

Athena Ordinances

ORDINANCE NO. 410**AN ORDINANCE REGULATING GARBAGE, RUBBISH DISPOSAL AND COLLECTION; PROVIDING PENALTIES.**

The City of Athena, Oregon ordains as follows:

Section 1. Definitions As Used in This Ordinance.

- (A) The term “refuse” shall mean solid wastes, including garbage and rubbish.
- (B) The term “garbage” shall include all putrescible waste, except sewage and body wastes, including waste accumulations of animal, food or vegetable matter, and including waste that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit and vegetable and all cans, boxes, cartons, papers or other objects which have food or other organic materials of any nature in or adhering thereto; and shall include all of such wastes or accumulations of vegetable matter or residences, restaurants, hotels and places where food is prepared for human consumption. The term “garbage” shall not include recognized industrial by-products or dead animals weighing over 50 pounds.
- (C) The term “rubbish” shall mean refuse other than garbage (tin cans, bottles, ashes, paper, pasteboard, cardboard or wooden boxes, brush, leaves, weeds and cuttings from lawns, shrubs and gardens or other waste material produced in the normal course of everyday living); but shall not include trees, tree stumps or limbs, building material from the construction or demolition or buildings.
- (D) The term “owner, occupant and tenant,” 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 establishment or other place where garbage or other refuse is created or accumulated.
- (E) The terms “contractor” or “collector,” wherever herein used, shall mean the City of Athena or its authorized representative, or the person holding a license, contract or franchise within the City of Athena, and thereby is authorized and designated by the City of Athena to collect, handle, transport and dispose of refuse.
- (F) The term “inspector” shall mean the person or persons designated by the city to enforce the provisions of this ordinance.

Section 2. All garbage and rubbish shall be removed from private residences not less frequently than once a week.

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Section 3. Every owner, occupant or tenant within the City of Athena having or accumulating garbage or rubbish shall have the same removed by the collector, and shall pay the rates as herein set forth or agreed upon by the city council. The burning of garbage within the city limits of the city of Athena is prohibited.

Every owner or occupant producing garbage and/or refuse shall provide and maintain in a place easily accessible to the garbage collector and where it will not be a public nuisance or in any degree offensive a water-tight, not easily corrodible, rodent and fly-proof container of standard design, which shall be hot dipped after fabrication to insure a leak proof can; or if not hot dipped after fabrication, shall bear the manufacturer's guarantee that such cans are leak proof, with suitable handles and tight-fitting cover, having a capacity of not to exceed 32 gallons, in which shall be placed all garbage which has been drained of all excess liquids and the solids wrapped in paper or other material so as to prevent the escape of liquids therefrom; provided, that persons living in the same apartment house may use a single receptacle in common. Whenever rubbish, garbage or refuse is placed therein or taken therefrom, such lid shall be replaced by the person placing or taking therefrom such garbage or refuse. The collector shall not pick up such refuse as trees, tree limbs, brush, building materials and other hard-to-handle items. Weeds, leaves, grass clippings and other bulk materials shall be placed in substantial containers adjacent to the garbage cans, which containers will so confine such materials to prevent them from scattering or blowing, such containers when full not to exceed 100 pounds in weight.

Section 4. No person shall collect, haul or transport garbage or rubbish within the City of Athena except those persons who have been granted a garbage collection contract and the employees of such contractors.

Section 5. All vehicles carrying refuse through the streets and alleys of the City of Athena shall be loaded in such a manner and shall be provided with a suitable cover securely fastened as to prevent the scattering or dropping of garbage or rubbish upon public or private property.

Section 6. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined according to the fine schedule.

Section 7. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Passed by the council and approved by the mayor August 18, 1958.

Amended by the council and approved by the mayor November 15, 2007.