

ORDINANCE NO. 3391

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 14 OF THE CODE OF THE CITY OF MESQUITE BY DELETING CHAPTER 14 IN ITS ENTIRETY AND ADDING A NEW CHAPTER 14 THEREBY ESTABLISHING PROVISIONS FOR SOLID WASTE COLLECTION AND DISPOSAL; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Mesquite has adopted provisions for collection and disposal of solid waste; and

WHEREAS, the City of Mesquite has provided regulations for solid waste, facilities and services pertaining to trash and garbage; and

WHEREAS, the City of Mesquite has updated the collection system and added facilities for the disposal of solid waste.

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

SECTION 1. That Chapter 14 of the Code of the City of Mesquite is hereby amended by deleting Chapter 14 in its entirety and adding a new Chapter 14 to read as follows, in all other respects said Code and Chapter to remain in full force and effect:

SOLID WASTE

ARTICLE I.	GENERAL PROVISIONS
ARTICLE II.	RESIDENTIAL COLLECTION
ARTICLE III.	COMMERCIAL COLLECTION
ARTICLE IV.	MUNICIPAL COMPOSTING FACILITY
ARTICLE V.	CITIZEN'S CONVENIENCE AND RECYCLING CENTER

ARTICLE I. GENERAL PROVISIONS

Sec. 14 -1. 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:

Appliances means any dishwasher, clothes washer, clothes dryer, refrigerator, water heater or household appliance which is properly secured as to prevent injury to children and animals.

Blue Bag means any plastic bag, colored blue, of sufficient strength to be equal to a plastic refuse bag with a 2.0-mil thickness to be used only for disposing of recyclable materials.

Brush means limbs, branches and other trimmings which cannot be placed in disposable containers and/or, when in piles, exceed six (6) feet in length by four (4) feet in height.

Container means any type of container, suitable for solid waste disposal, constructed of a solid and durable grade metal or heavy plastic of not less than twenty (20) nor more than thirty-two (32) gallons in capacity.

Household Hazardous Waste means any solid waste identified or listed as a hazardous waste by the administrator of the United States Environmental Protection Agency pursuant to federal law. Hazardous waste includes such items as pool chemicals, corrosive solvents, oil, vehicle batteries, automotive fluids and paint.

Illegal Containers means any cardboard box, pasteboard box, oil drum, barrel, grocery sack, pail, crate or any other type packing container used as a receptacle for garbage, any plastic or metal container exceeding thirty-two (32) gallons in capacity, and any plastic bag other than as defined herein.

Large Items means cardboard boxes, crates, pieces of treated wood, furniture, fencing materials or items that cannot be placed in containers.

Non-Collectable Items means brick, lumber, plaster, concrete, large tree trunks, stumps, metal scrap, construction or remodeling materials, animal carcasses, demolition, fire debris, dirt, rocks, boards, metal or other hard, dry substances and other such items not defined as solid waste or any other material that produces excessive weight and/or that may damage the container or the collection vehicle.

Plastic Bags means any plastic container of sufficient strength to be equal to a plastic refuse bag with 2.0-mil thickness and not less than twenty (20) nor more than thirty (32) gallons in capacity.

Racks means any support or platform specifically designed to hold solid waste containers for the purpose of storage or security. A rack may be constructed of metal or wood, but must not support a container at a height that exceeds three (3) feet from the ground.

Recyclable Materials means any materials that have been separated from the normal solid waste materials and placed at a designated collection location for the purpose of collection and recycling. These materials include, but are not limited to, such items as newspapers, magazines, aluminum cans, steel cans and plastics #1 and #2.

Solid Waste means any and all garbage, trash, refuse and other discarded material held or accumulated in containers, including, without limitations, animal and vegetable waste materials resulting from the preparation, processing or consumption of food; combustible waste material such as paper, rags, cartons, boxes and plastics; noncombustible waste material such as glass, crockery and metal cans; however, solid waste shall not include hazardous waste or biomedical waste.

Trash means paper of all kinds, rags, old clothing, paper containers, plastic containers, glass containers, old rubber or small pieces of treated wood from any premises within the City.

Yard Waste means grass clippings, yard cleanings, leaves, tree trimmings and branches. Tree trimmings and branches must be six (6) feet or less in length and no more than six (6) inches in diameter.

