

Explanation of San Angelo City Ordinance Re: Trash Collection Rates and Authorized Surcharges

“To Farmer’s recollection, the City Council authorized Republic to charge a fuel surcharge. ‘You know, when diesel was headed towards \$5 per gallon, I recall Council giving them the option,’ she said. Mayor Morrison also recalls the fuel surcharge authorization. ‘We gave them a sliding scale,’ Morrison said.”

-San Angelo LIVE article, June 23, 2014

The above quotations seem to convey the position of at least two Council members that the fuel surcharge component of the alleged Republic overcharges is justified and in fact, explicitly authorized by a City Council passed ordinance. However, it belies a fundamental misunderstanding of the code passed by Council, a lack of interest in true accountability for City contractors, an abdication of the responsibility as elected officials to provide that accountability, and an astonishing indifference to the concerns of the San Angelo business community who may have been overcharged by approximately \$10 million over the past fourteen years. The following simple explanation of the applicable code, which is included as an attachment, will demonstrate why.

The pertinent part of the City Code is Section 8.1500 of Appendix A or “Fee Schedule” for all City services, titled “Charge for Collection of Garbage and Trash.” Subsection (a) of Section 8.1500 of the Fee Schedule covers “Residential Services.” Subsection (a)(2) titled “Automatic Fuel Adjustments” states, “The above residence service charges [with the exception of subsection (E)], will automatically increase or decrease on the first day of the billing cycle each month in accordance with the following process:” Subsections (a)(2)(A-F) then go on to list the process for calculating a *residential* fuel surcharge.

All authorized commercial charges are enumerated in Subsection (b) of Section 8.1500 of Appendix A, titled “Commercial Service.” Subsection (b)(2), titled “Commercial Service Charges” includes several tables listing the various rates and charges allowed for a variety of commercial container capacities and service frequencies. One of the column headings in these tables is titled “Fuel Surchg.” The 2004 version of these tables include a particular dollar figure for the “Fuel Surchg” for each container size and service frequency, all subsequent versions of the code that we have been able to locate contain the term “No Change” in the column titled “Fuel Surchg.” If the latest iterations of the code contain the term “No Change”, then it can be reasonably assumed that the previous version of the code, which contains numerical figures, contains the applicable approved fuel surcharge amounts for commercial accounts. These flat fees range from \$.39 to \$12.68 per month depending on container size and service frequency.

Section 8.1500 of Appendix A concludes with an unnumbered section titled “DIESEL FUEL ADJUSTMENT FEE” which contains two “Calculation Tables,” one table for customer types A & B, and another table for customer types B & C. These customer type designations are defined in Subsection (a)(1) of Appendix A. These tables do provide for a type of “sliding scale” fuel surcharge calculation, however, it is limited to residential accounts and small commercial accounts that use residential type service, which are billed by the City. The titles of these calculation tables are enough to determine that they do not apply to commercial customers using steel bins or industrial rollofs, and billed by Republic; however, if you look further at the base rates indicated in these calculation tables, it is clear that they are the same rates as listed for residential services, and do not represent those rates indicated for commercial services.

2004 ORDINANCE FEE SCHEDULE

APPENDIX A

FEE SCHEDULE

Sec. 8.1500 Charge for Collection of Garbage and Trash

(a) Residential Services. It shall be the duty of all residential customers to subscribe to a commercial garbage collection service which is licensed by the city. The city council may authorize an individual to dispose of his own garbage and trash where hardship is shown. The city manager shall cause an investigation to be made of the circumstances surrounding any application for exception and shall report to the city council on the results of his investigation. A list of such exempt persons shall be kept and given to any city garbage company monthly. The city council may revoke said exemption at any time.

(1) Residence Service Charges: The residences of the city and small professional and business firms who receive twice a week regular service have been divided into fair and reasonable types according to their structure and uses, for the purposes of collection of garbage and trash. Fair and reasonable charges for service where pick-ups are made from alleys or from front or side line street curbs shall be and are herein shown in terms of dollars and cents opposite each type, along with the other charges that are more fully explained in subsection (a)(2) below, for a calendar month as follows:

| | | |
|-----|---|--------|
| (A) | <u>One-family residence</u> | \$8.15 |
| | Inspection charge | \$0.10 |
| | City landfill charge | \$0.20 |
| | State landfill charge | \$0.50 |
| | Total: | \$8.95 |
| (B) | <u>Apartment house (where large containers are not used) per unit</u> | \$8.15 |
| | Inspection charge | \$0.10 |
| | City landfill charge | \$0.20 |
| | State landfill charge | \$0.50 |
| | Total: | \$8.95 |

| | | |
|-----|--|---------|
| (C) | <u>Small business, using residential-type service</u> | \$16.11 |
| | Inspection charge | \$0.20 |
| | City landfill charge | \$0.40 |
| | State landfill charge | \$1.00 |
| | Total: | \$17.71 |
| (D) | <u>Two-family duplex residence</u> | \$16.11 |
| | Inspection charge (per duplex) | \$0.20 |
| | City landfill charge (per duplex) | \$0.40 |
| | State landfill charge (per duplex) | \$1.00 |
| | Total: | \$17.71 |
| (E) | <u>One-family residence for those residents receiving "supplemental security income" payments from the Social Security Administration.</u> | \$5.29 |

(2) Automatic Fuel Adjustments. The above residence service charges [with the exception of those in subsection (E)], will automatically increase or decrease on the first day of the billing cycle each month in accordance with the following process:

(A) The contracted garbage collection service provider (Provider) shall, before the last day of each month, submit to the city the invoices for the Provider's diesel fuel purchases for such month. The invoices shall include the following information:

- (i) Date of diesel fuel purchase
- (ii) Number of gallons purchased
- (iii) Cost per gallon
- (iv) Total invoice cost
- (v) Any other information requested by the director of public works

If any of the information required is not included in the invoice Provider shall submit it in another form acceptable to city.

(B) City shall compute Provider's average per gallon cost for diesel fuel for each month. Such average shall then be averaged with the previous two months averages to establish the average price per gallon for such three month period. (Average Price)

(C) The city shall then refer to the diesel fuel adjustment fee chart, found at the end of this section, to determine which bracket the average price falls within to establish the base rate with fuel adjustment fee for the next billing cycle.

(D) The first fuel adjustment fee shall be implemented for the April 2006 billing cycle.

(E) Failure to submit invoices in a timely manner may result in delay of fuel adjustment fee.

(F) If the average price falls below \$1.66 per gallon no fuel adjustment fee shall be added to the base rate.

(3) Other Charges.

(A) Inspection Charge, Reports. The city shall charge an inspection fee of ten cents (\$0.10) per month for each customer of all licensed garbage haulers. In all cases wherein the city acts as collecting agent for a licensed garbage hauler, the city shall include such additional fee in the monthly bills for garbage collection. The funds thus obtained shall be retained by the city and shall be separate and distinct from any funds retained by the city according to the terms of any contract existing between the city and such garbage hauler. All private garbage haulers shall submit to the city water department a monthly report of the number of customers served by such private garbage haulers and shall remit therewith a sum equal to ten cents (\$0.10) per customer. In the event any private garbage hauler fails or refuses to submit such report and remittance, the city council may immediately revoke the permit granted to such private garbage hauler under the provisions of this code.

(B) City Landfill Surcharge Fee:

(i) The city shall charge a landfill surcharge fee of twenty cents (\$0.20) per month for each customer classified under subsection (a)(1)(A) and (B) above of all licensed garbage haulers. In all cases in which the city acts as collecting agent for a licensed garbage hauler, the city shall include such additional fees in the monthly bills for garbage collection. All private garbage haulers shall submit to the city water department a monthly report of the number and type of customers served by such haulers and shall remit therewith a sum equal to twenty cents (\$0.20) per residential customer unit. In the event any private garbage hauler fails or refuses to submit such report and remittance, the city council may immediately revoke the permit granted to such private garbage hauler under the provisions of this code.

(ii) All funds collected hereby shall be retained by the city and shall be separate and distinct from any funds retained by the city under any contract between the city and any garbage hauler.

(iii) The purpose of this surcharge is to defer the expense of engineering, testing and maintaining the city's landfill in accordance with all state and federal rules, regulations and permits; and for future landfill development and expansion.

(C) State Landfill Surcharge Fee:

(i) The city shall charge a state landfill surcharge fee of fifty cents (\$0.50) per month for each residential customer. In all cases in which the city acts as collecting agent for a licensed garbage hauler, the city shall include such additional fees in the monthly bills for garbage collection.

