

ORDINANCE NO. 4272

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS AMENDING CHAPTER 14 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY AMENDING SECTION 14-1 TO ADD A DEFINITION FOR PRIVATE CONTRACTOR AND AMEND DEFINITIONS FOR RECYCLABLE MATERIALS AND UNAUTHORIZED CONTAINER; AMENDING SECTION 14-13 TO PROVIDE FOR COLLECTION BY AUTHORIZED PRIVATE CONTRACTORS; AMENDING SECTIONS 14-14, 14-15 AND 14-18 TO INCLUDE APPLICATION OF PROVISIONS TO RECYCLABLE MATERIALS; AMENDING SECTIONS 14-38, 14-39, 14-40 AND 14-52 TO INCLUDE A FEE FOR THE COLLECTION OF SOLID WASTE ON RENTAL PROPERTY, UNIMPROVED VACANT LOTS, SOLID WASTE NOT GENERATED ON RESIDENTIAL LOCATIONS AND BRUSH COLLECTION FOR COMMERCIAL DISTRICTS; AMENDING SECTION 14-45 TO ADD APARTMENTS TO THE SCHEDULE OF RATES AND AMENDING SUCH SCHEDULES; AMENDING SECTIONS 14-46 AND 14-47 AND SUBSECTION 14-49(b) TO INCLUDE APPLICATION OF PROVISIONS TO RECYCLABLE MATERIALS; AMENDING SECTION 14-50; AMENDING SUBSECTION 14-51(g); ADDING A NEW SECTION 14-53 TO PROVIDE MINIMUM REQUIREMENTS FOR PRIVATE CONTRACTORS COLLECTING SOLID WASTE AND/OR RECYCLABLE MATERIALS; AND AMENDING SUBSECTION 14-73(b) TO AMEND FACILITY USER FEES; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY CLAUSE NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE THEREOF.

WHEREAS; the City Council of the City of Mesquite, Texas, has determined that it is in the best interest of the City and its' citizens to amend Chapter 14 of the Code of the City of Mesquite, Texas, as amended, relating to 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, Texas, as amended, is hereby amended as follows, in all other respects said Code and Chapter to remain in full force and effect:

- A. *Sec. 14-1.* Amend Section 14-1 by deleting the definitions for “recyclable materials” and “unauthorized container” in their entirety and adding new definitions for “private contract,” “recyclable materials” and “unauthorized container” to read as follows:

Private contractor means a person or company that executes a contract with the City for the collection and disposal of commercial solid waste and/or recyclable materials per 30 TAC 330 in accordance with Article III of this chapter.

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, glass, cardboard, steel cans, and plastics #1 and #2.

Unauthorized container means a commercial or recycling container placed at any location in the City that is not owned by the City, a private contractor under contract with the City, or a commercial customer using the container at their collection location.

- B. *Sec. 14-13.* Amend Section 14-13 by deleting the section in its entirety and adding a new Section 14-13 to read as follows:

Sec. 14-13. Private collections.

- (a) The collection of trash, yard waste or solid waste within the City by any person other than the City or a private contractor authorized to collect and/or dispose of solid waste and recyclable materials is prohibited.
- (b) The owner, occupant or person in control of the property located within the City commits an offense if he fails to contract with the City or a private contractor authorized to collect and/or dispose of trash, recyclable materials, yard waste or solid waste of any kind or nature.

- C. *Sec. 14-14.* Amend Section 14-14 by deleting the section in its entirety and adding a new Section 14-14 to read as follows:

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, recyclable materials, yard waste or solid waste containers or items placed for collection in any alley or street within the City.

- D. *Sec. 14-15.* Amend Section 14-15 by deleting the section in its entirety and adding a new Section 14-15 to read as follows:

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

Containers for solid waste and recyclable materials 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, recyclable materials, yard waste or solid waste in a sanitary condition. The property owner or occupant shall not overload (by weight or volume) the containers for solid waste and recyclable materials. If a property owner or occupant places more solid waste or recyclable materials over the top of their container or on top of the container, the private contractor may charge such property owner or occupant an “overload fee” per the approved rate table in Section 14-45 for any excess.

- E. *Sec. 14-18.* Amend Section 14-18 by deleting the section in its entirety and adding a new Section 14-18 to read as follows:

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

It shall be unlawful for any person to place trash, recyclable materials, yard waste or solid waste in public or private receptacles in such a manner that allows such trash, recyclable materials, 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.

