

## CHAPTER 50. - SOLID WASTE AND RECYCLING

### GENERAL PROVISIONS

#### Sec. 50.01. - Definitions.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

*Ashes.* Residue from the burning of wood, coal, or combustible material.

*Brush.* Includes, but is not limited to, tree and/or bush branches, marsh plants such as cattails and tropical grasses such as bamboo and all other similar plant life, twigs and trimmings that are generally too large or otherwise impractical to place in the residential container.

*Bulk waste.* Large rubbish items including but not limited to household appliances, bicycles, furniture, rugs, mattresses, televisions, tree limbs, fence material, and other similar items.

*City Manager.* City Manager or his or her designee.

*Clean certificate.* Official documentation obtained from a licensed professional containing serial numbers or other identifying number and verification that all refrigerants, chlorinated fluorocarbons (CFC) or polychlorinated biphenyls (PCB) have been removed from the appliance and properly disposed.

*Commercial private hauler.* A person that hauls another's refuse for a fee.

*Container, approved.* Commercial container, residential containers, recycling containers, and bags for yard waste as defined herein.

*Container, commercial.* A metal or plastic receptacle for business refuse, also known as a dumpster, designed to be lifted and emptied mechanically.

*Container, recycling.* A plastic receptacle owned and furnished by the city for a resident to place recyclable materials for collection.

*Container, residential.* A plastic receptacle for residential refuse with two wheels and a lid, designed to be lifted and emptied mechanically.

*Garbage.* Putrescible animal and vegetable wastes resulting from handling, preparation, cooking, or consumption of food.

*Household hazardous waste.* Waste that is generated by a household that could pose a risk to human health or the environment due to ignitability, corrosivity, reactivity, or toxicity. Examples of household hazardous wastes are lead acid batteries, gasoline, degreasers, paints, pesticides, herbicides, fertilizers, pool chemicals, paint thinners, glues, cleaning products, and pharmaceuticals.

*Recyclable material.* A material that has been recovered or diverted from the nonhazardous wastestream for purposes of reuse, recycling, or reclamation, a substantial portion of which is consistently used in the manufacture of products that otherwise may be produced using raw or virgin materials. Recyclable material is not solid waste. However, recyclable material may become solid waste if it is disposed of in any manner other than recycling, as defined below.

*Recycling.* A process by which materials that have served their intended use or are scrapped, discarded, used, surplus, or obsolete are collected, separated, or processed and returned to use in the form of raw materials in the production of a new product.

*Refuse.* All putrescible and nonputrescible solid wastes, including garbage, rubbish, and ashes.

*Resident.* A person who resides in the city.

*Residence.* Any building, or portion thereof, which is designed for use for residential purposes.

*Residential waste.* Includes bulk, brush, garbage, recycling, and other allowable waste as set forth in Chapter 50 of the Code of Ordinances, including waste placed in residential containers.

*Rubbish.* Nonputrescible solid waste, such as waste wood products, tree trimmings, grass cuttings, leaves, paper, discarded mattresses, wire, glass, and scraps of metal.

*Solid waste.* Garbage, rubbish, refuse, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations and from community and institution activities. The term does not include:

- (1) Solid or dissolved material in domestic sewage or solid or dissolved materials in irrigation return flows or industrial discharges subject to regulation;
- (2) Soil, dirt, rock, sand, and other natural or manmade inert solid materials used to fill land if the object of the fill is to make the land suitable for the construction of surface improvements;
- (3) Waste materials that result from activities associated with the exploration, development, or production of oil or gas or geothermal resources and are subject to control by the Railroad Commission of Texas;  
or
- (4) Household hazardous waste.

*Trash.* See "Rubbish."

*Yard waste.* Cut grass, leaves, small brush and tree trimmings.

(Ord. 2152, passed 4-16-96; Am. Ord. 2740, passed 11-19-02; Am. Ord. 2767, passed 2-4-03; Am. Ord. 2821, passed 7-1-03; Am. Ord. 3339, passed 11-3-09; Am. Ord. 3439, passed 5-3-2011; Ord. 3866, §§ 1, 7, 7-10-2018; Ord. 3913, § 2, passed 6-4-2019)

Sec. 50.02. - Deposit of garbage and refuse on property or rights-of-way.

