

CHAPTER 18

MUNICIPAL SOLID WASTES

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ARTICLE I. COLLECTION AND DISPOSAL.

SEC. 18-1. SCOPE OF CHAPTER.

The provisions of this chapter shall apply to all territory within the city. (Ord. 16367)

SEC. 18-2. DEFINITIONS.

For the purpose of this chapter the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (1) ALLEY. Any public way, generally of less width than a street, used for public utility purposes and right-of-way and as an alternate secondary or emergency route for vehicular and pedestrian traffic, generally situated at the rear of or alongside a tier of lots.
- (2) APARTMENT. Apartment as defined by the building code.
- (3) APARTMENT HOUSE. Apartment house as defined by the building code.
- (4) BRUSH. Cuttings or trimmings, individual pieces not exceeding six inches in diameter, from trees, shrubs, or lawns and similar materials, further categorized as:
 - (A) OVERSIZE BRUSH. Brush of lengths exceeding five feet.
 - (B) SIZED BRUSH. Brush of lengths not exceeding five feet.
 - (C) BUNDLED BRUSH. Sized brush tied in bundles, not exceeding 50 pounds in weight.
 - (D) CONTAINERIZED BRUSH. Sized brush in containers not exceeding a combined weight of 50 pounds.
- (5) BUILDING. A structure used or intended for supporting or sheltering any use or occupancy.
- (6) BUILDING CODE. The Dallas Building Code, as amended.
- (7) CITY. The city of Dallas, Texas.
- (8) CODE. The Dallas City Code, as amended.
- (9) COMMERCIAL ESTABLISHMENT. Any structure intended or used for the purpose of conducting a commercial business enterprise.
- (10) CONTAINER. A receptacle for the deposit of solid waste, including garbage and recyclable materials (meeting the requirements of Section [18-3](#) for containers).
- (11) DESIGNATED ALLEY. An alley that is not paved to city standard with concrete or asphalt, that has a right-of-way less than 12 feet in width, that deadends, that serves a dual use as a lined drainage channel, or that involves other unusual conditions and which has been designated by the director of sanitation.
- (12) Reserved.
- (13) DIRECTOR OF SANITATION. The head of the department of sanitation services of the city or any authorized representative.
- (14) DOWNTOWN AREA. The area within the Dallas city limits bounded by the west line of Houston Street, the south line of all properties on the south side of Young Street, the east line of Pearl Street, and the south line of Gaston-Pacific extension.
- (15) DRIVE-IN SERVICE. Service involving city sanitation service employees driving in on private property to collect garbage or recyclable materials.

- (16) DRY SOLID WASTE. Trash (or rubbish), as defined in this section.
- (17) DUPLEX. A structure intended for the use and occupancy as two family dwelling units.
- (18) DWELLING UNIT. Dwelling unit as defined by the building code.
- (19) FOOD ESTABLISHMENT. Cafe, restaurant, or other similar establishment serving food or food products, including quick service drive-ins where food is prepared or served.
- (20) GARBAGE. Solid waste consisting of putrescible animal and vegetable waste materials resulting from the handling, preparation, cooking, and consumption of food, including waste materials from markets, storage facilities, handling and sale of produce, and other food products.
- (21) ILLEGALLY DUMPED SOLID WASTE. Any solid waste placed on property with or without the consent of the owner or person in control.
- (22) INDUSTRIAL SOLID WASTE. Solid waste resulting from or incidental to any process of industry or manufacturing, or mining or agricultural operations.
- (23) INSTITUTION OR INSTITUTIONAL. Any church, church building, or structure housing any charitable, philanthropic, or eleemosynary undertaking, or any school.
- (24) MANAGER. The person in charge of real estate used for apartment, institutional, or commercial purposes.
- (25) MANUAL COLLECTION. The service rendered in collecting municipal solid waste, including recyclable materials, in bags or from containers where sanitation workers pick up the bags and containers manually instead of by mechanical means.
- (26) MOBILE HOME PARK. Six or more mobile home type dwelling units or mobile home parking spaces that are:
 - (A) all located on one lot under single ownership; and
 - (B) only accessible by a private road.
- (27) MULCH. Cutting grass, weeds, and similar vegetation into fine particles.
- (28) MUNICIPAL SOLID WASTE. Solid waste resulting from or incidental to municipal, community, commercial, and recreational activities, including garbage, trash (or rubbish), ashes, street cleanings, dead animals, and all other solid waste other than industrial solid waste.
- (29) OCCUPANT. A person living on premises or in control of premises.
- (30) OWNER. The record title holder of real property.
- (31) PACKOUT SERVICE. Service involving city sanitation service employees walking in on private property or walking in to a point that is not immediately adjacent to a location reasonably accessible to the standard city garbage or recycling truck by route of a public right-of-way to collect garbage or recyclable materials.
- (32) PARKWAY. The area ordinarily intervening between the curb line of a street and the adjacent property line, or the sidewalk if a sidewalk exists.
- (33) PERMITTEE. Any person licensed by the city of Dallas to contract to collect, remove, or dispose of solid waste.
- (34) PERSON. Any individual, corporation, organization, partnership, association, or any other legal entity.
- (35) PROPERTY LINE. The peripheral boundary of real estate.
- (36) PUBLIC UTILITY EASEMENT. A right-of-way used or dedicated to be used by any public utility, including but not limited to services such as electricity, telephone, gas, solid waste collection, water, sewer, and drainage.
- (37) PUBLIC WAY. Any street, alley, easement, or other right-of-way.

(38) RECYCLING. The process of collecting, sorting, cleansing, treating, and reconstituting recyclable materials for the purpose of using the altered form in the manufacture of a new product.

(39) RECYCLABLE MATERIAL. Any material or product designated in writing by the director of sanitation as being suitable for re-use and/or recycling.

(40) RESIDENCE. A structure intended for use and occupancy as a one family dwelling unit, including a mobile type dwelling unit that is not part of a mobile home park.

(41) ROLL CART. A plastic receptacle, which is furnished by the city for the collection of residential refuse and recyclable materials, that:

(A) has two wheels and a lid;

(B) is designed to be lifted and emptied mechanically; and

(C) is too large for handling by manual means.

(42) ROLL CART SERVICE. The service rendered in collecting municipal solid waste, including recyclable materials, by mechanical means from roll cart containers furnished by the city.

(43) SANITARY LANDFILL. A method of disposing of municipal solid waste on land without creating a nuisance or hazard to public health or safety by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at appropriate periodic intervals.

(44) SANITATION SERVICES. The department of the city that is responsible for the collection and removal of municipal solid waste, including recyclable materials.

(45) STREET. Any public roadway for the passage of vehicular and pedestrian traffic.

(46) TRASH (OR RUBBISH). Municipal solid wastes other than garbage and further categorized as:

(A) BULKY TRASH. Furniture, appliances, tree trunks, and other similar objects too large for routine placement in normal compaction-type collection vehicles.

(B) YARD TRASH. Leaves, grass, twigs, and other similar objects.

(C) HOUSEHOLD TRASH. Paper, wood, glass, metal, cans, rags, cartons, rubber, plastic, and other similar materials.

(D) CONTAINERIZED TRASH. Household or yard trash in containers not exceeding a combined weight of 50 pounds.

(47) UNPAVED ALLEY. Any alley not paved with concrete or asphalt.

(48) VEGETATION. Any plant growth.

(49) VEHICLES. Every wheeled conveyance or any other device in, or by which any property may be transported or drawn upon a public street or highway, including devices used exclusively on stationary rails or tracks.

(50) WALKWAY. Any area, paved or unpaved, normally used as a pedestrian right-of-way.

(51) WET SOLID WASTE. Any putrescible animal or vegetable waste materials, other than waterborne waste material, resulting from the handling, preparation, cooking, or consumption of food, including waste material from markets, storage facilities, or the handling or sale of produce or other food products. (Ord. Nos. 16367; 19409; 21058; 21186; 22026; 23694; 24743; 26960; 27697)

SEC. 18-3. REGULATING CONTAINERS FOR MUNICIPAL SOLID WASTE MATERIALS.

(a) Containers for residences and duplexes. Every occupant of a residence or duplex shall provide the premises with a sufficient number of solid waste containers to provide for the peak

output of municipal solid wastes from those premises without overloading the containers. The containers must be rollcarts (except that bags may be used as containers for recyclable materials or as containers for grass cuttings collected under Section [18-8\(b\)\(3\)](#)) and must meet the requirements of this subsection.

(1) At a residence or duplex, a bag used as a container for recyclable materials must be blue or clear, must have at least a 1.3 mil thickness, and must not exceed 33 gallons in capacity. The combined weight of the recyclable materials and the bag must not exceed 50 pounds.

(2) At a residence or duplex, a person shall use only city owned and provided rollcarts as solid waste containers, except that blue rollcarts, clear or blue bags, or any combination of each may be used as solid waste containers for recyclable materials.

(3) A person shall comply with the following requirements when using a rollcart or a blue or clear recycling bag as a solid waste container:

(A) A container must not be overloaded to the point where spillage occurs from overflow, wind, or handling.

(B) A container must be closed or secured at the top to prevent spillage.

(C) Glass and other wastes that are dangerous to handle must be securely wrapped, and the container must be labeled to warn of the need for careful handling.

(D) Ashes must be cold before being placed in a container.

(E) Non-recyclable materials must not be placed in a container (rollcart or blue or clear recycling bag) designated for recyclable materials. A recycling rollcart that is used for non-recyclable materials may be removed from the premises at the direction of the director of sanitation.

(4) Unless otherwise specified by the director of sanitation, and in addition to the requirements of Subsection (a)(3), a person shall comply with the following requirements when using a rollcart as a solid waste container:

(A) A rollcart must be placed for collection so that there is a minimum clearance of three feet to each side of the rollcart and one and one-half feet to the rear of the rollcart from any fence, gas meter, telephone pole, utility box, tree, shrub, additional collection container, or other potential obstruction. A rollcart must be placed so that its handle faces the dwelling unit.

(B) No person shall block or cause to be blocked access to or hinder collection of a rollcart that has been placed for curbside collection.

(C) Solid waste, including recyclable materials, must be placed in a rollcart in a manner that prevents the contents from blowing out of the rollcart when being emptied.

(D) The director of sanitation must be promptly notified of any need for repair or replacement of a rollcart. Cleanliness of a rollcart is the responsibility of the occupant or owner of the premises to which the rollcart is provided.

(E) A 60 to 65 gallon rollcart may not weigh more than 200 pounds when loaded, and a 90 to 96 gallon rollcart may not weigh more than 250 pounds when loaded.

(F) Additional rollcarts for garbage may be obtained from the director of sanitation for an additional fee set forth in Section [18-9\(c\)\(1\)](#) of this article. Additional rollcarts for recyclable materials may be obtained from the director of sanitation for no additional fee.

(G) A rollcart that is lost or damaged due to a customer's negligence may be replaced for a fee as set forth in Section [18-9\(c\)\(8\)](#) of this article.

(b) Containers for apartments, mobile home parks, institutions, and commercial establishments. Every owner of an apartment, mobile home park, institution, or commercial establishment shall provide the premises with a sufficient number of solid waste containers to

provide for the peak output of municipal solid wastes from those premises without overloading the containers.

(1) A container must be watertight and constructed of a solid and durable grade of metal or plastic material. Any container that is manually collected by city sanitation services employees must not exceed 50 gallons in capacity, and the combined weight of the waste and the container must not exceed 50 pounds. A container must not be overloaded to a point where spillage occurs from overflow, wind, or handling.

(2) All containers (except blue or clear recycling bags) must meet the following requirements:

(A) A container must be provided with suitable lifting handles on the outside and a close-fitting or other approved cover equipped with a handle.

