CHAPTER IX.
GARBAGE, REFUSE AND RUBBISH

ARTICLE 1.

IN GENERAL

The municipal waste collection system of the City of Belfield shall be operated as a utility, and the rates, charges and regulations provided by this Chapter shall be and remain applicable thereto until duly amended. The City Council of the City of Belfield 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 herein specified 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 refuse collection and disposal service to the City shall, by such means as the City Council deems appropriate, collect and dispose of all garbage, rubbish, refuse, paper, glass, tin cans, ashes and other debris and shall operate this service and the regulations provided by this Chapter shall be and remain applicable thereto until duly amended as provided by law. All garbage and refuse accumulated in the City shall be collected, conveyed and disposed of by the City or its duly authorized contractor or as otherwise hereinafter provided. No persons shall collect or 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 refuse, or the owners and occupants of premises upon which refuse has accumulated, from personally collecting, conveying and disposing of such refuse, provided such producers, owners or occupants comply with the provisions of this Chapter and with any other governing law or Ordinance.

ARTICLE 2.

HOUSEHOLD GARBAGE AND REFUSE

9.0201 DEFINITIONS: For the purpose of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Ashes: The residue from the burning of wood, coal, coke or other combustible materials.

Filth: Manure, excrement or any similar substance.

Garbage: Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of foods. It is composed of organic matters and their natural moisture content. Garbage originates
primarily in kitchens and other places where food is cooked or consumed.

**Owner or Occupant:** A person as herein defined in possession, charge, custody and control of any premises where garbage, refuse and rubbish are 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.

**Refuse:** All putrescible and non-putrescible solid wastes, except body wastes, including garbage, rubbish, ashes, street cleanings, wrapped small dead animals and all other wastes.

**Rubbish:** Non-putrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, bottles, grass, rages, old clothing, paper containers, old rubber, pieces of wood, boxes, barrels, crates, feathers, weeds, grass, lawn clippings, tree branches, building materials and similar accumulations produced or accumulated from residences, homes, apartments, rooming houses and boardinghouses.

**Sanitary Containers:** Any containers as shall be approved by the City council and which containers are compatible with the refuse disposal system and the refuse to be removed or are provided by a contractor hauler.

**9.0202 ACCUMULATION OF REFUSE PROHIBITED:** No person shall permit or suffer to accumulate in or about any yard, lot, place or premises; or upon any street or sidewalk, adjacent to or abutting upon any lot, block or place, or premises owned and occupied by him, or for which he may be agent, within the City limits, any refuse, nor suffer such yard, lot, place or premises to be or remain in such condition.

**9.0203 CONTAINERS:** All garbage refuse and rubbish shall, by the person upon whose premises the same shall have been produced or accumulated, be placed in sanitary containers which container shall be kept clean and continuously closed by a tight-fitting cover and shall be protected against the access of flies and rodents.

**AN ORDINANCE, AMENDING AND RE-ENACTING SECTION 9.0203, PREVIOUSLY AMENDED AND ENACTED AS ORDINANCE 266, CHAPTER NINE ORDINANCES, ARTICLE 2—HOUSEHOLD GARBAGE AND REFUSE AND OF THE CITY CODE OF THE CITY OF BELFIELD, NORTH DAKOTA.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELFIELD, NORTH DAKOTA, PURSUANT TO THE HOME RULE CHARTER OF THE CITY OF BELFIELD, AS FOLLOWS:**
9.0203 CONTAINERS. All garbage and refuse and rubbish shall, by the person upon whose premises the same shall have been produced or accumulated, be placed in a liner that is tied shut and then placed in sanitary containers, which container shall be kept clean and continuously closed by a tight-fitting cover and shall be protected against the access of flies and rodents. Garbage and refuse is required to be bagged in liners with a tie closure. Effective November 1, 2012 a $20.00 fee per collection per residence, will be added to the fee schedule for garbage that is not placed in garbage liners and secured in the garbage cans. These additional charges will be at the discretion of the refuse department and will be added to the refuse bill monthly. No container in a residential area shall exceed a 35 gallon capacity, and all containers shall be placed in racks 18 inches above the ground.

