

City of Sunrise Beach Village

ORDINANCE NO. 390

AN ORDINANCE PROVIDING FOR MANDATING MUNICIPAL SOLID WASTE COLLECTION; PROVIDING PROCEDURES FOR THE HANDLING AND DISPOSAL OF SOLID WASTE; PROHIBITING HANDLING OF CERTAIN COMMERCIAL WASTE; IDENTIFYING FEES; MANDATING PAYMENT WITH OTHER UTILITIES; PROVIDING PENALTIES; PROVIDING FOR RELATED MATTERS

WHEREAS, the City of Sunrise Beach Village, Texas (herein the "City") desires to provide a municipal waste service for the benefit of the citizens and visitors;

WHEREAS, the City Council has selected and approved a solid waste collection provider;

WHEREAS, the proper handling of solid waste is vital in maintaining the health and safety of the citizens, visitors, animals, and local environment;

WHEREAS, the City Council desires to have procedures in place that identify how and when trash collection will take place to ensure proper handling of solid waste;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUNRISE BEACH VILLAGE, LLANO COUNTY, TEXAS:

Section 1. Findings of Fact.

The findings and recitations set out above in the preamble of this Ordinance are found to be true and correct and that they are hereby adopted by the City Council and made a part hereof for all purposes.

Section 2. Use of City Solid Waste Collection Services Mandatory

Each residential unit and commercial unit within the city limits with an improved structure or other building with a certificate of occupancy shall be and is hereby required to subscribe to and use the solid waste collection services of the city, with exceptions as stated below in Section 3.

Section 3. Authorized Collectors

Recycling, garbage, and trash collection within the city limits shall be made only by authorized contractors having a valid collection and disposal contract and/or franchise with the city. Any person, firm, corporation, or entity operating or collecting garbage, trash and recycling materials within the city limits for a fee or other consideration, without such authorization shall be guilty of a misdemeanor. However, individual property owners and their construction, remodeling or landscape contractors may collect and haul garbage and trash from their respective properties without further authorization under this article.

Section 4. Placement for Collection.

It shall be the duty of every person in charge of inhabited premises within the city to prepare the garbage, trash and recycling from such premises and timely place the same for collection by the service provider in accordance with the terms and conditions of this article.

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- a) All residential municipal solid waste shall be placed in the container provided by the service provider and placed within 5 feet of the curbside or right of way for collection.
- b) Each residence within the city shall dispose of non-recyclable dry trash in disposable bags or other containers that are sealed and capable of storing their contents without notable spillage. The bags must then be placed into the service provider provided 96-gallon rolling trash bins. Dry trash is refuse that is sufficiently solid as to be capable of being entirely contained in a trash bag without risk of leaking. Liquid waste that is safe for septic system disposal should be disposed of through the sewer system.
- c) Each residence within the city shall dispose of recyclable trash within the 96-gallon rolling recycling specific container. Recyclable trash includes:
 - Aluminum beverage cans
 - Steel food & beverage cans
 - Empty aerosol cans
 - Clear, brown & green glass food & beverage containers
 - #1—#7 Plastic containers & bottles with necks smaller than their bases
 - Food boxes (i.e. cereal & jello boxes)
 - EMPTY paper towel & toilet paper rolls
 - Paperboard packaging (i.e. tissue boxes etc.)
 - Office paper—any color
 - Magazines, catalogs & brochures
 - Envelopes & junk mail
 - Paper bags
 - Phone books & other soft cover books
- d) All loose garbage and trash shall be deposited in containers as specified in subsection a) and b) above and set out for collection. The service provider shall not collect any garbage, trash or tree limbs where the same are not prepared for collection and placed in accordance with this article.
- e) Garbage areas shall be maintained in a sanitary condition so as to prevent the presence of odor, flies, or other vermin. Regular maintenance should be performed on garbage areas and may include the regular cleaning of trash collection containers and their surrounding area as well as use of lime or other odor absorbing and vermin repellent products.
- f) Containers that are broken or present a hazardous condition to service providers may not be collected. Residents should contact the service provider should the container need to be replaced.
- g) In instances when permitted to be placed outside of a trash collection container, tree limbs and shrubbery shall be cut or broken into lengths of not more than four feet and suitably bundled, baled, or interlaced through limb branches so as to permit collection without gathering up individual limbs. These items will only be collected during bulky waste collection events.
- h) All garbage, trash, limbs or other waste set out for collection should be set by the curb, at least 5 feet from the curbside or right of way, no later than 7:00AM on designated collection days, and no earlier than 48 hours before the scheduled collection. Only service provider provided containers will be emptied and returned to the curb. Containers in excess of a total loaded weight of 175 pounds will not be collected.

Section 5. Mobility Impaired at No Extra Charge

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Residents that qualify are not required to place their waste collection containers at the street for pickup. The service provider will collect the container and replace it where it is normally accessible to the resident. In order to qualify for this service, residents should contact city hall and be prepared to provide evidence that no one in the residence is capable of moving the solid waste container to the street and back.