(B) A container must not contain any inside structure, such as a band or reinforcing angle, or anything within the container to prevent the free discharge of the contents. A container that has deteriorated or become damaged to the extent that the cover will not fit securely or that has a jagged or sharp edge capable of causing injury to a sanitation services employee or other person whose duty it is to handle the container will be condemned by the city. If such a container is not replaced after notice to the owner or user, the container will be removed along with its contents.

(C) The lid of a container must be close-fitting and must remain in place covering the container at all times when there is any material in the container. The lid may be attached by an appropriate means to the rack upon which the container is placed or to an adjacent fence or other appropriate fixed object in order to prevent the lid from getting into the pathway of a vehicle. Except on a mechanically emptied container, the lid must not be directly attached to the container. A container that has the lid directly attached to it is a hazard to any sanitation services employee engaged in the collection of solid waste and will be condemned by the city. If such an attachment is not removed after notice to the owner or user, the container will be removed along with its contents.

(c) Underground solid waste containers. Underground solid waste containers are prohibited for use in the city unless the installation is specifically approved by the director of sanitation. (Ord. Nos. 16367; 19409; 19991; 21058; 24743; 26960; 28019)

SEC. 18-4. REGULATING THE COLLECTION OF SOLID WASTE MATERIALS FROM RESIDENCES AND DUPLEXES.

(a) General. It shall be the duty of every occupant of any residence or duplex to provide a sufficient number of solid waste containers at the place designated by the director of sanitation for collection of municipal solid waste from the particular premises and to provide adequate capacity for the solid waste placed out for collection without overloading the capacity of the containers or wedging the contents in the container by compaction.

(1) All containers must conform to the requirements of Section [18-3\(a\)](#).

(2) A person commits an offense if he collects dry or wet solid waste, including salvageable newspaper or any other recyclable material, from a residence or duplex. It is a defense to prosecution under this paragraph that the person was:

(A) the owner or occupant of the residence or duplex;

(B) employed or under contract with the city to provide solid waste collection services to the residence or duplex and was in the performance of official duties;

(C) a charitable organization that gathers clothes, salvageable newspapers, or other recyclable material;

(D) hauling away brush, bulky trash, or yard trash from the residence or duplex as a service that was incidental to a maintenance, delivery, lawn, or home improvement service being provided by the person to the residence or duplex; or

(E) providing recycling services to the premises pursuant to a written agreement with the owner or occupant of the residence or duplex and was collecting only recyclable materials that were composed solely of one or more of the following:

(i) newspapers, magazines, catalogs, telephone books, corrugated cardboard, scrap paper, office paper, or junk mail; or

(ii) empty and rinsed aluminum, steel, glass, or recyclable plastic containers that were only used for the storage or processing of consumable food or beverage products, medications, or ordinary household detergents or soaps and that were never used to store or process any hazardous material or hazardous waste.

(3) The city may, through the competitive bid process, contract with a private solid waste collection service, which is franchised in accordance with Article IV of this chapter, to provide solid waste collection, including the collection of recyclable materials, for specific areas designated by the director of sanitation.

(b) Placement of containers for alley collection service. Except as may be otherwise authorized by the director of sanitation, it shall be unlawful for any person to place any container within any alley within the city. If a fence separates the alley from the lot where the container is located, the container must be placed outside the fence in a manner that protects the container from overturn or spillage and does not interfere with solid waste collection service in the alley. A container may not be placed in a rack, and any rack on the premises may not extend into the alley or interfere with solid waste collection service in the alley.

(c) Placement of garbage or recycling containers for curb collection service. Where a residence or duplex is designated by the director of sanitation to be provided with curb collection service, each container must be placed just behind the curblines of the street abutting such property, but may not be placed in the street, on the sidewalk, or in any manner where the container will interfere with vehicular or pedestrian traffic or with solid waste collection service.

(1) Where garbage or recyclable materials are collected from the street curblines adjacent to the property, a container must be placed there no earlier than 6:00 p.m. of the afternoon preceding the collection day and must be removed to a point at the side or rear of the structure not later than 8:00 a.m. of the day following collection.

(2) A container must be placed in a manner that protects it from overturn and spillage.

(3) A container may not be placed in a rack, and any rack on the premises may not extend into the street or sidewalk or interfere with solid waste collection service.

(d) Placement of garbage and recycling containers for packout or drive-in collection service. Garbage containers and recycling containers must be placed at locations and under such conditions approved by the director of sanitation for packout or drive-in collection service by the sanitation services of the city.

(e) Placement of oversize brush and bulky trash. Oversize brush and bulky trash must be placed just behind the curb line of the street abutting the property from which the brush and trash originated, or as otherwise designated by the director, but must not be placed:

(1) in the street, on the sidewalk, or in any manner that will interfere with vehicular or pedestrian traffic or with solid waste collection service; or

(2) out for collection earlier than the Thursday preceding the collection week or later than 7:00 a.m. on the Monday of the collection week.

(f) Placement of bundled or containerized brush and yard or household containerized trash. Bundled or containerized brush and yard or household containerized trash must be placed adjacent to the normal place for collection of garbage or as designated by the director of sanitation, but must not be placed in the street, on the sidewalk, or in any manner that will interfere with vehicular or pedestrian traffic or with solid waste collection service.

(1) Where the quantity of brush set out for collection is excessive, the director of sanitation shall determine the amount of brush to be collected at any one time, the day of its collection, and any other matters pertaining to brush collection in order not to disrupt normal service to other premises.

(2) Rubbish or trash consisting of small, loose items must be placed in an approved container as specified in Section 18- 3(a).

(3) Bulky trash and oversized brush may not be placed out for collection in an alley, whether paved or unpaved, but must be placed at the street as specified in this section.

(4) All boxes and cartons must be broken down and bundled where specified by the director of sanitation, and no bundle may exceed 50 pounds in weight for collection by sanitation services crews of the city.

(5) Brush or trash collection service may not be rendered as a packout collection service. (Ord. Nos. 16367; 19172; 19991; 21058; 21632; 22295; 24000; 24142; 24299; 26960; 28019)

📖 SEC. 18-5. REGULATING THE COLLECTION AND REMOVAL OF SOLID WASTE MATERIALS FROM APARTMENTS, INSTITUTIONS, COMMERCIAL ESTABLISHMENTS, AND MOBILE HOME PARKS.

(a) The manual collection of dry or wet solid waste from an apartment, institution, commercial establishment, or mobile home park shall be performed by a sanitation services employee only where each container conforms to the requirements of Section [18-3\(b\)](#) of this chapter.

(b) Brush or trash collection from an apartment, institution, commercial establishment, or mobile home park shall not be rendered as a packout service by a sanitation services employee.

(c) No person other than a sanitation services employee in the performance of official duties, shall collect dry or wet solid waste, including salvageable cardboard, from an area designated by this chapter or by the director of sanitation as a city waste collection location at an apartment, institution, commercial establishment, or mobile home park.

(d) Solid waste collection from an apartment, institution, commercial establishment, or mobile home park may be performed by a person who has a solid waste collection license as provided in Article IV of this chapter.

(e) If an apartment, institution, commercial establishment, or mobile home park has contracted with a solid waste collection service to perform solid waste collection, the solid waste collection service shall collect solid waste that contains putrescible material at least twice every seven days.

(f) If not regulated by this chapter, the placement of any container for collection from an apartment, institution, commercial establishment, or mobile home park must be approved by the director of sanitation. (Ord. Nos. 16367; 19409; 19991; 21058)

📖 SEC. 18-6. REGULATING THE COLLECTION AND REMOVAL OF SOLID WASTE FROM THE DOWNTOWN AREA.

(a) The collection of solid waste materials from the downtown area, as described herein, shall be governed by all the rules and regulations pertaining to apartments, institutions and commercial establishments, except that no solid waste materials or containers of any kind shall be placed for collection on the public streets, sidewalks, alleys or easements of the city prior to 6:00 p.m. and all containers must be removed to a location inside the building situated on the premises by not later than 10:00 p.m.

(b) At any of the establishments in the downtown area where there is sufficient space between any structure and the alley property line, the easement property line, or street property line to permit the placing of waste containers as required by the provisions of this chapter relating to residences and duplexes, the containers may be placed in such public way at the very boundary thereof so as to permit the passage of pedestrian and vehicular traffic, subject to the approval of the director of sanitation. In these special locations, the owner or occupant of the premises shall remove all containers immediately after the solid waste material has been collected to a place within the structure situated on the premises until the next regularly scheduled time for collection. (Ord. 16367)

📖 SEC. 18-7. REGULATING THE COLLECTION AND REMOVAL OF DEAD ANIMALS.

The bodies of dead animals may not be placed in solid waste containers or in any street, alley, easement, or public way. The collection and removal of dead animal bodies is a service of the city and will be furnished upon request or notification by any interested party without charge except that:

(1) a fee based on a cost plus rate determined by the director of sanitation will be charged for the collection and removal of dead animal bodies from animal clinics; and

(2) a fee set forth in Section [18-9\(c\)\(9\)](#) of this article will be charged for the collection and removal of the bodies of large dead animals, including but not limited to horses, cattle, and other animals of similar size. (Ord. Nos. 16367; 26960)

📖 SEC. 18-8. SOLID WASTE MATERIALS NOT HANDLED BY CITY SANITATION SERVICES.

(a) General. The scope of the service rendered by the city sanitation services in the collection and removal of solid waste materials is intended, in general, to serve the normal needs of dwelling units and their directly related activities, operating businesses, and commercial establishments except as exempted from the provisions of this chapter. It is considered to be beyond the scope of such service to collect or remove solid waste materials generated by clearing, construction, or demolition or any other solid waste materials resulting from an activity beyond the scope described in this subsection.

(b) Materials not collected by city. Solid waste materials that will not be collected and removed by the city sanitation services as a regular service include:

(1) Trash or debris resulting from construction, demolition, destruction by fire, or clearance of vacant or improved property in preparation for construction or occupancy, or similar materials as designated by the director of sanitation, will not be collected and removed by the city as a regular service, but these materials must be removed at the expense of the owner or developer.

(2) Industrial wastes resulting from manufacturing or processing operations, including waste from food and vegetable produce houses, poultry dressing establishments, and meat processing and meat packing plants, must be disposed of by the owner or occupant of the building, business, or premises where the wastes originate in the manner prescribed by state law and any other applicable ordinance. The director of sanitation shall determine what wastes fall within the industrial classification described in this subsection.

(3) Grass cuttings will not be collected or removed by the city, except that, from March 15 through April 15 of each calendar year, grass cuttings that are placed in disposable bags and separated from all other solid waste materials will be collected and removed by the city, for an additional service charge that provides the city with full cost recovery, either by using city sanitation services or by contracting through the competitive bid process with a private solid waste hauler franchised under Article IV of this chapter. Each bag used for grass cuttings must be of watertight, leakproof plastic, must have at least a 1.3 mil thickness, must not exceed 50 gallons in capacity, and must be secured at the top to prevent spillage. The combined weight of the grass cuttings and bag must not exceed 50 pounds. Grass cuttings collected will be composted by the city of Dallas and in no case will any of the cuttings collected be placed in the McCommas Bluff landfill. City sanitation services will continue to collect and remove brush and yard trash, other than grass cuttings, from premises within the city. Nothing in this paragraph prohibits the city from collecting and removing grass cuttings as part of a code enforcement action against any premises in the city. (Ord. Nos. 16367; 16697; 21632; 22306; 28019)

SEC. 18-9. SPECIFYING CHARGES FOR SANITATION SERVICE.

(a) Method of charging and billing for sanitation services.

(1) A sanitation service charge will be made for the following:

(A) All dwelling units in the city that are served with water delivered under an active water account of the water utilities department of the city.

(B) All dwelling units in the city that are served with wastewater service only under an active account of the water utilities department of the city.

