

CITY OF WINDY HILLS

ORDINANCE NO. 92-04

WHEREAS, the activity of collection of garbage within the City of Windy Hills in the early morning hours is found to be a nuisance disturbing to residents due to loud noises, and

WHEREAS, the City Council deems that in the best interest to limit the hours during which garbage collection activity may take place in the City, now, therefore,

BE IT ORDAINED BY THE CITY OF WINDY HILLS:

Section 1. It shall be unlawful to engage in the activity of garbage collection, including dumpster type collection, within the City of Windy Hills between the hours of 7:00 p.m. and 7:00 a.m. on any day.

Section 2. As used herein, garbage collection shall mean any of the following activities:

- a. Emptying of cans or into a garbage collection truck.
- b. Loading, unloading, maneuvering, positioning, or emptying a dumpster or other type container
- c. Using a garbage collection truck to compact garbage by any process.

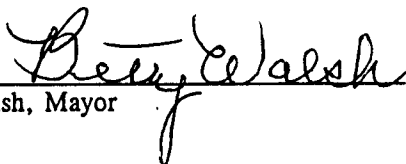
Section 3. The registered owner of a garbage collection truck being used in violation of this ordinance shall be prima facie evidence of ownership of the vehicle and of violation of this ordinance by such owner.

Section 4. Any person, firm, or corporation violating the terms of this Ordinance shall, upon conviction, be fined not less than \$50.00 nor more than \$500.00 for each offense and each collection container so collected in violation of this ordinance shall be deemed a separate offense, and each day on which an offense occurs shall be deemed a separate and distinct offense for which a separate fine may be levied.

Section 5. Any violation of this ordinance shall subject the offender to a civil penalty in an amount equal to the minimum fine prescribed by Section 4 of this ordinance. Such civil penalty may be recovered by the city in a civil action in the nature of a debt if the offender does not pay the penalty within twenty (20) days after the offender has been cited for the ordinance violation. The civil penalty may be used as an alternative to or in conjunction with the criminal penalties authorized in Section 4 of this ordinance.

First reading held this 10th day of August, 1992.

Passed and approved September 14, 1992.

  
Betty Walsh, Mayor

ATTEST:

  
Faye Ellerkamp, City Clerk