

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS AMENDING THE RATES TO BE CHARGED FOR SOLID WASTE COLLECTION SERVICE INSIDE THE CITY OF MONTGOMERY, TEXAS; PROVIDING FOR A PENALTY FOR FAILURE TO PAY ACCOUNTS; PROVIDING CONDITIONS UPON WHICH SERVICE WILL BE RESUMED; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Montgomery, Texas has entered into a contract with Waste Management of Texas, Inc. for the collection of garbage within the City in those areas served by the City; and

WHEREAS, the agreement between the City of Montgomery, Texas and Waste Management of Texas, Inc. requires an annual CPI increase; and

WHEREAS, all residential, commercial and industrial customers of the City are required to use the service provided by Waste Management of Texas, Inc.; and

WHEREAS, Waste Management of Texas, Inc. has notified the City of a contract renewal price adjustment for Residential and Commercial service rates in accordance with the agreement.

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

Section 1. Garbage Rates.

There shall be charged and collected by the City from each resident user and commercial customer for garbage and trash pickup the following rates (see Schedule A attached – Base Rates) plus a 2.5% fee to cover administrative costs:

a. Residential:

Price per home per month (combined collection services):	\$23.75
Additional solid waste or/and recycling cart per cart per month:	\$9.21
Lost or stolen replacement (direct billed to resident per cart):	\$86.32

b. Commercial:

Price per WM 96 gal cart:	\$29.51
Additional solid waste cart per cart per month:	\$9.21
Lost or stolen replacement (direct billed to resident per cart)	\$86.32

Section 2. Time and Place of Payment.

All customer accounts for garbage and trash pickup service shall be billed on a monthly basis. Payments shall be due and payable within fifteen (15) days after the bill is mailed. Payment shall be made at the City Hall, City of Montgomery, Texas, located at 101 Old Plantersville Road, or by mail at 101 Old Plantersville Road, Montgomery, Texas 77316. It shall be prima facia evidence that a billing has been received by a customer if the bill has been deposited in the U.S. Mail, postage paid.

Section 3. Penalties for Late Payment.

There shall be added to each account for garbage and trash services which are not paid as provided in Section I herein, a sum equal to ten percent (10%) of the amount of said account, as a penalty for late payment more than fifteen (15) days past the due date.

Section 4. Discontinuance of Service.

Garbage and trash service to any customer whose account is more than twenty (20) days delinquent shall be cut-off, and the charge therefore will be Twenty-Five Dollars (\$25.00) for resumption of service.

Section 5. Repealing Clause.

Any conflicting provisions of any other City ordinance are hereby repealed.

Section 6. Savings Clause.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portion of this Ordinance shall not be affected hereby, it being the intention of the City Council of the City of Montgomery in adopting and of the Mayor in approving this Ordinance, that no portion hereof or provisions or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision or regulation.

Section 7. Texas Open Meetings Act.

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

Section 8. Effective Date.

This Ordinance shall take effect and be in force after City Council approval.

PASSED AND APPROVED by the City Council of the City of Montgomery, Texas, on the ____ day of _____ 2023.

ATTEST:

Nici Browe, City Secretary

Byron Sanford, Mayor