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4-200-1 Title.

This Ordinance shall be known and may be cited as the Municipal Refuse Collection Service Ordinance of the City of Rock Springs, Wyoming. (Ord. No. 1981, 4-1-72).

4-200-2 Definitions.

For the purposes of this Ordinance the following terms, phrases, words, and their derivations shall have the meaning given herein. When not consistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "Shall" is always mandatory and not merely directory.

(1) Ashes: The residue from the burning of wood, coal, coke or other combustible materials.

(2) City: The City of Rock Springs.

(3) Collector: Either the City or a person holding a contract issued or granted by the City authorizing such person to operate, conduct and maintain a municipal garbage and refuse collection and disposal system upon, on and over streets, alleys and public ways of the City.

(4) Garbage: Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

(5) Owner and Occupant: Every person as herein defined in possession, charge, custody or control of any premises where garbage, refuse and rubbish is created or accumulated.

(6) Person: Any person, firm, partnership, association, corporation, company or organization of any kind.

(7) Premises: Land and all buildings and structures thereon including, but not excluding by enumeration, single or multi-family dwellings, rooming houses, apartment houses, hospitals, convalescent and nursing homes, hotels and motels, restaurants, drive-in establishments, schools (academic, trade or industrial, and kindergarten) and any other place of habitation, office, shop or establishment or place of conducting a business, trade or

occupation.

(8) Refuse: All putrescible and non-putrescible solid waste (except body waste), including garbage, rubbish, ashes, street cleanings, small dead animals, and solid market and industrial wastes.

(9) Rubbish: Nonputrescible solid waste (excluding ashes) consisting of both combustible and noncombustible waste, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials.

(10) Open Burning: Open burning shall mean a fire where any material is burned in the open or in a receptacle other than a furnace. Incinerators equipped with afterburners, barbecue pits and fire places used for the purpose indicated is not open burning and is exempt from that provision of the Ordinance prohibiting open burning.

(11) Nuisance Fire; Nuisance fire shall mean any fire that is offensive or objectionable because of smoke or odor emissions.

(Ord. No. 1080, 6-11-51; Rev. Ord. 1963; Ord. No. 1981, 4-1-72, Ord. No. 1998, 4-3-72; Amended Ord. 2012-09, 12-18-12).

4-200-3 Garbage Collection.

The Municipal Refuse Collection and Disposal Services within the City, shall by such means as the City Council deems appropriate, for collecting and disposing of all garbage, rubbish, refuse, paper, glass, tin cans, crockery, ashes, and other debris, except that all commercial establishments and residences may collect and dispose of garbage and refuse accumulated on their own premises. (Ord. No. 1981, 4-1-72, Ord. No. 79-12, 5-15-79, Rev. Ord. 1979; Rev. Ord. 2013-23, 12-17-13).

4-200-4 Precollection Practices-- Residential.

All table garbage, paper, rubbish, trash, trimmings, glass, tin cans, grass clippings, ashes, leaves, and other debris of like matter shall be placed and maintained in metal containers of at least twenty (20) gallon capacity and not to exceed seventy-five (75)

gallon capacity, and in disposable plastic bags, tied or sealed to prevent escape of refuse.

(1) Preparation of Refuse.

(a) Garbage: All wet garbage before being placed in garbage cans for collection shall have drained from it all free liquids and shall be placed in disposable plastic bags tied or sealed to prevent escape of garbage.

(b) Rubbish: All rubbish shall be drained of liquid before being deposited for collection.

(c) Trimmings and Clippings: Tree trimmings, hedge clippings and similar material shall be cut to a length not to exceed five (5) feet and securely tied in bundles of not more than seventy (70) pounds in weight before being deposited for collection.

(2) Refuse Containers.

(a) Residential -- Duty to Provide and Maintain in Sanitary Condition. Refuse containers shall be provided by the owner, tenant, lessee or occupant of the premises or the collection company. Refuse containers shall be maintained in good condition. Any container that does not conform to the provisions of this Ordinance 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) Commercial Containers -- Commercial containers and receptacles shall be stored in a fenced and screened area to prevent the escape of refuse and shield the containers from public view.

