

Chapter 19 - SOLID WASTE^[1]

Footnotes:

--- (1) ---

Editor's note— Ord. No. 4022, § 1, adopted Sept. 9, 2013, amended ch. 19 in its entirety to read as herein set out. Former ch. 19, §§ 19-1—19-33, pertained to similar subject matter, and derived from Code 1966, §§ 11-1—11-11; Ord. No. 3354-A, § 6, adopted Aug. 27, 2001; and Ord. No. 3475, § 1, adopted Aug. 23, 2004.

Cross reference— Director of public services, § 2-63; health and human services, ch. 10; water, sewers and sewage disposal, ch. 23.

State Law reference— Solid Waste Disposal Act, V.T.C.A., Health and Safety Code § 361.001 et seq.; Solid Waste Recovery Financing Act, V.T.C.A., Health and Safety Code § 362.001 et seq.; Comprehensive Municipal Solid Waste Management, Resource Recovery and Conservation Act, V.T.C.A., Health and Safety Code § 363.001 et seq.; Texas Litter Abatement Act, V.T.C.A., Health and Safety Code § 365.001 et seq.

ARTICLE I. - IN GENERAL

Sec. 19-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- **Apartment** means a household unit arranged or designed for occupancy by a family, including, but not limited to, a subordinate dwelling occupied as a garage apartment or a servant's quarters.
- **Apartment house** means a building or buildings, or any portion thereof, arranged or designed for, or occupied by, two or more families.
- **Boardinghouse** means a building or portion thereof, other than a hotel, where lodging and meals for five or more persons are served for compensation.
- **Construction and demolition debris (C&D)** shall mean materials that consist of the debris generated during the construction, renovation, and demolition of buildings, roads, and bridges. C&D materials often contain bulky, heavy materials, such as concrete, wood, metals, glass, and salvaged building components.
- **Contractor or private hauler** shall mean such private firm as may be designated by the city or franchised or permitted by the city for the collection, transportation and/or disposal of solid waste, construction and demolition debris, and/or recyclable materials.
- **Director of public services** means director of public services of the city or his authorized agent.
- **Family** means one or more individuals living and cooking as a single housekeeping unit.
- **Front-loading container** means a container used for the storage and pickup of garbage, trash and debris, such container being in excess of three cubic yards but no more than eight cubic yards.
- **Garbage** means, among other similar matter, all animal or vegetable matter, such as waste material and refuse from kitchens, residences, grocery stores, butcher shops, restaurants, cafes, hotels, rooming houses and boardinghouses, and other deleterious or putrescible matter.

- **Hotel** means the space in a building designed for occupancy as a more or less temporary abiding place of individuals who are lodged with or without meals in which there are more than 12 sleeping rooms and in which, as a rule, the rooms are occupied singly for hire, and provision is not usually made for cooking in any individual apartment.
- **Mechanically loaded refuse container** means a container constructed in accordance with plans of the city for refuse containers and which can be loaded with the mechanical loading equipment operated by the city.
- **Noncollectible waste** means brick, lumber, plaster, concrete, large tree trunks, stumps, metal scrap, construction or remodeling materials, animal carcasses, demolition or fire debris, or any other material that produces excessive weight and/or that may damage the container or the collection vehicle.
- **One-family residence** means a detached building having accommodations for, and occupied by, one family.
- **Prohibited waste** means material named as such by the Texas Water Quality Board, Environmental Protection Agency, Texas Department of Health Research, or any other federal, state or local agency having jurisdiction, which shall not be placed for collection or delivery to the sanitary landfill.
- **Receptacle** means any disposable container which may be discarded, such as plastic bags of not less than two-mil thickness, trash compactor bags, or any other weatherproof disposable container equal in strength and quality to the disposable bags specified or provided by the city.
- **Recyclable materials** shall mean materials that have been recovered or diverted from the nonhazardous waste stream for purposes of reuse, recycling, or reclamation, a substantial portion of which is consistently used in the manufacture of products that may otherwise be produced using raw or virgin materials.
- **Roll-off container** means a unit used to store refuse and/or garbage, which unit must be serviced by a truck equipped with a roll-off frame.
- **Rooming house** means a building or portion thereof, other than a hotel, where five or more persons are lodged for compensation.
- **Solid waste** means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility, and other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from industrial, municipal, commercial, mining and agricultural operations, and from community and institutional activities, but does not include:
 - (1) Solid or dissolved material in domestic sewage, or solid or dissolved material in irrigation return flows, or industrial discharges subject to regulation by permit issued pursuant to V.T.C.A., Water Code [ch. 26](#);
 - (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; or
 - (3) Waste materials which result from activities associated with the exploration, development or production of oil or gas or geothermal resources, and any other substance or material regulated by the Railroad Commission of Texas pursuant to V.T.C.A., Natural Resources Code § 91.101.

