

TITLE 4

HEALTH AND SANITATION

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CHAPTER 1

GARBAGE AND REFUSE

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4-1-1: **DEFINITIONS:** The following words and phrases used in this chapter shall have the following meanings unless a different meaning clearly appears from the context:

GARBAGE: Shall include wastes resulting from the handling, preparation, cooking and consumption of food and the wastes from the handling, storage and sale of produce.

LITTER: Shall inclusively mean and cover all of the terms herein defined as "garbage", "refuse", "trash and rubbish" and all other waste material.

PRIVATE PREMISES: Any building or other structure, including the yards, grounds, sidewalks, driveways, accesses, fences, mailboxes, outbuildings and other appurtenances thereto and all private unimproved lots, property or premises as distinguished from property owned by any governmental unit.

PUBLIC PROPERTY: Any property owned by any governmental unit.

REFUSE: Shall include combustible wastes and includes, but not limited to, handbills, newspapers,

papers, cartons, boxes, barrels, wood, excelsior, rags, brush, weeds, tree branches, yard trimmings, leaves, appliances and wastes, and shall also include, but not limited to, metals, metal cans, tin cans, bottles, jars, ashes, clinkers, automobile bodies and parts, rocks, dirt, broken concrete, glass, crockery and mineral wastes; and it shall further include street rubbish, sweepings and gravel; and earth and dirt from construction or remodeling, solid or semisolid wastes from industrial processes and manufacturing operations.

TRASH AND RUBBISH: Shall include refuse other than garbage and other waste materials and shall include recognized construction and industrial wastes or byproducts and carcasses or parts of carcasses of dead animals.

VEHICLE: Every device in, upon, or by which any person, property or material is or may be transported or drawn upon a highway, street, public way, including devices used upon stationary rails or tracks. (Ord. 191, 5-16-2012)

4-1-2: **CONTAINERS:** The City provides containers for residents and businesses to use. Damage to the containers, other than normal wear, is the responsibility of the users. (Ord. 191, 5-16-2012)

4-1-3: **MINIMUM MAINTENANCE OF PROPERTY:**

- A. **Required:** Every owner, tenant, occupant or developer of private property within the City shall cut and remove the litter, weeds, grass and rubbish upon and from such private property to the center of any street or alley along or in front of such property, including the parking within and the curbing abutting such property, and will cut and remove the same as often thereafter during each year and every year as may be necessary and essential to prevent their growth, seeding and becoming a fire hazard.
- B. **Grass, Weed Growth:** All private property will be maintained, mowed or cut to keep grass and weed growth to no more than ten inches (10") high.

- C. Exceptions: Nature parks, wetlands and agriculture use lands are exempt from the weed and grass portion of this section. (Ord. 191, 5-16-2012)

4-1-4: **LITTERING PROHIBITED:**

A. Placement In Receptacles:

1. No person shall throw, deposit, leave or allow to accumulate any litter in or upon any public place or public property within the City, except in receptacles designed therefor.

2. Persons placing litter in receptacles shall do so in such manner as to prevent it from being blown or carried or deposited by the elements upon any public or private premises.

- B. Private Premises: No person, other than an owner or controller of private property or their invited guests, shall throw, deposit or leave any litter in or upon any private premises within the City.

- C. Accumulation Creating Public Nuisance: No person shall accumulate or allow to accumulate any litter upon premises owned or controlled by him to the point of creating a public nuisance or annoyance by such accumulation.

D. Littering From Vehicle:

1. No person, when a driver and passenger in any vehicle, shall throw, drop, deposit or leave litter upon any public place or upon public or private premises within the City.

2. Any driver or operator of a vehicle or owner of premises shall be responsible for the cleaning of any litter dropped, thrown or left from such vehicle or upon such premises.

- E. Depositing In Gutter, Other Public Places: No person shall sweep into or deposit in any gutter, alley, street or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of the premises and alley bordering their premises free of litter.

F. Handbills, Signs:

1. No person shall post or affix any handbill upon any public utility pole, sign post, lamppost, shade tree or upon any public structure or building, except as may be expressly authorized or required by law.

