

ORDINANCE NO. 982

AN ORDINANCE OF THE CITY OF PAYETTE AMENDING CHAPTER 8.08 OF TITLE 8: BY ADDING LANGUAGE TO SUB-SECTION 8.080.70; ADDING AUTHORITY TO GRANT FRANCHISES: ALLOWING RECYCLING WITH FRANCHISEE'S CONSENT; REQUIRING A PRODUCER OF WASTE TO MAINTAIN A CLEAN AND SANITARY AREA; ALLOWING A FRANCHISEE TO CLEAN AND BILL A PRODUCER OF WASTE; APPROVING A FRANCHISE AGREEMENT; SETTING A PENALTY; REPEALER; EFFECTIVE DATE:

BE IT ORDAINED by the Mayor and City Council of City of Payette, Idaho:

Section 1: Section 8.080.70 is amended by the addition of the following language:

Residential users may elect to use garage 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 8.08.160 Sub-Section 1. is amended to read as follows: To license, to grant franchises, contract or perform all services pertaining to sanitary collection and disposal of garbage and rubbish under this chapter.

Section 3: Chapter 8.08 of Title 8 is further amended by the addition of the following Section which shall be numbered 8.08.190. No person, firm, corporation or entity, other than a franchisee of the City, shall solicit to haul, or haul from any residential or commercial user within the City of Payette, any refuse, garbage or recyclable material. Nor shall any person remove or recycle any material from any garbage can, dumpster or refuse receptacle serviced by any franchisee of the City, without the consent of the franchisee.

Section 4: Chapter 8 of Title 8 is further amended by the addition of a new Section 8.08.200. A producer or generator of waste shall be responsible for maintaining waste cans and containers and shall maintain the area around such cans and containers in a clean or sanitary condition. If a waste producer allows an unsanitary condition to exist in or around his refuse cans or containers, the franchisee, after 10 days notice to the producer that an unsanitary condition exists, may assume responsibility for clean up and bill the producer directly for the contractor's costs and expenses incurred in the clean up. Notice shall be given to the City Clerk. The producer shall be responsible for paying the City's franchisee for any cleanup that is necessitated as a result of that producers not complying with this Ordinance.

Section 5: That Franchise Agreement, a copy of which is attached to this Ordinance is approved and adopted by the City.

Section 6: Any violation of this Ordinance shall be a misdemeanor and subject to the general misdemeanor penalties of the State of Idaho.

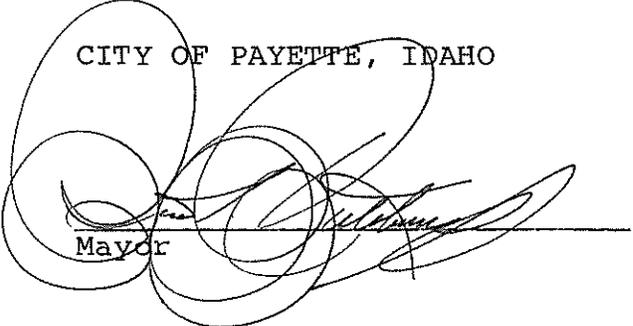
Section 5: Any portions of any existing Ordinances which are in direct conflict with this Ordinance are hereby repealed insofar as the conflict exists.

Section 6: If any portion of this Ordinance is found to be unenforceable or unconstitutional for any reason, the remaining portion of this Ordinance shall remain in full force and effect.

BE IT ORDAINED AND RESOLVED THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS APPROVAL, PASSAGE AND PUBLICATION AS REQUIRED BY LAW.

This Ordinance shall be in full force and effect on the 2 day of May, 1988.

CITY OF PAYETTE, IDAHO


Mayor

ATTEST:

John P. Franks
City Clerk