

## **ORDINANCE # 246**

**AN ORDINANCE OF THE CITY OF BEVIL OAKS, TEXAS ESTABLISHING REGULATIONS RELATIVE TO THE STORAGE, DISPOSAL AND MAINTENANCE OF RESIDENTIAL AND COMMERCIAL REFUSE CONTAINERS AND TEMPORARY STORAGE CONTAINERS WITHIN THE CITY LIMITS OF THE CITY OF BEVIL OAKS, JEFFERSON COUNTY, TEXAS AND PROVIDING A PENALTY FOR VIOLATIONS.**

**WHEREAS**, the City Council of the City of Bevil Oaks finds that because the unregulated maintenance and operation of dumpsters and temporary storage containers, including construction site dumpsters presents a threat to the public health, safety, environment, and general welfare, no person, business, or any other entity shall operate, keep, store or maintain a dumpster or storage container without first obtaining a Dumpster/Storage Container Permit as required by this ordinance, and shall maintain said dumpster/storage container in accordance with said permit, this ordinance and any regulation promulgated hereunder.

**WHEREAS**, the City Council of the City of Bevil Oaks has investigated and determined that it would be advantageous and beneficial to the citizens of the City to enact as set forth below.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEVIL OAKS, TEXAS:**

### **Section 1: DEFINITIONS**

As used in this ordinance, the following words and phrases shall have the meanings given.

- A. Commercial Dumpster** – Shall mean any container, receptacle, compactor unit, trailer, roll-off, or similar unit with or without wheels that is used for storage, containment, or transport of refuse, debris, trash, garbage, food waste, solid waste, recyclable material, incidental demolition debris, or other discarded or like materials as located in and by commercial facilities only. It shall not apply to ordinary trash cans of a volume of 50 gallons or less, recycling receptacles of 96 gallons or less, to plastic bags storing these materials in compliance with the regulations of the City of Bevil Oaks, or to solid waste disposal trucks operated by a company duly licensed or contracted with the City of Bevil Oaks.
- B. Temporary Dumpster** – Shall mean a dumpster that is used in connection with construction and/or demolition and is accompanied by a residential or commercial building permit. The dumpster permit shall be issued for a period not to exceed the time limit as set forth in the residential or commercial building permit. Any other temporary dumpster may not be used, on or in close proximity to a lot for more than 30 days in a calendar year unless an additional 30 day period is approved in writing by the Permitting Department.

- C. Lot – Shall mean a parcel of land in identical ownership throughout, bounded by other lots or by streets, which is designated by its owner to be used, developed or built upon as a unit, to which a Dumpster serves for waste disposal.
- D. Storage Container –A portable, weather-resistant receptacle designed and used for the storage or shipment of household goods, wares, building materials or merchandise. Is also sometimes referred to as a “POD”, Shipping Container or other similar names.
- E. Dumpster/Storage Container Permit (also referred to hereafter as “Permit”) – Shall mean the permit required by this ordinance and issued by the City of Bevil Oaks upon satisfactory review of the Dumpster and/or Storage Container Permit Application. Dumpster Permits are broken down into 4 categories:
- i. *Commercial Dumpster* –will only be approved for renewal after review of performance by the Code Enforcement Officer and/or Permitting Department. The Commercial Dumpster permit will be reviewed annually. Such review will include but is not limited to consideration of any prior complaints and the resolution of such complaints.
  - ii. *Construction/Demo Dumpster* – will be given along with building permits and will only be valid for the same length of any residential, commercial or demolition permit.
  - iii. *Temporary Dumpster* – given on a 30-day basis for such items as moving, cleaning out of home, and other tasks a homeowner may need a temporary dumpster for.
  - iv. *Storage Container* – will be given on a 30-day basis and is subject to renewal up to two (2) times.
- F. Responsible Party – Shall mean the Lot owner or other entity using the Dumpster and/or Storage Container with an interest in any part or parts of the Lot upon which the Dumpster is used, maintained or stored, any tenant upon the Lot, any occupier of the Lot, the property manager for the Lot, and/or any other users of a Dumpster on the Lot.

## **Section 2. APPLICABILITY**

The Dumpster/Storage Container Ordinance shall apply to all existing and future Dumpsters and/or Storage Containers located within the City.

## **Section 3. DUMPSTER PERMIT**

Permit Required. No Commercial Dumpster, Construction/Demo Dumpster, Temporary Dumpster or Storage Container shall be placed on any private property without first obtaining a Permit from City Hall. This requirement does not include any such Dumpster used for one-day special events as permitted by the City of Bevil Oaks. No Dumpster is allowed to be located on public right of way within the City. All collections shall be made directly from the premises of the customer and any emptied containers returned

directly to such premises. Such permit shall be issued upon Application being approved by the City Secretary and/or Code Enforcement Officer. Any Temporary Dumpster Permit not accompanying a Building Permit will only be valid for 30 days and may only be considered for renewal one time, for a possible additional 30-day period. A Commercial Dumpster Permit is valid for one year. The City of Bevil Oaks retains the right to place dumpsters during City Clean-Up Days where deemed appropriate by City Officials.

**Section 4. MAINTENANCE OF STRUCTURAL ELEMENTS BY OWNER and/or RENTOR – COMMERCIAL DUMPSTERS:**

All Dumpsters shall have affixed in clear, legible print, the name of the firm or corporation and the telephone number of said firm or corporation on each individual dumpster.

