

# **Chapter 18 GARBAGE AND REFUSE**

*Last updated October 2007*

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## **Article 18.04 In General**

### **Sections:**

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### **Section 18.04.00E Editor' s note to Article 18.04**

For state law as to solid waste collection and disposal in cities generally, see NDCC, § 40-34-01 et. seq.

### **Section 18.04.010 Municipal solid waste collection system generally**

The municipal solid waste collection system of the city shall be operated as an enterprise fund, and the rates, charges and regulations provided by this chapter shall be and remain applicable thereto until duly amended. The board of city commissioners reserves the right and power to amend this article from time to time as the need or propriety thereof arises, and the rates and charges shall be specified in the annual City Fee Resolution and may thereby be increased or decreased; provided, that the gross revenues derived from such system shall be sufficient to pay all costs of operation and maintenance of the system.

The municipal solid waste collection and disposal service of the city shall collect and dispose of all municipal solid waste and the regulations provided by this chapter shall be and remain applicable thereto until duly amended as provided by law. All municipal solid waste accumulated in the city shall be collected, conveyed and disposed of by the city or its duly authorized contractor. No persons shall collect, convey over any of the streets or alleys of the city or dispose of any refuse accumulated in the city except by the terms of this chapter; provided, that this chapter shall not prohibit the actual producers of municipal solid waste, or the owners and occupants of premises upon which municipal solid waste has accumulated, from personally collecting, conveying and disposing of such municipal solid waste, provided such producers, owners or occupants comply with the provisions of this chapter and with any other governing law or ordinance; provided, further, that this chapter shall not prohibit collectors of municipal solid waste from outside of the city from hauling such municipal solid waste over streets, provided such outside collectors comply with the provisions of this chapter and with any other governing law or ordinance. (Code 1958, § 14-2; Ord. No. 845, § 1; Ord. No. 1337 §2.)

*For state Law as to authority of city to establish a garbage disposal system, see NDCC, § 40-34.01.*

### **Section 18.04.020 Landfill**

There is hereby established and created a public municipal solid waste landfill upon land located in section 17, township 139 north, range 95 west, fifth p.m., Stark County, North Dakota, more particularly described as follows:

Southwest quarter of the southeast quarter (SW 1/4 SE 1/4), and the west half of the northwest quarter of the southeast quarter (W 1/2 NW 1/4 SE 1/4) of section 17, township 139 north, range 95 west, fifth p.m.; and

A strip of land sixty feet wide lying north of and adjacent to the south line of the NW 1/4 of section 17, township 139 north, range 95 west, fifth p.m., bounded on the west side by the east firm easement line of the county road as constructed across such NW 1/4 of section 17 and on the east by the east line of such NW 1/4 of section 17, and also the south sixty feet of the west one hundred feet of the NE 1/4 of such section 17; and

That portion of the SW 1/4 of section 17, township 139 north, range 95 west, fifth p.m., bounded by the east firm easement line of the county road as constructed across such SW 1/4 of section 17 and the north and east lines of such SW 1/4 of section 17.

The tract contains 61.33 acres, more or less, and the disposal of municipal solid waste is permitted at such location under such rules and regulations as adopted by the city. (Ord. No. 784, § 1; Ord. No. 965, § 1; Ord. No. 1337 § 2.)

### **Section 18.04.030 Landfill regulations; penalty**

It shall be unlawful for any person to scavenge, rummage, move, remove, sort or handle refuse material at the city landfill grounds, other than an employee of the city engaged to work there, and no person shall enter upon or in such ground or deposit solid waste except as permitted and directed by solid waste operations personnel.

The penalty for violation of sections 18.04.020 and 18.04.030 shall be the general penalty as provided by section 11.12.010. (Ord. No. 784, §§ 1, 2; Ord. No. 1337 § 2; Ord. No. 1337 § 2.)

### **Section 18.04.040 Disposal of items collected or created by independent contractor**

Any municipal solid waste collected by an independent contractor shall be disposed of by the contractor at his expense. (Ord. No. 411, § 5; Ord. No. 1337 § 2.)

## **Article 18.08 Household Garbage and Refuse**

### **Sections:**

- 18.08.010**     **Definitions**
- 18.08.020**     **Municipal Solid Waste containers--Generally**
- 18.08.030**     **Location of Municipal Solid Waste containers and additional requirements**
- 18.08.040**     **Refuse containers - REPEALED**
- 18.08.050**     **Violation of the rules and regulations governing preparation, handling, etc. of municipal solid waste generally**
- 18.08.060**     **Refusal to accept refuse collection and disposal service - REPEALED**
- 18.08.070**     **Draining and wrapping household garbage - REPEALED**
- 18.08.080**     **Disposal of tin cans - REPEALED**
- 18.08.090**     **Collection by city generally**
- 18.08.100**     **Storage of refuse, garbage or rubbish for collection generally - REPEALED**
- 18.08.110**     **Street litter and waste disposal containers - REPEALED**
- 18.08.120**     **Construction debris - REPEALED**
- 18.08.130**     **Burning prohibited - REPEALED**
- 18.08.140**     **Unlawful acts generally**
- 18.08.150**     **Separation of certain materials from municipal solid waste**
- 18.08.160**     **Rates and charges--Generally**
- 18.08.170**     **Billing; failure to pay, etc.**
- 18.08.180**     **Collection by legal action**
- 18.08.190**     **Disposition of proceeds**