(ii) All private garbage haulers shall submit to the city water department a monthly report of the number and type of customers served by such haulers and shall remit therewith a sum equal to fifty cents (\$0.50) per month per residential customer. In the event any private garbage hauler fails or refuses to submit such report and remittance, the city council may immediately revoke the permit granted to such private garbage hauler under the provisions of this code.

(iii) All funds collected hereby shall be retained by the city and shall be separate and distinct from any funds retained by the city under any contract between the city and any garbage hauler. The charges set forth under this section will be identified in the water bill as a state surcharge fee.

(Ordinance adopted 3/21/06; Sec. 4, Ordinance adopted 12/5/06)

(b) Commercial Service. It shall be the duty of all commercial customers to subscribe to a commercial garbage collection service which is licensed by the city. Those commercial customers that generate special types of garbage that are not covered by an exclusive contract entered into by the city shall be allowed to use any other garbage collection service duly permitted by the city.

(1) **Exception.** Notwithstanding the foregoing, a commercial, institutional or industrial business may, by obtaining a permit from the sanitation inspector, haul its own garbage, trash and debris provided it uses its own employees and vehicles for hauling, and those vehicles conform to the requirements of vehicles used by licensed collectors as set forth in this article; provided, however, no business engaged in food handling, such as a restaurant, quick food or take out food business, may haul its own garbage but must subscribe to a licensed hauler to insure the orderly and regular removal of rapidly deteriorating garbage.

(2) Commercial Service Charges. Rates for commercial service shall be as set forth in the following tables:

| COMMERCIAL HANDLOAD | | | | | | | |
|----------------------------|--------|-------------------|-------|-------------|--------------|-------|----------|
| SIZE | DIMEN. | NO. DAYS PER WEEK | RATE | FUEL SURCHG | 4% FRAN. FEE | TOTAL | EXTRA PU |
| | | 2 | 17.86 | 0.39 | 0.73 | 18.98 | 0.00 |
| STEEL BINS | | | | | | | |
| SIZE | DIMEN. | NO. DAYS PER | RATE | FUEL SURCHG | 4% FRAN. FEE | TOTAL | EXTRA PU |

| | | WEEK | | | | | |
|---------------------------|-----------|-------------------|--------|-------------|--------------|--------|----------|
| 2 YD | 6x3x3 | 1 | 37.82 | 0.82 | 1.55 | 40.19 | 18.92 |
| 2 YD | | 2 | 62.25 | 1.36 | 2.54 | 66.15 | 18.92 |
| 2 YD | | 3 | 79.05 | 1.72 | 3.23 | 84.00 | 18.92 |
| 2 YD | | 4 | 96.92 | 2.11 | 3.96 | 102.99 | 18.92 |
| 2 YD | | 5 | 112.41 | 2.45 | 4.59 | 119.45 | 18.92 |
| 2 YD | | 6 | 131.06 | 2.86 | 5.36 | 139.27 | 18.92 |
| 4 YD | 6x4x4 1/2 | 1 | 60.67 | 1.32 | 2.48 | 64.47 | 30.34 |
| 4 YD | | 2 | 92.97 | 2.03 | 3.80 | 98.80 | 30.34 |
| 4 YD | | 3 | 127.12 | 2.77 | 5.20 | 135.09 | 30.34 |
| 4 YD | | 4 | 163.36 | 3.56 | 6.68 | 173.60 | 30.34 |
| 4 YD | | 5 | 195.94 | 4.27 | 8.01 | 208.22 | 30.34 |
| 4 YD | | 6 | 222.46 | 4.85 | 9.09 | 236.40 | 30.34 |
| 8 YD | 6x6x6 | 1 | 90.87 | 1.98 | 3.71 | 96.57 | 45.44 |
| 8 YD | | 2 | 163.36 | 3.56 | 6.68 | 173.60 | 45.44 |
| 8 YD | | 3 | 222.46 | 4.85 | 9.09 | 236.40 | 45.44 |
| 8 YD | | 4 | 295.47 | 6.44 | 12.08 | 313.99 | 45.44 |
| 8 YD | | 5 | 361.41 | 7.88 | 14.77 | 384.06 | 45.44 |
| 8 YD | | 6 | 431.27 | 9.40 | 17.63 | 458.30 | 45.44 |
| CONSTRUCTION BOXES | | | | | | | |
| SIZE | DIMEN. | NO. DAYS PER WEEK | RATE | FUEL SURCHG | 4% FRAN. FEE | TOTAL | EXTRA PU |
| 2 YD | 6x3x3 | 1 | 50.43 | 1.10 | 2.06 | 53.59 | 25.22 |
| 2 YD | | 2 | 83.53 | 1.82 | 3.41 | 88.76 | 25.22 |
| 2 YD | | 3 | 106.11 | 2.31 | 4.34 | 112.76 | 25.22 |
| 2 YD | | 4 | 130.27 | 2.84 | 5.32 | 138.43 | 25.22 |
| 2 YD | | 5 | 151.29 | 3.30 | 6.18 | 160.77 | 25.22 |
| 2 YD | | 6 | 176.50 | 3.85 | 7.21 | 187.56 | 25.22 |
| 4 YD | 6x4x4 1/2 | 1 | 81.43 | 1.78 | 3.33 | 86.53 | 40.72 |
| 4 YD | | 2 | 125.02 | 2.73 | 5.11 | 132.86 | 40.72 |
| 4 YD | | 3 | 171.25 | 3.73 | 7.00 | 181.98 | 40.72 |

| | | | | | | | |
|----------------------------|-------------|--------------|--------|-------------|--------------|--------|-------|
| 4 YD | | 4 | 220.11 | 4.80 | 9.00 | 233.90 | 40.72 |
| 4 YD | | 5 | 263.97 | 5.75 | 10.79 | 280.51 | 40.72 |
| 4 YD | | 6 | 238.75 | 5.20 | 9.76 | 253.71 | 40.72 |
| 8 YD | 6x6x6 | 1 | 122.13 | 2.66 | 4.99 | 129.78 | 61.07 |
| 8 YD | | 2 | 220.11 | 4.80 | 9.00 | 233.90 | 61.07 |
| 8 YD | | 3 | 299.95 | 6.54 | 12.26 | 318.75 | 61.07 |
| 8 YD | | 4 | 398.44 | 8.69 | 16.29 | 423.41 | 61.07 |
| 8 YD | | 5 | 487.48 | 10.63 | 19.92 | 518.03 | 61.07 |
| 8 YD | | 6 | 581.77 | 12.68 | 23.78 | 618.23 | 61.07 |
| INDUSTRIAL ROLL OFF | | | | | | | |
| | | | | | | | |
| SIZE | DIMEN. | RATE PER DAY | RATE | FUEL SURCHG | 4% FRAN. FEE | TOTAL | |
| 20 YD | 4'6x8x22 | 3.107 | 93.22 | 0.00 | 3.73 | 104.64 | |
| 30 YD | 5'9x8x22 | 3.107 | 93.22 | 0.00 | 3.73 | 104.64 | |
| 40 YD | 5'9x8x22 | 3.811 | 114.33 | 0.00 | 4.57 | 128.33 | |
| HAUL FEE | | | | | | | |
| | | | | | | | |
| PER LOAD | FUEL SURCHG | 4% FRAN. FEE | TOTAL | | | | |
| 81.22 | 1.77 | 3.32 | 93.16 | | | | |
| 98.73 | 2.15 | 4.04 | 113.24 | | | | |
| 121.91 | 2.66 | 4.98 | 139.83 | | | | |

(Ordinance adopted 8/3/04; Sec. 4, Ordinance adopted 12/5/06)

(3) Other Charges.

(A) Inspection Charge, Reports. The city shall charge an inspection fee of ten cents (\$0.10) per month for each customer of all licensed garbage haulers. In all cases wherein the city acts as collecting agent for a licensed garbage hauler, the city shall include such additional fee in the monthly bills for garbage collection. The funds thus obtained shall be retained by the city and shall be separate and distinct from any funds retained by the city according to the terms of any contract existing between the city and such garbage hauler. All private garbage haulers shall submit to the city water department a monthly report of the number of customers served by such private garbage haulers and shall remit therewith a sum equal to ten cents (\$0.10) per customer. In the event any private garbage hauler fails or refuses to submit such report and

remittance, the city council may immediately revoke the permit granted to such private garbage hauler under the provisions of this code.

