

ORDINANCE NO. 4871

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 14 - "SOLID WASTE" OF THE MESQUITE CITY CODE, AS AMENDED, BY MAKING CERTAIN ADDITIONS AND DELETIONS THROUGHOUT THE CHAPTER TO PROVIDE RELATED AND GENERAL UPDATES; AMENDING APPENDIX D - "COMPREHENSIVE FEE SCHEDULE" OF THE MESQUITE CITY CODE, AS AMENDED, BY ADDING A NEW SECTION 14-116 - "SOLID WASTE ADMINISTRATIVE FEES" TO PROVIDE FEES RELATED TO SOLID WASTE COLLECTION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE IN AN AMOUNT NOT TO EXCEED \$4,000.00; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Mesquite, Texas ("**City**"), is a home-rule municipality acting under its Charter adopted, and amended, by the electorate pursuant to the Texas Constitution, Article 11, Section 5 and the Texas Local Government Code, Chapter 9; and

WHEREAS, a home-rule municipality has full power of local self-government, pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 51, Section 51.072(a); and

WHEREAS, a home-rule municipality may enforce ordinances necessary to protect health, life, and property, and to preserve the good government, order, and security of the municipality and its inhabitants, pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 54, Section 54.004, as amended; and

WHEREAS, the City shall have the power to enact and enforce ordinances necessary to protect health, life and property, to prevent and summarily abate and remove all nuisances, to preserve and enforce good government and order and security of the City and its inhabitants, and to operate sanitary disposal equipment and other public services, pursuant to Mesquite City Charter, Article III, Sections 2 and 16; and

WHEREAS, it is the intent of the City Council to ensure that there be adequate regulations to protect the public health, safety, and welfare concerning the collection and disposal of solid waste; and

WHEREAS, the City Council finds that it is in the best interests of the citizens of the City to amend the Mesquite City Code as herein provided.

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

SECTION 1. That Chapter 14 – "Solid Waste" of the Mesquite City Code, as amended, is hereby amended by making certain additions and deletions throughout the Chapter to provide related and general updates as identified in Exhibit A, attached hereto and incorporated herein by reference and hereby made a part of Chapter 14 of the Mesquite City Code; in all other aspects said Code, Chapter, and Sections to remain in full force and effect.

SECTION 2. That Appendix D – “Comprehensive Fee Schedule” of the Mesquite City Code, as amended, is hereby amended by adding a new Section 14-116 - “Solid Waste Administrative Fees” as identified in Exhibit B, attached hereto and incorporated herein by reference and hereby made a part of Appendix D of the Mesquite City Code; in all other aspects said Code, Appendix, and Sections to remain in full force and effect.

SECTION 3. That all ordinances, or portions thereof, of the City of Mesquite 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 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 5. 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 Four Thousand (\$4,000.00) Dollars for each offense, provided, however, if the maximum penalty provided for by this ordinance for an offense is greater than the maximum penalty provided for the same offense under the laws of the State of Texas, 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 6. That this ordinance shall take effect and be in force from and after five days after publication.

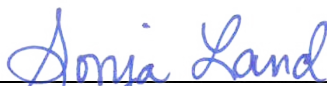
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 21st day of June 2021.



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Bruce Archer  
Mayor

ATTEST:



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Sonja Land  
City Secretary

APPROVED AS TO LEGAL FORM:



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David L. Paschall  
City Attorney

1. *Section 14-1.* Amend Section 14-1 by deleting the definitions for *container*, *Director*, *plastic bags*, *recyclable materials*, and *trash* and add the following definitions in alphabetical order to Section 14-1 to read as follows:

**Sec. 14-1. Definitions.**

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*Appendix D* shall mean the Comprehensive Fee Schedule that is Appendix D to the Mesquite City Code.

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*Authorized residential trash container* means any type of structurally sound solid waste container, can, or rolling cart, with lid, suitable for waste disposal, constructed of galvanized metal or durable-grade heavy plastic of not less than 20 nor more than 48 gallons in capacity.

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*Director* means the Director of Public Works, or his or her duly appointed representative.

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*Recyclable material* means material that has been recovered or diverted from the nonhazardous waste stream for purposes of reuse, recycling, or reclamation, a substantial portion of which is consistently used in the manufacture of products that may otherwise be produced using raw or virgin materials. Recyclable material is not solid waste; however, recyclable material may become solid waste if it is abandoned or disposed of rather than recycled. These accepted materials include, but are not limited to, such items as mixed paper, newspapers, magazines, aluminum cans, glass, cardboard, chipboard, steel cans, and plastics #1 through #7, excluding Styrofoam. Acceptable or non-acceptable items may change from time to time due to changes in market conditions.

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*Residential recycling bin* refers to the 18-gallon green plastic bin issued to the resident by the Solid Waste Division for the curbside collection of recyclables.

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*Trash* means municipal solid waste.

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*Trash bag* means a plastic bag used for disposal of solid waste and that must be (a) designed for the purpose of containing and disposal of solid waste, (b) of reasonably sufficient quality, strength, and durability to properly secure and contain solid waste placed for collection so as to prevent spillage or airborne loss of contents or entry of vectors, and (c) shall not be less than 13 nor more than 32 gallons in capacity.

