# City of Kramer Municipal Code **Chapter 4: Management of City Garbage System and Permit-by-Rule (PBR) Inert Waste Landfill**

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

**4.1.** For the purpose of this chapter the following words shall have the meanings given herein:

“Capital investments” refer to the expenditures the City of Kramer makes on long-term assets like infrastructure, buildings, and equipment, with the goal of improving or maintaining the city's functionality and value over time. These investments may be part of a Capital Improvement Plan, which is a multi-year roadmap for these projects,

“City” is defined as the City of Kramer.

“City Council” is defined as the Kramer City Council for the City of Kramer, North Dakota

“Garbage” is decayable animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

"Hazardous waste" is defined as waste that, due to its characteristics (such as EP toxicity, corrosivity, ignitability, or reactivity), can cause or contribute to health problems or pose a substantial hazard if not managed properly.

“Mitigation” is defined as the actions taken to reduce the severity of a negative impact, whether it's a natural disaster, a harmful event, or a risk associated with a project or activity.

“PBR - Permit-by-Rule” refers to small solid waste facilities that are operated in compliance with the State solid waste rules, regulated by the North Dakota Department of Environmental Quality Division of Waste Management, usually for municipalities with less than 1,000 people.

“Refuse” is all decayable and non-decayable solid wastes (except body wastes) including garbage, rubbish, ashes, street cleanings, dead animals, and solid market and industrial wastes.

“Rubbish” is non- decayable solid wastes (excluding ashes) consisting of both combustible and non-combustible wastes, such as paper, cardboard, tin cans, yard clippings, glass, bedding, crockery and similar materials.

“State” is defined as the State of North Dakota.

“Waste Management System” is a combination of city waste systems, Garbage, Landfill and Sewer, into a single utility system and fund, hereafter referred to as the Waste Management System.

### **Section 2. Purpose**

**4.2.** Be it ordained by the City Council of the City of Kramer, North Dakota the city shall have full responsibility and management of all systems, works, instrumentalities, equipment, materials, supplies, and all parts and appurtenances of the foregoing system which are used or useful in connection with the disposal of garbage for the health, safety and welfare of the inhabitants of the City of Kramer, subject to all ordinances, rules and regulations.

**Section 3: Garbage Disposal System – Part of Waste Management System – A Utility**

**4.3. Waste Management System**

The garbage disposal system in the City of Kramer, which incorporates garbage disposal in contract with Circle Sanitation of Minot and the Permit-by-Rule Inert Waste Landfill, is hereby integrated into and established as part of the City of Kramer Waste Management System and is coupled with the City of Kramer Sewage System. The City of Kramer Waste Management System is hereby established as a City Utility.

The Kramer City Council is empowered to establish the fees for the service of city utilities, to include garbage and sewage disposal, and landfill operations within the City of Kramer and empowered to establish the penalties for violation of the provisions of Chapter 4.

**4.3.1.** **System to be self-supporting and self-perpetuating**

The garbage disposal system shall be operated, maintained, used, extended and improved, and rates and charges for the services, facilities and benefits produced and furnished thereby shall be such as to make the garbage disposal system self-supporting and self-perpetuating.

The charges from time to time imposed and collected for such services, facilities and benefits shall be made and kept adequate to pay all costs of operation and maintenance of the garbage disposal system and for the making of improvements thereof and to establish and maintain reasonable reserves for the aforesaid purposes and, in addition to the foregoing, to produce reasonable surplus moneys in amounts substantially comparable to a fair return upon the City’s capital investment in such services, which surplus moneys, when actually on hand, may from time to time be appropriated by the City Council to pay or contribute to the costs of any other City functions, to include Sewer maintenance.

The foregoing appropriations and provisions shall not, however, be deemed or construed to preclude the City from using at any time any special assessment method or methods now or hereafter permitted by law for defraying all or any part of the expense of any improvement to, or enlargement or extension of the garbage disposal system whenever and to the extent that the City Council is of the opinion that it is fair and equitable to do so.

**4.3.2. Compulsory Use of Dumpsters.**

For maintenance, of the public health and sanitation, it is the intention hereof to make the removal and disposal of garbage in the City of Kramer compulsory, and to fix charges therefore commensurate with the cost of the disposal of same. Insomuch it shall be the duty of all persons owning or occupying real estate within the City to patronize the City of Kramer garbage disposal system, to comply with and conform to any and all of the provisions of this code and other ordinance of the City with reference to disposal of garbage, and to pay to the City the service costs, fees and charges established in the City of Kramer Resolution.

