

Ordinance No. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS GRANTING A FRANCHISE TO TEXAS DISPOSAL SYSTEMS, INC. FOR THE PROVISION OF SOLID WASTE, RECYCLING, YARD TRIMMINGS, AND BULKY WASTE COLLECTION, TRANSFER, AND DISPOSAL SERVICES; ADDING CHAPTER 14.32 TO THE CODE OF ORDINANCES RELATING TO THE TERMS AND CONDITIONS OF THE FRANCHISE; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; ESTABLISHING A PENALTY; INCLUDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Georgetown, Texas (the “City”) is a home-rule municipality incorporated under Article XI of the Texas Constitution;

WHEREAS, pursuant to Section 1.04 of the Home Rule Charter (the “Charter”) of the City, the City has “exclusive dominion, control and jurisdiction in, upon, over and under the public streets, sidewalks, alleys, highways, public squares and public ways (except those under State control if required by State law) that are within the corporate limits of the city, and in, upon, over, and under all public property of the City”;

WHEREAS, Section 8.03 of the Charter grants the City Council the power by ordinance to grant all franchises of public utilities of every character operating within the City of Georgetown;

WHEREAS, Texas Disposal Systems, Inc. (“TDS”) is a Texas corporation that provides solid waste, recycling, yard trimmings, and bulky waste services (the “Services”) to customers, including within the City of Georgetown;

WHEREAS, on September 14, 2021, the City and TDS entered into a Contract for Solid Waste, Recycling, Yard Trimmings and Bulky Waste Services (the “Contract”),

WHEREAS, the City Council finds it necessary to add Chapter 14.32 to the Code of Ordinances to grant TDS the right, privilege and franchise to provide the Services on the public rights-of-way of the City upon the terms and conditions as set forth herein.

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

Section 1. The facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim.

Section 2. The meeting at which this ordinance was approved was in all things conducted in compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 3. Chapter 14.32 is hereby added to the Code of Ordinances as shown on **Exhibit A** attached hereto.

Section 4. All ordinances or resolutions that are in conflict with the provisions of this ordinance are, and the same are hereby, repealed and all other ordinances or resolutions of the City not in conflict with the provisions of this ordinance shall remain in full force and effect; however, nothing in this agreement is intended to waive any legal right held by or granted to the City in the regulation of franchises within the City and no waiver or relinquishment shall be deemed to have been made by the City unless such waiver or relinquishment is in writing and signed by the City.

Section 5. If any provision of this ordinance, or application thereof, to any person or circumstance, shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

Section 6. The Mayor is hereby authorized to sign this ordinance and the City Secretary to attest. This ordinance shall become effective and be in full force and effect on October 1, 2021.

PASSED AND APPROVED on First Reading on the _____ of _____, 2021.

PASSED AND APPROVED on Second Reading on the _____ of _____, 2021.

ATTEST:

THE CITY OF GEORGETOWN

Robyn Densmore, City Secretary

Joshua Schroeder, Mayor

APPROVED AS TO FORM:

Skye Masson, City Attorney