

City of Cottonwood Shores, Texas

ORDINANCE 13004

AN ORDINANCE RELATED TO SOLID WASTE/ GARBAGE COLLECTIONS; CLARIFYING CERTAIN CONTRACT PROVISIONS, ESTABLISHING FINES AND FEES; PROVIDING A PENALTY FOR DELINQUENT PAYMENTS; PROVIDING SEVERABILITY; REPEALING ALL PRIOR ORDINANCES IN CONFLICT AND CONTAINING OTHER PROVISIONS RELATING TO SOLID WASTE/GARBAGE COLLECTION SERVICES.

WHEREAS, the City Council of the City of Cottonwood Shores of Burnet County, Texas (the "City") has provided city-wide collection of residential refuse by sub-contract since 1991;

WHEREAS, the City continues to endeavor furnishing the best service at the lowest cost to citizens in the interest of public health and safety;

WHEREAS, the City Council has determined that it is in the best interest of all property owners in the City to change the provider of such services under sub-contract; and

WHEREAS, the City Council has carefully considered the matter and hereby adopts a new sub-contract;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COTTONWOOD SHORES, TEXAS THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY FOLLOWING ITS ADOPTION:

SECTION 1: HISTORY

The City first adopted

Ordinance No. 071891 on July 18, 1991 to provide city-wide refuse collection. The terms of this Ordinance were subsequently amended by

Ordinance 121991-B, December 19, 1991;

Ordinance 111292-B, November 12, 1992

Ordinance 042194-1A, April 21, 1994;

Ordinance 030995-1C, March 9, 1995;

Ordinance 022097, February 20, 1997 (Water, Sewer, including "Garbage Collection");

Ordinance 021998, February 19, 1998 (Water, Sewer, including "Garbage Collection");

Ordinance 031899, March 18, 1999 (Water, Sewer, including "Garbage Collection");

Ordinance 041201-A, April 12, 2001;

Ordinance 091604, September 16, 2004 (Water, Sewer, including "Garbage Collection");

Ordinance 091505-B, September 15, 2005, (Water, Sewer, including "Garbage Collection");

Ordinance 111307, November 13, 2007 to contract for services with IESI.

Ordinance 022108-C, December 01, 2008 rate schedule updated for 2008-2009.

Ordinance 242, May 06, 2010 rate schedule updated for 2010-2011

Ordinance 242, May 13, 2010 adopting exhibit A.

Ordinance 242, Repealed to New Ordinance No. 6001 to include collection, regulations and violations April 7, 2011.

Ordinance 6001, Updated rate schedule as of June 2, 2011 billing to match IESI's rate increase.

Ordinance 13004, Codified Ordinance 6001 and revised Ordinance 13004 to contract services and rates with Republic Services.

Ordinance 13004, Updated rate schedule to include charge for Lock Bar, November 1, 2012

Ordinance 13004: Updated with ETJ clause in Section 2, November 15, 2012

February 16, 2017: Amended with rate increases

SECTION 2: CONTRACT

The City of Cottonwood Shores, a Municipal Corporation of Burnet County, Texas (hereinafter called the "City") and Republic Services (hereinafter called the "Contractor"), hereinafter to be collectively referred to as the "parties" are hereby entering the amended contract made in Burnet County, Texas for the city-wide collection of refuse, providing solid waste collection and disposal services for the residents and businesses of the City of Cottonwood Shores upon the terms further detailed in Exhibit A hereto.

SECTION 2: MANDATORY PARTICIPATION.

Effective with the date of adoption of this Ordinance, every Residential Unit, Commercial Unit and Industrial Unit within the corporate limits, and the ETJ of the City of Cottonwood Shores, Texas shall be required to utilize garbage collection and disposal services under contract by the City when such unit is occupied and/or operating, except as provided in Section 4 herein. Any unit shall be deemed occupied when City water and/or City sewer, or electrical power services are being supplied.

SECTION 3: MONTHLY SERVICE RATES.

- 3.01** The minimum monthly service rates shall be established by Resolution of the City Council of the City of Cottonwood Shores. Rates in effect at the time of adoption of this Ordinance are given in the ADDENDUM hereto.
- 3.02** The City shall notify each Customer in writing of the initial monthly rate and of subsequent changes in the monthly rate at least thirty (30) days before the effective date of such change.
- 3.03** The fee for the first month of service shall be collected on the first billing cycle after the effective date of this Ordinance and payment of the monthly rate shall be made each month thereafter.

SECTION 4: DELINQUENCY IN PAYMENT PENALTY.

- 4.01** The City shall have the right to terminate garbage services and cut off the supply of water to a Customer who fails to pay the monthly bill when due. The City may take this action at any time after payment is delinquent and after making a reasonable attempt to notify the Customer of such delinquency.
- 4.02** Resumption of service is subject to reconnection of water service with the same penalties as apply to water service cut-off and reconnection.

SECTION 5: COMPLAINTS.

All complaints shall be brought to the attention of the City in writing, delivered to City Hall.

SECTION 6: AMENDMENTS.

The City Council has, and specifically reserves the right to change, alter or amend any rate or provision of this Ordinance at any time.

SECTION 7: COLLECTION REGULATIONS.

7.01 General: It is the duty of every occupant, owner and producer to comply with the regulations regarding the proper disposal of garbage, solid waste, and rubbish defined in this chapter and shall adhere to the disposal and collection requirements in this section.

7.02 Location of Carts, Bins, Containers, Bags, Bundles or Bulky Waste for Collection: Each cart shall be placed within 3 feet of the roadside for collection. Carts and bins shall not be placed within 3 feet of the mail boxes or fire hydrants.

