

**City of Dripping Springs**

**Solid Waste Franchise**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS, AMENDING ARTICLE 10.04; GRANTING TO TEXAS DISPOSAL SYSTEMS, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO OPERATE AND MAINTAIN TRASH AND REFUSE COLLECTION ROUTES WITHIN THE CITY OF DRIPPING SPRINGS; EXTENDING AN EXCLUSIVE FRANCHISE FOR BOTH RESIDENTIAL AND NON-RESIDENTIAL CUSTOMERS; EFFECTIVE DATES, SEVERABILITY, AND OTHER PROVISIONS RELATED TO THE EXTENSION OF FRANCHISE.

**WHEREAS,** the City of Dripping Springs (“City”) is a municipal corporation organized under the laws of the State of Texas and, pursuant to the Texas Constitution and state law, possesses the power to protect and promote the public health, safety, and welfare, to regulate the use of the Public rights-of-way, and to issue and revoke licenses; and

**WHEREAS,** the City owns or is the proprietor over public streets, rights-of-way, alleys, and other public property and acts as trustee and guardian for the benefit of City citizens; and

**WHEREAS,** pursuant to the laws of the State of Texas, the Texas Legislature has recognized and established that an incorporated municipality may make a reasonable, lawful charge for the use of public rights-of-way within the municipality; and

**WHEREAS,** uncollected garbage or a chaotic system whereby garbage is disposed of on an irregular basis without enforcement of reasonable rules would constitute both a health hazard and a nuisance; and

**WHEREAS,** the City seeks to preserve quality of life by minimizing noise, odor, and litter related to solid waste collection; and

**WHEREAS,** the City strives to protect pedestrians and motorists by limiting the number of trucks operating near residences, parks, and schools; and

**WHEREAS,** the City Council has determined that the availability of refuse collection services in the City will promote the public health, safety, and general welfare of the residents of the City and would serve the public interest; and

**WHEREAS,** it is within the City's police power to enforce a comprehensive garbage collection plan; and

**WHEREAS,** after a bidding process, Texas Disposal Systems was chosen to provide Solid Waste Services to the City of Dripping Springs, and has been engaged in waste removal

services in the State of Texas; and

**WHEREAS,** the City Council finds that the public interest will be served by the granting the exclusive solid waste franchise to Texas Disposal Systems to provide waste removal services within the boundaries of the City of Dripping Springs, Texas.

**NOW, THEREFORE, BE IT ORDAINED by the City Council of Dripping Springs:**

### **1. FINDINGS OF FACT**

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

### **2. ENACTMENT**

Chapter 10, Article 10.04 is amended so to read in accordance with “Exhibit A”, which is attached hereto and incorporated into this Ordinance for all intents and purposes. Any underlined text shall be added to Article 10.04 and any text that is struck through shall be removed.

### **3. REPEALER**

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated herein.

### **4. SEVERABILITY**

Should any of the clauses, sentences, paragraphs, sections, or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

### **5. CODIFICATION**

The City Secretary is hereby directed to record and publish the attached rules, regulations, and policies in the City’s Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

### **6. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon passage and publication as provided for by law. Transition to Texas Disposal Systems shall occur beginning July 1, 2025.

### **7. PROPER NOTICE & MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED this, the 3<sup>rd</sup> day of June, 2025, by a vote of \_\_\_\_ (ayes) to \_\_\_\_ (nays) to \_\_\_\_ (abstentions) of the City Council of Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS:

*by:* \_\_\_\_\_  
Bill Foulds, Jr., Mayor

**ATTEST:**

\_\_\_\_\_  
Diana Boone, City Secretary

City of Dripping Springs  
CODE OF ORDINANCES  
CHAPTER 10. HEALTH & SANITATION  
ARTICLE 10.04: SOLID WASTE

SUBCHAPTER A: FRANCHISE

**Division 1. Generally**

**Sec. 10.04.001 Popular name**

This article shall be commonly cited as the “solid waste franchise” article.

**Sec. 10.04.002 Purpose**

(a) Provisions. This article provides city residents with guidelines for receiving solid waste removal services and identifies ~~Waste Connections Lone Star~~ [Texas Disposal Systems](#) as the private service provider contracted to carry out municipal solid waste collection and disposal.

