

ORDINANCE NO. 12-012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, AMENDING CHAPTER 16, SOLID WASTE, ARTICLE III, CURBSIDE RECYCLING, SECTION 16-32, CURBSIDE RECYCLING COLLECTION FEE, OF THE CODE OF ORDINANCES OF THE CITY OF BELLAIRE, TEXAS, FOR THE PURPOSE OF ADDING A NEW SUBSECTION (D) TO SAID SECTION TO ALLOW ANY RESIDENT WHO IS DISABLED TO OPT OUT OF THE CURBSIDE RECYCLING PROGRAM.

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

SECTION 1. *Chapter 16, Solid Waste, Article III, Curbside Recycling, Section 16-32, Curbside recycling collection fee, of the Code of Ordinances of the City of Bellaire, Texas ("Code"), is hereby amended by adding a new subsection (d) to said section for the purpose of allowing any resident who is disabled to opt out of the curbside recycling program. The amended Code shall read as set out in Appendix A, attached hereto. All other portions of Chapter 16, Solid Waste, of the City's Code not specifically amended hereby shall remain in full force and effect.*

SECTION 2. All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict only.

SECTION 3. If any word, phrase, clause, sentence, paragraph, section or other part of this Ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this Ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this Ordinance to any persons or circumstances shall be affected thereby.

SECTION 4. The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this Ordinance was discussed, considered or acted upon was given in the manner required by the *Texas Open Meetings Act*, as amended, and that each such meeting has been open to

the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves, and confirms such notices and the contents and posting thereof.

SECTION 5. This Ordinance shall be effective immediately upon passage, approval, and adoption.

PASSED, APPROVED and ADOPTED this, the 19th day of March, 2012.

Philip L. Nauert, Mayor
City of Bellaire, Texas

ATTEST:

Tracy L. Dutton, TRMC
City Clerk
City of Bellaire, Texas

APPROVED AS TO FORM:

Alan P. Petrov, City Attorney
City of Bellaire, Texas

APPENDIX A

Instructions: Language to be added has been underscored.

CHAPTER 16 SOLID WASTE

ARTICLE III. CURBSIDE RECYCLING

Sec. 16-32. Curbside recycling collection fee.

The owner and/or occupant of each residential property located within the City of Bellaire for which an open, active water service account is maintained with the City of Bellaire shall pay to the City of Bellaire the following fees which are hereby levied against such property for the operation of the City of Bellaire facilities for collection and disposal of curbside recycling:

- (a) For each single-family dwelling unit, a fee of two dollars and fifty cents (\$2.50) per month along with any applicable tax, whether in a single-family residence, duplex, triplex, fourplex, townhouse or otherwise. This fee is subject to a periodic review by the city manager and may be adjusted accordingly. The current fee schedule shall be certified by the city manager and maintained by the Department of Finance of the City of Bellaire.
- (b) The fee for curbside recycling shall be assessed as a garbage collection fee on the water bill for each participating customer. All provisions of Chapter 31 with respect to utility billings, payments and disconnections shall apply to the curbside recycling fee.
- (c) The water deposit of any such occupant may be applied to the payment of any fees for curbside recycling service which are more than sixty (60) days past due, and when such deposit has been exhausted by any such payment and there are still curbside recycling fees due, the City of Bellaire may cut off the water service to such occupant's premises until such fees have been paid and the water deposit for such premises has been replenished in full.
- (d) Any resident who is disabled may opt out of the curbside recycling program by submitting a written request to the Utility Billing Office of the Department of Finance of the City of Bellaire.