

Ord. 25-H-015

Amendments to Health Code Chapter 34 Article III – Solid Waste & Nuisance Code
Chapter 54 Article V – Property Maintenance Requirements

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Background

- The City is in process to establish a new franchise contract for solid waste/recycling disposal.
- Staff is using the timing to propose amendments to the Solid Waste Ordinance.
 - Chapter 34, Article III of the Schertz Code of Ordinances.
 - Requires amendments in the Nuisance Ordinance Chapter 54 Article V.

Approach

- Staff's main goal with proposed amendments was to streamline the Solid Waste Ordinance.
- Three strategies
 1. Revising language to convey information better.
 2. Eliminating details that are covered in the franchise contract
 3. Cross-referencing items with Nuisance Code.

Approach

- Existing Solid Waste Ordinance
 - 26 Sections
- Proposed Solid Waste Ordinance
 - 8 Sections

Strategy #1 Revising Language

- Changed “public works director” to “City Manager or his/her designee”.
- Split regulations into subsections EX: “(a), (b), (c), etc.”
- Moved items or combined items to make more editorial sense.
- Removed redundant or unnecessary language to shorten the Article.

Strategy #1 Revising Language

- Split regulations into subsections EX: “(a), (b), (c), etc.”

Existing

Sec. 34-48. Purpose of chapter; duties of property owners and occupants.

The accumulation of garbage, recyclable material, rubbish, brush and other refuse constitutes a public nuisance, a health hazard, a fire hazard and a safety hazard. Therefore, it shall be required that owners and tenants of private residences, private commercial buildings and businesses, and the occupants of all private noncommercial buildings which accumulate refuse, deposit their garbage, rubbish, brush, and other refuse for removal by the agent designated by the city. Such owners, renters and occupants shall maintain the premises of the buildings and property free of accumulations of all other waste materials and nuisance materials. Such owners, renters and occupants shall not allow materials intended for recycling to create a nuisance on the premises of buildings and properties. All waste materials shall be disposed of in a place and by methods deemed appropriate by the city. The purpose of this chapter is to provide for a method of collecting and disposing of garbage, recyclable material, rubbish, brush, and other refuse, and to maintain neighborhood quality and aesthetics and maintenance of property values by providing for the general health and welfare.

(Ord. No. 20-F-26, § 2, 9-1-2020)

Proposed

Sec. 34-48. Purpose of Article

- (a) The purpose of this Article is to provide for the health, safety, and general welfare of the city by establishing a method of collecting and disposing of garbage, recyclable material, rubbish, brush, and other refuse.
- (b) The accumulation of garbage, recyclable material, rubbish, brush and other refuse by owners and tenants of private residences, private commercial buildings and businesses, and the occupants of all private noncommercial buildings is prohibited. All waste materials shall be disposed of in a place and by methods as outlined by city ordinance and the city’s franchise agreement.
- (c) It shall be unlawful for any person to engage in the business of collecting solid waste within the city except as may be specifically authorized in accordance with this article.
- (d) The provisions of this article shall be enforced by the City Manager or his/her designee. Notwithstanding any provisions contained herein to the contrary, the City Manager or his/her designee are hereby granted the authority to issue immediate citations to persons violating any provision of this article.

(Ord. No. 20-F-26, § 2, 9-1-2020)

Strategy #1 Revising Language

- Moved items or combined items to make more editorial sense.

Proposed

Sec. 34-51. Residential collection regulations.

- (a) It is hereby prohibited for any individual to utilize the services of any individual or corporation for purposes of residential solid waste collection other than the city's designated solid waste franchisee, except as provided by state law and/or annexation agreements. Every residential occupant shall subscribe to the services of the franchisee having the exclusive franchise for collection and disposal service with the city. It is declared to be unlawful for the occupant of any of the premises described in this section to fail or neglect to provide for the removal of solid waste as required under this article.
- (b) Individual residents may remove garbage, recyclable material, refuse, rubbish, brush or unusual accumulations from their own residences, provided that the garbage, recyclable material, rubbish, brush or unusual accumulations are secured.
- (c) It shall be unlawful for any person to deposit any materials not included in the definitions of garbage, recyclable material, refuse, rubbish and brush in any collection container or receptacle used for the disposal of garbage, recyclable material, rubbish or brush.
- (d) It shall be unlawful to bring in waste for disposal from outside of city limits.

