

**ORDINANCE NO. 403**

**AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3 REGULATING GARBAGE DISPOSAL FOR THE CITY OF BEULAH, MERCER COUNTY, NORTH DAKOTA.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEULAH, MERCER COUNTY, NORTH DAKOTA, AS FOLLOWS:**

- I. Chapter X, Article 3 of the Revised Ordinances of the City of Beulah, Mercer County, North Dakota of 1972, and all subsequent amendments thereto are hereby amended and repealed as follows:

10-301 Declaration of Findings and Purpose

The maintenance of the public health and sanitation requires, and it is the intention hereof to make the collection, removal, and disposal of garbage and rubbish within the City of Beulah compulsory and universal and to fix charges therefore commensurate with the cost of collecting and disposing of the same. All materials collected under the provisions of this ordinance, shall be collected, conveyed and disposed of under the terms of this ordinance.

10-302 Exclusive Right to Serve

The City of Beulah is designated as the only entity authorized to collect, remove, and dispose of garbage and rubbish as defined in this ordinance within the City of Beulah. This does not prohibit the generator of garbage, rubbish, and/or unacceptable waste within the City of Beulah to collect, remove, and dispose of said garbage, rubbish, and unacceptable waste within the requirements of this ordinance. The City of Beulah will not collect, remove, and dispose of any unacceptable waste as defined in this ordinance within the City of Beulah.

10-303 Waste Regulations and Air Pollution Control Regulations, Incorporated

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. Additionally, all definitions contained in such regulations shall have the same meaning in this ordinance.

10-304 Definitions

(1) Account, as the term is used in this ordinance, shall mean an entity that is receiving water and/or wastewater, and garbage service from the City of Beulah simultaneously at one location.

(2) Garbage, as the term is used in this ordinance, shall include every accumulation of animal, fish, fowl, fruit, or vegetable waste incidental to or resulting from the sale, storage, use, preparation, cooking, and/or consumption of food and food products; all accumulations of putrescible household or commercial waste matter; packages and containers used in the storage, preparation, consumption, and serving of food; any other matter of any nature whatsoever which is subject to decay, putrefaction, or the generation of noxious or offensive gases or odors, or which during or after decay may serve as breeding or feeding materials for rodents, flies, or other germ-carrying animals and insects. Excluded from this definition is unacceptable waste as defined in this ordinance.

(3) Rubbish, as the term is used in this ordinance, shall include tin cans, bottles, glass, rags, clothing, paper containers, rubber, cardboard, boxes, barrels, crates, sweepings, and similar accumulations. However, the term shall not include any garbage or combination of garbage and rubbish.

(4) Unacceptable waste, as the term is used in this ordinance shall mean, but not necessarily be limited to, construction materials, construction debris, ashes, metal wastes, leaves, grass, trees & tree trimmings. Hazardous, explosive and highly inflammable materials are absolutely prohibited from being placed in mobile containers for collection.

(5) Mobile Container, as the term is used in this ordinance, shall mean a garbage or refuse container capable of being rolled up to equipment which will empty the containers. Such container will remain at the site of the account. Container size will vary with the type and amount of garbage and/or rubbish generated by each account.

(6) Open burning, as the term is used in this ordinance, shall mean the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the ambient air without passing through an adequate stack, duct, or chimney.

#### 10-305 Collection of Garbage

The City of Beulah shall collect all garbage and rubbish within the City of Beulah from an account 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 material where the streets make it impossible to do so, nor in case of non-payment of garbage collection fees provided for herein. Materials collected under this ordinance shall be bagged and placed in appropriate mobile containers as determined by the City Council.

#### 10-306 Size and Type of Containers for Garbage Collection

The City Council shall have authority to determine for each account the type of mobile container required, the number of containers required, and the collection frequency for the containers. To maintain the sanitary conditions required for the amount of garbage and/or refuse generated by any account, the City Council shall also have authority to revise the type, number, and collection frequency of mobile containers for any account

and require the account to utilize the same. City issued small mobile containers of up to 96 gallon capacity will be provided by the City and maintained by the City. Larger mobile containers 3 cubic/yard capacity will be provided and maintained by any account required to utilize the same.

#### 10-307 Location of Mobile Containers

Accounts using City issued small mobile containers of up to 96 gallon capacity shall be placed on the street in front of such premises on their prescribed garbage collection days. After collection, the mobile containers shall be moved off the street. Accounts using larger mobile containers of 3 cubic/yard capacity shall be placed in a location acceptable to the City of Beulah.

#### 10-308 Right to Generate Additional Policies and Procedures

The City of Beulah has the authority to prepare and publish additional policies and procedures as are necessary in connection with the administration of this ordinance as long as such regulations are not in conflict with this ordinance.

#### 10-309 Hauling of Garbage

Garbage or refuse hauled on the streets of the City of Beulah, will be contained in receptacles with tightly fitted covers or hauled in wagons, trucks, trailers, or other vehicles which are covered in such manner as to prevent the scattering of such garbage and refuse upon the streets.

#### 10-310 Throwing in Streets, Etc., Prohibited

No person shall place any solid waste, garbage, or rubbish in any street, alley or other place, or upon any private property whether owned by such person or not, within the City, except as otherwise provided in this ordinance. Any accumulation of any of the aforementioned materials on any premises except as otherwise provided by this ordinance 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, 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 or private lot within the City.

