

# **GARBAGE AND OTHER REFUSE**

## **CHAPTER 11**

### **Article 1. In General**

#### **Sec. 11-1. Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meaning herein ascribed to them:

- (A) “Garbage” shall include, among other similar matter, all animal or vegetable matter, such as waste materials and refuse from kitchens, residences, grocery stores, butcher shops, restaurants, cafes, hotels, and rooming and boarding houses.
- (B) “Municipal Solid Waste” or “M.S.W.” shall include solid waste resulting from or incidental to municipal, community, commercial, institutional and recreational activities.
- (C) “Hazardous Waste” shall mean any solid waste identified or listed as hazardous waste by the United States Environmental Protection Agency (USEPA).
- (D) “Industrial Solid Waste” shall include any solid waste resulting from and/or incidental to any process of industry, manufacturing, mining or agricultural operations, including:
  - (1) CLASS I – toxic, corrosive, flammable, strong strong sanitized or irritant that presents a danger to human life;
  - (2) CLASS II – waste that is not Class I or III; or
  - (3) CLASS III – inert or insoluble materials such as rock, brick, glass, dirt, or plastics.
- (E) “Special Waste” shall include:
  - (1) Small quantities of Hazardous Waste;
  - (2) Health Care Facility Waste ( i.e. medical waste);
  - (3) Municipal water and waste water sludge;
  - (4) Septic tank waste;
  - (5) Grease and grit trap waste;
  - (6) Slaughter house waste;

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- (7) Dead animals;
  - (8) Used acid batteries;
  - (9) Oil filters;
  - (10) ACM or PCB materials;
  - (11) White goods which contained Freon, unless certified free by licensed service person; and
  - (12) Any other waste requiring special handling. (Ord. 9-14-93)
- (F) “Commercial Account” shall mean a municipal solid waste collection account for a business, such as hotels, restaurants, industrial/manufacturing operation, prisons, hospitals, nursing homes, apartment complexes, mobile home parks, recreational vehicle parks, etc.
- (G) “Debris” shall include dirt, concrete, rocks, bricks, construction material or other similar wastes.
- (H) “Trash” shall include any household trash and any refuse other than garbage, debris or brush, as herein defined.
- (I) “Brush/Trimmings” shall mean tree and shrub trimmings and grass clippings.
- (J) “Residential Account” shall mean an account for municipal solid waste collection for residential units, single family dwellings, and multiple family dwellings, etc. (Ord. of 9-11-14)

**Sec. 11-2. Proper Disposal/Transportation of Waste.**

- (A) Each owner, occupant, tenant or lessee owning and/or occupying any residence, building, house or structure within the corporate limits of the city as a place of residence or as a place of business is hereby required to place all trash and/or garbage being disposed of from the premises in plastic trash bags or other appropriate disposable containers that are secured to prevent scattering of refuse. The bags or disposable containers shall be placed unbroken in the city furnished containers.
- (B) It is hereby declared to be unlawful for any person to place any garbage or trash on the ground, in an open box or container, to store the same in any receptacle other than containers meeting the requirements of this Chapter, or to place garbage or trash in city furnished containers not otherwise assigned for their individual use.

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- (C) Commercial and Residential Account holders shall not share the same container.
- (D) It is hereby declared unlawful for any person to place Brush/Trimmings, rocks, dirt, construction material or any other material listed in Section 11-4 in any city furnished container.
- (E) It shall be unlawful for any person or persons, firm or corporation, to fail to properly secure loose garbage, trash or other waste for transporting by way of tarpaulin, net, or other means to effectively prevent the blowing or spilling of waste onto streets, highways, or thoroughfares within the city. (Ord. of 4-24-84, §11-2; Ord. of 9-11-14)

### **Sec. 11-3. Unauthorized Usage of City Furnished Containers.**

It is hereby unlawful for any person or persons, firm or corporation, to place or remove, or cause to be placed or removed, garbage or refuse in a container not specifically assigned to that person, firm or corporation. (Ord. of 4-24-84, §11-3; Ord. of 9-11-14)

### **Sec. 11-4. Waste Not Collected by City Sanitation Department.**

The following material shall not be collected by the City Sanitation Department and therefore shall not be placed in city furnished containers:

- (A) Manure from private stables;
- (B) Offal and refuse from animals and fowl;
- (C) Night soil;
- (D) Dead animals and fowl;
- (E) Building/construction materials;
- (F) Furniture;
- (G) Brush/trimmings; and
- (H) All other waste not mentioned in Section 11-1, hereinafter called "Refuse"

The above described waste shall be kept in a suitable receptacle separate from the containers furnished by the city and shall not be dumped in the alleys or retained on the premises so as to become a nuisance, and the same shall be properly disposed of by the owner thereof. (Ord. of 4-24-84, §11-5; Ord. of 9-11-14)

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### Sec. 11-5. Collection by City Generally; Exception.

