

STATE OF TEXAS

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEGUIN, TEXAS AMENDING THE SEGUIN CODE OF ORDINANCES CHAPTER 86, SOLID WASTE, ARTICLE II, GARBAGE, TO CHANGE LANGUAGE TO ALIGN WITH THE GOVERNING FRANCHISE; PROVIDING FOR A SEVERABILITY CLAUSE; DECLARING AN EFFECTIVE DATE, AND AUTHORIZING CITY STAFF TO SUBMIT THIS ORDINANCE AS A SUPPLEMENT TO THE SEGUIN CODE OF ORDINANCES

WHEREAS, in the past the residential solid waste franchise included service to both single family and multi-family residential structures; and

WHEREAS, the most recent residential solid waste removal franchise provides that the franchisee services only residential units defined as single family, duplex or fourplex units; and

WHEREAS, it has been brought to staff attention that the section of the Seguin solid waste code regarding fees charged needs to be amended to align with current operations.

NOW THEREFORE BE IT ORDAINED, by the City Council of Seguin, Texas:

SECTION ONE. The Seguin Code of Ordinances, Chapter 86, Solid Waste, Article II, Garbage, Section 86-34, Rates for City Collection – Residences, is amended to read as follows (underlining indicates added text, ~~strikethrough~~ indicates deleted text):

The monthly charge for collection of garbage from the occupants of any residential unit consisting of a single-family residential structure, duplex or fourplex ~~home, flat, apartment, tenement or residence of any description, including trailers~~, within the city shall be as established by the city council and set forth in appendix C to this Code.

SECTION TWO. The Seguin Code of Ordinances, Chapter 86, Solid Waste, Article II, Garbage, Section 86-36, Billing and collection of charges; failure to pay, is amended to read as follows (underlining indicates added text, ~~strikethrough~~ indicates deleted text):

(a) The charges set forth in Appendix C to this Code for the collection, removal and disposal of garbage shall be assessed in their respective amounts as charges against every account, and such charges shall be collected monthly in connection with and as a part of the utility billing assessed against such account, except the following:

(1) Accounts where there is an installed utility outside the city limits not served by the city's designated provider for garbage pickup services;

(2) Any building having an installed utility but which building does not utilize the city's designated provider for garbage pickup services;

(3) Situations where there is a business associated with a home and there is a commercial utility and a residential utility, in which case the assessment against the utility installations shall be combined and the utility customer shall contract with one of the ~~shall be assessed at the commercial rate;~~

(4) Commercial and industrial customers who must use one of the city's commercial franchisees use private ~~contractors other than the city's designated provider of garbage services.~~

(5) Multifamily developments not included as part of Section 86-34 above. with 40 units or more ~~have the option of using either the city's residential provider or may independently contract with a licensed commercial provider.~~

(b) If any person fails or refuses to pay the charges assessed against him or the premises for which he has contracted for utilities, the city shall disconnect the utility service to such premises against which such garbage collection fees have been fixed and assessed.

(c) Those persons inside the city limits but not on a city utility will be billed separately. The same rates as established for residential and commercial will apply.

(d) Every applicant for garbage service shall be required to make a payment-guaranty deposit plus setup fee as established by the city council and set forth in Appendix C to this Code. After a consumer who has made his payment-guaranty deposit provided for in this subsection has utilized the garbage service for a period of three years, the city will return the deposit to the consumer. However, if the customer's service has been disconnected at any time during the three years, the deposit will not be returned until services are terminated. If a customer can provide a letter of credit for a period over one year from another utility company, no deposit will be required. If a customer who presented a letter of credit has his services terminated for nonpayment, he may be required to provide a deposit. If a customer has more than one dwelling and has established credit, any additional dwelling may not require a deposit.

SECTION THREE. This Ordinance shall become effective beginning ten days after its passage and publication.

SECTION FOUR. If any clause or provision of this Ordinance shall be deemed to be unenforceable for any reason, such unenforceable clause or provision shall be severed from the remaining portions of the Ordinance, which shall continue to have full force and effect.

SECTION FIVE. City Staff is hereby authorized to submit this Ordinance as a supplement to the Seguin Code of Ordinances.

PASSED UPON FIRST READING this 1st day of June 2021.

PASSED UPON SECOND READING this 15th day of June 2021.

DONNA DODGEN , Mayor

ATTEST:

Naomi Manski, City Secretary