

ORDINANCE NO. 2014-0120-01
(Amended 10-19-2015)

AN ORDINANCE ESTABLISHING A CITY-OWNED SOLID WASTE DEPARTMENT IN LORENA FOR THE PURPOSE OF COLLECTING AND DISPOSING OF GARBAGE AND RECYCLABLES; PROVIDING AN ENACTING CLAUSE; SETTING RATES; SETTING FORTH THE OBLIGATIONS OF THE CITY AND CUSTOMERS; SETTING RATES FOR SPECIAL SERVICES; PROVIDING FOR PENALTIES, A CUMULATIVE REPEALER, SEVERABILITY, AND PUBLICATION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LORENA, TEXAS as follows:

SECTION I. Definitions

- A. "Garbage" is household waste or solid waste produced for a non-residential purpose. It includes bush and small tree trimmings. It does not include hazardous materials, paint, fuel, or tires. *See* SECTION IV, Subsections C, D, and G.
- B. "Customers" are those persons who are enrolled with the City of Lorena to have their garbage picked up and disposed and who pay for that service.
 - 1. "Residential customers" are customers who reside in single-family or duplex multi-family structures.
 - 2. "Non-residential customers" are business or commercial customers or persons residing in multi-family structures. The term includes but is not limited to businesses of all kinds, including churches, temples, synagogues, benevolent organizations, and public entities.
- C. "Dumpster" is a solid waste container of 3 cubic yards or more and is rectangular or square in shape.
- D. "Canister" is a solid waste container cart of 90 gallons or more which has wheels for rolling the container out to the curb to be dumped, and which is commonly deployed for residential use or small business use.
- E. "Round dumpster" is a container of 300 gallons and recognized by its shape.
- F. "Tax" is the General Sales Tax of the State of Texas.
- G. "In-city" refers to customers who live within the City Limits of Lorena.

- H. "Out-of-city" refers to customers located outside the City Limits of Lorena.
- I. "Container" or "containers" refer to all dumpsters and canisters described above.

SECTION II. Enacting Clause

The City of Lorena hereby establishes the Lorena Solid Waste Department to serve the people within the City of Lorena and any other customers that the City is allowed to serve based upon the City being a Type A General Law city. The first date of service of the City of Lorena Solid Waste Department shall be April 1, 2014.

SECTION III. Rates

- A. The in-city residential canister rate service is \$15.90 + Tax for each month of service for one canister. This amount is added to the bill which the customer already receives from the City for other City services such as water and/or wastewater. Residential customers whose historical use is greater than the capacity of one canister can subscribe to additional canisters for \$10.00 + Tax per month for each additional canister requested.
- B. The out-of-city residential canister rate service is \$19.90 + Tax for each month of service for one canister. Additional canisters can be requested for \$12.00 + Tax per month for each additional canister. For out-of-city customers who do not receive any other bill for services from the City, a security deposit equal to two months of requested service shall be required.
- C. The in-city non-residential canister rate is \$15.90 + Tax for each month of service for one canister. Additional canisters can be added for \$10.00 + Tax per month. For this class of customers who have a larger historical use, there is an option for a Round Canister for \$45.00 + Tax per month.
- D. The out-of-city non-residential rate is \$19.90 + Tax for each month of service for one canister. Additional canisters can be added for \$12.00 + Tax per month, and Round Canisters can be requested for \$57.00 + Tax per month.
- E. All customers who request Dumpster service shall be billed at the following formula: [Number of Times Dumped per week] X [capacity of dumpster] X [\$30.00] will be the monthly bill. Tax will be added as required by State Law. For out-of-city dumpster customers, a 15% surcharge will be added to cover additional expenses the City incurs in driving outside the City. Example of in-city dumpster rate: A customer has a 6-yard dumpster which is dumped twice per week. Multiply $2 \times 6 \times \$30.00 = \$360.00 + \text{Tax per month}$.
- F. Customers who have an occasional need for pick up of larger quantities of

solid waste can telephone or e-mail City Hall and request individual specialized pick up for \$50.00 per trip. Payment must be made in advance unless customer has previously made a sufficient security deposit to protect the City's costs.

- G. For dumpsters which become dirty and odorous, the City reserves the right to pick up the dumpster and take it to be cleaned, and assess a \$50.00 fee to the customer each time that service is provided. For canisters which become dirty or odorous, the cleaning fee is \$25.00 per cleaning. These fees will be added to the customer's bill.
- H. Customers who fail to place their canisters out in time for collection or whose canister is blocked by a vehicle may request the collectors to return, but will be assessed a fee of \$25.00 per trip. It is the responsibility of the resident to assure that no vehicle blocks their garbage container. The fee will be added to the customer's bill.

