

ORDINANCE NO. 2022-058

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS AMENDING THE GRAPEVINE CODE OF ORDINANCES, CHAPTER 25 UTILITIES AND SERVICES, ARTICLE III SOLID WASTE DISPOSAL; PROVIDING A SEVERABILITY CLAUSE; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on June 1, 1995, by passage of Ordinance No. 95-35 the City of Grapevine, Texas granted Laidlaw Waste Systems, Inc. a franchise agreement to provide for solid waste services for both residential and commercial customers for a ten (10) year period; and

WHEREAS, on September 18, 2001, by passage of Ordinance No. 2001-67 the City of Grapevine, Texas granted Laidlaw Waste Systems, Inc. an extension of the franchise agreement to provide for solid waste services for both residential and commercial customers for one (1) additional five (5) year period, commencing on June 1, 2005; and

WHEREAS, Laidlaw Waste Systems, Inc. was renamed Trinity Waste Services, Inc.; and

WHEREAS, Trinity Waste Services, Inc. was renamed, Allied Waste Services, Inc.; and

WHEREAS, Allied Waste Services, Inc. was renamed, Allied Waste Services of Fort Worth, LLC; and

WHEREAS, Allied Waste Services of Fort Worth, LLC. is a subsidiary of Republic Services; and

WHEREAS, on September 18, 2001, by passage of Ordinance No. 2001-67 the City of Grapevine, Texas granted Laidlaw Waste Systems, Inc. an extension of the franchise agreement to provide for solid waste services for both residential and commercial customers for one (1) additional five (5) year period, commencing on June 1, 2005; and

WHEREAS, on July 20, 2010, by passage of Ordinance No. 2010-30 the City of Grapevine, Texas granted Republic Services an extension of the franchise agreement to provide for solid waste services for both residential and commercial customers for one (1) additional five (5) year period, commencing on August 1, 2010; and

WHEREAS, on September 18, 2012, by passage of Ordinance No. 2012-44 the City of Grapevine, Texas extended the term of the franchise five (5) years commencing

on November 1, 2012; and granted Republic Services an automatic renewal of the franchise agreement for one (1) additional five (5) year period, commencing on November 1, 2017; and

WHEREAS, on September 6, 2022, by passage of Ordinance No. 2022-057 the City of Grapevine, Texas extended the term of the franchise ten (10) years commencing on November 1, 2022; and

WHEREAS, Section 12, Item 1 of the franchise agreement provides for the establishment of residential and commercial rates on an annual basis prior to October 1 of each year; and

WHEREAS, Republic Services has requested a rate adjustment to be effective on October 1, 2022; and

WHEREAS, the City Council finds it necessary to increase the rates for collecting and removing garbage, recycling, refuse and trash and other solid waste by amending Chapter 25 Utilities and Services, Article III, Solid Waste Disposal, Sections 25-90 and 25-97 of the Code of Ordinances of the City of Grapevine, Texas; and

WHEREAS, all constitutional and statutory prerequisites for the approval of this ordinance have been met, including but not limited to the Open Meetings Act; and

WHEREAS, the City Council deems the adoption of this ordinance to be in the best interests of the health, safety, and welfare of the public.

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

Section 1. That the above premises are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

Section 2. That Chapter 25 Utilities and Services, Article III, Solid Waste Disposal, is hereby amended by amending Section 25-90 in its entirety to read as follows:

**“Sec. 25-90. Definitions.**

As used in this article, the following terms shall have the respective meanings ascribed to them:

- (a) *Annual fee*: Compensation for the use, occupancy, oversight, supervision and regulation of the rights-of-way.
- (b) *Brush*: Limbs, branches and other trimmings which cannot be placed in disposable containers and/or exceeds four feet in length and six inches in diameter.

