

ORDINANCE NO. 0-2007-111

AN ORDINANCE AMENDING THE TYLER CITY CODE CHAPTER 16, "SOLID WASTE"; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the street use fees for solid waste haulers should be increased to be equal to fees charged to utilities for their use of city streets; and,

WHEREAS, pack out service costs should be increased to more accurately reflect actual costs associated with that type of service; and,

WHEREAS, other amendments to clarify language and update fees tied to CPI increases are needed;

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

PART 1: That Tyler City Code Chapter 16, "Solid Waste", Article I, "Solid Waste Disposal Regulations", Section 16-3, "City collection service", is hereby amended to read as follows:

Sec. 16-3. City collection service.

The Solid Waste Department provides waste collection and disposal services for addresses located within the City. Three (3) types of services are offered:

a. Residential service. All residences within the City are required to subscribe to the residential waste collection service. This service provides for collection of waste stored in authorized City-provided private receptacles and pickup of bundled yard waste or trash. Optional services include packout service and subscription curbside recycling. (Ord. 0-2001-43, 9-5-2001) (Ord. No. 0-2003-55, 10/22/03)

b. Commercial service. Commercial service is available to owners of businesses or apartments. The service consists of scheduled pickup of waste from containers sized to meet the needs of the customer. Businesses also may contract with commercial haulers for waste disposal services.

c. Special pickup service. Special pickup service includes the pickup of wastes which are too bulky for regular pickup. The service may be obtained through contract with commercial haulers or may be ordered through the City's Solid Waste Department. (Ord. No. 0-97-53, 11/5/97) (Ord. 0-2007-111, 9/26/07)

PART 2: That Tyler City Code Chapter 16, "Solid Waste", Article I, "Solid Waste Disposal Regulations", Section 16-4, "Residential collection", subsection a. is hereby amended to read as follows:

Sec. 16-4. Residential collection.

a. Private receptacles for residential garbage collection shall meet the following requirements:

1. Durable plastic bags qualify as authorized garbage containers in accordance with this section, so long as they are not red or red-orange in color.

2. The container shall be a watertight receptacle of a solid and durable quality of metal or plastic, not to exceed thirty-two (32) gallons in capacity. If a larger receptacle is desired, customers may use a 96-gallon wheeled cart provided by the City of Tyler. (Ord. 0-2001-43, 9-5-2001)

3. The combined weight of the garbage and customer-supplied container shall not exceed fifty (50) pounds. The combined weight of the garbage and City-supplied container shall not exceed one hundred fifty (150) pounds.

4. Rigid containers shall be provided with suitable lifting handle(s) on the outside, and a close-fitting cover equipped with a handle.

5. The container shall not have any inside structures, such as inside bands and reinforcing angles, or anything within the container to prevent the free discharge of the contents. (Ord. 0-2007-111, 9/26/07)

PART 3: That Tyler City Code Chapter 16, "Solid Waste", Article I, "Solid Waste Disposal Regulations", Section 16-11, "Commercial haulers", is hereby amended to read as follows:

Sec. 16-11. Commercial haulers.

a. License Required. It is unlawful for any person engaged in the removal, handling, or transporting of garbage, rubbish, manure, refuse or other waste matter, to dispose of any waste material, except at places designated by and in compliance with the City ordinances. All commercial haulers are required to obtain a license from the Director or representative. The term of each license is from January 1st of each year through December 31 of the same year.

b. License content. The license for commercial haulers issued by the City shall:

1. List all vehicles used by the licensee for solid waste collection within the City limits. The listing shall include the vehicle chassis make, model number, body type, capacity, and license number.

2. State that the Director has approved a waste disposal plan for the licensee. The waste disposal plan shall:

- (a) Show quantities of waste disposed of in approved landfill;
- (b) Show quantities of waste disposed of through beneficial use;
- (c) Show quantities of waste disposed of by recycling.

3. Require each commercial hauler to file monthly reports with the Director. The reports shall list the gross receipts earned on waste collected and/or hauled from sites inside the City .

4. Commercial haulers may be required to show proof of insurance if so requested. Commercial haulers may be required to provide a complete and correct list to include, but not be limited to, the type material collected and the number and size of containers emptied.

5. Street use fee. Each licensee and the Solid Waste Department shall pay the City a street use fee equal to five (5) percent of the gross receipts earned from waste collected, hauled and disposed from within the City limits. The licensee shall keep records of all gross receipts earned within the City limits and shall permit audit of these records by an independent representative of the City conducted during the regular hours of operation of the commercial hauler. Street use fees are due and shall be paid monthly no later than the 20th of each month. Anyone who fails to pay the fee imposed by this section within the time required shall forfeit five (5) percent of the amount due as a penalty, and after the first thirty (30) days, shall forfeit an additional five (5) percent of such fee. Delinquent fees shall also draw interest at the rate of six (6) percent per annum beginning on the forty-fifth (45th) day after the date due. (Ord. No. 0-97-53, 11/5/97)

c. Cancellation of License. If any person engaged as a commercial hauler in the removal of garbage fails or refuses to comply with the terms of this Article, the City Manager may revoke the commercial hauler's license issued to such person. The revocation may be appealed to the City Council if written notice is given to the City Manager within ten (10) days of the revocation order. The findings of the City Council approving or disapproving the order of cancellation by the City Manager shall be final.

d. Operating Without a License is Misdemeanor. If any person engages in the business of removing garbage under this Article after the license has been canceled or receiving notice of this requirement, such act shall constitute a misdemeanor and subject such person to a fine as provided in Section 1-4 and each and every act shall constitute a separate offense. (Ord. No. 0-97-53, 11/5/97) (Ord. 0-2007-111, 9/26/07)

PART 4. That Tyler City Code Chapter 16, "Solid Waste", Article I, "Solid Waste Disposal Regulations", Section 16-13, "Fees", is hereby amended to read as follows:

Sec. 16-13. Fees

All fees listed in this section are subject to street use fees and sales tax. The following are the fees for collection of solid waste:

a.

