

ORDINANCE NO. 2016-065

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS AMENDING THE GRAPEVINE CODE OF ORDINANCES, CHAPTER 25 UTILITIES AND SERVICES, ARTICLE III SOLID WASTE DISPOSAL, SECTION 25-97 SERVICE RATES – SCHEDULES; PROVIDING A SEVERABILITY CLAUSE; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on June 1, 1995, by passage of Ordinance No. 95-35 the City of Grapevine, Texas granted Laidlaw Waste Systems, Inc. a franchise agreement to provide for solid waste services for both residential and commercial customers for a ten year period; and

WHEREAS, Laidlaw Waste Systems, Inc. was renamed Trinity Waste Services, Inc.; and

WHEREAS, Trinity Waste Services, Inc. was renamed Allied Waste Services Inc.; and

WHEREAS, Allied Waste Services Inc. was renamed Allied Waste Services of Fort Worth, LLC; and

WHEREAS, Allied Waste Services of Fort Worth, LLC is a subsidiary of Republic Services; and

WHEREAS, on September 18, 2001, by passage of Ordinance No. 2001-067 the City of Grapevine, Texas granted Laidlaw Waste Systems, Inc. an extension of the franchise agreement to provide for solid waste services for both residential and commercial customers for one (1) additional five (5) year period, commencing on June 1, 2005; and

WHEREAS, on July 20, 2010, by passage of Ordinance No. 2010-030 the City of Grapevine, Texas granted Republic Services an extension of the franchise agreement to provide for solid waste services for both residential and commercial customers for one (1) additional five (5) year period, commencing on August 1, 2010; and

WHEREAS, on September 18, 2012, by passage of Ordinance No. 2012-044 the City of Grapevine, Texas extended the term of the franchise an additional five (5) years commencing on November 1, 2012; and granted Republic Services an automatic renewal of the franchise agreement for one (1) additional five (5) year period, commencing on November 1, 2017; and

WHEREAS, Section 12, Item 1 of the franchise agreement provides for the establishment of residential and commercial rates on an annual basis prior to October 1 of each year; and

WHEREAS, Republic Services has requested a rate adjustment to be effective on October 1, 2016; and

WHEREAS, the City Council desires to increase the rates for collecting and removing garbage, recycling, refuse and trash and other solid waste by amending Chapter 25 Utilities and Services, Article III, Solid Waste Disposal, Section 25-97 of the Code of Ordinances of the City of Grapevine, Texas; and

WHEREAS, all constitutional and statutory prerequisites for the approval of this ordinance have been met, including but not limited to the Open Meetings Act; and

WHEREAS, the City Council deems the adoption of this ordinance to be in the best interests of the health, safety, and welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS:

Section 1. That the above premises are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

Section 2. That Chapter 25 Utilities and Services, Article III, Solid Waste Disposal, is hereby amended by amending Section 25-97 in its entirety to read as follows:

Sec. 25-97. Service rates – Schedules.

- (a) Any houses, buildings or premises used for residential purposes, shall have their garbage and trash removed at a monthly charge where such collection and removal is not required in excess of twice each week, have their recyclable materials removed once per week, have their brush and yard waste removed once per week, and have their bulky wastes removed once every other week with such rates established annually by ordinance.

	<i>Monthly Charge</i>
Single-family residential	\$13.37
Single-family residence without city water service	13.37
Duplex	26.74
Multifamily, per unit (without dumpster)	13.37

(b) Collecting and removing of garbage, refuse and trash from houses, buildings and premises used for commercial and business purposes (apartment complexes with three or more units and mobile home parks are defined as commercial units) shall be determined by the number of times each week that collection and removal of garbage, refuse and trash is required, plus the amount of garbage, refuse and trash collected and removed. The rates are established annually by ordinance.

