

Ord #114

City of Umland

State of Texas

Solid Waste and Recycling Franchise

AN ORDINANCE FOR THE CITY OF UHLAND, TEXAS, CREATING A FRANCHISE FOR RESIDENTIAL AND COMMERCIAL SOLID WASTE COLLECTION AND DISPOSAL SERVICES AND RECYCLING SERVICES IN ACCORDANCE WITH THE PROVISION OF THE CITY OF UHLAND HEALTH AND SANITATION ORDINANCE; AUTHORIZING THE CITY COUNCIL TO GRANT AN EXCLUSIVE FRANCHISE FOR SUCH SERVICES; REQUIRING USE OF THE FRANCHISE SERVICES BY ALL RESIDENTS AND COMMERCIAL AND INDUSTRIAL UNITS WITHIN THE CITY AS ALLOWED BY THE TEXAS HEALTH AND SAFETY CODE; PROHIBITING SOLID WASTE COLLECTION AND DISPOSAL BY COMPANIES NOT FRANCHISED BY THE CITY; PROVIDING A PENALTY FOR COMPANIES OPERATING WITHOUT A FRANCHISE AGREEMENT; PROVIDING A PENALTY; AND SETTING A FRANCHISE FEE IN THE AMOUNT OF a flat rate of \$10.00.

WHEREAS, the City of Umland, Texas, desires to adopt a franchise for residential, commercial and industrial solid waste collection and disposal and recycling services for the health, safety and welfare of its citizens; and

WHEREAS, the City of Umland, Texas, desires to grant a franchise agreement with IESI TX Corporation for a term of three years in accordance with the Solid Waste Collection and Disposal Agreement ("Agreement"); and

WHEREAS, the Texas Health and Safety Code and the City of Umland Ordinance 114, Health and Sanitation Ordinance provides that the City can require use of solid waste and recycling services offered by a City franchise of its customer within the City and to charges fees for the services;

WHEREAS, The City prohibits solid waste collection by companies not franchised by this Ordinance and will impose a two hundred (\$200.00) per day penalty per customer for companies operating without a franchise agreement;

WHEREAS, in consideration of the Agreement for franchise, the City shall charge a flat rate fee of \$10.00 of the fees charged by IESI TX Corporation under the Agreement; and

WHEREAS, the City Council, desires to accept the Agreement between the City of Umland, Texas and IESI TX Corporation which recite the terms and provisions of the Agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF UHLAND TEXAS, that:

Section 1.0 All of the facts recited in the preamble to this Ordinance are hereby found by the City Council to be true and correct and are incorporated by reference herein and expressly made a part thereof, as if copied herein verbatim.

Section 2.0 The solid waste collection, disposal and recycling service contracted for by the City from IESI TX Corp. referenced in the Agreement shall be used by all customers within the City and charged fees for the services required by the agreement.

Section 3.0 The city prohibits solid waste collection, disposal and recycling by companies not franchised by this Ordinance and will impose a two hundred (\$200.00) per day penalty per customer for companies operating within the city limits without a franchise agreement;

Section 4.0 IESI TX Corporation in consideration of the Agreement for franchise, shall pay or allow the City to collect xxx percent (xx%) of the fees charged by it under the Agreement.

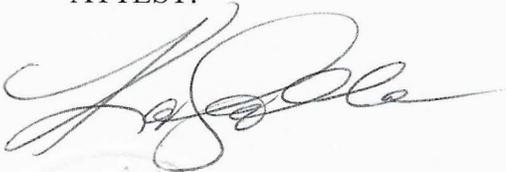
Section 5.0 The city of Umland, Texas, authorizes the Mayor to execute the Agreement with IESI TX Corporation to provide residential, commercial and industrial solid waste collection, disposal and recycling services in accordance with the terms and conditions of the attached Agreement.

PASSED, APPROVED and ADOPTED by the City Council of the City of Umland, Texas this ___ day of April, 2011.



Mayor

ATTEST:



City Secretary

