

ORDINANCE NO. 344

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAUDE, TEXAS, AMENDING CHAPTER 13 "UTILITIES" OF THE CITY OF CLAUDE CODE OF ORDINANCES REGARDING UTILITIES CONTROL INCLUDING THE ADDITION OF ARTICLE IV FOR "SOLID WASTE/GARBAGE/REFUSE".

WHEREAS, the City Council has reviewed the currently adopted Code of Ordinances regarding Utilities, and has weighed the benefits and risks associated with the proposed changes to Chapter 3 of the City of Claude Code of Ordinance, believes that the benefits outweigh the risks of amending this Chapter.

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

That Chapter 13 of the City of Claude Code of Ordinances is hereby amended to read as follows:

Chapter 13

Utilities

Article 4

Solid Waste/Garbage/Refuse

4.01 Household Solid Waste Containerization and Removal

(a) All residences located in any area in which collections is by approved contractors shall have sufficient container capacity to accommodate their normal value of solid waste between collections. The type, size, and number of containers shall be as prescribed by the city council.

(b) Permitted items that may be placed in containers include:

- (1) Regular household refuse and garbage
- (2) Grass clippings
- (3) Small debris

(b) All items too large to fit into containers, such as, but not limited to, appliances, furniture, mattresses, construction debris, and tree limbs and branches shall be disposed of by self-transport of such items to end disposal facilities, such as the county landfill.

(c) Excess materials may not be placed outside of any containers.

(d) Containers shall be kept covered at all times.

4.02 Containers Regulation

The City of Claude, Texas or its contract waste provider shall provide refuse collection in a manner and at a frequency to be determined by the city council of the City of Claude, Texas. Containers furnished by the City of Claude, Texas or its contract waste provider remain the property of the City of Claude or the contract waste management company. The following regulations shall pertain to the use of containers provided:

- (a) Containers shall be placed at locations to be determined by the Mayor, or their designee and contract waste management company. It shall be unlawful for any person, firm or corporation, to move or cause to be moved, any container from its designated location.
- (b) It shall be unlawful for any person, firm or corporation to paint, affix any decal or emblem or otherwise alter any refuse container provided.
- (c) It shall be unlawful for any person, firm or corporation to remove lids or lift attachments, or otherwise damage any container provided by the city.

4.03 Collection Regulations

Collections shall be provided by the City of Claude contract waste management company and shall include only garbage and trash placed in containers provided, except as otherwise provided in the chapter of the City of Claude Code of Ordinances, with the following provisions and exceptions.

- (a) Heavy accumulation, such as brick, broken concrete, lumber, shingles, ashes, clinkers, cinder, dirt, plaster, sand or gravel, automobile parts, furniture, appliances, dead trees and other bulky, heavy material, shall be disposed of at the expense of the owner or occupant at an end disposal facility, and may not be placed in regular refuse containers.
- (b) Trash, such as weeds, leaves, and similar items must be bagged and placed in a container.
- (c) Garbage and trash that is mixed with water or other liquids shall be drained before being placed in a container.
- (d) Animal matter that is subject to decomposition shall be wrapped in paper or other combustible material before being placed in a garbage container.
- (e) Dead animals and fowl shall not be placed in a garbage container, but the fact of the presence of any dead animal or fowl upon any premises, or in the street or alley adjacent thereto, must be promptly reported to the animal control authority by the person in control of the premises.
- (f) Manure from cow lots, horse lots, stables, poultry and pigeons shall be collected regularly so as to prevent the accumulation thereof, and placed in concrete, metal, or plastic fly-proof containers. It shall be the sole responsibility of the party responsible to empty such containers and remove such manure from the premises at least once a week. Said manure shall not be placed in any container provided.
- (g) Waste oils shall be disposed of at the expense of the party responsible for said waste.
- (h) No person shall place in any container provided, any box or packing case larger than one cubic foot without first having flattened the box or packing case.

4.04 Used Tires Regulation

Used tires will not be accepted or permitted in any container provided. This applies even if said tires are split, quartered, or shredded in accordance with Title 25, Section 325, Texas Administrative Code.

4.05 Penalty

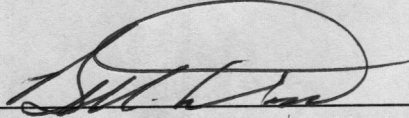
Any person, firm, company, or individual who shall violate any of the provisions of this article shall be fined in accordance with the general penalty provision in Section 1. of this code and each and every day's violation shall constitute a separate and distinct offense. In case the owner or occupant of any lot or lots, or premises under the provisions of this article shall be a corporation, and shall violate any provision of this article, the president, vice-president, secretary or treasurer of such corporation, or

any manager, agent, or employee of such corporations shall also be severally liable for the penalties herein provided.

General Penalty for Violations of Code; Continuing Violations

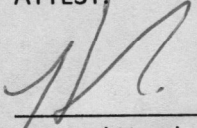
Whenever in this code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefore, the violation of any such provisions of this code or any such ordinance shall be punished by a fine of not exceeding five hundred dollars (\$500.00). However a fine or penalty for the violation of a rule, ordinance, or police regulation that governs fire safety, zoning, or public health and sanitation including the dumping of refuse may not exceed two thousand dollars (\$2,000.00); provided, however, that no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state. Each day any violation of this code or of any ordinance shall continue shall constitute a separate offense. In the event that any such violation is designated as a nuisance under the provisions of this code, such nuisance may be summarily abated by the city. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

PASSED and APPROVED by the City Council of the City of Claude, Texas on this, the 10th day of June, 2019



Mayor, Bill Wood

ATTEST:



Howard Heath, City Secretary