7.03 Bulky Waste Collection: Bulky waste collection is the third Monday of each month. The amount of bulky waste is stated in the waste contract with the City of Cottonwood Shores. See attached.

7.04 Recycling: A recycling container for the citizens of Cottonwood Shores will be located at 3729 Lakeview Drive, near the boat dock.

7.04.1 The following items are classified as Recyclable Materials under this Ordinance

- Cans – Clean aluminum, tin/steel containers
- Newspaper – Clean, dry, unsoiled newspaper
- Plastic – PETE & HDPE containers (milk jugs and soft drink containers)

7.05 Compliance: Every owner, occupant, or producer shall comply with the following:

7.05.1 Each cart(s) shall be properly placed the day before collection after 5pm.

7.05.2 Each cart(s) and (or) recycling bin must be stored next to house or out of site and returned back in within the 24 hours after the day of collection. Place carts, bins containers, bags, bundles or bulky waste collection out after 5 pm day before pickup and bring back in by 5pm day of pick up for compliance.

7.05.3 Bulky waste shall be placed no earlier than 5 pm the day before collection. All bulky waste not collected shall be removed from the property within 24 hours after the day of collection. The City of Cottonwood Shores has a roll off bin for citizens to use inside City Hall property. Contact City Hall for more information.

SECTION 8: VIOLATIONS.

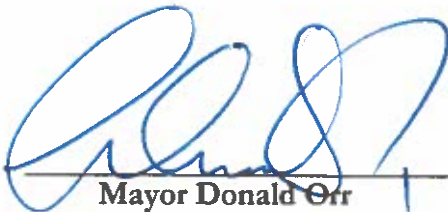
8.01 General: This ordinance shall be enforced by the Code Official or any Law Enforcement Officer of the City of Cottonwood Shores, on all shifts. Any individual who fails to comply with any provision of this Ordinance commits an offense punishable as a City Ordinance violation.

The Code Official will issue a written warning to the property owner and/or tenant. Failure to comply within (10) ten days will result with the Code Official issuing a letter of Notice of Violation. Failure to comply within (10) ten days of receipt of said notice will result with the filing of an offense with the Municipal Court of Cottonwood Shores by and is punishable by the assessment of a fine not to exceed two thousand dollars (\$2,000.00) or as otherwise punishable by State law. Each day of such violation constitutes a separate offense.

SECTION 9: SEVERABILITY.

The provisions of this Ordinance are severable, and if any provision or part of this Ordinance or the application thereof to any person or circumstance shall ever be held by any court of competent jurisdiction to be invalid or unconstitutional for any reason, the remainder of this Ordinance shall not be affected thereby.

AMENDED ORDINANCE PASSED THIS THE 16TH DAY OF FEBRUARY, 2017, AT A MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD SHORES, TEXAS, THERE BEING A QUORUM PRESENT, BY 5 YEAS, 0 NAYS AND 0 ABSTAINS.



Mayor Donald Orr



Attest:



Sheila C. Moore

Sheila C. Moore
City Administrator/City Secretary

Exhibit A Ordinance 13004

SOLID WASTE COLLECTION AND DISPOSAL RATE SCHEDULE

Effective Date March 15, 2017

Residential collection will be once per week with collection of bulky items, bundles, and white goods weighing less than 50#, less than 48", and less than three cubic yards once per month.

Weekly Residential

96 Gallon Cart	
Includes white goods, refrigerators, freezers, sofas, chairs, and mattresses.	\$18.50
Second Cart	<u>\$8.95</u>

Commercial and Multi-Family Collections

96 Gallon Cart	
1 x wk	<u>\$37.25</u>
2 x wk	<u>\$68.29</u>
Second Cart	<u>\$9.50</u>

Commercial Dumpsters

2 Cubic Yard

1 x wk	<u>\$114.20</u>
2 x wk	<u>\$179.58</u>
3 x wk	<u>\$205.45</u>
4 x wk	<u>\$231.32</u>
5 x wk	<u>\$257.19</u>

3 Cubic Yard

1 x wk	<u>\$135.78</u>
2 x wk	<u>\$212.03</u>
3 x wk	<u>\$237.90</u>
4 x wk	<u>\$263.77</u>
5 x wk	<u>\$289.64</u>

4 Cubic Yard

1 x wk	<u>\$154.86</u>
2 x wk	<u>\$242.95</u>
3 x wk	<u>\$268.82</u>
4 x wk	<u>\$294.69</u>
5 x wk	<u>\$320.56</u>

6 Cubic Yard

<u>1 x wk</u>	<u>\$175.67</u>
<u>2 x wk</u>	<u>\$313.71</u>
<u>3 x wk</u>	<u>\$339.58</u>
<u>4 x wk</u>	<u>\$365.45</u>
<u>5 x wk</u>	<u>\$391.32</u>

8 Cubic Yard

<u>1 x wk</u>	<u>\$205.88</u>
<u>2 x wk</u>	<u>\$368.94</u>
<u>3 x wk</u>	<u>\$394.81</u>
<u>4 x wk</u>	<u>\$420.68</u>
<u>5 x wk</u>	<u>\$446.55</u>

<u>Commercial Dumpsters</u>	<u>Lock Bar Service</u>	<u>Per Month \$10.50</u>
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Roll Offs

<u>20 Cubic Yard – per haul</u>	<u>\$550.99</u>
<u>30 Cubic Yard – per haul</u>	<u>\$563.77</u>
<u>40 Cubic Yard – per haul</u>	<u>\$640.48</u>
<u>Delivery</u>	<u>\$195.18</u>
<u>Monthly Rental</u>	<u>\$106.46</u>