- **Solid waste division of the department of public services** means either the solid waste division of the department of public services of the city or the duly authorized agents of such division.
- **Solid waste superintendent** means either the superintendent of solid waste, his superiors, or his duly authorized agents.
- **Trash** means rubbish, such as paper, boxes, grass, shrubs, yard cleanings, yard clippings, leaves, tree trimmings, weeds, hedge trimmings and similar matter, or solid waste that does not include any noncollectible or prohibited material.
- **Two-family residence** means a detached building having separate accommodations for and occupied as a dwelling by not more than two families, one family in each dwelling unit.
- **Waste** means, among other similar matter, all bottles, cans, containers, boxes, paper, plastic and other putrescible material.

(Ord. No. 4022, § 1, 9-9-13)

Cross reference— Definitions and rules of construction generally, [§ 1-2](#).

Sec. 19-2. - Investigation and enforcement.

It shall be the duty of the director of health or the superintendent of the solid waste division of the department of public services of the city or his authorized representative to make all necessary inspections and investigations of any and all premises, business establishments and private residences to enforce the provisions of this chapter.

(Ord. No. 4022, § 1, 9-9-13)

Sec. 19-3. - Dumping.

- (a) No person shall dump, throw or place any garbage, rubbish, refuse, junk, ashes, filth, wastepaper, weeds, grass cuttings, rock, recyclable materials, or other waste matter of whatever kind in or on any public street, alley or other public property.
- (b) No person shall dump, throw or place any garbage, rubbish, refuse, junk, ashes, filth, wastepaper, weeds, grass cuttings, rock, recyclable materials, or other waste matter of whatever kind in or on any private property in the city except in connection with the removal or cutting of the same.

(Ord. No. 4022, § 1, 9-9-13)

Sec. 19-4. - Collection.

- (a) **General.** All persons, companies, corporations, businesses, residential, industrial and commercial establishments within the city shall be required to use the solid waste, construction and demolition debris, and recycling disposal services provided by the city or by one or more contractors or private haulers operating under a franchise or permit granted by the city as provided herein. Except as otherwise provided in this chapter, it shall be unlawful for any person, business, company or corporation to use the public streets, alleys or public thoroughfares within the corporate limits for the purpose of engaging in the business of collection, transport or disposal of solid waste, recycling materials and C&D without first having obtained a franchise or permit from the city.
- (b) **Construction and demolition debris.** C&D in the city shall be collected by one or more contractors which shall operate under a franchise or permit granted by the city as provided

herein. Such contractors shall contract directly with the customer, and bill and invoice such customers for the services.

- (c) **Commercial and multifamily recycling materials.** Commercial and multifamily recycling materials shall be collected in the city by one or more contractors which shall operate under a franchise or permit granted by the city as provided herein. Such contractors shall contract directly with the customer, and bill and invoice such customers for the services. In multifamily complexes the owner, apartment manager or other responsible party shall contract directly with a city contractor.
- (d) **Exclusive services.** The city shall be the exclusive provider of the following services: solid waste collection for residential customers; solid waste collection for commercial customers; solid waste collection for multiple-family customers; collection for bulky items; commercial roll-off services; and residential recycling collection services. Customers of such services shall pay such charges as are established by the city council from time to time.

