

23
AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 24 OF THE CODE OF THE CITY OF ABILENE, TEXAS, 1957, AS AMENDED, BY REPEALING THE EXISTING CHAPTER 24 AND SUBSTITUTING THE FOLLOWING: PROVIDING DEFINITIONS; PROVIDING FOR THE ABATEMENT OF UNSANITARY CONDITIONS; PROVIDING FOR GENERAL REQUIREMENTS OF REFUSE DISPOSAL SERVICE; PROVIDING FOR REGULAR CITY COLLECTION SERVICE; PROVIDING FOR CITY CONTAINER COLLECTION SERVICE; PROVIDING FOR PERMITS; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY; AND PROVIDING FOR PASSAGE.

WHEREAS, the present garbage, trash and weed code of the City of Abilene is outdated and outmoded; and,

WHEREAS, the administrative staff has recommended that such code be revised and brought up to date; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE,

TEXAS:

Section 1: That Chapter 24 of The Code of The City of Abilene, Texas, 1957, as amended, be and the same is hereby in all things repealed and the following substituted therefor:

¹¹CHAPTER 24
GARBAGE, TRASH AND WEEDS

ARTICLE I - GENERAL

Section 1: Definitions. For the purpose of this chapter the following words and phrases shall have the meanings respectively ascribed to them by this section:

Apartment. A room or suite of rooms arranged or designed for or occupied by, a family, including but not limited to a subordinate dwelling occupied as a garage apartment or a servant's quarters.

Apartment house. A building or portion thereof, or buildings, arranged or designed for, or occupied by, three or more families.

Boardinghouse. A building or portion thereof, other than a hotel, where lodging is furnished and meals are served for five or more persons for compensation.

Family. One or more individuals living as a single housekeeping unit.

Hotel or motel. The space in a building designed for occupancy as a temporary abiding place of individuals who are lodged with or without meals.

One-family residence. A detached building having accommodation for and occupied by one family.

Rooming house. A building or portion thereof, other than a hotel, where five or more persons are lodged for compensation.

Trailer camp. The area containing five or more mobile homes where families, transients or tourists are accommodated in mobile homes.

Two-family residence. A detached building having separate accommodations for and occupied as a dwelling by two families.

Vehicle. Any type of cart, wagon, trailer, automobile or truck propelled in any manner.

Garbage. All waste animal or vegetable matter, such as but not limited to waste material and refuse from kitchens, residences, grocery stores, butcher shops, restaurants, cafes, hotels, rooming houses and boardinghouses, and all other deleterious substances.

Trash. Rubbish such as feathers, coffee grounds, ashes, tin cans, paper, boxes, glass, grass, wood, shrubs, yard cleanings, yard clippings, leaves, tree trimmings and similar matter.

Section 2: Inspections. The superintendent of refuse disposal shall make or cause to be made inspection trips at regular intervals to determine that garbage or trash are being properly collected and removed and that proper charges are being assessed. In the event he discovers a violation of this chapter or any related chapter, he shall immediately act to affect the necessary corrective action.

Section 3: Accumulations of refuse, trash, etc.; responsibility for cleanliness, etc., of premises in city. The accumulation of waste, refuse, trash and other deleterious substances on the premises of private residences, commercial institutions and in the streets and alleys greatly increases the danger of fire and of the spread of infectious, contagious and epidemic diseases, and shall constitute a public menace and nuisance.

Section 4: Inspection of lots, etc., by health officer, fire marshall and traffic engineer. The director of the Abilene-Taylor County health department or his authorized representative shall inspect all lots and parcels of land within the city to insure compliance with the provisions of this chapter. The city fire marshall and the traffic engineer shall, when requested by such director, provide assistance in those matters which affect or which may affect fire or traffic conditions.

Section 5: Unsanitary or hazardous conditions on premises--enumerated; notice to remove. Upon the discovery of any of the following unsanitary or

hazardous conditions upon any lot or parcel of land, the director of the Abilene-Taylor County health department shall give the owner, tenant, lessee or occupant thereof notice of such condition:

(a) Holes or other low areas upon such premises where water or unsanitary or hazardous matter might collect or accumulate.

(b) Accumulated stagnant water or any garbage, trash or any other unsanitary matter.

(c) Upon any lot one hundred feet or less in width or length, all grass, weeds, brush or other hazardous growth or vegetation located thereon more than eighteen inches high.

