

ORDINANCE NO. 1059

AN ORDINANCE GRANTING TO RSP, INC., A CORPORATION OPERATING A SOLID WASTE DISPOSAL SYSTEM, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO OPERATE AND PROVIDE A SOLID WASTE DISPOSAL SERVICE IN THE CITY OF HORTON, BROWN COUNTY, KANSAS, AND GRANTING TO SAID RSP, INC. THE RIGHT TO USE THE STREETS AND ALLEYS OF THE CITY IN THE PROVIDING OF SUCH SERVICE.

Section 1. That there is hereby granted to RSP, Inc., a corporation organized and existing under the laws of the State of Kansas, its successors and assigns, the right, privilege and franchise for a period of ten (10) years from the effective date hereof, to collect and dispose of solid waste for the citizens of Horton, Brown County, Kansas, and to use the streets and the alleys of the City of Horton, Kansas in the carrying on of such business.

Section 2. All rates established and charges made by grantee for the collection and disposal of solid waste shall be subject to the valid and lawful orders of the city commission of the city of Horton, Kansas, established under the provisions of Ordinance No. 967. The City shall bill the residents of the city of Horton for trash disposal services provided by grantee, pursuant to the provisions of Ordinance No. 967 according to the rate schedule established by the City. The billing for trash disposal services will be incorporated into the water bills and utility bills issued by the City. The City shall remit to contractor on the 20th day of each month the amounts collected from the utility bills for trash disposal service. The City shall have no obligation to pay fees for trash disposal to contractor until the customer located within the city has paid said amount to the City. The City will take all reasonable and appropriate measures to enforce collection of the trash disposal fee as described in Ordinance No. 967.

Section 3. That in consideration of and as compensation for the right, privilege and franchise hereby granted, the grantee, its successors and assigns, shall provide solid waste disposal services to the residents of the city of Horton, Kansas, pursuant to the provisions of any rules and regulations adopted by the city commission or the city administrator of the city of Horton, Kansas, under Section 15 of Ordinance No. 967; shall furnish free of cost to each consumer of trash disposal services a container according to the specifications set forth in Ordinance No. 967; and shall at all times save the City the harmless from any and all damages which said City may be liable to pay that may arise from grantee's provision of solid waste disposal services.

Section 4. As a further consideration for the right and privilege and franchise hereby granted, and in lieu of all occupation and license taxes, the grantee shall pay into the city treasury, on or before the last day of each month, a sum equal to fifty cents (50¢) per customer to whom solid waste disposal services is being provided by grantee.

Section 5. Grantee shall not assign this franchise or its duties and obligations hereunder to any successor or assignee without the express written consent of the City.

Section 6. That none of the privileges granted by this ordinance shall take effect or be in force until after the expiration of sixty (60) days from the date of its final passage and until grantee shall file within said sixty (60) days with the city clerk of said city a written acceptance of the provisions hereof; and after the expiration of sixty (60) days if no acceptance as herein provided has been filed, then this ordinance shall ipso facto cease and become null and void.

Section 7. Ordinance No. 969 of the City of Horton, Kansas, is hereby repealed.

PASSED BY THE GOVERNING BODY of the city of Horton, Kansas, this 18 day of April, 2005.

Dale A. White, Mayor

ATTEST TO:

Candice Schmitt, City Clerk