

ORDINANCE NO. 4652

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 14 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY ADDING A NEW SECTION 14-43 THEREBY APPROVING ALTERNATE RESIDENTIAL COLLECTION PILOT PROGRAMS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE THEREOF.

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 by adding a new Section 14-43 to read as follows, in all other respects said Code and Chapter shall remain in full force and effect:

Sec. 14-43. Alternate residential collection pilot programs authorized.

- (a) *Programs authorized.* Pilot programs for waste collection, disposal and recycling are authorized to determine the effect of alternate collection methods on collection efficiency, environmental protection priorities, neighborhood appearance, cost of service and customer satisfaction. For purposes of conducting pilot programs to evaluate solid waste collection, disposal and recycling methods, the Director may, upon approval of the City Manager:
- (1) Establish different specifications as to the size, weight and construction of trash and recycling containers that the City will pick up in certain areas of the City.
 - (2) Establish service routes and/or designated areas of the City to receive alternative collection service.
 - (3) Loan trash containers, recycling containers or related pilot program equipment (collectively "Container" or "Containers") to residents for their use in placing garbage, trash and recyclable material for collection by the Solid Waste Division. The containers and other pilot program equipment shall remain the property of the City.
 - (4) Educate residents on the program guidelines so that the program can be accurately evaluated.
- (b) *Offenses.* The following shall constitute a violation of this ordinance:
- (1) Failing to maintain and keep in sanitary condition any Container provided by the City.


- (2) Placing trash or causing trash to be placed for collection in a Container other than that Container provided by the City.
 - (3) Placing trash or causing trash to be placed for collection outside of the Container.
 - (4) Placing trash or causing trash to be placed for collection in a Container unless the contents are securely placed in a refuse bag:
 - a. Sufficiently durable to prevent the spillage or airborne loss of its contents and the entry of vectors or elements of nature; and
 - b. Securely bound on the open end.
 - (5) Placing pet feces for collection, unless the feces are wrapped separately and securely to avoid spillage, and placed so that its odor is not offensive to collection crews or the general public.
 - (6) At any time other than when lawfully placed out for collection, failing to store the Container provided in a secure place that is not visible to a person standing in the right-of-way of any public street adjacent to the property where the Container is used. It is a defense to prosecution under this subsection that the person's property is so configured that no location exists for storage of the Container in a place where it is not visible to a person standing in the right-of-way of a public street adjacent to the property.
- (c) *Penalty.* Each violation of this ordinance constitutes a separate offense punishable by a fine as provided in Section 1-6 of the Code of the City of Mesquite, Texas, as amended.

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 validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

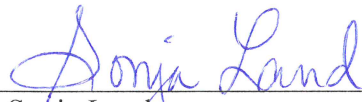
SECTION 4. That this ordinance shall take effect and be in force from and after five days after publication.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas,
on the 18th day of February 2019.



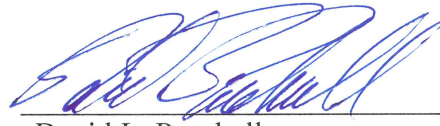
Stan Pickett
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



David L. Paschall
City Attorney