## TITLE 4

### PUBLIC HEALTH AND SAFETY

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*City of Wallace*
CHAPTER 1
NUISANCES

SECTION:

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4-1-1: DEFINITIONS: As used in this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:

CHIEF OF POLICE: Includes any authorized law enforcement officer of the City.

COSTS: The expense of removing, storing, restoring, selling or investigating a discarded vehicle or other nuisance.

DISCARDED VEHICLE: Any vehicle which does not have lawfully affixed thereto a valid license plate and is in one or
more of the following conditions for over thirty (30) days:

A. Inoperative;

B. Wrecked;

C. Dismantled or partially dismantled;

D. Abandoned; or

E. Junked.

Discarded vehicles may be deemed to include major parts, including, but not limited to, automobile bodies, automobile body parts, engines and engine components, transmissions and other drive train parts.

GARBAGE:

Putrescible animal and vegetable wastes resulting from the handling, preparing, cooking or consumption of food.

NUISANCE:

Anything which is injurious to the health or morals, or is indecent or offensive to the senses, or is an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property. Further, the open accumulation and storage of a discarded vehicle is hereby found to create a condition tending to reduce the value of private property, to invite plundering and vandalism, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare of the public.

PERSON:

A natural person, firm, partnership, association or corporation.

PERSON IN CHARGE OF PROPERTY:

Any agent, occupant, lessee, contract purchaser, owner or person having possession,
control or title of property, or property where a vehicle or other nuisance is located.

PUBLIC PLACE: A building, way, place or accommodation, whether publicly or privately owned, open and available to the general public.

REFUSE: All putrescible and nonputrescible solid wastes (except body waste), including garbage, rubbish, ashes, street cleanings, dead animals and solid market and industrial wastes.

RESPONSIBLE PERSON: The person responsible for abating a nuisance and shall include:

A. The "person in charge of property", as defined in this Section.

B. The person who caused to come into or continue in existence a "nuisance", as defined in this Section, or any other ordinance of this City.

RUBBISH: Nonputrescible solid waste consisting of both combustible and noncombustible wastes, including, but not limited to, paper, wrappings, cardboard, tin or aluminum cans, yard clippings, leaves, dirt (other than the natural soil, in place), wood, glass, bedding, crockery, remnants of wood; decayed, weathered or broken construction materials which may no longer be suitable for safe or approved construction, worthless and useless articles which are in such a state or such a quantity as to be unsightly, against the general welfare, unhealthful, dangerous to persons or property, or so as to interfere with the abatement of weeds and similar materials.

VEHICLE: Every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

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VEHICLE OWNER: Any individual, firm, corporation or association with a claim, either individually or jointly, of ownership or any interest, legal or equitable, in a vehicle. (Ord. 95-04, 5-30-1995)

4-1-2: JURISDICTION: The jurisdiction of this Chapter relating to public nuisances shall be upon all property inside the City limits and shall extend three (3) miles beyond the City limits of the City, both public and private. (Ord. 95-04, 5-30-1995; amd. 2000 Code)

4-1-3: ANIMALS:

A. Livestock And Poultry: Except for common household pets, no person shall keep or maintain livestock or poultry within the limits of the City. Animals being maintained at the time of passage hereof are exempt from enforcement. Once said animal is removed or expires, no animal shall take its place.

B. Animal Carcasses: No person shall permit an animal carcass owned or controlled by him to remain upon public property, or to be exposed on private property, for a period of time longer than is necessary to remove and dispose of the carcass, but in no event longer than twenty four (24) hours. (Ord. 95-04, 5-30-1995; amd. 2000 Code)

C. Penalty: Failure to abate the above nuisances within the City limits after reasonable notice to the landowner, tenant or person responsible for maintaining or allowing the nuisance shall be a misdemeanor and shall be punished by a fine not to exceed one hundred dollars ($100.00). (2000 Code)

4-1-4: NUISANCES AFFECTING PUBLIC SAFETY:

A. Abandoned Iceboxes: No person shall leave in a place accessible to children an abandoned or discarded icebox, refrigerator or similar container without first removing the door.

B. Attractive Nuisances:

1. Prohibited: No owner or person in charge of property shall permit thereon:
a. Unsafe machinery, equipment, vehicles or other devices which are attractive, dangerous and accessible to children.

b. Lumber, logs or pilings placed or stored in a manner so as to be attractive, dangerous and accessible to children.

c. An open pit, quarry, cistern or other excavation without safeguards or barriers to prevent such places from being used by children.