- (c) *Bulky wastes*: Large discarded items from residences within the city such as furniture, appliances, bedding, household goods, and other similar objects that are more than four feet square or four feet in diameter and weigh more than 75 pounds. Refrigerators, freezers, air conditioners and any other appliances or equipment utilizing freon which have not been properly discharged or that company is otherwise precluded from collecting by law, will not be collected without additional charge.
- (d) *City*: The City of Grapevine, Texas.
- (e) *Commercial containers*: Metal containers of two-yard capacity or greater supplied by company to service commercial customers.
- (f) *Commercial customer*: Any customer using a metal container of two yards or greater or as may be defined from time to time by the city manager or his designee in consultation with company.
- (g) *Commercial hand-load customer*: Any commercial customer not using a commercial container.
- (h) *Company*: Allied Waste Services of Fort Worth, LLC. (dba Republic Services).
- (i) *Consumer Price Index*: "CPI" shall mean the (CPI-U), U.S. City Average, Garbage and Trash collection in U.S. city average, all urban consumers, not seasonally adjusted, published by the United States Department of Labor, Bureau of Labor Statistics 1983 = 100. In the event the U.S. Department of Labor Statistics ceases to publish the CPI, the parties hereto agree to substitute another equally authoritative measure of change in the purchasing power of the U.S.
- (j) *Curbside service*: Garbage, trash, yard waste, brush, bulky wastes and recyclable materials to be picked up by the company which will be located at the curbside of the street bearing the customer's address.
- (k) *Customer*: All persons, households, tenants or businesses receiving solid waste services.
- (l) *Construction materials*: Dirt, concrete, rocks, bricks, lumber, shingles, plaster, sand or gravel and other waste building materials.
- (m) *Direction of the city*: All ordinances, laws, rules, regulations and Charter provisions of the city now in force or that may hereafter be passed and adopted which are not inconsistent with this article.
- (n) *Disposable containers*: Any plastic bag or cardboard box with a capacity of volume of 30 gallons or less and which is capable of containing

garbage, trash or solid waste without leaking or emitting odors, and which weighs, when loaded, less than 50 pounds.

- (o) *Disposal container*: Any sixty -five (65) gallon or ninety -five (95) gallon container for use by residential customers for curbside garbage, trash, or solid waste materials collection by COMPANY.
- (p) *Disposal cost*: Disposal cost shall mean the index established using the Consumer Price Index (CPI). Note— Appendix B is no longer applicable.
- (q) *Facilities*: Any buildings, structures, or containers used for the collection, separation or disposal of solid waste.
- (r) *Garbage*: All animal or vegetable waste (as from a kitchen or food processing facility), tin cans, bottles, sacks, clothes, extinguished ashes, paper (not including heavy accumulations of newspapers and magazines) and any other household waste which is damp or capable of emitting noxious odors.
- (s) *Hazardous wastes*: All fecal material, oil, sludge (other than that material generated by the city's wastewater treatment plant unless such material is subsequently designated by the U.S. Environmental Protection Agency ("EPA") or appropriate agency of the State of Texas as a hazardous waste) and any radioactive, pathological, toxic, acidic or volatile materials, or any chemical compound, mixture, substance, or article which is designated by the EPA or appropriate agency of the State of Texas to be "hazardous", "toxic", "contaminant" or "pollutant" as such terms are defined by or pursuant to federal or state laws.
- (t) *Mobile home*: A single-family housing unit.
- (u) *Mobile home park*: A tract of land, which is generally not less than ten acres, used for the development of a mobile home subdivision pursuant to the city's zoning and licensing ordinances. The subdivision allows for the placement of individual mobile homes within the subdivision.
- (v) *Non-exclusive*: No rights provided for in this article by the city shall be exclusive, and the city reserves the right to grant franchises, licenses, easements, or permissions to use the public rights-of-ways within the city to any person or entity as the city, in its sole discretion may determine to be in the public interest.
- (w) *Recycling containers*: A 65-gallon or 95-gallon container for use by residential customers for curbside recyclable materials collection by company.

- (x) *Recyclable materials*: Recyclable materials shall mean:
- (1) Newsprint and magazines.
  - (2) Telephone directories in conjunction with re-directory projects.
  - (3) Glass bottles and jars but not including mirrors, windows, ceramics or other glass products.
  - (4) Aluminum and tin cans used for beverage, food, beer, and soft drinks composed of tin, steel, or aluminum but excluding scrap metal.
  - (5) Plastics composed of H.D.P.E. (high density polyethylene) and P.E.T. (polyethylene terephthalate) bottles, numbers 1, 2,3,4,5 and 7.
  - (6) White paper products including mail, office paper, advertisements and similar materials.
  - (7) Old corrugated cardboard (OCC) and chip board.

As recycling markets open up to additional recyclables, this list may be expanded based on mutual agreement of city and company.

