

ORDINANCE NO. 730

AN ORDINANCE BY THE CITY OF HOWE, ESTABLISHING A GENERAL TRASH CONTAINER ORDINANCE WITHIN THE CITY OF HOWE, TEXAS REQUIRING THAT ALL GARBAGE CONTAINERS PLACED FOR COLLECTION AND DISPOSAL OR REMOVAL OF ITS CONTENTS SHALL BE PLACED AT THE DESIGNATED COLLECTION AREA NO MORE THAN TWENTY-FOUR (24) HOURS PRIOR TO 7:00A.M. ON THE DAY SCHEDULED FOR COLLECTION, AND ALL SUCH CONTAINERS MUST BE REMOVED FROM THE COLLECTION LOCATION NO LATER THAN TWENTY-FOUR (24) HOURS AFTER 7:00 A.M. OF THE DAY THE GARBAGE IS COLLECTED; AND FOR RELATED PURPOSES.

WHEREAS, the City of Howe, Texas, having made due investigation therefore, do now find, determine, adjudicate and declare that it is necessary and proper to adopt the following ordinance governing and relating to the placement and collection of garbage containers within the city limits of the City of Howe, Texas; now therefore,

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HOWE, TEXAS, AS FOLLOWS:

**Section 1.** Progressive Waste will provide each customer with a 95 gallon cart. Additional carts can be retained at an added cost to the customer, call City Hall for details. Automated service will be done on Tuesday of each week.

**Section 2.** Carts should be stored at the side of the house or building, or keep in a garage or shed.

**Section 3.** All residential waste, refuse, rubbish or trash placed in the cart shall be bagged and closed for health and safety purposes. This will greatly assist in preventing flies, insects, rodents and other animals gaining access to the container and will assist in preventing littering. Lids or covers shall only be opened while containers are being filled. Lids shall be closed when the carts are being moved to the street for collection.

**Section 4.** On collection days the cart shall be placed with the serial number and collection bar facing the street. Each container shall be placed adjacent to the street directly behind the curb-line of the street or alley abutting such property, one (1) foot from the road surface and not more than two (2) feet from the street surface or in the place directed by the City Administrator or his designee. The cart shall be placed at least three (3) feet from mailboxes, trees, and other such obstructions, and twenty (20) feet from any cars, trailers, boats and the like in order to provide adequate and safe clearance for the automated pickup equipment.

- a. When possible, the containers shall not be placed in the streets or on sidewalks or in any manner placed where the containers will interfere with vehicular or pedestrian traffic.

- b. Commercial and/or manufacturing facilities shall screen the exposed perimeter of any solid waste receptacle with a fence or screen that is no less than six (6) feet in height.

**Section 5.** All garbage containers placed for collection and disposal or removal of its contents shall be placed at the designated collection area no more than twenty-four (24) hours prior to 7:00 a.m. on the day scheduled for collection, and all such containers must be removed from the collection location no later than twenty-four (24) hours after 7:00 a.m. of the day the garbage and recyclable materials were collected unless reasonable cause can be shown by the user of said garbage container for exceeding the time provided herein.

**Section 6.** Every owner, occupant, tenant, lessee or person with the care, custody or control of the property required to utilize carts, has an obligation to maintain supervision over the carts servicing the premises. It shall be the duty of customer to notify the City of Howe, or its duly authorized collector of solid waste, of any damage to the carts, or the failure to collect on the designed collection date, unless previously notified of a change in schedule, and of any complaints associated with the collection of solid waste.

**Section 7.** The first Saturday of each month Progressive will provide door to door large item pickup. Residents must have their large items at the normal collection point no later 7:00 a.m. for collection. Items shall not be placed at the collection point earlier than until 12:00 noon the day prior to collection day. Each resident is allowed 2 square yards of large items, or an area 3 feet by 6 feet. Any items not collected must be removed and disposed of by the resident. The pile of refuse shall not block streets, sidewalks, and water or sewer service areas. Example of items not allowed in the collection areas are: hazardous waste such as batteries, paint, pesticides, tires, building material, and refrigerant containing appliances, (ie. air conditioners, refrigerators).

- a. The city also provides a roll off bin for Large Items, located at the City Barn located at 317 S. Hughes St on the first Saturday, weather permitted, from 8:00am until 12:00pm or until the dumpster is full. **Shingles, liquid paint, oils, pesticides, hazardous waste products, batteries and items containing refrigerant (unless it has been removed by a certified AC repair person and must bear an official seal of removal) will not be accepted.**

- b. The City will provide a Recycle Bin at the City Barn on the first Saturday of each month, weather permitted, from 8:00am until 12:00.

**Section 8.** Failure to remove such containers placed for collection and disposal or removal of its contents from the designated collection area and return of same to an area immediately adjacent to the residence and/or building structure from which the containers were placed shall constitute a misdemeanor and subject the user of same to citation by municipal authorities and fined in the amount not to exceed \$50.00.

**Section 9.** Upon a third citation for failure to remove such containers placed for collection and disposal or removal of its contents from the designated collection area and return of same to an area immediately adjacent to the residence/and or building structure for which the containers

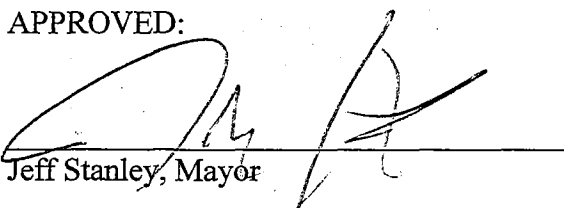
were placed, and for each subsequent violation thereafter, the user may be fined in an amount not to exceed \$100.00 per day and no more than \$500.00 total.

**Section 10.** This Ordinance shall take effect and be in force immediately after its adoption, publication and enrollment thereof as provided by law.

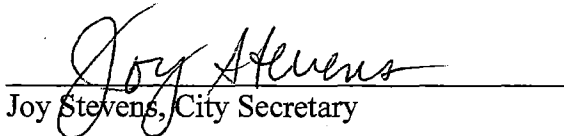
**Section 11.** All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed. This ordinance shall not be construed so as to conflict with any state or federal statute.

**PASSED AND APPROVED THIS 17<sup>th</sup> DAY OF December , 2013.**

APPROVED:

  
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Jeff Stanley, Mayor

ATTEST:

  
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Joy Stevens, City Secretary