

**CITY OF WEST POINT, KENTUCKY  
ORDINANCE NO. 2023-08**

AN ORDINANCE RELATED TO THE GRANTING OF A FRANCHISE FOR THE PROVISION OF SOLID WASTE SERVICE WITHIN THE CITY LIMITS OF WEST POINT.

**WHEREAS** the Kentucky Constitution provides the authority for the City to grant franchises for the use of a city's streets and rights-of-way of the City of West Point; and **WHEREAS** the City of West Point wishes to continue facilitating the reliable, efficient provision of solid waste collection services to its citizens and public facilities; and **WHEREAS** the provision of solid waste collection service to residents and businesses within the City requires the use of streets and rights-of-way otherwise envisioned by the framers of the Constitution as requiring a franchise; and **WHEREAS** the City of West Point advertised for proposals for a solid waste collection service franchise; and

**WHEREAS**, Republic Services of Kentucky, LLC ("Republic Services") submitted a proposal, pursuant to the advertisement; and

**WHEREAS**, the City of West Point has identified and reviewed the following: (i) the future of solid waste collection related community needs and interests of the City of West Point and its citizens; (ii) the financial, technical and legal qualifications of Republic Services; and (iii) the adequacy of the plans that Republic Services has provided for solid waste collection in the City of West Point; and

**WHEREAS**, the City of West Point has determined that Republic Services has the legal, financial and technical ability to effectuate its solid waste collection service franchise proposal; and

**WHEREAS**, the City of West Point has determined that Republic Services' solid waste collection service franchise proposal, and the terms of the franchise agreement negotiated therefrom, meets the solid waste collection related community needs and interests of the City of West Point and its citizens;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF WEST POINT, KENTUCKY, AS FOLLOWS:**

Section 1. That an exclusive solid waste collection services franchise be created and hereby is awarded to Republic Services for the provision of said services in West Point city limits.

Section 2. That the Mayor shall be, and hereby is, authorized and directed to execute a franchise agreement consistent with the terms and conditions established in the Request for Proposals and/or negotiated between the Parties.

Section 3. The Franchise Agreement granted to and acquired by Republic Services, under which Republic Services will provide such solid waste collection service, will expire by its terms on July 30, 2026 unless lawfully renewed pursuant to the terms of the Franchise Agreement.

Section 4. That the statements set forth in the Preamble to this ordinance are hereby incorporated in this ordinance by reference, the same as if set forth at length herein.

Section 5. All prior ordinances, municipal orders, or policies or parts thereof in conflict herewith, are to the extent of such conflict, hereby repealed.

Section 6. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unlawful by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.


Section 7. This Ordinance shall become effective immediately upon passage and publication.

First Read at a Special Council Meeting on December 18, 2023.

Second reading on January 8, 2024

APPROVED:  \_\_\_\_\_

Richard A. Ciresi, Mayor

ATTEST:  \_\_\_\_\_

Ashley Gates, City Clerk