(C) All property that is served with sanitation services by the city and that is not specified by Subparagraphs (A) or (B) of this paragraph. The water utilities department shall bill for sanitation services in a manner that distinguishes the charges from water or wastewater charges.

(2) The water utilities department shall bill the person in whose name the water service or wastewater service account appears. If a sanitation services customer is not served with water or wastewater service by the city, the water utilities department shall bill the person in control of the premises or, if that person is unknown, the owner of the premises. Payment of the fee for sanitation services is due on or before the date stated on the face of the customer's bill and is delinquent after that date. A bill is delinquent if not paid within 15 days from the date it is rendered by the water utilities department.

(3) In addition to all other legal remedies available for the collection of a debt, the following actions and remedies are authorized for delinquent payment of the charges authorized in this article:

(A) The sanitation services may refuse to pick up and dispose of the garbage and trash (or rubbish) at the delinquent location;

(B) The water and/or wastewater service, if any, serving the delinquent premises in question may be shut off and terminated.

(C) A five percent late payment fee will be added to the total net bill.

(4) All collections by the water utilities department will be applied first to the water utilities charges, and the customer will be deemed to have paid such water utilities charges first if any question arises as to how outstanding balances should be composed and applied.

(A) All present water utilities department customers to be billed under this article will be automatically placed on the billing for sanitation services charges, regardless of whether or not a written contract exists between the city and such customers.

(B) All present water utilities guaranty deposits upon termination of wastewater service and/or water service may be applied to any amounts due either for sanitation services charges or fees of water utilities bills.

(C) All water utilities services contracts entered into between the water utilities department and the customer must contain an agreement that any guaranty deposit upon termination of wastewater service and/or water service may be applied to sanitation services fees and charges and to water utilities charges that have become due.

(b) General regulations.

(1) Establishment of service charges will be based upon the current use of the property rather than being based upon the zoning.

(2) There will be no proration of service charges for a portion of a billing period. The initial billing will be made concurrent with the initial water billing. The final billing for sanitation charges will be for a full billing period.

(3) Except as otherwise set forth in this article, collection service must be provided by the sanitation services of the city for all residences and duplexes and for all manual collection from apartments and mobile home parks, and such service may not be contracted or performed by other than the city's sanitation services.

(4) The director may provide for alternative solid waste collection service to a customer, if the director determines that the customer cannot be adequately serviced with the standard collection service.

(c) Schedule of service charges.

(1) The collection service charge for a residence or duplex is as follows:

(A) Alley or curb collection service for municipal solid waste - \$21.31 per dwelling unit per month for one rollcart, plus \$10.56 per month for each additional garbage rollcart requested by the owner or occupant of the premises.

(B) Packout or drive-in collection service for municipal solid waste - \$71.17 per dwelling unit per month.

(2) The collection service charge for an apartment or a mobile home park that receives manual collection service from the sanitation services of the city is as follows:

(A) Alley, curb, or drive-in collection service for municipal solid waste - \$21.31 per apartment unit or mobile home space per month.

(B) Packout collection service for municipal solid waste - \$71.17 per apartment unit or mobile home space per month.

(3) A monthly collection service charge will be made for all commercial establishments for collection service provided by the sanitation services of the city as follows:

**TABLE OF MONTHLY CHARGES
(Rear-end Loaders)**

QUANTITY OF SOLID	NUMBER OF COLLECTIONS PER WEEK
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WASTE						
Gallons	2	3	4	5	6	7
60	\$37.79	\$68.76	\$93.53	\$113.77	\$138.95	\$169.70
100	\$50.18	\$93.53	\$116.24	\$147.20	\$246.31	\$412.13
200	\$85.27	\$182.31	\$235.98	\$297.92	\$351.61	\$414.96
300	\$134.83	\$246.31	\$326.83	\$407.36	\$492.00	\$594.25

(4) Extraordinary collection and removal service: A cost plus rate determined by the director of sanitation for materials not included in the regular collection service as described in Section [18-8](#).

(5) Miscellaneous collection service charges will be as follows:

(A) Public housing may be charged as apartments.

(B) Churches, clinics, hospitals, public buildings, and schools will be charged as commercial locations.

(6) The service charge for the collection and removal of grass cuttings from any premises is:

(A) \$1.50 per bag, if the service is performed by city sanitation services; and

(B) an amount specified by city contract, if the service is performed by a contractor selected by the city under Section [18-8\(b\)\(3\)](#).

(7) Packout or drive-in service for certain handicapped persons meeting uniform requirements specified by the director of sanitation will be provided at the rate for alley or curb collection service. Any applicant for a reduced rate under this subparagraph who intentionally makes any misrepresentation in any written statement required by such uniform requirements is guilty of an offense and, upon conviction, is punishable by a fine not to exceed \$500.

(8) The fee for replacement of a rollcart that is lost or damaged due to a customer's negligence is \$49.59 for a garbage rollcart or \$52.94 for a recycling rollcart.

(9) Large dead animals, including but not limited to horses, cattle, and other animals of similar size, will be picked up by the city for a fee of \$100 per animal.

(d) A person claiming entitlement to a refund of sanitation services paid to the city must notify the director of sanitation of the claim within 180 days from the date the disputed payment was received by the city. (Ord. Nos. 16367; 16435; 16697; 17133; 17545; 17987; 19300; 19409; 19963; 19991; 20736; 21058; 21431; 21632; 21819; 22206; 22306; 22565; 22906; 24743; 25048; 25384; 25754; 26134; 26478; 26960; 27353; 27695; 28019; 29149; 29477, eff. 10/1/14)

SEC. 18-10. REGULATING THE PROCESSING AND DISPOSAL OF SOLID WASTE MATERIALS.

(a) General regulations.

(1) A person commits an offense if he disposes of dry or wet solid waste or other waste materials inside the city, other than at a location and in a manner approved by the director of sanitation as complying with federal, state, and local law regulating solid waste processing and disposal. The owner, occupant, or person in control of premises to which illegally-deposited solid waste is traced is presumed to have illegally disposed of or caused the illegal disposal of the solid waste. If a vehicle is used to illegally dispose of solid waste, the owner of the vehicle is presumed to have illegally disposed of or authorized the illegal disposal of the solid waste. Proof of ownership of a vehicle may be made by a computer-generated record of the registration of the

vehicle with the Texas Department of Public Safety showing the name of the person to whom state license plates were issued. This proof is prima facie evidence of the ownership of the vehicle by the person to whom the certificate of registration was issued.

(2) The director of sanitation shall be responsible for determining disposal procedures, authorized users, and methods of operation at municipal transfer stations and landfill sites inside the city.

(3) The director of sanitation shall have authority to approve the establishment and make inspections of non-municipal landfill sites inside the city to ensure compliance with federal, state, and local law regulating the establishment and operation of landfill sites.

(4) The director of sanitation shall have authority to regulate traffic at the city's transfer stations and landfill sites. Designated employees of the department of sanitation services shall direct traffic by voice, hand, or signal at the transfer stations and landfill sites. A person commits an offense if he fails or refuses to comply with a traffic directive of a designated employee of the department of sanitation services. A designated employee of the department of sanitation services may cause the removal from a transfer station or landfill site of any person or vehicle in violation of this paragraph.

(b) Processing and disposal of solid waste materials by private persons, firms, or corporations will be permitted only after application has been made to, and approved by, the director of sanitation as complying with all applicable city, county, state, and federal regulations pertaining to solid waste processing and disposal operations, and all fees required by this article have been paid.

(1) The director of sanitation shall have authority to curtail, temporarily suspend, or permanently halt any solid waste processing or disposal operation being conducted by any private person, firm, or corporation that does not conform to the requirements of city, county, state, or federal regulations pertaining to solid waste processing and disposal operations or that in any manner jeopardizes the public health, safety, and welfare. The director of sanitation shall have authority to maintain curtailment or suspension restrictions until, in the director's judgment, adequate measures have been taken to assure that removal of the restrictions will not jeopardize the public health, safety, or welfare.

(2) The director of sanitation shall have authority to cause to be rejected for processing or disposal any material that, in the director's judgment, would create a nuisance by reason of emission or disagreeable odors or would operate to make the processing or disposal facilities unwholesome or adversely affect the public health, safety, and welfare.

(c) Processing and disposal of solid waste materials by the city.

(1) A person commits an offense if he takes, removes, or carries away from any processing or disposal facility operated by the city any garbage, trash, or other solid waste material, article, thing, or object situated on the facility, whether or not the thing has monetary value, without prior written permission and approval of the director of sanitation. In prosecutions for this offense, it is not necessary to describe the thing taken, removed, or carried away other than as generally described in this subsection or as "article," "thing," or "item," and it is not necessary to allege that the thing had "value."

(2) The director of sanitation shall have authority to designate those processing or disposal sites operated by the city that will be open to public access and those that will not be open to public access. (Ord. Nos. 16367; 20599; 24743)

SEC. 18-11. SPECIFYING CHARGES FOR DISPOSAL OF SOLID WASTE MATERIALS.

(a) The following disposal service charges are established for disposing of municipal solid waste at the Northwest (Bachman) Transfer Station:

(1) Earth, rocks, and inert material will not be accepted at the station.

(2) Passenger cars, station wagons, pickups, and trailers less than 15 feet long that are used by Dallas city residents to haul their own waste from their residences to the station - no charge. (A current, valid Texas driver's license showing a Dallas address or a current Dallas water utilities bill is required as proof of residency.)

(3) Trucks or trailers with a cargo bed length of 25 feet or greater or truck-tractors with semi-trailers are prohibited from using the Northwest (Bachman) transfer station, unless specifically permitted in writing by the director of sanitation.

(4) Roll-off containers, whether open top or compactor, and compactor trucks or other trucks carrying compacted or baled refuse are prohibited from using the Northwest (Bachman) transfer station, unless specifically permitted in writing by the director of sanitation.

(5) Except as provided in Subsection (a)(6), the charge for all materials accepted at the transfer station is \$47 per ton based on the transfer station weighing system, with a minimum charge of \$47 for any load that is less than one ton.

(6) Whenever the transfer station weighing system is inoperable, the following fees will be charged for materials accepted at the transfer station:

(A) Passenger cars, station wagons, and pickups that are used by persons other than Dallas city residents to haul their own waste from their residences to the station - \$40 per load.

(B) Commercial pickups - \$47 per load.

(C) Trucks or trailers with a cargo bed length of less than 15 feet - \$187 per load.

(D) Trucks or trailers with a cargo bed length of not less than 15 feet but less than 25 feet - \$234 per load.

(b) The following disposal service charges are established for disposing of municipal solid waste at city landfill sites:

(1) Passenger cars, station wagons, pickups, and trailers less than 15 feet long that are used by Dallas city residents to haul their own waste from their residences to a city landfill site - no charge. (A current, valid Texas driver's license showing a Dallas address or a current Dallas water utilities bill is required as proof of residency.)

(2) Except as provided in Subsection (b)(3), the charge for all materials accepted at a city landfill site is \$21.50 per ton based on the landfill weighing system, with a minimum charge of \$21.50 for any load that is less than one ton.

(3) Whenever the landfill weighing system is inoperable, the following fees will be charged for materials accepted at a city landfill:

(A) Passenger cars, station wagons, and pickups that are used by persons other than Dallas city residents to haul their own waste from their residences to a city landfill site - \$39.50 per load.

(B) Commercial pickups - \$39.50 per load.

(C) Trucks or trailers with a cargo bed length of less than 15 feet - \$92.15 per load.

(D) Trucks or trailers with a cargo bed length of 15 feet or greater - \$197.50 per load.

(E) Roll-off containers, whether open top or compactor - \$210.60 per load.

(F) Compactor trucks - \$263.25 per load.

(4) A fee of \$46.80 per load will be charged for the use of city equipment, when available, to off-load bundled waste by pulling it with cables, chains, or other devices. City equipment will be used at the customer's own risk, with the city assuming no liability for any resulting damage. Non-city vehicles are prohibited from pulling loads off of other vehicles at a city landfill site.

