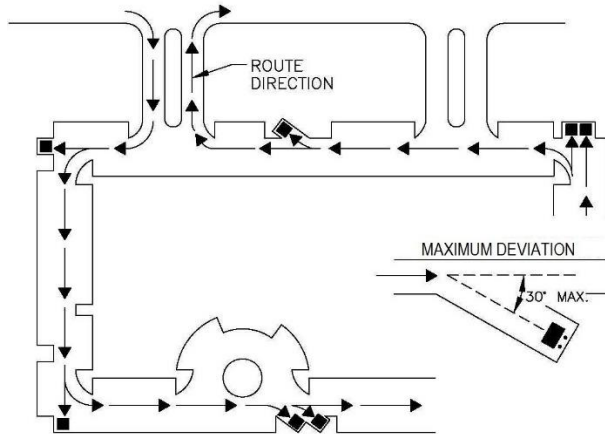


- (A) 45' MIN. TURNING RADIUS
- (B) 42' TURNING RADIUS
- (C) 29' TURNING RADIUS

CLEARANCE REQUIREMENTS

NOTES

1. ALL CURBS ARE TO BE ALIGNED ON THE OUTSIDE OF ENCLOSURE WALLS. THE CURBS SHALL NOT INTERFERE WITH THE ROUTE OF THE SOLID WASTE COLLECTION VEHICLE.
2. IN GENERAL TERMS, ALL SOLID WASTE COLLECTION ROUTES SHALL MEET ENGINEERING DESIGN CRITERIA (STREET WIDTHS, TURNING RADI) IN A MANNER THAT ALLOWS SOLID WASTE COLLECTION VEHICLES ACCESS TO DUMPSTER ENCLOSURES. SITES SHALL BE DESIGNED SO COLLECTION VEHICLES CAN SAFELY ACCESS AND LIFT A DUMPSTER WITHOUT OBSTRUCTIONS (GROUND LEVEL AND AERIAL OBSTRUCTIONS).
3. FOR THE SAFETY OF OTHERS, SOLID WASTE COLLECTION VEHICLES WILL NOT BACK UP INTO A PUBLIC ROADWAY OR MORE THAN 50 FEET AFTER SERVICING A DUMPSTER AND WILL NOT MAKE ANY TURNS WHILE BACKING.
4. NO AWNINGS OR BUILDING PROJECTIONS ALLOWED IN SOLID WASTE COLLECTION VEHICLE ROUTES. MIN. OVERHEAD CLEARANCE OF 14' IS REQUIRED IN DRIVE AND 25' OVER DUMPSTER ENCLOSURE AREA FROM STEEL BOLLARD POSTS BACK 65'.
5. ROUTES SHALL BE CLEAR OF ALL OBSTRUCTIONS (CURBS, WALLS, OVERHEAD WIRES, AND AWNINGS) TO PREVENT DAMAGE FROM THE COLLECTION VEHICLE.
6. TAKE NOTE OF THE SOLID WASTE COLLECTION ROUTE. THE COLLECTION VEHICLE SHALL TRAVEL THROUGH A SITE ONCE WITHOUT BACKTRACKING.
7. DUMPSTER ENCLOSURES ARE TO BE ANGLED NO MORE THAN 30 DEGREES FROM THE CENTER LINE OF THE SOLID WASTE COLLECTION VEHICLE ROUTE.
8. DUMPSTER ENCLOSURES SHALL BE LOCATED AWAY FROM ENTRANCES AND EXITS SO SOLID WASTE COLLECTION VEHICLE DOES NOT CREATE A SAFETY HAZARD BY BLOCKING IN-COMING OR OUT-GOING TRAFFIC.
9. STANDARDS FOR SINGLE, DOUBLE, AND TRIPLE DUMPSTER ENCLOSURES ARE ADDRESSED ON PAGES 2 & 3



A TYPICAL SOLID WASTE COLLECTION ROUTE

(j) Whenever, in the opinion of the Solid Waste Manager or designee, a dumpster and/or the screen cannot be located upon a particular site so as to conform with these requirements, or there are special circumstances which make the requirements wholly impracticable, the Solid Waste Manager or designee may designate a location for the dumpster which in his discretion is the most accessible and aesthetically appropriate or make exemptions from the requirements as necessary.

