

ORDINANCE NO. 276

AN ORDINANCE OF THE CITY OF SOUTHMAYD PROVIDING FOR THE COLLECTION AND REMOVAL OF GARBAGE, TRASH, AND RUBBISH FROM RESIDENCES AND BUSINESS ESTABLISHMENTS WITHIN THE CITY LIMITS OF THE CITY OF SOUTHMAYD, TEXAS; PROHIBITING UNAUTHORIZED PRIVATE COLLECTIONS; PROVIDING FOR MANDATORY CHARGES OR FEES FOR THE REMOVAL OF GARBAGE, TRASH, OR RUBBISH; PROVIDING FOR PENALTIES FOR VIOLATIONS.

WHEREAS the accumulation of garbage, trash, or rubbish on residential and business premises with the City of Southmayd constitutes a public health threat to the residents of the City of Southmayd; and

WHEREAS it is imperative and urgent for the preservation of health, safety, sanitation, and public welfare that proper and adequate regulations be adopted to require property owners, tenants, occupants or lessees to have all garbage, trash, rubbish, and waste materials removed from their premises; and

WHEREAS the City Council of the City of Southmayd finds that it would be in the best interests of the residents of the City of Southmayd to require agreements with any garbage or waste haulers which use the public streets and alleys within the municipality.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Southmayd, Texas:

Section 1. Solid Waste Collection Required

Every person owning, managing, operating, leasing, or renting any premises or any place, whether residence or business, where garbage, trash, rubbish, or waste material accumulates, shall subscribe to a sanitation collection service.

Section 2. Accumulation of Trash and Garbage Prohibited

It shall be unlawful and contrary to the public health, safety, and welfare to allow accumulation of waste, refuse, trash, rubbish, or garbage on any premises within the City of Southmayd.

Section 3. Unauthorized Private Collections Prohibited

(A) It shall be unlawful for any person to transport garbage or refuse for hire which has been collected from any premises in the City of Southmayd over any public street, alley, or thoroughfare within the City of Southmayd.

(B) This section shall not apply to any person who at the time of such activity is operating under a valid contract or franchise granted by the City of Southmayd which authorizes such person to use the public streets, alleys, or thoroughfares to conduct such activity.

Section 4: Fees and Charges for Collection of Solid Waste.

(A) The City Council of the City of Southmayd shall review and approve, and if necessary, establish such fees and charges as are necessary for removal of solid waste from each residence and commercial establishment within the city limits of the City of Southmayd.

(B) Approved charges for fees shall become effective on the first billing date after passage of this ordinance and those charges or fees shall be paid monthly by owner, manager, lessor, lessee, or operator of any premises where garbage, trash, rubbish, or waste material accumulates.

(C) The charges fixed for the collection, removal, and disposal of all garbage and trash shall be paid monthly. Failure to pay any such assessed charges may result in discontinued service until such charges are paid in full.

Section 5: Container Required.

Unless supplied by the service contractors, it shall be the duty of every person subscribing to a sanitation collection service to provide a container or containers for garbage and refuse that may accumulate between collections. Garbage containers shall be watertight and constructed of a solid and durable grade of metal, plastic, or paper material.

Section 6: Containers to be Kept Sanitary and Secure.

All containers shall be kept clean and free from accumulation of any substance which would attract or breed flies, mosquitoes, or other insects. The area surrounding garbage containers shall be maintained in a clean and sanitary condition. The contents of all receptacles shall be protected so that wind cannot scatter the contents over the streets, alleys, or other property within the city. All containers shall be securely closed in such a manner as to prevent the scattering of the contents and to make them inaccessible to insects, rodents, and other animals.

Section 7: License for Private Collection Required; Exception.

(A) No person shall collect, remove, or dispose of garbage containers or trash receptacles or transport garbage or trash on the streets, alleys, or public thoroughfares of the city except duly authorized agents or employees of the municipality and persons acting pursuant to a contract with the municipality for public collection and disposal of garbage, trash, and rubbish except as provided by this section. This section shall not apply to transportation of garbage, trash, or rubbish from outside the municipality to a

disposal site outside the municipality.

(B) Individuals desiring to occasionally remove brush, debris or trash from their own residence or business may do so if they have regular service from a contractor licensed and authorized by the city.

Section 8: Penalties


Any person, firm, partnership, corporation or other entity violating any provision of this ordinance shall, upon conviction, be fined an amount not more than Five Hundred Dollars (\$500.00) and each day a violation exists shall be deemed a separate offense.

PASSED and APPROVED this 28th day of October, 2002.



Mayor, City of Southmayd

Attest:



City Secretary