

ORDINANCE NO. ~~167~~

163

Repealed
by Ord. # 197
dated
1/13/93

AN ORDINANCE OF THE CITY OF CLARK FORK, IDAHO, PROVIDING FOR THE GENERAL HEALTH OF SAID CITY; PROVIDING FOR A DEPARTMENT OF SANITATION THEREIN; DEFINING GARBAGE, RUBBISH AND REFUSE; REGULATING CONTAINERS WITH WHICH TO ACCUMULATE THE SAME; PROVIDING METHODS FOR COLLECTION OF REFUSE WITHIN THE CITY AND DISPOSING OF THE SAME; ESTABLISHING GARBAGE COLLECTION SYSTEM WITHIN THE CITY OF CLARK FORK AND PROVIDING FOR COMPULSORY USE OF SAID SYSTEM; PROVIDING FOR ESTABLISHMENT OF FEES FOR USE OF SAID SYSTEM AND PROVIDING FOR PAYMENT OF THE SAME TO THE WATER DEPARTMENT OF THE CITY OF CLARK FORK, AUTHORIZING SUSPENSION OF WATER SERVICES TO ANY PERSON OR PREMISES FAILING TO PAY SUCH CHARGE OR TO COMPLY WITH THE PROVISIONS OF THIS ORDINANCE; MAKING PROPERTY OWNERS OR PROPRIETORS RESPONSIBLE FOR DELINQUENT GARBAGE CHARGES; AUTHORIZING THE CITY OF CLARK FORK TO CONTRACT FOR THE PROVIDING OF SUCH GARBAGE SERVICE WITHIN THE CITY; AUTHORIZING ENACTMENT OF RULES AND REGULATIONS FOR ENFORCEMENT AND IMPLEMENTATION OF THIS ORDINANCE; PROVIDING PENALTIES FOR VIOLATION HEREOF; AND AUTHORIZING INJUNCTIONS AGAINST VIOLATION HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL of the City of Clark Fork, Bonner County, Idaho.

Section 1: That there be, and there is hereby established a Department of Sanitation in the City of Clark Fork, Idaho, consisting of a Superintendent of such Department who may be appointed by the Mayor and City Council of the City of Clark Fork, whose duties shall be to supervise the operation of such Sanitation Department and to enforce this ordinance and perform such other and further duties as may be assigned to him by the Mayor and City Council.

Section 2: The term "garbage" shall be interpreted to mean all putrescible wastes except sewage and body wastes including vegetable and animal offal and carcasses of dead animals, but excluding recognizable industrial by-products and shall include all such substances from public and private establishments and from all residences. The term "rubbish"

shall include non-putrescible wastes. "Refuse" shall refer to all solid wastes including garbage and rubbish.

Section 3: No owner, tenant or lessee of any public or private premises shall permit to accumulate upon his premises any garbage or refuse except in covered containers approved by the Superintendent of Sanitation Department. Such containers shall be constructed of metal in such a manner as to be strong, not easily corrodible, rodent proof, shall have two handles, a capacity of not more than 32 gallons, shall have tight covers, which shall be in place at all times except when garbage or refuse is being deposited therein, or removed therefrom. In the event that garbage and one or more types of refuse are disposed of separately, separate containers must be had if required by the Superintendent of the Sanitation Department. Boxes, papers, tree cuttings and all odd articles shall be crushed and/or bundled in lengths not to exceed five feet and not to exceed 50 pounds in weight, except articles in special hauls.

Section 4: Containers or rubbish shall be placed in front of the premises by the owners or occupants of such premises 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.

Section 5: All charges for the removal of refuse shall be collected by the City of Clark Fork, Idaho through the office of the City Clerk, and said charges shall be prepared by and billed out by the Water Department of the City of Clark Fork, Idaho and the charges shall be payable together with water charges assessed by the City for providing of water to premises and will be billed together with such water bills. For failure to comply with the terms of this ordinance the City may suspend and terminate, in the discretion of the Mayor and City Council or in the discretion of the

Superintendent of the Sanitation Department, water services to any person or premises failing to abide by and comply with this ordinance.

Section 6: All occupied premises including residence and business premises within the City of Clark Fork shall be required to subscribe to and make use of the garbage collection and disposal system herein established. In the event of delinquent garbage charges under this ordinance and under the schedule of rates herein authorized, the owner or proprietor of the premises shall be held liable and responsible for the amount of such delinquency whether such owner or proprietor be the actual occupant of said premises or not.

Section 7: The Mayor and City Council may provide for the collection of garbage, rubbish and refuse within the City of Clark Fork and may contract for the collection and disposal thereof with any qualified person, firm or corporation lawfully engaged in the business of collection and disposal of garbage or refuse in the Clark Fork area.

Section 8: No person, firm or corporation shall collect, transport or dispose of garbage or other refuse within the city limits who has not contracted with the City to provide such service and who does not possess a license or franchise from the City and no person, firm or corporation shall be granted such contract, permit or license who is not capable of complying with the requirements of this ordinance.

Section 9: A schedule of fees shall be adopted by the Mayor and City Council for the collection and disposal of refuse which schedule shall be filed with the City Clerk and which may be amended or altered by the Mayor and City Council from time to time, but which fees shall produce only an amount necessary for the collection and disposal of garbage pursuant to the provisions of this ordinance and the maintenance of the Sanitation Department. Such fees shall be paid by the persons responsible for the

same at the office of the Water Department of the City of Clark Fork, or the office of the City Treasurer of the City of Clark Fork within ten days after receipt of a statement. The City of Clark Fork may make or prescribe such rules and regulations as it shall deem advisable for the enforcement and implementation of this ordinance. Said rules and regulations may cover charges for services for residents and for business premises, applications for exemptions from charges and method of established rates for a multiple residence. Such rules and regulations shall be in accordance with State of Idaho Department of Environmental Protection and Health rules and regulations.

Section 10: It shall be unlawful for any person, firm or corporation to permit or suffer 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 to be or remain in such condition as to cause or create a nuisance or offensive odor, atmosphere or rodent harborage or thereby be or become or cause or create a public nuisance.

Section 11: It shall be unlawful and shall constitute a misdemeanor for any person, firm or corporation to violate the provisions of this ordinance, or for any person to throw away, dump or discard any type or nature of garbage or refuse on any public lands, rights of way or private land belonging to another. Upon conviction of violations of this ordinance or any part hereof, the court may impose a fine of not more than \$300.00, or imprisonment in the county jail for not more than 30 days, or in the discretion of the court both such fine and imprisonment may be imposed. In addition thereto, the court shall have power to issue an injunction against further or continued violation of the terms or intent of this ordinance.

Section 12: If any section, clause, or paragraph of this ordinance

shall be held unconstitutional, such holdings shall not affect the validity of the remaining portions of this ordinance.

Section 13: This ordinance shall be in force and effect from and after its passage and approval, and it's publication in a newspaper in general circulation in the City of Clark Fork.

Passed by the City Council at a regular meeting August 14th, 1973, under suspension of the rules, and enacted as an ordinance of the City of Clark Fork, Idaho.

Emma C. Bickman
Mayor

Attest: Viola P. Moore
City Clerk