(3) Storing of Refuse.

(a) Public Places. No person shall place any refuse in any street, alley or other public place, or upon any private property whether owned by such person or not, within the City except it be in proper containers for collection or under express approval granted by the Nuisance Officer. Nor shall any person throw or deposit any refuse in any stream or other body of water.

(b) Unauthorized Accumulation. Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any

existing accumulation of refuse within ten (10) days after the effective date of this Ordinance shall be deemed a violation of this Ordinance.

(c) Scattering of Refuse. No person shall cast, place, sweep or deposit anywhere within the City any refuse in such a manner that it may be carried or deposited by the elements upon any street, or sidewalk, alley, sewer, parkway, or other public place, or into any occupied premises within the City.

(4) Points of Collection.

(a) Residential -- Refuse containers shall be placed for collection at ground level or on a platform not to exceed three (3) feet above the ground, and not within the right-of-way of a street or alley. Refuse containers shall be secured in a safe place, except for the day of or the evening prior to collection when in all residential areas where there is a serviceable alley, said containers shall be placed on the property being serviced adjacent to said alley, or in all residential areas where there is not a serviceable alley, said containers shall be placed next to the curb. Refuse containers must be available for pickup between the hours of 7:00 A.M. to 7:00 P.M. on the collection day, and shall be removed by that day's end.

(b) Commercial -- At such place or places as the Nuisance Officer shall designate.

(c) The Contractor will not be required to enter commercial establishments. (Ord. No. 1080, 6-11-51; Rev. Ord. 1963; Ord. No. 1647, 7-19-65; Ord. No. 1796, 5-5-69; Ord. No. 1981, 4-1-72; Ord. No. 2006-29, 12-5-06; Rev. Ord. 2013-23, 12-17-13).

4-200-5 Collection Practices.

(1) Frequency of Collection.

(a) Residential -- Refuse accumulated in residential areas shall be collected or disposed of at least once a week by persons holding a franchise granted by the City for that purpose, or by the owner or occupant of any residence within the city.

(b) Commercial -- Refuse in Commercial areas shall be collected daily by the holder of a valid franchise agreement with the city, at such times as the franchise

holder may determine.

(2) Limitation on Quantity.

(a) Residential -- There shall be no limitation on garbage picked up in residential areas.

(b) Commercial -- There shall be no limitation on garbage picked up in commercial areas.

(3) Special Refuse Problems.

(a) Inflammable or Explosive Refuse -- Highly inflammable or explosive materials shall not be placed in containers for regular collection, but shall be disposed of as directed by the Nuisance Officer at the expense of the owner or possessor thereof.

(b) Requirements for Vehicles -- All vehicles used by the City or City franchised garbage collectors to transport refuse over the City streets shall be watertight and provided with an adequate cover to prevent offensive odors from escaping therefrom and refuse being blown, dropped or spilled. All private persons transporting refuse shall cover or secure the waste to prevent any refuse from being blown, dropped or spilled from the transport vehicle. (Ord. No. 86-8, 5-2-86; Rev. Ord. 2013-23, 12-17-13).

4-200-5(4)

Repealed. Ord. No. 79-12, 5-15-79.

4-200-5(5)

Repealed. Ord. No. 79-12, 5-15-79.

4-200-5 Fees.

(6) Fees - Residential. Each one family residential unit, each kitchen unit in an apartment building, and each individual trailer shall be charged a fee not to exceed twenty (\$20.00) dollars per month during the 2019 calendar year, twenty-one (\$21.00) dollars per month during the 2020 calendar year, twenty-two (\$22.00) dollars per month for the 2021 calendar year, twenty-three (\$23.00) dollars per month for the 2022 calendar year, twenty-four (\$24.00) dollars per month for the 2023 calendar year, twenty-five (\$25.00) dollars per month for the 2024 calendar year, and twenty-five (\$25.00) dollars during each and every year thereafter, for the collection, hauling and

disposal of garbage originating in said unit, unless arranged for under a commercial fee, or a dumping permit, and each unit shall be billed up to a maximum of three months in advance of said service. (Ord. No. 75-8, 2-18-75, Ord. No. 77-7, 4-5-77, Ord. No. 79-12, 5-15-79, Rev. Ord. 1979, Ord. No. 86-06, 6-4-86; Ord. No. 94-17, 7-7-94; Ord. No. 2006-29, 12-5-06; Ord. 2011-14, 1/3/12; Ord. 2018-14, 12/4/18).

