

ORDINANCE NO. 57

AN ORDINANCE RELATING TO PUBLIC HEALTH AND SANITATION; PROVIDING FOR AND REGULATING THE COLLECTION, REMOVAL AND DISPOSAL OF GARBAGE AND REFUSE AND DEAD ANIMALS IN THE TOWN OF McCLEARY, WASHINGTON; PROVIDING FOR THE HANDLING THEREOF EXCLUSIVELY BY THE TOWN THROUGH A GARBAGE DEPARTMENT HERETIN CREATED; PROVIDING FOR A GARBAGE COMMISSIONER AND PRESCRIBING HIS DUTIES, SALARY AND MANNER OF APPOINTMENT; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF McCLEARY:

Section 1. That the maintenance of public health and sanitation requires and it is the intention hereof to make, the collection, removal and disposal of garbage and refuse and dead animals within the Town of McCleary compulsory and universal under the exclusive supervision of said town.

Section 2. That for the purpose of carrying into effect the provisions of this ordinance, there is hereby created and established a department of said town to be known as "Municipal Garbage Department".

Section 3. That the management and control of said department shall be vested in a garbage committee of the council to be appointed as herein after set forth.

Section 4. That the mayor shall annually at the time of appointment of other committees of said town, appoint a garbage committee; that the duties of such committee shall be such as are herein prescribed, and such other and further duties as the Council of said town may from time to time prescribe.

Section 5. That the garbage committee of the Council of the Town of McCleary, shall have general supervision over the garbage conditions of the town; shall direct and supervise the collection, removal and disposal of any and all garbage, offal, refuse substance or dead animals under any and all contracts which may be hereafter entered into as set forth in this ordinance, or as otherwise directed by the city council; shall set up and maintain a property accounting division for said department; and shall have full charge and control of the city dumping grounds, and for the purpose of fully enforcing the ordinances of said town for the protection of health, shall be empowered to enter into and upon the premises of any person within the limits of said town.

Section 6. That the collection, removal and disposal of garbage, refuse, dead animals, etc., as contemplated under the provisions of this ordinance, may be done under the direct supervision of the garbage committee by city employees, or may be done and performed by contract covering periods not exceeding ten years; that before awarding any such contract, the council shall cause to be published in the official newspaper of said town a notice, for at least ten days before letting such contract, inviting sealed proposals for the furnishing of all necessary equipment

and the doing of the work herein contemplated; that all proposals shall be sealed and filed with the city clerk on or about the day and hour named therein; that all proposals shall be accompanied by a certified check payable to the Town of McCleary in the sum of \$200.00, and no bid shall be considered unless accompanied by such check; that at the time and place named, such bids shall be publicly opened and read; that the council shall proceed to determine the lowest responsible bidder, and may let such contract to such bidder, or, if in its opinion, all bids are too high, it may reject all of them and re-advertise, and in such case all checks shall be returned to the bidders by the clerk, except that of the successful bidder, which shall be retained until the contract be entered into between the bidder and the town in accordance with such bid; that said contractor, upon the acceptance of such bid, shall enter into a bond with the Town of McCleary in the sum of \$2,000.00 for the faithful performance of the terms in the said contract, which said bond shall be filed in the office of the town clerk and duly approved and accepted by the council; if said bidder fails to enter into such a contract in accordance with his bid, and shall fail such bond within ten days from the date at which he is notified that he is the successful bidder, the clerk shall stamp across the face of the certified check; "Forfeited to the Town of McCleary, Elizabeth Rowe, Town Clerk," and shall deliver said check to the town treasurer to be deposited in the Town treasury to the credit of the municipal garbage department fund of the Town of McCleary, and the council shall readvertise for proposals for such work, etc., the council shall not have power to remit such forfeiture. That when such contract shall have been awarded, all payments due the contractor under the terms thereof, shall be payable from the municipal garbage department fund of the Town of McCleary.

Section 7. That there be and is hereby created and established, a fund to be known and designated as "Municipal Garbage Department Fund of the Town of McCleary," into which shall be paid all funds collected as hereinafter set forth in and about the handling of garbage in said town that such funds so set aside shall be used for the payment of the salary and wages of the employees of said department, and for the monthly contract payments in accordance with budget provisions, and shall be paid out by the town treasurer only upon warrants drawn by order of the council of said town and endorsed by the Mayor and attested by the clerk of said town.

