

ORDINANCE NO. 2012-14

AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING SOLID WASTE COLLECTION RATES; AND PROVIDING FOR RESIDENTIAL AND COMMERCIAL HAND COLLECT CURBSIDE RECYCLING IN CHAPTER 90, ARTICLE III OF THE CITY OF BURNET CODE OF ORDINANCES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AS FOLLOWS:

Section 1. That Chapter 90, Article III of the City of Burnet Code of Ordinances be amended to read as follows:

ARTICLE III. RATES

Sec. 90-51. Residential refuse collection rates

The City, and/or its Contractor, will provide curbside collection service of residential refuse and waste to each residential unit as follows:

Standard residential rates per month:

One time per week [one 95-gallon cart]
Base Rate: \$14.02 per month
Billing Charge: \$2.00 per month
Total Rate: \$16.02 per month

One time per week [two 95-gallon carts]
Base Rate: \$17.22 per month
Billing Charge: \$2.00 per month
Total Rate: \$19.22 per month

One time per week [one 65-gallon cart]
Base Rate: \$12.14 per month
Billing Charge: \$2.00 per month
Total Rate: \$14.14 per month

One time per week [two 65-gallon carts]
Base Rate: \$15.30 per month
Billing Charge: \$2.00 per month
Total Rate: \$17.30 per month

Senior citizen (over age 65) rates per month:

One time per week [one 95-gallon, or 65-gallon, cart]

Base Rate: \$12.14 per month
Billing Charge: \$2.00 per month
Total Rate: \$14.14 per month

One time per week [two 95-gallon, or 65-gallon, carts]
Base Rate: \$15.30 per month
Billing Charge: \$2.00 per month
Total Rate: \$17.30 per month

Such service shall be provided by the use of 95-gallon cart containers supplied by the City and/or its Contractor. Prices include the curbside collection of up to five (5) additional containers, bags and bundles of residential Refuse on each pickup/service day. The City, and/or its Contractor, will provide house side collections at no extra cost to Residential Customers that are handicapped or disabled. Determination for Residential Customers requesting this service shall be made by the City and its Contractor.

Residential Curbside Single Stream Recycling Collection

The City, and/or its Contractor, shall collect, haul, and recycle Recyclable Materials generated from all Residential Units in the City. The City, and/or its Contractor, will provide curbside single stream recycling collection service of residential Recyclable Materials to each Residential Unit as follows:

Standard residential rates per month:

Base Rate for every other week (EOW) [one 95-gallon cart] month	\$ 3.49 per
Base Rate for additional 95-gallon cart for recycling per cart	\$ 2.50 per month

Senior citizen (over age 65) rates per month:

Base Rate for every other week (EOW) [one 95-gallon cart] month	\$ 2.00 per
Base Rate for additional 95-gallon cart for recycling per cart	\$ 2.00 per month

The City, and/or its Contractor, will provide house side collections at no extra cost to Residential Customers that are handicapped or disabled. Determination for Residential Customers requesting this service shall be made by the City and its Contractor.

Commercial Hand Collect Curbside Single Stream Recycling Collection

The City, and/or its Contractor, shall collect, haul, and recycle Recyclable Materials generated from all those Commercial Hand Collect Units electing to receive the Recycling Services in the City. A Commercial Hand Collect Unit must contact the City

and request Recycling Services to receive the Recycling Services. The City, and/or its Contractor, will provide curbside single stream recycling collection service of Recyclable Materials to each Commercial Hand Collect Unit as follows:

Base Rate for every other week (EOW) [one 95-gallon cart] per month	\$ 3.99 per month
Base Rate for additional 95-gallon cart for recycling per cart	\$ 3.00 per month

Sec. 90-52. Commercial refuse collection rates.

The City, and/or its Contractor, will provide collection service of Commercial Refuse for multi-family dwellings, apartment projects, commercial and industrial customers as follows:

(1) Commercial hand pickup customers will be supplied with the same type of cart containers as are Residential Units. The same curb side policy and bulk items policy will also apply to this category. The rates and charges for customers in this category are as follows:

Collection one time per week (one 95-gallon cart)

Base Rate:	\$17.80 per month
Billing Charge:	\$2.00 per month
Total Rate:	\$19.80 per month

Collection once per week (two 95-gallon carts)

Base Rate:	\$25.20 per month
Billing Charge:	\$2.00 per month
Total Rate:	\$27.20 per month

Collection twice per week (one 95-gallon cart)

Base Rate:	\$ 31.50 per month
Billing Charge:	\$2.00 per month
Total Charge:	\$33.50 per month

Collection twice per week (two 95-gallon carts)

Base Rate:	\$38.90 per month
Billing Charge:	\$2.00 per month
Total Rate:	\$40.90 per month

Collection Three Times per Week (one 95-gallon cart):

