

ORDINANCE NO. 05-02

AN ORDINANCE AMENDING CHAPTER 10-03 OF THE HEBRON CITY ORDINANCES OF 1971 REGARDING THE GARBAGE, REFUSE, AND RUBBISH IN THE CITY OF HEBRON, COUNTY OF MORTON, STATE OF NORTH DAKOTA

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HEBRON, COUNTY OF MORTON, STATE OF NORTH DAKOTA, AS FOLLOWS:

- I. That Chapter 10-03 Garbage, Refuse, Rubbish, is hereby revoked and re-enacted as follows:

GARBAGE, REFUSE, RUBBISH

Section

10-0301	Definition
10-0301	Accumulation of Refuse Prohibited
10-0303	Containers
10-0304	City Collection
10-0305	Fees
10-0306	Payment and Collection of Fees
10-0307	Burning Prohibited
10-0308	Disposal of Refuse Not Collected by the City
10-0309	Supervision
10-0310	Rules and Regulations
10-0311	Disposal Grounds
10-0312	Unlicensed Haulers

10-0301. Definitions. For the purpose of this article the following words shall have the meanings given herein.

1. Ashes is the residue from burning wood, coal, coke or other combustible materials.
2. Garbage is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.
3. Refuse is all putrescible and non-putrescible solid wastes (except body wastes) including garbage, rubbish, ashes, street market and industrial wastes.
4. Rubbish is non-putrescible solid wastes (excluding ashes) consisting of both combustible and non-combustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials.

- 10-0302. Accumulation of Refuse Prohibited. No person shall permit or suffer to accumulate in or about any yard, lot, place or premises; or upon any premises owned and occupied by him, or for which he may be agent, within the City limits, any and all refuse, nor suffer such yard, lot, place or premises to be or remain in such condition.
- 10-0303. Containers. All garbage and rubbish shall, by the person upon whose premises the same shall have been produced or accumulated, be placed in watertight, galvanized metal containers of not less than twenty nor more than thirty-one gallons net capacity and equipped with angles so that they may be lifted by one man, which container shall be kept clean and continuously closed by a tight-fitting cover and shall be protected against the access of flies and rodents. Commercial establishments may use such containers that are suitable to be emptied hydraulically in lieu of the aforescribed containers.
- 10-0304. City Collection. All garbage and rubbish as defined herein shall be collected by the City at least once a week, except that this section shall not require the collection of garbage and rubbish where streets and alleys are in temporary condition which makes it impossible so to do and in case of the failure to collect such garbage and rubbish, such failure shall not relieve the occupant of the premises from the payment of the garbage and rubbish collection fees hereinafter provided for.
- 10-0305. Fees. For the collection of garbage and rubbish by the City and the disposal thereof, there is hereby fixed and established the following schedule of monthly fees and changes:
- a. For each water meter or family unit charge as established by the water department of the City in a residence, the sum of \$10.00 shall be charged. Residents and businesses using a dumpster will be charged \$20.00 per month.
 - b. For each residence building containing one or more apartments, the sum of \$10.00 shall be charged for the initial residence and the sum of \$5.00 for each addition apartment occupied.
 - c. For each apartment house, the sum of \$15.00 shall be charged, with an additional \$5.00 charge for each apartment occupied.
 - d. For each commercial establishment, regardless of the nature thereof, from which garbage or rubbish is collected, a minimum charge of \$15.00 per month, plus such additional amount as may be fixed and determined by the board of the governing body after a study of the kind and quantity of the garbage and rubbish or other factors incident to the collection thereof are determined, a schedule of such charges shall be filed in the office of the City

Auditor and be available for public inspection.

- 10-0306. Payment and Collection of Fees. In all places where water service is provided, the charges set forth in the preceding section shall be added to and collected as a part of the water bill and collected by the water department, but shall be separately stated on the bill. Garbage and rubbish collection bills shall be due and payable at the same time as the water bill.

In all places where water service is not provided, and garbage service is requested, the charges above set forth shall be paid to the water department of the City upon monthly bills from the water department.

If the garbage and rubbish charge so established is not paid when due, such sum may be recovered by the City, in an action at law against the owner or occupant, or both of the property so served.

The proceeds from the collection of the fees set forth in Section 10-0305 shall be placed in a fund and designated as the Garbage fund, and all of the expense of the City, in the purchase and maintenance of equipment, in the leasing of disposal area, in the covering of the disposal area, and in the collection and disposal of garbage and rubbish, shall be paid out of this fund.

- 10-0307. Burning Prohibited. It shall be unlawful to burn refuse as defined in Section 10-0301 herein, with the City limits.