(B) City Landfill Surcharge Fee:

(i) The city shall charge a landfill surcharge fee of twenty cents (\$0.20) per month for each customer classified under subsection (a)(1)(A) and (B) above of all licensed garbage haulers. In all cases in which the city acts as collecting agent for a licensed garbage hauler, the city shall include such additional fees in the monthly bills for garbage collection. All private garbage haulers shall submit to the city water department a monthly report of the number and type of customers served by such haulers and shall remit therewith a sum equal to fifty cents (\$0.50) per commercial customer. In the event any private garbage hauler fails or refuses to submit such report and remittance, the city council may immediately revoke the permit granted to such private garbage hauler under the provisions of this code.

(ii) All funds collected hereby shall be retained by the city and shall be separate and distinct from any funds retained by the city under any contract between the city and any garbage hauler.

(iii) The purpose of this surcharge is to defer the expense of engineering, testing and maintaining the city's landfill in accordance with all state and federal rules, regulations and permits; and for future landfill development and expansion.

(C) State Landfill Surcharge Fee:

(i) The city shall charge a state landfill surcharge fee of one dollar (\$1.00) per month for each commercial dumpster (box), and seven dollars and fifty cents (\$7.50) for each commercial roll off container. In all cases in which the city acts as collecting agent for a licensed garbage hauler, the city shall include such additional fees in the monthly bills for garbage collection.

(ii) All private garbage haulers shall submit to the city water department a monthly report of the number and type of customers served by such haulers and shall remit therewith a sum equal to one dollar (\$1.00) per month for each commercial dumpster (box), and seven dollars and fifty cents (\$7.50) for each commercial roll off container. In the event any private garbage hauler fails or refuses to submit such report and remittance, the city council may immediately revoke the permit granted to such private garbage hauler under the provisions of this code.

(iii) All funds collected hereby shall be retained by the city and shall be separate and distinct from any funds retained by the city under any contract between the city and any garbage hauler. The charges set forth under this section will be identified in the water bill as a state surcharge fee.

(Ordinance adopted 3/21/06; Sec. 4, Ordinance adopted 12/5/06)

Code reference-Chapter 11, Article 11.400, Section 11.402

DIESEL FUEL ADJUSTMENT FEE

Calculation Table – A (One-Family Residence) and B (Apartment House)

| | Diesel | Diesel | Diesel | | Base | Diesel Fuel | Base | City | City | | State | Base | State | Total |
|---------|-----------|-----------|-----------|--|--------|-------------|--------|------------|-----------|----------|-----------|----------|--------|---------|
| | Price/Gal | Price/Gal | Price/Gal | | Rate | Adjustment | Rate | Inspection | Surcharge | | Surcharge | Plus All | Sales | w/tax |
| Bracket | From | To | Range | | From | Fee | To | Fee | Fee | Subtotal | Fee | Fees | 8.25% | |
| 1 | \$1.66 | \$2.10 | \$0.44 | | | | \$8.15 | \$0.10 | \$0.20 | \$8.45 | \$0.50 | \$8.95 | \$0.74 | \$9.69 |
| 2 | \$2.11 | \$2.36 | \$0.25 | | \$8.15 | \$0.07 | \$8.22 | \$0.10 | \$0.20 | \$8.52 | \$0.50 | \$9.02 | \$0.74 | \$9.76 |
| 3 | \$2.37 | \$2.62 | \$0.25 | | \$8.22 | \$0.07 | \$8.29 | \$0.10 | \$0.20 | \$8.59 | \$0.50 | \$9.09 | \$0.75 | \$9.84 |
| 4 | \$2.63 | \$2.88 | \$0.25 | | \$8.29 | \$0.07 | \$8.36 | \$0.10 | \$0.20 | \$8.66 | \$0.50 | \$9.16 | \$0.76 | \$9.92 |
| 5 | \$2.89 | \$3.14 | \$0.25 | | \$8.36 | \$0.07 | \$8.43 | \$0.10 | \$0.20 | \$8.73 | \$0.50 | \$9.23 | \$0.76 | \$9.99 |
| 6 | \$3.15 | \$3.40 | \$0.25 | | \$8.43 | \$0.07 | \$8.50 | \$0.10 | \$0.20 | \$8.80 | \$0.50 | \$9.30 | \$0.77 | \$10.07 |
| 7 | \$3.41 | \$3.66 | \$0.25 | | \$8.50 | \$0.07 | \$8.57 | \$0.10 | \$0.20 | \$8.87 | \$0.50 | \$9.37 | \$0.77 | \$10.14 |
| 8 | \$3.67 | \$3.92 | \$0.25 | | \$8.57 | \$0.07 | \$8.64 | \$0.10 | \$0.20 | \$8.94 | \$0.50 | \$9.44 | \$0.78 | \$10.22 |
| 9 | \$3.93 | \$4.18 | \$0.25 | | \$8.64 | \$0.07 | \$8.71 | \$0.10 | \$0.20 | \$9.01 | \$0.50 | \$9.51 | \$0.78 | \$10.29 |

Calculation Table – C (Small Business) and D (Two-Family Duplex)

| | Diesel | Diesel | Diesel | | Base | Diesel Fuel | Base | City | City | | State | Base | State | Total |
|---------|-----------|-----------|-----------|--|---------|-------------|---------|------------|-----------|----------|-----------|----------|--------|---------|
| | Price/Gal | Price/Gal | Price/Gal | | Rate | Adjustment | Rate | Inspection | Surcharge | | Surcharge | Plus All | Sales | w/tax |
| Bracket | From | To | Range | | From | Fee | To | Fee | Fee | Subtotal | Fee | Fees | 8.25% | |
| 1 | \$1.66 | \$2.10 | \$0.44 | | | | \$16.11 | \$0.20 | \$0.40 | \$16.71 | \$1.00 | \$17.71 | \$1.46 | \$19.17 |
| 2 | \$2.11 | \$2.36 | \$0.25 | | \$16.11 | \$0.13 | \$16.24 | \$0.20 | \$0.40 | \$16.84 | \$1.00 | \$17.84 | \$1.47 | \$19.31 |
| 3 | \$2.37 | \$2.62 | \$0.25 | | \$16.24 | \$0.13 | \$16.37 | \$0.20 | \$0.40 | \$16.97 | \$1.00 | \$17.97 | \$1.48 | \$19.45 |
| 4 | \$2.63 | \$2.88 | \$0.25 | | \$16.37 | \$0.13 | \$16.50 | \$0.20 | \$0.40 | \$17.10 | \$1.00 | \$18.10 | \$1.49 | \$19.59 |
| 5 | \$2.89 | \$3.14 | \$0.25 | | \$16.50 | \$0.13 | \$16.63 | \$0.20 | \$0.40 | \$17.23 | \$1.00 | \$18.23 | \$1.50 | \$19.73 |
| 6 | \$3.15 | \$3.40 | \$0.25 | | \$16.63 | \$0.13 | \$16.76 | \$0.20 | \$0.40 | \$17.36 | \$1.00 | \$18.36 | \$1.51 | \$19.87 |
| 7 | \$3.41 | \$3.66 | \$0.25 | | \$16.76 | \$0.13 | \$16.89 | \$0.20 | \$0.40 | \$17.49 | \$1.00 | \$18.49 | \$1.53 | \$20.02 |
| 8 | \$3.67 | \$3.92 | \$0.25 | | \$16.89 | \$0.13 | \$17.02 | \$0.20 | \$0.40 | \$17.62 | \$1.00 | \$18.62 | \$1.54 | \$20.16 |
| 9 | \$3.93 | \$4.18 | \$0.25 | | \$17.02 | \$0.13 | \$17.15 | \$0.20 | \$0.40 | \$17.75 | \$1.00 | \$18.75 | \$1.55 | \$20.30 |

(Ordinance adopted 3/21/06; Sec. 4, Ordinance adopted 12/5/06)

Sec. 8.1600 Fee for Permit to Collect Garbage

Issuance of Permits: Permits shall be issued to qualified applicants for a period of one year provided, however, that qualified holders of a permit shall be required to pay an initial permit fee of two hundred dollars (\$200.00) for the first year. Thereafter an annual fee of twenty five dollars (\$25.00) or two percent (2%) of the gross receipts, whichever is larger, shall be charged. All permits granted shall be non-transferable and may be revoked by the council after ten (10) days' notice and hearing before the council upon a finding by said council that the holder

thereof is operating under his permit in such a manner as to be detrimental to the public safety, health or the general welfare of the city. (1959 Code of Ordinances, Sec. 11-3-4; Sec. 4, Ordinance adopted 12/5/06)

