

ROBERTS CITY ORDINANCE #501

AN ORDINANCE OF THE CITY OF ROBERTS PROVIDING FOR GARBAGE AND REFUSE COLLECTION, PROVIDING A PENALTY FOR FAILURE TO COMPLY WITH REFUSE COLLECTION, PROVIDING FOR A BILLING SCHEME, PROVIDING DEFINITIONS OF VARIOUS TERMS AND PROHIBITING COLLECTION OF REFUSE BY UNAUTHORIZED INDIVIDUALS

PREAMBLE

WHEREAS, the County of Jefferson has discontinued the collection of garbage and refuse, and the City of Roberts needs to put in place a method of collection.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF ROBERTS AS FOLLOWS:

SECTION 1: SCOPE OF CHAPTER

This ordinance shall apply to all properties and areas of the City, including apartments, trailer courts, and all other dwelling units, retail stores, banks, and all other commercial establishments.

SECTION 2: DEFINITIONS

For the purpose of this Chapter the following terms, phrases, words, and their derivatives shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number..

(a) The term "refuse" as used herein includes garbage and trash as defined herein.

(b) The term "garbage" shall include waste resulting,from the handling, preparation, cooking and consumption of food-, and wastes from the handling and storage of produce.

(c) The term "ashes and clinkers" shall mean the residue from fire used for cooking, heating or burning of trash after combustion has entirely ceased and the residue has entirely cooled.

(d) The term "trash" shall include wastes other than garbage such as tin cans, bottles, dust, ashes, clinkers, papers, pasteboard, cardboard or wooden boxes, lumber scraps and shavings, leaves, weeds, cuttings from trees, lawns, shrubs and garden, or other similar waste materials produced in normal course of every day living.

The term "trash" shall not include recognized construction wastes, industrial wastes, or by products, carcasses of dead animals, appliances, furniture, automobile parts and bodies, and bodies, and other similar items.

(e) The term "Person" shall include any person, firm, partnership, association, institute, company, corporation, or organization of any kind.

(f) The terms "owner" and "occupant" whenever herein used may be used interchangeable and shall include every person in possession, charge, or control of any flat, dwelling, rooming house, apartment, or trailer where refuse is created or accumulated.

(g) The term "collector" wherever used herein, shall include 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.

(h) The term "inspector" shall mean the authorized employee or employees of the City, or some individual designated by the Council as having to enforce this ordinance. In the absence of an appointment, the City Public Works Director shall be deemed to have the power of inspector.

(i) The term "approved container" shall mean 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". 1. They shall be constructed to allow pick up through automated means; 2. They shall be a minimum of ninety (90) gallons.

(j) Wherever the word "shall" appears in this ordinance, it shall be construed as being 'mandatory.

SECTION 3: USE OF THE SYSTEM

Every person who is an owner or occupant of premises for residential or commercial purposes 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, however, that nothing herein is to be construed to prohibit any owner from transporting and disposing of refuse accumulated on his own premises, subject to all regulations herein contained.

SECTION 4: REFUSE ACCUMULATION

It shall be unlawful for any person to permit or to suffer to accumulate in or about any yard, lot, place or premise, or upon any street, alley, or sidewalk adjacent to such lot, yard, place or premise, owned or occupied by such person, any refuse so as to

cause such yard, lot, premise, or the street, alley, or sidewalk adjacent thereto, to be or remain in such condition as to cause or create an offensive odor or atmosphere, offensive as noticeably unsightly, or create an insect or rodent haborage, or thereby, in any manner, to be or become, or cause or create, a public nuisance or a menace to public health within the limits of the City.

No person shall deposit refuse on or below the surface of the ground other than in a manner prescribed herein. 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 refuse container". No refuse of any kind shall be thrown, swept or pushed into the street in front of any residence. The owner of the premises. shall be responsible for' the disposal of all such refuse.

SECTION 5: REQUIREMENTS FOR VEHICLES

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 dispose of waste materials not included in the definition-of refuse or materials 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. This provision shall not be construed as authorizing the elimination of any recurring fees imposed by the City for garbage pick up.

SECTION 6: CONTAINERS

Every person using or occupying any building, house or structure within the corporate limits for residential purposes, 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 7: USE OF REFUSE CONTAINERS

All refuse must be placed in "approved containers" as defined herein. in residential areas all refuse that is mixed with water or other liquids shall be drained and shall be well wrapped in paper before being placed in containers.

No free liquids shall be placed in the container. Containers when filled shall not weigh more than seventy-five (75) pounds. Lids of such 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.

SECTION 8: COMPOST PILES

Compost piles may be maintained for fertilization purposes, and matter used for

fertilization purposes only, may be transported, kept and used; providing that the same shall not cause obnoxious odors to the neighborhood.

SECTION 9: COLLECTION OF REFUSE

Refuse shall be collected from all residential 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 such premises. The Council shall establish a schedule of collection and the person who owns or occupies residential premises within the City shall place all containers on the premises adjacent to the alley line of said premises upon the day scheduled for 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 10: MATERIALS TO BE DISPOSED OF BY PERSON

Dirt or earth debris from construction or lawn 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.

Waste oils and lubricants from garages, service stations, machine shops and other similar establishments shall be disposed of by the person responsible for the same.

SECTION 11: MEDDLING PROHIBITED

The meddling with refuse containers, i.e., any pilfering, scattering contents, and junking in any alley or street within the City limits is prohibited. The use of another person's container is prohibited and may be punishable by a fine of up to \$300.00.

SECTION 12: 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 of the

City Charter and this Ordinance.

SECTION 13: 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 licensee 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 14: 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 15: SANITARY LANDFILL

The disposal of all refuse collected, pursuant to the provisions of this Ordinance, shall be in a sanitary landfill.

SECTION 16: FEES

The City Council shall assess each residence and, or, occupied premises within the City upon which refuse accumulates, and charge it reasonable collection fees for services rendered. Said charges and billing practices may be amended from time to time, as reasonable, by motion, majority vote, and minute entry of the City Council. Initial billing shall be on a monthly basis and at the rate of \$8.00 per month per container.

SECTION 17: ALL NON-RESIDENTIAL PREMISES AND MULTIPLE FAMILY UNITS

The "Inspector" shall determine from time to time the appropriate fees based upon the number of containers picked up.

SECTION 18: METHOD OF COLLECTION OF FEES

Fees shall be carried on the water bills, wherever applicable, and the City Clerk

is authorized and directed to discontinue water service to any premises where the entire water bill is not paid, in the same manner that service is discontinued for non-payment of water service.

All fees shall be paid by the person responsible for the same at the office of the City Clerk within ten (10) days after receipt of a statement, and if not paid the same shall become delinquent.

SECTION 19: PENALTIES

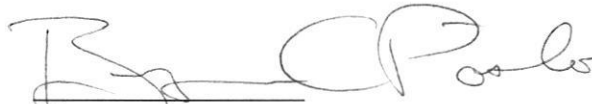
Any person found guilty of violating any provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not more than Three Hundred (\$300.00) Dollars, by imprisonment in the Jail, for a term of not to exceed five (5) days.

SECTION 20: SEPARABILITY

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of the remaining portions of this Ordinance.

All other ordinances in conflict herein are hereby repealed.

DATED: Oct. 24, 1995


Mayor

ATTEST:


Carmen Edelmayer
City Clerk

