

Chapter 54
SOLID WASTE*

***State law reference**—Waste Management Act, Minn. Stats. ch. 115A; littering, Minn. Stats. §§ 169.42, 609.68, 609.671, subd. 13.

ARTICLE I. IN GENERAL

Secs. 54-1—54-18. Reserved.

ARTICLE II. COLLECTION AND DISPOSAL

DIVISION 1. GENERALLY

Sec. 54-19. 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:

Air contamination means dust, fumes, mist, smoke, other particulate matter, vapor, gas, malodorous substances, or any combination thereof.

Air pollution means the presence in the outdoor atmosphere of one or more air contaminants in such quantities and duration as is or tends to be injurious to human health or welfare, animal or plant life, or property, or would unreasonably interfere with the enjoyment of life or property.

Collector of garbage and refuse means any person holding a valid city license, who shall offer to, or engage in, the collection of garbage and/or refuse.

Commercial establishment means any premises where a commercial or industrial enterprise of any kind is conducted and shall include establishments of nonprofit organizations where food is prepared or served or goods are sold.

Contagious disease refuse means refuse such as, but not limited to, bedding, wearing apparel, or utensils from residential dwelling units or other buildings where highly infectious or contagious diseases are or have been present.

Emission means the release into the outdoor atmosphere of air contaminants.

Garbage means animal and vegetable wastes resulting from the handling, preparation, processing, storage, serving and consumption of food and shall also include all other animal wastes.

Incineration means the process by which solid wastes are burned for the purpose of volume and weight reduction.

Land pollution means the presence in or on the land of any solid waste in such quantity, of such nature and duration, and under such condition as will affect injuriously any public waters, create air contaminants, soil contaminants, or cause air pollution.

Multiple residence units means any building comprised of more than two dwelling units.

Objectionable odor means any odor deemed objectionable when it constitutes a nuisance to a sampling of the people exposed to it and believing it to be objectionable in their usual places of occupancy.

Open burning means burning any matter whereby the resultant combustion products are emitted directly to the open atmosphere without passing through an adequate stack, duct, or chimney as established by the state pollution control agency.

Putrescible material means solid waste capable of rotting and reaching a foul state of decay or decomposition.

Refuse means putrescible and nonputrescible solid wastes, except body wastes and garbage, including, but not limited to, rubbish, ashes, cans, plastic containers, paper, cardboard, glass, crockery, wood, yard clippings, leaves, Christmas trees, soil, tires, rocks, household construction material, cement and cement products, bricks, household furniture and appliances, and any other household refuse or materials. The term "refuse" shall not include construction material or other waste or debris resulting from construction or reconstruction of buildings and other improvements or trees in excess of six inches in diameter.

Residential dwelling unit means any single building consisting of two or less separate dwelling places with individual kitchen facilities for each. It also includes any boardinghouse in a residential district.

Sludge waste means inorganic waste in a semi-liquid state, excluding toxic or hazardous waste, but including waste from automobile wash racks, steam cleaning products, turbid waters from any source and similar nonnoxious materials.

Toxic and hazardous wastes means waste material including, but not limited to, pesticides, acids, caustics, pathological waste, radioactive material, flammable or explosive material, and similar harmful chemicals and wastes which require special handling and must be disposed of in a manner to conserve the environment and protect the public health and safety.

(Code 1987, § 490.01)

Sec. 54-20. State air pollution rules adopted by reference.

Minn. Rules APC 1—APC 32, inclusive, of the state pollution control agency are hereby adopted by reference and shall be as effective as if recited in full. The City Clerk shall maintain on file three copies of said rules marked "official copy" for examination by the general public and shall furnish copies of this article and said rules and regulations at cost upon request.

(Code 1987, § 490.10)

Sec. 54-21. Mandatory precollection practices.

The owner and/or occupant of any premises, business establishment, or industry shall be responsible for the confined storage of all solid waste accumulated at that premises, business establishment, or industry as follows:

- (1) *Garbage.* Garbage and similar putrescible waste shall have drained from it all free liquids and wrapped or bagged before deposited for collection.
 - a. No explosive or highly inflammable material shall be so deposited, but shall be disposed of as directed by the Fire Chief at the expense of the owner or possessor thereof.
 - b. Contagious disease refuse shall not be deposited for regular collection but shall be disposed of as directed by the sanitarian or health officer at the expense of the owner or possessor thereof.
- (2) *Containers to be provided and maintained in sanitary condition.* Containers shall be maintained in a clean and sanitary condition and kept free from any substance which will attract or breed flies, mosquitoes, or other insects.

