

ORDINANCE NO. 2018-03

AN ORDINANCE OF THE CITY OF OVILLA, TEXAS, AMENDING APPENDIX "A" (FEE SCHEDULE), SECTION A7.001 (GARBAGE COLLECTION FEES), OF THE CITY OF OVILLA CODE OF ORDINANCES, PROVIDING AMENDED RESIDENTIAL GARBAGE COLLECTION FEES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERANCE CLAUSE; PROVIDING FOR INCORPORATION INTO THE OVILLA CODE OF ORDINANCES; PROVIDING FOR IMMEDIATE EFFECT; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City of Ovilla provides garbage collection services by and through a contractual agreement with a private garbage collection service; and

WHEREAS, the City has established garbage collection fees for each residential property that has a water meter; and

WHEREAS, the City has established fees for garbage collection services for residential property owners in the amount of \$14.92 per month and \$12.22 per month for property owners that are over the age of 65 years, as set forth in Appendix A, Section A7.001 of the Ovilla Code of Ordinances; and

WHEREAS, the contractual amount charged to the City for residential garbage collection services is \$13.68 per month; and

WHEREAS, the City Attorney has advised that the City cannot charge residential garbage collection fees in an amount less than what the City is being charged under its contract for residential garbage collection services; and

WHEREAS, the City Council finds and determines that Appendix A, Section A7.001 is more appropriately entitled "Solid Waste Collection Fees;" and

WHEREAS, the City finds and determines that it is necessary and in the best interests of the health, safety and welfare of the citizens of the City of Ovilla to amend the City's residential garbage collection fees as set forth herein.

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

SECTION 1. AMENDMENT OF APPENDIX A, SECTION A7.001 OF THE OVILLA CODE OF ORDINANCES

Appendix A, Section A7.001 of the Ovilla Code of Ordinances is hereby amended in part to read as follows:

Sec. A7.001 Solid Waste Collection Fees

(a) Residential. Each residential property having a water meter shall be assessed a fee of \$14.92 per month; provided, however, if one of the record property owners is over the age of 65 years, such residential property having a water meter shall be assessed a fee of \$13.68 per month.

* * *

SECTION 2. SAVINGS CLAUSE

In the event that any other Ordinance of the City of Ovilla, Texas, heretofore enacted is found to conflict with the provisions of the Ordinance, this Ordinance shall prevail.

SECTION 3. SEVERANCE CLAUSE

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. INCORPORATION INTO THE CODE OF ORDINANCES

The provisions of this ordinance shall be included and incorporated in the City of Ovilla Code of Ordinances and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

SECTION 5. EFFECTIVE DATE

Because of the nature of interest and safeguard sought to be protected by this Ordinance and in the interest of the citizens of the City of Ovilla, Texas, this Ordinance shall take effect immediately after passage, approval and publication, as required by law.

SECTION 6. PUBLICATION

The City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.

PASSED, ADOPTED AND APPROVED by the City Council of Ovilla, Texas on this the 12 day of FEBRUARY, 2018.



Richard Dormier, Mayor

ATTEST:



Pamela Woodall, City Secretary



APPROVED AS TO FORM:



Ron G. MacFarlane, Jr., City Attorney