

ORDINANCE NO. 2016-2

AN ORDINANCE AMENDING ORDINANCE 84-4 PROVIDING FOR SOLID WASTE DISPOSAL SERVICE WITHIN THE CONFINES OF THE CORPORATE LIMITS OF THE VILLAGE OF JAMAICA BEACH, TEXAS; PROVIDING FOR PRIVATE COLLECTIONS UPON ISSUANCE OF PERMITS; AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE, AS AMENDED, TO PROVIDE MORE EFFECTIVE AND EFFICIENT POLICIES AND PROCEDURES FOR THE COLLECTION OF RESIDENTIAL GARBAGE, TRASH AND REFUSE IN THE CITY OF JAMAICA BEACH; PROVIDING DEFINITIONS, RATES AND A PENALTY CLAUSE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THIS SUBJECT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, based on an investigation of the various forms of solid waste disposal systems being used by inhabitants, both permanent and temporary and by visitors to the City of Jamaica Beach, Texas, it was determined that a uniform solid waste disposal service need be implemented within the corporate limits of Jamaica Beach, Texas; and,

WHEREAS, the City Council of the City of Jamaica Beach, Texas deems it in the best interest of law enforcement and the citizens to adopt this ordinance to provide more effective and efficient policies and procedures for the collection of residential garbage, trash and refuse; and,

WHEREAS, this ordinance covers topics that include definitions, services offered, garbage and trash regulations, garbage receptacle requirements, times when receptacles may be in a public area, brush regulations, service rates and a penalty clause;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JAMAICA BEACH, TEXAS:

SECTION 1. ORDINANCE GOVERNING: All garbage, trash, recycling and refuse collection within the city shall be controlled by the provisions of this Ordinance.

SECTION 2. DEFINITIONS: As used in this Ordinance, the following terms shall have the meanings respectively ascribed to them in this section:

- A. *Brush:* Brush shall mean tree limbs and other cuttings from branches of trees and shrubs.
- B. *Commercial:* Any premises that are used for income producing purposes, including apartments larger than 4-plexes, except that boarding houses or rooming houses, which shall be considered to be a group of residential units. All premises that contain greater than four units of residential habitation under one (1) common roof shall be considered "commercial" for the purposes of this chapter. A 4-plex that is part of an associated series of buildings shall be considered "commercial" for the purposes of this chapter if the premises are

controlled by a homeowner's or condominium association and that association pays one water bill for all residents of the condominiums.

- C. *Customer*: Customer shall mean the occupant of a residential, commercial or industrial structure located within the City of Jamaica Beach, whether the owner, renter or lessee thereof.
- D. *Edible*: Edible to either humans or animals.
- E. *Garbage*: Garbage shall mean every refuse accumulation of animal, fruit or vegetable matter attending the preparation, use, cooking, and dealing in or storage of meat, fish, fowl, fruits, vegetables, or grains and may also include waste paper and other miscellaneous household rubbish.
- F. *Manufacturing plant*: A business which produces products from raw materials by mechanization through division of labor.
- G. *Private Collector*: A licensed individual or company that collects garbage, trash and brush from a residential or commercial customer.
- H. *Processing plant*: Any establishment which by various processes transforms meat, fish or poultry from its natural state into a substance which is edible with no or a minor amount of preparation such as cooking.
- I. *Receptacles*: Containers that are appropriate for the placement of garbage and trash.
- J. *Recyclable materials*: Useful materials that are extracted at the source prior to being discarded into the garbage, trash or other waste stream to be eventually reused, reprocessed, or reconditioned into a new use or function.
- K. *Refuse*: Garbage or trash or any combination thereof.
- L. *Residential*: An improved lot, tract, parcel of land or type of property, containing a single family or multifamily structure; a non-commercial property.
- M. *Trash*: Paper of all kinds, rags, old clothing, paper and cardboard containers, old rubber, small pieces of wood, boxes, barrels, crates, weeds, grass, twigs (but not brush), leaves and other similar type materials the collection of which is not prescribed by this Ordinance.

