

ORDINANCE # 4

AN ORDINANCE GRANTING PERMITS TO JOHN TATUM AND FRANK MATCHETT TO OPERATE A GARBAGE COLLECTION SYSTEM IN THE CITY OF ZAVALLA, ANGELINA COUNTY, TEXAS AUTHORIZING THE USE, RIGHT, PRIVILEGE, POWER AND AUTHORITY TO OPERATE OVER AND ACROSS THE STREETS, AVENUES, PARKWAYS AND PUBLIC PLACES THE NEXCESSARY EQUIPMENT FOR THE OPERATION OF A GARBAGE COLLECTION SYSTEM IN SAID CITY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ZAVALLA TEXAS:

SECTION 1. The Permit Hereby granted shall be effective from and after the date of final passage and shall remain in full force and effect for a period of one (1) year upon the payment of the annual fee and tax as hereinafter provided for. Furthermore, after the expiration of the one (1) year term of this franchise, John Tatum and Frank Matchett shall have the right to renew his franchise for an additional one (1) year term.

SECTION 2. That John Tatum and Frank Matchett sometimes in this ordinance called "Grantee", be, and he hereby is, granted the right to operate within the city limits of the City of Zavalla, a garbage collection business or system utilizing therefore the streets, alleyways, and other public thoroughfares within said city under the following terms and conditions.

The Grantee shall defend the City against all lawful claims for injury to any person or property caused by the negligence of the same in the construction or operation of its property; and in the event of a determination of liability, shall indemnify the City of Zavalla, Texas, from any and all liability, claims, demands, or judgments growing out of any injury to any person or property as a result of the violation or failure on the part of the Grantee, to observe their property duty or because of negligence in whole or in part arising out of construction, repair, extension, maintenance or operation of its equipment of any kind or character used in connection with this permit.

All rates charged by Grantee hereunder for services rendered under this permit shall be regulated by, and shall continue to be regulated by, the City of Zavalla, Texas, and Grantee hereunder shall charge no rates for which prior approval of the same has not been obtained from the City of Zavalla, Texas, by a duly passed ordinance of such City's governing body.

The permit granted by this ordinance shall be non-assignable and non-transferable except by permission of the City council.

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Grantee shall, at all times during the existence of this permit, carry insurance as follows:

- (a) Workmen compensation insurance in accordance with the laws of the State of Texas.
- (b) Motor vehicle liability insurance with limits of not less than \$100,000.00 and motor vehicle property damage insurance, with a limit of not less than \$300,000.00 to cover all motor vehicles; and
- (c) Property Damage Insurance with a limit of not less than \$50,000.00.

Failure or refusal to observe these terms and provisions of this permit by the Grantee, his successors and assigns, shall entitle the City of Zavalla, Texas, to forfeit and terminate this permit and all rights thereunder, and City of Zavalla, Texas, may exercise such right thirty (30) days after service or notice upon Grantee of failure to observe the terms thereof and upon refusal during said thirty (30) day period to perform or not as required by said permit, after such failure or violation of the terms and provisions hereof.

The Grantee will pay two (2%) per cent of his gross city collections to the City as a franchise fee. Said franchise fee will be paid quartly to the City of Zavalla, for the use, right and privileges to operate over and across the streets, alleys, parkways and public places.

It is understood and agreed that Grantee will pick-up commercial and residential garbage at least once each week, and that he will receive resonable fees for such services, not to be more than Four dollars (\$4.00) per month to residential persons and a maximum of Six dollars (6.00) per month to commercial establishments. It is futher understood that the commercial rates will be largely determined by the volume of the commercial establishment.

PASSED AND APPROVED by the City Council on first reading
this 13 day of April, 1976.



Mayor, City of Zavalla, Texas

ATTEST:



City Secretary, City of Zavalla

Mo: flats rates of \$4.00 (Four) dollars
max. of \$6.00 (Six) dollars.