

CHAPTER 2

GARBAGE AND REFUSE¹

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4-2-1: DEFINITIONS:

For the purpose of this Chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word shall is always mandatory and not merely directory:

COMMERCIAL ESTABLISHMENT: Any premises where a commercial or industrial enterprise of any kind is carried on, and shall include clubs, churches and establishments of nonprofit organizations where food is prepared or served or goods are sold.

GARBAGE: All putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, service and consumption of food including containers or wrappers wasted along with such materials, but not including recyclable materials.

INCINERATOR: Any device used for the destruction of refuse, rubbish, or waste materials by fire.

LICENSED PRIVATE GARBAGE AND REFUSE COLLECTOR: Any person holding a valid license from the City for the collection of garbage and refuse.

MIXED MUNICIPAL SOLID WASTE: Shall have the meaning given it in Minnesota Statutes Section 115A.03, Subdivision 21.

1. M.S.A. § 412.221, subd. 22.

OPEN BURNING: Burning of any matter whereby the resultant combustion products are emitted directly to the open atmosphere without passing through an adequate stack, duct, or chimney.

PUTRESCIBLE: Liable to become putrid.

RUBBISH: All nonputrescible solid wastes, but not including recyclable materials.

RECYCLABLE MATERIALS: Materials that are separated from mixed municipal solid waste for the purpose of recycling, including paper, glass, plastics, metals, automobile oil, and batteries.

REFUSE: Garbage, rubbish and all other putrescible and nonputrescible wastes, except sewage and water-carried trade wastes, but not including recyclable materials.

RESIDENTIAL DWELLING UNIT: Any single building consisting of four (4) or less separate dwelling units with individual kitchen facilities for each. It also includes any boarding house in a residential district. (Ord. 11, 7-7-1970)

YARD WASTE: Means garden wastes, leaves, lawn cuttings, weeds, shrub and tree waste, and prunings.

4-2-2: DISPOSAL OF GARBAGE AND REFUSE:

A. Disposal Required: Every tenant, lessee, owner, or occupant of every private dwelling, house, multiple residence, store, motel, restaurant, and every other type of property in the City shall dispose of such garbage and refuse as provided in this Chapter.

B. Minimum Disposal Requirements:

1. Collection Required: Unless otherwise exempt pursuant to subdivision 2 hereof, each residence, multiple dwelling, and commercial establishment in the City shall contract with a hauler licensed by the City for at least weekly collection of garbage and rubbish.

2. Exemptions: A residence, multiple dwelling, or commercial business may be exempted from the requirements of subdivision 1 hereof upon demonstrating to the satisfaction of the City that an environmentally sound alternative method of solid waste disposal will be used. Application for an exemption will be made on a form provided by the City. The application shall be reviewed by the City Administrator who shall approve or deny the application and shall notify the applicant, in writing, of the decision. The exemption must be applied for every two years. Any applicant aggrieved by the decision of the City Administrator may appeal that decision to the City Council within ten (10) days of the date of the written notice. The City Council shall hear the

appeal at a regularly scheduled meeting.

C. Accumulation Prohibited: No person shall accumulate or permit to accumulate any refuse on any property in the City which might constitute a nuisance by reason of appearance, odor, sanitation, possible littering of neighboring properties, littering of the property on which the refuse is accumulated, or a fire hazard. (Ord. 11, 7-7-1970)

4-2-3: COLLECTION, SUPERVISION AND CONTROL:

A. Authority To Regulate: The City Council shall have the authority to make regulations concerning the days of collection, number of licenses in the city, type and location of waste containers and such other matters pertaining to the collection, conveyance, and disposal as it shall find necessary, and to change and modify the same.

B. Right To Appeal: Any person aggrieved by a regulation of the City Council shall have the right of appeal to the City Council which shall have the authority to confirm, modify, or revoke any such regulation. (Ord. 11, 7-7-1970)

4-2-4: PRECOLLECTION PRACTICES:

A. Preparation Of Garbage Or Refuse: Grass clippings, leaves, and other similar refuse shall be placed in bags or bundles not exceeding three feet (3') in any dimension and securely fastened to avoid spillage. Household appliances and furniture falling within the definition of refuse need not be so packaged.

B. Placement For Pickup: Refuse shall be deposited at one place, at ground level, on each property. Refuse and garbage shall not be deposited on the traveled roadway of any street.

C. Time Of Placement; Removal: Refuse and garbage shall not be deposited next to streets for collection prior to six o'clock (6:00) P.M. on the day preceding the day of collection, and containers and any garbage or refuse which is not picked up shall be removed from any such location on the day of collection.

