

HAILEY ORDINANCE NO. 1053

AN ORDINANCE OF THE CITY OF HAILEY, BLAINE COUNTY, IDAHO, AMENDING HAILEY ORDINANCE NOS. 840 AND 866 BY EXTENDING THE FRANCHISES GRANTED TO OBRAS, L.L.C., d/b/a CLEAR CREEK DISPOSAL, INC. FOR AN ADDITIONAL TWO (2) YEARS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Hailey City Council finds that it is in the best interests of the citizens of Hailey to maintain a comprehensive solid waste and recycling program for both residential and commercial properties within the City of Hailey; and

WHEREAS, the Hailey City Council adopted Hailey Ordinance No. 840 that granted Wood River Rubbish, Inc. an exclusive franchise to provide solid waste and recycling services for both residential and commercial properties within the City of Hailey, subject to the residential and commercial franchise agreements dated April 11, 2003 ("Franchise Agreements");

WHEREAS, the Hailey City Council adopted Hailey Ordinance No. 866 that amended Ordinance No. 840 to show that Obras, L.L.C., d/b/a Clear Creek Disposal, Inc. was the franchisee;

WHEREAS, the franchises granted Obras, L.L.C., d/b/a Clear Creek Disposal, Inc. in Ordinance Nos. 840 and 866 will expire on April 10, 2010;

WHEREAS, the Hailey City Council finds that there are proposed changes to composting of solid waste which may significantly alter the responsibilities of any franchise for solid waste and recycling services within the City of Hailey; and

WHEREAS, the Hailey City Council finds that it would be in the best interests of the City of Hailey to extend the franchises established in Hailey Ordinance Nos. 840 and 866 to Obras, L.L.C., d/b/a Clear Creek Disposal, Inc. for an additional two (2) year period, subject to

the terms and conditions set forth therein and subject to the terms and conditions of the Franchise Agreements.

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HAILEY, BLAINE COUNTY, IDAHO:

Section 1. Section 1 of Hailey Ordinance No. 840 is hereby amended by the addition of the underlined language and by the deletion of the stricken language, as follows:

Pursuant to Idaho Code §50-329, the City of Hailey hereby grants to Obras, L.L.C., d/b/a Clear Creek Disposal, Inc. ("Franchisee"), an Idaho corporation, the authority, right, privilege and franchise for a term of two (2) years, with ~~an additional two (2) year renewal term~~, beginning April 11, ~~2003-2010~~, to engage in the business of collecting, transporting, processing and disposing of solid waste and separated recyclable materials kept or accumulated and placed for collection by all residential and commercial customers within the corporate limits of Hailey, Idaho, and to perform all of the work described in the Franchise Agreements; provided, however, this authority, right, privilege and franchise does not extend to the self-hauling of solid waste or recyclable materials, hazardous waste or medical waste. It shall be unlawful for any person or legal entity to engage in the business of solid waste and recyclable material collection and transportation over and upon the public right-of-ways within the City of Hailey, except as otherwise provided herein.

Section 2. Severability Clause. The provisions of this Ordinance are severable and the invalidity of any part of this Ordinance shall not affect the validity of the remainder of the ordinance.

Section 3. Repealer Clause. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

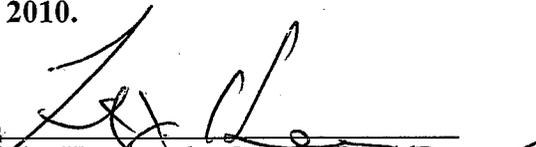
Section 4. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS 22ND DAY OF MARCH, 2010.

Attest:


Mary Cone, City Clerk




Fritz Haemmerle, Council President

Publish: Idaho Mountain Express, March 24, 2010