

Ordinance No. 2001.05  
Village of Salado  
County of Bell  
State of Texas  
April 5, 2001

**AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, BELL COUNTY, TEXAS GRANTING TO REFUSE COLLECTORS, THEIR SUCCESSORS AND ASSIGNS, THE RIGHT TO ESTABLISH, OPERATE AND MAINTAIN TRASH AND REFUSE COLLECTION ROUTES WITHIN THE VILLAGE OF SALADO; AND PROVIDING INSURANCE REQUIREMENTS AND PERMIT FEES.**

**WHEREAS;** Several private refuse contractors are presently collecting and charging citizens and businesses for collection and disposal of refuse and;

**WHEREAS;** These collectors are utilizing Village streets in their daily operation and are not contributing to street maintenance and repair.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, TEXAS**

**SECTION 1:**

There is hereby granted by the Village of Salado Texas (hereinafter called Village), to the following private refuse collectors:

Al Clawson Disposal, Inc

Eagle Disposal

Longhorn Recycling & Disposal

IESI (Waco, Texas)

(hereinafter called permittees) and their successors and assigns, for the full term of five (5) years from the effective date of this Ordinance, the right and privilege to collect, transport and to contract for refuse collection within the Village of Salado, Texas.

The Village hereby grants to Permittees the right to use the surface of any street, alley, or highway for the purpose of collecting refuse from the premises of citizens and businesses of Salado, Texas.

**SECTION 2: Garbage Collection Permit Required**

Only duly permitted agents of the Village shall collect refuse, empty refuse containers or convey or transport refuse, garbage or trash on the streets, alleys and public thoroughfares of the Village. A written permit must be granted and issued by the Village with the exception that Salado

resident owners or public institutions, churches, businesses and industrial firms that use a vehicle rated less than one ton to haul their own refuse shall not be required to have a permit.

### SECTION 3:

A. As a condition for the issuance of a permit the applicant shall:

- (1) Maintain minimum insurance coverage in the amount of \$100,000/\$300,000 for personal injury and \$25,000 for property damage for each vehicle to be operated in the Village of Salado and showing the Village of Salado as one of the insured thereunder.
- (2) Indemnify and hold Village harmless from any liability or damages which may occur as a result of the applicant's operation in the Village of Salado and indemnify the Village of Salado for liability or damages created as a result of the applicant's operation in the Village of Salado.
- (3) When all conditions have been met, the Village shall issue an annual permit which shall cover the period January 1 through December 31 of each year.
- (4) In consideration of the rights and privileges herein granted, Permittees agree, on or before the first day of July 2001, but in no event later than forty-five (45) days after such date, to make a quarterly report in form satisfactory to the Village and a payment as hereinafter provided, to the Village of Salado, Texas for the period of January 1, 2001 to June 30, 2001 inclusive. Thereafter, Permittees agree to make quarterly reports and payments, as hereinafter provided, no later than forty-five (45) days after each quarterly due date, such dates being October 1, January 1, April 1, and July 1 of each year. Each payment shall be a sum or money equal to three percent (3%) of the gross revenue received for garbage, trash, or refuse collection by Permittee within the corporate limits of the Village of Salado, Texas, for the preceding calendar quarter.

This Section 3 (A) (4) shall never be pleaded in defense or in bar against the imposition of a gross receipts tax or charge by the Village of Salado, Texas, which is greater than the percentages set forth in this Section 3 (A) (4), if the Village is hereafter, by statute, authorized to impose the same, and if it has imposed said greater tax or charge uniformly upon all persons, firms or corporations then engaged in rendering gas, water, electric, telephone service or cable television within the Village, but the amounts due under the Section shall be included and credited upon any such greater tax or charge, if the same is ever imposed.

- (5) The street use or rental fee set forth in the preceding Section 3 (A) (4) of this ordinance shall be additional to all advalorem taxes and to all other lawful taxes and charges imposed by the Village of Salado upon permitted sanitation collections.
- (6) The permit granted under this section shall be review-able any time and may be cancelled upon thirty days written notice by the Village of Salado. Said permit does not create any vested rights, which the Village of Salado may not cancel and terminate upon said notice.