(5) The fee for use of the city's mechanical tipper to off-load tractor trailer loads is \$87.75 per use.

(6) Collection vehicles not constructed with an enclosed transport body must use nets, tarpaulins, or other devices to prevent accidental spillage. A cover fee of \$10 will be charged for any collection vehicle (other than a pickup truck) that enters the landfill without being so equipped.

(7) Tires exceeding 25 inches in diameter will not be accepted at a city landfill site.

(c) The director of sanitation may enter into a disposal service contract with a solid waste collection service (as defined in Section [18-29](#) of this chapter) to provide for volume delivery of solid waste to the landfill on an annual basis for a discounted disposal service charge, subject to the following rules and conditions:

(1) The disposal service contract must be in writing, on a form approved by the director of sanitation and the city attorney's office. The term of the contract may not be longer than five years. The contract must be authorized by administrative action and must be signed by the city manager and approved as to form by the city attorney.

(2) The disposal service contract must provide for a guaranteed annual tonnage of solid waste of not less than 10,000 tons to be disposed of at the landfill. The contractor shall not exceed the contracted guaranteed annual tonnage by more than 25 percent; this will be the contractor's maximum annual tonnage limit. Notwithstanding Subsection (b)(3) of this section, if the landfill weighing system is inoperable during a delivery of solid waste under the contract, the tonnage will be estimated by the city on the basis of the full capacity of the vehicle delivering the solid waste.

(3) The director of sanitation is not required to enter into a disposal service contract under this subsection if the director determines that:

(A) the useful life of the landfill would be adversely affected; or

(B) it is not practical to enter into a proposed disposal service contract for engineering, operational, or financial reasons.

(4) Payment of the disposal service charge under a disposal service contract will be calculated in accordance with the terms of the contract and this subsection. The initial disposal service charge for each solid waste disposal contract entered into pursuant to this subsection will be the disposal service charge in effect under Subsection (b)(2) on the date the contract is executed. On October 1 of each calendar year, the disposal service charge may be increased by the percent change, if any, between the June consumer price index for the current calendar year and the June consumer price index for the prior calendar year, except that the annual increase in the disposal service charge may not exceed six percent during any calendar year. The percent change will be determined by the director using *The Consumer Price Index for All Urban Consumers (CPI-U) for the South Region for All Items, 1982-84=100*, published by the United States Department of Labor, Bureau of Labor Statistics. This Consumer Price Index adjustment to the disposal service charge will only be applied if there is an equal or greater percentage increase in the disposal service charge in effect under Subsection (b)(2) for the next fiscal year. The contractor must pay the disposal service charge on a monthly basis. At the end of each contract year, the director of sanitation shall perform a reconciliation to determine the actual

tonnage of solid waste disposed of at the landfill under the contract in that contract year and to make any adjustments to the amounts finally owed by the contractor.

(5) In consideration of the agreement of a solid waste collection service to guarantee the disposal of an annual tonnage of solid waste at the landfill pursuant to a disposal service contract, the director of sanitation may provide a discount from the disposal service charge required under Subsection (c)(4) of this section in accordance with the following table:

Disposal Service Contract Discount Rate				
SOLID WASTE DISPOSED AT LANDFILL DURING CONTRACT YEAR (in tons)		DISCOUNT RECEIVED BASED ON THE CONTRACT TERM (in percentages)		
From	To	1 or 2 Year Contract Term	3 or 4 Year Contract Term	5 Year Contract Term
10,000	49,999	0.00%	1.50%	3.00%
50,000	74,999	2.25%	4.50%	9.00%
75,000	99,999	3.00%	6.00%	12.00%
100,000	124,999	3.75%	7.50%	15.00%
125,000	149,999	3.94%	7.88%	15.75%
150,000	199,999	4.06%	8.13%	16.25%
200,000	No maximum	4.25%	8.50%	17.00%

(6) If the contractor fails to dispose of the annual tonnage of solid waste at the landfill as guaranteed under the contract, the contractor must still pay the discounted disposal service charge for the entire annual tonnage guaranteed.

(7) If the director of sanitation determines that the contractor has disposed of an amount of solid waste at the landfill that exceeds the annual tonnage guaranteed under the contract but does not exceed the maximum annual tonnage limit under Paragraph (2) of this subsection, the director shall charge a disposal service charge for that excess tonnage of solid waste using the same percentage of discount applied to the guaranteed annual tonnage under the contract.

(8) If the director of sanitation determines that the contractor has disposed of solid waste under the contract in a tonnage that exceeds the maximum annual tonnage limit under Paragraph (2) of this subsection, the director:

(A) may prohibit further disposal of solid waste by the contractor at the landfill during the contract year in which the maximum annual tonnage limit is exceeded; and

(B) shall charge the full disposal service charge required by Subsection (c)(4), without any discount, for any solid waste disposed of at the landfill in excess of the contractor's maximum annual tonnage limit.

(9) Whenever the contractor delivers a load of solid waste to the landfill that is less than one ton, the contractor will be charged the discounted disposal service charge for one ton of solid waste.

(d) Disposal service charges are payable by any of the following methods:

(1) cash at the disposal site;

(2) credit or debit cards, under conditions established by the city; or

(3) monthly billing for commercial haulers upon approval of the director of sanitation and under such conditions as may be established by the director of sanitation and approved by the city attorney.

(e) A person engaged in a special residential cleanup effort may apply to the director of sanitation for a waiver of the disposal service charge. The director of sanitation may approve the application and waive the disposal service charge if the director finds that the cleanup effort is being conducted within a residential area of the city and not for profit.

(f) A person who refuses to pay a disposal service charge required by this section or who breaches a term or condition of a disposal service contract entered into under Subsection (c) may not deposit any waste at a city transfer station or landfill site. (Ord. Nos. 16367; 16697; 17133; 18876; 19300; 20448; 20838; 21058; 21431; 21819; 22206; 22565; 24743; 25754; 26960; 27092; 27203; 27353; 27934; 28019; 29039; 29477, eff. 10/1/14)

📖 SEC. 18-12. REGULATING THE COLLECTION AND REMOVAL OF ILLEGALLY DUMPED SOLID WASTE MATERIALS ON PRIVATE PREMISES.

(a) In this section:

(1) DIRECTOR means the director of the department designated by the city manager to enforce and administer this section or the director's authorized representative.

(2) PREMISES means the lot, plot, or parcel of land, plus the front or side parkway between the property line or sidewalk and the curb or traveled way, and the rear or side parkway between the property line and the center line of an adjacent alley.

(b) An owner, occupant, or person in control of private premises commits an offense if he places, deposits, or throws; permits to accumulate; or permits or causes to be placed, deposited, or thrown, solid waste material on those premises in a manner or location that is in violation of this article.

(c) City authorized to collect and remove solid waste materials. Upon the failure of the owner, occupant, or person in control of private premises to comply with Subsection (b) of this section, or upon the written request and authorization of the owner after notification under Subsection (d) of this section, or upon a determination by the city health officer that the conditions constitute an immediate health hazard, the director shall have the solid waste materials collected and removed from the premises.

(d) Notice to remove.

(1) Before removing illegally-deposited solid waste material from private premises, the director must notify the owner of the premises to remove the solid waste material within seven days. This notice must be in writing and may be served by handing it to the owner in person or by sending it United States regular mail, addressed to the owner at the owner's address as recorded in the appraisal district records of the appraisal district in which the premises are located.

(2) If personal service to the owner cannot be obtained, then the owner may be notified by:

- (A) publication at least once in the official newspaper adopted by the city council;
- (B) posting the notice on or near the front door of each building on the premises to which the violation relates; or
- (C) posting the notice on a placard attached to a stake driven into the ground on the premises to which the violation relates.

(3) If the director mails a notice to a property owner in accordance with Subsection (d)(1) and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered as delivered.

(4) In a notice provided under this section, the director may, by regular mail and by a posting on the property, inform the owner of the property on which the violation exists that, if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city may, without further notice, correct the violation at the owner's expense and then assess the expense against the property. If a violation covered by a notice under this subsection occurs within the one-year period, and the city has not been informed in writing by the owner of a change in ownership of the property, then the city may, without notice, take any action permitted by Subsection (c) of this section and assess its expenses as provided in Subsection (e) of this section.

(3) Notice under this subsection is not necessary when the solid waste material is determined by the director to be an immediate health hazard.

(e) Charge to be levied and collected by the city for solid waste material collection and removal. If the city collects and removes solid waste materials from private premises at the request of the owner or upon failure of the owner to comply with the notice required under Subsection (d) of this section, charges in the amount of the total actual costs incurred by the city in performing the work will be collected from the owner or levied, assessed, and collected against the premises on which the work is performed. The charges will be collected by the city controller. The city controller shall file a statement by the director with the county clerk of the county in which the property is located setting out the total actual costs incurred by the city, the name of the property owner if known, and a legal description of the property, as required by state law. At the time the statement is filed, the city shall have a privileged lien on the premises involved, second only to tax liens and liens for street improvements, in the amount of the actual costs incurred, plus 10 percent interest on that amount from the date the costs were incurred. The city may file a suit in an appropriate court of law to foreclose upon its lien and recover its actual costs incurred plus interest. The suit must be filed in the name of the city. The statement filed under this subsection, or a certified copy of the statement, is prima facie proof of the amount of actual costs incurred by the city.

(f) The director may issue citations and prosecute persons for violating Subsection (b) regardless of whether a notice is issued under this section. (Ord. Nos. 16367; 17226; 19963; 20599; 21025; 22026; 22334; 22494; 25371; 27697)

SEC. 18-12.1. PENALTIES FOR VIOLATION.

(a) A person who violates a provision of this article, or who fails to perform a duty required of him by this article, commits an offense. A person is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted.

(b) Except as provided in Subsection (c), an offense under this article is punishable by a fine of not more than \$2,000 or less than:

(1) \$50 for a first conviction of any violation of this article except Section [18-4\(e\)\(1\)](#), [18-5\(c\)](#), [18-8\(b\)\(1\)](#), [18-12\(b\)](#), or [18-10](#);

(2) \$150 for a first conviction of a violation of Section [18-4\(e\)\(1\)](#);

(3) \$100 for a first conviction of a violation of Section [18-5\(c\)](#), [18-8\(b\)\(1\)](#), or [18-12\(b\)](#); and

(4) \$200 for a first conviction of a violation of Section [18-10](#).

(c) An offense under Section [18-4\(c\)\(1\)](#) is punishable by a fine of not more than \$500 or less than \$50. An offense under Section [18-4\(e\)\(2\)](#) is punishable by a fine of not more than \$500 or less than \$150.

(d) The minimum fines established in Subsections (b) and (c) shall be doubled for the second conviction of the same offense within any 24-month period and trebled for the third and subsequent convictions of the same offense within any 24-month period. At no time shall the minimum fine exceed the maximum fine established in Subsection (b) or (c), whichever applies.

(e) Except where otherwise specified in this code, a culpable mental state is not required for the commission of an offense under this article.

(f) As an alternative to imposing the criminal penalty prescribed in Subsection (b) or (c), the city may impose administrative penalties, fees, and court costs in accordance with Article IV-b of Chapter 27 of this code, as authorized by Section 54.044 of the Texas Local Government Code, for an offense under this article. The alternative administrative penalty range for an offense is the same as is prescribed for a criminal offense in Subsection (b) or (c), whichever applies. (Ord. Nos. 20599; 22334; 25927; 26274)

ARTICLE II. WEEDS, GRASS, AND VEGETATION.

📖 SEC. 18-13. GROWTH TO CERTAIN HEIGHT PROHIBITED; OFFENSES.

