

ORDINANCE NO. 1005

AN ORDINANCE PROVIDING FOR A FRANCHISE TO ISLAND DISPOSAL ALLOWING IT TO COLLECT SOLID WASTE FOR SEVEN YEARS IN AREAS ANNEXED INTO THE CITY AFTER AUGUST 4, 1992 AND PRIOR TO THE END OF 1994.

THE CITY COUNCIL OF THE CITY OF OAK HARBOR does ordain as follows:

Section One. Scope and Description of Franchise. Island Disposal, hereafter identified as "Grantee", shall hereby have an exclusive right during the term of the franchise granted by this ordinance to collect and haul for hire over the streets and alleys of the City all solid waste collected from private customers located within the corporate limits of the City which were annexed into the City of Oak Harbor after August 4, 1992 and prior to the end of 1994, all of which property is identified in the map as Ordinances #978, #969, #933, #931 and #921 (See Exhibit "A"). "Solid waste", as used herein, shall be interpreted to mean and include all solid waste, animal and vegetable matter, rubbish, trash, debris, ashes, tin cans, and other waste materials generally, including articles ordinarily and customarily hauled away and dumped. This franchise shall continue for a period of seven years after the date of the annexation in question or seven years after the date of this Ordinance, whichever comes last.

Section Two. Frequency of Collections. Grantee shall offer regular collections of solid waste throughout the business areas assigned to the Grantee and shall offer once a week collection in all residential districts assigned to the Grantee; provided, that the City may modify this clause as to frequency of collections or solid waste and may prescribe the hours during which collections will be made, and Grantee shall comply with all such regulations so adopted and prescribed.

Section Three. Furnishing of Service. Grantee shall furnish collection service to any person or organization, public or private, within the areas identified after receipt of a written request for such service.

Grantee shall not, however, be required to furnish service to any householder, dwelling, business establishment or other building requiring service unless the owner thereof shall furnish an opening to his yard or

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grounds from the alley or street where solid waste is customarily collected, and Grantee shall not be required to service any householder, dwelling, business establishment or other building, where a private road must be used to obtain access thereto unless such private road is more than twenty feet in width.

In addition, Grantee shall not be required to haul solid waste hereunder when:

- (a) The person owning or accumulating the same has failed to pay for services by Grantee billed.
- (b) The container has become filled with water.

Section Four. Garbage Trucks. All trucks used by Grantee for the collection and hauling of solid waste shall be maintained in safe operating condition at all times.

Section Five. Compliance with Regulations. Grantee shall comply with relevant ordinances and regulations adopted or made by the City of Oak Harbor pertaining to the collection, hauling, and disposal of solid waste within the corporate limits of the City or regulating the use of the streets therefor.

Section Six. Collection Rates. Grantee's collection rates inside the City shall be the same as are set out under Washington Utility and Transportation Commission for County residents; Provided, that if WUTC stops setting rates for the Grantee, then the City shall have a right to set collection rates for Grantee upon notice. After public hearing, such rate shall be reasonable as sufficient to cover costs plus profit. The City may require residences of the area assigned to have mandatory pickup of solid waste within this area.


Section Seven. Exclusive termination, changes not be considered a termination. The City shall not without permission of the Grantee collect solid waste in the area defined unless the Grantee refuses or is unable to provide service. In that case, the City may provide the service and terminate the franchise. By written agreement and for convenience of the parties, the franchise may allow the City to collect from customers in the area defined.

Section Eight. Nothing herein shall be construed as affecting the rights of each of the parties with respect to properties annexed into the City after the date of this agreement.

Section Nine. Effective Date. This Ordinance shall be in full force and effect five days after its passage and publication as required by law.

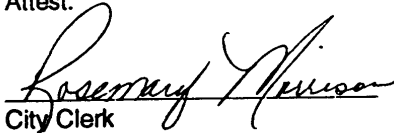
PASSED by the City Council and approved by its Mayor this
16 day of MAY, 1995.

