

ORDINANCE NO. 623

AN ORDINANCE PROVIDING FOR THE GENERAL HEALTH OF THE CITY OF PAYETTE, PROVIDING FOR THE ESTABLISHMENT OF A SANITARY SERVICE SYSTEM, PROVIDING FOR UNIVERSAL REFUSE COLLECTION WITHIN THE CITY OF PAYETTE, PROVIDING CHARGES AND REGULATIONS FOR SUCH COLLECTION, PROVIDING FOR LICENSING OF COLLECTORS, DECLARING UNDISPOSED OF REFUSE TO BE A NUISANCE, IMPOSING PENALTIES FOR VIOLATION, AND REPEALING CHAPTER 1 OF TITLE 5, REVISED CODE OF PAYETTE, 1946, AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF PAYETTE, IDAHO.

SECTION 1. Definitions-

- A. The term "waste" shall mean unwanted solid, liquid or gaseous materials.
- B. The term "refuse" shall mean solid wastes, including garbage and rubbish.
- C. The term "garbage" shall include all putrescible waste, except sewage and body waste, including waste accumulated of animal, food or vegetable matter, and including waste that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit and vegetables, and shall include all of such wastes or accumulations of vegetable matter of residences, restaurants, hotels and places where food is prepared for human consumption. The term "garbage" shall not include recognized industrial byproducts.
- D. The term "rubbish" shall mean refuse other than garbage (tin cans, bottles, ashes, paper, pasteboard, cardboard, or wooden boxes, brush, leaves, weeds, and cuttings from trees, lawns, shrubs, and gardens or other waste materials produced in normal course of doing business, or every day living.) The term "rubbish" shall not include recognized industrial byproducts.
- E. The term "person" shall mean any person, firm, partnership, association, institute or corporation, and in the plural as well as singular.
- F. The terms "owner" and "occupant" wherever herein used may be used interchangeably, and shall mean every person in possession, charge or in control of any dwelling, flat, rooming house, or any eating place, shop, place of business, manufacturing or business establishment where garbage or other refuse is created or accumulated.
- G. The term "inspector" shall mean the authorized employee or employees of the City of Payette or some individual designated by the City Council as having the duty of the enforcement of this Ordinance.
- H. The term "collector", wherever herein used, shall mean the person holding a license to contract with the City of Payette, or employed by the City of Payette, and thereby authorized and designated by the City of Payette to collect, handle, transport and dispose of refuse and wastes.

SECTION 2. Universal Use of the System.

Every owner and occupant of premises within the limits of the City of Payette must use the refuse collection and disposal system herein provided and shall deposit or cause to be deposited in accordance with this regulation all rubbish and garbage that is of such nature that it is perishable, or may decompose, or may be scattered by wind or otherwise, which is accumulated on such premises. Provided, however, that nothing herein shall be construed to prohibit any owner

or occupant from transporting and disposing of refuse accumulated on his own premises, subject to all regulations herein contained or hereunder adopted relative to the accumulation, collection, transportation and disposal thereof. Provided, further, however, that any such owner or occupant shall at least one week prior to the beginning of the calendar month file a Notice of Intention to transport and dispose of refuse accumulated on his own premises, in the office of the City Clerk upon forms to be provided by such office; such Notice of Intention may be withdrawn by such owner or occupant upon notification to the office of the City Clerk at least one week prior to the beginning of the calendar month in which they desire refuse collection service.

SECTION 3. Requirements for Vehicles.

The actual producers of refuse, or the owners of premises upon which refuse is accumulated, who desire personally to collect and dispose of refuse, persons who desire to dispose of waste material not included in the definition of refuse or not acceptable for collection, and collectors of refuse from outside of the City who desire to haul over the streets of the City, shall use a vehicle so equipped and operated as to prevent offensive odors escaping therefrom and waste from being blown, dropped or spilled.

SECTION 4. Refuse Collection.

There is hereby established a system of refuse collection, transportation, and disposal. It shall be unlawful to engage in the business of collecting, transporting, hauling, or conveying of any refuse over the streets or alleys of Payette, or to dump or dispose of the same, unless and until such person is licensed therefor, or has a contract therefor as an authorized representative of the City of Payette.