The City of Kramer will make the exemption of businesses within city boundaries that lease and pay for their own-independently leased dumpsters; however, this shall not exempt them from residential garbage disposal, if they reside in the city.

**4.3.3. Garbage Disposal Billing Cycle**

Kramer City Council shall observe the billing cycle as established in contract with its Circle Sanitation of Minot, which requires payment in full to be submitted in advance for the services rendered for the coming year, no later than February 20 annually. On November 1, annually the city auditor will commence the collection of a city access fee (combined garbage and sewer disposal fee) as outlined in a City of Kramer Resolution. Fees must be paid no later than midnight February 15, annually. Fees not paid by midnight, February 15 will engender a fine as established herein. Henceforth, payments made to the City of Kramer garbage disposal system cover disposal January 1 to December 31 annually, not from the date of payment forward. The practice of a discount for early payments is to be determined annually in and noted in a City of Kramer Resolution. Fees received shall be deposited in the appropriate sub account, garbage, in the City of Kramer Utilities account at FNBT.

**Section 4 – Regulation of Waste Materials**

**4.4.1. 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.

**4.4.2.** **Containers for Garbage – at Dumpster**

* All garbage must be placed in suitable plastic bags, which shall provide protection against the access of flies when placed in the city dumpster. Do not dump loose garbage in the dumpsters.
* All loose paper such as newspapers, magazines, etc., will be placed in proper containers, such as closed boxes or plastic bags, to prevent their blowing around when placed in the city dumpster.
* Cat litter must be bagged.
* Empty boxes must be laid flat allowing room for others to dispose of trash.

**4.4.3. Disposal of Personal Garbage other than by City Leased Dumpster.**

Any party may haul their own garbage, rubbish and refuse to the Bottineau City Sanitary Landfill; provided, they comply with the regulations of the Bottineau City Council in relation to their sanitary landfill. Any person hauling garbage and refuse shall nevertheless be obligated to the City for any charges levied by the City for garbage disposal.

**4.4.4. Materials forbidden in City Leased Dumpsters.**

The following materials shall not be deposited in city dumpsters. It is the responsibility of the owner to make his own arrangement for disposing of this type of material.

* Vehicle and farm machinery parts or replacement parts.
* Agricultural debris of all nature to include corn husks, corn stalks, hay and straw, and this list is not all inclusive. Direct questions to the city council for more information.
* There shall be no liquid or semi-liquid waste deposited or disposed of in city dumpsters. This includes oil or other liquids or substances.
* Trees and any parts thereof shall not be permitted in city dumpsters. These types of waste are to be taken to the PBS Inert Waste Landfill.
* Grass and yard debris and any parts thereof shall not be permitted in city dumpsters.
* Appliances of all nature shall not be placed in the city dumpsters. Arrangements should be made with the City of Bottineau landfill for disposal of these items.
* Building materials of all naturematerials such as stones, plaster, cement, dirt, concrete, and other construction material cannot be placed in the city dumpsters
* No dead animal carcasses will be allowed to be deposited in the city dumpsters, unless they are securely placed in a heavy duty and sealed garbage bag. Circle Sanitation and the City of Kramer reserve the right to not empty any dumpsters in violation of this ordinance.

**4.4.5. Storage and Handling of Garbage.**

Each property owner or occupant of any building or premises shall store all garbage originating on his premises in a covered container. Businesses with accumulating garbage are encouraged to build a closure for the storage of such garbage and so constructed and operated as to prevent the storage of such garbage from becoming a menace to the public's health.

**4.4.6. Burying and Burning of Garbage.**

No garbage, ashes, refuse or rubbish shall be buried upon any premises within the City limits. No garbage, refuse, rubbish or waste shall be burned within the City limits.

**4.4.7. Placement of Garbage Outside Containers is Forbidden**

 It is unlawful for any person to leave garbage, regardless of it being bagged or boxed, outside of a City of Kramer leased dumpster and if the person can be identified by video or the nature of the garbage, the person shall be fined as outlined herein.

**4.4.8. Placement of Garbage on top of the Containers is Forbidden**

It is unlawful for any person to overload the leased dumpsters by placing garbage on top of the closed or partially closed lids. If there is no space available at the primary 8-yard dumpster, the user must check for space in the 6-yard dumpster behind the bar. Otherwise, the user must return after the contractor empties the dumpster. Overfilling may result in the contractor’s refusal to empty the dumpster.