(7) Commercial Fees -- This fee is negotiable between the commercial establishments and the Disposal Services. (Ord. No. 77-7, 4-5-77, Ord. No. 79-12, 5-15-79, Rev. Ord. 1979).

4-200-5(8)

Repealed. Ord. No. 79-12, 5-15-79.

4-200-5(9)

Repealed. Ord. No. 79-12, 5-15-79.

(10) Collusion Prohibited -- It is prohibited for any Disposal Service to regulate or fix, or attempt to regulate or fix the costs for collection and disposal in order to eliminate competition in disposal services within the jurisdiction of the City of Rock Springs. Upon proof, thereof, by clear and convincing proof, a disposal service's franchise is subject to revocation. (96-04, Amended, 03/19/1996)

4-200-6 Burning Prohibited.

(a) Open burning of substances of any kind within the City is hereby prohibited, except by special permit issued by the Fire Inspector in accordance with State regulations.

(b) Burning of garbage, refuse, or rubbish within the City is hereby prohibited.

(c) Open burning or nuisance fires that are offensive or objectionable because of smoke or odor emissions or when atmospheric conditions or local circumstances make such fires hazardous may be extinguished or cause to be extinguished.

(Ord. No. 1960, 9-7-71; Ord. No. 1981, 4-1-72; Amended Ord. 2012-09, 12-18-12).

4-200-7 Interfering with Nuisance Officer.

It shall be unlawful for any person to interfere with or obstruct the Nuisance Officer, during the performance of his duties under this Ordinance. (Ord. No. 1981, 4-1-72; Rev. Ord. 2013-23, 12-17-13).

4-200-8 Penalty.

Any person who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor to which may be added the costs at the discretion of the Court. (Ord. No. 1080, 6-11-51; Rev. Ord. 1963; Ord. No. 1981, 4-1-72; Amended Ord. 2012-09, 12-18-12).

4-201 (Superseded by Ord. No. 1981, Effective date 4-1-72).

4-202 Prima Facie Evidence-- Inspection--Nuisance.

Any place of abode or any place of business in operation shall be prima facie evidence that refuse and/or garbage is being produced and accumulated on such premises, and it shall be the duty of the proper representatives of the City to inspect and supervise said premises and remove therefrom any and all refuse and/or garbage found thereon. Any accumulation of refuse and/or garbage on any premises is hereby declared to be a nuisance and is prohibited hereunder. (Ord. No. 1080, 6-11-51; Rev. Ord. 1963).

4-203 Illegal To Store and Scatter Refuse and Garbage.

(a) No garbage or refuse in any form shall be stored or accumulated anywhere in the City, except as hereafter provided, or thrown into any street, gutter, sewer intake, vacant lot, lake or other property.

(b) No dirt, rubbish or refuse of any kind shall be thrown, swept or pushed into the street in front of any store or place of business, by the owner, manager, or any employee or agent thereof. Each business establishment shall be held responsible for keeping the sidewalk in front of such building free of any accumulation of dirt,

papers or rubbish, which when removed, shall be taken and deposited with other refuse from such establishment. The owner or manager of such business will be held liable for any violation hereof. (Ord. No. 1080, 6-11-51; Rev. Ord. 1963).

4-204 Deposit of Waste Materials.