(1) *Container rates:*

a. Two-yard containers:

1 Dump per week.....	\$ 67.70
2 Dumps per week.....	114.11
3 Dumps per week.....	152.83
4 Dumps per week.....	214.90
5 Dumps per week.....	279.01
6 Dumps per week.....	322.73
Extra pickup.....	23.14

b. Three-yard containers:

1 Dump per week.....	\$ 76.97
2 Dumps per week.....	127.07
3 Dumps per week.....	182.32
4 Dumps per week.....	242.53
5 Dumps per week.....	304.53
6 Dumps per week.....	345.54
Extra pickup.....	26.46

c. Four-yard containers:

1 Dump per week.....	\$ 97.67
2 Dumps per week.....	156.97
3 Dumps per week.....	219.80
4 Dumps per week.....	279.86
5 Dumps per week.....	341.53
6 Dumps per week.....	373.70
Extra pickup.....	29.78

d. Six-yard containers:

1 Dump per week.....	\$ 116.21
2 Dumps per week.....	195.98
3 Dumps per week.....	275.29
4 Dumps per week.....	354.02
5 Dumps per week.....	443.93

6 Dumps per week.....	513.98
7 Dumps per week.....	599.63
Extra pickup.....	33.08

e. Eight-yard containers:

1 Dump per week.....	\$ 144.81
2 Dumps per week.....	244.56
3 Dumps per week.....	350.00
4 Dumps per week.....	447.41
5 Dumps per week.....	546.23
6 Dumps per week.....	622.43
7 Dumps per week.....	726.18
Extra pickup.....	36.37

f. Roll-Cart Containers (Main Street):

2 Dumps per week	\$ 27.21
Extra Roll-Carts	5.72

(2) Recycling Containers:

a. Cardboard only containers:

1 Dump per week (not to exceed).....	\$ 39.10
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b. Roll-Cart Recycle containers:

1 Dump per week (not to exceed).....	\$ 16.59
Extra Roll-Carts	\$ 5.55

c. Six-yard recycle containers:

1 Dump per week	\$ 71.00
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d. Eight-yard recycle containers:

1 Dump per week	\$ 81.93
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(3) Casters:

per month	\$ 7.16
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(4) Locks:

per lift	\$ 1.26
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Gates:

per lift \$ 1.26

(5) *Commercial hand-load, two (2) dumps per week:* Twenty-eight dollars and thirty-six cents (\$28.36) per month for a maximum for four (4) thirty-gallon containers. If more than four (4) thirty-gallon containers are necessary for service, then customer will use commercial garbage container(s).

(6) Open top construction and demolition containers:

a. Delivery fee \$ 107.16

b. Daily rental fee \$ 4.55

c. Haul..... \$ 194.38

d. Disposal:

Loose \$ 6.44/cubic yard

Compacted \$ 9.08/cubic yard

e. Deposit..... \$ 312.87

f. Billing for open-top construction containers will be performed by the contractor. The City will establish such rates annually by ordinance.

(c) Collecting and removing of recyclables from multifamily (apartment) complexes will be performed [by] contractor at least once each week. Every apartment complex will be assessed a per unit monthly fee with such rates established annually by ordinance.

Monthly apartment recycling fee \$1.04

(d) Rates for any service required other than the above described services will be determined by the city.

(e) The minimum service to be rendered shall be once each week. Should any place of business not be specifically designated by name, such error or omission will not relieve the owner, occupant, tenant or lessee of the binding effect of this article, but the same charge shall be made as that entered against a business of a like or similar nature.

(f) Mobile home parks may request curbside service for each individual housing unit for the collection of garbage, trash, yard waste and recyclables only. Such garbage, trash, yard waste and recyclables must be generated by tenant. The fee for such

service will be the normal residential rate established annually by ordinance per the number of units in the park. The mobile home park must maintain commercial service for its office, management and other operations and for the collection of all brush and bulky waste as further defined by Article III, section 25-90, Grapevine Code of Ordinances.”

Section 5. If any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any person or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 6. The fact that the present ordinances and regulations of the City of Grapevine, Texas are inadequate to properly safeguard the health, safety, morals, peace and general welfare of the inhabitants of the City of Grapevine, Texas, creates an emergency for the immediate preservation of the public business, property, health, safety and general welfare of the public which requires that this ordinance shall become effective from and after the date of its passage, and it is accordingly so ordained.

Section 7. That the effective date of this rate adjustment will be October 1, 2016.

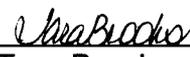
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS on this the 6th day of September, 2016.

APPROVED:



William D. Tate
Mayor

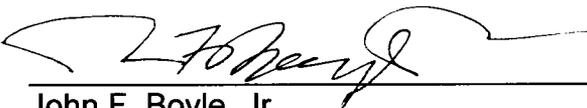
ATTEST:



Tara Brooks
City Secretary



APPROVED AS TO FORM:



John F. Boyle, Jr.
City Attorney