

ORDINANCE 21-02-1191A

AN ORDINANCE OF THE CITY OF MURPHY, TEXAS, AMENDING ARTICLE 22.02 (SOLID WASTE) OF CHAPTER 22 (UTILITIES) TO AMEND SECTION 22.02.001 (MANDATORY USE OF COLLECTION SERVICE) AND TO RENAME THE SAID SECTION “COLLECTION AND DISPOSAL OF GARBAGE AND TRASH”; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS/REPEALING CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City is a home rule municipality organized under the Constitution and the laws of the State of Texas; and

WHEREAS, as a home rule municipality, the City may license, regulate, and control collection and disposal of garbage and trash in accordance with state law; and

WHEREAS, the City Council desires to enact regulations further addressing the contract, collection and disposal of garbage and trash; and

WHEREAS, the City Council finds it to be advantageous, beneficial, and in the public interest to amend the Code of Ordinances to adopt regulations governing garbage and trash; and

WHEREAS, the City Council has investigated and finds that these amendments provide reasonable regulation of the same for the public health and safety of the citizens of Murphy.

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

SECTION 1. Incorporation of Premises.

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. Amendment.

That Section 22.02.001 “Mandatory Use of Collection Service” of Article 22.02 “Solid Waste” of Chapter 22 “Utilities” of the Code of Ordinances of the City of Murphy, Texas is hereby amended and renamed “COLLECTION AND DISPOSAL OF GARBAGE AND TRASH” and shall be adopted and read in its entirety as follows:

Chapter 22. Utilities Article 22.02. Solid Waste

SECTION 22.02.001. COLLECTION AND DISPOSAL OF GARBAGE AND TRASH

- (a) It shall be mandatory that each residence and commercial establishment within the corporate limits of the city take and subscribe to the garbage collection service offered by the city through its garbage franchise operator.
- (b) It shall be unlawful for any person to use the public streets, alleys and roadways of the city for the purpose of commercial collection of garbage or trash unless said person has been granted a contract by the city. The city council shall be the sole judge as to entering into such contract. Any collection of garbage or trash from any residence or business establishment shall be prima facie evidence that such collection is for commercial purposes. Any person violating this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not to exceed the sum of \$500.00 for each offense, and each and every day such violation shall continue shall constitute a new and separate offense. In addition to such criminal penalties, the city hereby reserves the right to institute appropriate civil action when necessary to prevent such unlawful use of the public streets, alleys and roadways of the city.
- (c) This section does not apply to a person who provides the city with written documentation that the person is receiving solid waste disposal services from another entity in accordance with Texas Health and Safety Code, Section 364.034(e).
- (d) This section does not restrict the right of an entity to contract with a licensed waste hauler for the collection and removal of domestic septage or of grease trap waste, grit trap waste, lint trap waste, or sand trap waste in accordance with Texas Health and Safety Code, Section 364.034(f).
- (e) This section does not apply to a private entity that contracts to provide temporary solid waste disposal services to a construction project in accordance with Texas Health and Safety Code, Section 364.034(h).

SECTION 3. Penalty.

Any person, firm or corporation violating any term or provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a penalty of fine not to exceed the amount of Five Hundred Dollars (\$500) for each offense. Every day a violation continues shall constitute a separate offense.

SECTION 4. Severability.

It is the intention of 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 deemed unconstitutional or invalid by any judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining section, paragraph, sentence, clause or portion of this ordinance or any other provision of the Code of Ordinances of the City of Murphy.

SECTION 5. Savings and Repealer.

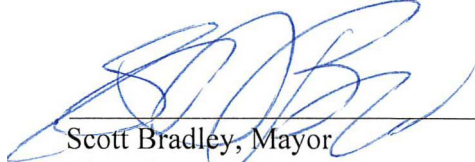
The City of Murphy's Code of Ordinances shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed or amended ordinance, nor shall the repeal or amendment prevent a prosecution from being commenced for any violation if occurring prior to the repeal or amendment of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 6. Publication and Effective Date.

This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law provides.


PASSED, APPROVED, AND ADOPTED by the City Council of the City of Murphy, Texas, on the 23rd day of February, 2021.





Scott Bradley, Mayor
City of Murphy

ATTEST:



Susie Quinn, City Secretary
City of Murphy

APPROVED AS TO FORM AND LEGALITY:



Wm. Andrew Messer, City Attorney
Wm