

CITY OF JOSHUA, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOSHUA, TEXAS, REPEALING EXISTING ARTICLE 13.02, "SOLID WASTE," OF CHAPTER 13, "UTILITIES," OF THE CODE OF ORDINANCES OF THE CITY OF JOSHUA, TEXAS, AND REPLACING IT WITH A NEW ARTICLE A3.02, "SOLID WASTE"; MAKING FINDINGS RELATIVE THERETO; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council wishes to repeal the existing provisions of Article 13.02 of the Code of Ordinances to address solid waste and thereby incorporate the City's franchise agreement for solid waste services by reference; and

WHEREAS, the City Council has determined that doing so will promote the public health, safety and welfare of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JOSHUA, TEXAS, THAT:

SECTION 1

All of the above premises are hereby found to be true and correct and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2

From and after the effective date of this Ordinance, existing Article 13.02, "Solid Waste," of Chapter 13, "Utilities," of the Code of Ordinances of the City of Joshua, Texas, is hereby repealed in its entirety and replaced with the following Article 13.02, "Solid Waste," to read as follows:

"13.02 SOLID WASTE

Sec. 13.02.001 Regulations for Solid Waste Collection and Disposal

The regulations regarding solid waste collection and disposal, including the rates and charges for solid waste collection services, are contained in the effective franchise agreement for solid waste collection services on file in the City Secretary's office.

Sec. 13.02.002 Penalty

Any person violating any of the provisions this article shall be guilty of a misdemeanor and upon conviction thereof shall be fined in accordance with Section 1.01.009 of this Code.

Sec. 13.02.003 Use of public collection service required

- (a) All business and residential units within the city shall be required to utilize the public waste collection service.
- (b) It shall be an offense to fail to utilize the public waste collection service.

Sec. 13.02.004 Fees for collection services

All residents located within the city will be assessed the waste collection fees set forth in Appendix A, Article A4.000 of this Code.”

SECTION 3

If any word, section, article, phrase, paragraph, sentence, clause, or portion of this Ordinance or application thereto to any person or circumstance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portion of this Ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity which remaining portions shall remain in full force and effect.

SECTION 4

This Ordinance shall take effect and be in full force from and after its passage and publication, as provided by the laws of the State of Texas.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF JOSHUA, TEXAS, THIS THE 15TH DAY OF DECEMBER, 2022.

Scott Kimble, Mayor

ATTEST:

Alice Holloway, City Secretary

APPROVED AS TO FORM:

Terrence S. Welch, City Attorney