

Ordinance No. 52
By Councilman Fred W. Kuester

an Ordinance providing for Garbage and Refuse Disposal within the City of Peck, Idaho, ALSO PROVIDING FOR AND RELATING TO DEFINITIONS, RESPONSIBLE AUTHORITY, COMPULSORY USE OF THE SYSTEM, REFUSE COLLECTION, REFUSE ACCUMULATION UNLAWFUL, BURNING AND DUMPING, REFUSE CONTAINERS, COLLECTION PERIODS, SPECIAL HAULING OF RUBBISH, COLLECTION OF EXCESS RUBBISH, OR REFUSE, COLLECTION FEES, METHOD OF COLLECTING FEES, SANITARY FUND, DISPOSAL SITE, INSPECTION, LICENSING AND CONTRACTING, MATERIALS NOT ACCEPTABLE FOR COLLECTION, COMPOST STORAGE, FIRE VIOLATION, SEVERABILITY, PENALTY FOR VIOLATIONS, AND EFFECTIVE DATE.

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

Section 1. DEFINITIONS: Words not defined herein shall be given the meaning ordinarily applied to such words.

The term "Waste" shall mean unwanted solid, liquid or gaseous materials.

The term "Refuse" shall mean solid wastes, including garbage and rubbish.

The term "Garbage" shall include all putrescible waste, except sewerage and body waste, including waste accumulated of Animal food or vegetable matter, including waste that attended the preparation, use, cooking, dealing in or storing meat, fish, fowl, fruit and vegetables. The term "Garbage" shall not include recognized industrial by-products.

The term "Rubbish" shall mean refuse other than garbage and includes paper, tin cans, bottles, 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.

herein

The term "Owner" and "Occupant" wherever herein used, may be used interchangeably, and shall mean every person in possession, in charge of or in control of any real estate.

The term "Inspector" shall mean the authorized representative of the City of Peck having the duty of enforcement of Section 15 of this Ordinance.

herein

The term "Collector" wherever herein used, shall mean the person holding a license or contract with the City or who is employed by the City and thereby authorized and designated by the City to collect, handle, transport and dispose of refuse and waste.

Section 2. RESPONSIBLE AUTHORITY. A Representative or Representatives of the City of Peck Council shall be responsible for inspection for violations and for enforcement of the provisions of this Ordinance.

Section 3. COMPULSORY USE OF THE SYSTEM. Every Owner and Occupant of a premises within the prescribed limits of the City must use the Refuse Collection and Disposal System herein provided.

Section 4. REFUSE COLLECTION There is hereby established a system of Refuse Collection, transportation and disposal. It shall be unlawful for any person to engage in the business of collection, transportation, hauling or conveying any Refuse over the streets or alleys or to dump or dispose of the same unless or until such person is licensed thereof, or has a contract therefor as an authorized representative of the City.

Section 5. REFUSE ACCUMULATION UNLAWFUL. It shall be unlawful for any person to permit or to suffer to accumulate in or about any premise, or upon any street, alley or sidewalk adjacent to such premise, owner or occupied by such person, any refuse so as to cause such premises, or the street, alley or sidewalk adjacent thereto, to be or remain in such condition as to cause or create a nuisance or offensive odor or atmosphere or rodent harborage, or fire hazard, or thereby to become or cause or create a public nuisance.

Section 6. BURNING DUMPING. No person shall burn, incinerate, bury, dump, collect, remove, or in any other manner dispose of rubbish or garbage except as herein provided. Interior Incinerator. Any person may use an incinerator in the interior of a building. Nothing herein contained shall be construed to prohibit the use of outdoor fireplaces, barbecue pits or grills, in the preparation of food, or for recreational purposes. Open Burning. Open burning of rubbish or burning in exterior incinerator may be done by the owner thereof upon obtaining a permit from the designated Representative of the Council for such burning.

No person shall throw, discard or deposit any rubbish, garbage or refuse in or upon any street, alley, sidewalk, vacant ground or in or upon any water course, or upon the property of another,

Section 7. REFUSE CONTAINERS. It shall be the duty of every owner or occupant or any place where Garbage is created or accumulated to, at all times, ^{to} keep, or cause to be kept, portable, approved containers for the deposit therein of garbage and except as otherwise provided, to deposit, or cause to be deposited, all garbage therein. Garbage containers shall be lined with plastic bags, or approved equivalent, so as to prevent the escape of liquids and facilitate the handling of Garbage.

All such containers shall be water-tight and not easily corrodible, rodent and fly proof, shall be equipped with handles and a close fitting lid. Such containers shall be not less than 10 gallons capacity and not more than 32 gallons capacity, and limited to 70 pounds in weight. Such lid shall not be removed except when necessary to place garbage and rubbish in such container or to take same therefrom. Such lid shall be replaced by the person placing thereⁱⁿ or taking therefrom such garbage or rubbish. Such containers shall be kept in a sanitary condition, with insides and outsides thereof washed at such times as to keep same free of odor and clean of all accumulating grease and decomposing material so that no odor nuisance shall exist.

