



ORDINANCE NO 559

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH AND PROMOTE THE GENERAL WELFARE OF THE INHABITANTS OF REXBURG, IDAHO; PROVIDING FOR THE CONTROL, REGULATION, COLLECTION, REMOVAL AND DISPOSAL OF ALL GARBAGE, WASTE, REFUSE AND RUBBISH THERE IN; DEFINING CERTAIN TERMS, WORDS AND PHRASES; PROVIDING FOR CHARGES AND COLLECTING THE SAME; DECLARING THE VIOLATING THEREOF TO BE A MISDEMEANOR AND PROVIDING FOR THE PUNISHMENT THEREFORE; REPEALING ORDINANCES NO. 392 AND 426; PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

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

SECTION I: Ordinances No. 392 and 426 be, and the same are hereby repealed.

SECTION II: PURPOSE: The accumulation of waste, refuse, trash, garbage, rubbish or other deleterious substances on the premises or private residences or commercial and industrial establishments, vacant lots, and in streets and all alleys, constitutes a public nuisance and menace and greatly increases the danger of the spread of infectious contagious and epidemic diseases. It is necessary for the preservation of health, safety, sanitation, peace and public welfare that proper and adequate regulations be adopted to require property owners, tenants, occupants, or leasees to secure containers and receptacles of sufficient kind and size in which to deposit waste, refuse, trash, garbage and rubbish for collection and removal at regular intervals.

SECTION III: APPLICATION:

This ordinance shall apply to residential, commercial and industrial properties and areas of the City, including apartments, trailer courts, and other dwelling units.

SECTION IV: DEFINITIONS:

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the following meanings. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the single number, and words used in singular number include the plural number:

- A. "Approved container" means only those containers which have been approved by the "inspector" as to type and make. Only those containers meeting the following specifications shall be approved by the inspector. They shall be constructed of galvanized metal or other material which is strong, not easily corrodible, rodent, fly and dog proof, with two handles, a capacity of not more than thirty-two gallons, and having a tight fitting lid or cover. Containers shall be kept in a sanitary condition with the inside and outside washed so as to be free and clean of accumulated dirt, grease and decomposed material so that no nuisance shall exist; provided, the refuse containers meeting all other requirements and, having a capacity of ten gallons or less, may have a bail-type handle. The term "approved container" shall include bushel baskets in good condition when used solely for the purpose disposal of grass clippings, leaves or weeds. The term "approved container" shall also include cubic yard containers as designated by the "inspector." The term "approved container" shall also include commercial garbage bags.
- B. "Ashes and clinkers" means the residue from fire used for cooking, heating or burning of trash, after combustion has entirely ceased and the residue has entirely cooled;
- C. "Collector" included the person holding a license or contract with the city or employed and thereby authorized and designated by the city to collect, handle, transport and dispose of

refuse;

- D. "Garbage" includes wastes resulting from the handling, preparation, cooking and consumption of food, and wastes from the handling and storage of produce;
- E. "Inspector" means the authorized employee or employees of the city or some individual designated by the council to enforce this ordinance;
- F. "Owner" and "occupant" may be used interchangeably and shall include every person in possession, charge, or control of any commercial and industrial property or area where refuse is created or accumulated;
- G. "Person" includes any person, firm, partnership, association, institute, company, corporation, or organization of any kind;
- H. "Refuse" includes garbage and trash as defined in this section,;
- I. "Shall" is construed as being mandatory;
- J. "Trash" includes wastes other than garbage, such as tin cans, bottles dust, ashes, clinkers, paper, pasteboard, cardboard or wooden boxes, lumber straps and shavings, leaves, weeds, cuttings from trees, lawns, shrubs and gardens, or other similar waste materials produced in normal cause of everyday living. "Trash" shall not include recognized construction wastes, industrial wastes or by-products, carcasses of dead animals, appliances, furniture, automobile parts and bodies and other similar items.

SECTION V: USE OF SYSTEM:

Every person, who is an owner or occupant of the premises within the city limits, shall use the refuse collection and disposal system herein provided and shall deposit or cause to be disposed of in accordance with this ordinance all refuse which is accumulated on such premises; provided, that nothing in this ordinance is to construed to prohibit any owner from transporting and disposing of refuse accumulated on such premises, subject to all regulations contained in this ordinance.

