ORDINANCE NO. 2016-07

AN ORDINANCE OF THE CITY OF MIDLOTHIAN, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 13 TITLED "UTILITIES" BY AMENDING ARTICLE 13.06 TITLED "SOLID WASTE" BY AMENDING SECTION 13.06.02 TITLED "DEFINITIONS" BY ADDING A NEW DEFINITION FOR "RECYCLE BAGS" AND AMENDING THE DEFINITION FOR "BUNDLE"; BY AMENDING SECTION 13.06.003 TITLED "TYPE OF COLLECTION" BY AMENDING SUBSECTION 13.06.003(b)(1) TITLED "LOCATION OF CONTAINERS, BAGS, AND BUNDLES FOR COLLECTION"; BY AMENDING SECTION 13.06.004 TITLED "PREPARATION OF COLLECTION" TO INCLUDE REGULATIONS FOR RECYCLABLES AND CUT AND BUNDLED BRUSH; BY AMENDING SECTION 13.06.005 "OPERATION" BY PROVIDING A REVISED SCHEDULE FOR COLLECTION OF RESIDENTIAL REFUSE AND HOLIDAYS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS ($2,000.00); AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City desires to ensure that the community develops in a manner which reflects the objectives and values of the community’s citizenry, property owners and decision makers; and,

WHEREAS, the City Council of the City of Midlothian, Texas, has determined that requiring the bagging of recyclables will decrease the contribution of litter within the City;

WHEREAS, the City Council of the City of Midlothian, Texas, has determined that it is in the best interest of the health, safety, and general welfare of the community to establish regulations for the collection and disposal of solid waste, and the collection and pick-up of residential recycling and brush, for the residential and commercial customers located within the City limits;

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

SECTION 1. That the Code of Ordinances of the City of Midlothian, Texas, is hereby amended by amending Chapter 13 titled "Utilities" by amending Article 13.06 titled "Solid Waste", to read as follows:

"CHAPTER 13

... 

ARTICLE 13.06 SOLID WASTE

...

Sec.13.06.002 Definitions
**Bags.** Plastic sacks designed to store residential refuse with sufficient wall strength to maintain physical integrity when lifted by top. Total weight of a bag and its contents shall not exceed thirty-five (35) pounds.

... 

**Bundle.** An easily handled package securely tied together not exceeding three (3) feet in length and 6” in diameter and/or thirty-five (35) pounds in weight.

...

**Recycle bags.** Clear recycling bags with sufficient wall strength to maintain physical integrity when lifted by top. Total weight of a recycle bag and its contents shall not exceed thirty-five (35) pounds.

...

**Sec. 13.06.003 Type of collection**

...

(b) Location of containers, bags and bundles for collection.

(1) Containers, bags and bundles of brush in piles no greater than three (3) feet in length and 6” in diameter, shall be placed at curbside by 7:00 a.m. on the designated collection day. Curbside refers to that portion of right-of-way adjacent to paved or traveled city roadways (including alleys). Containers, bags, bundles shall be placed as close to the roadway as practical without interfering with or endangering the movement of vehicles or pedestrians. When construction work is being performed in the right-of-way, containers, bags, and bundles shall be placed as close as practical to an access point for the collection vehicle. Contractor may decline to collect any container, bag and bundle not so placed or any residential refuse not in a bag.

...

**Sec. 13.06.004 Preparation of collection.**

(a) Garbage and refuse, with the exception of branches, tree trimmings, leaves and brush, shall be placed in a bag. Recyclables shall be in clear recycle plastic bags and placed within a receptacle that can be obtained by contacting the contracting provider of service. Any additional clear bags of recyclables may be placed alongside the receptacle.

(b) Cut and bundled brush:

...
(2) Brush must be cut in three (3) foot lengths, bundled with string or rope, and not greater than 6” inches in diameter.

... 

Sec. 13.06.005    Operation

(a) Hours of operation. Collection of residential refuse shall not start before 7:00 a.m. or continue after 6:00 p.m. on the same day. Exceptions to collection hours shall be affected only upon the mutual agreement of the city and contractor, or when contractor reasonably determines that an exception is necessary in order to complete collection on an existing collection route due to unusual circumstances.

(b) Holidays.

   (1) The following holidays shall be observed:

           (A) New Year’s Day;

           (B) Thanksgiving Day; and

           (C) Christmas Day.

   (2) Contractor may decide to observe any or all of the above mentioned holidays by suspension of collection service on the holiday, but such decision in no manner relieves contractor of its obligation to provide collection service at residential units at least once per week.”

SECTION 2. That all provisions of the Ordinances of the City of Midlothian, Texas, in conflict with the provisions of this Ordinance be and the same are hereby, repealed, and that all other provisions of the Ordinances of the City of Midlothian not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 3. That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part thereof decided to be unconstitutional, illegal, or invalid.

SECTION 4. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Ordinances of the City of Midlothian, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 5. That any person, firm, or corporation violating any provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances, as amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand
Dollars ($2,000.00) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 6. This ordinance shall take effect immediately from and after its passage.


APPROVED:

[Signature]
Bill Houston, Mayor

ATTEST:

[Signature]
Tammy Varner, City Secretary

APPROVED AS TO FORM:

[Signature]
Joseph J. Gorfida, Jr.
(03-30-2016/76206)