

ORDINANCE NO. 5089

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE CITY CODE BY MAKING CERTAIN ADDITIONS AND DELETIONS UNDER CHAPTER 10 (MISCELLANEOUS), ARTICLE VI (NUISANCES), DIVISION 1 (GENERALLY) FOR THE PURPOSE OF ADDING A VIOLATION FOR “SOLID WASTE – REPEATED VIOLATIONS;” AND AMEND CHAPTER 14 (SOLID WASTE), ARTICLE II (RESIDENTIAL COLLECTION) FOR THE PURPOSE OF PROVIDING UPDATED DRIVEWAY SERVICE RESIDENTIAL COLLECTION REGULATIONS, AND OTHER RELATED GENERAL REVISIONS; PROVIDING A CONFLICTS RESOLUTION CLAUSE; A SEVERABILITY CLAUSE; A SAVINGS CLAUSE; A PENALTY NOT TO EXCEED FOUR THOUSAND DOLLARS (\$4,000.00); 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, the Solid Waste ordinance (Chapter 14 of the Mesquite City Code) is in need of revisions to its residential collection article to provide for new driveway service regulations and to clarify certain details regarding location and placement for collection; and

WHEREAS, in the event a person habitually violates Sec. 14-33; Sec. 14-34; and/or Sec. 14-35, a citation may be issued pursuant to new Section 10-168 “Solid Waste – Repeated violations” under Chapter 10 of the Mesquite City Code; 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

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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 10 – Offenses – Miscellaneous; and 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. 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 4. 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.

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SECTION 5. Savings Clause.

An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Mesquite City Code, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

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, **FEBRUARY 1, 2024** in accordance with Mesquite City Charter, Article IV, [Section 24](#), and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ON THE 16th DAY OF JANUARY, 2024.

DocuSigned by:

Daniel Aleman Jr.

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Daniel Alemán, Jr.
Mayor

ATTEST:

DocuSigned by:

Sonja Land

C2518095973F46A...

Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:

DocuSigned by:

David Paschall

666E18891208434...

David L. Paschall
City Attorney

EXHIBIT A

To Ordinance No. 5089

City of Mesquite, Texas
Mesquite City Code

Amending
Chapter 10 – Offenses – Miscellaneous; and
Chapter 14 – Solid Waste, Article II Residential Collection.

MESQUITE CITY CODE

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Chapter 10 – OFFENSES – MISCELLANEOUS

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ARTICLE VI. NUISANCES

* * *

DIVISION 1. – GENERALLY

* * *

Sec. 10-168. Solid Waste – Repeated violations **Reserved.**

- (a) Offense. It shall be unlawful and a nuisance for any person to habitually violate, or permit or suffer habitual violations at a premises under their ownership or control, the provisions of Chapter 14 (Solid Waste) of this Code (“Chapter 14”).
- (b) “Habitual” defined. For the purposes of this section, “habitual” shall mean the assessment of administrative fees at least three (3) times during any one hundred eighty (180) consecutive day period regarding Chapter 14. An administrative fee that is reversed or modified on appeal under Sec. 14-4 shall not be considered a violation of Chapter 14.

Cross references –

Appeals; Chapter 14, Article I, Sec. 14-4.

Solid waste to be placed in approved trash bags and authorized residential trash containers; Chapter 14, Article II, Sec. 14-33.

Time for set out of solid waste for collection and removal of containers; Chapter 14, Article II, Sec. 14-34.

Location for placement of solid waste for collection; Chapter 14, Article II, Sec. 14-35.

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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~~.]

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ARTICLE I. – GENERAL PROVISIONS.

* * *

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 and/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.

(Ord. No. 4871, § 1(Exh. A), 6-21-21; Ord. No. 4975, § 2(Exh. A), 8-15-22)

Cross reference(s)—

Solid Waste – Repeated violations; Chapter 10, Article VI, Division 1, Sec. 10-168.

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

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

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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 received and filed, 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:*
- a. affirm the administrative fees being assessed; or
 - b. modify the administrative fees being assessed; or
 - c. reverse the decision to assess fees and provide a refund if applicable.
- ~~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.~~
- (5) *Deadline for decision.* The decision shall be rendered no later than the fifteenth (15th) day after the appeal was received by the City; otherwise, if a decision is not rendered by the deadline the appeal is deemed reversed and a refund shall be issued if applicable. The date the appeal was received by the City is considered Day Zero (0).

(Ord. No. 4975, § 2(Exh. A), 8-15-22)

Editor's note(s)—See the editor's note to § 14-2.

Cross reference(s)—

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

Solid Waste – Repeated violations; Chapter 10, Article VI, Division 1, Sec. 10-168.

Solid waste to be placed in approved trash bags and authorized residential trash containers; Chapter 14, Article II, Sec. 14-33.

Time for set out of solid waste for collection and removal of containers; Chapter 14, Article II, Sec. 14-34.

Location for placement of solid waste for collection; Chapter 14, Article II, Sec. 14-35.

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ARTICLE II. – RESIDENTIAL COLLECTION.

