

**CITY OF HIGHLAND HAVEN
ORDINANCE # 105, Revision 2
September 7, 2021**

AN ORDINANCE ADOPTING THE CITY OF HIGHLAND HAVEN, TEXAS FEE SCHEDULE FOR SOLID WASTE SERVICES; PROVIDING FOR SEVERABILITY; AN OPEN MEETING AND EFFECTIVE DATE.

WHEREAS, the City of Highland Haven ("City"), Texas is "Type A" General Law municipality located in Burnet County, Texas organized under the laws of the State of Texas;

WHEREAS, the City has entered into an agreement under which solid waste collection services are provided to the residents of the City;

WHEREAS, the provision of solid waste collection services for the residents of the City is necessary for the public health of the citizens and the protection of the environment and natural resources of the City;

WHEREAS, it is essential to the protection of the public health and environmental resources of the City that all occupants of all occupied property within the City dispose of solid waste and refuse in a manner to conform with state law and that all such property with access to the water be served by such system;

WHEREAS, it is necessary to establish fees and charges for the purpose of recovering the costs and expenses of providing solid waste to customers of the City or those the City has specifically entered into agreements with outside the City;

WHEREAS, a public hearing for the rates and charges for solid waste was held as part of the fiscal year 2022 Budget;

WHEREAS, following the public hearings on the rates and charges, the Board of Aldermen finds that it is appropriate for the costs and expenses for providing utility services to be funded by user fees collected from persons and entities receiving the benefit of such services as well as the additional protections that are necessary to ensure that the solid waste services remain up to the standards required to maintain the health and welfare of all residents;

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HIGHLAND HAVEN, TEXAS THAT:

Section 1. Findings of Fact. The findings and recitations set out in the preamble of this Ordinance are found to be true and correct, and that they are hereby adopted by the Board of Aldermen and made a part hereof for all purposes. It is further found that collection of the fees provided herein is necessary to fund water services and provide for the public health and safety.

Section 2. Solid Waste Rates and Fees. The Highland Haven Solid Waste rates and fees set out in Exhibit "A," attached hereto and incorporated herein for all purposes are established effective with the January 1, 2022 billing cycle:

Section 3. Amendment of Conflicting Ordinances. The above-referenced sections of the Ordinances are hereby amended as provided in this Ordinance. All parts of ordinances in conflict herewith are hereby amended to the extent of such conflict only. To the extent of a conflict between this Ordinance and another ordinance of the City, this Ordinance shall control. This schedule is effective concurrent with the approval of this Ordinance to become effective October 1, 2021 and shall remain effective until revised by future Ordinance.

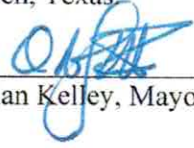
Section 4. Savings Clause. All rights and remedies of the City are expressly saved as to any and all violations of the provisions of any ordinances affecting utilities and utility fees which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 5 Effective Dates. This Ordinance shall be in full force and effect for the solid waste with bills due February 2022 after final passage and publication in the manner required by the Texas Local Government Code.

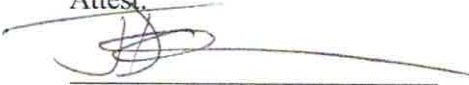
Section 6. Severability. It is hereby declared to be the intention of the Board of Aldermen that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any section, paragraph, sentence, clause or phrase of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses and phrases of this Ordinance, since the same would have been enacted by the Board of Aldermen without the incorporation in this Ordinance of any such invalid section, paragraph, sentence, clause or phrase. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

Section 7. Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

PASSED AND APPROVED this the 7th day of September 2021, during a scheduled meeting by the Board of Aldermen of the City of Highland Haven, Texas

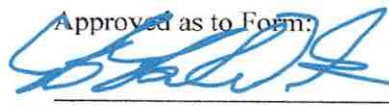

Olan Kelley, Mayor

Attest:


Jeffery Lederer, City Secretary

(seal)

Approved as to Form:


Barbara Boulware-Wells, City Attorney

Ordinance # 105
Highland Haven Solid Waste Services Fees
Effective January 1, 2022

FEES	Rates 4/01/21- 12/31/21	Rates 1/01/22- 12/31/22	Notes
Monthly Residential Waste Services Fee	\$26.50	\$27.30	Service includes one 95 gal wheeled poly cart for landfill waste and one 95 gal wheeled poly cart for recycling waste. Weekly landfill pickup (Thursday) and twice monthly recycle pickup. (3% increase per contract)
State Sales Tax	8.25%	8.25%	Required Texas Sales Tax based on services billed monthly
Additional poly cart	\$10.60	\$10.92	Monthly fee, (3% increase per contract)
Replacement Polycart	\$100	\$100	Replacement cost in the event of loss or damage by customer. There is no charge to replace worn Polycarts due to normal use.
Service Activation Fee	\$50	\$50	Non-refundable fee to establish Monthly Residential Service for accounts opened after May 2, 2019
Late Payment Fee	\$10 or 10%	\$10 or 10%	Late Fee is applied to any bill not paid by the 15th of the month
Service Termination Fee	\$50	\$50	Service Termination Fee for any unpaid account (30 days late)
Return Check Fee	\$35	\$35	
Unusual Accumulation Collection Fee	Cost plus \$50	Cost plus \$50	Fee for servicing poly cart at unpaid account address or special trash services requested by customer (cost per pickup)
Hazardous, Non-recyclable or Unacceptable Waste Cleanup Fee	Cost plus \$250	Cost plus \$250	Fees associated with actual cleanup costs passed on from solid waste service provider to the City for cleanup of any Hazardous, Non-recyclable or Unacceptable Waste disposed of in solid waste/recycling poly carts and associated spillage plus \$250.
Highland Haven Solid Waste Services Policies			
* Property Owner is responsible for any outstanding solid waste services fees for a rental home			
* See attached Solid Waste Services Application and Agreement Form			