

Chapter 34 - SOLID WASTE

ARTICLE I. - IN GENERAL

Sec. 34-1. - Definitions.

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

Authorized commercial waste receptacle means a container made of metal or other weather-tight, rodent-proof material with a tight-fitting cover.

Authorized recycling container means a container used to store recyclable materials as approved by the city council in the legislative policy manual.

Authorized waste receptacle means an authorized waste container used to store waste until the time of collection.

Basic service means the weekly refuse and recycling service provided by the city or city-authorized contractor.

Brush means tree limbs, branches and twigs which have a maximum diameter of six inches and a maximum length of 20 feet.

City service area means the area of the city which receives the city's refuse collection service which shall include all single-family dwellings, duplexes, double bungalows and triplexes and may include multiple-family dwellings and commercial buildings upon separate contract with the city.

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

Collectors means any persons who own, operate or lease vehicles for the purposes of collection and transportation of any type of mixed municipal solid waste, recyclables or yard waste.

Commercial building means a structure or portion thereof that is intended to be used by human beings in the pursuit of commercial or industrial or other similar endeavors.

Construction debris means waste building materials, packaging, or rubble resulting from construction, remodeling, repair and demolition of buildings and roads.

Dwelling unit means a residential accommodation including complete kitchen facilities permanently installed which are 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.

Garbage means all putrescible animal or vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Generation means the act or process of producing waste.

Generator means any person who generates waste.

Hauler means a collector or transporter of mixed municipal solid waste, recyclable materials, or yard waste.

Hazardous wastes means any refuse or discarded material or combination of refuse or discarded material in solid, semisolid, liquid or gaseous form which cannot be handled by routine waste management techniques because they pose a substantial present or potential hazard to human health or other living organisms because of their chemical, biological, or physical properties. Categories of hazardous waste materials include, but are not limited to, explosives, flammables, oxidizers, poisons, irritants and corrosives.

Institutional building means public or private schools, churches, synagogues, nursing homes, daycare facilities, colleges, hospitals and similar establishments.

Major appliances means large household appliances including refrigerators, stoves, dishwashers, washers and dryers, water heaters and other such large appliances.

Mixed municipal solid waste means garbage, rubbish, refuse and other solid waste from residential, commercial, industrial and community activities which is generated and collected in aggregate, but does not include auto hulks, street sweepings, ash, construction debris, mining waste, sludges, tree and agricultural wastes, tires, lead acid batteries, used oil and other materials collected, processed and disposed of as separate waste streams.

Multiple-family dwelling means a residential structure with more than three separate living units.

Open storage means the keeping or storage other than inside of a building or enclosed in an authorized commercial waste receptacle, authorized recycling container or authorized residential waste receptacle of personal property, material or substance which does not serve, nor is intended to serve, any useful purpose or the purpose for which it was originally intended, or any brush, construction debris, garbage, hazardous waste, problem materials, refuse, rubbish or yard waste.

Private premises means any property, real or personal, owned or under the control of any person.

Problem materials means hazardous wastes, major appliances and other waste materials, including, but not limited to, tires, used oil, antifreeze, 55-gallon drums, paints and batteries which are collected, processed and disposed of as separate waste streams.

Public place means any location owned or controlled by any governmental unit or subdivision.

Recyclable materials means materials that are separated from mixed municipal solid waste by the generator for the purpose of recycling and include all items approved by the city council in the legislative policy manual.

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 all putrescible and non-putrescible solid wastes (except body waste), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and market and industrial solid wastes.

Residential dwelling means single-family dwellings, duplexes, double bungalows and triplexes.

Rubbish means non-putrescible solid wastes consisting both of combustible and noncombustible wastes (excluding recyclables) such as paper, cardboard, tin cans, wood, glass, bedding, crockery and other similar materials.

Scavenging means the unauthorized collection of refuse materials including recyclable materials that have been set out by residents of the city specifically for an authorized collection program.

Source separation means the separation of recyclable materials and yard waste from mixed municipal solid waste at the source of generation.

Storage means the toleration, allowance, permitting, placing, piling or stacking for safe keeping or the abandonment of any moveable personal property on any part of any premises.

Tree waste means parts of grown trees which are greater than one inch in diameter and prunings.

Unacceptable waste includes, but is not limited to, the following: asbestos; ash; cesspool and other human waste; demolition or other construction debris; explosives; foundry sand; hazardous materials including explosives; hazardous waste; human or animal remains; liquid waste; lead acid batteries; major appliances; major parts of machinery, vehicles and equipment; medical waste; mining waste; used oils, crank case oils, cutting oils; radioactive materials; sludge; sewage; street sweepings; tires; transformers.

Waste facility means any resource recovery facility or related transfer station or similar facility to which waste is required to be delivered.

