

CITY OF WATAUGA, TEXAS
ORDINANCE NO. 1662

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WATAUGA, TEXAS AMENDING THE CODE OF ORDINANCES OF THE CITY OF WATAUGA, TEXAS BY ADOPTING A NEW FEE FOR THE COLLECTION, HAULING, RECYCLING AND DISPOSAL OF HOUSEHOLD HAZARDOUS WASTE APPLICABLE TO EACH SINGLE-FAMILY RESIDENTIAL UNIT WITHIN THE CITY OF WATAUGA; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING AN AMENDMENT TO ADOPT A FEE FOR COLLECTION OF HOUSEHOLD HAZARDOUS WASTE; PROVIDING FOR A SAVINGS AND REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Watauga, Texas (the "City"), is a home-rule city with full power of local self-government; and

WHEREAS, the City, through the City Council, and pursuant to both local and state law, is authorized to enter into a contract with an independent contractor to provide Household Hazardous Waste collection services to the residents of the City of Watauga to provide collection and disposal of household items such as gasoline, lawn chemicals, auto fluids, batteries, aerosol products, ammunition and paint; and

WHEREAS, it is more efficient for the City to contract with a third party to provide services for the collection of hazardous waste materials from residents; and

WHEREAS, the City Council has entered into a contract with Doliver Enterprises, LLC dba HHW Solutions ("Service Provider") for the collection and disposal of Household Hazardous Waste that is generated by residential units, and the contract with the Service Provider imposes a fee that will be passed through to each residential customer within the City limits that receives water and sewer service from the City; and

WHEREAS, the City Council has established fees for a variety of City services, and amended the fees as needed, in accordance with the City's authority under state law and the Code of Ordinances of the City; and

WHEREAS, as a result of the approval of the contract for hazardous waste, an amendment to the City of Watauga Code of Ordinances is necessary to impose the fee for collection of Household Hazardous Waste from single family residential units within the City; and

WHEREAS, having reviewed the fees set forth in the contract with HHW Solutions, the City Council has determined those fees to be reasonable and necessary fees for the services provided pursuant to the contract, and the fee shall be a direct pass-through of costs under the contract with no additional administrative costs; and

WHEREAS, the City Council finds and determines that imposing fees for household hazardous waste collection and disposal consistent with the terms of the contract is necessary, reasonable, and serves to benefit the health, safety, and welfare of the citizens of the City of Watauga.

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

SECTION 1. FINDINGS INCORPORATED. The findings set forth above are true and correct and are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. AMENDMENT ADOPTING FEE. The Code of Ordinances of the City of Watauga, Texas is hereby amended to adopt the following fee for each Single-Family Residential Unit that is located within the City's corporate limits and is billed by the City for water and sewer services. The following fee is hereby imposed and shall be included on the water and sewer bill for each Single Family Residential customer:

"As used herein, Single Family Residential Unit is defined as any residential dwelling unit that is designed for, and inhabited by, a single person or family unit and that generates and accumulates Household Hazardous Waste and that is located within the City's corporate limits and is billed by the City for water and sewer services.

Household Hazardous Waste Collection Service Fee \$.89 per month per Single Family Residential Unit."

SECTION 3. SAVINGS/REPEALING CLAUSE. This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has

arisen under or pursuant to such Ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 4. SEVERABILITY CLAUSE. If any section, subsection, clause, phrase or provision of this Ordinance, or any application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or any application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

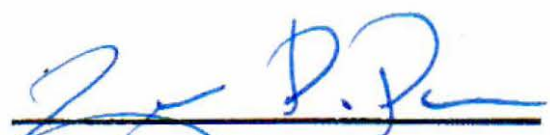
SECTION 5. EFFECTIVE DATE. The fee proposed in this Ordinance shall become effective August 1, 2018.

PASSED AND ADOPTED by the City Council of the City of Watauga this 25th day of June, 2018.

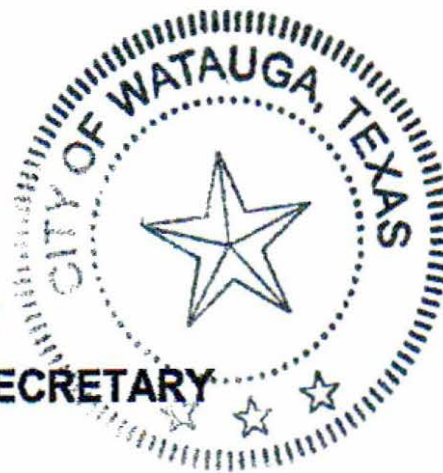


PATRICK SHELBOURNE, MAYOR

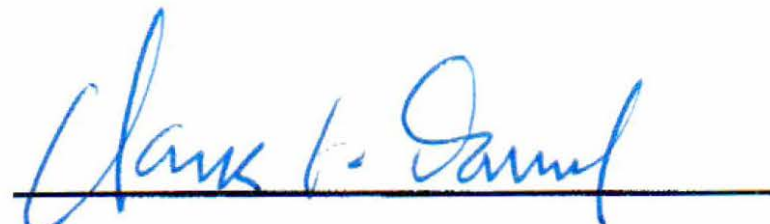
ATTEST:



ZOLAINA PARKER, CITY SECRETARY



APPROVED AS TO FORM:



MARK DANIEL, CITY ATTORNEY