SECTION VI: REFUSE - ACCUMULATION:

It is unlawful for any person to permit to accumulate in or about any yard, lot, place or premises, or upon any street, alley or sidewalk adjacent to such lot, yard, place or premises, owned or occupied by such person, any refuse so as to cause or create any offensive odor or atmosphere, by offensive as noticeable, unsightly, or create an insect or rodent harborage, or thereby, in any manner, to be or to become, or cause to create, a public nuisance or a menace to public health within the limits of the city.

SECTION VII: REFUSE--OWNER RESPONSIBILITY:

No person shall deposit refuse on or below the surface of the ground other than in a manner prescribed in this ordinance. No person shall deposit or bury any refuse in or upon a public alley, street, other public area, or upon the premises of another person, whether or not the refuse is in an "approved container." No refuse of any kind shall be thrown, swept or pushed into the street in front of any premises. The owner of the premises shall be responsible for the disposal of all such refuse.

SECTION VIII: VEHICLE REQUIREMENTS:

The actual producers of refuse, or the owners of premises upon which refuse is accumulated, who desire personally to collect and dispose of refuse, persons who desire to collect and disposal of waste material not included in the definition of refuse or material not acceptable for collection, and collectors of waste and refuse from outside of the City who desire to haul over the streets of the city, shall use a vehicle so equipped and operated as to prevent refuse from being blown, dropped or spilled therefrom and offensive odors escaping therefrom.

SECTION IX: REFUSE CONTAINERS--REQUIRED:

Every person using or occupying any building, house or structure within the corporate limits for residential, industrial or commercial purpose shall provide and maintain "approved containers" of sufficient number and size to hold all refuse accumulating on the premises. The collector will empty and return only "approved containers."

SECTION X: REFUSE CONTAINERS--USE:

All refuse must be placed in "approved containers, as defined in Section A. In residential, commercial and industrial areas, all refuse that is mixed with water or other liquid shall be drained and shall be well wrapped in paper before being placed in the container. No free liquids shall be placed in the container. Thirty-two gallon containers, when filled, shall not weigh more than seventy-five pounds, lids of containers shall not be removed except when necessary to place or remove refuse, and the lid or cover of every refuse container shall at all times be kept securely in place and no refuse container shall be so overloaded that the lid or cover cannot be properly kept in place.

EXCEPTIONS: Grass, leaves, weeds, clippings from trees and shrubs, may be placed in cardboard cartons, bushel baskets or wooden boxes, provided the contents are prevented from being blown, spilled or removed by person, wind or animals. Each carton, basket or box, including contents, shall not exceed fifty (50) pounds in weight and shall not exceed ten (10) cubic feet in volume. When used such containers will not be returned to the premises, but will be removed with the contents by the "Collector provided, however, that bushel baskets in good condition and repair will be returned to the premises.

Brush may be tied with heavy cord or twine in bundles not to exceed two feet, six inches (26") in length or fifty (50) pounds in weight.

SECTION XI: COMPOST PILES:

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 cause obnoxious odors to the neighborhood.

SECTION XII: USE OF INCINERATORS--CONTAINER EXCEPTIONS:

Approved incinerators in the commercial or industrial areas may be used to burn trash. Nothing in this ordinance shall be construed to prohibit the use of outdoor fireplaces, barbecue pits, or grills, in preparing food, or for recreational purposes.

SECTION XIII: REFUSE COLLECTION--SCHEDULE:

Refuse shall be collected from all premises within the city at least once each week. Premises wherein large accumulations of refuse occur may be classified separately with more frequent collection from the premises. The Council shall establish a schedule of collection and the person who owns or occupies premises within the city shall place all containers on the premises adjacent to the alley line of the premises upon the day scheduled for the pickup. Where there is no alley entrance to premises, refuse containers shall be placed at the street curb or at the inside edge of the sidewalk, where the sidewalk is adjacent to the curb, on the morning of the day scheduled for collection; and the empty containers shall be withdrawn from the front of the premises as soon after collection as possible on the same day. No refuse containers, refuse burners, or piles of refuse shall be placed in or upon the alley right-of way.

