

AN ORDINANCE AMENDING CHAPTER 82 "SOLID WASTE", ARTICLE III, SECTION 82-131 "SERVICE COLLECTION AND DISPOSAL FEES AND STANDARDS" OF THE NACOGDOCHES CODE OF ORDINANCES RELATIVE TO SANITATION COLLECTION AND DISPOSAL FEES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Nacogdoches has determined that sanitation and disposal fees as fixed in Ordinance No. 1627-5-13 adopted May 7, 2013 is, at this time, inadequate to cover all operation and maintenance costs for sanitation collection and disposal services; and

WHEREAS, in order to implement changes necessary, Chapter 82 of the Code of Ordinances should be amended to reflect a 5% increase in sanitation collection and disposal fees.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Nacogdoches, Texas that Chapter 82 "Solid Waste" be amended so that henceforth same shall read as follows:

## CHAPTER 82. SOLID WASTE

### ARTICLE III. RATES, CHARGES AND BILLING PROCEDURE.

Sec. 82-131. Service collection and disposal fees and standards.

(3) a. Residential unit – Curbside collection – One day a week pickup

1. Effective 10/1/2016

- |                     |          |           |
|---------------------|----------|-----------|
| a. One container    | \$22.47* | per month |
| b. Two containers   | \$37.54* | per month |
| c. Three containers | \$57.22* | per month |

Note: \* *plus fuel adjustment*

Tax will be charged on all garbage accounts

b. Apartment unit in apartment complex having more than 4 units and separately metered for other city utilities and having approved dumpster collection – One (1) pickup per week.

Effective 10/1/2016 \$18.04\* per month

c. Apartment complexes, mobile homes and manufactured housing parks above four (4) units that have master meter(s) for utility services shall be required to have approved containerized collection service with collection fees to be based on the containerized rate established on a cubic yard basis.

1. Apartment complexes, mobile homes or manufactured housing parks metered by a master meter(s) for city utility service shall have approved containerized collection service – Four dollars and fifty-seven cents (\$4.57\*) per cubic yard of waste collected per collection – one (1) to six (6) collections per week.

- 2. Each unit in a mobile home or manufactured housing park separately metered for other city utility services will be classified as a residential unit.
- d. A residential customer who can provide a certificate on a city supplied form from a medical doctor stating that he/she is unable to physically carry his/her household waste to the curb and that no one else residing at this residence can carry waste to the curb shall be allowed, upon return of completed form/letter, to receive house side collection service at the curbside collection service rate. Waste must be placed in city-supplied containers (outside garage, fences, etc.). City may require updated disability forms at its discretion.
- e. All fees are for the amount and type of waste commonly generated by such residential units. Excessive amounts or unacceptable types of waste shall be subject to additional fees, requirements, or refusal by the city manager.
- f. Pilot Program – the city shall reserve the right to charge fees as approved by the City Council and deemed necessary for services provided in the implementation of various programs, such as commercial recycling, etc.

(4) *Commercial, industrial, institutional and similar nonresidential waste.* Service collection and disposal fees and standards for commercial, industrial, institutional and similar nonresidential waste is as follows:

- a. The city shall have the right to require any of the classes who generate more than 4 (four) 96-gallon roll out containers per pickup to have approved containerized collection service. A minimum charge of twenty-five dollars and ninety-eight cents\* (\$25.98)\* will be assessed for roll out carts. Charges for minimum customers who desire multi-weekly collections will be based on the fee schedule below. Number of collections per week shall be determined by the city manager.
- b. Multiple Carts/Collections. The following rates will be charged for multiple cart collections:  
Effective 10/1/2016

<u>Carts</u>	<u>1 Day</u>	<u>2 Days</u>	<u>3 Days</u>	<u>4 Days</u>	<u>5 Days</u>
1	\$25.98*	\$ 51.95*	\$ 77.93*	\$103.91*	\$129.89*
2	\$25.98*	\$ 51.95*	\$ 77.93*	\$103.91*	\$129.89*
3	\$40.06*	\$ 80.12*	\$120.17*	\$160.23*	\$200.29*
4	\$54.12*	\$108.23*	\$162.35*	\$216.47*	\$270.59*