(d) Upon any lot or parcel other than included in subsection (c) of this section, grass, weeds, brush or hazardous growth or vegetation more than eighteen inches high where located or growing within twenty-five feet of any of the following:

(1) Property line adjacent to improve property.

(2) Curb line.

(3) Traveled portion of any dedicated public right of way.

Such notice shall provide a legal description of the property, set forth the nature of the violation and provide for compliance within ten days. Such notice shall be in the form of a letter addressed to each such owner at his last known address. If the owner's address is unknown, such notice may be given by publication on at least two different days within one ten day period in a local daily newspaper of general circulation.

Section 6: Failure to comply with notice to remove; removal by city; cost of removal by city. After ten days have expired from the mailing of a notice as provided in Section 5, it shall be unlawful for the person named therein to have failed to comply therewith.

In addition to any action through the corporation court, in the event that such person for any reason fails to comply with the notice within the prescribed period, the city shall take the necessary steps to abate the condition described in such notice. Expenses incident to such action by the city, plus an additional service charge of fifty per cent of the actual expense to cover administrative costs, shall be assessed against the owners of all outstanding interests in such lot or parcel. An itemized bill of such costs shall be mailed by the city accountant to each such owner if his address is known. If such bill remains unpaid for a period of thirty days after the date of the mailing of such bill, the city accountant shall file a statement of such bill and the reasons therefor with the County Clerk of Taylor County. From the date of such filing, the city shall have a lien on the lot or parcel upon which such expenses are incurred second only to tax liens and liens for street improvements. The amount of such debt shall accumulate interest at the rate of ten per cent per annum from the date on which payment was due. For any such debt and interest, suit may be instituted and recovery and foreclosure had in the name of the city. In such suits the aforementioned statement, or certified copy thereof, shall be deemed prima facie evidence of the debt and all interest thereon.

Section 7: Duty to keep businesses clear of waste paper, etc. ; placing receptacles and signs for disposal of waste paper, etc. The owner or occupant of any store or other place of business situated in the city shall exercise reasonable diligence at all times to keep his premises clean of trash and garbage thrown or left on such premises by its customers, and shall take reasonable measures to prevent the same from drifting or blowing to adjoining premises. Receptacles of sufficient size and number shall be placed in places on such premises accessible to the customers of such business in which such articles of waste may be disposed. Every business establishment shall place upon its premises in a conspicuous place in close proximity to the receptacles required by this section a sign which shall request that customers use the receptacles provided for the disposal of waste material under this section.

Section 8: Disposal of waste paper, etc., by customers of businesses. It shall be unlawful for any customer, while upon the premises of a business, to dispose of waste paper, wrapping paper, paper napkins, cartons, package containers and other used or waste materials, upon such premises except in receptacles provided for such purposes.

Section 9: Throwing, depositing, dumping, etc., garbage, filth, trash, etc., on property in city or adjacent thereto. No person shall use any ground or place in the city, or within three thousand feet of the city as a dumping ground for trash or garbage.

No person shall throw, cast or deposit any trash or garbage upon any street, alley, sidewalk or any yard or premises.

No person shall cast any trash or garbage from a moving vehicle in the city.

No builder, contractor, carpenter, sub-contractor or agent of such persons shall leave or deposit any trash or garbage on any premises in the city, public or private, except in receptacles provided with a top or lid adequate for retaining such materials in such receptacles.

Section 10: Depositing, exposing, etc., animals on streets, property, etc. No person shall place or deposit the exposed carcass of any animal or fowl on any street, alley, highway, or public place or upon private property or shall stand or permit to stand, any truck or other vehicle, containing such carcass on any street, alley, highway or public place or on private property within the city. The term "exposed" as used in this section is meant the exposure of the carcass of an animal so that putrefying odors may escape therefrom and contaminate the air.

The exposure of the putrefying carcass of a beast so that noxious or disagreeable odors may escape therefrom and contaminate the air shall be a public nuisance and the health officer or any police officer may summarily remove such carcass to a point outside the city or may bury or burn the same, and the expense of such disposal shall be included in the fine collected from the person so violating this section.

Section 11: Removal of dead animals. No person shall allow or permit any animal or fowl which has died and which at the time of death was owned or controlled or kept by such person or persons to lie in or upon any street, alley, lot or other place in this city. Such person or persons shall cause the carcass of such animal or fowl to be disposed of as the health officer may direct.

