

**ORDINANCE NO. 2020-O-150**

**AN ORDINANCE OF THE CITY OF LAREDO, TEXAS, AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES TO PROVIDE A DEFINITION FOR MULTIFAMILY DWELLINGS, PROVIDE REQUIREMENTS FOR MULTIFAMILY DWELLINGS REGARDING GARBAGE ACCUMULATION AND COLLECTION, REQUIRING NEWLY CONSTRUCTED MULTIFAMILY DWELLINGS TO HAVE AN ENCLOSURE OF GARBAGE CONTAINER AND REQUIRING OWNERS OF MULTIFAMILY DWELLINGS WITH ILLEGAL DUMPING VIOLATIONS TO INSTALL CAMERAS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council is concerned about the accumulation of garbage in multifamily dwellings and apartment complexes in the City of Laredo; and

**WHEREAS**, the City Council deems it necessary, for the purpose of promoting the health, safety, morals, and general welfare of the City and its residents to adopt and enforce requirements for multifamily dwellings regarding garbage accumulation and collection; and

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

**Section 1.** The City of Laredo Code of Ordinances, Chapter 14, Garbage, Trash and Refuse, is hereby amended as follows:

Article I. In General

Sec. 14-1. - Definitions.

As used in this chapter:

*City health officer.* The city health officer of the city, or his authorized agent.

*Commission.* The Texas Commission on Environmental Quality and its successor agencies.

*Current utility bill.* A bill issued by the city's water utility business office that includes a charge for curbside collection of garbage, which is not more than sixty (60) days old.

*Debris.* Large waste materials, such as ashes, roofing materials, dirt, automobile frames, tires, or other bulky heavy materials.

*Director of solid waste* shall mean the director of solid waste of the city or a designated representative.

*Dumpster.* A container which holds more than one (1) cubic yard, used to store solid waste until it is collected for disposal. The term also includes roll-on/roll-off containers that are used to transport solid waste on a vehicle chassis.

*Garbage.* All putrescible wastes, except sewage and body waste, including all meat, vegetable and fruit refuse, and carcasses of small dead animals and dead fowl from any premises within the city limits.

*Health director.* The health director of the city or a designated representative.

*Heavy brush.* Tree and shrub limbs and trimmings which are greater than three (3) inches in diameter and more than five (5) feet in length, tree trunks, root balls, and other large plants.

*Industrial solid waste.* Solid waste resulting from or incidental to a process of industry or manufacturing or mining or agricultural operations.

*Institutional facility.* Facilities with high-density populations i.e., hotels, motels, inns, rooming houses, boarding houses, jails, or schools whether private, public or quasi-public.

*Medical waste.* Waste generated by health-care-related facilities and associated health-care activities, including veterinary services.

*Multifamily dwelling.* Any building or structure or portion thereof which contains six (6) ~~three (3)~~ or more dwelling units and, for the purpose of this Code, includes residential condominiums.

*Municipal solid waste.* Solid waste resulting from or incidental to municipal, community, commercial, institutional, or recreational activities, and includes garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and other solid waste other than industrial waste.

*Municipal solid waste facility.* All contiguous land, structures, other appurtenances, and improvements on the land used for processing, storing, or disposing of solid waste. The facility must be publicly owned and may consist of several processing, storage, or disposal units.

*Non-recyclables.* Material that is not capable of being recycled in the city's material recovery facility. This includes Styrofoam, electronics, glass, paint, ceramics, food, light bulbs, motor oil, plastic bags, toxic or hazardous substances, medical waste, and all other wastes.

*Owner.* Any person having or claiming to have any legal or equitable ownership interest in the property.

*Premises.* Business houses, boarding houses, offices, theaters, hotels, restaurants, cafes, eating houses, tourist camps, apartments, sanitariums, rooming houses, schools, private residences, vacant lots and other places within the city limits where refuse, either garbage or rubbish, accumulates.

*Private franchised hauler.* A person or company that has the nonexclusive right and privilege to collect, convey, or transport solid waste within the city.

*Private property.* That which is acquired or held for the special benefit of individual control, that which is owned by an individual or individuals, family estate or a corporation.

*Public property.* That which is governmental where it is for the use and benefit of the general public.

*Public ways.* All alleys, sidewalks, streets and highways.

*Putrescible waste* shall be interpreted to mean organic wastes, such as garbage, wastewater treatment plant sludge, and grease trap waste, that is capable of being decomposed by microorganisms with sufficient rapidity as to cause odors or gases or is capable of providing food for or attracting birds, animals and disease vectors.