It shall be unlawful for any person to place, throw, or otherwise deposit any garbage or refuse on any lot or parcel of land or on any street, alley, sidewalk, or other place in the city, except in a can or receptacle meeting the requirements of this chapter.

(Ord. 2152, passed 4-16-96; Am. Ord. 3339, passed 11-3-09)

**Cross reference—** Penalty, § 50.99.

Secs. 50.03—50.14. - Reserved.

## RESIDENTIAL COLLECTION

Sec. 50.15. - Unlawful collection or removal of refuse or recyclable material—Residential.

It shall be unlawful for any person other than the city to collect or remove residential solid waste or recyclable material from any residence in the city. It is a defense to prosecution under this section if the person collected or removed solid waste that the city does not collect or is prohibited by law to haul.

(Ord. 2152, passed 4-16-96; Am. Ord. 2740, passed 11-19-02; Am. Ord. 3339, passed 11-3-09; Ord. 3913, § 3, passed 6-4-2019)

**Cross reference—** Penalty, § 50.99.

Sec. 50.16. - Accumulation of refuse.

No owner, lessee, or occupant of any residence shall permit the accumulation of any refuse on his premises, except in approved containers.

(Ord. 2152, passed 4-16-96; Am. Ord. 3339, passed 11-3-09; Ord. 3913, § 4, passed 6-4-2019)

**Cross reference—** Penalty, § 50.99.

Sec. 50.17. - Placing refuse in another's container.

A person commits an offense if he places refuse in any approved container which he neither owns nor leases, when he does not have the permission of the owner or lessee of said container.

(Ord. 2152, passed 4-16-96; Am. Ord. 3339, passed 11-3-09)

**Cross reference—** Penalty, § 50.99.

Sec. 50.18. - Damage to city containers.

A person commits an offense if he damages any refuse or recycling container owned by the city. It is a defense to prosecution under this section that the damage resulted from normal wear and tear.

(Ord. 2152, passed 4-16-96; Am. Ord. 3339, passed 11-3-09)

**Cross reference—** Penalty, § 50.99.

Sec. 50.19. - Collection only from approved containers; automated and recycling.

- (A) The city will collect solid waste from residences only in city-approved containers.
- (B) All residential solid waste must be securely tied and bagged inside a residential container.
- (C) Lids to all residential containers shall be kept closed at all times unless being loaded or unloaded.
- (D) Waste placed outside or on top of a residential or recycling container will not be collected.
- (E) Maximum weight per each 95-gallon residential or recycling container shall be 200 pounds.
- (F) Residential customers may order additional residential containers for a minimum retention period of six months.
- (G) Exception: brush and bulk waste are not required to be placed in an approved container.

(Ord. 2152, passed 4-16-96; Am. Ord. 2740, passed 11-19-02; Am. Ord. 3339, passed 11-3-09; Ord. 3913, § 5, passed 6-4-2019)

**Cross reference—** Penalty, § 50.99.

Sec. 50.20. - Collection of yard waste.

The city will only collect yard waste that is bagged and placed in an approved residential container

(Ord. 2152, passed 4-16-96; Am. Ord. 2740, passed 11-19-02; Am. Ord. 3339, passed 11-3-09)

**Cross reference—** Penalty, § 50.99.

Sec. 50.21. - Collection of bulk and brush waste.

- (A) Bulk waste shall be collected based on a schedule determined by the city.
- (B) The city will only collect appliances such as a freezer, refrigerator, water cooler, dehumidifier, air conditioner, or other similar appliance containing refrigerants that have received state-approved reclamation certification that all refrigerants have been removed, and are marked in a manner approved by the city. The requirement for refrigerant removal is the sole responsibility of the owner and/or tenant placing the waste for collection. A handling fee and a premium service collection fee as set forth in Chapter 31 of this Code of Ordinances will be charged for the removal of each appliance that has an approved clean certificate.
- (C) Bulk and brush waste placed out for collection shall be placed in a manner that will not pose a risk to public health or a safety hazard, including but not limited to removing refrigerator doors and latches, securing doors with chain, wire or rope to prevent opening, or other method to remove hazards and allow safe, manual collection.
- (D) Bulk waste shall be collected from the front curb of a residence or other approved location and shall be placed in a manner that is free from overhead obstructions and at least three feet from city water and gas

meters and other objects. Bulk waste will only be collected from a residence if generated by the occupant and placed appropriately in accordance with these guidelines.

