

## CHAPTER 7 A SOLID WASTE MANAGEMENT

### **ARTICLE 1   SOLID WASTE MANAGEMENT ESTABLISHED**

**7A.0101   Declaration of Findings and Purpose** The Board of City Commissioners finds and declares that:

1. The people of the City of Bowman have a right to a clean environment and the costs of maintaining a clean environment through the efficient environmentally acceptable management of solid wastes should be borne by those who use such services.
2. Serious economic, management and technical problems exist in the management of solid wastes.
3. Inefficient and improper methods of managing solid wastes create serious hazards to the public health, results 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. In order to properly regulate the storage, collection, transportation and disposal of solid wastes to protect the public health, safety and welfare and to enhance the environment for the people of the City, it is necessary and proper that the City establish and maintain an inert landfill that meets all requirements established by the State of North Dakota and the North Dakota State Department of Health where all inert solid waste collected in the City from residences, commercial enterprises and all other locations shall be deposited.
5. In order to operate and maintain an inert landfill that meets all of the requirements of the state of North Dakota and the North Dakota State Department of Health, and that is adequate to meet the needs of all of the residents of the City of Bowman, and to plan for the orderly expansion of the landfill to meet future needs of the City and for the acquisition of land and equipment for such purposes, it is necessary that all inert waste collected in the City of Bowman be deposited at the city landfill, and the non-inert waste be deposited at other approved sanitary landfills designated by the City.
6. The City of Bowman has the authority, pursuant to Chapters 40-5 and 23-29, N.D.C.C., and of the Home Rule Charter for the City of Bowman, to regulate the collection of all waste in the City, to adopt a solid waste management ordinance, and to regulate the disposal of all waste collected in the City.

**7A.0102   Definitions** For the purpose of this Chapter, the following terms have the meanings given:

1. "Collection" means the act of removing solid wastes from the central storage point of the primary source or residential container.
2. "Construction and demolition waste" means waste building materials and rubble resulting from construction, remodeling, repair or demolition operations on houses, commercial buildings, sidewalks, pavements and other structures.
3. "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.
4. "Hazardous Wastes" means any waste or combination of wastes which pose a substantial present or potential hazard to human health or living organisms because such wastes are non-degradable or persistent in nature or because they can be biologically magnified, or because they can be lethal or because they may otherwise cause or tend to cause detrimental cumulative effects.
5. "Inert Waste" means wood, concrete, metal, bricks, trees, rock, glass or other construction or demolition waste as directed by the Director of Public Works.
6. "Person" means any individual, corporation, partnership, firm, association, trust, estates, public or private institution, group, agency, political subdivision of this state, any other state or political subdivision or agency thereof and any legal successor, representative agent or agency of the foregoing.
7. "Premises" means any property, piece of land or real estate or building.
8. "Putrescible Waste" means solid waste capable of being decomposed with sufficient rapidity as to cause nuisances from offensive odors or produce fly-breeding conditions.
9. "Recyclable" means any material designated by the Director of Public Works for removal from the solid waste stream for special collection and disposition.
10. "Rubbish" means non putrescible solid wastes (excluding ashes), consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials.
11. "Scavenging" means uncontrolled removal of solid waste materials from any disposal operation site, storage area or collection point.
12. "Solid Wastes" means garbage, rubbish and all other solid wastes and solid discarded materials, including solid waste materials resulting from industrial and commercial operations.
13. "Storage" means the interim containment of solid waste in an approved manner after generation and prior to ultimate disposal.

14. "Yard Waste" means grass clippings and leaves and shall not include garden refuse and trees and branches.

**7A.0103 Littering Prohibited; Duty to Clean**

1. It is unlawful for any person to throw, drop, cast or deposit upon any street, alley, sidewalk, or any yard or premises, public or private, any filth of any kind, or cans, paper, trash, paper containers, solid waste, yard waste, bottles or any other form of litter or waste matter.
2. The owner or occupant of any store or other place of business situated within the City of Bowman shall exercise reasonable diligence at all times to keep the premises clean of wastepaper, wrapping paper, paper napkins, cartons, package containers and other used or waste materials thrown or left on said premises by its customers and shall take reasonable measures to prevent waste from drifting or blowing to adjoining premises.

Receptacles of sufficient size and number must be placed on the premises accessible to the customers of such business where the above referred to articles of waste may be disposed of.

3. It is unlawful for any person going upon the premises of another to in any manner dispose of wastepaper, wrapping paper, paper napkins, cartons, package containers and other used or waste materials except in receptacles provided for such purposes.
4. No person shall use the disposal container of another to dispose of solid waste without the consent of the owner of the container.