Sec. 110-59.1 Roll-off service open top

- (a) Roll-off containers are large open top containers used primarily on construction sites. Open top roll-off containers are available for rental in sizes of 20, 30, and 40 cubic yards.
- (b) To obtain the service, an agreement shall be signed with the Solid Waste and Recycling Division. Any unauthorized materials found in the container will be removed before service or if they are found after dumping they will be returned to the customer. Examples of unauthorized items may be, but are not limited to, dead animals, brush, yard waste, tires, or white goods still containing CFC's.
- (c) The fees for roll-off service are as defined in Sec. 110-8 Service charges; billings, but include the following:
 - (1) A monthly rental fee for use of the container.
 - (2) A service fee to pick-up, transport, and return container to the site or return to stock.
 - (3) Weight of container contents.

Sec. 110-59.2. Compactor services

- (a) The City provides collection services for compactors owned by the customer. The City does not own, rent, or repair compactors.

- (b) Privately owned compactors must be compatible with the City's hauling equipment.
- (c) The fees for servicing compactors are as defined in Sec. 110-8 Service charges; billings.

Sec. 110-60. Charges.

All businesses, commercial, industrial and institutional users, hotels, motels, resorts, churches, governmental entities, non-profits and schools afforded garbage and refuse service by container system provided for in section 110-56 shall pay a charge as defined in Section 110-8(b)

- (a) *Assessed monthly.* The charges fixed herein for the collection, removal and disposal of all solid waste shall be entered on the customer's monthly utility bill. All customers must first establish a utility billing account number prior to the Solid Waste and Recycling Division making service arrangements available.
- (b) *Failure to pay.* Any customer who fails or refuses to pay the monthly charge when due shall no longer receive garbage collection service from the City until all related charges are paid in full.
- (c) *Unprepared solid waste.* The Solid Waste and Recycling Division shall cause the cleanup of improperly or unprepared waste, litter or debris that constitutes a hazard or nuisance to the community. The Manual collection fee shall be charged as defined in Sec. 110-8 Service charges; billings.

Sec. 110-61. Containers not furnished by City, requirements for use.

- (a) Unless otherwise approved by the Solid Waste Manager or designee the private collection of municipal solid waste within the limits of the City is prohibited. Businesses requiring containers larger than the City can provide or containers in which materials would be placed that the City will not accept (i.e., building materials) shall request permission in writing directed to the Solid Waste Manager or designee to arrange for optional services as needed.
- (b) Businesses, commercial, industrial and institutional users, resorts, apartments and contractors that utilize large containers not available from the City and who have placed them on their property may do so at their own expense, after City approval of the service provider.
- (c) Only permitted private haulers meeting the requirements of section 110-12 will be authorized to haul containers as described in this section within the City.
- (d) Locating containers in streets, right-of-way, the traveled portion of alleys, and sight triangles is strictly prohibited. Maintenance of the site, together with the approach shall be the responsibility of the owner. The City shall not be responsible for damage caused by collection vehicles to driveways, parking lots, or other sites.

Sec. 110-62. Recyclables to be collected.

The City solid waste and recycling division shall continue to monitor commercial recycling as established under section 110-12, Licensing of private haulers of the solid waste ordinance.

Sec. 110-63. Conflicts of ordinances; liability.

- (a) In any case where a provision of this chapter is found to be in conflict with a provision of any other ordinance or code of the City, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.
- (b) In cases where two or more sections of this chapter disagree, the most stringent or restrictive shall prevail.

Sec. 110-64--110-80. Reserved

SECTION 2: REPEALER.

All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only. All provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

SECTION 3: SEVERABILITY.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 4. EFFECTIVE DATE AND PUBLICATION.

This Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office. This ordinance must also be published in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this _____ day of _____, 2018.

PASSED AND APPROVED: Second reading this _____ day of _____, 2018.

CITY OF NEW BRAUNFELS, TEXAS

Barron Casteel, Mayor

ATTEST:

Patrick Aten, City Secretary

APPROVED AS TO FORM:

Valeria M. Acevedo, City Attorney