

ORDINANCE NO. 383

By COUNCILMAN Hartung.

AN ORDINANCE TO REGULATE AND PROVIDE FOR THE COLLECTION AND DISPOSAL OF GARBAGE IN THE CITY OF PAYETTE, IDAHO: TO REGULATE AND PROVIDE FOR THE REMOVAL OF ASHES, CANS, MANURE, REFUSE AND RUBBISH IN THE CITY OF PAYETTE, IDAHO: DEFINING THE TERM "GARBAGE" AND DECLARING GARBAGE AND THE COLLECTION OR DISPOSAL OF GARBAGE IN ANY OTHER MANNER THAN AS HEREIN PROVIDED TO BE UNLAWFUL, AND AUTHORIZING THE MAYOR AND COUNCIL TO ENTER INTO CONTRACTS FOR THE REMOVAL AND DISPOSAL OF GARBAGE IN PAYETTE, IDAHO, ON SUCH TERMS AND CONDITIONS AND IN SUCH MANNER AS THEY MAY DEEM BEST TO PROTECT THE BEST INTERESTS AND HEALTH OF THE RESIDENTS THEREOF: AND DIVIDING THE CITY OF PAYETTE INTO THREE (3) DISTRICTS FOR THE PURPOSE OF COLLECTION AND THE DISPOSAL OF GARBAGE AND AUTHORIZING THE MAYOR AND CITY COUNCIL TO CHANGE THE BOUNDARIES OF SUCH DISTRICTS AT ANY TIME THEY DEEM IT NECESSARY OR EXPEDIENT: PRESCRIBING THE COMPENSATION THAT MAY BE CHARGED FOR THE REMOVAL OF ASHES, CANS, MANURE, REFUSE AND RUBBISH AND PROVIDING THAT IF ANY PERSON, FIRM OR CORPORATION BEING THE OWNER OF ANY PREMISES OR HAVING CONTROL OF ANY PREMISES WITHIN THE CITY OF PAYETTE, IDAHO, SHALL FAIL, NEGLECT OR REFUSE TO REMOVE OR CAUSE, ASHES, CANS, MANURE, REFUSE AND RUBBISH, TO BE COLLECTED AND REMOVED, THE CITY OF PAYETTE MAY CAUSE SAME TO BE REMOVED AND TO CHARGE THE EXPENSES OF THE SAME TO THE PROPERTY OWNER AND SUCH EXPENSES TO BE CERTIFIED TO THE PROPER OFFICER AND BECOME A LIEN AGAINST THE PROPERTY: AND DECLARING THAT A VIOLATION OF ANY OF THE PROVISIONS OF THIS ORDINANCE SHALL CONSTITUTE A MISDEMEANOR, AND PRESCRIBING THE PENALTY THEREFOR.

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

WHEREAS, In the interest and protection of the public health, comfort and safety of the residents of the City of Payette,

Idaho, it is by the Mayor and City Council deemed advisable to regulate and control the collection and disposal of garbage, ashes, cans, manure, refuse and rubbish in the City of Payette, Idaho, and to stop the waste of valuable fruit products, it is deemed necessary and advisable to adopt an ordinance defining and regulating garbage and the handling of garbage within the City of Payette, Idaho, and to regulate the handling and disposing of ashes, cans, manure, refuse and garbage within the City of Payette, Idaho, the Mayor and City Council do therefore enact the following:

SECTION 1. The term "Garbage" whenever used herein shall be applied to and construed to mean all classes of putrefactive or easily decomposed animal or vegetable matter, and including kitchen refuse from residences, restaurants, hotels and places where food is prepared for human consumption, all waste and offal from fish, poultry, meat, fruit and vegetable matter, and all organic substances of whatsoever kind or nature unfit for human consumption that are subject to immediate decay and are subject to attract flies and rodents.

SECTION 2. For the purpose of the collection and disposal of all such garbage, the City of Payette is hereby divided into three districts, to be known as the "BUSINESS DISTRICT", "RESIDENCE DISTRICT", and "OUTLYING DISTRICT", the boundaries of said several districts to be as hereinafter specifically described; and the Mayor and City Council shall have the power and are hereby authorized to change the boundaries of any such district or districts at any time they may deem it necessary or expedient to do so; and the Mayor and City Council may let one or more contracts for the collection and disposal of such garbage on such terms and conditions and in such manner as may be deemed best to protect the best interests and health of the residents of said City of Payette. The

person and/or persons, firm and/or firms, corporation and/or corporations obtaining such contracts shall be known as "Garbage Contractors"; provided, however, the Mayor and City Council may permit a bonafide resident citizen to transport and dispose of garbage accumulated on his own premises; provided further, however, that no such bonafide resident citizen shall transport and/or dispose of such garbage without first having obtained a permit to do so and all rules and regulations in this Ordinance applying to Garbage Contractors, except the furnishing of a bond, shall apply to such bonafide resident citizens in the same manner and with the same force and effect as if such bonafide resident citizen were a "Garbage Contractor".