Sec. 14-2. Placing garbage, etc., in streets or alleys prohibited.

It shall be unlawful to place yard waste, solid waste, trash or other materials for solid waste pick up in any street or alley within the City.

Sec. 14-3. Permitting debris to accumulate on sidewalks, etc.

It shall be unlawful and an offense for any person, occupant or agent of any property that abuts or joins any paved street in the City to allow or permit any animal or vegetable substance whatever or any tin, glass or piece of iron or any trash, mud, slop, refuse, matter or filth of any kind or description whatsoever to accumulate or remain on any part of the sidewalk abutting or adjacent to the premises owned or occupied by such person on such paved street in the City.

Sec. 14-4. Sweeping or depositing trash, etc., from building, etc., into gutter, etc.

It shall be unlawful for any person to sweep into or deposit into any gutter, street or other public place within the City trash, yard waste or solid waste of any kind from any building or lot or from any public or private sidewalk or driveway.

Sec. 14-5. Blocking sidewalk.

It shall be unlawful for any person owning or occupying property to block the sidewalk in front of their premises with trash, yard waste or solid waste containers or large brush or large items.

Sec. 14-6. Leaving construction rubbish in street.

It shall be unlawful for any person who has occupied a portion of the street for building purposes to leave any rubbish in the street after the completion of such construction.

Cross reference(s)--Buildings and construction, Ch. 5.

Sec. 14-7. Depositing rubbish on occupied property.

It shall be unlawful for any person to throw or deposit trash, yard waste or solid waste of any kind on any occupied private property within the City, whether owned by such person or not; except that the owner or person in control of the occupied property may maintain authorized private receptacles as defined in this chapter for the collection in such a manner that such trash and refuse will be prevented from being carried or deposited by the elements upon any street, sidewalk or any public place or upon any private property within the City.

Sec. 14-8. Throwing trash or rubbish on vacant property.

It shall be unlawful for any person to throw or deposit trash, yard waste or solid waste of any kind upon any open or vacant private property within the City, whether owned by such person or not.

Sec. 14-9. Maintenance of property free of trash or rubbish.

(a) It shall be unlawful for any owner, occupant or other person in control of any private real property to fail to maintain such property free of trash, yard waste or solid waste; however, this section shall not prohibit the storage of trash, yard waste or solid waste in authorized private receptacles for collection.

(b) Any owner, occupant or other person in control of such private real property shall, before the solicitation, acquiescence or acceptance of the deposit of any dirt, sand, rock or other material used for the purposes of filling said property, or after actual or constructive notice of the dumping or other deposit of any litter, trash or rubbish upon said property by other persons, erect a sufficient number of signs prohibiting the dumping or deposit of said litter, trash or rubbish upon said property. Such signs shall be of a size no less than eighteen (18) by twenty-four (24) inches, with lettering of a size clearly legible at a distance of two hundred (200) feet or more, and shall contain the following text:

NO DUMPING
THE DEPOSIT OF TRASH AND RUBBISH ON
THESE PREMISES IS PROHIBITED. VIOLATORS
WILL BE PROSECUTED AND SHALL BE
SUBJECT TO A MAXIMUM FINE OF TWO
THOUSAND DOLLARS (\$2,000.00).

(c) An owner, occupant or other person in control of such property shall maintain at least one (1) sign upon each 200 feet of the property abutting a public street. Such signage, however, does not affect an owner's responsibility to maintain their property free of trash, yard waste or solid waste as set forth in this section.

Sec. 14-10. Depositing trash, etc., in park.

It shall be unlawful for any person to throw or deposit trash, yard waste or solid waste of any kind or nature in any park within the City, except in public receptacles and in such a manner that the trash, yard waste or solid waste will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or any public place. Where public receptacles are not provided, all such trash, yard waste or solid waste shall be carried away from the park by the person responsible for its presence and properly disposed of as same is provided for herein.

Sec. 14-11. Throwing trash, etc., in fountain, pond, etc.

It shall be unlawful for any person to throw or deposit any trash, yard waste or solid waste of any kind or nature whatsoever in any fountain, pond, lake, stream or any other body of water in a park or elsewhere within the City.

Sec. 14-12. Preparation and placement for collection.

The Solid Waste Division of the Public Services Department will not make collection of kitchen garbage or rubbish or yard waste where same is not prepared for collection and placed as designated by the terms of this chapter.

