

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CARROLLTON, TEXAS

Section 1.

That Title 5, Chapter 50 Solid Waste and Recycling of the Carrollton Code of Ordinances is hereby amended in its entirety as follows:

Sec. 50.01. Definitions.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Approved containers. Commercial containers, residential containers, recycling bins, and yard waste bags as defined herein.

Ashes. Residue from the burning of wood, coal, or combustible material.

Brush. Includes, but is not limited to, tree and/or bush branches, marsh plants such as cattails and tropical grasses such as bamboo and all other similar plant life, twigs and trimmings that are generally too large or otherwise impractical to place in the residential container.

Bulk waste. Large rubbish items including but not limited to household appliance, bicycles, furniture, rugs, mattresses, televisions, tree limbs, fence material and other similar items. *Clean certificate.* Official documentation obtained from a licensed professional containing serial numbers or other identifying number and verification that all refrigerants, chlorinated fluorocarbons (CFC) or polychlorinated biphenyls (PCB) have been removed from the appliance and properly disposed.

Commercial private hauler. A person that hauls another's refuse for a fee.

Container, automated. See "Container, residential".

Container, commercial. A metal or plastic receptacle for business refuse, also known as a dumpster, designed to be lifted and emptied mechanically.

Container, residential. A plastic receptacle for residential refuse with two wheels and a lid, designed to be lifted and emptied mechanically. Residential containers are also referred to as "automated containers for residential use."

Director. The City Manager or his designee.

Garbage. Putrescible animal and vegetable wastes resulting from handling, preparation, cooking, or consumption of food.

Household hazardous waste. Waste that is generated by a household that could pose a risk to human health or the environment due to ignitability, corrosivity, reactivity, or toxicity. Examples of household hazardous wastes are lead acid batteries, gasoline, degreasers, paints, pesticides, herbicides, fertilizers, pool chemicals, paint thinners, glues, cleaning products, and pharmaceuticals.

Recyclable material. A material that has been recovered or diverted from the nonhazardous wastestream for purposes of reuse, recycling, or reclamation, a substantial portion of which is consistently used in the manufacture of products that otherwise may be produced using raw or virgin materials. Recyclable material is not solid waste. However, recyclable material may become solid waste if it is disposed of in any manner other than recycling, as defined below.

Recycling. A process by which materials that have served their intended use or are scrapped, discarded, used, surplus, or obsolete are collected, separated, or processed and returned to use in the form of raw materials in the production of a new product.

Recycling bin. A container owned and furnished by the city for a resident to place recyclable materials for collection.

Refuse. All putrescible and nonputrescible solid wastes, including garbage, rubbish, and ashes.

Resident. A person who resides in the city.

Residential containers. Automated carts and recycling bins, owned and distributed by the city but provided for the use and convenience of the resident.

Residential unit. A dwelling as defined by the Carrollton Comprehensive Zoning Ordinance.

Residential waste. Includes bulk, brush, garbage, recycling, and other allowable waste as set forth in Chapter 50 of the Code of Ordinances, including waste placed in residential containers.

Rubbish. Nonputrescible solid waste, such as waste wood products, tree trimmings, grass cuttings, leaves, paper, discarded mattresses, wire, glass, and scraps of metal.

Solid waste. Garbage, rubbish, refuse and other discarded material from municipal and commercial operations as defined in 31 TAC §§ 330.2, Definitions.

Trash. See "Rubbish."

Yard waste. Cut grass, leaves, small brush and tree trimmings.

Sec. 50.02. Deposit of garbage and refuse on property or rights-of-way.

It shall be unlawful for any person to place, throw, or otherwise deposit any garbage or refuse on any lot or parcel of land or on any street, alley, sidewalk, or other place in the city, except in a can or receptacle meeting the requirements of this chapter.

RESIDENTIAL COLLECTION

Sec. 50.15. Unlawful collection or removal of refuse or recyclable material-- Residential.

It shall be unlawful for any person other than the city to collect or remove residential solid waste or recyclable material from any residential unit in the city. It is a defense to prosecution under this section that the person who collected or removed solid waste that the city does not collect or is prohibited by law to haul.