9.0204 CITY COLLECTION: All garbage and rubbish as defined herein shall be collected by the City or by a contractor duly authorized by the City as frequently as is necessary to maintain and preserve community cleanliness and sanitation, except that this section shall not require the collection of garbage and rubbish where streets and alleys are in a temporary condition which makes it impossible so to do and in case of the failure to collect such garbage and rubbish, such failure shall not relieve the occupant of the premises from the payment of the garbage and rubbish collection fees hereinafter provided for.

The City shall not be obligated to collect garbage or rubbish from dumpsters in residential areas except upon permit granted by the City and upon these conditions:

1. The dumpster is covered, is painted white, is in good condition with no rust holes, has good wheels, and has good hook ups for the garbage truck.
2. The dumpster is set on concrete or pavement.
3. The dumpster is so situated that a garbage truck will be able to be backed straight up to the dumpster.
4. No commercial oilfield or agricultural refuse shall be placed in the dumpster.
5. A person shall seek a permit to have a dumpster in a residential area annually. When approved, that person shall pay a monthly fee for collection to be set out in the City Fee Schedule.

(Ordinance 269).

9.0205 FEES: The City shall from time to time establish, by Ordinance or otherwise, fees for collection of garbage. If a billing of fees is not paid before the twenty-fifth (25th) day of such month of billings, the City Auditor may take such measures as he or she may deem necessary to enforce collection of such billing, and may direct the discontinuance of such garbage service pending payment of the billing aforesaid. All garbage charges shall constitute liens upon respective lots, tracts and premises receiving garbage service, and all such charges which have been properly billed to the owner or occupant of the premises served and which are more than thirty (30) days past due on September 30 of each year shall be certified by the City Auditor to the County Auditor of Stark County, North Dakota, before the first (1st) and tenth (10th) day of October of each year and the City Auditor in so
certifying such charges shall specify the amount thereof, property description of the premises served, and the property owner thereof, and the amounts so certified which amounts shall be extended by the County Auditor on the Tax Rolls against such premises and collected by the treasurer and paid to the City Auditor shall be deposited with the City Treasurer on or before the last day of the month of billing, and no collection shall be made by the City Auditor between the last day of the month of billing and the fifth (5th) day of the next succeeding month.

9.0206 UNLAWFUL TO DEPOSIT WASTE ON PUBLIC OR PRIVATE PROPERTY: It shall be unlawful for any person in the City of Belfield to deposit or scatter or permit to be deposited or scattered upon any sidewalk, alley, street, bridge, public passage way, or upon any vacant lot, public or private property, in the City of Belfield, any refuse, rubbish, waste or other material of any kind, including but not limited to, ashes, grass, cans, cartons, bottles, paper, metal, car bodies or parts thereof, or any other thing or substance whatever which may injure, disfigure, or tend to render the same unclean or a nuisance. Nothing herein shall prevent or make unlawful the storage and deposit of garbage and refuse pursuant to and in any manner provided by the ordinances of the City relating to the storage and collection of garbage and refuse within the City of Belfield.

9.0207 SUPERVISION: The collection, removal and disposal of garbage and rubbish under the provisions of this Article, shall be under the supervision, direction and control of the commissioner of streets and improvements with the assistance of the City health officer. The commissioner of streets and improvements shall appoint such employees as shall be necessary to carry out the purposes of this Article, which appointments shall be subject to the approval of the governing body.

9.0208 RULES AND REGULATIONS: The health officer of the City shall prescribe and publish such reasonable rules and regulations in connection with the preparation, handling and disposition of garbage and rubbish as may be necessary to regulate, enforce and carry out the provisions of this Chapter. He may direct that the City garbage and rubbish collection crews shall not collect garbage and rubbish from any premises where such rules and regulations are not complied with and the failure to collect the same shall not relieve the owner or occupant of the premises from the payment nor from the enforcement of the penalties of this code.

9.0209 COMMERCIAL HAULERS - LICENSE: No person shall engage in the business of removing, collecting, transporting or disposing of rubbish, ashes and other wastes in the City for compensation or hire without first securing a license therefor from the City.

