

ORDINANCE NO. 2004-01

**AN ORDINANCE OF THE CITY OF RIESEL, TEXAS
PROVIDING FOR A SYSTEM OF SOLID WASTE
COLLECTION AND DISPOSAL, PROHIBITING USE OF SOLID
WASTE COLLECTION AND/OR DISPOSAL SERVICES OTHER
THAN AS PROVIDED BY THE CITY, REQUIRING USE OF
THE SOLID WASTE COLLECTION AND DISPOSAL
SERVICES PROVIDED BY THE CITY, PROHIBITING THE
PROVISION OF SOLID WASTE COLLECTION AND/OR
DISPOSAL SERVICES WITHIN THE CITY OTHER THAN
UNDER CONTRACT WITH THE CITY, DECLARING
VIOLATION OF THE ORDINANCE AN OFFENSE,
ESTABLISHING PENALTIES FOR VIOLATION OF THE
ORDINANCE, AND DECLARING AN EMERGENCY**

WHEREAS, in order to protect the health, safety and welfare of the citizens of the City of Riesel, Texas, and to provide a coordinated and monitored system of garbage and refuse collection and disposal within the City of Riesel, Texas, it is necessary to establish regulations regarding the collection and disposal of solid waste, and

WHEREAS, the public necessity for the establishment of a solid waste collection system in the City of Riesel for sanitation and public health purposes is hereby recognized and declared, and

WHEREAS, the City Council finds that the enactment of this Ordinance is in the best interests of the citizens of the City of Riesel, Texas.

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

1. The City of Riesel, Texas, through the services of a contractor awarded an exclusive contract to collect and dispose of solid waste within the City of Riesel, Texas, will provide solid waste collection and disposal services to all persons and entities within the City of Riesel, Texas (hereinafter "City"). For purposes of this Ordinance, "solid waste" means garbage, refuse, trash, rubbish, brush and waste commonly generated by residential or commercial properties.

2. No resident of the City, or person dwelling therein, or any commercial, industrial or business establishment within the City, or any person or entity operating a business or establishment within the City, whether or not for profit, shall use or engage any service for the collection and disposal of solid waste other than the service provided by the City through the contractor having the exclusive contract for performance of such services within the City.

3. No resident of the City, or person dwelling therein, or any commercial, industrial or business establishment within the City, or any person or entity operating a business or establishment within the City, whether or not for profit, shall refuse to avail themselves of the solid waste collection and disposal services provided by the City through the contractor having the exclusive contract to perform such services within the City for the collection or disposal of solid waste from their residence or establishment.

4. Any person or entity who is delinquent in payment of fees charged for the collection and disposal of solid waste may have solid waste collection and disposal services suspended until such time as the delinquent fees are fully paid.

5. It shall be unlawful for any person or entity to provide solid waste collection or disposal services within the City except under contract with the City as approved by the City Council.

6. Violation of Section 2 or 3 of this Ordinance is an offense punishable by a fine not to exceed \$500.00. Each day of violation constitutes a separate violation.

7. Violation of Section 5 of this Ordinance is an offense punishable by a fine not to exceed \$2,000.00. Each instance of unauthorized collection or disposal shall constitute a separate offense.

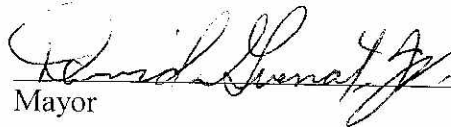
8. The nature of the matters regulated and emergent threat to the public health, safety and welfare necessitate that this Ordinance be enacted without further delay or procedure.

9. The City Administrator shall publish this Ordinance in accordance with §52.011 of the Local Government Code.

10. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unlawful, such decision shall not affect the validity of the remaining portions of this Ordinance, and all the remainder of this Ordinance not so declared to be invalid shall continue to be in full force and effect. The City Council of the City of Riesel, Texas, hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

PASSED THIS 6 DAY OF JANUARY, 2004 on the Motion of Councilman Mullens and the second of Councilman Low, by a vote of 5 AYES to 0 NAYS.

CITY OF RIESEL, TEXAS



Mayor

ATTEST:



City Secretary

PASSED AND APPROVED this the 6 day of January, 2004, at a meeting of the City Council duly noticed and held in accordance with Chapter 551 of the Government Code.

CITY OF RIESEL, TEXAS



Mayor

ATTEST:



City Secretary