Sec. 50.16. Accumulation of refuse.

No owner, lessee, or occupant of any residential unit shall permit the accumulation of any refuse on his premises, except in approved containers.

Sec. 50.17. Placing refuse in another's container.

A person commits an offense if he places refuse in any approved container which he neither owns nor leases, when he does not have the permission of the owner or lessee of said container.

Sec. 50.18. Damage to city containers.

A person commits an offense if he damages any refuse or recycling container owned by the city. It is a defense to prosecution under this section that the damage resulted from normal wear and tear.

Sec. 50.19. Collection only from approved containers; automated and recycling.

- (A) The city will collect solid waste from residential units only in city-approved containers.
- (B) All residential solid waste must be securely tied and bagged inside the approved residential containers.
- (C) Lids to all approved residential containers shall be kept closed at all times unless being loaded or unloaded.
- (D) Waste placed outside or on top of the container will not be collected.
- (E) Maximum weight per each 95-gallon container shall be 200 pounds.
- (F) Residential customers may order additional automated containers for a minimum retention period of six months.
- (G) Exception: brush and bulk waste are not required to be placed in an approved container.

Sec. 50.20. Collection of yard waste.

The city will only collect yard waste that is bagged and placed in an approved residential container

Sec. 50.21. Collection of bulk and brush waste.

- (A) Bulk waste shall be collected based on a schedule determined by the city.
- (B) The city will only collect appliances such as a freezer, refrigerator, water cooler, dehumidifier, air conditioner, or other similar appliance containing refrigerants that have received state-approved reclamation certification that all refrigerants have been removed, and are marked in a manner approved by the city. The requirement for refrigerant removal is the sole responsibility of the owner and/or tenant placing the waste for collection. A handling fee and a premium service collection fee as set forth in section 31.01(K) of the Code of Ordinances will be charged for the removal of each appliance that has an approved clean certificate.
- (C) Bulk and brush waste placed out for collection shall be placed in a manner that will not pose a risk to public health or a safety hazard, including but not limited to removing refrigerator doors and latches, securing doors with chain, wire or rope to prevent opening, or other method to remove hazards and allow safe, manual collection.
- (D) Bulk waste shall be collected from the front curb of a residential unit or other approved location and shall be placed in a manner that is free from overhead obstructions and at least three feet from city water and gas meters and other objects. Bulk waste will only be collected from a residential unit if generated by the occupant and placed appropriately in accordance with these guidelines.
- (E) Bulk waste shall be bagged, boxed, or otherwise contained where applicable before placing out for collection. Bulk waste must be stacked into neat, manageable piles for safe, manual collection by solid waste crews.
- (F) Brush shall cut to a length not exceeding twenty feet.
- (G) Motor vehicle tires shall not be placed for collection with residential waste.

Sec. 50.22. Refuse generated on-site.

- (A) The city will collect and accept only refuse that is generated on-site.
- (B) A person commits an offense if he places for collection refuse generated off-site.

Sec. 50.23. Flammable material.

A person commits an offense if he places hot ashes or any highly flammable or explosive material in any approved container.

Sec. 50.24. Placement and timing of residential waste for collection.

- (A) Residential waste shall be placed within three feet of the curblineline or alley line, as designated by the city.
- (B) Residential waste shall be placed not closer than three feet from any structure including but not limited to: mailboxes, trees, overhanging tree limbs, gas meters, water meters, parked vehicle, screening walls and fences, or other similar structures. Placement must also provide clear lateral access.
- (C) Residential waste shall be placed at the location designated by the city for collection not earlier than 6:00 p.m. of the evening before, nor later than 6:30 a.m. of the resident's collection day.
- (D) Residential waste collected from the front of the house shall be removed to within ten feet of the residence. Residential containers collected from the alley shall be removed

to an area closer to the residence than the alley line. Residential containers shall be removed not later than 9:00 a.m. on the day following the resident's scheduled collection day.

(E) Residential waste shall not be placed so that it blocks or impedes a street or alley right-of-way, a city water or gas meter, drainage ditch, sight triangle at an intersection, or sidewalk.

(F) Residential waste improperly placed will not be collected.

