

ORDINANCE NO. 11-01

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIDGECREST AMENDING THE RIDGECREST MUNICIPAL CODE AS IT RELATES TO INTERIM FRANCHISES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIDGECREST as follows:

1. Purpose.

Sections 3-5.104 and 3-5.105 of the Ridgecrest Municipal Code require that certain franchises may only be granted pursuant to a specified procedure. This procedure requires preparation of certain reports, noticed public hearings, and approval of the franchise by ordinance.

The following ordinance amends the Municipal Code to provide an alternative procedure to issue interim franchises where necessary to preserve public health and safety.

2. Amendment.

Section 3-5.113 is added to the Ridgecrest Municipal Code to read as follows:

“Section 3-5.113: Interim Franchise.

(a) Notwithstanding Municipal Code Sections 3-5.104 and 3-5.105, the city council may award an interim franchise by resolution to prevent disruption of service to the public upon the conditions set forth in this section. The city council shall not be required to hold a hearing pursuant to Section 3-5.105 prior to issuing an interim franchise under this section.

(b) Before it can award an interim franchise, the city council must find the award is necessary to prevent the interruption of public services such that the award is necessary to protect the public health, safety, and welfare of the City.

(c) An interim franchise shall include conditions necessary to protect the public health, safety and welfare, including at least the following:

(1) The interim franchise service may be on the same terms and conditions of the preceding franchise.

(2) The maximum term of the interim franchise shall be one hundred and twenty (120) days.

(3) The interim franchisee shall be permitted to propose to provide permanent franchise services, but shall not be given a more favorable evaluation merely because interim franchise services have been provided.

(4) The franchise shall not confer any privilege or exemption except as specifically prescribed in this article.”

3. Urgency Ordinance.

The City Council finds and declares that the failure of this ordinance to take immediate effect could result in the interruption of trash service. Therefore the City Council finds that it is necessary for this ordinance to take immediate effect in order to preserve the health and welfare of the citizens of Ridgecrest. This ordinance was passed by a four fifths vote and shall be effective immediately upon passage

4. Other.

Except as otherwise provided, the Ridgecrest Municipal Code is reaffirmed and readopted.”

PASSED, APPROVED, AND ADOPTED at a regular meeting of said City Council held on August 3, 2011, by the following roll call vote:

AYES: Mayor Ronald H. Carter; Council Members Marshall ‘Chip’ Holloway; Steven P. Morgan; Jerry D. Taylor; and Jason Patin
NOES: None
ABSENT: None
ABSTAIN: None



Ronald H. Carter, Mayor

ATTEST:



Rachel J. Ford, CMC,
City Clerk