

ORDINANCE NO. 11-084

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, AMENDING CHAPTER 16, SOLID WASTE, OF THE CODE OF ORDINANCES OF THE CITY OF BELLAIRE, TEXAS, BY REPEALING THE EXISTING ARTICLE I, IN GENERAL, AND ARTICLE III, CURBSIDE RECYCLING, AND REPLACING SAME WITH A NEW ARTICLE I, IN GENERAL, AND ARTICLE III, CURBSIDE RECYCLING, FOR THE PURPOSE OF IMPROVING EFFICIENCY, ENHANCING EMPLOYEE SAFETY, PROMOTING CURBSIDE RECYCLING, AND DISCONTINUING SOLID WASTE COLLECTION SERVICES FOR COMMERCIAL ACCOUNTS.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, THAT:

Section 1. *Chapter 16, Solid Waste, of the Code of Ordinances of the City of Bellaire, Texas ("Code"), is hereby amended by repealing the existing Article I, In General, and Article III, Curbside Recycling, and replacing same with a new Article I, In General, and Article III, Curbside Recycling, for the purpose of improving efficiency, enhancing employee safety, promoting curbside recycling, and discontinuing solid waste collection services for commercial accounts. The amended Code shall read as set out in Appendix A, attached hereto. All other portions of Chapter 16 of the City's Code not specifically amended hereby shall remain in full force and effect.*

Section 2. All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict only.


Section 3. If any word, phrase, clause, sentence, paragraph, section or other part of this Ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this Ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this Ordinance to any other persons or circumstances, shall be affected thereby.

Section 4. The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this Ordinance was discussed, considered or acted upon was given in the manner required by

the *Texas Open Meetings Act*, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves, and confirms such notices and the contents and posting thereof.

Section 5. This Ordinance shall be effective as of March 1, 2012.

PASSED, APPROVED and ADOPTED this, the 5th day of December, 2011.



Cynthia Siegel, Mayor
City of Bellaire, Texas

ATTEST:


Tracy Dutton, TRMC
City Clerk
City of Bellaire, Texas



APPROVED AS TO FORM:


Alan P. Petrov, City Attorney
City of Bellaire, Texas

Appendix A

CHAPTER 16 SOLID WASTE

ARTICLE I. IN GENERAL

Sec. 16-1. Defined.

Garbage is defined, for the purposes of this chapter, as rubbish, trash, kitchen and household waste, ashes, paper, food, food containers, tree trimmings, hedge trimmings, leaves, grass, weeds, and refuse, not including sewage or animal waste.

Sec. 16-2. Collection requirements.

Garbage shall be placed in plastic bags, having a minimum thickness of 1.5 mil and a capacity of not less than 20 gallons each and which will not leak when handled. Such bags shall be tightly closed by cord, wire, or rubber band, in such manner as to prevent leakage of contents. Paper bags may be used under the same terms and conditions as plastic bags, provided such paper bags consist of at least two (2) sheets of 50 pound wet strength extensible paper.

- a) No containers shall be used except for plastic bags and the approved paper bags stated above.
- b) Garbage shall be placed behind the curb at no more of a distance than three (3) feet behind the curb.
- c) No more than four (4) garbage bags will be collected per home.
- d) Each bag shall contain no more than twenty-five (25) pounds of garbage.
- e) Garbage must be set out for collection by 7 AM. Garbage collection will commence at 7 AM.
- f) No garbage shall be set out for collection before 6 PM the day before the collection date.
- g) No garbage shall be set out for collection on City holidays.
- h) All glass being disposed of as garbage such as, but not limited to, windowpanes, sheet glass and broken glass shall be wrapped in cardboard and taped before setting out for collection.
- i) All sharp objects or objects with sharp, cutting edges being disposed of as garbage such as, but not limited to, broken plastic and metal fragments shall be wrapped in cardboard and taped before setting out for collection.
- j) Needles shall be put in a bottle or other container secured with a lid before setting out for collection.
- k) No automotive oil or automotive fluids of any type such as, but not limited to, motor oil, transmission fluid, brake fluid, power steering fluid and windshield wiper fluid shall be deposited nor accepted in the garbage for collection.

- l) No swimming pool cleaning chemicals or chemicals of any type such as, but not limited to, chlorine and turpentine shall be deposited nor accepted in the garbage for collection.
- m) Oil-based paint shall not be deposited nor accepted in the garbage for collection. Latex paint may be accepted for collection only if it has been thoroughly dried and hardened.
- n) No cardboard or aluminum cans shall be accepted in the trash – cardboard and aluminum cans shall be placed with recyclables for collection.
- o) The homeowner may also purchase a sticker to be placed on the garbage bags in excess of the allowed four (4) bags for collection.
 - o The sticker may be purchased at City Hall, located at 7008 S. Rice Ave., upstairs in the Utility Billing department.
 - o The price for the stickers shall be set by the City Manager.

Sec. 16-3. Unauthorized handling of container.

