

ORDINANCE NO. 085-052

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING CHAPTER 15, ARTICLE II, OF THE CODE OF ORDINANCES OF THE TOWN OF ADDISON, TEXAS, REQUIRING RECEPTACLES; DESCRIBING THE LOCATION OF GARBAGE RECEPTACLES; PRESCRIBING THE TYPE AND CAPACITY OF THE GARBAGE RECEPTACLES; PROVIDING FOR PENALTIES; AND PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. That the Code of Ordinances of the Town of Addison, Texas, is hereby amended to amend Chapter 15, Article II, to add Sec. 15-18, Sec. 15-20 and Sec. 15-21, to read as follows:

ARTICLE II. Service Charges

Sec. 15-18. Short Title. This Ordinance shall be known and may be cited as the "Garbage and Trash Ordinance of the Town of Addison."

Sec. 15-19. Definitions. For the purposes of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

A. "Director of Streets" is the Director of Street of the Town of Addison or his agent or designee.

B. "Dry refuse or dry rubbish" includes tin cans, papers, dry trash, pieces of wood, boxes, crates, tree limbs and excelsior or other packing material, and other like materials and substances.

C. "Garbage" includes rubbish, trash, kitchen and household waste, including meat, vegetables and fruit refuse, hedge trimmings, lawn trimmings, merchandise containers whether or paper, wood or other material.

D. "Receptacles" is any waterproof, disposable, securely tied container which may be discarded, such as plastic bags of not less than two-mil thickness; these being equal in strength and quality to the disposable bags specified or provided by the Town of Addison.

Sec. 15-20. Location. No person shall place or throw any garbage or dry refuse of any kind or character upon any street, sidewalk, alley, public way, parking lot or open space in the city, but all such garbage, refuse, and rubbish shall be placed in a receptacle as defined in Section 15-19; such receptacle to be placed on the rear of the premises adjoining the alley, at some point accessible to the garbage collectors, and where not accessible to a paved alley shall be placed upon the front edge of the front sidewalk, so as to be accessible to garbage collectors. Where the home builder has provided a trash closet or storage area for trash receptacles, these shall be used instead of from sidewalk edge pickup; otherwise, the garbage receptacle shall be placed at such locations as may be designated by the Director of Streets or his agent. It shall be illegal to permit receptacles serving residential users to remain on street right-of-way (front, side or rear) at anytime other than 24 hours before or after the time of day designated by the Director of Streets for garbage and trash pickup. It shall be unlawful and an offense for any owner or the person in charge of any residence to allow garbage, rubbish or refuse to be piled, placed or to accumulate on any sidewalk or street within the city. All such garbage, refuse and rubbish shall be placed in receptacles as provided for in this article.

Sec. 15-21. Capacity. The owners or occupants of residences or dwelling houses in the city shall use disposable receptacles. Any disposable receptacles, as the term is defined in Section 15-19 may be used; however, no person shall use disposable receptacles of lesser strength or quality than those specified or provided by the Town of Addison, and the town or its agent will not be required to collect disposable containers which weigh more than thirty-five (35) pounds. Where plastic bags are used, such disposable receptacles shall be securely fastened.

SECTION 2. Any person, firm or corporation violating any of the provisions of this Ordinance, shall upon commission be deemed guilty of a misdemeanor, and shall be subject to a fine not to exceed the sum of Two Hundred and no/100 Dollars (\$200.00) for each offense, and each day such violation continues shall constitute a separate offense.

SECTION 3. That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

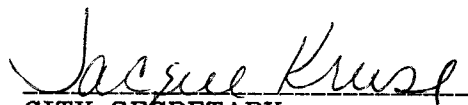
SECTION 4. That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or be held to be unconstitutional, illegal or invalid, the same shall not be affect the validity of this ordinance as a whole or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional.

SECTION 5. The fact that the present Code does not provide for the regulation of garbage receptacles, and is therefore inadequate to properly safeguard the general public, health and safety, creates an emergency and an imperative public necessity, and the ordinance shall take effect and be in force from and after its adoption.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON,  
TEXAS, this the 13th day of August, 1985.

  
MAYOR

ATTEST:

  
CITY SECRETARY

Rec'd  
8/21/85