

**ORDINANCE NO. 03242021**

**AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 11142016 AND ESTABLISHING A CITY WIDE SOLID WASTE COLLECTION, TRANSPORTATION AND DISPOSAL PROGRAM;; PROHIBITING THE COLLECTION, CONVEYANCE AND TRANSPORT OF RESIDENTIAL, HOUSEHOLD, COMMERCIAL AND INDUSTRIAL REFUSE AND SOLID WASTES WITHIN THE CITY LIMITS OF MOUNTAIN CITY WITHOUT A FRANCHISE AGREEMENT; PROVIDING FOR A PENALTY FOR VIOLATION THEREFORE; AND PROVIDING FOR AN OPEN MEETING AND AN EFFECTIVE DATE.**

**WHEREAS**, it is necessary to regulate the collection, conveyance, transportation and disposal of residential, household, commercial and industrial refuse and solid wastes within the city limits of Mountain City to insure the safety and well-being of the city and its citizens and to protect environmental resources including soil, air and water; and

**WHEREAS**, the City of Mountain City is responsible to protect its citizens against nuisances derived from solid waste by providing solid waste handling services including, but not limited to, recycling and the collection, transfer and disposal of solid waste; and

**WHEREAS**, the Texas Health and Safety Code, chapter 363, authorizes the City to determine all aspects of solid waste handling which are of local concern, including, but not limited to, frequency of collection, means of collection and transportation, level of services, charges and fees, and nature, location and extent of providing solid waste handling services; and

**WHEREAS**, the City of Mountain City hereby finds and determines that all collection, conveyance, transportation and disposal of residential, household, commercial and industrial refuse and solid wastes within the city limits of Mountain City should be franchised by the City to an exclusive provider.

**WHEREAS**, the Mountain City City Council entered into an AGREEMENT FOR SOLID WASTE SERVICES dated March 29, 2021 by and between Waste Connections Lone Star, Inc. and the City of Mountain City beginning March 29, 2021 and concluding March 28, 2026 (hereinafter referred to as "AGREEMENT"); and

**WHEREAS**, the AGREEMENT established rates for collection of solid waste for all residences and businesses in the City; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MOUNTAIN CITY, TEXAS, THAT:**

**I.**

**The foregoing recitals are hereby adopted as true and correct factual findings of the City Council of Mountain City and Ordinance No. 11142016 is hereby repealed.**

**II.**  
**SOLID WASTE PROGRAM CREATED**

- A. The City of Mountain City's solid waste collection, transportation and disposal program is hereby established for all residents and businesses of the City Mountain City.
- B. Trash services will be provided once a week and all solid waste created, produced or accumulated in or about residential premises in the City and put in appropriate containers by the edge of the street shall be collected from the residential premises, City buildings and Kyle Fire Department Station 3 at least once per week unless the scheduled pickup day falls on a holiday approved in the AGREEMENT. Every residential household that has not formally opted out to have waste collection services shall subscribe to the services of the franchisee having the exclusive franchise for collection and disposal service with the City of Mountain City. No residential occupant shall enter into an agreement for residential solid waste collection services with a person other than the exclusive franchisee. It is declared to be a violation of this ordinance for the occupant of any of the above described premises to fail or neglect to provide for the removal of solid waste as required herein.
- C. No person except the duly authorized agents and employees of the city shall as a commercial enterprise collect, convey or transport residential, household, commercial and industrial refuse and solid wastes within the city limits of Mountain City nor use the streets, alleys and public thoroughfares of the city for said purposes without a written franchise granted and issued by the City Council.

**III.**  
**EXCLUSIVE FRANCHISE GRANTED**

The City Council of the City of Mountain City hereby grants the exclusive franchise for solid waste collection, transportation and disposal to Waste Connections Lone Star, Inc. as provided in the AGREEMENT attached hereto as Exhibit "A". Said Exhibit "A" to be incorporated herein as if fully set forth herein.

**IV.**  
**CUMULATIVE**

This Ordinance shall be cumulative of all provisions of ordinances of the City of Mountain City, Texas, except where the provisions of the Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. Any and all previous versions of this Ordinance to the extent that they are in conflict herewith are repealed.

**V.**  
**SEVERABILITY**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections 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.

**VI.  
PENALTY**

Any person who violates any of the provisions of this Ordinance, or who fails to comply therewith, or with any of the requirements thereof, within the city limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) per offense. Each day that the violation exists shall constitute a separate offense. Such penalty shall be in addition to all other remedies provided herein.

**VII.  
OPEN MEETING**

That it is officially found, determined and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place and subject matter of the public business to be considered at such meeting, including this ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.


**VIII.  
EFFECTIVE DATE**

This Ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

PASSED AND ADOPTED this 24<sup>th</sup> day of March, 2021

  
Ralph McClendon, Mayor  
City of Mountain City

**ATTEST:**

  
Andrea Wells, City Secretary,  
City of Mountain City

**APPROVED AS TO FORM:**

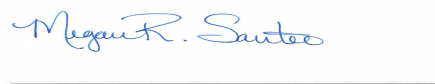
  
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City Attorney,  
City of Mountain City

EXHIBIT A