

ORDINANCE NO. 1381-2023

AN ORDINANCE AMENDING ARTICLE 13.02 “UTILITY POLICY”, DIVISION 4 “SANITATION COLLECTION POLICY”, SECTION 13.02.113 “POLICIES” SPECIFICALLY UNDER SECTION 13.02.113(1) “RESIDENTIAL GARBAGE COLLECTION” SPECIFICALLY IN SUBSECTION (1)(D) PROVIDING AN OPTION FOR 32 GALLON MAXIMUM GARBAGE CONTAINERS; REVISING SECTION 13.02.113(3) “BRUSH, TREE LIMBS AND LOGS” SPECIFICALLY IN SUBSECTION (C) REGARDING THE CITY’S BULK PICK UP SERVICE BEING SEPARATED INTO SECTIONS OF THE CITY FOR THE PURPOSE OF BEING COLLECTED ON WEDNESDAY TWICE MONTHLY BEGINNING AUGUST 2, 2023 AS DESIGNATED BY THE PUBLIC WORKS DIRECTOR WITH SECTIONS 2 & 3 (REGULAR RESIDENTIAL GARBAGE DAYS ON MONDAY AND THURSDAY) BEING THE 1ST AND 3RD WEDNESDAYS OF THE MONTH AND SECTIONS 1 & 4 (REGULAR RESIDENTIAL GARBAGE DAYS TUESDAY & FRIDAY) ON THE 2ND AND 4TH WEDNESDAYS OF THE MONTH; 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 previously adopted provisions in Section 13.02.113(1) of the Utility Policy requiring that all household garbage must be put in plastic bags or boxes not exceeding 55 pounds in weight and that Garbage cans are not allowed at the street and when placed at the street will be disposed of and the costs of the can will not be refunded to the residential customer; and

WHEREAS, due to complaints that Garbage Cans are not allowed, an option allowing garbage cans has been asked to be considered; and

WHEREAS, with the increased landfill costs, bulk collection being city-wide every Wednesday has proven to be cumbersome and costly; and

WHEREAS, the public works department is supportive to at least provide an option to allow trash cans providing the containers don’t exceed 32 gallons in size; and

WHEREAS, the public works department is supportive to the plan to reduce bulk collection in an effort to help reduce equipment and landfill costs; and

WHEREAS, the City Council has concluded after due and careful consideration that costs of the landfills has increased causing restrictions having to be established in order to maintain disposal costs without having to continually increase residential sanitation rates; and

WHEREAS, the City Council has further concluded that an option allowing trash cans is conceivable in the possibility of helping reduce blithe.

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" (D) shall be revised to now read as follows:

"Section 13.02.113(1) "Residential Garbage Collection"

"(D) All household garbage must be put either in plastic bags or boxes not exceeding 55 pounds in weight placed at the edge of the street or as an option in garbage cans placed at the edge of the street not exceeding 32 gallons in size and must be removed from the street curb by 7:00 A.M. of the following day to avoid being in violation that may result in a citation being issued by the City's Code Enforcement Department."

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 (3) "Brush, tree limbs and Logs" (C) shall be revised to now read as follows:

"Section 13.02.113(3) "Brush, tree limbs and Logs"

"(C) All brush and tree limbs shall be limited to one (1) pile per lot on each residential customer account when stacked in a pile not exceeding twelve (12) feet in length, four (4) feet in width, and four (4) feet in height which are stacked neatly with the larger diameter of the limbs facing in one direction for easy handling and will be collected on Wednesday twice a month beginning Wednesday, August 2, 2023 as designated by the Public Works Director in sections with sections 2 & 3 (regular residential garbage days on Monday and Thursday) being the 1st and 3rd Wednesdays of the month and Sections 1 & 4 (regular residential garbage days Tuesday & 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. All brush and tree limbs not meeting these guidelines will not be collected as a part of the normal city collection service. When any pile exceeds twelve (12) feet in length, four (4) feet in width, and four (4) feet in height it may be collected by the city at an additional charge upon the customer's request."

SECTION 3. 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 4. 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 5.
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 6.
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 7
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 8

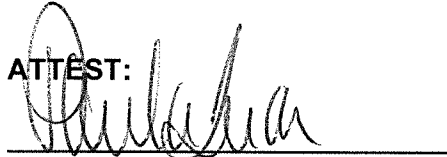
EFFECTIVE DATE

This Ordinance shall be in full force and effect 30-days 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 27th DAY OF JUNE 2023.



Darren Houk, Mayor
City of River Oaks

ATTEST:


Paula Luck
City Secretary
City of River Oaks