

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, AMENDING CHAPTER 14, ARTICLE 14.02, SOLID WASTE, OF THE CITY OF LEON VALLEY CODE OF ORDINANCES; PROVIDING FOR REPEALER, SEVERABILITY AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE**

---

**WHEREAS**, the collection, removal, and proper disposal of solid waste generated within the City of Leon Valley (City) is essential to the health, safety and welfare of the City's residents; and

**WHEREAS**, the City has established uniform collection governed by specific rules and contractual terms which best serve the public purpose of protection of the health, safety and welfare of residents, and currently has a single provider for solid waste collection in the form of a franchise agreement; and

**WHEREAS**, there are provisions of the franchise agreement which require additional fees to residents and the City finds it is their intent to provide services to its residential customers for solid waste collection which may not be covered or require additional fees; and

**WHEREAS**, the City finds it is in the best interests and health, safety, and general welfare of its citizens to also provide for additional services for solid waste collection that may not be covered by a franchise agreement as authorized by its code of ordinances; and

**WHEREAS**, the City finds in order to facilitate additional services to its citizens and residential customers, that an amendment to the code of ordinances on solid waste collection is necessary.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS:**

**SECTION 1.** The City of Leon Valley's Code of Ordinances, Chapter 14-Utilities, Article 14.02-Solid Waste, Division 2- Collection is hereby amended as specifically written in the attached Exhibit "A" with strikethroughs being deletions and underlines being additions.

**SECTION 2.** The City Secretary is hereby authorized and directed to publish the amendments to the Code of Ordinances as provided herein.

**SECTION 3.** The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this Ordinance.

**SECTION 4.** That it is hereby declared to be the intention of the City Council of the City of Leon Valley that phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should 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 Ordinances, since the same would have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, and section.

**SECTION 5.** The Ordinance shall be effective upon passage and publication as required by law.

**PASSED, ADOPTED AND APPROVED** by the City Council of the City of Leon Valley this the 2nd day of November 2021.

**APPROVED**


  
**CHRIS RILEY**  
MAYOR

Attest :

  
**SAUNDRA PASSAILAIGUE, TRMC**  
City Secretary



Approved as to Form: City Attorney

  
**ROXANA PEREZ STEVENS**  
City Attorney

## **Division 2. Collection**

### **Sec. 14.02.031 Definitions**

Brush. Includes leaves, lawn trimmings, grass cuttings, tree trimmings, hedge trimmings, weeds, flower stalks, and trees and tree limbs not to exceed three inches in diameter or four feet in length (or so cut).

Garbage. Includes rubbish and refuse, and as so defined shall include kitchen and household waste of all kinds, food scraps, food containers, ashes, tin cans, glass, paper, trash, and, in addition, all other substances capable of causing noxious odors.

Recyclable material. Includes material that has been recovered or diverted from the non-hazardous waste stream for purposes of reuse, recycling, or reclamation. Recyclable material is not solid waste. However, recyclable material may become garbage at such time, if any, as it is abandoned or disposed of rather than recycled, whereupon it will be garbage with respect only to the party actually abandoning or disposing of the material.

### **Sec. 14.02.032 Declaration of necessity for collection system**

The necessity for the establishment of a garbage and refuse collection system in the city is hereby declared.

### **Sec. 14.02.033 Method of collection**

The city may either establish its own garbage collection system, and hire employees and purchase equipment therefor as the council shall provide, or it may by ordinance designate a garbage collection franchise holder as its exclusive agent therefor. The city may implement its own processes, procedures, or policies for garbage, refuse, brush, and recyclable material collection and public trash receptacles for collection not addressed in an agreement with an exclusive agent.

### **Sec. 14.02.034 Collection by unauthorized persons prohibited**

It shall be unlawful for any person, firm or corporation other than the city or the city's franchise holder and contractor to haul, collect, or otherwise transport garbage, weeds, brush, or refuse of any kind within the city except in excess of specific amounts or volumes of garbage or brush authorized by the City Council, not addressed in or requires additional costs in a franchise agreement with an exclusive agent, if one exists. In cases of oversized trees, large quantities of brush and large dead animals, citizens may arrange for the collection and disposal of same with other agents, contractors, firms or individuals. Businesses which produce too large a volume of garbage or trash to be properly serviced under the quantity limitations hereinafter prescribed may, after first getting a written permit from the city, contract at their own expense for the removal of same on conditions to be set out fully in said permit. The city may also permit citizens in residential collection areas only, to provide for their own collections of brush or garbage not included in a franchise agreement with an exclusive agent to include, but not limited to, the use of "roll-off" containers with any service provider. No person, firm or corporation shall have the use of the official or contract dumping grounds of the city without a written permit to do so issued by the city.

**Sec. 14.02.035 Containers**

Curbside waste and recycling containers must meet the following requirements: Each container to be provided by the approved waste hauler shall be a watertight receptacle approved by the city either through a franchise agreement with an exclusive agent, a service provided by the city, or with the approved permit for excessive brush or garbage not included in a franchise or the city's own pickup collection service.

**Sec. 14.02.036 Placement of waste for collection**

Every owner, agent, lessee, tenant or occupant of any home, house, building, business or apartment in the city shall provide for such place one or more containers as may be required to adequately handle all garbage originating at said dwelling or business, and to regularly set out such garbage therein for collection. Such containers shall be set out or be placed so as to be easily visible by and accessible to the collector from the street or alley. Curbside waste and recycle collection service shall be provided at least once a week or as otherwise designated by the city as noted in a franchise agreement with an exclusive agent or outlined in its own policies and procedures.

**Sec. 14.02.037 Brush**

Brush collection shall be collected in accordance with the city's policies and procedures or as noted in a franchise agreement.

**Sec. 14.02.038 Waste from building operations**

Rock, dirt, waste, scrap building materials, or other trash resulting from construction or remodeling of vacant or improved property, or general cleanup thereof prior to occupancy, or substantial quantities of cut trees, brush, weeds and debris resulting from clearing operations for construction purposes, shall be removed by the owner (or his agent) at his expense and shall not be collected by the city service.

**Sec. 14.02.039 Accumulation of waste**

It shall be unlawful for any person, firm or corporation to place, deposit or throw, or permit or cause to be placed, deposited or thrown, any garbage, brush, loose waste or refuse of any kind on public or private property (or permit the same to remain thereon) unless the same has been placed for collection in accordance with the provisions of this article.