From Sec 34-49



From Sec 34-61



From Sec 34-64



(Ord. No. 20-F-26, § 2, 9-1-2020)

Strategy #1 Revising Language

- Removed redundant or unnecessary language to streamline the Article.
- Ex: Defined Terms
 - 38 terms existing
 - 20 terms proposed

Sec. 34-4950. Defined terms.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~100-year flood means a flood that has a one percent or greater chance of recurring in any given year or a flood of a magnitude equaled or exceeded once in 100 years on the average over a significantly long period.~~

~~Bags means plastic sacks designed to store garbage, recyclable material, rubbish, brush, or other refuse with sufficient wall strength to maintain physical integrity when lifted by the top. The total weight of a bag and its contents shall not exceed 35 pounds.~~

~~Brush means plants or grass clippings, leaves or tree trimmings, including bags and/or bundles of landscape waste.~~ means any cuttings or trimmings from trees, shrubs, or lawns, including Green Waste.

Collection means the act of removing from a Customer's property (i) Waste in any form for transport to a Disposal Facility, (ii) Recyclables for transport to a Recycling Facility.

Construction and Demolition Debris means non-compatible waste building materials resulting from construction, remodeling, repair, or demolition operations at a Residential Unit, Municipal Facility, or large commercial and industrial unit, including but not limited to carpet, cartons, concrete, excelsior, gypsum board, metal, paper, plastic, rubber, and wood products. Construction debris does not include Hazardous Waste.

Container means a receptacle constructed of plastic, metal, or fiberglass, having handles of adequate strength for lifting, the mouth of which has a diameter greater than or equal to that of the base.

Strategy #2 Removing Details Related to Franchise Contract

- Removing language in Article III Solid Waste that is covered in Franchise Contract
- Example Sections:
 - Section 34-51 - Sanitation service deposits and fees.
 - Section 34-54 - Collection containers and receptacles for garbage, trash, brush and recyclable material.
 - Section 34-56 - Residential collection fees.
 - Section 34-58 - Commercial collection fees.
 - Section 34-60 - Collection contractor.
 - Section 34-65 - Diversion of recyclable materials.
 - Section 34-66 - Waste from tree trimming
 - Section 34-70 - Sanitation service deposits and fees
 - Section 34-71 - Residential collection regulations

Strategy #3 Cross-referencing items with Nuisance Code

- Chapter 54 Article V - Property Maintenance Requirements
 - Section 54-22 Exterior property areas; nuisance upon premises
 - Section 54-28 Rubbish and garbage

Strategy #3 Cross-referencing items with Nuisance Code

- Redundancies in Chapter 34 Article III Solid Waste

Chapter 34 Article III	Chapter 54 Article V
Section 34-48	Section 54-22(b)
Section 34-52	Section 54-22(f)

Sec. 34-48. Purpose of chapter; duties of property owners and occupants.

The accumulation of garbage, recyclable material, rubbish, brush and other refuse constitutes a public nuisance, a health hazard, a fire hazard and a safety hazard. Therefore, it shall be required that owners and tenants of private residences, private commercial buildings and businesses, and the occupants of all private noncommercial buildings which accumulate refuse, deposit their garbage, rubbish, brush, and other refuse for removal by the agent designated by the city. Such owners, renters and occupants shall maintain the premises of the buildings and property free of accumulations of all other waste materials and nuisance materials. Such owners, renters and occupants shall not allow materials intended for recycling to create a nuisance on the premises of buildings and properties. All waste materials shall be disposed of in a place and by methods deemed appropriate by the city. The purpose of this chapter is to provide for a method of collecting and disposing of garbage, recyclable material, rubbish, brush, and other refuse, and to maintain neighborhood quality and aesthetics and maintenance of property values by providing for the general health and welfare.

