

MIS/96167.OR2

CITY OF TEHUACANA, ORDINANCE NO. 070810A

AN ORDINANCE AUTHORIZING THE CITY TO COLLECT GARBAGE AND BILL FOR GARBAGE COLLECTION SERVICE

WHEREAS, the City of Tehuacana is a residential city, and the collection of garbage inside the city limits is a necessary service; and

WHEREAS, the collection of garbage is currently on a month to month basis; and

WHEREAS, in order to provide for the safety and convenience of the citizens, it is necessary for the City to make arrangements for the regular collection of garbage, and to provide for a method and means of collecting funds to pay for the service.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEHUACANA:

SECTION I. The City of Tehuacana shall be authorized to:

- A. provide the service of picking up garbage on a regular basis within the City, either through its own equipment and employees, or by accepting bids from suppliers of garbage services for picking up garbage within the City;
- B. the City may direct, from time to time, the frequency with which garbage shall be picked up within the City, and shall have the right to mandate the type and size of container necessary for garbage to be picked up, the location where the container must be kept in order for garbage to be picked up, and all other aspects of garbage pick up necessary to insure the efficient and safe pick up of garbage; and
- C. it shall be a mandatory requirement or (shall not be a mandatory requirement), that all persons or entities residing within the city limits subscribe and pay for the garbage pick up service.

SECTION II. The City of Tehuacana shall be entitled to bill for garbage pick up service as follows:

- A. the City shall be authorized to collect a reasonable monthly fee from each person or entity receiving garbage pick up service and/or receiving water from the City each month in an initial amount of \$ _____ per month;
- B. the City shall deliver a bill to each person or entity required to pay for garbage pick up service along with the water bill each month, or by separate bill, at the City's election;
- C. the bill for garbage pick up service shall be payable in the same time limit set forth from time to time for payment of water bills owed to the City, and shall be considered delinquent and late in the same time period that a water bill would be considered delinquent or late;
- D. in the event that a person or entity receiving garbage service pick up, or required to pay for garbage service pick up under the terms of this Ordinance is in default on the payment of a bill for garbage pick up services, then in that event, the City shall be entitled to:
- (1) prorate the amount in default over a period of _____ months, and add the additional amount to the water bill for the person or entity in default. In the event the water bill, including the amount in default is not paid, the City may proceed to terminate water service in the manner normally required for the termination of water service in the event of a default.
- E. the City may change the amount of the monthly payment, or terms pertaining to the payment upon thirty (30) days notice delivered with the City water bill to each citizen or entity receiving, or required to pay for, garbage pick up service. Any increase of more than ten percent (10%) shall require a public hearing to be posted and held in the same manner required for the posting and holding of a special City Council meeting.

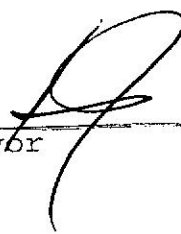
SECTION III. If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person, entity, or corporation, or set of circumstances is for any reason held to be unconstitutional, void or invalid (or for any reason unenforceable), the validity of the remaining portions of this Ordinance for the application to such other persons, entities or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Tehuacana, in adopting this Ordinance, that no portion thereof or provision

contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion or provision.

SECTION IV. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed to the extent of the conflict.

SECTION V. This Ordinance shall become effective in accordance with state law and shall remain in full force and effect from and after the date of publication.

PASSED AND APPROVED THIS THE 8th DAY OF July 2010,



Mayor

ATTEST:

Bonnie A. Duke

City Secretary