Sec. 14-13. Private collections.

The collection of trash, yard waste or solid waste within the City by any person other than the City or a company contracting with the City for waste collection is prohibited.

Sec. 14-14. Meddling, pilfering, etc.

It shall be unlawful for any person to meddle with, pilfer or scatter the contents of or collect items from trash, yard waste or solid waste containers or items placed for collection in any alley or street within the City.

Sec. 14-15. Location of collection to be kept in sanitary condition; protection of contents.

Solid waste containers shall be kept in a sanitary condition and closed tightly. The contents of all receptacles shall be protected so that wind or animals cannot scatter the contents over the streets, alleys and premises of the City. It shall be unlawful for the responsible property owner or occupant to fail to keep the location of trash, yard waste or solid waste collection in a sanitary condition.

Sec. 14-16. Throwing trash, etc., other than in public receptacles, etc.

It shall be unlawful for any person to throw or deposit trash, yard waste or solid waste in or upon any street, sidewalk or other public place except in public receptacles for collection or in the official City disposal area.

Sec. 14-17. Throwing trash, etc., in private receptacles, etc.

It shall be unlawful for anyone other than the person owning, managing, operating, leasing or renting a premises to deposit items for disposal in a container designated for private use at a premises.

Sec. 14-18. Trash, etc., placed in receptacles to be prevented from escaping.

It shall be unlawful for any person to place trash, yard waste or solid waste in public or private receptacles in such a manner that allows trash, yard waste or solid waste to be carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

Sec. 14-19. Breaking glass products.

It shall be unlawful for any person to willfully or recklessly drop, throw or otherwise propel any glass, bottle, jar or other glass product which results in the breakage of the glass product upon any property other than their own or in an approved receptacle.

Sec. 14-20. Brick, broken concrete, lumber, etc.

Heavy accumulations, such as brick, broken concrete, lumber, ashes, clinkers, dirt, plaster, sand, gravel, automobile frames, dead trees and other bulky, heavy material shall be disposed of at the expense of the owner or person controlling the same at the landfill.

Sec. 14-21. Collection times.

All collection of solid waste must occur between the hours of 7:00 a.m. and 9:00 p.m. in areas in or within one thousand (1,000) feet of a residence.

Sec. 14-22. Landfill fees.

The fees for disposal of solid waste at the landfill shall be established and set by such entity having a valid contract for operation of the landfill on behalf of the City.

Sec. 14-23—14-29. Reserved.

ARTICLE II. RESIDENTIAL COLLECTION

Sec. 14-30. Fee for residential collection.

There shall be charged, assessed and collected from each person within the City the following monthly service charge for garbage, refuse, trash and rubbish collection and disposal:

For a single-family residence, the charge shall be \$10.00 per month for collections.

Sec. 14-31. Collection schedule.

In the residential districts, solid waste collections shall be made at least one time per week or as often as may be necessary to comply with the sanitary regulations of the City, the time and frequency of such collection(s) will be determined by the Director of Public Services.

Sec. 14-32. Recyclable materials only to be placed in containers designated for that purpose.

It shall be unlawful and an offense for any person to willfully place items other than plastics #1 and #2, aluminum cans, steel cans and newspapers in the blue recycling bags designated by the City of Mesquite Blue Bag Recycling Program.

Sec. 14-33. Receptacle specifications.

(a) Every person owning, managing, operating, leasing or renting any premises or any place where trash, yard waste or solid waste accumulates shall provide a sufficient quantity of containers for the sanitary storage of such trash, yard waste or solid waste. Containers shall meet the type and criteria as set forth in this section. The gross weight of a container with contents shall not exceed fifty (50) pounds. The contents of the container shall be securely closed to prevent spillage of contents.

(b) Plastic bags meeting the definition contained in this chapter may be used in place of metal or plastic containers provided that all such bags are securely tied to prevent spillage of contents.

(c) Two-ply paper bags, specifically designed for solid waste use with a residential trash compactor, may be used with the approval of the Solid Waste Division Superintendent, provided that such bags are securely closed to prevent spillage of contents.

(d) Yard waste shall be placed in plastic bags designed for the purpose of holding grass clippings and leaves. Branches and tree limbs may be placed in a pile no longer than six (6) feet and no higher than four (4) feet.

