

9/1/15

ORDINANCE NO. 29881

An ordinance amending Chapters 2 and 18 of the Dallas City Code, as amended, by amending Section 2-139 of Chapter 2, "Administration" and Section 18-1 of Chapter 18, "Municipal Solid Wastes"; clarifying that the city's solid waste collection and disposal system is a utility; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, Chapter 364 of the Texas Health and Safety Code authorizes municipalities to establish solid waste disposal service as a utility separate from other utilities in its territory. Now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Section 2-139, "Duties of the Director of Sanitation Services," of Article XVII, "Department of Sanitation Services," of Chapter 2, "Administration," of the Dallas City Code is amended to read as follows:

"SEC. 2-139. DUTIES OF THE DIRECTOR OF SANITATION SERVICES.

The director of the department of sanitation services shall perform the following duties:

- (1) Supervise and administer the department of sanitation services.
- (2) Supervise and administer the city's solid waste collection and disposal system, which is a utility of the city and includes, but is not limited to, all facilities, equipment, services, and programs relating to the collection, removal, disposal, and processing of solid waste [of the city].
- (3) Perform such other duties as may be required by the city manager or by ordinance of the city council."

SECTION 2. That Section 18-1, "Scope of Chapter," of Article I, "Collection and Disposal," of Chapter 18, "Municipal Solid Wastes," of the Dallas City Code, is amended to read as follows:

"SEC. 18-1. SCOPE OF CHAPTER.

The provisions of this chapter [~~shall~~] apply to all territory within the city and are for the benefit and protection of the city, its citizens, and the city's solid waste collection and disposal utility."

SECTION 3. That Paragraph (44) of Section 18-2, "Definitions," of Article I, "Collection and Disposal," of Chapter 18, "Municipal Solid Wastes," of the Dallas City Code, as amended, is amended to read as follows:

"(44) SANITATION SERVICES. The department of the city that is responsible for the operation of the city's solid waste collection and disposal utility, including, but not limited to, the collection, [~~and~~] removal, disposal, and processing of municipal solid waste ([~~;~~] including recyclable materials)."

SECTION 4. That a person violating a provision of this ordinance governing fire safety, zoning, or public health and sanitation, including dumping of refuse, is, upon conviction, punishable by a fine not to exceed \$2,000, and that a person violating any other provision of this ordinance is, upon conviction, punishable by a fine not to exceed \$500.

SECTION 5. That Chapters 2 and 18 of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance. Any proceeding, civil or criminal, based upon events that occurred before the effective date of this ordinance are saved, and the former law is continued in effect for that purpose.

SECTION 6. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 7. That this ordinance will take effect on October 1, 2015, and it is accordingly so ordained.

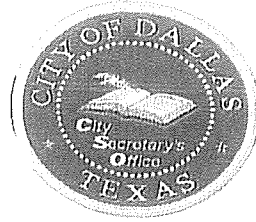
APPROVED AS TO FORM:

WARREN M. S. ERNST, City Attorney

By *Eileen Jones*
Assistant City Attorney

SEP 22 2015

Passed _____



PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

SEP 22 2015

DATE ADOPTED BY CITY COUNCIL _____

29881

ORDINANCE NUMBER _____

SEP 26 2015

DATE PUBLISHED _____

ATTESTED BY: