

ORDINANCE NO. 339

AN ORDINANCE GRANTING TO UTAH C. CROWSON AND FRANCES M. CROWSON, THE EXCLUSIVE RIGHT AND PRIVILEGE TO COLLECT, TRANSPORT AND CONVEY GARBAGE OVER AND UPON STREETS OF THE CITY OF STAYTON, OREGON.

The City of Stayton ordains as follows:

Section 1. There is hereby granted by the City of Stayton to Utah C. Crowson and Frances M. Crowson the exclusive right, privilege and franchise to collect, convey and transport garbage upon the streets of said City, subject to the restrictions hereinafter set forth.

Section 2. The rights, privileges and franchise herein granted shall continue and be in force from January 1, 1965 to and including the 31st day of December, 1965.

Section 3. In consideration of the rights, privileges and franchise hereby granted, the said Utah C. Crowson and Frances M. Crowson shall pay to the City of Stayton, 2% of their monthly gross for the operation of such garbage hauling business.

Section 4. The conditions and restrictions under which this franchise is granted are as follows:

a. The word "garbage" shall mean all sorts of animal and vegetable matter, rubbish, trash, debris, ashes, tin cans, tree trimmings and waste generally and shall embrace all articles and things ordinarily and customarily hauled off and dumped for the purpose of promoting the cleanliness and health of the city.

b. The word "collector" shall mean a person who is in the business of collection and disposal of garbage for a profit.

c. No garbage shall be transported or conveyed upon or over a street within the City of Stayton except that the same shall be conveyed and transported in a covered, watertight and drip proof vehicle equipped with a metal or metal lined container, or in metal covered barrels; provided, however, that innocuous, non decaying substances may be conveyed in suitable conveyances with adequate provisions against litter by covering and lashing.

d. No garbage shall be permitted to become spread, scattered, lodged, or left within or upon any street in said City.

e. The collector shall provide, own and maintain at a distance not to exceed five (5) miles from the City of Stayton, a land fill dump ground and that the said ground shall not be less than five thousand (5,000) feet from the city limits of Stayton, Oregon, and it shall be available for public use.

f. All patrons served by said franchise holders shall be served in an impartial manner, except that they are not required to serve any person, firm, or corporation, who has made default in payment for any prior service rendered under this ordinance, or serve any person who refuses to comply with the sanitary requirements to furnish cans.

g. Nothing contained in this franchise shall prevent the officers of said City from employing men and using vehicles for the purpose of collecting and removing garbage for the annual cleanup.

h. The hauling of garbage shall be under the supervision of the City health committee and said committee shall cause to be made regular inspections of said garbage hauling equipment and the manner of hauling garbage upon the streets of said City. In the event that the franchise holders shall violate any of the provisions hereof or the provisions of Ordinance No. 340 of the City of Stayton, then the rights herein granted shall immediately cease, and the franchise holders shall surrender and forfeit any right and privilege granted by this ordinance.

i. The collector shall procure and at all times carry, in full force and effect, liability and property damage insurance issued by some insurance company acceptable to the City and with a certificate thereof filed with the Recorder, which insurance shall provide that the insurer will pay for property damage done by the collector, a minimum of \$10,000.00; that it will pay to any one person injured through the negligence of a collector, a minimum of \$25,000.00; and a minimum of \$50,000.00 to all persons injured in any one accident.

j. The collector shall file with the City of Stayton, to insure the faithful performance on its part, a performance bond in a sum of not less than \$10,000.00 to cover any and all damages in failing to properly collect any garbage.

k. Nothing herein shall prohibit any person from transporting upon the streets of the City of Stayton garbage produced by himself, in the event that such garbage is hauled in such a manner as to prevent leakage or littering upon the streets.

Section 5. If the franchise holders shall fail from any cause within their control to gather the garbage within the City of Stayton, and such failure shall continue for a period of ten days; or should the franchise holders for any reason fail to perform the conditions, agreements, provisions, acts or things herein mentioned, according to this franchise, then the rights herein granted shall immediately cease, and the franchise holders shall surrender and forfeit any right and privilege granted by this ordinance; provided however, that the franchise holders shall not be liable for suspension of operation caused from excessive storms, accidents or casualties caused by an Act of God or the public enemy.

Section 6. The franchise holders shall, within thirty days after this Ordinance shall be in force, file with the Recorder of the City of Stayton a written acceptance of the same.

Section 7. It is expressly understood that this franchise is granted subject to all the terms and provisions of the charter and ordinances of the City of Stayton, now or hereafter to be enacted, relating to the granting of franchises and the collecting, transporting and conveying of garbage, and the exercise of the police powers of the City of Stayton, with the same effect as though the same were expressly incorporated herein.

Section 8. The City reserves the right to prohibit or regulate the operation of trucks under this franchise on any street or streets within the City of Stayton when traffic conditions or the public welfare or public convenience shall, in the judgment of the Council of the City, so require.

Section 9. Franchise holders shall not assign this franchise or any right, license, or privilege granted herein except upon the express consent of the Council of the City of Stayton. All operations under this franchise shall be performed or furnished by any contractor or subcontractor except with the express consent of the Council of the City of Stayton, and upon compliance with such terms as it shall specify. The provisions of this franchise shall be binding upon the franchise holders herein, their assignees, contractors and subcontractors.

Section 10. The City of Stayton shall not be deemed to have waived the performance of or observance by franchise holders of any of the terms, conditions, or provisions hereof unless and except such waiver be by resolution or other appropriate action of its Council, and of which action a record is made.

Section 11. The rates to be charged for hauling garbage shall be as contained in Ordinance No. 340 of the City of Stayton or as amended.

First Reading: August 3, 1964  
Second Reading: September 14, 1964  
Third Reading and Passage: October 5, 1964  
Approved by the Mayor: October 9, 1964

/s/ M. Van Driesche  
Mayor

ATTEST:

/s/ Marjorie E. Kerber  
Recorder

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