

ORDINANCE No. 528

AN ORDINANCE AMENDING CHAPTER I OF TITLE X, REVISED CODE OF PAYETTE, 1946 BY ADDING THEREPO A NEW SECTION DESIGNATED AS SECTION 10-108 GRANTING TO ROBERT POLAND AN EXCLUSIVE FRANCHISE TO PICK UP AND HAUL AWAY INFLAMMABLE RUBBISH FROM WITHIN THE FIRE LIMITS OF THE CITY OF PAYETTE, IDAHO.

BE IT ORDAINED By the Mayor and Council of the City of Payette, Idaho:

SECTION 1. That Chapter I of Title X, Revised Code of Payette, 1946, be and the same is hereby amended by adding thereto Section 10-108, which reads as follows:

"10-108. EXCLUSIVE FRANCHISE GRANTED--DEFINITION OF TERMS--CONDITIONS AND DURATION.--(a) There is hereby granted by the City of Payette, Idaho, hereinafter called the City, to Robert Poland, hereinafter called the Grantee, an exclusive franchise to pick up and haul inflammable rubbish as hereinafter defined away from merchants, business houses and firms within the fire limits of the City as set forth in section 9-101, Revised Code of Payette, 1946 or as said fire limits may hereafter be modified by the City.

"(b) Inflammable rubbish for the purpose of this ordinance, shall include wooden crates, wooden boxes, wooden baskets, saw dust, pasteboard, pasteboard boxes, paper, cellophane, excelsior, hair, lint and other combustible materials of like nature which are discarded by the various merchants, business houses and firms and which when permitted to accumulate constitute a fire hazard. The term 'inflammable rubbish' does not include inflammable liquids, coal or ashes.

"(c) The grantee must make pick ups and haul away all accumulated inflammable rubbish from all merchants, business houses and firms within the fire limits of the City that desire and pay for such service every day except Sundays and Holidays and must carry all such inflammable rubbish in a fully enclosed truck and haul such inflammable rubbish in such truck to the City dump ground located east of the City and dump and burn all such inflammable rubbish in the area and/or incinerator in said dump ground designated by the Council of the City.

"(d) The grantee is hereby authorized and empowered to enter into contracts with each and every merchant, business house and firm within said fire limits that desires such service and said grantee shall be paid by such merchants, business houses and firms for such service pursuant to such contracts.

"(e) This franchise shall be void unless the said grantee, shall in writing, file with the city clerk within ten days from the date of publication of this ordinance acceptance of the same and agree to its terms and conditions and unless the said grantee within said period shall furnish the city clerk with satisfactory proof of having obtained public liability and property damage insurance in an amount not less than hereinafter specified.

"(f) Before said grantee may operate under and pursuant to this franchise he must first obtain public liability and property damage insurance in some good and reliable insurance company with limits not less than \$5000 because of bodily injury to or death of one person in any one accident, not less than \$10,000 because of bodily injury to or death of two or more persons in any one accident, and not less than \$1000 because of injury to or destruction of property of others in any one accident.

"(g) The grantee shall indemnify and save the City harmless from any and all expense or liability which may accrue to it by reason of the

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negligence or misconduct of the grantee and/or his agents, servants and employees.

"(h) This franchise, if accepted, shall exist so long as grantee faithfully performs his duties in accordance with the terms and conditions of this franchise and the City reserves the right to alter and amend this franchise in any manner necessary for the safety or welfare of the public and to revoke or annul the same at any time for cause.

"(i) Assignment of this franchise may be made only after authorization therefor is received pursuant to ordinance or proper resolution of the Council of the City."

Passed by the Council this 2<sup>nd</sup> day of ~~August~~ <sup>September</sup>, 1947.

Approved by the Mayor this 2<sup>nd</sup> day of ~~August~~ <sup>September</sup>, 1947.

  
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Mayor

ATTEST:

  
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City Clerk

12-29-47 - Transferred to Dr. Wayne Chalfant.  
1-19-48 - Transferred to L.O. Brian.  
7-26-48 - Renewed or extended contract with L.O. Brian.