Section 12: Vehicles used to transport trash, etc., to be covered. Any container or vehicle body used to transport trash or garbage in any of the streets or alleys of the city shall be constructed so as to prevent the escape of any of In addition to the preceding requirements, any container or vehicle used to transport ~~commercial waste as defined in Section 10, shall be constructed so as to~~ prevent access to such materials by insects or rodents.

Section 13: Charge for service outside the city. Charges for services under this chapter rendered outside the city shall be double the rates established by this chapter.

Section 14: Billing; failure to pay charges. The charges fixed in this chapter for the collection, removal and disposal of all garbage or trash shall be entered in their respective amounts as charges against each owner, manager, occupant, tenant, or lessee and the amount so fixed and charged shall be collected monthly in connection with and as a part of the water bill of the city. Should any owner, manager, tenant or lessee of any place of abode or of any business or commercial establishment fail or refuse to pay the charges fixed against him and his place of abode or his place of business when due, the city shall have the right to disconnect water service to his place of abode or place of business against which such garbage or trash collection fees and water charges have been fixed and assessed.

collection of garbage and trash accumulation. Such classifications and the charges for residential refuse collection service for a calendar month shall be as follows:

<u>Type</u>	<u>Description</u>	<u>Monthly charge</u>
1	One-family residence	\$ 1.25
2	Two-family residence	2.50
3	One-family trailer not in trailer camp	1.25
4	One-family trailer in trailer camp	1.00
5	Apartment	1.00 each unit.

An apartment house with more than two collection points shall have the same charge per apartment as a one-family residence.

If the person using or occupying the house building or premises from which garbage or trash is to be collected desires an additional carry out services, monthly charge of seventy-five cents (\$.75) shall be made to defray the cost of carrying garbage and trash receptacles to the collection truck. No charge will be made where the collection point is within ten (10) feet of the traveled portion of a dedicated public right of way.

(b) The business, commercial, educational and other non-residential buildings and other institutions are hereby divided into fair and reasonable types and subdivided into fair and reasonable classes, according to the total square foot floor area, as follows:

TABLE NO. 2

TYPE	DESCRIPTION OF CLASS	Service-----A&B	II	III	IV	V	VI	VII	VIII
A	Office space in office building, parking garage or lot, hotel or motel (more than 12 sleeping rooms), rooming house, real estate, insurance, loan, abs-tract, travel bureau, taxi stand, school, hospital, church, lodge, telephone exchange, bank	50,000	43,000	36,000	29,000	22,000	15,000	8,000	Less than 8,000
B	Boarding house or dormitory, elec-tric service and supply, science laboratory, oil supply firm, creamery, tailor shop, manu-facturing plant, bindery, fixtures, theater, pool hall, bowling club, amusement arcade, hater, dry cleaner, barber shop, beauty shop, engraving, sign shop, jeweler, ser-vice station, optometrist, dentist	20,000	17,330	14,664	11,998	9,332	6,666	4,000	Less than 4,000
C	Warehouse, wholesale businesses, not specifically classified, produce, freight and express, bus depot, railroad, studio, photo, art, furni-ture, office supply, welding, auto repair or supply, department store, paint store, newspaper, hardware, sporting goods, camera shop, retail shops not herein specifically classified, wood-works, blueprinting, exterminators, kindergarten, trailer camp, hotel or motel (less than 12 sleeping rooms)	12,500	10,875	9,250	7,625	6,000	4,375	2,750	Less than 2,750
		more	or	more	or	more	or	more	or
		12,499	10,874	9,249	7,624	5,999	4,374	2,750	Less than 2,750

TABLE NO. 2 (CONTINUED)

TYPE	DESCRIPTION OF CLASS	Service-----A&B	I	II	III	IV	V	VI	VII	VIII
D	Florist, shop, greenhouse, shoe store, printing shop, medical clinic, men's and women's clothing, dry goods, confectoner, candy shop, news stand, cigar store, bakery, variety store, nursing home.	A&B	9,100	7,810	6,498	5,186	3,874	2,563	1,250	Less than 1,250
			more	or	to	to	to	to	to	to
			9,099	7,809	6,497	5,185	3,873	2,562	1,250	1,250
E	Grocery store, meat market, delicatessen, cafe, cafeteria, sandwich shop, drug store, pharmacy, private club, cafe including those open to the public but in the same building as another business	A&B	4,000	3,415	2,832	2,249	1,666	1,083	500	Less than 500
			or	to	to	to	to	to	to	to
			3,999	3,414	2,831	2,248	1,665	1,082	500	500
F	Drive in cafe, drive in movie, drive in grocery, fruit stand, vegetable market, tire store, lumber yard, nursery (trees and plants), fish market.	A&B	2,249	1,666	1,083	500	Less than 500			
			or	to	to	to	to			
			more	2,248	1,665	1,082	500			

