

ORDINANCE A-107
AN ORDINANCE RELATING TO SANITATION
AND THE COLLECTION AND DISPOSAL OF REFUSE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAX

Section 1. Utility Established.

There is herewith created a Public Utility of the City of Max to be known as Refuse Collection and Disposal Utility. Such utility shall be responsible to carry out the provisions of this ordinance, and shall supervise and arrange for a refuse collection system, disposal grounds, and sanitary landfill disposal system. The utility shall have the power and authority to purchase or lease in the name of the City of Max such lands as are necessary for disposal of refuse; to purchase or lease such equipment as may be necessary.

Section 2. Definitions.

For the purpose of this article the following words shall have the meanings given herein:

1. "Ashes" is the residue from burning wood, coal, coke or other combustible materials.
2. "Garbage" is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
3. "Refuse" is all putrescible and non-putrescible solid wastes (except body wastes) including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.
4. "Rubbish" is non-putrescible solid wastes (excluding ashes) consisting of both combustible and non-combustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials.

Section 3. Accumulation of Refuse Prohibited.

No person shall permit or allow to accumulate in or about any yard, lot, place or premises; or upon any street or sidewalk, adjacent to or abutting upon any lot, block or place, or premises owned and occupied by that person or tenant, any and all refuse, nor allow such yard, lot, place or premises to be or remain in such condition. No lawn clippings, tree clippings or branches are to be purposely placed in the street.

Section 4. Automobiles, Personal Property - When a Nuisance

Unsheltered storage of old, used, stripped, junked and other automobiles not in good, safe operating condition, and of any other vehicles, machinery implements and/or equipment and personal property of any kind which is no longer safe for the purposes for which it was manufactured, for a period of thirty (30) days or more (except in a licensed junk yard) within the City, and any motor vehicle, animal and article of personal property which constitutes an obstruction to, hazard or detriment to public traffic, snow removal operations, public safety and public health, or which may be abandoned or unclaimed within the City, is hereby declared to be a nuisance and shall be abated in the manner prescribed in this article.

Section 5. Abatement Required by Owners.

The owner, owners, tenants, lessees and/or occupants of any lot within the corporate limits of this City upon which such storage is made, and also the owner, owners and /or lessees of the property involved is such storage (all of whom are hereinafter referred to collectively as "owners"), shall jointly and severally abate the nuisance by the prompt removal of the personal property into completely enclosed buildings authorized to be used for storage purposes, if within the corporate limits of the City, or otherwise to remove it to a location outside of corporate limits.

Section 6. Abatement Required - Penalty for Failure.

If the owners allow a nuisance to exist or fail to abate a nuisance they, and each of them upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00) for each infraction and a separate infraction shall be deemed committed on each day during or on which the nuisance is permitted to exist.

Section 7. Removal and Impoundment by City.

The police department may remove or cause to be removed to the City Hall, or any other place within the City selected for storage purposes, any personal property described in Section 4, and may impound and retain the same until the expense of removal, storage and impound is paid, together with the amount of any fine, costs, bail or other claims of the City against the owner, or any other person lawfully entitled to the possession thereof.

Section 8. Removal and Impoundment - When Sold.

If not reclaimed and redeemed by the true owner or the person lawfully entitled to the possession thereof within a period of thirty (30) days after impounding, any article of personal property described in Section 4 may be sold and disposed of by the police department in the manner hereinafter provided. Notice that such property will be sold shall be published once, at least (6) days prior to the sale, in the official newspaper. Such notice shall specify a description of the property to be sold and the time and place of sale. Any sale may be postponed or discontinued by public announcement at the time of the sale where there are not bidders or when the amount offered is grossly inadequate, or for other reasonable cause. The City may become a

purchaser of any or all property at the sale. The chief of police shall give the purchaser at the sale a certificate of purchase of such property.

Section 9. Removal and Impoundment Proceeds.

Within thirty (30) days after a sale, the person making the sale shall make out, in writing, and file with the City a full report of the sale, specifying the property sold, the amount received therefore, the amount of costs and expenses and the disposition of the proceeds of the sale. The proceeds arising from the sale shall be delivered to the city auditor and credited to the general fund.

Section 10. Containers -

All garbage and rubbish shall be placed by the person upon whose premises the same shall have been produced or accumulated, in watertight containers, which shall be protected against the access of flies and rodents.

Containers or sealed plastic bags shall be placed along the curb. The City may specify where containers shall be placed for the convenience of collection.

Section 11. Burning.

No open burning of garbage, refuse or rubbish within the City or in disposal grounds maintained by the City.

