

ORDINANCE 999

AN ORDINANCE AMENDING TITLE V, CHAPTER 51, SECTION 51.03 TO PROVIDE DEFINITIONS OF PARTIES EXEMPT FROM HOLDING A FRANCHISE FOR SOLID WASTE HAULING; QUALIFICATIONS FOR SUCH EXEMPTION; PROVIDING FOR TERMINATION OF SUCH FRANCHISE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GOTHENBURG, NEBRASKA AS FOLLOWS:

Section 1. Title V, Chapter 51, is hereby amended by amending Section 51.03 of the Gothenburg Municipal Code to read as follows:

§ 51.03 FRANCHISE REQUIRED; EXCEPTION; NON-TRANSFERABLE; REVOCATION.

(A) The city may contract with independent contractors to provide for the collection and disposal of nonhazardous solid waste. Any contractor shall enter into a written agreement with the city, which agreement shall provide for the rates to be charged and other terms and conditions as may be required by the City Council. All franchises issued pursuant to this section shall be nonexclusive and be for a period of three years.

(B) It shall be unlawful for any person to haul for hire, other than a person granted a franchise pursuant to division (A) of this section, any solid waste, garbage, refuse, or rubbish within the city or away from the city; provided, that this section shall not apply to any residential customer who elects to haul, transport, and dispose of his or her own excess solid waste, garbage, refuse, or rubbish, who may do so in accordance with the rules and regulations established by the City Council and only at a licensed landfill facility, or a city provided receptacle approved by the City Council. This section shall not be construed to prevent any person from collecting and hauling material from the city to be recycled. Excess solid waste shall mean the waste, garbage, refuse or rubbish that will not fit in the receptacle provided by the city or a franchise holder.

(C) Any franchise granted pursuant to this section shall not be deemed a property right and may not be transferred to any person. Any sale of a solid waste collection and disposal business may not transfer any franchise issued pursuant to this section. Any person desiring to obtain a franchise must make application to the City Council.

(D) The City Council may, for cause, revoke a franchise after providing the franchisee with notice of the charges therefore and after a public hearing thereon by the City Council. The City Council may terminate a franchise, without cause by providing written notice to a franchisee 180 days in advance of such termination for all franchises entered into after May 10, 2021.

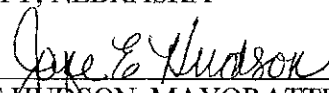
(Neb. RS 13-2020) Penalty, see § 51.25

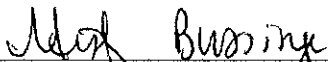
Section 2. A copy of prior Section 51.03 is attached hereto as Exhibit A and incorporated herein by this reference.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall become effective after its posting and publication as provided by law. Passed and approved this 18th day of May, 2021.

CITY OF GOTHENBURG, DAWSON
COUNTY, NEBRASKA


JOYCE HUDSON, MAYOR ATTEST:


Misty Bussinger, City Clerk

APPROVED AS TO FORM

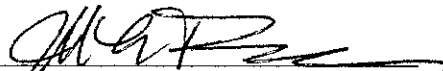

Michael L. Bacon, City Attorney

Exhibit A
Previous Code Sections

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REVOCATION.**

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(B) It shall be unlawful for any person to haul for hire, other than a person granted a franchise pursuant to division (A) of this section, any solid waste, garbage, refuse, or rubbish within the city or away from the city; provided, that this section shall not apply to any person who elects to haul, transport, and dispose of his or her own solid waste, garbage, refuse, or rubbish, who may do so in accordance with the rules and regulations established by the City Council and only at a licensed landfill facility approved by the City Council. This section shall not be construed to prevent any person from collecting and hauling material from the city to be recycled.

(C) Any franchise granted pursuant to this section shall not be deemed a property right and may not be transferred to any person. Any sale of a solid waste collection and disposal business may not transfer any franchise issued pursuant to this section. Any person desiring to obtain a franchise must make application to the City Council.

(D) The City Council may, for cause, revoke a franchise after providing the franchisee with notice of the charges therefore and after a public hearing thereon by the City Council.

(Neb. RS 13-2020) (Prior Code, § 4-203) Penalty, see § 10.99