

**CITY OF WALTON, KENTUCKY
ORDINANCE 2021-07**

AN ORDINANCE AWARDING AN EXCLUSIVE FRANCHISE TO BEST WAY DISPOSAL FOR THE RIGHT AND PRIVILEGE OF COLLECTING GARBAGE FROM RESIDENTIAL DWELLINGS IN THE CITY OF WALTON, AND PROVIDING PENALTIES FOR VIOLATIONS OF THE EXCLUSIVE FRANCHISE.

WHEREAS, the City Council of the City of Walton has heretofore advertised for bids for a franchise for the exclusive right and privilege of entering in and upon the streets and public ways of the City of Walton for the collection, hauling away and disposing of garbage, trash and refuse from residential dwellings, including multi-unit dwellings; and,

WHEREAS, bids for said exclusive franchise have been received and reviewed by the City Council of the City of Walton;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Walton, Kentucky as follows:

SECTION ONE

Service Option One of the bid of Best Way of Indiana, Inc. d/b/a Best Way Disposal for the exclusive right and privilege of entering in and upon the streets and public ways of the City of Walton for the collection, hauling away and disposing of garbage, trash and refuse from residential dwellings, including multiunit dwellings, as modified by subsequent email from Katie Raverty-Evans to Tammy Wilhoite, is hereby declared to be and accepted as the most desirable and advantageous bid from the standpoint of value and service to the citizens of Walton, and an exclusive Franchise is hereby granted to Best Way of Indiana, Inc. d/b/a Best Way Disposal for a period of two (2) years beginning July 1, 2021 and ending June 30, 2023.

SECTION TWO

The City of Walton has the option of extending the Franchise for an additional two (2) years, from July 1, 2023 through June 30, 2025. The two-year option term may be exercised at the sole and exclusive discretion of the City.

SECTION THREE

The Franchise granted hereunder shall be exercised, conducted and operated in accordance with the terms and provisions of the Franchise Agreement attached hereto as Exhibit "C" and incorporated herein by reference as if fully set forth herein. The Mayor of the City of Walton is hereby authorized and directed to execute said Franchise Agreement on behalf of the City. The bid submitted by Franchisee is attached hereto and incorporated herein by reference as Exhibit "A", and a copy of the email modification is attached hereto and incorporated herein by reference as Exhibit "B", both of which are made an integral part of this Agreement.

SECTION FOUR

During the term of this exclusive Franchise or any renewal thereof, it shall be unlawful for any person, firm or corporation other than Best Way of Indiana, Inc. d/b/a Best Way Disposal to enter in and upon the streets and other public ways of the City for the purpose of collecting, hauling away and disposing of garbage, trash and refuse from residential dwellings, including multi-unit dwellings, in violation of the exclusive Franchise granted herein.

SECTION FIVE

Each separate act of collection in violation of Section Four of this Ordinance is hereby classified as a civil offense for which a maximum civil penalty of One Thousand Dollars (\$1,000.00) may be imposed for each separate violation.

SECTION SIX

If any sentence, clause, section or part of this ordinance or the application thereof to any particular situation is, for any reason, found to be unconstitutional, illegal or invalid, the invalidity of any provision of this Ordinance shall not affect the validity of any other any other provisions hereof, and such other provisions shall remain in full force and effect as long as they remain valid in the absence of that provision determined to be invalid.

SECTION SEVEN

This Ordinance shall be in full force and effect after adoption and publication in accordance with applicable law.

SECTION EIGHT

This Ordinance may be read and published in summary form.

PASSED AND APPROVED ON FIRST READING BY 6 OF 6 MEMBERS OF CITY COUNCIL ON THE 13th DAY OF July 2021.

PASSED AND APPROVED ON FIRST READING BY 4 OF 6 MEMBERS OF CITY COUNCIL ON THE 19th DAY OF July, 2021.

APPROVED:

GABE BROWN, MAYOR

ATTEST:

TAMMY WILHOITE, ASSISTANT CITY CLERK

DATE OF PUBLICATION: July 29, 2021.

