

ORDINANCE NUMBER 891

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT; GRANTING THE AUTHORITY FOR THE EXECUTION OF A WASTE SERVICES CONTRACT WITH IESI TX CORPORATION; REQUIRING USE OF IESI TX CORPORATION FOR SOLID WASTE DISPOSAL WITHIN BURKBURNETT CITY LIMITS; AND PROVIDING CRIMINAL PENALTIES FOR NON-COMPLIANCE; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE; FINDING AND DETERMINING THAT THE MEETING THIS ORDINANCE IS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the accumulation and the improper disposal of waste within the City constitutes as a hazard to the public health and safety and general welfare; and

WHEREAS, in the course of protecting the health and safety and general welfare of the citizens of the City of Burkburnett and of the public in general, it is incumbent upon the City Council of the City of Burkburnett to provide adequate garbage collection and disposal service for the citizens of the City of Burkburnett; and

WHEREAS, the City of Burkburnett has determined that it would be in the best interest of the citizens of Burkburnett and would promote the health and safety and general welfare of the citizens of the City of Burkburnett and the public in general to contract with IESI TX Corporation, to provide for the collection, removal and disposal of solid waste in the City of Burkburnett;

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT AS FOLLOWS:

Sec. 1.01: Contract

There is hereby granted by THE CITY OF BURKBURNETT, WICHITA COUNTY, TEXAS to IESI TX CORPORATION the exclusive right and privilege to operate and maintain within the City of Burkburnett, services for the collection, removal and disposal of Municipal Solid Waste and Construction and Demolition Waste. Services include but not limited to commercial, residential, industrial, and roll-off. The terms of the agreement with IESI TX Corporation are set forth in the Exclusive Franchise Agreement for the Collection, Hauling and Disposal of Municipal Solid Waste in the City of Burkburnett, Texas, (Exhibit A attached and incorporated herein).

Sec. 1.02: Participation in Service

Each residential, commercial, or industrial unit shall utilize the solid waste and construction and demolition waste service provided by the City's exclusive franchise holder as independent contractor. Failure to utilize such disposal services does not negate the charges for the services, nor does it relieve the unit of responsibility to pay said charges even if services have been halted for nonpayment.

Sec. 1.03: Severability

In the event any one or more of the provisions of this Ordinance should be declared to be invalid, unenforceable or illegal; such invalidity, unenforceability, or illegality shall not affect the validity, enforcement or legality of the remaining portions of this Ordinance.

Sec. 1.04: Repeal of Conflicting Ordinances

All ordinances and portion of ordinances in conflict of this Ordinance are hereby repealed.

Sec. 1.05: Publication

The City Clerk is authorized and directed to publish the caption and penalty prescribed by this Ordinance in accordance with applicable law.

Sec. 1.06: Date Effective

This Ordinance shall be in full force and effect immediately upon passage and publication.

PASSED AND APPROVED on this the 19th day of October, 2015.

CITY OF BURKBURNETT

CARL LAW, MAYOR

ATTEST:

Janelle Dolan, City Clerk