- (A) All residential, business and commercial establishments within the corporate limits of the city shall be required to subscribe to the City's M.S.W. collection and disposal service and pay the charges provided therefore by this Chapter.
- (B) The collection of M.S.W. in the city shall be a part of the duties of the City Sanitation Department, the employees of which shall make periodic M.S.W. pickups throughout the city from the M.S.W. containers provided by the city and/or citizens of the city as required by this Chapter.
- (C) It shall be unlawful for any person, firm or corporation, other than employees of the City Sanitation Department, to collect M.S.W. in the city, unless otherwise approved by the Public Works Director.
- (D) Exception: The private collection of brush, shrubs, leaves, grass and tree trimmings and cutting of such for hire, or otherwise, shall be allowed notwithstanding the provisions of this Section. Provided however, such brush, shrubs, grass, and tree trimmings and cuttings shall be transported in a covered vehicle to the City Landfill located at 4100 E FM 700. (Ord. of 9-11-14)

### Sec. 11-6. Collection of City Furnished Containers.

- (A) The city will, in selected locations as determined by the Sanitation Department and approved by the Public Works Director, place containers of varying capacity for the collection of garbage and trash. Each person, firm or corporation shall be notified by the Sanitation Department of the container location assigned to that person, firm or corporation. The use of other containers is not permitted. The Sanitation Department shall place the appropriate sized containers throughout the city in such a manner to adequately serve all residential and commercial accounts. If the volume of garbage from any one commercial account is sufficient to justify a separate container for that establishment, the Sanitation Department shall so place a container at that location. Notwithstanding conflicting provisions herein and subject to the approval of the Public Works Director or his designee, Commercial Account holders may place garbage containers at designated locations.
- (B) The City of Big Spring shall provide individual roll-out trash containers to Residential Account holders where it is impractical to service the collection of solid waste through the utilization of 1 ½ yards or larger containers. The account holder shall be responsible for the safe keeping of the container. The containers must be rolled out on the morning of the scheduled pick up and returned to a place of safe keeping after it has been serviced by the Sanitation Department. If an individual roll out container is lost or destroyed, the account holder will be required to pay the full cost of a replacement container.

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- (C) It shall be unlawful for any person, firm or corporation to block access to solid waste containers placed by the Sanitation Department in a manner that hinders the collection of solid waste. In the event a solid waste container is located in a street within ten (10) feet of the driveway of the residence to which it is assigned, there is a rebuttable presumption that the container was placed by the authority of the Public Works Director or his designee. Violations of this Section shall be punishable by a fine in accordance with Section 11-17 of the chapter. (Ord. of 4-24-84, §11-6)(Ord. of 9-14-93, Ord. of 7-23-13; Ord. of 9-11-14).

**Sec. 11-7. Physical Accessibility of City Furnished Containers.**

If any person is not physically capable of accessing a city furnished 1 ½ or 3 yard container for proper disposal of garbage or trash, that person may request that an individual roll-out trash container be provided for their individual use. Requests shall be made in writing to the Public Works Director and a statement from a licensed physician, that of which shall be updated annually, is required. Failure to update the required physician’s statement on an annual basis will result in the removal of the container. (Ord. 6-10-86; Ord. of 9-11-14)

**Sec. 11-8 Existing Customers Outside City Limits.**

Customers, commercial or residential, that are current customers as of the effective date of this ordinance shall continue to receive service until such account is terminated by the customer or by the city for non-payment. No new accounts outside the city limits shall be permitted. (Ord. of 1-27-04; Ord. of 9-11-14)

**Article 2. Garbage Collection and Landfill Fees**

**Sec. 11-9 Fees.**

(A) Residential Rates – picked up once a week only

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|-----|--|----------|
| (1) | Single family dwelling units                         | \$ 19.10 |
| (2) | Additional roll out for single family dwelling units | \$ 15.50 |
| (3) | Additional requested pick-ups of containers          | \$ 10.00 |

Before a sanitation truck is dispatched for an additional pick-up request, the account holder (or his/her designated representative) must:

- (a) be present at the pick-up location at the time of pick-up; or
- (b) execute an “Additional Pick-up Request Form” at the Landfill Office.