Residential containers shall be placed on or near the curblineline or next to the alley line, as designated by the city. Residential Containers shall be placed at the location designated for collection not earlier than 6:00 p.m. of the evening before, nor later than 6:30 a.m. of the resident's collection day. Residential containers collected from the street shall be removed to a place behind the front of the residence and be maintained within five (5) feet of the residence. Residential containers collected from the alley shall be removed to an area closer to the residence than the alley line.

Sec. 50.25. Reserved.

Sec. 50.26. Collection.

Collection of residential waste shall be as set forth in a schedule designated by the city.

Sec. 50.27. Refuse and recyclables to be protected from the elements.

Refuse subject to being blown by winds shall be covered, tied, weighted, or appropriately contained.

Sec. 50.28. Disposal of hazardous waste.

(A) Household hazardous waste shall be disposed of in accordance with manufacturers' recommended methods. Hazardous waste shall be taken to a facility designed for accepting and processing hazardous waste or special collection events, as designated by the city.

(B) A person commits an offense if such person places any hazardous waste in an automated residential containers, recycling bin, or out for collection in any other manner.

Sec. 50.29. Residential containers not to be marked, damaged or removed.

(A) All approved residential containers shall remain the property of the city.

(B) A person commits an offense if such person marks, paints, burns, breaks or otherwise damages a residential container or recycling bin.

(C) Residential containers shall not be removed from a residential unit by any person except where designated by the Director.

(D) It is the responsibility of the owner and/or tenant to maintain their containers in a clean and sanitary condition.

(E) Cost for repair or replacement of damaged residential automated containers as set forth in section 31.01(K) of this Code resulting from negligence or misuse as determined by the Director shall be the incurred by the utility customer, landlord, property owner or property manager.

(F) It is a defense to prosecution under this section that the damage resulted from normal wear and tear.

Sec. 50.30. Special waste collection services.

(A) Special collection services are offered at an additional fee as set forth in section 31.01(K) of this Code for the collection, hauling and disposal of large amounts of waste and/or unscheduled collections.

(B) The utility customer, landlord, property owner or property manager is solely responsible for all waste placed out for collection at the established service rates as set forth in section 31.03(K) of this Code.

Secs. 50.31--50.39. Reserved.

COMMERCIAL COLLECTION

Sec. 50.40. Doors and lids of commercial containers to be kept shut.

All doors and lids of commercial containers shall be kept closed unless the container is being loaded.

Sec. 50.41. Commercial containers not to be marked or damaged.

A person commits an offense if he:

(A) Damages or removes any commercial container or its contents without permission of the owner or lessee thereof.

(B) Makes a fire or burns any material in a commercial container.

(C) Paints or marks upon, or places a poster or sign on any commercial container without the permission of the owner or lessee thereof.

(D) Maintains a commercial container with visible graffiti.

Sec. 50.42. Accumulation of refuse.

An owner, occupant, tenant, or lessee of a premises commits an offense if he allows any accumulation of refuse around or in the vicinity of a commercial container.

Sec. 50.43. Placement of commercial containers.

A commercial container shall not be located so that it blocks any of the following:

(A) A road or street right-of-way.

(B) A drainage ditch.

(C) A sight triangle at an intersection.

(D) An alleyway.

(E) A fire lane.

Sec. 50.44. Placing refuse in another's container.

A person commits an offense if he places refuse in any commercial container for which another person has paid a charge for refuse collection service. It is a defense to prosecution under this section that the person paying the fee for refuse collection service consented to the actor's placement of refuse therein.

Sec. 50.45. Commercial collection not to be obstructed.

Nothing may be placed or left in a location that prohibits or obstructs the collection of refuse from a commercial container.

Sec. 50.46. Minimum collection from commercial containers.

Commercial refuse shall be collected from commercial containers at a minimum of once per week.

Sec. 50.47. Unlawful collection or removal of refuse or recyclable material-- Commercial.

It shall be unlawful for any person other than the city or a commercial private hauler to collect or remove refuse or recyclable material from a commercial container.

Sec 50.48 Disposal of hazardous waste.