Section 12. Nuisance.

Failure to comply with the provisions of Sections 2, 10 and 11, shall constitute a public nuisance and be punishable as such under the terms of this Ordinance.

Section 13. City Collection

All garbage and rubbish as defined herein shall be collected by the city or franchised contractor as frequently as is necessary to maintain and preserve community cleanliness and sanitation, except that this section shall not require the collection of garbage and rubbish where streets and alleys are in a temporary condition which makes it impossible to do so and in case of the failure to collect such garbage and rubbish such failure shall not relieve the occupant of the premises from the payment of the garbage and rubbish collection fees hereinafter provided for.

Section 14. Fees

Fees for the collection of garbage rubbish by the City or franchised contractor and the disposal thereof may be set by resolution of the City governing body.

Section 15. Fees - Payment - Collection.

In all places where water service is provided, fees for garbage and rubbish collection shall be added to and collected as a part of the water bill and collected by the water department, but shall be separately stated on the bill. Garbage and rubbish collection bills shall be due and payable at the same time as the water bill, either monthly or quarterly as the case may be. If such charge is not paid when due the water service to such premises shall be shut off by the water department in the same manner as is now provided for in the case of delinquency in payment of water bills and such service shall not be restored without the payment of the penalties now provided for.

In all places where water service is not provided, the fees for garbage and rubbish collection shall be paid to the Water Department of the City upon monthly or quarterly bills from the Water Department. If the garbage and rubbish charge so established is not paid when due, such sum may be recovered by the City, in an action at law against the owner or occupant, or both, of the property so served.

The proceeds from the collection of the fees and charges shall be placed in the solid waste management fund, and all of the expense of the City, in the purchase and maintenance of equipment and in the collection and disposal of garbage and rubbish, shall be paid out of the solid waste management fund.

Section 16. Fees - Payment - Collection by Franchised Contractor.

In the event the City elects to franchise a contractor to perform the collection services contemplated by this section, collection of fees, limited as set out in this section, are to be made by the contractor. Failure to pay fees billed by the contractor within thirty (30) days of billing and reporting of the failure to pay to the City shall release the contractor from collection responsibility regarding the delinquent premises. On being notified of delinquencies the City may avail itself of any or all of the collection provision of Section 15.

Section 17. Disposal of Refuse not Collected by the City.

All other wastes as defined, and not included under garbage, rubbish and ashes, may be disposed of by the person creating such waste, by hauling such waste for disposal to such points as are designated or approved by the city governing body.

Section 18. Supervision.

The collection, removal and disposal of garbage and rubbish under the provisions of this article shall be under the supervision, direction and control of the City governing body.

Section 19. Rules and Regulations.

The governing body of the city shall prescribe such reasonable rules and regulations in connection with preparation, handling and disposition of garbage and rubbish as may be necessary to regulate, enforce and carry out the provisions of this chapter. The governing body may direct that the City garbage and rubbish collection crews shall not collect garbage and rubbish from any premises where such rules and regulations are not complied with and the failure to collect the same shall not relieve the owner or occupant of the premises from the payment of fees nor from the enforcement of the penalties of this code. In the absence of City collection crews the governing body may give instructions to a franchised contractor.

Section 20. Penalties.

Any person, firm, or corporation violating any of the terms or provisions of this ordinance shall be punished upon conviction thereof, by a fine of not more than \$500.00.

Section 21. Effective Date.

This ordinance shall be in full force and take effect immediately upon its final passage and the publication of its title and penalty clause.

Attest: C. T. Jacobson
First Reading: 6 - 7 - 76
Second Reading & Final Passage: 7 - 7 - 76
Publication: 9 - 16 - 76

AMENDED:
First Reading: 5 - 18 - 05
Second Reading: 6-6-05
Final Passage:

ATTEST: Patricia Honegreps
Auditor

APPROVED: Judy Mullickson
Mayor

**ATTACHMENT TO ORDINANCE A-107
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Max City Council at their meeting August 4, 2008 set forth policy relating to Ordinance A-107 as follows:

Council review of Ordinance #A-107, section 11, as it pertains to backyard fire pits. City policy will allow backyard burn pits with guidelines as follows:

Manufactured or home made fire pits are allowed with the use of a screen or grate to catch embers. Fire pits must be placed at least 25 feet from any combustibles. A fire extinguisher must be available at all times. Burning treated or rotten wood is prohibited. During an alert Burn Ban, all fires are strictly prohibited to include the use of backyard fire pits.

Publish Date: 8/14/2008