- (3) *Multiple residence units precollection storage.* Multiple-residential units shall either be equipped with refuse containers and refuse pickup service as herein provided or be equipped with a commercial incinerator complying with the requirements of the state pollution control agency. Refuse containers provided as an alternative to or in addition to such incineration shall be at least one cubic yard in capacity, shall be conveniently located in relationship to the residential units for which they are provided, shall be watertight and rodentproof with self-closing lids, and shall be kept in an enclosed structure concealing them from public view. Such structure shall have a raised concrete base or blacktopped base and shall be surrounded by a concrete or blacktop barrier curb. Such structure shall be maintained in a neat and orderly manner at all times. The refuse containers shall be located so that their contents are inaccessible to a point at least two feet above the base of the container in the enclosing structure or as approved by the planning staff for screening of the container. The owner or operator of such multiple residential property shall provide for garbage pickup from such containers each day or as required to maintain containment of all debris. Refuse, debris, garbage, and other waste materials shall not be permitted to be accumulated in or near the enclosing structures except in the containers provided. There shall be daily cleanup in and around each such enclosing structure.
- (4) *Commercial and industrial precollection storage.* The owner or occupant of any commercial or industrial establishment, or any other property which produces a large volume of garbage or refuse, or both, shall also comply with the provisions of subsection (3) of this section.

(Code 1987, § 490.05)

Sec. 54-22. General prohibitions.

(a) No person shall dispose of within the territorial land or public water limits of the city any garbage, refuse, oils, bilge water, sludge waste, or toxic and hazardous waste except in the manner provided herein.

(b) No person shall discharge from any source whatsoever such quantities of air contaminants, smoke, or other material which causes injury, detriment, nuisance, or annoyance to a considerable number of persons or to the public or which endangers the comfort, repose, health, or safety of any such persons or the public or which causes or has a natural tendency to cause injury or damage to business or property.

(c) No person shall cause or permit the handling, use, transporting, or storage of any material in a manner which may allow avoidable amounts of particulate matter to become airborne.

(d) No person shall incinerate, either privately or commercially, any combustible materials in other than incinerators approved by the state pollution control agency.

(e) No person shall cause or allow the open burning of any sweeping, trash, lumber, leaves, grass, straw, paper, refuse, or other combustible materials, except as provided herein.

(f) No person shall cause to effuse, emit, or release into the atmosphere any pesticides containing DDT, DDD (TDE), aldrin, dieldrin, endrin, haptachlor or lindane.

(g) No person shall circumvent or use any device which conceals or dilutes an emission of an air contaminant which will otherwise violate an air pollution regulation.

(Code 1987, § 490.15)

Secs. 54-23—54-47. Reserved.

DIVISION 2. COLLECTORS*

*State law reference—Licensing of solid waste collection, Minn. Stats. § 115A.93.

Sec. 54-48. Licensing of garbage and refuse collectors.

No person shall engage in the business of garbage or refuse collection in the city without having first obtained a license therefore approved by the City Council as follows:

- (1) *Application.* Any person desiring a license shall make application to the City Clerk. The application shall accurately state the following:
 - a. The name of the owner of the collection service.
 - b. The proposed charges for hauling garbage and refuse for each size container or other schedule of charges to be imposed by the applicant.
 - c. The application shall include a description of services to be rendered and a schedule of pickups and proposed days of collection in different areas of the city.
 - d. A description of each motor vehicle to be used for the service, including the license number thereof.
 - e. The manner and kind of service proposed to be given the customers.
 - f. Filing with the clerk of the bidding dates and calendar periods for which services are rendered.
 - g. A signed statement by the applicant that he will collect and dispose of all garbage and refuse as defined herein.
- (2) *License fee.* Each application shall be accompanied with the annual license fee as established by the city, per company, for vehicles to be used in the city for garbage and refuse collection. Licenses shall be effective for one calendar year from March 1, except that if a portion of the license year has elapsed when the application is made, the license will be issued on a pro rata fee. In computing such fee, any unexpired fraction of a month shall be counted as one month.
- (3) *Insurance.* No license shall be issued until the applicant files with the City Clerk a current policy of insurance covering all vehicles to be used by the applicant in conducting his business within the city. The minimum limits for such insurance are \$1,000,000.00 per occurrence with an annual aggregate limit of \$2,000,000.00. Such insurance shall be kept in force during the license period and shall provide for notification to the city prior to termination or cancellation of said insurance. Any license issued shall automatically be revoked at the time of expiration or cancellation of such insurance unless and until other insurance is provided.
- (4) *Performance bond.* Before a license is granted, the applicant shall furnish

