

ORDINANCE NO. 4975

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE CITY CODE BY MAKING CERTAIN ADDITIONS, AND DELETIONS UNDER CHAPTER 14 “SOLID WASTE,” ARTICLE I “GENERAL PROVISIONS,” AND ARTICLE II “RESIDENTIAL COLLECTION,” FOR THE PURPOSE OF ALIGNING THE CODE WITH THE CITY’S TRASH CART PROGRAM, AND OTHER RELATED GENERAL REVISIONS; AND AMENDING APPENDIX D – THE COMPREHENSIVE FEE SCHEDULE OF THE MESQUITE CITY CODE BY REVISING ARTICLE XIV, SECTION 14-116, “SOLID WASTE ADMINISTRATIVE FEES” FOR THE PURPOSE OF ADDING A USER FEE FOR THE CITY’S SPECIFIED TRASH CARTS IN CONNECTION WITH THE TRASH CART PROGRAM, AND OTHER RELATED REVISIONS; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

**WHEREAS,** it is the intent of the City Council of the City of Mesquite, Texas (“**City Council**”), to protect the public health, safety, and welfare; and

**WHEREAS,** in Mesquite City Code, Chapter 14 – Solid Waste, Article II, [Sec. 14-43](#), the City Council in 2019 authorized alternate residential collection pilot programs to be established by the Director of Public Works upon approval of the City Manager; and

**WHEREAS,** an optional *Pilot* Trash Cart Program was instituted by the Director of Public Works with approval of the City Manager; and

**WHEREAS,** from data gathered during the optional *Pilot* Trash Cart Program, on June 21, 2021, the Mesquite City Council passed revisions to the Solid Waste ordinance in accordance with the actions recommended by the Clean City Initiative Committee; and

**WHEREAS,** the above-described City Code revisions included the requirement for residents to place bagged solid waste in an “*authorized residential trash container*” with lid; and

**WHEREAS,** on June 1<sup>st</sup> of this year, the *optional Pilot* Trash Cart Program has shifted to a *new regular* City Trash Cart Program, and enforcement of the program began; and

**WHEREAS**, the new Trash Cart Program allows enrollment for existing Mesquite residential water billing account holders to be *optional*, until such time that an existing account is transferred to a new Mesquite service address, while enrollment for new Mesquite residential water billing account holders is *mandatory*; and

**WHEREAS**, the Solid Waste ordinance and the Comprehensive Fee Schedule is in need of further revisions to clarify certain details of the program, and to add additional fees and/or credits associated with the new Trash Cart Program; and

**WHEREAS**, the City of Mesquite, Texas (“**City**”), is a home-rule municipality acting under its Charter adopted, and amended, by the electorate pursuant to Article 11, [Section 5](#) of the Texas Constitution and [Chapter 9](#) of the Texas Local Government Code; 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**, the City shall have the power to enact and enforce ordinances necessary to protect health, life, and property and to prevent and summarily abate and remove all nuisances, and to preserve and enforce good government, order, and security of the City and its inhabitants, pursuant to Article III, [Section 2](#) of the Mesquite City Charter; 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 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. Recitals Incorporated.**

The City Council hereby finds and determines the recitals made in the preamble of this Ordinance are true and correct, and hereby incorporates such recitals here in the body of this Ordinance as if copied in their entirety.

**SECTION 2. MESQUITE CITY CODE TEXT AMENDMENT:**

**Amending Chapter 14 – Solid Waste.**

The Mesquite City Code is hereby amended as identified in **EXHIBIT A**, and said exhibit is attached hereto and made a part hereof, and in all other respects, said Code, Chapters, and Articles shall remain in full force and effect.

**SECTION 3. MESQUITE CITY CODE TEXT AMENDMENT:**

**Amending Appendix D - Comprehensive Fee Schedule.**

The Mesquite City Code, Appendix D – Comprehensive Fee Schedule is hereby amended as identified in **EXHIBIT B**, and said exhibit is attached hereto and made a part hereof, and in all other respects, said Code, Chapters, and Articles shall remain in full force and effect.

