

ORDINANCE NO. 13,340

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AMENDING CHAPTER 86 "SOLID WASTE," ARTICLE II "RESIDENTIAL SOLID WASTE," DIVISION 3 "FEES AND CHARGES AND BILLING PROCEDURE," SECTION 86-101 "CHARGE FOR COLLECTION" OF THE CODE OF ORDINANCES, BAYTOWN, TEXAS, TO COMBINE FEES FOR RESIDENTIAL REFUSE COLLECTION AND CURB-SIDE RECYCLING SERVICES AND TO INCREASE SUCH COMBINED FEE BY APPROXIMATELY FIVE PERCENT (5%) PER MONTH; CONTAINING A REPEALING CLAUSE; CONTAINING A SAVINGS CLAUSE; PRESCRIBING A MAXIMUM PENALTY OF FIVE HUNDRED AND NO/100 DOLLARS (\$500.00); AND PROVIDING FOR THE PUBLICATION AND THE EFFECTIVE DATE THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS:

Section 1: That Chapter 86 "Solid Waste," Article II "Residential Solid Waste," Division 3 "Fees and Charges and Billing Procedure," Section 86-101 "Charge for collection" of the Code of Ordinances, Baytown, Texas, is hereby amended to read as follows:

CHAPTER 86. SOLID WASTE

ARTICLE II. RESIDENTIAL SOLID WASTE

DIVISION 3. FEES AND CHARGES AND BILLING PROCEDURE

Sec. 86-101. Charge for collection.

- (a) The fees specified in this section are based on the availability of city removal, disposal and recycling services and shall be collected regardless of whether or not the occupant of a residential unit places any refuse or recyclable materials out for collection.
- (b) Each occupied residential unit within the city limits shall be charged the sum of \$21.31, plus applicable sales tax, per month for city refuse collection and curb-side recycling services.
- (c) When the head of the household of a residential unit certifies in writing to the utility collections office that he is over 65 years of age and that he will place no more than one 30-gallon can or one 30-gallon plastic bag of refuse at his residential unit for collection on each regularly scheduled collection day, the monthly charge for city refuse collection and curb-side recycling services will be \$18.43 plus applicable sales tax.
- (d) When the owner of an unoccupied residential unit certifies in writing to the utility billing office that the unit is unoccupied and water service has been disconnected, the monthly charge levied under subsections (b) and (c) of this section from that time forward shall not be assessed for as long as the unit remains unoccupied and the water service remains disconnected.
- (e) For multifamily dwelling unit projects containing eight dwelling units or less, the monthly charge for refuse collection and curb-side recycling services shall be \$21.31, plus applicable sales tax, times the number of occupied units in the project.

- (f) A multifamily unit that exceeds eight dwelling units will be considered a commercial multifamily unit, and no city refuse collection or curb-side recycling services will be provided.

Section 2: All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

Section 3: If any provision, section, exception, subsection, paragraph, sentence, clause or phrase of the ordinance or the application of same to any person or the set of circumstances, shall for any reason be held unconstitutional, void or invalid, such invalidity shall not effect the validity of the remaining provisions of this ordinance or their application to other persons or sets of circumstances and to this end all provisions of this ordinance are declared to be severable.

Section 4: Any person who fails to comply with any provision of this ordinance shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine in an amount of not more than FIVE HUNDRED AND NO/100 DOLLARS (\$500.00). Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisances, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 5: This ordinance shall take effect from and after ten (10) days from its passage by the City Council. The City Clerk is hereby directed to give notice hereof by causing the caption of this ordinance to be published in the official newspaper of the City of Baytown at least twice within ten (10) days after passage of this ordinance.

INTRODUCED, READ, AND PASSED by the affirmative vote of the City Council of Baytown, this the 27th day of October, 2016.


STEPHEN H. DONCARLOS, Mayor

ATTEST:


LETICIA BRYSCH, City Clerk

APPROVED AS TO FORM:


IGNACIO RAMIREZ, Sr., City Attorney