

ORDINANCE NO. 2020-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING ARTICLE THREE OF CHAPTER 66 OF THE SAN MARCOS CITY CODE TO TRANSFER OVERSIGHT RESPONSIBILITY FOR PERMITTING COMMERCIAL SOLID WASTE HAULERS FROM THE PUBLIC SERVICES DEPARTMENT TO THE NEIGHBORHOOD ENHANCEMENT DEPARTMENT AND INCREASING THE PERMIT FEE TO 7% OF GROSS REVENUES; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ANY CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

1. The City Council hereby finds and determines that the adoption of the following ordinance is in the interest of the public health, welfare and safety.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. Section 66.076 of the San Marcos City Code titled Definitions is amended as set forth below. Added text is indicated by underlining. Deleted text is indicated by strikethroughs.

(5) *Director* means the director of the city's department of ~~public works~~ Neighborhood Enhancement or a designee of that director.

SECTION 2. Section 66.083 of the San Marcos City Code titled Street Use; reports; records is amended as set forth below. Added text is indicated by underlining. Deleted text is indicated by strikethroughs.

(b) The amount of the permit fee is ~~five~~ seven percent of the permit holder's gross revenue from commercial solid waste hauling operations in the city. The term "gross revenue" means the value of all cash consideration that a permit holder derives from the provision of commercial hauling services in the city, including but not limited to the following:

- (1) All fees charged to the permit holder's customers for commercial hauling services;
- (2) All revenues derived from the sale of recyclable materials collected in the city in connection with the permit holder's commercial hauling services; and
- (3) Sale or rental of lists of the permit holder's customers in the city.

Gross revenue does not include any revenue not actually received by a permit holder. Revenue not actually received includes amounts deemed uncollectible.

SECTION 3. In codifying the changes authorized by this ordinance, paragraphs, sections and subsections may be renumbered and reformatted as appropriate consistent with the numbering and formatting of the San Marcos City Code.

SECTION 4. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 5. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 6. This ordinance will take effect after its passage, approval and adoption on second reading.

PASSED AND APPROVED on first reading on September 15, 2020.

PASSED, APPROVED AND ADOPTED on second reading on October 7, 2020.

Jane Hughson
Mayor

Attest:

Approved:

Tammy K. Cook
Interim City Clerk

Michael J. Cosentino
City Attorney