

CHAPTER 5. GARBAGE AND REFUSE

Section 500 - REFUSE

**500.01 - Definitions.** The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Subd. 1 Apartment Building means three or more dwelling units or apartments grouped in one building with a common entryway.

Subd. 2 Dwelling Unit means a residential accommodation including complete kitchen facilities, permanently installed, which is arranged, designed, used or intended for use exclusively as living quarters for one family and not more than an aggregate of two roomers or boarders.

Subd. 3 Contractor means any person that has entered into a written contract with the city for the collection of garbage, rubbish, recyclables and yard waste.

Subd. 4 Curbside Recycling Program means the organized collection of items designated as recyclable by the contractor or his authorized representative.

Subd. 5 Hauler means a public or private operation engaged in the collection and transportation of refuse, recyclables and yard waste.

Subd. 6 Hazardous Waste means any hazardous waste as defined in Minn. Stat. § 116.06, subd. 11, and any substance identified as a hazardous waste pursuant to rules adopted by the state pollution control agency under Minn. Stat. § 116.07; and any hazardous waste as defined in the Resource Conservation and Recovery Act, under 42 USC 6903, which is listed or has the characteristics identified under 42 USC 6921, not including any hazardous waste the regulation of which has been suspended by an act of Congress.

Subd. 7 Materials Designated as Recyclable means items agreed upon by the city and the contractor to be collected in the curbside recycling program.

Subd. 8 Place of Business means any social, commercial, fraternal, religious, educational, medical or industrial establishment, or apartment buildings.

Subd.9 Recycling Collection Service means the collection of all recyclable materials accumulated in recycling containers set out for the purpose of recycling at any residences in the city receiving garbage and refuse collection.

Subd. 10 Recyclable Materials means materials that are separated from mixed municipal solid waste for the purpose of recycling, including paper, glass, plastics, metals, automobile oil, and batteries. Refuse-derived fuel or other material that is destroyed by incineration is not a recyclable material.

Subd. 11 Refuse means all waste which normally results from the operation of a dwelling unit except body waste including, but not limited to, paper waste, metal cans, cardboard, glass, wood, ashes, fabric, food waste, tree and shrub trimmings, furniture and plastic. This does not include yard waste, construction debris resulting from work of independent contractors, whole trees or parts of trees which are in excess of six inches in diameter, major appliances as defined in Minn. Stat. § 115A.03, subd. 17a, street sweepings, sludges, agricultural waste, tires, lead acid batteries, used oil, and other materials collected, processed and disposed of as separate waste streams.

Subd. 12 Set Out for Collection means the placing of materials designated as refuse, yard waste, or recyclables by the residents and businesses in the city for collection by the hauler.

Subd. 13 Unauthorized Collection (scavenging) means the collection by any person, other than the contractor or his authorized representative, of materials that are designated as recyclables and set out for collection by the residents.

Subd. 14 Yard Waste means garden waste; leaves; lawn cuttings; weed, shrub and tree waste and prunings.

**Sec. 500.02. - General Items.**

Subd. 1 Promulgation of Rules and Regulations. The City Administrator may make such administrative regulations and rules as may be necessary and proper to regulate, enforce and implement the provisions of this article.

Subd. 2 Solid Waste Fund. All income from the operation of refuse, recyclable and yard waste collection systems and the record of expenses and operation shall be kept and maintained in a separate fund designated as the Solid Waste fund. The Solid Waste fund shall be used exclusively for Solid Waste activities. Solid Waste activities are all activities relating to the collection, transportation, storage or disposal of refuse, yard waste,

hazardous waste, and recyclable materials generated within the city.

Subd. 3 Littering. No person shall deposit or cause to be deposited any of the refuse, yard waste and/or recyclable materials described in this section upon any street, alley, other public ground, vacant lot or upon any ground appurtenant to any building in the city, except in the manner provided by this article.

Subd. 4 Interference with Containers or Contents Thereof.

(1) No person, except as provided in this section, shall disturb, collect, or in any manner interfere with refuse, recyclables and yard waste placed in containers for collection or interfere in any manner with containers for refuse, recyclables and yard waste. Furthermore, no person shall deposit or cause to be deposited any of the materials described in this section into containers for refuse, recyclables and yard waste on private property of others unless authorization from the property owner has been obtained.