*Recyclables.* Material capable of being recycled in the city's material recovery facility and sold as a commodity. This consists of clean plastic, paper, cardboard and metals. (Examples include plastic bottles, plastic jugs, detergent containers, aluminum cans, steel cans, tin cans, newspaper, office paper, cardboard boxes, phone books, magazines catalogs and junk mail.)

*Refuse.* All solid wastes, including garbage and rubbish.

*Rubbish.* Nonputrescible solid waste, excluding ashes, that consists of:

- (a) Combustible waste materials, including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, and similar materials; or
- (b) Noncombustible waste materials, including glass, crockery, tin cans, aluminum cans, metal furniture, and similar materials that do not burn at ordinary incinerator temperatures (one thousand six hundred (1,600) degrees Fahrenheit to one thousand eight hundred (1,800) degrees Fahrenheit).
- (c) Construction-demolition waste resulting from construction or demolition projects including, but not limited to, brick, concrete, concrete rubble, gypsum board, lumber, sheetrock,

roofing materials, fixtures (such as bath tubs, shower stalls, sinks, and toilets,) and remodeling debris (such as cabinets, ceramic tile, Formica, and similar items).

*Solid waste.* Garbage, rubbish, yard waste, heavy brush, debris, and construction-demolition materials.

*Special waste.* Any solid waste or combination of solid wastes that because of its quantity, concentration, physical, or chemical characteristics, or biological properties requires special handling and disposal to protect the human health or environment and as further defined in 30 TAC 330—Municipal Solid Waste Regulations.

*Transfer station.* A fixed facility used for transferring solid waste from collection vehicles to long-haul vehicles.

*Vector* shall mean an agent such as an insect, snake, rodent, bird or animal capable of mechanically or biologically transferring a pathogen from one organism to another.

*Vehicle.* Any type cart, wagon, trailer, automobile or track, propelled in any manner.

*Yard waste.* Grass clippings, weeds, leaves, mulch, small trees and shrub limbs, which are three (3) inches or less in diameter and five (5) feet in length or less, that results from landscaping maintenance. The term does not include stumps, roots, or shrubs with intact root balls.

#### Sec. 14-2. - Garbage and rubbish—Accumulation.

(a) It shall be the duty of every person owning, managing, operating, leasing or renting any premises, or any place where garbage or rubbish accumulates, to provide and at all times to maintain in good order and repair on any such premises, a portable container or containers for refuse, which shall be constructed of some substantial leak-proof material, such as galvanized metal, aluminum, plastic, or similar material not easily corrodible, vector-proof, with a tight-fitting lid which shall not be removed except when depositing or removing the contents of the receptacle, and with handles on the sides, and of sufficient capacity and in sufficient numbers to accommodate and securely keep all the garbage and rubbish that may accumulate between collections; provided that, all containers shall be kept clean and free from accumulation of any substance remaining attached to inside of container which would attract or breed vectors.

(b) It shall be the duty of every person owning, managing, operating, leasing or renting any premises to place the daily accumulations of garbage and rubbish in the container or containers and to eliminate as much as possible all water and liquid. It shall be the duty of every person placing garbage which is subject to decomposition in any such containers required in subsection (a) to securely wrap garbage in paper or other suitable material before placing the same in such containers. Uncooked animal parts that may putrefy (such as fish heads, entrails, or animal carcasses) must be kept cool and not placed in a refuse container until the night before the scheduled collection date.

(c) It shall be the duty of every person owning, managing, operating, leasing or renting any premises to keep the premises free of litter, rubbish, and garbage. If reports are made to the City of premises that are not free of litter, rubbish and garbage and if in the determination of the City Health director, or their designee, the litter situation constitutes a nuisance to the City or neighboring property owners, the City may remove the litter and bill the owner, agent, occupant, or lessee of the property for the cost thereof after making a good faith effort to notify in person or by telephone, the owner, agent, occupant, or lessee of the premises and giving him or her a forty-eight (48) hour period to abate the litter.

~~(e)~~ (d) Glass, broken concrete, brick, plaster, dirt, sand, gravel, ashes, tires, roofing materials, automobile frames, lumber resulting from either residential or commercial construction or demolition, or other heavy nonputrescible materials placed in the containers required in subsection (a) will not be collected by the solid waste department. The owner or person controlling an accumulation of glass, broken concrete, brick, plaster, dirt, sand, gravel, ashes, tires, roofing materials, automobile frames, lumber resulting from either residential or

commercial construction or demolition, or other heavy nonputrescible materials shall collect and store the solid waste in commercial waste receptacles, such as a dumpster, or dispose of the solid waste within one (1) week of the time the waste is generated at the owner's or person's expense.