Sec. 14-34. Collection location.

(a) Houses with alleys – Solid waste and recycling containers, empty cardboard containers, plastic bags and yard waste may be placed on the property line nearest the alley, outside the fence if necessary, and must not block any portion of the alley. Racks and platforms are permitted for the placement of solid waste containers for houses with alleys provided they meet the specifications as defined in this chapter.

(b) Houses without paved alleys – Solid waste and recycling containers, empty cardboard containers, plastic bags and yard waste may be placed on the edge of the curb adjacent to the street and must not block any portion of the street or sidewalk.

(c) Large items, brush and appliances must be placed at the curb adjacent to the street and should not block any portion of the street or sidewalk. Where the sidewalk is adjacent to the curb, large items, brush and appliances must be placed adjacent to the sidewalk on property owner's side of the sidewalk.

Sec. 14-35. Placement times.

(a) It shall be unlawful for solid waste and recyclable material to be placed out for collection earlier than 5:30 p.m. the day before scheduled pickup and later than 7:30 a.m. the day of scheduled pickup; except that placement later than 7:30 a.m. shall be permitted if it is ascertained that collection along the street or alley has not yet occurred. Containers should be removed from the curb line no later than 8:00 p.m. of the day in which collection occurs.

(b) Yard waste, large brush and large items may be placed out at any time for collection.

(c) Appliances must be set out as directed by the Solid Waste Division.

Sec. 14-36. Obstructions to solid waste collection.

It shall be unlawful to fail to maintain an alley or street where solid waste is collected in a manner free of obstructions that interfere with collection vehicles. Obstructions include, but are not limited to, overhanging tree limbs, trees, bushes, railroad ties, fence posts, other structures and parked vehicles. The City shall have the right to remove any obstructions from public right-of-way that impede the collection of solid waste provided however the property owner shall be given notice and an opportunity to correct the obstruction prior to removal by the City.

Sec. 14-37. Racks and platforms for storage of solid waste containers and plastic bags.

A rack or platform as defined in this chapter and specifically designed for the storage of solid waste containers and plastic bags is permitted for placement in the alley providing that the rack does not interfere with the collection of solid waste within the alley. No racks are permitted

at the curb line. The Solid Waste Superintendent and Director of Public Services will have the authority to approve the design and placement of racks.

Sec. 14-38. Collection of large items and disposal of junk and trash from rental property.

The Solid Waste Division may collect large items, heavy brush, trash, yard waste or solid waste from vacant rental property only after a fee has been paid to the Solid Waste Division Superintendent. This fee shall be determined based on the quantity of items requiring disposal. It shall be the responsibility of the property owner to notify the Solid Waste Division of the need for the service. The amount of the fee shall be set by the City Manager on October 1st of each year.

Sec. 14-39—14-44. Reserved.

ARTICLE III. COMMERCIAL COLLECTION

Sec. 14-45. Charges for collection.

There shall be charged, assessed and collected from each apartment residence and commercial establishment within the City the following monthly service charges for garbage, refuse, trash and rubbish collection and disposal:

(a) For an apartment residence, the charge shall be \$7.22 per month for each apartment for collection. Provided however, that the charge for units using a central pickup station shall be \$4.64 per month per unit for twice weekly collection and \$6.19 per month per unit for thrice weekly collection. Provided further, that units utilizing stationary compactors, serviced a minimum of twice weekly, shall be charged the same as the commercial-type compactors, as set out below.

(b) For commercial establishments, hotels, motels, restaurants and other food establishments, container storage and collection service shall be required and the following schedule of rates shall apply. Provided, however, where container storage and service is inappropriate, residential-type collection may be allowed, in which event the charge shall be a minimum of \$20.00 per month for commercial establishments.

With the approval of the City, 30-cubic-yard open top containers are available for certain commercial establishments. The rate charged for these containers shall be \$113.45 per haul charge and a disposal fee of \$14.57 per ton of waste in the container. The charge shall be assessed each time the container is emptied.

With the approval of the City, 30-cubic-yard open top containers are available to contractors and residents for remodeling and repair work in a residential area. Placement of such containers shall be for a maximum period of two (2) weeks annually. The rate charged for this container service

shall be \$113.45 per haul charge and a disposal fee of \$14.57 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 or the City's contractor for commercial collection. The rate charged for this container service shall be \$113.45 per haul charge and a disposal fee of \$14.57 per ton of waste in the container. The charge shall be assessed each time the container is emptied.

