

Bellaire, Texas, Code of Ordinances >> PART II - CODE OF ORDINANCES >> **Chapter 16 - SOLID WASTE**
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Chapter 16 - SOLID WASTE ^[1]

ARTICLE I. - IN GENERAL

ARTICLE II. - REGULATION OF DUMPSTERS IN THE CITY OF BELLAIRE

ARTICLE III. - CURBSIDE RECYCLING

FOOTNOTE(S):

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Editor's note— The title of this chapter was changed pursuant to Ordinance No. 93-016, § 1, 3-1-1993. [\(Back\)](#)

Charter reference— Garbage disposal, Art. I, § 11. [\(Back\)](#)

State Law reference— Solid Waste Disposal Act, V.T.C.A., Health and Safety Code § 361.001 et seq.; local regulation of sanitation, V.T.C.A., Health and Safety Code § 342.001 et seq.; municipal solid waste, V.T.C.A., Health and Safety Code § 363.001 et seq.; municipal solid waste, 30 Tex. Admin. Code § 330.1 et seq.; approved containers, 30 Tex. Admin. Code § 330.23. [\(Back\)](#)

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>> **ARTICLE I. - IN GENERAL** >>

ARTICLE I. - IN GENERAL ^[2]

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Sec. 16-1. - Defined.

Garbage is defined, for the purposes of this chapter, as rubbish, trash, kitchen and household waste, ashes, paper, food, food containers, tree trimmings, hedge trimmings, leaves, grass, weeds, and refuse, not including sewage or animal waste.

(Ord. No. 11-084, § 1(App. A), 12-5-2011)

Sec. 16-2. - Collection requirements.

Garbage shall be placed in plastic bags, having a minimum thickness of 1.5 mil and a capacity of not less than 20 gallons each and which will not leak when handled. Such bags shall be tightly closed by cord, wire, or rubber band, in such manner as to prevent leakage of contents. Paper bags may be used under the same terms and conditions as plastic bags, provided such paper bags consist of at least two sheets of 50 pound wet strength extensible paper.

- (a) No containers shall be used except for plastic bags and the approved paper bags stated above.
- (b) Garbage shall be placed behind the curb at no more of a distance than three feet behind the curb.
- (c) No more than six garbage bags will be collected per home.
- (d) Each bag shall contain no more than 25 pounds of garbage.
- (e) Garbage must be set out for collection by 7:00 a.m. Garbage collection will commence at 7:00 a.m.
- (f) No garbage shall be set out for collection before 6:00 p.m. the day before the collection date.
- (g) No garbage shall be set out for collection on city holidays.
- (h) All glass being disposed of as garbage such as, but not limited to, windowpanes, sheet glass and broken glass shall be wrapped in cardboard and taped before setting out for collection.
- (i) All sharp objects or objects with sharp, cutting edges being disposed of as garbage such as, but not limited to, broken plastic and metal fragments shall be wrapped in cardboard and taped before setting out for collection.
- (j) Needles shall be put in a bottle or other container secured with a lid before setting out for collection.
- (k) No automotive oil or automotive fluids of any type such as, but not limited to, motor oil, transmission fluid, brake fluid, power steering fluid and windshield wiper fluid shall be deposited nor accepted in the garbage for collection.
- (l) No swimming pool cleaning chemicals or chemicals of any type such as, but not limited to, chlorine and turpentine shall be deposited nor accepted in the garbage for collection.
- (m) Oil-based paint shall not be deposited nor accepted in the garbage for collection. Latex paint may be accepted for collection only if it has been thoroughly dried and hardened.
- (n) No cardboard or aluminum cans shall be accepted in the trash. Cardboard and aluminum cans shall be placed with recyclables for collection.
- (o) The homeowner may also purchase a sticker to be placed on the garbage bags in excess of the allowed six bags for collection.
 - (1) The sticker may be purchased at City Hall, located at 7008 S. Rice Ave., upstairs in the utility billing department.
 - (2) The price for the stickers shall be set by the city manager.

