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GARBAGE SERVICE

SECTION 60.02.010 Definitions. “Garbage” as used in this chapter, includes and means kitchen and table refuse, offal, swill, and other accumulation of animal, vegetable and other matter that attends to the preparation and consumption, decay, or dealing in, or storage of meats, fish, fowl, birds, fruits, vegetables, printed matter, paper, boxes, rags, straw, glass, glassware, ashes, metals, tin containers and grass.

“Trash” as the word is used in this chapter, includes and means wood, leaves, dead trees, the branches of trees, and woodenware.

“Waste matter” as used in this chapter, includes and means natural soil, clay, earth, sand, gravel, loam, manure, stones, bricks, plaster, cement and crockery.

SECTION 60.02.220 Collection. Garbage collection service may be available to the residents of the Ely Shoshone Reservation, and all garbage within this specified area shall be removed in an expeditious manner.

SECTION 60.02.230 Garbage and trash receptacles. All garbage and/or trash receptacles for pickup shall be placed at the curb.

It shall be the duty of every householder and every person in charge of a business where food is served or where garbage may accumulate to provide and at all times keep on the premises occupied by him, or in his charge, suitable and sufficient water tight cans.

Cans for garbage shall each have a tight-fitting cover, and shall be adequate to receive and hold, without leakage or escape of odors, all garbage which may accumulate on the premises.

GARBAGE DISPOSAL AT CITY DUMP

SECTION 60.03.010 Definitions. As used in this chapter, the following terms and phrases shall have the meanings ascribed to them in this section.

1. “City dump” means that certain sanitary landfill dumping area set aside for the sanitary disposal of garbage, trash and waste matter, and such other sanitary landfill dumping area as the City of Ely Council may in the future designate for the sanitary disposal of garbage, trash and waste matter.
2. “Garbage” includes and means kitchen and table refuse, offal, swill and other accumulation of animals, vegetables and other matter that attends the

preparation and consumption, decay or dealing in, or storage of meats, fish, fowl, birds, fruits, vegetables, printed matter, paper, boxes, rags, straw, glass, glassware, ashes, metals, tin containers and grass.

3. "Trash" includes and means woods, leaves, dead trees, the branches of trees and woodenware.
4. "Waste matter" includes and means natural soil, earth, sand, clay, gravel, loam, manure, stones, bricks, plaster, cement and crockery.

SECTION 60.03.020 General provisions.

1. All occupants of commercial and residential premises on the Ely Shoshone Reservation shall pay the rates for dumping garbage, trash and waste matter as set forth in this chapter with fees established by the City of Ely.
2. No person shall dump, place or bury on any lot, land, street, alley or other public place, or in any water or waterway, or ditch, or elsewhere, any garbage, trash or waste matter.
3. Nothing in this chapter contained shall be construed as prohibiting any person from collecting and removing his own garbage, trash and waste matter; provided, however, that in so doing, he shall be subject to all requirements of this chapter as to hauling, place and manner of disposition and all similar requirements.

SECTION 60.03.030 Removal of garbage, trash and waste matter. All garbage, trash and waste matter shall be hauled and taken to the Ely City Dump in such a manner so as to prevent the sifting, spilling, dropping or blowing thereof upon any of the streets, alleys or public places.

SECTION 60.03.060 Disposal of garbage, trash and waste matter. Every person hauling garbage, trash and waste matter shall dispose thereof only at the Ely City Dump site designated by the council of the City of Ely and such disposition shall be in accord with all provisions of law, rules and regulations.

SECTION 60.03.090 Failure to remove accumulations. If, at any time, accumulation of garbage, trash and waste matter is not hauled, or becomes offensive, and is not removed by the owner or person responsible for the same, then an order for such removal may forthwith be made by the Tribal Police or Tribal Council, and if not removed within the time required by such order, then the Tribal Police shall have such garbage, trash and waste matter moved in whatever manner may be convenient and shall be authorized and empowered to collect the reasonable charges and costs involved and take all lawful steps for collection thereof.

