

Ordinance No. 179

An Ordinance Relating to Sanitation and the Collection and Disposal of Refuse

BE IT ORDAINED by the City Commission of the City of Washburn, State of North Dakota.

This ordinance shall repeal and replace all other ordinances related to Garbage and Refuse.

**SECTION 1. DEFINITIONS.** The following definitions shall apply unless the context clearly indicates or requires a different meaning.

- A. Garbage - all manner of kitchen and household refuse, all offal including both animal and vegetable matter, metal and glass food containers from which the food has been removed, metal cans commonly known as tin cans, 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, 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 waste paper
- B. Rubbish - tin cans, bottles, glass, scraps of iron, tin, wire, or other metals, rags, old clothing, unflattened paper containers, paper not used in preparation of food and drinks, old rubber, pieces of wood, boxes, barrels, crates, feathers, weeds, grass, lawn clippings, tree limbs, provided they are bundled or boxed and under two inches in diameter and not more than two feet in length, and similar refuse of every character collected or accumulated within the City of Washburn.
- C. Refuse - all putrescible and non-putrescible solid wastes, except body wastes, including garbage, rubbish, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes
- D. Ashes - residue from burning wood, coal, coke, or other combustible materials for the purpose of heating, cooking, and disposing of waste and combustible materials.

**SECTION 2. GARBAGE TOTES.** Each property owner or occupant within the City of Washburn must keep one or more garbage totes. All residents are required to use a ninety-six (96) gallon tote per city garbage contract provided by the city.

**SECTION 3. CITY COLLECTION.** All garbage and rubbish as defined herein shall be collected by the city of franchised contractor 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 to do so 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.

**SECTION 4. THROWING IN STREETS, PROHIBITED.** It shall be unlawful for any person, firm, or corporation, to throw, place, deposit, or permit to be thrown, placed, or deposited, any garbage or refuse as defined in Section 1 hereof, upon any street, alley, public way, public place, or on any private lot, piece, or parcel of ground within the corporate limits of the City of Washburn , except in the place hereinafter provided.

**SECTION 5 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/she may be agent, within the city limits, any and all refuse, nor suffer such yard, lot, place or premises to be or remain in such condition. It shall be unlawful to throw, place, or deposit, or permit to be thrown, placed, or deposited, any garbage, refuse, and rubbish as defined in Section 1 herein, 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 Washburn except in the place hereinafter provided.

**SECTION 6. HAULING AND DUMPING.** No garbage shall be hauled on the streets of the City of Washburn unless the same is contained, with covers tightly fitted thereon, or unless 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. Dumpsters will be placed behind city hall and will be used for composting materials only, such as unbagged grass clippings, leaves, and garden waste.

**SECTION 7. BURNING PROHIBITED.** It shall be unlawful to burn garbage, refuse, and rubbish as defined in Section 1 herein, within the City limits.

**SECTION 8. FEES PAYMENT COLLECTION.** In all places where water and/or sewer service is provided, the monthly charge set established by the city commission will be added to and collected as a part of the water bill and collected by the water department but will be separately stated on the bill. Garbage and rubbish collection bills are due and payable monthly at the same time as the water bill. If such charges is not paid when due, the water service to such premises may be shut off by the water department in the same manner as is now provided for in the case of delinquency in payment of water bills and such service will not be restored without the payment of the penalties now provided for. In all places where water service is not provided, the charges set forth must be paid to the water department of the city upon monthly bills from the water department. If the garbage and rubbish charge so established is not paid when due, such sum 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 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. The proceeds from the collection of the fees and charges must be placed in the general fund, and all of the expense of the city, in the purchase and maintenance of equipment and in the collection and disposal of garbage and rubbish, will be paid out of the general fund.

**SECTION 9. PENALTY.** Any person, firm, or corporation violating any of the provisions of this ordinance shall upon conviction, be punished by a fine of five hundred dollars (\$500.00).

**SECTION 10. SEVERABILITY.** Should any part of the provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance, or any part thereof, other than the part declared to be invalid.

\_\_\_\_\_  
Larry Thomas, President  
City of Washburn

December 11, 2023  
Date of Adoption

\_\_\_\_\_  
Chelsey Brandt  
City Auditor, City of Washburn

December 11, 2023  
Date Effective

First Reading: November 11, 2023

Second Reading: December 11, 2023

Final Passage: December 11, 2023