(E) Bulk waste shall be bagged, boxed, or otherwise contained where applicable before placing out for collection. Bulk waste must be stacked into neat, manageable piles for safe, manual collection by solid waste crews.

(F) Brush shall be cut to a length not to exceed 20 feet.

(G) Motor vehicle tires shall not be placed for collection with residential waste.

(Ord. 2152, passed 4-16-96; Am. Ord. 2740, passed 11-19-02; Am. Ord. 2767, passed 2-4-03; Am. Ord. 2821, passed 7-1-03; Am. Ord. 3339, passed 11-3-09; Ord. 3913, § 6, passed 6-4-2019)

**Cross reference—** Penalty, § 50.99.

Sec. 50.22. - Refuse generated on-site.

(A) The city will collect and accept only refuse that is generated on-site.

(B) A person commits an offense if he places for collection refuse generated off-site.

(Ord. 2152, passed 4-16-96; Am. Ord. 3339, passed 11-3-09)

**Cross reference—** Penalty, § 50.99.

Sec. 50.23. - Flammable material.

A person commits an offense if he places hot ashes or any highly flammable or explosive material in any approved residential or recycling container.

(Ord. 2152, passed 4-16-96; Am. Ord. 3339, passed 11-3-09; Ord. 3913, § 7, passed 6-4-2019)

**Cross reference—** Penalty, § 50.99.

Sec. 50.24. - Placement and timing of residential waste for collection.

(A) Residential waste shall be placed within three feet of the curb line or alley line, as designated by the city, and at least three feet from any structure including but not limited to: mailboxes, trees, overhanging tree limbs, gas meters, water meters, parked vehicles, screening walls and fences, or other similar structures.

(B) Residential waste shall be placed in a manner to provide clear lateral access for a collection vehicle.

(C) Residential waste shall not be placed so that it blocks or impedes a street, alley or alley right-of-way, a city water or gas meter, drainage ditch, sight triangle at an intersection, or sidewalk.

(D) Residential waste shall be placed at the location designated by the city for collection not earlier than 6:00 p.m. of the evening before nor later than 6:30 a.m. of the residence's collection day.

(E) Residential waste placed for collection in violation of this section will not be collected.

(Ord. 2152, passed 4-16-96; Am. Ord. 2740, passed 11-19-02; Am. Ord. 3339, passed 11-3-09; Ord. 3913, § 8, passed 6-4-2019)

**Cross reference—** Penalty, § 50.99.

Sec. 50.25. - Removal of residential and recycling containers after collection.

- (A) Residential and recycling containers collected from the street shall be removed to a location behind the front building line and within five feet of the residence. If the residence does not have a side yard, residential and recycling containers collected from the street shall be removed to a location within five feet of the residence.
- (B) Residential and recycling containers collected from the alley shall be removed to a location on the residence behind the alley fence line. If the residence has no fence, residential and recycling containers collected from the alley shall be removed to a location no closer than five feet from the edge of the alley pavement. Residential and recycling containers collected from the alley shall be removed in such a manner so as to prevent the containers from rolling into the alley, spilling, or littering.
- (C) Residential and recycling containers shall be removed not later than 9:00 a.m. on the day following the residence's scheduled collection day.

(Ord. 3913, § 9, passed 6-4-2019)

Sec. 50.26. - Collection.

Collection of residential waste shall be as set forth in a schedule designated by the city.

(Ord. 2152, passed 4-16-96; Am. Ord. 2740, passed 11-19-02; Am. Ord. 3339, passed 11-3-09)

**Cross reference—** Penalty, § 50.99.

Sec. 50.27. - Refuse and recyclables to be protected from the elements.

