

ORDINANCE NO. 25-025

AN ORDINANCE ADDING OR AMENDING **CHAPTER 32- SOLID WASTE**, ARTICLE I. IN GENERAL SEC. 32.6.-(c) BULK GARBAGE CONTAINER REQUIREMENT AND SEC. 32-9.- BRUSH CHIPPING, LEAF COLLECTION, DROP-OFF AND SPECIAL YARD-WASTE REMOVAL SERVICES AND **APPENDIX A SEC. 14.100 (g)** GARBAGE COLLECTION RATES OF THE CODE OF ORDINANCES OF THE CITY OF FREDERICKSBURG TO ADD REQUIREMENTS FOR BRUSH CHIPPING, LEAF COLLECTION, DROP-OFF AND SPECIAL YARD-WASTE REMOVAL SERVICES BY THE CITY OF FREDERICKSBURG PROVIDING FOR GENERAL REQUIREMENTS DEFINING THE MATERIALS TO BE COLLECTED, THE TIMES FOR COLLECTION, NON-COMPLIANT MATERIALS, CUSTOMER DUTIES, ENFORCEMENT, CHARGES, SEVERABILITY/INVALIDITY, REPEALER, PENALTIES AND EFFECTIVE DATE.

WHEREAS, the City of Fredericksburg currently provides a city-wide service for residential garbage customers of picking up and disposing of brush and leaves within the City, and provides a drop-off location for those in addition to grass clippings which services are valuable in promoting the neat and orderly appearance of the City and its neighborhoods; and

WHEREAS, the City Council of the City of Fredericksburg desires to continue the these services which are currently provided by the Public Works Department of the City; and

WHEREAS, in order to do so in a cost effective and efficient manner, the Council has determined, based on the recommendation of its Public Works Department staff, that certain regulations and fees should be placed on the operation and utilization of such service; and

WHEREAS, to implement such regulations and fees, the City Council has further determined that the following provisions be enacted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS THAT THE FOLLOWING ORDINANCE BE AND IS HEREBY ENACTED AND THAT **CHAPTER 32- SOLID WASTE**, ARTICLE I. IN GENERAL SEC. 32.6.-(c) BULK GARBAGE CONTAINER REQUIREMENT AND SEC. 32-9.- BRUSH CHIPPING, LEAF COLLECTION, DROP-OFF AND SPECIAL YARD-WASTE REMOVAL SERVICES AND **APPENDIX A SEC. 14.100 (g)** GARBAGE COLLECTION RATES OF THE CODE OF ORDINANCES OF THE CITY OF FREDERICKSBURG BE AMENDED OR ADDED AS FOLLOWS:

CHAPTER 32-SOLID WASTE

ARTICLE I. IN GENERAL

Sec. 32-6. Bulk garbage container requirement.

(c) Brush, limbs and leaves shall not be picked up as a part of the City's regular garbage disposal service.

Sec. 32.9 Brush chipping, leaf collection, drop-off and special yard-waste removal services.

(a) The following requirements apply to brush chipping, leaf collection, drop-off and special plant and tree pick-up services (the "services") provided by the City of Fredericksburg:

1. The City will collect the material specified for each service below. Any material placed for collection which does not meet any of the specifications of this Section 32.9 will be considered non-compliant.

2. Brush chipping, leaf collection, drop-off and special yard-waste removal services shall not be used by, and are not available to any person who, or entity which, is not a residential garbage customer of the City of Fredericksburg in good standing. The following residential uses are also excluded: Apartments and bed and breakfast locations with more than two units.

3. No material generated at a location other than the residence from which it is collected shall be placed in any place or pile for pick up or disposal or be dropped-off.

4. No material generated by a hired, commercial, or contracted person or service shall be placed in any place or pile for pick up or disposal or dropped-off.

5. No, thorny limbs, cacti, posts, boards, lumber, other building materials or their fragments or other foreign material shall be placed in any place or pile for pick up or disposal or dropped-off.

4. All persons and entities utilizing the services must:

A. Place only non-contaminated, non-comingled material in the place specified on or adjacent to his or her property (or the property managed, rented or occupied by him or her) only.

B. Avoid the parking of vehicles near the piles, and

C. Avoid overhead obstructions, utility facilities, fences and other personal property, trees or other vegetation.

D. Place no bags in or near the collection piles or on the collection site.

E. Place no items in an alley except as may be allowable for the City's regular garbage disposal service.

5. The term Director means the City of Fredericksburg's Director of Public Works and Utilities or his or her designee.

6. Non-compliant vegetative materials may be collected at the discretion of the Director, however, the garbage collection utility customer in front of or adjacent to the premises of which the materials are placed will be charged a collection fee as set forth in Appendix A.

(b) Brush chipping: The following additional requirements apply to the brush chipping service:

1. The City will collect tree branches, woody vines, shrubs and other herbaceous and woody plants less than eight (8") feet in length and less than eight (8") inches in diameter. All limbs greater than one (1") inch in diameter must be cut off from the main branch. No vines, shrubs with root systems, stumps or roots shall be placed in a chipping pile or place.

2. Brush for chipping shall be placed on the property of the garbage utility

customer from which the material is generated adjacent to the curb or alley of the City's in a pile no larger than four (4') feet high by eight (8') feet wide, stacked reasonably untangled with cut ends toward the street or alley.