Code reference-Chapter 11, Article 11.400, Section 11.403

Sec. 8.1700 Landfill Charges

(a) Each person or licensed collector who desires to dispose of waste, garbage, trash and refuse at any city landfill or dump shall pay the following charges for the privilege of using such areas:

| | | <u>City Residents</u> | <u>Non-Residents</u> |
|-----|--|-----------------------|----------------------|
| (1) | Flat Rate for Municipal | \$21.08 per ton | \$23.08 per ton |
| | Solid Waste | (minimum) | (minimum) |
| (2) | Car, Pickup and/or Trailer Load, hauled by homeowner from residence, which contains brush, rubbish, garbage | \$9.55 per load | \$23.05 per load |
| (3) | Car, Pickup and/or Trailer Load, from business or institution or residence where it is hauled by a person other than the homeowner for a fee ton | \$21.08 per ton | \$23.08 per ton |
| (4) | Car, Pickup and/or Trailer Load, from business or institution or residence where it is hauled by a person other than the homeowner for | \$21.08 per ton | \$23.08 per ton |

a fee

| | | | |
|-----|-------------------------------|------------------------|------------------------|
| (5) | Animal Waste | \$3.00 per cubic yard | \$4.50 per cubic yard |
| (6) | Asbestos (non-friable) | \$20.00 per cubic yard | \$30.00 per cubic yard |
| (7) | Biomedical ("red bag") Wastes | \$30.00 per cubic yard | \$45.00 per cubic yard |

(Ordinance adopted 8/3/04; Sec. 4, Ordinance adopted 12/5/06)

| | | | |
|-----|-----------------|--------------|--------------|
| (8) | Tires: | \$2.50 each | \$3.75 each |
| | Car, Motorcycle | \$5.00 each | \$7.50 each |
| | Truck | \$14.00 each | \$21.00 each |

(Ordinance adopted 2/3/98; Sec. 4, Ordinance adopted 12/5/06)

| | | | |
|------|---|--|--|
| (9) | Class II Waste | \$12.00 per cubic yard Plus \$65.00 per hour processing time | \$18.50 per cubic yard Plus \$65.00 per hour processing time |
| (10) | Appliances, Furniture and other Bulky Items | \$4.00 per item | \$6.00 per item |

(Ordinance adopted 8/3/04; Sec. 4, Ordinance adopted 12/5/06)

| | | | |
|------|---|--|--|
| (11) | Each vehicle entering the landfill with an unsecured load or loose load not covered by a tarp will be charged an additional \$5.00 per load. Said fee will be reimbursed to the City of San Angelo. (Ordinance adopted 10/18/05; Sec. 4, Ordinance adopted 12/5/06) | | |
|------|---|--|--|

(12) For the period of April 1, 2003 through March 31, 2005, the disposal fee for hauled liquid waste from septic tanks, grease traps, grit traps, sand traps, etc. shall be \$0.18 per gallon for waste deposited by or for city residents and \$0.21 per gallon for waste deposited by or for non-city residents. Beginning April 1, 2005, the disposal fee shall be \$0.22 per gallon for hauled liquid waste deposited by or for city residents and \$0.25 per gallon for hauled liquid waste deposited by or for non-city residents. (Ordinance adopted 8/3/04; Sec. 4, Ordinance adopted 12/5/06)

- (b) The landfill operator shall remit to the City of San Angelo \$.71 per ton for garbage collected by the operator in the City of San Angelo, \$5.11 per ton or load, for waste in categories (1) through (4) deposited in the landfill by or for city residents, as applicable, and \$7.11 per ton or load, for waste in categories (1) through (4) deposited in the landfill by or for non-city residents who live within Tom Green County and \$10.11 per ton or load for waste in categories (1) through (4) deposited in the landfill by or for people living outside Tom Green County. The landfill operator shall remit to the City of San Angelo \$.50 for car tires, \$1.00 for truck tires, \$2.00 for off road tires and \$1.00 for bulky items deposited in the landfill by or for city residents; and \$1.50 for car tires, \$1.75 for truck tires, \$6.00 for off road tires and \$2.00 for bulky items deposited in the landfill by or for non-city residents. For the period of April 1, 2003 through March 31, 2004, the landfill operator shall remit to the City of San Angelo \$0.03 per gallon for waste in category (12) deposited in the landfill by or for non-city residents. Beginning April 1, 2004, the landfill operator shall remit to the City of San Angelo \$0.04 per gallon for waste in category (12) deposited in the landfill by or for City residents and \$0.07 per gallon for waste in category (12) deposited in the landfill by or for non-city residents. (Ordinance adopted 10/6/98; Ordinance adopted 12/17/02; Sec. 4, Ordinance adopted 12/5/06)
- (c) In addition to the above specified amounts, the city will charge a state landfill surcharge fee on uncompacted waste of fifty cents (\$0.50) per ton or ten cents (\$0.10) per cubic yard, whichever amount is greater, and on compacted waste of fifty cents (\$0.50) per ton or fifty cents (\$0.50) per cubic yard, whichever amount is greater, for all waste, garbage, trash or refuse brought into the landfill.
- (d) The landfill operator shall remit to the City of San Angelo all state landfill surcharge fees collected. Any billing or documentation will identify the above charge as a state surcharge fee.
- (e) Said charges shall not apply to waste, garbage, trash, or debris resulting from city operations or services.

(Ordinance adopted 10/6/98; Sec. 4, Ordinance adopted 12/5/06))

- (f) Any solid waste collected by, or under contract with, a governmental entity outside the city limits but within Tom Green County, shall be authorized to dump at the city landfill only under special contract arrangements with the City of San Angelo at the rate of \$23.08 per ton plus the state landfill surcharge fees specified above.

- (g) Any solid waste collected by, or under contract with, the following counties or a governmental entity within the following counties: Sterling, Coke, Runnels, Concho, Menard, Schleicher, Sutton, Irion and Crockett, shall be authorized to dump at the city landfill only with prior approval of the city council at the rate of \$26.03 per ton plus the state landfill surcharge fees specified above.

(Ordinance adopted 8/3/04; Sec. 4, Ordinance adopted 12/5/06)

Code reference-Chapter 11, Article 11.400, Section 11.404

ARTICLE 1.100 CODE OF ORDINANCES

Sec. 1.106 General Penalty for Code Violations^{*}

(a) Whenever in this code or in any ordinance of the city, an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such code or ordinance the doing of an act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this code or any such ordinance shall be punished by a fine not exceeding five hundred dollars (\$500.00), except for:

(Ordinance adopting Code)

(1) violations of municipal ordinances that govern fire safety, zoning, public health and sanitation, including dumping of refuse, vegetation and litter violations in which case the maximum fine shall be two thousand dollars (\$2,000.00) for each offense if proven at trial that the person did recklessly commit the violation, and (Ordinance adopted 10/4/05)

(2) violations of traffic laws and ordinances which are punishable as a Class C misdemeanor shall be punished by a fine not to exceed two hundred dollars (\$200.00).

However, no penalty shall be greater or less than the penalty provided for the same or similar offense under the laws of the state.

(b) Each day any violation of this code or of any ordinance shall continue shall constitute a separate offense.

(c) In addition to prosecution in municipal court, the city may use all remedies available to it for the enforcement of its ordinances including, but not limited to, summary abatement and civil suits for penalties and injunctions.

(Ordinance adopting Code)

2012-2013 ORDINANCE FEE SCHEDULE

| | |
|-----------|--|
| 4" | \$25.00 where stubbed out by developer |
| 4" | \$150.00 plus cost of trench repair |
| 6" | \$25.00 where stubbed out by developer |
| 6" | \$275.00 plus cost of trench repair; without manhole |
| 6" | \$1,275.00 plus cost of trench repair; with manhole |
| Lake lots | \$570.00 per service connection. |

(2) Any person ordering a sewer tap connection at premises located outside the city limits shall be charged for such sewer tap connection one-and-one-half (1-1/2) times the above-stated schedule for each size tap.