SECTION 3. SERVICE OFFERED: From and after the effective date this act, garbage, trash, and brush service shall be offered and extended to owners and/or inhabitants of all improved lots, tract or parcels of land located within the corporate limits of the City of Jamaica Beach, Texas.

SECTION 4. GARBAGE AND TRASH; LOCATION AND NATURE OF RECEPTACLES; TIME OF PICK-UP:

- A. All materials shall be placed in a plastic bag and then in a plastic or metal water type container with close fitting lids that repel animals and pick-up shall not have a capacity in excess of 30 gallons, and shall have usable handles on sides. Alternatively, plastic bags customarily used for disposal or household refuse shall be permissible.

- B. Any person responsible for making a payment of fees for collection of fees under this Ordinance shall also be responsible for maintaining the receptacles in a clean and sanitary manner.
- C. Receptacles and containers shall be placed for collection in one of the following locations, wherever possible:
 - 1. Adjacent to the curb of the street in front of the property being serviced;
 - 2. In areas where no street curbing exists and surface drainage is conducted through open road-side ditches, point of collections shall be on the shoulder of the street between the edge of the pavement and the drainage ditch, if there is sufficient space; if not, containers shall be placed on private property as close to the ditch as possible. No container shall ever be placed for collection in such a location as to interfere with the normal flow of traffic or surface drainage along and through drainage ditches.
- D. All refuse containers shall be set out for collection prior to 8:00 A.M. on the regular day of collection.

SECTION 5. RECYCLING, REGULATIONS:

- A. Recycling containers may be picked up at City Hall.
- B. The following items are eligible for recycling:
 - 1. Newspapers - tie with string or place in brown paper bag under recycling bin. Do not include magazines, waxed paper, etc.
 - 2. Aluminum Cans - cans should empty and rinsed clean.
 - 3. Plastic Bottles - should be a #1 or #2 plastic, such as, soda bottles and milk jugs; caps should be removed and bottles should be rinsed.
 - 4. Tin/Bi-Metal Containers - containers such as vegetable and soup cans should be rinsed clean; lids should be removed and placed inside, with the opening "pinched closed".
- C. All recycling containers shall be set out for collection by 7:00 A.M. on the city's designated collection day of the week (contact City Hall for day).

SECTION 6. BRUSH; REGULATIONS:

- A. Brush shall be collected from curb sides only.
- B. Brush deposited at the collection site shall be neatly bundled in bundles under 5 feet in length and ties. Any such bundle shall never exceed 50 pounds in weight. No bundle of brush shall ever be deposited for collection in any place which may cause interference with the normal flow of traffic or surface drainage along and through drainage ditch.
- C. Brush shall be set out for collection prior to 8:00 A.M. on the city's designated collection day of the week (contact City Hall for day).

SECTION 7. RATES; GARBAGE AND RECYCLING:

- A. Every customer receiving water service from the City of Jamaica Beach shall be charged a garbage, trash and brush fee unless it can be shown that garbage, brush, and trash are being removed by a permitted private collector.
- B. The rate for garbage collection shall be \$10.89, plus sales tax, per customer per month.
- C. Recycling collection shall be free to residential garbage collection customers.

SECTION 8. COMMERCIAL PROPERTY: Commercial properties must contract with a private collector. If a business wishes to use city service, arrangements need to be made with the City Secretary. If the city is able to provide such service, fees will be negotiated based on quantity. See Ordinance 2011-1 for policies and procedures pertaining to commercial properties.

SECTION 9. FAILURE TO COMPLY WITH ORDINANCE: Any person violating any provision of this Ordinance shall be guilty of a misdemeanor. No collection service shall be provided when the provisions of this Ordinance are violated. Such collection service shall be suspended until such violations have been ceased and abated.

SECTION 10. 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, clause, 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.

SECTION 11. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 12. This Ordinance shall be and become effective 45 days after its adoption.

APPROVED AND ADOPTED this the 15th day of August, 2016.



Steve Spicer, Mayor

ATTEST:



Lupe Rushing, City Secretary