2. Exception: This subsection shall not apply to authorized construction projects with reasonable safeguards to prevent injury or death to playing children.

C. Scattering Rubbish: No person shall deposit upon public or private property any kind of rubbish, trash, debris, refuse or any substance that would mar the appearance, create a stench or fire hazard, detract from the cleanliness or safety of the property, or would be likely to injure a person, animal or vehicle traveling upon a public way.

D. Trees And Bushes:

1. Trimming Required: No owner or person in charge of property that abuts upon any public sidewalk shall permit trees or bushes on his property to interfere with street or sidewalk traffic. It shall be the duty of an owner or person in charge of property that abuts upon a street or public sidewalk to keep all trees and bushes on his premises, including the adjoining parking strip, trimmed to a height of not less than eight feet (8') above the sidewalk and not less than fourteen feet (14') above the roadway.

2. Dead Or Decaying Tree: No owner or person in charge of property shall allow to stand any dead or decaying tree that is a hazard to the public or to person or property on or near the property.

E. Fences:

1. Barbed Wire: No owner or person in charge of property shall construct or maintain a barbed wire fence thereon, or allow barbed wire to remain as part of a fence, along a sidewalk or public way; except such wire may be placed about the top of other fencing not less than six feet six inches (6'6") high.

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2. Electric Fence Prohibited: No owner or person in charge of property shall construct, maintain or operate an electric fence along a sidewalk or public way.

F. Surface Waters; Drainage:

1. Sidewalks: No owner or person in charge of any building or structure shall suffer or permit rainwater, ice or snow to fall from the building or structure onto a street or public sidewalk or to flow across the sidewalk.

2. Drainpipes: The owner or person in charge of property shall install and maintain in proper state of repair adequate drainpipes or a drainage system so that any overflow water accumulating on the roof or about the building is not carried across or upon the sidewalk.

G. Dangerous Excavations:

1. Barriers: No owner or person in charge of property shall allow an excavation to remain unguarded without suitable barriers.

2. Warning Lights: In addition to the barriers required by subsection G1 of this Section, any person creating, maintaining or in charge of such excavation shall ensure the installation and operation of warning lights, encompassing the excavation and reasonably noticeable to passersby.

H. Littering Prohibited:

1. To Throw, Deposit Or Accumulate Prohibited: No person shall throw, deposit or accumulate litter in or upon any public place or private premises within the City, except for collection, or except while such person is temporarily engaged in clearing said public place or private premises of litter or improving said public place or private premises.

2. Prohibited Deposits: No person shall deposit or cause to be deposited in any City-owned receptacle located in a public place, the garbage or litter which was accumulated in the residence or place of business occupied by said person.

I. Garbage And Refuse Containers: No owner or person in charge of a property shall allow the storage or accumulation of garbage, refuse or rubbish to be accumulated, unless contained in a sealed or sealable container designed for such purpose. A sealed or sealable

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garbage bag or sack alone is not sufficient; it shall be sealed in a container also.

J. Refuse Area Enclosure: All trash and/or garbage collection areas for commercial, industrial and multi-family residential uses shall be enclosed on at least three (3) sides by a solid wall or fence of at least four feet (4') in height or within an enclosed building or structure. Adequate vehicular access to and from such area for collection of trash and/or garbage shall be provided.

K. Unsightly Conditions: The exterior of all structures and yards shall be maintained in such manner that there is no detrimental effect on the property of others. There shall be no keeping, depositing on, or scattering over the property of any of the following:

1. Junk, trash or debris;

2. Abandoned, discarded or unused objects or equipment, such as automobiles, furniture, stoves, refrigerators, freezers, cans, containers or similar items;

3. Stagnant water or excavations; or

4. Any device, decoration, design, structure or vegetation which offends the visual sensibilities of a reasonable person by reason of its condition.

L. Structures: Any structure or part of a structure, which because of fire, wind or other natural disaster, or physical deterioration is no longer habitable as a dwelling nor useful for any other purpose for which it may have been intended, must be repaired or demolished within thirty (30) days of such an incident, or notice to the property owner, whichever is sooner.

M. Vacant Buildings: In any area within the City, any vacant dwelling, garage, or other outbuilding shall be kept securely locked and the windows kept glazed or neatly boarded up and otherwise protected to prevent vandalism or other types of tampering or fire hazard.

