

**ORDINANCE 2024 – 10 – 02**

**AN ORDINANCE OF THE CITY OF COMMERCE, TEXAS AMENDING APPENDIX “C”, “FEES, RATES AND CHARGES” OF THE CODE OF ORDINANCES OF THE CITY OF COMMERCE, TEXAS; ESTABLISHING A MASTER FEE SCHEDULE FOR COSTS, FEES, AND RATES ASSOCIATED WITH PERMITTING, UTILITY SERVICES AND OTHER SERVICES PROVIDED BY THE CITY OF COMMERCE; PROVIDING PURPOSE AND INTENT; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR AN AMENDMENT TO SOLID WASTE FEES; PROVIDING FOR A SAVINGS/REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Commerce is a home rule municipality with the power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of Texas Local Government Code, and the City of Commerce Charter; and

**WHEREAS**, the City of Commerce must charge fees in order to serve as a fiscally responsible governmental entity and to recover costs incurred by the City of Commerce in connection with the aforementioned permits, fees and services provided by the City; and

**WHEREAS**, the adoption of the amended Code of Ordinances requires that a separate ordinance be passed incorporating fees to be applied to City operations; and,

**WHEREAS**, City Staff has studied the cost of providing services and enforcing the regulatory schemes which are currently not covered adequately by the existing fees; and,

**WHEREAS**, the City desires to regulate the operation of mobile food units and mobile food parks within the City of Commerce to protect the health and safety of customers and has established rates to ensure the regular permitting of such operations; and

**WHEREAS**, after receiving and reviewing fees, the City Council finds that the fees established herein do not exceed the amount reasonably necessary to provide the services and administer and enforce the processes and programs to which they are related; and,

**WHEREAS**, the City Council finds that it is justified and proper that the fines, fees, and rates described herein are necessary to provide for the services and regulated programs within the City of Commerce.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE, TEXAS, THAT:**

**SECTION 1. FINDINGS INCORPORATED.**

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

## **SECTION 2. AMENDMENT.**

Appendix "C" entitled "Fees, Rates, and Charges" of the Code of Ordinances of the City of Commerce is hereby replaced and a new Appendix "C" entitled "Fees, Rates, and Charges" of the Code of Ordinances is hereby adopted to be and read in its entirety and all the remaining section and subsection of Appendix "C", "Fees, Rates, and Charges" not expressly amended hereby shall remain in full force and effect.

### **Sec 1 – Schedule of fees, rates, etc., for city services.**

Rates, fees, charges, deposits, etc., to be charged for city services shall be as established in the following schedule:

#### **SOLID WASTE FEES**

Temporary Dumpster Initial Placement Fee (2-6 yard dumpsters only).... **\$34.50**

Temporary Dumpster Rental Fee..... **\$1.73/day**

#### **Residential**

Bulky Waste Per Cubic Yard..... **\$18.66**

Construction Per Cubic Yard..... **\$19.37**

#### **Commercial Hand Collect**

| <b>Bags</b>            | <b>Once Per Week</b> | <b>Twice Per Week</b> |
|------------------------|----------------------|-----------------------|
| <b>5 or fewer bags</b> | <b>\$24.90</b>       | <b>\$30.43</b>        |
| <b>6-10 bags</b>       | <b>\$30.43</b>       | <b>\$37.45</b>        |
| <b>10-20 bags</b>      | <b>\$37.35</b>       | <b>\$41.50</b>        |

#### **Commercial Dumpster**

| <b>Dumpster Size</b> | <b>Once Per Week</b> | <b>Twice Per Week</b> | <b>3x Per Week</b> | <b>4x Per Week</b> | <b>5x Per Week</b> |
|----------------------|----------------------|-----------------------|--------------------|--------------------|--------------------|
| <b>2 yards</b>       | <b>\$58.11</b>       | <b>\$94.06</b>        | <b>\$127.26</b>    | <b>\$163.22</b>    | <b>\$192.27</b>    |
| <b>3 yards</b>       | <b>\$76.08</b>       | <b>\$127.26</b>       | <b>\$177.06</b>    | <b>\$232.39</b>    | <b>\$283.56</b>    |
| <b>4 yards</b>       | <b>\$94.06</b>       | <b>\$163.22</b>       | <b>\$232.39</b>    | <b>\$297.40</b>    | <b>\$355.48</b>    |
| <b>6 yards</b>       | <b>\$127.26</b>      | <b>\$232.39</b>       | <b>\$311.24</b>    | <b>\$421.88</b>    | <b>\$529.78</b>    |

### Open Top Containers

| Dumpster Size            | Daily Rental | Monthly  |
|--------------------------|--------------|----------|
| 20 Cubic Yard            | \$3.31       | \$518.71 |
| 20 Cubic Yard (Shingles) | \$3.31       | \$580.96 |
| 30 Cubic Yard            | \$3.31       | \$594.78 |
| 40 Cubic Yard            | \$3.31       | \$670.86 |
| 35 Cubic Yard Compactor  | NA           | \$726.19 |
| 40 Cubic Yard Compactor  | NA           | \$761.08 |

Anything over 10 Tons is \$50 per ton. Containers that are overfilled or blocked charge a \$130 dry run fee.

Any commercial non-standard waste disposal or waste disposal equipment not addressed in the above rates will be charged at 10% over the contractor's price.

Special Pick-Up can be requested and will be invoiced on the residents next utility bill.

\*END OF FEE ORDINANCE AMENDMENT\*

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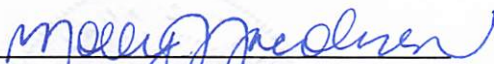
**SECTION 3. SAVINGS/REPEALING CLAUSE.** This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such Ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the Ordinance shall remain in full force and effect.

**SECTION 4. SEVERABILITY CLAUSE.** Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council of the City of Commerce hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences clauses and phrases be declared unconstitutional or invalid.

**PASSED AND APPROVED on the first reading** at a regular meeting of the City Council of the City of Commerce, Texas on this the 17<sup>th</sup> day of September 2024.

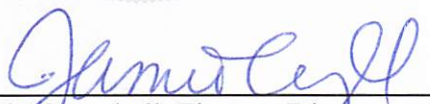
**PASSED AND APPROVED on the second reading** at a special meeting of the City Council of the City of Commerce, Texas on this the 1<sup>st</sup> day of October 2024.

**ATTEST:**

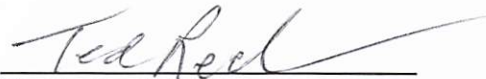
  
Molly Jacobsen, City Secretary

(seal)

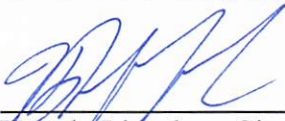
**APPROVED BY FINANCE:**

  
Jamie Campbell, Finance Director

**CITY OF COMMERCE:**

  
Teddy Reel, Mayor

**CITY OF COMMERCE:**

  
Howdy Lisenbee, City Manager

**Approved as to Form:**

  
Charles Anderson, City Attorney

I, Molly Jacobsen, City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of a Resolution, and that the same has not been repealed and is in full force and effect.

(Seal)

  
Molly Jacobsen, City Secretary