It shall be unlawful for any person to remove, handle, or otherwise disturb, any garbage container or its contents, which has been placed on or near city streets for servicing by the city garbage collectors; provided that this section does not apply to the owner, occupant, or tenant of the premises so placing any garbage container.

Sec. 16-4. Maximum amount city will haul per day per premises.

Not more than 100 pounds of garbage and 200 pounds of brush shall be hauled away in any one day from any one residential establishment by the garbage collectors of the city. Any garbage at any such establishment in excess of 100 pounds shall be hauled away to a proper place of disposal outside the City of Bellaire, at the owner's expense, by the occupant of the property where it is gathered, or by the person or persons gathering it, within 24 hours after it is gathered.

Sec. 16-5. Depositing on or in public property.

No garbage shall be thrown or deposited in any street, alley, or storm sewer, or on any other public property in the city.

Sec. 16-6. Transporting garbage or refuse into the city.

It shall be unlawful for any person to haul, transport or carry rubbish, trash, kitchen and household waste, ashes, paper, food, food containers, tree trimmings, hedge trimmings, leaves, grass, weeds and refuse from any place outside the city limits of the city to any place within the city limits of the city for the purpose of causing the same to be collected by the garbage trucks of the City of Bellaire.

Sec. 16-7. Garbage generated or collected by commercial tree trimming, lawn maintenance, gardening or landscaping services, handymen or any others not considered the occupant.

It shall be unlawful for any commercial tree trimming, lawn maintenance, gardening or landscaping services, handymen or any others not considered the occupant who shall be

employed within the city limits of the city to prune or trim and tree, hedge, or bush, to fail to haul away grass, tree, hedge, bush and landscape trimmings from the city limits of the city to a point outside the city limits of the city.

Sec. 16-8. Garbage consisting of tree, hedge, and bush trimmings cut by the owner.

All limbs, brush and tree sections 3" in diameter or smaller and cut personally by the owner shall be cut in four (4) foot lengths and tied in a bundle not greater than two (2) feet in diameter and placed with household garbage for collection. The limit shall be three (3) bundles per household per collection day.

All limbs, brush and tree sections greater than 3" in diameter and cut personally by the owner shall not exceed 8" in diameter and shall be cut in lengths not to exceed four (4) feet and stacked three (3) feet behind the curb in piles not exceeding four (4) feet in height. The weight limit shall not exceed 200 pound per collection per day.

Limbs and brush cut personally by the owner shall be stacked for collection with no overhead obstructions such as, but not limited to, trees, streetlights and power lines. Vertical clearance shall be 30 feet from the ground.

Brush, limbs and tree sections not collected due to non-compliance with this ordinance shall be removed by the owner within 24 hours of notification at the owner's expense,

Sec. 16-9. Automobile parts, building materials, large appliances, carpet and electronic goods.

It shall be unlawful for anyone to deposit or place for pick-up by the garbage collectors of the city, any automotive parts and related materials. It shall be prohibited for any building material or remodeling material to be deposited for pick-up by the garbage collectors for the city including remodeling or roofing debris or trash or fencing materials.

It shall be prohibited to deposit for pick-up by the garbage collectors any carpet or large appliances (i.e. refrigerators, stoves, washing machines, freezers) or electronic goods (i.e. televisions, computers). These are recyclable materials that should be donated or recycled by the store where a purchase of a new item is made or other recycling facilities accepting such items.

Sec. 16-10. License required.

Any person or company who shall be employed to collect or haul garbage, rubbish, trash, sewage or animal waste from the city limits shall be licensed by the City of Bellaire under the procedures as provided in this code.

Sec. 16-11. Time and place for collection.

All trash and garbage herein defined shall be collected at the times established by the city for such collection. All collections shall be made at the front curb of any properties located in the city, unless the location for collection at a specific property shall be otherwise designated by the city; however, the refuse trucks shall not under any condition, be required to be operated upon private property to a point for the purpose of collecting such garbage. Pooling for refuse for collection at one location by the occupants or tenants of more than one property is hereby prohibited.

Garbage shall be placed behind the curb at no more of a distance than three (3) feet behind the curb. Garbage must be set out for collection by 7 AM. Garbage collection will commence at 7 AM. No garbage shall be set out for collection before 6 PM the day before the collection date. No garbage shall be set out for collection on City holidays.

Sec. 16-12. Solid waste collection fee.

The owner and/or occupant of each property located within the city for which an open, active water service account is maintained with the city, shall pay to the city the following fees which are hereby levied against such property for the operation of the city facilities for collection and disposal of solid waste:

- (a) For each single-family dwelling unit, a fee of \$17.17 per month along with any applicable tax, whether in a single-family residence, duplex, triplex, fourplex, townhouse or otherwise.

The city does not provide solid waste service to commercial accounts.