Any business or commercial institution not specifically named in the preceding schedule shall be assigned to the type which includes businesses or institutions of a similar nature of such unnamed business or institution and it shall be the duty of the refuse disposal superintendent to make a record of such type and classification. The person using or occupying such building or structure shall be liable for payment for services rendered in the same manner and under the same conditions are those types of business or institutions specifically named.

Garbage or trash collection and disposal services rendered by the preceding schedule by the city shall be designated Service A, which shall provide collection two times per week, and Service B, which shall provide collections up to six times per week. Service A shall be provided to residences and apartments.

Monthly charges for Service A and Service B to classifications established in the preceding schedule shall be as follows:

	Class I	II	III	IV	V	VI	VII	VIII
Service A	\$ 9.40	\$ 8.15	\$7.20	\$ 6.25	\$ 5.30	\$ 4.40	\$ 3.45	\$ 2.50
Service B	18.75	16.25	14.40	12.50	10.60	8.75	6.90	5.00
Service A	For each additional stop per business or commercial use: \$ 2.50							
Service B	For each additional stop per business or commercial use: 5.00							

Charges for Service A at residences where a portion of the building or premises not exceeding 250 square feet is used for commercial purposes will be increased \$1.25 per month. Where the area used for commercial purposes exceeds 250 square feet, applicable charges shown on Table 3 shall be made.

The preceding charges are based on a normal maximum accumulation figure of two (2) cubic yards per week for residential structures and two (2)

cubic yards per collection for business and commercial areas. In the event normal accumulation on any particular premises exceeds the normal maximum accumulation stated above, an amount to be fixed by the refuse disposal superintendent, based on actual cost of additional pick-up service, shall be charged to the owner, occupant, tenant or lessee of said premises.

Charges for special orders or service shall be as follows:

Pick-up truck	\$ 2.25 per hour, including travel time to and from disposal area.
Flat bed truck	4.50 per hour, including travel time to and from disposal area.
Compaction body truck	8.50 per hour, including travel time to and from disposal area.

Section 31: Unauthorized use of receptacles. No person shall knowingly allow, permit or suffer any other person to use his garbage receptacle.

No person using or occupying any house, building, or premises shall place any garbage or trash in any receptacle or near any receptacle not provided by such person, or permit the same to be done by any person under his control.

ARTICLE III. GARBAGE OR TRASH COLLECTION--CITY CONTAINER COLLECTION SERVICE.

Section 32: Establishment; purpose. The refuse disposal superintendent shall establish a city container service for collection and removal of refuse from businesses, institutions and apartment houses, and shall provide equipment for this service.

Section 33: Businesses required to utilize. The owners or tenants of businesses located within Fire Zone No. 1 as defined in Chapter 23 of the Code of the City of Abilene shall be required to utilize the city container collection service, where such service is provided. Provided that this requirement shall not apply to any owner or tenant of a business located within fire zone #1, where all or substantially all of the garbage or trash from such business is of the type defined in sections 16, 28 & 29.

Section 34: Not to be provided simultaneously with regular service in certain areas. The refuse disposal department shall not provide regular city collection service and city container collection service simultaneously to any customer.

Section 35: Charges. The owners or tenants of property served by the city container collection service shall be subject to the charges prescribed in Article II of this chapter. In addition, such persons shall be subject to an additional charge for the use of the containers owned by the city as follows:

<u>Container size</u>	<u>Monthly rate</u>
3 cubic yards	\$ 3.50
4 cubic yards	4.50
6 cubic yards	6.25
8 cubic yards	7.65

Each person or business served by the city container collection service shall be subject to a minimuma monthly charge of one dollar.

The minimum monthly-charge per container for collection of refuse from each container shall be five dollars.

The refuse disposal superintendent shall pro-rate among the persons and businesses served by each container in the city container collection service the amounts designated above for that size container.