9.0210 COMMERCIAL HAULERS - APPLICATION: Application for the license required by this Article shall be made to the City Auditor upon forms provided by her and such application shall contain, among other things, the following information: The name, place of residence of the applicant and a description of the vehicle in which such wastes are to be hauled and a general description of the particular areas or premises in the City where such applicant expects to obtain the wastes to be hauled.
9.0211 COMMERCIAL HAULERS - FEE: Upon the approval of the application and approval of the vehicle and the payment of an annual license fee of Five Dollars ($5.00) for each vehicle used by the applicant, the City Auditor shall issue a license which shall describe such vehicle and shall contain the name of the licensee.

9.0212 REFUSAL TO ACCEPT REFUSE COLLECTION AND DISPOSAL SERVICE: Except as hereinafter provided, no person shall be permitted to refuse to accept the refuse collection and disposal service herein provided for, and the failure of any person to receive such service shall not exempt such person from the payment of charges herein specified, save and except any of those persons residing in areas in which no collection service is provided for the entire area, and in such areas where no service is rendered by the City or its contractor, no charge will be made. Boundaries within the City exempted from such charges shall be established by the City, with the consent and approval of the City Council.

9.0213 STORAGE OF REFUSE, GARBAGE OR RUBBISH FOR COLLECTION GENERALLY: No person shall place any garbage, rubbish or refuse in any street, alley or other public place or upon any private property, whether owned by such person or not, within the City, except in the proper container at ground level, for collection under express approval granted by the City. Any unauthorized accumulation of such refuse, garbage or rubbish on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of refuse, garbage or rubbish within forty-eight hours after notice from the City shall be deemed a violation of this Article. Further, no person shall cast, place, sweep or deposit anywhere within the City any refuse, garbage or rubbish 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. The City Council may prepare and publish rules and regulations providing for special collection of items not suitable for placement in sanitary containers.

9.0214 CONSTRUCTION DEBRIS: Debris resulting from the construction, reconstruction or repairs of premises shall not be placed with other refuse for collection but shall be disposed of directly by the person owning, occupying or leasing the premises.

9.0215 UNLAWFUL ACTS GENERALLY: It shall be unlawful for any person to:

(a) Place or cause to be placed any refuse upon any public or private property not owned or under his control.

(b) Place or cause to be placed any unwrapped putrescible waste in any refuse container, unless all liquid shall have been drained therefrom.

(c) Place or cause to be placed more than a limited amount of filth in a refuse container, the limits to be set by the City Council.

(d) Place or cause to be placed any unwrapped filth in any refuse container,
unless the container is used only for that purpose.

(e) Fail to restrain any vicious animal or prevent interference with collection employees acting in the course of their employment.

(f) Remove, haul or cause to be removed any refuse 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 refuse from falling, leaking or spilling therefrom.

(g) Hot and/or cold ashes shall not be placed in the refuse containers. Disposal of such ashes shall be the responsibility of the owner of occupant.

ARTICLE 3.

GARBAGE FROM BUSINESS ESTABLISHMENTS

9.0301 DEFINITIONS: For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

**Ashes:** The residue from the burning of wood, coal, coke or other combustible materials.

**Business Establishments:** Restaurants, taverns, offices, stores, apartment buildings or complexes or any other type of commercial businesses or industrial businesses and other similar establishments as designated by the City Council.

**Filth:** Manure, excrement or any similar substance.
Garbage: All commercial or industrial wastes and offal, whether animal, vegetable or mineral, waste paper, tin cans, bottles and all other rubbish that accumulates as a result of operating a restaurant, tavern, office, store, apartment building or complex or any other type of business, except for any item specifically included in the definition of "refuse." "Garbage" as defined herein shall include those items as delineated and defined under "garbage" and "rubbish" in Section 9.0201 of Article 2.

Owner or Occupant: A person, as herein defined, in possession, charge, custody and control of any premises where garbage, refuse and rubbish 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.

Refuse: All putrescible and nonputrescible solid wastes, except body wastes, including garbage, rubbish, ashes, street cleanings, wrapped small dead animals and all other wastes.

9.0302 REFUSAL OF SERVICE: Any business establishment may refuse to accept garbage hauling services provided by the City if:

(a) Such business establishment notifies the City Auditor thirty (30) days prior to the 1st day of any month that such establishment does not wish to have garbage hauling services provided by the City; and

(b) complies with all the applicable sections of this Ordinance relating to storage and transporting of garbage, refuse and rubbish; and

(c) causes all of his garbage, refuse and rubbish hauled to a landfill in a timely manner so as to prevent an accumulation of garbage, refuse and rubbish.