N. Discarded Vehicles: It shall be unlawful to store or permit the storing of a discarded vehicle upon any private property within the City, unless the vehicle is completely enclosed within a building, or unless it is in connection with and upon the property of a business enterprise dealing in junked vehicles lawfully conducted within the City. (Ord. 95-04, 5-30-1995)
ENFORCEMENT; POWERS OF POLICE CHIEF: The Chief of Police is hereby empowered, whenever a public "nuisance" as defined in the foregoing Sections is discovered upon private property, to:

A. Investigation; Notice Of Violation: Make an investigation to discover the owner of the public nuisance and the person in charge of the property upon which public nuisance is located, and give a written notice to them, either in person or by certified mail, that the public nuisance is in violation of this Chapter.

B. Posting Notice On Vehicle: If the nuisance is a discarded vehicle and if the owner of the vehicle is not found, to place a notice upon the vehicle in clear view.

C. Contents Of Notice; Action To Be Taken: The notice shall state that a certain discarded vehicle or public nuisance is in violation of this Chapter, and that within three (3) days of the day of the sending or posting of the notice:

1. The vehicle or public nuisance must be removed from the City, or;

2. The vehicle must be removed to the storage yard of a business dealing in junked vehicles lawfully; or

3. The vehicle must be completely enclosed within a building.

D. Show Cause Hearing: The notice shall also state that the alternative to compliance with subsection C of this Section is to petition the City Clerk/Treasurer, in writing, within ten (10) days of the receipt of or posting of the notice, and request appearance before the City Council to show cause why such vehicle or public nuisance should not be immediately abated as provided in this Chapter.

E. Failure To Comply: The notice shall also state that failure to comply with this Chapter authorizes the City to remove the vehicle or public nuisance at the owner's or responsible person's expense and that violation of the Chapter is a misdemeanor violation and punishable pursuant to Section 4-1-17 of this Chapter. (Ord. 95-04, 5-30-1995)

FAILURE TO COMPLY: If the responsible party refuses to remove or cause to be removed, any vehicle or other public nuisance found to be in violation of this Chapter, the Chief of Police shall pray for a court order to seize the vehicle or other property constituting a

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public nuisance, and/or criminally charge the responsible party with violation of this Chapter. (Ord. 95-04, 5-30-1995)

4-1-7: LIABILITY: Any person who creates or maintains any nuisance or causes the same to exist, or to continue to exist, or any person who knowingly permits a nuisance to be created, maintained or to exist on premises owned by him or under his control, shall be liable. (Ord. 95-04, 5-30-1995)

4-1-8: PROPERTY OWNER TO ABATE: It shall be the duty of the owner and/or tenant of any lot, building or premises wherein any nuisance exists, or the lessee, manager or person in charge thereof, to remove, repair, abate or destroy the same without delay. (Ord. 95-04, 5-30-1995)

4-1-9: RESPONSIBLE PARTY UNKNOWN: Whenever any nuisance exists for the abatement, creation or removal of which no person can be found who is responsible therefor, it shall be the duty of a duly authorized representative of the City to remove, repair, abate or destroy the same, or cause the same to be done. (Ord. 95-04, 5-30-1995)

4-1-10: NOTICE TO ABATE: The City Clerk/Treasurer, or other duly authorized representative, shall notify in writing or in person the owner of any such vehicle, lot, place, or area within the City or the agent of such owner, to abate the nuisance indicated in the notice; provided that such written notice shall be by certified mail, addressed to said owner or agent of said owner, at his last known address, or delivered in person. If the owner of a discarded vehicle is not found, said notice shall be placed upon the vehicle in clear view. (Ord. 95-04, 5-30-1995; amd. 2000 Code)

4-1-11: FAILURE TO COMPLY: Upon failure, neglect or refusal of any such owner, or agent of such owner, to abate the listed nuisance within ten (10) days after the date of such notice or in the event the same is returned to the City by the post office department as unable to make delivery thereof, the City is hereby authorized and empowered to abate the nuisance and remove it at the expense of the property owner. (Ord. 95-04, 5-30-1995)
4-1-12: REQUEST FOR HEARING: The notice shall also state that the alternative to abatement is to petition the City Clerk/Treasurer, in writing, within ten (10) days of the receipt of or posting of the notice, and request appearance before the City Council to show cause why such nuisance should not be immediately abated as provided in this Chapter. (Ord. 95-04, 5-30-1995; amd. 2000 Code)

4-1-13: HEARING:

A. Hearing Scheduled: Pursuant to a request, the City Council shall set a time, during the next Council meeting for a hearing to show cause why the nuisance should not be immediately abated.

