

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 12.5 “, ARTICLE VIII “SOLID WASTE AND RECYCLING”, OF THE CODE OF THE CITY OF FORT WORTH (2015), AS AMENDED, BY AMENDING DIVISION 5 “PRIVATE COLLECTORS”, SECTION 12.5-851 “PRIVILEGE AGREEMENT APPLICATION, SECTION 12.5-856 “PAYMENT OF FEES/QUARTERLYREPORTS/ANNUAL REPORT” AND SECTION 12.5-858 “HAULING PERMIT APPLICATION”; MAKING THIS ORDINANCE CUMULATIVE OF PRIOR ORDINANCES; REPEALING ALL ORDINANCES AND PROVISIONS OF THE FORT WORTH CITY CODE IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 1998 the City Council enacted Ordinance No. 13555 to require a non-exclusive grant of privilege fee and agreement for private collectors of Solid Waste doing business in the City; and

WHEREAS, since the Ordinance’s enactment, the fees required for such grant of privilege have not been increased; and

WHEREAS, on September 30, 2020, the City’s consultant, Burns & McDonnell submitted a report recommending the City increase its grant of privilege fee from five percent (5%) to ten percent (10%) based on a benchmark of other Texas cities’ fee; and

WHEREAS, the City wishes to increase the fee for the grant of privilege to help recover the true cost of the City having to administer the Solid Waste program, provide additional services that benefit the commercial businesses and community and help maintain the City’s infrastructure which private collectors utilize to do business.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH:

SECTION 1.

That Section 12.5-851, “Privilege Agreement Application”, Article VIII “Solid Waste and Recycling”, of Chapter 12.5 of the Code of the City of Fort Worth (2015), as amended, is hereby amended as follows:

12.5-851 PRIVILEGE AGREEMENT APPLICATION.

(a) A person required to enter a privilege agreement under this division shall submit an application plus an application fee for a privilege agreement at the City of Fort Worth’s Code Compliance Department, Solid Waste Division.

- (b) At a minimum the application shall include:
- (1) The name, address and telephone number of the applicant;
 - (2) The trade name under which the applicant does business or proposes to do business;
 - (3) The estimated number of vehicles the applicant will operate under this agreement;
 - (4) The make, model, year and license plate number, collection body type (i.e. automated side loader, front end loader, rear loader, roll-off, and grapple/boom) and fuel type (i.e. Diesel, CNG) of all vehicles to operate under this agreement;
 - (5) The nature and character of the service the applicant proposes to render; and
 - (6) Any other information that may be relevant to the applicant's fitness to render such services as may be required by the Director of the Code Compliance Department.

SECTION 2.

That Section 12.5-856, "Payment of Fees/Quarterly Report/Annual Report", Article VIII "Solid Waste and Recycling", of Chapter 12.5 of the Code of the City of Fort Worth (2015), as amended, is hereby amended as follows:

12.5-856 PAYMENT OF FEES/QUARTERLY REPORTS/ANNUAL REPORT.

The grantee must make payment of all fees payable under the privilege agreement on a quarterly schedule. Payments will be due on: April 30, July 31, October 31 and January 31 for the preceding quarter. The amount due will shall be ten percent (10%) of the total gross hauling revenue of the grantee from the collection and transporting of municipal solid waste produced in Fort Worth. An annual report shall be due January 31 of each year and shall be a summary of the quarterly reports for the preceding year.

SECTION 3.

That Section 12.5-856, "Hauling Permit Application", Article VIII "Solid Waste and Recycling", of Chapter 12.5 of the Code of the City of Fort Worth (2015), as amended, is hereby amended as follows:

12.5-858 HAULING PERMIT APPLICATION.

- (a) A person required to have a hauling permit under this division shall submit an application plus an application fee at the City of Fort Worth's Solid Waste Division.
- (b) At a minimum the application shall include:
- (1) Name, address and telephone number of the applicant;

- (2) The trade name under which the applicant does business or proposes to do business;
- (3) The number of vehicles the applicant desires to operate and for each of which the applicant seeks to obtain permits under this application;
- (4) Make, model, year and license plate number, collection body type (i.e. automated side loader, front end loader, rear loader, roll-off, and grapple/boom) and fuel type (i.e. Diesel, CNG) of each vehicle that the applicant will use to collect or transport municipal solid waste;
- (5) The nature and character of the service the applicant proposes to render; and
- (6) Any other information as may be relevant to the applicant's fitness to render such services as may be required by the Director of the Code Compliance Department.

(c) Each applicant in the business of transporting solid waste shall sign a solid waste transportation certification as required by the Texas Administrative Code.

(d) Before a hauling permit is issued, each vehicle must satisfactorily pass inspection for the following items:

- (1) The vehicle must be constructed to ensure no spillage of solid waste;
- (2) A non-enclosed vehicle must have a proper tarp or other satisfactory cover to prevent blowing of materials being transported;
- (3) Where applicable, all drain plugs and seals must be intact; and
- (4) The vehicle must be clean and odor free.

SECTION 4.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (2015), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 5.

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.

SECTION 6.

This ordinance shall take effect on January 1, 2020.

APPROVED AS TO FORM AND LEGALITY:

Christa R. Lopez-Reynolds
Sr. Assistant City Attorney

ADOPTED:_____