D. Containers, Wrapping Or Bagging Required: Except as otherwise provided in subsections A, B and C, all garbage and refuse as accumulated on any premises shall be placed and maintained in containers and shall have drained from it all free liquids before being deposited for collection and shall be wrapped or bagged.

E. Explosive Or Highly Flammable Material: No explosive or highly flammable material shall be so deposited. Such material shall be disposed of as directed by the Fire Inspector at the expense of the owner or possessor thereof.

F. Contagious Disease Refuse: Refuse such as, but not limited to, bedding, wearing apparel, or utensils from residential dwelling units or other units where highly infectious or contagious diseases are present shall not be deposited for regular collection but shall be disposed of as directed by the Health Officer at the expense of the owner or possessor thereof. (Ord. 11, 7-7-1970)

4-2-5: CONTAINERS:

A. Provided By Licensed Private Garbage and Refuse Collector: Garbage and refuse containers shall be provided by the licensed private garbage and refuse collector and located in such a manner so as to prevent them from being overturned.

B. Sanitary Condition: Such containers shall be kept in a clean and sanitary condition and kept free from any substance which will attract or breed flies, mosquitoes, or other insects.

C. Size and Type: No garbage or refuse container shall exceed ninety (90) gallons in capacity or have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof. Containers shall be made of metal, or other suitable material, which is rodent, fire, and waterproof and which will not easily corrode and is equipped with suitable handles and tight-fitting covers and shall be kept tightly covered when there is garbage therein.

D. Nonconforming Containers: Containers not complying with the requirements of this Chapter shall be promptly replaced upon notice.

E. Storage Of Containers: Garbage cans and other garbage and refuse containers shall be so located as to be out of the public view, insofar as possible, except on the day of pickup. (Ord. 11, 7-7-1970)

4-2-6: MULTIPLE RESIDENCE UNITS:

A. Pickup Service Or Commercial Incinerator Required: Multiple residence units having more than four (4) family units shall either be equipped with refuse containers and refuse pickup service as provided in this Chapter or be equipped with a commercial incinerator complying with the requirements of the Minnesota Pollution Control Agency and licensed by the City as provided in this Chapter.

B. Containers: 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 residence units for which they are provided, shall be watertight and rodentproof with self-closing lids and shall be kept in an

enclosing structure concealing them from public view. Such structure shall be kept in a state of good repair at all times. Refuse, debris, garbage and other waste materials shall not be permitted to be accumulated in or near the enclosed structures (except in the containers). There shall be daily cleanup in and around each such enclosed structure. (Ord. 11, 7-7-1970)

4-2-7: COMMERCIAL ESTABLISHMENTS:

The owner or occupant of any commercial establishment or any other property which produces a volume of garbage or refuse or both, which requires garbage and refuse pickup more frequently than once each week, shall also comply with the provisions of Section 4-2-6 of this Chapter. (Ord. 11, 7-7-1970)

4-2-8: MINNESOTA AIR POLLUTION CONTROL AGENCY REGULATIONS ADOPTED:

A. Regulation Adopted: Pursuant to Minnesota Statute Section 471.62, subject to specific modifications and additions contained herein, the City hereby adopts by reference Minnesota Rules Chapter 7009(Ambient Air Quality Standards), as amended.

4-2-9: PRIVATE COMPOSTING

The private composting of yard wastes and vegetable matter is permitted if the following conditions are met:

A. The compost pile shall be located in the rear yard of a lot and out of the public view, insofar as possible.

B. The compost pile shall be managed so as to prevent the scattering of yard wastes or other material.

C. The compost pile shall be managed in a manner to prevent odor, harborage of animals, and the stockpiling of material which does not readily decompose within a calendar year including but not limited to refuse, fibrous materials, and prunings.

D. Only the yard waste and vegetable matter which are produced on the premises can be composted on the premises.

4-2-10: VEHICLES FOR HAULING GARBAGE AND REFUSE:

A. Cover Required: All persons hauling or conveying garbage or refuse over the streets of the City shall use a vehicle provided with a tight cover and so operated and maintained as to prevent offensive odors escaping therefrom and garbage or refuse from being blown, dropped or spilled from the vehicle.

B. Cleanliness: Any such vehicles shall be kept clean and as free from offensive odors as possible.

C. Standing On Streets: Any such vehicle customarily used for the hauling of garbage or refuse shall not be allowed to stand in any street, alley, or other place longer than is reasonably necessary to collect garbage and refuse.

