

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AMENDING CHAPTER 50, "SOLID WASTE MANAGEMENT;" OF THE CODE OF ORDINANCES, MANSFIELD, TEXAS; AMENDING THE REGULATIONS RELATED TO THE COLLECTION OF GARBAGE, TRASH AND RECYCLABLE MATERIALS IN CERTAIN CIRCUMSTANCES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Mansfield is a home rule city acting under its charter adopted by the electorate to Article IX, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the Texas Legislature has found that control of solid waste collection and disposal is the responsibility of local governments; and

WHEREAS, the State law mandates that each municipality shall assure that municipal solid waste collection and disposal services are provided to all persons within its jurisdiction either by the municipality or a private person; and

WHEREAS, the State law evidences a clear articulation of State policy to allow municipalities to regulate competition in the providing of municipal solid waste services in order to insure the most effective and efficient regulation, collection and disposal of solid waste and to protect the public health, safety and welfare; and

WHEREAS, the City of Mansfield, Texas deems it appropriate to adopt amendments to Chapter 50 of the Code of Ordinances to provide regulations for the collection of garbage, refuse and solid waste within the City to protect public health, safety and well being of all citizens by eliminating possible germ breeding materials and conditions which may contribute to the spreading of diseases and infections to humans and animals, and to provide a means for the controlled and safe handling, collection, transporting and disposal of municipal solid waste within the City;

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

SECTION 1.

That Title V, "Public Works," Chapter 50, "Solid Waste Management," Section 50.01, Definitions," of the Code of Ordinances of the City of Mansfield, Texas is hereby amended to delete the definitions of "*Garbage Container*" and "*Stacked Brush*" and to add or amend the following definitions to appear in alphabetical order:

“Section 50.01 Definitions.

...

COMMERCIAL CONSTRUCTION WASTE. Waste produced by a commercial customer resulting from the construction, renovation or remodeling project located in the City including; concrete, rocks, bricks, lumber, plaster, sand, gravel, or other waste construction materials, and where the contractor employs the use of a roll-off style waste dumpster. This term does not include construction sites that are engaged in legitimate recycling efforts where materials are source separated on site and transported to a recycling processing facility, or single family residential construction sites.

COMMERCIAL WASTE. Waste produced by a commercial customer that is contained within a Commercial Container including Garbage or Trash resulting from a commercial customer. Commercial Waste does not include Unacceptable Waste.

DISPOSABLE CONTAINERS. Any plastic bag or cardboard box capable of containing garbage or trash without leaking remitting odors, and which weighs when loaded, less than fifty (50) pounds.

GARBAGE. Refuse animal or vegetable matter (as from a kitchen or food processing facility), tin cans, bottles, sacks, clothes, extinguished ashes, paper (not including heavy accumulations of newspapers and magazines), and any other household waste which is damp or emitting noxious odors, excluding Unacceptable Waste.

HANDICAPPED/SENIOR CUSTOMER. A residential household in which all members of the household are physically handicapped, or over the age of 65 and are unable to place Residential Waste at curbside. The fact of such condition must be certified by the City Manager.

PERMANENT CONTAINERS. Any closed, waterproof, plastic, or metal container or can which is capable of containing garbage or trash without leaking or emitting odors, and which weighs, when loaded, less than fifty (50) pounds.

UNACCEPTABLE WASTE. Any and all waste that is either:

- (1) Waste which is now or in the future becomes prohibited from disposal at a sanitary landfill by state, federal, and/or local laws and/or regulations promulgated there under;
- (2) Hazardous waste;
- (3) Special waste, as defined herein;
- (4) Waste, including landfill prohibited waste materials, which is prohibited from disposal at the landfill by city's solid waste contractor including tires, concrete, and bulk petroleum or chemical products or by-products;

- (5) Liquid waste, as defined herein, and septic tank pumping and grease and grit trap wastes;
- (6) Sludge waste, including water supply treatment plant sludge and stabilized and/or unstabilized sludge from municipal or industrial wastewater treatment plants;
- (7) Dead animals and/or slaughterhouse waste, except for animal euthanized under authority and direction of city's solid waste contractor;
- (8) Any waste, including special waste as defined herein, which because of its quantity, concentration, frequency of disposal, required disposal procedures, regulatory status, or physical, chemical, infectious or other characteristics jeopardizes or may jeopardize the environmentally sound operation of the disposal site, as determined by city's solid waste contractor in its sole discretion;
- (9) Appliances containing CFC's that do not bear a certification tag that shows the CFC's have been properly recovered in accordance with federal law; or
- (10) Stable matter, as defined herein.

