

ORDINANCE NO. 2019-3

AN ORDINANCE OF THE TOWN OF COMBES BOARD OF ALDERMEN, REPEALING ALL OF ORDINANCE 100-14, March 1975. AN ORDINANCE CONCERNING THE COLLECTION, REMOVAL; SETTING REGULATIONS REGARDING RECEPTACLES FOR GARBAGE, TRASH, AND REFUSE; ESTABLISHING THE SERVICE OF COLLECTION, REMOVAL, AND DISPOSAL OF GARBAGE, TRASH, AND REFUSE; PROVIDING REGULATIONS REGARDING SAID SERVICE; SETTING FEES AND COLLECTION FOR SAID SERVICE FEES; PROVIDING A PENALTY FOR VIOLATION OF SAID REGULATIONS; PROVIDING A SAVING

WHEREAS, the Board of Aldermen of the Town of Combes finds that the efficient and standardized collection, removal and disposal of residential garbage, trash, refuse within the Town of Combes is beneficial and desirable for the health, safety, and welfare of the public:

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF COMBES:

ARTICLE I. DEFINITIONS

The following terms as herein defined shall control in the construction and enforcement of this Ordinance:

- a) The term "Town" shall mean the Town of Combes, Texas
- b) The term "contractor" shall mean any individual, firm, or corporation, which the town shall contract with for the collection, removal, and disposal of garbage, trash and refuse within the Town of Combes.  
The term "garbage" shall include all decayable wastes, including vegetables and animal matter.
- c) The term "trash" shall include all decayable and non decayable wastes, except vegetable and animal matter, but including paper, wood, plastic, metal, glass, or rubber materials
- d) The term "bulk items" shall include all household furnishings, refrigerators, washers and dryers, and other large household items.
- e) The term "residential account", shall apply to single-family residences.
- f) The term "small commercial" account shall apply to duplexes or where business is being conducted in a residential home.
- g) The term "commercial account" shall refer to all accounts where the primary occupancy of the site is for non-residential purposes and does not fall in the definition of (f) or (g) above. All commercial accounts will have to contract directly with the Town's trash provider for service.

## ARTICLE II. RECEPTACLES

Section 1. Requirements. Any person using or occupying as a residence any building, house or structure within the Town shall provide and maintain in good order and repair garbage or trash receptacles of sufficient number to contain the garbage or trash what will accumulate on the premises.

Section 2. Removal of Contents. It shall be the duty of every owner of a garbage or trash receptacle to remove or to have removed the contents of the same in accordance with ordinance at least once a week.

Section 3. Unauthorized Removal of Garbage and Trash from Containers. It shall be unlawful for any person other than those duly authorized by the Town to collect or remove any garbage or trash from garbage and trash receptacles used in the regular Town collection service.

Section 4. Specifications. Receptacles used for storage of refuse materials shall be watertight and meet the following specifications:

- a) Trash receptacles of durable plastic or other suitable material will be provided by the Town's selected contractor to every residential, small commercial and commercial account in the Town.

Section 5. Placement for Collection. Contractor shall provide curbside collection of garbage, trash, and refuse to each residential, small commercial and commercial account within the Town of Combes one (1) time per week, Containers shall be placed at curbside on the designated collection day as per any current and enforceable refuse collection contract. Contractor will provide once a month brush and bulk item pick up. In an effort to maintain an aesthetic environment, bulk and brush items cannot be placed at curbside for pickup any time prior to (7) days of scheduled monthly pickup. See attached Exhibit A – Schedule of Brush and Bulk Pickup Dates.

Section 6. Placing Garbage and Trash Receptacles. Garbage or trash that is mixed with water or other liquids shall be drained before being placed in a garbage or trash receptacle.

Section 7. Certain Matter Not to Be Placed in Receptacle. Explosives, dangerous or corrosive chemicals, heavy metals or metal parts, lumber, dirt, rocks, bricks, concrete blocks, tires, and crates shall not be placed in receptacles used for regular collection service.

Section 8. Unauthorized Use of Receptacles; Duty of Owner or Occupant to Remove Refuse from Adjacent Right-of-Way. It shall be unlawful for any person to place, or permit another to place, any garbage or trash in any receptacle unless the refuse is from the premises at which the receptacle is located.