- F. *Sec. 14-38.* Amend Section 14-38 by deleting the last sentence of the first paragraph in its entirety and adding a new last sentence in the first paragraph to Section 14-38 to read as follows:

The fee for this service is \$140.00 per load.

- G. *Secs. 14-39 and 14-40.* Amend Sections 14-39 and 14-40 by deleting the last sentence in the sections and adding a new law last sentence to Sections 14-39 and 14-40 to read as follows:

The fee for this service is \$140.00 per load.

- H. *Sec. 14-45.* Amend Section 14-45 by deleting the section in its entirety and adding a new Section 14-45 to read as follows and to include new rate schedules as follows:

Sec. 14-45. Charges for collection.

(a) For commercial establishments, apartment residences, boarding houses, restaurants and other food establishments, container storage and collection service shall be required and the schedule of rates as more fully set forth in the chart following this section shall apply. The schedule of rates for commercial front-load and commercial roll-off rates as more fully set forth in the chart following this section shall apply.

(b) Where container storage and service are inappropriate, residential-type collection may be allowed in which event the charge shall be a minimum of \$30.00 per month for commercial establishments and boarding houses.

- (c) With the approval of the City, open top containers are available for certain commercial establishments. The charge shall be assessed at the rates established in the approved rate table each time the container is emptied.
- (d) With the approval of the City, open top containers are available to contractors and residents doing remodeling and repair work in a residential area. Temporary placement of such containers shall be for a maximum period of four weeks annually but may be extended by the Manager of Solid Waste. The charge shall be assessed at the rates established in the approved rate table each time the container is emptied.
- (e) 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 charge shall be assessed at the rates established in the approved rate table each time the container is emptied.

Effective October 1, 2013

Waste Front Load Rates							
	x/wk	x/wk	x/wk	x/wk	x/wk	x/wk	x/wk
YARDS	1	2	3	4	5	6	Extra
2	\$ 35.54	\$ 71.06	\$106.60	\$ -	\$ -	\$ -	\$ 17.10
3	\$ 53.88	\$107.75	\$161.63	\$ -	\$ -	\$ -	\$ 22.79
4	\$ 58.58	\$117.43	\$171.75	\$ 234.23	\$ 288.89	\$ 343.56	\$ 28.49
6	\$ 78.06	\$156.16	\$234.23	\$ 312.33	\$ 390.40	\$ 468.50	\$ 34.18
8	\$ 97.59	\$195.17	\$296.67	\$ 390.40	\$ 491.91	\$ 593.40	\$ 39.88
Plus 6.44% Fuel Surcharge							

Overloaded containers charged \$11.00 per cubic yard

Casters are \$12.09 per month. Lock charge is \$1.21 per lift or \$92.97 one-time set up charge.

Waste Front Load Compactor Rates							
	x/wk	x/wk	x/wk	x/wk	x/wk	x/wk	x/wk
YARDS	1	2	3	4	5	6	Extra
2	\$ 81.81	\$163.60	\$ -	\$ -	\$ -	\$ -	\$ 48.14
3	\$ 123.22	\$246.41	\$ -	\$ -	\$ -	\$ -	\$ 48.14
4	\$ 160.39	\$320.31	\$477.17	\$ 641.45	\$ 797.93	\$ 954.38	\$ 48.14
6	\$ 230.77	\$461.57	\$692.34	\$ 923.17	\$1,153.95	\$1,384.74	\$ 72.08
8	\$ 301.21	\$602.42	\$907.51	\$1,204.85	\$1,509.94	\$1,815.06	\$ 96.14
Plus 6.44% Fuel Surcharge							

Waste Roll off Rates Solid Waste						
Size	Type	Delivery	Rental/Day	Haul/load	Disp/ton	deposit
10 to 40 yd	Open	\$ 48.73	\$ 4.45	\$ 178.67	\$ 22.95	\$ 287.63
28 to 40 yd	Comp	Negotiable	Negotiable	\$ 178.67	\$ 22.95	\$ 287.63
Plus 6.44% Fuel Surcharge						

Recycling Front Load Rates							
	x/wk	x/wk	x/wk	x/wk	x/wk	x/wk	x/wk
YARDS	1	2	3	4	5	6	Extra
2	\$ 15.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15.00
4	\$ 15.00	\$ 25.00	\$ 35.00	\$ 50.00	\$ 60.00	\$ 75.00	\$ 15.00
6	\$ 18.00	\$ 30.00	\$ 45.00	\$ 60.00	\$ 65.00	\$ 80.00	\$ 15.00
8	\$ 20.00	\$ 35.00	\$ 50.00	\$ 65.00	\$ 80.00	\$ 100.00	\$ 15.00
Plus 6.44% Fuel Surcharge							

Containers contaminated over 15% by volume charged \$50.00 per lift

Casters are \$12.09 per month. Lock charge is \$1.21 per lift or \$92.97 one-time set up charge.