- (b) All fees for utility services furnished by the city shall be due and payable prior to midnight of the 15th day following the date of the bill for such fees; provided, however, that if such date fall on a Sunday or a legal holiday observed by the city, then such fees shall be due and payable by midnight of the following business day. A penalty equal to ten percent of any account balance overdue under the terms of this section shall be assessed and shall be payable to the City of Bellaire by the named account holder.
- (c) The water deposit of any such occupant may be applied to the payment of any fees for solid waste service which are more than 60 days past due, and when such deposit has been exhausted by any such payment and there are still solid waste fees due, the city may cut off the water service to such occupant's premises until such fees have been paid and the water deposit for such premises has been replenished in full.
- (d) The provisions of this section shall not apply to any schools, churches, institutions, businesses or apartment houses. All schools, churches, institutions, businesses or apartment houses shall have their solid waste collected, hauled and disposed of outside the city regularly, at least once a week, by a licensed private contractor.

Sec. 16-13. Termination of service.

Failure by the occupant or tenant of any property within the city, which is serviced by the city for the purposes of garbage and trash collection, to comply with the requirements of this chapter shall constitute a basis for the termination of such service upon written notice from the city to such occupant or tenant that service is to be terminated on a date certain, which date shall not be less than ten (10) days from the date of such notice.

Upon receipt of such notice, the occupant or tenant affected thereby may appeal such termination and request a hearing before the city manager of the City of Bellaire by filing a written request for such hearing with the city clerk within ten days from the dates of the notice. Upon written request for a hearing, the city manager shall hold a hearing at the earliest and most practicable date and time and shall render his decision by filing the same in writing with the city clerk. The occupant or tenant who requested the hearing shall be provided written notification of the decision of the city manager.

If aggrieved by the decision of the city manager, such occupant or tenant shall have the right to appeal such decision to the city council of the City of Bellaire by filing written notice of appeal with the city clerk within ten days after receipt of the decision of the city manager.

Secs. 16-14—16-19. Reserved.

ARTICLE III. CURBSIDE RECYCLING

Sec. 16-28. Materials to be recycled.

Materials to be picked up at curbside in the Bellaire Recycling Program are as follows: Any and all recyclable material that is designated by the Director of Public Works.

Sec. 16-29. Container regulations.

One recycling container will be provided to each participating resident. Additional recycling containers, as well as replacements, can be purchased at the Utility Billing office of the Department of Finance located at the City of Bellaire City Hall. There are no limits to the number of recycling containers that may be placed in the front yard on the day of collection.

Sec. 16-30. Collection requirements.

Containers. Only recycling containers distributed by the City of Bellaire will be acceptable for curbside pick up. Except as herein provided, all recyclable materials must be placed in an authorized recycling container and may be commingled into one (1) or more authorized containers. The weight of each container shall not exceed twenty-five (25) pounds.

Separated cardboard. Cardboard that is set out separate from the standard recycling container or other recyclables will be accepted provided that it be broken down, bundled, and tied. Cardboard shall not exceed twenty-five (25) pounds per bundle and the length of the bundles shall not exceed four (4) feet. Cardboard must be placed within three (3) feet of the curb and shall not be placed in the street or the gutter.

Separated newspaper. Newspapers that are set out separate from the standard recycling container or other recyclables will be accepted provided that it be in paper bags or bundled and tied. Newspaper shall not exceed twenty-five (25) pounds per bundle or bag. Newspaper must be placed within three (3) feet of the curb and shall not be placed in the street or the gutter.

Sec. 16-31. Time and placement for collection.

All recyclable materials and recycling containers must be placed within a distance of three (3) feet from the back of the curb for collection. No material shall be placed in the street gutter. In order to guarantee pick up, the recyclables should be placed at the curbside no later than 7:00 a.m. of the day of collection. Recyclables and recycling containers shall not be placed out any earlier than 6:00 p.m. the evening before the day of collection.

All recyclable containers shall be removed from curbside by 12:00 midnight on the day of collection. Failure to abide by these time and place regulations may cause a fine to be rendered and/or confiscation by the City of Bellaire of such container and a charge to the customer for such a repossession and possible redelivery fee.

Sec. 16-32. Curbside recycling collection fee.

The owner and/or occupant of each residential property located within the City of Bellaire for which an open, active water service account is maintained with the City of Bellaire shall pay to the City of Bellaire the following fees which are hereby levied against such property for the operation of the City of Bellaire facilities for collection and disposal of curbside recycling.

- (a) For each single-family dwelling unit, a fee of two dollars and fifty cents (\$2.50) per month along with any applicable tax, whether in a single-family residence, duplex, triplex, fourplex, townhouse or otherwise. This fee is subject to a periodic review by the city manager and may be adjusted accordingly. The current fee schedule shall be certified by the city manager and maintained by the Department of Finance of the City of Bellaire.
- (b) The fee for curbside recycling shall be assessed as a garbage collection fee on the water bill for each participating customer. All provisions of Chapter 31 with respect to utility billings, payments and disconnections shall apply to the curbside recycling fee.
- (c) The water deposit of any such occupant may be applied to the payment of any fees for curbside recycling service which are more than sixty (60) days past due, and when such deposit has been exhausted by any such payment and there are still curbside recycling fees due, the City of Bellaire may cut off the water service to such occupant's premises until such fees have been paid and the water deposit for such premises has been replenished in full.