

ORDINANCE 2503-F
SANITATION ORDINANCE

ORIGINAL

AN ORDINANCE AMENDING ORDINANCES 2503, 2503-A THROUGH E PROVIDING REPLACEMENT WITH 2503-F. PROVIDING FOR THE DISPENSEMENT OF THE REQUIREMENTS FOR READING THIS ORDINANCE THREE (3) SEPARATE DAYS, PROVIDING FOR THE PUBLICATION BY CAPTION IN THE OFFICAL NEWSPAPER OF THE CITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Nolanville has arrangements for the operation of garbage collection and disposal for the residents of Nolanville, and

WHEREAS, the present sanitation ordinance does not sufficiently set out and provide rules, therefore

NOW BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NOLANVILLE, TEXAS, that the following is hereby adopted as the Sanitation Ordinance of the City of Nolanville.

SANITATION ORDINANCE
CITY OF NOLANVILLE, TEXAS

SECTION 1. DEFINITIONS

- A. **City** shall mean the City of Nolanville, Texas.
- B. **Refuse** shall mean solid waste that includes garbage and rubbish.
- C. **Garbage** shall mean all putrescible waste, except body waste, including meat, vegetable, and fruit refuse and carcasses of small animals.
- D. **Rubbish** shall mean non-putrescible waste including debris, tin cans, bottles, papers, grass and weed cuttings, paper boxes, short and light wood or building materials, and tree limbs not exceeding three (3) feet and a weight of more than thirty (30) pounds.
- E. **Bulk** shall mean solid waste larger and heavier than rubbish. Bulk includes, old refrigerators, furniture, excluding patio furniture, tin, glass and other sharp objects; old barrels, tires, metal, old car parts, fence posts, and old lumber or masonry materials larger, longer and / or heavier than rubbish and **hazardous material 1.1:**
 - 1.1 **Fluorescent light bulbs, oils, oil filters, ordnance, explosives, pressurized gases, Freon, radioactive material, syringes/needles (must be placed in sealed container), led-acid batteries, medical waste, tires, paints, solvents, antifreeze, pesticides, and herbicides.**
- F. **Large Brush Materials** shall mean plants, or grass clippings, leaves, or tree trimmings. Tree, shrub, and brush trimming shall be placed together forming An easily handled packaged not exceeding two (2) feet in length or 25lbs.

SECTION 2. REFUSE REQUIRED TO BE PLACED IN APPROVED CONTAINERS

Each owner, occupant, tenant, or lessee using and occupying any residence, building, house or structure within the corporate limits of the City, who has a place of abode or has a place of business, is hereby required to keep and maintain at all times a convenient place at his or her residence, building, house, structure and/or business, if his business is of a type that accumulates refuse in connection with the operation of the business, an adequate commercial waste container or containers, in sufficient numbers to properly receive and hold all refuse being disposed of from his or her residence, building, house, structure, and or business. All commercial waste containers shall be equipped with an adequate lid or covering at all times.

SECTION 3. COMMERCIAL WASTE CONTAINERS

No owner, mortgager, occupant, lessee or tenant of any public or private premises shall permit to accumulate upon his or her premises any refuse except in covered commercial waste containers. When containers become battered or torn and when in the judgment of the Code Enforcement Officer they are unsafe for the garbage pick-up man to handle, the Code Enforcement Officer shall give the owner, mortgager, occupant, tenant or lessee written notice of the condition of the container and allow the owner, mortgager, occupant, tenant or lessee fifteen (15) calendar days in which to replace the container. If, after the expiration of the fifteen (15) calendar days, the container has not been suitably replaced, garbage pick-up shall be suspended and the owner, mortgager, occupant, tenant or lessee shall be subject to penalties prescribed in this ordinance. Each owner, mortgager, occupant, tenant or lessee of the City having refuse to be disposed of is hereby required to place the refuse in commercial waste containers equipped with an adequate lid or covering.

SECTION 4. LOCATION OF COMMERCIAL WASTE CONTAINERS.

Any owner, mortgager, occupant, lessee, or tenant of the premises shall place the commercial waste container(s) in front of the premises within three (3) feet of the street by 7:00 a.m. on the day of sanitation collection, so that collectors may collect and remove the contents thereof conveniently, and sanitation collectors have no duty to pick up any container not so placed. All such containers, after having been emptied by the proper authorities, shall be removed from the side of the street by the owner, mortgager, occupant, lessee, or tenant no later than 9:00 p.m. on the evening of collection.

SECTION 5. GARBAGE DISPOSAL REQUIRED.

Each owner, mortgager, lessee, occupant or tenant using and or occupying any residence, building, house, structure or business within the city limits of Nolanville will be required to subscribe to City sanitation services or to the sanitation service with which the City has a contract. Non-subscribers may be cited as prescribed in the penalty clause of this ordinance.

SECTION 6. BULK

Brush and limbs shall be cut in lengths no longer than three (3) feet and tied in bundles no heavier than thirty (30) pounds. Special pick-ups for bulk heavier than thirty (30) pounds (as described in SECTION 1-E) can be arranged by contacting Nolanville City Hall. Ultimately, it is the responsibility of the owner, mortgager, lessee, occupant or tenant to dispose of bulk on his or her premises. Anyone allowing garbage, refuse, rubbish or bulk to accumulate on his or her property may be cited as prescribed in the penalty clause of this ordinance.

ORIGINAL

SECTION 7. SANITARY FEE COLLECTION

The collection of fees will be maintained by the (contractor) waste management provider designated by The City of Nolanville, City Council.

Failure to pay the sanitation fee and /or late charges by the thirtieth (30th) day of the month may result in discontinuance of sanitation services and subscriber may be cited as prescribed for in the penalty clause of this ordinance.

SECTION 9. DISPOSAL CHECK

The Code Enforcement Officer or any other authorized City representative may check on sanitation collections to determine whether such refuse and or bulk is being disposed of properly and in accordance with this ordinance and other existing ordinances of the City of Nolanville. Any violations found to exist may be punishable as provided for in the penalty clause of this ordinance.

SECTION 10. RENTAL PROPERTIES

Landlords owning rental property within the City limits of Nolanville are responsible for monthly sanitation service, fees and late fees. Landlords are also responsible for sending notification to the City of vacancies and names of new tenants. Rental properties that are vacant shall be put on a "hold" status with the waste management provider.

SECTION 11. PENALTY CLAUSE

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not less than five (\$5.00) dollars nor more than two hundred (\$200.00) dollars for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 12. SEVERABILITY AND REPEAL

It is hereby declared to be the intention of the City Council of the City Of Nolanville, Texas, that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 13. SAVINGS CLAUSE

All rights and remedies of the City of Nolanville, Texas, are expressly saved as to any and all violations of the provisions of the ordinance which have accrued at the time of the effective date of this ordinance and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinance, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

ORIGINAL

SECTION 14. PUBLICATION

The reading of third ordinance on three (3) separate days having been dispensed with, the City Secretary of the City of Nolanville, Texas, is hereby directed to publish the caption and Section 11 of this ordinance for two (2) days in the official newspaper of the City of Nolanville, Texas, as authorized by Section 52.011, of the Texas Local Government Code.

SECTION 15. EFFECTIVE DATE

It being necessary for the preservation of the public peace, health and safety, this ordinance shall be in full force and effect after its passage and publication as required by law.

Passed and adopted by the City Council of the City of Nolanville, Texas on the 5th day of July, 2007.

Caryn J. Sterling
Mayor

Christine Taylor
City Secretary



ORIGINAL

ATTEST:

Carrie V. Cawley