

ORDINANCE NO. 2010-03-01

AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 13, ARTICLE 13.1200, "SOLID WASTE/REFUSE COLLECTION AND DISPOSAL," SECTION 13.1201 BY AMENDING DEFINITION OF "GARBAGE"; BY AMENDING SECTION 13.1206(a)(1)(A) TO PROVIDE FOR ISSUANCE OF POLY CART FOR RECYCLABLES; BY REPEALING SECTION 13.1206(a)(1)(F) IN ITS ENTIRETY, AND REPLACING WITH A NEW SECTION 13.1206(a)(1)(F) TO PROVIDE FOR POLY CART STORAGE AND PLACEMENT FOR COLLECTION; BY AMENDING SECTION 13.1207(a) TO PROVIDE FOR BIWEEKLY COLLECTION OF RESIDENTIAL RECYCLABLES, AND FOR REMOVAL OF POLY CARTS AND OTHER APPROVED CONTAINERS FROM COLLECTION POINTS; BY AMENDING SECTION 13.1207(b)(2) TO REQUIRE COMMERCIAL PROPERTY OWNER TO MAINTAIN DUMPSTER SURROUNDINGS IN A CLEAN AND SANITARY CONDITION; BY REPEALING LANGUAGE IN SECTION 13.1207(c)(2) REQUIRING PROPERTY OWNER AFTER NOTIFICATION TO DISPOSE OF ITEMS THAT CANNOT BE HANDLED BY THE COLLECTION CREWS, AND REPLACING WITH PROVISION FOR COLLECTION OF WASTE MATERIALS LEFT OUTSIDE POLY CARTS AT ADDITIONAL COST TO PROPERTY OWNER OR RESIDENT; AMENDING SECTION 13.1212 TO REQUIRE OWNER TO DISPOSE OF DECEASED LIVESTOCK; AND BY ADDING SECTION 13.1221 TO PROVIDE FOR AN INCENTIVE BASED RECYCLING PROGRAM; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Lancaster has determined that the City should encourage recycling by its citizens by offering an incentive-based recycling program; and

WHEREAS, the recycling program provides for the use of a 95-gallon polycart for recyclables to be collected biweekly; and

WHEREAS, the City Council finds that the Ordinances for "Solid Waste/Refuse Collection and Disposal" require modification to provide for biweekly collection of recyclables from polycarts; and

WHEREAS, the City further desires to address issues concerning waste surrounding commercial dumpsters and residential polycarts; and

WHEREAS, after consideration, the City Council has determined that it is in the best interest of the City and its citizens to amend Chapter 13, Article 13.1200 to provide for an incentive-based recycling program, and address issues with current waste collection.

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

SECTION 1. That the Code of Ordinances of the City of Lancaster, Texas, as amended, be, and the same is, hereby amended by amending Chapter 13, Article 13.1200, "Solid Waste/Refuse Collection and Disposal," Section 13.1201 by deleting the word "putrescible" from the definition of "Garbage," and replacing it with "perishable," which definition shall read as follows:

"ARTICLE 13.1200 SOLID WASTE/REFUSE COLLECTION AND DISPOSAL

Sec. 13.1201 Definitions

...

Garbage. Solid waste that is perishable. . .

..."

SECTION 2. That the Code of Ordinances of the City of Lancaster, Texas, as amended, be, and the same is, hereby amended by amending Chapter 13, Article 13.1200, "Solid Waste/Refuse Collection and Disposal," Section 13.1206(a)(1)(A) to provide for issuance of polycart for recyclables, which shall read as follows:

"ARTICLE 13.1200 SOLID WASTE/REFUSE COLLECTION AND DISPOSAL

...

Sec. 13.1206 Containers

(a) ...

(1) Residential:

(A) . . . household will be issued one (1) polycart for solid waste and one (1) polycart for recyclables. Up to three . . .

..."

SECTION 3. That the Code of Ordinances of the City of Lancaster, Texas, as amended, be, and the same is, hereby amended by amending Chapter 13, Article 13.1200, "Solid Waste/Refuse Collection and Disposal," by repealing Section 13.1206(a)(1)(F) in its entirety and replacing it with a new Section 13.1206(a)(1)(F) to provide for polycart storage and placement for collection, which shall read as follows:

"ARTICLE 13.1200 SOLID WASTE/REFUSE COLLECTION AND DISPOSAL

...

Sec. 13.1206 Containers

(a) ...

(1) Residential:

...

(F) Polycarts and other approved receptacles for street front collections shall be stored behind the front building line except when placed out for collection. Polycarts or other approved receptacles for rear alley collections shall be stored behind the rear property line except when placed out for rear alley collection.

...”

SECTION 4. That the Code of Ordinances of the City of Lancaster, Texas, as amended, be, and the same is, hereby amended by amending Chapter 13, Article 13.1200, “Solid Waste/Refuse Collection and Disposal,” Sections 13.1207(a)(1) and (a)(4) to provide for biweekly collection of recyclables in polycarts, Section 13.1207(a)(3) to require removal of polycarts and other approved containers from the point of collection within twenty-four hours of collection, and Section 13.1207(a)(5) to change reference to “putrescible” waste to “perishable” waste, which shall read as follows:

"ARTICLE 13.1200 SOLID WASTE/REFUSE COLLECTION AND DISPOSAL

...