- 10-0308. Disposal of Refuse Not Collected by the City. All other wastes as defined, and not included under garbage, rubbish, and ashes, may be disposed of by the person creating such waste, by hauling such waste for disposal to such points as are designated or approved by the City Supervisor; or, such person may arrange with some person not in their employ to collect or haul such wastes to such points as are designated by the City Supervisor.

- 10-0309. Supervision. The collection, removal and disposal of garbage and rubbish under the provisions of this article, shall be under the supervision, direction and control of the City Supervisor with the assistance of the City Law Enforcement Agency.

- 10-310. Rules and Regulations. The City Supervisor shall prescribe and publish such reasonable rules and regulations in connection with the preparation, handling and disposition of garbage and rubbish as may be necessary to regulate, enforce and carry out the provisions of this chapter. He may direct that the City garbage contractor shall not collect garbage and rubbish from any premises where such rules and regulations are not complied with and the failure to collect the same shall not relieve the owner or occupant of the

premises from the payment of fees nor from the enforcement of the penalties of this code.

10-0311. Disposal Grounds. The supervisor is hereby authorized to designate the location or places to which all wastes referred to in this article shall be hauled, deposited or disposed of. The City shall have the power and authority to purchase or lease in the name of the City such lands as are necessary for disposal of ashes, garbage, refuse and rubbish and to purchase or lease such equipment as may be necessary for such purpose.

10-0312. Unlicensed Haulers. It shall be unlawful for any person or any agent or employee thereof to collect or transport or carry on or convey through, along or upon any public street, alley or sidewalk within the City, any rubbish, ashes, and other wastes, except such person as may be authorized, licensed or permitted so to do under the provisions of this article.

Nothing herein contained shall be construed as prohibiting the hauling of such wastes by authorized City employees or by persons from their own premises and not for hire or compensation; provided, however, that all such wastes shall be hauled and disposed of in accordance with such regulations as may from time to time be issued by the city Supervisor and the ordinances pertinent thereto.

No refuse shall be hauled on the streets of the City of Hebron unless the same is contained in such metal receptacles as hereinbefore described, with covers tightly fitted thereon, or unless hauled in trucks, trailers, or vehicles which are covered in such manner as may be provided for by the City Supervisor or the Governing Board.

- II. SEVERABILITY. All ordinances or parts of ordinances in conflict herewith are hereby repealed and rescinded.
- III. EFFECTIVE DATE. This Ordinance shall be in full force and effect upon its final passage.
- IV. SAVINGS CLAUSE. If any portion of this Ordinance or its application to any persons or circumstances is held invalid, the remainder of the Ordinance or the application of the provisions to other persons or circumstances is not affected.

CITY OF HEBRON

LeRoy Thomas, Mayor

ATTEST:

Doreen A. Young, Auditor

Introduction and First Reading:

Second Reading and Final Passage:

Publication: Not required

Effective Date:

CHAPTER 10-03

GARBAGE, REFUSE, RUBBISH

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10-0302	Accumulation of Refuse Prohibited
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10-0312	Unlicensed Haulers

10-0301. Definitions. For the purpose of this article the following words shall have the meanings given herein.

1. Ashes is the residue from burning wood, coal, coke or other combustible materials.
2. Garbage is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
3. Refuse is all putrescible and non-putrescible solid wastes (except body wastes) including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.
4. Rubbish is non-putrescible solid wastes (excluding ashes) consisting of both combustible and non-combustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials.

10-0302. Accumulation of Refuse Prohibited. No person shall permit or suffer to accumulate in or about any yard, lot, place or premises; or upon any street or sidewalk, adjacent to or abutting upon any lot, block or place, or premises owned and occupied by him, or for which he may be agent, within the city limits, any and all refuse, nor suffer such yard, lot, place or premises to be or remain in such condition.

10-0303. Containers. All garbage and rubbish shall, by the person upon whose premises the same shall have been produced or accumulated, be placed in watertight, galvanized metal containers of not less than twenty nor more than thirty-one gallons net capacity and equipped with handles so that they may be lifted by one man, which container shall be kept clean and continuously closed by a tight-fitting cover and shall be protected against the access of flies and rodents. Commercial establishments may use such containers that are suitable to be emptied hydraulically in lieu of the aforesdescribed containers.

10-0304 City Collection. All garbage and rubbish as defined herein shall be collected by the city twice weekly, except that this section shall not require the collection of garbage and rubbish where streets and alleys are in temporary condition which makes it impossible so to do and in case of the failure to collect such garbage and rubbish, such failure shall not relieve the occupant of the premises from the payment of the garbage and rubbish collection fees hereinafter provided for.