SECTION XIV: REFUSE COLLECTION--SCHEDULE:

Refuse shall be collected from all premises within the city at least once each week. Premises wherein large accumulations of refuse occur may be classified separately with more frequent collection from the premises. The Council shall establish a schedule of collection and the person who owns or occupies premises within the city shall place all containers on the premises adjacent to the alley line of the premises upon the day scheduled for the pickup. Where there is no alley entrance to premises, refuse containers shall be placed at the street curb or at the inside edge of the sidewalk, where the sidewalk is adjacent to the curb, on the morning of the day scheduled for collection; and the empty containers shall be withdrawn from the front of the premises as soon after collection as possible on the same day. No refuse containers, refuse burners, or piles of refuse shall be placed in or upon the alley right-of way.

SECTION XV: REFUSE COLLECTION--SCHEDULE:

Refuse shall be collected from all premises within the city at least once each week. Premises wherein large accumulations of refuse occur may be classified separately with more frequent collection from the premises. The Council shall establish a schedule of collection and the person who owns or occupies premises within the city shall place all containers on the premises adjacent to the alley line of the premises upon the day scheduled for the pickup. Where there is no alley entrance to premises, refuse containers shall be placed at the street curb or at the inside edge of the sidewalk, where the sidewalk is adjacent to the curb, on the morning of the day scheduled for collection; and the empty

containers shall be withdrawn from the front of the premises as soon after collection as possible on the same day. No refuse containers, refuse burners, or piles of refuse shall be placed in or upon the alley right-of way.

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SECTION XVI: MATERIALS TO BE DISPOSED OF BY PERSON:

- A. Dirt or earth debris from construction or building renovation, rocks, stones, automobile bodies and parts, washing machines, refrigerators, hot water tanks, stoves, tree trunks and stumps, and other similar materials, dead animals, furniture, building materials such as mortar, plaster, scrap lumber, broken concrete, and brick shall be collected and disposed of by the building contractor, person, owner, or occupant of the premises;
- B. Waste oils and lubricants from garages, service stations, machine shops, and other similar establishments shall be disposed of by the person responsible for same.

SECTION XVII: MEDDLING PROHIBITED:

The meddling with refuse containers, and pilfering, scattering contents, and junking in any alley or street within the city limits is prohibited.

SECTION XVIII: SALVAGING PROHIBITED:

Any material disposed of at the sanitary landfill is the property of the city, and no person is allowed to separate and collect carry off or dispose of the same except under the authority and direction of the Mayor and Council.

SECTION XIX: COLLECTION AND HAULING FRANCHISE:

Any person, firm or corporation desiring a franchise for the collection and disposal of refuse, shall make application to the city council, who shall make and cause to be made such investigation as it may consider necessary in order to determine whether or not the public convenience and necessity requires the granting of such franchise. Any franchise so granted shall be subject to the terms and conditions set forth by the City Council and this ordinance.

SECTION XX: LICENSING AND CONTRACTING:

The Mayor and Council have the sole authority:

- A. To license, contract or perform all services pertaining to collection and disposal of refuse under this ordinance.
- B. To establish reasonable fees for refuse collection and disposal services;
- C. To enter into contracts with one or more contractors;
- D. To establish reasonable rules and regulations governing the conduct and operation of such licensees or contractors.

The council may require of any such collector or contractor a bond in a reasonable amount, the condition of which shall be the satisfactory performance of the contract.

SECTION XXI: INSPECTION:

All appropriate officers of the city shall have the right of ingress or egress to any premises for the purpose of inspecting all places and containers where refuse is accumulated or kept.

SECTION XXII: SANITARY LANDFILL:

The disposal of all refuse collected pursuant to the provisions of this ordinance shall be in the Madison County sanitary landfill and under the supervision of the inspector.

