

## ORDINANCE NO. 16-03

### AN ORDINANCE AMENDING CHAPTER 10-03 OF THE HEBRON ORDINANCES OF 1971 REGARDING GARBAGE, REFUSE, AND RUBBISH 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 replaced as follows:

### **GARBAGE, REFUSE, RUBBISH**

Section	
10-0301	Declaration of Findings and Purpose
10-0302	Definitions
10-0303	Littering Prohibited; Duty to Clean
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10-0305	Collection by City; Exceptions
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10-0308	Fees
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10-0301. **Declaration of Findings and Purpose.** The Hebron City Council declares that:

1. The people of the City of Hebron have a right to a clean environment. The costs of maintaining a clean environment through the efficient environmental management of solid wastes should be borne by those who use such services.

2. Serious economic, management and technical problems exist in the management of solid wastes.

3. Inefficient and improper methods of managing solid wastes create hazards to the public health, result in scenic blights, cause pollution of air and water resources, cause accident hazards, increase rodent and insect disease vectors, have a negative effect on land values, create public nuisances, and otherwise interfere with community growth and development.

4. In order to properly regulate the storage, collection, transportation and disposal of solid wastes to protect the public health, safety and welfare and to enhance the environment for the people of the city, it is necessary and proper that the city establish and maintain a sanitary landfill that meets all requirements established by the State of North Dakota and the North Dakota State Department of Health where all solid waste collected in the city from residences, commercial enterprises and all other locations shall be deposited at the city landfill.

5. In order to operate and maintain a sanitary landfill that meets all requirements of the State of North Dakota and the North Dakota State Department of Health and that is adequate to meet the needs of all of the residents of the City of Hebron and to plan for the orderly expansion of the landfill to meet future needs of the City and to acquire and acquire land and equipment for such purposes, it is necessary that all solid waste collected in the City of Hebron be deposited at the city landfill, or at other approved landfills designated by the City.

6. The City Council finds that it is in the best interests of the people of the City of Hebron to reduce the waste stream going into the landfill and finds that a recycling program and a yard waste program are effective methods to reduce that waste stream. In order to operate these programs, it is necessary that funding be provided by the solid waste tax.

7. The City of Hebron has the authority, pursuant to Chapters 40-05 and 40-06 of the North Dakota Century Code, to regulate the collection of all waste in the city, to adopt a solid waste management ordinance, and to regulate the disposal of all waste collected in the city.

10-0302. **Definitions.** For the purpose of this chapter, the following terms shall have the meanings given:

1. "Collection" means the act of removing solid wastes from the central point of the primary source of residential container.

2. "Construction and demolition waste" means waste building materials and debris resulting from construction, remodeling, repair or demolition operations on residential or commercial buildings, sidewalks, pavements and other structures.

3. "Garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, including wastes from storage facilities, handling and sale of produce and other food products.

4. "Hazardous wastes" means any waste or combination of wastes which presents a substantial present or potential hazard to human health or living organisms because the wastes are nondegradable or persistent in nature or because they can be bioaccumulated, or because they can be lethal, or because they may otherwise cause or contribute to cause detrimental cumulative effects.

5. "Inert waste" means wood, concrete, metal, bricks, trees, rock, glass, construction or demolition waste as directed by the Director of Public Works.

6. "Person" means any individual, corporation, partnership, firm, association, public or private institution, group, agency, political subdivision of this state or political subdivision or agency thereof and any legal successor, representative or agent of the foregoing.

7. "Premises" means any property, piece of land or real estate or building.

8. "Putrescible waste" means solid waste capable of being decomposed with sufficient rapidity as to cause nuisances from offensive odors or produce fly conditions.

9. "Recyclable" means any material designated by the Director of Public Works for removal from the solid waste stream for special collection and disposition.

10. "Rubbish" means nonputrescible solid wastes (excluding ashes), combustible and noncombustible wastes, such as paper, cardboard, tin can clippings, wood, glass, bedding, crockery and similar materials.

11. "Scavenging" means uncontrolled removal of solid waste materials from a disposal operation site, storage area or collection point.

12. "Solid wastes" means garbage, rubbish and all other solid wastes and discarded materials, including solid waste materials resulting from industrial and commercial operations.

13. "Storage" means the interim containment of solid waste, in any manner after generation and prior to ultimate disposal.

14. "Yard waste" means grass clippings and leaves and shall not include refuse and trees and branches.

