

ORDINANCE KOC 450.4

AN ORDINANCE RELATING TO GRANTING A GARBAGE COLLECTION FRANCHISE TO ORVILE NUNN AND SONS SANITATION, INCORPORATED.

WHEREAS, the County duly advertised for bids for an exclusive garbage collection franchise; and

WHEREAS, the County has publicly examined and considered all bids for an exclusive franchise; and

WHEREAS, the County taking into consideration all factors relevant to under Kentucky law, has found Orville Nunn and Sons Sanitation, Incorporated to be the lowest and best bidder for an exclusive franchise;

BE IT ORDAINED by the Fiscal Court of Hart County, Commonwealth of Kentucky as follows:

SECTION 1.

FRANCHISE AREA. The County hereby grants to Orville Nunn and Sons Sanitation, Incorporated an exclusive franchise to operate a solid waste and garbage collection service in the entire area of Hart County, Kentucky, excluding the incorporated cities of Horse Cave, Munfordville and Bonnieville. The franchisee will be required to provide service for customers residing within Hart County, Kentucky, as requested.

The franchisee may subcontract for service to specified routes or areas, but such subcontract shall not release said bidder from overall responsibilities for compliance with all state, federal and local laws and regulations.

SECTION 2.

EQUIPMENT. Collection shall be by closed vehicles or packer trucks. Vehicles shall be maintained in good physical condition. Subject to the recommendations of the Road Supervisor of the County, restrictions as to weight and/or size of vehicles serving households along gravel or lightly surfaced roads may be imposed.

SECTION 3.

TERM. The term shall be for a period of three (3) years.

SECTION 4.

FREQUENCY OF AND CONDITIONS OF SERVICE. The franchisee shall be required to provide at least twice-a-month collection services, upon a regular schedule for all residential customers within the franchise area, and for business and industry collection, daily or other collection services as may appear necessary. The franchisor may modify this provision as to frequency of collections. Any variation from schedule must be approved by the Fiscal Court.

SECTION 5.

COMPLIANCE WITH LAWS. The franchisee shall be required to comply with all applicable state, national and local laws, ordinances and regulations including, but not limited to the laws of the Commonwealth of Kentucky, the Division of Waste Management, Kentucky State Department of Health and the Hart County Board of Health.

SECTION 6.

BOND. The franchisee shall be required to furnish a performance bond for the faithful performance of the franchise. Said bond to be executed by a surety company, licensed to do business in the Commonwealth of Kentucky and to be in a sum of fifteen thousand dollars (\$15,000).

SECTION 7.

DISPOSAL. All garbage and waste materials collected under the franchise shall be disposed of in a state-approved landfill or transfer station.

SECTION 8.

COMMENCEMENT OF SERVICE. The franchisee shall commence to furnish service in the franchise area beginning July 1, 1990.

SECTION 9.

RATES. The franchisee shall be entitled to charge \$8.50 per month to each residential customer for solid waste collection: This bid is based on taking garbage to the Nunn and Sons Sanitation, Inc. landfill in Hart County. There shall be a surcharge of \$1.25 for transporting garbage to a state-approved landfill outside the county. Senior citizens and handicapped individuals shall only be charged \$6.00 per month. Any change in these rates shall be subject to Fiscal Court approval.

SECTION 10.

FRANCHISEE FEE. The franchisee shall pay no franchisee fee the first year of operation. The franchisee shall pay the county a franchise fee equal to five (5%) percent of the gross receipts the second and third years of operation.

Franchise payment is to be made by the 15th day of the month following the most recently paid billing period. Checks are to be made out to the Hart County Fiscal Court and should be given to the County Treasurer or mailed to the following address:

Hart County Courthouse
P.O. Box 486
Munfordville, KY 42765

ATTN: Anna Hogan,
County Treasurer

SECTION II.

REVOCATION OF FRANCHISE. The grantor of the franchise reserves the right to void the franchise in the event the holder does not adhere to the terms of the franchise or fails to provide acceptable service. The franchise may be terminated for any of the following reasons:

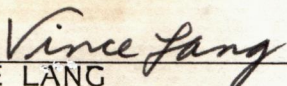
- 1) Failure to pay franchise fee;
- 2) Bankruptcy of franchisee;
- 3) Failure by franchisee to dispose of garbage in state-approved location;
- 4) Significant damage by franchisee to the property of a customer;
- 5) Dissolution of the franchisee's business;
- 6) Failure by franchisee to maintain adequate insurance coverage;
- 7) Failure by franchisee to maintain worker's compensation on all non-family members; and
- 8) Failure by franchisee to keep trucks registered.

SECTION 12.

DEFINITION. Garbage and solid waste, as used herein, shall be interpreted to mean and include all waste, animal and vegetable matter, rubbish, trash, debris, ashes, tin cans, any garbage, refuse that ordinarily accumulate in a house, business or industry, but does not include solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880) or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 723).

First Reading given on the 3rd day of May, 1990.

Second Reading given and ordinance enacted on the 24th day of May, 1990.



VINCE LANG
Hart County Judge Executive

ATTEST:



CLERK, Hart Fiscal Court