to the city and deposit with the City Clerk a certified performance bond in the sum of \$1,000.00 to be conditioned upon the faithful performance by the licensee for all work entered into or contracted for by the licensee and further conditioned upon compliance with all the provisions and requirements of this section and all applicable sanitary rules and regulations.

(Code 1987, § 490.25; Ord. No. 01-2001, 2-25-2001)

Sec. 54-49. Collection vehicles for hauling garbage and refuse.

(a) *General conditions.* All persons hauling or conveying garbage or refuse over the streets within the city shall use a vehicle so constructed or equipped with adequate accouterments and maintained so as to prevent the escape of offensive odors and any of its load from being blown, dropping, sifting, leaking, or other escaping therefrom. All such vehicles shall be kept in a clean and sanitary condition and as free from offensive odors as possible. Any vehicle customarily used for said purposes shall be thoroughly disinfected at least once each week unless the same has not been used since the last disinfection thereof. Each vehicle, so used, traversing city streets, licensed or not, shall be subject to inspection by the city at all reasonable times. Each vehicle shall be equipped with a broom and scoop for use in the immediate removal of any spillage. Any vehicle for which a city license is applied, or which is already licensed, shall have clearly painted in letters of no less than four inches in height in a color visible both by day and by night, on the truck cab doors, the name of the applicant or licensee, the name of the owners, company, or corporation operating such truck, and their address and telephone number. The license issued shall be kept in the truck at all times.

(b) *Operating hours.* Collection vehicles shall operate within the city and make residential collections only between the hours of 6:00 a.m. and 8:30 p.m. daily, except Sunday, on which day residential collection is banned. There shall be no restriction on hours or days for collection from commercial or industrial uses.

(c) *Obligation of licensed collectors.* A licensed collector shall diligently perform his obligation to the city and customers in the manner provided by this article.

(d) *No vested right.* No person licensed pursuant to this article shall gain a vested right in said license. The city may, upon finding that public necessity requires, determined to establish another means of garbage or refuse collection.

(Code 1987, § 490.30)

Secs. 54-50—54-71. Reserved.

DIVISION 3. RECYCLING

Sec. 54-72. Definitions.

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

Aluminum recyclables means disposable containers fabricated primarily of aluminum commonly used for soda, beer and other beverages.

Can recyclables means all disposable containers fabricated primarily of metal or tin.

Collection means the aggregation of recyclable materials from the place at which it is generated and includes all activities up to the time when the waste is delivered to a designated facility.

Corrugated cardboard means heavy paper with alternating ridges and grooves for use in packing or boxing materials.

Glass recyclables means jars, bottles and containers which are primarily used for packaging and bottling of various materials.

Multiple-family dwelling means a building or a portion thereof containing nine or more dwelling units including detached, semi-detached and attached dwellings.

Paper recyclables means newsprint and office paper but does not include magazines or similar periodicals.

Plastic recyclables means any plastic bottle with a neck.

Recyclable materials means materials that are separated from refuse for the purpose of recycling and include aluminum recyclables, can recyclables, glass recyclables, paper recyclables, corrugated cardboard and plastic recyclables.

Recycling means the process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of recyclable materials in a manner that precludes further use.

Refuse means waste material, garbage, rubbish and yard waste as follows:

- (1) Waste material includes natural soil, earth, sand, clay, gravel, loam, brick, plaster, concrete and ashes.
- (2) Garbage includes animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
- (3) Rubbish, consisting of wood, dead trees or branches, chips, shavings, rags, and nonrecyclable materials.
- (4) Yard waste includes compost materials such as grass clippings, leaves, weeds, straw and other forms of organic material, but does not include trees, brush or similar materials.

(Ord. No. 48-1991, § 491.01, 7-10-1991)

Sec. 54-73. Penalty.

