

ORDINANCE NO. 1947

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, AMENDING CHAPTER 7, HEALTH AND SANITATION, SECTION 8. COMMERCIAL WASTE COLLECTION FRANCHISE OF THE REVISED CODE OF ORDINANCES OF THE CITY OF TERRELL, TEXAS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS:

ARTICLE I.

THAT, Chapter 7. Health and Sanitation, Section 8. Commercial Waste Collection Franchise, Paragraph I. Street Use Fees of the Revised Code of Ordinances of the City of Terrell, Texas, be deleted in its entirety and replaced with the following:

SECTION 8. COMMERCIAL WASTE COLLECTION

I. Street Use Fees

In consideration of the grant contained in subsection A hereof, the franchisee agrees to pay to the city a *street use fee equal to eight percent (8%) of the gross receipts collected by the franchisee from contracted solid waste accounts for services rendered under the provisions of this franchise, said fees to be paid monthly*. Additionally, the franchisee will provide, on an “as needed” basis, commercial collection of three (3) yard container routes if requested by the city.

ARTICLE II.

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

ARTICLE III.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases 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.

ARTICLE IV.

This ordinance will take effect immediately from and after its passage and the publication of the caption as the law in such cases provides.

PASSED AND APPROVED THIS 20th DAY OF OCTOBER, 1998.
PASSED AND ADOPTED THIS 3RD DAY OF NOVEMBER, 1998.

HENRY C. MADGWICK, SR., MAYOR

ATTEST:

JOHN ROUNSAVALL, CITY SECRETARY

APPROVED AS TO FORM:

MARY GAYLE RAMSEY, CITY ATTORNEY

