

**CITY OF HIGHLAND HAVEN
ORDINANCE # 096
March 19, 2019**

**AN ORDINANCE OF THE CITY OF HIGHLAND HAVEN, TEXAS
PROVIDING FOR ADOPTION OF SOLID WASTE COLLECTION
PROVISIONS; PROVIDING FOR REGULATIONS FOR COLLECTORS;
PROVIDING PENALTIES FOR VIOLATION; PROVIDING FOR
SEVERABILITY, REPEAL OF CONFLICTS, OPEN MEETINGS AND AN
EFFECTIVE DATE**

Whereas, the Board of Aldermen have determined that the safety, health and welfare of the citizens of the City requires providing proper solid waste pick-up sanitation services for all lots, acreage, and structures; and

Whereas, the Board of Aldermen have determined that such sanitation services can and are provided by a third party vendor but require various regulations to ensure the solid waste services are provided, used and adhered to;

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HIGHLAND HAVEN, TEXAS THAT:

PURPOSE: This ordinance prescribes the minimum actions to be taken by property owners within the corporate limits of the City of Highland Haven, Texas with regard to the provision of solid waste services which will promote the health, safety, and welfare of the citizens of the city, will regulate the provider of such services, will maintain the clean and healthy neighborhood atmosphere, and will protect property values of all owners.

SCOPE: This ordinance applies to all lots and tracts of land within the corporate limits of the City of Highland Haven, Texas.

SECTION 1. Adoption of Solid Waste Collection Services provisions. The following provisions related to Solid Waste Collection Services are hereby adopted:

Section 1. Use of collection service required

Every person owning, managing, operating, leasing, or renting any premises or any place where garbage or rubbish accumulates shall subscribe to the solid waste collection service that is selected by the City and become a Solid Waste Customer, if the resident/property owner wants such service.

Section 2. Containers required

City Solid Waste Customers shall use the city-contracted solid waste franchisee for all residential solid waste services.

Section 3. Placement of containers

It shall be the duty of every Solid Waste Customer to place the garbage containers directly behind the curb line of the street abutting such property. In no event shall persons place containers in the street or in any place where the containers may interfere with vehicular or pedestrian traffic. Solid Waste Customers shall properly place their garbage containers for pickup no earlier than 6:00 p.m. on the day preceding the collection day and remove the containers no later than 6:00 p.m. on the day following the collection day.

Section 4. Containers to be kept sanitary and secure

Solid Waste Customers shall keep all garbage containers clean and free from accumulation of any substance which would attract or breed flies, mosquitoes, or other insects. Solid Waste Customers shall maintain the area surrounding garbage containers in a clean and sanitary condition. Solid Waste Customers shall maintain all garbage containers so that the wind cannot scatter their contents over the streets, alleys, or other property within the City. Solid Waste Customers shall securely close all containers in such a manner as to prevent the scattering of their contents and to make them inaccessible to insects, rodents, and other animals.

Section 5. Prohibited Acts; Penalty

- (a) It shall be unlawful for any person to sweep, throw, or deposit any garbage, trash, debris, stagnant water, or dead animal into, upon, or along any public property or private property, except as may be specifically provided by this article.
- (b) It shall be unlawful for any person owning or otherwise in control of any premises within the city to permit any of the conditions described in subsection (a) to exist upon property owned or controlled by him or her after receiving actual or constructive notice.
- (c) It shall be unlawful for any person to place any material, other than specifically allowed in this article, in any garbage container.
- (d) It shall be unlawful for any person to deposit or maintain garbage, trash, or garbage containers except as provided for by this article.
- (e) It shall be unlawful for any person to deposit any burning match, charcoal, ember, or other material in any container used for the disposal of garbage.
- (f) It shall be unlawful for any person or service to transport residential garbage or refuse for hire, which has been collected from any premises within the city, over any public street within the city. This subsection shall not apply to any person or service who, at the time of such activity, is operating under a valid contract, franchise, or license granted by the city which authorizes said person or service to use the public streets to conduct such activity.
- (g) It shall be unlawful for any person to deposit or place any garbage or other approved material in another person's garbage container without their consent.

(h) It shall be unlawful to pilfer, search, or scatter the contents of garbage cans or rubbish receptacles in or upon any street or alley within the city.

(i) It shall be unlawful to place garbage containers in any manner other than specified herein.

(j) Any person violating any provision of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not more than two hundred dollars (\$200.00), and each day that such violation continues shall be deemed to constitute a separate offense.

Section 6. Prevention of scattering during collection and transportation

All vehicles used for the collection and transportation of garbage and trash shall be equipped with suitable covers, and the owners or operators of such vehicles shall prevent the blowing or scattering of garbage and trash onto public or private property during the collection and transportation of such garbage and trash.

Section 7. Authorized collectors; collector's license

(a) No person or service shall collect, remove, or dispose of residential garbage or residential trash or transport residential garbage or residential trash on the streets, alleys, or public thoroughfares of the city except duly authorized agents or employees of the city, persons acting pursuant to a contract with the city for public collection and disposal of garbage, trash, and brush, and persons with a license or franchise for private collection issued by the city. This section shall not apply to the transportation of construction debris or garbage, trash, or brush from outside the city to a disposal site outside the city.

(b) The owner of all licensed/franchised trucks and containers used for the collection and transportation of garbage and trash within the city shall clearly mark each one with the owner's name and telephone number in letters and figures not less than two (2) inches high.

(c) The licensee/franchisee shall remove residential garbage and trash at least once a week.

(d) A person's violation of any of the provisions of this article shall be sufficient cause for the city's revocation of the license/franchise.

(e) Individuals desiring to occasionally remove brush, construction debris, or non-residential trash from their own residence or business may do so.

Section 8. Rates for collection

Residential solid waste services rates shall be set forth in the city's fee schedule adopted by the Board, and may be modified from time to time.

Section 9. Billing; failure to pay charges

Billing for such solid waste collection and disposal services shall be paid on a monthly basis as stated on the billing statement. Failure to pay for services shall bear the penalty of disconnection of water service and discontinuing residential trash service until such bill for water and garbage is paid. All customers who have not paid the amount due by the 16th day of the month will be charged a late service fee in the amount established by the Board of Alderman. On the following day, all customers who have not paid the past due bill will have a written notice left at their home or business that will notify them that they were on the delinquent list and will have until 12:00 p.m. on the 25th day of the month to pay the bill or their water and residential solid waste services will be disconnected and discontinued. If these services are disconnected or discontinued, the customer will be charged a fee in the amount established by Board of Alderman to re-establish services.

SECTION 2. That this ordinance shall be cumulative of all provisions of ordinances of the City of Highland Haven, Texas, as amended, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

SECTION 3. That it is hereby declared to be the intention of the Board of Alderman that should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.

SECTION 4. That this Ordinance shall be in full force and effect from and after its date of passage and it is so ordained.

SECTION 5. It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

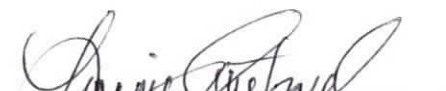
PASSED AND APPROVED this the 19th day of March, 2019.

CITY OF HIGHLAND HAVEN, TEXAS



Olan Kelley, Mayor

ATTEST:



Jeannie Gruetzner, City Secretary