A violation of any provision of this division shall result in a \$100.00 penalty for the owner of the multiple-family dwelling or owner/occupant of commercial, industrial and institutional property. The violator shall be given a written warning for the initial violation. The penalty stated in this section shall be imposed for each subsequent violation. Penalties that remain unpaid for more than 30 days shall be charged to the utility account of the violator. Any penalty that is placed on a utility account shall be an assessment against the violator's property. Such amount shall be certified with the county auditor and collected in the same manner as taxes against the premises. The fourth and each succeeding violation of this division shall be a misdemeanor and violators may be penalized by up to a \$700.00 fine and/or 90 days in jail.

(Ord. No. 48-1991, § 491.30, 7-10-1991)

Sec. 54-74. Separation and collection of recyclable materials.

(a) It shall be the duty of every owner of a multiple-family dwelling unit having recyclable materials which accumulate on the premises to separate recyclable materials from refuse, and to provide space for recyclable materials so that residents may place the recyclable material in a city approved container and set the recyclable material out for collection in a manner that is designated by the city.

(b) The city shall ensure that a service is available for the collection of recyclable materials from all multiple-family dwelling units. The city shall provide owners and occupants of multiple-family dwelling units with information regarding authorized recycling procedures.

(Ord. No. 48-1991, § 491.05, 7-10-1991)

Sec. 54-75. Collection.

(a) Collection, removal and disposal of recyclables shall be supervised by the city, which shall have the power to establish a time, method and routes of service. The owners of multiple-family dwelling units shall make information regarding dates and time of collection of recyclables available to all tenants.

(b) Collection of recyclables from multiple-family dwellings shall be by a hauler selected and paid by the owner or manager of such premises or by an association governing such premises, but which hauler is then duly licensed by the city under section 54-48 and other applicable ordinances of the city or county. Also such collection shall be done in compliance with all other applicable ordinances of the city now or hereafter in effect.

(c) It shall be the duty of each owner and occupant of commercial, industrial and institutional property having recyclable materials which accumulate on the premises to separate recyclable materials from refuse and provide for the collection of recyclable materials in accordance with the procedures established by the city.

(Ord. No. 48-1991, § 491.10, 7-10-1991)

Sec. 54-76. Prohibiting unauthorized collection of recyclable materials.

(a) It shall be unlawful for any person who is not authorized by the city to remove, take for salvage or destroy any recyclable materials including, but not limited to, aluminum recyclables, can recyclables, corrugated cardboard, glass recyclables, paper recyclables that have been set out for collection.

(b) Any person violating any provision of this division is guilty of a misdemeanor and any such person shall be guilty of a separate offense for each and everyday or portion thereof during which any violation of this division is committed, continued or permitted.

(Ord. No. 48-1991, § 491.15, 7-10-1991)

Sec. 54-77. Container requirements.

Containers shall be provided by the owners of multiple-family dwelling units and shall be maintained in a clean and sanitary condition by owners. Owners shall be responsible for replacing and purchasing extra containers as needed. The containers shall be located in a manner so as to prevent them from being overturned or obstructing pedestrian or motor vehicle traffic. The containers shall be located in such a manner as to allow for collection by the city approved recycling hauler.

(Ord. No. 48-1991, § 491.20, 7-10-1991)

Sec. 54-78. Reports to city.

As and when requested by the city from time to time, the city requires the haulers of recyclables, to keep complete and accurate records of the total tons of recyclables collected each month from their respective multiple-family dwellings, together with the actual weight or percentage of the total that each recyclable material represents, and the markets used for the sale of, and primary purchasers of, such recyclables. Such records shall be sent to the city when requested by the city. The city also requires the haulers to prepare and submit to the city, at the request of the city, such other reports, data and information relative to the separation, collection and disposal of recyclables as may be required by any statute, law, ordinance, rule or regulation

now or hereafter applicable, or which may now or hereafter be requested of the city by the county. All such records, reports, data and information, once received by the city shall become the property of the city to be used as it shall determine without obligation to any person.

(Ord. No. 48-1991, § 491.25, 7-10-1991)

Secs. 54-79—54-99. Reserved.

