

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY OF MISSION CODE OF ORDINANCES CHAPTER 90, "SOLID WASTE," ARTICLE II, "COLLECTION REGULATIONS," BY ADDING A NEW SECTION 90-[60] ESTABLISHING REQUIREMENTS FOR THE PLACEMENT, REMOVAL, AND STORAGE OF RESIDENTIAL GARBAGE CONTAINERS; PROVIDING A PENALTY OF A FINE NOT TO EXCEED \$[2,000.00] FOR EACH VIOLATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Mission, Texas, is a home-rule municipality authorized by the Texas Constitution and applicable state law to adopt ordinances for the protection of the health, safety, and welfare of its residents; and

WHEREAS, Chapter 90, "Solid Waste," of the City of Mission Code of Ordinances establishes regulations governing the collection, placement, and handling of garbage and refuse within the City; and

WHEREAS, the City Council finds that garbage containers left at collection points, streets, alleys, sidewalks, and other visible locations on days when collection is not scheduled create sanitation and public health concerns, obstruct public rights-of-way, interfere with pedestrian and vehicular traffic, create unsightly conditions, and negatively affect the appearance and cleanliness of neighborhoods; and

WHEREAS, the City Council desires to establish clear and reasonable requirements for the timely removal and storage of residential garbage containers following scheduled collections; and

WHEREAS, the City Council finds that requiring garbage containers to be stored on private property when not being used for scheduled collection promotes neighborhood appearance, public safety, sanitation, and orderly use of public rights-of-way;

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

SECTION 1. AMENDMENT OF CHAPTER 90 – SOLID WASTE

Chapter 90, "Solid Waste," Article II, "Collection Regulations," of the Code of Ordinances of the City of Mission, Texas, is hereby amended by adding a new Section 90-[60] to read as follows:

Sec. 90-[60]. - Residential Garbage Container Placement, Removal, and Storage.

a) Definitions

In this section, "residential garbage container" means a container, as defined in Section 90-1, that is provided or approved by the City or its authorized solid waste collection contractor for the collection of garbage from a residential premises. The term does not include bags.

"Collection location" means the location at which a residential garbage container is required to be placed for collection under Section 90-42, or such other location as the City or its authorized solid waste collection contractor designates for the premises.

b) Placement for collection

The owner, occupant, tenant, lessee, or other person responsible for a residential premises shall place a residential garbage container at the collection location for collection on the regularly scheduled collection day. A residential garbage container may be placed at the collection location no earlier than [6:00 p.m.] on the day before the scheduled collection day and shall be placed no later than [6:00 a.m.] on the scheduled collection day.

c) Removal following collection

Following completion of garbage collection at the premises, the owner, occupant, tenant, lessee, or other responsible person shall remove the residential garbage container from the collection location and return it to a storage location on the premises that complies with subsection (e) of this section.

d) Non-collection days

Except as provided in subsections (b), (f), and (g) of this section, a residential garbage container shall not be left at the collection location, or in any street, alley, sidewalk, parkway, or other public right-of-way, on a day when collection is not scheduled.

e) Storage location

When not being placed for scheduled collection, residential garbage containers shall be stored on the premises in a manner that does not:

1. Obstruct a sidewalk, street, alley, drainage facility, or other public right-of-way;
2. Interfere with pedestrian or vehicular traffic;
3. Obstruct access to utility facilities, fire hydrants, water meters, or other public infrastructure;
4. Create a public nuisance or unsanitary condition; or
5. Violate any other applicable provision of the City Code.

f) Time of removal

A residential garbage container shall be removed from the collection location no later than 8:00 a.m. on the day following the scheduled collection day.

g) Exceptions

Subsections (c), (d), and (f) of this section do not apply when:

1. The City or its authorized collection contractor has delayed or rescheduled collection;
2. The container is being placed or removed in accordance with an alternative collection schedule authorized by the City; or
3. The City Manager or the City Manager's designee has provided written authorization for the container to remain at the collection location because

circumstances beyond the reasonable control of the owner, occupant, tenant, lessee, or other responsible person prevent timely removal of the container.

h) Responsibility

The property owner, occupant, tenant, lessee, or other person having possession or control of the premises shall be responsible for compliance with this section.

i) Notice and opportunity to correct

For the first violation of this section, the City may provide the responsible person with a written notice of violation and a reasonable opportunity to correct the violation before issuance of a citation, provided that nothing in this section prevents immediate enforcement when the violation creates an obstruction, safety hazard, public nuisance, or other condition requiring immediate correction.

j) Offense; penalty; enforcement

1. A person commits an offense if the person intentionally, knowingly, recklessly, or with criminal negligence violates subsection (b), (c), (d), (e), or (f) of this section.
2. Notwithstanding any other provision of this chapter, an offense under this section is punishable by a fine of not more than \$[2,000.00]. Each day that a violation continues after the expiration of any notice or compliance period provided under subsection (i) of this section constitutes a separate offense.
3. This section may be enforced by the City's Code Enforcement Division, the Solid Waste Division, or other authorized City personnel in accordance with applicable law. Nothing in this section limits the City's authority to pursue any other remedy available by law.

SECTION 2. EDUCATIONAL AND WARNING PERIOD

After the effective date of this ordinance, the City may conduct an educational and warning period of thirty (30) days before routine citation enforcement.

SECTION 3. REPEALER

All ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of the conflict only.

SECTION 4. SEVERABILITY.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and any remaining provision shall continue in effect notwithstanding the invalidity of such section, subsection, clause, phrase or portion.

SECTION 5: CODIFICATION.

The City Secretary is hereby authorized and directed to incorporate Section 1 of this ordinance into the official Code of Ordinances of the City of Mission, Texas, and to make any necessary grammatical, numerical, or formatting changes to accomplish such codification.

SECTION 6. PUBLICATION.

The City Secretary is directed to publish the caption of this ordinance, including the penalty for its violation, in the official newspaper of the City in the manner required by the City Charter and Section 52.013 of the Texas Local Government Code.

SECTION 7. EFFECTIVE DATE.

This ordinance takes effect upon its passage, approval, and publication in the manner required by the City Charter and applicable law.

PASSED, APPROVED, AND ADOPTED THIS _____ day of _____, 2026, at a regular meeting of the City Council of the City of Mission, Texas, at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, CHAPTER 551.

CITY OF MISSION

_____ Norie Gonzalez Garza, Mayor

ATTEST:

Anna Carrillo, City Secretary

APPROVED AS TO FORM:

City Attorney