

ORDINANCE NO. 3, 2019

AN ORDINANCE PROVIDING FOR THE REMOVAL AND DISPOSAL OF GARBAGE AND REFUSE, PROVIDING DEFINITIONS, PROHIBITING BURNING, PROVIDING STANDARDS, AUTHORIZING THE CITY COUNCIL TO CONTRACT FOR REMOVAL OF GARBAGE, PROVIDING FEES AND BILLING, PROVIDING FOR GARBAGE RECEPTACLES AND CONTAINERS, PROVIDING USE OF NON-CONFORMING GARBAGE RECEPTACLES, PROVIDING FOR PENALTIES AND VIOLATIONS, DELCARING A NUISANCE, PROVIDING FOR AN EFFECTIVE DATE AND REPEALING ANY ORDINANCE IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUNDANCE, CROOK COUNTY, WYOMING:

SECTION 1: CITY AUTHORITY

This ordinance is declared to be strictly a sanitary and safety measure, enacted for the promotion of the public health and safety. The City Council is hereby authorized, empowered and directed to use every means at its disposal, including police powers, for the enforcement of each and every provision herein.

SECTION 2: DEFINITIONS

- a. **Garbage** is hereby defined and shall be taken and held to mean and include any and all kitchen refuse, rejected or waste food, meats, fish, fowl, offal, carrion and other refuse, accumulation of fruit, vegetable, or animal matter and any other type of kitchen refuse including, but not limited to, meats, fish, fowl, fruits, vegetables, that may decompose and become foul, offensive, unsanitary or dangerous to health.
- b. **Refuse** is hereby defined and shall be taken as, and held to mean any containers, boxes, glass, cans, bottles, metal and commonly known as rubbish or refuse of any kind or character or by any known name.
- c. **Occupied Premises** means any place of abode, dwelling or any place of business in operation.

SECTION 3: PRIMA FACIE EVIDENCE

Any place of abode, dwelling or any place of business in operation or occupied by individuals shall constitute prima facie evidence that refuse and/or garbage is being produced and accumulated on said premises.

SECTION 4: ILLEGAL TO STORE OR SCATTER REFUSE AND GARBAGE

No refuse and/or garbage shall be stored or accumulated anywhere in the City or thrown or swept into any street, gutter, sewer, intake, alley, vacant lot, pond or other property. Individuals and business establishments shall be responsible for keeping sidewalks in

front of any home or business free from any accumulation of refuse and/or garbage. The owner or manager of any business shall be held liable for any violation hereof.

SECTION 5: ILLEGAL TO BURN TRASH

No garbage and/or refuse of any kind shall be burned within the City other than in furnaces or stoves in the buildings of the occupants thereof.

SECTION 6: RECEPTACLE REQUIRED

Every owner, agent, lessee, renter or purchaser of any building, dwelling or any premises (excluding vacant lots) within the City shall provide for the regular deposit of garbage and refuse and to maintain in good order and in clean condition receptacles provided by the City. Restaurants, apartment buildings or other establishments where accumulation is significant may be required by the City to keep garbage apart from other refuse in covered sanitary containers. All paper or other inflammable material as well as cartons and boxes, whether of paper, pasteboard, wood or other material must be baled or tied securely in bundles or when approved stacked and place where accessible for collection.

SECTION 7: DUTY OF PROPERTY OWNERS, TENANTS, LESSEES, ECT.

It shall be the duty of every person whether owner, lessee, or renter of any vacant lot, building, or premises, including places of business, hotels, restaurants, dwelling houses, apartments, tenements or other establishments, at all times to maintain the premises in a clean and orderly condition, permitting no deposit or accumulation of materials other than those ordinarily attendant upon the use for which the premises are intended. Any such accumulation in violation of this provision is hereby declared to constitute a nuisance and violation of this ordinance.

SECTION 8: REMOVAL OF GARBAGE AND REFUSE

The collection and removal of garbage and refuse within the City shall be at all times under the supervision of the City. Garbage and refuse may be handled exclusively by the City or the City may contract for the removal of all garbage or refuse by independent contractors.

