2 3 4 5 6 7 8 9	AN ORDINANCE AMENDING CHAPTER 32, ARTICLE II, SECTION 32- 23, COMMERCIAL REFUSE, AND SECTION 32-33, GARBAGE COLLECTION SERVICE CHARGES, CODE OF ORDINANCES (2018 EDITION), CITY OF ROUND ROCK, TEXAS, REGARDING THE ESTABLISHMENT OF A DOWNTOWN COMMERCIAL DISTRICT; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.				
10 11		BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK,			
12	TE	XAS:			
13		ι.			
14		That Chapter 32, Article II, Section 32-23, Code of Ordinances (2018 Edition),			
15	City	y of Round Rock, Texas, is hereby amended to read as follows:			
16	Sec.	32-23. – <u>General C</u> ommercial refuse.			
17 18 19 20 21 22 23 24 25	(a)	<i>Containers.</i> For nonresidential customers, either the customer or its refuse collection contractor shall provide containers suitable for dumping by mechanical means. Containers will be placed on private premises at locations agreed between the owner or occupant and the commercial refuse collection contractor; provided, however, no such container shall be placed: 1) within 15 feet of the boundary of any abutting property with a SF (Single-family) or TF (Two-family) zoning designation; or 2) in any front, rear or side yard abutting to a street. The city will not be responsible for damages to paved surfaces on private property caused by commercial refuse collection trucks. Sufficient containers will be placed to accommodate the refuse from each business. Adjacent small businesses may share containers.			
26 27 28 29 30	(b)	<i>Manner of disposal.</i> All refuse from business and commercial establishments shall be placed in the containers. No refuse shall be left outside the containers. All garbage shall be drained before placing in containers. All packing boxes larger than two cubic feet must be flattened before placing in containers. No manure, building materials, rocks, dirt or dead animals shall be placed in the containers.			
31 32 33 34	(c)	<i>Collection.</i> Refuse containers shall not be placed out for collection earlier than 5:00 p.m. on the business day prior to the established collection day and shall be moved from the collection site no later than 7:00 a.m. the day after the collection day. For the purposes of this section, a business day shall be defined as any day the City of Round Rock offices are open for business.			
35 36	(d)	<i>Recycling containers.</i> The requirements in subsections (a), (b) and (c) of this section pertaining to refuse containers shall also apply to recycling containers.			
37 38 39 40 41 42 43		This section shall not apply to nonresidential customers in the downtown commercial district as defined in 32-33(c).			

ORDINANCE NO. 0-2019-0378

44

II.

- 45 That Chapter 32, Article II, Section 32-33, Code of Ordinances (2018 Edition),
- ⁴⁶ City of Round Rock, Texas, is hereby amended to read as follows:
- 47 Sec. 32-33. Garbage collection service charges.
- 48 (a) Residential.
- (1) A sanitation charge for the collection of refuse and for city-wide recycling services shall be
 made for each occupied residence within the city, whether or not any refuse is deposited for
 collection for such occupied residence during any month and whether or not the residence
 utilizes the city-wide recycling services during any month. For multiple housing units, up to and
 including five units, the sanitation charge shall be applied for each dwelling unit, regardless of
 the number of water meters.
- 55 (2) The residential charge for the collection of refuse and for recycling services shall be \$19.37 per 56 month.
- 57 The amended residential charge for refuse and recycling services set forth above shall apply to 58 bills for the collection of refuse and for recycling services issued March 13, 2019 and thereafter.
- 59 (3) Except as provided below, on and after June 10, 1993, the garbage rate discount for head of household residents 65 years of age and older will be discontinued. All head of household 60 residents 65 years of age and older actually receiving said discounts prior to June 10, 1993, 61 62 shall continue to receive said discounts as stated in this section, so long as they re-apply for 63 said discounts before October 30 of each year. For residential service located within the corporate limits where the head of household has attained the age of 65, and if said resident 64 head of household was receiving garbage rate discounts prior to June 10, 1993, and if said 65 resident head of household re-applies for said discount between October 1 and October 30 of 66 each year, said head of household shall be entitled to a discount as currently established or as 67 68 hereafter adopted by resolution of the city council from time to time from the residential sanitation charge. In order to be entitled to said discount, the head of house shall make a sworn 69 70 application therefor and present proof of age. It shall be a violation of this Code for anyone to 71 make a false statement on such application, or to receive such discount without being eligible 72 therefor. Each month a discount is unlawfully received shall be considered a separate violation.
- (b) <u>General Ccommercial</u>. A sanitation charge for the collection of refuse from all business, commercial, retail, industrial, and manufacturing establishments shall be made when such collection service is provided by the city or its contractor. The charge shall include furnishing containers for refuse. Multiple house units having more than five housing units shall be considered commercial customers. The sanitation charge for commercial refuse collection shall be set by the contractor providing said service. This paragraph (b) shall exclude all businesses located within the downtown commercial district described in (c) below.
- 80 (c) Downtown commercial district.
 - (1) The downtown commercial district shall consist of Block 10, Block 21 and Block 22 of the original plat of Round Rock.
- A sanitation charge for the collection of refuse and recycling services shall be made by the city
 at the rates in (3) below for each occupied business in the downtown commercial district,
 whether or not any refuse or recycling is deposited for collection by such occupied business
 during any month.
- 87 (3) The charge for the collection of refuse and recycling for businesses in the downtown
 88 commercial district shall be determined based on the classification and square footage of a
 89 business as follows:
- 90

