

ORDINANCE 81-5

AN ORDINANCE PRESCRIBING REGULATIONS FOR THE FINAL STORAGE AND DISPOSITION OF GARBAGE AND RUBBISH; PROVIDING FOR THE IMPOSITION AND COLLECTION BY THE CITY OF FEES FOR THE USE OF THE SANITARY LANDFILL SITE FOR THE DISPOSITION OF GARBAGE OR RUBBISH; PROVIDING CERTAIN PROHIBITIVE PRACTICES; PROVIDING THAT IF ANY PART OF THIS ORDINANCE IS HELD INVALID, SUCH INVALIDITY SHALL NOT EFFECT THE VALIDITY OF ANY OTHER PART: PROVIDING THAT THIS ORDINANCE BE PUBLISHED IN THE OFFICIAL NEWSPAPER OF THE CITY OF NEWTON.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON, TEXAS:

WHEREAS, the City Council of the City of Newton is desirous to set forth rules and regulations for the operation of such sanitary landfill and to set fees for the use of such facility.

SECTION 1. SHORT TITLE

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meanings as given herein. When not inconsistent with the context, words used in the plural number include the singular number, words in the singular number, include the plural number. The word “shall” us always mandatory and not merely directory.

SECTION 2. DEFINITIONS

- 1. “City” is the City of Newton**
- 2. “Garbage” is putrescible, animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.**
- 3. “Person” is any person, firm, partnership, association, corporation, company, organization of any kind.**
- 4. “Refuse” is all putrescible and nonputrescible solid wastes, (except body waste), including garbage, rubbish, ashes, street cleanings, dead animals, solid market and industrial waste.**
- 5. “Rubbish” is nonputrescible solid wastes (excluding ashes), consisting of combustible and noncombustible wastes such as paper, cardboard, tin cans, yard clippings, wood, glass beddings, crockery and similar materials.**

**SECTION 3.
OPERATION**

The operation of the sanitary landfill shall be under the supervision of the General Superintendent. The City Manager/ or shall have the authority to make regulations concerning the days of operation, the hours of operation, the location of unloading sites and such other matters pertaining o the normal operation of the sanitary landfill as he may find necessary, and to change and modify the same after notice as required by law, provided that such regulations are not contrary to the provisions hereof.

- A. Appeals. Any person aggrieved by regulation of or gee charged by the Superintendent shall have the right to appeal the City Manager and/or Mayor who shall have the authority to confirm, modify or revoke any such regulation fee.

**SECTION 4
COLLECTION OF CHARGES**

Minimum fees for all City Customers: Residential - \$4.00
Commercial -\$6.50

CHARGES:

Type Vehicle	Resident	Resident
Cars and Station Wagons	No Charge	2.00
Pick-ups and Panels	No Charge	4.00
Trailers less than 8'	No Charge	4.00
Trailers more than 8'	2.00	10.00

Tires will be \$5.00 additional per load.

Commercial Businesses	by Permit Only with 6.50 min. charge
Commercial Haulers	by Permit Only
Industrial Haulers	by Permit Only
Contract Haulers	by Permit Only

Permits for the use of the sanitary landfill shall be issued at the City officers of the City of Newton.

Those items such as, but not limited to, large loads of tires, appliances, lumber, etc. must be approved by the General Superintendent and the City Manager/and or the Mayor prior to the issuance thereof. The General Superintendent and/or the Mayor shall have the right to refuse to issue a permit to any person if, in their sole opinion, the disposal of the items sought to be unloaded would not be proper or in the best interest of the City.

The City Manager and/or the Mayor is hereby authorized to negotiate and set fees in excess of those herein provided when, in his opinion, the nature of the items sought to be disposed or the amount thereof warrants treatment other than that herein provided.

Disposal service charges shall be payable by the following method:

- 1) Newton residents will be required to show their garbage bill along with their driver's license to the attendant on duty in order to dispose of their household garbage free of charge.**
- 2) Appropriate coupons will be purchased at the Newton City Hall and will be presented along with the hauler's driver's license to the attendant on duty in order to dispose of their solid waste in the City Landfill.**
- 3) Monthly billing for commercial haulers upon approval of the General Superintendent and under such conditions as may be established by the City Manager and /or Mayor.**

SECTION 5.

PROHIBITED PRACTICES

- 1. All garbage, refuse and rubbish shall be placed in areas designated by the General Superintendent.**
- 2. It shall be unlawful for any individual (without the express permission of the General Superintendent) to enter the premises of the sanitary landfill site during the period of time when it is not open to public use.**
- 3. It shall be unlawful for any individual to place garbage, trash, and refuse upon the sanitary landfill site without first having obtained a permit from the City.**
- 4. It shall be unlawful for any commercial operator, without having first obtained a special permit from the General Superintendent and City Manager and/or Mayor to dump any garbage trash and refuse in the sanitary landfill site.**
- 5. It shall be unlawful for any individual to place any industrial waste upon the sanitary landfill site.**

SECTION 6.

SEPARABILITY

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 such holding shall not affect the validity of the remaining portions thereof.

SECTION 7.

PENALTY

Any person, firm or corporation violating any or the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, fined in an amount not less than one (1.00) Dollar nor more than Two Hundred (200.00) Dollars. Each day such violation is committed or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder.

SECTION 8.

The immediate passage of the above and foregoing ordinance is deemed essential, creates an emergency and that the rule requiring all ordinances to be read at three meetings before final passage be suspended, and that said rule is hereby suspended, and this ordinance shall take effect immediately after its passage and approval, and it is so ordained.

PASSED, APPROVED AND ADOPTED this the 12th day of May, 1981.

STEVE BEAN, MAYOR

**ATTEST: Mertice Jacks
City Secretary**