(Ord. No. 11-084, § 1(App. A), 12-5-2011; Ord. No. 12-044, § 1(App. A), 9-17-2012)

Sec. 16-3. - Unauthorized handling of container.

It shall be unlawful for any person to remove, handle, or otherwise disturb, any garbage container or its contents, which has been placed on or near city streets for servicing by the city garbage collectors; provided that this section does not apply to the owner, occupant, or tenant of the premises so placing any garbage container.

(Ord. No. 11-084, § 1(App. A), 12-5-2011)

Sec. 16-4. - Maximum amount city will haul per day per premises.

Not more than 100 pounds of garbage and 200 pounds of brush shall be hauled away in any one day from any one residential establishment by the garbage collectors of the city. Any garbage at any such establishment in excess of 100 pounds shall be hauled away to a proper place of disposal outside the City of Bellaire, at the owner's expense, by the occupant of the property where it is gathered, or by the person or persons gathering it, within 24 hours after it is gathered.

(Ord. No. 11-084, § 1(App. A), 12-5-2011)

Sec. 16-5. - Depositing on or in public property.

No garbage shall be thrown or deposited in any street, alley, or storm sewer, or on any other public property in the city.

(Ord. No. 11-084, § 1(App. A), 12-5-2011)

Sec. 16-6. - Transporting garbage or refuse into the city.

It shall be unlawful for any person to haul, transport or carry rubbish, trash, kitchen and household waste, ashes, paper, food, food containers, tree trimmings, hedge trimmings, leaves, grass, weeds and refuse from any place outside the city limits of the city to any place within the city limits of the city for the purpose of causing the same to be collected by the garbage trucks of the City of Bellaire.

(Ord. No. 11-084, § 1(App. A), 12-5-2011)

Sec. 16-7. - Garbage generated or collected by commercial tree trimming, lawn maintenance, gardening or landscaping services, handymen or any others not considered the occupant.

It shall be unlawful for any commercial tree trimming, lawn maintenance, gardening or landscaping services, handymen or any others not considered the occupant who shall be employed within the city limits of the city to prune or trim and tree, hedge, or bush, to fail to haul away grass, tree, hedge, bush and landscape trimmings from the city limits of the city to a point outside the city limits of the city.

(Ord. No. 11-084, § 1(App. A), 12-5-2011)

Sec. 16-8. - Garbage consisting of tree, hedge, and bush trimmings cut by the owner.

All limbs, brush and tree sections three inches in diameter or smaller and cut personally by the owner shall be cut in four-foot lengths and tied in a bundle not greater than two feet in diameter and placed with household garbage for collection. The limit shall be three bundles per household per collection day.

All limbs, brush and tree sections greater than three inches in diameter and cut personally by the owner shall not exceed eight inches in diameter and shall be cut in lengths not to exceed four feet and stacked three feet behind the curb in piles not exceeding four feet in height. The weight limit shall

not exceed 200 pound per collection per day.

Limbs and brush cut personally by the owner shall be stacked for collection with no overhead obstructions such as, but not limited to, trees, streetlights and power lines. Vertical clearance shall be 30 feet from the ground.

Brush, limbs and tree sections not collected due to noncompliance with this ordinance shall be removed by the owner within 24 hours of notification at the owner's expense.

(Ord. No. 11-084, § 1(App. A), 12-5-2011)

Sec. 16-9. - Automobile parts, building materials, large appliances, carpet and electronic goods.

It shall be unlawful for anyone to deposit or place for pick-up by the garbage collectors of the city, any automotive parts and related materials. It shall be prohibited for any building material or remodeling material to be deposited for pick-up by the garbage collectors for the city including remodeling or roofing debris or trash or fencing materials.