Refuse subject to being blown by winds shall be covered, tied, weighted, or appropriately contained.

(Ord. 2152, passed 4-16-96; Am. Ord. 3339, passed 11-3-09)

**Cross reference—** Penalty, § 50.99.

Sec. 50.28. - Disposal of hazardous waste.

- (A) Household hazardous waste shall be disposed of in accordance with manufacturers' recommended methods. Hazardous waste shall be taken to a facility designed for accepting and processing hazardous waste or special collection events, as designated by the city.
- (B) A person commits an offense if such person places any hazardous waste in a residential container, recycling container, or out for collection in any other manner.

(Ord. 2152, passed 4-16-96; Am. Ord. 2740, 11-19-02; Am. Ord. 3339, passed 11-3-09; Ord. 3913, § 10, passed 6-4-2019)

**Cross reference—** Penalty, § 50.99.

Sec. 50.29. - Residential containers not to be marked, damaged or removed.

- (A) All approved residential containers shall remain the property of the city.
- (B) A person commits an offense if such person marks, paints, bums, breaks, or otherwise damages a residential container or recycling container.
- (C) Residential containers shall not be removed from a residence by any person except where designated by the City Manager.
- (D) It is the responsibility of the owner and/or tenant to maintain their containers in a clean and sanitary condition.
- (E) Cost for repair or replacement of damaged residential containers as set forth in Chapter 31 of this Code of Ordinances resulting from negligence or misuse as determined by the City Manager shall be the incurred by the utility customer, landlord, property owner, or property manager.
- (F) It is a defense to prosecution under this section that the damage resulted from normal wear and tear.

(Ord. 2740, passed 11-19-02; Am. Ord. 3339, passed 11-3-09; Ord. 3913, § 11, passed 6-4-2019)

Sec. 50.30. - Special waste collection services.

- (A) Special collection services are offered at an additional fee as set forth in Chapter 31 of this Code of Ordinances for the collection, hauling and disposal of large amounts of waste, and/or unscheduled collections.
- (B) The utility customer, landlord, property owner, or property manager is solely responsible for all waste placed out for collection at the established service rates as set forth in Chapter 31 of this Code of Ordinances.

(Ord. 2740, passed 11-19-02; Am. Ord. 3339, passed 11-3-09; Ord. 3913, § 12, passed 6-4-2019)

Secs. 50.31—50.39. - Reserved.

## COMMERCIAL COLLECTION

Sec. 50.40. - Doors and lids of commercial containers to be kept closed.

All doors and lids of commercial containers shall be kept closed unless the container is being loaded.

(Ord. 2152, passed 4-16-96; Am. Ord. 3339, passed 11-3-09; Ord. 3913, § 13, passed 6-4-2019)

**Editor's note**— Ord. 3913, § 13, passed June 4, 2019, changed the title of § 50.40 from "Doors and lids of commercial containers to be kept shut" to read as herein set out.

**Cross reference**— Penalty, § 50.99.

Sec. 50.41. - Commercial containers not to be marked or damaged.

A person commits an offense if he:

- (A) Damages or removes any commercial container or its contents without permission of the owner or lessee thereof.
- (B) Starts a fire or burns any material in a commercial container..
- (C) Paints or marks upon, or places a poster or sign on any commercial container without the permission of the owner or lessee thereof.
- (D) Maintains a commercial container with visible graffiti.

(Ord. 2152, passed 4-16-96; Am. Ord. 3339, passed 11-3-09; Ord. 3913, § 14, passed 6-4-2019)

**Cross reference—** Penalty, § 50.99.

Sec. 50.42. - Accumulation of refuse.

An owner, occupant, tenant, or lessee of a premises commits an offense if he allows any accumulation of refuse around or in the vicinity of a commercial container.

(Ord. 2152, passed 4-16-96; Am. Ord. 3339, passed 11-3-09)

**Cross reference—** Penalty, § 50.99.

Sec. 50.43. - Placement of commercial containers.

