

ORDINANCE NO. 18-120

AN ORDINANCE AMENDING CHAPTER 12 TITLED GARBAGE AND TRASH*, ARTICLE I. IN GENERAL†, & ARTICLE III.- CHARGES* OF THE CODE OF ORDINANCES OF THE CITY OF FORT STOCKTON; AND REPEALING ALL OTHER ORDINANCES OR PORTIONS THEREOF IN CONFLICT, A SEVERABILITY CLAUSE, PENALTY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council has determined that the changes set forth would be in the best interest of the citizens of the City of Fort Stockton;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT STOCKTON, TEXAS:

CHAPTER 12. GARBAGE AND TRASH*
ARTICLE I. IN GENERAL†

Sec. 12-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Biodegradable bag means a carryout bag that is certified and labeled as meeting the current ASTM-Standard Specification for compostability by a recognized verification entity such as the Biodegradable Product Institute.

Business means any commercial enterprise or establishment, including sole proprietorships, joint ventures, partnerships, corporations or any other legal entity whether for profit or not for profit and includes all employees of the business and any independent contractors associated with the business.

Checkout bag means a carryout bag that is provided to a customer at the point of sale for the purpose of transporting goods.

Construction or demolition waste shall mean any waste resulting from construction or demolition projects; including all materials that are directly or indirectly the by-products of construction work or that result from demolition of buildings and other structures, including, but not limited to, paper, cartons, gypsum board, wood, excelsior, rubber, and plastics.

Garbage shall mean any waste from any kitchen within the city limits whether from private residence or any other place within the city, waste paper, discarded clothing, rags, grass cuttings, weeds or any refuse which may properly be placed in a garbage container but shall not include dead animals or fowls, manure of any type, rocks, dirt, pieces of concrete or any other refuse not classified as garbage.

Plastic shopping bag means a bag that is made from noncompostable plastic or compostable plastic and that is not specifically designed and manufactured for multiple reuse.

Premises shall mean business houses, boardinghouses, offices, theaters, hotels, motels, restaurants, cafes, eating houses, tourist courts, trailer parks, schools, private residences, vacant lots and all other places within the city limits.

Recyclable paper bag means a paper checkout bag provided by a business to a customer at the point of sale for the purpose of transporting groceries or other goods.

Reusable bag means a bag that is specifically designed and manufactured for multiple reuse and is: (1) made of cloth or other washable fabric; or (2) made of other durable material suitable for reuse.

Trash and rubbish shall mean grass cuttings, weeds, pieces of metal, large boxes or cans, tree limbs, which shall not exceed six (6) feet in length, and any other waste articles not readily disposed of as garbage and which shall be placed in a pile on the side of the alley or street, if no alley, convenient for city trucks to load.

Type I: Putrescible Waste – Organic wastes, such as garbage, wastewater treatment plant sludge, and grease trap waste, that are capable of being decomposed by microorganisms with sufficient rapidity as to cause odors or gases or are capable of providing food for or attracting birds, animals, and disease vectors.

Type IV: Non-Putrescible Waste - Brush, construction, or demolition waste, and/or rubbish: Non-Putrescible solid waste (excluding ashes), consisting of both combustible and noncombustible waste materials. Combustible rubbish includes paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, brush, or similar materials; Noncombustible rubbish includes glass, crockery, tin

cans, aluminum cans, and similar materials that will not burn at ordinary incinerator temperatures (1,600 degrees Fahrenheit to 1,800 degrees Fahrenheit).

Waste management facility shall mean a facility operating under a federal, state or local authorization for the management of garbage, trash, rubbish, construction and demolition waster, or other types of solid waste, including a landfill, a transfer station, a recycling facility, a composting facility, a citizens collection station or other similar facility.

Sec. 12-2. - 12-11. ***

Sec. 12-12. - 12-20. - Reserved.

ARTICLE III. – CHARGES*

Sec. 12-71. 12.74 ***Sec. 12-75. - Waste Management Facility Fees.

(a) Rates per load shall be paid by either cash or check at the city's waste management facility gatehouse. Rates per load will be by scale measurement at the rate of **seventy-five dollars (\$75.00) per ton for Type I Waste and \$100 for Type IV Waste**. There is a minimum ten-dollar fee at the gate. If the scale measurement is not available the following rates will apply:

(1) Motor vehicles and trailers:

Commercial Vehicle\$43.00

Big Trailer (Flat Fee)\$43.00

Small Trailer 17.00

Pickup 17.00

Pickup with Small Trailer 34.00

Uncovered Loads (Litter Control Fee) 10.00 Additional

(2) The rate per load for non-compacted material is sixty-five dollars (\$65.00) per ton or thirteen dollars (\$13.00) per cubic yard.

(3) The City reserves the right to use the cubic-yard formula for oversized or irregular loads.

(4) Commercial haulers with compacted loads or heavy haulers will be required to weigh off-site and present a tear ticket. The load weight will be charged at sixty-five dollars (\$65.00) per ton.

(5) Any other items not covered under this article for disposal; fees shall be negotiable.

(b) Miscellaneous disposal fees:

Appliances—Freezers, refrigerators, air conditioners, etc. (with a Freon removal certificate), additional \$10.00

(If Freon has not been removed), additional 50.00

Washers, dryers, water heaters, dishwashers, stoves, etc., each 10.00

Furniture, beds, couches, chairs, etc., each 5.00

Tire disposal of passenger car/truck, each 1.50

Medium/heavy truck, each 6.00

Heavy equipment tire, each 10.00

Additional added if steel wheel is attached, each 5.00

Fifty-five-gallon drum burn barrels, each 3.00

(c) Fees for the city waste management facility permit program shall be:

Application processing fee \$50.00

(One-Time, Non-Refundable, Per Application)

Security Deposit \$500.00

(After a two-year (2) good standing, four hundred dollars (\$400.00) will be credited to the account.)

Sec. 12-76. – 12.79. ***

Secs. 12-80-12.85. Reserved.

Severability. If any provision, sections, exceptions, subsections, paragraph, sentence, clause or phase of this ordinance or the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void or invalid, such invalidity shall not affect the validity of the remaining provisions of this ordinance or their application to other persons or sets of circumstances and to this end all provisions of this ordinance are declared to be severable.


Conflicts. All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

Penalty. The penalty for violation of this ordinance shall be in accordance with the General Penalty Provisions contained in Section 1-14 of the City Code of Fort Stockton, Texas, which provides for a fine **not to exceed one thousand dollars (\$1,000.00).**

Publication. The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

This ordinance shall become effective upon first & final reading and its publication pursuant to law.

PASSED AND APPROVED THIS 10th day of July, 2018.



Joe Chris Alexander, Mayor

Frank Rodriguez III, City Manager

Attest:



Delma A. Gonzalez, City Secretary

Approved As To Form & Legality:



Jesse Gonzales, Jr., City Attorney

****** Denotes that the current information in the Code of Ordinances of the City of Fort Stockton remains the same.**