10-0303. **Littering Prohibited; Duty to Clean.**

1. It is unlawful for any persons to throw, drop, cast or deposit upon a street, alley, sidewalk, or any yard or premises, public or private, any filth of any kind, paper, trash, paper containers, solid waste, yard waste, bottles or any other form of waste matter.

2. The owner or occupant of any store or other place of business situated in the city shall exercise reasonable diligence at all times to keep the premises free from wastepaper, wrapping paper, paper napkins, cartons, package containers and other waste materials thrown or left on said premises by its customers, and shall take such measures to prevent waste from drifting or blowing to adjoining premises.

Receptacles of sufficient size and number must be placed on the premises accessible to the customers of such business where the above referred to articles of waste are disposed of.

3. It is unlawful for any person going upon the premises of another in any manner to dispose of wastepaper, wrapping paper, paper napkins, cartons, package containers and other used or waste materials except in receptacles provided for such purposes.

4. No person shall use the disposal container of another to dispose of solid waste without the consent of the owner of the container.

10-0304. **Collection Regulations.**

1. All solid wastes must be collected, conveyed and disposed of by the City under the supervision of the Director of Public Works, except as otherwise provided in this section. The City Supervisor has authority to make regulations concerning the days of collection and location of waste containers and such other matters pertaining to the collection, conveyance and disposal as necessary, and to change and modify the same, and to give notice thereof by public notice in the official newspaper of the City. Any person aggrieved by a regulation of the City Supervisor has the right to appeal to the City Council, which may confirm, modify or revoke such regulation, following notice to the aggrieved person and a hearing.

2. The City Supervisor has authority to make such reasonable regulations concerning individual collection, transportation and hauling and disposal of solid waste as deemed necessary, which shall become effective when notice thereof has been given by publication in the official newspaper.

3. A person may not place any solid waste in any street, alley or other public place or upon any private property within the City except in proper containers or for collection and removal. Nonputrescible solid wastes such as branches or newspapers and magazines may be bundled in bundles not exceeding 50 pounds and more than four feet in length and must be placed out for collection not more than 24 hours before collection.

4. Any unauthorized accumulation of garbage or solid waste on any premises hereby declared to be a nuisance and is prohibited, except as provided in paragraph 1 of this section.

5. Any approved waste container together with solid waste must be with the curb accessible to the property. The City Supervisor may allow a greater distance under special conditions if special conditions require. Special arrangements for other collection points may be made by the City Supervisor for those citizens who are unable to move their waste container or solid waste to the required collection point. Waste containers should be placed out for collection at least 24 hours before the day of collection but not before the evening before the date of collection.

6. Residential collections must be made as often as is necessary to maintain and preserve the health of the community. When streets are in temporary condition and collection is impossible, such failure does not relieve the occupant of payment of the cost of garbage collection.

7. All solid waste of each residence shall, if a reasonable amount, be collected during regular collection times for the standard charge. The City Supervisor has the authority to refuse to collect unreasonable amounts or to make an additional charge for such collection.

8. The driver and operator or operators of any truck engaged in the collection and removal of solid waste by the City may refuse to collect and remove the same if it does not substantially meet the requirements of this chapter.

9. Ownership of solid wastes set out for collection or deposited at the City disposal grounds is vested in the City. It is unlawful for any person other than the owner or authorized person, to remove any refuse material from the solid waste container, street or collection point of another or from the city disposal grounds.

10. A person may not burn or cause to be burned any paper, garbage, straw, hay, leaves, brush, weeds, dry grass, shavings, rags, barrels, boxes, crates, other combustible materials or solid waste within the City, except in an incinerator approved by the state health department.

11. Commercial bulk containers may be placed on public right-of-way or alley when it is impractical or impossible to store the container entirely on private property. Those containers placed on public right-of-way may not project more than five feet into the alley. The alley must have an unobstructed opening of at least 15 feet.

12. A person may compost grass or leaves collected on the property provided a composting site is operated in a safe and healthful manner and does not create a public health nuisance. Composting facilities should be approved by the Public Health Department, Environmental Health Division.

13. The City shall designate collection points within the City for yard waste collection. No person shall deposit any solid waste in the city yard waste collection other than yard waste. Large volume producers of yard wastes shall dispose of yard wastes as directed by the City Supervisor.

14. No person shall place, deposit or dump any material in a recycling container other than what is indicated as allowable on the container. A recycling container shall include any public or private container, dumpster or receptacle that is clearly signed for the deposit of particular materials.

