

ORDINANCE NO. 116

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, GRANTING FRANCHISES FOR FIVE YEARS FROM THE DATE OF CITY'S INCORPORATION OR THROUGH THE REMAINING TERM OF A PRE-EXISTING FRANCHISE, WHICHEVER IS THE SHORTER, PER RCW 35.02.160 TO LAKEWOOD REFUSE, INC., CITY OF TACOMA DEPARTMENT OF PUBLIC UTILITIES LIGHT AND WATER DIVISIONS, DAY ISLAND CLUB, CITY OF FIRCREST ELECTRIC, WATER AND SANITARY SEWER UTILITIES, WASHINGTON NATURAL GAS COMPANY, AND TCI COMMUNICATIONS, INC.

WHEREAS, the City of University Place incorporated on August 31, 1995; and

WHEREAS, RCW 35.02.160 provides that any franchise or permit theretofore granted to any person, firm, or corporation by the state or county authorizing or otherwise permitting the operation of any public transportation, garbage collection and/or disposal, or other similar public service business or facility, is automatically canceled upon incorporation, but that upon incorporation the City must grant such businesses a franchise or permit to continue such business within the City for a term of not less than the remaining term of the original franchise or permit, or five years from the date of incorporation, whichever is the shorter; and

WHEREAS, pursuant to RCW 35.02.160, the City of University Place has recognized from the date of incorporation to the present the right of franchisees and permit holders to continue their operations within the City; and

WHEREAS, the City wishes to now formally recognize the remaining terms statutorily mandated for franchises and permits; NOW THEREFORE:

THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Granting a Permit to Lakewood Refuse. Lakewood Refuse is hereby granted a permit to collect solid waste under the same terms and conditions as set forth in Washington Utilities and Transportation Permit No. G-18 dated February 1, 1995. This permit shall expire on August 31, 2000.

Section 2. Granting a Franchise to the City of Tacoma, Department of Public Utilities, Light Division. The City of Tacoma, Department of Public Utilities, Light Division, is hereby granted a franchise to construct, maintain and operate transmission and distribution lines for transmitting and distributing electrical energy, as set forth in more particularity in the Franchise Agreement adopted by the Pierce County Council on August 29, 1978. This franchise shall expire on August 31, 2000.

Section 3. Granting a Franchise to the City of Tacoma, Department of Public Utilities, Water Division. The City of Tacoma, Department of Public Utilities, Water Division, is hereby granted a franchise to construct and maintain water pipelines for a water system, as set forth in more particularity in the franchise agreement adopted by the Pierce County Council on February 27, 1978 and the supplemental franchise No. 3 adopted on November 21, 1978. This franchise shall expire on August 31, 2000.

Section 4. Granting a Franchise to the Day Island Club. The Day Island Club is hereby granted a franchise to construct, operate and maintain a water line system as set forth in more particularity in the franchise agreement adopted by the Pierce County Council on May 19, 1987. This franchise shall expire on August 31, 2000.

Section 5. Granting a Franchise to the City of Fircrest Electric Utility The City of Fircrest Electric Utility is hereby granted a franchise to construct, maintain and operate electrical transmission and distribution lines as set forth in more particularity in the franchise agreement adopted by the Pierce County Council on August 25, 1987 and the supplemental franchise No. 1 on October 4, 1994. This franchise shall expire on August 31, 2000.

Section 6. Granting a Franchise to the City of Fircrest Sanitary Sewer Utility. The City of Fircrest Sanitary Sewer Utility is hereby granted a franchise to construct, operate and maintain a sanitary sewer system as set forth in more particularity in the franchise agreement adopted by the Pierce County Council on September 18, 1990. This franchise shall expire on August 31, 2000.

Section 7. Granting a Franchise to the City of Fircrest Water Utility. The City of Fircrest Water Utility is hereby granted a franchise to construct, operate and maintain a water system as set forth in more particularity in the franchise agreement adopted by the Pierce County Council on October 4, 1994. This franchise shall expire on August 31, 2000.

Section 8. Granting a Franchise to Washington Natural Gas Company. The Washington Natural Gas Company is hereby granted a franchise to construct, operate and maintain a gas distribution system as set forth in more particularity in the franchise agreement adopted by the Pierce County Council on January 21, 1975. This franchise shall expire on August 31, 2000.

Section 9. Granting a Franchise to TCI Communications Inc. TCI Communications Inc. is hereby granted a franchise to operate and maintain a cable television system, as set forth in the franchise agreement originally granted by Pierce County to Cable TV Puget Sound, Inc. on September 23, 1983 and subsequently amended by County Ordinances Numbers 95-123, 87-17, and 87-60S. This franchise shall expire on August 31, 2000.

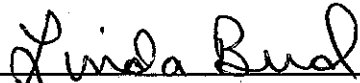
Section 10. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 11. Directions to City Clerk. The City Clerk is hereby authorized and directed to forward certified copies of this ordinance to the franchisees and permit holders as set forth in this ordinance.

Section 12. Official Bonds. The franchisee shall take all necessary steps to transfer any bonds, certificates of insurance, or other security currently held by Pierce County or the Washington Utilities and Transportation Commission to the City of University Place, if the franchisee has not already done so.

Section 13. Effective Date. This ordinance shall take effect and be in full force five (5) days after the date of publication or the date of incorporation as the law may require. The City Clerk is hereby directed to publish this ordinance in full.

PASSED BY THE CITY COUNCIL ON SEPTEMBER 16, 1996




Linda Bird, Mayor Pro Tem

ATTEST:



Susan Matthew, City Clerk

APPROVED AS TO FORM:



Timothy X. Sullivan, City Attorney

Date of Publication: 9-18-96

Effective Date: 9-23-96