All garbage and refuse shall be placed in receptacles as provided herein. All paper, excelsior or other inflammable material, as well as cartons and boxes, whether paper, pasteboard, wood or other materials (which must be knocked down), must be baled or separately tied in bundles, or when so approved may be stacked and placed where accessible for collection. Leaves, and grass mowed from lawns shall be placed in separate containers and placed in disposable plastic bags tied or sealed to prevent escape of garbage and refuse. (Ord. No. 1080, 6-11-51; Rev. Ord. 1963; Rev. Ord. 2013-23, 12-17-13).

4-205 Exceptions: Ashes or Cinders Used in Manufacturing.

For the accommodation of manufacturers who may require ashes for use in the process of manufacturing their products the City Council may grant special authorization to such manufacturers, to keep and use ashes for such purposes; provided however, that the Chief of the Fire Department shall be fully informed by the City Council concerning same. The instructions of the Chief of the Fire Department to the manufacturer, regarding the manner of storing and handling such ashes, shall be fully complied with. (Ord. No. 1080, 6-11-51; Rev. Ord. 1963).

4-206 Premises to Be Clean and Orderly.

(a) For the purposes of this section, the following terms, phrases, words, and their derivations shall have the meaning given herein. The word "shall" is always mandatory and not merely directory.

(1) Car Cover: A cover manufactured for the specific purpose of covering a vehicle.

(2) Equipment: Mechanical apparatus designed for specific functions.

(3) Inoperative: Mechanically non-functional motor vehicle or equipment, not capable of operation for its intended purpose.

(4) Outside: all areas of a lot, property, or right-of-way, not inside a building or fully enclosed structure.

(5) Recreational Vehicle: Any vehicle or equipment designed for a recreational purpose such as campers, boats, dune buggies, and snow machines.

(6) Salvage Vehicle: a vehicle without any one or more major components including doors, hood, trunk, windows, and tires; a stock car without windows but otherwise has the other major components, shall not be considered a salvage vehicle.

(7) Stock Car: a vehicle designed for the sole purpose of sport racing, demolition cars also will be considered as stock cars.

(8) Unlicensed: not having current state license plates properly displayed.

(9) Vehicle: a device in, upon or by which any person or property may be transported or drawn upon a highway, excluding devices moved by human power or used exclusively upon rails or tracks.

(10) Weed: Any plant which the Wyoming Board of Agriculture and the Wyoming Weed and Pest Council has found, either by virtue of its direct effect, or as a carrier of disease or parasites, to be detrimental to the general welfare of persons residing within the district or city. In addition to the weeds contained in the aforementioned list, the following plants will be considered weeds for the purposes of this ordinance:

1. Curlycup Gumweed, including rosinweed
2. Prickly Lettuce, including china lettuce and wild lettuce
3. Miner's Lettuce
4. Western Salsify, including yellow salsify and goatsbeard
5. Claspig Pepperweed
6. Blue Mustard, including tenella mustard and purple mustard
7. Flixweed

- 8. Pinnate Tansymustard
 - 9. London Rocket
 - 10. Halogeton
 - 11. Kochia
 - 12. Russian Thistle, including tumbleweed
 - 13. Yellow Sweetclover
 - 14. Foxtail Barley
 - 15. Squirreltail
- (Ord. No. 94-21,7-5-94).

(a) It shall be the duty of every owner, manager, leasee, tenant or agent of record of any building, house, apartment, lot, easement, or any other property including any adjacent publicly owned right-of-way, as hereinafter specified, to maintain said property in a clean and orderly condition at all times, permitting no outside accumulation of the following, which are declared to be a nuisance: rubbish, trash, junk, garbage, litter, discarded or unused building materials, furniture, appliances or automobile parts, salvage vehicles of any kind, inoperable equipment, animal remains or feces, stagnant or standing water, weeds, tall or dried grasses, yard clippings, tree branches or any noxious or poisonous plant. Salvage vehicles, of any kind, are permitted only on property which is properly zoned for storage of such vehicles. One unlicensed and/or inoperative vehicle, unlicensed and/or inoperative recreational vehicle or stock car, is permitted on a property, and shall be stored in the side or rear yard and be properly screened from public view with an opaque fence or car cover. Residents of trailer parks, apartments and developments may store permitted unlicensed and/or inoperable vehicles, unlicensed and/or inoperative recreational vehicles or stock cars in an approved storage yard within said trailer park, apartment complex or development when properly screened from public view with an opaque fence or car cover, and permitted by applicable zoning ordinances. A disabled vehicle or vehicle under repair that remains in a residential front yard for more than 100 hours shall be deemed a nuisance. (Ord. No. 92-24, 10-20-92).