- (y) *Residential customer*: Any single-family home or duplex located on an individually plated lot or as may be defined from time to time by the city manager or his designee in consultation with company.
- (z) *Rights-of-way*: All present and future streets, avenues, highways, alleys, bridges and easements dedicated for public use within the city limits of the city.
- (aa) *Solid waste*: All garbage, trash, brush, yard waste, bulky waste and construction materials.
- (bb) *TCEQ*: Texas Commission on Environmental Quality.
- (cc) *Trash*: All household refuse other than garbage, construction materials, brush and bulky wastes. Trash includes yard waste, heavy accumulations of newspapers and magazines, old clothes and other household trash of like kind, but shall not include hazardous wastes or refrigerators, freezers, air conditioners or other appliances or equipment using freon which has not been properly discharged or other items banned by state or federal regulation to prohibit from disposal in landfills.
- (dd) *Yard waste*: Grass clippings, yard cleanings, leaves, tree trimmings and branches.

Section 3. That Chapter 25 Utilities and Services, Article III, Solid Waste Disposal, is hereby amended by amending Section 25-97 in its entirety to read as follows:

“Sec. 25-97. Service rates-schedules.

- (a) Any houses, buildings or premises used for residential purposes, shall have their garbage and trash removed at a monthly charge where such collection and removal is not required in excess of twice each week, have their recyclable materials removed once per week, have their brush and yard waste removed once per week, and have their bulky wastes removed once every other week with such rates established annually by ordinance.

	<i>Monthly Charge</i>
Single-family residential.....	\$ 16.91
Single-family residence without city water service .....	16.91
Duplex .....	33.82
Multifamily, per unit (without dumpster container) .....	16.91

- (b) Collecting and removing of garbage, refuse and trash from houses, buildings and premises used for commercial and business purposes (apartment complexes with three or more units and mobile home parks are defined as commercial units) shall be determined by the number of times each week that collection and removal of garbage, refuse and trash is required, plus the amount of garbage, refuse and trash collected and removed. The rates are established annually by ordinance.

(1) *Trash Container rates:*

a. Two-yard loose containers:

1 Dump per week.....	\$ 86.26
2 Dumps per week .....	145.41
3 Dumps per week .....	194.75
4 Dumps per week .....	273.86
5 Dumps per week .....	355.55
6 Dumps per week .....	411.25
Extra pickup .....	29.49

b. Two-yard compactor containers:

1 Dump per week.....	\$ 103.53
2 Dumps per week .....	174.49
3 Dumps per week .....	233.70
4 Dumps per week .....	328.63

5 Dumps per week .....	426.67
6 Dumps per week .....	493.52
Extra pickup .....	35.18

c. Three-yard loose containers:

1 Dump per week .....	\$ 98.09
2 Dumps per week .....	161.93
3 Dumps per week .....	232.33
4 Dumps per week .....	309.06
5 Dumps per week .....	388.05
6 Dumps per week .....	440.33
Extra pickup .....	33.73

d. Three-yard compactor containers:

1 Dump per week .....	\$ 117.69
2 Dumps per week .....	194.30
3 Dumps per week .....	278.81
4 Dumps per week .....	370.87
5 Dumps per week .....	465.66
6 Dumps per week .....	528.38
Extra pickup .....	40.02

e. Four-yard loose containers:

1 Dump per week .....	\$ 124.47
2 Dumps per week .....	200.02
3 Dumps per week .....	280.10
4 Dumps per week .....	356.62
5 Dumps per week .....	435.21
6 Dumps per week .....	476.20
Extra pickup .....	37.96

f. Four-yard compactor containers:

1 Dump per week .....	\$ 149.35
2 Dumps per week .....	240.02
3 Dumps per week .....	336.11
4 Dumps per week .....	427.94
5 Dumps per week .....	522.24
6 Dumps per week .....	571.44
Extra pickup .....	50.77

g. Six-yard loose containers:

1 Dump per week .....	\$ 148.09
2 Dumps per week .....	249.74
3 Dumps per week .....	350.79
4 Dumps per week .....	451.13
5 Dumps per week .....	565.70
6 Dumps per week .....	654.97
7 Dumps per week .....	764.11
Extra pickup .....	42.15

h. Six-yard compactor containers:

1 Dump per week .....	\$ 177.69
2 Dumps per week .....	299.67
3 Dumps per week .....	420.96
4 Dumps per week .....	541.36
5 Dumps per week .....	678.86
6 Dumps per week .....	785.96
7 Dumps per week .....	916.92
Extra pickup .....	60.41

i. Eight-yard loose containers:

1 Dump per week .....	\$ 184.52
2 Dumps per week .....	311.64
3 Dumps per week .....	446.01
4 Dumps per week .....	570.13
5 Dumps per week .....	696.06
6 Dumps per week .....	793.16
7 Dumps per week .....	925.37
Extra pickup .....	46.35

j. Roll-Cart Containers (Main Street):