**4.4.9. Frequency of Disposal**

Garbage as defined herein and deposited in the City of Kramer leased dumpsters from Circle Sanitation of Minot shall be accomplished as frequently as is necessary to maintain and preserve community cleanliness and sanitation, except that this section shall not require the disposal of garbage where city streets are in a temporary condition which makes it impossible to do so.

### **Section 5: Garbage Disposal - Fees - Penalties**

**4.5. Garbage Disposal - Fee**

Pursuant to the city’s taxing, police, and proprietary powers, every property-owner and business located within the City of Kramer shall pay a garbage disposal access fee as established in a City of Kramer Resolution.

Be it know that the city dumpsters are under 24-hour camera observation and are checked upon any violation discovered.

The proceeds from the collection of the waste management fees shall be placed in the City of Kramer Utilities Account, under Garbage.

**4.5.1. Failure to Pay Garbage Disposal Fee**

The Kramer City Council shall set the penalty for failure to pay the garbage disposal fee for property owners and businesses, regardless of occupancy and/or duration of occupancy at twenty-five dollars ($25.00) a month until paid.

**4.5.2. Dumping of Forbidden Material in City Dumpsters**

The City Council shall upon discovery of any unauthorized material discovered within a city dumpster, that can be associated with the violator and based on the scope of violation must result in the violator being fined not less than twenty-five dollars ($25.00) and no more than five hundred dollars ($500.00). Furthermore, based on the scope of the violation and at the discretion of the City Council, the individual(s) in violation of the provisions in this chapter shall be directed to remove the material, and in addition to the fines imposed, the violator may also be denied use of the city dumpster for a designated period not to be less than one (1) month and not more than one (1) year.

**4.5.3. Violation – Reported by Contracted Service Provider.**

Should Circle Sanitation of Minot report the dumping of unsanctioned material or improperly disposed of game to the City Council, as defined in Chapter 4 - 4.4.4. Materials forbidden in City Leased Dumpsters, the council shall:

* Direct responsible agents to remove non-approved items from the dumpster if Circle Sanitation did not empty the dumpster and correct the violation to the extend possible.
* Attempt to determine the violator

If the violator can be identified, the City of Kramer shall impose a penalty for the violation of the provision as defined in Chapter 4 - 4.5.2.

**Section 6 – Management of the City of Kramer Inert Waste Landfill**

**4.6. Management of the Landfill**

The Kramer City Council shall manage and operate the PBR Inert Waste Landfill site in an efficient manner and with sustainability foremost in mind and shall restrict use of the landfill to only property owners within the City of Kramer.

**4.6.1. Operation of the Landfill**

The City of Kramer shall open the inert landfill only during specific days and times during the week. The City shall require 24-hour advance notification for access to the site. Furthermore, NDAC requires the site operator to be present to supervise disposal and to ensure that spilled debris is properly cleaned up. The site must be locked at all other times to prevent unauthorized access and unauthorized disposal. The City of Kramer shall post a notice on the city website and local post office no later than 15 May annually which states the days and times the landfill will be accessible with advance notice, the types of waste accepted, and pay-by-use fees for access to the site. The City shall define this information in a City of Kramer Resolution, and on the gate to the landfill, and on the post office bulletin board. The City of Kramer reserves the right to refuse all access and use of the City of Kramer inert landfill.

**4.6.2.** **Resident Fee.**

The City of Kramer has established an annual pay-by-usage fee for the disposal of wood materials in the city Permit by Rule (PBR) inert waste landfill and is defined in a City of Kramer Resolution.

**4.6.3.** **Landfill Locked.**

The inert landfill must always remain locked except when occupied, defined as physically on site. At each departure from the landfill requires the gate must be closed and locked as mandated by NDAC 33.1-20-05.1-02. A key can be obtained from the city council. NDAC 33.1-20-05.1-02 forbids the agent responsible for the landfill, the City of Kramer, to allow for any opportunity for loss of control of entry into the landfill. If the City wishes to maintain a key as the city bar, a city resolution must be designed and implemented in and with cooperation of the bar, for reasons of handling violations and fines imposed by the Solid Waste Facility Management Division of the State of North Dakota.