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(B) Commercial Rates

- (1) One collection each week:
  - (a) 1.5 cu. yd. Container \$ 32.85
  - (b) 3 cu. yd. Container \$ 42.19
- (2) Two collections weekly:
  - (a) 1.5 cu. yd. Container \$ 65.70
  - (b) 3 cu. yd. Container \$ 84.38
- (3) Four collections weekly:
  - (a) 1.5 cu. yd. Container \$ 131.40
  - (b) 3 cu. yd. Container \$ 168.76
- (4) Roll-off container and compactor service:
  - (a) 30 yd. Container \$ 15.00/day
  - (b) Landfill Charge \$ 45.00/ton
  - (c) Scheduled collection service charge (Mon. – Fri.) \$ 150.00
  - (d) Delay charge – (Scheduled collection Requiring more than 1 hour) \$ 50.00/half hr
  - (e) Unscheduled collection service charge \$ 250.00
  - (f) Delay charge – (Unscheduled collection Requiring more than 1 hour) \$ 100.00/half hr

(C) Landfill Entry/Use Fee/Proof of Residence – All City of Big Spring and Howard County Residents:

- (1) Landfill entry requires two (2) forms of proof of residence. (Drivers License & Utility Bill – addresses/name/photo must match) Non City of Big Spring/Howard County waste is not accepted at the Landfill.

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- (2) Landfill Charges
  - (a) Limb/Brush/Clippings disposal \$ 45.00/ton
  - (b) Large items or additional household trash \$ 45.00/ton
  - (c) Unsecured Load \$ 15.00
- (3) Special Waste \$ 100.00/ton
  
- (4) Environmental Fee: \$ 1.25  
(Assessed to each residential or commercial unit)

The City Manager’s written approval is required prior to receipt of any waste that, by its physical nature, requires special handling by site personnel.

- (D) The first months’ base fees for garbage collection for new customer accounts shall be prorated based on the number of days left in the billing cycle.

(Ord. of 9-14-93, Ord of 1-24-95, Ord. of 12-27-95, Ord. of 9-24-96, Ord. Of 09-23-97, Ord. of 9-28-99, Ord. of 9-25-01, Ord. of 10-28-03, Ord. of 9-28-04, Ord. Of 12-14-04, Ord. of 9-23-08, Ord. of 7-23-13, Ord. of 9-11-14, Ord. of 12-9-14)

**Sec. 11-10. Failure to Pay.**

The charge fixed in this Article for the removal and disposal of M.S.W. at the City Landfill shall be entered by the Finance Director as a charge against each owner, occupant or lessee on the water and wastewater account of the city. Should any person fail or refuse to pay the charges fixed against him/her place of business when due, the city shall be authorized to cut off and disconnect the water and wastewater services to responsible party’s place of residence or business against which M.S.W. service fees have been fixed and assessed, and, in addition thereto, shall be authorized to discontinue M.S.W. Services until said fees have been paid in full. (Ord. of 4-24-84, §11-9) (Ord. 09-14-93, Ord. of 9-11-14)

**Sec. 11-11. No Credit for Vacancy of Premises.**

No credit will be given on the M.S.W. service charges fixed by this article to any owner, occupant or lessee of any residence or place of business for vacancy thereof, unless the city is notified in writing at least ten (10) days in advance to discontinue water, wastewater and M.S.W. service to said premises. (Ord. of 4-24-84, §11-10) (Ord. of 05-22-90) (Ord. 09-14-93, Ord. of 9-11-14)

**Sec 11-12 – Sec. 11-13. Reserved.**

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### Article 3. Permits

#### Sec. 11-14. Permit for Private Collectors.

(A) Permit Required.

No person except the duly authorized agents and employees of the city or those persons exempted by Section 11-4 and private collectors permitted under this article shall collect, remove and dispose of M.S.W., empty M.S.W. receptacles, or convey or transport garbage or M.S.W. on the streets, alleys and public thoroughfares of the city, for compensation. (Ord. of 09-14-93, Ord. of 9-11-14)

(B) Application.

Any private collector desiring a permit to bring Municipal Solid Waste into the City Landfill from outside the city limits shall make application therefore to the City Manager or his authorized representative.

Such application shall provide:

- (1) The name and address of the applicant;
- (2) The trade name under which the applicant does or proposes to do business;
- (3) The number of vehicles to be used in said business;
- (4) Whether or not the applicant has been convicted of the violation of any federal, state or municipal law;
- (5) Whether or not the applicant, or any person with whom he has been associated or employed, has a claim or judgement against him/her for damages resulting from the negligent operation of a vehicle;
- (6) The financial ability and responsibility of the applicant and proof of applicant's ability to respond to damages in the event of damage occurs to persons or property by reason of the negligent operation of a vehicle on the streets and/or public thoroughfares of the city;
- (7) The nature and character of the service the applicant proposes to render;
- (8) The experience he has had in rendering said service;
- (9) Patrons for whom applicant proposes to render this service and any other information the City Manager may require. (Ord. of 05-22-90, Ord. of 9-11-14).



