

ORDINANCE NO. 2288

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS AMENDING THE CODE OF ORDINANCES BY AMENDING CERTAIN PROVISIONS IN CHAPTER 3, ARTICLE IX (SOLID WASTE, RECYCLABLE MATERIALS AND VEGETATION) AND CHAPTER 2, ARTICLE V, DIVISION 4 (FEES FOR VARIOUS CITY SERVICES) AND OTHER MATTERS RELATED THERETO.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS:

Section 1. That Chapter 3, Article IX, Division 1, Section 3-148, Definitions, of the Code of Ordinances is revised to read as follows:

Sec. 3-148. Definitions.

In this article:

Bulk cardboard means cardboard of a quantity or size that cannot be fitted inside a container or cart and that is free of any contents or material.

Bulky waste means large items unable to fit inside the garbage cart including but not limited to White Goods, bicycles, furniture, rugs, mattresses, televisions, fence material, auto parts, and other similar oversized items which are customary to ordinary housekeeping operations of a Residential Unit.

Cart means 35, 65, and 95-gallon plastic receptacles issued by the city, equipped with wheels, handles, and a tight-fitting cover, designed for an automated or rear load Collection Vehicle. The weight of a Cart and its contents shall not exceed approximately 170 lbs.

Commercial property means real property that is not a residential property.

Commercial waste means all types of Solid Waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, excluding Residential Waste and Industrial Waste.

Commercial waste customer means the owner or lessee of commercial property or of residential property with respect to the collection of construction and demolition waste.

Commercial waste operator means any person who collects, hauls, or transports commercial solid waste industrial solid waste, or residential construction debris for a fee by use of a motor vehicle.

Construction and demolition waste means waste building materials resulting from construction, remodeling, repair, or demolition operations that are directly or indirectly the by-products of construction work or that result from demolition of buildings and other structures, but specifically excluding inert debris, land-clearing debris, yard debris, or used asphalt, asphalt mixed with dirt, sand, gravel, rock, concrete, or similar materials.

Container means a receptacle designed to contain waste with a capacity of at least 18 gallons but not greater than 96 gallons, 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.

Exclusive franchisee means the commercial waste operator holding an exclusive franchise from the city to collect and dispose of commercial waste.

Garbage means Municipal Solid Waste (MSW) consisting of putrescible or animal and vegetable waste materials resulting from the handling, preparation, cooking or consumption of food, including waste materials from markets, storage facilities, handling and sale of produce and other food products, and all dead animals of less than ten pounds (10 lbs.) in weight, except those slaughtered for human consumption.

Green waste means items such as yard trimmings, brush, clean wood material, tree limbs, vegetative material, leaves, grass clippings (no sod), mixed yard waste, leaf mulch, shrubbery, sawdust, Christmas trees, wood chips, and any other landscape waste material conducive to the composting process. Limbs should not exceed four (4) feet in length and not exceed four (4") in diameter. All Brush may be stacked in such a way as to allow safe lifting by the employee into the collection vehicle. No stacks, bags, bundles or containers shall exceed forty (40) pounds in total weight.

Hazardous waste means any Solid Waste identified or listed as hazardous waste by the administrator of the Environmental Protection Agency under the Federal Solid Waste Disposal Act as amended by RCRA, 42 U.S.C. S6901, et, seq., as amended.

Household hazardous waste or "HHW" means items which have been segregated from residential garbage and are designated as hazardous by the United States Environmental Protection Agency or the State of Texas and shall include, but not be limited to, outdoor insecticides and fertilizers, automotive products, household insecticides and maintenance chemicals, paint products and other items including electronics, small batteries, vehicle batteries, and lamps.

Household waste means wastes consisting of everyday items such as product packaging, grass clippings, furniture, clothing, bottles and cans, food scraps, newspapers, appliances, consumer electronics, and batteries. These wastes come from homes; institutions such as schools and hospitals; and commercial sources such as restaurants and small businesses. Household waste does not include municipal wastewater treatment sludges, industrial process wastes, automobile bodies, combustion ash, or Construction and Demolition Debris.

Industrial solid waste has the meaning as defined in V.T.C.A, Health and Safety Code, Ch. 361, as amended.

Industrial waste means solid waste resulting from or incidental to any process of industry or manufacturing, or mining or agricultural operations.

Recyclable materials or Recyclables means a material that has been recovered or diverted from the non-hazardous waste stream for purposes of reuse, recycling, or reclamation, a substantial portion of which is consistently used in the manufacture of products that may otherwise be produced using raw or virgin materials. Although recyclable material is not solid waste, it may become solid waste if it is abandoned or disposed of rather than recycled, whereupon it will be solid waste with respect to the party actually abandoning or disposing of the material.