SECTION 3. Any and all "Garbage Contractors" shall give a good and sufficient surety bond and in such amount as may be determined by the Mayor and City Council for the full and faithful performance of the terms and conditions of his contract to collect and remove garbage before entering upon the performance of the terms and conditions thereof, and a failure on the part of any such Contractor to furnish such bond for a period of three days, either after being notified that any such contract has been awarded to him or after notice requiring another bond to be furnished, shall constitute a forfeiture of all of the rights of such Contractor under any such contract, ~~and~~ either awarded or actually entered into, between the City of Payette, Idaho, and any such Contractor under the provisions of this Ordinance.

SECTION 4. Every householder, keeper of boarding houses, hotels, restaurants, factories, packing houses, fruit evaporators, dryers, canneries, stores and all other places of business, and every producer of garbage, as herein defined, shall place and keep such garbage segregated from ashes, cans, manure, refuse,

rubbish and other material, and from mixing the same with ashes, broken glass, cans, manure, refuse, rubbish or other material. All such garbage shall be placed and kept in water tight metal receptacles or cans, with close fitting, fly and water-proof covers; all such receptacles or cans having a capacity of over five gallons shall be provided with two adequate handles on the outside thereof and opposite each other; and no such receptacle or can shall have a capacity of more than 32 gallons, and when filled with garbage shall not weigh more than One Hundred Pounds. All such receptacles and cans shall be kept on the alley if the premises from which such garbage is being collected is adjacent to or abuts an alley; but if such premises do not lie adjacent to or abut an alley, then such receptacle and/or cans shall be kept in a convenient place for collection.

SECTION 5. The Business District shall include, until changed as hereinbefore provided, that part of the City of Payette, Idaho, situate within the following described boundary, to-wit:

Commencing at a point 5 feet east of the northeast corner of lot 10 of block 7 of Gorrie Addition to the City of Payette, Idaho; thence south along the center of alley through blocks 7, 6 and 1 of said Gorrie Addition to Payette, Idaho, and through blocks 9, 8 and to a point located in the center of 3rd Avenue South in the City of Payette, Idaho; thence West to the north bank of Payette River; thence in a northwesterly direction along the north bank of Payette River to the center of the main track of the Oregon Short Line Railroad Company; thence in a northeasterly direction along the center line of said main track of the Oregon Short Line Railroad Company to a point where it intersects with the center of Center Avenue in the City of Payette, Idaho; thence West to the southwest corner of block 3 of Tioga Plat to the City of Payette, Idaho; thence north to the northwest corner of said block 3; thence east to a point in the center of North 6th Street; thence

north along the center line of North 6th Street to a point where the center line of said North 6th Street intersects with the center line of 3rd Avenue North; thence east along the center line of 3rd Avenue North to a point where said center line intersects with the center line of the main track of the Oregon Short Line Railroad Company; thence northeast along the center line of the main track of the Oregon Short Line Railroad Company to a point where said center line of said main track of Oregon Short Line Railroad Company intersects with the center line of 7th Avenue North; thence east along the center line of said 7th Avenue North to a point where said center line intersects with the center line of North 9th Street; thence south along the center line of North 9th Street to a point where said center line of said North 9th Street intersects with the center line of 3rd Avenue North; thence West along the center line of 3rd Avenue North to a point where said center line intersects with the center line of the alley running north and south through block 7, Gorrie Addition to Payette, Idaho, extended northward; thence south to point of beginning.

The Residence District shall include, until changed as hereinbefore provided, all that part of the City of Payette, lying south of the center line of 7th Avenue North and north of the center line of 3rd Avenue South and west of the right of way of the Lower Payette Ditch Company's canal, not included within the boundaries of the Business District as hereinbefore described.

The Outlying District shall include, until changed as hereinbefore provided, all of that part of the City of Payette not included within the Business District and the Residence District as hereinbefore described.

