

**CITY OF BELLMEAD
ORDINANCE 2023-06**

AN ORDINANCE OF THE CITY OF BELLMEAD, TEXAS, AMENDING CHAPTER 18-SOLID WASTE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION OF THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Bellmead, Texas has determined that it would be advantageous and beneficial to the citizens of the City of Bellmead, Texas in promoting the public health, safety, and welfare of the citizens by amending the ordinance regulating solid waste.

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

SECTION 1

**CHAPTER 18 SOLID WASTE
ARTICLE I. IN GENERAL**

Sec. 18-1. Definitions.

As used in this chapter, the following terms shall have the meanings respectively ascribed to them:

Bulky waste shall mean any large item not measuring in excess of fifty (50) pounds in weight, including, but not limited to, refrigerators, stoves, washing machines, water tanks, chairs, couches, and other similar household items.

Bundles shall mean items not measuring in excess of either forty-eight (48) inches in length, four (4) inches in diameter, or fifty (50) pounds in weight and which are securely fastened together, including, but not limited to, brush, newspapers, and tree trimmings. Bundles shall specifically exclude debris and brush resulting from the services of a Commercial Service Provider.

Business shall mean any commercial operation, or any usage of property for other than residential purposes, involving the employment of any individual, or the sale or manufacture of any product.

Construction or demolition waste shall mean Solid Waste resulting from construction or demolition activities or that is directly or indirectly the by-product of such activities, including, but not limited to, cartons, concrete, excelsior, gypsum board, metal, paper, plastic, rubber, and wood products. Construction and Demolition Waste does not include Hazardous Waste, Municipal Solid Waste or Bulky Items.

Garbage shall be held and construed to mean any and all dead animals of less than twenty (20) pounds in weight, except those slaughtered for human consumption; every accumulation of waste (animal, vegetable and/or other matter) that results from the preparation, processing,

consumption, dealing in, handling, packing, canning, storage, transportation, decay or decomposition of meats, fish, fowl, birds, fruits, grains or other animal or vegetable matter (including, but not by way of limitation, used tin cans and other food containers; and all putrescible or easily decomposable animal or vegetable waste matter which is likely to attract flies or rodents); except (in all cases) any matter included in the definition of bulky waste, construction debris, dead animals, hazardous waste, rubbish or stable matter.

Hazardous waste shall mean waste identified or listed as a hazardous waste by the administrator of the United States Environmental Protection Agency (EPA) under the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, or so classified by any federal or State of Texas statute, rule, order, or regulation.

Holidays shall mean the following days:

- (1) New Year's Day (January 1st)
- (2) Memorial Day
- (3) Independence Day (July 4th)
- (4) Labor Day
- (5) Thanksgiving Day
- (6) Christmas Day (December 25th).

Residential unit shall mean a dwelling; dwelling, single-family; dwelling, single-family attached (town house); dwelling, two-family, "duplex" as defined in the city's zoning ordinance and each apartment unit or mobile home used as a single-family dwelling.

Roll-off shall mean a container with twenty (20) cubic yards to forty (40) cubic yards of capacity.

Rubbish shall be held and construed to mean all waste wood, wood products (excluding dead trees or branches thereof), tree trimmings, grass cuttings, dead plants, weeds, leaves, chips, shavings, sawdust, printed matter, paper, pasteboard, rags, straw, used and discarded mattresses, used and discarded clothing, used and discarded shoes and boots, combustible waste pulp and other products such as are used for packaging, or wrapping crockery and glass, ashes, cinders, floor sweepings, glass, mineral or metallic substances, and any and all other waste materials not included in the definition of bulky waste, construction debris, dead animals, garbage, hazardous waste or stable matter.

Solid waste shall mean as defined by the EPA under 40 C.F.R. § 261.2(a)(1), or by the State of Texas under the Solid Waste Disposal Act § 361.003(34) whether such waste is mixed with or constitutes recyclable materials.

Stable matter shall mean all manure and other waste matter normally accumulated in or about a stable, or any animal, livestock, or poultry enclosure, and resulting from the keeping of animals, poultry, or livestock.

White goods shall mean any item not measuring in excess of either three (3) cubic feet in size or fifty (50) pounds in weight and that is manufactured primarily from metal, including, but not limited to, a bathtub, heater, hot water heater, refrigerator, sink or washer and dryer.

