

Office of the City Manager

City of Richland Hills, Texas

Memorandum

To: Honorable Mayor Bill Agan and members of the Richland Hills City Council
From: Eric Strong, City Manager
Date: September 6th, 2016
Subject: Ordinance Regulating Trash Service

Council Action Requested:

Consider update to ordinance requiring trash service

Background Information:

Last year staff recommended that council approve an ordinance requiring that all businesses and residents maintain their own garbage service. There were a few limited exceptions to this ordinance that allowed for the sharing of dumpsters in multi-family zoned areas as well as in some limited commercial/retail settings.

Since implementing the ordinance, we have encountered some unforeseen problems. One of the problems that has occurred, primarily in our industrial/business parks, is that some of the properties have made efforts to comply with the ordinance, but they really don't have the appropriate space or location to place a dumpster facility. As such, they have struggled with what to do and how to comply with the ordinance.

As staff has looked at this issue further, we have also realized that with our new zoning districts, there might actually be some areas that would benefit from shared dumpster service. This will be primarily true as we see some of our mixed-use developments develop over time. For aesthetic reasons, we might want to limit the number of dumpsters that are visible in that type of an area.

One of the reasons staff wanted to require that everyone have their own garbage service was to solve the administrative problems with tracking who does and does not have service.

As such, we believe we have found a better solution that works for both the city and businesses. The attached ordinance will allow businesses in certain zoning districts to share dumpster services, but in order to do so, they will have to pay an administrative fee to the city. This fee will be equal to the current charge for residential trash service. Staff believes this solution will solve the concerns of the businesses, while compensating the city for the administrative time spent tracking the various accounts.

Board/Citizen Input: N/A

Financial Impact: N/A

Staff Contacts

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City Manager
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Attachments: FWTA correspondence

ORDINANCE NO. 1318-16

AN ORDINANCE OF THE CITY OF RICHLAND HILLS, TEXAS AMENDING CHAPTER 66 “SOLID WASTE” BY AMENDING ARTICLE II. “COLLECTION”; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Richland Hills is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council finds that this ordinance is in the best interests of the citizens of the City of Richland Hills.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHLAND HILLS, TEXAS;

SECTION 1

Article I is here by amended by amending Section 66-4 entitled “Garbage Service Mandatory”, as follows: “Every owner, occupant, tenant, or lessee using or occupying any building, house or structure within any single family, professional, retail or light commercial zoning district in the city which is on the city’s water system and has a dedicated water meter shall be required to utilize and pay for garbage service provided by the city or its designee, except for multi-family residences in which the property owner provides communal trash facilities. Occupants of such premises may remove and transport their own solid waste, but shall receive no credit on their accounts for doing so. Occupants in heavy commercial, mixed use, industrial and planned development zoning districts may share dumpster services, however each business that does not maintain a dumpster shall be charged a monthly administrative fee equal to the current charge for base residential service.”

**SECTION 2
PROVISIONS CUMULATIVE**

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Richland Hills, Texas, as amended, except where the provisions of the is ordinance are in direct conflict with the provisions of such ordinances and such Code are hereby repealed.

**SECTION 3
PROVISIONS SEVERABLE**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall 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 ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 4
PUBLICATION**

The City Secretary of the City of Richland Hills is hereby directed to publish this ordinance to the extent required by law.

**SECTION 5
EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS _____ DAY OF _____, 2016.

THE HONORABLE MAYOR BILL AGAN

ATTEST:

CATHY BOURG, CITY SECRETARY

EFFECTIVE DATE: _____

APPROVED AS TO FORM AND LEGALITY:

BETSY ELAM, CITY ATTORNEY