

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 4715

1 AN ORDINANCE AMENDING SECTION 13-0504 AND
2 SECTION 13-0525 OF ARTICLE 13-05 OF CHAPTER 13
3 OF THE FARGO MUNICIPAL CODE RELATING TO
4 WASTE, YARDWASTE, ASHES, AND OTHER WASTE--
5 REMOVAL AND DISPOSAL OF

6 WHEREAS, the electorate of the City of Fargo has adopted a home rule charter in
7 accordance with Chapter 40-05.1 of the North Dakota Century Code; and

8 WHEREAS, Section 40-05.1-06 of the North Dakota Century Code provides that
9 the City shall have the right to implement home rule powers by ordinance; and

10 WHEREAS, Section 40-05.1-05 of the North Dakota Century Code provides that
11 said home rule charter and any ordinances made pursuant thereto shall supersede state laws
12 in conflict therewith and shall be liberally construed for such purpose; and

13 WHEREAS, the Board of City Commissioners deems it necessary and
14 appropriate to implement such authority by the adoption of this ordinance;

15 NOW, THEREFORE,

16 Be it Ordained by the Board of City Commissioners of the City of Fargo:

17 Section 1. Amendment.

18 Section 13-0504 of Article 13-05 of Chapter 13 of the Fargo Municipal Code is
19 hereby amended to read as follows:

20 13-0504. ~~Containers required for garbage--Construction-- Capacity--~~
21 ~~Accessibility--Materials not picked up with garbage.--~~ Materials not picked up with waste.--
22 ~~All waste shall be placed in watertight galvanized metal or plastic containers of not less than~~
23 ~~20 gallons or more than 30 gallons net capacity of a design approved by the solid waste~~
~~operations manager or in disposable containers such as plastic bags or sealed cartons.~~
~~Containers which are filled so as to weigh over 50 pounds will not be moved or emptied.~~
All single family household waste shall be placed in city supplied containers of either small,
medium or large size designation of a design approved by the solid waste utility manager.
Any waste located outside the city supplied container shall require homeowner or occupant
notification to the city to schedule an extra collection. Containers must be placed on the
berm not earlier than 6:00 p.m. on the day prior to the day of collection nor later than 8:00
a.m. on the morning of collection; and shall be removed from the berm not later than 6:00

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1 p.m. on the day of collection. Where there are alleys, containers must be placed at the rear
2 of the property. During the winter months, the area where the containers are placed must be
3 kept clear of snow so that the containers are accessible. During windy conditions, the
4 property owner must take appropriate steps to ensure that the container does not blow away
5 and the city will not be responsible for cans which are lost or damaged as a result of such
6 windy conditions. The following materials will not be picked up by waste trucks: ashes,
7 bricks, concrete pieces, building materials, plaster, sod, animal manure, tree trunks or tree
8 branches except as provided in § 13-0501.

9 Section 2. Amendment.

10 Section 13-0525 of Article 13-05 of Chapter 13 of the Fargo Municipal Code is
11 hereby amended to read as follows:

12 13-0525. Penalty for violation of article--Revocation of license.--Every person,
13 firm, company, or corporation violating the provisions of this article, shall upon conviction
14 thereof be punished by a fine not to exceed \$500.00, or by imprisonment for not to exceed
15 30 days, or by both such fine and imprisonment, in the discretion of the court; the court to
16 have power to suspend said sentence and to revoke the suspension thereof. A person who
17 willfully violates this article is guilty of an infraction. Every person, firm or corporation
18 violating an ordinance which is punishable as an infraction shall be punished by a fine
19 not to exceed \$500.00; the court to have power to suspend said sentence and to revoke
20 the suspension thereof. Each day any person, firm, company, or corporation shall violate
21 any of the provisions of this article shall constitute a separate offense. The permit of any
22 person, firm, company or corporation who is convicted as hereinabove provided shall be
23 automatically revoked for one year without refund of license fee. A second conviction by
any person, firm, company or corporation shall result in the permanent revocation of license.

Section 3. Penalty.

A person who willfully violates this ordinance is guilty of an infraction. Every person, firm or corporation violating an ordinance which is punishable as an infraction shall be punished by a fine not to exceed \$500.00; the court to have power to suspend said sentence and to revoke the suspension thereof.

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Section 4. Effective Date.

This ordinance shall be in full force and effect from and after its passage,
approval and publication.



Dennis R. Walaker, Mayor

(SEAL)

Attest:


Steven Sprague, City Auditor

First Reading: 09-08-2009
Second Reading: 09-21-2009
Final Passage: 09-21-2009
Publication: 10-12-2009

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