The owner or occupant of any building, house, structure or land shall cause to be removed all refuse items of the nature which are prohibited to the regular collection service, and which are located, owned or deposited on the property or on the public right-of-way adjacent to the property, and the existence of refuse or any other item on the property adjacent public right-of-way shall be prima facie evidence that such owner or occupant failed to remove, as provided by this ordinance, at this own expense, the refuse or other

items so stored or located thereon. Removal within three (3) days of notice by the town is required.

Section 9. Supervision of Receptacles, Notice to town of Failure to Empty Receptacles. Each owner, manager, occupant, tenant or lessee of a house or building used for residential purposes shall maintain supervision and surveillance over the garbage or trash receptacles serving such premises, and if such receptacles are not emptied and the contents removed by an employee of the Town or other duly authorized person for a period of seven (7) days, he shall notify the Town of the fact within five (5) days.

### ARTICLE III. COLLECTION

Section 10. Establishment of Service. The town shall establish collection services by contracting with contractor for the collection, removal, and disposal of garbage, trash, and refuse within the Town limits from receptacles or otherwise as described in Sections 4 and 7.

Section 11. Removal of Bulk Items. The contractor shall remove items such as crates, refrigerators, stoves, air-conditioners, sodas, chairs, pipes, auto parts, mufflers and other like items once a month.

Section 12. Frequency of Regular Collection Service. Regular Town collection service shall be provided one time per week for the protection of public health and the control of flies, insects and rodents, Receptacles shall be placed at curbside on the designated collection day.

Section 13. Location of Receptacle. Each receptacle shall be placed at curbside for collection. "Curbside" refers to that portion of the right-of-way adjacent to paved or traveled Town roadways, including alleys. Receptacles shall be placed as close to the roadway as practicable without interfering with or endangering the movement of vehicles or pedestrians. When construction work is being performed in the right-of-way, receptacles shall be placed as close as practicable to an access point for the collection vehicle. The Town may decline to collect any receptacle, bag or bundle not so placed.

### ARTICLE IV. SERVICE FEES

Section 14. Fees. The following monthly fees are hereby established within the Town for a one 96- gallon container.

- A. Residential Accounts \$19.88
- B. Small Commercial Accounts \$39.76
- C. Extra Can Charge \$9.94
- D. Commercial Accounts fees to be determined between contractor and commercial account.

Section 15. Fees. Building and Disconnection of Water for Failure to Pay Bill. The fees established in section 14 shall be included within the monthly water bill to each residential water user within the Town. Residences located within the Town, but not receiving water from the Town, shall be billed monthly by the Town for collection services.

The fee established in this article for the collection, removal, and disposal of garbage, trash, and refuse shall be entered as charges against the owner, manager,

occupant, tenant or lessee of the residence. The Town water department is directed not to accept payment of the water bill unless such payment is in the total amount billed, which shall include the collection fee as herein provided. Should any owner, manager, occupant, tenant or lessee fail or refuse to pay the fees assessed herein provided, the Town shall have the right to disconnect water services to the residence against which such fee was assessed. Failure to pay the fees assessed will also result in the suspension of collection services to the residence making the owner, manager, occupant, tenant or lessee subject to the penalties set out in this article.

Section 16. Temporary Suspension. If a residence is to be unoccupied for a period of thirty (30) days or more, the customer, upon ten (10) days advance notice to the Town, may request suspension of collection services to the residence and shall not be billed for the period of the suspension.

Section 17. Penalty. Any person, firm or corporation violating any provision of this ordinance shall be fined not less than Twenty-Five (\$25.00) nor more than Two Hundred Dollars (\$200.00) for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

#### ARTICLE V. SAVING CLAUSE AND EFFECTIVE DATE

Section 18. Saving Clause. If any provisions, section, exception, subsection, paragraph, sentences, clause or phrase of this Ordinance No. 2019-3 or application of same of any person or set of circumstances shall be held to be unconstitutional, void or invalid, such invalidity of the remaining provisions of this ordinance or their application to other person or set of circumstances and to this end provisions of this ordinance of the Town of Combes are declared to be severable.

Section 19. Effective Date. This ordinance shall become effective from and after its adoption and subsequent publication.

First Reading: December 9, 2019

Second Reading: December 30, 2019

PASSED AND APPROVED THIS 13<sup>th</sup> DAY of January 2020

TOWN OF COMBES, TEXAS

  
Marco Sanchez, Mayor

ATTEST:

  
AIDA GUTIERREZ, Town Administrator