Yard waste means organic material consisting of grass clippings, leaves and other forms of organic garden waste.

(Code 1986, § 605.01)

Secs. 34-2—34-20. - Reserved.

ARTICLE II. - COLLECTION AND DISPOSAL

Sec. 34-21. - City authority and collection areas.

- (a) *Generally.* The city has authority to require that all owners or occupants of any properties, including residential dwellings, multiple-family dwellings, commercial buildings and institutional buildings, provide or contract to provide services for the collection and disposal of mixed municipal solid waste which accumulates on the property as required by state statute and in accordance with the specific methods.
- (b) *City service area.* The city shall have the exclusive authority to provide or contract to provide services for the collection and disposal of all mixed municipal solid waste and to provide a separate collection for recyclable materials within the city service area. Charges for such services are established by the city council. It is mandatory that all properties within the city service area, have basic service, and be charged. Each dwelling unit is required to have one sufficient size authorized waste receptacle.
- (c) *Non-city service area.* It shall be required that the owners or occupants of multiple-family dwellings, and commercial buildings, and institutional buildings provide or contract to provide for the collection and disposal of mixed municipal solid waste, and provide for the separate collection of recyclable materials which accumulate on the premises. The properties may have the collection and disposal of mixed municipal solid waste and recycling performed by a licensed contractor of choice or by the city through a separate contract if agreed to and authorized by the city.

(Code 1986, § 605.02)

Sec. 34-22. - Authorized waste receptacles.

- (a) Within the city service area, the authorized residential waste receptacle shall be a container made of metal, or other weather-tight, rodent-proof material with a tight-fitting cover of a size and capacity which is compatible with the city's refuse collection service as defined in the legislative policy.
- (b) For non-city service areas which receive individual container collection service, the authorized waste receptacle shall be a container made of metal or other weather-tight, rodent-proof material with a tight-fitting cover and shall be of a size and capacity acceptable to the refuse collector licensed to empty the container.
- (c) For non-city service areas which receive centralized dumpster collection service, the authorized waste receptacle shall be a container made of metal or other weather-tight, rodent-proof material with a tight-fitting lid.

(Code 1986, § 605.01)

Sec. 34-23. - Preparation of non-recyclable materials.

The owner or occupant of any residential dwellings, multiple-family dwellings, commercial buildings or institutional buildings and any other person having refuse as herein defined shall keep on such premises sufficient authorized waste receptacles for storage of refuse accumulating on the premises

between disposal and collection. All garbage accumulating between the times of collection shall first be wrapped, or bagged in paper or plastic, or other similar material and then placed in an authorized receptacle.

(Code 1986, § 605.03(1))

Sec. 34-24. - Separation of recyclable materials.

- (a) *Single-family residential waste.* It is the duty of every owner or occupant of a residential dwelling having recyclable materials which accumulate on the premises to separate recyclable materials from refuse, place the recyclable materials in a city-approved container and set the recyclable materials out for collection in a manner that is designated by the city.
- (b) *Multi-family residential, commercial and institutional waste.* It is the duty of each owner and occupant of multiple-family dwellings, commercial buildings, and institutional buildings, having recyclable materials which accumulate on the premises to separate recyclable materials from refuse and provide for the collection of recyclable materials in authorized waste receptacles using methods approved by the city which are agreed to by the owner and licensed hauler of choice.
- (c) *Yard waste.* It is the duty of persons within the city service area to separate yard waste from their mixed municipal solid waste for collection by the city or authorized contractor. Proper preparation of the yard waste in the city service area will be determined by the rules, regulations and procedures that are designated by the city. Yard waste disposal in the non-city service area shall be in accordance with M.S.A. § 115A.931.
- (d) *Brush and tree waste.* It is the duty of every owner or occupant of residential dwellings, multiple-family dwellings, commercial and institutional buildings to separate brush and tree waste from their mixed municipal solid waste by the rules, regulations and procedures that are designated by the city.

(Code 1986, § 605.03(2))

Sec. 34-25. - Ownership of refuse and recyclables.

Ownership of refuse and recyclable material set out for collection shall remain with the person who set out the material until removed by the authorized collector. Until the refuse or recyclable materials are removed by the authorized collector, the person who set out the material is totally responsible for their proper preparation, handling and storage. Ownership and responsibility for the proper handling of the refuse and recyclable materials shall vest in the authorized collector upon removal thereof by the collector.

(Code 1986, § 605.03(3)(A))

Sec. 34-26. - Unauthorized collection.

It shall be unlawful for any person who is not authorized by the city to take or collect or scavenge any refuse materials or recyclable materials set out for authorized collection programs within the city.

(Code 1986, § 605.03(3)(B))

Sec. 34-27. - Right to sell recyclables and yard waste.