Note: \* *plus fuel adjustment*  
Tax will be charged on garbage rates

- c. The collection rate for dumpster service shall cover only one collection per week. Charges for minimum customers who desire multi-weekly collections will be based on the number of collection times the minimum charge. The number of collections per week shall be determined by the city manager.
1. Front load dumpsters – Four dollars and fifty-seven cents\* (\$4.57\*) per cubic yard of waste collected per collection – One (1) to six (6) collections per week.
  2. After the City has made two (2) separate attempts to collect waste from sites where dumpster is blocked, customers will be billed as if collection was made. To return and empty dumpster will be classified as an extra collection and appropriate fee charged.
  3. Roll-off rates – City owned roll-off dumpsters may be rented for three (3) days for a rate of One hundred twenty-seven dollars and twenty-five cents (\$127.25)\*. Each additional three-day period, or part of, for an additional sixty-three dollars and sixty-three cents (\$63.63)\* minimum. Disposal rate will be twelve dollars and twenty-three cents\*\* (\$12.23\*\*) per cubic yard, per dumpster size, per collection.

Note: \*\* plus pickup and return fuel adjustment. Tax will be charged on garbage rates.

- d. Regularly scheduled privately owned roll-off – The collection rate for regular scheduled service shall be four dollars and fifty-seven cents \*\* (\$4.57\*\*) per cubic yard of non-compacted waste/refuse; or five dollars and four cents \*\* (\$5.04\*\*) per cubic yard of compacted waste/refuse collected, per collection.

Note: \*\* Plus pickup and return fuel adjustment on privately owned dumpsters of 20 or more cubic yards. Tax will be charged on garbage rates.

- e. Garbage collection service will be provided to tenants and/or commercial enterprises located on city owned property outside the city limits of Nacogdoches at a rate of one and one-half (1½) times the rate charged for commercial garbage collection inside the city limits. All such tenants and enterprises shall be considered commercial and shall abide by the collection standards contained in this section.
- f. The city manager, shall have the right to set the schedule of frequency of pickup, specify the type of container, location of container, and refuse any waste based on volume, weight, dimension, hazard, state (liquid or solid), or type based on any city ordinance, state or federal law, regulations or permit pertaining to same including refusal based on health, air or water safety concerns. Under no circumstances will the city collect waste/refuse from any enclosed area, fenced yard.

- g. Special waste collection fee based on type of waste requested for collection; the following rates shall apply. The city manager shall have the right to determine equipment and personnel needed for collection.

Personnel	1 man	\$26.83 /hr
	2 men	\$36.92 /hr
Truck with operator		
	Pick-up	\$18.82 /hr
	Dump truck	\$34.02 /hr
Loader/backhoe		
	With operator	\$41.15/hr

\*Note-All services are charged one-hour minimum. In addition to collection fee, current landfill gate rate disposal fee shall also apply.

- (5) Waste delivered to city landfill. Disposal standards and fees for the city landfill are as follows:

- a. Minimum fees for waste delivered to the city landfill to be deposited in appropriate locations within the landfill according to city landfill rules or at the direction of the city employees on duty at the city landfill have been determined.
- b. For purposes of determining fees, the following definitions shall apply:
  1. *City resident.* A person who resides within the corporate limits of the City of Nacogdoches.
  2. *Commercial user.* A person, corporation, or partnership that engages in a business, service, calling or occupation that generates waste.
  3. *Non-resident.* A person who does not reside within the corporate limits of the City of Nacogdoches.
  4. *Special waste.* Waste requiring special disposal methods/handling that is not required of other waste.
- c. Without regard to residential or commercial use the following fees are set for special items generated within the City of Nacogdoches. The city will not accept dead animals for disposal from outside the city.
  1. Appliances:
 

Large	\$13.44
Small	\$ 7.49
  2. Small dead animals no larger than a dog. \$13.44 each
  3. Large dead animals \$69.32 each
  4. Special waste
    - (a). City Resident - \$13.44 cu. yd.
    - (b) Non-resident- \$24.56 cu. yd.
  5. Tires will be accepted and fee assessed in accordance with the state tire recycling fee schedule.

