

ORDINANCE NO. 191

AN ORDINANCE DECLARING THE ACCUMULATION OF REFUSE ON ANY PREMISES TO BE A NUISANCE, PROVIDING FOR THE ABATEMENT THEREOF, THE ASSESSMENT OF COSTS OF ABATEMENT, AND PENALTIES.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SUGAR CITY:

Section 1-1 Definitions. For the purposes of this ordinance, the word "refuse" shall mean and include any grass clippings, leaves, hay, straw, manure, shavings, excelsior, paper, ashes, rubbish, containers, boxes, glass, cans, bottles, garbage, waste and discarded building and construction materials, including but not limited to plaster, broken concrete, bricks, cinder blocks, stones, wood, roofing material, wire or metal binding, sacks or loose discarded or unused material, including such materials as remain or result from the destruction or damage of a building or other structure by wind-storm or fire; all rubbish of any kind or nature whatsoever; motor vehicles not bearing a current safety inspection sticker; and any other materials commonly known as rubbish or refuse of any kind or character or by any means known.

Section 1-2 Accumulation of Refuse; Prohibited and Declared Nuisance Any accumulation of refuse on any premises, improved or unimproved, in the Town is prohibited and is hereby declared to be a nuisance.

Section 1-3 Abatement Whenever the Board shall direct, the Town Clerk shall immediately thereafter notify any owner of property, his agent or any person having charge of such property, in writing, that an order has been made by the Board requiring the removal of any accumulated refuse from such property or premises within thirty (30) days after service of notice. If such property owner, agent or person having charge of such property shall not remove such refuse in accordance with the requirement of such order the Board may order that such refuse be removed by the Town Superintendent or other agent of the Board and assess the cost thereof against the property or premises. The amount so assessed shall be a lien upon such property until the same is paid; provided, that in case of failure to pay such assessment within ten (10) days after the same shall be made, the Town Clerk shall cause a notice of such assessment to be given to the owner of such property by certified mail, which notice shall contain a notice to such property owner of the amount assessed against his property, and shall designate a time and place when the Board will hear any objections as to the adjustment and correctness of the amount so assessed. Such notice shall be mailed at least two (2) weeks prior to the time set for said hearing and shall be addressed to the owner at his last known address, and be posted at three conspicuous places within the Town. If such assessment is not paid within ten (10) days after the time fixed for hearing such objections, and unless the same are sustained, the Town Clerk shall certify such assessment to the county treasurer to be placed by him on the tax list for the current year, to be collected in the same manner as other taxes are collected, with ten (10%) per cent penalty to defray the cost of collection, as provided by the laws of the state.

Section 1-4 Accumulation and Deposit of Garbage, etc., Prohibited No person shall deposit or place any garbage, rubbish, waste material or ashes in such a manner that the same is or tends to become a nuisance or in such a manner endangers or tends to endanger the public health. No person having the occupancy, control or management of any premises shall cause or permit any garbage, waste material, rubbish

or ashes to be accumulated thereon in such a manner that the same is or tends to become a nuisance or in such a manner as endangers or tends to endanger the public health. No person shall in any manner throw, place, scatter, deposit, or bury any garbage, rubbish, waste materials or ashes in or upon any public street, alley or other public place or upon his own premises or the premises of another.

Section 1-5 Refuse Not to be Thrown in Street, Vacant Lot, etc. No hay, straw, shavings, excelsior, paper or other combustible material, sod, lawn mowings, leaves, weeds, ashes, glass, bottles, broken glass, nails, tacks, wire, cans, rocks, stones or rubbish of any kind or nature whatsoever or any other refuse or material shall be thrown or swept into any street, sidewalk, gutter, sewer, intake, alley, vacant lot or other property.

Section 1-6 Responsibility of Owners, Lessees, etc., for Refuse on Premises It shall be the duty of every person, whether owner, lessee or renter of any vacant lot, building or premises, including any place of business, hotel, restaurant, dwelling house, apartment, tenement or any other establishment, at all times to maintain the premises in a clean and orderly condition, permitting no deposit or accumulation of refuse or materials other than those ordinarily attendant upon the use for which such premises are legally intended. Any such accumulation shall constitute a nuisance, and shall be nonconforming in the use of such premises.

Section 1-7(a) Building Materials to be Removed from Construction Sites All plaster, broken concrete, bricks, cinder blocks, stones, wood, roofing material, wire or metal binding, sacks or loose discarded or unused material of any kind resulting from the wrecking, constructing or reconstructing of any room, basement, wall, fence or sidewalk or building shall be promptly removed and discarded in such a manner as not to be scattered about by the wind or otherwise, and as soon as possible be removed by the owner of the premises. Such person shall be held liable for any scattering of such refuse upon adjacent property.

Section 1-7(b) All damaged plaster, broken concrete, bricks, cinder blocks, stones, wood, roofing material, wire or metal binding, electrical wiring, and plumbing, resulting from the destruction of or damage to any building or other structure as a result of fire or windstorm shall be promptly removed and discarded in such a manner as not to be scattered about by the wind or otherwise, and as soon as possible be removed by the owner of the premises. Such person shall be held liable for any scattering of such refuse upon adjacent property.

Section 1-8 Removal of Refuse From Business Required Discarded automobile parts, stoves, furniture, wool, hides, junk yard refuse and packing house or slaughterhouse refuse shall be removed periodically from such respective establishments by the proprietor so that the premises are clean and orderly at all times. Silt and similar deposits from automobile wash racks shall be removed to the Town dump by the establishment creating such deposit. Any accumulation of refuse that is highly explosive or inflammable which might endanger life or property shall be removed to such places as approved by the Marshal or the Chief of the Fire Department; such removal to be handled by the establishments responsible therefor.

Section 1-9 ~~REMOVED~~

~~Section 1-10. Accumulation and Use of Manure~~ Other than a light spread of manure which may be applied on lawns or gardens for fertilizing purposes, manure shall not be kept on any property for any purpose, or kept in any place for later use, but shall be either plowed under or removed by the owner, occupant or agent.

Section 1-11 Burning of Garbage and Waste Material No person shall set on fire or burn any garbage, rubbish or waste material or any hay, grass clippings or other combustible materials, except waste paper, in any ash pit or other receptacle or upon the ground. Any such act is a nuisance because of smoke and odor.

Section 1-12 Town Disposal Sites All garbage, rubbish, waste material and ashes disposal sites owned or under the control of the Town, together with all matter whatsoever deposited or existing thereon, shall be the property of the Town, and no person shall enter upon such sites, or carry off, dispose of, burn or in any manner disturb or molest any matter or thing deposited or existing upon such sites, except under direction or authority of the Town Administrator.

Section 1-13 The Board of Trustees finds and hereby declares that this ordinance is necessary for the immediate protection of the peace, health and welfare of the citizens of the Town of Sugar City; therefore, this ordinance shall become effective five (5) days after its passage and posting.

Introduced, read in full, passed, adopted, and ordered posted this 6th day of March, 1972.

Harold S. [Signature]
Mayor

Attest:

[Signature]
Town Clerk