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2. *Section 14-2.* Amend Section 14-2 by deleting the section in its entirety and adding a new Section 14-2 to read as follows:

**Sec. 14-2. Penalties; enforcement.**

- (a) The provisions of this chapter shall be enforced by the Director, and it shall be unlawful for any person to interfere with or hinder the Director in the exercise of his or her duties under this chapter. Notwithstanding any provisions contained herein to the contrary, the Director is hereby granted the authority to:
- (1) issue citations or administrative fees as specified in Appendix D to persons violating any provision of this chapter; and
  - (2) take remedial action, if necessary, to remove trash or solid waste material from a property where the owner is unable to provide for the immediate removal of said material, only after a fee, based on the quantity of items requiring disposal, has been paid to the Solid Waste Division.
- (b) When in this chapter an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this chapter the doing of any act is required or the failure to do any act is declared to be unlawful and no specific penalty is provided therefore, the violation of any such provision shall be punishable upon first conviction by a fine of not less than \$50.00 nor more than \$2,000.00 and upon each subsequent conviction by a fine of not less than \$250.00 nor more than \$4,000.00. Each day that any violation continues shall be punishable as a separate offense. To the extent that any conduct in violation of this chapter also constitutes a violation of State penal laws, then it shall be punishable as provided in the applicable State law. Notwithstanding the foregoing, to the extent that any conduct constitutes the dumping of refuse in violation of Texas Local Government Code § 54.001(b)(2), such conduct is punishable by a fine or penalty of not more than \$4,000.00 upon a first or any subsequent conviction.
- (c) The remedies in this chapter are not exclusive. The City Attorney is authorized to file and prosecute any other action authorized at law or in equity to abate any unsanitary condition or unlawful disposal of waste.

3. *Sections 14-3 through 14-12.* Amend Sections 14-3 through 14-12 by deleting the sections in their entirety, reserving Sections 14-4 through 14-8 and Sections 14-10 through 14-12, and adding new Sections 14-3 and 14-9 to read as follows:

**Sec. 14-3. Prohibitions.**

- (a) It shall be unlawful 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 right-of-way within the City.
- (b) It shall be unlawful 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.
- (c) Except as allowed by this chapter, it shall be unlawful to dump, place, throw, or scatter garbage, yard waste, solid waste, trash, or other materials onto any public street, alley, or sidewalk within the City.
- (d) It shall be unlawful to sweep, blow into, or deposit into any storm drain, 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.
- (e) It shall be unlawful for any person owning or occupying property to allow to accumulate on and/or block the sidewalk, street, or alley adjacent to their premises with trash, yard waste, solid waste containers, large brush, or large items.
- (f) It shall be unlawful to dump, 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.
- (g) It shall be unlawful for a person, other than the person owning, managing, operating, leasing, or renting a premise, or that person's agent, to deposit anything in a solid waste container designated for private use at a premises.
- (h) It shall be unlawful to place for collection any solid waste not specifically generated at the residential location where the solid waste is placed for collection.
- (i) With the exception of solid waste containers and solid waste timely placed for collection, no provision contained in this chapter shall be construed as constituting the permission of the City for the deposit of solid waste upon sidewalks, public streets, curbs, or other public places or right-of-way of the City. Any deposit which does not conform in all respects with the provisions set

forth in this chapter shall constitute an unlawful deposit of litter which shall be punishable as provided by law.

**Sec. 14-4 - 14-8. Reserved.**

**Sec. 14-9. Maintenance of property free of trash and containers kept in sanitary condition.**

- (a) It shall be the duty of any owner, occupant, or other person in control of any private real property 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 solid waste containers for collection.
- (b) It shall be the duty of a property owner and premises occupant to keep and maintain any containers for residential and commercial solid waste and recycling collection, required by this chapter in such a manner that it shall not become or constitute a public nuisance to or in the neighborhood of such premises.
- (c) It shall be the duty of any owner or occupant to keep the location of trash, recyclable materials, yard waste, or solid waste in a sanitary condition and to protect the contents of all receptacles so that wind or animals cannot scatter the contents over the streets, alleys, and premises.

**Secs. 14-10 - 14-12. Reserved.**

- 4. *Sections 14-14 through 14-19.* Amend Sections 14-14 through 14-19 by deleting them in their entirety and reserving Sections 14-14 through 14-19.

