

Ordinance No. 2008-9

AN ORDINANCE AMENDING SECTIONS 8.12.030, 8.12.090, 8.12.160, 8.12.170, 8.12.240, 8.12.270, 8.12.280, and 8.12.300 OF THE ST. ANTHONY CITY CODE; REGULATING THE USE OF REFUSE CONTAINERS, LOCATION FOR PICKUP OF REFUSE AND STORAGE OF CONTAINERS BETWEEN PICKUPS, AND ESTABLISHING THE EFFECTIVE DATE HEREOF.

WHEREAS, the City Code currently provides for a type of refuse container, placement of and storage of which is no longer used or usable under current city refuse pickup contract; and

WHEREAS, the City Council finds that amendment of the current provisions of the municipal code is necessary to bring the City's requirements into conformance with the current practices relating to refuse containers and garbage pickup; and

WHEREAS, the City Council concludes that it is in the public interest to amend the current municipal code as it relates to refuse container type, storage and pickup to conform to current conditions and practice;

NOW THEREFORE:

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ST. ANTHONY, IDAHO THAT SECTIONS 8.12.030, 8.12.090, 8.12.160, 8.12.170, 8.12.240, 8.12.270, 8.12.280, and 8.12.300 OF THE ST. ANTHONY MUNICIPAL CODE BE AMENDED AS FOLLOWS:

8.12.030 DEFINITIONS. For the purpose of this chapter, 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 the 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 which are contractor issued 95 gallon plastic containers on wheels.~~ 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, that refuse containers meeting all other requirements and having a capacity of ten gallons or less, may have a ball-type handle. The term "approved container" shall include bushel baskets in good condition when used solely for the purpose of disposal of grass clippings, leaves or weeds;~~

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" includes 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 chapter;

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 scraps and shavings, leaves, weeds, cuttings from trees, lawns, shrubs and gardens, or other similar waste material produced in normal course of everyday living that will fit into the approved container. "Trash" shall not include *burning or hot embers or ashes*, recognized construction wastes, industrial wastes or by-products, carcasses of dead animals, appliances, furniture, automobile parts and bodies, and other similar items. (Prior code §8-2-3).

8.12.090 REFUSE CONTAINERS - USE All refuse must be placed in "approved containers," as defined in Section 8.12.030. In residential, commercial and industrial areas, all refuse that is mixed with water or other liquid shall be drained and shall be bagged before being placed in the container. No free liquids shall be placed in the container. Approved containers, when filled, shall not weigh more than ~~seventy-five~~ *two hundred 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.

8.12.160 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~~ *within two feet of the roadway* upon the day scheduled for the pickup.

8.12.170 REFUSE COLLECTION-STORAGE OF CONTAINERS ~~Where there is no alley entrance to premises, refuse containers shall be placed at the street curb or at the inside edge of the side-walk, where the sidewalk is adjacent to the curb, on the morning of the day scheduled for collection; and the Empty containers shall be withdrawn off the city right of way 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.

8.12.240 SANITARY LANDFILL The disposal of all refuse collected pursuant to the provisions of this chapter shall be in ~~the city a landfill and under the supervision of the inspector approved by the City Council.~~ (Prior Code §8-2-19)

~~**8.12.270 CONTAINERS MUST BE OFF GROUND EXCEPTIONS** All refuse containers shall be placed on racks, stands or pedestals which may be of metal, wood, concrete, concrete blocks, or other comparable material, or built in a fence, or hung from a device commonly used from which containers are hung, with the base firmly imbedded in an automobile wheel, concrete, or the ground, or any other ingenious device which has been constructed or which will be constructed in the future, which will keep the containers off the ground and so that they cannot be easily tipped and so that they are readily accessible to the collector. The racks, stands, pedestals, etc., upon which the refuse containers shall be placed or hung shall be maintained upon the person's property adjacent to and accessible from the alley, if possible. Deviation from this regulation shall be permissible when there is no alley entrance to the premises, when 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, with the emptied containers to be withdrawn from the front of the premises as soon as possible after collection. Further deviation from this regulation shall be permissible when alley collections are impracticable because of weather conditions and when notice is published in the official newspaper and over the local radio station suspending alley collections.~~

8.12.280 VIOLATION - NOTICE ISSUANCE Whenever *the code enforcement officer*, a police officer or the council determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter, ~~they~~ *such person as may be appointed by the Mayor* shall give notice of such alleged violation to the person responsible therefor, as provided in this section. Such notice shall:

- A. Be put in writing;
- B. Include a statement of the reasons why it is being issued;
- C. Allow a reasonable time *not to exceed ten (10) days*, for the performance of any act it requires;
- D. Be served *personally or by certified mailing* upon the owner or his agent or the occupant of any premises within the city.

Such notice may:

- A. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of the chapter;
- B. State that, unless conditions or practices described in such notice, which violate the provisions of this chapter, are corrected within the reasonable time specified in such notice, the alleged violator shall be prosecuted under the provisions of this chapter. (Ord. 506 §2(part), 1970: prior code §8-2-23(part)).

8.12.300 NON COMPLIANCE WITH NOTICE UNLAWFUL - PENALTY Any person who intentionally and willfully refuses *fails* to comply with the notice, and ~~after given an~~

~~opportunity for a hearing, shall be deemed in violation of this chapter guilty of a misdemeanor, and shall be subject to arrest and upon conviction, of a fine of not less than twenty-five dollars, or by imprisonment for not less than one day nor more than ten days shall be punishable as set forth in Idaho Code, §18-113, and each day's failure to comply with any such provision shall constitute a separate violation. (Ord. 587 §1, 1974; Ord. 506 §3, 1970; prior code §8-2-24).~~

3. This Ordinance shall be in full force and effect 30 days after its passage and publication, all as provided by law.

PASSED this 21st day of October, 2008.

CITY OF ST. ANTHONY, IDAHO

Willard D. Beck
WILLARD D. BECK, MAYOR

ATTEST:

Patty Unruh Parkinson
PATTY UNRUH PARKINSON, CITY CLERK

