

CITY OF HORSESHOE BAY

ORDINANCE NO. ORD 080617B

BRUSH DISPOSAL ORDINANCE

AN ORDINANCE OF THE CITY OF HORSESHOE BAY, ESTABLISHING THE REQUIREMENTS AND THE RULES OF OPERATION OF THE BRUSH DISPOSAL SITE; DESCRIBING PERMIT AND FEES REQUIREMENTS; PROHIBITING DISPOSAL OF CERTAIN MATERIALS; PROVIDING FOR EFFECTIVE DATE; REPEALER; SEVERABILITY; AND PROPER NOTICE AND MEETING

WHEREAS, the City of Horseshoe Bay owns and operates a Brush Disposal Site located at the City's Recycling Center / Wastewater Treatment Plant, Highway 2831, Horseshoe Bay, Texas; and

WHEREAS, this City facility furnishes a beneficial service for the residents of the City of Horseshoe Bay community by providing a site for disposal of brush and other related materials that is generated at residential sites in the City; and

WHEREAS, The City Council of the City of Horseshoe Bay, in considering the safety and welfare of the Residents of Horseshoe Bay and the rules of the Texas Commission on Environmental Quality, recognizes the need for rules and regulations to govern the materials to be disposed, the sources of these materials, and the proper permits and appropriate fees and charges for the disposal process.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HORSESHOE BAY:

I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

II. SOURCE OF MATERIALS

The Brush Disposal Site is available only to Residents of Horseshoe Bay and to Permitted Commercial Haulers who are hauling Brush from residential property located within the corporate boundaries of the City of Horseshoe Bay. Commercial Haulers may only dispose of brush that has been hauled from residential property in Horseshoe Bay, and must provide their Permit and the address from which the brush or other authorized material was generated, together with a contact name and telephone number of the owner or representative of the Horseshoe Bay property that was the source of the material.

III. TYPES OF MATERIALS AND DISPOSAL RULES

- (a) The facility is only for organic materials
- (b) Brush loads must only be placed in designated locations
- (c) No trash, plastic bags, construction materials, bricks, CMU blocks, municipal solid waste, hazardous waste, material from commercial, industrial, sites, or metal material is allowed
- (d) Bags holding organic material must be emptied and the bag removed from the site by the customer
- (e) Tree trunks must have diameters 6 inches or smaller and be cut into sections no longer than 4 feet in length
- (f) Vehicles must remain on designated roads, as other areas of this site are high security and must not be entered
- (g) Tampering with any wastewater facilities is considered a felony and will be prosecuted as such

IV. PERMITS

- (a) Commercial Haulers must obtain an Annual Permit from the City Office. Commercial Permits may be immediately cancelled if it is determined that the brush was from an address or location outside of the City Limits of Horseshoe Bay or from a non-residential property. Cancellation will remain in effect for a one-year period, and the Commercial Hauler will be ineligible to use the City's Brush Disposal Site until a new permit is issued.
- (b) In order to obtain an Annual Permit, the Commercial Hauler must provide a copy of a contract or agreement that the Commercial Hauler has with the Residential Property Owner for landscape maintenance or brush removal within the City Limits of Horseshoe Bay.
- (c) Residents being provided garbage collection service by the City of Horseshoe Bay may obtain a Temporary Permit from the City Office or they may utilize a recent Horseshoe Bay Garbage Bill for a Permit to use the Disposal Site for disposal of brush from residential property.

V. BRUSH DISPOSAL PROCESS

- (a) All potential users of the Brush Disposal Site must first check in with the Recycle Center Monitor and show valid proof of their eligibility to use the Site; i.e., (1) A Horseshoe Bay Resident should provide a no-cost Temporary Permit or copy of recent City Garbage Bill (along with drivers license or other valid identification), and (2) Commercial Haulers must show copy of Annual Permit and indicate the location within the Horseshoe Bay City Limits where the brush originated.
- (b) Due to the necessity for Security at the Wastewater Treatment Plant, all vehicles that enter this Site will be recorded, and license numbers and operator name must be furnished.

VI. FEES AND CHARGES

(a) Schedule of Services and Rate

Exhibit A shall indicate the Brush Disposal Fees and Charges that shall be incorporated into the City's "Schedule of Services and Rates" at such time that this Rate Order is amended.

(b) City Garbage Customer

There is no fee, but a Temporary Permit or copy of recent Garbage Bill is required. Temporary Permits may be obtained at the City office.

(c) Commercial Hauler

An Annual Permit Fee (*Exhibit A*) is required, along with Disposal Charges: Regular pickup truck load, Trailer Load, and Dump Truck Load (these are listed under *Exhibit A*).

(d) Adjustment of Fees and Charges

Fees and Charges may be adjusted on an annual basis if so approved by the City Council, and listed in the "Schedule of Services and Rates."

VII. HOURS OF OPERATION

The Hours of Operation of the Brush Disposal Site shall be listed on the City's website. These hours may be modified from time-to-time in order to best serve the needs of the Horseshoe Bay Residents.

VIII. EFFECTIVE DATE

This ordinance shall be and become effective immediately upon and after its passage and publication as may be required by governing law.

IX. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