(a) A person commits an offense if he is an owner, occupant, or person in control of occupied or unoccupied premises in the city and:

(1) permits weeds or grass located on the premises to grow to a height greater than 12 inches; or

(2) fails to remove weeds or grass from the premises after they have been cut.

(b) It is a defense to prosecution under:

(1) Subsection (a)(1) that the weeds and grass are maintained at or below a height of 12 inches at all points on the premises within 100 feet of its perimeters; and

(2) Subsection (a)(2) that the weeds and grass have been mulched, raked, or composted in a manner approved by the director.

(c) For purposes of this article, PREMISES means the lot, plot, or parcel of land, plus the front or side parkway between the property line or sidewalk and the curb or traveled way, and the rear or side parkway between the property line and the center line of an adjacent alley. (Ord. Nos. 13796; 17597; 17985; 20599; 21632; 26585)

📖 SEC. 18-14. DUTY TO PREVENT WEEDS, GRASS, OR VEGETATION FROM BECOMING A NUISANCE OR FIRE HAZARD.

Every owner, occupant, or person in control of any occupied or unoccupied premises in the city shall use every precaution to prevent weeds, grass, or other vegetation from growing on the premises so as to become a nuisance or fire hazard. (Ord. Nos. 13796; 17597; 20599; 22413; 26585)

📖 SEC. 18-14.1. VEGETATION IN ALLEY, STREET, OR SIDEWALK.

(a) An owner, occupant, or person in control of any private premises abutting an alley, street, or sidewalk within the city commits an offense if he allows any vegetation, including, but not limited to, trees, shrubbery, bushes, and vines, to grow on the premises so as to project across the property line over or into the right-of-way of the alley, street, or sidewalk.

(b) It is a defense to prosecution under Subsection (a) that:

(1) the vegetation consisted solely of weeds or grass not more than 12 inches high;

(2) no part of the vegetation projected over or into the alley or street at a height of less than 15 feet above the ground; or

(3) no part of the vegetation projected over or into the sidewalk at a height of less than eight feet above the ground, except that this defense does not apply if the vegetation obstructed the visibility of a traffic control sign, signal, or device or interfered with garbage or trash collection adjacent to the sidewalk.

(c) Vegetation growing in violation of this section is a nuisance and may be abated by the city in accordance with Section [18-17](#) of this article. (Ord. Nos. 20599; 22413; 25979; 26585)

SEC. 18-15. ENFORCEMENT.

(a) For the purposes of this article, DIRECTOR means the director of the department designated by the city manager to enforce and administer this article or the director's authorized representative.

(b) The director shall enforce the provisions of this article; provided, that where a fire hazard exists, the provisions of Sections [18-13](#), [18-14](#), and [18-14.1](#) must be enforced by the fire marshal. (Ord. Nos. 13796; 17226; 20599; 26585)

SEC. 18-16. PENALTIES FOR VIOLATION.

(a) A person who violates a provision of this article, or who fails to perform a duty required of him under this article, commits an offense. A person is guilty of a separate offense for each day or part of a day during which a violation is committed, continued, or permitted.

(b) An offense under this article is punishable by a fine of not more than \$2,000 and, upon a first conviction, not less than \$50.

(c) The minimum fine established in Subsection (b) will be doubled for the second conviction of the same offense within any 24-month period and trebled for the third and subsequent convictions of the same offense within any 24-month period. At no time may the minimum fine exceed the maximum fine established in Subsection (b).

(d) As an alternative to imposing the criminal penalty prescribed in Subsection (b), the city may impose administrative penalties, fees, and court costs in accordance with Article IV-b of Chapter 27 of this code, as authorized by Section 54.044 of the Texas Local Government Code, for an offense under this article. The alternative administrative penalty range for an offense is the same as is prescribed for a criminal offense in Subsection (b).

(e) The culpable mental state required for the commission of an offense under this article is governed by Section [1-5.1](#) of this code. (Ord. Nos. 20599; 25927; 26585)

SEC. 18-17. CITY REMOVAL OF WEEDS AND VEGETATION UPON FAILURE OF OWNER, OCCUPANT, OR PERSON IN CONTROL TO DO SO; NOTICE REQUIRED.

(a) Upon the failure of the owner, occupant, or person in control of private premises to comply with Section [18-13](#) of this article, the director shall have the weeds or grass cut, mulched or raked, and removed from the premises.

(b) Upon the failure of the owner, occupant, or person in control of private premises abutting an alley, street, or sidewalk within the city to comply with Section [18-14.1](#) of this article, the director shall have the noncomplying vegetation cut or trimmed, and removed from the alley, street, or sidewalk, whichever applies.

(c) Before performing work, or causing work to be performed, under Subsection (a) or (b), the director must notify the owner of the premises to bring the premises into compliance within seven days. The notice must be in writing and may be served by handing it to the owner in person or by sending it United States regular mail, addressed to the owner at the owner's address as recorded in the appraisal district records of the appraisal district in which the premises are located.

(d) If personal service to the owner cannot be obtained, then the owner may be notified by:

- (1) publication at least once in a newspaper of general circulation in the city;
- (2) posting the notice on or near the front door of each building on the premises to which the violation relates; or
- (3) posting the notice on a placard attached to a stake driven into the ground on the premises to which the violation relates.

(e) If the director mails a notice to a property owner in accordance with Subsection (c) and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered as delivered.

(f) In a notice provided under this section, the director may, by regular mail and by a posting on the property, inform the owner of the property on which the violation exists that, if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city may, without further notice, correct the violation at the owner's expense and then, in the case of a violation of Section [18-13](#), assess the expense against the property. If a violation covered by a notice under this subsection occurs within the one-year period, and the city has not been informed in writing by the owner of a change in ownership of the property, then the city may, without notice, take any action permitted by Subsection (a) or (b) and assess its expenses as provided in Section [18-18](#).

(g) The director may issue citations and prosecute persons for violating Section [18-13](#) or [18-14.1](#) regardless of whether a notice is issued under this section. (Ord. Nos. 13796; 17226; 17597; 20599; 21025; 22494; 25371; 26585)

**📌 SEC. 18-18. CHARGES TO BE COLLECTED FROM THE PROPERTY OWNER;
LIEN ON PREMISES FOR FAILURE TO PAY CHARGES.**

(a) If the city cuts, mulches, rakes, or removes weeds or grass on or from private premises under Section [18-17](#)(a) or cuts, trims, or removes vegetation projecting over or into an alley, street, or sidewalk right-of-way under Section [18-17](#)(b) (either at the request of the owner or upon the failure of the owner to comply with the notice required under Section [18-17](#)), charges in the amount of the total actual costs incurred by the city in performing the work will be collected from the owner by the city controller. If the work was performed under Section [18-17](#)(a), the charges may be levied, assessed, and collected against the premises on which the work is performed, and the city controller shall file a statement by the director with the county clerk of the county in which the property is located setting out the total actual costs incurred by the city, the name of the property owner if known, and a legal description of the property, as required by state law.

(b) At the time a statement is filed under Subsection (a) for work performed under Section [18-17\(a\)](#), as required by state law, the city shall have a privileged lien against the premises, second only to tax liens and liens for street improvements, in the amount of the actual costs incurred, plus 10 percent interest on that amount from the date the costs were incurred.

(c) The city may file a suit in an appropriate court of law to foreclose upon its lien and recover its actual costs incurred plus interest. The suit must be filed in the name of the city. The statement filed under Subsection (a), or a certified copy of the statement, is prima facie proof of the amount of actual costs incurred by the city. (Ord. Nos. 13796; 15900; 16367; 17226; 17597; 20599; 22026; 22494; 25371; 26585)

ARTICLE III. JUNKED VEHICLES.

📖 SEC. 18-19. DEFINITIONS.

In this article:

(1) ANTIQUE VEHICLE means any passenger car or truck that:

(A) was manufactured in 1925 or before; or

(B) is at least 35 years old.

(2) COLLECTOR means the owner of one or more antique or special interest vehicles who collects, purchases, acquires, trades, or disposes of special interest or antique vehicles or parts of them for personal use in order to restore, preserve, and maintain an antique or special interest vehicle for historic interest.

(3) DIRECTOR means the director of the department designated by the city manager to enforce and administer this article or the director's authorized representative.

(4) INOPERATIVE or INOPERABLE means incapable of being propelled on its own power due to dismantling, disrepair, or some other cause.

(5) JUNKED VEHICLE means any motor vehicle, as defined in Section 5.01 of Article 4477-9a, Vernon's Texas Civil Statutes, as amended, that:

(A) is inoperative; and

(B) does not have lawfully affixed to it either an unexpired license plate or a valid motor vehicle safety inspection certificate; is wrecked, dismantled, partially dismantled, or discarded; or remains inoperable for a continuous period of more than 45 days.

(6) SPECIAL INTEREST VEHICLE means a motor vehicle of any age that has not been altered or modified from original manufacturer's specifications and, because of its historic interest, is being preserved by hobbyists. (Ord. Nos. 13900; 14494; 15720; 17226; 20599)

📖 SEC. 18-20. DEEMED PUBLIC NUISANCE; DECLARED UNLAWFUL.

(a) The presence of any junked vehicle on any private lot, tract, or parcel of land, occupied or unoccupied, improved or unimproved, or on any public right-of-way or other public property, within the city, is a public nuisance.

(b) A person commits an offense if he causes or maintains such a public nuisance by wrecking, dismantling, partially dismantling, rendering inoperable, abandoning, or discarding a motor vehicle on a public right-of-way or other public property or on the real property of another or permits a junked vehicle to be parked, left, or maintained on personal real property.

(c) If the director reasonably believes that a vehicle is inoperable, the director may request the owner or person claiming control of the vehicle to demonstrate that it is operable. (Ord. Nos. 13900; 14494; 15720; 20599)

SEC. 18-21. EXCEPTIONS.

This article does not apply to:

- (1) a vehicle or vehicle part that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property;
- (2) a vehicle on the premises of a business enterprise operated in a lawful manner, when necessary to the operation of the business enterprise;
- (3) a vehicle or vehicle part in an appropriate storage place or depository maintained at a location officially designated and in a manner approved by the city;
- (4) an unlicensed, operable, or inoperable antique or special interest vehicle stored by a collector on the collector's property, if the vehicle and the outdoor storage area are maintained in such a manner that they do not constitute a health hazard and are screened from ordinary public view by means of a fence, rapidly growing trees, shrubbery, or other appropriate means;
- (5) a motor vehicle in operable condition specifically adapted or constructed for racing or operation on privately-owned drag strips or raceways; or
- (6) a motor vehicle stored as the property of a member of the armed forces of the United States who is on active duty assignment. (Ord. Nos. 13900; 14494; 15720; 20599; 22413)

SEC. 18-22. NOTICE TO ABATE NUISANCE.

(a) Whenever a public nuisance exists on public property, on occupied premises, or on the public right-of-way adjacent to occupied premises within the city in violation of Section [18-20](#), the director shall order the owner, if the owner is in possession of the premises, or the occupant of the premises, to abate or remove the nuisance.

(b) Whenever a public nuisance exists on unoccupied premises or on the public right-of-way adjacent to unoccupied premises within the city in violation of Section [18-20](#), and the owner of the premises can be found, the director shall order the owner of the premises to abate or remove the nuisance.

(c) An order issued under Subsection (a) or (b) shall be served upon the last known registered owner of the junked vehicle and any lienholder of record and to the owner or, if the premises are occupied, the occupant of the premises on which the public nuisance exists or the premises adjacent to the public right-of-way on which the public nuisance exists by sending the order by certified mail, five-day return receipt requested, to their addresses as shown on the current city tax rolls or as last recorded with the United States Post Office. If the post office address of the last known registered owner of the junked vehicle is unknown, the order to that person may be placed on the junked vehicle, or, if that person is physically located, the order may be hand delivered. The order shall:

- (1) be in writing;
- (2) specify the public nuisance and its location;
- (3) specify the corrective measures required;
- (4) provide for compliance within 10 days after service of notice; and
- (5) state that a request for a hearing must be made before expiration of the 10-day period for compliance.

