

CHAPTER XXIV

AN ORDINANCE REGULATING THE REMOVAL OF SOLID WASTES, AND PROVIDING MANAGEMENT REGULATIONS THEREFORE, AND PROVIDING CHARGES AND METHODS OF COLLECTIONS AND PROVIDING FOR PENALTIES FOR VIOLATION THEREOF.

- 24.0101 There is hereby created a public utility of the City of Hazen, to be known as Garbage and Rubbish Collection and Disposal Utility. Such Utility shall be charged with the responsibility of carrying out the provisions of this ordinance and shall supervise and arrange for the garbage, rubbish, refuse, trash collection system and landfill disposal operation.
- 24.0102 The utility shall have the power, authority and right to administer any contract which this municipality may make for garbage disposal, and shall have the responsibility of making service collections pursuant to this ordinance from residents of the City for garbage removal service.
- 24.0103 There is hereby incorporated by reference herein, and made a part hereof, all solid waste management regulations and air pollution control regulations of the North Dakota State Department of Health, as the same now exist, or as they may be hereinafter enacted and amended, and a violation of such regulations shall constitute a violation of this ordinance. In addition all definitions contained therein shall have the same meaning in this ordinance.
- 24.0104 All garbage, solid wastes, ashes and rubbish shall be collected by the contractor having a contract with the City as often as is necessary to maintain and preserve the health of the community, except that this ordinance shall not require the collection of such materials where the streets or alleys make it impossible to do so, nor in case of non-payment of garbage collection fees provided for herein.

No person within the City shall be permitted to refuse to accept such garbage and waste disposal service, and the failure of any person to receive such service shall not exempt him from the payment of charges herein set forth, save and except only those persons residing in areas in which no waste collection service is provided, and in such areas where no service is made available, no charges shall be made.

If the established service charge is not paid when due, such sum may be recovered by the municipality by legal action, or such sum may be assessed against the premises served and collected and returned in the same manner as

other county and municipal taxes are assessed, certified, collected and returned.

- 24-0105 All materials collected under the provisions of this ordinance, shall be collected, conveyed and disposed of by the contractor engaged by the City under the supervision of the Garbage and Rubbish Collection and Disposal Utility of the City, and the representative named by the governing board to such utility shall have authority to prepare and publish additional rules and regulations as are necessary in connection with the administration of this ordinance so long as such regulations are not in conflict with this ordinance.

Materials collected under this ordinance shall be placed in thirty gallon garbage bags placed in thirty gallon metal or plastic garbage receptacles, except ashes which shall be placed in twenty gallon metal containers with a twenty or thirty gallon garbage bag insert, or such materials may be deposited in the two yard containers if arrangements have been made for such service.

Tree trimmings, hedge clippings and tree materials shall be cut to length not to exceed four feet, and securely tied in bundles not more than two feet thick, and not to weight in excess of 50 lbs. per bundle.

Garbage containers shall be made of metal or plastic with suitable handles and tight fitting covers, and garbage bags shall be inserted in all such containers, except the two yard containers used in the commercial areas.

- 24-0106 No person shall place any solid waste, garbage, ashes or rubbish in any alley or other place, or upon any private property whether owned by such person or not, within the city, except in proper containers for collection pursuant to the provisions of this ordinance.

Any accumulation of any of the aforementioned materials on any premises is hereby declared to be a nuisance and is prohibited.

No person shall cast, place, sweep or deposit anywhere within the city, any solid waste, garbage, ashes or rubbish in such a manner that it may be carried or deposited by the elements upon a street, sidewalk, alley, sewer, parkway, or any other public place, or into any occupied premises within the city.

- 24-0107 The garbage receptacles shall be placed adjacent to the alley adjoining the property on which collection is made, except in such places where there is no alley as to the same,

the materials to be collect shall be placed on the boulevard in front of the premises.

The contractor engaged by the City may refuse to collect solid wastes, garbage, ashes or rubbish if they are not placed in containers which conform to the conditions and requirements of this ordinance.

The following charges shall be paid by any person, firm or corporation for available service, or where premises are served:

RESIDENTIAL: Collection once a week

\$3.65 per month per residential unit

COMMERCIAL: Collection once a week

\$6.20 per month

Collection twice a week

\$12.20 per month

The number of pick ups and rates for large commercial collections will be according to the volume of garbage, and will be negotiated by the Contractor and the commercial business place. The Contractor shall notify all commercial establishments by December 1, 1975, of the number of pick ups per week he intends to make at their establishments and the monthly rate resulting therefrom. Any new business establishments requiring garbage pick up shall be given the same notice as above within fifteen days after they file written request for garbage pick up with the City Auditor. The City Auditor shall immediately notify the Contractor of any requests for garbage pick ups. If an agreement cannot be reached between the Contractor and the commercial business place, the City Commission shall act as the arbitrator and set the number of pick ups and the rates.

The City Auditor shall add the garbage disposal charges provided for herein to charges for other municipal services provided by the City, and shall collect the same in the manner in which other charges are made pursuant to the above rates.

24-0108 Highly flammable or explosive materials shall not be placed in containers for collection.

24-0109 The initial bill for services rendered hereunder shall be

sent to the occupant of the property served, but in the event of non-payment, the City shall have the right to assess such charges against the premises served as noted above. If the owner of the premises wishes to be billed directly this may be provided for by agreement with the City Auditor.

- 24.0110 No person shall dispose of refuse and other combustible material by open burning, or cause, suffer, allow or permit open burning of refuse or other combustible material, and no person shall conduct or cause the conduct of a salvage operation by burning. Open burning shall mean the burning of any matter in such a manner that the products of the combustion resulting from the burning are emitted directly into the ambient air without passing through an adequate stack, duct or chimney.
- 24.0111 Any violation of or failure to comply with any of the provisions of this ordinance shall be punishable by a fine of not exceeding \$500.00 or by imprisonment or not more than thirty days, or by both such fine and imprisonment in the discretion of the Court.
- 24.0112 It is the intention of the governing board that the separate provisions of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the said board that if any provisions of the ordinance be declared invalid, all other provisions thereof shall be valid and enforceable.
- 24.0113 This ordinance shall be full force and effect after it has been finally adopted, and publication or posting of the title and penalty clause.