(Code 1972, § 9-1)

Cross reference(s)—Definitions and rules of construction generally, § 1-2.

Sec. 18-2. Mandatory garbage collection by the city or its authorized contractor for all residents within the city's corporate limits.

The collection of garbage is mandatory for all residents within the corporate limits of the city.

Sec. 18-3. Failure to pay, penalty.

The charges fixed in this chapter for the removal and disposal of garbage shall be entered by the director of finance as a charge against each owner, occupant or lessee on the water and wastewater bills of the city. If any person fails or refuses to pay the charges fixed against him and his place of abode or his place of business when due, the city shall be authorized to cut off and disconnect the water and wastewater services to his place of abode or business against which such garbage pickup fees have been fixed and assessed. The city shall be authorized to discontinue garbage collection services until such fees have been paid in full.

Sec. 18-3. Littering generally.

It shall be unlawful for any person to sweep, throw or deposit any garbage, trash, dirt, stagnant water, or dead animal into, upon or along any drain, gutter, alley, sidewalk, street, or vacant lot or upon any public or private premises within the city.

(Code 1972, § 9-2)

State law reference(s)—Littering prohibited, V.T.C.A., Health and Safety Code § 365.011 et seq.

Sec. 18-4. Credit for vacancy of premises.

No credit will be given on the garbage collection charge fixed by this chapter to any owner, occupant or lessee of any residence or place of business for vacancy thereof, unless the city is notified by such person and such person requests the city to disconnect or stop water, wastewater, and garbage service to such premises.

Secs. 18-5—18-25. Reserved.

SECTION 2

ARTICLE II. MUNICIPAL COLLECTION AND DISPOSAL SERVICE

DIVISION 1. GENERALLY

Sec. 18-26. Collection by certain persons.

The collection and/or disposal of all garbage, whether residential, commercial, or otherwise, within the city by any person other than the authorized contractor is prohibited except with the express approval of the city council.

Sec.18-27. Alleys not to be used for storage.

It shall be unlawful for any person to place, store or abandon garbage, lumber, junk, refuse, furniture, appliances, brush, or obstruction of any kind within any street, alley, sidewalk, public right-of-way, or public property of whatever nature.

DIVISION 2. CONTAINERS

Sec. 18-28. Containers required.

Every owner, occupant, tenant, or lessee using or occupying any building, house, or structure within the city for residences, churches, schools, colleges, lodges, commercial business, and other purposes shall be provided the appropriate container in accordance with the City of Bellmead Solid Waste Collection and Disposal contract.

Commercial businesses requiring a dumpster, shall provide an enclosure meeting the requirements as shown in "Exhibit A".

(Code 1972, § 9-3; Ord. No. 2015-06, § 1 , 12-8-2015; Ord. No. 2021-08 , § 1, 4-13-2021)

Sec. 18-29. Specifications of garbage containers.

Every owner, occupant, tenant, or lessee shall be provided a container for garbage in accordance with the City of Bellmead Solid Waste Collection and Disposal Contract.

Commercial businesses requiring a dumpster, shall provide an enclosure meeting the requirements as shown in "Exhibit A".

(Code 1972, § 9-4; Ord. No. 2015-06, § 1 , 12-8-2015; Ord. No. 2021-08 , § 2, 4-13-2021)

Sec. 18-30. Specifications for trash containers.

Specifications for containers shall be determined based upon the City of Bellmead Solid Waste Collection and Disposal contract.

(Code 1972, § 9-5; Ord. No. 2015-06, § 1 , 12-8-2015)

Sec. 18-31. Garbage to be placed in proper container.

Each person in the city having garbage to be disposed of is hereby required to place the same in a garbage container meeting the requirements of section 18-29. All garbage shall at all times be stored in such a container. It is hereby declared to be unlawful for any person to place any garbage on the ground or in an open box or container or to store it in any receptacle other than a container meeting the requirements of section 18-29. For customers served by commercial container service, all garbage and rubbish shall be placed inside the container. There shall be no garbage or rubbish stacked or placed outside of the container.

Sec. 18-32. Lids to be on and fastened.