(Ord. No. 4022, § 1, 9-9-13)

Sec. 19-5. - Disposal.

All contractors, private haulers or other person or entity providing solid waste collection and transportation services, and C&D collection and disposal services within the city pursuant to a franchise or permit shall deliver and dispose of the solid waste, and C&D collected within the city at such facilities owned, operated or designated by the North Texas Municipal Water District. C&D materials shall be delivered to the North Texas Municipal Water District's Regional Disposal Facility or other facility designated by North Texas Municipal Water District. It shall be unlawful for any person, contractor or private hauler to deliver and dispose of any solid waste, C&D or at any facility other than the North Texas Municipal Water District facilities.

(Ord. No. 4022, § 1, 9-9-13)

Sec. 19-6. - Construction and demolition debris.

- (a) **Permit.** It shall be unlawful for any person, company or corporation to engage in the business of the collection, transport and disposal of C&D, within the city without first having obtained a permit from the city. The permit shall be nontransferable.
- (b) **Application.** A person, company or corporation that desires to engage in the business of the collection, transport and disposal of C&D, within the city must submit an application on a form prescribed by the city to the director of public services accompanied by a nonrefundable permit application fee established by resolution of the city council from time to time. The permit application shall include the following:
 - (1) Applicant's name, address, phone number, email address, facsimile number, and form of business;
 - (2) Trade name under which the applicant will conduct business; and
 - (3) Certificate of insurance and copies of insurance policy endorsements for the types and amounts of insurance and endorsements as may be required by the city risk manager.
- (c) **Permit expiration.** The permit expires September 30 of each year and may be renewed by making application as provided in this section accompanied by a permit renewal permit fee established by resolution of the city council from time to time.

- (d) **Permit fee.** The permit holder shall pay an annual permit fee in an amount equal to five percent of the gross receipts on all revenue and income collected by or for the permit holder from any source derived from the operation of the business of the collection, transport and disposal of C&D, within the city. The permit holder shall remit the annual fee on a calendar quarter basis to the city finance department within 30 days after the end of each calendar quarter based on the revenues and income collected from the business of the collection, transport and disposal of C&D, within the city during the previous ending calendar quarter. Each quarterly payment shall be accompanied by an income statement verified and acknowledged by a management official of the permit holder which shows the revenue and income collected by or for the permit holder from any source derived from the operation of the business of the collection, transport and disposal of C&D, within the city. The permit holder shall be required to submit such other records and information as the director of public services may reasonably request to verify the permit holder's gross receipts from the business operation of the disposal of, and the collection of C&D within the city.
- (e) **Permit issuance.** The director of public services shall issue a permit within 15 days after receipt of a completed application accompanied by the insurance certificates and policy endorsements as may be required by the city risk manager. The director of public services may deny an application and request additional information to complete the application.
- (f) **Permit revocation.** The director of public services may revoke a permit for any one or more of the following reasons after five days prior written notice to the permit holder:
 - (g) Failure to maintain the required insurance or to provide sufficient proof thereof upon request of the city;
 - (1) Violation of the Code of Ordinances;
 - (2) Violation of any of the terms and conditions set forth in the permit;
 - (3) Transporting materials to an unauthorized facility; and
 - (4) Failure to timely pay the annual permit fee.

The permit holder may appeal the revocation to the city manager, or the designated representative thereof, within five days after the date of revocation. The city manager or the designated representative shall have the authority to reverse or uphold the revocation. The decision of the city manager or the designated representative shall be final.

- (h) **Disposal charges.** When disposing of construction and demolition debris materials at the North Texas Municipal Water District Regional Disposal Facility or other facility designated by the North Texas Municipal Water District the construction and demolition permit holder shall notify the North Texas Municipal Water District personnel that the construction and demolition debris materials being disposed are from the city limits of the City of Richardson. North Texas Municipal Water District will not charge the permit holder for the costs of disposal. North Texas Municipal Water District will invoice the city on a monthly basis for the tonnage of construction and demolition material disposed by each construction and demolition debris material permit holder. The city will in turn invoice each construction and demolition permit holder charges for disposal on a monthly basis at a rate per ton disposed, established by resolution of the city council, from time to time. Each permit holder shall pay such disposal charges within 15 days after the date of the monthly invoice.