Section 8. That the term "garbage and refuse" as used in this ordinance shall be taken to mean all waste and discarded materials from dwelling and places of business; "waste" shall not include materials subject to manufacture into byproducts.

That the term "person" shall mean every natural person, firm, co-partnership,

association or corporation.

Section 9. That it shall be the duty of every person in possession, charge or control of any dwelling, place of business or manufacturing establishment where garbage and refuse is created or accumulated, at all times to keep or cause to be kept portable metal cans for the deposit therein of garbage and refuse and to deposit or cause to be deposited the same therein.

That it shall be the duty of the owner of any dwelling, flat or apartment house to furnish to or see that his tenants are supplied with such cans, or in the case of apartment houses, with adequate means of disposing of garbage and refuse.

That such cans shall be water tight, of not less than twenty-five and not more than thirty gallons capacity, shall have two handles at the sides thereof and tight fitting metal lids; that such lids shall not be removed except when necessary to place garbage and refuse in such cans or to take same from there; that when garbage and refuse is placed therein or taken therefrom such lids shall be replaced by the person placing the same therein or taking the same therefrom; that such cans shall be kept in a sanitary condition with the outside thereof clean and free from accumulating grease and decomposing materials; that each such can shall be kept in a place accessible to the collector of garbage and refuse.

That large suitable containers for bulk collection of garbage and refuse may with the approval of the garbage committee be used by hotels, restaurants, boarding houses, eating houses, apartment houses, schools and hospitals and in the business district.

That waste paper or office supplies may be deposited in waste paper baskets or other suitable receptacles.

That it shall be the duty of every person to cause such garbage and refuse to be removed and disposed of by the contractor or the municipal garbage department of said town.

That it shall be the duty of every person in possession, charge or control of any dead animal or upon whose premises the same may be located, to forthwith cause the same to be removed and disposed of by the contractor or said municipal garbage department.

That this section is subject to the proviso that in the case of isolated dwellings or places of business located in sparsely settled portions of the city, or where reasonable access cannot be had by truck, garbage and refuse therefrom may, upon special permit of the garbage committee, be collected, removed and disposed of in such manner as said committee shall in and by such permit approve and direct.

Section 10. That it shall be unlawful for any person to burn any garbage or refuse, except waste paper boxes, rubbish and debris, brush, grass, weeds and cuttings from trees, lawn or gardens burned in a furnace or upon permit from the fire chief; or to dump or deposit any garbage and refuse upon any street or alley or private property in the Town of McCleary or to burn the same; or to collect, remove or dispose of the same except as in this ordinance provided.

Section 11. That the contractor of the municipal garbage department shall collect, remove and dispose of all garbage and refuse in the residential sections of the town at least weekly, and from hotels, restaurants, boarding houses, eating places, apartment houses, schools and hospitals and in the business section of the town as designated from time to time by the garbage committee as often as required by said committee; residential sections of the city shall include all portions thereof not otherwise designated.

Section 12. That the garbage committee is hereby directed to forthwith, as after their appointment fix and determine the rates permonth to be charged for the collection, removal and disposal of garbage, and submit such schedule to the city council for its approval; that except as hereinafter set forth, the rates so fixed shall be charged until the further order of the city council of the said city.

Section 13. That the town, through its said garbage committee, shall have the right to change the rates from time to time as it shall appear that the volume or character of garbage is changed, and the event of and increase in the rate, the customer shall be notified at least (10) days before the next monthly charge is payable.

Section 14. The garbage committee shall cause to be kept, accurate books of accounting, and shall cause proper monthly billing for garbage and refuse services to be made; that such billing, so far as possible, shall be listed and included in the monthly statements sent out by the water department of said town; that such accounts shall be due and payable on or before the 15th day of each month, at the office of the clerk of said town, that a delinquency charge of 50 cents shall be added to all accounts which have been delinquent for sixty (60) days or over; that the garbage committee may suspend service for non-payment of such accounts, but such suspension shall not relieve the person owing such accounts from the duty of complying with the provisions of this ordinance, and such suspension shall render the premises where such service is suspended subject to condemnation for sanitary reasons.

