

ORDINANCE NO. 1643

**AN ORDINANCE TO AMEND ORDINANCE 1583 RELATIVE
TO THE FRANCHISE FOR REFUSE SERVICES**

WHEREAS the Board of Mayor and Aldermen of the City of Manchester passed Ordinance 1583 on final reading on January 7, 2020; and

WHEREAS, pursuant to the Charter of the City of Manchester, any franchise must be granted by ordinance; and

WHEREAS the ordinance originally granting the franchise attached a contract prepared by the franchisee; and

WHEREAS subsequent examination by the franchisee revealed that the contract it prepared did not accurately reflect the submitted proposal nor the will of the Board of Mayor and Aldermen; and

WHEREAS the franchisee prepared and submitted a revised contract making certain additions to the contract originally submitted primarily addressing the following subjects:

- A) Resetting the effective date which has the effect of extending the franchise;
- B) Encompassing within the exclusive franchise certain commercial services and
- C) Expanding the coverage of commercial businesses falling within the franchise to include those which are served by “front loaded” containers up to ten (10) cubic yards capacity; and

WHEREAS the Board of Mayor and Aldermen considered these revisions/additions at its January 4, 2022 meeting and found said proposed revisions appropriate, however, the Board determined that said contract/franchise should be further modified by additional contractual language expressly providing that the franchise did not extend to any business or personal endeavor necessitating a Special Events Permit under Manchester Municipal Code or a Mass

Gathering Permit under State law or any temporary gathering or event such as a concert or other entertainment event.

BE IT THEREFORE ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF MANCHESTER, TENNESSEE that the franchise awarded by Ordinance 1583 be and it is amended as follows:

- 1) The effective date shall be the date of final passage of this Ordinance;
- 2) The scope of services shall be increased to include commercial businesses/accounts which can be served with “front loaded” containers up to a ten (10) cubic yard capacity and
- 3) That the franchise shall not extend to any event required to or obtain a Special Events Permit as required by the City of Manchester Code of Ordinances or a Mass Gathering Permit from the State of Tennessee or any temporary gathering or event such as a concert or other entertainment event.

BE IT FURTHER ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF MANCHESTER, TENNESSEE that this ordinance shall take effect on and after its publication and passage, the public welfare of the City of Manchester, Tennessee requiring it.

PASSED FIRST READING: _____ March 1 _____, 2022

PASSED SECOND AND FINAL READING: _____ April 5 _____, 2022

Marilyn Howard, Mayor

Bridget Anderson, Finance Director