

ORDINANCE NO. 830.51

**AN ORDINANCE APPROVING AND RELATING TO AN EXCLUSIVE FRANCHISEE
TO COLLECT, TRANSPORT AND DISPOSE
OF COMMERCIAL AND RESIDENTIAL SOLID WASTE
WITHIN THE CITY OF FRANKLIN AND
SIMPSON COUNTY, KENTUCKY**

WHEREAS, on or about September 4, 2013, the City and Franchisee entered into that certain *Exclusive Commercial and Residential Franchise Agreement*, as subsequently modified, amended, and/or extended (the "Original City Agreement"), for the collection, transportation, and disposal of all commercial and residential Solid Waste, wastewater treatment plant waste, and oversized goods within the Simpson County Franchise Area;

WHEREAS, on or about October 1, 2016, the City and Franchisee amended that certain *Exclusive Commercial and Residential Franchise Agreement* (the "First Amendment to the County Agreement");

WHEREAS, on or about June 16, 2015, the County and Franchisee entered into that certain *Exclusive Residential, Commercial, and Industrial Franchise Agreement* (the "Original County Agreement"), for the collection, transportation, and disposal of all residential, commercial and industrial Solid Waste, wastewater treatment plant waste, and oversized goods within the Franklin and Simpson County Franchise Area; and

WHEREAS, the County and City wish to combine their respective agreements with Franchisee and to extend the term thereof, adjust the rates thereunder, and to otherwise modify the Original City Agreement, as amended, and the Original County Agreement as provided for in the attached Agreement.

WHEREAS, City and County staffs recommended that the City Commission and Fiscal Court issue an exclusive franchise to collect, transport and dispose of commercial and residential

solid waste within the City of Franklin and Simpson County because multiple franchisees would increase large truck traffic in the City and County leading to increased wear and tear on the roadways and an increase in potential traffic hazards caused by the need for collection vehicles to stop frequently in the roadway during collection;

WHEREAS, City and County staffs recommended that the City Commission and Fiscal Court issue an exclusive franchise to collect, transport and dispose of residential, commercial and Wastewater Treatment Plant solid waste within the City and County because of the need to maintain uniformity and minimize confusion of collection times that would be caused by multiple franchisees servicing residents, and the synergies and cost savings associated with having one franchisee to perform the services for both the City and County.

WHEREAS, the Franklin City Commission and Simpson Fiscal Court, by and through this Ordinance, adopt the recommendations of City and County staffs and agree to extend the existing franchise to Scott to collect, transport and dispose of the Wastewater Treatment Plant cake sludge, and the commercial and residential solid waste within the County of Simpson and Simpson County.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Franklin, Kentucky and the Fiscal Court of the County of Simpson, Kentucky that the attached City of Franklin and County of Simpson Exclusive Commercial and Residential Amended and Restated Franchise Agreement which is incorporated herein by reference be approved and that the Mayor and County Judge Executive be authorized to execute said agreement on behalf of the City of Franklin and Simpson County, Kentucky, respectively.

The City and County shall have the authority to bring an action against any party who violates the exclusive franchise which is granted pursuant to the Agreement, to enjoin such party

from such violation, impose a fine of \$1,000 per day of violation, obtain damages and obtain other relief that may be allowed pursuant to applicable law from such party.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holdings shall not affect the validity of the remaining portions of Ordinance.

All ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.

July 2, 2019

FIRST READING

August 6, 2019

SECOND READING

At a meeting of the Fiscal Court of the County of Simpson, Kentucky, held on August 6, 2019, on motion made by Judge Executive Mason Barnes and seconded by Magistrate Scott Poston, the foregoing ordinance was adopted, after full discussion, by the following vote:

<u>YES</u>	Marty Chandler
<u>YES</u>	Myron Thurman
<u>YES</u>	Scott Poston
<u>YES</u>	Nathaniel Downey
<u>YES</u>	Mason Barnes



MASON BARNES
Simpson County Judge Executive

ATTEST:



Pam Rohrs, Clerk
Simpson County Fiscal Court