It shall be prohibited to deposit for pick-up by the garbage collectors any carpet or large appliances (i.e., refrigerators, stoves, washing machines, freezers) or electronic goods (i.e., televisions, computers). These are recyclable materials that should be donated or recycled by the store where a purchase of a new item is made or other recycling facilities accepting such items.

(Ord. No. 11-084, § 1(App. A), 12-5-2011)

Sec. 16-10. - License required.

Any person or company who shall be employed to collect or haul garbage, rubbish, trash, sewage or animal waste from the city limits shall be licensed by the City of Bellaire under the procedures as provided in this Code.

(Ord. No. 11-084, § 1(App. A), 12-5-2011)

Sec. 16-11. - Time and place for collection.

All trash and garbage herein defined shall be collected at the times established by the city for such collection. All collections shall be made at the front curb of any properties located in the city, unless the location for collection at a specific property shall be otherwise designated by the city; however, the refuse trucks shall not under any condition, be required to be operated upon private property to a point for the purpose of collecting such garbage. Pooling for refuse for collection at one location by the occupants or tenants of more than one property is hereby prohibited.

Garbage shall be placed behind the curb at no more of a distance than three feet behind the curb. Garbage must be set out for collection by 7:00 a.m. Garbage collection will commence at 7:00 a.m. No garbage shall be set out for collection before 6:00 p.m. the day before the collection date. No garbage shall be set out for collection on city holidays.

(Ord. No. 11-084, § 1(App. A), 12-5-2011)

Sec. 16-12. - Solid waste collection fee.

The owner and/or occupant of each property located within the city for which an open, active

water service account is maintained with the city, shall pay to the city the following fees which are hereby levied against such property for the operation of the city facilities for collection and disposal of solid waste:

- (a) For each single-family dwelling unit, a fee of \$17.17 per month along with any applicable tax, whether in a single-family residence, duplex, triplex, fourplex, townhouse or otherwise. The city does not provide solid waste service to commercial accounts.
- (b) All fees for utility services furnished by the city shall be due and payable prior to midnight of the 15th day following the date of the bill for such fees; provided, however, that if such date fall on a Sunday or a legal holiday observed by the city, then such fees shall be due and payable by midnight of the following business day. A penalty equal to ten percent of any account balance overdue under the terms of this section shall be assessed and shall be payable to the City of Bellaire by the named account holder.
- (c) The water deposit of any such occupant may be applied to the payment of any fees for solid waste service which are more than 60 days past due, and when such deposit has been exhausted by any such payment and there are still solid waste fees due, the city may cut off the water service to such occupant's premises until such fees have been paid and the water deposit for such premises has been replenished in full.
- (d) The provisions of this section shall not apply to any schools, churches, institutions, businesses or apartment houses. All schools, churches, institutions, businesses or apartment houses shall have their solid waste collected, hauled and disposed of outside the city regularly, at least once a week, by a licensed private contractor.

(Ord. No. 11-084, § 1(App. A), 12-5-2011)

Sec. 16-13. - Termination of service.

Failure by the occupant or tenant of any property within the city, which is serviced by the city for the purposes of garbage and trash collection, to comply with the requirements of this chapter shall constitute a basis for the termination of such service upon written notice from the city to such occupant or tenant that service is to be terminated on a date certain, which date shall not be less than ten days from the date of such notice.

Upon receipt of such notice, the occupant or tenant affected thereby may appeal such termination and request a hearing before the city manager of the City of Bellaire by filing a written request for such hearing with the city clerk within ten days from the dates of the notice. Upon written request for a hearing, the city manager shall hold a hearing at the earliest and most practicable date and time and shall render his decision by filing the same in writing with the city clerk. The occupant or tenant who requested the hearing shall be provided written notification of the decision of the city manager.

If aggrieved by the decision of the city manager, such occupant or tenant shall have the right to appeal such decision to the city council of the City of Bellaire by filing written notice of appeal with the city clerk within ten days after receipt of the decision of the city manager.