A commercial container shall not be located so that it blocks any of the following:

- (A) A road or street right-of-way.
- (B) A drainage ditch.
- (C) A sight triangle at an intersection.
- (D) An alleyway.
- (E) A fire lane.

(Ord. 2152, passed 4-16-96; Am. Ord. 3339, passed 11-3-09)

**Cross reference—** Penalty, § 50.99.

Sec. 50.44. - Placing refuse in another's container.

A person commits an offense if he places refuse in any commercial container for which another person has paid a charge for refuse collection service. It is a defense to prosecution under this section that the person paying the fee for refuse collection service consented to the actor's placement of refuse therein.

(Ord. 2152, passed 4-16-96; Am. Ord. 3339, passed 11-3-09)

**Cross reference—** Penalty, § 50.99.



Sec. 50.45. - Commercial collection not to be obstructed.

Nothing may be placed or left in a location that prohibits or obstructs the collection of refuse from a commercial container.

(Ord. 2152, passed 4-16-96; Am. Ord. 3339, passed 11-3-09)

**Cross reference—** Penalty, § 50.99.

Sec. 50.46. - Minimum collection from commercial containers.

Commercial refuse shall be collected from commercial containers at a minimum of once per week.

(Ord. 2152, passed 4-16-96; Am. Ord. 3339, passed 11-3-09)

**Cross reference—** Penalty, § 50.99.

Sec. 50.47. - Unlawful collection or removal of refuse or recyclable material—Commercial.

It shall be unlawful for any person other than the city or a commercial private hauler to collect or remove refuse or recyclable material from a commercial container.

(Ord. 2152, passed 4-16-96; Am. Ord. 3339, passed 11-3-09)

**Cross reference—** Penalty, § 50.99.

Sec. 50.48. - Disposal of hazardous waste.

A person commits an offense if such person places any hazardous waste in a commercial container, recycling container, or out for collection in any other manner.

(Ord. 3339, passed 11-3-09; Ord. 3913, § 15, passed 6-4-2019)

Sec. 50.49. - Reserved

Sec. 50.50. - Reserved.

**Editor's note—** Ord. No. 3866, §§ 2, 7, passed July 10, 2018, repealed § 50.50, which pertained to donation bins and derived from Ord. 3439, passed 5-3-2011.

Secs. 50.51—50.59. - Reserved.

Sec. 50.60. - Reserved.

**Editor's note—** Ord. 2740, § 5, repealed § 50.60, which pertained to disposal of recyclable material at a recycling center, and derived from Ord. 2152, passed 4-16-1996.

Secs. 50.61—50.69. - Reserved.

## SOLID WASTE COLLECTION PERMIT

Sec. 50.70. - Franchise for commercial collection required.

No person, firm, corporation, or other entity, excluding the city, may use the public streets, alleys, or thoroughfares within the corporate limits of the city for the purpose of engaging in the business of collecting or transporting solid waste or recyclable materials from commercial and industrial premises within the city without first having obtained a solid waste collection permit from the city.

(Ord. 2241, passed 2-18-97; Am. Ord. 3339, passed 11-3-09)

Sec. 50.71. - Application for permit; expiration.

- (A) To obtain a solid waste collection permit, a person must submit an application on a form provided by the Director of Finance or designee. The applicant must be the person who will own, control, or operate the proposed solid waste collection service.
- (B) The permit application shall include the following information:
  - (1) The applicant's name, address(es), and verified signature;
  - (2) The form of business of the applicant, and, if the business is a corporation or association, evidence of the authority of the person signing the application to represent the business; and
  - (3) Documentary evidence of payment of ad valorem taxes owed on real estate or personal property to be used in connection with the operation of the proposed solid waste collection service.
- (C) Application for the permit shall be accompanied by a \$50.00 nonrefundable processing fee.
- (D) The solid waste collection permit expires December 31 of each year and may be renewed by making application as provided in this section.

(Ord. 2241, passed 2-18-97; Am. Ord. 3339, passed 11-3-09)

Sec. 50.72. - Annual fee.

