

ORDINANCE NO. 197

AN ORDINANCE OF THE CITY OF CLARK FORK, IDAHO, PROVIDING FOR THE GENERAL HEALTH OF SAID CITY; 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 SOLID WASTE DISPOSAL CONTRACTOR; PROVIDING FOR COLLECTION OF DELINQUENT ACCOUNTS BY SOLID WASTE DISPOSAL CONTRACTOR; MAKING OCCUPANTS 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; AUTHORIZING INJUNCTIONS AGAINST VIOLATION HEREOF; AND REPEALING ORDINANCE NO. 163 RELATING TO SOLID WASTE DISPOSAL.

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

Section 1: That the City Council of the City of Clark Fork, Idaho, or its department designated by resolution, shall enforce this ordinance.

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 (except sewage).

Section 3: No owner, tenant or lessee of any public or private premises shall permit to accumulate upon his premises any garbage or refuse. All garbage set out for pick-up shall be in containers approved by the Solid Waste Disposal Contractor contracted to pick up garbage in the City of Clark Fork, Idaho.

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on the morning of the day scheduled for collection, such day to be set by resolution; and the empty containers shall be withdrawn from the front of the premises as soon after collection as possible on the same day.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 prepared by, billed out by, and collected by the Solid Waste Disposal Contractor. In addition, the Solid Waste Disposal Contractor shall be responsible for collection of delinquent fees and other costs arising from non-payment of accounts. The Solid Waste Disposal Contractor shall be entitled to recover from the delinquent account any costs and attorney's fees incurred in collecting any delinquent solid waste collection accounts.

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 occupant of the premises shall be held liable and responsible for the amount of such delinquency.

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, as set forth by resolution, shall be approved 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 Solid Waste Disposal Contractor upon approval of 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. Such fees shall be paid by the persons responsible for the same at the office of the Solid Waste Disposal Contractor. 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.

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.

Section 14: Ordinance #163 enacted August 14, 1973 shall be repealed by this ordinance.

Passed by the City Council at a regular meeting held on January 13, 1993, under suspension of the rules, and enacted as an ordinance of the City of Clark Fork, Idaho.

Ambrose A. Martinosky
Ambrose Martinosky, Mayor

Attest: Elizabeth A. Parenti
Elizabeth Parenti, City Clerk