

## ARTICLE 4: GARBAGE

### Section 1.

- 1) **GARBAGE.** Only waste food substances.
- 2) **RUBBISH.** Inorganic wastes that cannot be burned or incinerated without the use of auxiliary fuel. Such rubbish shall include tin cans, metals, mineral matter and glass.
- 3) **REFUSE.** All materials that have no utilitarian use at the location of its storage or accumulation and also includes materials such as discarded or abandoned paper containers, building materials, tires, trash, parts of machines and motor vehicles, appliances and all other materials commonly understood to constitute **REFUSE**.

**Section 2.** Each citizen, person, firm or corporation in said town, desiring to avail himself, herself or itself of the garbage collection and disposal service hereinafter provided, shall procure and use a proper type container with a tight-fitting lock lid and bail with slightly recessed bottom, constructed of a material sufficiently resistant to garbage acids, in which to store said garbage on his, her or their premises for the purpose of its being collected and disposed of.

### Section 3.

- 1) Private residences or households desiring to avail themselves of any garbage collection and disposal service shall place their containers of garbage at the designated collection location, on the collection days, in time to be taken up by the collector on his or her regular collecting trips, but at all other times shall be stored in the rear portion of their premises.
- 2) Collection from commercial establishments shall be made in the rear thereof and the containers of garbage from such establishments shall be conveniently placed at the rear of their said premises.
- 3) Any residence, household, family or commercial establishment failing to adhere to the requirements of this article shall not be entitled to said service and the collector of garbage shall be authorized to refuse to collect and dispose of the garbage therefrom.

**Section 4.** Hereafter, it shall be unlawful for any person, firm or corporation to store, accumulate or dispose of garbage, rubbish or refuse within the corporate limits of said town, in an unsanitary, negligent or obnoxious manner.

**Section 5.** Any collector of garbage within said town, by virtue of the provisions of this article, shall fix and give notice of definite time of collecting garbage and shall:

- 1) Adhere to the same collection days for his or her respective routes each week;
- 2) Procure and use a suitable truck in which to collect said garbage; said truck to be equipped

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with a suitable cover to prevent spilling or slopping out of said truck, while within the corporate limits of said town or on the public highways of said state;

3) Promptly and thoroughly clean up any spilling of garbage that may occur; provided, that the days of collection from households may be changed from time to time by said collector, upon the giving of proper notice thereof; and

4) Remove said garbage at least one mile beyond the corporate limits of said town for the purpose of disposing of it; if said garbage is disposed of by feeding to hogs or livestock, the feeding shall be done strictly in compliance with the provisions of the statutes and the rules and regulations of the State Board of Health relating thereto and all unconsumed garbage shall be recollected and disposed of by burning or adequately burying each day. If said garbage is not fed, it shall be disposed of pursuant to state and federal law.

**Section 6.** It shall be unlawful to dump rubbish, refuse, garbage or other waste upon any lot or any public or private land within the corporate limits of the town or to use or maintain any lot or any public or private land in the town as a dumping or storage ground for such rubbish, refuse, garbage or other waste, excepting only that clean fill dirt and rock may be used for the purpose of filling, grading and leveling.

**Section 7.** The maintenance, creating, causing or permitting any of the above named conditions by any person, firm, co-partnership or corporation shall be deemed a nuisance as being injurious to property and the enjoyment thereof, as being injurious to the health and offensive to the senses.

**Section 8.** It shall be the duty of Town Clerk-Treasurer or the Town Council President to serve or cause to be served a notice upon the owner or occupant of any premises upon which a violation of any section of this article exists and said notice shall demand the abatement of the nuisance within ten days.

**Section 9.** *Owner=s right to object.*

1) Upon receipt of a notice to abate, the owner or occupant may notify the Town Clerk-Treasurer or the Town Council President of an intent to object to a notice to abate. This correspondence shall be in writing, shall specify the street address and legal description of the property involved and shall be made if only there exists a good faith dispute as to the request to abate. Any such correspondence must be received by the Town Clerk-Treasurer or the Town Council President within the time set out in the notice to abate.

2) Upon receipt of such correspondence, the Clerk-Treasurer or the Town Council President shall provide copies of same to the Town Attorney and to each member of the Council. No further action shall be pursued against the owner to abate the nuisance until resolution of the objection. Resolution of the objection, if not achieved by the Town Attorney, will be decided by the Council in a public hearing.

**Section 10.** *Lien procedure.*

1) Charges for garbage or refuse abatement that are not paid by the owner or occupant shall

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become a lien upon the premises. When a bill for such charges remains unpaid for 60 days after it has been rendered, the Clerk-Treasurer may file with the Auditor of the county a certified statement of lien claim. This statement shall contain a legal description of the premises, the expenses and costs incurred, the date the nuisance was abated and notice that the town claims a lien for this amount and the Auditor shall place the amount claimed on the tax duplicate against the real estate affected by the abatement and the amount shall be collected as taxes are collected and disbursed to the General Fund of the town.

2) Notice of such lien claim shall be mailed to the owner of the premises if his or her address is known. Provided, however, that failure of the Town Clerk-Treasurer or the Town Council President to record such lien claim or to mail such notice or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for such charges as provided in the following section.

### **Section 11.** *Foreclosure of lien.*

1) Property subject to a lien for unpaid abatement charges shall be sold for non-payment of the same and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in equity in the name of the town.

2) The Town Attorney hereby is authorized and directed to institute such proceedings, in the name of the town, in any court having jurisdiction over such matter, against any property for which such bill has remained unpaid one year after it has been rendered.  
(Ord 2001-08, passed 7-5-2001)

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