

ORDINANCE NO. 2023-1409

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, AMENDING SECTION 30-69 OF THE FULSHEAR CODE, REGARDING RATES AND CHARGES FOR SOLID WASTE COLLECTION SERVICES; PROVIDING FOR A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, Chapter 364 of the Texas Health and Safety Code authorizes the City of Fulshear to offer solid waste disposal service to persons in its territory, to require the use of the services by those persons, and to charge fees for the service; and

WHEREAS, Section 30-69 of the Fulshear Code provides for certain solid waste collection services and provides the fees therefor; and

WHEREAS, the City has an agreement with Green For Life, as assignee of Waste Corporation of America, for solid waste collection services; and

WHEREAS, the costs to the City for such services under the agreement are subject to change as provided therein; and

WHEREAS, the City Council desires to amend Section 30-69 of the Fulshear Code to set rates and charges for solid waste collection services in accordance with the agreement and as authorized by Section 364.034 of the Health and Safety Code;

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

Section 1. Section 30-69 of the Fulshear Code is hereby amended to read as follows:

“Sec. 30-69. - Rates and charges.

(a) *Residential customers.*

- (1) The city's contracted solid waste service provider shall provide solid waste collection service, including bulk and brush collection, to all residential customers within the city limits. The fee collected for such service provided to residential customers shall be \$5.72, plus tax, per account, per month until the first billing cycle occurring on or after October 1, 2023, at which time the fee collected for such service provided to residential customers shall be \$11.44, plus tax, per account, per month.
- (2) Additionally, the city's contracted solid waste service provider shall provide curbside recycling service to all residential customers who do not opt out of such service in accordance with this subsection. The fee collected for such service

provided to residential customers shall be \$5.29, plus tax, per account, per month.

- (3) Residential customers shall be provided one cart for solid waste at no cost, and residential customers who do not opt out of recycling service shall be provided one recycling cart at no cost. A one-time fee of \$70.00 shall be collected for each replacement cart.
- (4) Residential customers may request one additional cart for solid waste, one additional cart for recycling, or both. The fee collected for such additional carts shall be \$95.00 each.
- (5) Residential customers wishing to opt out of the recycling service must do so by notifying the city's billing agent in writing, by email, mail, or hand delivery.
- (6) Residential customers who previously opted out of recycling service may opt in at a later date by notifying the city's billing agent in writing, by email, mail, or hand delivery. Any residential customer that has opted out of recycling service and subsequently utilizes the service, as reported by the service provider, shall be considered to have opted in again and shall be billed for such services.
- (7) The provisions for billing, collection and termination of such accounts shall be the same as provided in division 4 of this article. An administrative fee in the amount of \$0.00, plus tax, shall be charged to each residential account per month.

(b) *Commercial customers.*

- (1) The city's contracted solid waste service provider shall provide solid waste collection service to all commercial customers within the city limits.
- (2) Additionally, the city's contracted solid waste service provider shall provide recycling service to all commercial customers who opt in to such service in accordance with this subsection.
- (3) Commercial customers wishing to opt in to recycling service must do so by notifying the city's billing agent in writing, by email, mail, or hand delivery, which notice must specify the container size desired for such service in accordance with subsection (b)(4).
- (4) Except as provided by subsection (b)(5), the fee collected for solid waste collection service and recycling service provided to commercial customers shall be as set forth in the following table, plus tax, per account, per month:

COMMERCIAL SERVICES						Recycling Collection	MSW Extra Pickup	Container	Container
Size	1X/Week	2X/Week	3X/Week	4X/Week	5X/Week	1x per week	Charge	Delivery	Removal
95 Gallon Cart (2 Carts)	\$26.95	N/A	N/A	N/A	N/A	\$26.95	-	\$35.00	\$35.00
2	\$62.66	\$109.94	N/A	N/A	N/A	\$74.16	\$95.00	\$95.00	\$95.00
3	\$80.25	\$128.63	N/A	N/A	N/A	\$89.35	\$95.00	\$95.00	\$95.00
4	\$96.75	\$161.61	N/A	N/A	N/A	\$107.67	\$95.00	\$95.00	\$95.00
6	\$124.23	\$217.68	\$285.63	\$530.83	\$129.72	\$129.72	\$95.00	\$95.00	\$95.00
8	\$149.52	\$253.96	\$347.23	\$418.17	\$156.29	\$156.29	\$95.00	\$95.00	\$95.00

- (5) The fee collected for solid waste collection service provided to commercial customers operating a restaurant shall be a base rate of \$4.12 per cubic yard of waste collected, plus a fuel recovery fee of 15 percent of the total base rate.
- (6) Commercial customers may elect to utilize locked containers by notifying the city's billing agent in writing, by email, mail, or hand delivery. An additional fee of \$15.00 per month, per container shall be collected from customers who elect to utilize locked containers.
- (7) The provisions for billing, collection and termination of such accounts shall be the same as provided in division 4 of this article. An administrative fee in the amount of \$3.00, plus tax, shall be charged to each commercial account per month."

Section 2. Penalty. Any person who violates or causes, allows, or permits another to violate any provision of this ordinance, rule, or police regulation of the city shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine or penalty not to exceed five hundred dollars (\$500.00), provided that if such rule, ordinance, or police regulation governs fire safety, zoning, or public health and sanitation, other than the dumping of refuse, the fine or penalty shall not exceed two thousand dollars (\$2,000.00), and further provided that if such rule, ordinance, or police regulation governs the dumping of refuse, the fine or penalty shall not exceed four thousand dollars (\$4,000.00). Each occurrence of any violation of this ordinance, rule, or police regulation shall constitute a separate offense. Each day on which any such violation of this ordinance, rule, or police regulation occurs shall constitute a separate offense.

Section 3. Severability. In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Fulshear, Texas declares that it would

have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 4. Repeal. All other ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 5. Effective date. This Ordinance shall be effective and in full force when published as required by law.

PASSED, APPROVED, and ADOPTED this, the 21st day of March, 2023.





Aaron Groff, Mayor

ATTEST:



Mariela Rodriguez, City Secretary