AN ORDINANCE No. 091212 OF THE CITY OF FRANKSTON, TEXAS, PROHIBITING THE COLLECTION OF SOLID WASTE WITHIN THE CITY OF FRANKSTON EXCEPT BY THE DESIGNATED CONTRATOR, DESIGNATING EAST TEX TRASH SERVICE AS THE EXCLUSIVE COLLECTOR AND TRANSPORTER OF RESIDENTIAL SOLID WASTE WITHIN THE CITY OF FRANKSTON, PROVIDING FOR A PENALTY, AND PROVIDING A SEVERANCE CLAUSE.

WHEREAS, the City Council of the City of Frankston believes it is to the advantage of the City and its citizens, to provide for a sole exclusive provider of residential solid waste collection services; and

WHEREAS, an exclusive provider of residential solid waste collection services is able to make investments in adequate equipment, and is able to provide service at a more reasonable price because it is able to recover its fixed costs from a more stable and extensive group of customers; and

WHEREAS, after consideration of the available services, and the proposal made by East Tex Trash Service, the City Council believes that East Tex Trash Service is capable of providing the most effective, cost-efficient residential solid waste collection service to the citizens of the City of Frankston.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRANKSTON, TEXAS:

I.

That the following provisions are adopted as a governing ordinance of the City of Frankston:

A. Collection Contractor

(1) The city shall designate a contractor to regularly collect and remove all garbage, recyclable material, rubbish, brush, and solid waste, excluding hazardous waste, from all residential premises within the corporate city limits. The waste collector shall operate by contract with the city. In the event of any conflict between the terms of the contract and the city's ordinances on the collection of solid waste, the ordinances shall control. The designated collection contractor shall not be responsible for the collection of hazardous waste.

(2) In the event that the designated collection contractor lacks adequate resources to collect and remove solid waste from public improvement projects, the executive director of public works may authorize solid waste removal by another contractor.

B. Disposal of Solid Waste

(1) Individual residents may remove garbage, recyclable material, rubbish, brush or unusual accumulations from their own residences, provided that the garbage, recyclable material, rubbish, brush or unusual accumulations are properly secured during transport.

(2) It shall be unlawful for any person to engage in the business of collecting solid waste within the city except as may be specifically authorized by contract with the city.

(3) It shall be unlawful for any person to engage in the business of collecting solid waste within the city except as may be specifically authorized in accordance with this article.

(4) It is a defense to prosecution under this subsection that the city has not designated a contractor to collect and transport solid waste or the designated contractor has failed to collect waste in the City during the previous 15 days.

II.

That East Tex Trash Service is hereby designated the exclusive contractor for the collection and transport of solid waste from residential locations, subject to the provisions in the contract entered into with East Tex Trash Service.

III.

That all other laws, ordinances, or resolutions that are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

IV.

That any person who engages in any activity made unlawful in Section B (2) or B (3) of this Ordinance shall be guilty of an offense and shall be subject to a fine not to exceed the maximum lawful fine for violation of a municipal ordinance relating to health and safety.

V.

That in the event any part of this ordinance is declared to be invalid or unconstitutional, such declaration shall not affect the remaining portions of the ordinance which shall remain in full force and effect as if the portion so declared invalid or unconstitutional was not originally a part of the ordinance.

PASSED, APPROVED, and ADOPTED by the City Council of the City of Frankston, Texas, at a regular meeting held on this the 11th day of September, 2012.

AL MANN, MAYOR

ATTEST:

JAN HAMILTON
CITY SECRETARY

COPY

AMENDMENT TO ORDINANCE No. 091212 OF THE CITY OF FRANKSTON, TEXAS, PROHIBITING THE COLLECTION OF SOLID WASTE WITHIN THE CITY OF FRANKSTON EXCEPT BY THE DESIGNATED CONTRATOR, DESIGNATING AMERI-TEX SERVICES, INC. AS THE EXCLUSIVE COLLECTOR AND TRANSPORTER OF RESIDENTIAL SOLID WASTE WITHIN THE CITY OF FRANKSTON, PROVIDING FOR A PENALTY, AND PROVIDING A SEVERANCE CLAUSE.