### **Section 18.08.010     **Definitions****

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

**Owner or Occupant.** A person as herein defined in possession, charge, custody and control of any premises where municipal solid waste is collected or accumulated.

**Person.** Any individual, firm, partnership, corporation, institution or other entity acting as principal, agent, officer, servant or employee for himself or itself, or for any other individual, firm, partnership, corporation, institution or other entity, who owns, leases, rents or occupies any real property within the city limits.

**Solid Waste Containers.** Any of the following:

- (a)     Ninety gallon or three hundred gallon round plastic containers; or
- (b)     Such other containers as shall be approved by the City's Solid Waste operation and which containers are compatible with the solid waste disposal system and the solid waste to be removed.

**White Goods.** All appliances of whatever nature and kind, including but not limited to stoves, refrigerators, garbage compactors, dishwashers, and other appliances made of porcelain, metal or other such materials. (Code 1958, § 14-1; Ord. No. 411, § 1; Ord. No. 845, § 2; Ord. No. 1013, § 1; Ord. No. 1337 § 3.)

### **Section 18.08.020     **Municipal Solid Waste containers--Generally****

The city shall furnish for each property owner or occupant or groups of property owners or occupants within the city one or more suitable containers, equipped with close fitting tops.

Containers serving more than one residence or premises shall be positioned along rear or side alleys, wherever possible and practicable, not more than one hundred feet from the property line of any residence or other premises so serviced. If there are no alleys, individual portable containers may be supplied by the city. Covers shall be kept on such containers at all times, and they shall be kept clean by the property owner(s) or occupant(s). Paper containers shall not be used for the collection of municipal solid waste.

Should the property owner or occupant lose the container furnished to such property owner or occupant of a household establishment, it shall be the responsibility of the property owner or occupant of a household establishment to purchase a new container from the City with the appropriate capacity required by the city at the owner's or occupant's expense. It is expected that at some point these containers may become worn out or incapable of use due to the normal wear and tear; at such time, upon notification to the city and upon return of the worn out container to the city, the city shall furnish the appropriate replacement container at the city's expense.

All property owners or occupants of household establishments shall comply with the terms herein and shall not maintain any other type containers which would prevent collection of municipal solid waste with the municipal solid waste collection equipment used by the city. (Code 1958, § 14-3; Ord. No. 411, § 2; Ord. No. 845, § 3; Ord. No. 1337 § 3.)

### **Section 18.08.030 Location of Municipal Solid Waste containers and additional requirements**

The following rules apply to municipal solid waste containers:

- (a) It shall be the responsibility of the customer to move his/her municipal solid waste container to and from the collection location. It shall be unlawful to leave solid waste containers adjacent to a street or alley except on regular collection days with the exception of large alley solid waste containers which may remain in same position regardless of day. The containers shall be kept out from sight of the street and from the property, except on collection days.
- (b) Municipal solid waste containers and the area around the location of said container(s) authorized under this article, shall be maintained in good condition. The city shall have the authority to refuse collection service for failure to comply herewith. It shall be the duty of the user to maintain the same in a reasonable sanitary condition, in keeping with reasonable health standards. The city shall have the responsibility of inspecting containers and of notifying the user for failure to maintain the same in a reasonable sanitary condition.
- (c) When possible, all municipal solid waste shall be placed in city supplied or approved municipal solid waste containers. If municipal solid waste will not fit in the container, sealed, plastic bags weighing less than 50 pounds may be placed adjacent to the solid waste container.
- (d) Leaves, grass, and weeds will only be collected if they are placed in sealed plastic bags weighing less than 50 pounds situated adjacent to the municipal solid waste container. Tree branches will only be collected if they are bundled or secured in lengths of not more than four feet nor

weighing more than 50 pounds situated adjacent to the municipal solid waste container. Leaves, grass, weeds not placed in sealed plastic bags and tree branches more than four feet in length shall be hauled by the owner or customer to the solid waste baling facility for disposal.

- (e) Carpets and construction debris will not be collected by City Solid Waste personnel. These materials must be transported to the solid waste baling facility by the property owner, customer, or contractor performing work resulting in debris at the site. (Code 1958, § 14-4; Ord. No. 411, § 3; Ord. No. 845, § 4; Ord. No. 1337 § 3.)

