


MEMORANDUM

DATE: October 25, 2019

TO: Mayor White & City Council

VIA: Mercy Rushing, City Manager

FROM: Cindy Karch, City Secretary 

SUBJECT: Ordinance providing for updates to leaf and limb collection within the city limits of Mineola.
Council Meeting Agenda Item for October 28, 2019

Background Information:

Public Works Director William Crump made recommended changes to the ordinance to help enforcement with leaf and limb compliance. This ordinance was drafted by City Attorney Blake Armstrong. The ordinance removes fees for large pickups and adds a fine for noncompliance which could result in damages to city property or restrict the flow of traffic. While most of these provisions were previously a part of this ordinance, there was no enforcement provision.

Once the ordinance is approved, green door tags will be printed with reasons why limbs or leaves were not picked up by the street department. It will also give acceptable remedies and a timeline for compliance. We also plan to promote via social media.

Recommendation:

It is the recommendation of city staff that the council approve the ordinance.

Final Disposition:

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF MINEOLA, TEXAS AMENDING SECTION 34-21 (BRUSH, LIMB AND LEAF COLLECTION) OF THE MINEOLA CODE OF ORDINANCES; PROVIDING A PENALTY CLAUSE; A SEVERABILITY CLAUSE; A REPEALER CLAUSE; AND AN EFFECTIVE DATE.

WHEREAS, the City of Mineola has previously passed ordinances regulating the collection and disposal of brush, limbs and leaves within the City, with such Ordinance is being codified in Section 34-21 of the Mineola Code of Ordinances; and

WHEREAS, the City Council for the City of Mineola finds it necessary to pass this Ordinance to amend said regulations; and

WHEREAS, the City Council for the City of Mineola finds that the amendments contained herein are for the betterment for the City's public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED by the City Council for the City of Mineola, Texas as follows:

I. Brush, Limb and Leaf Collection

- A. Brush, limbs and leaves shall be piled separately behind the curb or on the edge of the street for pickup and collection. No such vegetation shall be allowed in any street, alleyway or public right of way.
- B. Brush, limbs and leaves shall not be placed in such a manner as to restrict, hinder or interfere with the flow of traffic, normal drainage or the use of City streets.
- C. Brush, limbs and leaves shall not be placed on top of any utility meter box, or in such a manner as to restrict, hinder or interfere with the ability to access said meter box.
- D. Brush, limbs and leaves shall be prepared for collection as follows:
 - 1) *Brush*. Shall be placed separately from leaves and limbs and shall be free from other waste. The failure to do so will result in the brush remaining until such time as it is separated.
 - 2) *Limbs*.
 - a) Limbs six (6) inches or smaller in diameter shall be cut into 36 inch lengths.
 - b) Limbs or logs greater than six (6) inches in diameter should be cut into 31 inch lengths.
 - c) In the event limbs are placed in an area not accessible by city equipment, limbs and brush shall be placed behind the curb or on the edge of the street, but in all respects, in accordance with the provisions of this Ordinance.
 - 3) *Leaves*. Shall be separated from brush, limbs and other solid waste, including, but

not limited to, bricks, brick bats, wire, glass, metal or other similar material which may impair or damage the leaf machine or other device used to collect leaves. The failure to do so will result in the leaves remaining until such time as it is separated.

II. Grass Clippings

Grass clippings shall not be collected. The disposal of all grass clippings shall be the responsibility of the owner, resident or individual in control of the property in question.

III. Contractors

- A. All rules and regulations contained within this Ordinance shall apply to any Contractor and/or third party conducting work on property within the city limits of Mineola.
- B. Contractors are responsible for removal and disposal of debris generated through the course of their work. The city will not remove contractor debris.
- C. In the event a violation of this Ordinance is committed by a Contractor or a third party, a penalty shall be provided consistent with the penalty provision found herein.

IV. Penalty

Should any violation of this Ordinance occur, said violation shall be punishable by the issuance of a citation and, if found guilty, a fine not to exceed \$2,000.

V. Severability

It is hereby declared to be the intention of the City of Mineola, Texas, that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and if any phrase, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by a valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not effect any remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance and the remainder of this Ordinance shall be enforced as written.

VI. Repealer

All ordinances, or parts of ordinances, enforced when the provisions of this Ordinance become effective that are inconsistent, or in conflict with the terms and provisions contained in this Ordinance are hereby repealed to the extent of any such conflict.

VII. Effective Date

This Ordinance shall become effective upon its passage and approval by the City Council for the City of Mineola, Texas and its publication as required by law.

PASSED AND APPROVED by the City Council for the City of Mineola, Texas this _____ day of _____, 2019.

APPROVED BY:

ATTEST:

Kevin White, Mayor

Cindy Karch, City Secretary