**7A.0104 Collection Regulations**

1. All solid wastes must be collected, conveyed and disposed of by the City under the supervision of the City of Bowman, except as otherwise provided in this chapter. The City of Bowman has authority to make regulations concerning the days of collection, type and location of waste containers and such other matters pertaining to the collection, conveyance and disposal as necessary, and to change and modify the same, and shall give notice thereof by public notice in the official newspaper. Any person aggrieved by a regulation of the City of Bowman has the right of appeal to the Board of City Commissioners, who shall confirm, modify or revoke such regulations, following notice to the aggrieved party and a hearing.
2. The City of Bowman has authority to make such reasonable regulations concerning individual collection, transportation and hauling and disposal of solid waste as deemed necessary, which shall become effective when notice thereof has been given by publication in the official newspaper.
3. A person may not place any solid waste in any street, alley or other public place or upon any private property within the city except in proper containers or for collection and removal. Non-putrescible solid wastes such as branches or newspapers and magazines may

be bundles in bundles not exceeding fifty (50) pounds and more than four feet in length and placed out for collection not more than twenty-four (24) hours before collection.

4. Any unauthorized accumulation of garbage or solid waste on any premises is hereby declared to be a nuisance and is prohibited, except as provided in paragraph twelve (12) of this Section.
5. Any approved waste container together with solid waste must be within fifteen (15) feet of an alley accessible to the property. Where no alleys are available, all waste containers must be as accessible as possible and with three (3) feet of the curb. The City of Bowman may allow a greater distance as conditions require. Special arrangements for other collection points may be made by the City of Bowman for those citizens who are unable to move their waste container or solid waste to the required collection point. Waste containers may be placed out for collection the evening before the day of collection but no later than 7:00 am the day of collection.
6. Residential collections must be made as often as is necessary to maintain and preserve the health of the community. When streets or alleys are in temporary condition to make collection impossible, such failure does not relieve the occupant of payment of charges for garbage collection.
7. All solid waste of each residence shall, if reasonable amount, be collected during regular collection times for the standard charge. The director has the authority to refuse to collect unreasonable amounts or to make an additional charge for such amounts. A regular use of over four (4) trash cans will incur additional charges.
8. The driver and operator or operators of any truck engaged in the collection and removal of solid waste by the City Bowman may refuse to collect and remove the same if it does not substantially meet the requirements of this Chapter.
9. Ownership of solid waste set out for collection or deposited at the City of Bowman disposal grounds is vested in the City. It is unlawful for any person other than the owner or other authorized person, to remove any refuse material from the solid waste container, storage area, or collection point of another.
10. A person may not burn or cause to be burned any paper, garbage, excelsior, straw, hay leaves, brush, weeds, dry grass, shavings, rags, barrels, boxes, crates, lumber or other combustible materials or solid waste within the City, except in an incinerator approved by the State Health Department.
11. Commercial bulk containers may be placed on the public right-of-way used as an alley when it is impractical or impossible to store the container entirely on private property. Those containers placed on public right-of-way may not project more than five (5) feet into the alley. The alley must have an unobstructed opening of at least fifteen (15) feet.
12. A person may compost grass or leaves collected on the property provided the composting site is operated in a safe and healthful manner and does not create a nuisance.

13. No person shall place, deposit or dump any material in a recycling container other than what is indicated as allowable on the container. A recycling container may include any public or private container, dumpster or repeatable that is clearly signed as being for the deposit of particular materials.

**7A.0105 Collection by City; Exceptions** Except as otherwise provided in this Section, all rubbish or any other solid waste discarded or put out for collection by any person or collected within the City of Bowman, must be collected, conveyed and disposed of by the City. It is unlawful for any other person to collect any garbage, rubbish or other solid waste for another within the City, or to convey such materials on any streets, highways or alleys of the City, unless such person has been granted a franchise to do so by the Board of City Commissioners.

1. Persons with a waste collection franchise granted by the board of City Commissioners may collect garbage, rubbish or other solid wastes only from mobile home parks and all other locations other than residences and city facilities and convey such materials to the City of Bowman landfill.
2. All garbage, rubbish or other solid wastes collected in the city must be deposited at an approved sanitary landfill designated by the City of Bowman.
3. Persons with a waste collection franchise granted by the Board of City Commissioners may contract with the City for the collection of recyclables. This contract shall be competitively bid and shall not exceed a two-year (2-year) term.