~~10-0305~~ 10-0305 Fees. For the collection of garbage and rubbish by the city and the disposal thereof there is hereby fixed and established the following schedule of monthly fees and charges:

- a. For each water meter or family unit charge as established by the water department of the city in a residence, the sum of \$2.00 shall be charged.
- b. For each residence building containing one or more apartments, the sum of \$2.00 shall be charged for the initial residence and the sum of \$1.00 for each additional apartment occupied.
- c. For each apartment house, the sum of \$1.00 shall be charged for each apartment occupied.
- d. For each commercial establishment, regardless of the nature thereof, from which garbage or rubbish is collected, a minimum charge of \$1.00 per month, plus such additional amount as may be fixed and determined by the board of the governing body after a study of the kind and quantity of the garbage and rubbish or other factors incident to the collection thereof are determined, a schedule of such charges shall be filed in the office of the city auditor and be available for public inspection.
- e. In addition to the foregoing fees, a quarterly charge of \$1.00 shall be billed against all water meters as well as against any premises where garbage collection service is provided but where water service is not provided. Such fees shall be accumulated in a fund designated as "Garbage Landfill Reserve" and shall be expended only for such purpose.

10-0306 Payment and Collection of Fees. In all places where water service is provided, the charges set forth in the preceding section shall be added to and collected as a part of the water bill and collected by the water department but shall be separately stated on the bill. Garbage and rubbish collection bills shall be due and payable at the same time as the water bill.

In all places where water service is not provided, the charges above set forth shall be paid to the water department of the city upon quarterly bills from the water department.

If the garbage and rubbish charge so established is not paid when due, such sum may be recovered by the city, in an action at law against the owner or occupant, or both, of the property so served.

The proceeds from the collection of the fees set forth in Section 10-0305, with the exception of the "Garbage Landfill Reserve" charge shall be

placed in the Water Fund and designated as the Garbage Fund in said Water Fund, and all of the expense of the city, in the purchase and maintenance of equipment, in the leasing of disposal area, in the covering of the disposal area, and in the collection and disposal of garbage and rubbish, shall be paid out of this fund.

10-0307 Burning Prohibited. It shall be unlawful to burn refuse as defined in Section 10-0301 herein, within the City limits.

10-0308 Disposal of Refuse Not Collected by the City. All other wastes as defined, and not included under garbage, rubbish, and ashes, may be disposed of by the person creating such waste, by hauling such waste for disposal to such points as are designated or approved by the city health officer; or, such person may arrange with some person not in their employ to collect or haul such wastes to such points as are designated by the city health officer.

10-0309 Supervision. The collection, removal and disposal of garbage and rubbish under the provisions of this article, shall be under the supervision, direction and control of the water superintendent with the assistance of the city health officer and the Chief of Police.

10-0310 Rules and Regulations. The city health officer shall prescribe and publish such reasonable rules and regulations in connection with the preparation, handling and disposition of garbage and rubbish as may be necessary to regulate, enforce and carry out the provisions of this chapter. He may direct that the city garbage contractor shall not collect garbage and rubbish from any premises where such rules and regulations are not complied with and the failure to collect the same shall not relieve the owner or occupant of the premises from the payment of fees nor from the enforcement of the penalties of this code.

10-0311 Disposal Grounds. The City health officer is hereby authorized to designate the location or places to which all wastes referred to in this article shall be hauled, deposited or disposed of. The City shall have the power and authority to purchase or lease in the name of the City suchlands as are necessary for disposal of ashes, garbage, refuse and rubbish and to purchase or lease such equipment as may be necessary for such purpose.

10-0312 Unlicensed Haulers. It shall be unlawful for any person or any agent or employee thereof to collect or transport or carry on or convey through, along or upon any public street, alley or sidewalk within the city, any rubbish, ashes and other wastes, except such person as may be authorized, licensed or permitted so to do under the provisions of this article.

Nothing herein contained shall be construed as prohibiting the hauling of such wastes by authorized city employees or by persons from their own premises and not for hire or compensation; provided, however, that all such wastes shall be hauled and disposed of in accordance with such regulations as may from time to time be issued by the city health officer and the ordinances pertinent thereto.

No refuse shall be hauled on the streets of the City of Hebron unless the same is contained in such metal receptacles as hereinbefore described, with covers tightly fitted thereon, or unless hauled in trucks, trailers, & vehicles which are covered in such manner as to prevent the scattering of such refuse upon the streets. All refuse shall be disposed of in the place provided by the City of Hebron for such purpose and at such time and in such manner as may be provided for by the city health officer or the governing board.