Recycle or Recycling means the collection, separation, recovery, and sale or reuse of metals, glass, paper, green waste, plastics and other materials which would otherwise be disposed or processed as municipal waste or the mechanized separation and treatment of municipal waste and creation and recovery of reusable materials other than a fuel for the operation of energy. *Refrigerant* means a Class I or Class II substance as listed in 42 U.S.C. Section 7671a and rules adopted under that section, as amended.

Residential property means real property containing a building designed for use as a single- or a two-family residence.

Soft green waste means grass clippings, leaves, small tree and hedge trimmings.

Soft recyclables means men's, women's and children's clothing, coats and jackets, jewelry, shoes, purses, hats, toys, pictures, mirrors, blankets, drapes/curtains, pillows, sleeping bags, small furniture, small appliances, irons, radios, lamps, hairdryers, tools, microwaves, coffee makers, silverware, dishes, pots, pans, glasses and backpacks.

Solid waste means garbage, Refuse, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semi- solid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations and from community and institutional activities. The term does not include: a) Solid or dissolved material in domestic sewage, or solid or dissolved material in irrigation return flows, or industrial discharges subject to regulation by permit issued under Texas Water Code, Chapter 26; b) Solid, dirt, rock, sand, and other natural or man-made inert solid materials used to fill land if the object of the fill is to make the land suitable for the construction of surface improvement; c) Waste materials that result from activities associated with the exploration, development, or production of oil or gas or geothermal resources and other substance or material regulated by the Railroad Commission of Texas under Natural Resources Code, §91.101, unless the waste, substance, or material results from activities associated with gasoline plants, natural gas liquids processing plants, pressure maintenance plants, or re-pressurizing plants and is hazardous waste as defined by the administrator of the EPA under the federal Solid Waste Disposal Act, as amended by RCRA, as amended (42 U.S.C.A. §6901 *et seq.*), or d) Unacceptable Waste.

Temporary construction and demolition waste means construction and demolition waste from a project that does not exceed 30 days.

Weeds means all rank and uncultivated vegetable growth or matter which is liable to become an unwholesome or decaying mass or breeding place for flies, mosquitoes, or vermin.

Section 2. That Chapter 3, Article IX, Division 1, Section 3-150, Offenses, of the Code of Ordinances is revised to read as follows:

Sec. 3-150. Offenses.

(a) It is unlawful for any person to operate or use a motor vehicle to unload or empty a solid waste container by means of a mechanical lifting apparatus or device attached to the motor vehicle between the hours of 10:00 p.m. and 7:00 a.m. of the following day, if the container is located within 1000 feet of a residential property.

(b) All solid waste must be transported in leak proof containers or in leak proof vehicle bodies or compartments and be so fitted and constructed so that the solid waste is kept covered at all times except when being loaded and emptied.

Section 3. That Chapter 3, Article IX, Division 2, Section 3-156, Requirements for collection, of the Code of Ordinances is revised to read as follows:

Sec. 3-156. Requirements for collection.

(a) *Customers.*

- (1) Except for bulky waste, green waste, soft recyclables and bulk cardboard, customers must place all solid waste within a cart provided by the city.
- (2) Customers should contain all solid waste placed in carts used for garbage in plastic or paper bags to help prevent odors and the contents from blowing out of the container when the cart is being emptied.
- (3) Customers may not place hot ashes, car parts, or non-household hazardous waste in a cart or at the curb for collection.
- (4) Customers may not place construction and demolition waste from a contractor project in a cart or at the curb for collection.
- (5) Customers must place the carts for solid waste collection at the base of the curb (where curbs exist) with the cart wheels against the curb.
- (6) Customers must place carts, containers, bags, green waste, bulk cardboard and all other solid waste in a manner that does not block sidewalks, that is not within three feet of a mailbox, parked car, or other fixed object, and that is clear of low hanging limbs and utility lines.
- (7) Customers may not place solid waste in a cart that exceeds the maximum weight rating capacity imprinted on the container.
- (8) Customers may not place carts, containers, bags, green waste, bulk cardboard, or solid waste out by the curb for collection earlier than 6:00 p.m. the evening before the day of collection and later than 7:00 a.m. of the day of collection. Customers must remove carts and containers from the curb no later than 8:00 a.m. on the morning following the day of collection.
- (9) Customers may place tree limbs out for collection if the tree limbs are:
 - a. No longer than four feet in length with a diameter of four inches or less; or
 - b. No longer than two feet in length with a diameter between four and six inches.
- (10) Customers may place up to ten cubic yards of green waste to be collected on the scheduled collection day.
- (11) Customers may place green waste that exceeds ten cubic yards to be collected within five business days of the customer's scheduled collection day.
- (12) Customers must place soft green waste in a clear translucent bag or in a personal container.