* * *

Sec. 14-34. – Time for set out of solid waste for collection and removal of containers ~~Time of collection and placement of solid waste.~~

- (a) Solid waste and recycle material. ~~It shall be unlawful for solid~~
- (1) Set out. Solid waste and recyclable material ~~to shall not~~ be ~~placed set~~ 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.
 - (2) Removal. 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) Landscape waste and yard waste. Yard waste and large vegetative brush may be ~~placed set~~ out for collection at any time.
- (c) Large items.
- (1) In general. Appliances, such as dishwasher, clothes washer, clothes dryer, refrigerator, freezer, water heater, or other household appliances ~~large items as defined herein~~, and other large volumes of solid waste, junk, and debris, may not be ~~placed set~~ out for collection, including upon sidewalks, public streets, curbs, or other public places or right-of-way of the City, earlier than twenty-four (24) hours prior to the scheduled collection time. Food and other contents must be removed before being set out for collection.
 - (2) Special coordinated pickup time. If the customer coordinates a special pickup time with the Solid Waste Division, such items may be ~~place set~~ out for collection no sooner than twenty-four (24) hours prior to the scheduled pickup. Residents may request additional bulk collection not occurring on their scheduled pickup date. In this event, an administrative fee for special pickup costs provided in Appendix D shall be assessed to the customer and billed to the customer's monthly utility bill.
- (d) Administrative fees. Improper set out of solid waste (including recycling and other designated items identified in this section) and improper removal of containers is subject to an administrative fee as provided in Appendix D and may be billed to the customer's monthly utility bill.
- (e) 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, Section 14-4 (Appeals).

Cross references –Solid waste administrative fees; Sec. 14-116, Art. XIV, Appendix D – Comprehensive Fee Schedule.Solid Waste – Repeated violations; Chapter 10, Article VI, Division 1, Sec. 10-168.Appeals; Chapter 14, Article I, Sec. 14-4.

- ~~(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 (3) 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 (3) 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 twenty-four (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 (8) cubic yards, which should fit into an area five (5) feet tall by four (4) feet deep by eleven (11) feet long. Amounts over eight (8) cubic yards will incur an administrative fee as outlined in Appendix D and charged to the resident's utility bill. As provided in subsection 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 (3) feet from the street curb for collection. Small piles of landscape waste that do not exceed four (4) feet in length by two (2) feet in height by two (2) 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 fifty (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.~~

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Sec. 14-35. – Location for placement of solid waste for collection. Reserved.

- (a) Location.
- (1) Trash and recycling. Collection of residential solid waste and recycling will be from the primary driveway.
 - (2) Landscape waste, yard waste, and large items. Collection of landscape waste, yard waste, and large items will be from the front of the residence at the street curb.
- (b) Placement. The placement for residential solid waste (including recycling and other designated items identified in this section) for collection as follows:
- (1) Trash containers and recycling containers. Trash and recycling containers must be placed at the primary driveway within three (3) feet of the street curb or edge of the street paving and must not block any portion of the street or sidewalk.
 - (2) Landscape waste and yard waste.
 - a. Landscape waste such as tree trunks, brush, or tree limbs shall be placed at the front of the residence at the street curb for collection and shall not extend into the street or sidewalk. Landscape waste shall be no further than three (3) feet from the street curb for collection.
 - b. 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 fifty (50) pounds per bag. Yard waste shall be placed at the front of the residence and shall be no further than three (3) feet from the street curb for collection.
 - (3) Large items.
 - a. Large items, junk, or items that cannot be placed in a container shall be placed at the front of the residence at the street curb.
 - b. Bulk trash is limited to a pile of no more than eight (8) cubic yards, which should fit into an area five (5) feet tall by four (4) feet deep by eleven (11) feet long.
 - c. Amounts over eight (8) cubic yards will incur an administrative fee as outlined in Appendix D and charged to the resident's utility bill.
 - d. 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.
 - (4) Other locations. Trash, recycling containers, and large items may be set out and placed at other locations as may be designated by the Director from time to time.
- (c) No permanent racks. Permanent racks are not permitted in the alley and at the street curb line.
- (d) Administrative fees. Improper placement of solid waste (including recycling and other designated items identified in this section) is subject to an administrative fee as provided in Appendix D and may be billed to the customer's monthly utility bill. Any Mesquite residential water billing account holder, or their authorized representative, may appeal an administrative fee charged to the account holder in accordance with [Sec. 14-4 \(Appeals\)](#).
- (e) 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, [Section 14-4 \(Appeals\)](#).

Cross references –

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

Solid Waste – Repeated violations; Chapter 10, Article VI, Division 1, Sec. 10-168.

Appeals; Chapter 14, Article I, Sec. 14-4.

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Sec. 14-37.– Reserved.–~~Racks and platforms for storage of solid waste containers and plastic bags.~~

~~A rack or platform as defined in this chapter and specifically designed for the storage of solid waste containers and plastic bags is permitted for placement in the alley providing that the rack does not interfere with the collection of solid waste within the alley. No racks are permitted at the curb line. The solid waste superintendent and director of public services will have the authority to approve the design and placement of racks.~~

(Ord. No. 3391, § 1, 9-19-00)

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