(d) If the last known registered owner of the junked vehicle, any lienholder of record, and the owner or, if the premises are occupied, the occupant of the premises all fail or refuse to comply with the order of the director within the 10-day period after service of notice, the director may take possession of the junked vehicle and remove it from the premises. After removing a junked

vehicle, the director shall dispose of the vehicle in such manner as the city council may provide that is consistent with state law, and the vehicle shall not be reconstructed or made operable.

(e) The owner or occupant of the premises may, within the 10-day period after service of notice to abate the nuisance, request the clerk of the municipal court of the city, either in person or in writing and without the requirement of bond, to set a date and time to appear before the judge of the municipal court for a trial to determine whether the person is in violation of this article. The trial shall be set as provided in Section [18-24](#). If a hearing is requested within 10 days after service of notice to abate the nuisance, then the director shall not order the removal of the junked vehicle until ordered to do so by the judge of the municipal court.

(f) If the owner or, if the premises are occupied, the occupant of the premises fails to either remove and abate the nuisance or to request a hearing within 10 days after service of notice to abate the nuisance, then the director may cause both the removal of the junked vehicle and the filing in municipal court of a complaint for the violation of maintaining a public nuisance. (Ord. Nos. 13900; 14494; 15720; 16367; 20599; 21025)

SEC. 18-23. MOTOR VEHICLE DESCRIPTION.

Any order requiring the removal of a vehicle or vehicle part must include a description of the vehicle and the correct identification number and license number of the vehicle, if available at the site. (Ord. Nos. 15720; 20599)

SEC. 18-24. TRIAL IN MUNICIPAL COURT - PRELIMINARIES.

Upon receiving a request for trial made pursuant to Section [18-22](#), the clerk of the municipal court shall set a date and a time for trial on the court docket. The clerk of the municipal court shall notify the city attorney of the date and time of the hearing. The city attorney shall cause to be prepared, filed, and served on the defendant a written complaint charging that the owner or occupant of the premises, as the case may be, has violated this article. After service, the complaint shall be on file with the clerk of the municipal court not less than 10 days prior to the date of trial. (Ord. Nos. 13900; 20599)

SEC. 18-25. FINDINGS OF JUDGE; PENALTY.

(a) The judge of the municipal court shall hear any case brought before the court pursuant to this article and shall determine whether the defendant is, in fact, in violation of this article. At the trial it is presumed, unless demonstrated otherwise by the defendant, that the vehicle that is the subject of the complaint is inoperable.

(b) Upon a finding that the defendant is in violation of this article, the defendant is guilty of a misdemeanor and subject to a fine not to exceed \$200. The judge of the court shall further order the defendant to remove and abate the nuisance within 10 days.

(c) If the defendant fails or refuses, within 10 days, to abate or remove the nuisance, the judge of the municipal court may issue an order to the director to have the nuisance removed, and the director shall take possession of the junked vehicle and remove it from the premises. The director shall then dispose of the vehicle in such manner as the city council may provide that is consistent with state law, and the vehicle shall not be reconstructed or made operable. (Ord. Nos. 13900; 19963; 20599; 21025)

SEC. 18-26. REMOVAL WITH PERMISSION OF OWNER.

If, within 10 days after receipt of notice from the director to abate the nuisance, the owner or occupant of the premises gives written permission to the director for removal of the junked

vehicle, the giving of the permission shall be considered compliance with the provisions of this article. (Ord. Nos. 13900; 20599)

📖 SEC. 18-27. REMOVAL FROM PUBLIC PROPERTY OR OCCUPIED OR UNOCCUPIED PREMISES BY COURT ORDER.

(a) If there is a junked vehicle on public property, on private premises that are occupied or unoccupied, or on the public right-of-way adjacent to occupied or unoccupied premises and the owner or occupant of the premises, or the last known registered owner of the junked vehicle, or any lienholder of record cannot be found and notified to remove the vehicle, then, upon a showing of the facts to the judge of the municipal court, the court may issue an order to the director to have the vehicle removed, and the director shall take possession of the junked vehicle and remove it.

(b) If the notice required in Section [18-22](#) is returned undelivered by the United States post office, then after 10 days from the date of the return, the court may issue an order to the director to have the junked vehicle removed, and the director shall take possession of the vehicle and remove it.

(c) The director shall, after removing the vehicle in compliance with a court order issued pursuant to Subsection (a) or (b), dispose of the junked vehicle in the manner provided by the city council that is consistent with state law, and the vehicle shall not be reconstructed or made operable. (Ord. Nos. 13900; 14494; 20599)

📖 SEC. 18-28. NOTICE TO TEXAS DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION.

Notice shall be given to the Texas Department of Highways and Public Transportation within five days after the date of removal of any junked vehicle as provided in this article, identifying the vehicle or vehicle part. (Ord. Nos. 13900; 20599)

📖 SEC. 18-28.1. PENALTIES FOR VIOLATION.

(a) A person who violates a provision of this article, or who fails to perform a duty required of him under this article, commits an offense. A person is guilty of a separate offense for each day or part of a day during which a violation is committed, continued, or permitted.

(b) An offense under this article is punishable by a fine of not more than \$200.

(c) As an alternative to imposing the criminal penalty prescribed in Subsection (b), the city may impose administrative penalties, fees, and court costs in accordance with Article IV-b of Chapter 27 of this code, as authorized by Section 683.0765 of the Texas Transportation Code, for an offense under this article. The alternative administrative penalty range for an offense is the same as is prescribed for a criminal offense in Subsection (b). (Ord. 25927)

**ARTICLE IV.
PRIVATE SOLID WASTE COLLECTION SERVICE.**

Division 1. In General.

📖 SEC. 18-29. DEFINITIONS.

In this article:

(1) **DIRECTOR** means the director of the department designated by the city manager to enforce and administer this article or the director's authorized representative.

(2) FRANCHISEE means a person who has been granted a franchise under this article and Chapter XIV of the city charter to operate a solid waste collection service in the city.

(3) GROSS RECEIPTS means any revenue directly or indirectly received or generated from or in connection with any solid waste collection service provided within the city, excluding the following amounts:

(A) disposal fees paid to the city by a franchisee;

(B) annual bad debt write-off amounts on uncollectible accounts for solid waste collection service, provided that the write-off allowed is verified by adequate supporting documentation and does not reduce the annual gross receipts by more than three percent;

(C) revenues received or generated for any solid waste collection service provided on behalf of the city by the franchisee pursuant to a written contract with the city; and

(D) revenues directly received or generated from the processing of recyclable materials.

(4) PERSON means an individual, corporation, firm, government or governmental subdivision, partnership, joint venture, limited liability company, or other business entity.

(5) SOLID WASTE COLLECTION SERVICE means the business of:

(A) removing wet or dry solid waste from any premises; or

(B) transporting, processing, or disposing of wet or dry solid waste. (Ord. Nos. 17226; 21058; 26480; 26608)

SEC. 18-30. AUTHORITY OF DIRECTOR.

(a) The director shall implement and enforce this article and may by written order promulgate such rules or regulations, not inconsistent with this article or state or federal law, as the director determines are necessary to discharge any duty under or to effect the policy of this article.

(b) The director shall have authority to impound any vehicle, dumpster, or roll-off container:

(1) whose contents have become foul, offensive, or otherwise hazardous to the public health or safety; or

(2) that is being used for the collection of solid waste material in violation of this article.

(c) A vehicle, dumpster, or roll-off container impounded under Subsection (b) may not be moved without the consent of the director and may not be returned to service until the contents are disposed of and the vehicle, dumpster, or roll-off container is cleaned and brought into compliance with this article. (Ord. Nos. 14219; 17226; 21058; 26480; 26608)

SEC. 18-31. DEFENSES.

It is a defense to prosecution under this article, except for Sections [18-30\(b\)](#) and (c), [18-45](#), [18-47](#), [18-49](#), [18-50](#), and [18-51](#), that the solid waste collection service:

(1) was operated by a governmental entity;

(2) was only collecting, transporting, or processing recyclable materials; or

(3) did not operate a vehicle, or cause or permit the operation of a vehicle, more than twice during any calendar year to:

(A) remove dry or wet solid waste from any premises within the city; or

(B) transport, process, or dispose of wet or dry solid waste within the city. (Ord. Nos. 21058; 21163; 26480; 26608)

Division 2. Solid Waste Collection Franchises.

SEC. 18-32. FRANCHISE AND DECAL REQUIRED.

A person commits an offense if, within the city, he:

(1) operates, or causes or permits the operation of, a solid waste collection service without a valid solid waste collection franchise granted under this article and Chapter XIV of the city charter; or

(2) operates, or causes or permits the operation of, a vehicle for the purpose of providing solid waste collection service in the city without displaying on the vehicle a valid decal issued under this article. (Ord. Nos. 14219; 16367; 17226; 21058; 21163; 24743; 26480; 26608)

 **SEC. 18-33. FRANCHISE APPLICATION.**

(a) To obtain a solid waste collection franchise, a person must submit an application on a form provided for that purpose to the director. The applicant must be the person who will own, control, or operate the proposed solid waste collection service. The application must be acknowledged by a notary public and contain the following information:

(1) the applicant's name, address, and notarized signature;

(2) the form of business of the applicant, and, if the business is a corporation, partnership, limited liability company, joint venture, or unincorporated association, a copy of the documents establishing the business;

(3) a description of any past business experience of the applicant, particularly in providing solid waste collection service, and an identification and description of any revocation or suspension by the city, or by any other governmental entity, of a solid waste collection license, franchise, or similar authorization held by the applicant or business before the date of filing the application;

(4) the number and description of vehicles the applicant proposes to use in the operation of the solid waste collection service, including year, make, model, motor identification number, and state license registration number for each vehicle;

(5) a description of the proposed solid waste collection service;

(6) documentary evidence from an insurance company indicating a willingness to provide liability insurance as required by the city in the franchise ordinance;

(7) documentary evidence of payment of ad valorem taxes owed on the real and personal property to be used in connection with the operation of the proposed solid waste collection service if the business establishment is located in the city; and

(8) such additional information as the applicant desires to include to aid in the determination of whether the requested franchise should be granted.

(b) The director is authorized to make any additional investigation as is necessary to verify the truth of the information contained in the application and to determine if the applicant meets the requirements of this article and the standard franchise ordinance required by the city. (Ord. Nos. 21058; 21163; 24743; 26480; 26608)

 **SEC. 18-34. FRANCHISE GRANT.**

(a) If the director determines from the application that the applicant meets the requirements of this article and other applicable law to hold a franchise for solid waste collection service, the director shall present the application to the city council and make a recommendation regarding the application. The city council may grant or deny the franchise. The city council shall grant a franchise by ordinance. The grant of a franchise under this article is nonexclusive.

(b) The terms and conditions of a franchise will be set forth in the ordinance granting the franchise to the applicant. By accepting the franchise, the applicant agrees to comply with all of those terms and conditions. (Ord. Nos. 26480; 26608)

📖 SEC. 18-35. FRANCHISE FEES.

(a) A franchisee shall pay a franchise fee set by the city council in the franchise ordinance. The franchise fee may not be less than four percent of the gross receipts resulting from the operation of the solid waste collection service within the city.

(b) The franchise fee must be paid on a payment schedule established by the city council in the franchise ordinance. A payment received later than 10 days after the due date accrues interest at the rate prescribed in Section [2-1.1](#) of this code.

(c) A franchise fee payment is nonrefundable. (Ord. Nos. 14219; 14566; 17226; 20076; 21058; 21819; 24743; 26134; 26480; 26608)

📖 SEC. 18-36. ISSUANCE AND DISPLAY OF VEHICLE DECAL; PROOF OF FRANCHISE TO BE SHOWN UPON REQUEST.

