ORDINANCE NO. 94- 03

AN ORDINANCE AMENDING SECTION 5.08.03 OF THE ATKINS MUNICIPAL CODE PROVIDING FOR THE RECEIVING OF NEW BIDS FROM BIDDERS INTERESTED IN OPERATING THE GARBAGE DISPOSAL SERVICE FOR RESIDENTIAL CUSTOMERS IN THE CITY OF ATKINS AND THOSE CUSTOMERS LOCATED OUTSIDE THE CITY AND RECEIVING WATER SERVICE FROM THE CITY, PROVIDING FOR THE RELETTING OF BIDS IN THE EVENT THAT THE CITY COUNCIL ADOPTS AT ANY TIME A SYSTEM OF MANDATORY COLLECTION FOR SUCH RESIDENTIAL CUSTOMERS AND FOR OTHER PURPOSES.

WHEREAS, in October of 1993 the City of Atkins invited those parties interested in bidding on the right to operate the Atkins garbage disposal service for residential customers to submit bids; and,

WHEREAS, after the right to operate such service was awarded to the apparent low bidder, the successful bidder was either unable or refused to fulfill the bidder's obligations pursuant to Chapter 5.08 of the Atkins Municipal Code; and,

WHEREAS, under those circumstances it was necessary to enter into an agreement with the garbage disposal contractor previously operating such service pursuant to Chapter 5.08 of the Atkins Municipal Code until new bids could be submitted to the Atkins City Council; and,

WHEREAS, the City Council has, during this interim period, investigated the possibility of requiring the garbage disposal service for residential customers to be mandatory; and,

WHEREAS, the City of Atkins does not wish to foreclose the possibility of considering the issue of mandatory garbage disposal in the future;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATKINS, ARKANSAS:

Section 1 : Section 5.08.03 Conditions and Requirements of the Atkins Municipal Code is hereby amended to include the following provisions beginning after the provisions that already exist in that Section as follows:

> "Provided, however, for the remainder of the year 1994 and 1995, bids must be submitted to the City Clerk no later than noon May 10, 1994. These bids will be evaluated by the City Council and the Mayor will notify the successful bidder promptly after the award has been determined. The successful bidder shall begin performing the services as required in Chapter 5.08 of the Atkins Municipal Code beginning July 5, 1994, and continuing through the end of December, 1995. In addition to the other provisions in Chapter 5.08 of the Atkins Municipal Code providing for grounds for the cancellation of the privileges granted to the Grantee, these privileges may be terminated upon thirty (30) days notice to the Grantee in the event the City adopts an Ordinance providing for mandatory collection service pertaining to residential customers lying within the city limits of the City of Atkins."

Section 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3: This ordinance being necessary for the public peace, health and safety of the citizens of Atkins, an emergency is declared and this Ordinance shall become

effective immediately upon its passage and approval.

DATED this 12th day of April, 1994.

STEPHEN KENT, Mayor

Brenda Graves

BRENDA GRAVES, City Clerk