(Ordinance adopted 8/6/96; Sec. 4, Ordinance adopted 12/5/06)

Code reference-[Chapter 11, Article 11.600, Section 11.617](#)

Sec. 8.1410 Designation to Special Fund

The following portion of the monthly base fee billed under [Section 8.1400\(a\)\(1\)](#) shall be designated to a special account for wastewater capital improvements (CIP account):

| <u>Water Meter Size</u> | <u>Portion of Base Rate to CIP Account</u> |
|-------------------------|--|
| 5/8" | \$4.64 |
| 1" | \$5.37 |
| 1-1/2" | \$6.10 |
| 2" | \$7.67 |
| 3" | \$20.16 |
| 4" | \$24.88 |
| 6" | \$35.69 |
| 8" | \$47.96 |

(Ordinance adopted 6/19/07)

Sec. 8.1500 Charge for Collection of Garbage and Trash

(a) Residential Services. It shall be the duty of all residential customers to subscribe to a commercial garbage collection service which is licensed by the city. The city council may authorize an individual to dispose of his own garbage and trash where hardship is shown. The city manager shall cause an investigation to be made of the circumstances surrounding any application for exception and shall report to the city council on the results of his investigation. A list of such exempt persons shall be kept and given to any city garbage company monthly. The city council may revoke said exemption at any time.

(Ordinance adopted 3/21/06; Sec. 4, Ordinance adopted 12/5/06)

(1) Residence Service Charges: The residences of the city and small professional and business firms who receive twice a week regular service have been divided into fair and reasonable types according to their structure and uses, for the purposes of collection of garbage and trash. Fair and reasonable charges for service where pick-ups are made from alleys or from front or side line street curbs shall be and are herein shown in terms of dollars and cents opposite each type, along with the other charges that are more fully explained in subsection (a)(2) below, for a calendar month as follows:

| <u>Nov.</u> | <u>Oct.</u> |
|--------------|--------------|
| <u>1,</u> | <u>1,</u> |
| <u>2012</u> | <u>2013</u> |
| <u>Rates</u> | <u>Rates</u> |

| | | | |
|-----|--|---------|---------|
| (A) | One-family residence | \$8.80 | \$9.01 |
| | Inspection charge | \$0.10 | \$0.10 |
| | City landfill charge | \$0.20 | \$0.20 |
| | State landfill charge | \$0.50 | \$0.50 |
| | Total: | \$9.60 | \$9.81 |
| (B) | Apartment house (where large containers are not used) per unit | \$8.80 | \$9.01 |
| | Inspection charge | \$0.10 | \$0.10 |
| | City landfill charge | \$0.20 | \$0.20 |
| | State landfill charge | \$0.50 | \$0.50 |
| | Total: | \$9.60 | \$9.81 |
| (C) | Small business, using residential-type service | \$17.40 | \$17.82 |
| | Inspection charge | \$0.20 | \$0.20 |
| | City landfill charge | \$0.40 | \$0.40 |
| | State landfill charge | \$1.00 | \$1.00 |
| | Total: | \$19.00 | \$19.42 |
| (D) | Two-family duplex residence | \$17.40 | \$17.82 |
| | Inspection charge (per duplex) | \$0.20 | \$0.20 |
| | City landfill charge (per duplex) | \$0.40 | \$0.40 |
| | State landfill charge (per duplex) | \$1.00 | \$1.00 |
| | Total: | \$19.00 | \$19.42 |

| | | | |
|-----|---|--------|--------|
| (E) | One-family residence for those residents receiving "supplemental security income" payments from the Social Security Administration. | \$5.71 | \$5.85 |
|-----|---|--------|--------|

(Sec. 1, Ordinance adopted 9/27/12)

(2) Automatic Fuel Adjustments. The above residence service charges [with the exception of those in subsection (E)], will automatically increase or decrease on the first day of the billing cycle each month in accordance with the following process:

(A) The contracted garbage collection service provider (Provider) shall, before the last day of each month, submit to the city the invoices for the Provider's diesel fuel purchases for such month. The invoices shall include the following information:

- (i) Date of diesel fuel purchase
- (ii) Number of gallons purchased
- (iii) Cost per gallon
- (iv) Total invoice cost
- (v) Any other information requested by the director of public works

If any of the information required is not included in the invoice Provider shall submit it in another form acceptable to city.

(B) City shall compute Provider's average per gallon cost for diesel fuel for each month. Such average shall then be averaged with the previous two months averages to establish the average price per gallon for such three month period. (Average Price)

(C) The city shall then refer to the diesel fuel adjustment fee chart, found at the end of this section, to determine which bracket the average price falls within to establish the base rate with fuel adjustment fee for the next billing cycle.

(D) The first fuel adjustment fee shall be implemented for the April 2006 billing cycle.

(E) Failure to submit invoices in a timely manner may result in delay of fuel adjustment fee.

(F) If the average price falls below \$1.66 per gallon no fuel adjustment fee shall be added to the base rate.

(3) Other Charges.

(A) Inspection Charge, Reports. The city shall charge an inspection fee of ten cents (\$0.10) per month for each customer of all licensed garbage haulers. In all cases wherein the city acts as collecting agent for a licensed garbage hauler, the city shall include such additional fee in the monthly bills for garbage collection. The funds thus obtained shall be retained by the city and shall be separate and distinct from any funds retained by the city according to the terms of any contract existing between the city and such garbage hauler. All private garbage haulers shall submit to the city water department a monthly report of the number of customers served by such private garbage haulers and shall remit therewith a sum equal to ten cents (\$0.10) per customer. In the event any private garbage hauler fails or refuses to submit such report and remittance, the city council may immediately revoke the permit granted to such private garbage hauler under the provisions of this code.

(B) City Landfill Surcharge Fee:

- (i) The city shall charge a landfill surcharge fee of twenty cents (\$0.20) per month for each customer classified under subsection (a)(1)(A) and (B) above of all licensed garbage haulers. In all cases in which the city acts as collecting agent for a licensed garbage hauler, the city shall include such additional fees in the monthly bills for garbage collection. All private garbage haulers shall submit to the city water department a monthly report of the number and type of customers served by such haulers and shall remit therewith a sum equal to twenty cents (\$0.20)

per residential customer unit. In the event any private garbage hauler fails or refuses to submit such report and remittance, the city council may immediately revoke the permit granted to such private garbage hauler under the provisions of this code.

(ii) All funds collected hereby shall be retained by the city and shall be separate and distinct from any funds retained by the city under any contract between the city and any garbage hauler.

(iii) The purpose of this surcharge is to defer the expense of engineering, testing and maintaining the city's landfill in accordance with all state and federal rules, regulations and permits; and for future landfill development and expansion.

(C) State Landfill Surcharge Fee:

(i) The city shall charge a state landfill surcharge fee of fifty cents (\$0.50) per month for each residential customer. In all cases in which the city acts as collecting agent for a licensed garbage hauler, the city shall include such additional fees in the monthly bills for garbage collection.

(ii) All private garbage haulers shall submit to the city water department a monthly report of the number and type of customers served by such haulers and shall remit therewith a sum equal to fifty cents (\$0.50) per month per residential customer. In the event any private garbage hauler fails or refuses to submit such report and remittance, the city council may immediately revoke the permit granted to such private garbage hauler under the provisions of this code.

(iii) All funds collected hereby shall be retained by the city and shall be separate and distinct from any funds retained by the city under any contract between the city and any garbage hauler. The charges set forth under this section will be identified in the water bill as a state surcharge fee.

(Ordinance adopted 3/21/06; Sec. 4, Ordinance adopted 12/5/06)

(b) Commercial Service. It shall be the duty of all commercial customers to subscribe to a commercial garbage collection service which is licensed by the city. Those commercial customers that generate special types of garbage that are not covered by an exclusive contract entered into by the city shall be allowed to use any other garbage collection service duly permitted by the city.

(1) Exception. Notwithstanding the foregoing, a commercial, institutional or industrial business may, by obtaining a permit from the sanitation inspector, haul its own garbage, trash and debris provided it uses its own employees and vehicles for hauling, and those vehicles conform to the requirements of vehicles used by licensed collectors as set forth in this article; provided, however, no business engaged in food handling, such as a restaurant, quick food or take out food business, may haul its own garbage but must subscribe to a licensed hauler to insure the orderly and regular removal of rapidly deteriorating garbage.

