

ORDINANCE NUMBER 1266

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING SECTIONS 8.08.070, 8.08.080, 8.08.090, 8.08.100, 8.080110 and 8.08.120 OF THE PAYETTE MUNICIPAL CODE TO REQUIRE THE USE OF 95 GALLON ROLL CARTS; REMOVING THE 100 POUND WEIGHT LIMITATION; REQUIRING ALL GARBAGE TO BE PLACED IN THE CONTAINERS; REQUIRING PLACEMENT OF THE CONTAINERS AT CURBSIDE OR THE FRONT PROPERTY LINE; REQUIRING A CONTAINER RENTAL FEE AND A DELINQUENCY CHARGE; SETTING AN EFFECTIVE DATE; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER; ESTABLISHING A PENALTY;

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

Section 1. Section 8.08.070 of the Payette Municipal Code, is hereby amended to read as follows:

8.08.070 Containers--Construction Requirements--Sanitary Maintenance: Containers at one-family and two-family dwellings shall be ~~constructed of metal or other approved material in such manner as to be strong, not easily corroded, rodent and flyproof, shall have two (2) handles (except that cans having a capacity of ten (10) gallons or less may have bails instead of handles), shall have a capacity of not more than thirty two (32) gallons, shall have tight covers and such containers shall be kept in a sanitary condition.~~ a 95 gallon roll cart which has been approved by the City and supplied by the Collector.

Containers at multiple-family dwellings shall have at least a one-half (1/2) cubic yard capacity for each dwelling unit, unless a smaller capacity is approved by the collector. The containers shall be constructed of twelve (12) or fourteen (14) gauge steel and have lids covering the same. Front loading containers shall have wheels or skids, steel channels to enable loading with a hydraulic lift, and shall have a capacity from two to ten (2 - 10) cubic yards. Rear loading containers shall have four (4) wheels, steel bars to enable loading with a hydraulic lift and shall have a capacity from one to three (1 - 3) cubic yards. All such containers shall be subject to the approval of the collector.

Residential users may elect to use garbage receptacles approved by the Mayor and City Council, which receptacles are capable of being picked up by a franchisee of the City with equipment designed to be compatible with that container.

Section 2. Section 8.08.080 of the Payette Municipal Code, is hereby amended to read as follows

8.08.080 Containers--Use: 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 (100) pounds, except for the rear loading and front loading containers described in Section 8.08.070.~~ Lids of such containers shall not be removed except when necessary to place garbage and rubbish in such containers or to take the same therefrom and shall be immediately replaced by the person removing the same.

Section 3. Section 8.08.090 of the Payette Municipal Code, is hereby amended to read as follows

8.08.090 Handling Of Certain Kinds Of Rubbish--Compost Piles:

A. Rubbish consisting only of cardboard or wooden boxes and/or brush, leaves, weeds and cuttings from trees, lawns, shrubs and gardens, ~~may shall not be kept separately be without depositing~~ deposited in garbage containers provided by the collector.; ~~provided, that bulk materials, such as leaves shall be in a can, box, sack or receptacle for ease of loading, and that brush shall be tied in bundles not to exceed four feet (4') in length. All containers, receptacles or bundles shall be of such kind and weight that they can be handled by one man.~~

B. Compost piles may be maintained for fertilization purposes, and matter used for fertilization purposes only may be transported, kept and used; provided, that the same shall not constitute a nuisance.

C. Nothing in this Section shall be construed so as to permit the violation of any rule or regulation of the Fire Department.

Section 4. Section 8.08.100 of the Payette Municipal Code, is hereby amended to read as follows

8.08.100 Collection--Schedule--Placement--Reasonable Amounts:

A. Rubbish and garbage shall be collected from all premises within the City 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 Council shall establish a schedule of collection, and the owner or occupant of all premises within the City shall place all refuse at the street curb, at the inside edge of the sidewalk where the sidewalk is adjacent to the curb, or front property line adjoining the public road or right of way and not in 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 refuse shall be placed at the street curb or at the inside edge of the sidewalk where the sidewalk is adjacent to the 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 5. Section 8.08.110 of the Payette Municipal Code, is hereby amended in part to read as follows

8.08.110 Collection--Fees: Fees and rates for collection of refuse at residences shall be ten dollars seventy five cents (\$10.75) per month per dwelling unit, payable by the owner of the premises. Other rates are set as follows:

~~A. Two dollars (\$2.00) for each additional can over the three (3) can limit.~~

BA. Two dollars thirty five cents (\$2.35) per month for rental of a ninety five (95) gallon cart.

~~B.~~ Commercial rates are set as follows:

The remainder of 8.08.110 shall remain unchanged.