- a. All Dumpsters shall be painted and free from discoloration from oxidation.
- b. Covers or lids on all Dumpsters shall be in proper working condition.
- c. All Dumpster drainage openings shall remain plugged at all times.
- d. All areas surrounding Dumpsters shall be kept clean and litter free.
- e. All Dumpsters shall be maintained, clean and free from offensive odors.
- f. All Dumpsters shall be kept closed at all times when not in use.
- g. When deemed necessary by the Code Enforcement Officer or Building Official, all Dumpsters shall be kept locked at all times.
- h. At no time shall any Dumpster cause a nuisance resulting from the overflow of the contents.
- i. When deemed necessary by the Code Enforcement Officer or Building Official, and only after review of complaints filed and reviewed by the Permitting Office and/or City Attorney, Lot owners and/or Responsible Parties may be ordered to enclose each individual Dumpster by a wall, fence or other means so constructed as to be inaccessible to the general public. Such enclosures shall be equipped with a self-latching and lockable gate or an equivalent enclosure sufficient to deny access to the general public.
- j. Dumpster and immobile trash containers must be set back from property line no less than 15 feet or more if the deed restrictions call for more.
- k. No person or business shall place any refuse or refuse container on, in or over any drainage system including culverts.
- l. Loose dirt, mud, clay, rocks, construction materials and other debris deposited upon any public highway, street and sidewalk or private property as a result of construction or demolition sites shall be kept clean and orderly at all times.
- m. The primary contractor or developer of a construction or demolition site shall be responsible for maintaining the site as required by this section.
- n. All material and refuse must be placed within a Dumpster to be removed by a licensed waste disposal contractor at the owner's expense. The City of Bevil Oaks does not offer pick up of solid waste of any type, including tree limbs or other debris.

## **Section 5. MAINTENANCE OF STRUCTURAL ELEMENTS BY OWNER and/or RENTOR – RESIDENTIAL DUMPSTERS:**

All Dumpsters shall have affixed in clear, legible print, the name of the firm or corporation and the telephone number of said firm or corporation on each individual dumpster.

- a. All areas surrounding Dumpster shall be kept clean and litter free.
- b. All Dumpsters shall be maintained, clean and free from offensive odors.
- c. At no time shall any Dumpster cause a nuisance resulting from the overflow of the contents.
- d. Dumpster and immobile trash containers must be set back from property line no less than 15 feet or more if the deed restrictions call for more.
- e. No person or business shall place any refuse or refuse container on, in or over any drainage system including culverts.
- f. Loose dirt, mud, clay, rocks, construction materials and other debris deposited upon any public highway, street and sidewalk or private property as a result of construction or demolition sites shall be kept clean and orderly at all times.
- g. The primary contractor or developer of a construction or demolition site shall be responsible for maintaining the site as required by this section.
- h. All material and refuse must be placed within a Dumpster to be removed by a licensed waste disposal contractor at the owner's expense. The City of Bevil Oaks does not offer pick up of solid waste of any type, including limbs, branches, shrubbery, and hedge trimmings, or any other debris.

## **Section 6. STORAGE CONTAINERS**

Temporary portable storage containers may be located as a temporary structure on property within the City for a period of no more than 30 days in a calendar year. No more than two temporary portable storage containers may be located on in close proximity to a Lot within the City at any one time. Such temporary container shall not be located on or in close proximity to a Lot more than 2 times in any given 30 calendar day period. Such temporary container shall be located no closer than 5 feet to the property line unless placed on an existing impervious driveway. Each permit application for a storage container must include a layout of the property with the location of the storage container clearly defined and is subject to approval of said placement. No container shall be placed on a public right-of-way. No advertising other than the name of the company, its phone number and its website shall appear on the container. It shall be the obligation of the owner or user of such temporary container to secure it in a manner that does not endanger the safety of persons or property in the vicinity of the temporary container. In the event of high winds or other inclement weather conditions in which such structure may become a physical danger to persons or property, the appropriate code enforcement officers may require the immediate removal of such temporary container. In the event of fire, flood, hurricane or natural disaster causing substantial damage to the dwelling structure, the property owner may apply to the permitting department for permission to extend the time

that a portable on demand storage container may be located as a temporary structure on the property. Extensions shall be for periods of 30 days. The City shall grant no more than two (2) extensions. The only exception to this section is in the event of construction or remodeling, at which the storage container will be permitted the same length of time as the construction permit.

#### **Section 7. FEES**

There is no fee at this time for a Dumpster/Storage Permit Application.

#### **Section 8. PENALTIES**

Any person, firm, corporation or business 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 City of Bevil Oaks retains all legal rights and remedies available to it pursuant to local, state and federal law.


#### **Section 9. SEVERABILITY OF PARTS OF ORDINANCE.**

If any section, subsection, sentence, clause or phrase of this Ordinance, or the application of the same to a particular set of persons or circumstances, should for any reason be held to be invalid, such invalidity shall in no way affect the remaining portion of this Ordinance and to such end the various portions and provisions of this Ordinance are declared to be severable.

**PASSED AND APPROVED AND EFFECTIVE FROM this** 17<sup>th</sup> **day of** December, 2015.

**ATTEST:**

  
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Rebecca M. Ford, Mayor  
City of Bevil Oaks, Texas

  
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City Secretary  
City of Bevil Oaks