81

82

Business Classification	Sq. ft. Classification	Service Rate per month
Small Office	<u>6500 or less</u>	<u>\$35.00</u>
Large Office	<u>6501 or more</u>	<u>\$69.00</u>
Small Retail and Services	<u>3000 or less</u>	<u>\$69.00</u>
Large Retail and Services	<u>3001 or more</u>	<u>\$110.00</u>
Small Restaurant	<u>1600 or less</u>	<u>\$187.00</u>
Medium Restaurant	<u>1601-3000</u>	<u>\$256.00</u>
Large Restaurant	<u>3001 or more</u>	<u>\$326.00</u>
<u>Small Bar</u>	<u>2500 or less</u>	<u>\$166.00</u>
Large Bar	<u>2501 or more</u>	<u>\$256.00</u>

91 92

93

94

- (4) For the purposes of this section, a restaurant shall be defined as a business deriving at least 51% of its sales from food and non-alcoholic beverages, and a bar shall be defined as a business deriving at least 51% of its sales from alcoholic beverages.
- 95 The director shall determine the appropriate business classification for each existing business (5) 96 in the downtown commercial district. If a new business does not clearly meet one of the 97 business classifications, the director shall assign the most appropriate classification from the 98 classifications set forth in (3) above. If a new or existing business owner disagrees with the assigned classification, the owner shall have the right to file a written request for 99 100 reconsideration to the director. If the request for reconsideration is denied, the owner shall have the right to file a written appeal to be decided by the city manager. A request for 101 reconsideration or an appeal shall be granted or denied within thirty (30) days of receipt by the 102 director or city manager. The city manager's decision shall be final. 103
- 104(6) For the purposes of this section, the square footage for a business shall be determined by105adding the total main area square footage to the total outdoor area square footage. Outdoor106area square footage shall include a covered or uncovered patio or any other outdoor space107utilized by customers.
- 108(7) The city shall provide a common container in a designated area on each block. Each business109in the downtown commercial district shall utilize only the common container on its block. All110refuse and recycling shall be placed inside the common container. All garbage shall be drained111before placing in container. All packing boxes larger than two cubic feet must be flattened112before placing in container. No manure, building materials, rocks, dirt or dead animals shall be113placed in the container.
- (ed) Outside city limits. The above garbage collection rates shall apply to all users located within the corporate limits of the city. All users located outside the corporate limits of the city shall pay 1½ times the rate set forth above.

117

118

III.

119	Α.	All ordinances, parts of ordinances, or resolutions in conflict herewith are
120	expressly rep	pealed.
121	В.	The invalidity of any section or provision of this ordinance shall not

invalidate other sections or provisions thereof. 122

C. The City Council hereby finds and declares that written notice of the date, 123 hour, place and subject of the meeting at which this Ordinance was adopted was posted 124 and that such meeting was open to the public as required by law at all times during 125 which this Ordinance and the subject matter hereof were discussed, considered and 126 formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas 127 128 Government Code, as amended.

129	READ	and	APPROVED	on	first	reading	this	the	 day	of
130			, 2019.							

READ, **APPROVED** and **ADOPTED** on second reading this the _____ day of 131 , 2019. 132

133 134 135 136		CRAIG MORGAN, Mayor City of Round Rock, Texas
137 138	ATTEST:	
139 140	SARA L. WHITE, City Clerk	