

ORDINANCE NO. 2016-04-D

AN ORDINANCE OF THE CITY OF MINEOLA, TEXAS, CREATING A FRANCHISE FOR COMMERCIAL SOLID WASTE COLLECTION AND DISPOSAL SERVICES AND PASSING AN ORDINANCE ADOPTING SAID FRANCHISE; AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A SOLID WASTE COLLECTION AND DISPOSAL CONTRACT; REQUIRING USE OF THE FRANCHISE SERVICES BY ALL COMMERCIAL UNITS WITHIN THE CITY ALLOWED BY THE TEXAS HEALTH AND SAFETY CODES; PROHIBITING SOLID WASTE COLLECTION AND DISPOSAL BY COMPANIES NOT FRANCHISED BY THE CITY; AND PROVIDING A PENALTY FOR COMPANIES OPERATING WITHOUT A FRANCHISE AGREEMENT.

WHEREAS, the City of Mineola, Texas hereby adopts a franchise for commercial solid waste collection and disposal services for the health, safety and welfare of its citizens; and

WHEREAS, the City of Mineola, desires to grant a franchise agreement with Republic Services pursuant to a solid waste contract ("Contract") agreed to by the City of Mineola and Republic Services;

WHEREAS, the City of Mineola, Texas desires to authorize the City administrator to execute the agreement between the City of Mineola, Texas and Republic Services as an exclusive franchise for commercial solid waste collection and disposal services; and

WHEREAS, the Texas Health and Safety Code provides that the city can require the use of solid waste disposal services offered by City franchise of its customers within the City and to charge fees for the service; and

WHEREAS, the City prohibits solid waste collection by companies not franchised by this Ordinance and will impose a \$200.00 per day penalty to customers using solid waste companies operating without a franchise; and

WHEREAS, the City Council, desires to accept the contract between the City of Mineola, Texas and Republic Services which recites the terms and provisions of the agreement.

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

Section 1.0: All the facts recited in the caption to this Ordinance are hereby found by the City Council to be true and correct and incorporated by reference herein and expressly made a part hereof, as if copied herein verbatim.

Section 2.0: The City prohibits solid waste collection and disposal by companies not franchised by this Ordinance and will impose a \$200.00 per day penalty per customer for companies operating within the City limits without a franchise agreement;

Section 3.0: The City of Mineola, Texas authorizes the City Administrator to execute the contract with Republic Services to provide commercial solid waste collection and disposal services in accordance with the terms and conditions of the agreement.

Section 4.0: All commercial customers shall use, exclusively, the solid waste services provided by Republic Services. Any commercial customers using any other solid waste provider shall be deemed to be in violation of this Ordinance and may be issued a citation, which is a Class C Misdemeanor.

Section 5.0: In the event a commercial customer fails to pay the customer's bill related to solid waste collection in full within the time period prescribed in said bill, City shall reserve the right to discontinue all utilities provided to the customer in question by the City.

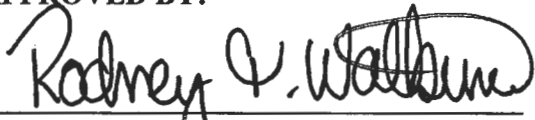
Section 6.0: Should any sentence, section or provision of this Ordinance be deemed illegal, unenforceable or invalid by a court of competent jurisdiction, said finding shall not affect the remainder of this Ordinance.

Section 7.0: Any ordinance, resolution, motion or order of the City in conflict with the terms and conditions of this Ordinance is hereby repealed to the extent of such conflict.

Section 8.0: This Ordinance shall have full force and effect once it is published in a newspaper of general circulation as required by the laws of the State of Texas.

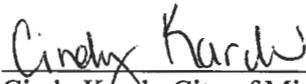
PASSED AND APPROVED this 26 day of September, 2016.

APPROVED BY:



Rodney T. Watkins, Mayor

ATTEST:



Cindy Karch, City of Mineola, Texas
City Secretary