

ORDINANCE NO. 2024-02

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LA FERIA AMENDING ARTICLE 13.05 (SOLID WASTE) OF THE CITY OF LA FERIA CODE OF ORDINANCES; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of La Feria (“City”) is a Texas Home-Rule Municipality chartered under the laws of the State of Texas; and

WHEREAS, the City is empowered, through its City Commission, to adopt, publish, amend, or repeal an ordinance, rule, or police regulation that is for the good government, peace, or order of the municipality or for the trade and commerce of the municipality; and is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality

WHEREAS, pursuant to its police powers, the City has approved an exclusive franchise for solid waste collection within the City, and finds it necessary to clarify certain requirements related to so-called “Roll-Off Containers” used for construction waste and debris, in order to better manage solid waste collection within the City and the disposal of same within the City landfill; and

WHEREAS, the City Commission finds that amending the City code of ordinances to address City requirements for Roll-Off Containers, and by extension the means through which solid waste is disposed of in the City landfill, is necessary to promote the public health, safety, and general welfare within the City; and

WHEREAS, the City has complied with all conditions precedent necessary to take this action;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF LA FERIA:

Section 1. The foregoing recitals are found to be true and correct and are hereby adopted by the City Commission and made a part hereof for all purposes and findings of fact.

Section 2. The City of La Feria Code of Ordinances is hereby amended as set forth on **Exhibit A** attached hereto.

Section 3. If any provision of this Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of this Ordinance will not be affected and, in lieu of each illegal, invalid, or unenforceable provision, a provision as similar in terms to the illegal, invalid, or unenforceable provision as is possible and is legal, valid, and enforceable will be added to this Ordinance.

Section 4. This Ordinance shall be cumulative of all provisions of ordinances of the City except where the provisions of the Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 5. This Ordinance shall be construed and enforced in accordance with the laws of the state of Texas and the United States of America.

Section 6. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted 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 Texas Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Section 7. This Ordinance will take effect upon publication, in accordance with Sec. 52.013 of the Texas Local Government Code.

INTRODUCED, READ and PASSED, by the affirmative vote of the City Commission of the City of La Feria on this the 26 day of March, 2024.

APPROVED:



Olga H. Maldonado, Mayor

ATTEST:



Amanda Morales, City Secretary

EXHIBIT A

Chapter 13 shall be amended as follows:

1. The following definition shall be added to § 13.05.001., “ Definitions.”:

Roll-off Container. A type of Dumpster which is a large, open top container customarily used on construction sites to store construction and demolition debris, and to transport for eventual disposal, and which is provided by the City or its contractor or franchisee.

2. Section § 13.05.006, “Penalty for violation,” shall now be entitled, “Roll-Off Containers; Penalty” and shall provide as follows:

(a) Where a customer deems it necessary to use a Roll-Off Container in construction waste and debris disposal, or other appropriate and customary uses, said Roll-Off Container shall be provided exclusively by the City or its contractor or franchisee.

(b) Any person seeking to obtain Roll-Off Containers for use within the City must file an application or otherwise obtain permission from the City solid waste contractor or franchisee; or may contact the City Public Works Department for information.

(c) If an individual or business submits an application for a building permit with the City, they must also show proof of compliance with this Article by either receipt or agreement with the City contractor or franchisee in obtaining a Roll-Off Container.

(d) A violation of this Section shall be subject to a fine of up to \$250.00 per unauthorized roll-off container on site or in use, per day.

3. Former Section § 13.05.006, “Penalty for violation,” shall be renumbered as § 13.05.007, and be amended as follows (added provisions underlined):

Unless otherwise provided by this Article, any person, group of persons, firm, agent, corporation or other entity that fails to comply with the requirements of this article, upon conviction, shall be deemed guilty of a misdemeanor and shall be subject to a fine as specified in section 1.01.009 of this code.