Section 6. Section 8.08.120 of the Payette Municipal Code, is hereby amended to read as follows

8.08.120 Collection--Billing And Payment Procedure:

A. 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 nonpayment of a water bill.

B. 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 (\$0.50)~~ two dollars (\$2.00) 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 forecloses the same in the manner provided for the foreclosure and collection of other special assessments.

Section 7. This Ordinance may be published in summary form allowed by Idaho Code.

Section 8. This Ordinance shall be in full force and effect immediately upon passage and publication as required by the laws of the State of Idaho.

Section 9. Any ordinances or resolutions which are in conflict with this Ordinance are hereby repealed, but only insofar as the conflict exists.

Section 10. If any portion of this Ordinance should be found to be unconstitutional or unenforceable for any reason, the remainder of the Ordinance shall be applied to effectuate the purposes of this Ordinance.

Section 11. Any violation of this Ordinance shall be a misdemeanor punishable by up to a \$1,000.00 fine and six months in the Payette County Jail, or both. In addition to, or in lieu of, any criminal charges, the City shall be allowed to bring an action for enforcement or abatement of any inconsistent use. In any such action the City shall be allowed to recover all fees and costs.

PASSED and APPROVED by the Mayor and City Council of the City of Payette, Idaho this 5th day of July, 2006.

CITY OF PAYETTE, IDAHO

by *Douglas E. Henderson*
DOUGLAS E. HENDERSON, Mayor

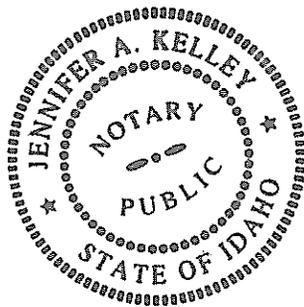
ATTEST:

Mary Cordova
Mary Cordova, City Clerk

State of Idaho)
) ss.
County of Payette)

On this 5th day of July, in the year of 2006, before me Jennifer A. Kelley, a notary public, personally appeared MARY CORDOVA and DOUGLAS E. HENDERSON, personally known to me to be the persons whose name is subscribed to the within instrument, and acknowledged to me that they executed the same on behalf of the City of Payette in their official capacities as Mayor and City Clerk.

Jennifer Kelley
Notary Public for Idaho
Residing at: Payette ID
Commission expires: 12-11-2008





CITY OF PAYETTE, IDAHO

AGENDA STATEMENT

To: Honorable Mayor Henderson and Members of the Payette City Council
From: Mary Cordova, City Clerk *MC*
Date: 6/30/2006
Re: Ordinance 1266 – Automated Garbage Service

BACKGROUND & JUSTIFICATION:

At the June 5th regular meeting of the Council, Mr. Darrell Hardin, of Hardin Sanitation, proposed the City implement a fully automated refuse collection service. Mr. Hardin explained and summarized costs, benefits, and implementation plans to switch to fully automated collection of garbage.

During the meeting, Mr. Hardin responded to questions regarding the new containers, financial implications, environmental benefits, public consultation and the success of automated systems in other neighboring cities. Mr. Hardin explained that he can begin to phase in the automated system, beginning in August, 2006

Administration believes that an automated refuse service will be beneficial to the City and presents an ordinance to allow for automated refuse collection for Council consideration.

RECOMMENDATION:

THAT Council approve Ordinance 1266 authorizing the implementation of fully automated garbage collection beginning in mid August, 2006.

SUMMARY OF ORDINANCE 1266

Ordinance 1266 is an ordinance of the City Of Payette, Idaho, adopted July 5, 2006. The ordinance may be descriptively known as the Payette City Automated Refuse Ordinance. The Ordinance amends sections 8.08.070, 8.08.080, 8.08.090, 8.08.100, 8.080.110 and 8.08.120 of the Payette Municipal Code to require the use of 95 gallon roll carts; removing the 100 pound weight limitation; requiring all garbage to be placed in the containers; requiring placement of the containers at curbside or the front property line; requiring a container rental fee and a delinquency charge. Ordinance 1265 provides that violations of this ordinance are a misdemeanor punishable by a \$1,000.00 fine or by imprisonment for six months in the Payette county jail, or both; The Ordinance provides a severability clause, provides for publication by summary, sets an effective date, and establishes a repealer.

I, Bert L. Osborn, City Attorney for the City of Payette Idaho, certify that I am familiar with Ordinance 1266 of the City of Payette, Idaho and with the foregoing summary. The summary is true and complete and provides adequate notice to the public. The full text is on file with the Payette City Clerk and shall promptly be made available to any citizen upon request.

Dated this 6th day of July, 2006.



Bert L. Osborn