

## **Ordinance 60**

### **Garbage**

#### **Section 1. Definitions.**

**Subd. 1.** Words and phrases. For the purpose of this ordinance, the following words and phrases have the meaning given them in this section.

**Subd. 2.** “Garbage” means all animal and vegetable wastes resulting from handling, preparation, cooking and consumption of food, including the cans, containers or wrappers wasted with such material.

**Subd. 3.** “Rubbish” means non-garbage solid waste such as tin cans, glass, paper, sweepings, clippings, ash, discarded appliances or household furniture. All ashes must be in burnable containers such as plastic bags, paper boxes, etc.

**Subd. 4.** “Refuse” includes garbage and rubbish, but shall not include sewage.

#### **Section 2. General Regulations.**

**Subd. 1.** An unauthorized accumulation of refuse on any premises is a nuisance and prohibited.

**Subd. 2.** Refuse in streets, etc. No person shall place any refuse in any street, alley or public place or upon private property, except in proper containers for collection or other lawful disposal. No person shall throw or deposit refuse in any stream or other body of water.

**Subd. 3.** Scattering refuse. No person shall deposit anywhere within the city any refuse in such manner that it may be carried or deposited by the elements upon any public place or any other premise within the city.

**Subd. 4.** Burying of refuse. No person shall bury any refuse in the city, except in an approved sanitary landfill. This subdivision does not prevent anyone from composting leaves, grass clippings and other easily biodegradable, nonpoisonous garbage on his own premises.

#### **Section 3. Disposal Required.**

Every owner or occupant of residential property shall, in a sanitary manner, store and dispose of refuse that may accumulate upon property owned or occupied by him in accordance with the terms of this ordinance. Refuse shall be collected or otherwise lawfully disposed of at least once each week.

**Section 4. Containers.**

Subd. 1. All residential and business establishments shall have adequate facilities for the storage and collection of garbage and rubbish including but not limited to containers and/or dumpster supplied by the owner.

**Subd. 2.** Placement. The refuse shall be placed at the alley or front property line for collection.

**Section 5. Contract for Refuse Collection.**

**Subd. 1.** Subject to the provisions of this section, the council shall grant the authority to collect and dispose of all refuse originating from residential property or business establishments within the city.

**Subd. 2.** Terms. The contract shall be made for a term of three years subject to the extension by mutual consent and to termination during the period of the contract as provided therein.

**Subd. 3.** Contract Collector. No person shall collect refuse from residential property or business establishments within the city except the person or persons who have obtained a collection contract for the city. No person shall permit refuse to be collected from his premises by any other person than a contract collector.

**Section 6. Refuse Collection Schedule and Vacancies.**

The contractor shall collect refuse in the city at least once a week from residences. When the City Clerk / Administrator is notified in writing that a residence is to be continuously vacant or unoccupied for a period of not less than one (1) calendar month and if said notice is given prior to the first day of the initial month of vacancy, then in that event, there shall be no refuse billing or liability for such residence during the period of vacancy. Provided, however, that any resident who receives collection services for any week shall be liable for the entire monthly charge stated in Section 7.

**Section 7.**

**Subd. 1.** The owner or occupancy of any residential property served by a refuse collection contractor with the city shall pay to the city a service charge assess in accordance with the monthly rate set by resolution, after a public hearing of the City Council.

**Subd. 2.** Billing. The service charge for each dwelling unit shall be made to the owner or occupant. If the premises are serviced by the city water or sewer, the charge shall be billed as separate entry on the water or sewer bill. If the dwelling unit is not serviced, the refuse collection charge may be separately billed the City Clerk / Administrator.

**Subd. 3. Payment.** If any service charge bill remains unpaid for a period longer than thirty (30) days, a statement of such delinquent and unpaid charges shall be mailed to the record owner of the premises and if payment is not made within ten (10) days, the charges plus a penalty of ten (10) percent shall become a lien upon the property being served and all such charges which are on September 30<sup>th</sup> of each year, more than thirty (30) days past due and having been properly billed to the occupant and the owner of the premises served shall be certified by the City Clerk to the County Auditor between the 1<sup>st</sup> and 15<sup>th</sup> day of October of each year and the City Clerk in so certifying such charges to the County Auditor shall specify the amount thereof, the description of the premises served, and name of the owner thereof. The amount so certified shall be extended by the Auditor on the tax rolls against the premises in the same manner as other taxes and collected by the County Treasurer and paid to the City along with other taxes. In the event that the property is occupied by any person or persons not the owner, the owner is nonetheless obligated for all service collection charges incurred.

**Subd. 4. Fund.** All service charges shall be deposited in a separate fund designated as the "Refuse Collection Fund". All expenses of providing refuse collection service shall be paid from the fund. If the balance of said fund is insufficient to pay all expenses, such expenses shall be transferred from the general fund to said fund. If there is a surplus in the fund, the City may adjust the rates accordingly.

**Section 8. Violations.**

A violation of any of the provisions of this ordinance shall be a misdemeanor.

**Section 9.** This ordinance shall become effective upon its passage and publication.

**Dated this 29<sup>th</sup> day of November, 1989.**

**Signed:**

Lois M. Johnson, Mayor

**Attest:**

Joan M. Larson, Clerk

*Printed in the Badger Enterprise on the 21<sup>st</sup> day of December, 1989.*