

**TOWN OF FAIRVIEW, TEXAS**

**ORDINANCE NO. 2019-15**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS, AMENDING ARTICLE 13.02, "SOLID WASTE," OF THE FAIRVIEW CODE OF ORDINANCES, BY AMENDING DIVISION 2, "COLLECTION AND DISPOSAL", AS HERETOFORE AMENDED; PROVIDING A SAVING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Fairview ("Town") and Republic Services ("Contractor") entered into a certain Agreement dated on or about July 11, 2006, pursuant to which Contractor agreed to provide waste collection and disposal services.

**WHEREAS**, the Agreement, pursuant to provisions in Section 9 – Term, was automatically renewed from April 30, 2011 to September 30, 2016.

**WHEREAS**, Section 9 – Term provided that the Agreement may be extended for an additional five (5) year term upon the written, mutual agreement of both parties.

**WHEREAS**, the Town and the Contractor agreed upon certain revised terms and conditions in the extended Agreement approved by the Council subject to legal form on August 2, 2016.

**WHEREAS**, the Town Council approved the additional renewal period from October 1, 2016 to September 30, 2021.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS:**

**Section 1.** Section 13.02.034, "Charges generally; collection regulations" of the Fairview Code of Ordinances, is hereby amended by amending subsections (a) and (b) to hereafter read as follows:

**(a) Residential monthly charges; collection regulations.**

- (1) A charge of \$20.17 per month plus sales tax shall be made to each residential water customer of the town. This monthly charge shall include collection & disposal services weekly, once a month brush/bulk pickup, recycling services weekly, and town administrative fee.
- (2) A "senior rate" charge of \$18.80 per month plus sales tax shall be made to each residential water customer of the town. This monthly charge shall include

collection & disposal services weekly, once a month brush/bulk pickup, recycling services weekly, and town administrative fee.

- (A) A residential water customer account holder of the town may receive the “senior rate” once they provide a valid document verifying an occupant of the residence is age sixty-five (65) or over. Valid documents could include a driver’s license, passport or other government issued document identifying the occupant’s date of birth and current address.
  - (B) A special senior “carry out” charge of \$19.84 shall apply to those residents requesting contractor to recover weekly trash and recycling carts at the residents “backdoor” instead of at the resident’s curb.
- (3) A special “carry out” charge shall apply to those residents requesting contractor to recover weekly trash and recycling carts at the residents “backdoor” instead of at the resident’s curb.
- (A) A charge of \$20.17 per month plus sales tax shall be made to handicapped customers. This monthly charge shall include “backdoor” collection & disposal services weekly, once a month curbside brush/bulk pickup, “backdoor” recycling services weekly, and town administrative fee.
  - (B) A charge of \$31.63 per month plus sales tax shall be made to non-handicapped customers. This monthly charge shall include “backdoor” collection & disposal services weekly, once a month curbside brush/bulk pickup, “backdoor” recycling services weekly, and town administrative fee.
- (4) A penalty of 10% or \$10, whichever is greater, shall be assessed on any utility bill not paid within fifteen (15) days after its bill date.
- (5) Garbage service shall be limited to poly-cart collection once per week on a regularly scheduled service day.
- (A) The only waste that will be picked up will be household waste, grass clippings, leaves and similar yard waste placed in a container provided by the contractor.
  - (B) A single cart will be provided for no charge. An extra cart may be requested at a cost of \$6.91 per month for weekly collections. An extra cart for “carry out” services may be requested at a cost of \$10.28 per month for weekly collections.
  - (C) Such carts shall remain the property of the contractor.
  - (D) Customers will be charged a replacement fee of \$75.00 for each lost cart.

- (E) An additional cart for recyclable materials may be requested at no additional charge.
- (F) No collections will be made on Sundays. Contractor shall be exempt from making collections on the following holidays: New Year's Day, Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving Day, and Christmas Day. Contractor may decide to observe any or all of the above-mentioned holidays by suspension of collection service on the holiday, but contractor shall continue with its other regularly scheduled collections during such holiday weeks, and shall provide collection services on an alternative day of the same holiday week for any collection service suspended.
- (6) All residents shall receive brush, bulky wastes and/or bundle collections once per month, not to exceed twelve (12) cubic yards per collection, unless otherwise specified.
- (7) Contractor shall not be obligated to pick up hazardous waste including, but not limited to, refrigeration appliances that have not had CFC's removed by a certified technician, tires, automobile/vehicle batteries, petroleum products, paints and other chemicals and solvent identified as hazardous by the U.S. Environmental Protection Agency.
- (8) Additional curbside collection shall be provided upon request by resident, of residential items which are not disposed of during normal residential pickup or are in excess of the twelve (12) cubic yard collection limit for normal residential pickup. This special bulk and brush pickup will be charged \$97.85 per hour with a three-hour minimum.
- (9) Sand, gravel, dirt, petroleum products or filters, carpeting, construction materials and debris, hazardous or toxic waste, auto parts, fencing, rock, and human or animal waste are excluded from this service, and shall be the responsibility of the customer.
- (10) Town will bill residential customers the monthly charges as part of their water, sewer (if applicable) and stormwater (if applicable) bill.

(b) Commercial and industrial charges.

- (1) Commercial service charges: Front Load

<b>SIZE</b>	<b>1X</b>	<b>2X</b>	<b>3X</b>	<b>4X</b>	<b>5X</b>	<b>6X</b>	<b>EXTRA</b>
Commercial hand collection 95 gallon (2 carts)	\$29.57						
2 Yard	\$78.60	\$145.40					\$50.00
4 Yard	\$111.64	\$208.83	\$303.91	\$386.82			\$75.00
6 Yard	\$137.85	\$258.19	\$369.13	\$562.80			\$125.00
8 Yard	\$184.26	\$300.50	\$409.76	\$519.12	\$573.67	\$710.25	\$125.00

(2) Caster and Locks.

(A) \$3.61 per caster, per month

(B) \$1.38 per lock, per month

(C) \$1.38 per gate, per month

(3) Excess trash on ground or overloaded containers charged at \$38.63 per yard

(4) Delivery fees \$136.59

(5) Exchange fees \$206.00

(6) Relocate or removal \$136.59

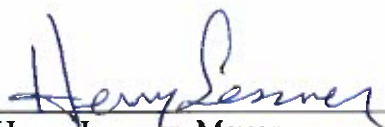
(7) Contractor will bill commercial and industrial customers directly. All commercial and industrial customers will be billed a 5% franchise fee included on each bill issued by the contractor.

(8) Industrial service charges include: 20 and 30 yard open top units for business and construction, compactor unit sizes on a per customer basis, five (5) percent franchise fees on all industrial loads; haul rate, disposal rate and rental charges negotiated with customer at time of services.


**Section 2.** The sections, paragraphs, sentences, phrases, clauses and words of this ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this ordinance or application thereof to any person, firm or corporation, or to any circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance, and the Town Council hereby declares that it would have adopted such remaining portions of this ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**Section 3.** This ordinance shall take effect immediately upon passage and the amounts set forth herein shall be deemed to have taken effect October 1, 2019.

**PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS, this 3<sup>rd</sup> day of September 2019.**

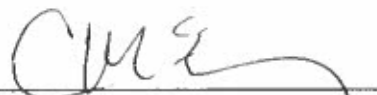
  
Henry Lessner, Mayor  
Town of Fairview, Texas

ATTEST:

  
Tenitrus Bethel, Town Secretary  
Town of Fairview, Texas



APPROVED AS TO FORM:

  
Clark McCoy, Town Attorney