(Ord. No. 11-084, § 1(App. A), 12-5-2011)

Secs. 16-14—16-19. - Reserved.

FOOTNOTE(S):

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Editor's note— Section 1 of Ord. No. 11-084, adopted Dec. 5, 2011, repealed and replaced art. I, in its entirety. Former art. I pertained to the same subject matter, was comprised of §§ 16-1—16-12, and derived from Ord. No. 1558, adopted Jan. 9, 1967; Ord. No. 1925, adopted May 7, 1973; Ord. No. 83-021, adopted April 18, 1983; Ord. No. 83-084, adopted Nov. 7, 1983; Ord. No. 90-035, adopted June 4, 1990; Ord. No. 93-016, adopted March 1, 1993; and Ord. No. 96-054, adopted Sept. 16, 1996. [\(Back\)](#)

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ARTICLE II. - REGULATION OF DUMPSTERS IN THE CITY OF BELLAIRE ^[3]

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Sec. 16-20. - Definitions.

- (a) *Dumpster.* The term "dumpster" shall be defined to include any container or device used in conjunction with a commercial establishment, business, church, school, place of assembly, or other place where the public is invited or regularly comes in the City of Bellaire designed to permit trash, refuse, garbage, or other waste to be deposited therein and which may be emptied or dumped by specially equipped trucks which either lift, tilt or dump the contents thereof through the use of a mechanical arm lift or other device into the collection container of the truck.

Trash compactors or other mechanically driven devices, if located at least 100 yards from any property zoned residential within the City of Bellaire, shall not be deemed included in this definition and are not regulated under article II of [chapter 16](#) of the Code of Ordinances of the City of Bellaire.

Garbage cans, sacks or containers containing waste which may be lifted and emptied by human motivation without the use of a mechanical device, shall not be included within the purview of this definition; however, they are regulated by this article.

- (b) *Dumpster servicing, servicing or act of servicing.* The term dumpster servicing, servicing or act of servicing shall mean the process of entering an area where a dumpster or dumpsters are kept for the purposes of removing, dumping or extracting from the dumpster all or part of the contents of said dumpster. Servicing may be accomplished through the use of electrical or fuel-driven mechanisms or by devices operated with gears, pulleys or any other means designed to result in the total or partial removal of the contents of the dumpster.

(Ord. No. 90-084, § 1, 12-17-1990)

Sec. 16-21. - Screening and location of dumpsters.

- (a) All dumpsters shall be totally screened through the use of permanent wood, metal or masonry materials and shall be constructed in such a manner as to constitute a complete visual barrier and enclosure from all sides and extending up a minimum of three feet above the highest point

- of the dumpster. Dumpster areas shall remain closed and shall not be allowed to stand open.
- (b) It shall be a violation of this Code to permit any area where dumpsters are located to be open, damaged, or in a state of disrepair. Disrepair shall be defined as any condition which is found to exist as a result of decay, physical damage, destruction, abuse or unsightliness as shall be determined by the director of community services of the City of Bellaire.
 - (c) The dumpster screening devices as herein provided must be firmly fixed together on all sides and be accessible with doors and gates which shall remain closed, locked or latched in such manner as to prevent access by anyone other than authorized personnel or employees of the property owner.
 - (d) The minimum distance between any property line of a property in residential use and a dumpster shall be not less than 20 feet.

(Ord. No. 93-024, § 1, 4-5-1993)

Sec. 16-22. - Dumpster servicing.

