



ORDINANCE NO. 392

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH AND PROMOTE THE GENERAL WELFARE; PROVIDING FOR THE CONTROL, REGULATION, COLLECTION, REMOVAL AND DISPOSAL OF ALL GARBAGE, WASTE, REFUSE AND RUBBISH; PROVIDING FOR THE MAKING AND COLLECTION OF CHARGES THEREFORE; DECLARING CERTAIN ACTS TO BE MISDEMEANORS; AND PROVIDING FOR THE PUNISHMENT THEREOF; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith.

BE IT ORDAINED BY THE CITY OF REXBURG, IDAHO:

SECTION I: That to protect the public health and promote the general welfare, the City of Rexburg, Idaho, its duly authorized agents, servants or employees, shall have the sole and exclusive right to gather and collect garbage, waste, refuse, and rubbish within said City and it shall be unlawful for any person, firm or corporation, except as otherwise provided in this ordinance, to collect or gather garbage, waste, refuse or rubbish within said City.

SECTION II: As used in this ordinance, the following terms shall be construed to take the meaning as defined herein:

- A. Refuse: The term refuse shall include garbage, rubbish, ashes and all other putrescible and non-putrescible wastes except sewage from all public and private establishments and residences.
- B. Garbage: The term garbage shall include all putrescible wastes except sewage and bodily wastes, including vegetable and animal offal and carcasses of dead animals, but excluding recognized industrial by-products, and shall include all such substances from all public and private establishments and from all residences.
- C. Rubbish: The term rubbish shall include all non-putrescible wastes except ashes, from all public and private establishments and from all residences.
- D. Ashes: The term ashes shall include the waste products of coal and other fuels used for heating and cooking from all public and private establishments and from all residences.

SECTION III: No owner or leasee of any public or private premises shall permit to accumulate upon his premises any refuse except in containers approved by the health officer under the specifications set forth by the ordinances of the City of Rexburg.

SECTION IV: All containers used by residents of the City of Rexburg, Idaho, for the dumping and disposing of ashes and clinkers shall be of metal and so constructed as to be absolutely fire proof and non-combustible and the said container shall be of such size and proportion as to be readily handled by one man.

SECTION V: All containers used by residents of the City of Rexburg, Idaho, for the dumping and disposing of vegetable and animal matter and all garbage and rubbish other than ashes and clinkers, shall be so constructed and of such size and proportion as to be readily handled by one man and shall be provided with a suitable cover, which shall be kept in place at all times.

SECTION VI: That the said City of Rexburg, Idaho, or its agents, shall not be obliged to pick up or gather ashes, vegetable or animal matter or any garbage not deposited and contained as

herein provided.

SECTION VII: That the City Council of Rexburg, Idaho, may purchase or rent the necessary equipment and employ the necessary persons to collect, remove and dispose of all garbage, waste, refuse, and rubbish within the said City, or may enter into a contract with any person, firm or corporation to collect, remove and dispose of said garbage, waste, refuse and rubbish and may pay the expenses thereof out of the general fund, or out of the funds hereinafter described to be charged and collected therefore.

SECTION VIII: That all garbage, waste, refuse and rubbish accumulated at any place of business or residence of said City, shall be collected and removed there from by the City of Rexburg, its duly authorized agents, servants or employees not less than once a week, or oftener, in the discretion of the Health and Sanitation Committee of said City.

SECTION IX: That for said collection and removal of said garbage, waste, refuse, and rubbish there shall be paid to the City Clerk of the City of Rexburg on the first day, and not later than the 11th day of each month hereafter the following fees: All churches shall be exempt from any fee; the owners or leasees of each apartment house and each motel or section thereof shall pay \$.50 per unit per month. However, the minimum shall be \$1.00 a month regardless of the number of units and shall not exceed \$4.00 per month; the owners or leasees of all other places of business shall pay \$1.00 per month for each business. The owners or leasees of all other residences shall pay \$1.00 per month, and all of said persons shall furnish, at their own expense, a container satisfactory to adjoining street or alley.

SECTION X: All of said fees collected by said City Clerk shall be by her duly deposited to the credit of the General Expense Funds; and in the event said fees are not paid by the 11th day of any month hereafter, said City may, in the discretion of the Health and Sanitation committee, discontinue the removal of all garbage, waste, refuse and rubbish from the premises of said delinquent owner or leasee or may continue said collection and removal and recover from said owner leasee by ordinary civil action the charges therefore.

SECTION XI: It shall be unlawful for any person, firm or corporation to engage in the collection or removal of garbage, waste, refuse and rubbish in said City, except the City of Rexburg, its duly authorized agents, servants or employees; provided, however, that the owner or leasee of any business in said City may remove from his own premises any garbage, waste, refuse or rubbish in accordance with the rules and regulations of said City; provided any individual or business house from any unreasonable hardship or discrimination hereunder; provided further, that any violation of this section shall be deemed a misdemeanor and punishable as hereinafter provided.

SECTION XII: The owner or leasee of any place of business or any residence in said City shall provide for the collection and removal from said premises of all garbage, waste, refuse and rubbish at least once a week and any owner or leasee of said premises who shall fail, neglect or refuse to provide for said collection and removal shall be deemed guilty of a misdemeanor and shall be punishable as hereinafter provided.

SECTION XIII: Any person, firm or corporation who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than \$100.00, together with costs of action; and in the event of default of any payment of said fine shall be imprisoned in the City Jail until such fine and costs are paid at the rate of \$2.00 per day for each day of such imprisonment.

SECTION XIV: The Mayor and City Council are hereby authorized to prescribe other such rules and regulations as may be necessary to carry out the purpose of this chapter and provide for public welfare.

SECTION XV: This ordinance shall take effect upon being published in one issue of a newspaper published in the City of Rexburg, Idaho.

SECTION XVI: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