**Secs. 14-14 - 14-19. Reserved.**

- 5. *Sections 14-33 through 14-34.* Amend Sections 14-33 through 14-34 by deleting the sections in their entirety, and adding new Sections 14-33 and 14-34 to read as follows:

**Sec. 14-33. Solid waste to be placed in approved trash bags and authorized residential trash containers.**

- (a) Trash bags, meeting the definition as set forth in this section, must be used to contain all solid waste placed for collection and disposal and must be securely tied to prevent spillage, blowing, or scattering of contents. Trash bags shall at all times be kept secure and closed so that flies and other insects may not have access to the contents thereof, and shall remain closed except while bag is being filled.
- (b) All bagged solid waste must be stored in and placed for collection in an authorized residential trash container, as defined in this chapter, and be maintained in full operational condition, free of cracks or other structural issues,

with lids. No person shall use or place for collection any residential solid waste container that:

- (1) does not have a lid and is not of such construction that will effectively prevent the spillage or airborne loss of its contents and/or the entry of elements of nature or scattering by animals;
  - (2) is overloaded so that the contents are not sufficiently contained;
  - (3) is deteriorated to the extent of endangering collection crews or to the extent that the contents are otherwise not effectively contained therein;
  - (4) the combined weight of the container and trash exceeds 50 pounds; or
  - (5) contains pet feces, unless such 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.
- (c) City collection crews shall not be obligated to service any solid waste container that does not properly contain solid waste as herein required or that is not placed or prepared as set forth in this chapter. Placement of trash not properly bagged and in an authorized residential trash container is subject to an administrative fee as provided in Appendix D and may be billed to the customer's monthly utility bill.
- (d) In the event of spillage, overflow, or scattering of solid waste for any reason that results in cleanup by City crews or City contractor, an additional administrative fee for cleanup costs provided in Appendix D shall be assessed to the offending residential customer. The fee will be billed to the monthly utility bill.
- (e) 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.

**Sec. 14-34. Time of collection and placement of solid waste.**

- (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 no later than 7:30 a.m. the day of scheduled pickup. Containers shall be removed from the designated pickup location no later than 8:00 p.m. of the day in which collection occurs. Improper set-out of solid waste is subject to an administrative fee as provided in Appendix D and may be billed to the customer's monthly utility bill.

- (b) Yard waste and large vegetative brush may be placed out for collection at any time.
- (c) Appliances, large items as defined herein, and other large volumes of solid waste, junk, and debris, may not be placed out for collection, including upon sidewalks, public streets, curbs, or other public places or right-of-way of the City, earlier than 24 hours prior to the scheduled collection time. If the customer coordinates a special pick up time with the Solid Waste Division, such items may be placed out for collection no sooner than 24 hours prior to the scheduled pick up. Residents may request additional bulk collection not occurring on their scheduled pickup date. In this event, an administrative fee for special pick up costs provided in Appendix D shall be assessed to the customer and billed to the customer's monthly utility bill.
- (d) The location and placement for residential solid waste and recycling for time of collection shall be designated by the Director as follows:
  - (1) *Houses with paved alleys.* Solid waste, recycling containers, and bagged yard waste must be placed within three feet of the edge of the alley paving and must not block any portion of the alley. Racks and platforms are not permitted in the alley right-of-way or easement. The Manager of Solid Waste will have the authority to approve the placement of racks.
  - (2) *Houses without paved alleys.* Solid waste, recycling containers, and yard waste must be placed within three feet of the street curb or edge of the street paving and must not block any portion of the street or sidewalk. Permanent racks are not permitted at the curb line.
  - (3) Large items as defined herein, junk, or items that cannot be placed in a container may be placed for large item collection at the curb.
  - (4) Appliances such as dishwasher, clothes washer, clothes dryer, refrigerator, freezer, water heater, or other household appliances should be placed at the curb no earlier than 24 hours before scheduled pickup. Food and other contents must be removed before placing out for collection.
  - (5) Bulk trash is limited to a pile of no more than eight cubic yards, which should fit into an area five feet tall by four feet deep by 11 feet long. Amounts over eight cubic yards will incur an administrative fee as outlined in Appendix D and charged to the resident's utility bill. As provided in Section 14.34(c), larger piles may be placed for pickup for a fee if the property owner or resident has made prior arrangements with the City's Solid Waste Division.



- (6) Landscape waste such as tree trunks, brush, or tree limbs shall be placed at the street curb for collection and shall not extend into the street or sidewalk. Landscape waste shall be no further than three feet from the street curb for collection. Small piles of landscape waste that do not exceed four feet in length by two feet in height by two feet in width may be placed in the alley for collection.
- (7) Yard waste (grass clippings and leaves) must be bagged, free of trash, and shall not be mixed with other solid waste, and shall not exceed 50 pounds per bag.
- (8) Trash and recycling containers may be placed at other locations as may be designated by the Director from time to time. It shall be unlawful for any person, occupant, or person in control of any residence to permit containers serving residential property to remain on or in the public right-of-way, whether front, side, or rear, on days other than those designated by the Director for garbage and trash collection.

- 6. *Section 14-35.* Amend Section 14-35 by deleting the section in its entirety and reserving Section 14-35.

**Sec. 14-35. Reserved.**

**EXHIBIT B to Ordinance No. 4871**  
**Amendments to Appendix D**

*Appendix D.* Amend Appendix D by adding a new Section 14-116 to read as follows:

**Sec. 14-116. Solid waste administrative fees.**

Trash not contained in trash bags and/or trash container...\$6

Use of unauthorized residential trash container....\$6

Spillage, overflow or scattering of trash.....\$6

Improper placement or improper set-out.....\$6

Obstruction to solid waste collection....\$6

Bulk trash exceeding eight cubic yards.....\$20

Special bulk pickup request.....\$20