

**ORDINANCE 986**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF PINEY POINT VILLAGE, TEXAS, BY ADDING A NEW ARTICLE; PROVIDING IT UNLAWFUL TO LOAD OR UNLOAD ROLL-OFF CONTAINERS USED FOR GARBAGE OR REFUSE COLLECTION OR DISPOSAL SERVICES UPON ANY PUBLIC STREET WITHIN THE CITY; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$500 FOR EACH VIOLATION HEREOF; AND PROVIDING FOR SEVERABILITY.**

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**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PINEY POINT VILLAGE, TEXAS:**

Section 1. The Code of Ordinances of the City of Piney Point Village, Texas, is hereby amended by adding a new Article to provide as follows:

“Ordinance 986 Regulation of Commercial Solid Waste Collections and Disposal.

§ \_\_\_\_\_ Definitions.

As used in this Article, the following words or terms shall have the meanings ascribed thereto.

Commercial container shall mean any container used for the collection or transportation of commercial solid waste, including, without limitation, a dumpster, bin, roll-off, or canister.

Commercial solid waste shall mean all solid waste, including, without limitation, garbage, trash, rubbish, bulky waste, construction debris, and recyclable materials, which is produced by or collected from a commercial user.

Commercial hauler or hauler shall mean any person who collects, hauls, or transports commercial solid waste for a fee or other compensation by use of any means, including, without limitation, a dumpster, roll-off truck, a side-load or rear-load garbage truck, or a trailer.

Commercial user shall mean an owner or occupant of any property in the City that is not served by the City’s residential solid waste contractor.

§ \_\_\_\_\_ Placement of Commercial Container on Public Right-of-way Prohibited.

It shall be unlawful for a commercial hauler to place or maintain, or for a commercial user to permit the placement of, a commercial container upon any public street, alley, road, or highway right-of-way within the City. All commercial containers

shall be placed and maintained on the private property of the commercial user utilizing such service.

§ \_\_\_\_\_ Off-street Access to Commercial Containers Required.

It shall be unlawful for any commercial user to fail to provide access to each commercial container except over and across a paved driveway. It is unlawful for a commercial hauler to cross over the curb of any public street, alley, road, or highway except at an authorized driveway.

§ \_\_\_\_\_ Servicing Commercial Container on Public Right of Way Prohibited.

It shall be unlawful for a commercial hauler to lift, unload, replace, or otherwise service a commercial container over or upon the right of way of a public street, alley, road, or highway within the City.

§ \_\_\_\_\_ Notice of Damage to Public Street; Repair Required.

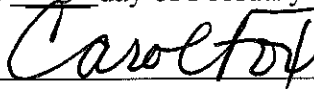
It shall be unlawful for any commercial hauler to fail to report to the City any damage caused to City property, facilities, or equipment in connection with the hauler's provision of commercial hauling services within the City. In the event of any such damage, the commercial hauler shall, as determined by City, either provide for the immediate repair of any such damaged property, facility, or equipment, or pay to City the reasonable costs therefor.

Section 2. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$500. Each day of violation shall constitute a separate offense.

Section 3. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 4. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Piney Point Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED this 25<sup>th</sup> day of February 2008.

  
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Carol Fox, Mayor

ATTEST:

  
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Lorena Briel, City Administrator