**4.6.4. Materials Forbidden in Landfill – Response to Violation**

**4.6.4.a. Materials Forbidden in Landfill**

The City of Kramer PBR Inert Waste Landfill, Permit IR-BO-KR P prohibits all material except for tree debris, defined as trunk and branches of trees. Wood construction debris is permitted only if it is free of other materials like plastic, shingles, insulation, wrap, tires, and other waste. Without exception, no other materials are permitted. The facility shall not be used for the disposal of household garbage or putrescible waste; liquids of any type; asbestos; soluble wastes (fly ash, salt, etc.); animal carcasses; waste grain, seed and elevator screenings; treated grain; pesticide containers; lead-acid batteries; used oil; greases; oil filters; PCB waste/oils; hazardous wastes [i.e., ignitables (solvents, paints and fuels), corrosives (acids and alkalies), reactives, toxicity characteristic and listed wastes]; electronic waste (televisions, computers, monitors, printers, copiers, materials containing circuit boards, ballasts, capacitors, etc.); mercury-containing devices (fluorescent lighting, switches, thermometers, thermostats, etc.); hazardous materials; sludges; manure; septic tank pumping’s; special waste (oilfield and/or coal combustion waste); industrial waste; radioactive waste; or infectious wastes. This is not all inclusive.

**4.6.4.b.** **Response to Violation**

The City of Kramer shall refuse any such material that arrives at the site and require that it be sent back with the generator of the waste for proper disposal. If appreciable problems arise in such waste arriving at the site, or in case of illegal dumping, the City of Kramer must contact the Division of Waste Management, North Dakota Department of Environmental Quality (telephone: 701-328-5166) for further guidance and shall notify the Bottineau County Sheriff for action as outlined in City of Kramer Municipal Code - Chapter 4 - Management of City Garbage System and Permit-by-Rule (PBR) Inert Waste Landfill paragraph 4.6.5. – 4.6.5.a.

**4.6.5.** **Landfill State Inspection.**

The inert landfill is inspected randomly throughout the year by the State of North Dakota. Inspection failures based on the discovery of noncompliant materials, the site gate being left unlocked, or other violations will result in fines against the City of Kramer as directed by NDCC 23.1-08-18. Multiple violations can result in the closure of the site.

**4.6.6.** **Landfill City Inspection and Penalties.**

**Landfill City Inspection and Penalties.**

The inert landfill is inspected weekly by the City Council. Any unauthorized material discovered within the landfill, at the gates of the landfill, or perimeter of the landfill that can be associated with a violator, and based on the scope of violation, must result in the violator being fined not less than twenty-five dollars ($25.00) and no more than five hundred dollars ($500.00). Furthermore, based on the scope of the violation and at the discretion of the City Council, the individual(s) in violation of the provisions in this chapter shall be directed to remove the material from the landfill, and in addition to the fines imposed, the violator may also be denied use of the inert landfill for a designated period not to be less than one (1) month and not more than one (1) year.

**4.6.7.**  **Burn Permits for Landfill.**

The City of Kramer, shall when conditions permit, request a burn permit from the State, and coordinate the burn date and times with fire department officials, ensuring sufficient firefighting equipment is on site to ensure a safe burn.

**4.6.7.a.** **Burn Public Notice:**

The City of Kramer shall publish a public notice at the City of Kramer post office and City webpage informing residents of an intended landfill burn within 48 hours of the burn.

**4.6.8.** **Landfill Cover Requirements.**

The City of Kramer shall cover the burn site with sufficient soil which shall be stockpiled on site in accordance with NDAC 33.120-04.1-09(2)(c) and (f).

**4.6.9.** **Disposition of All Fees, Fines and Penalties.**

All paid fees, fines, and other penalties associated with the city inert landfill shall be documented individually by violation, reported to the city council as part of the monthly financial report, and deposited in the City of Kramer Utilities Account, under Garbage.

**4.6.10. Date of Authorization**

This municipal chapter requires two readings and a vote of approval by the Kramer City Council after which the Chapter shall become effective on the date of publication in the Bottineau Courant.

**4.6.11. Supremacy Clause.**

This Chapter supersedes all previous ordinance and amendments and negates all and any previous contracts and agreements, written or spoken, regarding the management, operation, and financing of the city garbage system and inert landfill.

Auditor and Council Review 7/6/2025

Attorney Review – Rachael Mickelson Hendrickson 7/17/2025 – Approved

Date of First Reading:

Date of Second Reading:

Date of Publication in Bottineau Courant:

Council Vote:

Adopted this day:

Mayor/Council President: Auditor Attests