~~(d)~~ (e) All ordinary accumulations of rubbish such as tree limbs, paper boxes, and scrap lumber which cannot be conveniently placed in the containers required under this section shall be gathered together and baled, tied, or sacked in compact bundles and placed in a location easily accessible for the collector. Only piles no larger than two and one-half (2½) feet high, by four (4) feet wide, by five (5) feet long shall be collected. A reasonable amount of material such as scrap lumber and firewood may be stored on the premises but it shall be racked and stacked eighteen (18) inches above the ground.

~~(e)~~ (f) In order to protect the safety of solid waste employees, filled refuse containers that are emptied manually may not weigh more than forty (40) pounds.

~~(f)~~ (g) Filled paper or plastic bags may not weigh more than thirty (30) pounds.

~~(g)~~ (h) The contents of a refuse container may not protrude above the top of the container and inhibit placement of the lid or have a potential of causing injury to the collector or customer.

~~(h)~~ (i) Uncovered receptacles that contain rainwater will not be picked up.

~~(i)~~ (j) Loose and scattered waste that is not properly set out for collection as specified in this chapter will not be collected.

~~(j)~~ (k) Recyclables shall be placed in the recycling carts provided by the solid waste department clearly identified with the recycling information printed on the lid. Recycling carts which are set out for collection but contain regular garbage, yard clippings, plastic bags, glass, or other non-recyclable material, will not be picked up. Persistent use of the recycling blue carts for non-recyclables, as determined by the manager of solid waste services, may result in the removal of the cart and exclusion from the recycling program.

#### Sec. 14-3. - Garbage and rubbish—Collection.

(a) The city shall have as its minimum objective the collection from the residential areas of the city not less than twice weekly, one (1) collection of garbage and one (1) collection of recyclables, and from the downtown business district of the city each business day all garbage, rubbish, and recyclables provided. It shall be the duty of any person in possession or control of any premises to place the containers required in sections 14-2 and 14-3 in a location easily accessible for the collector as directed by the health director or the director of solid waste.

(b) (1) Places of excessive accumulations of garbage and rubbish, such as, but not limited to, killing and dressing plants for fowl and animals, restaurants, meat markets, grocery stores, cafeterias, and other similar commercial food establishments may be excluded from service provided by the city solid waste department and such accumulations shall then be removed and disposed of at the expense of the owner or person having care, custody and control of the same; provided that the owner or person responsible for and having care, custody and control of such accumulations shall remove and dispose of such accumulations of garbage and rubbish not less than three (3) times per week by their own lawful action or by the lawful acts of private franchised haulers, approved by the director of the city solid waste department. In cases involving larger volumes of garbage, rubbish and refuse, the health director may require, upon written notice to an owner or person in charge, more frequent removal and disposal of such accumulations per week. All vehicles used by such private garbage and rubbish haulers shall be provided with equipment to prevent garbage and/or rubbish from blowing out of, falling from or otherwise escaping from such vehicle. Such private garbage and rubbish haulers shall comply with all applicable ordinances of the city and rules and regulations established by the health director. The health director may grant a variance on the frequency of removal of garbage in cases where the volume, days of operation, type of container and type of garbage produced merits removal less than three (3) times per week.

(2) Accumulations of garbage and rubbish from hotels, apartments, condominiums and other similar places may be excluded from the service provided by the city solid waste department; and such accumulations shall then be removed and disposed of at the expense of the owner or person having care, custody and control of the same; provided that the owner or person responsible for having care, custody and control of such accumulations shall remove and dispose of such accumulations of garbage and rubbish not less than *three (3) times* ~~twice (2)~~ per week by their own lawful action or by the lawful acts of private franchised garbage and rubbish haulers, approved by the director of the solid waste department. In cases involving larger volumes of garbage, rubbish and refuse, the health director may require, upon written notice to an owner or person in charge, more frequent removal and disposal of such accumulations per week. All vehicles used by such private franchised garbage and rubbish haulers shall be provided with equipment to prevent garbage and/or rubbish from blowing out of, falling from or otherwise escaping from such vehicle. Such private franchised garbage and rubbish haulers shall comply with all applicable ordinances of the city and rules and regulations established by the city health and solid waste departments.

(3) It shall be the duty of every owner of a multifamily dwelling, apartment, condominium and other similar places within the City at all times to maintain in good order and repair sufficient containers for the deposit of garbage, rubbish, and waste as determined by the Health Department Director or Designee. The capacity of the containers shall be adequate to hold all refuse generated between garbage collections.

