

ORDINANCE NO. 2015-7

AN ORDINANCE TO REPEAL AND REPLACE ORDINANCE NO. 103 OF THE CITY OF COOPERSTOWN, NORTH DAKOTA AND PROVIDING FOR THE SANITATION, COLLECTION AND DISPOSAL OF GARBAGE, ESTABLISHING CHARGES FOR COLLECTION OF SAME AND PROVIDING A PENALTY FOR A VIOLATION THEREOF.

BE IT ORDAINED, by the City Council of the City of Cooperstown, North Dakota, as follows:

SECTION 1: REPEAL AND ENACTMENT:

Ordinance No. 103 of the City of Cooperstown, North Dakota is hereby repealed and replaced and enacted to read as follows:

SECTION 2: GARBAGE DEFINED:

The term "garbage" as used in this Ordinance is defined to be all manner of kitchen and household refuse, all offal including both animal and vegetable matter, metal and glass food containers from which food has been removed, waste paper and paper containers and all other waste material and things produced or accumulated in the operation of kitchens or places where food is served or sold, produced, or consumed, including all waste matter from homes, stores or places of business of any nature, and including rubbish, leaves, branches of trees, and ashes, which may constitute a menace to public health or create a fire hazard or an unsightly condition.

SECTION 3: GARBAGE CANS:

Garbage containers shall be made of metal, or other approved materials, be water-tight, have close-fitting covers, and adequate handles to facilitate collection. Such containers shall not be more than 35 gallons in capacity.

SECTION 4: STORAGE OF GARBAGE:

Each property owner or occupant of any building or premises located within the City of Cooperstown shall store all garbage in covered metal or other approved containers. Such containers shall be readily accessible to the garbage collectors at all times.

SECTION 5: THROWING OF GARBAGE IN STREETS, ALLEYS, PUBLIC WAYS OR PUBLIC PLACES:

It shall be unlawful for any person, firm, or corporation to throw, place, or deposit, or permit to be thrown, placed or deposited, any garbage as defined in Section 1 hereof, upon any street, alley, public way, or public place, or on any private lot, piece or parcel of ground within the corporate limits of the City of Cooperstown, except in the places hereinafter provided.

SECTION 6: HAULING AND DISPOSAL OF GARBAGE:

No garbage shall be hauled on the streets of the City of Cooperstown unless the same is contained in such metal receptacles as herein before described with covers tightly fitted thereon, unless hauled in trucks, trailers, or vehicles which are covered in such a manner as to prevent the scattering of such garbage and refuse upon the streets. All garbage shall be delivered to a landfill disposal area or other area approved and in accordance with the North Dakota Solid Waste Management Regulations as compiled by the State Health Department of the State of North Dakota for the disposal of garbage.

SECTION 7: LICENSE REQUIRED:

No person shall collect and haul garbage commercially without having first secured a license to do so. License shall be approved by the City Council of the City of Cooperstown.

SECTION 8: BURNING OF GARBAGE PROHIBITED:

It shall be unlawful to burn garbage as herein defined in Section 2 within the City Limits of Cooperstown.

SECTION 9: ESTABLISHING RATES FOR COLLECTION AND DISPOSAL OF GARBAGE:

Charges to its residents for the collection and disposal of garbage by the City of Cooperstown shall be determined and established from time to time by resolution adopted by a majority of the members of the governing body.

SECTION 10: PAYMENT FOR COLLECTION AND DISPOSAL OF GARBAGE:

Charges for collection and disposal of garbage provided for herein for residences shall be added to the City's charge on its water service bills and shall be submitted on the same bill in connection with said water service bills. It shall be the user's responsibility to pay for the previous month's service by the due date designated in the billing.

SECTION 11: DELINQUENT PAYMENTS:

- A. Whenever a payment for such garbage collection and disposal for said residence becomes forty (40) days delinquent, the City may discontinue services to such residence until such time as the account is paid in full.
- B. Whenever payment for such collection and disposal of garbage becomes six (6) months delinquent, the City may charge such delinquent payments against the property serviced as a special assessment against such property. Such special assessment shall be levied and assessed by the City against the property involved as hereinafter provided.

SECTION 12: REFUSAL OF GARBAGE SERVICE:

No residential user within the City of Cooperstown shall be permitted to refuse to accept such garbage service and the failure to receive such service shall not exempt such residence from payment for charges hereinbefore set forth, save and except only those persons residing in areas in which no garbage collection service is provided, and in such areas no charges shall be made.

SECTION 13: PENALTIES:

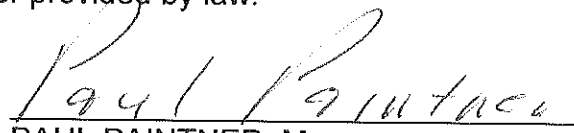
Any person, firm or corporation violating any of the terms or provisions of this Ordinance shall be punished upon conviction thereof, by a fine of not to exceed \$500.00.

SECTION 14: CONFLICTS:

All Ordinances and parts of Ordinances in conflict herewith are hereby repealed insofar as the conflicting portions thereof are concerned.

SECTION 15: EFFECTIVE DATE:

This Ordinance shall be in full force and effect from and after its final adoption and publication of its title and penalty clause in the manner provided by law.


PAUL PAINTNER, Mayor

ATTEST:


NANCY LUNDE, City Auditor

First Reading 12-7-2015

Second Reading 1-4-2016

Final Passage and Adoption 1-8-2016

Publication 1-8-2016