

ORDINANCE NO. 850725 Q

AN ORDINANCE AMENDING CHAPTER 6, AUSTIN CITY CODE OF 1981, AS AMENDED; ESTABLISHING RATES, CHARGES, AND PRACTICES FOR COMMERCIAL GARBAGE DISPOSAL (SOLID WASTE SERVICES) FOR PORTIONS OF EAST SIXTH STREET BETWEEN CONGRESS AVENUE AND IH-35 AND CONGRESS AVENUE BETWEEN FIRST STREET AND ELEVENTH STREET; CONTAINING FINDINGS OF FACT; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE (3) SEPARATE DAYS; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN;

PART 1. FINDINGS OF FACT. That, pursuant to staff research and public hearing, in accordance with Sec. 2-2-2, Austin City Code of 1981, as amended, the following findings of fact by this City Council are hereby made:

1. The Old Pecan Street Merchant's Association, Downtown Austin Partners, and others have communicated to the City of Austin the public need to accomplish the goals of
 - a. Establishing a single responsible person with authority to resolve garbage and litter problems in the alleys situated in and about East Sixth Street between Congress Avenue and IH-35 and Congress Avenue between First Street and Eleventh Street ("subject areas");
 - b. Eliminating therein litter and trash caused by overflowing dumpsters and scavenging;
 - c. Eliminating therein odors and flies generated by present infrequent collection and unsanitary conditions;
 - d. Reducing the traffic generated by dumpster service vehicles of multiple companies maintaining garbage services in the alleys;
 - e. Reducing the number of garbage containers congesting the alleys.
2. The conditions enumerated in 1. above substantially exist and constitute conditions not infrequently detrimental to the public health, welfare, and safety in the neighborhoods described.
3. The City of Austin Task Force appointed by the City Council to mediate the differences between the garbage haulers, the merchant groups, and the City staff, and to recommend solutions, has creditably performed its task and advised that specifications be developed for a single contractor to provide all collection, litter control, and alley sweeping services in the subject areas.

4. The recommendation of the Task Force is appropriate to remedy the conditions enumerated, specifications have been developed, Invitations to Bid have been duly authorized, noticed to obtain a single contractor, bids have been received, opened, read, evaluated, and the staff, pursuant thereto, has recommended that a City garbage refuse and collection contract be awarded to Longhorn Disposal, 9708 Giles Road, Austin, Texas.
5. The costs of services and definition of the services have been analyzed and determined to be necessary and reasonable.
6. The provisions made in this Ordinance are necessary to effectuate the remedy described.
7. The implementation of the remedy requires that City garbage rates and practices, which are reasonable, warranted by the value of the service and the benefits, applicable to the subject areas be as prescribed herein and be observed by the contractor and its customers.

PART 2. AUSTIN CITY CODE AMENDMENT

The Austin City Code of 1981, as amended, is hereby amended by the addition to Chapter 6, Article IV. Private Refuse and Collection Service, Division 1, a new Section 6-6-81 to read as follows:

"Section 6-6-81. Downtown Contract Service Rates and Practices.

- a) In the area of the city composed of those blocks adjacent to East Sixth Street between Congress Avenue and IH-35 and Congress Avenue between First Street and Eleventh Street the following rates and charges for the services noted shall be levied and collected by the City of Austin Utility Customer Service Division and paid by the persons subscribing to the services:

COMMERCIAL

BASIC SERVICE

$\$15.08 + [\$5.15 \times \text{Weekly Volume (c.y.)}]$

SPECIAL SERVICES

1. Ninety (90) gallon roll-out containers:
 $\$15.08 + [\$30.00 \times \text{Number of Containers}]$
2. Special Pickup, per vehicle load handled, or fraction thereof: \$120.00.

