

ORDINANCE NO. 2011-3488

AN ORDINANCE OF THE CITY OF EDINBURG, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF EDINBURG, TEXAS, TITLE V, CHAPTER 50 GENERAL PROVISIONS., BY REPEALING THE CONFLICTING DEFINITIONS AND SECTIONS; AMENDING CHAPTER 51, SOLID WASTE MANAGEMENT; AMENDING, REDEFINING AND UPDATING THE COLLECTION AND DISPOSAL SYSTEM; PROVIDING FOR THE INDEMNIFICATION OF SERVICES, DEFINING BOUNDARIES AND PROVIDING FOR THE TYPE OF COLLECTION, TYPES OF SERVICES; ESTABLISHING CUSTOMER RESPONSIBILITIES, PROHIBITIONS, STANDARDIZED SERVICES, COLLECTION RATES, CHARGES FOR GARBAGE, BRUSH AND OTHER WASTE MATERIAL AND SERVICES; ESTABLISHING AND PROVIDING FOR A CITYWIDE RECYCLING PROGRAM TO INCLUDE PARTICIPANT RESPONSIBILITIES, PROGRAM STRUCTURE, PROHIBITIONS; UPDATING AND AMENDING ITS PENAL STRUCTURE AND PENALTIES; REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT HERewith WITHIN TITLE V, CHAPTER 50, GENERAL PROVISIONS; PROVIDING FOR WAIVER OF THREE SEPARATE READINGS; CONTAINING A REPEALER CLAUSE; CONTAINING A SAVINGS CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

WHEREAS, the City of Edinburg is responsible for the sanitary collection, recycling and disposal of all municipal solid waste produced in the City of Edinburg; and,

WHEREAS, the City of Edinburg now provides collection for said waste to several private and public entities within the City of Edinburg; and,

WHEREAS, this type operation and responsibility to these entities mandate controlled growth, operations and insures public health and safety; and,

WHEREAS, the amendment of the Code of Ordinances is required in order to address these needs.

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

SECTION I. AUTHORITY OF LAW. All requirements of law have been met in the passing of this Ordinance.

SECTION II. TITLE V. CHAPTER 50 – GENERAL PROVISIONS., of the Code of Ordinances of the City of Edinburg, Texas, is hereby amended as follows: amend §50.01 Definitions., by repealing the terms “Container Service” and “Sanitarian”; repealing §50.03 Responsibility for payment of refuse collection charges., §50.05 Use of refuse container of another to avoid charges prohibited., §50.06 Exclusive municipal service for garbage collection, and §50.07 Garbage collection charges., renumbering §50.04. Termination of service; termination of unauthorized service; late payment surcharge., as §50.03; renumbering §50.08 Sanitary sewer charges, §50.09 Water charges, as §50.04 and §50.05, respectively.

LANDFILL

§ 51.100 CONDITIONS FOR DISPOSAL BY INDIVIDUAL RESIDENT.

No individual resident of the city shall be allowed to dispose household solid waste or brush in the city landfill unless in the event of an emergency as determined by the City Manager or Director, and only upon presentation to the landfill attendant of the individual's current utility bill from the city.

§ 51.101 DISPOSAL FEES

- (A) Local businesses, trash or garbage collectors, manufacturers, factories, commercial establishments, and all other persons not disposing of their personal household waste, however such waste has been generated from within the city limits, shall be charged for the use of city-owned or maintained landfill as follows:
 - 1) Type I and IV Regional Landfill Charges - Vehicle load (non-hazardous municipal solid waste, brush, construction and demolition materials), \$8.33 per cubic yard; \$25.00, per ton; minimum of \$25.00 charge per load. Proof of construction being conducted within the city limits must be provided by the contractor or individual performing the services prior to disposal and subject to verification. Rate is subject to applicable surcharges, disposal fees, local and state taxes, etc.
- (B) Government entities, waste haulers, contractors, or individuals disposing of waste generated from outside the city shall be charged for the use of city-owned or -maintained landfill as follows:
 - 1) Type I and Type IV Regional Landfill Charges - Vehicle load (non-hazardous municipal solid waste, brush, construction and demolition materials): \$11.67, per cubic yard; \$35.00, per ton; minimum of \$25.00 charge per load. Rate is subject to applicable surcharges, disposal fees, local and state taxes, etc. User shall be responsible for producing weight verification if required.
- (C) Tire handling fee, \$5.00 for passenger car/truck tires up to 17 inches in size. The Director will set the appropriate disposal rate for tires larger than 17 inches, passenger truck or car size.
- (D) Surcharge for uncovered load, 15% of load fee.
- (E) Contract rates as approved by City Council.
- (F) City Manager or Director shall have the authority to accept, reject and/or negotiate non-contract rates and shall consider such factors as:
 - 1) The type of material to be disposed;
 - 2) Whether the material can be handled with existing equipment and space;
 - 3) The cost of handling; and
 - 4) Other matters relative thereto.
- (G) All fees shall be paid at city hall where a receipt or ticket shall be issued for the payment.
- (H) City Manager or Director shall have the authority to negotiate disposal rates for all approved Class II, III and RACM waste.