

ORDINANCE NO. 88-3

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

This ordinance shall be known and shall be cited as the 1988 Sanitary Landfill Operation Ordinance of the City of Newton.

Section 2.

Definitions

For the purposes 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 singular number, include the plural number. The word shall is always mandatory and not merely directory.

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 Mayor or General Superintendent 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 to 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 or of fee charged by the Superintendent shall have the right to appeal to the Mayor and City Council who shall have the authority to confirm, modify, or revoke any such regulation or fee.

Section 4.

Collection of Charges

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

CHARGES:

Type	Res.G	Solids	Non Res.	Non Res Sol
Cars or Station Wag.	No charge	2.00	2.00	4.00
Pick-ups and Panels	No charge	4.00	4.00	8.00
Trailers less than 8'	No Charge	6.00	6.00	13.00
Trailers more than 8'	2.00	8.00	10.00	16.00

Tires shall be 10.00 additional per load.

Commercial Businesses	By Permit Only with 10.00 Min. Charge
Commercial Haulers	By Permit only with 10.00 Min. Charge
Industrial Haulers	By permit only with 10.00 Min Charge
Contract Haulers	By Permit only with 10.00 Min. Charge

Permits for the use of the sanitary landfill shall be issued at the City Officers of the City of Newton, Texas.

Those items such as, but not limited to, large loads of tires, appliances, lumber, etc., must be approved by the General Superintendent 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 Mayor and City Council 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 or 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 haulers drivers' 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 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 for 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 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 hereof.

Section 7.

Penalty

Any person, firm, or corporation violating any of 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 the 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 10TH DAY OF NOVEMBER, 1988.

Charles M. Glover
Mayor

Attest:
Mertice Jacks
City Secretary