d. Household garbage, rubbish, waste and brush:

1. City Residents - Six dollars and fourteen cents (\$6.14) per cubic yard non-compacted and six dollars and seventy-five cents (\$6.75) compacted, with a thirteen dollars and forty-four cents (\$13.44) minimum.
2. Non-residents – twelve dollars and eleven cents (\$12.11) per cubic yard non-compacted and thirteen dollars and twenty-nine cents (\$13.29) compacted, with a twenty-six dollars and seventy-eight cents (\$26.78) minimum, except that non-residents may not bring brush to the landfill.
3. Commercial brush/yard waste – Seven dollars and twenty-seven cents (\$7.27) per cubic yard, with a sixteen dollars and thirty-five cents (\$16.35) minimum.

e. Upon proof of residence with a qualifying city water bill, city residents may make one (1) delivery of such waste per month to the landfill free of any charge.

1. Proof of resident status shall be by means of a city water bill or water bill receipt no more than one (1) month old, together with other proof of identity and residence such as a drivers license or identification card issued by the State of Texas, or other identification acceptable to the director of public works for the city. Only one (1) delivery shall be allowed on any one- (1) water bill per month. Free disposal cannot be accumulated and taken at one time.
2. For purposes of this rate schedule, a standard size pickup truck without special sideboards, frames, load extenders or similar methods loaded with acceptable waste shall be considered a load qualifying for one (1) free disposal per month.

(6) Cubic yardage shall be determined by the city employee on duty at the landfill according to the criteria established by the city manager.

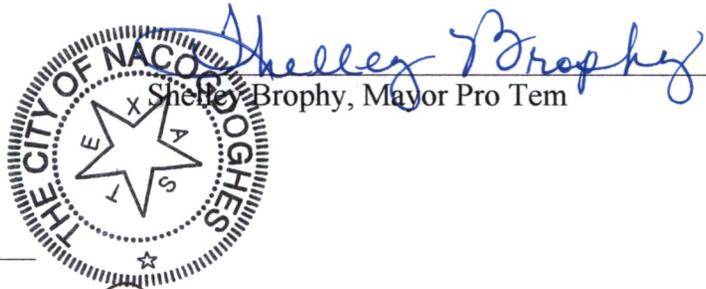
(7) Yard waste generated, cut, trimmed, or felled within the City of Nacogdoches and delivered to the landfill by private resident with a qualifying city water bill, as described in Section d above, may be disposed of at a location designated by the city employee on duty at no charge provided that: no other type waste is mixed with the load; limbs and bags are unloaded in the area designed by the landfill superintendent or his designee; and no trees or limbs are in excess of twelve (12) inches in diameter. Bagged yard waste must be emptied at site. No plastic is allowed to remain within the designated area and shall either be removed from the landfill or disposed of as directed by the city employee on duty.

(8) Scope. This is a schedule and shall not be deemed to require the city to accept any type or volume of waste from any location or source, though it shall serve as a basis and criteria for rejection of waste.

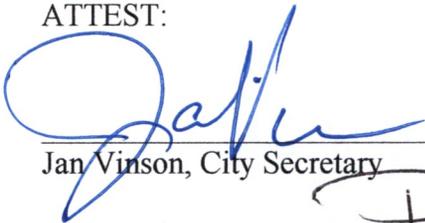
BE IT FURTHER ORDAINED that if any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not effect any of the remaining provisions of this Ordinance.

THIS ORDINANCE will be effective with the October 2016 billing cycle.

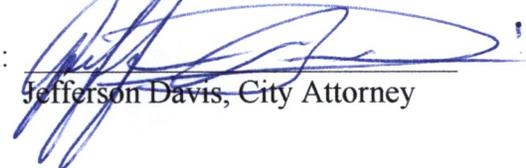
PASSED AND APPROVED this the 16th day of August 2016.



ATTEST:

  
Jan Vinson, City Secretary

Approved as to content:   
Pam Curbow, Finance Director

Approved as to form:   
Jefferson Davis, City Attorney