ARTICLE III. PERMITS FOR TEMPORARY PLACEMENT OF CONTAINERS IN PUBLIC RIGHT-OF-WAY

Sec. 54-100. 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:

Container means a dumpster, collection bin, collection box, tub, roll-off box, roll-off container, or any other receptacle used to store construction, remodeling or demolition debris.

(Ord. No. 06-2001, § 492.05, 8-26-2001)

Sec. 54-101. Procedure.

No person shall place a container on any public right-of-way without first obtaining a permit from the public works superintendent.

(Ord. No. 06-2001, § 492.10, 8-26-2001)

Sec. 54-102. Application.

An applicant for a permit shall provide the following information:

- (1) The name and address of the applicant;
- (2) The location of the project to be undertaken;
- (3) The length of time for which the permit is needed;
- (4) The type of debris that will be deposited in the container;
- (5) Proof that the applicant has all necessary licenses required to perform the project; and
- (6) Any other information deemed necessary by the public works superintendent.

(Ord. No. 06-2001, § 492.15, 8-26-2001)

Sec. 54-103. Insurance.

(a) A permit holder shall maintain or cause to be maintained the insurance with respect to the container in the amount of \$1,000,000.00 per occurrence with an annual aggregate limit of \$2,000,000.00.

(b) The insurance required by this section shall protect the city from defense costs and claims for damage for bodily injury, personal injury, including accidental death, and claims for property damage.

(Ord. No. 06-2001, § 492.20, 8-26-2001)

Sec. 54-104. Condition of container.

Containers must be well maintained and in good working condition, display the name and telephone number of the owner of the container, and be suitably supported at each contact point to prevent damage to paved surfaces. Containers must be covered when not in use if the material

inside is easily airborne, poses a hazard, gives off odors or is otherwise offensive. Debris generated by the project must be placed inside the container and may not be placed on the public right-of-way or in any place in which such debris interferes with use of the public right-of-way.

(Ord. No. 06-2001, § 492.25, 8-26-2001)

Sec. 54-105. Warning required.

The container shall be properly reflectorized at all times. From sunset to sunrise, a sufficient number of warning lights shall be placed in such a manner that they will give proper warning of the container in accordance with part VI of the Minnesota Manual on Uniform Traffic Control Devices.

(Ord. No. 06-2001, § 492.30, 8-26-2001)

Sec. 54-106. Duration of permit.

No permit shall be issued for a period of more than seven days.

(Ord. No. 06-2001, § 492.35, 8-26-2001)

Sec. 54-107. Permit fee.

The permit fee shall be as established by the city.

(Ord. No. 06-2001, § 492.40, 8-26-2001)

Sec. 54-108. Denied and conditional permits.

The public works superintendent may deny a permit or place conditions upon the issuance of a permit if the denial or conditions are required due to traffic, width, public health or safety, or other considerations.

(Ord. No. 06-2001, § 492.45, 8-26-2001)

Sec. 54-109. Revocation of permits.

The public works superintendent may revoke a permit if the permit holder violates any provision of this article or any other applicable law, ordinance, rule or regulation.

(Ord. No. 06-2001, § 492.50, 8-26-2001)

Sec. 54-110. Major disaster provision.

In the event of a major disaster or emergency situation, the City Manager is hereby authorized to take steps deemed necessary to expedite the provisions of this article, while preserving its intent.

(Ord. No. 06-2001, § 492.55, 8-26-2001)

Sec. 54-111. Applicability of other law.

The owner of the container and the person placing it on the public right-of-way shall comply with all other laws, ordinances, rules, and regulations governing its use and maintenance.

(Ord. No. 06-2001, § 492.60, 8-26-2001)

Sec. 54-112. Violation of this article.

The city may remove any container placed in a public right-of-way in violation of this article. The owner of the container or the person placing it in the public right-of-way shall pay to the city all costs, fees, penalties, or other expenses incurred by the city in removing the container, and storing and disposing of the container and its contents. In addition, the city shall charge daily storage fees in such amount as established by the city. If the container is not claimed within 30 days by its owner or the person responsible for placing it in the public right-of-way, it may be

disposed of as abandoned property, but such disposal shall not diminish the responsibility of the owner or the person responsible for placing it in the public right-of-way to pay all amounts due under this article. A container shall not be released from storage by the city until all amounts due under this article have been paid. The provisions of this article are in addition to any other penalty provided for in this Code.

(Ord. No. 06-2001, § 492.65, 8-26-2001)