**7A.0106 Storage Container Requirements** The following provisions govern the type, use and maintenance of garbage containers:

1. Residential containers must be a tapered, commercially manufactured type, equipped with suitable handles and tight-fitting covers, and shall be watertight. They must have a maximum capacity of thirty-two (32) gallons unless bulk containers are used. Plastic bags with a maximum capacity of thirty-two (32) gallons shall be utilized prior to depositing them in suitable waste containers which must be closed tightly and have sufficient strength to hold the solid waste they contain. Owners of apartment houses of two (2) or three (3) units shall furnish not less than two (2) thirty-two (32) gallon cans per living unit. Owners of apartment houses of four (4) or more units shall provide minimum sized dumpsters as follows:
  - a. One (1) cubic yard for five (5) living units or less;
  - b. Two (2) cubic yards for six (6) to ten (10) living units;
  - c. Two (2) cubic yards for each additional ten (10) living units in excess of ten (10) units;

The City of Bowman is authorized to make such inspections as are deemed reasonable to determine the number of containers and the number of pickups per week necessary to

provide the minimum level of service required for the removal of refuse from an apartment house and to determine the rate to be used for such service.

Bulk containers must be constructed of durable rust and corrosion-resistant metal, be equipped with tight-fitting lids or doors to prevent entrance of insects or rodents and must be watertight and weatherproof.

2. In order to prevent bulk container (dumpster) users from downsizing their containers below their actual needs, the City of Bowman is authorized to charge an overflow surcharge fee to be applied to the customer's monthly bill when overflow occurs. The amount of the surcharge shall be as determined by the City of Bowman.

The City of Bowman is authorized to allow bulk container (dumpster) users to change their container sizes and quantities twice (2x) per year. A change out fee, as determined by the City, will be applied to the container users monthly bill change outs occur.

3. Every garbage and trash container must be maintained in as sanitary condition as possible in view of the use to which it is put; and must be thoroughly cleansed as needed by washing, scalding or otherwise. Bulk containers must be kept in good repair and painted once (1x) a year unless the Director of Public Works approves existing condition.
4. All garbage must be drained and wrapped, sacked or bagged before being placed in waste containers. Waste containers must be kept tightly closed during the collection of deposit of garbage, trash, or solid waste. The contents of all receptacles must be so protected that the wind cannot blow out and scatter same over the streets, alleys and premises of the City of Bowman. Individuals are encouraged to compost lawn clippings and leaves or take them to containers provided by the City for the collection.
5. It is the duty of any person in control of any premises to replace any container which is damaged or deteriorated and may cause injury to collection personnel or create a health problem within five (5) days after receipt of a "Notice of Violation".
6. Storage racks or container supports must be provided or individual containers stored outside to minimize corrosion, to prevent breeding of insects and prevent rodent harborage. Distance to the bottom of the racks or container supports must be at least *lve* (12) inches above ground level. The maximum height of a front retaining rail may not exceed twenty-four (24) inches above grade. All containers must be moved to a collection point on the day of collection.

**7A.0107 Hauling Restrictions** A person may not haul or transport garbage, rubbish or solid waste to the City's disposal grounds except in a vehicle which does not permit any garbage, rubbish or solid waste to steep, spill, leak, blow, drop off or fall to the streets, roads or highways leading to such disposal grounds.

1. The grounds for disposal of inert solid waste shall be determined by the Board of City Commissioners. Such grounds must be operated as an inert landfill and meet the requirements as set forth by the State Health Department for landfill disposal purposes.
2. It is unlawful for any person to scavenge, rummage, move, remove, sort or handle solid waste material at the City disposal grounds (other than an employee of the City engaged to the work there), and no person may enter upon or in said ground or deposit solid waste therein except during permitted hours as posted and in the manner at the places as directed and designated, unless under written permit of the City Director of Public Works. No hazardous wastes may be disposed of at the landfill site except in amounts normal in household waste, unless approved by the department. The use of such ground is permitted under such rules and regulations as adopted by the City.
3. The fees for the collection and disposal of solid waste, yard waste, recyclables, or any other materials are as determined from time to time by the Board of City Commissioners and on file in the Office of the City Auditor. Such fees shall be billed and collected in the same manner and at the same time as the rates and charges for utility services furnished by the city.

**7A.0108** Rate and Charges Garbage and Fuel Sur rates shall be fixed from time to time by resolution of the governing body and the City of Bowman reserves the right to change the rates from time to time as it deems best. The resolution fixing garbage and fuel sur rates and charges shall be kept on file in the office of the City Auditor and shall be open for public inspection. Any change in the rates or charges shall be published at least one (1) time with ten (10 days) from adoption in the official newspaper of the City. (Adopted 1-3-2013)

**3.0206** Littering – Prohibited Repealed by 7A.0103

**3.0207** Dumping at Landfill Unattended – Prohibited Repealed by 7A.0107

**3.0208** Littering or Dumping at Landfill – Penalties Repealed by Chapter 7A

**All Chapter 10, article 3, Garbage, Refuse, Rubbish** Repealed by Chapter 7