

GARBAGE AND BRUSH ORDINANCE

Ordinance No. 13

AN ORDINANCE REGULATING GARBAGE AND BRUSH COLLECTION, PICKUP AND DISPOSAL IN THE CITY OF BELLS, TEXAS; REQUIRING PERSONS TO KEEP GARBAGE CONTAINERS; PROVIDING FOR INSPECTION OF GARBAGE CONTAINERS; REGULATING THE ACCUMULATION OF GARBAGE AND BRUSH; REGULATING REMOVAL OF CONSTRUCTION WASTE; PROVIDING FOR COLLECTION AND DISPOSAL OF GARBAGE AND REFUSE; PROVIDING FOR BUNDLING, PACKAGING AND PICKUP OF BRUSH AND TRASH; PROVIDING FOR WATER SERVICE AND GARBAGE AND BRUSH PICKUP SERVICE; ESTABLISHING A MANNER OF BILLING FOR GARBAGE AND BRUSH PICKUP SERVICE; PROVIDING FOR DISCONTINUANCE OF WATER SERVICE AND GARBAGE SERVICE IN THE EVENT OF NON-PAYMENT OF CHARGES ASSESSED FOR EITHER WATER SERVICE OR GARBAGE AND BRUSH PICKUP SERVICE; PROVIDING FOR A MONTHLY CHARGE FOR GARBAGE AND BRUSH PICKUP SERVICE; ESTABLISHING PENALTIES FOR VIOLATION OF THE ORDINANCE; DELEGATING THE ADMINISTRATION OF THE ORDINANCE TO THE MAYOR AND ASSIGNING THE CARRYING OUT OF THE ORDINANCE TO THE WATER SUPERINTENDENT; PROVIDING FOR SEVERABILITY OF EACH SECTION OF THE ORDINANCE; DEFINING CERTAIN TERMS AS USED IN THE ORDINANCE; AND DECLARING AN EMERGENCY.

Sec. 1. Definitions.

The following definitions shall apply in the interpretation and enforcement of this Ordinance:

(a) City: The City of Bells, Texas, or its authorized representative.

(b) Person: The word "person" as used herein shall include the singular and plural and shall also mean any individual, firm, corporation, association, family, persons, group, governmental agency, municipal corporation, occupant, owner's agent, lessee or tenant.

(c) Family: The word "family" as used herein shall mean one or more persons occupying a premises and living as a single housekeeping unit, whether or not related to each other by birth, adoption, or marriage.

(d) Customer shall mean any person, firm or corporation receiving garbage pickup and disposal services from the City of Bells, Texas.

(e) Garbage (waste matter) is defined as rubbish, trash, kitchen, household, market or store wastes, ashes, paper, paper food containers, small hedge and lawn trimmings.

(f) Brush is defined as tree trimmings, weeds, large hedge trimmings, shrubs, and trees not to exceed three (3) inches in diameter and cut into lengths not to exceed four (4) feet.

(g) Premises: The word "premise" as used herein, shall include the singular and/or plural, when reference is made to a house, yard or building located within the corporate limits of the City of Bells, Texas.

(h) Garbage container: The term "garbage container" as used herein shall mean a can of galvanized iron, noncorrosive metal or plastic, rodent and fly proof, durable and leak proof, of the type commonly sold as garbage cans of a suitable gauge, weight and construction to insure durability, with suitable handles on can and lid, and of capacity of not less than ten (10) gallons and not more than thirty (30) gallons, or other specially designed container approved by the city health officer.

Sec. 2. Persons required to keep garbage containers.

It shall be the duty of every owner, agent, lessee, tenant, or occupant of any premise in the city, where persons reside, board or lodge, or where animal or vegetable food is prepared or served, or any private residence, to provide that premise at all times and maintain in good order and repair a garbage container or containers as herein defined in sufficient numbers for disposal of garbage for collection, as provided by this Ordinance. The lids or covers of all containers shall be at all times kept secure and fastened so that flies and other insects may not have access to the contents thereof, and said lids or covers shall only be removed while the said containers are being filled or emptied as the case may be. No receptacles, other than containers of the specifications and sizes above mentioned, shall be used by any resident for the accommodation of garbage, trash or other waste material.

Employees of the city shall have power to refuse to pick up and haul away any refuse, garbage or other waste materials from any place of business or residence not complying with the requirements for garbage containers and receptacles set forth above.

It shall be the duty of the head of each family occupying or in possession of a premise which is a residence to place or cause to be placed such garbage containers on the street curb of such premise for the removal of the contents of the container, at such times and in such manner as the city may direct.

Sec. 3. Inspection.

All containers, as described herein, shall be subject to inspection and approval or condemnation by the city.

Sec. 4. Accumulation of garbage and brush.

(a) Accumulation on premises. Except as may be provided in other sections of this Ordinance, no person, firm or corporation shall permit to accumulate on its premises garbage and brush, whether such waste is accumulated in covered containers or by other methods.

(b) Throwing or depositing on public or private property. It shall be unlawful for any person, firm or corporation to place, deposit or throw, or permit or cause to be placed, deposited or thrown any garbage, brush, trash, waste matter or refuse of any kind on public or private property in the city unless the same has been deposited in accordance with the provisions of this chapter.

(c) City to provide place for depositing. The city shall provide a proper place for the depositing of all garbage, brush, trash, waste matter and refuse of all kinds, which area shall be available to the citizens of the city who may dispose of, at no additional cost to them, excess waste matter which they may have accumulated.