**SECTION 4. Conflicts Resolution Clause.**

In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Mesquite and the provisions of this Ordinance, the provisions of this Ordinance shall be controlling.

**SECTION 5. Severability Clause.**

Should any word, sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said Ordinance and the Mesquite City Code, as hereby or previously amended, which shall remain in full force and effect.

**SECTION 6. Penalty Clause.**

Any violation of the provisions or terms of this Ordinance by any “person,” as defined in Mesquite City Code, Chapter 1, [Section 1-2](#), shall be deemed a Class C Misdemeanor criminal offense, and upon conviction thereof, shall be subject to a penalty of fine, or any other general penalties, as provided in Mesquite City Code, Chapter 1, [Section 1-6](#), as amended.

**SECTION 7. Publication.**

This Ordinance shall be published in the City’s official newspaper in accordance with Mesquite City Charter, Article IV, [Section 24](#).

**SECTION 8. Effective Date.**

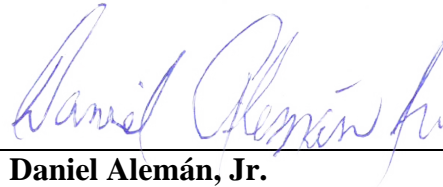
This Ordinance after its passage and publication shall take effect on, and be in force from and after, five (5) days after publication thereof, in accordance with Mesquite City Charter, Article IV, [Section 24](#), and it is accordingly so ordained.

Solid Waste / Trash Containers and User Fee.

August 15, 2022

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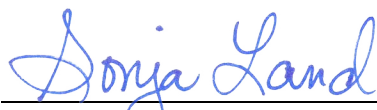
**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ON THE 15th DAY OF AUGUST, 2022.**



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**Daniel Alemán, Jr.**  
Mayor

**ATTEST:**



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**Sonja Land**  
City Secretary

**APPROVED AS TO LEGAL FORM:**



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**David L. Paschall**  
City Attorney

**EXHIBIT A**

**To Ordinance No. 4975**

City of Mesquite, Texas  
Mesquite City Code, Chapter 14 – Solid Waste, Articles I and II.

## MESQUITE CITY CODE

\* \* \*

### Chapter 14 – SOLID WASTE

[Editor's Note: Make the following revisions with additions identified in green font and underlined, and deletions identified in ~~red font with strikethrough~~.]

\* \* \*

### ARTICLE I. – GENERAL PROVISIONS

#### Sec. 14-1. – Definitions.

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 twenty (20) gallons, ~~not~~ and no more than forty-eight (48) gallons in capacity. Some residents may utilize up to a ninety-five (95) gallon sized specified trash cart when authorized by the Director, and in accordance with the City's Trash Cart Program. Specified trash carts, as defined in this Section, are considered authorized residential trash containers.

\* \* \*

Specified trash cart means an authorized residential trash container furnished by the City whereby the Mesquite residential water billing account holder pays a one-time user fee per service address for use of the City-owned specified trash cart. The specified trash cart is the property of the City, and said trash cart remains at the Mesquite residence upon resident move-out.

\* \* \*

Trash Cart Program means a City program, in part, whereby the City furnishes specified trash carts for a one-time user fee per Mesquite service address. Policies and procedures for the Trash Cart Program, developed by the Director and approved by the City Manager, may be found on the City's web-site. Said policies and procedures may authorize the following for designated areas of the City or specified neighborhoods, including but not limited to:

1. Different specifications as to the size, weight, and construction of trash and recycling containers; and
2. Alternate service routes; and
3. Alternate collection service; and
4. Require certain specified trash carts; and
5. Any other lawful specification or requirement to further the intent and purposes of the Trash Cart Program.

Trash cart return credit. If a Mesquite residential water billing account holder has obtained a second (2<sup>nd</sup>) specified trash cart, upon the resident's move-out, and the closing (or transferring) of an account with the Water Billing Office, the account holder may seek a trash cart return credit for any second (2<sup>nd</sup>) cart, utilized in addition to the original trash cart, in accordance with the Trash Cart Program.