2. No person shall post or affix any handbill or sign to any building, structure, tree or appurtenance owned by any other person, without the consent of the owner or occupant thereof. (Ord. 191, 5-16-2012)

4-1-5: **NUISANCE, ABATEMENT AND SPECIAL ASSESSMENT:**

A. Public Nuisance: The failure to remove litter and rubbish or to maintain grass or weeds as provided in this chapter is declared to be a public nuisance, detrimental to the public health, safety and welfare.

B. Special Assessment:

1. Removal By City: Notwithstanding the imposition of any criminal fine, penalty or imprisonment, the City may, subject to the provisions of this section, remove any litter from any private property within the City and levy a special assessment against such property, for the reasonable costs of such removal.

2. Notice To Owner: Prior to the removal of such litter, the City shall give notice in writing to the owner of such property, which notice shall state the street address of the property where the litter exists, and shall describe the nature and general location of the litter to be removed. Such notice shall give the owner and occupant of the property an opportunity to be heard before the City Council and to show cause, if any they have, why the City should not take such action to remove the litter and assess the costs. Such notice shall be not less than five (5) days prior to the date of the City Council meeting. Such notice shall further state that if such litter is not removed within fifteen (15) days from the date of the notice or within five (5) days following the date of the hearing, and the City Council finds that there is a cause to remove such litter and to abate such nuisance, that the City shall do so if the owner or occupant does not undertake such action at any time after such hearing and subsequent to fifteen (15) days after the notice is given. Such notice shall be personally served upon the occupant, if any, of the property wherein the litter is located and shall be mailed by certified mail, return receipt requested, postage prepaid, to the owner of the property at the

address listed upon the real property assessment rolls of Bingham County. Such notice shall be deemed to be delivered upon its physical delivery and deposit into the United States mail, as set forth above.

3. Failure To Comply: If the owner or occupant fails to remove the litter within the time specified in the notice, the City may order the removal of the litter and a notice of special assessment shall be mailed to the owner of the property in the manner set forth above. The notice of special assessment shall state the amount to be assessed on account of the costs of removing the litter, the name and record address of the owner of the property to be assessed, and the legal description of such property. Such notice shall also state that if the assessment is not paid within thirty (30) days, the assessment will be placed on the real property tax rolls and will become a lien against such property.

4. Delinquency: If the assessment is not paid within thirty (30) days after mailing of the notice of assessment, the same shall be declared delinquent and may be certified to the Bingham County Treasurer by the City Clerk, not later than August 1 of each year. Upon such certification, the assessment shall be placed upon the tax roll and shall thereafter become a lien against the property described in the notice and shall be collected in the same manner and subject to the same penalties as are lawfully allowed for other real property taxes. All monies received on account of such special assessment shall be held by the City Treasurer in a special fund to be applied to the payment of the costs of such removal and the money shall be used for no other purpose except to reimburse the City for all amounts expended in removing such litter or weeds. (Ord. 191, 5-16-2012)

4-1-6: **PENALTY:**

- A. First Offense: A violation of this chapter constituting an infraction shall be punishable by a fixed and set fine of thirty five dollars (\$35.00) when the violator has not previously been convicted of a violation of this chapter.
- B. Second Offense: A violation of this chapter constituting an infraction shall be punishable by a fixed and set fine of seventy five dollars (\$75.00) when the violator has previously been convicted of an infraction or misdemeanor violation of this chapter. (Ord. 191, 5-16-2012)

- C. **Third Or Subsequent Offense:** When the violator has previously been convicted of two (2) or more violations of this chapter, whether those violations are infractions, misdemeanors or a combination of either, any subsequent violation shall be deemed a misdemeanor. A violation of this chapter constituting a misdemeanor shall be subject to penalty as provided in section 1-4-1 of this Code.
- D. **Court Costs Not Affected By Fine:** The fine amounts set forth above for infraction offenses shall be separate and apart from any court costs assessed pursuant to Idaho Code section 31-3201A(3) or any other provision of law. The fine amounts set forth for misdemeanor offenses shall be separate and apart from any court costs assessed pursuant to Idaho Code section 31-3201A(2), or any other provision of Idaho law. (Ord. 191, 5-16-2012; amd. 2018 Code)