(b) The duty imposed by this Ordinance

to maintain adjacent publicly owned rights-of-way shall extend only to those portions of such rights-of-way between the adjacent property line and the curb or the edge of the road.

(c) In the event an owner, manager, leasee, tenant or agent of record is maintaining a nuisance or has failed to keep the property in a well maintained and attractive condition, the City may issue a notice to the owner, manager, leasee, tenant or agent of record by mailing said notice to that party's last known address. The notice shall set forth the nature of the nuisance and shall give the party up to fourteen (14) days within which to abate the nuisance. If at the conclusion of the time allowed by the written notice the nuisance has not been abated, a notice will be posted on the property allowing an additional three (3) days to abate the nuisance. If in the opinion of the City, an extreme health or safety nuisance exists, the City shall have the option of foregoing the written notice and posting notice on the property.

(d) In the event a nuisance is not abated within the time limits set forth in the written or posted notice, the City shall have the authority to enter upon the property where the nuisance occurs and abate the nuisance, charging the costs of abatement thereof to the property owner, leasee, manager, tenant or agent of record. The City shall use all possible efforts to collect the costs of the abatement of the nuisance including but not limited to creating a lien against the property for the collection costs and any reasonable attorney fees.

(e) Any violation of the provisions of this ordinance or failure to meet any duty imposed herein shall constitute a misdemeanor offense, and upon conviction thereof, the violator may be subject to the maximum penalties within the jurisdiction of the Municipal Court, to which may be added the costs of the action at the discretion of the court. The imposition of any penalty for any violation of this ordinance shall not excuse the violation or permit it to continue; and the court shall order all persons convicted hereunder to correct or remedy the

violations or defects within a reasonable time; and each day thereafter wherein the prohibited condition is not corrected or remedied shall constitute a separate and continuing offense for which the court shall impose a fine on a per diem basis. (Rev. Ord. 1963, Amend. Ord. No. 1647, 7-19-65; Ord. No. 84-6, 4-17-84; Ord. No. 91-09, 8-6-91).

4-207 Receptacles.

To provide for the regular deposit of garbage and refuse as herein required, it shall be the duty of every owner, agent, lessee, renter or purchaser of any building or premises (excluding only vacant lots) within the corporate limits, to forthwith provide, and maintain in good order and in clean condition, for the exclusive use of such building and premises, one or more receptacles to conform with the requirements of this section. No such receptacle shall be allowed to overflow, or be so constructed that refuse may be blown or scattered about in any way, and said receptacle shall be provided with a lid or cover. If one container is not sufficient to hold the quantity of garbage accumulated between collections, additional receptacles shall be provided. Except as otherwise herein provided, all garbage and refuse shall be promptly deposited in such receptacles and kept in no other place. All containers shall be kept in a sanitary condition at all times and in a state of good repair. (Ord. No. 1080, 6-11-51; Rev. Ord. 1963; Rev. Ord. 2013-23, 12-17-13).

4-208 Illegal Removal.

REPEALED. Ord. 13-23, 12-17-13)

4-209 (Superseded by Ord. No. 1981, Effective date 4-1-72).

4-210 Exceptions--Responsible Parties May Remove.

The owners or person responsible therefor shall not permit an unnecessary accumulation, and shall be held responsible for the immediate removal to the city disposal site, of trash and refuse, as follows:

(a) Discarded automobile parts, furniture, stoves, etc.

(b) Christmas tree vendors shall remove refuse.