B. Evidence; Testimony: The City Council shall receive the evidence and testimony of the Chief of Police or his agent and other interested persons concerning the existence, location and condition of the nuisance.

C. Council Findings: After hearing the evidence, the Council shall determine if the condition in question is in fact a violation of this Chapter and make their finding known by vote or executive order of the Mayor.

D. Consolidate Hearings: The Council may consolidate hearings if more than one nuisance is involved.

E. Notice Of Findings: Persons receiving the notice specified in this Chapter shall be notified, in writing, of the decision of the Council.

F. Extension Of Time: The Council may extend the time frame given to abate a nuisance or vehicle deemed to be in violation of this Chapter for good cause shown. (Ord. 95-04, 5-30-1995)

4-1-14: ENTRY UPON PRIVATE PROPERTY: The Chief of Police or his agent is authorized at all reasonable times to enter upon private property and examine any vehicle for the purpose of determining whether or not it is in a discarded condition. However, before entering upon private property, he shall obtain the consent in writing of an occupant thereof, if known, or obtain a search warrant authorizing his entry. It shall be unlawful for any person to interfere with or attempt to prevent the service of said search warrant. (Ord. 95-04, 5-30-1995)

City of Wallace
4-1-15: **ABATEMENT BY CITY:**

A. Costs: Whenever the City has paid for the abatement of the nuisance or has used its own employees and equipment for the abatement of a nuisance as set forth in this Chapter, the actual costs thereof, plus interest at the rate of six percent (6%) per annum from the date of completion of the work, shall be charged to the owner of such property, who shall be personally liable for such charges.

B. Notice Of Costs; Lien: The owner of the property shall be given thirty (30) days' written notice to make such payment, and if not paid, such charges shall be a lien against such property in the same manner as mechanics and materialmen's liens provided for by Idaho law.

C. Remedies: An authorized representative of the City may or shall, at his option, either:

1. Cause such lien to be recorded in the County Clerk/Treasurer's office in the manner provided by law for mechanic's and materialmen's liens; or

2. Certify such charges to the proper City officer for collection in the manner provided by law for the collection of taxes and assessments; or

3. File a civil suit in the name of the City against said debtor to collect said charges. (Ord. 95-04, 5-30-1995; amd. 2000 Code)

4-1-16: **DISPOSITION OF DISCARDED VEHICLE:** Once the Chief of Police is forced to impound a discarded vehicle, it shall be treated the same as an abandoned vehicle and procedures as set forth in Idaho Code will be followed. (Ord. 95-04, 5-30-1995)

4-1-17: **PENALTY:** Unless otherwise provided, failure to abate a nuisance within the City limits after reasonable notice to the landowner, tenant or person responsible for maintaining or allowing the nuisance shall be a misdemeanor and subject to penalty as provided in Section 1-4-1 of this Code. Failure to abate such nuisance from day to day shall constitute a separate offense for each day. (Ord. 95-04A, 9-5-1995; amd. 2000 Code)

City of Wallace
CHAPTER 2
GARBAGE AND REFUSE

SECTION:

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4-2-2: Responsible Authority
4-2-3: Use Required
4-2-4: Refuse Collection
4-2-5: Accumulation Unlawful
4-2-6: Burning; Dumping
4-2-7: Refuse Containers
4-2-8: Collection Period
4-2-9: Special Handling
4-2-10: Collection Fees
4-2-11: Method Of Collection
4-2-12: Permit To Haul To Landfill Site
4-2-13: Penalty

4-2-1: DEFINITIONS: Words not defined herein shall be given the meaning ordinarily applied to such words:

COLLECTOR: The agents and/or employees of the Sanitation Department of the City and designated by the City to collect, handle, transport and dispose of refuse and wastes.

GARBAGE: All putrescible waste, except sewage and body waste, including waste accumulated of animal food or vegetable matter, and including waste that attends the preparation, use, cooking, dealing in or storing meat, fish, fowl, fruit and vegetables, and shall include all of such wastes or accumulations of vegetable matter of residences, restaurants, cafes, hotels and places where food is prepared for human
consumption. The term "garbage" shall not include recognized industrial products.

INSPECTOR: The authorized employee of the City or some individual designated by the Council as having the duty of the enforcement of this Chapter.

OWNER AND OCCUPANT: Wherever herein used may be used interchangeably, and shall mean every person in possession, charge or in control of any dwelling, flat, rooming house, or any eating place, shop, place of business, manufacturing or business establishment where garbage or other refuse is created or accumulated.

