

CITY OF SEVEN POINTS, TEXAS

ORDINANCE NO. 151

~~REPEALED~~
Date ~~7-18-1990~~
#177

AMENDED
Date 7/188
11-13-90

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEVEN POINTS, TEXAS AMENDING CHAPTER 6, HEALTH AND SANITATION, SECTION 1, GARBAGE AND TRASH, OF THE CODE OF ORDINANCES OF THE CITY OF SEVEN POINTS TO PROVIDE FOR MANDATORY RESIDENTIAL AND COMMERCIAL GARBAGE COLLECTION; ESTABLISHING DEFINITIONS; REQUIRING A PERMIT TO COLLECT; ESTABLISHING PERMIT REQUIREMENTS; ESTABLISHING CONTAINER REQUIREMENTS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY FOR VIOLATION; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEVEN POINTS, TEXAS:

ARTICLE I

That Chapter 6, Section 1 of the Code of Ordinances, City of Seven Points, Texas is hereby amended to read as follows:

SECTION 1: GARBAGE AND TRASH

A. PERMIT REQUIRED TO COLLECT

Any person, firm, association or corporation wishing to engage in the business of garbage and refuse pickup and disposal within the city limits of Seven Points necessitating the use of the streets and alleys of said city by equipment and personnel engaged in said business must first obtain a permit to engage in such business from the City Council of Seven Points. The fee for such permit shall be five hundred dollars (\$500.00) per year.

B. RESIDENTIAL AND COMMERCIAL GARBAGE COLLECTION TO BE MANDATORY

All residences and commercial business establishments within the corporate limits of the City of Seven Points, Texas shall be required to utilize and pay the applicable monthly service charge/fee to a garbage collection contractor holding a valid city permit. Payment of the monthly service fee is mandatory for all residences and commercial business establishments as defined in this section.

C. DEFINITIONS

- (1) Residence shall mean all single family residential units that are customers of the West Cedar Creek Municipal Utility District or receive water service from a privately owned and operated water well.
- (2) Commercial business establishment shall mean all establishments that operate in a private enterprise nature that offers goods and services to the general public or has one (1) or more employees working on the premises. This term is intended to include retail shops, wholesale shops, manufacturing establishments, service establishments and multi-family residential units, such as apartment complexes.

D. REFUSE COLLECTION PERMIT REQUIREMENTS

A permit to collect garbage and trash will be issued and renewed by the city council provided all of the following conditions are met by the contractor. Failure to meet these requirements shall be considered grounds for termination of a permit that has been issued.

- (1) Payment of permit fee as specified in Subsection A.
- (2) Provide evidence of general and automobile liability insurance with the following minimum limits:

Bodily Injury

\$100,000 per person
\$300,000 per occurrence, and

Property Damage

\$100,000 per occurrence

- (3) Provide evidence of Workers' Compensation Insurance on all employees working within the city limits of Seven Points.
- (4) Provide and properly maintain modern packer trucks of an adequate size and type to provide satisfactory service to all customers.
- (5) Utilize only Environmental Protection Agency or Texas Department of Health approved sanitary landfills and disposal facilities.
- (6) Provide, at a minimum of once every two (2) months, service arrangements whereby large bulky items of trash, not collected as a part of the regular pick-up service, may be collected.
- (7) Provide a convenient location within the city where payments may be made and service complaints filed.
- (8) Submit all service fee schedules, collection route schedules, and container and placement standards to city prior to the effective date.
- (9) Pay a monthly fee to the city in the amount of three percent (3%) of gross receipts collected from customers within the city limits of Seven Points. Each payment shall be accompanied by a listing of customers by categories.
- (10) Agree in writing to operate as an independent contractor. The city shall have no right to control a contractor holding a valid permit in any manner or details of the performance of services. The city is only interested in the results accomplished.
- (11) Agree in writing to hold the city harmless of and from any claims, demands, suits, actions, liability and expenses of any kind, including attorney's fees arising out of services provided under a permit issued pursuant to this section.
- (12) Provide collection service to all residential and commercial customers not less often than once per week.

E. PLACEMENT OF CONTAINERS FOR COLLECTION

All persons utilizing hand pickup services shall place garbage for collection in securely tied, heavy-duty, plastic bags or thirty (30) gallon garbage cans with tight fitting covers. All garbage containers shall be placed at the edge of the street on days scheduled for collection and removed on other days. All persons utilizing container service shall place and maintain containers as specified by the contractor providing collection service. Limbs, brush, and bulky items shall be placed and prepared for collection as specified by the contractor providing service.

ARTICLE II

That all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

ARTICLE III

That it is hereby declared to be the intention of the city council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the city council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

ARTICLE IV

That whenever in this ordinance an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such ordinance, the doing of an act is required or the failure to do any act is declared to be unlawful, the violation of any such provision shall be punished by a fine as provided for in Chapter 1, Section 5 of the City Code of Ordinances; provided however that no penalty shall be greater or less than the penalty provided for the same or similar offense under the laws of the state. Each day any violation of this ordinance shall continue shall constitute a separate offense.

ARTICLE V

That this ordinance shall take effect from and after its adoption and publication.

PASSED, APPROVED AND ADOPTED this the 12th day of
November, 1985, by the City Council of the
City of Seven Points, Texas.

Carl Throver
Mayor

ATTEST:

Janette Knight
City Secretary

APPROVED AS TO FORM:

Jimmy Mear
City Attorney