

AN ORDINANCE GRANTING TO FRANK'S SANITARY SERVICE, A SOLE PROPRIETORSHIP, SUCCESSORS AND ASSIGNS, FOR A PERIOD OF EIGHT YEARS, THE RIGHT, PRIVILEGE AND FRANCHISE TO OPERATE A GARBAGE AND WASTE PICKUP AND REMOVAL SERVICE IN BEHALF OF THE PUBLIC, BUSINESS, RESIDENTIAL AND OTHER PROPERTIES AND ENTERPRISES WITHIN THE CITY OF SHERWOOD FOR THE PURPOSE OF IMPROVING AND MAINTAINING THE PUBLIC HEALTH AND SANITATION STANDARDS THEREOF; PROVIDING FOR THE REGULATION OF SUCH SANITARY SERVICE INCLUDING THE PRESCRIBING OF RATES FROM TIME TO TIME; and DECLARING AN EMERGENCY.

THE CITY OF SHERWOOD DOES ORDAIN AS FOLLOWS:

Section 1: There is hereby granted to Herbert Frank d/b/a Frank's Sanitary Service, sole proprietor, his successors and assigns, hereinafter termed Grantee, for a period of eight years from and after the date of the passage of this ordinance, the right, privilege and franchise to operate a garbage and waste pickup and removal service, including the right to operate motor vehicles upon the present and future streets, alleys, highways and public places of the said City, as necessary for the purpose of providing such service to public, business, residential and other properties within said City, adjacent or contiguous thereto, for the improvement and maintenance of proper health and sanitation standards of the community.

Section 2: Pursuant to Section 113 of the Charter of the City of Sherwood, the right, privilege and franchise granted hereby is non-exclusive and shall in any event be subject to reasonable rules and regulations as may be prescribed by the City Council from time to time during the continuance of authority having jurisdiction pertaining to this ordinance in effect.

Section 3: The grantee, prior to furnishing garbage disposal service under this franchise, shall file with the Recorder, City of Sherwood, written acceptance of the terms of this franchise.

Section 4: Nothing herein this ordinance contained shall be construed to impose any duty or obligation upon any resident, property owner, company or organization to patronize the Grantee's garbage removal service. The acceptance of the privileges and franchise granted hereunder shall require, and the grantee so agrees, that garbage removal service shall be made available to all residents, property owners, business houses, public buildings and organizations within the corporate limits of the City of Sherwood within 10 days after written application shall have been made by any such applicant. All transactions whatsoever arising from the exercise of this franchise by grantee shall be wholly personal between said grantee and the patrons of the garbage service, and the City of Sherwood shall in no manner be obligated to assist the grantee in furthering the business, collection of accounts or disposal of collected garbage or otherwise whatsoever than as herein specifically set forth. The grantee shall at his own expense make all arrangements as necessary for the disposal of collected materials in a wholly lawful manner.

Section 5: The Grantee promises and agrees, and the privilege and franchise hereby granted is thereupon specifically conditioned, to furnish garbage pickup and removal service to his patrons not less frequently than as hereinafter set forth and at the following rates:

	<u>Number of Pickups</u>	<u>Monthly Charge</u>
Residential Patrons	Once each week	\$2.00 - one can \$1.50 - each extra can
Commercial Patrons	Twice each week	\$2.25 - one can \$2.00 - each extra can

Grantee may increase the frequency or number of pickups per month by mutual agreement with his patrons provided that the rates herein stated shall continue to apply until a change therein is approved by the City Council.

Section 6: The collector is to use proper and suitable equipment for the hauling and transportation of garbage. All equipment for handling garbage, ashes and rubbish shall be covered and all equipment for handling liquids shall be equipped with a metal body, watertight and drip-proof. All equipment shall be kept clean at all times. Sufficient equipment shall be kept on hand to promptly and adequately remove all garbage subject to the terms of this ordinance.

Section 7: The right, privilege and franchise hereby granted is in consideration of the following services to be rendered by the Grantee to the City of Sherwood in behalf of the people thereof, as follows:

- (1) Grantee shall make regular pickups of City street cans and garbage containers serving city-operated facilities, including City Hall, not less frequently than twice each week, at no expense to the City.
- (2) Grantee shall furnish free garbage and debris removal service throughout the City of Sherwood to the householders and residents thereof, semi-annually; that is, on two city-wide clean-up days to be proclaimed by the Mayor of the City of Sherwood.

Section 8: The Grantee shall at all times fully and faithfully perform all of the terms, provisions and conditions of this franchise or grant and furnish efficient service to the public hereunder and maintain its operating stock in good order and repair throughout the year, and upon any default by the Grantee hereunder and the continuance of such default for a period of thirty (30) days from and after the receipt of written notice from the Recorder of the City of Sherwood specifying such default, said City of Sherwood may by ordinance and for good cause shown, revoke this grant or franchise and all further rights of the Grantee, its successors or assigns hereunder, after affording Grantee a hearing, if requested.

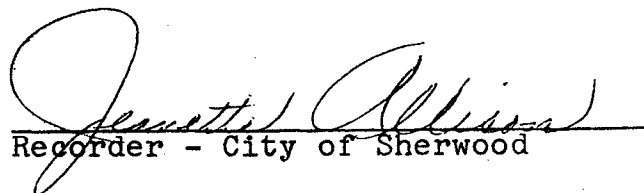
Section 9: The right, privilege and franchise hereby granted shall not be assignable except with the approval of the City Council of the City of Sherwood, however, it is to be understood that such approval shall not be unreasonably withheld.

Section 10: Notwithstanding any other provision hereof, Grantee may at his option discontinue service to any patron whose account shall be ninety days or more in arrears, provided upon payment of all arrearages and reapplication for service, Grantee shall resume service to such patron.

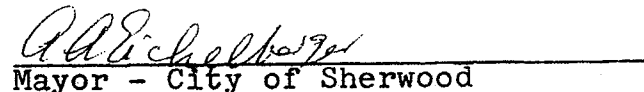
Section 11: That with respect to any industrial or other garbage disposal service undertaken or to be undertaken by the grantee hereunder for which the hereinabove described rates may not be applicable, the Grantee shall file with the City Recorder of Sherwood a schedule of reasonable rates to be charged for such service and such rates shall be subject to disapproval at the next regular Council meeting after date of filing with the City Recorder, and should such rates as filed be not disapproved as herein provided, then the filed rates shall be deemed to be the authorized rates, subject to change only with the prior approval of the City Council.

Section 12: Inasmuch as there is no existing franchise for garbage disposal and it is imperative for the peace, health and safety of the people of Sherwood that provision be made immediately for the orderly, regulated removal of waste and garbage, an emergency is hereby declared to exist and this ordinance shall take effect July 1, 1967 its passage by the City Council and its approval by the Mayor.

PASSED: By affirmative vote of a majority of all members of the whole council of the City of Sherwood after being read by sections and in full three separate times, this 14th day of June, 1967.


Recorder - City of Sherwood

APPROVED: By the Mayor, this 14th day of June, 1967.


Mayor - City of Sherwood