SECTION 5. Refuse Accumulation Unlawful.

It shall be unlawful to permit or to suffer to accumulate in or about any public or private premises any garbage or tin cans, except in covered containers of an approved type hereinafter set forth, or any other rubbish so as to cause such premises to be or remain in such condition as to create a nuisance or offensive odor or atmosphere or rodent harborage.

SECTION 6. Burning, Dumping -- Unlawful.

No person shall burn, incinerate, bury, dump, collect, remove or in any other manner dispose of rubbish or garbage within the limits of Payette except as herein after provided:

- A. Interior Incinerators--Any person, firm, or corporation may use an incinerator in the interior of a building between the hours of 7:00 A. M. and 7:00 P. M., provided such incinerator meets the requirements of the Uniform Building Code.
- B. Open Burning--Burning of rubbish may be done by an owner or occupant upon his own private premises, subject to the fire regulations of the City of Payette.
- C. No person shall throw, discard or deposit any rubbish, garbage or refuse in or upon any street, alley, sidewalk or vacant ground or in or upon any canal, irrigation ditch, drainage ditch or other water course, unless upon express permit granted by the City Council.

SECTION 7. Garbage Containers.

Such containers shall be constructed of metal or other approved material in such manner as to be strong, not easily corrodible, rodent and fly proof, shall have two handles (except that cans having a capacity of ten gallons or less may have bails instead of handles), shall have a capacity of not more than thirty-two gallons, shall have tight covers and such containers shall be kept in sanitary condition.

SECTION 8. Use of Containers.

All garbage shall be drained free of liquids and well wrapped with paper before it is placed in the container. No free liquids shall be placed in the container. No such container when filled shall weigh more than one hundred pounds. Lids of such containers shall not be removed except when necessary to place garbage and rubbish in such container or to take the same therefrom and shall be immediately replaced by the person removing the same.

SECTION 9. Rubbish - Special Handling.

Rubbish consisting only of cardboard, or wooden boxes, brush, leaves, weeds, and cuttings from trees, lawns, shrubs, and gardens, may be kept separately without depositing in such containers providing that bulk materials, such as leaves shall be in a can, box, sack, or receptacle for ease of loading and that brush,

etc. shall be tied in bundles not to exceed four (4) feet in length. All containers, receptacles or bundles shall be of such kind and weight that they can be handled by one man. Compost piles may be maintained for fertilization purposes, and matter used for fertilization purposes only may be transported, kept and used, provided the same shall not constitute a nuisance. Nothing in this section shall be construed so as to permit the violation of any ordinance, or any rule or regulation of the Fire Department of Payette.

SECTION 10. Collection.

- A. Rubbish and garbage shall be collected from all premises within the City of Payette at least once each week. Such premises wherein large accumulations of garbage occur may be classified separately with more frequent collection from such premises. The City Council shall establish a schedule of collection and the owner or occupant of all premises within the City of Payette shall place all refuse at the alley line of said premises upon the day scheduled for pickup for such premises.

Provided, that where there is no alley entrance to such premises such or at inside edge of sidewalk where the sidewalk is adjacent to the curb, refuse shall be placed at the street curb/on collection days, but shall not be so placed except on collection days.

- B. The collector shall collect a reasonable accumulation of refuse during a collection period but shall have the authority to refuse to collect unreasonable amounts.

SECTION 11. Collection Fees.

Fees and rates for the collection of refuse at residences shall be One Dollar (\$1.00) per month for single family residences and seventy-five cents (\$.75) per month per dwelling unit for multiple dwelling residences, payable by the owner of the premises. The fees for all other premises from which refuse is collected shall be set by negotiation and contract between the City and the owner or occupant. No charge will be made during the time the premises are vacant and no refuse is collected therefrom, provided such period of time is not less than thirty (30) days and provided further that notice of such vacancy shall be given to the City Clerk prior to such vacancy.

