

ORDINANCE NO. 19-05-23-17

TIME AND LOCATION REQUIREMENTS FOR TRASH CONTAINER PICKUP

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS, AMENDING SECTION 94.38 "TRASH AND RUBBISH NUISANCES" OF CHAPTER 94 "NUISANCES" OF TITLE IX, "GENERAL REGULATIONS" THE CODE OF ORDINANCES OF THE CITY OF CORINTH BY ADOPTING SUBPARAGRAPH (F) "*Residential Containers to be kept behind front building line*" AND subparagraph (G), "*Placement times and conditions of Containers for waste or recyclable materials and bulk waste*" OF SECTION 94.38 "TRASH AND RUBBISH NUISANCES"; ; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR AN AMENDMENT; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City of Corinth, Texas is a home rule municipality located in Denton County, Texas created in accordance with the provisions of Chapter 9 of the Local Government Code and operating pursuant to its Charter and the laws of the state of Texas; and

**WHEREAS**, the City is authorized to adopt regulations for the peace and welfare of the City and the order and security of its residents; and

**WHEREAS**, the City Council finds that when left at the curbside for extended periods prior to collection, containers for solid waste and recyclables and bulk materials create a health hazard and when left at the curbside for extended periods after collection, such containers and bulk waste may be inadvertently relocated onto sidewalks and roadways and create a safety hazard; and

**WHEREAS**, the City Council of the City of Corinth finds and determines that regulation of the placement of waste receptacles and bulk waste within the City is desirable and necessary to safeguard public health and sanitation by requiring proper storage of waste and recycling containers in areas away from public sidewalks and roadways at times other than those designated for waste removal; and

**WHEREAS**, the City Council finds that the regulations set forth herein promote order and minimize adverse impact of waste containers and such regulations reasonably promote the health, safety and welfare of the public.

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

**SECTION 1**  
**Incorporation of Premises**

The above and foregoing recitals are found to be true and correct and are incorporated into the body of this Ordinance for all purposes.

**SECTION 2**  
**Amendments**

That section 94.38 "Trash and Rubbish Nuisances" of Chapter 94 "Nuisances" of Title IX, "General Regulations" of the Code of Ordinances of the City of Corinth, Texas is hereby amended to adopt new subparagraphs (F), "Residential Containers To Be Kept Behind Front Building Line" and (G), "Placement Times and conditions Of Containers For Waste Or Recyclable Materials And Bulk Waste" which shall be and read in their entirety as follows, and all other subparagraphs and subsections of Section 94.38 of Chapter 94 not specifically amended hereby shall remain in full force and effect without amendment:

**"§94.38      Trash and Rubbish Nuisances**

...

- (F) *Residential Containers to be kept behind front building line.* All Containers as required by subsection (D), including without limitation a Container used for waste or recyclable materials, shall be stored to the side or rear of a residence when not placed for collection at the designated pickup time and location in accordance with subsection (G) of this section.
  
- (G) *Placement times and conditions of Containers for waste or recyclable materials and bulk waste.* It shall be unlawful and declared a nuisance for any person owning, claiming, occupying or having supervision or control of any real property, occupied or unoccupied, to place a Container for waste or recyclable materials, or any bulk waste, whether or not within a Container, at the designated pickup location for solid waste, recycling or bulk waste collection prior to 8:00 a.m. on the day before the designated day of pickup for such property or to fail to remove waste and recycling receptacles by 8:00 a.m. on the day following the designated pickup day for such property. Bulk waste items shall be placed out for pickup in accordance with the rules and procedures set by the City's contracted solid waste service provider.

Notwithstanding any other notice provision in this chapter, a 24-hour written notice to abate a violation of this section shall be issued to a person owning, claiming, occupying or having supervision or control of any real property where the violation exists, and it shall be unlawful for such person to intentionally, knowingly or recklessly fail to correct the violation within the 24-hour time period for abatement specified in such notice."

**SECTION 3**  
**Cumulative Repealer**

This Ordinance shall be cumulative of all other Ordinances of the City of Corinth and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance or where expressly repealed hereby. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance.

**SECTION 4**  
**Severability**

If any section, subsection, clause, phrase, or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void, or unconstitutional, the remaining sections, subsections, clauses, phrases, and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

**SECTION 5**  
**Savings**

All rights and remedies of the City of Corinth are expressly saved as to any and all violations of the provisions of Chapter 94 of the Code of Ordinances or any other ordinances affecting the regulation of food establishment which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

**SECTION 6**  
**Penalty**

Any person, firm or corporation who violates any provision of this Ordinance or the Code of Ordinances, as amended hereby, shall be subject to a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense, and each and every day any such offense shall continue shall be deemed to constitute a separate offense, provided, however, that in all cases involving violation of any provision of this ordinance or Code of Ordinances, as amended hereby, governing public health shall be subject to a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, and each and every day any such offense shall continue shall be deemed to constitute a separate offense.

**SECTION 7**  
**Publication/Effective Date**

This Ordinance shall take effect upon its publication as required by law. The City Secretary is directed to publish the caption and penalty of this Ordinance as required by the City Charter and state law.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS on this the 23 day of May 2019.**



**APPROVED:**

A handwritten signature in blue ink, appearing to read "Bill Heidemann", is written over a horizontal line.

Bill Heidemann, Mayor  
City of Corinth, Texas

**ATTEST:**

A handwritten signature in blue ink, appearing to read "Kimberly Pence", is written over a horizontal line.

Kimberly Pence, City Secretary  
City of Corinth, Texas

**APPROVED AS TO FORM AND LEGALITY:**

A handwritten signature in blue ink, appearing to read "Patricia A. Adams", is written over a horizontal line.

Patricia A. Adams, City Attorney