3. Sunday garbage pickup (one per Sunday) per month per container: \$15.00.

4. Locking lid, per container per month: \$1.00.

COMBINATION SERVICE (Both Basic Service and Roll-out container service)

$\$15.08 + [\$5.15 \times \text{Weekly Volume (C.Y.)}]$
 $+ (\$30.00 \times \text{Number of Containers}).$

RESIDENTIAL
(Solid Waste Services)

FLAT RATE: \$7.00 per month.

- b) All provisions of Chapter 6-6, Austin City Code of 1981, as amended, shall apply except to the extent of conflict herewith, in which case the provisions of this ordinance shall govern.
- c) All services shall be billed monthly and shall include all applicable charges for any fraction of a month. The rates and charges prescribed by this ordinance are in addition to all other rates and charges assessable, collectible, and paid under Chapter 6-6.
- d) All services, except Special Pickup, shall include monthly Litter Patrol and Sweeping and Flushing.

"Litter Patrol" means the gathering and removal of trash, refuse, and garbage spilled from containers subject hereof on the subscriber's premises and adjoining alley.

"Sweeping and Flushing" means the manual or mechanical, or both, sweeping up and removal from subscriber's container-occupied premises and adjoining alley of trash, refuse, and garbage, as well as water-hosing or spraying of such premises and alley to substantially remove dust, dirt, and associated substances.

"Weekly Volume" means the quantity of trash, refuse, and garbage occupying a cubic yard, or fraction thereof, measured according to City custom, collected at the subscriber's premises per week, or fraction thereof.

"Basic Service" means the collection (in authorized containers) and removal of trash, refuse, and garbage, from one location on the subscriber's premises adjacent to the adjoining alley, including Litter Patrol and Sweeping and Flushing.

Special Services shall be billed additionally to Basic Service.

"Special Pickup" means the gathering and removal of objects and substances, reasonably susceptible of handling by the contractor's equipment and personnel which do not fit into authorized containers.

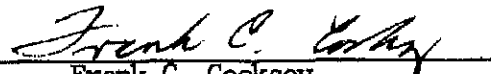
- e) Residential subscribers must place all trash, garbage, and refuse in a three (3) cubic yard container.
- f) Excepting roll-out containers, no container used in the subject areas shall exceed a capacity of three (3) cubic yards.
- g) Every subscriber must contract for Basic Service.
- h) Only the designated contractor may collect or remove trash, garbage or refuse from any location in the subject areas, except for the Litter Patrol and Sweeping and Flushing Services to be furnished by the City of Austin directly.
- i) Monies collected pursuant to Sec. 6-6-81 shall be allocated to defray the costs of payments owing by the City of Austin to the contractor, the expenses of administration of the contract, and the other City services. Any interest earned on such monies shall be the sole property of the City of Austin.
- j) Delinquent accounts shall be assessed extra handling charges as interest equal to the maximum non-usurious rate applicable to the delinquent principal and interest, per month, as determined and posted by the State Consumer Credit Commissioner.
- k) The billing and collection for services under Section 6-6-81 shall be governed by rules and regulations consistent with these provisions, to facilitate implementation, of Section 6-6-81, made by the supervisor of City Utility Customer Services, or successor in function; additional rules and regulations for collection and removal of trash, garbage, and refuse, consistent with the provisions of Section 6-6-81, to facilitate implementation, shall be made by the Director of Public Works, or successor in function. All rules and regulations shall be subject to approval by the City Attorney."

PART 3. That the rule requiring the reading of ordinances on three (3) separate days is hereby suspended and this Ordinance is adopted as an emergency measure to alleviate the negative conditions existing in subject areas, which are detrimental to the public interest, by establishing a remedy through single-contractor service for solid waste disposal, combined with new City services, and an emergency is hereby declared, and this Ordinance shall become effective immediately upon its passage, as provided by the Charter of the City of Austin.


PASSED AND APPROVED:

June 25, 1985

§
§
§
§


Frank C. Cooksey
Mayor

APPROVED:


Paul C. Isham
City Attorney

ATTEST:


James E. Aldridge
City Clerk

25JUL85
JRR:jkg