Base Rate:	\$45.20 per month
Billing Charge:	\$2.00 per month
Total Rate:	\$47.20 per month

Collection Three Times per Week (two 95-gallon carts):

Base Rate: \$52.61 per month
Billing Charge: \$2.00 per month
Total Charge: \$54.61 per month

Collection Four Times per Week (one 95-gallon cart):

Base Rate: \$58.89 per month
Billing Charge: \$2.00 per month
Total Rate: \$60.89 per month

Collection Four Times per Week (two 95-gallon carts):

Base Rate: \$66.29 per month
Billing Charge: \$2.00 per month
Total Rate: \$68.29 per month

Collection Five Times per Week (one 95-gallon cart):

Base Rate: \$72.59 per month
Billing Charge: \$2.00 per month
Total Rate: \$74.59 per month

Collection Five Times per Week (two 95-gallon carts):

Base Rate: \$79.99 per month
Billing Charge: \$2.00 per month
Total Rate: \$81.99 per month

(2) Commercial customers producing a volume of Refuse and Garbage in excess of an average of 380 gallons or four (4) carts per week will, at the City's and/or Contractor's discretion, be served as dumpsters. Dumpster service provided and maintained by the City, and/or its Contractor, and charged a monthly fee according to the following:

TABLE INSET:

	Base Rate	Billing Fee*	Total Monthly
Two Yard Dumpster:			
One time per week	\$53.41	\$ 5.34	\$58.75
Two times per week	\$95.87	\$9.59	\$105.46
Three times per week	\$136.94	\$13.69	\$150.63
Four times per week	\$178.03	\$17.80	\$195.83
Five times per week	\$238.32	\$23.83	\$262.15

Extra Lifts	\$42.31	\$4.23	\$46.54
Three Yard Dumpster:			
One time per week	\$57.52	\$5.75	\$63.27
Two times per week	\$105.45	\$10.55	\$116.00
Three times per week	\$150.66	\$15.07	\$165.73
Four times per week	\$198.58	\$19.56	\$218.14
Five times per week	\$252.74	\$25.27	\$278.01
Extra Lifts	\$47.59	\$4.76	\$52.35
Four Yard Dumpster:			
One time per week	\$75.32	\$7.53	\$82.85
Two times per week	\$135.58	\$13.56	\$149.14
Three times per week	\$193.11	\$19.31	\$212.42
Four times per week	\$243.16	\$24.32	\$267.48
Five times per week	\$302.29	\$30.23	\$332.52
Extra Lifts	\$52.88	\$5.29	\$58.17
Six Yard Dumpster:			
One time per week	\$94.49	\$9.45	\$103.94
Two times per week	\$172.55	\$17.26	\$189.81
Three times per week	\$253.36	\$25.34	\$278.70
Four times per week	\$325.96	\$32.60	\$358.56
Five times per week	\$414.02	\$41.40	\$455.42
Extra Lift	\$58.17	\$5.82	\$63.99

*A Billing Fee of ten percent (10%) shall be added to the Base Rate

- (3) Residential Customers requesting dumpsters shall be billed at the Commercial Rate above.

Roll-off Containers

The following rates and fees shall be applicable to Residential and Commercial Customers and others requiring Roll-Off Services. The rates for roll-off containers shall be as follows:

TABLE INSET:

Service	Base Rate	*Franchise Fee	Total
Delivery fee for all sizes	\$137.50	\$20.63	\$158.13
Daily rental for all sizes	\$4.23 per day	\$0.63 per day	\$4.86 per day
20-yard container	\$447.04 per haul	\$67.06 per haul	\$514.10 per haul
30-yard container	\$516.13 per haul	\$77.42 per haul	\$593.55 per haul
40-yard container	\$601.47 per haul	\$90.22 per haul	\$691.69 per haul
Double handle fee**	\$79.32 per haul	\$11.90 per haul	\$91.22 per haul
Overload fee***	Cost of fine	15% of fine	Total fine plus 15%

* The City, and/or its Contractor, shall charge the Customer a Franchise Fee, as established from time-to-time, in addition to the Base Rate.

** Double handle fee will be charged when a haul is rescheduled, but for reasons, not the City or Contractor's fault, and the container is not ready to be loaded and the hauler must return for the pickup.

*** Any overweight fine received due to overload will be passed to Customer.

e. Fuel Cost Adjustment. – The following is hereby added to the Agreement as Section 12.02(c):

"Beginning on July 1, 2012 and on the first day of every calendar quarter thereafter, the City, and/or its Contractor, shall adjust the rates for Roll-Off Containers, for any calendar quarter in which the average price of diesel fuel during the preceding calendar quarter exceeded \$3.65 per gallon (the "Base Price"). The following dates will be considered the first day of a calendar quarter: January 1, April 1, July 1, and October 1. The average price of diesel fuel shall be determined by reference to the U.S. Energy Administration / Department of Energy published price for diesel fuel – Gulf Coast Region. The following website (or any successor website) will be the source for such information: http://tonto.eia.doe.gov/oog/info/wohdp/diesel_detail_report_combined.asp." The average price of diesel fuel for each calendar quarter (each, a "Quarterly Average Price") shall be the average of the weekly fuel prices published for each week during such calendar quarter.

