

ORDINANCE NO. 1176-2018

AN ORDINANCE OF THE CITY OF RIVER OAKS, TEXAS AMENDING ARTICLE 13.08 "SOLID WASTE" OF THE RIVER OAKS CODE OF ORDINANCES (2006) REVISING DIVISION 2 "PERMIT FOR PRIVATE COLLECTORS"; REQUIRING PRIVATE COLLECTORS TO BE PERMITTED WITH THE CITY'S PERMIT DIVISION; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of River Oaks, Texas is a home rule city acting under its charter adopted by the electorate pursuant of Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the Police Chief recommends that persons collecting garbage, trash, rubbish or any kind of junk should be permitted in order to control unauthorized person or persons from going through and scattering trash placed out at the street for collection; and

WHEREAS, the City Council after a thorough research of the facts presented concurs with the recommendation of the police chief; and

WHEREAS, the City Council of the City of River Oaks has determined that it is in the best interest of the City to require permitting for private collectors through the City's Permit Department.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVER OAKS, TEXAS:

SECTION 1.

Article 13.08 "Solid Waste" of the River Oaks Code of Ordinances (2006) is hereby amended by revising Division 2 "Permit for Private Collectors" to now read as follows:

"Sec. 13.08.041 Required

No person shall hereafter collect kitchen garbage, trash, rubbish or any kind of junk whether contracting with the City or on an individual permit within the city limits without first having obtained from the city a permit for such purpose.

Sec. 13.08.042 Definitions

City means the City of River Oaks located at 4900 River Oaks Blvd, River Oaks, Texas.

Individual Collector means a person permitted to collect and dispose of trash, garbage, rubbish or junk of any kind that is properly placed at the street for collection and disposal.

Private Collector(s) means person or persons, association of persons or commercial company or corporation whose purpose is to collect and dispose of trash, garbage, rubbish or junk of any kind that is properly placed at the street for collection and disposal.

Sec. 13.08.043 Application and contents

Application for a permit to collect garbage, trash or rubbish or any kind of junk within the city limits shall be made by filing an application with the City Permit Department and shall set forth the name and address of the applicant, the trade name under which he does or proposes to do business, the number, kind and size of vehicles the applicant proposes to operate, the nature and character of service that the applicant proposes to render, rates if applicable to be charged for such service, location of dumping grounds, and if applicable, applicant's financial ability for damages in the event of injury to persons or damage to property, by reason of negligence of employees, or negligent operation of motor vehicles.

Sec 13.08.044 Approval of Permit with Individual Private Collectors

All applications for an individual collector shall be reviewed by the City Secretary and the Chief of police. Once approved, a permit shall be issued to the applicant signed by the City Secretary. Unless otherwise determined to be necessary, the individual collector is not required to be bonded or furnish a certificate of insurance. There is no permit fee required for issuance of this permit. Permits for private collections for an individual collector is valid for one-year from the date of issuance.

SECTION 2.

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinance of the City of River Oaks, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinance or such Code, in which event the conflicting provisions of the other ordinances are hereby repealed.

SECTION 3.

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.

SECTION 4.

All rights and remedies of the City of River Oaks, Texas, are expressly saved as to any and all violations of the provisions of the Code of Ordinances of the City of River Oaks, Texas or any other ordinances affecting solid waste disposal and collection which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation,

both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 5.

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2000.00) or the maximum amount allowed by law for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 6.

The City Secretary is directed to publish in the official newspaper of the City, the caption, penalty clause, savings clause, publication clause, and effective date clause of this ordinance one time as authorized by Chapter 5, Section 5.02(c) of the Charter of the City of River Oaks.

SECTION 7.

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

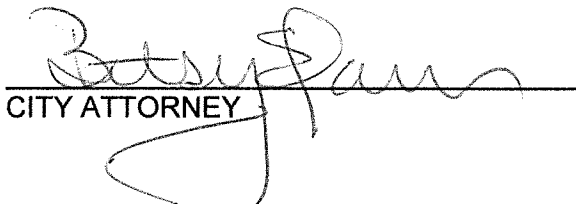
PASSED AND APPROVED ON THIS 13th DAY OF FEBRUARY, 2018.


MAYOR

ATTEST:


CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:


CITY ATTORNEY

PERMIT FOR PRIVATE COLLECTORS

PERMIT # _____

DATE APPLIED: _____

NAME OF APPLICANT: _____

ADDRESS: _____

DL NUMBER: _____

BIRTH DATE: _____

PHONE NUMBER: _____

BUSINESS OR TRADE NAME: _____

BUSINESS ADDRESS: _____

NATURE OF SERVICE: collect scrap metal or junk placed on the property side next to the street curb or street right-of-way

VEHICLE(S) DESCRIPTION: _____

LICENSE PLATE # _____

LICENSE PLATE # _____

DISPOSAL LOCATION: _____

NAME OF COLLECTORS:

Name

Address

1.

2.

NUMER OF COLLECTORS: _____

START DATE: _____

END DATE: _____

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I haven't been finally convicted of a felony or misdemeanor involving moral turpitude. I understand that any misrepresentation of facts stated on the application for permit is just cause for denial of the permit.

I am aware that conditions of this permit does not permit me to rummage or scatter garbage, trash or other debris on any property within the City of River Oaks in order to collect junk or scrap metal. Failure to follow this policy may result in my permit being revoked.

Signature of Applicant: _____ Printed Name: _____

(FOR OFFICE USE)

YES NO

(2) PHOTOGRAPHS OF APPLICANT MEASURING 1.5" x 1.5"

PD CHIEF APPROVAL: Yes ___ No ___

APPLICATION DENIED

APPLICATION APPROVED

City Secretary