

VILLAGE OF POINT VENTURE

ORDINANCE NO. 2007-01-08

SOLID WASTE COLLECTION

AN ORDINANCE OF THE VILLAGE OF POINT VENTURE, TEXAS, AMENDING ORDINANCE NUMBER 2006-11-12, WHICH AUTHORIZED THE EXECUTION OF A CONTRACT FOR EXCLUSIVE SOLID WASTE SERVICES IN THE VILLAGE; REQUIRING ALL RESIDENTIAL AND COMMERCIAL INHABITANTS OF THE VILLAGE TO USE SUCH SERVICES; PROHIBITING OTHER SOLID WASTE PROVIDERS FROM PROVIDING SOLID WASTE SERVICE WITHIN THE VILLAGE; PROVIDING FOR ENFORCEMENT, PENALTIES, FOR NON-COMPLIANCE, A REPEALER CLAUSE; SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE

WHEREAS, the Village of Point Venture is authorized under state law to enter into an exclusive agreement for solid waste collection, recycling, transportation, and disposal services within the corporate limits of the Village; and

WHEREAS, whereas the Village Council has determined that multiple solid waste collection vehicles serving the Village damages Village streets, poses a threat to vehicular and pedestrian safety, and constitutes a public nuisance; and

WHEREAS, whereas the Village Council has determined that it is in the best interests of the citizens of the Village of Point Venture to enter into such an agreement.

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF POINT VENTURE, TEXAS THAT:

1 **Recitals:** The foregoing recitals are adopted and incorporated herein for all purposes.

2 **Definitions:**

Cart: A waste receptacle provided by to a solid waste collection and disposal customer by the contractor.

Container: A receptacle for recyclable materials provided by to a solid waste collection and disposal customer by the contractor.

Garbage: Trash, including every accumulation of waste (animal, vegetable and/or other matter) that results from the customary function of a residence or business establishment, storage, transportation, decay or decomposition of meats, fish, fowl, birds, fruits, grains or other animal or vegetable matter (including, but not by way of limitation, used tin cans and other food containers, and all putrescible or easily decomposable waste animal or vegetable matter which is likely to attract flies or rodents). The term includes Bulky Waste, Construction Debris, Dead Animals, Hazardous Waste, Refuse, Rubbish or Stable Matter.

1 **Residential Service Mandatory:** All residences within the Village of Point Venture shall be served by commercial solid waste collection and disposal services.

- 2 **Commercial Service Mandatory:** All business establishments within the Village of Point Venture shall be served by commercial solid waste collection and disposal services.
- 3 **Exclusive Franchise:** No person may contract for solid waste collection and disposal services with any provider other than the provider granted a franchise by the Village.
- 4 **Nuisance:** It is hereby declared a public nuisance for any residence or business establishment within the Village to be occupied without having contracted for and receive solid waste collection and disposal services.
- 5 **Theft of Service:** No person shall use another person's cart or container. It shall be an offense for a person to place garbage, or any material, in a cart or container not belonging to that person. Each violation of this regulation shall constitute a separate offense. This prohibition shall not apply to authorized agents, employees, guests or relatives of customers who have contracted for service for the cart or container.
- 6 **Enforcement:** Violation of this Ordinance is a Class C Misdemeanor, and may be punished by a fine of not more than Five Hundred Dollars (\$500.00) for each day of violation, each such incident constituting a separate offense.
- 7 **Severability:** It is hereby declared to be the intention of the Village Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.
- 8 **Repealer: Any ordinance, or portion of an ordinance, of the Village that is in conflict with this Ordinance is hereby repealed to the extent of the conflict.**
- 9 **Effective: This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.**

ADOPTED, PASSED & APPROVED on this, the 8th day of January 2007, by the Village Council of the Village of Point Venture, Texas.

VILLAGE OF POINT VENTURE:

Kevin Sheffer, Mayor

ATTEST: Chance Chatham, Village Secretary

APPROVED AS TO FORM: Alan J. Bojorquez Village Attorney