PERSON: Every individual, business, organization and business entity.

REFUSE: Solid wastes, including garbage and rubbish.

RUBBISH: Refuse other than garbage (tin cans, bottles, ashes, paper, pasteboard, cardboard, or wooden boxes, brush, leaves, weeds, and cuttings from trees, lawns, shrubs, and gardens or other waste materials produced in normal course of doing business, or every day living). The term "rubbish" shall not include recognized industrial byproducts.

WASTE: Unwanted solid, liquid, or gaseous materials. (Ord. 426, 2-11-1975)

4-2-2: RESPONSIBLE AUTHORITY: The Police Department or such other persons as may be appointed by the Mayor and Council, shall be responsible for the enforcement of the provisions of this Chapter and other duties as the Council may prescribe. (Ord. 426, 2-11-1975)

4-2-3: USE REQUIRED: Every owner and occupant of premises within the prescribed limits of the City must use the franchise refuse collection and disposal system provided and shall deposit or cause to be deposited in accordance with this regulation all rubbish and garbage

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that is of such nature that it is perishable, or may decompose, or may be scattered by wind or otherwise. (Ord. 466, 3-27-1980)

4-2-4: REFUSE COLLECTION:

A. Department Of Sanitation Created: There is hereby created a Department of Sanitation.

B. Compulsory System Created: There is hereby established a compulsory system of refuse collection, transportation and disposal which shall be solely operated and carried on by the City through its Department of Sanitation and its agents and/or employees.

C. Prohibited: It shall be unlawful for any person other than duly authorized agents and/or employees of the Department of Sanitation to engage in the business of collecting, transporting, hauling or conveying any refuse over the streets or alleys, or to dump or dispose of the same. (Ord. 426, 2-11-1975)

4-2-5: ACCUMULATION UNLAWFUL: It shall be unlawful for any person to permit or to suffer to accumulate in or about any yard, lot, place or premises, or upon any street, alley, or sidewalk adjacent to such lot, yard, place or premises, owned or occupied by such person, any garbage or refuse so as to cause such yard, lot, premises, or the street, alley or sidewalk adjacent thereto, to remain or be in such condition as to cause or create a nuisance or offensive odor, offensive atmosphere or rodent harborage, or thereby to be or to become, or cause to create, a public nuisance. (Ord. 426, 2-11-1975)

4-2-6: BURNING; DUMPING:

A. Burning: No person shall burn, incinerate, bury, dump, collect, remove or in any other manner dispose of rubbish or garbage except as hereinafter provided:

1. Interior Incinerator: Any person may use an incinerator in the interior of a building between the hours of seven o'clock (7:00) A.M. and seven o'clock (7:00) P.M. provided such incinerator meets the requirements of the Uniform Building Code and such rules and regulations as provided by State and/or Federal regulations.
2. Open Burning: No open burning of any rubbish is permissible unless done pursuant to rules and regulations of the State and United States.

B. Dumping: No person shall throw, discard, or deposit any rubbish, garbage or refuse in or upon any street, alley, sidewalk or vacant ground or in or upon any canal, sewer, drainage ditch or watercourse. (Ord. 426, 2-11-1975)

4-2-7: REFUSE CONTAINERS:

A. Containers Required: It shall be the duty of every owner or occupant of any place where garbage or rubbish is created or accumulated to at all times keep or cause to be kept portable metal containers or their equivalent for the deposit therein of rubbish and garbage and except as otherwise provided, to deposit or cause to be deposited all rubbish and garbage therein.

B. Specifications:

1. Watertight: All such containers shall be watertight and not easily corroodible, rodent and flyproof, shall be equipped with handles and a close-fitting lid.

2. Size: Such containers shall not be less than twenty (20) gallons capacity nor more than thirty four (34) gallons capacity and limited to fifty (50) pounds in weight.

3. Metal Containers: The containers if metal, shall be of not less than twenty eight (28) gauge metal or the equivalent, and be hot-dipped after fabrication to assure nonleaking cans, or a can that is guaranteed by the manufacturer and so labeled to be leakproof regardless of manufacturing processes.

C. Lid: The lid shall not be removed except when necessary to place garbage or rubbish in such container or to take the same therefrom.

