



City Attorney

DATE: May 20, 2019

FROM: Janelle Combs, City Attorney

ITEM: Ordinance 6381 regarding Collection by City; Exceptions

REQUEST

Consider introduction and call for a public hearing on Ordinance 6381 to amend Ordinance 8-07-05 relating to Collection by City; Exceptions.

Please place this item on the 5/28/2019 City Commission meeting agenda.

BACKGROUND INFORMATION

The Director of Public Works Service Operations has requested that the trash collection ordinance be amended to allow the City to collect the trash at Bismarck Parks and Recreation properties.

RECOMMENDED CITY COMMISSION ACTION

First reading and introduction of Ordinance 6381 and call for a public hearing.

STAFF CONTACT INFORMATION

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CITY OF BISMARCK
Ordinance No. 6381

<i>First Reading</i>	_____
<i>Second Reading</i>	_____
<i>Final Passage and Adoption</i>	_____
<i>Publication Date</i>	_____

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 8-07-05 OF THE CITY OF BISMARCK CODE OF ORDINANCES (1986 Rev.) BY AMENDING THE SECTION RELATING TO COLLECTION BY CITY; EXCEPTIONS.

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

Section 1. Amendment. Section 8-07-05 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Collection by City; Exceptions is hereby amended and re-enacted as follows:

8-07-05. Collection by City; Exceptions. Except as otherwise provided in this section, all garbage, rubbish or any other solid waste discarded or put out for collection by any person or collected within the city, 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, Bismarck Parks and Recreation District and city facilities and convey such materials to the city landfill.

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(Ord. 4177, 9-15-87; Ord. 4514, 05-25-93; Ord. 6217, 07-12-16)

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date. This ordinance shall take effect following final passage and adoption.