

ORDINANCE NO. 3122

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 14 OF THE CODE OF THE CITY OF MESQUITE BY PROVIDING CERTAIN AMENDMENTS AND DELETIONS TO SECTIONS 14.12, 14.15 (3)(4) AND 14.60; BY ADOPTING SECTION 14.45, A NEW PROVISION TO IMPOUND UNAUTHORIZED CONTAINERS; BY REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OCCURRENCE; AND DECLARING AN EFFECTIVE DATE.

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

SECTION 1. That Sections 14.12, 14.15 (3)(4) and 14.60 of the Code of the City of Mesquite, Texas, are hereby amended; Section 14.45 is hereby adopted as follows; in all other respects said code and chapter to remain in full force and effect.

- A. Amend Section 14.12 by deleting this section in its entirety and inserting a new section. Section 14.12 shall read as follows:

Sec. 14.12. Private collections.

The collection of garbage, trash and rubbish or of any kind of junk within the city by any person other than the city or a company contracting with the city for waste collection is prohibited except as provided in section 14-41 to 14-44.

- B. Amend Section 14.15 (3) by deleting the next to the last paragraph and the last paragraph and (4) in its entirety and inserting three new paragraphs to read as follows:

With the approval of the city, thirty (30) cubic yard open top containers are available for certain commercial establishments. The rate charged for these containers shall be a \$110.00 haul charge and a disposal fee of \$14.14 per ton of waste in the container. The charge shall be assessed each time the container is emptied.

With the approval of the city, thirty (30) cubic yard open top containers are available to contractors and

residents doing remodeling and repair work in a residential area. Placement of such container shall be for a maximum period of two (2) weeks annually. The rate charged for this container service shall be a \$110.00 haul charge and a disposal fee for \$14.14 per ton of waste in the container. The charge shall be assessed each time the container is emptied.

Commercial and industrial stationary compaction service is available upon request. The lease cost of such equipment will be established between the customer and the city. The rate charged for this container service shall be a \$110.00 haul charge and a disposal fee of \$14.14 per ton of waste in the container. The charge shall be assessed each time the container is emptied.

- C. Amend Section 14.60 by deleting this section in its entirety and inserting a new section. Section 14.60 shall read as follows:

**Sec. 14-60. Landfill fees.**

Effective December 1, 1996, the fees for disposal of solid waste at the landfill shall be established and set by Laidlaw Waste Systems, Inc., or any other entity which has a valid contract for operation of the landfill on behalf of the city.

- D. Adopt Section 14.45 to read as follows:

**Sec. 14.45. Unauthorized Containers.**

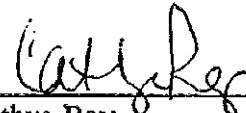
Containers not authorized by the city for the collection of garbage, trash, rubbish, building materials or any kind of junk may be impounded by the city or its authorized contractor. The owner of the container may reclaim the container on payment of a two hundred (\$200.00) dollar reclamation fee per container per occurrence. This section shall not apply to containers placed in the city for collection of recyclable materials, hazardous waste, medical waste, special waste and liquid waste.

SECTION 2. That should any word, sentence, clause, paragraph, or provision of this ordinance be held to be invalid or unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part or provision so decided to be unconstitutional, illegal, or invalid and shall not affect the validity of the remainder of Chapter 14 or any other provision of the Code of the City of Mesquite.

SECTION 3. 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 Thousand (\$2,000.00) Dollars for each offense.

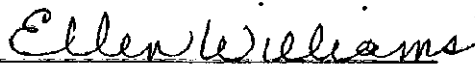
SECTION 4. That the present ordinances of the City of Mesquite are inadequate to regulate commercial sanitation collection creates an urgency and emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.


DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 4th day of November, 1996.

  
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Cathye Ray  
Mayor

ATTEST:

APPROVED:

  
\_\_\_\_\_  
Ellen Williams  
City Secretary

  
\_\_\_\_\_  
B.J. Smith  
City Attorney

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