(a) Upon the granting of a solid waste collection franchise to an applicant and satisfactory completion of all inspections required by this article, the director shall issue a decal for each vehicle to be operated by the applicant under the franchise.

(b) A decal issued under this section must be displayed on the vehicle for which it was issued in a manner and location approved by the director. A copy of the franchise ordinance must be presented upon request to the director or to a peace officer for examination.

(c) A decal issued under this section is not transferable. If a decal is lost, stolen, or mutilated, the director may issue a duplicate decal upon payment to the city of a \$10 fee. (Ord. Nos. 21058; 21163; 24743; 26480; 26608)

📖 SEC. 18-37. SUSPENSION OR REVOCATION OF FRANCHISE; ASSESSMENT OF CIVIL PENALTIES.

(a) The director may suspend the operation of a solid waste collection service doing business under a franchise granted under this article if:

(1) the franchisee fails or refuses to comply with any provision of the franchise ordinance, this article, or any other city ordinance or state or federal law applicable to the collection or disposal of solid waste material;

(2) the franchisee fails or refuses to make a franchise fee payment required by this article or the franchise ordinance at the time it was due; or

(3) the solid waste collection operation creates a public nuisance or a serious public health or safety hazard.

(b) The director shall provide at least 24 hours written notice to the franchisee of any suspension and include in the notice the reason for the suspension, the date the suspension takes effect, the duration of the suspension, and a statement informing the franchisee of the right to appeal the suspension. The suspension must be for a definite period of time not to exceed 60 days.

(c) A suspension by the director is final unless, within 20 days after the receipt of written notice of the director's action, the franchisee files a written appeal with the city manager. The city manager shall, within 15 days after the appeal is filed, consider all the evidence in support of and against the action appealed and render a decision either sustaining, reversing, or modifying the action. The decision of the city manager is final. The filing of an appeal under this subsection stays an action of the director until a final decision is made by the city manager, unless the director determines that continued operation of the solid waste collection service constitutes an imminent and serious threat to the public health and safety.

(d) In addition to terminating a solid waste collection franchise on the grounds set forth in the franchise ordinance, the city council, on the recommendation of the director, may revoke a franchise, assess a civil penalty, or both, if the franchisee:

(1) fails or refuses to comply with any provision of the franchise ordinance, this article, or any other city ordinance or state or federal law applicable to the collection, transportation, processing, or disposal of solid waste material;

(2) knowingly or intentionally made a false statement or misrepresentation as to a material matter in the franchise application or in the negotiations for the franchise; or

(3) fails or refuses to make a franchise fee payment required by this article or the franchise ordinance at the time it was due.

(e) Before presenting a franchise revocation or civil penalty assessment to the city council under Subsection (d), the director shall notify the franchisee in writing of the proposed action. The notice must include:

(1) the reason for the proposed revocation or civil penalty assessment;

(2) action the franchisee must take to prevent the revocation or civil penalty assessment;

(3) a statement that the franchisee has 10 days to take the action to correct any violation or noncompliance; and

(4) a statement that the franchisee has a right to appear before the city council and contest the proposed revocation or civil penalty assessment.

(f) If, within 10 days after receipt of the notice required in Subsection (e), the franchisee has not taken the action necessary to correct the violation or noncompliance, the director shall present the franchise revocation, civil penalty assessment, or both to the city council and make a recommendation regarding the proposed action. The director shall notify the franchisee in writing of the date the city council will consider the proposed action. The city council may formally revoke the franchise, assess the recommended civil penalty, impose any other penalty or action that the city council in its discretion considers appropriate, or remand the matter to the director for further review and recommendation. The action of the city council is final. The director shall notify the franchisee in writing of the city council's decision.

(g) Revocation of a solid waste collection franchise constitutes termination of the franchise ordinance and all accompanying rights, privileges, and permissions. Suspension or revocation of a solid waste collection franchise does not waive the city's right to collect civil penalties imposed under the terms of the franchise ordinance prior to the suspension or revocation. (Ord. Nos. 14219; 17226; 21058; 21163; 26480; 26608)

SEC. 18-38. AMENDMENTS TO AND TRANSFER OF A FRANCHISE.

(a) A solid waste collection franchise may not be assigned, transferred, mortgaged, or pledged without the approval of the city council upon recommendation of the director. Minor amendments to a franchise, or approval of additional vehicles or equipment for use in the solid waste collection service, may be made by the director upon written request by a franchisee. An assignment, transfer, mortgage, or pledge of the franchise, or an amendment that substantially changes the scope, terms, or obligations of the franchise, must be applied for in the same manner as the original franchise.

(b) Before any vehicle not listed in the application for a solid waste collection franchise may be placed in service, the franchisee must notify the director of the proposed use of a new or additional vehicle, obtain a decal for the vehicle, and display a valid decal on the vehicle as required by this article.

(c) If an assignment or transfer is approved, the director shall issue new decals for the solid waste collection vehicles used by the assignee or transferee upon payment of the next installment of the franchise fee owed. (Ord. Nos. 21058; 21163; 24743; 26480; 26608)

SEC. 18-39. EXPIRATION AND RENEWAL OF FRANCHISE; VOIDANCE OF AUTHORITY TO OPERATE VEHICLES.

(a) The city council shall designate the term of a solid waste collection franchise in the franchise ordinance, which term may never exceed 40 years. The franchisee may renew the franchise by making application in accordance with Section [18-33](#). A franchisee shall apply for renewal at least 90 days before the expiration of the franchise term.

(b) Any decal issued under this article for a solid waste collection vehicle expires upon expiration, revocation, suspension, or nonrenewal of the accompanying solid waste collection franchise. (Ord. Nos. 21058; 21163; 24743; 26480; 26608)

SEC. 18-40. FRANCHISEE'S RECORDS AND REPORTS.

Each franchisee shall maintain, at a single location in the Dallas- Fort Worth metropolitan area, adequate financial records documenting all of its solid waste collection service transactions within the city. The records must be maintained in accordance with generally-accepted accounting and government-auditing standards. The franchisee may be audited by the city as often as the director deems necessary to ensure that accurate franchise fee payments are received. A franchisee shall make its records available for inspection by the director at reasonable times upon request. (Ord. Nos. 21058; 21163; 26480; 26608)

SEC. 18-41. ANNUAL REPORT.

By February 1 of each year, a franchisee shall file an annual report with the director containing the following information for the preceding calendar year concerning solid wastes and recyclable materials collected by the franchisee within the city:

(1) Total volume in tons of wet and dry solid waste collected by the franchisee, with separate figures for total residential waste and total commercial waste.

(2) Total volume in tons of recyclable materials collected and recycled by the franchisee, with separate figures for total recycled residential waste and total recycled commercial waste.

(3) A description and the total volume in tons of each type of material recycled by the franchisee. (Ord. Nos. 21058; 21163; 26480; 26608)

SEC. 18-42. FAILURE TO PAY AD VALOREM TAXES.

A franchisee or an applicant for a solid waste collection franchise shall not allow the payment of ad valorem taxes upon any vehicle, equipment, or other real or personal property used directly or indirectly in connection with the solid waste collection service to become delinquent. (Ord. Nos. 21058; 26480; 26608)

SEC. 18-43. NOTIFICATION OF CHANGE OF ADDRESS OR OWNERSHIP.

A franchisee shall notify the director within 10 days of a change in:

(1) the address or telephone number of the solid waste collection service; or

(2) the form of the business or the executive officers of the solid waste collection service. (Ord. Nos. 21058; 21163; 26480; 26608)

SEC. 18-44. VEHICLE INSPECTION.

A franchisee or an applicant for a solid waste collection franchise shall have each vehicle to be used in the solid waste collection service inspected in a manner approved by the director before a decal is issued to the vehicle and at such other times as may be ordered by the director. (Ord. Nos. 21058; 26480; 26608)

Division 3. Miscellaneous Requirements relating to Solid Waste Collection, Disposal, and Vehicles.

SEC. 18-45. REQUIREMENTS FOR SOLID WASTE COLLECTION VEHICLES.

(a) Any vehicle used for transporting dry solid waste material within the city must:

(1) be fitted with a substantial, tight-fitting enclosure that is free of any cracks or breaks and that has side boards and head boards of not less than 24 inches in height and a tail board of not less than 18 inches in height, to prevent waste material from being scattered or thrown onto the streets;

(2) be equipped with a closely fitting cover that must be used to prevent the escape of loose material or effluvia; and

(3) be equipped with any other equipment required to comply with all applicable federal and state motor vehicle safety standards.

(b) Any vehicle used for transporting wet solid waste material within the city must:

(1) be fitted with a substantial, tight-fitting enclosure, with the deck, sides, and ends of the bed constructed of sheet steel so that the vehicle may be easily cleaned and with the sides not less than 24 inches high and the tail board not less than 18 inches high;

(2) have a tight-fitting cover to prevent spillage;

(3) when carrying cans to transport wet solid waste material, use only cans equipped with tight-fitting lids and holding chains so that the cans will not turn over and spill;

(4) not have any drain holes in the sides of the vehicle and must have any drain holes in the deck of the vehicle capped to prevent spillage or leakage; and

(5) be equipped with any other equipment required to comply with all applicable federal and state motor vehicle safety standards. (Ord. Nos. 14219; 21058; 26480; 26608)

SEC. 18-46. RESPONSIBILITY OF PRODUCER OF DRY OR WET SOLID WASTE.

It is the responsibility of the producer of any dry or wet solid waste to ensure that such waste material is disposed of in an approved manner at an approved disposal site. It is the producer's responsibility to inform the solid waste collection service, in writing, of any waste that includes any material that is hazardous by reason of its pathological, radiological, explosive, toxic, or corrosive character. (Ord. Nos. 14219; 21058; 24743; 26480; 26608)

SEC. 18-47. HAZARDOUS WASTE MATERIAL.

A person providing solid waste collection service within the city shall comply with all city ordinances and state and federal laws regulating the handling, disposal, and transportation of hazardous waste materials. (Ord. Nos. 14219; 21058; 26480; 26608)

SEC. 18-48. RESTRICTIONS ON REMOVAL OF SOLID WASTE.

(a) A person commits an offense if he removes from any garbage container or receptacle any dry or wet solid waste, or in any way obstructs or interferes with any garbage container or receptacle in the city.

- (b) It is a defense to prosecution under Subsection (a) of this section that the person was:
- (1) an employee of the city in the performance of official duties;
 - (2) a franchisee under this article performing solid waste collection service in compliance with the terms of this article and the solid waste collection franchise ordinance; or
 - (3) any owner or occupant of the premises on which the container or receptacle is located. (Ord. Nos. 14219; 21058; 26480; 26608)

📖 SEC. 18-49. RESTRICTIONS ON DISPOSAL OF WASTE.

A person engaged in the removal, handling, or transfer of dry or wet solid waste or in any manner dealing with dry or wet solid waste commits an offense if, either in person or by an agent, employee, or servant, he separates, unloads, offers for sale or trade, or exchanges any part of the solid waste materials within the city, except at a place designated by and in compliance with this chapter and other applicable city ordinances. (Ord. Nos. 14219; 21058; 26480; 26608)

📖 SEC. 18-50. ACCUMULATIONS AND DEPOSIT OF WASTE PROHIBITED.

(a) A person commits an offense if he deposits, causes to be deposited, or permits to accumulate any dry or wet solid waste upon any public or private premises within the city in such a manner as to emit noxious or offensive odors or to become unsanitary or injurious to public health or safety.

(b) A person commits an offense if he causes or permits any solid waste collection vehicle, dumpster, or roll-off container or the contents of such vehicle, dumpster, or roll-off container to be maintained in a condition that is foul, offensive, or otherwise hazardous to the public health or safety. (Ord. Nos. 14219; 21058; 26480; 26608)

Division 4. Violations and Penalties.

