

ORDINANCE NO. 5090

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE CITY CODE, CHAPTER 14 (SOLID WASTE), ARTICLE III (COMMERCIAL COLLECTION) BY REVISING SEC. 14-45 (CHARGES FOR COLLECTION) TO ADD THE AUTHORIZATION TO CHARGE A LATE FEE FOR PAST DUE PAYMENTS OF COMMERCIAL AND INDUSTRIAL INVOICES; AND AMENDING APPENDIX D – COMPREHENSIVE FEE SCHEDULE, ARTICLE XIV (PUBLIC WORKS), BY REVISING VARIOUS SECTIONS FOR THE PURPOSE OF ADDING COMMERCIAL AND INDUSTRIAL RECYCLE RATES, AND LATE FEES FOR PAST DUE PAYMENTS OF COMMERCIAL AND INDUSTRIAL INVOICES; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE WITH A FINE NOT TO EXCEED \$500; PROVIDING FOR PUBLICATION OF THE CAPTION HEREOF; 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 Mesquite City Code, Chapter 14, and Appendix D – Comprehensive Fee Schedule is in need of revisions to add fees for Commercial and Industrial Recycling rates, and late fees for past due payments of commercial and industrial invoices; and

WHEREAS, the new commercial and industrial recycle fees create all-inclusive and transparent rates, and all associated fees are listed in the new rate schedule; and

WHEREAS, the 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

Solid Waste – Commercial and Industrial Fees

January 16, 2024

Page 2 of 3

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, upon full review and consideration of all matters attendant and related thereto, the City Council is of the opinion this ordinance should be approved and adopted.

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**, thereby revising Chapter 14 (Solid Waste), Article III (Commercial Collection), by revising Section 14-45 (Charges for collection) to add the authorization to charge a late fee for past due payments of commercial and industrial invoices and said **EXHIBIT A** 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 is hereby amended as identified in **EXHIBIT B**, thereby revising various sections in Appendix D – Comprehensive Fee Schedule, Article XIV (Public Works), for the purpose of adding late fees for past due payments of commercial and industrial invoices, and adding commercial and industrial recycle rates and said **EXHIBIT B** 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.

Solid Waste – Commercial and Industrial Fees

January 16, 2024

Page 3 of 3

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.

The descriptive caption of this ordinance shall be published in the City’s official newspaper in accordance with Mesquite City Charter, Article IV, [Section 24](#); and Texas Local Government Code, Chapter 52, § 52.013.

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.

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.

D999585317D142B...

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. 5090

City of Mesquite, Texas

MESQUITE CITY CODE
CHAPTER 14 – SOLID WASTE
ARTICLE III – COMMERCIAL COLLECTION

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 III. – COMMERCIAL COLLECTION.

Sec. 14-45. Charges for collection.

See Appendix D – Comprehensive Fee Schedule for the following fees:

- (a) For commercial establishments, apartment residences, boarding houses, restaurants and other food establishments, container storage and collection service shall be required. The schedule of rates for commercial front-load and commercial roll-off rates shall apply. ~~See Appendix D for applicable fees.~~
- (b) Where container storage and service are inappropriate, residential-type collection may be allowed in which event the charge shall be per month for commercial establishments and boarding houses. ~~See Appendix D for applicable fees.~~
- (c) With the approval of the City, open top containers are available for certain commercial establishments. The charge shall be assessed at the rates established each time the container is emptied. ~~See Appendix D for applicable fees.~~
- (d) With the approval of the City, open top containers are available to contractors and residents doing remodeling and repair work in a residential area. Temporary placement of such containers shall be for a maximum period of four (4) weeks annually but may be extended by the Manager of Solid Waste. The charge shall be assessed at the rates established each time the container is emptied. ~~See Appendix D for applicable fees.~~
- (e) Commercial and industrial stationary compaction service is available upon request. The lease cost of such equipment will be established between the customer and the City. The charge shall be assessed at the rates established each time the container is emptied. ~~See Appendix D for applicable fees.~~
- (f) Payments and late fees. Payment is due thirty (30) days after the invoice date. Any balance remaining unpaid more than thirty (30) days after the date of invoice shall be assessed a penalty, as established in Appendix D, each month until paid.

Cross reference—Public Works fees; Article XIV, Appendix D – Comprehensive Fee Schedule.

* * *

EXHIBIT B

To Ordinance No. 5090

City of Mesquite, Texas

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

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. 14-110. Commercial and Industrial Recycle Fees ~~Commercial recycle permit fee.~~

PERMIT FEES:

Commercial recycle permit fee for outside vendors per year\$1,000.00

COMMERCIAL AND INDUSTRIAL RECYCLE SERVICE:

Commercial Front Load:

Rates one time per week for:

Two yards \$16.00

Four yards \$32.00

Six yards \$48.00

Eight yards \$64.00

Rates two times per week for:

Two yards \$32.00

Four yards \$64.00

Six yards \$96.00

Eight yards \$128.00

Rates three times per week for:

Two yards \$48.00

Four yards \$96.00

Six yards \$144.00

Eight yards \$192.00

Mesquite City Code. Appendix D – Comprehensive Fee Schedule, Article XIV – Public Works.

