

CITY OF GROVES

ORDINANCE NO. 2025-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GROVES, TEXAS, AMENDING CHAPTER 12, SECTION 12-11 AND CHAPTER 27, SECTION 27-14 OF THE CODE OF ORDINANCES; GRANTING AN EXCLUSIVE FRANCHISE TO BFI WASTE SERVICES OF TEXAS, LP D/B/A REPUBLIC SERVICES OF BEAUMONT FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE FROM LARGE COMMERCIAL UNITS (10 YARDS AND LARGER) AND ALL INDUSTRIAL UNITS WITHIN THE CITY; ESTABLISHING A FRANCHISE FEE; AUTHORIZING THE CITY MANAGER TO EXECUTE A FRANCHISE AGREEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Groves has determined that it is in the best interest of the public health, safety, and welfare to grant an exclusive franchise for the collection and disposal of solid waste from large commercial units utilizing containers of ten (10) yards or larger and all industrial units within the City; and

WHEREAS, BFI Waste Services of Texas, LP d/b/a Republic Services of Beaumont has demonstrated the capability to provide efficient and reliable solid waste collection services for such units; and

WHEREAS, the City Council finds that establishing an exclusive franchise for these services will ensure consistent, reliable service and proper disposal of commercial and industrial waste; and

WHEREAS, the City Council desires to replace the existing gross receipts tax structure with a franchise fee structure to modernize the City's approach to solid waste management regulation; and

WHEREAS, the City Council has reviewed and approved the terms of the proposed Municipal Materials Management Agreement with Republic Services;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GROVES, TEXAS:

SECTION 1. Chapter 12, Section 12-11 of the Code of Ordinances of the City of Groves, Texas is hereby amended to read as follows:

Sec. 12-11. Collection of garbage, trash and/or rubbish---Exclusive franchise for large commercial and industrial units; Franchise fee.

- (a) The City hereby grants an exclusive franchise to BFI Waste Services of Texas, LP d/b/a Republic Services of Beaumont (hereinafter "Franchisee") for the collection and disposal of garbage, trash, and/or rubbish from: (1) Large commercial units requiring containers of ten (10) yards or larger; and (2) All industrial units, both permanent and temporary, regardless of container size.
- (b) The exclusive franchise granted herein shall be subject to the terms and conditions set forth in the Municipal Materials Management Agreement between the City and Franchisee, which agreement is hereby approved and the City Manager is authorized to execute on behalf of the City.
- (c) There is hereby established a franchise fee equal to nine percent (9%) of the total gross receipts collected by the Franchisee from customers receiving services under this exclusive franchise within the city limits. Material suitable for recycling and picked up in separate containers and delivered for recycling shall be exempt from said franchise fee.
- (d) The Franchisee shall remit the franchise fee to the City on or before the fifteenth (15th) day of each month for the previous month's billing.
- (e) The Franchisee shall file monthly reports with the director of finance showing the total amount of its gross receipts collected from its customers for services provided under this franchise during the previous month.
- (f) Upon reasonable notice, the Franchisee shall make its books and records available to the director of finance to enable verification of the correctness of any report of gross receipts filed with the City as required by this section.
- (g) Collection of garbage, trash and/or rubbish from residential units and small commercial units utilizing containers smaller than ten (10) yards shall remain open to competition and shall not be subject to this exclusive franchise. Private persons, firms, or corporations collecting such waste shall obtain an annual permit and pay an annual permit fee of twenty dollars (\$20.00) per truck.
- (h) This exclusive franchise shall not apply to the collection and disposal of excluded waste as defined in the Municipal Materials Management Agreement, construction and demolition debris collected by contractors as part of construction projects, or specialized waste streams subject to separate regulatory requirements.

SECTION 2. Chapter 27, Section 27-14 of the Code of Ordinances of the City of Groves, Texas is hereby amended to read as follows:

Sec. 27-14. Exclusive franchise for large commercial and industrial solid waste collection; Application for city utility service.

(a) *Exclusive Franchise.* Control of the collection of garbage, trash, rubbish, and junk from large commercial units utilizing containers of ten (10) yards or larger and all industrial units is vested exclusively in BFI Waste Services of Texas, LP d/b/a Republic Services of Beaumont pursuant to the franchise granted in Chapter 12, Section 12-11 and the Municipal Materials Management Agreement. No other person, firm, or corporation shall provide commercial collection services for such units within the city limits without written authorization from the City Council.

(b) *Open Market Services.* Collection of garbage, trash, rubbish, and junk from residential units and small commercial units utilizing containers smaller than ten (10) yards may be provided by any properly permitted private hauler in accordance with applicable City ordinances.

(c) *Application for service.* Written application shall be made for water, sewer, or any other utility service that may be furnished by the City upon forms furnished therefor. Such application shall state the name and address of the applicant, the type of utility service desired, the purposes for which the application is made, and such other information as the City may request.

SECTION 3. AUTHORIZATION TO EXECUTE AGREEMENT. The City Manager is hereby authorized and directed to execute the Municipal Materials Management Agreement with BFI Waste Services of Texas, LP d/b/a Republic Services of Beaumont, in substantially the form presented to the City Council, with such non-material changes as the City Manager and City Attorney may approve.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage, approval, and publication as required by law.

SECTION 6. PUBLICATION. The City Secretary is hereby directed to publish this Ordinance, or its caption and penalty clause, in the official newspaper of the City of Groves within ten (10) days of its passage.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Groves, Texas, at a regular meeting this 10th day of November, 2025.



Chris Borne, Mayor

ATTEST:



Clarissa Thibodeaux, City Clerk

The foregoing ordinance, including all the provisions thereof, is hereby approved as to form and legality.

A handwritten signature in black ink, appearing to read "B P".

Brandon P. Monk, City Attorney