Sec. 13.1207 Collection Regulations

(a) Residential:

(1) ... for regular garbage and biweekly for recycling materials. . .

...

(3) ... day of collection. Polycarts and other approved containers shall be removed from the roadway or alley point of collection within twenty-four (24) hours of collection.

(4) ... intended for recycling shall be placed in the polycart designated for recycling materials. Collection for recycling materials will occur biweekly on a date determined by the contractor.

(5) All perishable waste. . .

...”

SECTION 5. That the Code of Ordinances of the City of Lancaster, Texas, as amended, be, and the same is, hereby amended by amending Chapter 13, Article 13.1200, “Solid Waste/Refuse Collection and Disposal,” Section 13.1207(b)(2) to require commercial property owner to maintain dumpster surroundings in a clean and sanitary condition, which shall read as follows:

"ARTICLE 13.1200 SOLID WASTE/REFUSE COLLECTION AND DISPOSAL

...

Sec. 13.1207 Collection Regulations

...

(b) Commercial:

- (2) . . . clean and safe manner. The property owner must maintain the dumpster surroundings in a clean and sanitary condition, and is responsible for removing and properly disposing of waste materials stacked outside the commercial container/dumpster or causing the commercial container/dumpster to be overfilled.

...”

SECTION 6. That the Code of Ordinances of the City of Lancaster, Texas, as amended, be, and the same is, hereby amended by amending Chapter 13, Article 13.1200, “Solid Waste/Refuse Collection and Disposal,” Section 13.1207(c)(2) by repealing language following “closed and secured,” and adding language to provide for disposal of waste materials left outside polycart at additional cost to property owner or resident, which shall read as follows:

"ARTICLE 13.1200 SOLID WASTE/REFUSE COLLECTION AND DISPOSAL

...

Sec. 13.1207 Collection Regulations

...

(c) Commercial:

- (2) . . . closed and secured. The City Contractor shall dispose of any waste materials left outside a polycart, and the property owner or

resident shall be billed for the costs of the additional disposal. Continued placement of solid waste materials outside the polycart could result in a citation.”

SECTION 7. That the Code of Ordinances of the City of Lancaster, Texas, as amended, be, and the same is, hereby amended by amending Chapter 13, Article 13.1200, “Solid Waste/Refuse Collection and Disposal,” Section 13.1212 to change the reference from “animal control” to “animal services,” and to provide that the disposal of deceased livestock is the owner’s responsibility, which shall read as follows:

"ARTICLE 13.1200 SOLID WASTE/REFUSE COLLECTION AND DISPOSAL

...

Sec. 13.1212 Disposal of Animal Carcasses

. . . pickup service of the animal services department of the city. . .as shall be designated by the city. The disposal of deceased livestock is the responsibility of the owner.”

SECTION 8. That the Code of Ordinances of the City of Lancaster, Texas, as amended, be, and the same is, hereby amended by amending Chapter 13, Article 13.1200, “Solid Waste/Refuse Collection and Disposal,” by adding Section 13.1221 to provide for an incentive based recycling program, which shall read as follows:

"ARTICLE 13.1200 SOLID WASTE/REFUSE COLLECTION AND DISPOSAL

...

Sec. 13.1221 Recycling Rewards Program

The City Contractor shall implement an incentive based recycling program in the city, providing participating customers with rewards based on the average weight of recyclables per household, calculated by dividing the weight of recyclables in a load by the number of recycling participants on the load. Rewards shall be redeemable through the City Contractor’s program.”

SECTION 9. That all provisions of the City of Lancaster, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

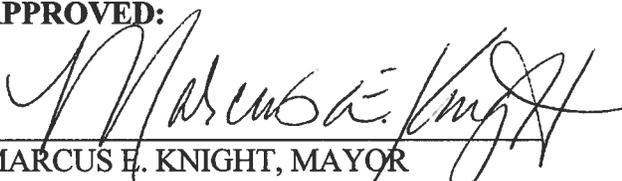
SECTION 10. That the Code of Ordinances of the City of Lancaster, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 11. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be unconstitutional, illegal or invalid, and shall not affect the validity of the ordinance as a whole.

SECTION 12. That this ordinance shall take effect immediately from and after its passage and the publication of its caption, as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Lancaster, Texas, on the 22nd day of March 2010.

APPROVED:



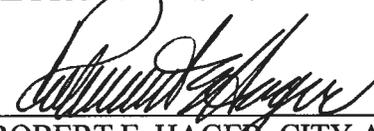
MARCUS E. KNIGHT, MAYOR

ATTEST:



DOLLE K. DOWNE, CITY SECRETARY

APPROVED AS TO FORM:



ROBERT E. HAGER, CITY ATTORNEY