A person commits an offense if such person places any hazardous waste in a commercial container, recycling bin, or out for collection in any other manner.

Secs. 50.49--69. Reserved.

SOLID WASTE COLLECTION PERMIT

Sec. 50.70. Franchise for commercial collection required.

No person, firm, corporation, or other entity, excluding the city, may use the public streets, alleys, or thoroughfares within the corporate limits of the city for the purpose of engaging in the business of collecting or transporting solid waste or recyclable materials from commercial and industrial premises within the city without first having obtained a solid waste collection permit from the city.

Sec. 50.71. Application for permit; expiration.

(A) To obtain a solid waste collection permit, a person must submit an application on a form provided by the Director of Finance or designee. The applicant must be the person who will own, control, or operate the proposed solid waste collection service.

(B) The permit application shall include the following information:

- (1) The applicant's name, address(es), and verified signature;
- (2) The form of business of the applicant, and, if the business is a corporation or association, evidence of the authority of the person signing the application to represent the business; and

- (3) Documentary evidence of payment of ad valorem taxes owed on real estate or personal property to be used in connection with the operation of the proposed solid waste collection service.

(C) Application for the permit shall be accompanied by a \$50.00 nonrefundable processing fee.

(D) The solid waste collection permit expires December 31 of each year and may be renewed by making application as provided in this section.

Sec. 50.72. Annual fee.

(A) The annual fee for the solid waste collection permit is an amount equal to five percent of the gross receipts on all revenues and income collected from any source derived from the operation of the solid waste and recyclable materials collection service within the corporate limits of the city.

(B) The permit holder shall remit the annual fee quarterly, on or before the thirtieth day of April, July, October, and January, based upon the revenues collected during the previous calendar quarter.

(C) The quarterly payment shall be accompanied by an income statement certified by the permit holder acknowledging compliance with this section.

Sec. 50.73. Requirement to furnish information.

The books and records of the permit holder shall be open at reasonable times for inspection by the Director of Finance or his designee in accordance with the terms of this subchapter.

Sec. 50.74. Marking of vehicles and containers.

The permit holder shall identify all vehicles and solid waste containers with its name in letters at least two inches tall.

Sec. 50.75. Revocation of permit.

The Director of Finance or designee may revoke a solid waste collection permit for the failure of the holder to provide required information, for failure to pay fees, or for making false statements on the application or quarterly report.

Sec. 50.94. Adequate disposal requirements.

(A) If a person receiving solid waste services by the city regularly generates more solid waste than can be placed in one provided container for collection, the city will require the person to obtain an additional container or increase commercial service levels for a period of not less than six months.

(B) In the event that any person is required to obtain an additional container or increase service levels, notice of the requirement shall be given to such person by the Director by one of the following methods:

- i. Personal delivery of the notice in writing; or
- ii. By letter addressed to the customer, owner, landlord or tenant at the last known address

(C) It shall be the responsibility of the person receiving solid waste services to arrange for the termination of this requirement after the six-month period and incur all costs associated with the additional container or service level increases.

GENERAL PROVISIONS

Sec. 50.95. Authority to enforce.

It shall be the duty of the Director to make all necessary inspections and investigations of any and all structures and premises, business establishments and private residences to enforce the provisions of this chapter.

Sec. 50.96. Sales tax.

All rates for solid waste services are subject to the appropriate state taxes.

Sec. 50.99. Penalty.

A person who violates any provisions of this chapter is guilty of a misdemeanor, and upon conviction is punishable as set forth in section 10.99, for each act of violation and for each day or part of a day during which the violation is committed, continued or permitted.

Section 2.

That any owner, occupant, firm or corporation violating a provision of this ordinance, upon conviction, is guilty of an offense punishable as provided in Section 10.99 of the Carrollton City Code as amended.

Section 3.

That if any section, sub-section, paragraph, clause, phrase, or provisions of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provisions hereof, other than the part so decided to be invalid or unconstitutional.

Section 4.

Savings Clause

That except as herein amended, Title 5, Chapter 52, otherwise known as the Solid Waste and Recycling of the Carrollton Code of Ordinances, as amended, shall remain in full force and effect.