

Ordinance No. 25317

Introduced by Commissioner Jay Coffey

AN ORDINANCE REGULATING THE KEEPING, DISPOSAL AND COLLECTION OF REFUSE AND GARBAGE, PROVIDING FOR THE COLLECTION AND DESTRUCTION OF THE SAME, PROVIDING FOR AN EXCLUSIVE FRANCHISE AND CONTRACT FOR THE COLLECTION AND DISPOSAL OF SUCH GARBAGE, AND PROVIDING PENALTIES FOR THE ENFORCEMENT OF THE PROVISIONS HEREIN CONTAINED.

THE CITY OF WARRENTON DOES ORDAIN AS FOLLOWS:

Section 1. No person or persons shall permit or suffer any refuse, decaying vegetables, or other decaying substances, or abandoned refuse matter that accumulates in the preparation of food for the table, or all garbage of any kind, to be or remain in or about any house, yard, lot, place or premises owned or occupied by him or them, except for the time, and under the conditions and regulations in this ordinance contained, and unless the same be kept in a closed can, box or other receptacle in such a manner that there shall be no leakage of the contents thereof, and in such a condition and manner that no noisome or offensive smell or atmosphere shall obtain or be created to the extent that the same may thereby cause or become a public nuisance, or affect or endanger the rights or health of any person or persons whatsoever.

Section 2. It is hereby made unlawful for any person or persons in the City of Warrenton to permit or suffer any of the substances described or referred to in the preceding section, and for which he or they are responsible, to be or remain in or upon the premises owned, occupied or controlled by him or them for a period of longer than ^{days} ten (10) in all events; and which said limitation of ten (10) days shall be subject and subsidiary to the further provision that none of such substances, as described or referred to in the preceding section, shall be allowed to be or remain in or about any place or premises longer than a reasonable time, which reasonable time may be determined by the nature of the decaying matter, garbage or other substances referred to in this ordinance, and with a view of protecting the public safety and health.

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Section 3. That words garbage, refuse, and the other substances designated or referred to in this ordinance, shall be held to include every refuse accumulation of animal, fruit, or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetables; as well as other matters that are properly and commonly included in the words "garbage or refuse matter"; but nothing in this ordinance contained shall be held to include or refer to night-soil or human excrement; and it shall be unlawful for any person to place in the cans or other receptacles hereinafter or heretofore referred to, any ashes, night-soil, or human excrement.

Section 4. It shall be unlawful for any person to deposit, throw, or place any garbage, offal, refuse matter, or any of the other substances designated or herein referred to, in or upon any lane, alley, street, or other public place within the City of Warrenton; nor shall any person place or throw any of such substances upon any private property, whether owned by such person or not, unless the same shall be enclosed in the manner provided in section one herein; and such cans or other receptacles to be perfectly water tight, and so kept with tightly fitting covers, which covers shall not be removed except when necessary; and such cans or other receptacles shall be kept in the rear of the house, or in other proper or convenient place so as to be readily accessible for collection, and never upon any street, alley or other public place, and all such cans or other receptacles shall be promptly delivered to the collector or scavenger, hereinafter referred to, when called for, and shall be returned by him to said place or places without unnecessary delay, and no person except a duly authorized one, or the owners or proper custodians thereof, shall in any way interfere with said cans or other receptacles, or with the contents thereof.

Section 5. Any person or persons shall be permitted to destroy by cremation, or by any ordinary process or burning, any of

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the substances designated or referred to herein, upon the premises where they originate; Provided, however, that the same shall be done in such a manner that the provisions and general purposes and intent of this ordinance may not be evaded, and that such process of burning may cause no material offense to others in the form of nuisance.

Section 6. It is hereby made unlawful for any person or persons, to remove, or to transfer, take or haul through or over any of the streets of the City of Warrenton, any garbage, refuse, or other substances described by name or referred to in section one of this ordinance; excepting those persons duly licensed therefor by the City of Warrenton, or such officials or agents of the City of Warrenton, whose duty it may be or shall become to thus remove, handle, or convey any or all of the substances described or referred to herein, over or upon any of the streets or public places of such municipality, save and except, residents of the City of Warrenton may remove, transfer, take or haul through or over any of the streets of the City of Warrenton, any garbage or similiar substances directly to the Warrenton City Dump and dump said garbage in that portion of the dump under the control of the City of Warrenton, but not in that section of the dump contracted to a collector of garbage. Residents hauling their garbage to the City dump shall do so under the supervision and direction of the City of Warrenton and it shall be unlawful for any resident to dump his garbage in said City dump in any manner other than the manner he is told to do by the City of Warrenton.

Section 7. For the purpose of providing a means of handling and destroying all the substances in this ordinance referred to, and for the convenience of householders and all others, and as a matter of public health and safety, the City of Warrenton, may provide means for the removal, hauling away, or destruction of any or all of the substances described, or herein referred to, by contract,

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or otherwise; or may provide and direct that the same may be done by a person or persons, firm or corporation, duly licensed therefor.

Section 8. An exclusive contract and franchise may be given to any person, or persons, firm or corporation for a period not exceeding five (5) years, to have the exclusive right and privilege of collecting from householders and others, and of handling, transferring or conveying any of the substances described or referred to in this ordinance and of disposing of the same in such reasonable means or manner as the Commission of the City of Warrenton shall determine.

Section 9. The Commission of the City of Warrenton shall have the further power to set such rates or charges as may be deemed reasonable to be charged by such franchise holder herein referred to for the service to be performed, and may make further provisions requiring a bond in the sum of \$1,000.00, conditioned upon the faithful performance of any and all of the duties or obligations imposed upon them by this ordinance, and any contract which may be entered into between the said parties.

Section 10. The Commission of the City of Warrenton shall have the further privilege of granting such exclusive franchise by contract, either by making a private contract, or by making a contract after having called for bids. Such call for bids may be done in any manner which the Commission of the City of Warrenton shall deem reasonable and proper.

Section 11. The Commission of the City of Warrenton is hereby authorized and empowered to make such contract, as hereinbefore referred to, in accordance with the terms and conditions of this ordinance, for the purpose of aiding and carrying out its intent and provisions.

Section 12. Any person, or persons, firm or corporation violating any of the provisions of this ordinance, save and except those duties or obligations imposed upon such person, or persons, firm
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or corporation, who shall by contract have those rights and privileges of exclusive franchise, as hereinbefore provided, shall be deemed guilty of misdemeanor, and upon conviction therefor, before the Auditor and Police Judge, shall be fined in the sum of not less than \$100.00, or by imprisonment in the City Jail not exceeding twenty days.

Passed by the City Commissioners of the City of Warrenton, this 7 day of July, 1947.

Approved by the Mayor of the City of Warrenton, this 7 day of July, 1947.

L. M. Wilson
Mayor

ATTEST:

J. R. Baldwin
Auditor and Police Judge