

ARTICLE 11.100 COLLECTION AND DISPOSAL OF GARBAGE AND TRASH

Sec. 11.101 Accumulation of Garbage and Trash a Public Menace, Etc.

The accumulation of garbage and trash in the City of Abernathy, Texas, on the premises of private residences, business, commercial or other institutions and in the streets and alleys constitutes a public menace and nuisance and greatly increases the danger of the spread of infectious, contagious, and epidemic diseases; and it is imperative and urgent for the preservation of health, safety, sanitation, peace and public welfare that proper and adequate regulations be adopted to require property owners, tenants, occupants or lessees to secure containers and receptacles of sufficient size and material in which to deposit garbage and trash for collection and removal at regular intervals. (1974 Code, Chapter 8, Article 1, Section 8-1)

Sec. 11.102 Definitions

(a) The term “garbage” as used herein shall be held to mean all animal or vegetable matter, such as waste material and refuse from kitchens, residences, grocery stores, butcher shops, restaurants, cafes, hotels, motels, rooming and boarding houses, and other deleterious substances.

(b) The term “trash” as used herein shall include all non-decayable wastes and all decayable wastes including but not limited to feathers, coffee grounds, ashes, tin cans, paper, boxes, glass, grass, shrubs, yard clippings, grass clippings, leaves and tree trimmings.

(1974 Code, Chapter 8, Article 1, Section 8-2)

Sec. 11.103 To Provide Containers

Each of said owners, occupants, tenants, or lessees shall provide a container or containers for garbage and trash of sufficient size and in good condition. Only garbage receptacles approved by the sanitation department will be acceptable under the standards of this article. Containers with no bottoms or bottoms that have deteriorated to the extent that garbage is spilled or scattered when handled by city employees will be condemned by the city, acting through its Department of Sanitation, and if such containers are not replaced after notice to the owner or user of their defective conditions, such containers will be confiscated by the city. (1974 Code, Chapter 8, Article 1, Section 8-4)

Sec. 11.104 Location of Containers

If the house, building, or premises from which the garbage and trash are to be collected and removed is adjacent to an alley, the owner, occupant, tenant or lessee of said premises is required to keep the garbage cans and trash receptacles at the property entrance from the alley in order that they may be easily accessible to the one collecting and removing the garbage or trash. In the event it is not practical to collect and remove the garbage or trash from the alley, the owner, occupant, tenant or lessee of the premises shall place the container at such point as the agent of the city shall find and designate to be the most accessible for collecting and removing. (1974 Code, Chapter 8, Article 1, Section 8-5)

Sec. 11.105 Charges

(a) Garbage and trash shall be collected and removed by the city as often as deemed necessary by the superintendent of sanitation of the city to protect the health and welfare of the citizens of Abernathy, Texas.

(b) Fair and reasonable charges to the owner, occupant, tenant, or lessee of premises based on volume of garbage and frequency of collection shall be and are shown in terms of dollars and cents for the different types of premises served for a calendar month as provided for in the fee schedule found in the appendix of this code.

(c) Fair and reasonable charges to the owner, occupant, resident, or lessee of public, business, or commercial institutions shall be and are shown in terms of dollars and cents for a calendar month, for the

provision of one 1-1/2 cubic yard dumpster emptied one weekly, as provided for in the fee schedule found in the appendix of this code.

(d) When a container will adequately and completely serve several adjacent public business or commercial institutions, these accounts can be required to use the same container and pay a pro-rata part of the monthly charge, determined according to the approximate quantity of space used; provided that in no case shall the total monthly charge be less than the monthly charge for the same container serving one customer.

(e) The city or its' designated refuse collection contractor will furnish such container or containers as may be required to be used in the collection and removal of trash and garbage.

(f) Lids and doors of all containers shall be kept closed at all times except when the container is being filled.

(g) The city will determine the placement locations for all containers and it shall be unlawful for any person to disturb or move a container without consent from the City of Abernathy.

(h) It shall be unlawful to make a fire or burn any material in a sanitation container furnished by the City of Abernathy or to paint or mark upon same or to place any poster, placard or sign on same.

(i) It shall be unlawful for any person, firm or corporation (other than the owner, occupant, resident, or lessee of the premises for which the container has been furnished and who is currently paying the monthly charge therefore) to place anything in a sanitation container.

(j) It shall be unlawful to block the access to any sanitation container.

(k) In addition to the rates set forth under subsections (a)-(j), the city adds an additional charge per customer as provided for in the fee schedule found in the appendix of this code, with such funds to be used for the city's benefit.

(l) The city will collect sales taxes as required by state law on trash collections.

(Ordinance 373, adopted 10/9/95, Sections 1-3)

Sec. 11.106 Construction Wastes, Etc.

Rock, waste, scrap building materials or other trash resulting from construction of major remodeling, or from a general cleanup of vacant or improved property prior to its occupancy or resulting from cleaning up of trees, brush and debris from property in preparation for construction will not be removed by the city as regular service. The owner or other person in charge of such premises shall have such materials removed at his expense. (1974 Code, Chapter 8, Article 1, Section 8-7)

Sec. 11.107 Owner or Occupant May Dispose of Garbage and Waste

Nothing in this article shall be construed to prohibit the owner or occupant of any premises within the hereinabove described area or within the city from himself disposing of or hauling away any garbage or waste materials from his premises in accordance with the terms and provisions herein. All vehicles used for hauling garbage and trash shall have sufficient covering, or so closely fitted as to prevent escape or flying about of any of the contents therefrom. (1974 Code, Chapter 8, Article 1, Section 8-8)

Sec. 11.108 Not to Dump Within the City

It shall be unlawful for any person to use any ground or place within the city limits for a dumping ground. (1974 Code, Chapter 8, Article 1, Section 8-9)

Sec. 11.109 Dead Animals

Dead animals shall not be placed in garbage or trash containers or in any street or alley. Dead animal pick-up service of the Department of Sanitation of the city shall, upon notice, remove such dead animals. (1974 Code, Chapter 8, Article 1, Section 8-10)

Sec. 11.110 To be Billed With Water and Sewer Charges

To avoid duplication of billing for sanitation services and as a convenience to the public, all persons, firms, or corporations, public or private, shall be billed on the same billings with their water and sewer bills and collection shall be made in the same manner as such bills. (1974 Code, Chapter 8, Article 1, Section 8-11)

Sec. 11.111 Failure to Pay the Charge

Any person, firm or corporation, who shall fail or refuse to pay the charge herein specified when same shall become due and payable shall have all city utility services suspended as outlined in the city's utility collection policy, and the superintendent of sanitation shall be notified immediately for appropriate action in accordance with the provisions of this article. (1974 Code, Chapter 8, Article 1, Section 8-12)

Sec. 11.112 Inspections to be Made

An inspection of buildings, premises and all places where garbage and trash may accumulate shall be made at regular intervals by the superintendent of sanitation or by someone under his direction to determine whether or not garbage and trash are being properly collected, removed and disposed of as required by the provisions of this article. If provisions of this article have been violated, appropriate and timely action shall be taken to insure a full compliance with such provisions. (1974 Code, Chapter 8, Article 1, Section 8-13)

Sec. 11.113 Penalty

Any person, firm or corporation who shall violate any of the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined in accordance with the general penalty provision found in Section 1.106 of this code, and each day's failure to comply with said article shall constitute a separate and distinct offense. (1974 Code, Chapter 8, Article 1, Section 8-14)