

ORDINANCE NO. 2022-4344

AN ORDINANCE AMENDING CHAPTER 40, "UTILITIES," ARTICLE IV, "SOLID WASTE COLLECTION AND DISPOSAL," DIVISION 2 "WASTE COLLECTION," SECTION 40-388, 40-391, AND 40-392 OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING CERTAIN SECTIONS RELATING TO WASTE COLLECTION; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

PART 1: Chapter 40, "Utilities," Article IV, "Solid Waste Collection and Disposal," Division 2 "Waste Collection," Section 40-388, 40-391, and 40-392 of the Code of Ordinances of the City of College Station, Texas, be amended as set out in Exhibit "A" attached hereto and made a part of this Ordinance for all purposes.

PART 2: If any provision of this Ordinance or its application to any person or circumstances is held invalid or unconstitutional, the invalidity or unconstitutionality does not affect other provisions or application of this Ordinance or the Code of Ordinances of the City of College Station, Texas, that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this Ordinance are severable.

PART 3: That any person, corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than twenty five dollars (\$25.00) and not more than five hundred dollars (\$500.00) or more than two thousand dollars (\$2,000) for a violation of fire safety, zoning, or public health and sanitation ordinances, other than the dumping of refuse. Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PART 4: This Ordinance is a penal ordinance and becomes effective ten (10) days after its date of passage by the City Council, as provided by City of College Station Charter Section 35.

PASSED, ADOPTED and APPROVED this 14th day of April, 2022.

ATTEST:



City Secretary

APPROVED:



Mayor

APPROVED:



City Attorney

EXHIBIT A

That **Chapter 40, “Utilities,” Article IV, “Solid Waste Collection And Disposal,” Division 2 “Waste Collection,” Section 40-388, 40-391 and 40-392 and renumbering the remaining sections of Division 2** of the Code of Ordinances of the City of College Station, Texas, is hereby amended to read as follows:

Sec. 40-388. - Service level and appeal.

Upon request for solid waste collection service, the City shall designate the service level requirements for that location. The City may upon notice and hearing require replacement, removal of containers, changes in container type, container placement or the service levels, including types of collection at any location when the current service level is deemed to be inadequate causing a health, sanitation, public safety, or litter issue or concern. A change in service level may result in additional fees. The decision may be appealed in writing within seven (7) days to the City Manager by the customer.

Sec. 40-391. Commercial collection.

- (a) **Containers.** All commercial units shall utilize automated or roll-off commercial-type containers as designated by the City for the collection of commercial refuse. Automated collection containers will be provided by the City. Roll-off compacting containers and rolling containers shall be approved by the City and provided and maintained by the customer. The City is not responsible for any damage to the containers provided by the customer.
- (b) **Rates.** The City will provide for the removal of garbage and trash under the rates established for commercial containerized collection.
- (c) **Screening or Enclosures.** The customer is responsible for providing container screening or enclosures compliant with the City's Unified Development Ordinance (see App. A). The customer, owner or occupant must properly maintain and clean the screening or enclosure. Proper maintenance includes, but is not limited to properly maintained and working gates, gate rods and pins, bollards, pads, access drives and fencing.
- (d) **Unserviceable Container.** If a container is unserviceable, such as being blocked, not accessible, containing prohibited items, not in an approved collection location, screening or enclosure damage, or unsanitary conditions are present, the City will return to empty the container only after the container is serviceable, for a fee as established in Section 2-117.
- (e) **Container Access.** Containers shall not be set out, unless an all-weather access route capable of supporting the container and the service truck is available. The City will not be responsible for damage done to private drives and parking areas by service trucks servicing containers.

- (f) **Container Placement Prohibitions.** No person shall place any refuse or refuse container on, in or over any drainage system, or place any refuse or refuse container in or on a sidewalk, right-of- way, unless the container is out for approved collection.
- (g) **Sanitary Conditions.** The customer, owner or occupant of the premises is responsible for keeping the area around the container, including the pavement, sanitary and clean and clear of all waste, garbage, trash, and liquids.
- (h) **Prohibited Items Around Container.** Any person is prohibited from placing any items, materials, containers, or receptacles around or in the proximity of the container or container screening or enclosures.
- (i) **Low Waste Volumes.** When it is beneficial for small businesses generating low volumes of waste to jointly use a container set for their convenience, the basic charge will be divided between the businesses. However, this charge shall not be lower than the minimum charge for any commercial location. The size and number of containers provided shall be determined by the City.

[Editor's Note: The text of 40-392 is replaced with the below text. The former 40-392 is renumbered to 40-393 and the remainder of the Division is renumbered.]

Sec. 40-392. Northgate District Collection and Containers. The following are applicable to only customers, owners, and occupants in the Northgate District having commercial or residential containers or some combination of commercial or residential with shared collection or containers:

- (a) Customers, owners, or occupants are subject to all applicable residential or commercial collection regulations.
- (b) The customer, owner or occupant shall not place containers curbside for approved collection before 4:00 A.M. on the scheduled collection day.
- (c) The customer, owner or occupant must remove containers from the designated collection area and remove containers from the right-of-way by 9:00 A.M. on the scheduled collection day.
- (d) The customer, owner, or occupant under no circumstances, shall place any container for normal daily use within an area defined by the edge of the street, pavement, sidewalk or curb and the building set back line.
- (e) If the container is placed out or left out in violation of this section the customer, owner, or occupant in, addition to any other penalties, will be assessed a fee per container fee per container as established in Section 2-117. If the container presents a public safety issue the City may move or remove the container at the sole expense of the customer, owner, or occupant.