D. Disinfection: Any vehicle customarily used for such purposes shall be kept in a clean and sanitary condition.

4-2-11: GARBAGE AND REFUSE COLLECTORS:

A. License Required: No person shall engage in the business of garbage or refuse collection in the City unless he or she first pays the license fee as prescribed by resolution of the City Council and secures a license from the City to do so in accordance with the provisions of this Section. A license shall be valid for a period of one (1) year beginning February 1 and ending January 31. All licenses shall be subject to the review and approval of the City Council.

B. Application: Any person desiring a license shall make application to the City Administrator. The application shall accurately state:

1. The name of the owner or the licensee;
2. The proposed charges for the hauling;
3. A description of the kind of services to be rendered;
4. A description of each motor vehicle to be used for hauling, including the license number thereof; and
5. The manner and kind of service proposed to customers and the schedule of pickups.

C. Insurance:

1. Policy Of Insurance: No license shall be issued until the applicant files with the City Administrator a current certificate of insurance covering all vehicles to be used by the applicant in the business.

2. Minimum Limits: The minimum limits of coverage shall sufficiently cover the city's maximum liability as provided by Minnesota Statutes Chapter 466, as amended.

3. Notice Of Termination: Such insurance shall be kept in force during the term of the license and shall provide for notification of the City prior to termination or cancellation.

4. Revocation Of License: Any license issued shall automatically be revoked at the time of termination or cancellation of such insurance unless and until other insurance is provided as required by this subsection.

D. Bond: Before a license is granted, the applicant shall furnish to the City and deposit with the City Administrator a certified bond in the sum of one thousand dollars (\$1,000.00) to be used for fines imposed by the City for violations of this Ordinance as well as the faithful performance by the licensee for all work entered into.

E. License Fee: The annual license fee is for the first vehicle and for each additional vehicle in the business of garbage and refuse hauling within the City.

F. Days and Hours of Collection: Residential garbage or refuse collection shall only occur on Mondays between the hours of seven (7:00) A.M. and eight thirty (8:30) P.M. When Monday is designated a legal holiday, residential garbage or refuse collection shall occur on the Tuesday immediately following the holiday.

G. Inspection¹: Each vehicle for which a license is applied for or which is licensed shall be subject to inspection by the City at all reasonable times.

H. Vehicles²:

1. Name Of Licensee: Any such vehicle, while it is used by the licensee in the City, shall have the name of the licensee clearly printed on both sides of the vehicle.

2. License To Be Kept In Vehicle: The license for the vehicle shall be kept in the vehicle at all times while it is being so used.

I. No Vested Right: No person licensed pursuant to this Section shall gain a vested right in said license. The City may, upon finding that public necessity requires, determine to establish another means of refuse collection.

J. Obligation Of Licensed Collectors: A licensed garbage and refuse collector shall pick up any garbage and refuse of his customers which has been deposited for collection in the manner provided by this Chapter. (Ord. 11, 7-7-1970; 1996 Code)

4-2-12: DISPOSAL FACILITY:

1. See also subsection 2-4-2B2 of this Code.

2. See also Section 4-2-10 of this Chapter.

Garbage or refuse shall be disposed of at an approved waste facility permitted by the Minnesota Pollution Control Agency.

4-2-13: FINES AND REVOCATION:

A. FINES FOR ORDINANCE VIOLATIONS BY LICENSEES:

Fines for ordinance violations by licensees shall consist of two hundred fifty dollars (\$250) per occurrence and shall be payable within 30 days of written notification by the City.

These penalties are presumed to be appropriate for every case, however, the Council may deviate in an individual case where it finds that there exists substantial reasons making it more appropriate to deviate.

Non-renewal of the Municipal Garbage Hauler License may be considered for any licensee that has three or more violations occur over a period of three hundred and sixty-five (365) days.

For purposes of this Section, a licensee's violations are accumulated over a period of three hundred and sixty-five (365) consecutive days and shall exonerate after this time. Violations by a licensee shall also expire in the event of change of ownership unless specified otherwise by the City Council.

B. REVOCATION FOR ORDINANCE VIOLATIONS BY LICENSEES:

A garbage or refuse collector's license may be revoked by the City upon occurrence of any of the following:

1. The licensee fails to comply with the provisions of this ordinance or other city ordinances, or is in violation of county ordinances, and/or state or federal laws, rules or regulations;
or
2. The City determines that the licensee's performance of refuse collection, hauling or disposal is unsatisfactory based on complaints received about the licensee.

4-2-14 PENALTY:

Any person violating any of the provisions of this Chapter shall be subject to the penalties provided for in Section 1-4-1 of this Code. (Ord. 11, 7-7-1970)

Nothing in this section shall be construed to limit the City's other available legal remedies for any violation of the law, which may constitute a violation of the ordinance including criminal, civil, injunctive or others.

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