(Ordinance adopted 8/3/04; Sec. 4, Ordinance adopted 12/5/06)

(2) Commercial Service Charges. Rates for commercial service shall be as set forth in the following tables:

2012 COMMERCIAL RATES EFFECTIVE NOVEMBER 1, 2012

| COMMERCIAL HANDLOAD | | | | | | |
|----------------------------|--------|---------------|-------|-------------|---------------|--|
| Size | Dimen. | Days Per Week | Rate | Fuel Surchg | Franchise Fee | |
| | | 2 | 19.45 | No Change | 4% | |

STEEL BINS

| Size | Dimen. | Days Per Week | Rate | Fuel Surchg | Franchise Fee | Extra Pu |
|------|-----------|---------------|--------|-------------|---------------|----------|
| 2 YD | 6x3x3 | 1 | 41.18 | No Change | 4% | 20.60 |
| 2 YD | | 2 | 67.78 | | | 20.60 |
| 2 YD | | 3 | 86.08 | | | 20.60 |
| 2 YD | | 4 | 105.54 | | | 20.60 |
| 2 YD | | 5 | 122.40 | | | 20.60 |
| 2 YD | | 6 | 142.71 | | | 20.60 |
| 4 YD | 6x6x4-1/2 | 1 | 66.06 | | | 33.04 |
| 4 YD | | 2 | 101.24 | | | 33.04 |
| 4 YD | | 3 | 138.42 | | | 33.04 |

| | | | | |
|------|-------|---|--------|-------|
| 4 YD | | 4 | 177.88 | 33.04 |
| 4 YD | | 5 | 213.36 | 33.04 |
| 4 YD | | 6 | 242.24 | 33.04 |
| 8 YD | 6x6x6 | 1 | 98.95 | 49.48 |
| 8 YD | | 2 | 177.88 | 49.48 |
| 8 YD | | 3 | 242.24 | 49.48 |
| 8 YD | | 4 | 321.74 | 49.48 |
| 8 YD | | 5 | 393.54 | 49.48 |
| 8 YD | | 6 | 469.61 | 49.48 |

| CONSTRUCTION BOXES | | | | | | |
|--------------------|-----------|---------------|--------|-------------|---------------|----------|
| Size | Dimen. | Days Per Week | Rate | Fuel Surchg | Franchise Fee | Extra Pu |
| 2 YD | 6x3x3 | 1 | 54.91 | No Change | 4% | 27.46 |
| 2 YD | | 2 | 90.96 | | | 27.46 |
| 2 YD | | 3 | 115.54 | | | 27.46 |
| 2 YD | | 4 | 141.85 | | | 27.46 |
| 2 YD | | 5 | 164.74 | | | 27.46 |
| 2 YD | | 6 | 192.19 | | | 27.46 |
| 4 YD | 6x6x4-1/2 | 1 | 88.67 | | | 44.34 |
| 4 YD | | 2 | 136.13 | | | 44.34 |
| 4 YD | | 3 | 186.47 | | | 44.34 |
| 4 YD | | 4 | 239.68 | | | 44.34 |
| 4 YD | | 5 | 287.44 | | | 44.34 |
| 4 YD | | 6 | 335.20 | | | 44.34 |
| 8 YD | 6x6x6 | 1 | 132.99 | | | 66.50 |
| 8 YD | | 2 | 239.68 | | | 66.50 |
| 8 YD | | 3 | 326.62 | | | 66.50 |
| 8 YD | | 4 | 433.86 | | | 66.50 |
| 8 YD | | 5 | 530.82 | | | 66.50 |
| 8 YD | | 6 | 633.49 | | | 66.50 |

| INDUSTRIAL ROLL OFF | | | | | | |
|---------------------|----------|--------------|--------|-------------|---------------|--|
| Size | Dimen. | Rate Per Day | Rate | Fuel Surchg | Franchise Fee | |
| 20 YD | 4'6x8x22 | 3.38 | 101.51 | | 4% | |
| 30 YD | 5'9x8x22 | 3.38 | 101.51 | | | |
| 40 YD | 5'9x8x22 | 4.15 | 124.49 | | | |

| HAUL FEE | | | | | | |
|----------|-------------|---------------|--|--|--|--|
| Per Load | Fuel Surchg | Franchise Fee | | | | |
| 88.44 | No Change | 4% | | | | |
| 107.50 | | | | | | |
| 132.75 | | | | | | |

2013 COMMERCIAL RATES EFFECTIVE OCTOBER 1, 2013

| COMMERCIAL HANDLOAD | | | | | | |
|---------------------|--------|---------------|------|-------------|---------------|--|
| Size | Dimen. | Days Per Week | Rate | Fuel Surchg | Franchise Fee | |
| | | | | | | |

| | | | | | | |
|--|--|---|-------|-----------|----|--|
| | | 2 | 20.09 | No Change | 4% | |
|--|--|---|-------|-----------|----|--|

STEEL BINS

| Size | Dimen. | Days Per Week | Rate | Fuel Surchg | Franchise Fee | Extra Pu |
|------|-----------|---------------|--------|-------------|---------------|----------|
| 2 YD | 6x3x3 | 1 | 42.54 | No Change | 4% | 22.43 |
| 2 YD | | 2 | 70.01 | | | 22.43 |
| 2 YD | | 3 | 88.91 | | | 22.43 |
| 2 YD | | 4 | 109.01 | | | 22.43 |
| 2 YD | | 5 | 126.43 | | | 22.43 |
| 2 YD | | 6 | 147.41 | | | 35.97 |
| 4 YD | 6x6x4-1/2 | 1 | 68.24 | | | 35.97 |
| 4 YD | | 2 | 104.57 | | | 35.97 |
| 4 YD | | 3 | 142.98 | | | 35.97 |
| 4 YD | | 4 | 183.74 | | | 35.97 |
| 4 YD | | 5 | 220.38 | | | 35.97 |
| 4 YD | | 6 | 250.21 | | | 53.88 |
| 8 YD | 6x6x6 | 1 | 102.20 | | | 53.88 |
| 8 YD | | 2 | 183.74 | | | 53.88 |
| 8 YD | | 3 | 250.21 | | | 53.88 |
| 8 YD | | 4 | 332.32 | | | 53.88 |
| 8 YD | | 5 | 406.49 | | | 53.88 |
| 8 YD | | 6 | 485.06 | | | 22.43 |

CONSTRUCTION BOXES

| Size | Dimen. | Days Per Week | Rate | Fuel Surchg | Franchise Fee | Extra Pu |
|------|-----------|---------------|--------|-------------|---------------|----------|
| 2 YD | 6x3x3 | 1 | 56.72 | No Change | 4% | 29.90 |
| 2 YD | | 2 | 93.95 | | | 29.90 |
| 2 YD | | 3 | 119.34 | | | 29.90 |
| 2 YD | | 4 | 146.52 | | | 29.90 |
| 2 YD | | 5 | 170.16 | | | 29.90 |
| 2 YD | | 6 | 198.51 | | | 29.90 |
| 4 YD | 6x6x4-1/2 | 1 | 91.59 | | | 48.28 |
| 4 YD | | 2 | 140.61 | | | 48.28 |
| 4 YD | | 3 | 192.61 | | | 48.28 |
| 4 YD | | 4 | 247.56 | | | 48.28 |
| 4 YD | | 5 | 296.89 | | | 48.28 |
| 4 YD | | 6 | 346.22 | | | 48.28 |
| 8 YD | 6x6x6 | 1 | 137.36 | | | 72.41 |
| 8 YD | | 2 | 247.56 | | | 72.41 |
| 8 YD | | 3 | 337.36 | | | 72.41 |
| 8 YD | | 4 | 448.14 | | | 72.41 |
| 8 YD | | 5 | 548.28 | | | 72.41 |
| 8 YD | | 6 | 654.33 | | | 72.41 |

INDUSTRIAL ROLL OFF

| Size | Dimen. | Rate Per Day | Rate | Fuel Surchg | Franchise Fee | |
|-------|----------|--------------|--------|-------------|---------------|--|
| 20 YD | 4'6x8x22 | 3.40 | 101.99 | | 4% | |
| | | | | | | |

| | | | | | | |
|-----------------|--------------------|---------------|--------|--|--|--|
| 30 YD | 5'9x8x22 | 3.40 | 101.99 | | | |
| 40 YD | 5'9x8x22 | 4.17 | 125.09 | | | |
| HAUL FEE | | | | | | |
| Per Load | Fuel Surchg | Franchise Fee | | | | |
| 88.86 | No Change | 4% | | | | |
| 108.02 | | | | | | |
| 133.38 | | | | | | |

(Sec. 2, Ordinance adopted 9/27/12)

(3) Other Charges.