\* \* \*

## **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, Article XIV (Public Works), 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) Any PERSON violating any provision of this Chapter shall be subject to enforcement and a fine as specified in Section 1-6 of this Code. ~~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 fifty dollars (\$50.00) nor more than two thousand dollars (\$2,000.00) and upon each subsequent conviction by a fine of not less than two hundred fifty dollars (\$250.00) nor more than four thousand dollars (\$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 four thousand dollars (\$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.~~

### **Cross references –**

Appeals, Chapter 4, Article 1, Sec. 14-4.

Solid waste administrative fees; Sec. 14-116, Art. XIV, Appendix D – Comprehensive Fee Schedule.

\* \* \*

## **Sec. 14-4. – Appeals.**

- (a) Appeals of administrative fees. Any Mesquite residential water billing account holder, or their authorized representative, may appeal an administrative fee charged to the account holder.
- (1) Appeal process. The Director, or his/her designee, is authorized, with approval by the City Manager, to administer an appeal process whereby account holders may appeal an administrative fee charged to the account holder. The appeal process shall be made available on the City's web-site.
  - (2) Appeal form. An appeal form, provided by the Director or his/her designee, shall be filled out and returned to the Public Works Department via hand delivery, e-mail, or web-based form submission.
  - (3) Deadline. For an appeal to be considered, the appeal form must be filled out and returned to the Public Works Department no later than thirty (30) days after the date the administrative fee was first billed to the City residential water billing account holder. The date on the account holder's bill where the fee first appears is considered Day Zero (0).
  - (4) Decision. The Director or his/her designee is authorized to approve, or deny the appeal request, adjust the fees, or any other lawful remedy or relief to further the intent and purposes of the Trash Cart Program. The decision shall be rendered no later than the fifteenth (15<sup>th</sup>) day after the appeal was received by the City. The date the appeal was received by the City is considered Day Zero (0).
- (b) Reserved.

Cross reference – Solid waste administrative fees; Sec. 14-116, Art. XIV, Appendix D – Comprehensive Fee Schedule.

### **Sec. 14-5—14-8. - Reserved.**

## ARTICLE II. – RESIDENTIAL COLLECTION

\* \* \*

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

- (a) Trash bag(s). Trash bags, meeting the definition as set forth in ~~this section~~ Sec. 14-1, 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) Authorized residential trash container(s) required.
- (1) All bagged solid waste must be stored in and placed for collection in an *authorized residential trash container with lid*, as defined in ~~this chapter~~ Sec. 14-1, and be maintained in full operational condition, free of cracks, or other structural issues, ~~with lids~~.
- (2) Every person owning, managing, operating, leasing, or renting any premises or any place where trash, or solid waste, accumulates shall utilize a sufficient quantity of authorized residential trash containers for the sanitary storage of such trash, or solid waste.
- (c) Specified trash carts. As of June 1, 2022, specified trash carts, as defined in Sec. 14-1, may be required in accordance with the City's Trash Cart Program.
- (1) Existing Mesquite residential water billing accounts.
- a. Existing Mesquite residential water billing account holders, as of June 1, 2022, have the option to participate in the City's Trash Cart Program by utilizing a specified trash cart, furnished by the City. However, when an existing Mesquite residential water billing account holder transfers service to a new Mesquite service address, the account holder and new service address shall become compliant with the Trash Cart Program.
- b. Each Mesquite residential water billing account holder participating in the Trash Cart Program is required to:
- Pay a one-time user fee per Mesquite service address, and said user fee is calculated per specified trash cart with a two (2) cart maximum; and
  - If the Mesquite account service address is in Dallas County, the residence shall utilize a forty-five (45) gallon sized specified trash cart. The Director may authorize such other sized trash cart(s) when required, and in accordance with the Trash Cart Program; and
  - If the Mesquite account service address is in Kaufman County, the residence shall utilize a ninety-five (95) gallon sized specified trash cart. The Director may authorize such other sized trash cart(s) when required, and in accordance with the Trash Cart Program.