Section 36: Charge for additional service. In the event any person or business served by the city container collection service shall desire a pick-up other than on the regular schedule of the refuse disposal department, the department shall provide such service at a charge of two dollars and fifty cents per pick-up.

Section 15: Supervision over receptacles; notice to city of failure to empty receptacles for five days. Each owner, manager, occupant, tenant or lessee of a house or building used for residential, business or commercial purposes shall maintain supervision and surveillance over the garbage or trash receptacles serving such premises and if such receptacles are not emptied and the contents removed by an employee of the city or other duly authorized person for a period of five days, he shall notify the refuse disposal department of the fact within five days.

Section 16: Commercial waste. Commercial waste resulting from manufacturing or processing operations, including waste from fruit and vegetable produce houses, poultry dressing establishments, meat processing and meat packing plants shall be disposed of by the owner or occupant of the building, business or premises. The refuse disposal superintendent shall determine what wastes fall within the above industrial classifications.

Commercial establishments shall dispose of their own wet garbage.

Section 17: Service under unusual conditions. When alleys or streets become impassable because of inclement weather or other unusual conditions, the refuse disposal superintendent may notify residences and commercial establishments to place refuse receptacles at the nearest collection point which is accessible to refuse removal vehicles.

Section 18: Keeping unsanitary matters on premises. No person shall cause or permit to be or remain in or upon any premises, private or public, any animal, vegetable or mineral matter, or any composition or residue thereof, which is in an unsanitary condition or injurious to public health.

Section 19: Interference with refuse collection and disposal prohibited.

No person shall interfere with the collection and disposal of refuse by city of Abilene employees by blocking the approach to any collection point or container; by parking vehicles on the traveled portion of the alley or parking in any manner which would tend to endanger city vehicles or employees; or by permitting trees, bushes or other vegetation over 18 inches high to protrude into an alley, or into any street without thirteen feet between the lowest part of such trees and the street; or to take any action or to permit any action to be taken which would interfere in any way or manner with the collection and disposal of refuse by the city of Abilene employees.

ARTICLE II. GARBAGE AND TRASH COLLECTION--REGULAR CITY COLLECTION SERVICE.

Section 20: Receptacles - required. Every person using or occupying any building, house or structure within the city or shall provide and maintain in good order and repair garbage or trash receptacles of sufficient number to contain the garbage or trash that will accumulate on the premises except where city container collection service is provided.

Section 21: Same - type and capacity. The receptacles required by this division shall be water-tight of a durable grade of galvanized metal, or other suitable material approved by the refuse disposal superintendent, from 20 to 32 gallons in capacity and weighing not more than 25 pounds. It shall be provided with two lifting handles on opposite sides and a tightly fitting/~~metal cover~~ cover of metal or other suitable material approved by the refuse disposal superintendent, with a handle. The open end shall be larger than the closed end. The receptacle

shall not have any inside protrusions which will prevent the free discharge of contents nor will the refuse be packed so tightly that it will not fall out when such container is turned over to be emptied.

Section 22: Same - deteriorated. Receptacles which have deteriorated, or have been damaged to the extent that the covers will not fit securely, or those having jagged or sharp edges capable of causing injury to refuse collectors or other persons whose duty it is to handle containers, are declared a nuisance, and shall be condemned by the refuse disposal superintendent, the director of the Abilene-Taylor County health department or their authorized representatives. If such receptacles are not removed within 5 days after notice of such defective conditions to the owner or user then such receptacles shall be confiscated.

Section 23: Same - placement for collection. If the house, building or premises from which garbage or trash is to be collected is adjacent to an alley, the person using or occupying such premises shall place the garbage and trash receptacles at the alley in order that the receptacles may be easily accessible to the person collecting the garbage and trash. Unless receptacles can be placed outside a fence without projecting within 3 feet of the traveled portion of an alley, an inset will be constructed in the fence so that the receptacle can be easily removed therefrom with the lid in place. If it is not practicable to collect and remove the garbage and trash from an alley, then the owner, occupant, tenant or lessee of the premises shall place the receptacles at such point as the route foreman shall find and designate to be the most accessible for collection and removal.

In the business districts and other areas within the city where garbage and trash is picked up at night and is not served by the city container collection service, the person using or occupying any building, house or structure shall not place any garbage or trash receptacle or trash at the collection point before 5:00 P. M.