Commercial Front-Load Rates (Monthly)

Size	1x	2x	3x	4x	5x	6x	7x	Extra
2 YD	20.40							
3 YD	30.94	61.8	89.08					
4 YD	38.68	77.35	113.45	154.71	190.81	226.92	257.86	9.08
6 YD	51.57	103.14	154.71	206.29	257.86	309.43	355.84	13.61
8 YD	64.46	128.93	195.97	257.86	324.90	391.94	453.83	18.15

Commercial Roll-Off Rates

Size	Type	Delivery Per Day	Rental Per Ld.	Haul	Disposal Per Ton	Deposit Per Cont.
20 YD	OPEN	30.94	3.09	113.45	14.57	200.00
25 YD	OPEN	30.94	3.09	113.45	14.57	200.00
30 YD	OPEN	30.94	3.09	113.45	14.57	200.00
35 YD	OPEN	30.94	3.09	113.45	14.57	200.00
40 YD	OPEN	30.94	3.09	113.45	14.57	200.00
28 YD	COMP	NEGO	NEGO	113.45	14.57	NEGO
30 YD	COMP	NEGO	NEGO	113.45	14.57	NEGO
35 YD	COMP	NEGO	NEGO	113.45	14.57	NEGO
40 YD	COMP	NEGO	NEGO	113.45	14.57	NEGO
42 YD	COMP	NEGO	NEGO	113.45	14.57	NEGO

Additional Commercial Fees

Street and alley use fee percentage	4.00%
Disposal rate, per ton	\$13.99
Street and alley fee markup	\$0.58
Total cost, per ton	\$14.57
Casters, per month	\$10.00
Locks, per lift	\$1.00
Locks, one-time setup charge	\$75.00
Charge for compactor units requiring turnaround	\$20.00
Removal and redelivery of suspended containers	\$150.00

Sec. 14-46. Collection schedule.

Collection of garbage in the business districts and from hotels, motels and restaurants shall be made no less than twice weekly.

Sec. 14-47. Container required.

Every person owning, managing, operating, leasing or renting any premises or any place where trash, yard waste or solid waste accumulates shall provide a sufficient quantity of containers for the sanitary storage of such trash, yard waste or solid waste. Placement and screening of commercial containers shall be in conformance with the requirements of the Mesquite Zoning Ordinance.

Sec. 14-48. Commercial container service; use of containers.

In instances where commercial container service is provided pursuant to Section 14-45 of this chapter, the following provisions shall be applicable:

(a) It shall be unlawful for any person, other than the lessee or his authorized representative, to deposit, cause or allow to be deposited, any type of waste or other substance in a container where such container is posted with a notice prohibiting such action.

(b) Proof that a motor vehicle was utilized to transport such unauthorized material to a location where such material was unlawfully deposited in a commercial container as provided herein and that said vehicle was registered with the Texas Department of Transportation in the name of a particular person shall be prima facie proof, rebuttable as in other cases, that the registered owner thereof deposited and caused such material to be deposited in such container.

Sec. 14-49. Obstructing commercial container servicing.

(a) 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.

(b) A commercial-type container is a container used for the storage and pickup of garbage, trash and debris, such container being in excess of two (2) cubic yards.

Sec. 14-50. Manure and waste oils.

Manure from cow lots, horse stables, poultry yards, pigeon lofts and waste oils from garages or filling stations shall be disposed of at the expense of the party responsible under the direction of the Solid Waste Superintendent.

Cross reference(s)--Standards of sanitation for livestock pens and enclosures, § 4-33.

Sec. 14-51. 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 \$200.00 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.

Sec. 14-52. Brush collection for commercial districts.

The Solid Waste Division may collect large brush from commercial property only after a fee has been paid to the Solid Waste Division. This fee shall be determined based on the quantity of brush requiring disposal. It shall be the responsibility of the property owner to notify the Solid Waste Division of the need for the service. The amount of the fee shall be set by the City Manager on October 1st of each year.

Sec. 14-53—14-69. Reserved.

ARTICLE IV. MUNICIPAL COMPOSTING FACILITY

Sec. 14-70. General.

