

ORDINANCE NO. 765

AN ORDINANCE PROHIBITING LITTERING; PROHIBITING THE UNAUTHORIZED DEPOSIT OF REFUSE IN GARBAGE CONTAINER(S) BELONGING TO SOMEONE ELSE; DEFINING NON-RECYCLABLE GARBAGE; OBSTRUCTING DUMPING OF CITY GARBAGE CONTAINERS; SETTING FORTH FREQUENCY OF COLLECTION AND CHARGES FOR COLLECTION SERVICE; ESTABLISHING CIVIL PENALTIES FOR ANY VIOLATION THEREOF; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

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

SECTION I. Unauthorized depositing of refuse. No person shall deposit any litter, refuse or garbage or cause or permit such to be deposited in or around the garbage containers of another without the containers owner's consent. The identification of mail or other material bearing the name(s) of a person or identifying such person or entity shall constitute prima facie evidence of ownership.

SECTION II. Any person convicted of a violation of Section I., shall be punished by a civil penalty of not less than \$300.00 nor more than \$1,000.00 plus court costs. Any civil penalty assessed and collected by the court shall be distributed as follows: (1/3) one-third to the person apprehending or reporting the offender other than city employees in course of their employment; (1/3) one-third to the owner of the receptacle; and (1/3) one-third to the City of Rexburg.

SECTION III. Nonrecyclable garbage and refuse--All garbage and refuse shall be placed in city refuse containers, except the following items, which are not allowed in any city container: asphalt, automotive batteries, building materials, carpet, cement block, concrete, dead animals, lumber scraps, mattresses, metal, motor oil, pallets, tires, tree limbs over one inch diameter, tree stumps and white goods (stoves, fridges, washers, dryers, dishwashers, etc.).

SECTION IV. No vehicles or other obstruction, including snow, shall block access to a container that is to be dumped. If access is blocked, the container will not be dumped and an additional minimum fee of twenty dollars will be charged for a return call to empty a container.

SECTION V. Disposing of solid waste on public or private property prohibited. It is unlawful for any person to dump or in any manner dispose of solid waste upon any street, alley, public place or private property owned by another person within the City.

SECTION VI. Collection and storage. All solid waste shall be removed at least bi-weekly from all occupied premises in City residential areas and from all other premises as requested by the owner. Temporary storage of solid waste prior to removal shall comply with this section.

SECTION VII. Placing burning material in container prohibited. It is unlawful for any person to deposit in any solid waste container any burning materials, or materials sufficiently hot to create combustion when the same come in contact with other solid waste.

SECTION VIII. Charges for collection service. The rates for city refuse collection shall be set by resolution of the City Council and shall be reviewed at least annually.

SECTION IX. Severability. The provisions of this ordinance are severable. If any provision of this ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application.

SECTION X. Penalty. Any person, firm, or corporation violating Sections III, IV, V, or VII of this ordinance shall be assessed a civil penalty of not less than fifty dollars nor more than \$1,000.00 for each offense, and a

separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION XI. Effective Date. This ordinance shall take effect and be in force from and after its passage and publication as required by law.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this

7 day of Aug., 1994.

Nile L. Boyle
Nile L. Boyle, Mayor

ATTEST:

Rose Bagley
Rose Bagley, City Clerk

(SEAL)

STATE OF IDAHO)
 :
County of Madison)

I, ROSE BAGLEY, City Clerk of the City of Rexburg, Idaho, do hereby certify: That the above and foregoing is a full, true and correct copy of the ordinance entitled:

AN ORDINANCE PROHIBITING LITTERING; PROHIBITING THE UNAUTHORIZED DEPOSIT OF REFUSE IN GARBAGE CONTAINERS BELONGING TO SOMEONE ELSE; DEFINING NON-RECYCLABLE GARBAGE; OBSTRUCTING DUMPING OF CITY GARBAGE CONTAINERS; SETTING FORTH FREQUENCY OF COLLECTION AND CHARGES FOR COLLECTION SERVICE; ESTABLISHING CIVIL PENALTIES FOR ANY VIOLATIONS THEREOF; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

passed by the City Council and approved by the Mayor this

7 day of Aug., 1994.

IN WITNESS WHEREOF, I have hereunto set my hand and

affixed the seal of said City of Rexburg, Idaho, this 26 day
of Aug., 1994.

Rose Bagley
City Clerk

(SEAL)