

ORDINANCE 95-2

ORDINANCE RELATING TO SOLID WASTE MANAGEMENT WITHIN THE CITY OF
TURTLE LAKE AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF
TURTLE LAKE, NORTH DAKOTA:

Chapter 15-01. Solid Waste Disposal.

Section 15-01-01. Declaration of findings and purposes.

The Board of City Commissioners finds and declares that:

1. The people of the City of Turtle Lake have a right to a clean environment, and the costs of maintaining a clean environment through efficient environmentally acceptable management of solid wastes should be borne by those who generate solid wastes within the City.
2. Serious economic, management and technical problems exist in the management of solid waste, resulting from residential, commercial, industrial and other activities carried on in the City of Turtle Lake.
3. Inefficient and improper methods of managing solid wastes create serious hazards to the public health, result in scenic blights, cause pollution of air and water resources, cause accident hazards, increase rodent and insect disease vectors, have an adverse effect on land values, create public nuisances, and otherwise interfere with community life and development.
4. Each person living in or working in the City has a responsibility and specific duties for the proper management of solid waste as provided for in this ordinance.
5. In order to regulate properly the storage, collection, transportation and disposal of solid waste to protect the public health, safety and welfare and to enhance the environment for the people of Turtle Lake. It is necessary and proper that the Board of City Commissioners establish rules and regulations whereby all solid waste collected in the City be disposed of in a manner that meets all requirements established by the State of North Dakota and that meets the present and future needs of all who live and work in the City of Turtle Lake.
6. In order to operate and maintain such a solid waste disposal system, it is necessary that all solid waste generated in the City of be collected by and disposed of by the City or by a private collector under contract with the City, subject to the exceptions in Section 15-01-08 of this Ordinance.

7. The City of Turtle Lake has the authority, under Chapters 40-05 and 23-29 of the North Dakota Century Code, to regulate the collection and disposal of all solid waste in the City and to adopt a solid waste management ordinance.

Section 15-01-02. Definitions.

The terms used in this Chapter have the following meanings:

1. "Collection" means the act of removing solid wastes from the central storage point of the person who has generated the waste, such as the residential containers;
2. "Dept. of Sanitation" means the dept. established within the City's governmental structure to carry out the provisions of this Ordinance and to supervise the City's solid waste collection and disposal systems; it includes the person the City has appointed to head the Dept. and any staff employed to assist that person;
3. "Director of Public Works" means the City official who will be responsible for carrying out the provisions of this Ordinance and supervising the City's solid waste collection and disposal systems.
4. "Construction and demolition waste" means waste building materials and rubble resulting from construction, remodeling, repair or demolition of houses, commercial buildings, sidewalks, pavements and other structures.
5. "Commercial waste" means solid waste generated by stores, offices, restaurants, warehouses and other non-manufacturing activities.
6. "Compost" means a gathering or pile of organic solid waste for the purpose of controlled biological decomposition of such waste under aerobic conditions.
7. "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water including ground water.
8. "Garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, including wastes from markets, storage facilities, handling and sale of produce and other food products.
9. "Hazardous waste" means any waste or combination of wastes that may cause or significantly contribute to an increase in mortality or serious irreversible or incapacitating illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, disposed of, or otherwise managed, all as determined by the ND Department of Health & Consolidated Laboratories.

10. "Household waste" means solid waste such as trash and garbage, normally derived from households, single and multiple residences and other places such as motels and hotels where people reside permanently or temporarily.
11. "Incinerator" means any facility used for the controlled burning of solid waste.
12. "Industrial waste" means solid waste which is not a hazardous waste, generated from industrial and manufacturing processes.
13. "Inert waste" means non-putrescible solid waste which will not generally contaminate water or form a contaminated leachate and does not serve as food for vectors. It includes but is not limited to construction and demolition material, tires, metal, tree branches and bottom ash from coal fired furnaces.
14. "Landfill" means a publicly or privately owned area of land where solid wastes are permanently disposed.
15. "Litter" means discarded and abandoned solid waste materials.
16. "Major appliance" means an air conditioner, clothes dryer or washer, dishwasher, freezer, microwave oven, refrigerator, stove, furnace, water heater, humidifier, dehumidifier, garbage disposer, trash compactor or other similar appliances.
17. "Medical waste" means solid waste generated by a nursing home, medical clinic or hospital and includes such waste as used hypodermic needles and bandages, body fluids and parts, and medical plastic containers and instruments.
18. "Municipal waste" means solid waste that includes garbage, refuse and trash generated by households, motels, hotels and recreational facilities, by public and private facilities, and by commercial, wholesale and private and retail businesses.
19. "Open burning" means the combustion of solid waste without control of combustion air to maintain adequate temperature for efficient combustion; containment of process in an enclosed device to provide sufficient residence time and mixing for complete combustion, and control of the emission of the combustion products.
20. "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, federal agency, political subdivision of this state, and any, legal successor or agent of the foregoing.