(A) Inspection Charge, Reports. The city shall charge an inspection fee of ten cents (\$0.10) per month for each customer of all licensed garbage haulers. In all cases wherein the city acts as collecting agent for a licensed garbage hauler, the city shall include such additional fee in the monthly bills for garbage collection. The funds thus obtained shall be retained by the city and shall be separate and distinct from any funds retained by the city according to the terms of any contract existing between the city and such garbage hauler. All private garbage haulers shall submit to the city water department a monthly report of the number of customers served by such private garbage haulers and shall remit therewith a sum equal to ten cents (\$0.10) per customer. In the event any private garbage hauler fails or refuses to submit such report and remittance, the city council may immediately revoke the permit granted to such private garbage hauler under the provisions of this code.

(B) City Landfill Surcharge Fee:

(i) The city shall charge a landfill surcharge fee of twenty cents (\$0.20) per month for each customer classified under subsection (a)(1)(A) and (B) above of all licensed garbage haulers. In all cases in which the city acts as collecting agent for a licensed garbage hauler, the city shall include such additional fees in the monthly bills for garbage collection. All private garbage haulers shall submit to the city water department a monthly report of the number and type of customers served by such haulers and shall remit therewith a sum equal to fifty cents (\$0.50) per commercial customer. In the event any private garbage hauler fails or refuses to submit such report and remittance, the city council may immediately revoke the permit granted to such private garbage hauler under the provisions of this code.

(ii) All funds collected hereby shall be retained by the city and shall be separate and distinct from any funds retained by the city under any contract between the city and any garbage hauler.

(iii) The purpose of this surcharge is to defer the expense of engineering, testing and maintaining the city's landfill in accordance with all state and federal rules, regulations and permits; and for future landfill development and expansion.

(C) State Landfill Surcharge Fee:

(i) The city shall charge a state landfill surcharge fee of one dollar (\$1.00) per month for each commercial dumpster (box), and seven dollars and fifty cents (\$7.50) for each commercial roll off container. In all cases in which the city acts as collecting agent for a licensed garbage hauler, the city shall include such additional fees in the monthly bills for garbage collection.

(ii) All private garbage haulers shall submit to the city water department a monthly report of the number and type of customers served by such haulers and shall remit therewith a sum equal to one dollar (\$1.00) per month for each commercial dumpster (box), and seven dollars and fifty cents (\$7.50) for each commercial roll off container. In the event any private garbage hauler fails or refuses to submit such report and remittance, the city council may immediately revoke the permit granted to such private garbage hauler under the provisions of this code.

(iii) All funds collected hereby shall be retained by the city and shall be separate and distinct from any funds retained by the city under any contract between the city and any garbage hauler. The charges set forth under this section will be identified in the water bill as a state surcharge fee.

(Ordinance adopted 3/21/06; Sec. 4, Ordinance adopted 12/5/06)

Code reference-[Chapter 11, Article 11.400, Section 11.402](#)

DIESEL FUEL ADJUSTMENT FEE

Calculation Table – A (One-Family Residence) and B (Apartment House)

| | Diesel | Diesel | Diesel | | Base | Diesel Fuel | Base | City | City Landfill | | State Landfill | Base Rate | State | Total |
|---------|-----------|-----------|-----------|--|--------|-------------|--------|------------|---------------|----------|----------------|-----------|-----------|---------|
| | Price/Gal | Price/Gal | Price/Gal | | Rate | Adjustment | Rate | Inspection | Surcharge | | Surcharge | Plus All | Sales Tax | w/tax |
| Bracket | From | To | Range | | From | Fee | To | Fee | Fee | Subtotal | Fee | Fees | 8.25% | |
| 1 | \$1.66 | \$2.10 | \$0.44 | | | | \$8.15 | \$0.10 | \$0.20 | \$8.45 | \$0.50 | \$8.95 | \$0.74 | \$9.69 |
| 2 | \$2.11 | \$2.36 | \$0.25 | | \$8.15 | \$0.07 | \$8.22 | \$0.10 | \$0.20 | \$8.52 | \$0.50 | \$9.02 | \$0.74 | \$9.76 |
| 3 | \$2.37 | \$2.62 | \$0.25 | | \$8.22 | \$0.07 | \$8.29 | \$0.10 | \$0.20 | \$8.59 | \$0.50 | \$9.09 | \$0.75 | \$9.84 |
| 4 | \$2.63 | \$2.88 | \$0.25 | | \$8.29 | \$0.07 | \$8.36 | \$0.10 | \$0.20 | \$8.66 | \$0.50 | \$9.16 | \$0.76 | \$9.92 |
| 5 | \$2.89 | \$3.14 | \$0.25 | | \$8.36 | \$0.07 | \$8.43 | \$0.10 | \$0.20 | \$8.73 | \$0.50 | \$9.23 | \$0.76 | \$9.99 |
| 6 | \$3.15 | \$3.40 | \$0.25 | | \$8.43 | \$0.07 | \$8.50 | \$0.10 | \$0.20 | \$8.80 | \$0.50 | \$9.30 | \$0.77 | \$10.07 |
| 7 | \$3.41 | \$3.66 | \$0.25 | | \$8.50 | \$0.07 | \$8.57 | \$0.10 | \$0.20 | \$8.87 | \$0.50 | \$9.37 | \$0.77 | \$10.14 |
| 8 | \$3.67 | \$3.92 | \$0.25 | | \$8.57 | \$0.07 | \$8.64 | \$0.10 | \$0.20 | \$8.94 | \$0.50 | \$9.44 | \$0.78 | \$10.22 |
| 9 | \$3.93 | \$4.18 | \$0.25 | | \$8.64 | \$0.07 | \$8.71 | \$0.10 | \$0.20 | \$9.01 | \$0.50 | \$9.51 | \$0.78 | \$10.29 |

Calculation Table – C (Small Business) and D (Two-Family Duplex)

| | Diesel | Diesel | Diesel | | Base | Diesel Fuel | Base | City | City Landfill | | State Landfill | Base Rate | State | Total |
|---------|-----------|-----------|-----------|--|---------|-------------|---------|------------|---------------|----------|----------------|-----------|-----------|---------|
| | Price/Gal | Price/Gal | Price/Gal | | Rate | Adjustment | Rate | Inspection | Surcharge | | Surcharge | Plus All | Sales Tax | w/tax |
| Bracket | From | To | Range | | From | Fee | To | Fee | Fee | Subtotal | Fee | Fees | 8.25% | |
| 1 | \$1.66 | \$2.10 | \$0.44 | | | | \$16.11 | \$0.20 | \$0.40 | \$16.71 | \$1.00 | \$17.71 | \$1.46 | \$19.17 |
| 2 | \$2.11 | \$2.36 | \$0.25 | | \$16.11 | \$0.13 | \$16.24 | \$0.20 | \$0.40 | \$16.84 | \$1.00 | \$17.84 | \$1.47 | \$19.31 |
| 3 | \$2.37 | \$2.62 | \$0.25 | | \$16.24 | \$0.13 | \$16.37 | \$0.20 | \$0.40 | \$16.97 | \$1.00 | \$17.97 | \$1.48 | \$19.45 |
| 4 | \$2.63 | \$2.88 | \$0.25 | | \$16.37 | \$0.13 | \$16.50 | \$0.20 | \$0.40 | \$17.10 | \$1.00 | \$18.10 | \$1.49 | \$19.59 |
| 5 | \$2.89 | \$3.14 | \$0.25 | | \$16.50 | \$0.13 | \$16.63 | \$0.20 | \$0.40 | \$17.23 | \$1.00 | \$18.23 | \$1.50 | \$19.73 |
| 6 | \$3.15 | \$3.40 | \$0.25 | | \$16.63 | \$0.13 | \$16.76 | \$0.20 | \$0.40 | \$17.36 | \$1.00 | \$18.36 | \$1.51 | \$19.87 |
| 7 | \$3.41 | \$3.66 | \$0.25 | | \$16.76 | \$0.13 | \$16.89 | \$0.20 | \$0.40 | \$17.49 | \$1.00 | \$18.49 | \$1.53 | \$20.02 |
| 8 | \$3.67 | \$3.92 | \$0.25 | | \$16.89 | \$0.13 | \$17.02 | \$0.20 | \$0.40 | \$17.62 | \$1.00 | \$18.62 | \$1.54 | \$20.16 |
| 9 | \$3.93 | \$4.18 | \$0.25 | | \$17.02 | \$0.13 | \$17.15 | \$0.20 | \$0.40 | \$17.75 | \$1.00 | \$18.75 | \$1.55 | \$20.30 |