- (13) Customers must contact the solid waste contractor to schedule bulky waste collection and bulk cardboard collection.
- (14) Customers may place for collection appliances designed to use refrigerants if:
- All doors of a refrigerator or freezer are removed;
 - A tag is prominently displayed on the appliance issued by a person licensed to perform air conditioning and refrigeration work under V.T.C.A., Ch. 1302, Texas Occupations Code, as amended, certifying that all refrigerants have been removed; and
 - The resident has scheduled an on-demand bulky waste collection.
- (15) Customers may not place bulky waste for collection if the total volume of bulky waste exceeds five cubic yards.
- (16) Customers must place all bulky waste, green waste, bulk cardboard and soft recyclables no farther than four feet from the curb for collection.
- (17) Customers must place all soft recyclables in customer-owned containers and schedule an on-demand collection through the City's textile recycling contractor.
- (b) *City*. The city is not required to collect any residential solid waste that does not comply with the requirements of this section.

Section 4. That Chapter 3, Article IX, Division 3, Section 3-160, Opt-out exception for eligible commercial solid waste customer, of the Code of Ordinances is hereby deleted. Section 3-160 is now reserved.

Section 5. That Chapter 2, Article V, Division 4, section 2-136(d)(2) is revised to read as follows:

- (2) Commercial solid waste fees, rates, and licenses:
- Application for commercial solid waste or recyclable materials operator's license\$500.00
 - Commercial solid waste license fee ...10% of gross revenue
 - Commercial solid waste fees and exclusive franchise rates for collection and disposal of commercial solid waste:

Small Business Collection Rates:		
	Monthly Rate Based on Number of Service Days Per Week	
	1	2
95 Cart	\$23.00	\$27.00

Front End Load Containers:							
	Monthly Rate Based on Number of Service Days Per Week						
	1	2	3	4	5	6	7
2 yard	\$97.17	\$173.42	\$249.70	\$325.93	\$402.18	\$494.49	\$586.81
3 yard	\$107.37	\$189.60	\$271.83	\$354.06	\$436.30	\$534.60	\$632.91
4 yard	\$116.40	\$204.63	\$292.83	\$381.06	\$469.27	\$573.57	\$677.86
6 yard	\$138.69	\$259.80	\$307.22	\$467.64	\$552.08	\$832.40	\$1,000.23
8 yard	\$155.93	\$301.37	\$436.46	\$561.17	\$675.48	\$935.28	\$1,212.40
10 yard	\$259.80	\$493.62	\$727.44	\$900.64	\$1,082.50	\$1,558.80	\$2,121.70

Front End Load Vertical Compactors:							
	Monthly Rate Based on Number of Service Days Per Week						
	1	2	3	4	5	6	7
4 yard	\$222.83	\$406.48	\$506.54	\$662.89	\$703.53	\$750.45	\$809.84
6 yard	\$323.62	\$609.74	\$758.50	\$994.32	\$1,055.31	\$1,125.66	\$1,216.02

Roll Off Container Pricing:				
	Each Haul and Disposal			
	Haul	Disposal	Excess Tonnage (Additional Fee)	Total
Open top:				
Up to 6 tons	\$475.00	Included	\$39.50/per ton	\$475.00
Over 6 less than 10 tons	\$475.00	\$39.50/per ton	\$39.50/per ton	\$475 + \$39.50/per ton
Delivery – Open Top	\$125.00			\$125.00
Dry Run	\$125.00			\$125.00
Compactors				
Up to 7 tons	\$535.00	Included	\$39.50/per ton	\$535.00
Over 7 less than 10 tons	\$535.00	\$39.50/per ton	\$39.50/per ton	\$535 + \$39.50/per ton
Dry Run	\$150.00			\$150.00

Construction & Demolition Roll Off Container Pricing:			
	Each Haul and Disposal Based on Project Size		
	1-10 Hauls	11-50 Hauls	51 + Hauls
20 yard	\$440.00	\$440.00	\$440.00
30 yard	\$475.00	\$475.00	\$475.00
40 yard	\$510.00	\$510.00	\$510.00

Other Fees:	
Extra Lift	\$150.00
Relocation	\$150.00
Delivery	\$150.00
Removal	\$150.00
Container Swap Out	\$150.00
Pull Out Fee (10' Max)	\$30.00
Container Lock	\$9.00
Enclosure Lock	\$9.00
Casters	\$15.00

Roll-off Other Fees:	
Minimum Lift Fee	\$175.00
Dry Run	\$250.00
Delivery	\$175.00
Removal	\$175.00
Relocation	\$175.00

Section 6. That the provisions of this ordinance are severable and the invalidity of any part of this ordinance will not affect the validity of the remainder of the ordinance.

APPROVED on first consideration on _____, 2022

ADOPTED on second consideration on _____. 2023.

Joe R. Zimmerman, Mayor

ATTEST:

APPROVED AS TO FORM:

Thomas Harris, III, City Secretary