2 Dumps per week .....	\$ 34.67
Extra Roll-Carts .....	7.05

(2) *Recycle Container rates:*

a. Cardboard only front-load eight-yard containers:

1 Dump per week (not to exceed) .....	\$ 48.28
---------------------------------------	----------



b. Roll-Cart (95 gallon) Recycle containers:

1 Dump per week (not to exceed) .....\$ 20.21  
Extra Roll-Carts .....\$ 7.05

c. Six-yard front-load recycle containers:

1 Dump per week .....\$ 87.66  
2 Dumps per week .....151.00  
3 Dumps per week .....212.11  
4 Dumps per week .....272.77  
Extra pickup .....29.81

d. Eight-yard front-load recycle containers:

1 Dump per week .....\$ 101.18  
2 Dumps per week .....174.25  
3 Dumps per week .....249.38  
4 Dumps per week .....318.76  
Extra pickup .....34.39

e. Twenty-yard open top loose recycle containers:

Total per load .....\$ 281.13

f. Twenty-yard compacted recycle containers:

Total per load .....\$ 305.33

g. Thirty-yard open top loose recycle containers:

Total per load .....\$ 302.03

h. Thirty-yard compacted recycle containers:

Total per load .....\$ 338.33

(3) *Organic Food Waste rates:*

a. Three-yard containers:

1 Dump per week .....\$ 135.39

(4) *Caster rates:*

per month .....\$ 8.82

(5) Lock rates:  
per lift .....\$ 1.55

(6) Enclosure Gate rates:  
per lift .....\$ 1.55

(7) Commercial hand-load, two (2) dumps per week: Thirty-six dollars and fifteen cents (\$36.15) per month for a maximum for four (4) thirty-gallon containers. If more than four (4) thirty-gallon containers are necessary for service, then customer will use commercial garbage container(s).

(8) Open top construction and compactor containers:  
a. Delivery fee.....\$ 131.94  
b. Daily rental fee.....\$ 5.60  
c. Haul.....\$ 239.33  
d. Trash Disposal:  
    Loose..... \$ 8.90 / cubic yard  
    Compacted ..... \$ 12.56 / cubic yard  
e. Deposit .....\$ 385.24  
f. Billing for commercial containers will be performed by the contractor. The City will establish such rates annually by ordinance.

(c) Collecting and removing of recyclables from multifamily (apartment) complexes will be performed [by] contractor at least once each week. Every apartment complex will be assessed a per unit monthly fee with such rates established annually by ordinance.

Monthly apartment recycling fee .....\$1.28

(d) Rates for any service required other than the above described services will be determined by the city.

(e) The minimum service to be rendered shall be once each week.

Should any place of business not be specifically designated by name, such error or omission will not relieve the owner, occupant, tenant or

lessee of the binding effect of this article, but the same charge shall be made as that entered against a business of a like or similar nature.

- (f) Mobile home parks may request curbside service for each individual housing unit for the collection of garbage, trash, yard waste and recyclables only. Such garbage, trash, yard waste and recyclables must be generated by tenant. The fee for such service will be the normal residential rate established annually by ordinance per the number of units in the park. The mobile home park must maintain commercial service for its office, management and other operations and for the collection of all brush and bulky waste as further defined by Article III, section 25-90, Grapevine Code of Ordinances.”

Section 4. If any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any person or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 5. The fact that the present ordinances and regulations of the City of Grapevine, Texas are inadequate to properly safeguard the health, safety, morals, peace and general welfare of the inhabitants of the City of Grapevine, Texas, creates an emergency for the immediate preservation of the public business, property, health, safety and general welfare of the public which requires that this ordinance shall become effective from and after the date of its passage, and it is accordingly so ordained.

Section 6. That the effective date of this rate adjustment will be October 1, 2022.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS on this the 6th day of September, 2022.

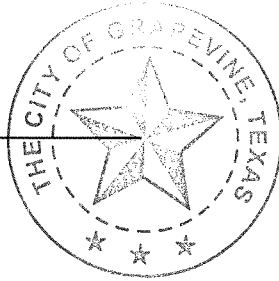
APPROVED:



William D. Tate  
Mayor

ATTEST:

Tara Brooks  
Tara Brooks  
City Secretary



APPROVED AS TO FORM:

Matthew C.G. Boyle  
Matthew C.G. Boyle  
City Attorney