

City of *OVILLA* City Council

Rachel Huber, Place One
Larry Stevenson, Place Two
David Griffin, Place Three, Mayor Pro Tem

Richard Dormier, Mayor

Doug Hunt, Place Four
Dean Oberg, Place Five
Dennis Burn, City Administrator

NOTICE OF CITY COUNCIL BRIEFING SESSION
105 S. Cockrell Hill Road, Ovilla, TX 75154

Monday, June 08, 2015

6:00 P.M.

Council Chamber Room

AGENDA

- I. CALL TO ORDER

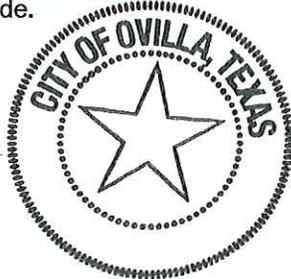
- II. CONDUCT A BRIEFING SESSION to review and discuss future agenda items.
 - a. Results from the Saturday, June 08, Inaugural "Music in the Park" event
 - b. Front-facing garages
 - c. Ordinance 2015-XXX for the regulation of dumpsters

- III. PENDING AGENDA Items still under staff review
 - a. Implementing a 50/50 sidewalk maintenance program- FY2015-2016 budget discussion
 - b. Abandonment of Bryson Lane
 - c. Consideration of and action to appoint a committee to serve as members of the Comprehensive Land Use Plan Committee to update the Ovilla Comprehensive Use Plan.
 - d. Ordinance recommendation from the Municipal Development District (MDD) for taxing telecommunications.
 - e. Cockrell Hill Road - Dallas County

- IV. CONDUCT A BRIEFING SESSION to review and discuss agenda items for the 6:30 p.m. regular meeting.

- V. ADJOURNMENT

THIS IS TO CERTIFY THAT A COPY OF THE NOTICE OF the June 08, 2015, 2015 Briefing Session Agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, www.cityofovilla.org, on the 5th day of June 2015 prior to 6:00 p.m., in compliance with Chapter 551, Texas Government Code.




Pamela Woodall, City Secretary

DATE OF POSTING: 5-5-2015 TIME: 10:00 am/pm
DATE TAKEN DOWN: _____ TIME: _____ am/pm

This facility is ADA compliant. If you plan to attend this public meeting and have a disability that requires special arrangements, please call 972-617-7262 at least 48 hours in advance. Reasonable accommodation will be made to assist your needs. PLEASE SILENCE ALL PAGERS, CELL PHONES & OTHER ELECTRONIC EQUIPMENT WHILE THE CITY COUNCIL MEETING IS IN SESSION.

Excerpt from Chapter 3, Building Regulations

Sec. 3.01.003 Residential attached garages

(a) Garage doors for a garage attached to a residential structure shall face the side property line at a ninety-degree angle from the front building line or at a one hundred eighty degree angle if facing a rear property line. Front-Facing garage doors are not permitted.

(b) Owners, or owners authorized agent, may apply for an administrative variance from the administrative official to allow a maximum of a twenty degree variance from the requirement. Variance request for degree changes over twenty percent must go to the board of adjustment. An owner may appeal the administrative official's decision to the board of adjustment.

(Ordinance 07-007, sec. 5, adopted 4/9/07)

ORDINANCE NO. 2015-_____

AN ORDINANCE OF THE CITY OF OVILLA, TEXAS, AMENDING CHAPTER 6 "HEALTH AND SANITATION" OF THE OVILLA CODE OF ORDINANCES BY THE ADDITION OF ARTICLE 6.05 PROVIDING DUMPSTER REGULATIONS; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERANCE CLAUSE; PROVIDING FOR INCORPORATION INTO THE OVILLA CODE OF ORDINANCES; PROVIDING FOR IMMEDIATE EFFECT; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City Council of the City of Ovilla, Texas, finds and determines that the unregulated placement, maintenance and operation of dumpsters, including construction site dumpsters, presents a threat to the public health, safety, environment, and general welfare of the citizens of the City of Ovilla; and

WHEREAS, the City Council finds and determines that it is in the best interest of the safety, health and welfare of the citizens of the City of Ovilla to adopt regulations pertaining to the placement, operation, and maintenance of dumpsters within the city limits.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS, THAT:

SECTION 1. AMENDMENT OF CHAPTER 6 OF THE OVILLA CODE OF ORDINANCES

Chapter 6, of the Ovilla Code of Ordinances is hereby amended by the addition of Article 6.05 to read as follows:

ARTICLE 6.05 DUMPSTER REGULATIONS

6.05.001. Definitions.

As used in this Section, the following words and phrases shall have the meanings given in the following clauses. Where words and phrases are not defined in the following clauses, such words and phrases shall have their ordinarily accepted meanings such as the context implies.

