

**Ordinance No 01-007**

**AN ORDINANCE CREATING AN EXCLUSIVE FRANCHISE FOR THE  
COLLECTION AND DISPOSAL OF GARBAGE AND REFUSE AND ALSO  
PROVIDING FOR THE SALE OF SAID FRANCHISE**

The City Council of the City of Pioneer Village, Kentucky, does ordain as follows:

**SECTION ONE:** There is hereby created a franchise for the collection and disposal of garbage and refuse 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 collected as provided for herein by the party granted the exclusive franchise. Provided, however, if any residential or commercial customer has prepaid garbage and trash collector for period of time, not exceeding one (1) year, then said residential or commercial customer shall be entitled to continue with the non-franchise collector. Provided further, if the residential or commercial customer has prepaid with the company awarded the franchise herein, and said prepayment is in excess of the amount provided for herein for the collection then, the franchisee shall refund the difference to said customer upon notice from the customer.

**SECTION THREE:** The person, firm, or corporation which shall become the purchaser of this franchise, or any successor or assignee or 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 Pioneer Village, Kentucky, shall for brevity hereinafter be spoken of herein as the "streets"

**SECTION FOUR:** The Company acquiring this franchise shall have the exclusive charge of the collection of garbage, refuse and ashes in the City, The collection shall be made from all residential and commercial premises at least once each week, provided that the material 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 work shall be done in a workman like manner and so as not to unnecessarily interfere with the public use of any said streets.

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

**SECTION SIX:** The franchise hereby created shall continue for a period of TWO (2) 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 two days before the day on which the sale will occur and not sooner than some day during the week preceding the week in which the sell shall take place. Said notice and newspaper advertisement shall state the latest date and time sealed bids shall be accepted by said Clerk at City Hall and the date and time the bids shall be opened and submitted to the City Council for consideration and the vote 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 a 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 material, containers for same 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 Said 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 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 agrees to 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 Pioneer Village.

**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 ordinance 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 take effect from and after its passage and publication.

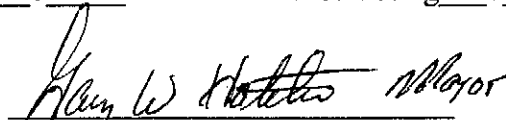
**SECTION FOURTEEN:** This Ordinance shall take effect on the \_\_\_\_\_ day of \_\_\_\_\_, 2001.

Given first reading at a regular meeting of the City Council of the City of Pioneer Village, Bullitt County, Kentucky, on the 6<sup>th</sup> day of November 2001. Given second reading at a regular meeting of the City council of the City of Pioneer Village, Bullitt County, Kentucky, on the 4<sup>th</sup> day of December 2001.

Votes for   5  

Votes Against   0  

Not Voting   0  

  
GARY W HATCHER, MAYOR

ATTEST:

  
TONYA S HALL, CITY CLERK