The lids or covers of all garbage and trash containers shall at all times be kept secure and fastened so that flies and other insects may not have access to the contents thereof. Such lids or covers shall only be removed while the containers are being filled or emptied as the case may be.

(Code 1972, § 9-6)

Sec. 18-33. Pilfering or scattering contents prohibited.

Meddling with garbage cans, trash, or rubbish receptacles or in any way pilfering or scattering contents in any street within the city is prohibited.

Sec. 18-34. Materials not allowed.

Waste defined as bulky waste, construction debris, dead animals, hazardous waste (including tires), medical waste, brush, and rubbish (not placed into and confined within approved containers), and all other wastes must be kept in a suitable receptacle separate from the containers required by this chapter for garbage and are prohibited from inclusion in residential and commercial waste. Such waste may not be dumped on public property or retained on the premises to become a nuisance but shall be disposed of by the owner. It shall be the duty of the code enforcement officer to see that such materials are properly disposed of by the owner when so ordered. Such waste shall be hauled away from the premises of the owner at his own expense and by his own means. Such waste shall not be picked up by the city or the city's contractor.

Sec. 18-35. Placement of containers for collection.

The owner, occupant, or lessee of any premises within the city shall maintain the garbage container as follows:

- (1) All residential customers shall place the garbage containers for collection within three (3) feet of the curb line of the street immediately abutting the front property line of the premises, or if the premise is a corner lot, the containers shall, upon request of the city, be placed within three (3) feet of the curb line of the side street. If the lot prevents garbage containers from being placed as provided, the city may allow the garbage to be placed for collection at a convenient location on the lot.
- (2) All commercial container service customers shall place their garbage containers in locations as approved by the commercial hauler but shall not be so located on public property to interfere with pedestrian or vehicular travel or create an obstruction to vehicular sight distance.

(Code 1972, § 9-7)

Secs. 18-36—18-55. Reserved.

SECTION 3

DIVISION 3. BULKY WASTE AND BRUSH

Sec. 18-56. Preparation, collection, and fees.

- (a) The service provider will collect bulky items and bundles from single family residential units once per week, as designated by the service provider on an on call basis.
- (b) Brush items cannot be placed under any low lines, wires or tree limbs and must be at least six (6) feet from any other object (mailbox, car, garbage containers, water meter, etc.). Brush items shall not be placed on a sidewalk or street pavement or cause obstruction of a sidewalk, trail path, or street. When a sidewalk is present, place items behind the sidewalk.
- (c) Brush items must be placed at the curb, street, or sidewalk no later than 7:00 am on the scheduled route collection day or scheduled pick-up day.
- (d) All brush, shrubs, and tree trimmings shall be placed at the curb in bundles.
- (e) Total bulky waste and bundles may not exceed four (4) cubic yards in total volume.
- (e) White goods containing refrigerants will not be collected by the service provider unless such white goods have been certified in writing by a professional technician to have had all such refrigerants removed.

Sec. 18-57. Negotiated Collections.

- (a) The city's service provider may negotiate an agreement on an individual basis with the owner or occupant of a Single-Family Residential Unit regarding the collection of bulky items and bundles comprised of construction and demolition waste or any materials resulting from remodeling, general property clean-up, or clearing of property for the preparation of construction.
- (b) The Service Provider will negotiate agreements with each Commercial, Industrial or Residential Units on an individual basis regarding the Roll-Off Services to be provided. The Roll-Off Services will be billed directly to such Commercial, Industrial or Residential Unit and will be collected by the Service Provider.
- (c) Bundles and bulky waste items collected in excess of four (4) cubic yards shall be negotiated between the single-family resident and the service provider.

Secs. 18-58—18-70. Reserved.

SECTION 4

DIVISION 4. RATES

Sec. 8-71. Residential rates.

Residential collection for each customer shall be twice weekly except for holidays and force majeure and the fees for such services are set forth in Appendix B – Fee Schedule.

Sec. 18-72. Commercial Rates.

Commercial customer collection rates are set forth in Appendix B – Fee Schedule.

SECTION 5

That all provisions of the ordinances of the City of Bellmead in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Bellmead not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 6

That should any sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 7

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

SECTION 8

That this Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

PASSED AND APPROVED ON FIRST READING JUNE 13, 2023.

PASSED AND APPROVED ON SECOND READING AUGUST 8, 2023.