Recycling Roll Off Haul Rates	\$178.67	per haul	plus 6.44% Fuel Surcharge
Roll off containers contaminated over 15% by volume charged	\$11.00	per cubic yard for disposal	

Disposal Rate per ton (waste only)	\$ 21.05
Street & Alley Mark up (waste only)	\$ 1.89
Total Customer Waste per ton (waste only)	\$ 22.95

Charges for compactors units requiring turnaround	\$ 25.15
Removal & redelivery of suspended containers	\$ 188.60
Street & Alley Use Fee included in rate	9%

- I. *Sec. 14-46.* Amend Section 14-46 by deleting the section in its entirety and adding a new Section 14-46 to read as follows:

Sec. 14-46. Collection schedule.

Collection of solid waste in the business districts and from hotels, motels and restaurants shall be made no less than twice weekly when utilizing two-, four-, six- and eight-cubic-yard containers. Once a week collection will be permitted if waste is compacted in twenty-, thirty- or forty-two-cubic-yard leak-proof containers and such collection is in compliance with applicable state and federal law. Collection of recyclable materials shall be weekly.

- J. *Sec. 14-47.* Amend Section 14-47 by deleting the section in its entirety and adding a new Section 14-47 to read as follows:

Sec. 14-47. Container required.

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

- K. *Sec. 14-49(b)*. Amend Section 14-49 by deleting Subsection (b) in its entirety and adding a new Section 14-49(b) to read as follows:

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

- L. *Sec. 14-50*. Amend Section 14-50 by deleting the section in its entirety and adding a new Section 14-50 to read as follows:

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 Manager of Solid Waste.

- M. *Sec. 14-51(g)*. Amend Section 14-51 by deleting Subsection (g) in its entirety and adding a new Section 14-51(g) to read as follows:

(g) This section shall not apply to containers placed in the City for collection of, hazardous waste, medical waste, special waste and liquid waste.

- N. *Sec. 14-52*. Amend Section 14-52 by deleting the last sentence in the section and adding a new last sentence in Section 14-52 to read as follows:

The fee for this service is \$140.00 per load.

- O. *Sec. 14-53*. Amend by adding a new Section 14-53 to read as follows:

Sec. 14-53. Contracting with the City for commercial solid waste and/or recyclable materials collection.

A private contractor wishing to provide collection and disposal of commercial solid waste and/or recyclable materials within the City must execute a standard contract with the City agreeing to the following minimum (not all inclusive) requirements in addition to the requirements and rate schedules within this chapter:

- (a) For commercial solid waste collection and disposal, pay the City an agreement fee of \$450,000.00 which may be paid in monthly installments of \$37,500.00 and a street and alley use fee equal to nine percent of the gross receipts.
- (b) For commercial recyclable collection and disposal, pay the City an agreement fee of \$50,000.00 which may be paid in monthly installments of \$4,166.67 and a street and alley use fee equal to nine percent of the gross receipts.

Secs. 14-54 – 14-69. Reserved.

P. *Sec. 14-73(b)*. Amend Section 14-73 by deleting Subsection (b) in its entirety and adding a new Section 14-73(b) to read as follows:

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

- (1) Unchipped landscape materials, per cubic yard.....\$3.10
- (2) Prechipped landscape materials, per cubic yard.....\$2.00

SECTION 2. 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 3. 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 4. That any person (as defined in Chapter 1, Section 1-2 of the Code of the City of Mesquite, Texas, as amended) violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense, provided, however, if the maximum penalty provided for by this ordinance for an offense is greater than the maximum penalty for violation of this ordinance for such offense shall be the maximum penalty provided by the laws of the State of Texas. Each day or portion of a day any violation of this ordinance continues shall constitute a separate offense.

SECTION 5. That this ordinance shall take effect immediately on 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 3rd day of September, 2013.



 John Monaco
 Mayor

ATTEST:


 Sonja Land
 City Secretary

APPROVED:


 B. J. Smith
 City Attorney