15. Recyclables shall be collected as specified by the City Supervisor. Rules pertaining to solid waste collection shall apply.

16. The City may designate recyclable collection sites within the City and may contract for the provision of the necessary containers for recyclables generally of a specific type of recyclable. Recyclable collection sites shall be for the collection of residential recyclables only. No person or entity shall dump, deposit or leave any material or garbage that is owned, produced by or derived from any commercial entity, business or activity in or upon any City designated recyclable collection site. A violation of this section shall be an infraction.

10-03-05. **Collection by City; Exceptions.** Except as otherwise provided in this section, all garbage, rubbish or any other solid waste discarded or put out for collection by any person or collected within the City, must be collected, conveyed and disposed of by the City. It is unlawful for any other person to collect any garbage, rubbish or other solid waste for another within the City, or to convey such materials on any streets, highways or other public places of the City, unless such person has been granted a franchise to do so by the City Council.

1. Persons with a waste collection franchise granted by the City Council shall collect garbage, rubbish or other solid wastes and convey such materials to the city.

2. Persons with a waste collection franchise granted by the City Council shall contract with the City for the collection of recyclables. This contract shall be competitive bid.

10.0306. **Storage Container Requirements.** The following provisions govern the use and maintenance of garbage containers:

1. Residential containers must be a tapered, commercially manufactured container equipped with suitable handles and tight-fitting covers, and shall be watertight. Containers shall have a maximum capacity of 45 gallons unless bulk containers are used. Plastic containers with a maximum capacity of 45 gallons shall also be acceptable waste containers provided they are closed tightly and have sufficient strength to hold the solid waste they contain. Apartment houses or two or three units shall furnish not less than two 45 gallon containers per living unit. Owners of apartment houses of four or more units shall provide mini-dumpsters as follows:

- a. One cubic yard for five living units or less;

- b. Two cubic yards for six to ten living units;
- c. Two cubic yards for each additional ten living units in excess units;
- d. Or as required by the City Supervisor.

The City Supervisor is authorized to make such inspections as are deemed necessary to determine the number of containers and the number of pickups per week needed to provide the minimum level of service required for the removal of refuse from an individual house and to determine the rate to be used for such service.

Dumpsters must be constructed of durable rust and corrosion-resistant material, equipped with right-fitting lids or doors to prevent entrance of insects or rodents, and must be watertight, leakproof and weatherproof.

2. In order to prevent dumpster users from downsizing their containers below their actual needs, the City Supervisor is authorized to charge an overflow surcharge applied to the customer's monthly bill when overflows occur. The amount of the surcharge shall be as determined by the City Supervisor.

3. Every garbage and trash container must be maintained in as sanitary a condition as possible in view of the use to which it is put; and must be thoroughly cleansed by washing, scalding or otherwise. Dumpsters must be kept in good repair and repaired within a year unless the City Supervisor approves existing condition.

4. All garbage must be drained and wrapped, sacked or bagged before being placed in waste containers. Waste containers must be kept tightly closed during the collection and deposit of garbage, trash or solid waste. The contents of all receptacles must be so packed that the wind cannot blow out and scatter same over the streets, alleys and premises of the City. Individuals are encouraged to compost lawn clippings and leaves or take them to collection sites provided by the City Council.

5. It is the duty of any person in control of any premises to replace any container which is damaged or deteriorated and may cause injury to collection personnel or create a health problem within five days after receipt of a notice of violation.

6. Storage racks or container supports must be provided for individual containers stored outside to minimize corrosion, to prevent breeding of insects, and prevent harborage. Distance to the bottom of the racks or container supports must be at least 18 inches above ground level. The maximum height of a front retaining rail may not exceed 48 inches above grade. Pursuant to section 10-0304(5), all containers must be moved to the collection point on the day of collection.

10-0307. **Hauling Restrictions.** A person may not haul or transport garbage or solid waste to the City's disposal grounds except in a vehicle which does not permit garbage, rubbish or solid waste to seep, spill, leak, blow, drop off or fall to the streets or highways leading to such disposal grounds.

1. The grounds for disposal of solid waste shall be determined by the City. Such grounds must be operated as a sanitary landfill and meet the requirements established by the state health department for landfill disposal purposes.

2. It is unlawful for any person to scavenge, rummage, move, remove, or handle solid waste material at the city disposal grounds (other than an employee engaged to work there), and no person may enter upon or in said ground or deposit waste therein except during permitted hours as posted and in the manner and at the place as directed and designated, unless under written permit of the City Supervisor. No household wastes may be disposed of at the landfill site except in amounts normal in household use. The use of such ground is permitted under such rules and regulations as adopted by the City Council.