(b) It shall be unlawful for any person to permit or allow the keeping or the depositing on, or the scattering over the premises of any of the following:

- (1) Lumber, junk, trash, debris, brush, garbage or animal, vegetable or mineral matter and/or any composition of residue thereof with the exception of composting done in accordance with this chapter;
- (2) Abandoned, discarded or unused objects or equipment such as furniture, stoves, refrigerators, freezers or other appliances and including empty and discarded cans or containers, inoperable motor vehicles, car parts, tires and structurally unsound fences.
- (3) Any sign, notice, pole, post, and any other obstruction placed or painted upon any sidewalk, street or in any public right-of-way within the corporate limits of the city.
- (4) Excessive growth of weeds or other vegetation that exceeds eight inches in height or is allowed to remain upon premises so as to become a breeding place for flies, or insects or become offensive so as to emit foul or noxious odors; excluding trees, fruits, vegetables, farm crops, bushes, garden beds, flowers or other ornamental plants and composting done in accordance with this chapter.
- (5) The accumulation of stagnant water permitted to remain thereon. Watering beyond an individual's property, or in a manner or amount which encroaches on a neighbor's property resulting in standing or stagnant water is prohibited.
- (6) Inadequate or unsanitary sewage or plumbing facilities, contrary to public health, safety or welfare.
- (7) It shall be unlawful and declared a nuisance for any person to dump, or permit to be dumped, upon or along any drain, gutter, alley, easement, sidewalk, street, right-of-way or vacant lot into or adjacent to water or any other public or private property within the corporate limits of the city, any unwholesome water, refuse, rubbish, trash, debris, weeds, brush, tree cuttings, junk, garbage, impure or unwholesome matter of any kind or other objectionable or unsightly matter of whatever kind.

Strategy #3 Cross-referencing items with Nuisance Code

- Section 54-28 Rubbish and garbage

Existing

Sec. 54-28. Rubbish and garbage.

- (a) *Large appliances.* Storing large appliances (including freezers, refrigerators, stoves, dishwashers, clothes washers, clothes dryers, and other similar appliances) and similar equipment not in operation on the exterior areas of the property is prohibited. The only exceptions shall be if the doors or any self-latching devices are removed and the equipment is going to be discarded during the city fall and spring cleanup or immediately taken to an approved dumpsite.
- (b) *Time of disposal.* No trash or garbage containers will be placed on the curb line earlier than 24 hours prior to the time of the collection or left no later than 24 hours after the time of collection.
- (c) *Dumpsters.* It shall be unlawful to dispose of garbage, junk, rubbish, or other trash in any dumpster for which the person disposing of such items does not have the lawful right or permission to use.

(Ord. No. 13-H-51, § 1, 1-7-2014)

Redundant with Sec 54-22(b)(2)



Moved to Sec 54-22



Moved to proposed
Sec 34-50 Dumping



Strategy #3 Cross-referencing items with Nuisance Code

- Section 54-22 Gained language
- Section 54-28 Rubbish and garbage - Reserved

Proposed

Sec. 54-28. Reserved.

Sec. 54-22. Exterior property areas; nuisance upon premises.

(h) No person shall willingly or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

(j) No trash or garbage containers will be placed on the curb line earlier than 24 hours prior to the time of the collection or left no later than 24 hours after the time of collection.

(ji) *Composting.* Nothing in this chapter shall prohibit the composting of organic waste or land application of composted organic waste. All compost piles shall be maintained using the following approved composting standards:

Additional items

- Clarified language pertaining to State Law – Private Haulers of Recyclable Materials
 - Policy shift - updated language relating to permitting private recyclers.

Existing

- Need a “letter of credit” from each business served.
- Requires separate permit for each business served.
- Each permit cost \$2500 annually

Proposed

- List businesses served on permit application.
- 1 permit total.
- Each permit cost \$25 annually

Additional items

- Removed language that does not apply
- Ex: Section 34-59 specified collection in the “Central Business District” which Schertz does not have.
- Updated the “Offense” section to match language in “Violations” under the Nuisance Code

Recommendation

Staff Recommendation

- The proposed amendments help promote the health, safety, and general welfare by updating the Code of Ordinances.
- Updates to Solid Waste and Nuisance help "improving property conditions and overall appearance of the city" and "promote environmental stewardship and health", explicit goals in the Schertz Strategic Plan.
- Therefore, Staff recommends approval of Ord. 25-H-015