3. Brush will normally be collected on the regular trash collection day for the respective customers, and for no additional charge. However, compliant piles will be allowed to remain until picked up.

(c) Leaf pick up: The following additional requirements apply to the leaf pick- service:

1. The City will collect leaves which shall not contain rocks, brush, limbs, sticks or grass clippings.

2. Leaves for pick-up shall be placed adjacent to the property of the garbage utility customer from which the leaves are generated in the street or alley of the City's approximately twelve (12") inches from the curb (or edge of alley) in a pile no longer than the width of the lot from which the leaves were generated.

3. Leaves will be collected for no additional charge during times designated by the City's Director. The Director shall post times designated for leaf collection, as well as the earliest date leaves may be placed for collection, on the City's official website. Other advertising may occur, however, the official dates are those that appear on the City's official website.

4. Leaves which are placed for collection other than during the times designated by the Director, or which remain more than ten (10) days after the times designated by the Director for collection shall be considered non-compliant.

(d) Drop-off: The following additional requirements apply to the yard waste drop-off service:

1. The City will permit the dumping of leaves and grass clippings which shall not contain rocks, brush, limbs or sticks.

2. Leaves and grass clippings may be deposited for no additional charge any time of the day or night at the location designated by the City's Director on the City's official website. Other advertising may occur, however, the official location is that which appears on the City's official website.

3. Notwithstanding Sec. 32.9 (a) 2., any resident of the City of Fredericksburg or Gillespie County may utilize the drop-off service, however the other provisions of said Sec. 32.9 (a) will still apply to this service.

(e) Special plant and tree pick-up service: The following additional requirements apply to the special plant and tree pick-up service:

1. Plant and tree material pick-up is available by prior arrangement with the City's Public Works Department for trees, limbs, brush, leaves or grass clippings during times of non-collection or which do not meet the specifications of the no-cost services described above (such as stumps, roots and the like).

2. Such service shall be at the City's discretion as to time and ability of manpower and machinery to handle the particular request. No material shall be placed for collection without prior consent and arrangement with the City's Public Works Department.

3. The cost for such service is set forth in Appendix A of this Code of Ordinances.

(f) Enforcement.

1. No person shall violate the terms of this Section and enforcement may be taken against any person who violates the terms of this section.

2. Additionally, failure to comply with the terms of this Section shall be deemed to be a public nuisance.

3. Any materials placed out for collection shall be presumed to belong to and be the responsibility of the utility customer, owner, manager, tenant or occupant of any dwelling, building or premises in front of which, or adjacent to which, the materials are placed.

4. The penalties set forth in the General Provisions of this Code of Ordinances apply to any violation of this Article.

5. In addition to any other remedy, the Director may, but is not required to:

A. Place a door-hanger on the property where the violation occurs which gives the utility customer, owner, manager, tenant or occupant of the property a deadline for compliance.

B. If there is no compliance by the deadline, the Director may have the City remove the debris, pile or other material or violation and charge the utility customer or property owner for the cost of such removal in accordance with the fees set forth in Appendix A. Such charge will be added to the garbage collection fee.

C. Any person may appeal the imposition of a fee to the Director, who may waive or adjust the fee in cases of hardship. Any appeal must be presented to the Director no later than 30 days following the day the monthly billing which includes the charge is sent to the customer. The appeal must be in writing and must clearly state the reasons for the appeal and hardship. The Director will rule on the appeal within 30 days following receipt of the written appeal, and will notify the appellant of his or her decision. The Director may require reasonable proof of any facts in making his or her decision. Such charge will not be considered delinquent until it is not paid within the billing cycle following the Director's determination.

APPENDIX A

Sec.14.100.- Garbage Collection Rates

(g) Rates for brush chipping, leaf collection, drop-off and special yard-waste removal services.

1. There shall be no charge for brush chipping, leaf collection or drop-off of material which complies with the terms of Section 32.9 of the Code of Ordinances of the City of Fredericksburg.

2. Charges for brush chipping, leaf collection or drop-off of material which is placed for collection and non-compliant with the terms of Section 32.9 of the Code of Ordinances of the City of Fredericksburg shall be One Hundred and No/100 (\$100.00) Dollars for each dump truck size load or part thereof.

3. Charges for special plant and tree pick-up service shall be based on a cost of Fifty and No/100 (\$50.00) Dollars per man-hour or part thereof charged in 30 minute increments, and the City may require a deposit or prepayment of the same.

-----End of Code Text-----

Severability / Invalidity.

If any provision of this ordinance or the application hereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without defeating the purpose or objective of the provisions, and to this end, the provisions of this ordinance are declared to be severable.

Repealer.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

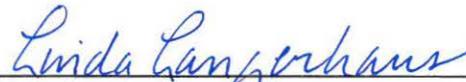
Penalties.

Penalties provided for in the Code Ordinances of the city of Fredericksburg shall apply to violations hereof.

Effective date.

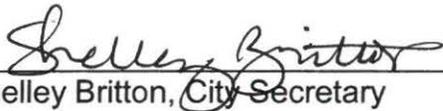
This ordinance shall take effect from and after the date of its passage and publication in accordance with the law.

PASSED AND APPROVED this the 21ST day of Sept, 2015.



Linda Langerhans, Mayor
City of Fredericksburg

ATTEST:



Shelley Britton, City Secretary

APPROVED AS TO FORM:



Pat McGowan, City Attorney