

File
for Ames

ORDINANCE NO. 2019-01

**AN ORDINANCE OF THE CITY OF AMES, TEXAS, REGULATING THE
COLLECTION AND REMOVAL OF SOLID WASTE WITHIN THE
CITY'S LIMITS**

WHEREAS, the City of Ames, Texas is a Type A General Law Municipality having the right to regulate solid waste collection within the city's limits; and

WHEREAS, the City Council of the City of Ames, Texas recognizes that it is in the best interest of the citizens of Ames if solid waste is collected and hauled off appropriately; and

WHEREAS, the City of Ames has the right to contract with solid waste collection companies for the collection of waste within the city.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AMES THAT:

SOLID WASTE

DIVISION 1. Generally

SECTION 1: Definitions

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

Ashes. The residue from the burning of wood, coal, coke or other combustible materials.

Commercial. Any business or manufacturing plant, building or structure which is not a residential customer as defined in this section.

Customer. The owner, tenant, lessee or occupant of any residence or business in the city.

Garbage. Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Garbage and trash superintendent or superintendent. The superintendent of the garbage and trash department of the city.

Refuse. All putrescible and non-putrescible solid wastes, except body wastes, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.

Residence. A house or building used as a dwelling occupied by not more than two (2) family units.

Rubbish. Non-putrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials.

SECTION 2: Unauthorized use of commercial or residential container

It shall be unlawful for any unauthorized person to dump garbage, rubbish and trash into any residential or commercial garbage container belonging to another individual or company. These garbage containers are for the exclusive use by those parties that are paying for the container service.

SECTION 3: Pilfering or tampering with containers

It shall be unlawful for any person to pilfer, scatter or tamper with or in any manner sort or rummage through any commercial or residential garbage container in the city without the owner's prior consent.

SECTION 4: Unauthorized collection of garbage containers

It shall be unlawful for anyone, other than employees of the city or their duly authorized representatives to collect any materials having been designated for garbage collection that are located on streets, thoroughfares, alleyways or public rights-of-way within the city limits.

DIVISION 2. COLLECTION

SECTION 5: Garbage and trash service

The City shall have the option to provide garbage and trash collection services to those residents and commercial customers requesting same. The City has the option of providing the services in-house, contracting directly with a waste collection company for the garbage removal, or approving a franchise agreement with a waste collection company. It shall be unlawful for any residential unit or commercial enterprise to contract for garbage and trash collection services with any company other than the company approved by the City of Ames's City Council.

SECTION 6: Use of City Service Required; payment of fees

All refuse accumulated in the city shall be collected, conveyed and disposed of by the city or its designated contractor. Any residence or business within the city that utilizes the city's trash services shall pay to the city, or its contractor, a fee for the collection and proper disposal of garbage produced by the residences and businesses. However, this article shall not prohibit:

- (1) The actual producers of refuse, or the owners of premises upon which refuse has accumulated, from personally collecting, conveying and disposing of such refuse, provided such producers or owners comply with the provisions of this article and with any other governing laws or ordinances.

SECTION 7: Pre-collection practices; placement for collection; unlawful disposal

a) Containers. In order for solid waste to be removed by the City or its contractor, the customer must place all garbage in the containers provided by the solid waste removal contractor. Garbage will not be removed if it is not placed in the approved and designated containers.

b) Storage of refuse; unlawful disposal.

- (1) Generally; deposit in water body. No person shall place any refuse in any street, alley or other public place or upon any private property, whether owned by such person or not, within the city except if it is in proper containers for collection or under express approval granted by the city. Nor shall any person throw or deposit any refuse in any stream or other body of water.
- (2) Throwing organic matter and rubbish in public ways. It shall be unlawful for any person to deposit or throw into the streets, alleys or public highways of the city any dead animals, meat or flesh of any kind, bones, vegetables, suds, bottles, pieces of glass or tin,

wire, ashes, offals, dropping of animals or vegetation of any kind, or in any manner to obstruct the drainage of the gutters, streets, or drainage corridors within the city limits.

- (3) Unauthorized accumulation. Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited.
- (4) Scattering refuse; manner of storage. No person shall cast, place, sweep or deposit anywhere within the city any refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place, or into any occupied premises within the city.
- (5) Burning refuse. No person shall burn any refuse in any street, alley or other public place, or upon any private property, whether owned by such person or not, within the city, without the express permission of the city.
- (6) Commercial establishments. Commercial establishments shall not permit trash to scatter in any street or alley or other public place, or upon any private property, whether owned by such person or not.
- (7) Points for collection. Refuse containers shall be placed for collection at ground level on the property, not within the right-of-way of a street or alley, and accessible to and not more than ten (10) feet from the side of the street or alley from which collection is made. However, containers may be placed for collection at other than ground level and at a distance of more than ten (10) feet when approved by the city.

SECTION 8: Special Refuse

- a) Inflammable or explosive refuse. Highly inflammable or explosive materials shall not be placed in containers for regular collection but shall be disposed of as directed by the City or their contractor at the expense of the owner or possessor thereof.
- b) Construction debris and other bulky, heavy materials. Heavy accumulations such as bricks, broken concrete, lumber, dirt, plaster, sand or gravel, automobile frames, trees and other bulky, heavy materials shall be disposed of at the expense of the owner or person controlling the material. This requirement includes, but is not limited to, the heavy accumulation produced at construction sites and resulting from the logging or clearing of trees, brush and vegetation from property.

SECTION 9: Schedule of charges

Fees for garbage and rubbish collection shall be established from time to time by the city council.

SECTION 10: Authority to remove refuse on right-of-way and refuse not collected via regular collection

The city shall have the authority to remove any and all refuse from the right-of-way of a street or alley and to remove any refuse not previously collected via regular garbage collection services. The city shall have the right to bill the owner of the refuse for said removal.

SECTION 11: Penalty

Any person, firm or corporation who violates any of the provisions of this ordinance shall be deemed guilty of a class C misdemeanor for each offense.

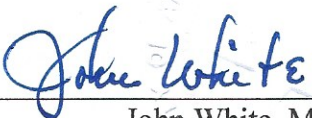
BE IT FURTHER ORDAINED that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or

applications of this ordinance which can be given effect without the invalid provisions, items or applications, and to this end the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances in conflict herewith are hereby repealed.


The above and foregoing ordinance shall be in full force and effect from and after its adoption, approval and publication, as provided by law.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Ames, this the 16th day of September, 2019.



John White, Mayor

ATTEST:



Lillie Bernard, City Secretary