- (a) No person, corporation or other entity shall service a dumpster between the hours of 10:00 p.m. and 7:00 a.m. Any person permitting or assisting the servicing of a dumpster within the hours as permitted herein or employed by an entity permitting the servicing of a dumpster within the restricted hours and having a knowledge that a dumpster is being serviced in violation of this Code shall be guilty of a misdemeanor and may be punished by a fine of not less than \$200.00 for each day a violation shall occur.
- (b) In the event any person, corporation or other entity deems the existence of an emergency, or other condition that requires the immediate servicing of a dumpster within the prohibited time period, then the city manager, assistant, or acting city manager, building official, chief of police, deputy chief of police, fire chief, or deputy fire chief are each hereby authorized to issue an "emergency authorization permit," which must be in writing and which specifies the emergency or matter of urgent public necessity requiring servicing between the prohibited hours and specifying any limitation on the hours in which servicing may occur.
- (c) In addition to any other signs as required herein, each dumpster, fence or enclosure screening a dumpster shall have displayed thereon in a plainly visible manner to all persons attempting to service a dumpster a sign which shall not be smaller than 24 inches and have red letters on white background which shall state:
Servicing this dumpster or entering the enclosure where this dumpster is maintained or stored between the hours of 10:00 p.m. and 7:00 a.m. is prohibited by city ordinance. Violation will result in a fine of \$200.00. Do not enter between 10:00 p.m. and 7:00 a.m. for any purpose other than to deposit trash within the dumpster.

Sec. 16-23. - Duty to keep dumpsters clean, sanitary and in good repair.

All persons using a dumpster shall keep the same in a clean, sanitary condition and in good mechanical repair. All lids, closure devices, sleeves for lifting dumpsters shall at all times be repaired and maintained in good order.

In addition, the screened area where the dumpster is used, maintained or operated shall be kept free of debris and rubbish at all times.

Sec. 16-24. - Duty to erect and maintain warning signs.

All persons maintaining a dumpster as herein provided shall affix firmly to the required screening fence a warning sign which shall state:

WARNING - It is a violation of city ordinance to enter into an area where a trash dumpster is fenced without authorization of the person(s) or entity(ies) having the right to dump trash. It is further a violation of the city ordinance for any person to scavenge or loot or remove any garbage, trash, refuse or discarded merchandise from this dumpster. Violation shall result in a fine not to exceed \$200.00 for each violation.

Sec. 16-25. - Entry and removal of refuse prohibited.

It shall be unlawful and in violation of this Code for any person to enter into a screened area where a dumpster is located for the purposes of depositing or removing garbage, trash, refuse or discarded merchandise from the dumpster without the express permission of the person or entity authorized to use the dumpster.

It shall at all times be a violation of this Code for any person to scavenge, loot or remove any garbage, trash, refuse or discarded merchandise from any dumpster within the City of Bellaire.

Sec. 16-26. - Lien for unpaid costs.

Use, operation or maintenance of a dumpster in violation of any provisions of this Code is declared an immediate threat to the health, safety and well being of the residents, citizens and inhabitants of the City of Bellaire. If the city or any person or entity directed and authorized by the city shall be required to enter upon any property to remove, seize or confiscate a dumpster being operated, used or maintained in violation of the provisions of this Code and the owner or user shall fail to reimburse the city all costs incurred by it in the seizure, confiscation or sale of the dumpster, then the city shall have a lien on the property from which the dumpster was seized or removed. The amount of the lien shall be reduced by the amount of monies received by the city in the sale or liquidation of the seized dumpster.

Sec. 16-27. - Persons responsible.

Any persons or other entity permitting, assisting, or having knowledge of a person or other entity violating the terms and provisions of this article shall likewise be deemed in violation of this Code and may be punished as in a case of any violation of this Code.

FOOTNOTE(S):

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Editor's note— The basis of this article is Ordinance No. 90-035, § 2, 6-4-1990. [\(Back\)](#)

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ARTICLE III. - CURBSIDE RECYCLING ^[4]

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Sec. 16-28. - Materials to be recycled.

Materials to be picked up at curbside in the Bellaire recycling program are as follows: Any and all recyclable material that is designated by the director of public works.

(Ord. No. 11-084, § 1(App. A), 12-5-2011)

Sec. 16-29. - Container regulations.