21. "Premises" means any property, piece of land or real estate or building.
22. "Recyclables" means solid wastes that can be separated, processed, modified, converted, treated, shredded, compressed or otherwise prepared so that component materials or substances may be beneficially used or reused.
23. "Rubbish" means non-putrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials.
24. "Sludge" means solid waste in a semisolid form consisting of a mixture of solids and water, oils or other liquids.
25. "Solid waste" means any and all waste that is in a solid state resulting from commercial, industrial, mining and agricultural activities and from household, community and business activities.
26. "Solid waste management" means the purposeful systematic control of the storage, collection, transport, composting, resource recovery, land treatment and disposal of solid waste.
27. "Storage" means the containment and holding of solid waste after generation for a temporary time in an approved manner, such as in a residential container, prior to ultimate disposal.
28. "Transfer station" means a site or building used to transfer solid waste from a vehicle or container, such as a roll-off box, into another vehicle or container for transport to another facility.
29. "Transport" means to move solid waste from storage containers on the premises where it was generated to specific sites for disposal or further transport.
29. "Yard waste" means grass clippings, leaves, vegetative matter, branches and trees.

Section 15-01-03. (Director of Public Works).

Director of Public Works for the City of Turtle Lake is hereby charged with the responsibility of carrying out the provisions of this ordinance and of supervising the City's solid waste collection and disposal systems.

Section 15-01-04. City to Collect all Solid Waste.

Subject to the exceptions set forth in Section 15-02-08 below,
the following provisions shall apply to all solid waste generated
... the City of

1. All solid wastes generated within the City of Turtle Lake must be collected, conveyed and disposed of by the City, or by a private collector under contract with the City, under the supervision of the Dept. of Sanitation (Director of Public Works).
2. No occupied residence within the City of Turtle Lake shall be permitted to refuse to accept such collection and disposal services, and the failure of any person to receive such services shall not exempt said person from the payment of the charges for such services.
3. It is unlawful for any person, other than a private collector under contract with the City, to collect any solid waste for another within the City or to convey such solid waste on any streets, highways or alleys of the City.

Section 15-01-05. Duties of Board of City Commissioners.

The Board of City Commissioners shall perform the following duties to achieve the purposes of this ordinance in an efficient and environmentally sound manner:

1. Provide City employees and equipment to collect, transport and dispose of solid waste generated within the City as provided for in this ordinance.
2. Set fees for the collection of residential, commercial and industrial solid waste that will provide adequate funds to meet the costs of operating and maintaining the City's collection, transportation and disposal systems.
3. Bill and collect said fees in the same manner and at the same time as the charges for utility services provided by the City are billed and collected;
4. Provide for the disposal of all solid waste generated in the City by hauling solid waste directly to a landfill not operated by the City, and providing other means for disposing of the solid wastes which are exceptions as set forth in Section 15-01-08 of this ordinance.
5. Establish by vote of the Board of City Commissioners rules and regulations for the storage, collection, transportation and disposal of all solid waste generated within the City by owners and tenants of residences and of commercial and industrial premises.

premises clean of all wastepaper, wrapping paper, paper napkins, cartons, package containers and other used or waste materials, and shall take reasonable measures to prevent waste from drifting or blowing to adjacent premises. Said owner or occupant shall place receptacles of sufficient size and number on the premises in which customers may dispose of said articles of waste.