### **Section 18.08.040 Refuse containers - REPEALED**

This section was repealed on March 7, 2007. (Ord. No. 1337 § 5.)

### **Section 18.08.050 Violation of the rules and regulations governing preparation, handling, etc. of municipal solid waste generally**

City municipal solid waste collection personnel may not collect municipal solid waste from any premises when the rules and regulations are violated, and the decision on the part of the City to not collect such municipal solid waste shall not relieve the owner or occupant of the premises from the payment of fees nor from the enforcement of penalties for violating this article. (Code 1958, § 14-13; Ord. No. 411, § 7; Ord. No. 1337 § 3.)

### **Section 18.08.060 Refusal to accept refuse collection and disposal service - REPEALED**

This ordinance was repealed on May 7, 2007. (Ord. No. 1337 § 5.)

### **Section 18.08.070 Draining and wrapping household garbage - REPEALED**

This section was repealed on May 7, 2007. (Ord. No. 1337 § 5.)

### **Section 18.08.080 Disposal of tin cans - REPEALED**

This section was repealed May 7, 2007. (Ord. No. 1337 § 5)

### **Section 18.08.090 Collection by city generally**

All municipal solid waste shall be collected by the city as often as is necessary to maintain and preserve the health of the community; except, that this section shall not require the collection of municipal solid waste where the streets or alleys are in a temporary condition which makes it impossible to collect such municipal solid waste, such failure shall not relieve the occupant of the premises from properly disposing of such municipal solid waste as is accumulated nor shall it relieve the occupant of the premises from the payment of garbage collection fees. (Code 1958, § 14-8; Ord. No. 1337 § 3.)

**Section 18.08.100 Storage of refuse, garbage or rubbish for collection generally - REPEALED**

This section was repealed May 7, 2007. (Ord. No. 1337 § 5.)

**Section 18.08.110 Street litter and waste disposal containers - REPEALED**

This section was repealed May 7, 2007. (Ord. No. 1337 § 5.)

**Section 18.08.120 Construction debris - REPEALED**

This section was repealed on May 7, 2007. (Ord. No. 1337 § 5.)

**Section 18.08.130 Burning prohibited - REPEALED**

This section was repealed May 7, 2007. (Ord. No. 1337 § 5.)

**Section 18.08.140 Unlawful acts generally**

It shall be unlawful for any person to:

- (a) Place or cause to be placed any municipal solid waste upon any public or private property not owned or under his control.
- (b) Place or cause to be placed any unbagged putrescible waste in any solid waste containers, unless all liquid shall have been drained therefrom.
- (c) Place or cause to be placed any unbagged municipal solid waste in any refuse containers, unless the container is used only for that purpose.
- (d) Place or cause to be placed any unbagged small dead animal or fish and animal waste in a container.
- (e) Fail to restrain any dog or prevent interference with collection employees acting in the course of their employment.
- (f) Remove, haul or cause to be removed any solid waste on or along any city right-of-way, street or alley, unless the same is contained in watertight containers so constructed as to prevent any such solid waste from falling, leaking or spilling therefrom.
- (g) Hot and/or cold ashes shall not be placed in solid waste containers. Disposal of such ashes shall be the responsibility of the owner or occupant.
- (h) Trees, tree branches, limbs, and the like shall be bundled and secured in accordance with section 14-6 of the city code for purposes of separation at the landfill. Further, white goods as defined under this section and tires shall be separated from other municipal solid waste for the purposes of separation at the landfill. Further, vehicle and equipment batteries shall not be placed in the containers and at no time shall be deposited in the landfill.
- (i) The use of litter containers in commercial areas for disposal of any municipal solid waste other than litter.
- (j) The burning of any municipal solid waste.

- (k) Refusal to accept the municipal solid waste collection and disposal service provided by the City.
- (l) Failure to remove any existing accumulation of municipal solid waste within forty-eight hours after notice from the city.
- (m) Casting, placing, sweeping or depositing anywhere within the city any municipal solid waste in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley or other public place or in or on any occupied premises within the city.
- (n) Debris resulting from the construction, reconstruction or repairs of premises shall not be placed with municipal solid waste for collection but shall be disposed of directly by the person owning, occupying or leasing the premises. (Ord. No. 845, § 11; Ord. No. 887, § 1; Ord. No. 1013, § 2; Ord. No. 1337 § 3.)

**Section 18.08.150 Separation of certain materials from municipal solid waste**

All trees, tree branches, limbs and the like, white goods and tires shall be separated at the municipal solid waste collection point. Further, the City Administrator or his designee is hereby empowered to require separation of other items when necessary in accordance with federal, state and local law.