📖 SEC. 18-51. PENALTIES FOR VIOLATIONS.

(a) A person who violates a provision of this article, or who fails to perform a duty required of him under this article, commits an offense. A person is guilty of a separate offense for each day or part of a day during which a violation is committed, continued, or permitted.

(b) An offense under this article is punishable by a fine of not more than \$2,000 and, upon a first conviction, not less than \$100.

(c) The minimum fine established in Subsection (b) shall be doubled for the second conviction of the same offense within any 24-month period and trebled for the third and subsequent convictions of the same offense within any 24-month period. At no time shall the minimum fine exceed the maximum fine established in Subsection (b).

(d) In addition to being subject to criminal enforcement and penalties as provided in Subsections (a) through (c) of this section, a franchisee that violates or causes or permits the violation of any of the terms or conditions of the franchise ordinance is liable for a civil penalty in the amount prescribed by the city council in the franchise ordinance. A civil penalty under the franchise ordinance may not exceed \$2,000 for each violation. A franchisee is liable for a separate violation for each day or part of a day during which a violation is committed, continued, or permitted. (Ord. Nos. 20599; 21058; 26480; 26608)

📖 SECS. 18-52 THRU 18-54. RESERVED.

ARTICLE V. TIRES.

📖 SEC. 18-55. DEFINITIONS.

In this article:

- (1) CITY means the city of Dallas, Texas.
- (2) DIRECTOR means the director of the department designated by the city manager to enforce and administer this article, and includes the director's authorized representatives.
- (3) MOBILE TIRE REPAIR BUSINESS means a business that repairs tires at any temporary location, including but not limited to a roadway, alley, parking lot, or residence. The term does not include a business that only changes out or replaces tires, but does not make any repairs to a tire.
- (4) MOBILE TIRE REPAIR UNIT means any vehicle used in a mobile tire repair business.
- (5) SCRAP TIRE means a whole tire or any portion of a tire that:
 - (A) can no longer be used for its original intended purpose; or
 - (B) is being held, transported, or processed for disposal or recycling.
- (6) TIRE BUSINESS means any business or establishment where used tires are collected, repaired, processed, recycled, scrapped, sold, bought, or stored, including but not limited to a mobile tire repair business and a salvage yard.
- (7) TIRE RECYCLING FACILITY means a state-registered facility that processes, recycles, or conducts energy recovery with scrap tires.
- (8) VEHICLE means any motorized vehicle and any non-motorized trailer that is or may be attached to a motorized vehicle. If a trailer is attached to a motorized vehicle, both the trailer and the motorized vehicle will be considered as one vehicle. (Ord. 25635)

📖 SEC. 18-56. TIRE BUSINESS LICENSE AND MOBILE TIRE REPAIR UNIT PERMIT REQUIRED; APPLICATION; TRANSFERABILITY.

- (a) A person commits an offense if, within the city, he:
 - (1) owns or operates a tire business without a valid tire business license issued under this article; or
 - (2) owns, operates, or permits the operation of a mobile tire repair unit without displaying a valid mobile tire repair unit permit in a visible and conspicuous location on the unit.
- (b) To obtain a tire business license, a person must submit an application on a form provided for that purpose to the director. The applicant must be the person who will own, control, or operate the tire business. The application must be signed and verified by the applicant and contain all of the following information:
 - (1) The name, mailing address, county of residence, and telephone and facsimile numbers of each owner and operator of the tire business.
 - (2) The physical address and telephone number of the tire business.
 - (3) The approximate number of tires that will be stored on site at the tire business.
 - (4) If the tire business is located in the city of Dallas, the zoning district or districts where the business is located.
 - (5) The tax identification number or tax payer identification number of each owner and operator listed in the license application.
 - (6) A statement that the tire business is in compliance with the requirements of Section [19-34.1](#) of this code.
 - (7) The number and description of vehicles the applicant proposes to use as mobile tire repair units, including the year, make, model, vehicle identification number, and state license registration number for each vehicle, and proof that each vehicle is in compliance with state requirements for vehicle registration, vehicle inspection, and vehicle financial responsibility.

(c) A separate tire business license is required for each separate establishment operated as a tire business. A separate mobile tire repair unit permit is required for each separate vehicle operated as a mobile tire repair unit. Licenses and permits are not transferable between persons, businesses, or vehicles. (Ord. 25635)

📖 SEC. 18-57. LICENSE AND PERMIT FEES.

- (a) The annual fee for a tire business license is \$315.
- (b) The annual fee for each mobile tire repair unit permit is \$30.
- (c) The fee for issuing a duplicate tire business license or mobile tire repair unit permit for one that is lost, stolen, or mutilated is \$10.
- (d) The applicant shall pay all fees required by this section to the director before a license or permit will be issued. No refund of a fee will be made. (Ord. Nos. 25635; 26598)

📖 SEC. 18-58. ISSUANCE, DENIAL, AND DISPLAY OF A LICENSE OR PERMIT.

- (a) The director shall issue a tire business license to the applicant, unless the director determines that the applicant:
 - (1) failed to completely fill out an application;
 - (2) provided false information on an application;
 - (3) failed to pay a license or permit fee required under this article: or
 - (4) has had a tire business license revoked within the preceding 12 months.
- (b) Upon issuance of a license to an applicant, the director shall issue a permit to each vehicle to be operated by the applicant as a mobile tire repair unit.
- (c) If the director determines that an applicant should be denied a tire business license, the director shall notify the applicant in writing that the application is denied and include in the notice the reason for denial and a statement informing the applicant of the right of appeal.
- (d) A license or permit issued under this section must be displayed in a manner and location approved by the director. A license and permit must be presented upon request to the director or to a peace officer for examination. (Ord. 25635)

📖 SEC. 18-59. REVOCATION OF A LICENSE.

- (a) The director shall revoke a tire business license if the licensee:
 - (1) refuses to allow any agent of the city entry into and inspection of the tire business or a mobile tire repair unit;
 - (2) is convicted twice within a 24-month period of any city ordinance or state or federal law regulating solid waste, litter, dumping, pollution, standing water, insect or rodent infestation, junk or salvage yards, junk motor vehicles, tires, or similar health, sanitation, or environmental concerns; or
 - (3) violates any provision of this article or Section [19-34.1](#) of this code. (Ord. 25635)

📖 SEC. 18-60. APPEALS.

If the director denies issuance of a license or a license renewal or revokes a license issued pursuant to this article, this action is final unless the applicant or licensee shall, within 30 days after the receipt of written notice of the director's action, file with the city manager a written appeal. The city manager shall, within 10 days after the appeal is filed, consider all the evidence in support of and against the action appealed and render a decision either sustaining or reversing the action. The decision of the city manager is final. (Ord. 25635)

SEC. 18-61. EXPIRATION AND RENEWAL OF LICENSE; VOIDANCE OF AUTHORITY TO OPERATE A MOBILE TIRE REPAIR UNIT.

(a) A tire business license expires one year from the date of issuance and may be renewed by making application in accordance with Section [18-56](#). A licensee shall apply for renewal at least 30 days before the expiration of the license.

(b) Any permit to operate a mobile tire repair unit that is granted under this article expires upon expiration, revocation, suspension, or nonrenewal of the accompanying tire business license. (Ord. 25635)

SEC. 18-62. TRANSPORTING SCRAP TIRES.

(a) A person commits an offense if he transports scrap tires in a vehicle within the city without:

(1) displaying a valid scrap tire transporter decal in a visible and conspicuous location on the rear of the vehicle;

(2) being listed as a transporter or authorized driver for the vehicle in the application for the vehicle's scrap tire transporter decal that is on file with the director; or

(3) maintaining for inspection at any time a current manifest as required by Section 361.112 of the Texas Health and Safety Code, as amended.

(b) A person wishing to transport scrap tires in the city must apply for a scrap tire transporter decal on a form provided by the director for that purpose. A separate application must be made for each vehicle to be used to transport scrap tires. The application must be signed and verified by the applicant, be accompanied by a nonrefundable decal fee of \$20, and contain all of the following information:

(1) The name, mailing address, county of residence, and telephone and facsimile numbers of the transporter and all authorized drivers of the vehicle.

(2) The year, make, model, vehicle identification number, and state license registration number for the vehicle on which the tires will be transported, and proof that the vehicle is in compliance with state requirements for vehicle registration, vehicle inspection, and vehicle financial responsibility.

(c) A scrap tire transporter decal is not transferable from one vehicle to another.

(d) It is a defense to prosecution under Subsections (a)(1) and (a)(2) of this section that:

(1) not more than six scrap tires were being transported at the same time in the same vehicle; or

(2) the scrap tires were being transported from a point outside of the Dallas city limits to another point outside of the Dallas city limits, and the vehicle did not stop within the Dallas city limits for the purpose of loading or unloading any scrap tires. (Ord. 25635)

SEC. 18-63. IMPOUNDMENT OF VEHICLES.

(a) A peace officer is authorized to remove or cause the removal of a vehicle when the officer arrests a person for a violation of Section [18-62](#) and the officer is by law required to take the person arrested immediately before a magistrate.

(b) A vehicle removed and towed under this section must be kept at a place designated by the chief of police as a city pound location until application for redemption is made by the vehicle owner or the owner's authorized agent.

(c) A vehicle impounded under this section will be released to the vehicle owner or the owner's authorized agent in accordance with the provisions of Sections [28-4](#) and [28-5](#) of this code, after:

(1) the city has removed all illegal scrap tires from the impounded vehicle and stored or disposed of them in a manner prescribed by the director; and

(2) the vehicle owner or the owner's authorized agent has paid the following fees to the city:

(A) the towing fees required by Section [15D-57](#) of this code for the tow of a disabled vehicle by an emergency wrecker service;

(B) the notification, impoundment, and storage fees required by Section [28-4](#) of this code for an impounded vehicle; and

(C) a disposal fee of \$2.50 for each scrap tire removed from the impounded vehicle for disposal by the city. (Ord. 25635)

SEC. 18-64. UNAUTHORIZED DISPOSAL OF TIRES.

(a) A person commits an offense if he disposes of a scrap tire at any location within the city.

(b) It is a defense to prosecution under Subsection (a) that the scrap tire was disposed of:

(1) at a city landfill in compliance with city regulations governing the landfill; or

(2) at a tire recycling facility or a tire disposal facility that is registered or permitted by the state as required under Section 361.112 of the Texas Health and Safety Code, as amended, provided that the tires were delivered to the facility by a tire transporter registered by the state and the manifest for the tires was signed by the transporter and the facility accepting the tires. (Ord. 25635)

SEC. 18-65. EXEMPTIONS.

This article does not apply to any department, branch, or agency of the government of the United States or the State of Texas. (Ord. 25635)

SEC. 18-66. PENALTY.

(a) An offense under this article is punishable by a fine of not less than \$500 or more than \$2,000. Each tire transported in violation of this article constitutes a separate offense.

(b) A culpable mental state is not required for the commission of an offense under this article.

(c) If a vehicle that has previously been impounded and redeemed under this article is again impounded as the result of a subsequent violation of this article, the director is authorized to retain the vehicle as evidence in the criminal proceeding for that violation until the termination of the criminal case in municipal court. If, upon termination of the criminal case, the defendant is found not guilty of the violation, the defendant may redeem the vehicle without paying any storage fees. If the defendant is assessed a fine for the violation, the municipal court judge may, in lieu of requiring payment of the fine assessed and any costs, declare the vehicle is a criminal instrument, declare the vehicle is forfeited to the city, and order the sale of the impounded vehicle, with the proceeds of the sale to be used to satisfy any outstanding municipal court judgment. Any amount obtained in the sale of the vehicle that is in excess of the amount of the fine assessed and any costs will be returned to the defendant. (Ord. 25635)

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