(a) All organic landscape materials suitable for composting, as determined by the City, may be hauled to the municipal composting facility for chipping, mulching and composting by the City at the location or locations designated by facility personnel during normal operating hours as provided herein.

(b) The City may reject any and all such materials that facility-operating personnel determine are not suitable for composting operations.

(c) Use of the municipal composting facility is restricted to City departments, City residential solid waste customers, City nonresidential or commercial solid waste customers, commercial haulers, and other persons hauling materials from property within the City having a valid permit as provided herein, and others having a valid agreement approved by the City Manager or his duly appointed representative, provided that permits for other public entities shall be approved by the City Council.

(d) Processed organic landscape materials produced at the municipal composting facility shall become the property of the City to be used, distributed and/or sold in accordance with the provisions of this article.

Sec. 14-71. Hours of operation.

Hours of operation of the municipal composting facility shall be as determined by the City Manager or his designee and shall be posted in a conspicuous manner near the entrance to the facility.

Sec. 14-72. Transportation requirements.

(a) All vehicles hauling materials to the municipal composting facility must have a suitable cover placed over the load or have the materials in an appropriate container, as determined by facility personnel, to prevent the materials from blowing or falling from the vehicle.

(b) The operator of any commercial vehicle arriving at the municipal composting facility with materials without a suitable cover or container shall pay a surcharge of \$25.00 in addition to any other applicable fees or charges to defray the expense of litter cleanup.

Sec. 14-73. Facility user fees.

(a) All persons using the facility, except City residential solid waste customers as provided herein, must pay a user fee and possess a valid permit issued by the City.

(b) The following fees shall be charged for organic landscape materials brought to the municipal composting facility:

- | | |
|--|--------|
| (1) Unchipped landscape materials, per cubic yard | \$2.90 |
| (2) Prechipped landscape materials, per cubic yard | \$1.50 |

(c) City residents hauling landscape materials from their place of residence where they reside as owners and pay a residential solid waste fee to the City will not be charged a fee. A valid Texas driver's license and water bill must be presented as proof of residency to the attendant on duty. A fee as established in Section (b) above will be charged for a resident's disposal of materials from commercial or rental property.

(d) Landscape material from outside the City limits shall not be accepted unless a permit has been issued and approved by the City Manager or, if from a public entity, approved by the City Council.

(e) Fees may be adjusted by the City Council at a rate consistent with prevailing market conditions provided total revenues from such fees recover the costs of composting services.

(f) The City shall maintain records of all incoming loads of material brought to the municipal composting facility and bill users on a monthly basis. Payment is due thirty (30) days after the invoice date. Any balance remaining unpaid more than thirty (30) days after the date of

invoice shall be assessed a penalty as established in this article each month until paid. In addition, any person more than thirty (30) days in arrears of payment shall be prohibited from further use of the municipal composting facility until payment is made.

Sec. 14-74. Use, distribution and sale of processed materials.

(a) Processed organic landscape materials produced at the municipal composting facility may be used by City departments at the discretion of the City, which use is hereby authorized.

(b) Any such materials produced, which are not needed by the City, may be available to residential solid waste customers at no cost for home projects only or sold as provided herein.

(c) Materials produced at the municipal composting facility may be purchased, when available, during normal operating hours as follows:

(1) Mulch, per cubic yard	\$4.00
(2) Compost, per cubic yard	\$8.00

Sec. 14-75. Permits.

(a) Any person hauling organic landscape materials to the municipal composting facility who is required to pay a user fee as set forth herein must first obtain a permit from the Solid Waste Division.

(b) A non-refundable fee of \$100.00 is required for the issuance of a permit. A new fee and permit will be required upon a change of address for the person responsible for payment of the user fee established herein. No permit fee will be charged for a public entity using the municipal composting facility.

(c) Upon receipt of the required fee and completed application, the Solid Waste Division shall issue a permit unless there is cause to believe that the applicant will not comply with each provision of this article.

(d) Each permit application must contain the name, address and telephone number of the individual or representative who will be the permit holder responsible for payment of the fees and charges levied in this article. A permit holder shall inform the issuing authority of any changes to information listed on the permit application.

(e) A permit cannot be transferred to another person.

