

**An Ordinance of the City of Plano, Texas, amending the portion of Ordinance No. 2016-10-21 codified as Section 18-32 of Article II, Collection Charges, of Chapter 18, Solid Waste of the Code of Ordinances of the City of Plano, Texas, to increase: (1) the 68 gallon and 95 gallon single-family and duplex container rates, (2) the rate for additional 95 gallon containers for non-franchisee and residential customers, and (3) the rate for the delivery of compost and compost-related items adopted as a part of the Plano city budget on September 14, 2020, and the removal of a charge for the pick-up of household hazardous waste for residential and non-franchisee customers; and providing a repealer clause, a severability clause, a savings clause, and an effective date.**

**WHEREAS**, on October 25, 2016, the City Council of the City of Plano enacted Ordinance No. 2016-10-21 establishing a schedule of rates and charges for the collection and disposal of solid waste from residential and commercial customers within and outside the City; and

**WHEREAS**, Ordinance No. 2016-10-21 was codified as Sections 18-31, 18-32, and adding 18-35 of Article II, Collection Charges, of Chapter 18, Solid Waste of the Code of Ordinances of the City of Plano, Texas; and

**WHEREAS**, the schedule of rates and charges for solid waste collection and disposal must be reviewed annually in connection with preparation of the City budget and those rates and charges must be adjusted periodically to address increased operational costs and/or increased services being provided; and

**WHEREAS**, the City Council adopted the rate increase upon adoption of the budget on September 14, 2020; and

**WHEREAS**, the City of Plano has not assessed a fee to residential and non-franchise commercial customers scheduling a household hazardous waste (HHW) collection since 2012 although the City Code still reflects that fee; and

**WHEREAS**, the City Council of the City of Plano, after consideration of the recommendations of staff and all matters attendant and related thereto, is of the opinion that the recommended changes are in the best interest of the City and its citizens and will promote health, safety, and welfare of the citizens of Plano and the general public.

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

**Section I.** Ordinance No. 2016-10-21 passed and approved by the City Council of the City of Plano, Texas, on October 25, 2016 and codified in part as Section 18-32 of Article II, Collection Charges, of Chapter 18, Solid Waste of the Code of Ordinances of the City of Plano, Texas, is hereby amended to read as follows:

**"Sec. 18-32. Collection within city limits.**

(a) *Rates for collection and disposal.* The following schedule of rates for the collection and disposal of solid waste, landscape waste, bulky waste, household hazardous waste collection

and the collection and processing of recyclable materials for residential and non-franchisee commercial customers is hereby adopted:

- (1) Residential rates. To provide an economic incentive for recycling, the City of Plano has implemented a variable rate system that charges residential and non-franchisee commercial customers based on the size of their residential solid waste container, as follows:
  - a. Single-family residence utilizing a 95-gallon residential solid waste container: \$17.10 per month
  - b. Single family residence utilizing a 68-gallon residential solid waste container: \$12.25 per month
  - c. Duplex, per unit: \$17.10 per month
- (2) Non-Franchisee commercial rate per month \$26.45
- (3) Non-Franchisee commercial customers generating no more solid waste than can be contained in one City provided ninety-five (95) gallon residential solid waste container per week may receive collection from the Environmental Waste Services Division. This service may also be available to those non-franchisee commercial customers whose physical location prohibits the use of two cubic yard or larger containers.
- (4) Downtown Non-Franchisee Commercial Customers. Special collection services are provided to downtown non-franchisee commercial customers in the following categories: small generator, medium generator, and large generator. The rates and charges associated with these services are determined by the Environmental Waste Services Division.
- (5) All other commercial customers, regardless of the amount generated, shall be serviced only by the City's authorized commercial contractor. Mobile homes and trailer parks shall also be serviced by the City's authorized commercial contractor, either by container or through the collection of disposable containers.
- (6) Residential and non-franchisee commercial customers requesting additional bulky waste collections, over and above the one bulky waste collection per month, shall be charged a minimum of twenty dollars (\$20.00) per collection or ten dollars (\$10.00) per cubic yard, whichever is greater. There will be a twenty dollar (\$20.00) per cubic yard charge for loads of concrete based materials. Volume of the bulky waste collection will be based on the dimensions of the pile as estimated by the Director or their designee.
- (7) If a residential or non-franchisee commercial account serviced by the City shall continually generate more solid waste than can be placed in one 95-

gallon residential container on a weekly basis, an additional container shall be obtained from the City. That residential or non-franchisee commercial account will be charged an additional fourteen dollars and twenty-five cents (\$14.25) per month for each additional container plus a fifteen-dollar (\$15.00) delivery fee for each additional 95-gallon containers.

- (8) If any residential container is lost or damaged beyond repair as a result of the occupant's neglect or misuse, the Director of Sustainability & Environmental Services or his/her designee will determine the replacement fee based on the current cost of a replacement container from the vendor. A fifteen-dollar (\$15.00) delivery fee will also be charged.
- (9) The type of solid waste collection service for new customers shall be determined by the Director of Sustainability & Environmental Services or his/her designee, in accordance with the requirements of this section.
- (10) Upon approval from the Director of Sustainability & Environmental Services or his/her designee and in accordance with the guidelines for providing service to undeveloped areas, the City shall provide solid waste collection service to property within the City that has not previously received such services. Once a previously un-served area within the City is approved for service, all residential customers in such area shall receive collection services by the Environmental Waste Services Division and shall pay solid waste collection and disposal rates in accordance with this section.
- (11) The fee for biodegradable bags is hereby established at seven dollars and fifty cents (\$7.50) per twenty (20) bags including state and municipal sales tax. Biodegradable bags may only be purchased from the City in bundles of twenty (20). Biodegradable bags may also be made available for sale at retail stores as secured by the City.
- (12) The delivery fee for compost and compost-related products is hereby established at fifty dollars (\$50.00). A minimum order of three (3) cubic yards is required.
- (13) Reserved.

(b) *Continuous Service.* In accordance with this Section, all property located within the corporate city limits of the City of Plano with an active utility account shall be required to pay the monthly solid waste collection and disposal rate as set out herein.

(c) *Pro rata billing.* Customers who request to commence, transfer, or terminate any residential or commercial account for utility service within a billing cycle shall be billed based on a pro rata basis. The calculation method consists of taking the applicable service charge, dividing by a standard 30-day service period and then multiplying by the number of days service was provided for the billing cycle.”

**Section II.** The rate established in Section 18-32 shall be effective for all billings incurred on and after November 1, 2020.

**Section III.** All provisions of the Ordinances of the City of Plano, Texas, codified or uncoded, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano, Texas, codified or uncoded, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

**Section IV.** 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, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

**Section V.** The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this ordinance.

**Section VI.** This Ordinance shall become effective immediately upon its passage.

**DULY PASSED AND APPROVED** this 12<sup>th</sup> day of October, 2020.

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Harry LaRosiliere, MAYOR

ATTEST:

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Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

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Paige Mims, CITY ATTORNEY