Dumpster shall mean any container, receptacle, compactor unit, trailer, roll-off, or similar unit with or without wheels that is used for temporary storage, containment, or transport of refuse, debris, trash, garbage, food waste, solid waste, recyclable material, incidental demolition debris, or other discarded or like materials. It shall not apply to ordinary household trash cans of a volume of fifty (50) gallons or less, recycling receptacles of ninety-six (96) gallons or less to plastic bags storing these materials in compliance with the regulations of the City, or to solid waste disposal trucks operated by a company duly authorized, used or operated by the City.

Temporary dumpster shall mean a dumpster that is used in connection with construction, demolition, fairs or for similar temporary needs, the dumpster license for which shall be issued for a period not to exceed ninety (90) days, renewable for additional thirty-day periods upon application, not to exceed a total period of nine (9) months.

Lot shall mean a parcel of land in identical ownership throughout, bounded by other lots or by streets, which is designated by its owner to be used, developed or built upon as a unit, to which a dumpster serves for waste disposal.

Dumpster Permit (also referred to hereafter as "permit") shall mean the permit required by this Section and issued by the City upon review and approval of a dumpster permit application.

Dumpster plan shall mean an operational and maintenance plan for each dumpster governed by this chapter. The dumpster plan shall also include all information included in the dumpster license application (defined in subsection 6.05.003(c) below).

Responsible party shall mean the owner or other person using the dumpster with an interest in any part or parts of the lot upon or for which the dumpster is used, maintained or stored, any tenant upon the lot, the property manager for the lot, and/or any other users of a dumpster on the lot.

Sec. 6.05.002. Applicability

The dumpster ordinance shall apply to all existing and future dumpsters located within the City.

Sec. 6.05.003. Dumpster permit required.

(a) Permit Required. No dumpster shall be placed on or about any lot or used in connection with any lot, without first obtaining a permit from the City. A permit is not required for a dumpster used for one-day special events permitted by the City. If the City determines that a submitted dumpster license application is accurate and adequate to keep the site free from debris, refuse, trash, solid waste or like material that is or could be injurious to the public health, safety, and environment, the City may issue a permit for the placement and use of a dumpster. Performance of the conditions stated in the permit or permit application must be observed and obeyed at all times and nonperformance of such conditions shall be a violation of the permit and of this Section.

(b) Contents of Permit Application. A complete application (also referred to hereafter as "application") consists of a completed application form and a dumpster plan attached thereto. The dumpster permit application form shall be in a form approved by the City. It shall be the responsibility of all responsible parties to submit and sign the application and to take possession of and be jointly and severally responsible and liable for compliance with the permit conditions, dumpster plan, and the provisions of this Ordinance. In the event that a responsible party terminates use of the dumpster, the permit automatically expires.

(c) Dumpster Plan. A dumpster plan shall, at a minimum, include the following information, or other information as required by the City: **(Section covered in our solid waste contract)**

1. The address of the lot on which the dumpster is located;
2. The name, address, and telephone number of the owner of the lot;
3. The name, address, and telephone number of the tenant operator(s) of the establishment(s) located on the lot which will use the dumpster;
4. The type of establishment(s) located on the lot which will use the dumpster and nature of its (or their) business;
5. A description of how employees or residents are notified about the proper use of a dumpster and copy of all written materials given to employees or residents;
6. A plot plan accurately depicting the lot;
7. The location of any dumpster and associated fencing or screening on the lot, and the location of the dumpster in relation to all abutting property;
8. A weekly schedule detailing the times and days of the week for cleaning the dumpster and lot, and maintaining the lot free of windblown litter and refuse;

9. The name of the owner of the lot or responsible party or designee responsible for overseeing the cleaning and maintenance of the lot;
10. The name, address, contact name, and telephone number of the waste hauling company responsible for servicing the establishment or dumpster; and the name, address, contact name, and telephone number of the person or entity signing the contract with the waste hauling company; **Reference our exclusive agreement . . .**
11. The date, time, and frequency of service by the waste hauling company including proof of recycling and anticipated volume of refuse and recycling based on the previous year's invoices, if applicable;
12. Any and all permits and/or licenses issued by the State of Texas or the U.S. Environmental Protection Agency relating to the management, storage, and disposal of solid wastes and hazardous materials and hazardous wastes generated, stored, or disposed on the lot;
13. Any other information required by the City to ensure that the lot is maintained in a sanitary condition free of debris, refuse, trash, solid waste or like material that is injurious to the public health, safety, and environment; and

Sec. 6.05.004. Dumpster permit fee.