PASSED AND APPROVED ON THIRD AND FINAL READING AUGUST 8, 2023.

THE CITY OF BELLMEAD, TEXAS



BY: *Jasmin Neal*
Mayor

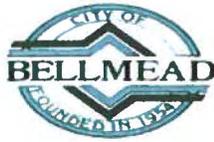
ATTEST:

Holly Owens
Holly Owens, City Secretary

APPROVED AS TO FORM AND LEGALITY:

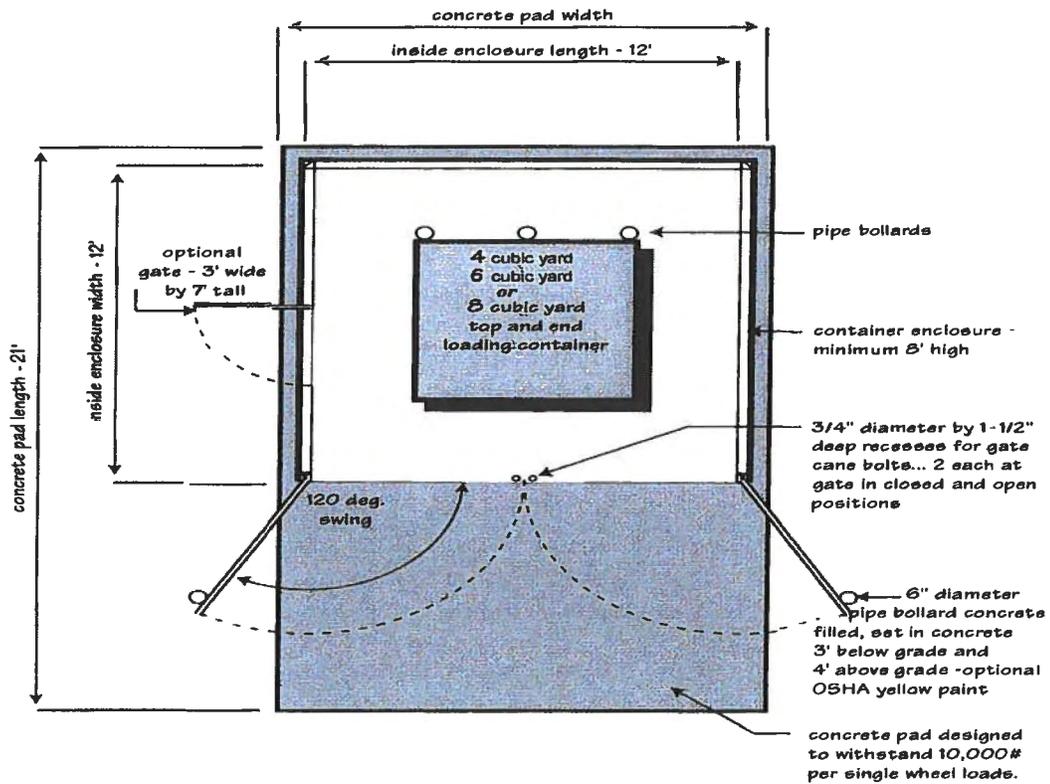
Charlie Buenger
Charlie Buenger, City Attorney