Section 24: Same - contents to be removed within certain time. It shall be the duty of every owner of a garbage or trash receptacle to remove or to have removed the contents of the same in accordance with this chapter at least twice a week.

Section 25: Placement of garbage in receptacles. Garbage or trash that is mixed with water or other liquids shall be drained before being placed in a garbage or trash receptacle. Animal matter that is subject to decomposition shall be wrapped in paper or other combustible material before being placed in a garbage receptacle. Grease in a free flowing state shall be reduced to a solid.

Section 26: Placement of trash for collection when not in receptacles.
If trash is of such a nature that it cannot be placed in the required trash receptacles it shall be carefully placed beside the trash receptacle in bundles less than fifty pounds in weight. Trash, such as paper cartons or wood boxes, that cannot be placed in a receptacle shall be prepared for collection by placing the smaller cartons and boxes in the larger cartons and boxes until the larger cartons and boxes are completely filled. After the large cartons and boxes are completely filled, they shall be securely tied.

Section 27: Same - brush. Brush, long stems of bushes, tree limbs, and cuttings will be cut into 4-foot lengths and tied securely into bundles weighing not more than 50 pounds. All brush shall be collected from the alley at the regular collection point or where there is no alley or the alley is inaccessible to trucks from the parkway. Brush in the alley shall be placed so that it does not in any way block or hinder passage of or damage vehicles.

Section 28: Removal of trash, etc., resulting from construction, etc. Rock, waste, scrap building materials or other trash resulting from construction or major remodeling or resulting from a general cleanup of vacant or improved property just prior to its occupancy or in preparation for construction will not be removed by the city under its regular service. The owner or contractor shall have such debris removed at his expense under the direction of the refuse disposal superintendent.

Section 29: Same. Dead animals, feces, materials impregnated with urine, poisons, explosives, dangerous or corrosive chemicals, clothing taken from persons with infectious diseases, heavy metals or metal parts, lumber, dirt, rocks, bricks, concrete blocks and other refuse from construction or remodeling, shall not be placed in receptacles used for regular collection service or the city container collection service.

Section 30: Classification of premises and schedule of charges.

(a) The residences of the city are hereby divided into fair and reasonable types, according to their structure and uses, for the purpose of

Section 37: Unauthorized use of containers. No person other than a duly authorized employee of the city shall collect or remove any garbage or trash from any container utilized in the city container collection service.

Section 38: Blocking area adjacent to containers. No person shall park any vehicle of any nature whatsoever within six feet of any container used in the city container collection service, or shall park any vehicle in such a manner which would interfere with the removal of refuse from such container or block the approach to such container. Proof of ownership of any vehicle violating this section shall be prima facie proof that such owner parked such vehicle so as to violate such section.

Section 39: Damage of property owned by city. No person shall damage, either wilfully or through negligence, any property of the city used in the city container collection service.

Section 40: Doors and lids of containers to be kept closed. Except when refuse is being loaded into containers, the doors and lids shall be kept closed, except at certain locations approved by the superintendent of refuse disposal where only trash is placed in the container through the top opening of 6 and 8 cubic yard containers.

ARTICLE IV. PERMITS.

Section 41: Required. No person except a duly authorized agent and employee of the city shall empty garbage or trash receptacles or convey or transport garbage or trash on the streets, alleys, or public thoroughfares of the city without having first obtained a written permit therefor granted and issued by the director of public works.

Section 42: Not required for removal of garbage or trash by owner, etc. of premises. This article shall not prohibit any person receiving regular city collection service from removing without a permit, garbage or trash from the premises under his control which are served by such service.

Section 43: Application. Any person desiring a permit for the collection, removal and disposal of garbage or trash shall make application for such permit to the Director of Public Works. This application shall set forth the name and address of the applicant; the trade name under which the applicant does or proposes to do business; the number of vehicles the applicant desires to operate; the class, size and design of each vehicle; whether the applicant has been convicted of a violation of any national, state or municipal law; whether the applicant or any person with whom he has been associated or employed has a claim or judgment against him for damages resulting from the negligent operation of a vehicle; the financial status and responsibility of the applicant; the applicant's ability to respond in the event of damages to persons or property by reason of the negligent operation of vehicles on a street or public thoroughfare of the city; the nature and character of the service the applicant proposes to render; the experience the applicant has had in rendering such service; the patrons for whom the applicant proposes to render the service; and such other information as the Director of Public Works may require.