SECTION 6. In the Business District garbage shall be collected and removed at least twice during each and every week.

SECTION 7. IN the Residence District Garbage shall be collected and removed at least once each and every week; provided, however, that if any part of said Residence District where any premises from which garbage is to be collected and removed do not lie adjacent to or abut upon an alley, the receptacles or cans shall be placed by the occupants of such premises on the street line for collection by the Garbage Contractor or Contractors on a day in each week to be designated by the Mayor and City Council.

SECTION 8. In the Outlying District garbage shall be collected and removed at least once each and every week; provided, however, that in any part of said Outlying District where any premises from which garbage is to be collected and removed do not lie adjacent to or abut upon an alley, the receptacles or cans shall be placed by the occupants of such premises on the street line for collection by the garbage Contractor or Contractors on a day in each week to be designated by the Mayor and City Council.

SECTION 9. It shall be unlawful for any person, firm or corporation within the City limits of Payette, Idaho, other than Garbage Contractors or their employees, to incinerate garbage or dump the same on vacant lots within the City limits. And it shall be unlawful for any Garbage Contractor or his employees to incinerate garbage or dump the same on any vacant lands within the City limits of Payette, Idaho, at any place or in any manner other than that designated by the Chief of Police. And no person, firm or corporation, either having entered into a contract with the City of Payette, for the collection and removal of garbage, or not, is permitted to transport garbage over any of the streets of the City of Payette in any other than water tight containers, and not until they shall have secured a written permit to do so issued by the City Clerk of Payette, Idaho, under the direction of the Mayor and City Council, authorizing said person, firm or corporation to haul garbage over the streets of the City of Payette. Application for such permits shall be filed with the City Clerk and shall be issued only in case the Mayor and

City Council shall be fully satisfied that the applicant has complied with the terms and conditions of this Ordinance, and the rules and regulations promulgated by the Mayor and City Council and shall be resolution authorize the granting of such permit. Provided, however, that no permit shall be granted to any person, firm or corporation to haul garbage on 8th Street North between 3rd Avenue North and Center Avenue or on 8th Street South between 2nd Avenue South and Center Avenue; and provided further that any garbage contractor, while his contract is in full force and effect, shall have the right to drive directly across said 8th Street for the purpose of going from that part of the Business District lying east of 8th Street to that part of said District lying west of 8th Street; and provided further that none of the provisions of this Ordinance shall apply to any person, firm or corporation desiring to transport silage, cull fruits, peelings, fruit or vegetable refuse from any factory, evaporator, dryer, cannery or packing house or silo within the City of Payette, suitable to be fed to live stock and for the purpose of feeding same to live stock outside the City of Payette; and provided further that no such silage, cull fruit, peelings, fruit or vegetable refuse shall be transported from any factory, evaporator, dryer, cannery, packing house or silo within the City of Payette, except in such tight containers as to prevent same from being scattered on any street, alley or other public place within the corporate limits of the City of Payette, Idaho.

SECTION 16. From and after the passage of this Ordinance it shall be unlawful for any person or persons, firm or firms, corporation or corporations, to allow or permit any garbage to gather in, about or upon any of the premises within the control of such person or persons, firm or firms, corporation or corporations, located within the above described Business District or within the boundaries of any Business District as may be hereinafter establish-

ed by the Mayor and City Council of the City of Payette, Idaho, for a greater period than four days and during such time all such garbage shall be kept in a metal can or receptacle, the same to be securely covered with a tight fitting and water proof cover so as to prevent flies and rodents from having access thereto. And from and after the passage of this Ordinance it shall be unlawful for any person or persons, firm or firms, corporation or corporations, to allow or permit any garbage to gather in, about or upon any of the premises within the control of any such person or persons, firm or firms, corporation or corporations, located within the above described Residence District or within the above described Outlying District or within the boundaries of any Residence District or Outlying District which may hereafter be established by the Mayor and City Council of the City of Payette, for a greater period than one week and during such time all such garbage shall be kept within a metal can or receptacle, the same to be securely covered with a tight fitting water proof cover, so as to prevent flies and rodents from having access thereto.

