



CITY OF TOM BEAN

ORDINANCE 2008-13

AN ORDINANCE REQUIRING ALL PEOPLE LIVING WITHIN THE CITY LIMITS OF TOM BEAN, TEXAS, WHO HAVE CITY WATER AND PAY FOR CITY WATER MUST ALSO BE PROVIDED WITH CITY GARBAGE SERVICE. THE ORDINANCE ALSO REQUIRES PAYMENT OF GARBAGE FEE MONTHLY AS HEREIN PROVIDED. THE ORDINANCE PROVIDES A PENALTY THEREFORE FOR THE RIGHT TO DISCONNECT WATER SERVICE FOR THE VIOLATION.

Whereas,

1. There is need to regulate garbage and refuse within the City of Tom Bean, Texas.
2. Persons, households, businesses, industries and institutions have used the garbage services provided the residents of the City of Tom Bean without paying the fee therefore.
3. The City of Tom Bean is to provide a garbage service for all the citizens who live within the City of Tom Bean, Texas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOM BEAN, THAT THERE IS HEREBY PASSED A MANDATORY GARBAGE RATE OR FEE FOR EACH PERSON, HOUSEHOLD, BUSINESS, INDUSTRY, OR INSTITUTION THAT IS LOCATED AND DOMICILED IN THE CITY OF TOM BEAN, TEXAS FOR THE PURPOSE OF THIS ORDINANCE, AFFECTED ENTITIES ARE DETERMINED BY HAVING A WATER METER SERVICING SUCH PERSONS, HOUSEHOLDS, BUSINESSES, INDUSTRIES OR INSTITUTIONS.

SECTION 1. Short Title. This ordinance shall be known and may be cited as the ordinance requiring the mandatory payment of a garbage fee for each person, household, business, industry, or institution, which have a city water meter within the city limits of Tom Bean, Texas.

SECTION 2. This Ordinance shall repeal in its entirety ORDINANCE NO. 98-8-1, dated August 31, 1998. All existing ordinances of the City of Tom Bean, Texas, are also repealed insofar as they may be inconsistent with the provisions of this ordinance.

Section 3. Definitions. For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the contents, words used in the present tense include the future; words in the plural number include the singular number; and words in the singular number, the plural numbers. The word "shall" is always mandatory and not merely discretionary.

1. Person to mean any person, household, business, industry or institution.
2. City water meters mean any water meter connected to the City Water System providing water for any person, household, business, industry, or institution.
3. Rate or fee shall mean the garbage rate set by the City Council to be charged to the person as a fee for handling garbage and refuse. The rate established by the City Council shall as soon as practical will be promulgated by the City Council.
4. Housing for multiple families shall include any building used exclusively as living quarters for two or more families, each family living separately, and the building is not occupied by more families that total number of units.

SECTION 4. Any business operating as housing for multiple families may provide garbage collection dumpster(s) for its unit occupants and pay the collection fee for the residence. If the individual units have separate water meters, the individual persons shall not be charged garbage collection fee. If the business provides single water meter for the multiple families, but does not provide a single collection dumpster for garbage, then the business shall be charged for each individual occupied unit. It is the responsibility of the business to provide the City accurate unit occupancy and method of garbage collection intended.

SECTION 5. Collection of individual fees from certain housing units may be reduced or not collected in accordance with applicable State and Federal laws.

SECTION 6. All garbage fees shall be collected by and payable to the City Secretary through the City offices of the City of Tom Bean. The City of Tom Bean shall have the exclusive right to handle their own garbage or contract with individuals or companies to do the same.

SECTION 7. The city council shall set the garbage rate after a hearing by the city council at either a regular or special meeting.

SECTION 8. It shall be a violation of the law for any person who has to:

1. Dump or place their garbage in the garbage of any other person or any garbage canister provided by the City;
2. Illegally dumps their garbage within the City of Tom Bean.
3. Fails to pay the mandatory garbage fee.
4. Fails to provide accurate unit occupancies for multiple family housing to the City of Tom Bean.
5. Fails to provide an adequate garbage collection dumpster for its unit occupants contracted to provide a garbage collection dumpster.

A person in violation shall be guilty of a misdemeanor. The fine for each violation shall not exceed \$200.00. Also, the City shall have the right to disconnect the water service being provided to the guilty person who fails to pay the minimum garbage fee.

THIS ORDINANCE SHALL BE IN EFFECT UPON ITS READING AND PASSAGE BY THE CITY COUNCIL OF THE CITY OF TOM BEAN.

Duly passed and approved by the City Council of Tom Bean, Texas on this 13th day of October, 2008.

Mayor, Sherry Howard

Attest:

City Secretary, Cathy Pugh