SECTION 9: REMOVAL OF WASTE BY OWNERS

Owners or persons responsible therefor shall not permit any unnecessary accumulation of trash or refuse as follows:

- a. Discarded automobile parts, furniture, stoves, etc.
- b. Establishments dealing in wool, hides, furs, slaughter or packing houses, offal, junk or tires shall be kept clean by periodic removal of garbage and refuse by proprietors of all discarded waste material.

- c. All plaster, broken concrete, stone, wood, roofing materials, wire or metal binding, sacks or loose discarded or unused materials of all kinds resulting from the wrecking, construction, or reconstruction of any room, basement, wall, fence, sidewalk, or building shall be promptly removed or stored in a manner as not to be scattered about by wind or otherwise and as soon as possible after wrecking, construction or reconstruction removed by the person responsible for the work. Contractors will be held liable for any scattering of garbage or refuse upon adjacent property.
- d. It shall be the duty of every person being the owner of or having in his possession or charge any horse or other animal which shall in any manner come to its death within the City to remove the body or carcass of the animal to the City dump.
- e. Highly explosive or inflammable refuse shall be removed to a location as determined by the City. Removal of explosive or inflammable refuse shall be handled by the establishment responsible therefor (i.e. garages, filling stations, dry cleaning plants, etc.)
- f. All refuse which may be classified as a regular accumulation of waste resulting from any factory, warehouse, trade or other kind of industry shall be removed to the City dump by those responsible.

SECTION 10: TRASH CARTS AND RECEPTACLES

Trash carts and receptacles shall be subject to the following:

- a. Trash carts furnished by the City are the only receptacles from which household trash will be collected.
- b. Only household trash will be accepted in the trash carts. All household trash must be bagged to prevent littering. Lids must be kept closed to prevent littering. All trash must be contained within the cart and not be overflowing. Carts with overflowing garbage will not be collected. Trash outside of the cart will not be collected.
- c. Trash carts for household trash only. Yard waste consisting of, but not limited to, grass, leaves, limbs, wood, lumber, bricks, rocks, concrete, ashes from wood stoves, pellet stoves and fireplaces shall not be placed in City receptacles. No non-household steel, pipe, white goods of any kind, electronic devices such as computers, TVs, VCR-DVDs, radios, any dead animal, non-hazardous materials (i.e. motor oil, anti-freeze, car/truck batteries, etc.) shall be placed in City receptacles.
- d. Every customer must maintain at least a four (4) foot clear radius around the cart so the truck will be able to pick up the cart. The area around the cart must be maintained in a clean and neat manner and not allow trash to accumulate on the ground.

- e. Trash carts must be placed on the street facing forward on the assigned day, and if not placed in the assigned area will not be collected. After the cart has been emptied it must be removed off the street and on to private property within 48 hours.
- f. After new trash carts are issued, the old cans and racks must be removed from City street curbs and alleys within thirty (30) days.
- g. It shall be unlawful for any person to place trash in any receptacle other than their own assigned cart.
- h. It shall be unlawful to desecrate or alter the trash cart in any way. Damage to trash carts are the sole responsibility of the customer. Replacement costs will be required to be paid by the customer before a new trash cart is issued.

SECTION 11: PAYMENT FOR SERVICES

- a. The City shall establish fees for services provided as the City Council may from time to time set by Resolution.
- b. Any charge or fee if not paid when due, may result in water service to any residential or business premises to be shut off by the City in the manner as provided in the case of delinquent water and sewer charges and water services shall not be restored until the charge for garbage collection has been paid in full, together with all penalties.

SECTION 12: PENALTY

Violation of this Ordinance shall be considered a misdemeanor and punishable by a fine of not less than \$100.00 nor more than \$750.00.

SECTION 13: REPEALING ALL ORDINANCES IN CONFLICT HEREWITH

Ordinance No. 1, 1973 and any other ordinance in conflict herewith, be and the same are hereby repealed.

SECTION 14: EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED, ADOPTED AND APPROVED this 7th day of January, 2020, 2019.

CITY OF SUNDANCE

BY: Paul Brooks
PAUL BROOKS, MAYOR

ATTEST:

Kaelly Ahenz
CITY CLERK

(SEAL)

1st reading - November 5, 2019

2nd reading - December 3, 2019

3rd reading - January 7, 2020

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