

ORDINANCE NO. 2002-04

AN ORDINANCE CREATING AN EXCLUSIVE FRANCHISE FOR THE COLLECTION AND DISPOSAL OF GARBAGE AND TRASH AND PROVIDING FOR THE SALE OF SAID FRANCHISE IN THE CITY OF HEBRON ESTATES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HEBRON ESTATES, BULLITT COUNTY, KENTUCKY, as follows:

SECTION ONE: There is hereby created a franchise for the collection and disposal of garbage and trash and also providing for the sale of said franchise.

SECTION TWO: All occupants of property, residential and commercial, shall be required to have their garbage and trash collected as provided for herein by the party granted this exclusive franchise. Provided; however, if an owner or occupant of property can provide to the City of Hebron Estates proof that no garbage or trash is generated, they will not be subject to this Ordinance. Provided further, if any residential or commercial customer has both residential and commercial property in the City of Hebron Estates, they are required only to have their garbage collected at the commercial property, with the garbage collection at the residential property being an option.

SECTION THREE: The person, firm, or corporation which shall become the purchaser of this franchise, or any successor or assignee of such person, shall for brevity hereinafter be spoken of as the "Company" herein, and the public ways, roads, streets, alleys, and other public places of the City of Hebron Estates, Kentucky, shall for brevity hereinafter be spoken of herein as the "streets".

SECTION FOUR: The Company acquiring this franchise shall have the exclusive right and obligation of the collection of garbage and trash within the City. The collection shall be made from all residential and commercial premises, except as set forth in Section Three, at least once each week, provided that the garbage and trash is properly stored for collection in a proper container. In addition to the weekly collection there shall be special collections in the Spring and Fall, at times to be designated, for collection of items not regularly picked up, such as appliances, furniture and similar items. The collection shall be done in a workman like manner and so as not to unnecessarily interfere with the public use of any streets.

SECTION FIVE: The Company acquiring this franchise, and its successors and assigns, shall indemnify the City of Hebron Estates, Kentucky, for any and all damage that may legally arise from the presence or operation of its vehicles, and employees and defend all actions which may be brought against the City by reason of or arising out of the presence or operation of said vehicles and employees.

SECTION SIX: The franchise hereby created shall continue for a period up to FOUR (4) YEARS, and shall be bid for terms of 2 and/or 4 years, from and after the date the same shall become effective and is exclusive.

SECTION SEVEN: It shall be the duty of the Clerk of said City as soon as practicable after the passage of this ordinance to advertise the sale of the franchise as herein set out, for a period of not less than TEN (10) DAYS by written or printed notice posted in THREE (3) of the most conspicuous places in the said City, and advertise the sale of the franchise once a week for three successive weeks in the Pioneer News so that final publication shall appear not later than seven (7) days before the day on which the sale will occur and not sooner than twenty one (21) days before the sale shall take place. Said notice and newspaper advertisement shall state the latest date and time sealed bids shall be accepted by the Clerk and the date and time the bids shall be opened and submitted to the City Council for consideration to grant the franchise to the best bidder. In said advertisement and notice, the right of the City Council of said City to reject any and all bids shall be reserved. The newspaper publication shall further describe the franchise to be sold and any special provisions. The provisions shall include, but not be limited to, the following:

1. The rate to be charged during the term of the franchise for residential pick-up on a once a week and twice a week basis.
2. The rate to be charged during the term of the franchise for commercial pick-up on a once a week through and including a five times a week basis.
3. The charge for containers, both for residential and commercial purposes.
4. Whether or not prescribed containers for residential will be required, it being assumed prescribed containers will be required for commercial purposes.
5. What charge, if any, will be for recyclable materials, containers for it, and the frequency of pick-up?
6. Such other requirements as the Mayor shall by written notice to the Clerk direct.

The Clerk shall sell franchise in accordance with said notice and advertisement. The City Council may accept that bid which in its judgment is the best. No bid shall be accepted of less than Five Hundred Dollars (\$500)/YEAR, which amount is fixed as the least price for said franchise. The bidder to whom said franchise or privilege shall be awarded shall within TEN (10) DAYS after the acceptance of its bid by the City Council of said City pay the amount of said bid to the City/Clerk/Treasurer of said City.

SECTION EIGHT: In case the successful bidder for said franchise shall fail within THIRTY (30) DAYS after its bid shall have been accepted to comply with the provisions of this Ordinance, the Clerk of said City shall again advertise said franchise for sale in the manner in which the first sale was made, and shall again sell said franchise in the manner and upon the same conditions and requirements as the original sale of said franchise was made, except that no sale shall be made to the bidder who had failed to perform the terms of said first sale.

SECTION NINE: The Company shall charge such rate or rates as set forth in its bid or as may from time to time be fixed by the City Council of the City of Hebron Estates, Kentucky, or any successor regulatory body.

SECTION TEN: The Franchisee shall assume the cost of publication of this Ordinance as such publication is required by law and such is payable upon the Franchisee's filing of acceptance of this Franchise.

SECTION ELEVEN: All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION TWELVE: Should any section, clause, line, paragraph, or part of this Ordinance be held unconstitutional or invalid for any reason, the same shall not affect the remainder of this Ordinance.

SECTION THIRTEEN: This Ordinance shall be published according to law.

SECTION FOURTEEN: This Ordinance shall take effect on the 18th day of November, 2002.

Given first reading at a regular meeting of the City Council of the City of Hebron Estates, Bullitt County, Kentucky, on the 1st day of October, 2002. Given a second reading at a regular meeting of the City Council of the City of Hebron Estates, Bullitt County, Kentucky, on the 5th day of November, 2002.

Votes For 4 ; Votes against 0 ; Not Voting 0 ;



HERSCHEL RICKETTS, MAYOR

ATTEST:



JENNIFER HURST, CITY CLERK