Automated Service for Residential	Container Size	Number of Containers	Trips Per Week	Monthly Charge
1. Units	96-gallon wheeled cart included (For household waste only—not for brush or yard waste)	1	2	\$11.97 + tax
2. More than three (3) residential units at one location may be considered commercial.				
3. Additional carts are \$5 per month – (Optional)				
4. Subscription Curbside Recycling - \$2.50 per month for collection twice a month – (Optional) – effective January 1, 2006				
5 Packout (up to 150 feet): \$6.00 per month – effective January 1, 2008 Packout (up to 150 feet): \$7.00 per month – effective January 1, 2009 Packout (over 150 feet): \$9.00 per month – effective January 1, 2008 Packout (over 150 feet): \$10.50 per month – effective January 1, 2009 (0-2006-14, 1/25/06; Ord. No. 0-2006-51, 5/24/06) (Ord. 0-2007-111, 9/26/07)				

b. Commercial, Public, Education and Religious Institutions: The following are maximum rates only, and the Director may adjust such rates downward as necessary based on market conditions. Landfill fees, gate rates, and other costs resulting from local, state or federal solid waste regulations charged to the City shall be passed through and added to the following rate schedules on the effective date of such regulations. Effective January 1, each year, the maximum rate will be adjusted by the Consumer Price Index for all Urban Consumers (CPI-U) for all goods and all services.

1. Front load containers: (Ord. 0-2004-96, 12/8/04) (Ord. No. 0-2006-51, 5/24/06)

Number of Pickups per week	Container Size				
	2 Yd.	3 Yd.	4 Yd.	6 Yd.	8 Yd.
1	\$45.43	\$53.16	\$67.21	\$82.91	\$106.21
2	\$73.39	\$91.04	\$114.88	\$143.06	\$190.77
3	\$104.04	\$119.50	\$156.08	\$214.61	\$260.13
4		\$159.33	\$208.09	\$286.15	\$346.82
5		\$199.16	\$260.13	\$357.69	\$433.56
6		\$219.49	\$286.15	\$430.21	\$520.27

(Ord. 0-2007-111, 9/26/07)

2. Roll-Off containers: (Ord. 0-2004-96, 12/8/04)

Type and Size of Container			
Open top	Daily Rental	Monthly Rental	Service Fee
20 yard	\$4.00	\$75.00	\$254.00
30 yard	\$4.00	\$85.00	\$328.00
40 yard	\$4.00	\$90.00	\$402.00
Compactor			
30 yard	Varies depending on cost		\$336.00
35 yard			\$372.00
40 yard			\$410.00
42 yard			\$429.00

3. Commercial Hand Pickup:

(a) Thirty-two (32) gallon garbage cans and/or bags picked up two (2) times each week.

(b) 96-gallon wheeled carts included in base rate and picked up two (2) times each week:

Commercial Hand Pickup Automated Service Number of Carts	Base Cost
1	\$16.63 + tax
2	\$33.26 + tax
3	\$49.89 + tax

Packout (up to 150 feet): \$6.00 per month – effective January 1, 2008
 Packout (up to 150 feet): \$7.00 per month – effective January 1, 2009
 Packout (over 150 feet): \$9.00 per month – effective January 1, 2008
 Packout (over 150 feet): \$10.50 per month – effective January 1, 2009
 (0-2006-14, 1/25/06) (Ord. 0-2007-111, 9/26/07)

4. Late Fees. 1 ½% per month on balance over 30 days past-due.

c. Residential Brush Pickup:

Size of Load	Cost
0 to 3 cu. Yard (minimum)	\$10.00
The rate for over 3 cubic yards is \$6.00 per cubic yard up to \$245 per 40 cubic yard load.	

d. Special Pickup:

Service	Rate
All service beyond those normally provided by Solid Waste Department and where the customer requests a service level or a combination of service where there is no posted rate.	Rate will be based on comparable cost of service as determined and set by the Director.

(Ord. 0-2001-43, 9-5-2001) (Ord. No. 0-2003-55, 10/22/03) (Ord. No. 0-2006-92, 10-24-2006)
(Ord. 0-2007-111, 9/26/07)

PART 5: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 6. That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Since this ordinance has a penalty for violation, it shall become effective after its publication in the newspaper as provided by Section 85 of the Charter of the City of Tyler, Texas, which dates are further defined as follows: Section 16-13 subpart a. and subpart b. 3. will be effective November 1, 2007; and section 16-13 subpart b. 1 & 2 will be effective January 1, 2008.

PASSED AND APPROVED this 26th day of October, A. D., 2007.

JOSEPH O. SEEBER, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:

CASSANDRA BRAGER, CITY CLERK

CITY ATTORNEY