(2) Prohibition of unauthorized collection of materials set out for the curbside recycling program.

a. At the time of collection, items designated as recyclables shall become the sole property of the hauler contracted to provide collection service.

b. It shall be unlawful for any persons, other than licensed haulers contracted to provide collection service, to collect any recyclables set out for collection. The first violation of this section shall constitute a petty misdemeanor. The second and subsequent violations shall constitute misdemeanors. The intent of this section is to prevent the unauthorized collection of materials that are designated as recyclables and set out as part of the city's curbside recycling program. The theft of these materials will deprive the contractor of their market value and forces overall costs to go up. These costs will eventually be passed on to the citizens of the city. The city will also be deprived of credit for recycling tonnage reported to the county, the metropolitan council and the state.

**SECTIONS 500.03 THRU 500.04 ARE RESERVED FOR FUTURE USE.**

**Sec. 500.05 - Obligations of the Refuse Generators.**

Subd. 1 Providing Collection at Households or Businesses. Pursuant to Minn. Stat. § 115A.941, every dwelling unit and place of business in the city must contract for solid waste collection service, which must be provided at least once a week. All dwelling

units except apartment buildings will be provided service under a city contract.

Subd. 2 Cleanliness of Premises; Placing Garbage and Refuse in containers. Every property owner, occupant, or owner of any dwelling unit or place of business shall control the refuse on the premises so as to keep the premises in a clean and sanitary condition. All refuse accumulating between the times of collection shall be placed in containers as described. Containers shall not be left at the curbside for more than 24 hours.

Subd. 3 Container Placement for Collection.

(1) Dwelling units, except apartment buildings not contracting for curbside service: On the designated pickup day, refuse, recyclables and yard waste shall be set out for collection at the curb.

(2) Businesses: Every property owner, occupant or owner of a place of business shall place containers used for the storage of refuse, recyclables and yard waste in conformance with the city zoning ordinances. Such containers shall be accessible to the haulers at all reasonable times.

Subd. 4 Containers; Specifications; Cleaning and Disinfecting.

(1) Every property owner Covered by the City contract must utilize the carts provided. Places of business having accumulations in excess of three 32-gallon containers per week shall provide dumpsters for storage. Dumpsters shall be no less than one cubic yard capacity and be covered with a lid that keeps precipitation and animals from getting in.

(2) Residents on the city "one-can" program may also use plastic bags to put out excess garbage with appropriate stickers.

(3) All containers shall be washed and treated with disinfectant as often as necessary to prevent a nuisance.

Subd. 5 Service Charges; As Established; Periods, Delinquency.

(1)Rates. The City Council by resolution shall establish a system of service charges for refuse collection that, at a minimum, compensates for the cost of providing standard service with a volume-based usage of 64 gallons per week. Such charges shall also provide for a system that provides for disposal of amounts other than 64 gallons as well as other residential extras. In addition, such charges shall also provide for Yard Waste cart and a fall and spring leaf disposal and a fall branch chipping program and weekly curbside recycling.

(2) Reduced Rate for Senior Citizens With A Hardship. The monthly rate for garbage collection shall be reduced to a rate established by the Council, and addressed at such times as other refuse rates are adjusted. The reduced rate shall apply to any single-family dwelling unit which is principally occupied by persons who are 65 years of age or older who meet the hardship requirements.

(a) Hardship. A hardship shall be deemed to exist when all of the following apply:

(1) The annual gross income of the household according to its most recent federal income tax return does not exceed 35% of the median income of the Minneapolis/St. Paul metropolitan statistical area.

(b) The total assets of the household, exclusive of the homestead, do not exceed twenty-five thousand dollars (\$25,000).

(3) Billing. The service charge shall be billed as a separate entry on the utility bill of each residential property owner whose property is served by a person holding a refuse collection contract with the City.

(4) Payment. Service charges shall be payable at the same time as bills for utility service and subject to the same conditions of payment. If any charge is unpaid on September 1 of any year, the Council shall levy an assessment equal to the unpaid charge as of that date, plus interest from that date at a rate fixed from time to time by resolution of the City Council plus a penalty of ten percent (10%). The City Administrator shall certify the assessment to the county auditor for collection in the same manner as assessments for local improvements.

(5) Fund. All service charges shall be deposited in the solid waste fund.

Subd. 6 Burning of Refuse; Adoption of State Regulations by Reference.

(1) It is unlawful to kindle or authorize the kindling or maintenance of open fires which are fueled in part by refuse or yard wastes. This includes, but is not limited to, chemically treated lumber and other burnable building materials. Air pollution control regulations of the state pollution control agency, and any amendments thereto, are hereby adopted by reference by the city.