~~(34)~~ The condition of the containers utilized to store and/or remove accumulations of garbage and rubbish or recyclable materials shall be the responsibility of the container's owner or person having care, custody or control of the same.

~~(4-5)~~ The owner or person having care, custody or control of the premises shall be responsible for keeping containers securely closed at all times.

~~(5 6)~~ Any dumpster used for storage and removal of accumulations of garbage from other than single-family homes shall be so located as to be within thirty (30) feet of any portion of a structure used as a residence by one (1) or more persons other than the premises being served. In no event shall the container be located less than ten (10) feet from the property line if the abutting property has a single-family structure. Such containers shall not be located on public property. The owner of each container shall see that each container is disinfected for all types of insects at least once each week.

(7) All garbage containers for new constructions of multifamily dwellings, apartments, condominiums, and other similar places shall be maintained at all times in a place where it will not be offensive or a public nuisance and must be located within a garbage enclosure which is constructed so as to keep said container out of the public view and that is at least the height of the dumpster which is being enclosed. Said garbage enclosure shall be completely enclosed by a building, fence, wall, gate, or a combination thereof to accomplish the screening of the garbage container from public view. The garbage enclosure must be of sufficient size to allow for placement and removal of dumpster without causing damage to the enclosure. Such garbage enclosures shall not be located on public property. This article only applies to new constructions of multifamily dwellings, apartment, condominium and other similar places within the City of Laredo. All existing multifamily dwelling, apartment, condominium and other similar places within the City of Laredo shall not be required to comply with the terms of this section.

(8) It shall be the duty of an owner of a multifamily dwelling, apartment, condominium, and

other similar place within the City whose property contains twelve (12) or more dwelling units and who has a documented history of three (3) or more of the following violations within a one (1) year period to install and maintain security cameras to monitor illegal dumping: (1) a documented history of nuisances as defined by Section 21-17 of the City of Laredo Code of Ordinances, (2) a documented history of trash accumulation and infrequent garbage pick-ups as defined by Section 14-3(2), or (3) a documented history of illegal dumping as defined in Section 33-433. The owner shall have three (3) months after receiving notice from the City of Laredo Health Department Director or designee to comply with the terms of this section. The owner or person having control of the premises shall be responsible for ensuring no illegal dumping occurs on the premises.

(6 8) No city employee shall collect refuse or recyclables located within private property. The collection of refuse and recyclables shall be made from the street; and the owner, occupant, tenant or lessee of the premises, whether residential or commercial, may place the receptacles for refuse or recyclables at the driveway entrance or on the parkway near the street. Under most circumstances, refuse or recyclables containers shall not be placed in the middle of the street for collection.

(c) Heavy dead animals, such as cows, horses, and mules, shall be removed and disposed of at the expense of the owner or person having control of same by a method directed by the city.

(d) Heavy accumulations such as brush, glass, broken concrete, ashes, sand, dirt or gravel, automobile frames, dead trees, and other bulky, heavy nonputrescible materials shall be disposed of at the expense of the owner or person controlling the same by a method directed by the city.

(e) Manure from cow lots, horse stables, poultry yards, pigeon lofts, and other animal or fowl pens, waste oils from garages or filling stations shall be removed and disposed at the expense of the person controlling the same by the method directed by the city.

(f) Meddling with refuse or recyclables containers or in any way pilfering, scavenging, scattering contents of containers or junk in any alley or street within the city limits is prohibited.

(g) The collection of garbage or rubbish of any kind or junk or recyclables within the city limits is prohibited except as provided for in paragraphs (b) through (e) of this section.

(h) The following commercial establishments will be excluded from collection by the city. Removal or disposal shall be at the expense of the owner or person having control of same by a method directed by law.

(1) Institutional facilities with high-density populations, (i.e. hotels, motels, inns, rooming houses, hospitals, boarding houses, jails, schools, whether private, public or quasi-public).

(2) Restaurants, meat markets and other food establishments.

(3) Metal waste establishments.

(4) Used clothing establishments.

(5) Medical and veterinary clinics.

(i) Collection services.

(1) *Types of approved containers.* Containers to be used for the pickup of garbage and rubbish or recyclables shall be ninety-six-gallon, sixty-seven-gallon refuse and recyclables collection carts, or forty-gallon two-wheeled refuse-collection carts provided and owned exclusively by the city. Each container will bear a unique serial number that will be assigned to each dwelling or business unit. All containers shall remain the property of the city and shall not be removed from the property on which the dwelling or business unit is located without the written consent of the director of solid waste.

