

ORDINANCE NO. 391, CONT.

Such part of the cost and expenses of the proposed improvements as is not paid or assumed by the City shall be assessed against the lots and lands abutting, adjoining, contiguous or adjacent to the proposed improvements to the center of the block facing said improvements.

Section 5. Each lot and parcel of land shall be separately assessed for its share of the costs and expenses of constructing said improvements in proportion to the number of square feet of such lots and parcels of land abutting, adjoining, contiguous and adjacent thereto or included within said District to the distance back from such street, if platted in blocks to the center of the block, if platted in lots to the center of the lots, and if not platted, to the distance of 125 feet in proportion to the benefits to be derived from such improvements, sufficient to cover all of the portion of the cost and expense of the work to be so levied and assessed to the center of the street.

Section 6. The committee on streets and the City Engineer are hereby directed to prepare an assessment roll according to the provisions of this Ordinance and the law under which said Improvement District is created after contracts for the construction of said improvements have been let; said assessment roll shall contain, among other things, the number of the assessment, the name of the owner if known, or if not known a statement to that effect, a description of each lot or tract assessed and the total amount of the assessment; which assessment roll, upon its completion, shall be certified to the City Council by said Committee on streets and said City Engineer. Whereupon the City Council will fix a time when objections thereto by the property owners in said District will be heard and will cause such assessment roll to be filed in the office of the City Clerk.

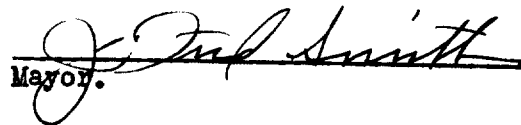
Section 7. The Mayor and City Clerk shall give public notice calling for bids for constructing said improvements, in three consecutive weekly issues of the Rexburg Journal, the official newspaper of said City, which notice shall state the time, place and hour when and where the City Clerk will receive sealed proposals for the construction of such improvements, and which notice shall contain a general description of the kind and amount of work to be done, the materials to be furnished, as nearly accurate as practicable, using such general terms as to admit of the widest latitude for competition, and shall state that the plans and specifications for said improvements are on file in the offices of the City Clerk and City Engineer, and may be examined or obtained at either office. The notice shall also state the amount of the estimate of the cost of said improvements, and that each bidder shall accompany his bid with a certified check or bid bond in the amount of 5 per cent of the bid in case the contract is awarded to such bidder and he fails or refuses to enter into the contract and give the bond required, the proceeds of such check to be forfeited to the City as liquidated damages and placed in the Local Improvement Fund for said District. Said notice shall reserve the right to reject any and all bids, to waive informalities or to accept the proposal of the best responsible bidder. Also said notice shall state that no bidder may withdraw his bid after the hour set for opening bids.

Section 8. All ordinances or parts thereof in conflict herewith are hereby repealed.


Section 9. By reason of the fact that the construction of said improvements is imperatively necessary, it is hereby declared that an emergency exists, that this Ordinance is necessary to the immediate preservation of the public peace and safety, and that it shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED by the City Council of the City of Rexburg, Idaho, this 18th day of May, 1955.

APPROVED by the Mayor of the City of Rexburg, Idaho, this 18th day of May, 1955.


Mayor.

ATTEST:


City Clerk.

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 THEREFOR; 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 MAYOR AND THE CITY COUNCIL OF THE City of Rexburg, Madison County, 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.

ORDINANCE NO. 392, CONT.

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 lessee 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 therefor.

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 therefrom 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 lessees 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 lessees of all other places of business shall pay \$1.00 per month for each business. The owners or lessees 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 the Street and Alley Committee of said City and locate the same on their own premises near an 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 lessee or may continue said collection and removal and recover from said owner or lessee by ordinary civil action the charges therefor.

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 lessee 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 also that the City Council on recommendation of the Health and Sanitation Committee may relieve 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 lessee 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 lessee 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 such other 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.

PASSED AND APPROVED at a regular meeting of the City Council of Rexburg, Idaho, 1st day of June, 1955.

ATTEST:

Loretta M. Rigby
City Clerk.

[Signature]
Mayor.