

ORDINANCE NO. 1409-2024

AN ORDINANCE AMENDING ARTICLE 13.02 “UTILITY POLICY”, DIVISION 4 “SANITATION COLLECTION POLICY”, SECTION 13.02.113 “POLICIES” SPECIFICALLY IN SUBSECTIONS (1) “RESIDENTIAL GARBAGE COLLECTION” SPECIFICALLY IN 1.G, (4) “DISPOSAL OF CONSTRUCTION MATERIAL” AND (5) “PRIVATE DISPOSAL RECEPTACLES”; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of River Oaks is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City of River Oaks entered into a contractual agreement for commercial solid waste collection and disposal that no longer includes the exclusive right to dispose of construction material and other rubbish or refuse in large quantities with their private roll offs; and

WHEREAS, due to the conflicting language in the code regarding residential construction material from being collected and disposed of, it necessitates that the Utility Policy in Division 4 be revised in order to be uniform; and

WHEREAS, with the increased landfill costs, the collection of bulk residential construction material needs to be controlled; and

WHEREAS, the public works department is supportive of the collection of small quantities of construction material that is from the household as long as it meets certain criteria; and

WHEREAS, the City Council has concluded after due and careful consideration that restricting the collection and disposal solely through the city’s private disposal contractor limits the customer ability to get a fair and competitive price for private roll offs when disposing of large quantities of construction, rubbish and refuse from their property; and

WHEREAS, the City Council has further concluded that controlled disposal of small quantities of residential construction material is a beneficial service to the residents especially since it too is bulk collection similar to brush and tree limb removal.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVER OAKS:
SECTION 1.**

With the adoption of this Ordinance, Article 13.02 “Utility Policy” Division 4 “Sanitation Collection Policy” in Section 13.02.113 “Policies” specifically under Section 13.02.113 (1) “Residential Garbage Collection” (G) shall be revised to now read as follows:

“Section 13.02.113(1) “Residential Garbage Collection”

“(G) The city sanitation department will not dispose of special wastes, hazardous or toxic wastes, petroleum products including paints, auto hulks, agricultural wastes including insecticides and any other wastes that are not household generated.”

SECTION 2.

With the adoption of this Ordinance, Article 13.02 "Utility Policy" Division 4 "Sanitation Collection Policy" in Section 13.02.113 "**Policies**" specifically under Section 13.02.113 (4) "Disposal of Construction Material" shall be revised to now read as follows:

"Section 13.02.113(4) "Disposal of Construction Material"

(A) Residential construction material is defined as bulk waste material that is used in the building industry specifically for the remodeling, alteration, expansion and/or new construction of dwellings designed to be used as single-family residential occupancy for humans. It does not include industrial or commercial construction material, which can only be collected and disposed of by a commercial private disposal contractor.

(B) Residential construction material can only be disposed of by the City as a bulk waste material that is limited to one (1) pile per lot on each residential customer account when stacked in a pile not exceeding two (2) feet high by two (2) feet wide by four (4) foot long which are stacked neatly for easy handling provided that broken glass, protruding nails, screws or other fasteners are removed that can cause injury to the city employees when handling the construction material.

(C) Construction Materials meeting the guidelines will be collected twice a month on the 1st and 3rd Wednesdays of the month for those customers whose regular residential garbage days are Monday and Thursday and for those customers whose regular residential garbage days are Tuesday and Friday on the 2nd and 4th Wednesdays of the month except for holidays and/or in the event of unwarranted conditions restricting the ability of the city to remove the bulk items as regularly scheduled.

(D) All construction material not meeting these guidelines will not be collected as a part of the normal city collection service. When any pile exceeds two (2) feet high by two (2) feet wide by four (4) foot long it may be collected by the city upon the customer's request at an additional charge of \$10.00 per square yard.

