

ORDINANCE BILL NO. 4 FOR 1943

ORDINANCE NO. 583 ✓

Code 12-16

AN ORDINANCE AUTHORIZING THE MAYOR AND RECORDER OF THE CITY OF LEBANON, OREGON, TO ENTER INTO A CONTRACT WITH W. A. CLENDENEN, PROVIDING FOR THE COLLECTION AND DISPOSITION OF GARBAGE AND OTHER MATERIAL, AND DECLARING AN EMERGENCY.

THE PEOPLE OF THE CITY OF LEBANON DO ORDAIN AS FOLLOWS:

SECTION 1. The Mayor and Recorder of the City of Lebanon, Oregon, are hereby authorized and directed to enter into a contract in writing with W. A. Clendenen, providing for the collection and disposition of garbage and other material within the limits of the City of Lebanon, which said contract shall be specifically in words and figures as follows, to-wit:

Continued for 1944 by Resolution

Continued for 1945 by Resolution

THIS AGREEMENT, made and entered into this day of February, 1943, by and between the CITY OF LEBANON, OREGON, a municipal corporation, hereinafter called the City, and W. A. CLENDENEN of Lebanon, Oregon, hereinafter called the Licensee,

W I T N E S S E T H:

WHEREAS there has been a large increase in the population of the City of Lebanon, and a proper garbage disposal system has become a critical problem to the people of said City; and

WHEREAS it is the desire of the City to provide an adequate method of the regular disposal of garbage and debris; and

WHEREAS the Licensee has been granted a license to collect garbage within the limits of the City of Lebanon until and including the 31st day of December, 1943, and has paid the fee therefor, in accordance with Ordinance No. passed by the Council and approved by the Mayor on the day of February, 1943,

NOW, THEREFORE, IN CONSIDERATION OF THE PREMISES THE PARTIES HERETO AGREE AS FOLLOWS:

I.

That the Licensee shall collect garbage and debris within the City of Lebanon without discrimination from all places where the same has accumulated, and haul the same from the City at regular periods, from the date hereof until and including December 31, 1943.

II.

That the Licensee shall provide sufficient means to collect garbage and debris in the City of Lebanon and transport the same away from the City without spilling or dropping portions thereof upon the streets of said City in the course thereof;

That the Licensee 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;

That the City shall furnish to the Licensee a dump ground where he may dump garbage and debris collected by him in the performance of this contract.

III.

That the Licensee shall charge for his services in collecting garbage and debris in accordance with the following schedule, to-wit:

(a) For restaurants, hotels furnishing meals, and grocery stores, not less than \$2.00 per month nor more than \$7.00 per month, the same to be agreed upon according to the fair consideration of the amount and nature of garbage disposal in each individual instance.

(b) For apartment houses, hospitals, and boarding houses, depending upon the number of apartments and occupants, not less than \$2.00 per month nor more than \$7.00 per month.

(c) For private residences, not to exceed \$1.00 per month.

(d) For special occasions for church and lodge dinners, Fifty Cents for each occasion.

(e) For occasional pick-ups for debris, other than garbage, removed from yards or buildings, shall be a reasonable charge

not less than Twenty-Five Cents for each pick-up and such additional charge as the size and nature of the particular debris shall justify.

IV.

It is specifically agreed between the parties hereto that the Licensee is merely a Licensee and an independent contractor; that the services herein contracted to be performed are for the benefit and welfare of the residents of the City of Lebanon and not for the municipal corporation itself, and that the City as a municipal corporation shall be under no obligation to the Licensee for compensation of any kind or nature.

V.

This contract is conditioned upon the ability of the Licensee to secure priorities to purchase and operate equipment necessary to carry out this contract, and the Licensee agrees that he shall make all reasonable efforts to secure any necessary priorities required to keep his equipment in operation, but in the event he shall be unable to acquire such equipment or materials to keep said equipment in operation, after a bona fide effort to obtain them, he shall be, on that account, excused from the further performance of this contract.

VI.

That this agreement shall not become effective until the Licensee shall file with the Recorder of the City of Lebanon a bond approved by the Finance Committee of the Council in the sum of \$250.00 , executed by the Licensee, as principal, and a surety company licensed to do business in Oregon or two freeholders of the City eligible to be admitted to bail under the laws of the State of Oregon, as sureties, for the faithful performance of the terms of this contract upon the part of the

Licensee, providing for the exception referring to obtaining priorities herein mentioned as the only excuse for non performance hereof.

IN WITNESS WHEREOF, the City, by authority of an Ordinance duly passed by the Common Council thereof authorizing and directing its Mayor and Recorder to sign said contract for the City, has entered into this contract, and the Licensee has signed and executed the same the day and year first above written.

CITY OF LEBANON, OREGON,
a municipal corporation,

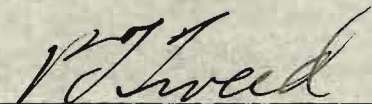
By *V. J. [unclear]*
Mayor

By *Geo. H. Kauder*
Recorder

W. A. Clendenen
Licensee

SECTION 2. It being necessary for the peace, health, and safety of the people of the City of Lebanon that provision be made for the collection and disposition of garbage and other material within the limits of the City of Lebanon, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage by the Council and approval by the Mayor.

Passed by the Council and approved by the Mayor this ^{2nd} day of February, 1943.



Mayor

ATTEST:



CITY RECORDER