(2) New Mesquite residential water billing accounts, and transfers of service to a new Mesquite service address.

a. Mesquite service address in Dallas County:

1. When a new Mesquite residential water billing account is set up, or when an existing Mesquite residential water billing account holder transfers service to a new Mesquite service address, if the account service address is in Dallas County, the Mesquite residence shall utilize a forty-five (45) gallon sized *specified trash cart*. The Director may authorize such other sized trash cart(s) when required, and in accordance with the *Trash Cart Program*.
2. Each Mesquite residential water billing account holder is required to pay a one-time user fee per Mesquite service address, and said user fee is calculated per *specified trash cart* with a two (2) cart maximum. See Appendix D, [Sec. 14-116](#), for applicable fees.

b. Mesquite service address in Kaufman County:

1. When a new Mesquite residential water billing account is set up, or when an existing Mesquite residential water billing account holder transfers service to a new Mesquite service address, if the account service address is in Kaufman County, the Mesquite residence shall utilize a ninety-five (95) gallon sized *specified trash cart*. The Director may authorize such other sized trash cart(s) when required, and in accordance with the *Trash Cart Program*.
2. Each Mesquite residential water billing account holder is required to pay a one-time user fee per Mesquite service address, and said user fee is calculated per cart with a two (2) cart maximum. See Appendix D, [Sec. 14-116](#), for applicable fees.

(d) Violations. 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 fifty (50) pounds (excluding *specified trash carts ninety-five (95) gallons in size, or other authorized size, that are mechanically lifted*); 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.

~~(e)~~(e) No obligation to provide service. 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 not in an authorized residential trash container, or *specified trash cart* when required under the *Trash Cart Program*, is subject to an administrative fee as provided in Appendix D, [Sec. 14-116](#), and may be billed to the customer's monthly utility bill.

~~(d)~~(f) Administrative fee for clean-up costs. In the event of spillage, overflow, or scattering of solid waste for any reason that results in clean-up by City crews or City contractor, an additional administrative fee for clean-up costs provided in Appendix D, [Sec. 14-116](#), 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.

(g) **Appeals of administrative fees.** Any Mesquite residential water billing account holder, or their authorized representative, may appeal an administrative fee charged to the account holder. The process and procedures for appealing an administrative fee are set forth in Article I, Sec. 14-4 (Appeals).

Cross reference – Solid waste administrative fees: [Sec. 14-116](#), Art. XIV, Appendix D – Comprehensive Fee Schedule.

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**EXHIBIT B**

**To Ordinance No. 4975**

City of Mesquite, Texas  
Mesquite City Code, Appendix D – Comprehensive Fee Schedule  
Article XIV – Public Works, Sec. 14-116 – Solid Waste Administrative Fees.

**MESQUITE CITY CODE**  
\* \* \*  
**APPENDIX D**  
**COMPREHENSIVE FEE SCHEDULE**  
\* \* \*  
**ARTICLE XIV. – PUBLIC WORKS**

\* \* \*

*[Editor's Note: Make the following revisions with additions identified in green font and underlined, and deletions identified in ~~red font with strikethrough~~.]*

**Sec. 14-116. – Solid Waste Administrative Fees.**

~~Trash not contained in trash bags and/or trash container .....\$6.00~~

Trash Bags and Trash Containers:

Trash not contained in trash bag(s) .....\$6.00

Trash not contained in trash container(s) .....\$6.00

Use of unauthorized residential trash container .....\$6.00

Spillage, overflow or scattering of trash .....\$6.00

Improper placement or improper set-out .....\$6.00

Obstruction to solid waste collection .....\$6.00

Bulk trash exceeding eight cubic yards .....\$20.00

Special bulk pickup request .....\$20.00

Trash Cart Program:

User Fee for 45-Gallon City-owned Specified Trash Cart .....\$75.00

Second (2<sup>nd</sup>) 45-Gallon Trash Cart .....\$50.00

Trash Cart Return Credit for Second (2<sup>nd</sup>) 45-Gallon Trash Cart .....\$25.00

User Fee for 95-Gallon City-owned Specified Trash Cart .....\$75.00

Second (2<sup>nd</sup>) 95-Gallon Trash Cart .....\$75.00

Trash Cart Return Credit for Second (2<sup>nd</sup>) 95-Gallon Trash Cart .....\$25.00

Cross reference— Mesquite City Code, Chapter 14, [Article II](#) – Residential Collection.

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