SECTION XXIII: FEES--BILLING--PAYMENT:

Fees shall be carried on the water bills, wherever applicable, and the clerk is authorized and directed to discontinue water service to any premise where the entire utility bill is not paid, in the same manner that service is discontinued for non-payment of water service. It shall be deemed that refuse accumulates upon all premises receiving a supply of city water. All fees shall be paid by the person responsible for the same at the office of the clerk within ten days after receipt of a statement, and if not paid, the same shall become delinquent. All cases of delinquency shall be handled in the manner prescribed for delinquent accounts of city water service.

SECTION XXIV: FEES:

From and after March 1, 1975, there is hereby assessed for each occupied residence and or occupied residential premises within the City of Rexburg upon which refuse accumulates, the following monthly charges to-wit:

Single family dwelling units, including house trailers (whether within or without trailer courts), duplex units, triplex units, apartment house units, and rooming house pits ----- \$2.00
 plus \$1.00 for each additional unit All other residential units ----- \$2.00

From and after March 1, 1975, there is hereby assessed, for nonresidential premises within the City of Rexburg upon which refuse accumulates, the following monthly charges, to-wit:

Churches ----- \$2.00

All motels, cabins camps, offices, occupied business, commercial or other premises are hereby assessed upon the basis of the number of garbage cans and approved containers used and the number of weekly pickup services furnished, all in conformity with the following schedule, to-wit:

Number of in Dollars pick-ups: Per week:	Number of Garbage Cans							Monthly charge
	1 to 3:	4 to 6:	7 to 9:	10 or 1 C.Y:	11/2 C. Y:	3 C.Y	4 C.Y.	Containers
2	2.00	4.00	6.00	7.00	12.00	17.00		21.00
3	3.00	6.00	9.00	10.00	15.00	20.00		24.00
4	4.00	8.00	12.00	14.00	18.00	23.00		27.00
5	5.00	10.00	15.00	17.50	21.00	25.00		30.00
6	6.00	12.00	18.00	21.00	24.00	29.00		33.00

SECTION XXV: CITATION--APPEARANCE:

Whenever it is determined by any Police officer that any person or persons have violated any provision of this ordinance the said Police Officer shall prepare in quadruplicate a written citation containing a notice to appear in Magistrate's Court, the name and address of the person charged, the offense charged, the time and place when and where the offense charged occurred and the time when the person will appear in Magistrate's Court, and such other pertinent information as may be necessary. Provided, further, that said person or persons shall appear in Magistrate's Court within five (5) days after such citation is issued.

SECTION XXVI: FAILURE TO APPEAR--UNLAWFUL:

Any person who fails, neglects, or refuses to comply with the provisions of this ordinance shall be deemed to be in violation thereof and subject to a fine of not less than twenty-five dollars, and not more than three hundred dollars, or by imprisonment for not failure to comply with any such provision shall constitute a separate violation.

SECTION XXVII: OTHER RULES AND REGULATIONS:

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

SECTION XXVIII: EFFECTIVE DATE:

This ordinance shall become effective March 1, 1975.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 19th day of February, 1975.

 John C. Porter, Mayor

(SEAL)

ATTEST:

Afton Anderson, City Clerk

STATE OF IDAHO)
)ss.
County of Madison.)

I, AFTON ANDERSON, City Clerk of the City of Rexburg, Idaho, do hereby certify that the foregoing is a full, true and correct copy of an ordinance entitled:

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH AND PROMOTE GENERAL WELFARE OF THE INHABITANT OF REXBURG, IDAHO; PROVIDING FOR THE CONTROL, REGULATION, COLLECTION, REMOVAL AND DISPOSAL OF ALL GARBAGE, WASTE, REFUSE AND RUBBISH THEREIN; DEFINING CERTAIN TERMS, WORDS AND PHRASES; PROVIDING FOR CHARGES AND COLLECTING THE SAME; DECLARING THE VIOLATION THEREOF TO BE A MISDEMEANOR AND PROVIDING FOR THE PUNISHMENT THEREFORE; REPEALING ORDINANCES NO. 392 and 426: PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE:

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR on the 19th day of February, 1975.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City of Rexburg, Idaho, this 19th day of February, 1975.

Afton Anderson, City Clerk

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