

ORDINANCE NO. 2025-2

AN ORDINANCE RELATING TO GARBAGE DISPOSAL, WITHIN THE CITY LIMITS, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL AND MAYOR OF THE CITY OF DOUGLAS, IN WARD COUNTY, NORTH DAKOTA

ARTICLE ONE - Definitions

For the purpose of this ordinance, the following words shall have the meanings given herein:

1. "Ashes" is the residue from burning wood, coal, coal or other combustible materials.
2. "Garbage" is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
3. "Refuse" is all putrescible and non-putrescible solid wastes (except body wastes) including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.
4. "Rubbish" is non-putrescible solid wastes (excluding ashes) consisting of both combustible and non-combustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials.
5. "City: shall mean the City of Douglas

ARTICLE TWO – UTILITY ESTABLISHED

All the business affairs of the City Garbage Service shall be conducted, insofar as is possible within the ordinances of the City, as a separate and distinct enterprise of the City. Separate and distinct accounts shall be set up on the books of the city auditor. These accounts shall at all times reflect the true condition of the Garbage Service, as distinct from the remaining business of the City and shall be so devised as to disclose the annual profit or loss of the department. The funds of the department shall be held in the custody of the city auditor and disbursed upon warrant in the same manner as other funds, but then Garbage Service shall be given credit upon the books of the City for any and all funds paid by it into the City treasury and shall be charged on the books of the City with all payments made by the City on its behalf. Transfers from the Garbage Fund to the General Fund or any other fund of the City shall not be made except upon order of the governing body nor shall transfer be made from City funds to the Garbage Fund without like order. (Source: North Dakota Century Code section 40-33-12)

ARTICLE THREE - Accumulation of Refuse Prohibited

No person shall permit or allow 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 that person, any and all refuse, nor allow such yard, lot, place or premises to be or remain in such condition.

ARTICLE FOUR - Containers

All garbage and rubbish shall be placed by the person upon whose premises the same shall have been produced or accumulated, in watertight containers, which shall be protected against the access of flies and rodents until proper disposal in the dumpsters provided by the city.

Two (2) Dumpsters shall be placed next to the City Shop and One (1) Dumpster shall be placed in the alley next to the Douglas Bar, that is provided for paying residents to utilize for disposal of Garbage and other appropriate rubbish. Nonpaying residents are prohibited from utilizing said dumpsters.

ARTICLE FIVE - Burning

No garbage, refuse or rubbish shall be burned within the City or on the disposal grounds maintained by the City. Except for the city to burn the brush pile, by the lagoon, which has been designated for disposal of fallen trees, branches, and trimmings.

Proper fire pits in safe conditions are permitted within parcel owner's private yards only. It shall be unlawful to burn any garbage, refuse, or rubbish, as defined in this ordinance.

ARTICLE SIX - Nuisance

Failure to comply with the provisions of ARTICLES TWO THROUGH FIVE shall constitute a public nuisance and be punishable as such, under the terms of Chapter 12 of these ordinances. (State of ND, Model Ordinances)

12.601 General Penalty Provision

Any person violating any of the provisions of this Chapter, upon conviction, is subject to a fine of not more than five hundred dollars (\$500.00) for each violation, and a separate violation may be deemed committed on each day the violation is permitted to exist.

ARTICLE SEVEN- City Collection

All garbage and rubbish as defined herein shall be collected by the franchised contractor every Wednesday to maintain and preserve community cleanliness and sanitation. Except for designated holidays and or weather that prohibits the franchised contractor from access to the dumpsters. Garbage collection will resume the following day, or the next scheduled week.

ARTICLE EIGHT- Fees

Fees for the collection of garbage rubbish by the City or franchised contractor and the disposal thereof may be set by resolution of the City governing body.

Fees – Payment – Collection

In all places where Sewer service is provided, fees for garbage and rubbish collection shall be added to and collected as a part of the city utility billing and collected by the city auditor but shall be separately stated on the bill. Garbage and rubbish collection bills shall be due and payable at the same time as the

sewer bill by the annual due date. If such charge is not paid when due, the charges will be assessed to resident's property taxes. This amount may be collected and returned in the same manner as other municipal taxes are assessed, certified, collected and returned. (Source: North Dakota Century Code section 40-05-01.1)

In all places where Sewer service is not provided, but residents who are considered as a part of or in the city limits, fees for garbage and rubbish collection shall be billed to and collected as a part of the city utility billing and collected by the city auditor. Garbage and rubbish collection bills shall be due by the annual due date. If such charge is not paid when due, the charges will be assessed to resident's property taxes. This amount may be collected and returned in the same manner as other municipal taxes are assessed, certified, collected and returned. (Source: North Dakota Century Code section 40-05-01.1)

All garbage charges accumulated by residents of the city up to and to the point of passage of this ordinance are considered still owed for services rendered. The charges are considered delinquent if not paid by October 31 of the current year, for prior years at the time of the final passage of this ordinance.

The proceeds from the collection of the fees and charges shall be placed in the solid waste management fund, and all of the expenses of the City, in the purchase and maintenance of equipment and in the collection and disposal of garbage and rubbish, shall be paid out of the solid waste management fund.

ARTICLE NINE - Disposal of Refuse not Collected by the City

All other wastes as defined, and not included under garbage, rubbish and ashes, may be disposed of by the person creating such waste, by hauling such waste for disposal to a proper landfill site, at their own expense.

ARTICLE TEN- Supervision

The collection, removal and disposal of garbage and rubbish under the provisions of this ordinance, shall be under the supervision, direction and control of the governing board of the city, with the assistance of First District Health Unit when necessary.

ARTICLE ELEVEN - RIGHTS CUMULATIVE

The rights asserted by the city under these sections shall be considered to be cumulative to, and not in derogation of the rights asserted under other provisions of the Code of Ordinances, such as those relating to health and sanitation.

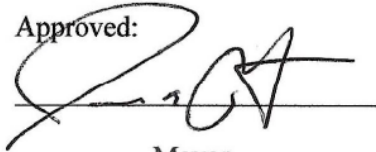
ARTICLE TWELVE - EFFECTIVE DATE

This ordinance will be in full force and take effect immediately upon its final passage and after the publication of its title and penalty clause.

Date of 1st Reading: July 03, 2025

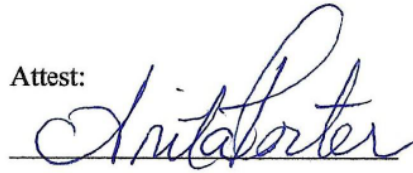
Date of 2nd reading, final passage, and adoption: August 07, 2025

Approved:

A handwritten signature in black ink, appearing to be "S. A.", written over a horizontal line.

Mayor

Attest:

A handwritten signature in black ink, appearing to be "A. Porter", written over a horizontal line.

Auditor