9.0303 STORAGE GENERALLY: In reference to outside storage of garbage and refuse, each property owner or occupant of any building or premises located within the City used as a business establishment, as defined herein, shall store all garbage and refuse originated on the business premises in a covered commercial dumpster or such other approved container.

Such dumpsters shall be in such a capacity as the City may require to properly store garbage and refuse for designated collection days. Any dumpsters used must be on the platform, away from the ground, and so constructed and handled as to prevent the storage of such garbage and refuse from becoming a menace to the public health.

Any owner or occupant of any premises used for business purposes may use a building or
enclosure for the storage of such garbage and refuse; provided, that such building or enclosure is of fire resistant material and of rat-proof construction and is constructed and operated as to prevent the storage of such garbage and refuse from becoming a menace to the public health.

It is unlawful for any commercial user or owner or occupant of any premises used for business purposes to use other than the dumpsters approved by the City.


9.0305 COMPLIANCE WITH ARTICLE: Any owner or occupant of any premises used for business purposes shall have until July 1st, 1991, to comply with the provisions of this Article and obtain the appropriate dumpster for the collection and storage of garbage and refuse.

9.0306 SAME - BILLING; FAILURE TO PAY, ETC.: The City Auditor is hereby authorized to add the garbage disposal charges provided to charges for water services and submit such charges on a bill in connection with the water service bills. The utility billing office shall be authorized to discontinue services of all the waste collection systems if the entire bill shall not be paid, including the bill for garbage collection. In all places where water service is provided, the monthly charges set forth shall be added to and collected as a part of the water bill upon which they are charged. If such service charge is not paid when due, the water service of the premises may be shut off in the same manner as provided for in the case of delinquency of payment of water bills, and such service shall not be restored without payment of the penalties provided for in the case of delinquent water charges. In all places where water service is not provided, the charge set forth in the preceding section shall be paid to the utility billing office upon monthly bills from the office of the City Auditor.

9.0307 SAME - COLLECTION BY LEGAL ACTION: If the service charge established by this Article is not paid when due, it 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.

9.0308 SAME - DISPOSITION OF PROCEEDS: The proceeds from the collection of fees and charges set forth in this Article shall be placed in a separate fund and all of the expenses of the City in the collection and disposition of such waste and refuse shall be paid out of such fund.

ARTICLE 4.

COLLECTORS HAULING FOR COMPENSATION

9.0401 DEFINITIONS: For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Garbage: All commercial or industrial wastes and offal, whether animal,
vegetable or mineral, waste paper, tin cans, bottles and all other rubbish that accumulates as a result of operating a restaurant, tavern, office, store or any other type of business, except for any item specifically included in the definition of refuse.

**Refuse:** Paper containers, waste paper, trees, tree branches, building materials and other items for disposal that cannot feasibly be placed in available metal containers and that are clean and free of odors.

9.0402 FRANCHISES - GENERALLY: No person shall haul refuse or garbage as defined in this Article as a regular service for other people and for compensation without first having obtained the franchise required by this Article. This provision shall not apply to any individual or concern engaged in the business of hauling refuse in large quantities and only on special request. Further, nothing in this section shall prevent any person from hauling garbage or refuse originating upon his own premises; provided, that such garbage or refuse is transported in a covered vehicle or container. A covered vehicle or container shall be covered with a canvas or tarpaulin, secured with tie downs or ropes or otherwise secured in such a manner as to eliminate any possibility of refuse, rubbish or garbage falling from such vehicle or container in transit.

9.0403 SAME - APPLICATION; FEE; REVOCATION: Application for the franchise required by the preceding section shall be made to the City Auditor and shall be accompanied by a fee of $50.00 dollars which shall represent the amount payable for the first year under such franchise. In addition, subsequent annual payments of $50.00 dollars each shall be paid on or before January 1 of each subsequent year during the time that any franchise is in effect.

9.0404 SAME - APPLICANT=S EQUIPMENT: The franchise required by this Article shall be granted only to a person having equipment meeting the following requirements:

Trucks or other vehicles used for hauling of garbage shall be equipped with bodies having water-tight floors. Walls of such bodies shall be water-tight to a height of at least six inches above floor level. The joint between floor and walls of such bodies shall be water-tight. The sides and top of bodies shall be a permanent construction. Loading and unloading openings into bodies shall be fitted with tight fitting doors. Doors into loading and unloading openings shall remain closed except while in use.

