

ORDINANCE NO. 2004-81

AN ORDINANCE OF THE TOWN OF TALTY, TEXAS, AMENDING REGULATIONS RELATING TO THE COLLECTION OF SOLID WASTE; PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of Aldermen of the Town of Talty finds and determines that a public need exists to regulate the collection of solid waste in the Town's limits in order to protect the public streets and provide for the general health, safety and welfare of the citizens;

WHEREAS, the Board of Aldermen also determines that the existing regulations as set forth in Ordinance No. 2003-70 require modification and clarification to ensure fair and consistent application of the regulations;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF TALTY, TEXAS:

SECTION 1. That Section 2. Permit and Franchise Required, item (b) of Ordinance No. 2003-70 adopting regulations relating to the collection of solid waste be amended to specify the license fee as 7% of all amounts received or charged by the collector for services provided. This section and item shall read as follows:

Section 2. Permit and Franchise Required

(b) In addition to the foregoing permit requirement, any person, firm or corporation collecting solid waste from any residence within the Town shall first enter into a right-of-way use agreement with the Town. Said agreement shall be on such terms and conditions as the parties may mutually agree and shall provide for the collection of a 7% license fee of all amounts received or charged by the collector for services provided. The Town may determine that such agreement may be exclusive or non-exclusive.

SECTION 2. That Section 2. Permit and Franchise Required, item (e) of Ordinance No. 2003-70 adopting regulations relating to the collection of solid waste be amended as to truck weight requirements. This section and item shall read as follows:

Section 2. Permit and Franchise Required

(e) All Collectors shall clearly mark all collection vehicles with the Collector's name, address and telephone number. All collection vehicles used by Collectors to collect municipal solid waste within the Town shall be no larger than a "single axle" type, and shall not exceed 40,000 pounds gross weight. Trucks used for commercial and roll-off services may be tandem axle and may not exceed 60,000 pounds gross weight. Collector must use trucks and equipment meeting the approval of the Town that will prevent spillage, and damage to the streets and ways used by such trucks and equipment. Collector shall also abide by any Town regulations with regard to the placement of collection containers if it becomes necessary to establish such regulations.

SECTION 3. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinances of the Town as a whole.

SECTION 4. That any person, firm or corporation violating any of the provisions or terms of this ordinance as amended hereby shall be deemed guilty of a misdemeanor and subject to a penalty as provided for in the Code of Ordinances, and upon conviction shall be punished by fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense, and each and every day such violation shall continue shall constitute a separate offense.

SECTION 5. That this ordinance shall take effect immediately from and after its passage and the publication of the caption as the law in such cases provide.

DULY ADOPTED by the Board of Aldermen of the Town of Talty, Texas on the 27th day of August, 2004.

APPROVED:

MAYOR

ATTEST:

TOWN SECRETARY

APPROVED AS TO FORM:

TOWN ATTORNEY

(57975)

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