6. Customers going upon the premises of another shall not in any manner dispose of said articles of waste except in receptacles provided for such purpose.
7. No person or persons shall burn any solid waste of any kind without a permit from the State of North Dakota. This prohibition includes yard wastes and construction and demolition materials.
8. No persons shall accumulate solid waste on any premises in the City in an unauthorized manner, and any such accumulation is hereby declared to be a nuisance.
9. All persons living or working or conducting a commercial or industrial enterprise in the City shall know and be responsible for carrying out the provisions of this ordinance and the rules and regulations established by the City under the authority of this ordinance.

Section 15-01-07. Owners and Tenants.

1. Owners of property in the City who lease or rent their property to others and tenants who occupy said property shall both be responsible for the proper storage and collection of solid waste generated on said property, in accord with this Ordinance and with the rules and regulations established by the City under this ordinance.
2. Owners shall make sure that their tenants are fully informed of the said rules and regulations.
3. Owners shall notify the City Auditor immediately of a new tenant who has occupied the leased property and to whom the billing for solid waste collection and disposal shall be directed.
4. If a tenant fails to pay the billing for solid waste collection and disposal services, the owner of the property shall be held liable for payment of said unpaid billing.
5. Billings for solid waste collection and disposal that remain unpaid for more than three months shall be assessed against the property and shall be a lien on the property until paid in full.

tion 15-01-08. Exceptions.

The provisions of this Chapter for the collection and disposal of all solid wastes generated within the City of Turtle Lake are subject to the following exceptions:

1. Yard wastes: Residents and business people shall haul their grass clippings, leaves and vegetative matter to the City compost or to the City's inert land fill. Residents and business people shall haul their branches and trees to the City's Compost Site. Residents may place leaves, grass and vegetative matter generated on their premises in a compost established on their premises in accord with the Rules and Regulations established by the City. If the City provides a special pickup run for these yard wastes, then grass, leaves and vegetative matter may be placed in plastic sacks that are strong enough to hold the contents and placed on the curb not more than 24 hours before the City's special run. Branches and trees shall be cut and tied in bundles not exceeding four feet in length and fifty pounds in weight.
2. Construction and Demolition Debris: Inert solid waste generated at construction or demolition sites within the City shall be transported to and disposed of at a inert landfill by those who have generated said debris, in accord with the rules and regulations established by the City.
3. Recyclables: Solid waste that can be recycled may be placed in containers provided for said waste by the City in accord with the rules and regulations established by the City.
4. Hazardous and Medical Waste: Solid waste that is defined as hazardous or medical waste shall not be disposed of in any landfill, transfer station or other site operated by the City and shall not be collected and disposed of by the City or by any private collector under contract with the City. Any person generating hazardous or medical waste within the City shall be responsible for the storage, transportation and disposal of said waste in accord with Federal and State laws governing said waste.
5. Appliances, Oil, Batteries, Pesticides: Major appliances, used motor oil, lead acid batteries and pesticide containers shall not be disposed of in the City's landfill or transfer station. Said solid wastes are recyclable wastes and shall be disposed of by the generator of said wastes in accord with the rules and regulations established by the City. The city may provide a special collection once or twice a year to dispose of extraordinary items such as appliances, furniture, etc.
6. Incineration: Commercial and industrial generators of solid waste may burn certain kinds of solid waste in an incinerator approved by the proper State, County or local fire district official, in accord with a permit issued by said official.

Section 15-01-09. Penalties.

Penalties for the violation of any provision of this Ordinance or of the Rules & Regulations established under this Ordinance shall be as follows:

1. The penalty for any one violation shall be the payment of a fine not to exceed five hundred dollars (\$500.00) or imprisonment for not more than thirty (30) days or both.
2. The penalty for a violation that is not corrected within ten (10) days after the City has given written notice of the violation to the responsible person shall be \$20.00 for each day the violation continues after the giving of the written notice.


Section 15-01-10. Repeal of Conflicts

All ordinances and parts of ordinances and resolutions in conflict herewith are hereby repealed in so far as the conflicting portions are concerned.


Section 15-01-10.

This Ordinance shall take effect and will be in full force effective upon date of passage.

APPROVED: _____


President, City Commission

ATTEST: _____


City Auditor

First Reading: July 3, 1995

Second Reading: July 17, 1995

Final Passage: July 17, 1995