CITY OF MARSHALL

COMMISSION AGENDA INFORMATION SHEET:

MEETING DATE: November 12, 2015

PROJECT: Consider approval of an Ordinance amending Chapter 14, Garbage, Trash, and Weeds of the Code of Ordinances, revising the schedule of refuse rates, providing for monthly charges, and establishing an effective date of December 1, 2015. (Public Services Director)

DESCRIPTION: The attached Rate Ordinance provides for a 2% rate increase for refuse charges with an effective date of December 1, 2015. Our Charter requires two reading and a posting in the local newspaper before the Ordinance will become effective. Billings to our utility customers will not begin until the billing cycles in mid January 2016.

For presentation and information purposes only - we have highlighted the "current rates" in the attached Rate Ordinance, to show the old rates and new rates in a side-by-side comparison.

COST:
N/A – Revenue source

FUNDING:	**Acct. Name & No**	**Original Budget**
	N/A	N/A

RECOMMENDED ACTION:
Approve an Ordinance amending Chapter 14, Garbage, Trash, and Weeds of the Code of Ordinances, revising the schedule of refuse rates, providing for monthly charges, and establishing an effective date of December 1, 2015. (Public Services Director)

CITY CONTACT: J. C. Hughes, Public Services Director

ATTACHMENTS:
Amending Rate Ordinance for Garbage, Trash, and Weeds – Effective December 1st, 2015

cc: File

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 14, GARBAGE, TRASH, AND WEEDS OF THE CODE OF ORDINANCES OF THE CITY OF MARSHALL, TEXAS, REPEALING AND AMENDING CERTAIN SECTIONS REGARDING GARBAGE AND SOLID WASTE COLLECTION AND DISPOSAL FEES; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS CONDUCTED IN STRICT COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT; REPEALING ALL ORDINANCE IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE OF DECEMBER 1, 2015.

WHEREAS, Chapter 363 of the Texas Health and Safety Code and Section 80 (15) of the City Charter of the City of Marshall, Texas, authorizes the City Commission to regulate the collection, transportation and disposal of solid waster within the corporate City limits of Marshall, Texas; and,

WHEREAS, the City's solid waste contractor, Allied Waste Services, has increased its fees and rates of service to the City; and,

WHEREAS, the City Commission finds and determines that an increase of the current rates for solid waste collection is necessary in order to accurately compensate the City for its costs of providing this service; **NOW, THEREFORE,**

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MARSHALL, TEXAS:

Section 1. That the findings set out in the preamble to this ordinance are hereby in all things approved.

Section 2. That Article I of Chapter 14, Section 14-9, of the Code of Ordinances of the City of Marshall is hereby repealed in its entirety and that there is hereby adopted in place of said ordinances a new Section 14-9, Chapter 14 of the Code of Ordinances of the City of Marshall, Texas, said section to read as follows:

"Sec. 14-9. Rates for city collection - all rates will be assessed sales tax: ***(numbers in apprentices and italics represent the previous rate)***

(a) The following rates shall be charged for each monthly period to all customers of the garbage collection of the system of Marshall.

(1) Residential bags curbside for twice a week service at *($10.40)* $10.61/Monthly – Maximum 8 bags per pickup

(2) Commercial bags curbside twice a week service at *($20.44)* $20.85/Monthly – Maximum 8 bags per pickup

(3) Commercial bags curbside for five times a week service in the Downtown Business District at *($20.44)* $20.85/Monthly – Maximum 8 bags per pickup; downtown business district defined as the area:

a. South of Highway 80 (Grand Avenue)
b. North of Travis Street
c. West of Alamo Boulevard
d. East of Grove Street

(4) Commercial bins: Base Monthly Rate for Front Load *(previous rate)*

Size/Freq	1X/WK	2X/WK	3X/WK	4X/WK	5X/WK	6X/WK	Extra pickup
2 yd	*($49.26)* **$50.25**	*($81.65)* **$83.28**	*($135.16)* **$137.86**	*($157.51)* **$160.66**	*($177.99)* **$181.55**	*(N/A)* **N/A**	*($23.84)* **($24.32)**
3 yd	*($75.12)* **$76.62**	*($137.20)* **$139.94**	*($161.26)* **$164.49**	*($203.93)* **$208.01**	*($259.52)* **$264.71**	*(N/A)* **N/A**	*($23.84)* **$24.32**
4 yd	*($83.62)* **$85.29**	*($154.66)* **$157.75**	*($192.84)* **$196.70**	*($268.95)* **$274.33**	*($307.43)* **$313.58**	*($398.94)* **$406.92**	*($29.80)* **$30.40**
6 yd	*($105.72)* **$107.83**	*($192.17)* **$196.01**	*($278.48)* **$284.05**	*($364.93)* **$372.23**	*($432.19)* **$440.83**	*($553.29)* **$564.36**	*($35.75)* **$36.47**
8 yd	*($127.21)* **$129.75**	*($230.59)* **$235.20**	*($334.04)* **$340.72**	*($437.40)* **$446.15**	*($530.94)* **$541.56**	*($626.25)* **$638.78**	*($35.75)* **$36.47**

For special collection provided, charges are to be negotiated between the contractor and producer prior to collection. If an agreement cannot be reached, the matter may be submitted to the city for determination of a reasonable fee.

(5) Roll-off containers:

SIZE	RENTAL/MONTH	PER HAUL
20 YD OPEN TOP	*($107.26)* **$109.41**	*($504.69)* **$514.78**
30 YD OPEN TOP	*($107.26)* **$109.41**	*($555.04)* **$566.14**
40 YD OPEN TOP	*($107.26)* **$109.41**	*($680.80)* **$694.44**
42 YD COMPACTOR	**Negotiable**	*($593.06)* **$604.92**

Delivery and Exchange Cost **$60.00 (no change)**

With respect to apartments and duplexes, where the owner provides reasonable space for and access to a bulk container, commercial-type service shall be provided by the city; otherwise, residential-type service shall be provided."

Section 3. That the meeting at which this ordinance was passed was conducted in strict compliance with the Texas Open Meetings Act (Texas Government Code Chapter 551).

Section 4. That all other prior ordinances or portions of ordinances of the City of Marshall in conflict with the terms and provisions of this ordinance are hereby repealed to the extent of such conflict only.

Section 5. That the repeal of any ordinance or portion of an ordinance by this ordinance shall not affect the validity of any pending enforcement action or fines outstanding and due and payable on or before the effective date of this ordinance.

Section 6. That if any section, paragraph, subdivision, clause, phrase or provision of this ordinance is hereafter determined to be invalid or in violation of the laws of the State of Texas or the Constitution of the United States by a court of appropriate jurisdiction, such finding of invalidity shall affect the continued enforcement only of the provision of provisions so determined to be invalid, it being the intent of the City Commission of the City of Marshall that all other terms and provisions of this ordinance not affected thereby shall remain in full force and effect.

Section 7. That this ordinance shall be effective on December 1, 2015 and after its passage and publication as required by law.

PASSED AND APPROVED this 12th day of November 2015.

AYES:

NOES:

ABSTAINED:

PASSED, APPROVED AND ADOPTED this ---- day of ---------- 2015.

AYES: _____

NOES: _____

ABSTAINED: _____

_____
CHAIRMAN OF THE CITY COMMISSION
OF THE CITY OF MARSHALL, TEXAS

ATTEST:

_____
Debbie Manuel, Acting City Secretary