THE CITY OF OAK HARBOR



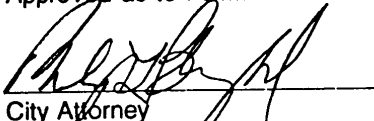
Mayor

Attest:



City Clerk

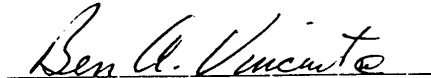
Approved as to Form:

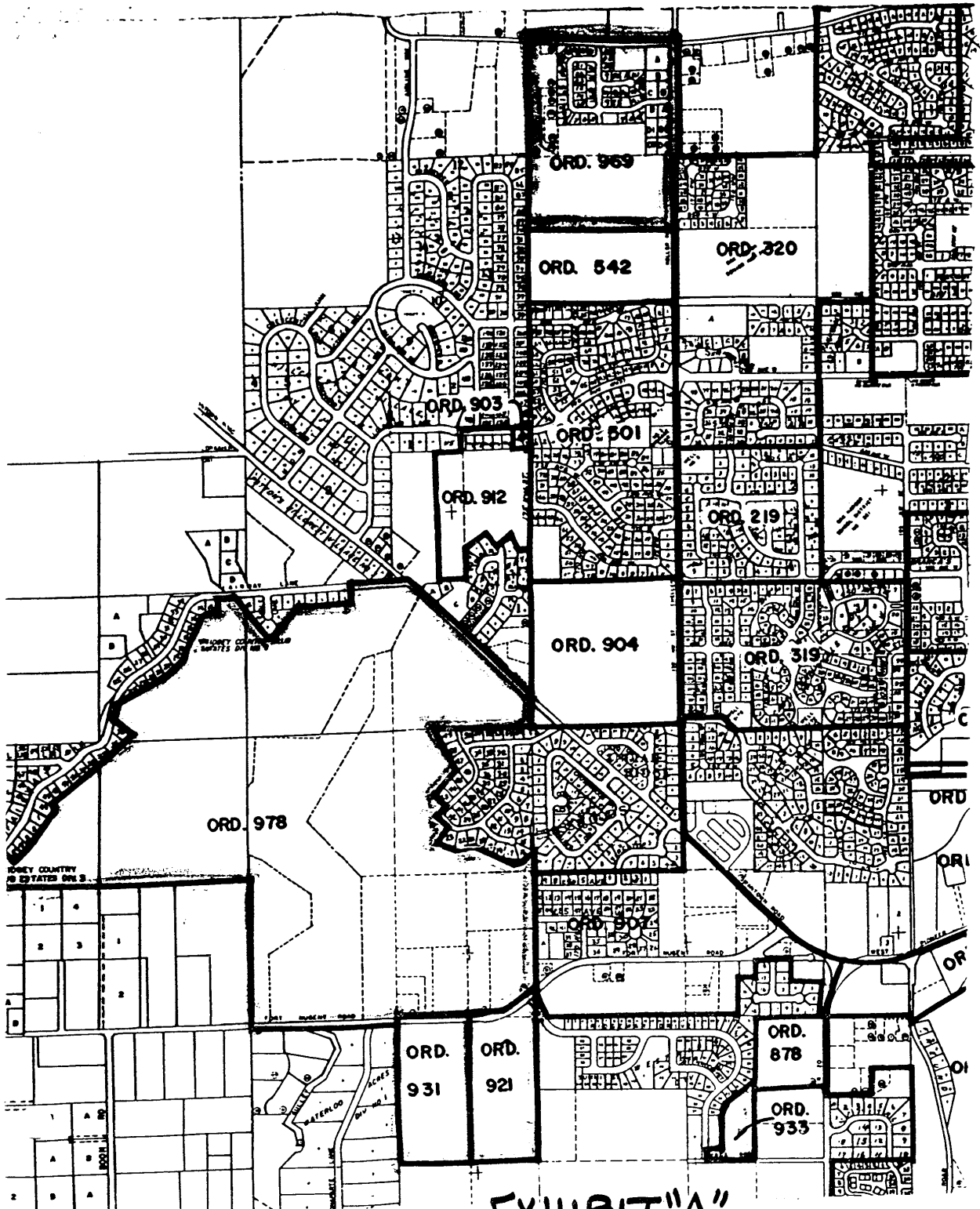


City Attorney
Published: May 24, 1995

Grantee hereby accepts this franchise and promises to perform the services therein identified in a timely and reasonable manner.

Dated 5/22/95





47-4 EXHIBIT "A"