WHEREAS, the City Council of the City of Frankston believes it is to the advantage of the City and its citizens, to provide for a sole exclusive provider of residential solid waste collection services; and

WHEREAS, an exclusive provider of residential solid waste collection services is able to make investments in adequate equipment, and is able to provide service at a more reasonable price because it is able to recover its fixed costs from a more stable and extensive group of customers;

WHEREAS, on September 1, 2012, the City of Frankston adopted Ordinance No. 091212, whereby it designated East Tex Trash Service the exclusive contractor for the collection and transport of solid waste from residential locations, subject to the provisions in the contract entered into with East Tex Trash Service on that same date;

WHEREAS, Ameri-Tex Services, Inc. has purchased the business and assets of East Tex Trash Service, and desires to assume the contract entered into between the East Tex Trash Services and the City of Frankston, such that Ameri-Tex Services will henceforth be the exclusive contractor for the collection and transport of solid waste from residential locations within the City of Frankston, subject to the provisions in the contract entered into of even date with this ordinance amendment between Ameri-Tex Services, Inc. and the City of Frankston; and

WHEREAS, after consideration of the available services, and the proposal made by Ameri-Tex Services, Inc., the City Council believes that Ameri-Tex Services, Inc. is capable of providing the most effective, cost-efficient residential solid waste collection service to the citizens of the City of Frankston

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRANKSTON, TEXAS:

I.

That Ordinance No. 091212 is amended as follows and the following provisions are adopted as a governing ordinance of the City of Frankston:

A. Collection Contractor

(1) The city shall designate a contractor to regularly collect and remove all garbage, recyclable material, rubbish, brush, and solid waste, excluding hazardous waste, from all residential premises within the corporate city limits. The waste collector shall operate by contract with the city. In the event of any conflict between the terms of the contract and the city's ordinances on the collection of solid waste, the ordinances shall control. The designated collection contractor shall not be responsible for the collection of hazardous waste.

(2) In the event that the designated collection contractor lacks adequate resources to collect and remove solid waste from public improvement projects, the executive director of public works may authorize solid waste removal by another contractor.

B. Disposal of Solid Waste

(1) Individual residents may remove garbage, recyclable material, rubbish, brush or unusual accumulations from their own residences, provided that the garbage, recyclable material, rubbish, brush or unusual accumulations are properly secured during transport.

(2) It shall be unlawful for any person to engage in the business of collecting solid waste within the city except as may be specifically authorized by contract with the city.

(3) It shall be unlawful for any person to engage in the business of collecting solid waste within the city except as may be specifically authorized in accordance with this article.

(4) It is a defense to prosecution under this subsection that the city has not designated a contractor to collect and transport solid waste or the designated contractor has failed to collect waste in the City during the previous 15 days.

II.

That Ameri-Tex Services, Inc. is hereby designated the exclusive contractor for the collection and transport of solid waste from residential locations, subject to the provisions in the contract entered into with Ameri-Tex Services, Inc..

III.

That all other laws, ordinances, or resolutions that are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

IV.

That any person who engages in any activity made unlawful in Section B (2) or B (3) of this Ordinance shall be guilty of an offense and shall be subject to a fine not to exceed the maximum lawful fine for violation of a municipal ordinance relating to health and safety.

V.

That in the event any part of this ordinance is declared to be invalid or unconstitutional; such declaration shall not affect the remaining portions of the ordinance which shall remain in full force and effect as if the portion so declared invalid or unconstitutional was not originally a part of the ordinance.

PASSED, APPROVED, and ADOPTED by the City Council of the City of Frankston, Texas, at a regular meeting held on this the 12th day of February, 2013.