(c) Refuse from bill boards shall be removed to the City disposal site by licensed bill posters.

(d) Silt and similar deposits from automobile wash racks shall be removed to the City disposal site by the establishment creating such deposits.

(e) Manure, other than the light spread of manure, which may be applied on lawns or gardens for fertilizing purposes, and which shall be removed or plowed under within a reasonable time, manure shall not be allowed to accumulate for periods longer than one week in any stable, barn, corral, hutch, pen or upon any premises within the corporate limits, but shall be removed not less than once each week by the owner or person in charge thereof, and shall be removed more often if determined by the City Health Department to be necessary. All such accumulation shall be removed to the City disposal site.

(f) Building materials -- all plaster, broken concrete, stone, wood roofing materials, wire or metal binding, sacks or loose, discarded or unused materials of all kinds, resulting from the wrecking, construction or re-construction of any room, basement, wall, fence, sidewalk or building, shall be promptly removed or stored in such manner as not to be scattered about by wind or otherwise, and, as soon as possible, removed by the person responsible for said work. Such person shall be held liable for any scattering of refuse upon adjacent property.

(g) Dead animals -- it shall be the duty of every person, being the owner of or having in his possession or charge, any horse, or other animal which shall in any manner come to its death within the corporate limits, to immediately remove the body or carcass of such animal to the Disposal Site, and to bury the same under three (3) feet of earth, where designated by the Caretaker of said disposal site, or arrange to have said caretaker bury same.

(h) Any accumulation of refuse that is highly explosive or inflammable, which might endanger life or property, shall be removed to such place as approved by the Rock Springs Fire Department; such removal to be handled by the establishments responsible therefor (such as garages, filling stations, dry cleaning plants, etc.)

(i) All rubbish which may be classed as a regular accumulation of waste resulting from residences or commercial establishments shall be removed to a legally established landfill by those responsible therefore. (Ord. No. 79-12, 5-15-79, Rev. Ord. 1979; Rev. Ord. 2013-23, 12-17-13).

4-211 Disposal Site.

Except as otherwise provided in this section, any City department, disposal service, commercial establishment, or person responsible for the collection, removal and disposal of garbage and refuse is hereby required to deposit same at a legally established landfill and the removal to or burying at any other place of any garbage or refuse shall be unlawful. (Ord. No. 1080, 6-11-51; Rev. Ord. 1963, Ord No. 77-21, 6-21-77, Ord. No. 79-12, 5-15-79, Rev. Ord. 1979).

4-212 Payment for Services.

REPEALED Ord. 2013-23, 12-17-13).

4-213 Repealed. Ord. No. 77-21,6-21-77.

4-214 (Superseded by Ord. No. 1981, Effective Date 4-1-72).

4-215 Violation of Ordinance.

Upon notice being given to any owner, agent, lessee, renter or purchaser of any building or premises, requiring him to provide, relocate, repair or maintain one or more receptacles as herein before required, a period of not to exceed thirty (30) days shall be allowed such person, in which to construct, provide, relocate, repair or maintain such receptacle, and to fully comply with such requirements. Each day after said thirty (30) days that said

requirement is not fully complied with shall constitute a separate offense under the penalty provision of this Ordinance. The refusal or neglect of any owner, purchaser, tenant, and/or lessee, to pay the fees prescribed in Section 4-212 above, or to comply with any other provision of this Ordinance shall constitute a violation hereof. (Ord. No. 1080, 6-11-51; Rev. Ord. 1963).

4-216 Penalty.

Any person who shall violate any of the provisions of this Ordinance shall, upon conviction, be subject to a fine not to exceed Seven Hundred Fifty Dollars and/or incarceration for up to six (6) months (Ord. No. 1080, 6-11-51; Rev. Ord. 1963; Rev. Ord. 2013-23, 12-17-13).

4-217 Conflicting Ordinances Repealed.

All ordinances and parts of ordinances in conflict herewith are hereby repealed. (Ord. No. 1080, 6-11-51; Rev. Ord. 1963).