

ORDINANCE NO. 4304

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 BY DELETING AND ADDING CERTAIN DEFINITIONS; BY DELETING SECTIONS 14-13, 14-51(G) AND 14-53 IN THEIR ENTIRETY AND ADDING NEW SECTIONS 14-13, 14-51(G), 14-53 AND 14-54 THEREBY PERMITTING THE COLLECTION OF RECYCLABLE MATERIALS BY PRIVATE COMPANIES; 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 "authorized container" and "unauthorized container" in their entirety and adding new definitions for "authorized container," "Director," "Manager" and "unauthorized container" to read as follows:

*Authorized container* means any container or equipment used for commercial collection owned by the City, a company contracting with or permitted by the City, or a container for commercial collection owned by the commercial customer using the container at their collection location.

*Director* means the Director of Public Works.

*Manager* means the Manager of Solid Waste.

*Unauthorized container* means a commercial container placed at any location in the City that is not owned by the City, a company contracting with or permitted by 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 company contracting with or permitted by the City for waste collection 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 company contracting with or permitted by the City to collect solid waste of any kind or nature.
- C. *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 the collection of hazardous waste, medical waste, special waste and liquid waste.
- D. *Sec. 14-53*. Amend Section 14-53 by deleting the section in its entirety and by adding a new Section 14-53 to read as follows:

**Sec. 14-53. Contracting with the City for commercial solid waste collection.**

A private contractor wishing to provide collection and disposal of commercial solid waste 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) Pay the City an agreement fee of \$500,000.00 which may be paid in monthly installments of \$41,666.67; and
  - (b) A street and alley use fee equal to nine percent of the gross receipts.
- E. *Sec. 14-54*. Amend by adding a new Section 14-54 to read as follows:

**Sec. 14-54. Permitting of private collection of recyclable materials.**

- (a) A private contractor wishing to provide collection of recyclable materials shall make written application for a permit on forms provided by the Manager and pay the City a fee of \$500.00 annually.
- (b) Such application and annual renewals shall include the operator's full name and street address, home number and whether the operator is an individual, firm, corporation or partnership, a list and address for all customers within the City and the destination(s) for the recycled materials.
- (c) Permits issued under provisions of this Chapter shall remain in force for one year from the date of issuance unless suspended or revoked.

- (d) All authorized containers and equipment shall be clearly marked with the permittee's company name or logo and a contact phone number.
- (e) The Manager shall have the right to deny, suspend or revoke a permit for the following reasons:
  - (1) The annual permit fee is not paid; or
  - (2) The permit holder or applicant provides false information or falsified documentation in its application; or
  - (3) The permit holder or applicant fails to comply with the requirements of this Article and to correct such actions within a time frame specified by the Manager.
- (f) Upon denial, suspension or revocation of a permit, the permit holder or applicant shall be notified in writing of the decision to deny, suspend or revoke said permit, of the reasons for such denial, suspension or revocation and of the applicant or permit holder's right to appeal.
- (g) An applicant or permit holder shall have the right to appeal the decision to deny, suspend or revoke a permit by submitting to the Director, within 10 business days of the receipt of notice of denial, suspension or revocation, a written request for a hearing before the Director. If a written request for a hearing is not received within such time, the action of the Manager is final.
- (h) Within 10 business days following the receipt of a request for an appeal, the Director shall provide a hearing at a time and place designated by him. The Director may continue the hearing for the convenience of either party or for the purpose of securing relevant evidence or witnesses.
- (i) The Director shall have the authority to sustain, modify or rescind any official notice or order issued by the Manager and shall render his decision in writing. A copy of the decision shall be furnished to the permit holder or applicant by the Manager.

F. *Secs. 14-55 – 14-69.* Amend by reserving Sections 14-55 through 14-69 for future use.

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.

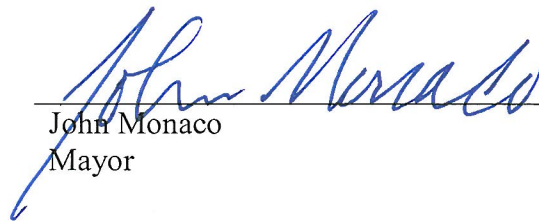
SECTION 3. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

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

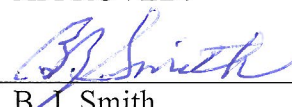
ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense, provided, however, if the maximum penalty provided for by this ordinance for an offense is greater than the maximum 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 from and after April 1, 2014.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas on the 17th day of March, 2014.

  
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John Monaco  
Mayor

ATTEST:  
  
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Sonja Land  
City Secretary

APPROVED:  
  
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B. J. Smith  
City Attorney