

ORDINANCE NO. 173

AN ORDINANCE OF THE TOWN OF ST. PAUL, TEXAS, AMENDING ORDINANCE NO. 91; REGULATING THE COLLECTION OF MUNICIPAL SOLID WASTE; APPROVING A CONTRACT FOR COLLECTION OF RESIDENTIAL GARBAGE AND TRASH WITH Allied Waste Services, Inc. ; PROVIDING COLLECTION CHARGES; MAKING COLLECTION SERVICES MANDATORY WITH SAID VENDOR FOR RESIDENTS CONTRACTING FOR WASTE COLLECTION SERVICES; PROVIDING A FRANCHISE FEE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

DULY PASSED by the Town Council of the Town of St. Paul, Texas, on the 11th day of December, 2006

APPROVED:

(signed) Opie Walter
Mayor

ATTEST:

(signed) Bruce Dunn
Town Secretary

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WHEREAS, the collection of municipal solid waste is a governmental function performed for protection of the public health, safety and general welfare; and

WHEREAS, it is more efficient for the Town to contract with a waste services provider for collection of residential municipal solid waste; and

WHEREAS, the Town Council of the Town of St. Paul, Texas, in order to preserve and protect the public health, safety and welfare, deems it necessary that all residents contracting for waste collection services be required to participate in the services offered by the waste services provider;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ST. PAUL, TEXAS:

SECTION 1. That the waste collection and disposal agreement attached hereto as Exhibit "A" and made part hereof for all purposes is approved for provision of the collection of residential municipal solid waste in the Town of St. Paul. The Mayor is authorized to execute the agreement on behalf of the Town.

SECTION 2. That the fees for residential solid waste collection shall be as set out in Attachment 1 to said contract, and subject to the increases and adjustments as stated in Section 4 of the Contract, or as further provided by ordinance of the Town of St. Paul.

SECTION 3. Every owner, occupant, tenant, lessee or person in charge of any premises using or occupying any building, house or structure within the corporate limit of the Town as a residence, church, or school contracting for waste collection services shall provide and maintain one or more approved containers to hold the garbage and trash that normally accumulates on the premises. An approved container shall be one of metal or plastic with handles sufficiently strong for workers to empty the garbage or trash and which, when filled, shall not exceed a capacity of 95 gallons, and shall be equipped with a tight fitting lid or cover. Every such building, house or structure using waste collection services shall be subject to the charges for collection as stated in Exhibit "A" Attachment 1, and every such owner, occupant,

tenant, lessee or person in charge of such premises shall be charged and billed for such collection fees.

SECTION 4. No one except the duly authorized agent or contractor of the Town shall empty approved containers or convey or transport garbage, trash or waste on the streets and public thoroughfares of the Town. Authorized containers shall be placed for collection on the abutting private property not more than twenty-four (24) hours prior to the time scheduled for collection, and the person placing such container shall promptly remove the same from the abutting private property, or in no event later than twenty-four (24) hours after collection.

SECTION 5. That Ordinance No.91 is amended by amending Section 5. to provide a franchise fee to read as follows:

"SECTION 5. Franchise Fee.

The annual franchise fee for a collector's permit granted under this ordinance will be ten percent (10%) of all amounts received by the collector for all municipal solid waste, collection and disposal services rendered pursuant to the permit granted under this ordinance. Payment will be made to the Town quarterly for the amounts received by the collector for the performance of such services during the immediately preceding quarter."

SECTION 6. That all ordinances of the Town of St. Paul, Texas, in conflict with the provisions of this ordinance are hereby repealed.

SECTION 7. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, unenforceable or invalid, the same shall not affect the validity of the remaining portions of this ordinance, which are declared to be severable.

SECTION 8. That any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall upon conviction, shall be fined a sum not to exceed two thousand dollars (\$2,000.00) for each offense, and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 9. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

DULY PASSED by the Town Council of the Town of St. Paul, Texas, on the 11th day of December, 2006.

APPROVED:
(signed) Opie Walter
Mayor

APPROVED AS TO FORM:
(signed) Robert L. Dillard III
Town Attorney (RLDmew\112206\ORD11504)

ATTEST:
(signed) Bruce Dunn
Town Secretary