SECTION 11. From and after the passage of this Ordinance it shall be unlawful for any person or persons, firm or firms, corporation or corporations to allow or permit ashes, cans, manure or other rubbish or refuse to gather in, about or upon any of the premises located within the above described Business District or within the boundaries of any Business District as may be hereinafter established by the Mayor and City Council of the City of Payette, Idaho, within the control of such person or persons, firm or firms, corporation or corporations for a greater period than one week and that all such ashes, cans, manure and other rubbish and refuse shall be kept within a metal can or container, the same to be securely covered with a tight fitting cover so as to prevent

flies and rodents from having access thereto. And from and after the passage of this Ordinance it shall be unlawful for any person or persons, firm or firms, corporation or corporations to allow or permit ashes, cans, manure or other rubbish or refuse to gather in, about or upon any of the premises located within the above described Residence District or within the above described Outlying District or within the boundaries of any Residence District or Outlying District as may be hereinafter established by the Mayor and City Council of the City of Payette, Idaho, within the control of such person or persons, firm or firms, corporation or corporations for a greater period than one month, and that all such ashes, cans, manure and other rubbish and refuse shall be kept within a metal can or container, the same to be securely covered with a tight fitting cover so as to prevent flies and rodents from having access thereto.

SECTION 12. The Mayor and City Council of the City of Payette, Idaho shall designate the Garbage Contractor as a Sanitary Officer and whose duty it shall be to collect and dispose of ashes, cans, manure or other rubbish or refuse, said person so appointed shall be entitled to charge each person and/or persons, firm and/or firms, corporation and/or corporations, who shall have ashes, cans, manure, rubbish or other refuse to be collected as aforesaid not to exceed \$1.00 for each load of ashes, cans, manure or rubbish or other refuse, so collected and disposed of. And providing that if any person and/or persons, firm and/or firms, or corporation and/or corporations being the owner of any premises or having control of any premises within the City of Payette, Idaho, shall fail, neglect or refuse to remove or cause, ashes, cans, manure, refuse and rubbish, to be collected and removed, the City of Payette may cause the same to be removed and to charge the expenses of the same to the property owner and such expenses to be certified to the proper officer and become a lien against the property.

SECTION 13. No contract entered into between the City of Payette, Idaho, and any Contractor for the collecting and disposal of garbage where any permit to collect; dispose of, or haul garbage over the streets of Payette, Idaho, shall be binding or become effective until such Contractor furnishes and delivers to said City of Payette a good and sufficient surety bond and same shall have been duly approved by the Mayor and Council of said City.

SECTION 14. Each and every Contractor shall provide, at his own expense, a good dumping ground situate outside the City limits of Payette, Idaho, for all such garbage and other mentioned materials and substances collected and removed by him, at a sufficient distance from said City of Payette and at such distance from any and all residences located outside the City limits of Payette, Idaho, so as not to endanger the health of the inhabitants of the City of Payette, or the health of any inhabitant residing outside thereof, and shall maintain and keep such dumping ground in a proper and sanitary manner and in accordance with the rules, regulations and instructions of the health authorities and the statutes and laws of the State of Idaho and the laws of the place in which said dumping ground may be situate, and shall protect, save and hold harmless the said City of Payette, Idaho, from any and all liability, claims and damages whatsoever which may result from the use of any such dumping ground or grounds.

SECTION 15. Nothing in this Ordinance contained shall be construed to prevent any person in the City of Payette, Idaho, from using manure in a reasonable manner and under the supervision of the Sanitary Officer of the City of Payette, Idaho, for fertilizing purposes.

SECTION 16. The Mayor and Council are hereby empowered to make such further rules and regulations as may be deemed necessary to carry out the true intent of this Ordinance.

SECTION 17. It is hereby expressly declared that should any

section, part or portion of this Ordinance be declared void, such invalidity shall in no way effect the remaining portions of said Ordinance.

SECTION 18. Any person or persons, firm or firms, corporation or corporations, violating any of the terms of this Ordinance shall be guilty of a misdemeanor, and upon a conviction thereof shall be punished by a fine of not more than \$100.00 and for the purpose of carrying this Ordinance into full force and effect it is hereby expressly declared that in case any corporation shall violate any of the terms of this Ordinance each and every officer of such corporation so violating any of the terms of this Ordinance shall be guilty of a misdemeanor by reason of their having permitted such corporation to violate the terms of this Ordinance and upon a conviction thereof shall be punished by a fine of not more than \$100.00.

SECTION 19. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

SECTION 20. This Ordinance shall take effect and be in full force and effect from and after its passage, approval and publication.

Passed by the City Council this 7th. day of April A.D., 1930.

Approved by the Mayor this 7th day of April A.D. 1930.

J. P. Woodward
Mayor
Attest: Harriet L. Swanf
City Clerk.