SECTION IV. Obligations of the City and Obligations of the Customer

- A. Every residential and non-residential customer in or out of the City of Lorena shall be assessed no less than the basic rate for minimal garbage service according to their customer classification.
- B. Buildings which contain both a residence and a non-residence shall pay the rate as enrolled by the customer for the residence as well as the rate enrolled by the customer for the non-residence.
- C. Customers shall not place any paint, fuel (such as gasoline or diesel), hazardous chemicals, tires of any size, or electronics in their containers.
- D. Only items which can fit in the container with the lid closed will be allowed. Containers with items stacked on top will not be picked up by the garbage collector. Bricks, blocks, dirt, sweepings, spent or used hot water heaters, and similar items shall not be placed in containers due to their weight.
- E. City will provide a community dumpster for one-time deposit of residential garbage due to special events such as extra persons in the residence during a holiday, or spring cleaning or other similar event. The customer may bring those items to the dumpster free of charge. Identification and proof of residency will be required.
- F. All garbage must be bagged before being placed inside the container in order to prevent the wind from blowing litter and to keep containers clean inside. Scattered litter will result in a fine and the customer will be required to clean the area or be subject to another fine.

- G. Customers shall not place any electronic equipment in the containers.
- H. Customers who subscribe to more than the basic service shall be expected to maintain that service for no less than 6 months or be subject to a fee for the City to pick up the extra container(s).
- I. The City shall provide the first residential canister at no cost to the customer, but the customer shall be responsible for the canister if it is lost, stolen, or damaged. Replacement canisters are \$60.00 per canister. Customers shall move their empty canisters back to their residences as soon as possible to protect them and for aesthetic purposes.
- J. If a customer moves out of a residence, the City's canister shall be left for the next resident. Removing a canister from its assigned location is considered theft and will be treated so according to the Texas Penal Code.
- K. In-city residential customers may have tree trimmings and brush trimmings collected by a City crew by calling City Hall and requesting that service. All material must be tied into small bundles for easy manual handling. This service is free once per calendar year. Subsequent service in the same year is \$25.00 per trip.

SECTION V. Recycling Program

- A. The recycling program will be provided to in-city customers only.
- B. In order to encourage recycling, the City of Lorena will assess no fee to collect normal amounts of recyclable materials from residential or non-residential customers. Participation by customers is optional.
- C. Residential recycling collection shall be on the same day as regular canister service pick up.
- D. Non-residential dumpster customers' recycling will be collected on the same days as dumpster service collection.
- E. All corrugated cardboard must be bundled and tied securely.
- F. All residential recycling must be placed in clear bags and tied securely. No non-recyclable items will be permitted in bags with recycle materials. If items not approved for recycling are seen in bags, bags will not be collected.
- G. Customers will be provided a list of items the City will accept for recycling.

SECTION VI. Severability Clause

If any provision, section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this ordinance are declared to be severable for that purpose.

SECTION VII. Penalty Clause

- A. Unauthorized use of any garbage container in the City of Lorena shall be penalized as a crime of "Theft of Services" per Texas state law.
- B. Theft or criminal damage of any garbage container in the City of Lorena shall also be penalized under existing laws of the State of Texas.
- C. Any person who places an item prohibited by SECTION IV, Subsections C, D, and G of this Ordinance from being placed in a container shall be guilty of a Class C misdemeanor, the penalty for which shall be a fine of up to \$500.00.

SECTION VIII. Conflicting Provisions Repealed

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IX. Open Meeting

It is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public as required by law, and that public notice of the time, place and purpose of said meeting was given as required.

SECTION X. Inclusion in the Lorena Code of Ordinances

That it is the intention of the City Council and is hereby ordained that the provisions of this ordinance shall become and be a part of the Code of Ordinances of the City of Lorena, Texas, and that sections of this ordinance may be renumbered or re-lettered to accomplish such intention.

SECTION XI. Publication

The City Secretary is hereby ordered and directed to cause this ordinance to be published in accordance with Texas statute.

PASSED THIS 20th DAY OF January 2014, at a scheduled meeting of the City Council of the City of Lorena, Texas, there being a quorum present, and approved by the Mayor and the amendment approved on the date set forth below,

APPROVED THIS 19th DAY OF OCTOBER 2015.



Chuck Roper, Mayor
City of Lorena, Texas

ATTEST:



Monica Hendrix, City Secretary