

## **SUMMARY OF ORDINANCE NO. 908**

AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, GRANTING TO OBRIS L.L.C, D.B.A. CLEAR CREEK DISPOSAL, A FIVE (5) YEAR NON-EXCLUSIVE FRANCHISE TO COLLECT AND TRANSPORT COMMERCIAL SOLID WASTE WITHIN THE CITY OF KETCHUM FOR COMMERCIAL UNITS; PROVIDING POWERS OF THE CITY; PROVIDING DEFINITIONS; PROVIDING TERM OF FRANCHISE; REQUIRING A FRANCHISE FEE; REQUIRING AN ADDITIONAL FEE AND FREE SERVICE TO CITY; PROVIDING OFFICE LOCATION AND COMPLAINT PROCEDURES; PROVIDING FOR WEEKLY COMMERCIAL COLLECTION AND AN ANNUAL REPORT; PROVIDING COLLECTION REQUIREMENTS; PROVIDING PERSONNEL AND EQUIPMENT REQUIREMENTS; PROVIDING FOR COMPENSATION; PROVIDING PERFORMANCE BOND REQUIREMENTS; PROVIDING INSURANCE REQUIREMENTS; PROVIDING FOR LIQUIDATED DAMAGES; PROVIDING FRANCHISEE LIABILITY AND INDEMNITY REQUIREMENTS; PROVIDING FOR INSPECTION OF RECORDS; PROVIDING FOR DEFAULT AND TERMINATION; REQUIRING SAFETY REGULATION COMPLIANCE; REQUIRING WRITTEN ACCEPTANCE; PROVIDING CLARIFICATION THAT FRANCHISEE IS AN INDEPENDENT CONTRACTOR; PROVIDING A NON-ASSIGNMENT PROVISION; BINDING SUCCESSORS AND ASSIGNS; PROVIDING FOR NOTICES; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE, PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

### **SUMMARY**

An ordinance granting to Obris LLC, DBA Clear Creek Disposal, a five (5) year non-exclusive franchise to engage in the business of collection and transport of commercial solid waste and commercial recycling services from Commercial Units within the City of Ketchum, Idaho; reserving all regulation and enforcement powers of the City; providing definitions; setting forth the term of the franchise from March 5, 2003 through and including March 4, 2008; establishing a non-refundable franchise fee of seven hundred and fifty dollars (\$750.00) due to the City annually until January 1, 2006, when the amount will change to a percentage of gross receipts payable quarterly and stating how said fee shall be and a payment schedule; providing free service to the City for removal of all garbage and miscellaneous refuse from City buildings and offices, and upon request all scrap metal from the Street Department; requiring Franchisee to establish and maintain a main office within Blaine County, setting forth hours, days of operation, staff requirements, office procedures including a message recorder, daily log, missed collections and printed information with complaint procedures, rates and regulations; establishing a weekly route of collection, an extension of service, special collections, also establishing the time of collections and the authority of the City Council to change those times by Resolution if needed, and providing for an annual report; setting forth requirements for collection by placing recyclable materials and solid waste into separate approved containers or dumpsters, providing that an owner of a Commercial Unit may transport solid waste produced by a tenant, licensee, occupant or person other than himself, to an authorized disposal site, but that groups of owners may not join together for the purpose of commercially transporting solid waste from properties of differing ownership; providing requirements for noise control and adequate dumpster or containers or additional collection to abate nuisances; setting forth requirements for personnel and equipment by maintaining supervision and enforcing a policy of

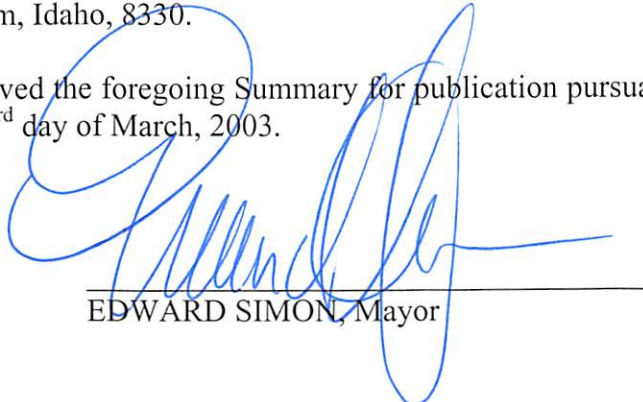
nondiscrimination; requiring the Franchisee to furnish and maintain all vehicles used for collection in a state of reasonable repair, appearance and sanitary condition at all times equipped with such safety devices and warning lights as required by State law, requiring that the franchisee's name, vehicle identification number and a local telephone number be clearly displayed on both sides of each vehicle, and an annual certificate of inspection be provided to City of all Franchisee's collection vehicles and said vehicles compliance with the standards of § 396.17 of CFR Appendix G, and the Idaho Vehicle Code, providing availability of approved containers for services on a rental basis, and requiring Franchisee to review all commercial and industrial proposed dumpster or container enclosures or screenings and to timely advise City of the type and location of the enclosure and how it will facilitate solid waste collection; establishing a monthly rate for services to be filed with the City Clerk and providing for an increase in said rates which the City may approve or disapprove by Resolution; providing for a valid contractor's performance bond meeting all requirements of this Agreement to be submitted to the City Clerk of Ketchum; requiring Franchisee to maintain at its sole expense insurance coverage in the specified limits, naming the City of Ketchum as additional named insured and providing evidence of such to the City Clerk; providing for liquidated damages; providing Franchisee liability and indemnity requirements; providing City the right to inspect and audit the records; providing a list of reasons for default and termination; requiring safety regulation requirements; requiring written acceptance of the franchise; providing clarification that Franchisee is an independent contractor; providing a non-assignment provision; binding successors and assigns to all terms covenants, and agreements contained herein; providing for notices; providing a savings and severability clause; providing a repealer clause; and providing an effective date.

The Ordinance provides an effective date, which will be the 5<sup>th</sup> day of March, 2003.

This Ordinance was passed by the Council and approved by the Mayor on the 21<sup>st</sup> day of February, 2003.

The full text of this Ordinance is available at the City Clerk's Office, Ketchum City Hall, 480 East Avenue North, Ketchum, Idaho, 8330.

The Mayor and Council approved the foregoing Summary for publication pursuant to Idaho Code Section 50-901A on the 3<sup>rd</sup> day of March, 2003.



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EDWARD SIMON, Mayor



ATTEST:



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SANDRA E. CADY, City Clerk

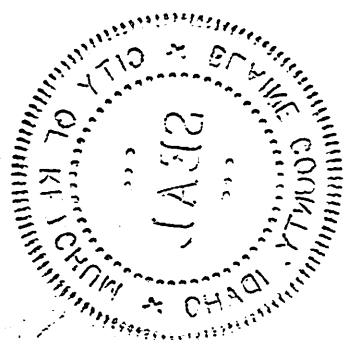
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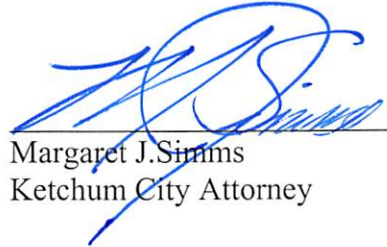
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**STATEMENT OF LEGAL ADVISOR**

I have reviewed the foregoing Summary and believe that it provides a true and complete summary of Ordinance No. 908 and provides adequate notice to the public of the contents of such ordinance.

Dated this 3<sup>rd</sup> day of March, 2003



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Margaret J. Simms  
Ketchum City Attorney

Publish: Idaho Mountain Express  
March 5, 2003