There is no fee for a dumpster permit.

Sec. 6.05.005. Term of Permit.

The term of each permit shall be one year, except that a license for a temporary dumpster shall be for a period not to exceed ninety (90) days, renewable for additional thirty-day periods, not to exceed a total period of nine (9) months.

Sec. 6.05.006. Location requirements.

All dumpsters shall be located at a distance from the lot line, as approved by the City, so as not to interfere with the safety, convenience, or health of abutting property owners, residents, the public and access by emergency services. All dumpsters shall be placed so that any liquid or runoff from the dumpster shall not enter any catch basins or storm drains. All dumpsters shall be placed so as not to interfere with the physical integrity of any curb, sidewalk, and/or public parking.

Sec. 6.05.007. Container requirements[RGM1].

All dumpsters shall be in new or good condition free of damage caused by wear or misuse that would allow leaks or access by rodents. Dumpsters shall be covered when not in use (including overnight) at a minimum with a tight-fitting tarp. All dumpsters shall be washed on a regular schedule. The City may require more frequent cleaning, if necessary to prevent odors and/or rodent activity. If rodent activity or other site hygiene issues are prevalent, the City may require additional design/containment requirements utilizing best available technology.

Sec. 6.05.008. Screening/fencing requirements.

All dumpsters governed by this Section shall be screened or fenced off from view from public ways, sidewalks, and adjoining properties at all sites other than construction sites, unless requirements are waived by the City.

The dumpster plan and permit shall be posted in a visible location on the lot or establishment thereon, accessible to a City inspector.

Sec. 6.05.009. Other requirements.

The dumpster permit shall be applicable only to the owner or tenants or establishments permitted to use the dumpster and only to the lot to which the dumpster serves, and no trash or other items from any other lots, properties, buildings or other sources may be placed in or transferred to the permitted dumpster. The issuance of a dumpster permit shall under no circumstances be construed as a waiver from any other license or permit required by any other department of the City, the State of Texas, or the federal government. It is the responsibility of the owner of the lot and/or responsible party to take appropriate action to immediately cause the dumpster to be emptied of its contents when full. It is the responsibility of the owner of the lot and/or responsible party to maintain the area free of odors, debris, litter, overflow, and all other nuisances including pests.

Sec. 6.05.010. Inspections.

(a) Authority. In order to properly carry out their respective responsibilities under this Section, and to ensure that the public health, safety and environment are protected from the hazards posed by unsanitary and unhealthy conditions, the City is authorized to enter any lot at any time to examine any dumpster.

(b) Interference with Inspection. If any owner, occupant, or other person refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to the lot, operation, or premises where inspection is authorized by this Section, the City may rescind the dumpster permit, issue a citation for violation of the Section, and/or seek legal recourse in any court competent jurisdiction, including money damages and/or injunctive relief.

SECTION 2. PENALTY CLAUSE

Any person, firm, partnership, association or corporation who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor which shall be punishable by a fine in an amount not to exceed Five Hundred Dollars (\$500). Each and every instance of the violation of this Ordinance constitutes a separate offense and shall be punishable by separate fine for each offense.

SECTION 3. SAVINGS CLAUSE

In the event that any other Ordinance of the City of Ovilla, Texas, heretofore enacted is found to conflict with the provisions of the Ordinance, this Ordinance shall prevail.

SECTION 4. SEVERANCE CLAUSE

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 5. INCORPORATION INTO THE CODE OF ORDINANCES

The provisions of this ordinance shall be included and incorporated in the City of Ovilla Code of Ordinances and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

SECTION 6. EFFECTIVE DATE

Because of the nature of interest and safeguard sought to be protected by this Ordinance and in the interest of the citizens of the City of Ovilla, Texas, this Ordinance shall take effect immediately after passage, approval and publication, as required by law.

SECTION 7. PUBLICATION

The City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.

PASSED, ADOPTED AND APPROVED by the City Council of Ovilla, Texas on this the

_____ day of _____, 2015.

Richard Dormier, Mayor

ATTEST:

Pamela Woodall, City Secretary

APPROVED AS TO FORM:

Ron G. MacFarlane, Jr., City Attorney