

AN ORDINANCE PERTAINING TO SANITATION AND THE
COLLECTION AND DISPOSAL OF REFUSE.

BE IT ORDAINED by the City Council of the City of Hatton, Traill County, North Dakota as follows;

- SECTION 1. Definitions. Unless the subject matter or context otherwise requires;
- a. "Refuse" shall mean garbage, rubbish, cans, bottles, rags, waste paper, ordinary household refuse, hedge trimmings, garden weeds, grass cuttings, brush and other waste materials, generally, and including articles and things ordinarily hauled away and disposed of, for the purpose of promoting the cleanliness and health of the City, excepting therefrom materials that accumulate as a result of building operations or building alterations or removal, trees, tree stumps, motor vehicle bodies, machinery stones, earth, industrial waste, and waste products that are of such a nature they would make the refuse disposal facilities provided by the City in violation of state or federal law.
 - b. "Refuse Collections service" shall mean the collection, hauling and disposal of refuse, as defined in Section 1.a hereof, excepting from such definition waste matter that may damage equipment used for collection or that is of such a nature that it is impractical to use such equipment for its collection
 - c. "Refuse disposal service" shall mean facilities or grounds provided for the disposal of refuse as defined in Section 1.a hereof.

SECTION 2. In such manner and by such means as the City Council may heretofore have provided, or herein or hereafter provide, the City, by itself or in cooperation with any political subdivision of this state, shall provide refuse disposal service for all persons within the City and refuse collection service to all premises, for the owners or occupants thereof, within the City where refuse, as defined in Section 1.b hereof, is produced or accumulated, or both, and it may provide refuse collection service to such premises outside the City where the owners or occupants have contracted with the City, with the approval of the City Council, for such service.

SECTION 3. The costs to the City for providing refuse collection and disposal services shall be paid out of the General Fund of the City, from the appropriation for such purpose, or such other current fund as the City Council may provide.

SECTION 4. The City Council, as it determines necessary, may establish, by resolution, service charges to be paid by the owner or occupant of the premises provided refuse collection service by the City, and such service charges collected by the City Auditor, or under his direction, shall be credited to the General Fund of the City, or such other current fund as the City Council may provide. Such service charges shall be billed by the City Auditor, or under his direction, on invoices used for billing utility services, and for each premise where water and sewer service, or any of such services, are furnished, the service charge for providing refuse collection service to such premise shall be added to and collected as a part of the invoice for such other services, and all charges for refuse collection service shall become delinquent upon the same date as the invoice upon which the same is charged becomes delinquent. Failure to pay all or any part of the total amount of money due on such invoice within thirty days from the date of billing; thereon shall be cause for shutting off or discontinuing all or any services for which such invoice was rendered and this provision shall be enforced at the discretion of the City Council on notice to do so the the City Auditor and shall be in addition to any other provisions of any city ordinances concerning delinquent payment of such invoices. In addition to any other provisions or penalties concerning the matter, if the service charge for such refuse collection service is not paid when due, such sum may be recovered by the City in an action at law, 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, as may be ordered by the City Council.

SECTION 5. No owner or occupant of any premises within the City shall be permitted to refuse to accept such refuse collection service where it is provided or made available by the City and failure to receive such refuse collection service, or any part thereof, shall not exempt the owner or occupant of such premises from the payment of the established service charge for refuse collection service.

Continued page 138

"Ordinance #170 continued"

138

SECTION 6. All refuse in residential areas shall be deposited for collection in metal or plastic refuse containers, or garbage cans, which shall be water-tight, have two handles for lifting, have close-fitting covers with one handle for removal, and of a capacity of not less than 15 gallons nor more than 32 gallons, and the total combined weight of the container and contents shall at no time exceed 90 pounds. Except where otherwise directed or on collection routes established by the City Council or under its authorization, each property owner or occupant shall furnish and keep one or more of such containers for the storage of refuse within 5 feet of the through-alley abutting the property, or in case no through-alley abuts upon the property or in case the through-alley is not open, or is otherwise inaccessible, within 5 feet of the front street which abuts such property on the days refuse collection service is provided. Such containers, when furnished and kept outdoors between days of refuse collection service, shall be placed upon an elevated platform of a height of not less than 18 inches above ground level and constructed to prevent the tipping over of the containers placed thereon. Refuse may be properly placed for collection in securely tied plastic bags immediately prior to the time of collection provided that any owner or occupant so doing shall not permit such plastic bags to become opened or torn in any manner to permit refuse to be removed or spilled therefrom. Refuse of leaves, hedge trimmings, garden weeds, grass cuttings and brush may be placed in disposable containers other than metal or plastic provided they do not exceed the weight limit provided for herein, or securely tied in appropriate bundles. Any containers used for storage of refuse for collection in violation of this ordinance is hereby declared to be refuse and may be collected and disposed of as in other refuse.

SECTION 7. In areas or at premises used for other than residential purposes refuse shall be deposited or stored for collection as provided in Section 6 hereof or in larger containers capable of being unloaded by such mechanical means as the City may provide for such purpose and not exceeding its rated capacity, which containers may also be used in residential areas, or in such other manner that will permit its efficient collection not contrary to any provision of this ordinance. No person shall deposit or store, or permit to be deposited or stored, refuse in any manner that will permit access thereto by animals, rodents, vectors, or vermin.

SECTION 8. Every person shall keep containers used for deposit or storage of refuse for collection and the access way to its for collection free from snow or other obstructions.

SECTION 9. No person shall burn any refuse within the corporate limits of the City of Hatton, Traill County, North Dakota.

SECTION 10. No person shall deposit, place, or throw, or permit to be deposited placed, thrown, blown, or otherwise scattered, any refuse upon any street, alley, public property, or private property within the corporate limit of the City, or upon any other property owned or leased by the City except property provided by the City for the disposal of refuse, or upon any roadway or highway leading to property provided by the City for the disposal of refuse or any other property owned or leased by the City for any other purpose within or without the corporate limits of the City.

SECTION 11. Upon conviction, any person violating any provision of this ordinance shall be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

SECTION 12. This ordinance cancels or supercedes any previous ordinance pertaining to the collection of garbage or refuse in any manner.

SECTION 13. Any provision of this ordinance held to be unconstitutional or invalid shall not affect other provisions of this ordinance.

SECTION 14. This ordinance shall take effect and be in force from and after its passage, approval, and publication.

ATTEST.

L. A. Thompson
MAYOR

A. W. [unclear]
Auditor

1st reading Feb. 7th, 1972
2nd reading March 6th, 1972
Final reading March 6th, 1972
Publication -----