Section 6. Prohibited Deposit of Waste

- a) It shall be unlawful for any person to sweep, throw or deposit any garbage, trash, tree trimmings, limbs, or stumps, 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 limits, except as provided in this article. Tree trimmings, limbs branches, and bulk items may be placed curbside only as hereinafter set forth, during the city-sponsored bulky waste pickups and/or the privately scheduled bulky waste pickups, and at any other time for which the city has given previous authorization.
- b) All garbage, trash, rubbish, ashes, or miscellaneous waste, which may be disposed of by any person, shall not be deposited at any place within the city except at that person's residence, a city dump ground, or at such other place as may be directed by the city officials.
- c) Any person violating any of the provisions of this ordinance shall be deemed guilty of a an offense and, upon conviction thereof, shall be fined an amount not to exceed \$500; and each day that any person shall violate any of the provisions of this article shall constitute a separate offense and be punishable as such.

Section 7. Removal of Certain Commercial Waste

- a) It shall be unlawful for commercial tree trimmers to leave any tree trimmings, limbs or stumps on City property or private property without specific permission. The fine for violation of this article shall be the same as for illegal dumping.
- b) Waste from building operations, rock waste, building materials, or other refuse resulting from building or remodeling operations or resulting from a general cleanup of vacant or improved property just prior to its occupancy will not be removed by the city and will not be picked up if put in any dumpster, either city or county owned. Such waste shall be removed by the building contractor, owner, or occupant of the building at his or her own expense.

Section 8. Garbage rates.

- a) The fees to be charged for regular residential or commercial garbage service, and any specialty garbage collection shall be as provided for in the attached fee schedule.
- b) Residents may select seasonal solid waste services which will provide for suspension of all solid waste services at a reduced monthly fee. All residents will initially be enrolled in regular, full solid waste collection and recycling services. Residents wishing to change to seasonal service should contact city hall.

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1. Service changes may be selected for up to 6-month intervals in any 12-month period. Once selected, a resident may not change the service until the expiration of the selected period.
 2. Residents selecting seasonal service will have all waste and recycling services suspended and shall not place any waste or waste containers for pickup. Seasonal customers attempting to place waste for pickup during their seasonal suspension will not have their waste collected and may be subject to a fine.
 3. Rates for full service and seasonal service are provided in the fee schedule.
 4. Residents selecting full service agree to be bound by all provisions regarding the placement and collection of solid waste and solid waste containers.
- c) Fees shall be billed and paid to the City in connection with other City provided utilities.

Section 9. Failure to Pay

The charges fixed herein for the collection, removal, and disposal of all recycling, garbage and/or trash shall be entered in their respective amounts on the utility bill. The city may discontinue all utility services, including water and solid waste collection services, for failing to pay any such assessed charges and until such charges have been paid in full. If payment of any bill is not received by the "Pay this Amount After" date, the applicable late charge shown on the bill is due and payable. The bill shall be considered delinquent if payment is not received by the "Pay this Amount After" date or payment arrangements are not made prior to this date. A Delinquent notice is mailed and customers have ten days from the date of the notice to clear up the entire amount then due plus current charges to avoid disconnection of services.

Section 10. Effective Date.

This Ordinance shall be in full force and effect from and after publication of the caption in the manner and for the time provided by the Local Government Code.

Section 11. Severability.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity 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 invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

Section 12. Open Meetings.

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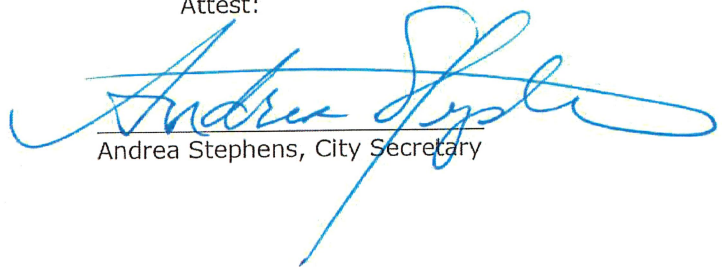
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It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 511, Tex. Gov't. Code.


PASSED AND APPROVED on this the 07th day of December 2022.

Attest:


Chellie Stewart, Mayor


Andrea Stephens, City Secretary

Reviewed and Approved:


Barbara Boulware-Wells, City Attorney

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Service Levels and Monthly Rate

Residential Services

96-Gallon Weekly Solid Waste, 96 Gal Recycling EOW, Twice/year curbside bulky waste event (up to 3 yards/home/event)	\$22.65
96-Gallon Additional Toter	\$7.49
Seasonal Price (services suspended)	\$17.00

Commercial Toter Service

96-Gallon Solid Waste Collection	\$17.00
96-Gallon Additional Toter	\$8.35

Taxes and Fees

In addition to the fees listed herein, all solid waste collection services will be subject to applicable sales tax and a monthly administrative fee of up to \$1.50.
Late fees in the amount of 10% will be charged for bills not paid timely.

Commercial Dumpster Services

		Service Frequency (x/wk)			
		1	2	3	4
Container Size	2 yard	\$67.46	\$134.94	\$189.37	\$243.83
	3 yard	\$99.41	\$180.06	\$250.87	\$316.02
	4 yard	\$128.91	\$228.43	\$304.20	\$379.93
	6 yard	\$184.65	\$310.11	\$423.74	\$538.55
	8 yard	\$225.51	\$451.01	\$676.52	\$902.03