(2) *Disposal in refuse-collection carts required.* For single-family dwellings, multifamily dwellings, or business units, it is unlawful to dispose of any garbage or rubbish material anywhere in the city except through placement of such material in the type of approved cart described in subsection (i)(1) and placed for collection as herein prescribed. The fee for such collection at single-family, multifamily dwelling or business units shall be set by the city council.

(3) *Collection services.* All refuse and recyclables collection carts at single-family dwellings,

multifamily dwellings, or business units comprised of two (2) or less units shall be picked up at curbside, unless otherwise authorized by the director of solid waste. The refuse and recyclables collection carts shall be placed in a manner readily accessible for collection immediately behind the curb at the street or at the lot line, as designated by the director of solid waste no earlier than 7:00 p.m. on the day preceding the day on which collection is scheduled and no later than 6:30 a.m. on the day of collection. The empty carts shall be removed as soon as possible but in no event later than 7:00 p.m. on the day of collection.

(4) *Additional refuse-collection carts.* If a customer requires more than one (1) refuse-collection cart, an additional cart may be requested for a fee of seven dollars (\$7.00) per month.

(5) *Uncovered garbage.* All refuse-collection carts must be placed for collection with the lid closed. If the lid does not close, the garbage will not be picked up.

(6) *Replacement of city refuse or recyclables collection carts.* The cost to replace a damaged, misplaced, or stolen cart shall be fifty dollars (\$50.00) unless a police report is filed indicating that the cart has been stolen.

(7) *Maintenance of city refuse or recyclables collection carts.* All city refuse or recyclables collection carts shall be kept clean and washed out as often as necessary so that they will remain in a sanitary condition. Evidence of neglect of these requirements or of damage to the carts shall be determined by the city, and the carts will either be repaired or replaced by the customer of such premises at the customer's expense.

(8) *Unlawful damage to city refuse or recyclables collection carts.* Except as authorized by the city council, it shall be unlawful for any person, firm or corporation to remove from a residential or a commercial premise at which it is located or to damage any city refuse or recyclables collection cart.

(9) *Cardboard recycling required for downtown business district customers.* All customers within the downtown business district are required to separate cardboard from other refuse and place separately for collection. All cardboard boxes placed for collection shall be broken, flattened and placed in bundles and accessible to collectors. All cardboard placed for collection shall become the property of the city and scavenging, scattering, collecting, pilfering in any way is prohibited.

(10) *Penalty for violation.* The person, firm or corporation violating any provisions of this section shall be fined five hundred dollars (\$500.00) for each offense, and a separate offense shall be deemed committed on each day during which the violation occurs or continues to occur.

(j) *Brush and bulky item collection service:*

(1) Customer must place all brush, debris, or bulky items at least ten (10) feet away from any large objects such as parked cars, mailboxes, telephone connection boxes, water meters, fences, walls, overhead power lines and overhanging trees, etc. Brush, debris, and bulky items must be accessible from the street and shall not be collected from within private property. Brush, debris, and bulky items shall not be placed in such a manner so as to create a hazardous condition such as blocking sidewalks, or on the street surface.

(2) The following items are prohibited from the city's brush and bulky item collection service:

a. Electronic waste including, but not limited to, televisions, monitors, and computer equipment;

b. Batteries, car parts, items with internal combustion engines;

c. Items with a title;

d. Paints, solvents, motor oil, or any other liquid;

e. Rocks, concrete, asphalt, gravel, or dirt;

f. Whole trees greater than three (3) inches in diameter; or

g. Any other wastes considered to be hazardous or universal waste.

**Section 2.** This ordinance shall be cumulative of all provisions of ordinances of the City of Laredo, Texas, except where the provisions of this ordinance are in direct conflict with the

provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**Section 3.** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**Section 4.** The City Secretary of the City of Laredo is hereby directed to publish the proposed Ordinance as required by Section 2.09 of the Charter of the City of Laredo.

**Section 5.** The publishers of the City Code of Laredo, Texas are authorized to amend said code to reflect the changes adopted herein and to correct typographical errors and to index, format, and number paragraphs to conform to the existing code.

**Section 6.** This Ordinance shall become effective immediately upon passage.

**PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS  
\_\_\_\_\_ DAY OF \_\_\_\_\_ 2020.**

\_\_\_\_\_  
**PETE SAENZ  
MAYOR**

**ATTESTED:**

\_\_\_\_\_  
**JOSE A. VALDEZ, JR.  
CITY SECRETARY**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**RENE C. BENAVIDES  
CITY ATTORNEY**