

## ORDINANCE NO. 67

AN ORDINANCE REGARDING THE DISPOSITION OF REFUSE WITHIN THE  
CITY OF PLATO, DEFINING TERMS, PROVIDING FOR PENALTIES.

The City Council of the City of Plato ordains:

Section 1: Definitions.

- a. Garbage, as used in this ordinance, consists of every accumulation of animal, vegetable and other matter that attends the preparation, consumption, decay or dealing in, or storage of, meats, fish, fowl, birds, fruits, vegetables, grains or other food stuffs, including the packaging material therefrom.
- b. Open Burning as used in this ordinance means any fire wherein the products of combustion are admitted into the open air and are not directed thereto through a building code approval stack or chimney, or approved incinerator or other device which prevents the escape of sparks or ashes.
- c. Rubbish is used in this ordinance to mean all discarded items, including paper, cardboard, cloth, clothes, shoes, crockery, glass, metal, plastic, furniture and other discarded items.
- d. Construction Debris as used in this ordinance means soil, earth, sand, clay, gravel, loam, stones, bricks, concrete blocks, plaster, portland cement, cinders, shingles or other items as a result of the demolition of buildings and/or as a by-product of the construction of buildings.
- e. Waste as used in this ordinance means human or animal waste, feces or manure.
- f. Yard Waste as used in this ordinance means grass clippings, leaves, twigs, branches, cut weeds, tree seeds or cones, and other vegetable material (including compost) generated from yards and gardens, exclusive of food stuffs.
- g. Recreational Fires as used in this ordinance means fires contained in either UL approved outdoor fireplaces or outdoor fireplaces of masonry construction under the specific regulations provided in this ordinance.

Section 2: It shall be unlawful for any person in the City of Plato to dispose of any refuse item, including all items described in Section 1 of this Ordinance in any manner other than as authorized, or to throw or deposit the same on either private or public property, or otherwise to deposit or keep the same where insects and rodents have access to them or feed upon them.

Section 3: Refuse shall be disposed of in the following manners:

- a. Garbage and rubbish shall be disposed of by placing the same in authorized containers for weekly pickup by an authorized garbage hauler. Garbage and refuse may be also disposed of by the owner transporting the same to an authorized waste disposal site.
- b. Construction debris shall be disposed of only in authorized, lawful construction debris disposal sites.
- c. Yard waste may be delivered to any authorized yard waste disposal site. Yard waste may be composted upon the property upon which it is generated, but only provided the compost site is kept neat and orderly and does not emit offensive or obnoxious odors. In no case shall brush piles of branches, trees, shrubs or other vegetable material be maintained on any property other than an authorized disposal site.
- d. All human waste shall be disposed of only through the Plato wastewater treatment system by deposit into the sanitary sewer collection system. Pet waste may be disposed of through the sanitary sewer collection system or may be placed in paper or plastic bags and included within garbage. Pet waste shall be immediately removed from a public or private place. No large animal manure (cows, horses, swine, etc.) shall be permitted to be deposited within the City of Plato and the owner of any animal which deposits large animal manure within the City shall be responsible for the immediate removal of the same to dispose of it outside of the City limits in a lawful manner.

Section 4: The transport to disposal sites of any refuse items described in Section 1 of this ordinance shall be in such a manner as to not permit the same to be dropped, deposited, blown or left upon any street, alley, boulevard, private or public property en route, and all loads shall be secured to prevent the same.

Section 5: No open burning shall be permitted whatsoever within the City of Plato, except permitted recreational fires or upon the express approval of the City Council, and then only for extraordinary or unusual conditions which shall include: Supervised burning of dilapidated buildings by the Fire Department, brush pile burning upon the City's waste disposal site, use of fire to thaw frost ground for access to public utilities. In no case shall any other items as defined in Section 1 of this ordinance be disposed of by open burning.

Section 6: The following regulations shall apply to recreational fires:

- a. All recreational fires shall be contained within a UL approved or masonry construction outdoor fireplace which is equipped with a spark arrester to prevent airborne sparks. In no case shall the fire chamber exceed a size longer than 3 feet high, 3 feet wide, and 3 feet deep.
- b. Recreational fires will be permitted only within residential zones, and in the case of rental property, the owner of the property must join in the permit application with the tenant.
- c. No outdoor fireplace shall be located within 15 feet of any structure, including dwelling houses, garages, porches, balconies, decks or storage sheds.
- d. Only charcoal and/or wood (exclusive of contamination of any other substance) shall be used as fuel within an outdoor fireplace.
- e. Outdoor fires shall not be permitted prior to 8:00 o'clock a.m. on any day and shall be extinguished no later than 12:00 midnight, and in all cases fires shall have a person in attendance of a person of at least the age of 18 years at all times when the fire is burning.
- f. No recreational fire shall be maintained which emits significant smoke; and in all cases there shall be readily accessible to the fire a source for a steady stream of water, for example, a garden hose attached to an operating facet connected to a reliable source of water.
- g. The issuance of a recreational fire permit shall not insulate any property owner from private liability, for negligence or maintaining a nuisance.
- h. No recreational fire shall be commenced unless the owner or owner/tenant of the property has obtained a recreational fire permit from the City of Plato. Application shall be made on such form as promulgated by the City Clerk. An annual permit fee of \$10.00 shall be submitted with the application. All permits shall be annual permits and shall expire on December 31st of each year regardless of date of issuance. No permit is transferable to a subsequent owner of the property.

Section 7: It is specifically unlawful for any person to throw, deposit or cause to be deposited, grass clippings, leaves or other yard waste or debris on or in the gutters or storm drains located within the rights-of-way of the streets, alleys and thoroughfares of the City of Plato.

Section 8: Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, subject to penalties therefore as may be established from time to time by state law. Each day a violation of this ordinance shall be considered a separate offense.

Section 9: All provisions within City ordinances that conflict with this ordinance are hereby repealed.

Section 10: This ordinance shall be in force and effect from and after its passage and publication.

Adopted this 13th day of November, 2001.

Bob Becker, Mayor

ATTEST: Kathleen Stuedemann, Clerk

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