

ORDINANCE NO. 9-8-2021-1

ORDINANCE OF THE CITY OF GOLIAD, TEXAS, AMENDING CHAPTER 13, UTILITIES, ARTICLE 13.03, SOLID WASTE, TO ADD A NEW SECTION 13.03.006 RELATED TO REGULATIONS CONCERNING THE USE OF SOLID WASTE CONTAINERS/POLYCARTS; PROVIDING SEVERABILITY, EFFECTIVE DATE AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.

Whereas, the City of Goliad (the “City”) provides solid waste services through a contract arrangements with a third-party vendor;

Whereas, it has been brought to the City Council’s attention that there has been some mis-use of the solid waste containers/polycarts; and

Whereas, the City believes it is prudent and for the public health and welfare to set out regulations as to use of the solid waste containers/polycarts.

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

Section 1. Findings of Fact. The findings and recitations set out in the preamble of this Ordinance are found to be true and correct and that they are hereby adopted by the City Council and made a part hereof for all purposes.

Section 2. Amendment to Add New Section 13.03.006, Solid Waste Containers/Polycarts. Chapter 13, Utilities, Article 13.03, Solid Waste, is hereby amended to add a new Section 13.03.006, Solid Waste Containers/Polycarts, to read as follows:

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Sec. 13.03.006 Use of Solid Waste Containers/Polycarts

- (a) Use of Containers Required. It shall be unlawful for any person within the city to permit solid waste to accumulate on any premises in the city without suitable provision being made to keep the solid waste collected in receptacles or containers and without collecting the solid waste to be removed and disposed of as provided in this article.
- (b) Mechanically Loaded Containers. Mechanically loaded solid waste containers or Polycarts will be furnished by the solid waste provider for disposal of solid waste. Building material, rocks, bricks, junk metal, dirt and other material that produces excessive weight may not be placed in the container.
- (c) Placement and Removal. Polycarts or other approved containers shall be placed at or near the roadway or street line for convenience in use of the mechanically loaded trucks to dump the containers. The Polycarts or other approved containers must be removed from the roadway or street line (point of collection) within twenty-four (24) hours of collection.

- (d) Keep Area Clean. Each occupant of a residence, or owner, occupant, tenant, lessee or management of an establishment, shall be responsible for maintaining the area around the Polycart or other solid waste containers in a clean and sanitary condition, free of weeds, tall grass, garbage and trash.
- (e) Placement of Solid Waste in Commercial or Industrial Establishment Containers Prohibited. It shall be unlawful for any person to deposit or dispose of any solid wastes in a collection container located at and paid for by a commercial or industrial establishment that is not their own or without the permission of the person in control of said container.
- (f) Non-Paying Customers. It shall be unlawful for any person to deposit or dispose of any solid wastes in a collection container if that person is not a current paying customer of the city's sanitation service.

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Section 3. Amendment of Conflicting Ordinances. The above-referenced sections of the Code are hereby amended as provided in this Ordinance. All parts of ordinances in conflict herewith are hereby amended to the extent of such conflict only. To the extent of a conflict between this Ordinance and another ordinance of the City, this Ordinance shall control.

Section 4. Savings Clause. All rights and remedies of the City are expressly saved as to any and all violations of the provisions of any ordinances affecting utilities and utility fees which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 5. Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any section, paragraph, sentence, clause or phrase of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid section, paragraph, sentence, clause or phrase. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

Section 6. Effective Dates. This Ordinance shall be in full force and effect after final passage and publication in the manner required by the Texas Local Government Code.

Section 7. Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required, and that public notice of the time,

place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

PASSED AND APPROVED on this 8th day of September, 2021.

ATTEST:

CITY OF GOLIAD, TEXAS

Kandi Hubert, City Secretary

Brenda Moses, Mayor