- (7) No grant, right or privilege afforded to the applicant shall be assigned or transferred in any manner without the written permission of the Village Board of Alderman.
- B. In the event the Village staff shall refuse to grant a permit to any applicant, the action will be final unless the applicant shall, within ten days after refusal to grant such permit, file a written appeal with the Village Secretary addressed to the Village Board of Alderman, requesting a review.
- C. The Village reserves the right of reasonable regulation of the placement of any equipment and/or facility by a Permittee and to reasonably designate where such equipment, facilities or other property of Permittee are to be located. A Permittee shall, when requested by Village, make changes in the location of its equipment, provided however, such changes shall be reasonable and shall conform to the requirements of the Village. Such change shall be effected within a reasonable amount of time after such request is made, without charge to the Village or customer.

#### **SECTION 4:**

The rights and privileges granted herein shall become void upon the failure or refusal of a Permittee, its successors and assigns, to observe the terms and provisions of this Ordinance. Should a Permittee be in violation of this Ordinance by way of any act or omission, Village shall serve notice upon such Permittee, or its agent, specifying with particularity the acts or omissions deemed to be a violation of the provisions of this Ordinance, and if such Permittee shall not eliminate, cure or obviate such violation within ninety (90) days after such notice is received, the rights and privileges granted herein shall terminate.

#### **SECTION 5: Other business activities**

- A. Permittees shall render efficient service, and interrupt service only for good cause.
- B. Permittees shall have a listed telephone, and have an employee on duty during reasonable hours so that complaints, requests or adjustments may be received.
- C. In case of any emergency or disaster, a Permittee shall, upon request of the Village Board of Alderman, make available its facilities to the Village for emergency use during the emergency or disaster period.
- D. Upon termination of service to any subscriber, a Permittee shall promptly remove all its equipment from the premises of such subscriber upon its request without cost to the subscriber.
- E. Permittees agree to extend their services to areas annexed into the Village Limits.

#### **SECTION 6:**

Refuse Collectors shall have fifteen (15) days after final passage of this Ordinance in which to file its written application thereof, with the Village Secretary, and upon such application being filed, this Ordinance shall take effect and be in force from and after the date of its passage and

shall effectuate and make binding the Agreement contained herein.

#### **SECTION 7: Renewal of Franchise**

This franchise may be renewed by the Village upon application of a Permittee pursuant to the procedure established as follows, and in accordance with the then applicable law:

- (1) At least twelve (12) months prior to the expiration of the initial term of this franchise, a Permittee shall inform the Village in writing of its intent to seek renewal of the franchise. Subsequent renewals shall be filed for as specified by the Village Board of Aldermen.
- (2) After giving public notice, the Village shall proceed to determine whether the Permittee has satisfactorily performed its obligations under the franchise.
- (3) If the Aldermen finds a renewal of the franchise with Permittee is within the public interest, Aldermen may enter into a renewal of the franchise with the Permittee under the then appropriate terms and conditions for an additional term of five (5) years. Subsequent renewal for five (5) year periods may be applied for by Permittee in accordance with procedures outlined in this Section.
- (4) A Permittee shall not have any express or implied right of renewal of this franchise and any such renewal determination rests solely with the Village Board of Aldermen whose decision therein shall be final.

#### **SECTION 8:**

If any section, sentence, clause or phrase of the Ordinance is for any reason held illegal or unconstitutional, such invalidity shall not affect the validity of the remainder of this Ordinance.

#### **SECTION 9:**

The determination of the Permittees rates shall be subject to the Rules and Regulations of any State or Federal Authority, which may subsequently by due process of law, acquire jurisdiction over this type of industry or enterprise.

#### **SECTION 10:**

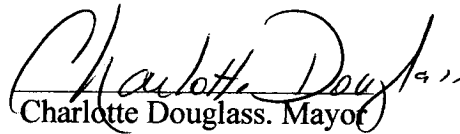
This franchise shall not be assignable without approval of a simple majority of the Village Board of Aldermen.

#### **SECTION 11:**

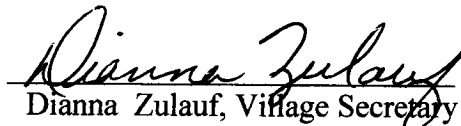
Upon final passage by the Village Board of Aldermen of the Village of Salado, this Ordinance shall be effective and all Ordinances, parts of Ordinances, or resolutions in conflict herewith are expressly rescinded in their entirety.

Upon final passage by the Village Board of Alderman of the Village of Salade, this Ordinance shall be effective and all Ordinances, parts or Ordinances, or resolutions in conflict herewith are expressly rescinded in their entirety.

READ, PASSED. and ADOPTED on this 5<sup>th</sup> day of April, 2001.

  
Charlotte Douglass, Mayor

ATTEST:

  
Dianna Zulauf, Village Secretary