

ORDINANCE NO: 639

AN ORDINANCE FOR THE CITY OF WEST COLUMBIA, TEXAS, AMENDING SECTION 11-26 (14) OF ARTICLE III, CHAPTER 11 OF THE CODE THE ORDINANCES OF THE CITY OF WEST COLUMBIA, TEXAS, BY PROVIDING FOR ALTERNATIVE MEANS FOR THE COLLECTION AND REMOVAL OF WASTE AND GARBAGE WITHIN A RV PARK WITHIN THE CITY OR ITS EXTRATERRITORIAL JURISDICTION; PROVIDING FOR THE REPEAL OF SECTION 11-15, (26), ARTICLE II, CHAPTER 11 OF THE CODE OF ORDINANCES OF THE CITY OF WEST COLUMBIA TEXAS, BEING A DUPLICATE DEFINITION OF THE TERM "REGULATED VEHICLE PARK"; PROVIDING FOR THE REPEAL OF ALL ORDINANCES, RESOLUTIONS, AND OR INFORMAL POLICIES TO THE EXTENT THEY ARE IN CONFLICT OR ARE INCONSISTENT WITH THE TERMS AND PROVISIONS OF THIS ORDINANCE; CONTAINING A SEVERABILITY CLAUSE; PROVIDING THAT ANY VIOLATION OF SECTION 11-26 (14), BEING AN ORDINANCE THAT GOVERNS PUBLIC HEALTH AND SANITATION, SHALL BE PUNISHABLE BY A FINE OF NOT LESS THAN \$200.00 NOR MORE THAN \$2,000.00, WITH EACH DAY THAT THE VIOLATION CONTINUES FOLLOWING TEN (10) DAYS WRITTEN NOTICE AS PROVIDED HEREIN, SHALL CONSTITUTE A SEPARATE VIOLATION; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WEST COLUMBIA, TEXAS, THAT THE FOLLOWING AMENDMENTS TO THE CODE OF ORDINANCES OF THE CITY SHALL BE AND ARE HEREBY ADOPTED:

**Section One**

Section 11-15 (26), Article II, Chapter 11 of the Code of Ordinances of the City, defining the term "Regulated Vehicle Park", being redundant of Section 11-15 (27), Article II, Chapter 11, which defines the same term, shall be and is hereby deleted.

**Section Two**

Section 11-26 (14) of Article III, Chapter 11 of the Code of Ordinances of the City shall be and is hereby amended to read as follows:

### ARTICLE III.

#### Sec. 11-26.

##### (14) Storage, collection and disposal of refuse and garbage

Each RV Park shall be provided with safe and adequate facilities for the collection and removal of waste and garbage. Storage, collection and handling shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, or fire hazards. It shall be the obligation of the Licensee and the Owner, jointly and severally, to assure compliance with the requirements of this section. Compliance shall be accomplished in one of two ways:

- A. **Minimum spacing of collection sites.** Every Regulated Vehicle Site shall be located within two hundred (200) feet of a permanent refuse facility and collection site, the distance to be measured along the RV Park internal roadway frontage. Each collection site shall include a minimum of one trash dumpster. Trash dumpsters at each such collection site shall be screened on three (3) sides, shall be maintained in good working order, and shall be easily accessible by large garbage trucks. If the Licensee elects to proceed under this option, the Licensee must submit to the City Manager for review and prior written approval, a plat of the RV Park depicting the location of each collection site and such other information and criteria which, from time to time, in the sole discretion of the City Manager, may be reasonably required to document compliance with the requirements of this paragraph.
- B. **Alternative internal collection plan.** The Licensee may, in the alternative, submit to the City Manager a comprehensive plan for collection and removal of waste and garbage within the RV Park. The plan must include any and all information and criteria which, from time to time, in the sole discretion of the City Manager, may be reasonably required to document compliance with the requirements of this paragraph. Such a plan shall include, but not be limited to, the following:

1. The name and address of the Licensee and, if different from the Licensee, the owner of the RV Park.
  2. The location (to be depicted on a plat of the RV Park) and minimum capacity of not less than one permanent refuse collection facility, each of which collection facilities shall include a minimum of one trash dumpster, and each of which collection facilities must be accessible by an all weather road from a dedicated public road.
  3. The frequency of collection and removal of waste and garbage from each Regulated Vehicle Site within the RV Park.
  4. The location (to be depicted on a plat of the RV Park), design and materials for a separate, dedicated waste and garbage collection site for each individual Regulated Vehicle Site within the RV Park.
  5. The name, address, telephone number and other contact information for each entity or individual responsible for such internal collection and removal of waste and garbage (the "Collector").
- C. **Approval of election.** The issuance of any License for an RV Park is expressly contingent upon the Licensee complying with one of the two above described alternatives for the collection and removal of waste and garbage within the RV Park and receiving the prior, written approval from the City Manager acknowledging the Licensee's election with regard to the above described options for the collection and removal of waste and garbage, and approval of the required submissions.
- D. **Notice of noncompliance.** In the event the City Manager shall determine that the Licensee is not in compliance with the requirements of this section, written notice of such noncompliance shall be given to the Licensee, Owner

and/or the Collector, complying with the notice provisions of Section 11-32 of the Code. For the purposes of this section, notice shall be effective when deposited in an official depository of the United States Postal Service, postage prepaid, and addressed to the individual or entity at the address provided in response to the above requirements or as amended from time to time by written notice to the City.

- E. **Each day a separate violation.** Each and every day which the RV Park is in noncompliance with the requirements of this section following the expiration of 10 days from the effective date of the notice of noncompliance shall constitute a separate violation of this Code.
- F. **Fine or penalty.** A violation of this section of the Code, being an ordinance that governs public health and sanitation, shall be punishable by a fine or penalty of not less than \$200.00 nor more than \$2,000.00 for each separate violation.

### **Section Three**

Any rules, ordinances, police regulations, resolutions, and/or policies of the City of West Columbia, whether written, or otherwise, which are in any manner in conflict with or inconsistent with this ordinance, shall be and are hereby repealed to the extent of such conflict and/or inconsistency.

### **Section Four**

It is hereby declared to be the intention of the City Council that the several provisions of this article are severable, and if any court of competent jurisdiction enters a final order which holds that any section, sub-section, sentence, clause, phrase, or other portion of this article is invalid, illegal, or otherwise unenforceable, then any such portion shall be deemed a separate, distinct and independent provision, and any such ruling shall not affect any other provisions of this article which are not specifically designated as being illegal, invalid, or unenforceable.

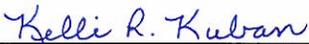
**Section Five**

This ordinance shall be effective and applicable upon its passage and approval by the City Council of the City of West Columbia, and the publication of its caption as required by law.

**PASSED AND APPROVED** this the 11th day of January, 2016.

  
LAURIE B. KINCANNON, Mayor

ATTEST:

  
\_\_\_\_\_  
KELLI KUBAN, City Secretary