

ORDINANCE NO. ORD-2010-9215

AN ORDINANCE AMENDING SECTION 33-8.1 "LOCATION AND SCREENING OF COMMERCIAL CONTAINERS" OF CHAPTER 33 "REFUSE, GARBAGE, AND WEEDS" OF THE CODE OF CIVIL AND CRIMINAL ORDINANCES OF THE CITY OF IRVING, TEXAS; PROVIDING PENALTY, SAVINGS, SEVERABILITY, AND AN EFFECTIVE DATE.

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

SECTION 1. That Subsection (b) of Section 33-8.1 "Location and screening of commercial containers" of Chapter 33 of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, is hereby amended to read as follows:

(b) The owner, occupant, or person in control of property who suffers or permits the placement of a commercial container or other refuse storage facility, other than publicly accessible commercial container solely for collection of recyclable paper, shall screen the commercial container as follows:

(1) Enclosure.

- a. If the commercial container is located in front of a building line, in a location visible from view of a public street or an adjoining single-family or public property, then on three (3) sides with a wall constructed of masonry, brick, stone, 24-gauge prefinished architectural metal panel, cementitious fiberboard, or similar material and approved accent materials stated in section 52-35c; or
- b. If the commercial container is located behind the building line or building, in a location visible from view of a public street or an adjoining single-family or public property, then on three (3) sides with a wall constructed of:
  1. Masonry, brick, stone, 24-gauge prefinished architectural metal panel, cementitious fiberboard, or similar material and approved accent materials stated in section 52-35c; or
  2. Stained cedar board-on-board fencing with six (6) inch wide boards, three (3) runners, and a stained cedar cap rail. The fence shall be restrained on a regular basis to maintain the original stained cedar color and the integrity of the cedar board; or
- c. If the commercial container is on property that is zoned for retail uses and placed as far from the public street as practical and there is no physical location behind the building for the commercial container, then screening must be constructed in accordance with the requirements provided in subsection (b)(1)b.
- d. If the commercial container is on property that is zoned for industrial uses and placed as far from the public street as practical, then screening is not required; however, any screening must be constructed in accordance with the requirements provided in subsection (b)(1)b.
- e. If the commercial container is behind a building and in a location not visible from view of a public street or an adjoining single-family or public property, then screening is not

required; however, any screening that is constructed must be in accordance with the requirements provided in subsection (b)(1)b.

(2) Gate.

- a. If screening is required by subsection (b)(1)a, then on the fourth side with double swing, blind gates constructed of wood or metal with stop pins or rods and corresponding holes drilled into the approach and pad to keep the gates open during the emptying process and securely closed at all other times; or
- b. If screening is required by subsection (b)(1)b and the fourth side is visible from view of a public street, then on the fourth side with double swing, blind gates constructed of wood or metal with stop pins or rods and corresponding holes drilled into the approach and pad to keep the gates open during the emptying process and securely closed at all other times.

- (3) Height. Any screening wall and/or gate constructed in accordance with this subsection shall be at least one (1) foot higher than the commercial container it surrounds, but in no instance shall the screening wall and/or gate be shorter than four (4) feet or higher than nine (9) feet.

SECTION 2. That Subsection (f) of Section 33-8.1 "Location and screening of commercial containers" of Chapter 33 of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, is hereby amended to read as follows:

(f) Applicability

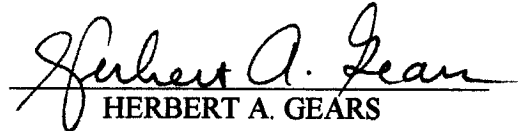
- (1) This section shall apply to all commercial containers in the city after the effective date.
- (2) All commercial containers currently in the city shall be moved to a location in compliance with this section no later than 60 days after the effective date.
- (3) All commercial containers shall be screened in compliance with this section no later than December 31, 2011.

SECTION 3. That the terms and provisions of this ordinance shall be deemed to be severable and that if the validity of any section, subsection, sentence, clause, or phrase shall be declared to be invalid, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance.

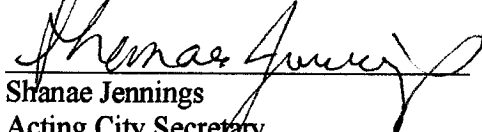
SECTION 4. Any person violating or failing to comply with any provision of this chapter shall be fined upon conviction not less than one dollar (\$1.00) nor more than two thousand dollars (\$2000.00). Each day any violation of any provision of this chapter continues constitutes a separate offense.

SECTION 5. That this ordinance shall be effective on and after December 1, 2010.

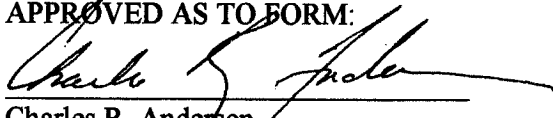
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS,  
on October \_\_, 2010.

  
HERBERT A. GEARS  
MAYOR

ATTEST:

  
Shanae Jennings  
Acting City Secretary

APPROVED AS TO FORM:

  
Charles R. Anderson  
City Attorney

