

CITY OF SHERWOOD, OREGON

ORDINANCE NO. 673

Amended by
Ordinance 675
on

AN ORDINANCE GRANTING TO FRANK'S DISPOSAL SERVICE, INC. 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: The franchise hereinafter granted is granted on condition that all franchise fees that would have become payable or will become payable to City of Sherwood had same been enacted effective June 14, 1975, are paid by franchisee forthwith and on the further condition that the franchise is subject to no objections thereto being filed by any other prospective franchisee within 90 days of the date of passage of this ordinance. In the event such objection is filed with the City Recorder along with an application as required by Ordinance 603, then Frank's Disposal Service, Inc. shall likewise file an application in accordance with such ordinance and the procedure set forth in that ordinance shall be followed by the Council for determination of who shall be franchised as collector within the city.

Section 2: There is hereby granted to Herbert Frank d/b/a/ Frank's Sanitary Service, Inc., 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 pick up 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 3: 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 this ordinance in effect and the provisions of Ordinance No. 603, enacted September 9, 1970.

Section 4: The grantee shall file with the Recorder, City of Sherwood, written acceptance of the terms of this franchise.

Section 5: 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 6: 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:

RESIDENTIAL RATES

One stop per week

1 can	\$3.00 per month
2 cans	\$5.75 per month
Each additional can	\$1.75 per month

Apartments

1 can - one stop	\$3.00 per month
1 can - two stops	\$4.50 per month

COMMERCIAL RATES

One stop per week

1 can	\$3.25
2 cans	6.25
Each additional can	2.25

Two stops per week

1 can	\$6.50
2 cans	12.50
Each additional can	4.50

Three stops per week

1 can	\$10.00
2 cans	18.00
Each additional can	7.50

Four stops per week

1 can	\$14.00
2 cans	26.00
Each additional can	11.00

Five stops per week

1 can	\$17.50
2 cans	32.00
Each additional can	14.00

Six Stops	
1 can	21.00
2 cans	39.00
Each additional	17.00
Straight handling charge for garbage refuse per can	1.75
One flight of stairs 25% additional	
Two flights of stairs 50% additional	
Hourly rates by load:	
Truck and 1 man	20.00
Truck and 2 men	30.00

CHARGES FOR DROP BOX SERVICE:

Size	<u>Commercial Price</u>	<u>Residential Price</u>	Price for Compacted
Ten Yard	\$33.00	\$37.00	\$50.00-5.00/yd.
Fifteen Yard	34.00	39.00	55.00-3.67/yd.
Twenty Yard	37.00	42.00	60.00-3.00/yd.
Thirty Yard	50.00	55.00	82.50-2.75/yd.
Forty Yard	58.00	62.00	100.00-2.50/yd.
Fifty Yard	67.00	72.00	112.50-2.25/yd.

CHARGES FOR CONTAINER SERVICE:

NUMBER OF STOPS PER WEEK AND CHARGES PER MONTH

<u>Loose</u>	<u>One</u>	<u>Two</u>	<u>Three</u>	<u>Four</u>	<u>Five</u>	<u>Six</u>
One Yard	19.20	35.34	50.65	65.52	78.00	88.00
Ea. additional	16.85	30.99	41.20	54.27	65.00	74.60
One & 1/4 Yard	22.00	40.50	58.00	75.00	89.35	101.90
Ea. additional	19.30	35.55	51.00	65.90	78.50	89.45
One & 1/2 Yard	24.80	48.30	69.00	87.30	105.35	121.68
Ea. additional	22.50	41.80	61.20	76.90	92.25	106.08
Two Yard	32.70	62.40	88.90	112.30	135.15	163.20
Ea. additional	29.20	53.70	74.60	93.20	111.35	128.60
Three Yard	41.35	78.00	109.95	137.30	167.75	187.00
Ea. additional	37.45	71.50	102.15	132.10	161.25	179.20
Four Yard	49.92	95.75	137.40	174.72	208.75	243.30
Ea. additional	46.47	90.55	132.20	171.27	204.00	232.90
Five Yard	57.30	111.80	163.50	212.00	253.25	297.00
Ea. additional	55.05	105.25	153.75	199.90	242.40	284.00
Six Yard	62.40	121.60	178.20	230.40	281.00	328.00
Ea. additional	59.80	116.40	170.40	220.00	267.00	312.40
Eight Yard	74.88	145.55	211.70	274.50	332.30	387.40
Ea. additional	71.38	138.60	201.40	260.65	315.00	366.60

ated:						
ard	32.00	58.90	84.50	109.20	130.00	148.20
ard	54.60	104.00	143.20	187.20	225.30	272.00
Yard	68.90	130.00	183.30	228.80	279.50	312.00
Yard	124.80	239.25	343.20	436.30	521.25	608.40
Yard	143.25	279.60	409.50	530.25	633.75	741.00
ard	156.00	304.20	444.60	577.20	702.00	819.00

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.
- (3) Payment of the franchise fee set forth in Section 11 of Ordinance 603.

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 it is necessary for public health and safety that there be no interruption in collection service and it is necessary that provision be made immediately for removal of waste and garbage, an emergency is hereby declared to exist and this ordinance shall take effect _____ on _____ its passage by the City Council and its approval by the Mayor.

PASSED: By the Council, by unanimous vote of all Council members present, after being read by caption three times this 10th day of November, 1976.

Polly Blankenbaker
Recorder - City of Sherwood

APPROVED: By the Mayor, this 10 day of November, 1976.

Jack O. Hayer
Mayor - City of Sherwood