(b) Public welfare. The purpose of this article is to promote the public welfare by providing for collection and disposal of residential, commercial, and industrial solid waste.

**Sec. 10.04.003 Scope**

This article applies to all property within the incorporated municipal boundaries (i.e., “city limits”) and the extraterritorial jurisdiction (“ETJ”) [to the extent allowed by law](#). This article applies to action taken after the date of enactment.

**Sec. 10.04.004 Definitions**

(a) General. Words and phrases used in this article shall have the meanings set forth in this section. Terms that are not defined below, but are defined elsewhere in the Code of Ordinances, shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the

feminine gender (and vice versa). The word “shall” is always mandatory, while the word “may” is merely directory. Headings and captions are for reference purposes only.

(b) Specific.

Alley. A publicly dedicated or maintained right-of-way, a portion of which is open to use by the public for vehicular travel.

City. The City of Dripping Springs, a municipal corporation, located in Hays County in the State of Texas.

Council. The city council, the governing body of the City of Dripping Springs.

Grantee. The company authorized to provide waste hauling service, ~~Waste Connections Lone-  
Star~~ Texas Disposal Systems, to the City of Dripping Springs, or its successor, transferee, or assignee.

Gross revenue. All revenues derived directly or indirectly by the grantee, its affiliates, subsidiaries, parent, and any person in which the grantee has a financial interest, from or in connection with the operation of the waste hauling service pursuant to this article. “Gross revenue” shall not include any taxes or fees on waste hauling services furnished by the grantee imposed directly upon any customer by the state, city or other governmental unit and collected by the grantee on behalf of such governmental units.

Sidewalk. That portion of a street that is not improved and maintained for vehicular travel.

Street. A publicly dedicated or maintained right-of-way, a portion of which is open to use by the public for vehicular traffic.

Subscriber. A recipient of waste hauling services under this article.

Waste hauling service. All municipal solid waste collection and removal services provided by the grantee to a customer residing in the City of Dripping Springs. This term includes collections from residential or residential and commercial customers.

## **Division 2. Franchise**

### **Sec. 10.04.031 Required**

No person providing waste hauling services shall be allowed to occupy or use the streets of the city or be allowed to operate within the city without a franchise from the city.

### **Sec. 10.04.032 Granting of franchise**

There is hereby granted to grantee for ~~an extension of two years to the full term of~~ up to five (5) years from a date to be agreed upon between the City and grantee between the effective date of this Chapter and July 1, 2025 the right, privilege, and franchise to have, use, and operate in the entire area of the city a waste hauling service; and to have, use, and operate its vehicles in, over, under, along, and across the present and future streets and alleys. This grant for use of city streets and alleys is exclusive, but does not establish priority for use over permit holders or the city’s or public’s use of public property. The grantee’s use of city streets and alleys shall be subject to and in accordance with the city’s policies

and procedures governing said use. The exclusive franchise granted by this article shall apply to both residential and nonresidential customers.

#### **Sec. 10.04.033 Acceptance of franchise**

(a) The grantee shall, within thirty (30) days from the date this article or any amendment affecting the term or the grantee of the franchise takes effect, file with the city secretary of the city a written, sworn statement signed in its name and behalf in substantially the following form:

To the Honorable Mayor of Dripping Springs:

~~Waste Connections Lone Star~~ Texas Disposal Systems for itself, successors and assigns, hereby accepts this Franchise and agrees to be bound by all of its terms and provisions.

(b) The franchise or any extension authorized by this article shall take effect upon the city's receipt of the statement required above.

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### **DIVISION 4. NOTICES AND INSURANCE**

#### **Sec. 10.04.050 Notices**

All notices from Grantee to the City pursuant to this franchise shall be to the City Mayor, City of Dripping Springs, 511 Mercer Street, Dripping Springs, Texas 78620. All notices to the Grantee pursuant to this franchise shall be to: ~~Waste Connections Lone Star, 3 Waterway Square Place, Suite 110, The Woodlands, Texas 77380-3488~~ Texas Disposal Systems, 12200 Carl Road Creedmoor, Texas 78610. Grantee shall immediately notify City of any change of address.

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