(d) Dumping in gutters, sidewalks, etc. It shall be unlawful for any person, firm or corporation to throw, place, dump or deposit any brush, leaves, garbage, trash, waste matter or refuse of any kind on any street in any gutter, sidewalk, parkway, driveway, alley or other public or private property located within the city limits of the city.

(e) Accumulation of animal, vegetable, other offensive matter. It shall be unlawful for any person to cause or permit to be or remain in or upon any premises private or public any animal, vegetable or mineral matter, or any compositions or residue thereof which is in an unsanitary condition or injurious to public health as may be determined by the city health officer.

Sec. 5. Waste from building and construction.

All rock, waste, scrap building material or other trash resulting from construction or major remodeling, and all trees, brush and debris cleared from property in preparation for building or construction shall not be classified as garbage or brush under the terms of this Ordinance. The removal of such material shall be the responsibility of the owner and/or contractor. Such materials may be disposed of in the sanitation area of the city upon a reasonable fee being paid to the city for such disposal.

Sec. 6. Collection and disposal of garbage and refuse.

All garbage and refuse as defined in this Ordinance shall be collected and disposed of by the City of Bells, Texas, and it shall be unlawful for any person, firm or corporation to engage in the removal of garbage and refuse unless written authority has been first obtained from the city.

Sec. 7. Brush and trash pickups.

(a) Method of bundling. All tree trimmings, large hedge trimmings, shrubs and trees not exceeding three (3) inches in diameter shall be cut into lengths not exceeding four (4) feet and shall be securely bundled in sizes not exceeding fifty (50) pounds and shall be placed by the customer along the street to be picked up on the days designated for trash pickups.

(b) Separate containers; pickups. Customers shall keep separated garbage or industrial waste from brush as those terms are defined herein and shall keep each in a separate container. Garbage and brush shall be picked up at such times as are designated by Resolution of the City Council, but not less frequently than once each week.

Sec. 8. Water service and garbage service considered as one.

Persons residing within the city who are currently customers of the Bells, Texas, water and sewer department will automatically become customers of the garbage and brush pickup service under the terms and conditions set forth herein. All future applications for water service, and all future deposits made with the Bells, Texas, water and sewer department shall be deemed to be applications for garbage service and security for garbage collections.

Sec. 9. Billing and collecting penalties.

(a) Manner of billing. The charges for the collection of garbage, trash and refuse as provided herein shall be billed monthly with charges for water service in accordance with this Ordinance. The charge assessed for collection shall be shown on bills issued by the Bells, Texas, water and sewer department. All charges shall become delinquent on the same date that the services for water become delinquent.

(b) Failure to pay. Failure to pay any charges assessed under the terms of this Ordinance within thirty (30) days after rendition of a bill shall be considered notice to the customer that the city will discontinue water service and garbage service and that such deposits in the water and sewer department will apply to satisfy the amount of the unpaid and past-due bill.

(c) Reconnection. Prior to a reconnection of water, sewer, and garbage service, customer shall make a new deposit at the water and sewer systems office and shall pay such fees as are current for the reconnecting of customer's water.

(d) Place of payment. All charges levied for the services provided by this Ordinance shall be payable at the City Hall in Bells, Texas.

(e) Customers not receiving water service. Customers who are not receiving water service from the city shall be billed separately and payments by such customers shall be made in accordance with the terms of this Ordinance, and penalty on delinquent accounts shall be the same as are applied to water users.

Sec. 10. Charges for services.

(a) A charge of \$1.25 per month is imposed upon each family unit in the City of Bells, Texas, for the purpose of defraying, in part, the cost of garbage and brush collection.

(b) Where one or more family units receive water service from one water meter, all garbage and brush collection charges for each family unit shall be assessed and billed to the individual, firm or corporation in whose name said water bill service is carried. Failure to pay all garbage collection charges shall terminate water service to all family units receiving water from such meter.

Sec. 11. Penalties.

Any person who fails, neglects or refuses to pay for services rendered under the terms and conditions of this Ordinance shall be guilty of a misdemeanor and shall be fined not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00) for each violation. Each month of non-payment shall constitute a separate offense.

Sec. 12. Administration.

(a) The administration of this Ordinance is delegated to the Mayor and the assignment of carrying out the Ordinance is vested in the water superintendent.

(b) Billing and collecting will be the function of the Bells, Texas, Tax Assessor-Collector, who is authorized to open separate accounts and to maintain separate records of customers serviced by this Ordinance.

Sec. 13. Severability.

Each section of this Ordinance is hereby declared to be severable, and if any part or portion of this Ordinance should be declared invalid or unconstitutional, such action shall not operate to invalidate any of the remaining sections of this Ordinance.

Sec. 14, Declaring an Emergency.

The City Council finds as a fact that an emergency exists, and an emergency is hereby declared to exist, and this Ordinance shall take effect immediately upon its passage and approval.

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Adopted by unanimous vote of the City Council of the City of Bells, Grayson County, Texas, this 21st day of September, 1971.

W. Ray Rice
Mayor

Harmon Jones
Alderman

James H. Reed
Alderman

Don R. Mullins
Alderman

Daughen Sanford
Alderman

Arthur Lee Brown
Alderman

ATTEST:

H. C. Young
City Clerk

(SEAL)

Presented after passage to the Mayor of the City of
Bells, Grayson County, Texas, and by the Mayor of the City of
Bells, Grayson County, Texas, in all things approved, this
21st day of September, 1971.

W. Ray Rice
Mayor

ATTEST:

G. C. Young
City Clerk

(SEAL)