Sec. 19-7. - Commercial and multifamily recycling.

- (a) **Permit.** It shall be unlawful for any person, company or corporation to engage in the business of the collection, transport and disposal of commercial and/or multifamily recycling services in the city without first having obtained a permit from the city. The permit shall be nontransferable.
- (b) **Application.** A person, company or corporation that desires to engage in the business of the collection, transport and disposal of commercial and/or multifamily recycling materials, within the city must submit an application on a form prescribed by the city to the director of public services accompanied by a nonrefundable permit application fee established by resolution of the city council from time to time. The permit application shall include the following:
 - (1) Applicant's name, address, phone number, email address, facsimile number, and form of business;
 - (2) Trade name under which the applicant will conduct business; and
 - (3) Certificate of insurance and copies of insurance policy endorsements for the types and amounts of insurance and endorsements required by the city risk manager.
- (c) **Permit expiration.** The permit expires October 1 of each year and may be renewed by making application as provided in this section accompanied by a permit renewal permit fee established by resolution of the city council from time to time.
- (d) **Permit fee.** The permit holder for commercial and/or multifamily recycling services shall pay an annual fee for such permit in an amount equal to three percent of the gross receipts on all revenue and income collected by or for such permit holder from any source derived from the operation of the business of the collection, transport and disposal of commercial or multifamily recycling materials, as the case may be, in the city. The permit holder shall remit the annual fee on a calendar quarter basis to the city finance department within 30 days after the end of each calendar quarter based on the revenues and income collected during the previous ending calendar quarter. Each quarterly payment shall be accompanied by an income statement verified and acknowledged by a management official of the permit holder which shows the revenue and income collected by or for the permit holder from any source derived from the business operation of the collection, transport and disposal of commercial or multifamily recycling materials, as the case may be, in the city. The permit holder shall be required to submit such other records and information as the director of public services may reasonably request to verify the permit holder's gross receipts from the operation of such services in the city.
- (e) **Permit issuance.** The director of public services shall issue a permit within five days after receipt of a completed application accompanied by the insurance certificates and insurance policy endorsements as required by the city risk manager. The director of public services may deny an application and request additional information to complete the application.
- (f) **Permit revocation.** The director of public services may revoke a permit for any one or more of the following reasons after five days prior written notice to the permit holder:
 - (1) Failure to maintain the required insurance or to provide sufficient proof thereof upon request of the city;
 - (2) Violation of the Code of Ordinances;
 - (3) Violation of any of the terms and conditions set forth in the permit;
 - (4) Transporting materials to an unauthorized facility; and
 - (5) Failure to timely pay the annual permit fee.

The permit holder may appeal the revocation to the city manager, or the designated representative thereof, within five days after the date of revocation. The city manager or the designated representative shall have the authority to reverse or uphold the revocation. The decision of the city manager or the designated representative shall be final.

(Ord. No. 4022, § 1, 9-9-13)

Secs. 19-8—19-25. - Reserved.

ARTICLE II. - MUNICIPAL COLLECTION AND DISPOSAL SYSTEM^[2]

Footnotes:

--- (2) ---

State Law reference— *Local solid waste management plan, V.T.C.A., Health and Safety Code § 363.064; municipal collection and disposal services, V.T.C.A., Health and Safety Code § 363.111 et seq.*

Sec. 19-26. - Garbage and recyclable material receptacles—Required, Location.