In the event laws, codes, ordinances, rules, regulations and standards are hereby passed, adopted or promulgated by state or federal agency or department of the United States or any other proper agency or authority having jurisdiction over matters relating to the hauling, disposal and dumping of municipal solid waste, which would require compliance with EPA regulations or such other agency regulations as are appropriate, the City Administrator or his designee is hereby empowered to take action necessary to comply with such laws, codes, ordinances, rules, regulations and standards. (Ord. No. 1013, § 3; Ord. No. 1337 § 3; Ord. No. 1337 § 3.)

**Section 18.08.160 Rates and charges--Generally**

The rates and charges related to the solid waste operation will be set, maintained, and changed in the City Fee Schedule. (Code 1958, § 14-9; Ord. No. 598; Ord. No. 633; 1; Ord. No. 683, § 1; Ord. No. 734, § 1; Ord. No. 754, § 1; Ord. No. 860, § 1; Ord. No. 1008, § 1; Ord. No. 1050, § 1; Ord. No. 1065, § 1; Ord. No. 1082, § 1; Ord. No. 1086, § 9; Ord. No. 1337 § 3.)

*For state law as to authority of city to levy charges for use of city garbage system, see NDCC, § 40-34-05.*

**Section 18.08.170 Billing; failure to pay, etc.**

The City will include applicable charges for municipal solid waste collection in the City utility billing. Late charges may be applicable to accounts for which payment is late. (Code 1958, § 14 - 10; Ord. No. 411, § 6; Ord. No. 754, § 2; Ord. No. 1337 § 3.)

**Section 18.08.180 Collection by legal action**

If the fees authorized in this article and detailed in the City fee schedule are not paid when due, said fees may be recovered by the city in an action at law against the owner or

occupant, or both, of the property so served and may also be assessed against the premises so served and collected and returned in the same manner as other county and municipal taxes are assessed, certified, collected and returned. (Code 1958, § 14-11; Ord. No. 1337 § 3.)

*For similar state law, see NDCC, § 40-34-05.*

### **Section 18.08.190      Disposition of proceeds**

The proceeds from collection of fees and charges provided for in this article shall be placed in a fund to be known as City of Dickinson Solid Waste Fund, and all of the expenses of the city in the collection and disposal of such solid waste shall be paid out of such fund. (Code 1958, § 14-12; Ord. No. 1337 § 3.)

## **Article 18.12 Garbage from Business Establishments**

### **Sections:**

- 18.12.010**     **Definitions - REPEALED**
- 18.12.020**     **Storage generally - REPEALED**
- 18.12.030**     **Applicability of sections 18.08.100, 18.08.110, 18.08.120, 18.08.130 and  
18.08.140 - REPEALED**
- 18.12.040**     **Compliance with article - REPEALED**
- 18.12.045**     **Collection by City-Generally - REPEALED**
- 18.12.050**     **Charges--Generally - REPEALED**
- 18.12.060**     **Same--Billing; failure to pay, etc. - REPEALED**
- 18.12.070**     **Same--Collection by legal action - REPEALED**
- 18.12.080**     **Same--Disposition of proceeds – REPEALED**

### **Section 18.12.010     **Definitions - REPEALED****

This section was repealed May 7, 2007. (Ord. No. 1337 § 6.)

### **Section 18.12.020     **Storage generally - REPEALED****

This section was repealed May 7, 2007. (Ord. No. 1337 § 6.)

### **Section 18.12.030     **Applicability of sections 18.08.100, 18.08.110, 18.08.120, 18.08.130 and 18.08.140 - REPEALED****

This section was repealed on May 7, 2007. (Ord. No. 1337 § 6.)

### **Section 18.12.040     **Compliance with article - REPEALED****

This section was repealed May 7, 2007. (Ord. No. 1337 § 6.)

### **Section 18.12.045     **Collection by City-Generally - REPEALED****

This section was repealed May 7, 2007. (Ord. No. 1337 § 6.)

### **Section 18.12.050     **Charges--Generally - REPEALED****

This section was repealed May 7, 2007. (Ord. No. 1337 § 6.)

### **Section 18.12.060     **Same--Billing; failure to pay, etc. - REPEALED****

This section was repealed May 7, 2007. (Ord. No. 1337 § 6.)

### **Section 18.12.070     **Same--Collection by legal action - REPEALED****

This section was repealed May 7, 2007. (Ord. No. 1337 § 6.)

**Section 18.12.080 Same--Disposition of proceeds - REPEALED**

This section was repealed May 7, 2007. (Ord. No. 1337 § 6.)

## **Article 18.20 Penalty**

### **Sections:**

**18.20.010      Violations**

### **Section 18.20.010      Violations**

Violation of this chapter is punishable by an administrative penalty as established and amended from time to time in the annual fee resolution. (Ord. No. 845, § 16; Ord. No. 992, § 3; Ord. No. 1337 § 4.)