City Council Meeting Date: January 16, 2024

Rates four times per week for:

Two yards \$64.00

Four yards \$128.00

Six yards \$192.00

Eight yards \$256.00

Rates five times per week for:

Two yards \$80.00

Four yards \$160.00

Six yards \$240.00

Eight yards \$320.00

Rates six times per week for:

Two yards \$96.00

Four yards \$192.00

Six yards \$288.00

Eight yards \$384.00

Rates for extra pick-up times per week:

Two yards \$16.00

Four yards \$32.00

Six yards \$48.00

Eight yards \$64.00

Overloaded container per cubic yard \$43.20

Casters per service \$3.66

Delivery / removal \$138.25

Exchange \$276.49

Lock per service \$2.35

Lock charge set up \$179.52

Blocked \$55.30

Relocate \$55.30

Commercial Front-Load Recycle Compactor Rates:

Rates one time per week for:

Two yards \$32.00

Four yards \$64.00

Six yards \$96.00

Eight yards \$128.00

Rates two times per week for:

Two yards \$64.00

Four yards \$128.00

Six yards \$192.00

Eight yards \$256.00

Rates three times per week for:

Two yards NA

Four yards \$256.00

Six yards \$384.00

Eight yards \$512.00

Rates four times per week for:

Two yards NA

Four yards \$512.00

Six yards \$768.00

Eight yards \$1,024.00

Rates five times per week for:

Two yards NA

Four yards NA

Six yards NA

Eight yards NA

Rates six times per week for:

Two yards NA

Four yards NA

Six yards NA

Eight yards NA

Mesquite City Code. Appendix D – Comprehensive Fee Schedule, Article XIV – Public Works.

City Council Meeting Date: January 16, 2024

Rates for extra pick-up times per week:

Two yards \$32.00

Four yards \$64.00

Six yards \$96.00

Eight yards \$128.00

Industrial Recycle Roll Off Rates:

Delivery:

10 yard (open top) \$172.81

20 yard (open top) \$172.81

30 yard (open top) \$172.81

40 yard (open top) \$172.81

28 yard (comp) Negotiable

30 yard (comp) Negotiable

35 yard (comp) Negotiable

40 yard (comp) Negotiable

Rental / Day:

10 yard (open top) \$7.93

20 yard (open top) \$7.93

30 yard (open top) \$7.93

40 yard (open top) \$7.93

28 yard (comp) Negotiable

30 yard (comp) Negotiable

35 yard (comp) Negotiable

40 yard (comp) Negotiable

[The remainder of this page is intentionally left blank.]

Mesquite City Code. Appendix D – Comprehensive Fee Schedule, Article XIV – Public Works.

City Council Meeting Date: January 16, 2024

Haul / Load:

<u>10 yard (open top)</u>	<u>\$320.73</u>
<u>20 yard (open top)</u>	<u>\$320.73</u>
<u>30 yard (open top)</u>	<u>\$320.73</u>
<u>40 yard (open top)</u>	<u>\$320.73</u>
<u>28 yard (comp)</u>	<u>\$320.73</u>
<u>30 yard (comp)</u>	<u>\$320.73</u>
<u>35 yard (comp)</u>	<u>\$320.73</u>
<u>40 yard (comp)</u>	<u>\$320.73</u>

Disposal per ton:

<u>10 yard (open top)</u>	<u>\$33.36</u>
<u>20 yard (open top)</u>	<u>\$33.36</u>
<u>30 yard (open top)</u>	<u>\$33.36</u>
<u>40 yard (open top)</u>	<u>\$33.36</u>
<u>28 yard (comp)</u>	<u>\$33.36</u>
<u>30 yard (comp)</u>	<u>\$33.36</u>
<u>35 yard (comp)</u>	<u>\$33.36</u>
<u>40 yard (comp)</u>	<u>\$33.36</u>

Deposit:

<u>10 yard (open top)</u>	<u>\$513.78</u>
<u>20 yard (open top)</u>	<u>\$513.78</u>
<u>30 yard (open top)</u>	<u>\$513.78</u>
<u>40 yard (open top)</u>	<u>\$513.78</u>
<u>28 yard (comp)</u>	<u>\$513.78</u>
<u>30 yard (comp)</u>	<u>\$513.78</u>
<u>35 yard (comp)</u>	<u>\$513.78</u>
<u>40 yard (comp)</u>	<u>\$513.78</u>

[The remainder of this page is intentionally left blank.]

Mesquite City Code. Appendix D – Comprehensive Fee Schedule, Article XIV – Public Works.

City Council Meeting Date: January 16, 2024

Disposal rate per ton (No fuel surcharge) \$30.33

Street and alley mark-up \$3.03

Total customer per ton \$33.36

Charges for compactor units requiring turnaround \$47.98

Removal and redelivery of suspended containers \$359.80

Blocked / container unable to be serviced \$228.11

Relocate \$228.11

Cross reference – Mesquite City Code, Chapter 14, Art. III, Sec. 14-55 Permitting of private collection of recycle materials; Commercial recycling services provided by City.

* * *

Sec. 14-116. Residential – Solid waste administrative fees.

* * *

Sec. 14-117. Commercial and Industrial – Solid waste administrative fees.

Late fee for past due payment of invoices \$25.00 or ten percent (10%) of invoice (whichever is greater).

Cross reference(s)—

Mesquite City Code, Chapter 14, Article III—Commercial Collection.

* * *

[Editor’s Note: ADD the following cross reference to Mesquite City Code, Chapter 14 – Solid Waste, Article III – Commercial Collection, Sec. 14-55 Permitting of private collection of recycle materials; Commercial recycling services provided by City.]

Sec. 14-55. *Permitting of private collection of recycle materials; Commercial recycling services provided by City.*

* * *

Cross reference – Mesquite City Code, Appendix D – Ch. 14, Sec. 14-110.

* * *