9.0405 SAME - ISSUANCE: Upon the application for franchise under this Article, it shall be submitted to the City Council for their consideration. Upon order from the City Council, the City Auditor shall issue such franchise for the conduct of such business. No franchise issued under the provisions of this Article shall be exclusive. The decision of whether or not to issue any franchises shall be entirely within the discretion of the City Council.

9.0406 TERM: All franchises issued under this Article shall be for a three (3) year period and shall expire on December 31st of the third (3rd) year.

9.0407 SAME - REVOCATION: In addition to the other provisions of this Article, the
City Council shall at all times have the power and authority to revoke any franchise issued hereunder to any commercial hauler if, in the judgment of the City, the holder of such franchise is not adhering to reasonable standards of sanitation, is not affording adequate service to the citizens of the City, has altered its authorized rates, thereby charging excessive rates or discriminatory rates against customers, or is for any other just cause not deserving of a franchise. Before any franchise is revoked under this Article, the holder of such franchise shall be given written notice detailing all existing objections and shall be given a period of five days in which to rectify such objections. Such notice shall also advise the holder of such franchise of the time and place of the hearing to be held by the City Council, at which time he shall be required to show cause why the franchise should not be revoked. Such hearing shall be held after the expiration of the five day period herein provided for, and if at the time of such hearing the holder of the franchise has not cured the objections or is not able to give just cause for his failure to do so within the time allotted, the franchise shall be subject to immediate revocation by the City Council.

9.0408 ESTABLISHMENT AND AMENDMENT OF RATES CHARGED BY HAULER; FILING OF EFFECTIVE SCHEDULE OF RATES: Any commercial hauler licensed under this Article shall, at the time of submitting application, submit a complete list of proposed charges for its garbage and refuse hauling service. Such charges shall be reviewed and considered by the City Council prior to the issuance of the franchise.

In December of the 3rd year during the period of any franchise issued under this Article, the City Council shall review with the commercial hauler the schedule of rates then in existence. The franchised hauler shall be authorized to change or amend such schedule of rates either upward or downward at any time; except, that the franchised hauler shall submit such amendments or changes to the City for review. Should the City, after review, find that the rates are excessive or appear to be excessive, the City, upon appropriate notice to the commercial hauler, shall require the commercial hauler to appear before the City. The effective schedule of rates or fees to be charged by any commercial hauler holding a franchise under this Article shall at all times be on file in the office of the City Auditor and shall be subject to inspection by the public.

9.0409 COMPILATION AND FILING OF CUSTOMER LISTS: On the first day of every month all commercial garbage and refuse collectors shall compile a list of all Belfield customers whose garbage and refuse is being hauled to the sanitary landfill. Such list shall be completed and filed in the office of the City Auditor no later than the tenth (10th) day of each month.

ARTICLE 5.

PENALTY

9.0501 ESTABLISHED; CONTINUING VIOLATIONS; ADDITIONAL REMEDIES: Every person convicted of a violation of any of the provisions of this Chapter shall, upon conviction thereof, be punished by a fine of not more than five hundred dollars or by imprisonment not to exceed thirty (30) days, or by both such fine and imprisonment, in the
discretion of the court. Each day such violation is committed or permitted to continue constitutes a separate offense and shall be punishable as hereunder provided. Provisions hereof shall not prevent the City from any other judicial action for the abatement of a violation of this Chapter.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any board of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

ARTICLE 6.

RATES

9.0601 RATES: The rates and charges for garbage and rubbish collection shall be as follows:

Residential/per month:

January 1st, 1999 to December 31st, 1999 - $10.20
January 1st, 2000 to December 31st, 2000 - $10.50
January 1st, 2001 to December 31st, 2001 - $10.80

ARTICLE 7.

COMPOST COLLECTION YARD

9.0701 PENALTY: The City maintains a compost collection yard for the collection of grass clippings, leaves and tree branches, lumber and wood products. It shall be illegal to dump or dispose of any other substance or material in the compost collection yard. Every person convicted of a violation of this provision shall, upon conviction thereof, be punished by a fine of not more than $500.00.

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