Section 44: Findings of city officials; investigation. The Director of Public Works shall determine whether the applicant for a permit for the collection, removal and disposal of garbage or trash is fit and proper to conduct such business, and shall make or cause to be made such investigation as he may

consider necessary in order to determine whether the public convenience and necessity requires the granting of such permit.

Section 45: Bond required. No permit shall be issued under this division until the applicant therefore has made and placed in the hands of the city secretary a good and sufficient indemnity bond approved by the city attorney, indemnifying the city against any claims which may arise against the city caused by the applicant's operation under such permit.

Section 46: Fee; term. Permits under this division shall be issued to qualified applicants for a period of one year. Applicants or holders of such permits shall pay to the city an annual fee of twenty-five dollars.

Section 47: Display. Every permit issued pursuant to this division shall be attached to the vehicle used thereunder or shall be in possession of the person rendering service thereunder.

Section 48: Transferability; revocation. All permits granted pursuant to this division shall be non-transferable and may be revoked and rescinded by the director of public works at any time when at its judgment such action is deemed to be the best interest of the public.

In the event any permit holder desires to dispose of garbage or trash collected under this permit at any city of Abilene garbage or trash disposal area, he shall pay an annual charge of ten per cent of the applicable rate established in this ordinance, said annual charge to be payable in quarterly installments.

Applicants for permits will provide the superintendent of refuse disposal a list of buildings or residences from which they will collect refuse. All changes will be reported within five days of any such change.

No person operating a hand push cart shall gather garbage or trash or other salvageable material within Fire Zone No. 1.

No person removing, handling, transferring or in any manner dealing with garbage or trash, shall separate, unload, offer for sale or trade or exchange all or any part of such garbage or trash, within the city limits of the city.

Section 49: Dead animal removal and disposal service.

(a) The refuse disposal superintendent shall provide for the removal and disposal of dead dogs, cats and other small animals weighing less than 80 pounds.

(b) The superintendent of the equipment service facility shall provide for removal of large dead animals, weighing over 80 pounds, from private property, at a minimum fee of \$5.00. If service is provided on private property located outside the city limits, such charge shall be doubled. Service will not be provided if the equipment service facility is not notified within 24 hours of death of the animal.

Section 50: City disposal service.

(a) The refuse disposal superintendent shall establish areas for disposal of garbage, trash and other refuse. He shall establish rules for the operation of disposal areas.

(b) The city disposal areas may be used without charge by all persons, businesses and institutions residing or located within the city limits

of the city provided that the refuse deposited in the city disposal area is from a residence, building or premises on which refuse charges are being paid, except that businesses or firms hauling oil bearing or septic material to the area shall obtain a special use license at an annual fee of fifty dollars (\$50.00). Those ^{persons} businesses or institutions located within the city limits not regularly paying refuse charges or those engaged in construction, or in gardening, or in hauling refuse from vacant lots may obtain a special use license to deposit refuse collected within the city limits at an annual fee of twenty-five dollars.

(c) Licenses may be obtained from the city for use of the city disposal areas by residences, businesses, or institutions located outside the city limits or by adjacent cities, upon payment of the following applicable fee.

<u>Type of refuse</u>	<u>Annual fee</u>
Residences (household and yard refuse only)	\$ 10.00
Retail businesses except those serving food	25.00
Farms, wholesale businesses and retail businesses serving food	50.00
Oil bearing and/or septic material	150.00

(d) No person, business or institution shall place, deposit or throw or permit or cause to be placed, thrown, deposited or dumped, any explosive, poison, dangerous or corrosive chemicals, salt water, feces, materials impregnated with urine, dead animals, or any material of any nature which emits foul or noxious odors in the city disposal areas without the permission of and under the supervision of the superintendent of refuse disposal.

Section 51: That if any provision of this ordinance or the application thereof to any person or circumstance shall be held invalid such invalidity shall not affect the provision or application of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of the ordinance are declared to be severable.

Section 52: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than Two Hundred Dollars (\$200.00). Each such violation which shall continue or be permitted to continue shall be deemed a separate offense.

PASSED ON FIRST READING this 22nd ^{put} day of April, ^{Kelly} A. D. 1965.

PASSED ON SECOND AND FINAL READING this 14th ^{action} day of May, 1965.

ATTEST:

MAYOR

CITY SECRETARY

APPROVED:

Les Cochran, Assistant City Attorney