- (a) No person shall place or throw any garbage, trash, recyclable materials, or waste of any kind or character upon any street, sidewalk, alley, public way, parking lot or open space in the city except in a receptacle as hereinafter described. Such receptacle is to be placed on the rear of the premises adjoining the alley, at a point accessible to the garbage and recyclable materials collectors. Where a residence is not served by an alley, public utility easement or other public way in the rear or alongside thereof, all receptacles shall be placed upon the front edge of the front sidewalk so as to be accessible to the garbage and recyclable materials collectors. Garbage and recycling receptacles may be placed at other locations as may be designated by the superintendent of the solid waste division of the department of public services from time to time. It shall be unlawful for any person, occupant or person in control of any residence to permit receptacles serving residential property to remain on the public right-of-way, whether front, side or rear, on days other than those designated by the solid waste superintendent for garbage and trash collection.
- (b) It shall be unlawful for the owner, occupant or person in control of any residence, or business or commercial establishment to allow garbage, trash, waste, or recyclable materials to be piled, placed or to accumulate on any sidewalk or street within the city. All such garbage, trash, waste, and recyclable materials shall be placed in approved containers as provided for in this article.

(Ord. No. 4022, § 1, 9-9-13)

Sec. 19-27. - Same—Type; capacity.

All occupants of residences or dwelling houses in the city shall use disposable containers. Any disposable container may be used; however, disposable containers which are blue in color are designated for recyclable materials only. Garbage, trash, or waste of any kind placed in blue disposable containers will not be collected. Other disposable container colors, such as black or white, may be used for residential trash and garbage. No person shall use a disposable container of lesser strength or quality than that specified by the city. All disposable containers shall be securely fastened and the city shall not collect disposable containers which weigh more than 50 pounds. The

city may change disposable container specifications at any time to best meet the needs of the trash and recyclable materials collection systems.

(Ord. No. 4022, § 1, 9-9-13)

Sec. 19-28. - Frequency of collection.

- (a) All garbage, trash, and waste shall be collected and removed from every residence in the city at least two times per week unless otherwise ordered by the director of public services and in full adherence to all EPA and/or TCEQ rules and regulations.
- (b) All garbage, trash and waste shall be collected and removed from every other type of occupancy on a schedule as determined by the solid waste superintendent and approved by the director of public services and in full adherence to all EPA and/or TCEQ rules and regulations.
- (c) All recyclable materials shall be collected and removed from every residence in the city at least once per week unless otherwise ordered by the director of public services and in full adherence to all EPA and/or TCEQ rules and regulations.
- (d) Tree trimmings, old appliances, unwanted furniture, brush and other bulky items, collectively referred to in this subsection as bulky items, shall be collected and removed from every residence following a customer request for such collection service on days designated by the solid waste superintendent and approved by the director of public services. Bulky items may not be set out for collection prior to requesting collection service. Collection service must be requested before the designated collection day. Bulky items scheduled for pick up must be set out at the front curb of the residence no later than 7:00 a.m. on the designated collection day.

(Ord. No. 4022, § 1, 9-9-13)

Sec. 19-29. - Disposal of brush, shrub, lawn trimmings; trees, logs, boards.

Whenever brush or shrub trimmings, trees, logs, lawn cuttings or boards are placed in any designated location for collection and disposal by any person owning, occupying or controlling a residence or dwelling unit in the city, the following methods of placement of such material shall be utilized by such person:

- (1) Tree limbs, boards and other rubbish not over three feet in length may be tied in a bundle or stacked in an orderly manner for collection. Each bundle must not weigh over 50 pounds.
- (2) Brush, shrub and tree trimmings, as well as lawn clippings, shall be placed in a receptacle. Brush, shrub and tree trimmings shall not include branches or logs when said branches or logs are more than three inches in diameter or more than three feet in length. In no case shall brush, shrub and tree trimmings or lawn clippings be placed in a container exceeding 50 pounds in weight.

(Ord. No. 4022, § 1, 9-9-13)

Sec. 19-30. - Commercial and roll-off service.