(Ordinance adopted 3/21/06; Sec. 4, Ordinance adopted 12/5/06)

Sec. 8.1600 Fee for Permit to Collect Garbage

Issuance of Permits: Permits shall be issued to qualified applicants for a period of one year provided, however, that qualified holders of a permit shall be required to pay an initial permit fee of two hundred dollars (\$200.00) for the first year. Thereafter an annual fee of twenty five dollars (\$25.00) or two percent (2%) of the gross receipts, whichever is larger, shall be charged. All permits granted shall be non-transferable and may be revoked by the council after ten (10) days' notice and hearing before the council upon a finding by said council that the holder thereof is operating under his permit in such a manner as to be detrimental to the public safety, health or the general welfare of the city. (1959 Code of Ordinances, Sec. 11-3-4; Sec. 4, Ordinance adopted 12/5/06)

Code reference-[Chapter 11, Article 11.400, Section 11.403](#)

Sec. 8.1700 Landfill Charges

(a) Each person or licensed collector who desires to dispose of waste, garbage, trash and refuse at any city landfill or dump shall pay the following charges for the privilege of using such areas:

NOVEMBER 1, 2012 RATES:

- (1) Flat rate for municipal solid waste:

City
Residents \$27.40 per ton (minimum)

Non
-
Residents \$29.40 per ton (minimum)

- (2) Car, pickup and/or trailer load, hauled by homeowner from residence, which contains brush, rubbish, garbage:

City
Residents \$12.41 per load

Non
-
Residents \$29.40 per load

- (3) Car, pickup and/or trailer load, from business or institution or residence where it is hauled by a person other than the homeowner for a fee ton:

City
Residents \$27.40 per ton

Non
-
Residents \$29.40 per ton

- (4) Car, Pickup and/or Trailer Load, from business or institution or residence where it is hauled by a person other than the homeowner for a fee:

City
Residents \$27.40 per ton

Non
-
Residents \$29.40 per ton

- (5) Animal waste:

City
Residents \$3.90 per cubic yard

Non
-
Residents \$5.85 per cubic yard

- (6) Asbestos (non-friable):

City
Residents \$26.00 per cubic yard

Non
-
Residents \$39.00 per cubic yard

- (7) Biomedical (“red bag”) wastes:

City
Residents \$39.00 per cubic yard

Non
-
Residents \$58.50 per cubic yard

(8) Tires:

| | <u>City Residents</u> | <u>Non- Residents</u> |
|--------------------|---------------------------|---------------------------|
| Car, motorcycle | \$3.25 each | \$4.88 each |
| Truck | \$6.50 each | \$9.75 each |
| Off road | \$18.20 each | \$27.30 each |

(9) Class II waste:

City
Residents \$15.60 per cubic yard + \$65.00
per hour processing time

Non
-
Residents \$24.05 per cubic yard + \$65.00
per hour processing time

(10) Appliances, furniture and other bulky items:

City
Residents \$5.20 per item

Non
-
Residents \$7.80 per item

OCTOBER 1, 2013 RATES:

(1) Flat rate for municipal solid waste:

City
Residents \$29.40 per ton (minimum)

Non
-
Residents \$31.40 per ton (minimum)

(2) Car, pickup and/or trailer load, hauled by homeowner from residence, which contains brush, rubbish, garbage:

City
Residents \$13.32 per load

Non
-
Residents \$31.55 per load

(3) Car, pickup and/or trailer load, from business or institution or residence where it is hauled by a person other than the homeowner for a fee ton:

City Residents \$29.40 per ton

Non - Residents \$31.40 per ton

- (4) Car, Pickup and/or Trailer Load, from business or institution or residence where it is hauled by a person other than the homeowner for a fee:

City Residents \$29.40 per ton

Non - Residents \$31.40 per ton

- (5) Animal waste:

City Residents \$4.18 per cubic yard

Non - Residents \$6.28 per cubic yard

- (6) Asbestos (non-friable):

City Residents \$27.90 per cubic yard

Non - Residents \$41.85 per cubic yard

- (7) Biomedical ("red bag") wastes:

City Residents \$41.85 per cubic yard

Non - Residents \$62.77 per cubic yard

- (8) Tires:

| | <u>City Residents</u> | <u>Non-Residents</u> |
|-----------------|-----------------------|----------------------|
| Car, motorcycle | \$3.49 each | \$5.24 each |
| Truck | \$6.97 each | \$10.46 each |
| Off road | \$19.53 each | \$29.29 each |

- (9) Class II waste:

City Residents \$16.74 per cubic yard + \$65.00 per hour processing time

Non - Residents \$25.81 per cubic yard + \$65.00 per hour processing time

(10) Appliances, furniture and other bulky items:

City Residents \$5.78 per item

Non - Residents \$8.37 per item

(11) Each vehicle entering the landfill with an unsecured load or loose load not covered by a tarp will be charged an additional \$5.00 per load. Said fee will be reimbursed to the City of San Angelo.

(12) For the period of April 1, 2003 through March 31, 2005, the disposal fee for hauled liquid waste from septic tanks, grease traps, grit traps, sand traps, etc. shall be \$0.18 per gallon for waste deposited by or for city residents and \$0.21 per gallon for waste deposited by or for non-city residents. Beginning April 1, 2005, the disposal fee shall be \$0.22 per gallon for hauled liquid waste deposited by or for city residents and \$0.25 per gallon for hauled liquid waste deposited by or for non-city residents.

(Sec. 3, Ordinance adopted 9/27/12)

(b) The landfill operator shall remit to the City of San Angelo \$.71 per ton for garbage collected by the operator in the City of San Angelo, \$5.11 per ton or load, for waste in categories (1) through (4) deposited in the landfill by or for city residents, as applicable, and \$7.11 per ton or load, for waste in categories (1) through (4) deposited in the landfill by or for non-city residents who live within Tom Green County and \$10.11 per ton or load for waste in categories (1) through (4) deposited in the landfill by or for people living outside Tom Green County. The landfill operator shall remit to the City of San Angelo \$.50 for car tires, \$1.00 for truck tires, \$2.00 for off road tires and \$1.00 for bulky items deposited in the landfill by or for city residents; and \$1.50 for car tires, \$1.75 for truck tires, \$6.00 for off road tires and \$2.00 for bulky items deposited in the landfill by or for non-city residents. For the period of April 1, 2003 through March 31, 2004, the landfill operator shall remit to the City of San Angelo \$0.03 per gallon for waste in category (12) deposited in the landfill by or for non-city residents. Beginning April 1, 2004, the landfill operator shall remit to the City of San Angelo \$0.04 per gallon for waste in category (12) deposited in the landfill by or for City residents and \$0.07 per gallon for waste in category (12) deposited in the landfill by or for non-city residents. (Ordinance adopted 10/6/98; Ordinance adopted 12/17/02; Sec. 4, Ordinance adopted 12/5/06)

(c) In addition to the above specified amounts, the city will charge a state landfill surcharge fee on uncompacted waste of fifty cents (\$0.50) per ton or ten cents (\$0.10) per cubic yard, whichever amount is greater, and on compacted waste of fifty cents (\$0.50) per ton or fifty cents (\$0.50) per cubic yard, whichever amount is greater, for all waste, garbage, trash or refuse brought into the landfill.

(d) The landfill operator shall remit to the City of San Angelo all state landfill surcharge fees collected. Any billing or documentation will identify the above charge as a state surcharge fee.

(e) Said charges shall not apply to waste, garbage, trash, or debris resulting from city operations or services.

(Ordinance adopted 10/6/98; Sec. 4, Ordinance adopted 12/5/06))

(f) Any solid waste collected by, or under contract with, a governmental entity outside the city limits but within Tom Green County, shall be authorized to dump at the city landfill only under special contract arrangements with the City of San Angelo at the rate of \$29.40 per ton effective November 1, 2012 and \$31.40 per ton effective October 1, 2013, plus the state landfill surcharge fees specified above.

(g) Any solid waste collected by, or under contract with, the following counties or a governmental entity within the following counties: Sterling, Coke, Runnels, Concho, Menard, Schleicher, Sutton, Irion and Crockett, shall be authorized to dump at the city landfill only with prior approval of the city council at the rate of \$32.35 per ton effective November 1, 2012, and \$34.35 per ton effective October 1, 2013, plus the state landfill surcharge fees specified above.

(Sec. 3, Ordinance adopted 9/27/12)

Code reference-[Chapter 11, Article 11.400, Section 11.404](#)

Sec. 8.1800 Rebates