

**ORDINANCE NO. 071124-01**

**AN ORDINANCE ESTABLISHING A CITY-WIDE SOLID WASTE COLLECTION, TRANSPORTATION, AND DISPOSAL PROGRAM; REQUIRING MANDATORY PARTICIPATION IN THE PROGRAM; PROHIBITING THE COLLECTION, CONVEYANCE, AND TRANSPORT OF RESIDENTIAL, HOUSEHOLD, COMMERCIAL AND INDUSTRIAL REFUSE AND SOLID WASTES WITHIN THE CITY LIMITS OF LA VERNIA WITHOUT A FRANCHISE AGREEMENT; PROVIDING FOR A PENALTY FOR VIOLATION THEREFORE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, it is necessary to regulate the collection, conveyance, transportation, and disposal of residential, household, commercial, and industrial refuse and solid wastes within the city limits of La Vernia to ensure the safety and well-being of the city and its citizens and to protect environmental resources including soil, air, and water; and

**WHEREAS**, the City of La Vernia is responsible for protecting its citizens against nuisances derived from solid waste by providing solid waste handling services including, but not limited to, recycling and the collection, transfer, and disposal of solid waste; and

**WHEREAS**, the Texas Health and Safety Code, chapter 363, authorizes the City to determine all aspects of solid waste handling which are of local concern, including, but not limited to, frequency of collection, means of collection and transportation, level of services, charges, and nature, location, and extent of providing solid waste handling services; and

**WHEREAS**, the City of La Vernia hereby finds and determines that all collection, conveyance, transportation, and disposal of residential, household, commercial, and industrial refuse and solid wastes within the city limits of La Vernia should be franchised by the City to an exclusive provider.

**WHEREAS**, the La Vernia City Council entered into an Exclusive Franchise Agreement by and between Waste Connections Lone Star, Inc. and the City of La Vernia beginning November 1, 2019, and concluding October 31, 2024; and

**WHEREAS**, the city has since, once again gone out for bid for a waste collection services provider and once again has selected Waste Connections Lone Star, Inc. to be the provider; and

**WHEREAS**, the Agreement established rates for the collection of solid waste for Single Family Residential Units, Handicapped Residential Units, Commercial, Multifamily, and Multifamily Residential Unit Collections, Special Collections and Services; bulk collection, and Construction and Demolition Waste.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF LA VERNIA, TEXAS, THAT:**

**I.**

**SOLID WASTE PROGRAM CREATED**

- A. The City of La Vernia's solid waste collection, transportation, and disposal program is hereby established for all residents and businesses of the City of La Vernia.

- B.** All solid waste created, produced, or accumulated in or about residential premises in the City shall be collected from the residential premises at least once per week. Every residential occupant shall subscribe to the services of the franchisee having the exclusive franchise for collection and disposal service with the City of La Vernia. No residential occupant shall agree to residential solid waste collection services with a person other than the exclusive franchise. It is declared to be unlawful for the occupant of any of the above-described premises to fail or neglect to provide for the removal of solid waste as required herein.
- C.** No person except the duly authorized agents and employees of the city shall as a commercial enterprise collect, convey, or transport residential, household, commercial, and industrial refuse and solid wastes within the city limits of La Vernia nor use the streets, alleys and public thoroughfares of the city for said purposes without a written franchise granted and issued by the City Council.

## **II. EXCLUSIVE FRANCHISE GRANTED**

The City Council of the City of La Vernia hereby grants the exclusive franchise for solid waste collection, transportation, and disposal to Waste Connections Lone Star, Inc. as provided in the agreement attached hereto as **Exhibit "A"**. Said **Exhibit "A"** to be incorporated herein as if fully set forth herein.

## **II. CUMULATIVE**

This Ordinance shall be cumulative of all provisions of ordinances of the City of La Vernia, Texas, except where the provisions of the Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. Any previous versions of this Ordinance to the extent that they are in conflict herewith are repealed.

## **III. SEVERABILITY**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are 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, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

## **V. EFFECTIVE DATE**

This Ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

**PASSED AND ADOPTED this 11th day of July 2024**

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Martin Poore, Mayor  
City of La Vernia

**ATTEST:**

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Lindsey Wheeler, City Secretary  
City of La Vernia

**APPROVED AS TO FORM:**

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City Attorney  
City of La Vernia

**Exhibit "A"**