(E) Household construction hazardous materials including asbestos fibered materials, special wastes and commercial hazardous materials such as agricultural wastes, mining wastes, petroleum waste products, air-conditioning coolant, toxic chemicals, pesticides and any other hazardous or toxic material is prohibited from being collected and disposed of by the city's bulk truck waste service.

i. Hazardous and/or toxic materials must be taken to or collected by the city's hazardous collection contractor or other certified hazardous material collection centers;

ii. Violators will be prosecuted to the full extent of the law."

SECTION 3.

With the adoption of this Ordinance, Article 13.02 "Utility Policy" Division 4 "Sanitation Collection Policy" in Section 13.02.113 "**Policies**" specifically under Section 13.02.113 (5) "Private Disposal Receptacles" shall be revised to now read as follows:

(A) There is no exclusive prohibition for customers desiring to dispose of construction material and other rubbish or refuse in large quantities by the use of a refuse receptacle otherwise known as a roll off from the private disposal company of their choice.

(B) All private disposal companies that are not under a contractual agreement for the disposal of solid wastes with the city are permitted to place a refuse receptacle upon the customer's property to dispose solely of construction material and other rubbish or refuse in large quantities at the sole cost of the customer within the corporate limits of the city for the purpose of private disposal of solid wastes as defined in this policy.

(C) Solid waste for the purpose of this section is construction material, rubbish, refuse and any other acceptable waste in large quantities permitted for disposal at the landfill.

(D) This section solely applies to the limited time use of private roll offs otherwise known as private disposal receptacles for removal of large quantities of construction, refuse or rubbish and does not permit removal of the current residential and/or commercial solid waste service that is already being provided for by the City."

SECTION 4. CUMULATIVE CLAUSE

This Ordinance shall be Cumulative of all provisions of Ordinances and of the River Oaks Code of Ordinance, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances or Code, in which case the conflicting provisions of such Ordinances or Code are hereby repealed.

SECTION 5. SEVERABILITY CLAUSE

It is hereby declared to be the intentions of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 6. PENALTY CLAUSE

Whenever in this code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this code or any such ordinance shall be punished by a fine of not exceeding five hundred dollars (\$500.00). However, a fine or penalty for the violation of a rule, ordinance or police regulation that governs fire safety, zoning or public health and sanitation other than dumping of refuse may not exceed two thousand dollars (\$2,000.00); a fine or penalty for the violation of a rule, ordinance, or police regulation that governs the dumping of refuse may not exceed four thousand dollars (\$4,000.00). Provided, however, that no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state.

Each day any violation of this code or of any ordinance shall continue shall constitute a separate offense. In the event that any such violation is designated as a nuisance under the provisions of this code, such nuisance may be summarily abated by the city. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

**SECTION 7
SAVINGS**

All rights and remedies of the City of River Oaks, Texas, are expressly saved as to any and all violations of the provisions of the Code of Ordinances of the City of River Oaks, Texas or any other ordinances affecting sanitation residential collection and disposal of bulk materials which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

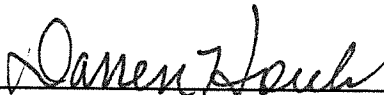
**SECTION 8
PUBLICATION**

The City Secretary is directed to publish in the official newspaper of the City, the caption, penalty clause, savings clause, publication clause and effective date clause of this ordinance one time as authorized by Chapter 5, Section 5.02(c) of the Charter of the City of River Oaks.

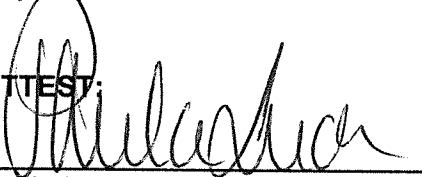
**SECTION 9
EFFECTIVE DATE**

This Ordinance shall be in full force and effect after its passage by a majority vote of the City Council of the City of River Oaks and following the legal publication of this ordinance if any is required and it is so ordained.

APPROVED THIS THE 6th DAY OF FEBRUARY 2024.



Darren Houk, Mayor
City of River Oaks

ATTEST:


Paula Luck
City Secretary
City of River Oaks