

CITY OF GRAPELAND

ORDINANCE NUMBER 92-1

AN ORDINANCE OF THE CITY OF GRAPELAND, HOUSTON COUNTY, TEXAS, ESTABLISHING RULES AND RESTRICTIONS FOR SANITATION AND ENVIRONMENTAL QUALITY

WHEREAS, because of the necessity to safeguard the health, welfare and physical property of the people of the City of Grapeland, Houston County, Texas and to protect the environment by controlling the management of solid waste; and

WHEREAS, the storage, processing and disposal of hazardous waste at municipal solid waste facilities poses a risk to public health and the environment; and

WHEREAS, it is in the public interest to require the proper disposal of certain types of waste;

BE IT ORDAINED BY THE CITY OF GRAPELAND, HOUSTON COUNTY, TEXAS:

SECTION ONE:

Only the following types of waste shall be accepted by the City of Grapeland, Houston County, Texas or its assigns for disposal through the garbage pick-up provided by the City of Grapeland, Houston County, Texas:

1. Class I Nonhazardous Industrial Solid Waste as defined in Section 361.003 (3) of the Texas Health and Safety Code and by the administrator of the United States Environmental Protection Agency under the federal Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. Section 6901, et seq.).
2. Garbage as defined in Section 361.003 (12) of the Texas Health and Safety Code and which basically means solid waste that is putrescible animal and vegetable waste materials from the handling, preparation, cooking or consumption of food, including waste materials from markets, storage facilities and the handling and sale of produce and other food products.
3. Municipal solid waste as defined in Section 361.003 (18) of the Texas Health and Safety Code and which basically means solid waste resulting from or incidental to municipal, community, commercial, institutional or recreational activities and includes garbage, rubbish, ashes, street cleanings, dead animals, and other solid waste other than industrial solid waste, ALTHOUGH abandoned automobiles and other similar items are specifically excluded.

SECTION TWO:

The following types of waste shall be SPECIFICALLY PROHIBITED by the City of Grapeland, Houston County, Texas for disposal through the garbage pick-up provided by the City of Grapeland, Houston County, Texas:

1. Hazardous substances as defined in Section 361.003 (13) of the Texas Health and Safety Code which includes substances designated under Section 311(b)(2)(A) of the Federal Water Pollution Control Act, as amended, (33 U.S.C. Section 1321), listed under Section 3001 of the federal Solid Waste Disposal Act, as amended, (42 U.S.C. Section 6921), Section 307(a) of the Federal Water Pollution Control Act (33 U.S.C. Section 1317), Section 112 of the federal Clean Air Act, as amended, (42 U.S.C. Section 7412) and any imminently hazardous chemical substance or mixture with respect to which the administrator of the Environmental Protection Agency has taken action under Section 7 of the Toxic Substances Control Act (15 U.S.C. Section 2606).

2. Hazardous waste which is solid waste identified or listed as a hazardous waste by the administrator of the United States Environmental Protection Agency under the federal Solid Waste Disposal Act, as amended, by the Resource Conservation and Recovery Act of 1976, as amended, (42 U.S.C. Section 6901 et seq).

3. Radioactive waste which means waste that requires specific licensing under Chapter 401 and the rules adopted by the board of health under that law.

SECTION THREE:

This Ordinance is meant to comply with Section 361.002, et seq, of the Texas Health and Safety Code regarding Sanitation and Environmental Quality and, in the event or any conflict between the provisions of 361.002, et seq, of the Texas Health and Safety Code and this ordinance, the provisions of the Texas Health and Safety Code shall prevail.

SECTION FOUR:

Violation of this ordinance is punishable by a fine up to and including Two Thousand and 00/100 Dollars (\$2,000.00) per day for each day the ordinance is violated.

SECTION FIVE:

For the general welfare and as the necessity to safeguard the health, welfare and physical property of the people of the City of Grapeland, Houston County, Texas and to protect the environment by controlling the management of solid waste demands the prompt

attention of the City Council, this ordinance is effective upon its passage by the City Council of the City of Grapeland, Houston County, Texas.

PASSED AND APPROVED this the 14th day of January, 1992.



CALVIN SKIDMORE, MAYOR

ATTEST:



SYBIL SANDERS, CITY CLERK

APPROVED AS TO FORM:

CINDY MARIA GARNER, CITY ATTORNEY