#### 10-311 City May Refuse Collection

City employees and agents may refuse to collect garbage or rubbish if these are not placed in mobile containers which conform to the conditions and requirements of this ordinance.

#### 10-312 Garbage Collection Services Outside City Limits

Requests for sanitation collection services outside of the city limits of the City of Beulah may be negotiated and accepted on a case by case basis at the sole discretion of the City.

#### 10-313 Charges for Garbage Collection

The City of Beulah hereby reserves the right to make changes to the monthly garbage disposal charges by formal written resolution of the City Council of the City of Beulah. Said monthly charges for garbage collection and all subsequent amendments thereto shall become effective when notice thereof has been given by publication in the official newspaper of the City.

#### 10-314 Surcharge

All garbage accounts will be assessed a monthly surcharge to provide for equipment replacement. Said monthly surcharge rate shall be established by formal written resolution as approved by the Beulah City Council. Said monthly surcharge rate and any and all subsequent amendments thereto shall become effective when notice thereof has been given by publication in the official newspaper of the City.

#### 10-315 City Auditor to Add Garbage Charges

The Water and Wastewater Department of the City of Beulah, North Dakota, is hereby authorized to add the garbage disposal charges provided for herein to its charge for water and wastewater services and submit the same on a bill in connection with said water and wastewater service bills. The Water and Wastewater Department shall be authorized to discontinue services of all services provided by the Water and Wastewater Department if the entire bill shall not be paid, including the bill for garbage collection. Said sums shall become delinquent upon the same dates of the water and wastewater bill upon which the same is charged. If said service charge is not paid when due, the water service of said premises may be shut off in the same manner as provided for in the water ordinances of the City of Beulah, North Dakota.

#### 10-316 Non-Payment of Service Charge

If the service charge so established is not paid when due, said sum may be recovered by the City of Beulah in an action at law against the owner or occupants or both of the property, or the City of Beulah may assess the charges against the property in the same manner as other county and municipal taxes are assessed, certified, collected and returned. Penalties provided for under this section shall be in addition to those provided for in other sections of this article.

Upon the non-payment of said service charge, the City of Beulah may also discontinue the water and garbage service of said premises. The City of Beulah reserves the right to use all remedies allowed by state law to pursue the non-payment of said service charge.

#### 10-317 Vacation Rates

Residents may apply for vacation garbage collection rates for periods of two (2) months, minimum, to six (6) months, maximum. The resident must notify the City Auditor for the City of Beulah two (2) weeks in advance with a date to stop service and a date to reinstitute service. Residents applying to the City for vacation garbage collection rates must also apply with the City for vacation water and sewer rates, and the requested vacation garbage collection rate period must run concurrent with the requested vacation water and sewer rates period.

Vacation garbage collection rates shall hereafter be established by formal written resolution as approved by the Beulah City Council. Said vacation rates and any and all subsequent amendments thereto shall become effective when notice thereof has been given by publication in the official newspaper of the City.

#### 10-318 Garbage Collection Account Required

Any water and/or waste water services account shall also be required to have an account for garbage collection services whether the account holder uses the garbage collection services or not. Non-use of garbage collection services shall not exempt the account from payment of charges hereinbefore set forth.

#### 10-319 Initial Bill for Services

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

#### 10-320 Open Burning Prohibited

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 or permit the conduct of a salvage operation by burning.

#### 10-321 Intent of Governing Body

It is the intention of the City Council of the City of Beulah that the separate provisions of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any provisions of this ordinance be declared invalid, all other provisions thereof shall be valid and enforceable.

10-322 Penalty Section

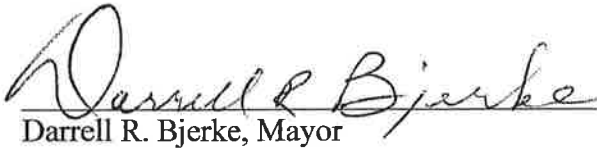
Any violation of this ordinance will be considered an infraction, for which a maximum penalty of a fine of Five Hundred Dollars (\$500.00) may be imposed and a separate infraction may be deemed committed for each day that a violation occurs.

II. SEVERABILITY

All ordinances or parts of ordinances in conflict herewith are hereby rescinded and repealed.

III. EFFECTIVE DATE

This ordinance shall be in full force and effect upon its final passage and upon the publication of its title and penalty provisions.

  
Darrell R. Bjerke, Mayor

ATTEST:

  
Heather Ferebee, City Auditor

First Reading: March 18, 2013

Second Reading: August 19, 2013

Final Passage: August 19, 2013

Publication Date: September 5, 2013

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10-322 Penalty Section

Any violation of this ordinance will be considered an infraction, for which a maximum penalty of a fine of Five Hundred Dollars (\$500.00) may be imposed and a separate infraction may be deemed committed for each day that a violation occurs.

The title and penalty section of the above Ordinance is published in accordance with the Laws of the State of North Dakota.

Dated this 19<sup>th</sup> day of August, 2013.

  
HEATHER FEREBEE, CITY AUDITOR  
CITY OF BEULAH