One recycling container will be provided to each participating resident. Additional recycling containers, as well as replacements, can be purchased at the utility billing office of the department of finance located at the City of Bellaire City Hall. There are no limits to the number of recycling containers that may be placed in the front yard on the day of collection.

(Ord. No. 11-084, § 1(App. A), 12-5-2011)

Sec. 16-30. - Collection requirements.

- (a) *Containers.* Only recycling containers distributed by the City of Bellaire will be acceptable for curbside pick up. Except as herein provided, all recyclable materials must be placed in an authorized recycling container and may be commingled into one or more authorized containers. The weight of each container shall not exceed 25 pounds.
- (b) *Separated cardboard.* Cardboard that is set out separate from the standard recycling container or other recyclables will be accepted provided that it be broken down, bundled, and tied. Cardboard shall not exceed 25 pounds per bundle and the length of the bundles shall not exceed four feet. Cardboard must be placed within three feet of the curb and shall not be placed in the street or the gutter.
- (c) *Separated newspaper.* Newspapers that are set out separate from the standard recycling container or other recyclables will be accepted provided that it be in paper bags or bundled and tied. Newspaper shall not exceed 25 pounds per bundle or bag. Newspaper must be placed within three feet of the curb and shall not be placed in the street or the gutter.

(Ord. No. 11-084, § 1(App. A), 12-5-2011)

Sec. 16-31. - Time and placement for collection.

All recyclable materials and recycling containers must be placed within a distance of three feet from the back of the curb for collection. No material shall be placed in the street gutter. In order to guarantee pick up, the recyclables should be placed at the curbside no later than 7:00 a.m. of the day of collection. Recyclables and recycling containers shall not be placed out any earlier than 6:00 p.m. the evening before the day of collection.

All recyclable containers shall be removed from curbside by 12:00 midnight on the day of collection. Failure to abide by these time and place regulations may cause a fine to be rendered and/or confiscation by the City of Bellaire of such container and a charge to the customer for such a repossession and possible redelivery fee.

(Ord. No. 11-084, § 1(App. A), 12-5-2011)

Sec. 16-32. - Curbside recycling collection fee.

The owner and/or occupant of each residential property located within the City of Bellaire for which an open, active water service account is maintained with the City of Bellaire shall pay to the

City of Bellaire the following fees which are hereby levied against such property for the operation of the City of Bellaire facilities for collection and disposal of curbside recycling.

- (a) For each single-family dwelling unit, a fee of \$2.50 per month along with any applicable tax, whether in a single-family residence, duplex, triplex, fourplex, townhouse or otherwise. This fee is subject to a periodic review by the city manager and may be adjusted accordingly. The current fee schedule shall be certified by the city manager and maintained by the department of finance of the City of Bellaire.
- (b) The fee for curbside recycling shall be assessed as a garbage collection fee on the water bill for each participating customer. All provisions of chapter 31 with respect to utility billings, payments and disconnections shall apply to the curbside recycling fee.
- (c) The water deposit of any such occupant may be applied to the payment of any fees for curbside recycling service which are more than 60 days past due, and when such deposit has been exhausted by any such payment and there are still curbside recycling fees due, the City of Bellaire may cut off the water service to such occupant's premises until such fees have been paid and the water deposit for such premises has been replenished in full.
- (d) Any resident who is disabled may opt out of the curbside recycling program by submitting a written request to the utility billing office of the department of finance of the City of Bellaire.

(Ord. No. 11-084, § 1(App. A), 12-5-2011; Ord. No. 12-012, § 1(App. A), 3-19-2012)

FOOTNOTE(S):

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Editor's note— Section 1 of Ord. No. 11-084, adopted Dec. 5, 2011, repealed and replaced art. III, in its entirety. Former art. III pertained to the same subject matter, and derived from Ord. No. 06-078, adopted Sept. 11, 2006. ([Back](#))