3. Any person hauling a load of solid waste, yard waste, recyclables, or other materials over the streets of the City and delivering it to the landfill must comply with the requirements of this section.

a. The following loads must be secured with enough cargo chains, straps, and/or bungee cords so the load cannot shift, move, or fall out.

1. Garbage cans must be secured to the vehicle or trailer with lids fastened to the container, or they must be covered with a cargo net strap.

2. Sheets of plywood, OSB, drywall, or sheet metal must be secured down.

3. Cardboard boxes must be secured so as to prevent their contents from falling out.

4. Each large item, such as furniture, appliances, mattress springs, etc., must be secured to the vehicle.

5. Yard waste must be covered so as to prevent it from blowing or falling out.

6. Garbage in bags must be tied shut and secured to the vehicle or trailer or completely covered with netting or tarp.



7. Liquids, such as motor oil and antifreeze for recycling, in closed containers that are tied to the vehicle or packed so that they cannot shift or

b. The following loads must be covered completely with a tarp and must be tied to the vehicle or trailer to secure the load. A tarp that is open at the back, front, or top is not secured.

1. Loads with loose plastic bags or paper must be covered with a tarp.

2. Construction or demolition debris must be covered with a tarp. Covering the load with a sheet of plywood that is secured to the vehicle is acceptable. Lightweight material, such as a lightweight material, can blow or fall out.

3. Roofing materials must be covered with a tarp.

4. Lightweight materials visible to attendant, like paper, plastic bags or containers, buckets, etc., must be covered with a tarp.

5. Garbage in bags must be tied shut or covered with a net.

6. Yard waste with leaves or other loose lightweight debris in closed containers must be covered with a tarp.

7. Loose garbage must be covered with a tarp.

8. Recyclable materials such as cans, bottles, and paper products in open containers must be covered with a tarp.

In addition to the landfill fee, the City Supervisor may impose an additional fee as approved by the City Council to any load that enters the landfill in compliance with this section.

10-0308. **Fees.** For the collection of garbage and rubbish by the City and the County thereof, there is hereby fixed and established the following schedule of monthly charges:

1. For each water meter or family unit charge as established by the Public Works department of the City in a residence, the sum of \$15.00 shall be charged for regular garbage container collection.

2. For each residence building containing one or more apartments, the sum of \$15.00 shall be charged for the initial residence and the sum of \$5.00 for each apartment occupied.

3. For each apartment building, the sum of \$15.00 shall be charged additional \$5.00 charge for each apartment occupied.

4. For each commercial establishment, regardless of the nature thereof, if garbage or rubbish is collected, a minimum charge of \$20.00 per month, plus such amount as may be fixed and determined by the City Council after a study of the quantity of the garbage and rubbish or other factors incident to the collection is determined, a schedule of such charges shall be filed in the office of the City Auditor available for public inspection.

5. Garbage Dumpsters, whether residential or commercial, shall have the collection rates:

<u>Number of Dumpsters</u>	<u>Collections Per Week</u>	
	<u>Once</u>	<u>Twice</u>
1	\$ 30.00	\$ 45.00
2	\$ 45.00	\$ 60.00
3	\$ 60.00	\$ 75.00
4	\$ 75.00	\$ 90.00
5	\$ 90.00	\$105.00
6	\$105.00	\$120.00
7	\$120.00	\$150.00
8	\$150.00	\$175.00

10-0309. **Payment and Collection of Fees.**

1. 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.

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

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

4. The proceeds from the collection of the fees set forth in Section 10-0309 shall be placed in a fund and designated as the Garbage fund, and all of the expense of the purchase and maintenance of equipment, in the leasing of disposal area, in the operation of the disposal area, and in the collection and disposal of garbage and rubbish, shall be paid out of this fund.

II. **SEVERABILITY.** All ordinances or parts of ordinances in conflict he hereby repealed and rescinded.

III. **EFFECTIVE DATE.** This Ordinance shall be in full force and effect upon passage.

IV. **SAVINGS CLAUSE.** If any portion of the Ordinance or its application to 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**

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GRANT WALTH - Mayor

ATTEST:

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ERIN BRINK - Auditor

Introduction and First Reading: September 12, 2016

Second Reading and Final Passage: October 10, 2016

Publication: Not required

Effective Date: October 10, 2016