D. Sanitary Condition: Such containers shall be kept in sanitary condition.

E. Placement: All garbage or refuse cans shall be placed in a place accessible to the collector or at such place as may be agreed upon by the owner and the City Council, or at such place as may be designated by the inspector.
F. Large Receptacles: Receptacles of a larger size and type may be designated by the city council and the council may require cans to be placed upon the street curb or other easily accessible location on collection days. (Ord. 466, 3-27-1980)

4-2-8: COLLECTION PERIOD: Collectors shall collect rubbish and garbage from each customer at least once every week or as called for in the collection fee schedule set by the city council. (Ord. 426, 2-11-1975)

4-2-9: SPECIAL HANDLING:

A. Kept Separate: Rubbish consisting only of cardboard, or wooden boxes, brush, leaves, weeds and cutting from trees, lawns, shrubs, and gardens must be kept separately without depositing the same in the containers required by section 4-2-7 of this chapter.

B. Bulk Material: Bulk material, such as leaves, shall be in a can, box, sack or receptacle for ease of loading.

C. Brush; Bulky Material: Brush, or any bulky material, shall be in bundles not to exceed four feet (4') in length.

D. Compost Piles: Compost piles may be maintained for fertilization purposes only and may be transported, kept and used provided the same shall not constitute a nuisance. (Ord. 466, 3-27-1980)

4-2-10: COLLECTION FEES: Pursuant to the franchise agreement in section 15-5-1 of this code, the following fees for collection shall apply until subsequently amended, modified or changed:

A. Fees For Collection: Every owner of real property in the city of Wallace from which garbage or refuse shall be removed or collected shall pay the franchisee the amount established by ordinance for the services rendered of collecting, removing and disposing of all garbage and refuse within the city of Wallace, Idaho.

1. Residential: The rate of seven dollars fifty cents ($7.50) per month for a sixty five (65) or ninety five (95) gallon can one time per week.

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2. Business and commercial: Collection/removal shall be at the following monthly rates:

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<th>Yards</th>
<th>Times Per Week</th>
<th>Rate Per Month</th>
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B. Change Of Rates: The rate established by the franchise agreement and this chapter shall not be changed, adjusted or amended without the franchisee first making written application to the city of Wallace to adjust, amend or change the rates established by this section. The city council within sixty (60) days of the date of filing of the application shall meet and act upon the application and enter its order either approving or denying the rate amendment, adjustment, or change proposed by the franchisee. Rate adjustments, changes or amendments approved by the city council, if any, shall thereafter become effective commencing thirty (30) days from and after the date of entry of the order approving such rate amendment, change or adjustment, and upon publication in one issue of the official newspaper for the city of Wallace. (Ord. 2004-01, 5-17-2004)

4-2-11: METHOD OF COLLECTION:

A. When Due: Fees are payable to the city clerk/treasurer on the fifteenth day of each and every month following the month(s) for which the billing is billed by the city clerk/treasurer.

B. Delinquency; Penalty: In the event said charge is not paid when due, after fifteen (15) days, the same shall be delinquent and a late penalty charge of ten percent (10%) of the amount of such fee shall be added thereto.

C. Lien: If such charges shall remain delinquent and unpaid for a period of forty five (45) days, the city clerk/treasurer shall certify the amount payable including penalty to the tax collector of Shoshone County and said delinquency and penalty shall by said tax collector be placed upon the tax roll and collected in the same manner and subject to the same penalties as other city taxes.

March 2008

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D. Garbage Fund: All fees collected by the city clerk/treasurer shall be deposited to a fund hereby established known as the "garbage fund". After the payment of all expenses of the garbage collection system established hereunder, the balance of any monies remaining in said fund shall be transferred upon a vote of a majority of the members of the city council into the general fund of the city. (Ord. 426, 2-11-1975; amd. 2000 Code)

4-2-12: PERMIT TO HAUL TO LANDFILL SITE:

A. Permit Required: Nothing in this chapter shall prohibit any person residing within the limits of the city to haul his garbage, refuse, or rubbish to any sanitary landfill site approved by the county and state for purposes of disposal. Provided, however that such persons shall first secure a permit for such hauling from the city clerk/treasurer.

B. Fee: The fee for permits issued by authority under this section shall be the sum of five dollars ($5.00).

C. Term: Such permits shall be for a term of one calendar year. (Ord. 426, 2-11-1975; amd. 2000 Code)

4-2-13: PENALTY: Any person who violates this chapter shall, for each violation, be subject to penalty as provided in section 1-4-1 of this code. (Ord. 426, 2-11-1975; amd. 2000 Code)