..."

SECTION 2.

That Title V, "Public Works," Chapter 50, "Solid Waste Management," Section 50.26, "Specifications for garbage containers; number," of the Code of Ordinances of the City of Mansfield, Texas is hereby amended to read as follows:

"Section 50.26 Specifications for Garbage Containers; Number

Each customer shall provide a disposable or permanent container for garbage and trash. The City's solid waste contractor shall not be expected to remove garbage, trash, debris or stacked brush from any residence that exceeds (one) 1 cubic yard per collection day regardless of the type of container."

SECTION 3.

That Title V, "Public Works," Chapter 50, "Solid Waste Management," Section 50.27, "Placing of garbage containers for collection" of the Code of Ordinances of the City of Mansfield, Texas is hereby amended to read as follows:

"Section 50.27 Placing of Garbage Containers for Collection.

(A) The pickup schedule for collection of garbage and trash within the city shall be twice a week during the hours of 7:00 a.m. and 7:00 p.m. for residential customers. To ensure collection of garbage and trash, a person occupying a residence shall place the disposable or permanent containers at the curb prior to 7:00 a.m. on the scheduled garbage and trash collection day, but not earlier than 1:00 p.m. the day before the scheduled collection day or alternative day if the

scheduled collection day falls on a holiday; provided that if the occupant of the residence is a disabled person, he or she may make arrangements to place the garbage and trash at the front doorstep or next to the garage door so as to be visible from the street. Garbage and trash containers shall be removed from the curb after collection by no later than 12 p.m. the day following collection.

(B) If the house, building, or premises from which the garbage or trash is to be collected and removed is adjacent to an alley, the owner, occupant, tenant or lessee of the premises shall be required to keep the garbage or trash container at the entrance from the alley in order that it may be easily accessible to the person collecting and removing the garbage or trash. In the event it is not practicable to collect and remove the garbage or trash from the alley, the owner, occupant, tenant or lessee of the premises shall place the disposable or permanent container at such point as the proper agent of the City shall find and designate to be the most accessible for collecting and removing.”

SECTION 4.

That Title V, “Public Works,” Chapter 50, “Solid Waste Management,” Section 50.50, “Commercial Construction Waste,” is hereby added to read as follows:

“Section 50.50 Commercial Construction Waste

Operators of commercial construction sites, except for those construction sites where single-family homes are being constructed, renovated, or remodeled, and those engaged in legitimate, source-separated recycling of construction waste materials, shall have any and all Commercial Construction Waste resulting from construction activities removed and disposed of at their own expense and in accordance with all applicable regulations. Any container used for the removal and disposal of Commercial Construction Waste must be provided by a vendor holding a current franchise agreement with the City for the removal of Commercial Construction Waste. Service frequency of any Commercial Construction Waste containers shall be at a frequency necessary to prevent unsightly or unsanitary conditions.”

SECTION 5.

That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 6.

Should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part of provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

SECTION 7.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be subject to the penalties and provisions in Section 10.99 of the Code of Ordinances, City of Mansfield, Texas.

SECTION 8.

That all rights or remedies of the City of Mansfield, Texas, are expressly saved as to any and all violations of the City Code or any amendments thereto regarding the subject matter herein that have accrued at the time of the effective date of this ordinance; and as to such accrued violations, and all pending litigation, both civil or criminal, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 9.

The City Secretary of the City of Mansfield is hereby directed to publish the caption and penalty clauses of this ordinance at least once in the official newspaper of the City of Mansfield.

SECTION 10.

This ordinance shall take effect immediately from and after its passage on third and final reading and the publication of the caption, as the law and charter in such cases provide.

First reading approved on the _28th_ day of October, 2019

Second reading approved on the _11th_ day of November, 2019

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this the __25th__ day of __November_____, 2019

David Cook, Mayor

ATTEST:

Susana Marin, City Secretary