Nothing in this article shall abridge the right of any person to give or sell their recyclable materials or yard waste to any recycling and composting program lawfully operated for profit, nonprofit or charitable purposes.

(Code 1986, § 605.03(3)(C))

Sec. 34-28. - Collection charges and late fees.

- (a) Charges for all collection services performed by or contracted for the city shall be charged by and paid to the city upon billing at rates as set forth by council resolution. Property owners shall be liable to the city for all bills accruing through the use of refuse services provided to that property whether the same be personally used by the property owner, or the property owner's tenant or any other occupant of the premises.
- (b) The fees for basic service shall be charged to all property owners within the city service area whether or not service is used unless service is canceled through notification of the city's finance department.
- (c) Refuse charges are due and payable on the due date stated on the periodic city utility bill. Each billing for refuse not paid when due shall incur a ten percent penalty charge on the current billed amount.

(Code 1986, § 605.04)

Sec. 34-29. - Unauthorized dumping.

The dumping, depositing, placing or abandoning of any garbage, rubbish, hazardous waste, problem materials, yard waste, junk, junk cars or parts thereof, animal wastes or remains, or any other refuse on any private or public property, except the lawful storage of such materials in authorized waste receptacles is prohibited.

(Code 1986, § 605.05(1))

Sec. 34-30. - Open storage prohibited.

No person shall cause, maintain or permit any open storage within the city for more than 72 hours, except that the storage of building materials and equipment, such as pipe, lumber, forms, metal parts, machinery and equipment is permitted at construction sites during the period of actual construction as evidenced by the records of the inspections department of the city.

(Code 1986, § 605.05(2))

Sec. 34-31. - Littering prohibited.

No person shall:

- (1) Throw, allow or deposit any refuse in or upon any public place such as a street, sidewalk, park, or private premises, or any other place within the city except in public receptacles or other authorized waste disposal containers;
- (2) Place such refuse in any public or private receptacles in such a manner that it can readily be blown or scattered by the elements to any public or private property;
- (3) Sweep or allow the sweeping of any such refuse into any gutter, street or other public place from any building, lot, sidewalk or driveway;
- (4) Allow or permit, scatter, place or abandon any refuse upon any private property, whether occupied, controlled or owned by such person, or upon property of any other except that such matter may be deposited in authorized receptacles, as hereinabove provided;

- (5) Operate, drive or move any vehicle anywhere in the city from which the contents, load, debris, dirt, mud, or refuse is or is likely to be blown, dropped or otherwise deposited or scattered upon any public or private property;
- (6) Throw, deposit, post or leave any hand bill on a private or public property or place where signs indicate that no advertisements, trespassing, peddlers or agents are desired, except that such hand bills may be distributed to anyone willing to accept them;
- (7) Deposit, distribute or leave any hand bill, newspaper or other similar media on or at any premises, public or private, in such a manner as to allow such litter or material to be blown or scattered by the elements upon any street, sidewalk, alley or other public or private property.

(Code 1986, § 605.05(3))

Sec. 34-32. - Licensed haulers.

- (a) *Licensing.* No person, firm or corporation shall engage in the business of collecting or hauling garbage, refuse, recyclables, yard waste, brush or other refuse from sites in the city without first procuring a license to do so from the city, and paying the fee fixed by the city council.
- (b) *Reporting.* Each hauler licensed under this article, upon request by the city, shall provide the city information as to the number and identity of accounts serviced within the city and the amounts of refuse and recyclables collected in accordance with procedures defined in the city's legislative policy.

(Code 1986, § 605.06)

Sec. 34-33. - Violations and penalties.

- (a) Except as otherwise specifically provided in this section, violations of this article shall constitute misdemeanors punishable by a fine of not more than \$700.00 and imprisonment for a term not to exceed 90 days or both. Each act of a violation and every day on which a violation occurs or continues is a separate violation. Violations of this article shall be remedied within a reasonable time. Assessment of penalties will not prevent the enforced removal of the prohibited condition pursuant to this Code or state.
- (b) A violation of any provision of section 34-24 shall result in a \$25.00 penalty for each owner or occupant of a residential dwelling and a \$100.00 penalty for each owner or occupant of a multiple-family dwelling, commercial or institutional building. The violator shall be given a written warning for the initial violation. A penalty shall be imposed for each subsequent violation.
- (c) 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 may be an assessment against the violator's property. Such amount shall be certified to the county auditor and collected in the same manner as taxes or special assessments against the premises and may be subject to a civil action initiated by the city.
- (d) The fifth and each succeeding violation of section 34-21 shall be a misdemeanor. Each day during which the violation continues shall constitute a separate offense.

(Code 1986, § 605.07)