

ORDINANCE NO. 87

An Ordinance of the City of Dunes City amending Ordinance No. 38, which deals with disposal of solid waste, providing for the issuance, conditions and revocations of licenses, and granting exclusive franchises for the collection of solid waste, and providing penalties and declaring certain acts unlawful.

WHEREAS, it has come to the attention of the City of Dunes City that it has previously granted an exclusive franchise for the collection of solid waste to a franchisee, via Ordinance 38, and an extension of that Ordinance by Resolution; and

WHEREAS, it has come to the attention of the City of Dunes City that Measure No. 51 was recently passed by the voters of Dunes City, repealing Ordinance No. 38, and substituting in lieu thereof a licensing system of regulating persons who wish to collect solid waste; and

WHEREAS, it has come to the attention of Dunes City that should a party apply for a license, and the applicant be qualified, the City would face the situation of having to either refuse the license and thereby be sued for discriminatory practices, or grant the license, and thereby be sued for breaching the exclusive franchise agreement; and

WHEREAS, the principal proponent of Ordinance No. 87, Mr. Loren Parker, has acknowledged the City's difficulty, and indicated that he would agree to defer the implementation of Ordinance No. 87 until the exclusive franchise holder's franchise expires, that event occurring on or about the 31st day of August, 1987; and

THEREFORE the City does ordain as follows:

Section 1 - Deferring Implementation of Ordinance No. 87  
The City hereby defers the implementation of Ordinance No. 87 until the 31st day of August, 1987.

Section 2 - A Re-enactment of Ordinance No. 38  
The City hereby adopts and re-enacts Ordinance No. 38, in its entirety, for the period of time from the 13th day of December, 1984, until the 31st day of August, 1987. Thereafter, unless there be further action by the City Council or the citizens of Dunes City through initiative and referendum, Ordinance No. 38 shall expire, be null and void, and of no further effect.

Section 3 - Resolving Conflicts Between Ordinance No. 38 and Ordinance 87  
In the event there are any conflicts between Ordinance No. 38 and Ordinance 87, the terms and provisions contained within Ordinance No. 38 shall, by the terms of this Ordinance, supercede the terms of Ordinance No. 87 between the date this Ordinance is adopted, the 13th day of December, 1984. During the above-mentioned timeframe, in the event of conflict, the City shall

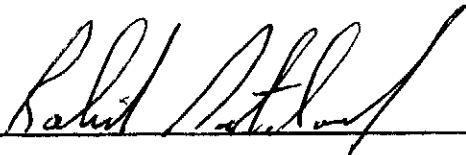
resolve issues dealing with solid waste disposal as though Ordinance No. 87 had not been adopted. Thereafter, any conflict between Ordinance No. 87 and Ordinance No. 38 shall be resolved by disregarding the conflicting terms in Ordinance No. 38, and proceeding with the terms and provisions provided in Ordinance No. 38.

The Council having declared an emergency does hereby enact this ordinance immediately.

Passed by the City Council of Dunes City, Lane County, Oregon, this 13th day of December, 1984, by the following vote:

Aye 5 Naye 0 Absent 2

APPROVED BY THE MAYOR THIS 13th  
DAY OF DECEMBER, 1984.



ROBERT PETERSDORF, Mayor  
Dunes City, Oregon

ATTEST:



BETTY STOCKING, City Recorder