SECTION 60.03.100 Notices. Notices to owners under this chapter and under any other provision of this chapter may be given personally or by registered mail addressed to the owner at his last known address.

Anything in this chapter to the contrary notwithstanding, the owner shall be responsible for removal of garbage, trash and waste matter from his premises and for otherwise complying with the terms of this chapter, whether such owner is in possession personally

or through a tenant or otherwise, and whether the same accrued during occupancy of the premises by the owner or by a tenant or while vacant or otherwise. Nothing in this chapter shall be construed as relieving from any civil or criminal liability the person actually responsible for any violation of this chapter.

SECTION 60.03.120 Remedies cumulative. Any and all remedies provided in this chapter shall be deemed cumulative. The Tribal Police or Tribal Council thereof shall in addition thereto have the right to exercise and enforce all rights and remedies otherwise created or existing, including the right of injunction, the right of abatement of nuisances, the right of action for damages, and the right of prosecution for violation of any of the provisions of this chapter.

SECTION 60.03.130 The Tribal Police or Tribal Council to make regulations. The Tribal Police or Tribal Council is authorized to make any and all necessary or proper regulations to carry out and enforce the provisions of this chapter, including all matters as to notices, procedures and routes of travel. Owners hauling their own garbage, trash and waste matter shall be bound by all such rules and regulations of which notice may be given as required by the Tribal Council, and a violation of the requirements of such notices shall be deemed a violation of this chapter punishable as provided in this chapter.

SECTION 60.03.160 Violation and penalty. Any person who violates the provisions of this chapter shall be deemed guilty of a **Category C, D, or E offense**.

REFUSE

SECTION 60.04.010 Short Title. The ordinance codified in this chapter shall be known and cited as the Ely Shoshone Tribal refuse collection ordinance.

SECTION 60.04.020 Definitions. For the purposes of this chapter the following terms, phrases, words, and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular, and words in the singular include the plural. “shall” is always mandatory and not merely directory:

1. “Areas” as used in this chapter, is the vicinity of the Ely Shoshone Reservation;
2. “Ashes” is the residue from the burning of wood, coal, coke, or other combustible materials;
3. “Garbage” is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food;
4. “Person” is any person, firm, partnership, association, corporation, company or organization of any kind;
5. “Refuse” is all putrescible and nonputrescible solid wastes (except body wastes), dead animals, abandoned automobiles, and solid market and industrial wastes;

6. "Rubbish" is nonputrescible solid wastes (excluding ashes), consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials.

SECTION 60.04.040 Collection – Supervision by Tribal Police. All refuse accumulated in areas defined in Section 60.04.020 shall be collected, conveyed and disposed of as provided herein and under the supervision of the Tribal Police.

Appeals. Any person aggrieved by a regulation of the Tribal Police as provided herein shall have the right of appeal to the Ely Shoshone Tribal Council, who shall have the right and authority to confirm, modify or revoke any such regulation.

SECTION 60.04.050 Pre-collection practices.

1. Trimmings and clippings. Tree trimmings, hedge clippings, wood, and similar material shall be cut to a length not to exceed four feet.
2. Container requirements shall be as follows:
 - (a) Refuse containers shall be provided by the owner, tenant, lessee, or occupant of the premises, to be maintained in a good and sanitary condition. Any container that does not conform to the provisions of this chapter or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof shall be promptly replaced upon notice.
 - (b) All containers shall be of a kind suitable for collection purposes and shall be of such weight that it can be handled by one man, with suitable handles and tight fitting covers wherever reasonable and practical.
3. Storing of refuse. No person shall place any refuse in any street, alley, dumpster, or other public or persons containers or other public place or upon any private property, whether owned by such person or not, within the areas defined in Section 60.04.020, except in proper containers as provided herein.

