

ORDINANCE NO. 123

Garbage Franchise
Commercial Only

WHEREAS, the City of Magnolia does not have a garbage department and does not have personnel or equipment to provide garbage pick-up to the citizens and businesses; and

WHEREAS, John Whisnant and Dale Whisnant, partners doing business as "Lone Star Waste," have requested a non-exclusive franchise for pick-up and disposition of commercial garbage and trash; and

WHEREAS, the City Council finds that it is desirable and in the best interest of the citizens that a garbage franchise be granted on the terms set out below; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS:

Section 1. Franchise Granted. The City of Magnolia grants to John Whisnant and Dale Whisnant, partners doing business as Lone Star Waste, the right and authorization to provide a non-exclusive service for pick-up and disposition of garbage and trash, commercial only, within the limits of the City of Magnolia; and incident thereto the right to use as necessary all streets, roads, alleys and rights-of-way of the City. This franchise shall continue without interruption and be in effect for any successor or merged company or firm of Lone Star Waste.

Section 2. Term. This franchise shall be for a term of three (3) years, commencing October 1, 1985 and ending September 30, 1987.

Section 3. Commercial Rate. Charge for pick-up and disposition of commercial garbage and trash shall be at the rate of \$3.50 per cubic yard.

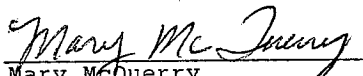
Section 4. Franchise Fees. The franchisee shall pay to the City of Magnolia 10% of collections made under this franchise. Payments shall be made monthly for each calendar month of the franchise and the franchise fee shall be paid to the City not later than the 20th day of each month, for the preceding calendar month. Payment after that date shall include a late penalty of \$5.00, but such penalty shall be waived for collections made in October and November of 1985.

Section 5. Records and Accounting. The franchisee shall maintain records of customers, of services rendered, of payments received, and calculation of franchise fees. Upon written request by the City, the franchisee shall provide such records and access to records as may be requested and during regular business hours.

PASSED and APPROVED on this 10th day of December, 1985.


D. W. Cloyd, Mayor

Attest:


Mary McQuerry
City Secretary

Approved as to form:


Burke Martin
City Attorney