

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING ORDINANCE 1752 SECTION 9 BY CHANGING THE FRANCHISE TERM TO TEN (10) YEARS; PROVIDING FOR ONE YEAR'S WRITTEN NOTICE OF CANCELLATION; AND ADOPTING THE SANITARY SERVICE DISTRICT MAP AS EXHIBIT A.

WHEREAS, Ordinance No. 1752, Section 9 granted franchise terms of twenty years for solid waste and recycling services; and

WHEREAS, the City Council determined at a public hearing held April 5, 1994, to shorten the term to ten years to be consistent with other City franchises; and

WHEREAS, the City Council also determined that it was appropriate for the City to provide one year's written notice of franchise cancellation; and

WHEREAS, the City Council determined at the same public hearing that it would be advantageous to adopt a map setting forth the specific geographical district for each franchise.

NOW, THEREFORE, the Milwaukie City Council does ordain as follows:

Ordinance 1752 Section 9 is amended to read as follows:

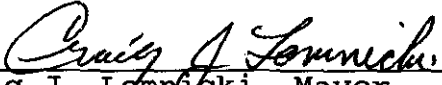
- A. The City Council may, by Resolution, from time to time, franchise one or more persons to provide solid waste management service within the City of Milwaukie. The rights, privileges, and franchise to be granted hereunder to each Franchisee shall continue and be in force for a period of ten (10) years from and after the date the franchise becomes effective, except that the City shall have the sole discretion, with or without cause, at any time within a three-month period prior to the expiration of each five-year period from the effective date of the franchise to terminate the franchise upon one year's notice to each franchise in writing; otherwise, each franchise shall remain in effect.
- B. Franchises awarded under this Chapter shall be based on geographic districts within the City and approved by the City Council, but only one franchise shall be issued for each specific geographic district. A detailed map setting forth specific geographic districts is adopted as Exhibit A of this ordinance. Any change in the boundaries of these districts shall require prior written approval by the City Council.

Said approval shall not unreasonably be withheld. The City of Milwaukie is hereby empowered to carry out all the terms and provisions of this Chapter to dispose of waste and solid waste in the manner provided by the Chapter in the event any franchise is canceled for cause. Any franchise under this Chapter may be canceled for cause by the City upon sixty days' written notice of the grounds for the cancellation for failure to comply with the provisions of this Chapter or the rules and regulations adopted hereunder. Any Franchisee affected by such written notice may demand and receive a public hearing. The decision of the City Council shall be made on said allegations of grounds for cancellation and upon the evidence produced and presented to the Council.

Read for the first time on May 3, 1994, and moved to second reading by unanimous vote of the City Council.

Read the second time and adopted by the City Council on May 3, 1994.

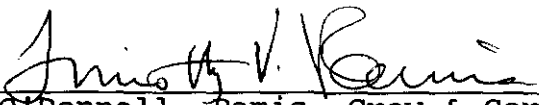
Signed by the Mayor on May 3, 1994.


Craig J. Lomnicki, Mayor

ATTEST:


Pat DuVal, Recorder/Secretary

APPROVED AS TO FORM:


O'Donnell, Ramis, Crew & Corrigan

SANITARY SERVICE DISTRICT MAP

EXHIBIT "A"

ORDINANCE #1760

IN File
WORD
(MAP)