- (a) The city shall be the sole provider of solid waste collection, exclusive of construction containers containing brick, concrete, shingles/roofing material, dirt, gravel, tile, or other waste deemed uncollectible by the solid waste superintendent.
- (b) Front-loading containers shall be provided by the city. In local retail, commercial, apartment, industrial, office and technical, scientific, planned development and office areas, all front-loading trash receptacles shall meet the following criteria:

- (1) A concrete pad, 14 feet by 20 feet, of six-inch concrete, 3,000 pounds per square inch (psi), with Number 3 rebar, 24 inches on center, shall be provided for each container unit.
 - (2) All front-loading containers shall be screened from view by an enclosure compatible in material and color as the main structure not less than six feet in height.
 - (3) All front-loading containers oriented perpendicular to the principal means of access to such receptacle shall be located in such a manner as to provide a minimum turning radius of 52 feet for the collection vehicle.
 - (4) Any front-loading container not perpendicular to the principal means of access to said receptacle shall be oriented at a 30-degree angle from the fire lane, alley or other means of access.
 - (5) Alternative design standards to the above specifications must be approved by the director of public services.
- (c) All roll-off receptacle locations shall meet the following criteria:
- (1) A concrete pad, 14 feet by 30 feet, for 28-yard compaction units and smaller.
 - (2) A concrete pad 14 feet by 35 feet, for compaction units between 28 and 43 yards.
 - (3) Concrete pads shall be six inches thick with Number 3 rebar, 24 inches on center, with a comprehensive strength of 3,000 psi.
 - (4) All trash receptacles shall be screened from view by an enclosure compatible in material and color as the main structure not less than six feet in height.
 - (5) Alternative design standards to the above must be approved by the director of public services.
- (d) In local retail, commercial, industrial, office and technical, scientific, apartment and office areas generating 80 cubic yards of noncompacted solid waste per week, the city shall provide and maintain roll-off compactors for solid waste disposal service by a city refuse collection machine. Customers that desire to utilize their own roll-off compactors must meet city specifications for such units, and they will be responsible for maintenance of such units.
- (e) Any commercial or roll-off receptacle locations not in conformance with the provisions of this article and lawfully in existence on the date of passage of this provision shall be made to conform to the requirements of this article upon the granting of a building permit to repair, remodel, enlarge, alter, renovate, and/or demolish or replace a main building, structure or a commercial/roll-off receptacle location or pad when, in the opinion of the city, the commercial or roll-off receptacle locations are in a state of disrepair and constitute a hazard.
- (f) Where a commercial container service is provided under this article, the following provisions shall be applicable: It shall be unlawful for any person other than the owner, lessee or his authorized representative to deposit, cause or allow to be deposited any type of waste or other substance in a commercial container posted with a notice prohibiting such action.
- (g) It shall be unlawful for any person to obstruct a commercial-type container by parking in front of or within five feet of either side of a commercial-type container, or obstruct a commercial-type container in any manner where such obstruction would interfere with the servicing of such container.

(Ord. No. 4022, § 1, 9-9-13)

Sec. 19-31. - Bulk material.

- (a) All commercial nurserymen and firms regularly engaged in lawn and garden service shall comply with the requirements for disposal in [section 19-29](#), or provide for the collection and removal of all waste generated by their activities to a sanitary landfill.
- (b) No person shall permit any garbage, refuse, junk, rubbish, recyclable materials, or any other substance capable of impeding the flow of water into any gutter or drainage ditch.
- (c) No person shall sweep garbage, trash, refuse, paper, litter, debris, or recyclable materials into any public street, alley or utility easement.

(Ord. No. 4022, § 1, 9-9-13)

Sec. 19-32. - Heavy accumulations; removal.

Heavy accumulations, such as brick, broken concrete, lumber, construction materials, cinders, dirt, plaster, sand or gravel, automobile frames, dead trees and other bulky, heavy material, including debris from vacant lots, shall be removed from any premises within the city at the expense of the owner, occupant or person controlling the same. Such materials shall not be stored or placed in any alley or other public right-of-way or on any private property except the premises on which accumulation originated. The city reserves the right to pick up all material or waste placed in the alley and shall not be held liable for the disposal of such material regardless of its nature.

(Ord. No. 4022, § 1, 9-9-13)

Sec. 19-33. - Garbage and residential recycling collection charges.

The city council shall, by resolution, establish all fees and charges commensurate with the removal of garbage, refuse, and residential recycling within the city from time to time as it may determine.

The fees and charges established hereby shall be on file with the city secretary.

(Ord. No. 4022, § 1, 9-9-13)