

**AN ORDINANCE AMENDING THE TOWN OF HOLLYWOOD PARK CODE OF ORDINANCES CHAPTER 54; REQUIRING MANDATORY PARTICIPATION IN THE TOWN GARBAGE AND REFUSE COLLECTION SYSTEM PROGRAM; PROHIBITING THE COLLECTION, CONVEYANCE AND TRANSPORT OF RESIDENTIAL REFUSE AND SOLID WASTES WITHIN THE TOWN LIMITS OF HOLLYWOOD PARK WITHOUT A FRANCHISE AGREEMENT; PROVIDING FOR A PENALTY FOR VIOLATION THEREFORE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, it is necessary to regulate the collection, conveyance, transportation and disposal of residential, household, commercial and industrial refuse and solid wastes within the Town limits of Hollywood Park to insure the safety and well-being of the Town and its citizens and to protect environmental resources including soil, air and water; and

**WHEREAS**, the Town of Hollywood Park is responsible to protect its citizens against nuisances derived from solid waste by providing solid waste handling services including, but not limited to, recycling and the collection, transfer and disposal of solid waste; and

**WHEREAS**, the Texas Health and Safety Code, chapter 363, authorizes the Town to determine all aspects of solid waste handling which are of local concern, including, but not limited to, frequency of collection, means of collection and transportation, level of services, charges and fees, and nature, location and extent of providing solid waste handling services; and

**WHEREAS**, the Town of Hollywood Park hereby finds and determines that all collection, conveyance, transportation and disposal of residential refuse and solid wastes within the Town limits of Hollywood Park should be franchised by the Town to an exclusive provider.

NOW, THEREFORE, BE IT ORDAINED BY TOWN COUNCIL OF THE TOWN OF HOLLYWOOD PARK, TEXAS:

**SECTION 1.  
CODE AMENDED**

That the Code of Ordinances, Chapter 54, Solid Waste, Section 54-2 shall be amended as follows:

**Sec. 54-2. – Regulations for collection and fees**

- A. Every residential occupant shall subscribe to the services of the franchisee having the exclusive franchise for collection and disposal service with the Town of Hollywood Park. No residential occupant shall enter into an agreement for residential solid waste collection services with any company or individual for regularly scheduled solid waste collection. It is declared to be unlawful for the occupant of any of the above described premises to fail or neglect to provide for the removal of solid waste as required herein.
- B. No person except the duly authorized agents and employees of the city shall as a commercial enterprise collect, convey or transport residential refuse and solid wastes within the town limits of Hollywood Park nor use the streets, alleys and public thoroughfares of the city for said purposes without a written franchise granted and issued by the City Council.
- C. It shall be unlawful to do or perform, or cause to do or perform any act prohibited hereby provided for. Upon conviction any violation hereof shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) per day. Each day of violation hereof shall constitute a separate offense.

**SECTION 2.  
SEVERABILITY**

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

**SECTION 3.  
REPEAL**

All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed insofar as the same is in conflict with the provisions hereof.

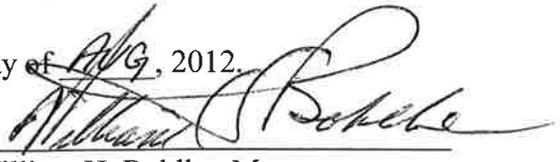
**SECTION 4.  
SAVINGS**

All rights or remedies of the Town of Hollywood Park, Texas, are expressly saved as to any and all violations of any Ordinance or amendments thereto, of said Town of Hollywood Park that have accrued at the time of the effective date of this ordinance; and as to such accrued violation, the court shall have all the powers that existed prior to the effective date of this ordinance.

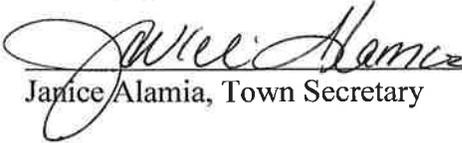
**SECTION 5.  
EFFECTIVE DATE**

This Ordinance shall be effective pursuant to the laws of the State of Texas.

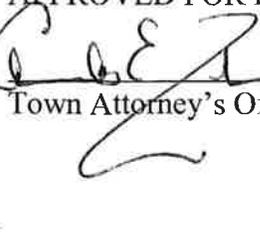
PASSED, APPROVED AND ADOPTED this 21<sup>st</sup> day of Aug, 2012.

  
\_\_\_\_\_  
William H. Bohlke, Mayor

ATTEST:

  
\_\_\_\_\_  
Janice Alamia, Town Secretary

APPROVED FOR LEGAL FORM:

  
\_\_\_\_\_  
Town Attorney's Office