Section 15. That the Town of McCleary reserves the right to and may at its option require the separation of paper or swill or other component part of garbage

and refuse or any of them; may require the deposit thereof in separate cans or receptacles and may prescribe the method of disposal thereof.

Section 16. That no person, except the contractor hereinabove mentioned, shall use or be permitted to use any dumps or dump, sanitary fill or fills or other places of disposal established and used by the municipal garbage department.

Section 17. That from and after the effective date of this ordinance, it shall be unlawful for any person other than said municipal garbage department, or its contractor, to engage in the business of collecting, removing and disposing of other than said department, its agents or employees, to do or perform any of the things herein required, to be done or performed by said department.

Section 18. That it shall be unlawful for any person or persons to allow to remain on his or their premises, kitchen or butcher refuse, offal or garbage, dead animals or any putrid or stinking animal or vegetable matter, or to throw the same on any street, alley place or in standing water or excavation or upon the ground or premises of any person.

Section 19. That the owner of any animal which shall have died within the Town of McCleary shall, within twenty-four (24) hours, notify the garbage committee to cause the same to be removed and disposed of, and shall pay the fee provided for such service.

Section 20. That it shall be unlawful for any person or persons to permit or suffer to accumulate in or about any yard, lot, place or premises, or upon any street or sidewalk adjacent or abutting upon any lot, block, place or premises, owned and occupied by him or them, or for which he or they may be agents or agent, within the city limits refuse vegetable, decayed or decaying substance, garbage or filth of any kind, or to suffer any yard, lot, place or premises to be or remain in such condition as to cause or create a noisome or offensive smell or atmosphere, or thereby to be or become, cause or create a public nuisance.

Section 21. That the doing, allowing and permitting to be done any act or thing which is prohibited or forbidden by this ordinance is hereby declared to be a public nuisance, and it shall be the duty of the garbage committee to give notice to such person or persons to remove such nuisances forthwith under the provisions of this ordinance; and if the owner or owners, occupant or occupants of the premises on which said nuisance shall be situated, shall neglect or refuse to cause the removal of the same for the space of forty-eight (48) hours after the notice shall have been given, he, she, or they, upon conviction thereof before the court having jurisdiction of municipal offenses, shall be liable to the penalty hereinafter pre-

scribed, together with the expense of removing such nuisance and the cost of prosecution; that if any person or persons shall, after notice as foresaid, permit any such nuisance to remain, it shall be lawful for the garbage committee to cause the removal and abatement of such nuisance, and for that purpose they are hereby authorized to expend such sum of money, not exceeding \$15.00 in any one case, as may be required for the removal and abatement of such nuisance; provided that when any greater expenditure is found necessary to be made than the sum of \$15.00, the said garbage committee shall report the same to the town council previous to incurring such expense and request authority to make such expenditure.

Section 22. That is, it shall be the duty of the Town Marshal to cause to be executed all orders of the garbage committee, so far as they relate to the preservation of health of the town, or whenever ordered to do so by said committee.

Section 23. That any person who violates, disobeys, omits, neglects or refuses to comply with, or who resists any of the provisions of this ordinance, or who refuses or neglects to obey any of the rules, orders, or sanitary regulations of the municipal garbage department, or who omits, neglects or refuses to comply with any order or special regulation of said department, or resists any properly authorized officer in the discharge of his duty, shall, upon arrest and conviction before the court having jurisdiction of municipal offenses, be subject to a fine not exceeding \$100.00 and not less than \$10.00 for such offense, together with the cost of prosecution.

Section 24. That all ordinances and parts of ordinances in conflict herewith, be, and the same are hereby, repealed.

Section 25. That this ordinance shall take effect and be in full force from and after its passage, approval and legal publication.

Passed by the Town Council, approved by the Mayor, and attested by the Town Clerk in authentication of such passage this 22nd day of June, 1948.

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Mayor

ATTEST:

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TOWN CLERK