

Ordinance No. 298

AN ORDINANCE OF THE CITY OF CLARK FORK, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, AMENDING ORDINANCE #297 TO PROVIDE FOR THE CORRECT WASTE MANAGEMENT CORPORATION OPERATING WASTE COLLECTION AND DISPOSAL SERVICES IN THE CITY; PROVIDING FOR SEVERABILITY AND REPEALING PROVISIONS IN CONFLICT WITH THE ORDINANCE, AND PROVIDING AN EFFECTIVE DATE UPON PASSAGE AND PUBLICATION.

WHEREAS, the City of Clark Fork passed Ordinance #297 granting Waste Management with the right, privilege, and franchise to operate waste collection and disposal services within the county;

WHEREAS, the Waste Management, Inc. identified in Ordinance #297 was described as a Texas Corporation whereas the Waste Management operating the waste management franchise within the city is Waste Management of Idaho, Inc., an Idaho Corporation;

WHEREAS, the City of Clark Fork desires to amend the Ordinance to reflect the correct corporation.

THEREFORE, BE IT ORDAINED by the Mayor and City Council of the city of Clark Fork, Bonner County, Idaho:

Section 1 - Amendment: That the Ordinance Summary of Clark Fork City Ordinance #297 is hereby amended to read as follows:

AN ORDINANCE OF THE CITY OF CLARK FORK, BONNER COUNTY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, GRANTING WASTE MANAGEMENT OF IDAHO, INC., AN ~~TEXAS~~IDAHO CORPORATION, WITH THE RIGHT, PRIVILEGE, AND FRANCHISE TO OPERATE SOLID WASTE COLLECTION AND DISPOSAL SERVICES WITHIN THE CITY, SUBJECT TO THE TERMS, PROVISIONS AND LIMITATIONS CONTAINED WITHIN THE AGREEMENT; CHARGING FEES IN SUCH AMOUNTS AND IN SUCH MANNER AS SET FORTH WITHIN THE AGREEMENT; TO PROVIDE THAT SAID FRANCHISE WILL REMAIN IN FULL FORCE AND EFFECT FOR A PERIOD OF FIVE YEARS; PROVIDING FOR APPROVAL AND RATIFICATION OF THE WRITTEN FRANCHISE AGREEMENT BETWEEN THE FRANCHISE HOLDER AND THE CITY; REPEALING ANY ORDINANCES OR SECTIONS THEREIN THAT ARE IN CONFLICT; DECLARING THE ORDINANCE SEVERABLE; AND PROVIDING FOR AN EFFECTIVE DATE.

Section 2 - Amendment: That the First Statement of Clark Fork City Ordinance #297 is hereby amended to read as follows:

WHEREAS, Waste Management of Idaho, Inc., an ~~Texas~~Idaho Corporation authorized to do business within the state of Idaho, has operated and provided solid waste collection and

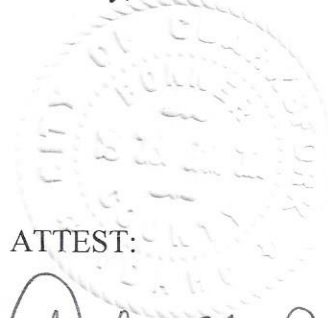
disposal services within the City of Clark Fork, State of Idaho (the "City"), pursuant to Ordinance 238 and Ordinance 263 since 2004;

Section 3 - Severability: This ordinance shall be severable. Should any portion of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.

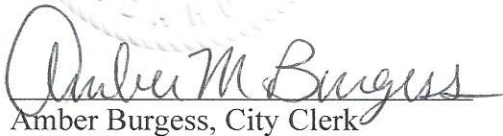
Section 4 – Repealer: This ordinance shall supersede previously enacted ordinances governing the same matter. All provisions of the current ordinances of the city of Clark Fork which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 5 - Effectiveness: This ordinance and the amendments contained herein shall be effective upon its passage and publication as provided by law. All other provisions within Ordinance #251 which have not been amended shall remain in full force and effect.

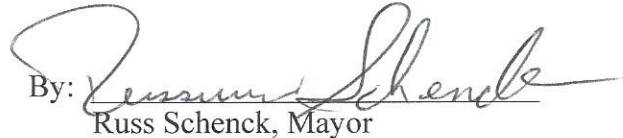
PASSED under suspension of the rules upon which a roll call vote was taken, duly enacted at a convened meeting of the city of Clark Fork City Council as an Ordinance of the city of Clark Fork, Bonner County, Idaho, and APPROVED by the Mayor on the 12th day of February, 2024.



ATTEST:


Amber Burgess, City Clerk

CITY OF CLARK FORK:

By: 
Russ Schenck, Mayor

CITY COUNCIL MEMBERS

Tanya Becker

Shari Jones

Sharon Banning

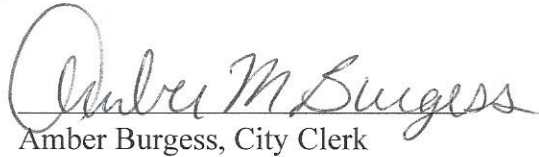
Jay White

YES	NO	ABSENT
<u>√</u>	_____	_____
<u>√</u>	_____	_____
<u>√</u>	_____	_____
<u>√</u>	_____	_____

SUMMARY OF ORDINANCE NO. 298
ORDINANCE NO. 298, AMENDING CITY OF CLARK FORK ORDINANCE #297

SUMMARY: The City of Clark Fork adopted Ordinance Number 298 on February 12, 2024, amending City of Clark Fork's Waste Management Franchise Ordinance #297. This ordinance provides for the correct Waste Management Corporation operating waste collection and disposal services within the city. It also provides for severability, repeals provisions in conflict with the ordinance, and provides an effective date upon passage and publication.

The full text of Ordinance No. 298 is available for review at Clark Fork City Hall, 110 3rd Ave., Clark Fork, Idaho, during regular business hours and on the City of Clark Fork website. This summary shall be filed with the adopted Ordinance.


Amber Burgess, City Clerk

Publish once in the Bonner County Daily Bee or other newspaper of general circulation for which notice requirements may be satisfied.

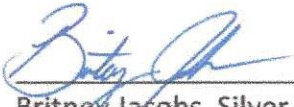
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CITY ATTORNEY REVIEW:

The undersigned, City of Clark Fork legal counsel, having reviewed Ordinance No. 298 and the summary for the same, believes the summary is true and complete and that it provides adequate notice to the public of the identity, principal provisions, and effective date of the ordinance.

The full text of Ordinance No. 298 is available for review at Clark Fork City Hall, 110 3rd Ave., Clark Fork, Idaho, during regular business hours and on the City of Clark Fork website. This summary shall be filed with the adopted ordinance.



Britney Jacobs, Silver Valley Law
Attorney for the City of Clark Fork

February 14, 2024

Date