AL MANN, MAYOR

ATTEST:

JAN HAMILTON
CITY SECRETARY

ORDINANCE NO. 111312

AN ORDINANCE OF THE CITY OF FRANKSTON, TEXAS, ESTABLISHING RATES FOR THE PROVISION OF WATER AND WASTEWATER SERVICE AND FOR THE COLLECTION OF SOLID WASTE WITHIN THE CITY OF FRANKSTON, PROVIDING FOR A PENALTY, AND PROVIDING A SEVERANCE CLAUSE.

WHEREAS, the City of Frankston provides water, wastewater, and solid waste collection services to citizens within its corporate boundaries; and

WHEREAS, the City is required to collect charges for the services it provides so as to pay for the provision of adequate and reliable service; and

WHEREAS, the City must ensure that the charges are collected, and needs to establish fair and reasonable deposits to ensure that all ratepayers are responsible for the services that they receive; and

WHEREAS, the City incurs substantial administrative and other costs when service must be terminated for non-payment, and when such service is reinstated, which costs should be recovered through disconnect and reconnect fees; and

WHEREAS, the City Council has determined that the rates charged to customers of the City's water, wastewater, and solid waste service should be established to accurately reflect the cost of providing the services:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRANKSTON, TEXAS:

I.

The following schedule of rates is hereby established for water service, wastewater service, and trash collection service:

DEPOSITS

OWNERS - $100.00

RENTERS - $200.00

Deposits shall be refunded to owners after three years of service with no late payments.

RATES

RESIDENTIAL	
Water Service:	$16.00 per month minimum monthly charge for the first 2,000 gallons of water, plus
	$4.50 per 1,000 gallons for all usage over 2,000 gallons.
Wastewater Service:	$17.00 per month minimum monthly charge for the first 2,000 gallons of water, plus
	$3.00 per 1,000 gallons for all usage over 2,000 gallons.
	(Charges for wastewater service are calculated based on water usage.)
Maximum monthly Wastewater charge	$40.00
COMMERCIAL	
Water Service:	$20.00 per month minimum monthly charge for the first 2,000 gallons of water, plus
	$4.75 per 1,000 gallons for all usage from 2,000 gallons to 10,000 gallons, plus
	$5.75 per 1,000 gallons for all usage over 10,000 gallons.
Wastewater Service:	$20.00 per month minimum monthly charge for the first 2,000 gallons of water, plus
	$3.75 per 1,000 gallons for all usage from 2,000 gallons to 10,000 gallons, plus
	$4.75 per 1,000 gallons for all usage over 10,000 gallons.
	(Charges for wastewater service are calculated based on water usage.)
System Upgrade Surcharge:	$5.00 per month

TRASH COLLECTION

Weekly service:	$19.00 per month
Twice weekly service:	$23.00 per month

SPECIAL FEES

Service Fee:	$50.00
Transfer Fee:	$15.00
Returned Check Fee:	$35.00

Fees for a splitter to provide separate service for irrigation, and fees for the cost of a meter, are to be determined by the Water Department, based on their actual cost of providing the service.

TAP FEES

Water:	$750.00
Wastewater:	$750.00

II.

Trash collection fees shall be collected on all residential units with active water service, whether occupied or not.

III.

That all other laws, ordinances, or resolutions that are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

IV.

That in the event any part of this ordinance is declared to be invalid or unconstitutional, such declaration shall not affect the remaining portions of the ordinance which shall remain in full force and effect as if the portion so declared invalid or unconstitutional was not originally a part of the ordinance.

PASSED, APPROVED, and ADOPTED by the City Council of the City of Frankston, Texas, at a regular meeting held on this the 13 day of November, 2012.

Eugene E. Brooks

EUGENE BROOKS, MAYOR PRO TEM

ATTEST:

Jan Hamilton

JAN HAMILTON
CITY SECRETARY