

ORDINANCE NO. 533

AN ORDINANCE GRANTING AN EXCLUSIVE FRANCHISE TO LARRY WHITMAN, DBA CANBY TAXICAB; FIXING TERMS, CONDITIONS AND COMPENSATION OF SUCH FRANCHISE; AND DECLARING AN EMERGENCY.

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: Rights granted. Subject to the conditions and reservations contained in this Ordinance, the City of Canby (hereinafter referred to as the City) grants to Larry Whitman, dba Canby Taxicab, the right, privilege and franchise to own, operate and maintain a taxicab service in the City of Canby and engage in the business of transporting persons and property for hire by motor vehicle and to establish rates and make and collect charges for such services.

Section 2: Duration. This franchise is granted for a period of ten (10) years from and after the effective date of this Ordinance.

Section 3: Exclusive franchise. This franchise is exclusive and shall be construed as a limitation on the City in granting rights, privileges and authority to other persons similar to those granted by this Ordinance.

Section 4: Continuous service. The grantee shall maintain and operate an adequate taxicab service for the transportation of persons and property in the City of Canby during the term of this franchise, but under no circumstances shall the grantee be liable for an interruption or failure of service caused by an act of God, unavoidable accident or other circumstances beyond the control of the grantee through no fault of his own.

Section 5: Safety standards. The facilities and equipment of the grantee shall at all times be maintained in a safe, substantial and workmanlike manner. The grantee shall obtain and maintain any required PUC permits and liability insurance with limits of no less than \$25,000 for each person, \$50,000 for each occurrence and \$10,000 property damage.

Section 6: Compensation. As compensation for the franchise granted by this Ordinance, grantee shall pay to the City the sum of Ten Dollars (\$10.00) annually for each calendar year or fraction thereof. The annual compensation for 1971 shall be paid upon billing by the City of Canby and subsequent annual payments shall be made within thirty (30) days after the start of such calendar year or fraction thereof.

Section 7: Indemnification. The grantee shall indemnify and save harmless the City and its officers, agents and employees, from any and all loss, cost and expense arising from damage to property and/or injury to or death of persons due to any wrongful or negligent act or omission of the grantee, its agents or employees, in exercising the rights, privileges and franchise hereby granted.

Section 8: Assignment of franchise. This franchise shall be binding upon and inure to the benefit of the successors, legal representatives and assigns of the grantee.

Section 9: Termination of franchise for cause. Upon the wilfull failure of the grantee after thirty (30) days' notice and demand in writing to perform promptly and completely each and every term, condition or obligation imposed upon him under or pursuant to this Ordinance, the City may terminate this franchise, subject to grantee's right to a Court review of the reasonableness of such action.

Section 10: Acceptance. The grantee shall within thirty (30) days from the date this Ordinance takes effect, which shall be immediately after its passage by the Council and approval by the Mayor, file with the City his written unconditional acceptance of this franchise; and if the grantee fails to do so, this Ordinance shall be void.

Section 11: Rates and charges to be first approved by City. Current rates and charges to be made by the grantee for the trans-

portation of persons or property were reviewed and approved by the Canby City Council at a regular meeting on December 7, 1970. Any changes or proposed changes by the grantee in his rates, charges or tariffs shall first be submitted to the City Council and approved by it before such changes take effect.

Section 12: Repeal of conflicting Ordinances. All Ordinances or parts of Ordinances in conflict herewith or inconsistent with this Ordinance shall be and the same are hereby repealed.

Section 13: Emergency clause. It being deemed by the Canby City Council that an emergency exists, this Ordinance shall take effect immediately upon its final passage by the Canby City Council and approval by the Mayor.

Passed on first reading at a regular meeting of the Canby City Council on February 1, 1971, ordered posted in three (3) public and conspicuous places for a period of two (2) full calendar weeks as required by the Canby City Charter, and to come up for second and final reading at a regular meeting of the Canby City Council on Monday, March 1, 1971, at the hour of 8:00 o'clock p.m., Pacific Standard Time, at the Canby City Hall.

  
WERNER DINTEMAN - Mayor

ATTEST:

  
J. R. RICHARDSON - City Recorder

Read for the second time (by title only) and amended at a regular meeting of the Canby City Council on March 1, 1971, and ordered reposted as amended, and to come up for final reading at a regular meeting of the Canby City Council on Monday, March 15, 1971, at the hour of 8:00 o'clock p.m., Pacific Standard Time, at the Canby City Hall.

  
WERNER DINTEMAN - Mayor

ATTEST:

  
J. R. RICHARDSON - City Recorder

Passed on final reading by the Canby City Council this 15th day of March, 1971, by the following vote: Yeas \_\_\_\_\_. Nays \_\_\_\_\_.

Approved by the Mayor of the City of Canby this 15th day of March, 1971.

  
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WERNER DINTEMAN - Mayor

ATTEST:

  
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J. R. RICHARDSON - City Recorder