

ORDINANCE NO. 2018-0917-02

AN ORDINANCE ESTABLISHING A CITY-OWNED SOLID WASTE DEPARTMENT IN LORENA FOR THE PURPOSE OF COLLECTING AND DISPOSING OF GARBAGE AND RECYCLABLES; PROVIDING AN ENACTING CLAUSE; SETTING RATES; SETTING FORTH THE OBLIGATIONS OF THE CITY AND CUSTOMERS; SETTING RATES FOR SPECIAL SERVICES; PROVIDING FOR PENALTIES, A CUMULATIVE REPEALER, SEVERABILITY, AND PUBLICATION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LORENA, TEXAS as follows:

SECTION I. Definitions

- A. "Garbage" is household waste or solid waste produced for a non-residential purpose. It includes bush and small tree trimmings. It does not include hazardous materials, paint, fuel, or tires. *See* SECTION IV, Subsections C, D, and G.
- B. "Customers" are those persons who are enrolled with the City of Lorena to have their garbage picked up and disposed and who pay for that service.
 - 1. "Residential customers" are customers who reside in single-family or duplex multi-family structures.
 - 2. "Non-residential customers" are business or commercial customers or persons residing in multi-family structures. The term includes but is not limited to businesses of all kinds, including churches, temples, synagogues, benevolent organizations, and public entities.
- C. "Dumpster" is a solid waste container of 3 cubic yards or more and is rectangular or square in shape.
- D. "Canister" is a solid waste container cart of 90 gallons or more which has wheels for rolling the container out to the curb to be dumped, and which is commonly deployed for residential use or small business use.
- E. "Tax" is the General Sales Tax of the State of Texas.
- F. "In-city" refers to customers who live within the City Limits of Lorena.
- G. "Out-of-city" refers to customers located outside the City Limits of Lorena.

- H. "Container" or "containers" refer to all dumpsters and canisters described above.

SECTION II. Enacting Clause

The City of Lorena hereby establishes the Lorena Solid Waste Department to serve the people within the City of Lorena and any other customers that the City is allowed to serve based upon the City being a Type A General Law city. The first date of service of the City of Lorena Solid Waste Department shall be April 1, 2014.

SECTION III. Rates

- A. The in-city residential canister rate service is \$16.33 + Tax for each month of service for one canister. This amount is added to the bill which the customer already receives from the City for other City services such as water and/or wastewater. Residential customers whose historical use is greater than the capacity of one canister can subscribe to additional canisters for \$10.27 + Tax per month for each additional canister requested.
- B. The out-of-city residential canister rate service is \$20.44 + Tax for each month of service for one canister. Additional canisters can be requested for \$12.32 + Tax per month for each additional canister. For out-of-city customers who do not receive any other bill for services from the City, a security deposit equal to two months of requested service shall be required.
- C. The in-city non-residential canister rate is \$16.33 + Tax for each month of service for one canister. Additional canisters can be added for \$10.27 + Tax per month.
- D. The out-of-city non-residential rate is \$20.44 + Tax for each month of service for one canister. Additional canisters can be added for \$12.32 + Tax per month.
- E. All customers who request Dumpster service shall be billed at the following formula: [Number of Times Dumped per week] X [capacity of dumpster] X [\$30.81] will be the monthly bill. Tax will be added as required by State Law. For out-of-city dumpster customers, a 15% surcharge will be added to cover additional expenses the City incurs in driving outside the City. Example of in-city dumpster rate: A customer has a 6-yard dumpster which is dumped twice per week. Multiply $2 \times 6 \times \$30.81 = \$369.72 + \text{Tax}$ per month.
- F. Customers who have an occasional need for pick up of larger quantities of solid waste can telephone or e-mail City Hall and request individual specialized pick up for \$51.35 per trip. Payment must be made in advance unless customer has previously made a sufficient security deposit to protect the City's costs.

- G. For dumpsters which become dirty and odorous, the City reserves the right to pick up the dumpster and take it to be cleaned, and assess a \$51.35 fee to the customer each time that service is provided. For canisters which become dirty or odorous, the cleaning fee is \$25.68 per cleaning. These fees will be added to the customer's bill.
- H. Customers who fail to place their canisters out in time for collection or whose canister is blocked by a vehicle may request the collectors to return, but will be assessed a fee of \$25.68 per trip. It is the responsibility of the resident to assure that no vehicle blocks their garbage container. The fee will be added to the customer's bill.

SECTION IV. Obligations of the City and Obligations of the Customer

- A. Every residential and non-residential customer in or out of the City of Lorena shall be assessed no less than the basic rate for minimal garbage service according to their customer classification.
- B. Buildings which contain both a residence and a non-residence shall pay the rate as enrolled by the customer for the residence as well as the rate enrolled by the customer for the non-residence.
- C. Customers shall not place any paint, fuel (such as gasoline or diesel), hazardous chemicals, tires of any size, or electronics in their containers.
- D. Only items which can fit in the container with the lid closed will be allowed. Containers with items stacked on top will not be picked up by the garbage collector. Bricks, blocks, dirt, sweepings, spent or used hot water heaters, and similar items shall not be placed in containers due to their weight.
- E. City will provide a community dumpster for one-time deposit of residential garbage due to special events such as extra persons in the residence during a holiday, or spring cleaning or other similar event. The customer may bring those items to the dumpster free of charge. Identification and proof of residency will be required.
- F. All garbage must be bagged before being placed inside the container in order to prevent the wind from blowing litter and to keep containers clean inside. Scattered litter will result in a fine and the customer will be required to clean the area or be subject to another fine.
- G. Customers shall not place any electronic equipment in the containers.