

TOWN OF FAIRVIEW, TEXAS

ORDINANCE NO. 2021-20

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 August 1, 2016, pursuant to which Contractor agreed to provide waste collection and disposal services, and

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, and

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 June 24, 2021, and

WHEREAS, the Town Council approved the additional renewal period from October 1, 2021 to September 30, 2026, and

WHEREAS, the approved extended Agreement includes an Adjustment annually not to exceed 3.5% on October 1 of each year of the extended period, and

WHEREAS, the Town Council desires to amend Article 13.02 "Solid Waste" of the Fairview Code of Ordinances to reflect the 3.4 percent rate increase.

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 \$20.80 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.

(2) A "senior rate" charge of \$19.39 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.
- (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 \$19.39 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 \$32.65 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 \$100, 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 solid waste or recycling cart may be requested at a cost of \$8.00 each per month for weekly collections. An extra solid waste or recycling cart for “carry out” services may be requested at a cost of \$10.02 each per month for weekly collections.
 - (C) Such carts shall remain the property of the contractor.
 - (D) Customers will be charged a replacement fee of \$70.00 for each lost cart.
 - (E) 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 4th, Labor Day, Thanksgiving Day, and Christmas Day. Contractor may decide to observe any or all 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 unusual accumulation collection pickup will be charged at \$100 per hour plus a disposal fee of \$5.00 per yard collected.
- (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.
- (11) No polycarts or recycling containers shall be allowed to be placed at the collection point prior to 5:00 p.m. on the day before collection nor remain after 6:00 a.m. on the day after collection. At all other times, polycarts and recycling containers shall be left behind the front building line of the residential structure.
- (12) No bulk, brush or woody wastes shall be allowed to be placed at the collection point prior to 6:00 p.m. on the Friday before the scheduled collection week nor remain after 6:00 a.m. on the Monday after the scheduled collection week. All bulk, brush or woody wastes must be placed at the collection point by 7:00 a.m. on the Monday of the scheduled collection week. The contractor has all week to collect those bulk, brush, or woody waste items.

(b) Commercial and industrial charges.

Small Commercial with Contractor-supplied 95 gallon Poly Carts

One 95-gallon Cart once per week for MSW	\$ 29.50
One 95-gallon Cart twice per week for MSW	\$ N/A
One 95-gallon Cart once per week for Recycling	\$18.50

Commercial Front Load Rates

All fees ***include the franchise fee.***

Size extra p/up	1x	2x	3x	4x	5x	6x
2 yard	\$86.46	\$159.94				\$ 55.00
4 yard	\$ 122.80	\$229.71	\$ 334.30	\$ 425.50		\$ 85.00
6 yard	\$151.64	\$284.01	\$406.74	\$619.08		\$ 135.00
8 yard	\$ 202.69	\$ 330.55	\$ 450.74	\$ 571.03	\$ 594.83	\$ 736.44

Relocate Container	\$79.57	Extra yards collected \$45/yard
Casters (fee per collection per container)	\$5.30	
Locks (fee per <u>month</u> per container)	\$2.66	
Enclosures (fee per <u>collection</u> per container)	\$2.66	
Exchange Front Load Container	\$132.61	

Roll-Off Containers

Permanent and Temporary – Rates Include the Franchise Fee

	Delivery	Daily Rental	Haul Rate	Disposal per Ton
20 yard	\$132.61	\$ 5.65	\$354.75	\$ 40.84
30 yard	\$132.61	\$ 5.65	\$354.75	\$ 40.84
40 yard	\$132.61	\$ 5.65	\$354.75	\$ 40.84

Roll-Off – Compactor – EXCLUSIVE TO CONTRACTOR

	Monthly Rental	Haul Rate	Disposal per Ton
15 yd SC**	\$ Neg	\$367.63	\$ 40.84
20 yd SC**	\$ Neg	\$367.63	\$ 40.84
25 yd SC**	\$ Neg	\$367.63	\$ 40.84
30 yd SC**	\$ Neg	\$367.63	\$ 40.84
35 yd SC**	\$ Neg	\$367.63	\$ 40.84
40 yd Recci	\$ Neg	\$367.63	\$ 40.84

Dry Run Fee \$180.35

Liner for Open Top \$37.13

Relocate Container \$132.61

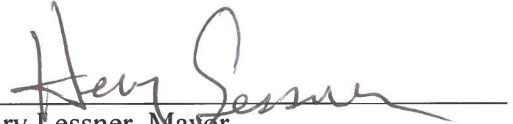
Wash Compactor 265.23

(1) Contractor will bill commercial and industrial customers directly.

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.

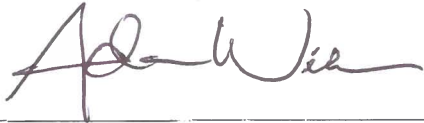
Section 3. This ordinance shall take effect immediately upon passage and the amounts set forth herein shall be deemed to have taken effect October 1, 2021

PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS, this 7th day of September 2021.



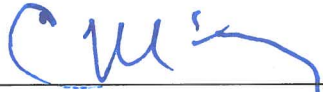
Henry Lessner, Mayor
Town of Fairview, Texas

ATTEST:



Adam Wilbourn, Alternate Town Secretary
Town of Fairview, Texas

APPROVED AS TO FORM:



Clark McCoy, Town Attorney