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ORDINANCE NO. 2274

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 9 OF THE CODE OF THE CITY OF MESQUITE, TEXAS BY ADDING CERTAIN NEW LANGUAGE TO SECTION 9-7 THEREBY ESTABLISHING TWO ADDITIONAL CHOICES FOR APARTMENTS TO DISPOSE OF THEIR GARBAGE, REFUSE, TRASH AND RUBBISH, AND ESTABLISHING CHARGES THEREFOR, AND BY DELETING CERTAIN PRESENT LANGUAGE AND ADDING CERTAIN NEW LANGUAGE TO SECTION 9-8 THEREBY CLARIFYING REQUIREMENTS, SPECIFICATIONS AND LOCATIONS OF GARBAGE, RUBBISH AND TRASH RECEPTACLES; AND BY ADDING A NEW SECTION 9-12.2 MAKING IT UNLAWFUL TO OBSTRUCT THE SERVICING OF A COMMERCIAL TYPE CONTAINER; BY PROVIDING A SEVERABILITY CLAUSE; BY PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED (\$200.00) DOLLARS FOR EACH OFFENSE AND DECLARING AN EMERGENCY:

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

SECTION 1. Chapter IX, Section 9-7 (b) is hereby amended to read as follows, in all other respects to remain in full force and effect:

(b) For an apartment residence, the charge shall be five dollars and twenty-five cents (\$5.25) per month for each apartment for collection. Provided, however, that the charge for units using a central pickup station shall be three (\$3.00) dollars per month per unit, for twice weekly collection and four dollars and fifty cents (\$4.50) per month per unit for thrice weekly collection. Provided further, that units utilizing stationary compactors, serviced a minimum of twice weekly, will be charged the same as the commercial type compactors, as set out in subsection (d) of this section, plus fifteen (15%) per cent.

SECTION 2. Chapter IX, Section 9-8 of the Code of the City of Mesquite is hereby amended to read as follows, in all other respects to remain in full force and effect:

Every person owning, managing, operating, leasing or renting any premises or any place where garbage, rubbish or trash accumulates, shall provide a sufficient quantity of receptacles for the sanitary storage of such garbage, rubbish or trash. Receptacles may be constructed of galvanized iron, tin or other suitable metal or plastic, with two (2) handles and a tight-fitting cover, of a capacity of

not less than twenty (20) gallons nor over thirty-two (32) gallons, provided that the gross weight of receptacle and contents does not exceed fifty (50) pounds.

Plastic garbage and trash bags, specifically designed for solid waste use, of a minimum thickness of two (2) mil, and approved for public use by the Sanitation Superintendent, may be used in place of metal or plastic containers, provided that all such bags used are securely tied to prevent spillage of contents.

Two (2)-Ply Kraft Paper bags, specifically designed for solid waste use with a residential trash compactor, may be used, with the approval of the Sanitation Superintendent, provided that all such bags used are securely closed to prevent spillage of contents.

Boxes constructed of cardboard or wood may be used as receptacles for yard trash only, but may not be emptied. Such receptacles will be removed along with the contents at time of collection. The gross weight of receptacle and contents shall not exceed fifty (50) pounds.

Garbage cans, boxes, sacks or barrels of trash and rubbish and tree limbs, which shall be cut into lengths not exceeding four (4) feet, shall be placed inside the property line at the edge of the alley where there is no fence. Where there is a back fence with alley gate, garbage cans, boxes, sacks or barrels of trash, rubbish and tree limbs, which shall be cut in lengths not exceeding four (4) feet, shall be placed against the inside of such fence at the side of the alley gate. If there is no alley gate, there shall be built a platform against the inside of the fence below the top of the fence so that garbage collecting vehicles can drive close up to same and lift the garbage, trash and rubbish over the fence. When there is no alley, kitchen garbage, trash and rubbish shall be placed inside the front curb line of a street, to be collected by the city garbage vehicles.

Every owner, occupant, tenant or lessee of a dwelling or public building used for residential, business or commercial purposes shall be required to maintain or cause to be maintained constant supervision and surveillance over the garbage

receptacles on his or her premises. In areas where garbage is collected from the street, the garbage receptacles shall be placed at the curb line no earlier than 8:00 p.m. of the day preceding that on which it is to be collected and no later than 7:30 a.m. of the day of collection, and shall be removed from the curb line no later than 8:00 p.m. of the day on which it is collected.

SECTION 3. Chapter IX, of the Code of the City of Mesquite is hereby amended by adding a new Section 9-12.2 to read as follows, in all other respects to remain in full force and effect:

It shall be unlawful for any person to obstruct a commercial-type container, by parking in front of or within five (5) feet of either side of a commercial-type container, or obstruct a commercial-type container in any manner, to where such obstruction would interfere with the servicing of the commercial-type container.


A commercial-type container is a container used for the storage and pickup of garbage, trash and debris, such container being in excess of three (3) cubic yards.

SECTION 4. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 5. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Hundred (\$200.00) Dollars for each offense.

SECTION 6. The fact that the present ordinances of the City of Mesquite are inadequate to protect the health and welfare the inhabitants of the City of Mesquite creates an urgency and an emergency and necessitates that this ordinance become effective immediately from and after its date of passage and the publication of its caption as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 20th day of January, A.D., 1986.


Mrs. Brunhilde Nyetrom
Mayor

ATTEST:

APPROVED AS TO FORM:


Lynn Prugel
City Secretary


Elland Archer
City Attorney

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