- (A) The annual fee for the solid waste collection permit is an amount equal to seven and one-half percent of the gross receipts on all revenues and income collected from any source derived from the operation of the solid waste and recyclable materials collection service within the corporate limits of the city. If billed and labeled as a separate fee on the customer's bill, gross receipts shall not include this annual fee.
- (B) The permit holder shall remit the annual fee quarterly, on or before the thirtieth day of April, July, October, and January, based upon the revenues collected during the previous calendar quarter.
- (C) The quarterly payment shall be accompanied by an income statement certified by the permit holder acknowledging compliance with this section.

(Ord. 2241, passed 2-18-97; Am. Ord. 3325, passed 9-15-09; Am. Ord. 3339, passed 11-3-09; Am. Ord. 3358, passed 2-2-2010; Am. Ord. 3615, passed 5-6-2014)

Sec. 50.73. - Requirement to maintain records, furnish information and pay interest on underpayments.

- (A) The permit holder will maintain books and records in such a way that all charges made to Carrollton businesses for services included under the permit can be easily identified.
- (B) The books and records of the permit holder shall be open at reasonable times for inspection by the City Manager or their designee in accordance with the terms of this subchapter.
- (C) If the city determines that an underpayment has occurred, interest on said underpayment will be charged at a rate of ten percent per annum beginning on the date when the payment would have been originally due.

(Ord. 2241, passed 2-18-97; Am. Ord. 3325, passed 9-15-09; Am. Ord. 3339, passed 11-3-09; Am. Ord. 3358, passed 2-2-2010)

Sec. 50.74. - Marking of vehicles and containers.

The permit holder shall identify all vehicles and solid waste containers with its name in letters at least two inches tall.

(Ord. 2241, passed 2-18-97; Am. Ord. 3339, passed 11-3-09)

Sec. 50.75. - Revocation of permit.

The Director of Finance or designee may revoke a solid waste collection permit for the failure of the holder to provide required information, for failure to pay fees, or for making false statements on the application or quarterly report.

(Ord. 2241, passed 2-18-97; Am. Ord. 3339, passed 11-3-09)

Secs. 50.76—50.93. - Reserved.

Sec. 50.94. - Adequate disposal requirements.

- (A) If a person receiving solid waste services by the city regularly generates more solid waste than can be placed in one provided container for collection, the city will require the person to obtain an additional container or increase commercial service levels for a period of not less than six months.
- (B) In the event that any person is required to obtain an additional container or increase service levels, notice of the requirement shall be given to such person by the City Manager by one of the following methods:
  - (1) Personal delivery of the notice in writing; or
  - (2) By letter addressed to the customer, owner, landlord or tenant at the last known address.
- (C) It shall be the responsibility of the person receiving solid waste services to arrange for the termination of this requirement after the six-month period and incur all costs associated with the additional container or service level increases.

(Ord. 2748, passed 12-17-02; Am. Ord. 3339, passed 11-3-09; Ord. 3913, § 16, passed 6-4-2019)

## GENERAL PROVISIONS

### Sec. 50.95. - Authority to enforce.

It shall be the duty of the City Manager to make all necessary inspections and investigations of any and all structures and premises, business establishments, and private residences to enforce the provisions of this chapter.

(Ord. 2740, passed 11-19-02; Am. Ord. 2921, passed 7-1-03; Am. Ord. 3339, passed 11-3-09; Ord. 3913, § 17, passed 6-4-2019)

### Sec. 50.96. - Sales tax.

All rates for solid waste services are subject to the appropriate state taxes.

(Ord. 2740, passed 11-19-02; Am. Ord. 2921, passed 7-1-03; Am. Ord. 3339, passed 11-3-09)

### Secs. 50.97, 50.98. - Reserved.

### Sec. 50.99. - Penalty.

A person who violates any provisions of this chapter is guilty of a misdemeanor, and upon conviction is punishable as set forth in section 10.99, for each act of violation and for each day or part of a day during which the violation is committed, continued or permitted.

(Ord. 2152, passed 4-16-96; Am. Ord. 2740, passed 11-19-02; Am. Ord. 2821, passed 7-1-03; Am. Ord. 3201, 1-15-08; Am. Ord. 3339, passed 11-3-09)