

# Cape Royale Utility District Policy and Operating Regulations

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## Yard Waste and Large Item Disposal Facility (Brush Site)

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**Effective Date:** December 1, 2006

**Approved:** Cape Royale Utility District Board of Directors     **Date:** November 16, 2006

**Type of Action:** Revision of Existing Policy dated October 21, 2004

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### 1.0 SUBJECT TITLE:

Policy for Cape Royale Yard Waste and Large Item Disposal Facility.

### 2.0 PURPOSE:

The Cape Royale Utility District accepts yard wastes for disposal at the District Facility pursuant to this Policy. This Policy's primary purpose is to preserve and protect the public health, safety, and welfare. This Policy is also intended to promote District effectiveness and to afford Facility users fair notice and process.

### 3.0 PERSONS AFFECTED:

This Policy is applicable to Cape Royale PROPERTY OWNERS, RESIDENTS, GUESTS, and the EMPLOYEES OF SAME. Any other waste generator or transporter, except for those under contract with the Cape Royale Utility District, are not allowed to dispose of waste under this Policy.

### 4.0 REFERENCES:

Policy for Cape Royale Household Waste Disposal Facility  
Texas Water Code Section 49.004

### 5.0 DEFINITIONS:

#### 5.1 Accepted –

For the purposes of this Policy, "accepted" means accepted for disposal as solid waste at the Cape Royale Utility District Facility. This Policy does not address acceptance of household waste or hazardous waste at this District Facility.

#### 5.2 Not Accepted –

For the purposes of this Policy, "not accepted" means that the District Facility is not allowed to accept the type of waste described. Any waste that is not specifically

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noted as “accepted” will be refused and the person (or persons) in possession of the waste material is totally responsible for disposal outside of Cape Royale.

**5.3 Commercial –**

Of or connected to commerce, trade, or business. Commercial also means not residential in nature.

**5.4 Construction, Demolition, and Land Clearing Waste (CDL) –**

Any recyclable or non-recyclable construction, demolition or land clearing waste that results from construction, remodeling, repair, or demolition of buildings, roads or other structures, or from land clearing for development, and requires removal from the site of construction, demolition or land clearing.

**5.5 Container –**

Any device used for the collection, storage, and/or transport of solid waste including but not limited to reusable, disposable or detachable containers and “dumpsters” provided by solid waste disposal contractors.

**5.6 Hazardous waste –**

Solid waste designated by 40 CFR Part 261 and regulated as hazardous waste by the United States Environmental Protection Agency.

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## 6.0 POLICIES:

Cape Royale Utility District Yard Waste Facility (Brush Site) is designed, constructed, and operated strictly for the collection and disposal of solid waste associated with regular landscape maintenance and large items. The District's Policy for acceptance of various waste types are described below.

- 6.1 Leaves contained in bags are **ACCEPTED**. Loose leaves (not contained in bags and not still attached to tree or shrubbery limbs) are **NOT ACCEPTED**.
- 6.2 Wood fiber material such as tree limbs, trunks and branches are **ACCEPTED**. Tree trunks or limbs that are longer than 12 feet or larger than 6 inches in diameter are **NOT ACCEPTED**.
- 6.3 Lumber that does not exceed the above dimensions and has not been treated with any type of preservative is **ACCEPTED**. Lumber that contains nails or any other metal objects is **NOT ACCEPTED**.
- 6.4 Cardboard containers that have been flattened are **ACCEPTED**.
- 6.5 Burning or smoldering material is **NOT ACCEPTED**.
- 6.6 Construction, demolition and land clearing (CDL) waste is **NOT ACCEPTED**.
- 6.7 Large appliances such as computer monitors, televisions, water heaters, refrigerators, ranges, barbeque pits, etc. are **ACCEPTED** in the designated area of this facility. Discarded furniture items are **ACCEPTED** as well.
- 6.8 Household waste is **NOT ACCEPTED** at this Facility. Refer to the Policy for Cape Royale Household Waste Facility.
- 6.9 Loads suspected of containing unacceptable waste, waste which is classified as hazardous/dangerous, containing improperly handled waste, burning waste, untreated infectious waste or improperly packaged waste may be denied entry. Suspicious loads may be identified by the following means:
  - 6.9.1 Observation of regulated materials, warning labels, smoke, fumes or the presence of liquids, suggesting the presence of regulated and unacceptable materials.
  - 6.9.2 Highly offensive, irritating, or noxious odors that cause discomfort to employees, customers, or surrounding residents, or are otherwise indicative of regulated and unacceptable materials.

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- 6.9.3 Observation of loose items placed into Facility containers.
- 6.10 All waste deposited in Facility containers will be bagged using plastic bags that are manufactured for the purpose of garbage disposal. The open tops of all bags will be tied closed.
- 6.11 All bags will be placed inside the Facility containers prior to leaving the Facility. No bags or loose items will be left on the ground or pavement at the Facility.
- 6.12 A commercial grade chipper will be located at this Facility at all times. Use and operation of the chipper is limited to District personnel only. All wood fiber waste will be disposed of by use of the chipper.
- 6.13 The mulch resulting from chipper use will be available to registered property owners of Cape Royale (verified by picture ID) according to the following guidelines:
  - 6.13.1 The mulch is available on a “first come, first served” basis on Friday, Saturday and Sunday from 2:00 to 4:00 PM.
  - 6.13.2 Property owners must provide containers and the means for transporting the mulch.
  - 6.13.3 Property owners are responsible for loading mulch.
- 6.14 Chipper mulch will not be made available to commercial contractors.

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## 7.0 OPERATING REGULATIONS:

### Action By:

Cape Royale Utility District Staff

### Action:

- 7.1 Provide adequate yard waste disposal access, containers and collection service for Cape Royale residents and property owners.
  - 7.1.1 Access will be available to the Facility from 2:00 to 4:00 PM, 7 days per week with the exception of District holidays.
  - 7.1.2 A minimum of one container with a capacity of 40 cubic yards each will be available at all times.
  - 7.1.3 The container will be emptied as necessary.
- 7.2 Provide adequate signage at the entrance to the Facility which specifies acceptable waste types and a warning for infractions of this Policy.
- 7.3 Provide maintenance and groundskeeping to ensure safe and sanitary conditions.
- 7.4 Enforce this policy through written notice and other necessary actions.
  - 7.4.1 The General Manager of the District, or his/her designee, is authorized and responsible to enforce or seek enforcement of this Policy pursuant to the civil penalty provisions of the Texas Water Code, Section 49.004.
  - 7.4.2 All infractions of this Policy should be reported to the District office as soon as possible. All reports will be made on a written form provided by the District and signed by at least one eye witness.
    - 7.4.2.1 Reported violations will be handled as follows:
      - 7.4.2.1.1 First Offense – Written notice to the violator including a copy of this Policy.
      - 7.4.2.1.2 Second Offense – Civil court action seeking damages of \$500 plus attorney fees and court costs.
      - 7.4.2.1.3 Third and Subsequent Offenses – Civil court action seeking the maximum injunction relief allowed by law plus attorney fees and court costs.