SECTION 60.04.060 Collection – Frequency.

1. Residential. Refuse accumulated by residences shall be collected at least once each week.
2. Commercial. Hotels, restaurants and such other businesses may enter into an agreement for greater frequency of collection. Where necessary to protect the public health, the Tribal Police shall have the authority to require that more frequent collections be made.

SECTION 60.04.070 Controlled Burning and Refuse Burning Restrictions.

1. All controlled burns shall submit a verbal notification to the Tribal Police and respective fire department of the area. Authorization must be received prior to proceeding with the controlled burn.
2. Refuse burning restrictions – It is unlawful for any person to burn refuse within the areas defined in Section 60.04.020, except at duly authorized refuse or garbage dumps.
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SEWERS AND LIQUID WASTE

SECTION 60.08.010 Sewers – Cesspools – Outdoor pit toilets. The maintenance and use of cesspools and outdoor pit toilets, in any portion of the Reservation where sewer lines are now or may hereafter be installed, is declared to be a nuisance and subject to abatement. This section shall apply to the owner of the premises in question, and in the event such owner be a nonresident, then a notice shall be given to the agent of such owner or person having charge or control of such premises.

SECTION 60.08.020 Liquid waste pumping contractors. Any person engaged in the operation of removing and disposing of the content of septic tanks, holding tanks or other sewage holdings, the name and telephone number must be submitted to the Ely Shoshone Tribal Council.

SECTION 60.08.030 Spillage or discharge. If an accident occurs, the sewage and waste water pumping contractor shall immediately clean the spilled materials, disinfect the area of the spill and report the spill incident to the Ely Shoshone Tribe or respective agency.

PENALTIES

SECTION 60.24.010 Penalties for illegal waste disposal.

1. It is unlawful for any person, firm or corporation to dump, spill, throw, place or bury, or cause the same to be done, any garbage, trash or waste matter, as defined by this chapter, on any public or private property, parcel of land, lot, street, highway, gutter, alley, body of water, stream, canal or ditch within the Ely Shoshone Reservation.
2. It is unlawful for any person, firm or corporation to dump, spill, throw, place or bury, or cause the same to be done, any regular accumulation of garbage, trash or waste matter, in any publicly or privately maintained garbage, trash or waste receptacle, where such person, firm or corporation disposes of such garbage, trash or waste matter in public or private waste receptacles not intended for the disposals of regular or incidental accumulations of garbage, trash or waste matter.
3. When any unlawful deposit of garbage, trash or waste material or sewage includes any evidence which identifies any person, firm or corporation, such identification will establish a presumption in any civil action and/or criminal prosecution under this chapter, that such person, firm or corporation is civilly and/or criminally responsible for such unlawful deposit and such person, firm or corporation shall be liable for the cost of removal and final disposition of the unlawful deposit, in addition to any other penalty authorized by this chapter or by other applicable law.
4. This chapter is not intended to prohibit any person, firm or corporation from depositing in publicly provided and maintained waste receptacles, incidental accumulations of garbage, trash or waste material, associated with periodic motor vehicle traffic; rather, this chapter is intended to discourage persons,

firms or corporations from using waste receptacles, provided for public use, by public entities, as an alternative to the deposit of garbage, trash or waste material, in an approved disposal site. This chapter is intended to prohibit all deposits by any person, firms or corporations, of any garbage, trash or waste material in any privately owned or maintained waste receptacle without express authorization by the owner of any such waste receptacle.

5. For purposes of this chapter “incidental accumulation” of garbage, waste or trash material, is defined by a volume of no more than thirty gallons in any thirty-day period of time. A “regular accumulation” is defined as any accumulation exceeding a volume of thirty gallons in any thirty-day period of time.
6. If any section, paragraph, clause or provision of this chapter shall be held to be invalid, the invalidity of such section, paragraph, clause or provision shall not effect any of the remaining provisions of this chapter.