The fees herein established shall be subject to modification upon application to the City Council by the owner or occupant in all cases where fees so established shall be unjust or oppressive.

SECTION 12. Method of Collection.

Fees shall be carried on the water bills, wherever applicable, and the water department is authorized and directed to discontinue services to any premises where the entire water and refuse collection bill is not paid, in the same manner that service is discontinued for non-payment of water bill.

All fees shall be paid by the person responsible for the same at the office of the City Clerk within ten (10) days after receipt of a statement, and if not paid the same shall become delinquent and after sixty (60) days delinquency a charge of fifty cents (\$.50) shall be added to the account. For failure to pay such charge the City may levy a special assessment against the premises in such amount and in such manner as other special assessments are levied and foreclose the same in the manner provided for the foreclosure and collection of other special assessments.

SECTION 13. Deposit Required--Exceptions.

From each tenant or lessee of property the City Clerk shall, before collection services are rendered, collect and receive a deposit in the sum of Five Dollars (\$5.00), which deposit shall be collected to secure the payment of collection charges thereafter incurred by such tenant or lessee. Such deposit shall not be required from persons owning their own premises or in cases where the owner of the premises is directly obligated for all collection charges made against said premises or where the owner of such premises guarantees such obligation in writing. In all cases where coll-^{ection} deposits shall have been made by a tenant, the owner of the premises shall not be liable for any collection services furnished to such tenant. No deposit shall be required if such tenant or lessee shall file a declaration of intention to transport and dispose of refuse accumulated on said premises.

SECTION 14. Disposition of fees.

All fees and charges herein provided when collected shall be placed in the General Fund of the City of Payette.

SECTION 15. Disposal of Refuse.

The disposal of all refuse collected, pursuant to the provisions of this Ordinance, shall be in the city dump and under the supervision of the City Superintendent.

SECTION 16. Inspection.

All appropriate officers of the City of Fayette shall have the right of ingress or egress to any premises for the purpose of inspecting all places and containers where rubbish or garbage is accumulated or kept.

SECTION 17. Licensing and Contracting.

The Mayor and Council of the City of Fayette is the sole authority to license, contract or perform all services pertaining to sanitary collection and disposal under this ordinance, and to establish reasonable fees for licenses and is authorized to enter into contracts with one or more contractors, and may establish reasonable rules and regulations governing the conduct and operation of such licensees or contractors.

The City Council may require of any such collector or contractor a bond in a reasonable amount, the condition of which shall be the satisfactory performance of the contract.

SECTION 18. Materials not Acceptable for Collection.

Dirt or earth debris from construction or lawn renovation, rocks, stones, automobile bodies and parts, dead animals too large to be handled by one man, building materials such as masonry, plaster, scrap lumber, and wood shavings, are not acceptable for collection, and such items shall be collected and disposed of by the building contractor, owner, or occupant of the premises.

SECTION 19. Special Collections.

Nothing herein shall be construed to in any manner affect special collections ordered by the City Council or proclaimed by the Mayor.

SECTION 20. Penalties.

Any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than One Dollar (\$1.00) nor more than One Hundred Dollars (\$100.00).

SECTION 21.

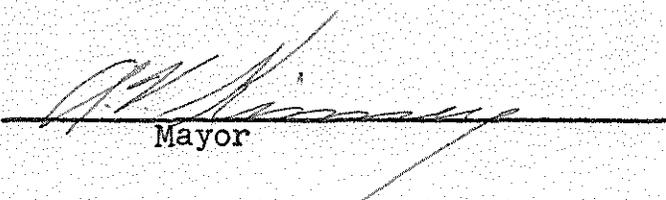
Chapter 1 of Title 5, Revised Code of Fayette, 1946, shall be and the same is hereby repealed and all other ordinances and parts and sections of ordinances which might be in conflict herewith are hereby repealed.

SECTION 22.

This Ordinance shall be in full force and effect from and after the 1st day of December, 1958.

Passed by the Council this 17th day of November, 1958.

Approved by the Mayor this 17th day of November, 1958.



Mayor

ATTEST:



City Clerk