(2) One copy of the standards and regulations shall be marked as an official copy and filled for use and examination by the public in the office of the city clerk.

**Sec. 500.06. - Obligations of the Haulers.**

Subd. 1 Transporting of Refuse, Recyclables and Yard Waste; Persons Authorized. Except as provided in this section, no person shall transport refuse, recyclables, or yard waste over any street or alley in the city.

Subd. 2 Private Hauler's License; Authorized; Term.

(1) The city council may, as deemed necessary, license a hauler to collect, remove and haul refuse, recyclables and yard waste from premises within the city.

(2) If the city council issues private licenses to any hauler, in conjunction with the provisions of this article, such licenses shall terminate on January 1 of each year. The renewal of such licenses shall be at the discretion of the city council.

(3) All haulers licensed to haul in the city shall offer the collection and disposition of recyclables from each of their customers.

(4) Recycling collection shall consist of an opportunity to recycle at least three broad types of recyclables as listed in Minn. Stat. § 115A.151.

(5) All haulers shall provide to the city by the 15th day of each month a full accounting, in tons, of all refuse, recyclables and yard waste that has been collected in the city during the previous month.

(6) The hauler shall convey all refuse collected to a properly permitted solid waste disposal facility in accordance with all laws and provisions of all governing political jurisdictions and subdivisions.

(7) The hauler shall maintain all appropriate records pertaining to any business conducted within the borders of the city for a period of at least five years.

(8) The hauler shall convey all collected recyclables to be recycled in a manner that is consistent with industry norms and standards. Licensee shall specifically not dispose of any collected recyclables in or on a solid waste disposal facility or site. Exemptions may be granted on a case-by-case basis.

(9) As a condition of licensing, licensed solid waste collectors must, upon request, permit the City Administrator or his designees to inspect the licensee's city customer list in order to ensure compliance with collection requirements in Minn. Stat. § 115A.941.

Subd. 3 Application; Bond, Insurance, Fee for Licensed Haulers.

(1) Any hauler desiring a private license as a hauler shall file an application in writing with the city clerk, such application shall state the applicant's name, age, and residence, the type of equipment to be used in collecting, hauling and removing such refuse, recyclables and yard waste and a schedule of rates to be charged for such service.

(2) The City Administrator shall require such applicant, as a condition to the issuance of such license, to furnish a bond in the amount of \$2,000 for the performance of such service in accordance with the ordinances of the city and the rules and regulations of the health officer of the county and shall also require such haulers to have on file with the city clerk public liability, personal injury, and property damage insurance in the sum of \$2,000,000, Automotive and Truck Public Liability, Personal Injury and Property Damage, including Owned and Non-Owned Vehicles in the sum of \$ 2,000.000, and Workmen's Compensation and Employer's Liability Insurance as required by the State of Minnesota and in a form acceptable to the City's legal counsel. The certificate of insurance shall contain as additional named insureds the City and its officers, employees and agents and shall contain a clause providing that it shall not be cancelled by the insurance company without thirty (30) days written notice to the City of intention to cancel. All haulers, as a condition of licensing, shall defend, indemnify, and hold the city harmless from and against all liabilities, losses, damages, and claims of damages (including all reasonable attorney's fees, and other expenses incident thereto) suffered or incurred by the city that may arise by reason of any act or omission on the part of the licensee, its agents, or independent contractors, while engaged in the collection and transportation of refuse, recyclables or yard waste.

(3) A license fee shall be set by action of the council and paid prior to issuance of a license.

Subd. 4 Vehicle and Equipment Requirements for Haulers.

(1) The hauler's name or firm name, together with his phone number, shall be printed or painted in legible letters, not less than five inches in height, or both sides and, when practical, rear of all trucks and conveyances used in the city. Brooms and shovels

in good usable condition shall be placed and maintained on each truck.

(2) All haulers shall use vehicles that are specifically designed or adapted for the collection and transportation of refuse, recyclables and yard waste. The hauler shall make all collections of refuse and yard waste in watertight metal receptacles or vehicles with closed tops so constructed that their contents will not leak or spill therefrom. Such receptacles and vehicles shall be kept clean and as free from all offensive odors as possible and shall not be allowed to stand in any street, alley or other place longer than is reasonably necessary to collect garbage, refuse, recyclables and yard waste.