

ORDINANCE NO. 2022-014

AN ORDINANCE OF THE CITY OF CLUTE, BRAZORIA COUNTY, TEXAS, CONTAINING A PREAMBLE; AMENDING CHAPTER 94 – SOLID WASTE, OF THE CODE OF ORDINANCES OF SAID CITY; AMENDING SECTION 94-4, RELATING TO COLLECTION OF BUILDING MATERIAL; PROVIDING A SEVERANCE CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING THAT THE DESCRIPTIVE CAPTION OF THIS ORDINANCE SHALL BE PUBLISHED FOR TWO CONSECUTIVE DAYS IN THE BRAZOSPORT FACTS; AND PROVIDING AN EFFECTIVE DATE FOR THIS ORDINANCE.

WHEREAS, heretofore, the City Council of the City of Clute as adopted Chapter 94 of the Code of Ordinances of the City of Clute, Texas, dealing with garbage and trash disposal; and,

WHEREAS, the City Council seeks to eliminate the collection of building materials as part of the city-provided solid waste disposal services; and,

WHEREAS, the City Council finds that elimination of collection of building materials, is in the best interest and to the benefit of the general health, safety and welfare of the citizens of the City of Clute, Texas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLUTE, BRAZORIA COUNTY, TEXAS:

FIRST, the findings of the council in the preamble above are found to be true and correct;

SECOND, Chapter 94 – Solid Waste, of the Code of Ordinances shall be amended to read as follows:

Sec. 94-4. - Waste material containers and collection.

(2) *Placement of solid waste for monthly collection.*

c. Building materials, such as lumber, hardy plank, brick, plaster, gutters , asbestos, vinyl or cement siding; cement/ concrete; bricks; PVC pipe; copper pipe and wiring; concrete blocks; plywood; HVAC components; plumbing fittings and fixtures; sinks; toilets; water heaters and bathtubs/shower basins or other substances accumulated as a result of repairs or additions to existing buildings, construction of new buildings or demolition of existing structures will be collected by the city for an additional fee.

1) Prior to collecting any building materials, staff from the Solid Waste Department shall provide an estimate of cost for disposal. This estimate should be based on estimated total tippage following the landfills' policies and procedures. This estimate shall provided in writing and on a form that clarifies that his is an estimate only and that the customer will be charged to the actual cost of disposal.

2) After the building materials have been disposed the customer will be billed the full amount paid by the City to dispose of the material. A Payment Plan shall be made available to the customer if they are unable to pay, said plans will require a payment of at least 10% at the time of initiation and included signed agreement noting that remaining payments will be added monthly to their bill if they have an active Utility account with the City. If they do not have an active Utility account with the City payment will be require in full at the time of service.

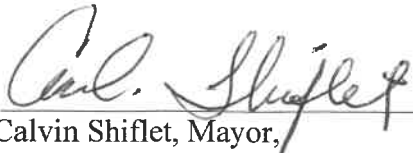
THIRD, this ordinance is cumulative of and in addition to all other ordinances of the City of Clute, Texas, on the same subject and all such ordinances are hereby expressly saved from repeal. Provided, however, where this ordinance and another ordinance conflict or overlap, whichever imposes the more stringent regulations or penalties, as the case may be, shall prevail.

FOURTH, in the event any section or provision of this ordinance is found to be unconstitutional, void or inoperative by the final judgment of a court of competent jurisdiction, such defective provision, if any, is hereby declared to be severable from the remaining sections and provisions of this ordinance and such remaining sections and provisions shall remain in full force and effect.

FIFTH, the City Clerk of the City of Clute, Texas shall cause the descriptive caption of this ordinance to be published for two consecutive days in the Brazosport Facts, the official newspaper of the City of Clute, Texas.

SIXTH, this ordinance shall take effect and be in force from and after its descriptive caption is published as provided above

READ, PASSED, AND APPROVED this the 14th day of July, 2022.



Calvin Shiflet, Mayor,
City of Clute, Texas

ATTEST:

APPROVED AS TO FORM ONLY:



Rosie Poitevint, City Clerk,
City of Clute, Texas



Christopher Duncan, City Attorney,
City of Clute, Texas