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- (C) Applicant to furnish list of customers.  
No person shall be issued a permit under this article unless a customer list has been provided to the City Manager, or his authorized representative. Any addition or deletion of customers after the permit is issued shall be promptly reported to the City Manager, or his authorized representative. Failure to report changes to the customer listing shall be grounds for revocation of the permit. (Ord. of 05-22-90; Ord. of 9-11-14).
- (D) Permit Fee.  
The fee for a permit required by this Article shall be Four-Hundred dollars (\$4000.00) per collection vehicle. Such fee shall be payable in advance before a permit is issued and may be prorated upon approval of the Public Works Director or his designee. In addition to the permit fee, a disposal fee of Forty-Five dollars (\$45.00) per ton, and other surcharges prescribed in this chapter, shall be assessed as required.(Ord. of 05-22-90) (Ord. of 09-14-93, Ord. of 9-23-97, Ord. of 9-28-00, Ord. of 9-11-14)
- (E) Investigation.  
Upon receipt of an application for a permit required by this article, the City Manager or his designee, shall make or cause to be made an investigation to determine if the applicant is a fit and proper person to conduct said business and whether or not the public convenience and necessity require the granting of said permit. (Ord. of 05-22-90, Ord. of 9-11-14).
- (F) Permit to be Attached to Vehicle or Carried on Person; Inspection.  
Every permit issued under this article shall be attached to the vehicle used for the collection and removal of M.S.W. or shall be in the possession of the person rendering said service, and shall be subject to inspection at all times. (Ord. of 05-22-90) (Ord. of 09-14-93)
- (G) Permit Not transferable.  
No permit issued under this Article shall be transferable.
- (H) Expiration/Renewal.  
A permit issued under this Article shall expire on September thirtieth (30th) of each year and shall be renewed by payment of the required aforementioned fees and compliance with all other provisions of this Article. (Ord. of 09-14-93, Ord. of 9-11-14)
- (I) Revocation.  
A permit issued under this article may be removed by the City Manager at any time such action is deemed to be in the best interest of the public. (Ord. of 4-24-84, §11-14)

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**Article 4. Enforcement**

**Sec. 11-15. Inspections and Authority to Enforce.**

It is hereby made the duty of the City Manager, or his designee, to make regular inspection trips to determine if containers of the kind required by this Chapter have been obtained by the persons required to use the same under this Chapter. The City Manager, or his designee, is further authorized to file a complaint against any person violating any provision of this Chapter in order that said person may be prosecuted therefore. (Ord. of 4-24-84, §11-15) (Ord. of 09-14-93, Ord. of 9-11-14; Ord. of 8-14-18)

**Sec. 11-16. Penalty.**

Any person or persons, firm or corporation who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than five dollars (\$5.00) nor more than one thousand dollars (\$1000.00) for each offense, and each violation hereof shall be deemed a separate offense and each day's continuance or failure to comply herewith shall constitute a separate and distinct offense for each of said days. (Ord. of 4-24-84, §11-17)

**Article 5. Revenue Allocation for City Collection and Landfill Collection Charges.**

**Sec. 11-18.**

The passage of this amendment to Chapter 11 of the Big Spring Code establishes revised charges which will result in the collection of additional revenues. The additional revenues represent .46451 percent of the total collections. The additional revenues and interest generated there from are hereby directed to be deposited into restricted accounts as follows:

<u>ACCOUNT NO.</u>	<u>PERCENT OF TITLE</u>	<u>TOTAL REVENUES</u>
002-1005	Regulatory Agency Surcharge Fund	0.46451%

**Sec. 11-19.**

The City Council shall, at any such time the majority of the Council teems appropriate, review the allocation of the revised charges. Save and except, however, there shall be a mandatory review by Council at a public meeting following the fifth (5th) anniversary of passage of this ordinance. (Ord. of 05-22-90, Ord. of 02-11-92).

**Sec. 11-20. Revenue Allocation for City Collection & Landfill Collection Charges.**

The City Finance Director is hereby directed to place in the "Regulatory Agency Surcharge Fund" Account #002-1005, (Section 11-18) Fifty (50) percent of the revenues derived from the contract with Pack Rat Service, Inc., Andrews, Texas, for the waste hauled from the City of Ozona, Texas. These funds are to be held in escrow for the required closing of the Signal Mountain Baler and shall not be allocated for any other purpose. (Ord. of 04-12-92).