The Fuel Cost Adjustment for each calendar quarter (each, a "Fuel Cost Adjustment") shall be the product of (i) 6.60% and (ii) a fraction, the numerator of which is equal to the difference between the Base Price and the Quarterly Average Price and the denominator of which is the Base Price. In the event the Quarterly Average Price is greater than the Base Price, the Fuel Cost Adjustment shall be an upward adjustment to all rates herein. In the event the Quarterly Average Price is less than the Base Price, the Fuel Cost Adjustment shall be a downward adjustment to all rates herein; provided, however that the rates shall never fall below the rates as outlined in the City's agreement with its Contractor. Each Fuel Cost Adjustment shall be effective during the calendar quarter immediately following the calendar quarter for which such Fuel Cost Adjustment was determined.

Formula:

$((\text{Quarterly Average Price} - \text{Base Price}) / \text{Base Price}) \times 6.60\% = \text{Fuel Cost Adjustment}$

Example:

Assume the Quarterly Average Price of diesel fuel was \$4.00 for the calendar quarter ending on September 30, 2012.

$(4.00 - 3.65)/3.65 = .0959 \times 6.60\% = .6329\%$ increase to all the rates established for roll-off services, for the calendar quarter beginning on October 1, 2012."

Franchise Fee

The City, and/or its Contractor, shall charge a fifteen percent (15%) Franchise Fee for all roll-off services, self-contained compact roll-offs, and Special Collections provide to its Customers.

Self-Contained Compactor Roll-Offs

Any rental of a self-contained compactor roll-off by a Customer shall be considered a Special Collection (as defined herein). The City, and/or its Contractor, and the Customer shall enter into an individual agreement for the self-contained compactor roll-off service, and the rates contained herein for roll-off services will not apply to the self-contained compactor roll-off service. Any amounts collected by the Contractor for providing services with a self-contained compactor roll-off will be subject to the City's Franchise Fee.

Sec. 90-53. Tires.

The City may elect to provide for disposal of tires for a fee of \$3.50 per car tire and \$7.50 per truck tire (over 18" wheel size).

Sec. 90-54. Bulk, construction and stable material, and brush.

The City, and/or its Contractor, will provide for the special collection from Residential Units of Bulky Waste not eligible for curbside pickup, for a negotiated cost based on the above rates for dumpster or roll-off containers, as applicable. Construction Debris and Stable Matter will be hauled at a rate to be determined by container size. Contractor and Customer will negotiate total charge prior to collection. The City, and/or its Contractor, will not provide for the Special Collection of hazardous waste. The City, and/or its Contractor, will provide for the collection of brush, in excess of three cubic yards, at the rate of \$10.00 per cubic yard, for brush cut and bundled into four (4) foot lengths. For brush not cut and bundled into four (4) foot lengths, the City, and/or its Contractor, shall bill the customer at the rate of \$20.00 per cubic yard.

Sec. 90-55. Special Collections

The City, and/or its Contractor, shall bill and collect from each Customer requesting a "Special Collection". For purposes of this Agreement, a "Special Collection" is a service provided by the to a Customer that is outside the scope of the services contained in this Agreement, and has been identified as a "Special Collection" by the City, and/or its Contractor. The City, and/or its Contractor, shall determine the base rate applicable to the Special Collection. The City, and/or its Contractor, shall bill each Customer receiving a Special Collection the Base Rate plus the City's Franchise Fee, any applicable Fuel Surcharge, and any applicable taxes. In the event the Special Collection requires the use of a roll-off container, the Customer shall only be charged the Franchise Fee for the Special Collection and shall not pay the Franchise Fee for the use of the roll-off container.

Section 2. Severability. Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

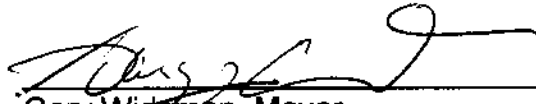
Section 3. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

Section 4. Effective Date. This ordinance shall take effect on April 15, 2012, provided that the ordinance or a caption thereof is published in accordance with the City Charter.

PASSED AND APPROVED on first reading this the 27th day of March, 2012.

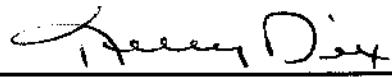
FINALLY PASSED AND APPROVED on this the 10th day of April, 2012.

CITY OF BURNET, TEXAS



Gary Wideman, Mayor

ATTEST:



Kelly Dix, City Secretary

