

ORDINANCE NO. 13 FOR 1967  
ORDINANCE NO. 538

AN ORDINANCE GRANTING AN EXCLUSIVE FRANCHISE FOR THE COLLECTION AND DISPOSAL OF GARBAGE, RUBBISH AND ASHES WITHIN THE CITY OF SWEET HOME.

THE CITY OF SWEET HOME DOES ORDAIN AS FOLLOWS:

Section 1. That there is hereby granted to Lester Weld and Gladys F. Weld, husband and wife, hereinafter called the "Collectors", exclusive right, franchise and privilege of collecting rubbish and ashes and other waste material generally, and articles ordinarily and customarily discarded from business and domestic establishments, such franchise to be in full force and effect for a period of ten years, beginning January 1, 1968 and terminating December 31, 1977.

Section 2. That in consideration of such privilege, right and franchise, the said collectors shall pay to the City for the first three years of the term of this lease, the sum of \$600.00 per year, payable \$50.00 per month in advance on the 1st day of each month, beginning with the month of January, 1968, and continuing to and including December, 1970; and shall also pay to the City a sum equal to 2<sup>5</sup>/<sub>8</sub> of the Collectors' annual receipts in excess of \$30,000.00 from operating said business within the City, and with the Collectors to make an Accounting to and payment to the City within 30 days after the end of each year. The amount of said franchise fee shall be re-negotiated between the City and the Collectors for the three years from January 1, 1971 to December 31, 1973; and shall be re-negotiated again for the four years from January 1, 1974 to December 31, 1977.

Section 3. The Collectors shall furnish to the City, at their own cost, a corporate surety bond in the penal sum of \$1,000.00 to guarantee the strict observance and performance of this ordinance.

Section 4. That in consideration of such privilege, right and franchise, said Collectors shall at all times during the term of said franchise perform and carry out the following terms and conditions:

(a) The collectors shall furnish and maintain, at their own expense, a suitable dump and keep and maintain the same in a presentable and sanitary condition at all times in accordance with all sanitary rules and regulations of the State of Oregon and the Oregon State Board of Health, and with all rules and regulations of the State of Oregon, State Fire Marshal and State Forestry Department, relating to fire prevention and protection.

Section 5. The Collectors shall provide sufficient means to collect garbage and debris in the City of Sweet Home, Oregon and transport the same away from the City without spilling or dropping portions thereof upon the streets of said city in the course thereof.

The Collectors shall not discriminate and will take the garbage and debris from all sources in the city daily from the business area thereof and weekly from the residential area, and shall make such schedules and arrangements with private citizens that they may depend upon a regular schedule for the removal of garbage and debris from their residences; provided, that the Collectors shall not be required to serve persons who shall allow their bills for garbage services to remain unpaid for a period longer than three months, or who shall fail, refuse or neglect to place garbage in sound containers which will not spill or scatter garbage upon collection thereof by the Collectors.

Section 6. The rates to be charged to firms, persons and corporations shall be reasonable and uniform, taking into consideration the services rendered. The rate schedule agreement which was approved by the City Council by Motion on December 26, 1967, and executed by the City and the Collectors, shall be the rate schedule from January 1, 1968 to December 31, 1970. Any changes in the rate schedule must

be approved by the City Council. The City and the Collectors shall re-negotiate the rate schedule for the three years from January 1, 1971 to December 31, 1973, and shall again re-negotiate the rate schedule for the four years from January 1, 1974 to December 31, 1977.

Section 7. In the event the Collectors shall fail, neglect or refuse to fulfill all the terms and stipulations of this franchise to be by them performed, then the City of Sweet Home shall have the right to cancel and annul this franchise; provided, however, before any such cancellation the City Council shall cause to be served upon the Collectors a written notice setting forth wherein the Collectors have failed in their duties as set forth in this ordinance, and fix a time not less than ten days after the service of such notice when the matter will be heard before the City Council. At such hearing the Collectors shall have the right to be present in person and to be represented by counsel and to present such witnesses and evidence as may be proper concerning the matter. All witnesses shall be heard under oath, and may be cross examined by the adverse party. Findings of the City Council thereon shall be conclusive.


Section 8. This franchise shall not be assignable by the Collectors to any third person without the written consent of the City Council first had and obtained and until such assignee has filed his acceptance and agreement to abide by the terms hereof with the City Manager.

Section 9. The Collectors shall collect the garbage, debris and waste materials from the public waste receptacles at the City Hall, and the waste receptacles at the City Park, and shall make no charge to the City of Sweet Home for this service. The Collectors shall also collect and dispose of garbage, debris and waste materials at such times that the

City shall have special problems in disposing of such materials, on such terms as may be agreed upon by the Collectors and the City Council.

Section 10. Emergency Clause. It is hereby adjudged and declared that existing conditions are such that this ordinance is necessary for the immediate preservation of the public peace, health and safety, and an emergency is hereby declared to exist and this ordinance shall take effect and be in full force from and after the passage and approval of the mayor.

Passed by the Council this 9th day of January, 1968, and approved by the Mayor.

  
Mayor

ATTEST:

  
City Manager

First Reading: 12-12-67

Second Reading: 12-26-67

Third Reading: 1-9-68