

ORDINANCE NO. 2023-33

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, AMENDING WYLIE’S CODE OF ORDINANCES, ORDINANCE NO. 2021-17, AS AMENDED, CHAPTER 98 (SOLID WASTE), ARTICLE I (IN GENERAL), SECTION 98-2 (DEFINITIONS), AND ARTICLE II (JUNKYARD; SALVAGE YARDS), SECTION 98-21 (RESIDENTIAL COLLECTION – REGULATIONS), SECTION 98-23 (RESIDENTIAL COLLECTION – REGULATIONS), AND SECTION 98-24 (RESIDENTIAL COLLECTION – FEES FOR UNUSUAL COLLECTION); PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE.

WHEREAS, the City Council of the City of Wylie, Texas (“City Council”) has previously adopted Ordinance Nos. 1983-50, 1987-55, and 2011-26 for the City of Wylie, Texas (“Wylie”), establishing regulations governing garbage and refuse in the City of Wylie, Texas; and

WHEREAS, these requirements were codified in Chapter 98 (Solid Waste) in the Wylie Code of Ordinances, Ordinance No. 2021-17, as amended (“Code of Ordinances”); and

WHEREAS, the City Council has investigated and determined that it would be advantageous and beneficial to the citizens of Wylie to amend Chapter 98 (Solid Waste), Article I (In General), Section 98-2 (Definitions), and Article II (Junkyard; Salvage Yards), Section 98-21 (Residential Collection – Regulations), Section 98-23 (Residential Collection – Regulations), and Section 98-24 (Residential Collection – Fees For Unusual Collection) of the City’s Code of Ordinances, Ordinance No. 2021-17, as amended (“Code of Ordinances”);

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

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendment to Chapter 98 (Solid Waste) of the Wylie Code of Ordinances. Chapter 98 (Solid Waste) of the Code of Ordinances is hereby amended as follows:

“CHAPTER 98 SOLID WASTE

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Sec. 98-2. 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:

Bags means plastic sacks designed to store refuse with sufficient wall strength to maintain physical integrity when lifted by the top. Total weight of a bag and its contents shall not exceed 50 pounds.

Brush means plants or grass clippings, leaves or tree trimmings.

Bulky waste means stoves, refrigerators, water tanks, washing machines, furniture and other waste materials other than construction debris, dead animals, hazardous waste or stable matter with weights or volumes greater than those allowed for containers.

Can means a formed container of metal or plastic with a lid and a volume of less than 30 gallons and a reasonable proportion of height and diameter.

Commercial or industrial means any structure or business other than residential, including hotels, motels, structures containing more than three dwellings, and residential care facilities whether occupied or unoccupied.

Commercial garbage means all normal establishment waste products of commercial buildings or establishments and including multifamily dwellings other than private residences, other than sewage and body waste, manure, dead animals equal to or over ten pounds in weight, large tree trimmings, demolition or remodeling debris, or any other waste material that cannot be broken down to fit into the regular garbage containers specified in this chapter.

Contractor means such private firm designated by the city for collection, transportation and/or disposal of the solid waste.

Dead animals means animals equal to or greater than ten pounds in weight that have expired from any cause except those slaughtered or killed for human use.

Non-Compliance Bulk means excess 4 cubic yards, items not eligible for bulk pickup, bulk items to large, bulk items set out to late/early, bulk items blocked and not accessible , item not placed it front of home and brush items not bundled.

Nonresidents means persons residing other than within the boundaries of the city.

Premises means all public and private establishments including individual residences, all multifamily dwellings, residential care facilities, hospitals, schools, businesses, other buildings and vacant lots.

Refuse means all solid waste materials.

Residential means any structure or premises used for permanent living quarters of whatever type, including conventional single-family residences, duplexes, multifamily residences, of three or less dwelling units.

Residential garbage means all normal household waste of private residences and multifamily dwellings of not more than three units, especially including waste of food, but not including sewage and body waste, manure, dead animals equal to or over ten pounds in weight, large tree trimmings, demolition or remodeling debris, or any other waste material that cannot be broken down to fit into the regular garbage containers specified in this chapter.

Residents means persons residing other than within the boundaries of the city.

Rubbish means trash or garbage such as feathers, ashes, aluminum cans, papers, boxes, glass and any other matter commonly understood to be rubbish.

Unusual accumulations mean:

- (1) Accumulations that cannot be collected by any standard residential trash truck, in the normal course of daily routes or does not meet stated conditions;
- (2) For commercial establishments, accumulations that would not occur in the ordinary course of business;
- (3) Large, heavy or bulky objects such as furniture or appliances; and
- (4) Materials judged by the city manager, the director of public works or a person designated by him to be hazardous, as defined by the U.S. EPA.

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ARTICLE II. COLLECTION AND DISPOSAL

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Sec. 98-21. Residential collection—Regulations.

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- (d) Brush and bulk waste collection shall be provided 12 times per year to all residential properties. All brush and bulk items shall be placed between the curb line and the sidewalk; however, if a curb and/or sidewalk is not present, the brush and bulk items shall be placed immediately adjacent to the street, but shall not in any way hinder or block passage of motor vehicles or pedestrians. The quantity of brush or bulk items shall be contained to 4 cubic yards. If the quantity of brush/bulk items exceeds the required size limitations, it is the responsibility of the occupant or homeowner to remove the brush/bulk at their own expense or through alternative bulk options. It shall be unlawful to place brush and bulk items out for collection prior to the Friday before the scheduled collection weekend. Brush and bulk items shall be stored and be kept out of public view until the Friday before the scheduled collection weekend. It shall be unlawful to place brush and bulk items on any property other than in an authorized municipal solid waste or recycling location. It shall also be unlawful to place brush and bulk items on any other property than your own. Failure to remove brush and bulk waste in Non-Compliance will result in the city causing such to be removed and all costs assessed against the property passed on to the Utility account holder and or owner of property.

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Sec. 98-23. Commercial collection—Regulations.

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Sec. 98-24. Commercial collection—Fees for unusual collection.

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SECTION 3: Penalty. Any person, firm, corporation or entity that violates this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined a sum not exceeding two thousand dollars (\$2,000.00) if the violation relates to the public health and sanitation, otherwise the fine shall be a sum not exceeding five hundred dollars (\$500.00). Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the Wylie from filing suit to enjoin the violation. Wylie retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 4: Savings/Repealing. All provisions of the Code of Ordinances shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 5: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

SECTION 6: Effective Date. This Ordinance shall become effective from and after its passage and publication as required by the City Charter and by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, on this 8th day of August, 2023.

Matthew Porter, Mayor

**ATTESTED AND
CORRECTLY RECORDED:**

Stephanie Storm, City Secretary

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