Exhibit A



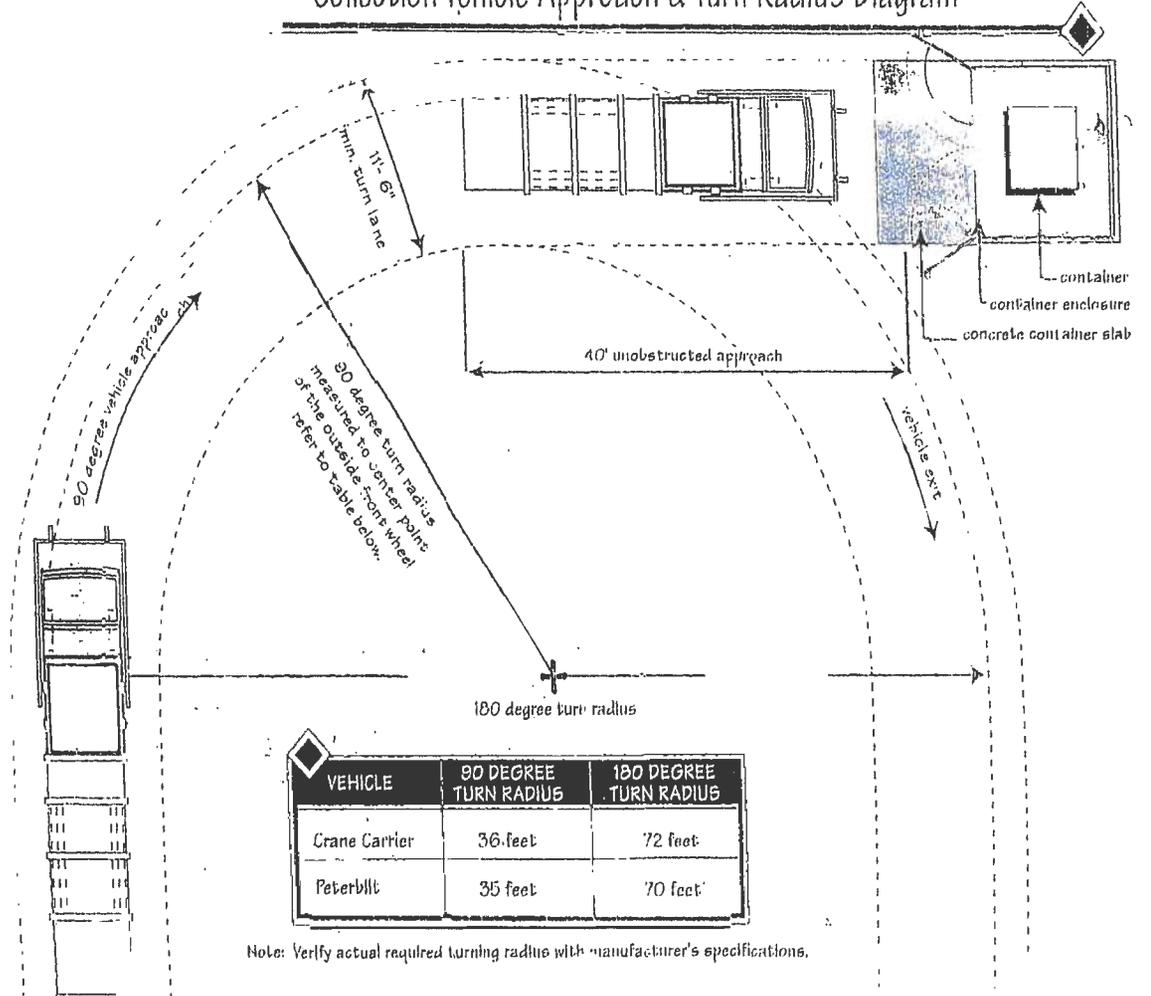
Container Enclosure Plan

1/4" = 1'



gate posts must be within inside perimeter

Collection Vehicle Approach & Turn Radius Diagram





Regular 8/08/2023

Item # 11B

CCM/O 2023-06

CITY COUNCIL MEMORANDUM FOR ORDINANCE

Prepared By: Karen Evans

Approval: Yost Zakhary

Solid Waste Ordinance

DESCRIPTION:

Consider **Ordinance 2023-06**; Amending the City of Bellmead Code of Ordinance, Chapter 18, Solid Waste, Sections 18-1 to 18-73, Repealing all ordinances or parts of ordinances in conflict herewith, providing for severability, providing for inclusion in the code; and providing for an effective date. **Second and Third Final Reading.**

BACKGROUND:

City staff reviewed the solid waste ordinance and have attached recommended updates to incorporate new contractual services provided by the City of Bellmead. The ordinance also strengthens the code compliance aspects in that pilfering through trash cans and spreading litter is now prohibited. Using alleyways to store rubbish, bulky waste, etc. will also now be prohibited.

FISCAL IMPACT or FUNDING SOURCE:

NA

RECOMMENDED MOTIONS:

Staff recommends amending the City of Bellmead Code of Ordinance, Chapter 18, Solid Waste, Sections 18-1 to 18-73, Repealing all ordinances or parts of ordinances in conflict herewith, providing for severability, providing for inclusion in the code; and providing for an effective date.

ATTACHMENT(S):

Ordinance