(f) A permit may be refused, suspended or revoked upon the occurrence of the following:

- (1) If any false statement or misrepresentation of a material fact is made by an applicant for the purpose of obtaining a permit; and/or

- (2) Upon the failure or refusal to comply with any of the provisions of this article including the payment of all fees or charges established herein.

Sec. 14-76. Penalties.

It shall be unlawful for any person required by the provisions of this article to fail to pay to the City the fees and charges imposed herein upon receipt of materials. In addition to any criminal penalties that may be imposed, any person violating this section shall be personally liable for the amount of fees due together with a penalty of fifteen (15) percent of the amount due.

Sec. 14-77—14-79. Reserved.

ARTICLE V. CITIZEN'S CONVENIENCE AND RECYCLING CENTER

Sec. 14-80. General.

(a) All materials designated by this article may be hauled to the Citizen's Convenience and Recycling Center (referred to as "Center" hereafter in this article) for disposal at the location or locations designated by facility personnel during normal Center operating hours as provided herein.

(b) The City may reject any and all materials not designated by this article and that facility personnel determine are not suitable for disposal.

(c) Use of the Center is restricted to City residential solid waste customers. Materials must be generated from the residence of the solid waste customer.

(d) Waste generated from a nonresidential or commercial enterprise will not be accepted at the Center. A nonresidential or commercial enterprise is defined as a resident involved in activities outside of the home that generates waste. These enterprises include, but are not limited to, rental property ownership and management, general contractors, painters, electricians and plumbers.

(e) All items disposed of at the Center shall be the property of the City. The City may use, distribute, sell or dispose of all such items in accordance with the provisions of this article.

Sec. 14-81. Hours of operation.

Hours of operation of the Center shall be determined by the City Manager or his designee and shall be posted in a conspicuous manner near the entrance to the Center.

Sec. 14-82. Restrictions on use.

All persons using the Center must provide proof of residency such as a water bill or a valid Texas driver's license. Only materials generated from the residence will be accepted at the Center. Any materials requiring disposal from the operation of a commercial venture shall not be accepted at the Center. Residents will be limited to one visit to the site per month. Residents requiring more than one visit in a single day will require approval of the Solid Waste Superintendent.

Sec. 14-83. Materials accepted.

A list of all items acceptable for collection at the Center shall be conspicuously posted at the Center. They shall include, but not be limited to:

(a) Junk/trash – any item considered acceptable for pickup by the Solid Waste Division at the resident's home shall be accepted at the Center.

(b) Recyclable materials – any item currently collected in the Mesquite Blue Bag Recycling Program will be accepted at the Center.

(c) Appliances – residents may dispose of appliances at the Center.

Sec. 14-84. Materials not accepted.

No household hazardous waste and other items designated by the Solid Waste Superintendent will be accepted at the Center.

Sec. 14-85. Center user fees.

Only City residential solid waste customers may utilize the Center. City residents hauling trash, junk, recyclable materials and appliances from their places of residence where they reside as owners and pay residential solid waste fee to the City will not be charged a fee. No disposal of materials from commercial properties will be permitted. Citizens renting homes in the City and paying monthly solid waste fees are permitted to dispose of materials at the facility with proof of residency.

The City shall maintain records of all incoming loads of materials brought to the Center and shall limit the total amount of materials brought from a residence during the monthly period.

Sec. 14-86. Penalties.

It shall be unlawful for any person required by the provisions of this article to knowingly deposit materials from a property other than their own residence in which they reside. It shall also be unlawful for any person to knowingly deposit items which are not specified to be

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disposed of at the Center. In addition to any criminal penalties that may be imposed, any person violating this section shall be personally liable for the amount of fees due together with a penalty of fifteen (15) percent of the amount due.

SECTION 2. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

SECTION 3. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 4. 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 punishable by a fine not to exceed two thousand (\$2,000.00) dollars for each offense.

SECTION 5. That the present ordinances of the City of Mesquite are inadequate in providing for solid waste collection and disposal, creates an urgency and an 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 19th day of September, 2000.



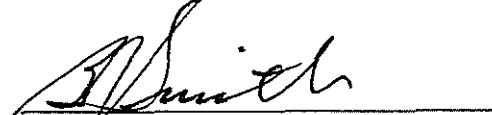
Mike Anderson
Mayor

ATTEST:



Ellen Williams
City Secretary

APPROVED:



B. J. Smith
City Attorney