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TX: BELTON RESIDENT CLAIMS CITY TRASHING RIGHTS OVER MANDATED GARBAGE SERVICE



[Awaiting city response on penalties](#) | April 17, 2014 | by [Lou Ann Anderson](#)

To what extent should government be able to compel the public to pay for city-provided services? And what if those services aren't being provided at an acceptable performance level or at a reasonably competitive price? Belton resident Joe Trevino Jr. is facing such a dilemma over his city's garbage and recycling collection.

In early April, Trevino sent an email to his city council which included this request:

I'm requesting you consider changing the ordinance to allow people as myself who receive no city water or sewage, in the best interest of my family's finances, to opt out of your trash program.

Regarding trash service, the promise made after annexation was not adhered to, I've demonstrated my dissatisfaction through numerous emails with proof.

I'm not asking to close my account with city, I still have to pay drainage fee. But, for those responsible citizens, who must cut costs, within reason and fairness, ought to be able to be given freedom and liberty to make changes in the best interest of their family finance.

You made ordinance changes before, as with the street renaming, and side walk ordinance.

With regard to "mandatory garbage collection," [Belton's Code of Ordinances states](#):

Sec. 8-2. Mandatory garbage collection by the city or its authorized contractor for all residents within the city's corporate limits.

The collection of garbage is mandatory for all residents within the corporate limits of the city, except, multi-family residents may contract with a private sanitation collector provided the collector has a current franchise with the city.

(Ord. No. 94-09, 3-22-94)

Cross reference— *Utilities, Ch. 23; collection and enforcement of utility bills, § 23-186.*

Sec. 8-3. Failure to pay.

The charges fixed in this chapter for the removal and disposal of residential garbage, brush collection and central trash disposal shall be entered by the director of finance as a charge against each owner, occupant or lessee on the water and wastewater bills of the city. If any person fails or refuses to pay the charges fixed against him and his place of abode or his place of business when due, the city shall be authorized to cut off and disconnect the water and wastewater services to his place of abode or business against which such garbage

pickup fees have been fixed and assessed. The city shall be authorized to discontinue garbage collection services until such fees have been paid in full.

(Ord. No. 94-09, 3-22-94)

Belton has offered to retrieve Trevino's waste receptacles, but says billing will continue for "the garbage/recycling service, as well as brush collection. While we cannot require you to use the service, the service is mandatory not voluntary."

City code threatens to "cut off and disconnect the water and wastewater services" should a person fail or refuse to pay charges assessed. Trevino, however, notes that not only does his water come from another source over which the city has no control, but by virtue of his property having a septic system, the city again has no capacity for disconnection.

The property on which Trevino resides was previously [county land annexed by the city of Belton in 2004](#). Trevino says the city promised better services as part of the annexation action yet his trash has repeatedly not been picked up despite witnesses observing the trash truck driving by his house.

With an opportunity to obtain what he says is better service at a lower price, Trevino says that the city has "bilked me out of money when that service was not given as advertised." In an email to city officials he stated "this is not right that the city force me to pay higher price for a service I can get at a cheaper rate in the best interest of my family's well-being through a reputable company that already serves the city of Belton."

As Americans become more sensitive to government's increasing intrusion into their lives, challenges to cities and towns requiring residents' use of government-provided services – services not always provided with the most cost-efficient delivery – are likely to increase. In 2010, [the Royse City Herald-Banner reported on a dispute over trash collection services between the City of Fate and resident Michael Drayovitch Jr.](#) At the time of the article's writing, Drayovitch had been without water to his home for nearly two months.

More recently, the story of Robin Speronis, a Cape Coral, Fla., resident voluntarily living "off the grid" has garnered [much media attention](#). In February, a special magistrate found Speronis not guilty on charges of not having a proper sewer or electrical system, but guilty of not being hooked up to an approved water supply. With the ruling, [Speronis and her attorney indicated intent to fight an order requiring connecting to city water within a month](#).

Meanwhile, Trevino is awaiting official notification of the penalty – past disconnection of services which he doesn't receive – for refusing to pay city trash service fees citing the response as "a legitimate concern as I try to keep my family out of debt." He further explains "I am not trying to disobey order. If they only knew what I have had to do to avoid debt."

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