All garbage or Refuse containers shall be placed on the street curb on ^{days} ^{had} collection ~~days~~. Where reasonable access cannot be ~~made~~ by truck, the cans may be kept in such places as may be agreed upon by the owner and collector, or at such places as may be designated ^{by} the Inspector.

Section 8. COLLECTION PERIOD: Collectors shall collect rubbish and garbage from each customer at intervals as provided by the rules and regulations of the Council.

Section 9. RUBBISH, SPECIAL HAULING: Rubbish consisting only of paper, cardboard, metal, wooden boxes, brush, leaves, weeds and cuttings from trees, lawns, shrubs and gardens and other similar non-runny or greasy substances, may be kept separately, without depositing in such containers. Bulk material, such as leaves, shall be in a can, box, sack or such a receptacle for ease of loading. Brush, or any bulky material shall be tied in bundles not to exceed ~~8~~ feet in length and not to

exceed 70 pounds in weight.

Section 10. COLLECTION, EXCESS REFUSE. Large accumulations of garbage or Refuse or Rubbish on any premises may be declared a nuisance by the City Council. Such premises may be designated to be a separate class of premises for the payment of, collection and disposal of garbage and rubbish. The Council shall notify the Owner of such premises of such designation. Fees for collection and disposal shall be established by the City Council. Large Accumulations are defined as more than 4 containers or bundles as described herein.

Section 11. COLLECTION FEES. Fees and rates for the Collection of Garbage and refuse shall be set and may be adjusted by the Council. Where the amount of Refuse and Garbage is of such a small amount as not to warrant the collection of full charges as provided, the Mayor and Council may issue a permit designating a special rate.

Section 11. COLLECTION FEES. fees and rates for the collection of garbage and refuse shall be set and may be adjusted by the Mayor and Council.

Section 12. METHOD OF COLLECTION OF FEES. FEES Shall be carried on the water bill and shall be paid with the water bill. The City Council is authorized to discontinue service to any premises if the entire water and garbage bill shall not be paid. Said charges are to become delinquent as provided for water charge and are to be subject to the same penalties provided for in the case of water collections as prescribed in existing or future Ordinances.

Section 13. SANITARY FUND. The proceeds from the collection of fees and charges therein provided shall be placed in a special fund to be known as the Sanitary Service Fund. All expenses of the City in the operation of the Sanitary Collection and Disposal System shall be paid out of such Fund. Any surplus remaining therein at the end of each fiscal year may be transferred by the Council to the general fund of the City.

Section 14. DISPOSAL SITE. For the purpose of the protection and preservation of the health and welfare of the inhabitants of the City, there may be established at such places and locations as the Council may from time to time designate by motion or order, a place for the dumping and deposit of rubbish and/or garbage, and any such

place or location shall be known as the City Disposal Site. The Council shall have the authority to issue all rules and regulations governing the City Disposal Site.

Section 15. INSPECTION. Any person designated as Sanitary Inspector by the Council or any other person concerned with the enforcement of the laws of the City of Peck shall have the right of ingress and egress to any premises for the purpose of inspection of all places and containers where rubbish is accumulated or kept,

Section 16. LICENSING AND CONTRACTING. The Mayor and Council shall be the sole authority to license, contract or perform all services pertaining to sanitary collection and disposal, and to establish reasonable rules and regulations governing the conduct of and operation of such licenses or contractors. The Council may require of any such contractor or collector a bond in a reasonable amount, the condition of which shall be satisfactory performance of the contract.

Section 17. MATERIALS NOT ACCEPTABLE FOR COLLECTION. all garbage and refuse is collectible if handled as prescribed herein.

Section 18. COMPOST STORAGE. Compact piles of refuse 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.

Section 19. FIRE VIOLATIONS. Nothing in any section of this Ordinance shall be construed to permit the violation of any existing or future rule or regulation of applicable fire control agencies.

Section 20. PENALTY CLAUSE. The penalty for violation of any of the provisions of this Ordinance shall be not more than \$300 fine and not more than 30 days in jail, or both such fine and imprisonment. The minimum penalty shall be at the discretion of the Judge.

Section 21. PROSECUTION. Prosecution for violation is not mandatory, but shall be at the discretion of the Council.

Section 22. SEVERABILITY. If any portion of this Ordinance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of the Ordinance.

Section 23. This Ordinance supersedes and replaces all prior City Ordinances regarding solid waste with the exception as noted in Section 19.

Section 24. EFFECTIVE DATE. This Ordinance shall be in full force and effect on and after July 1, 1972.

Approved June 12, 1972.

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under contents of ordinance.*

Attest:

James A. Carlson
Clerk

Jens Jacobson
Mayor