

Chapter 26

SOLID WASTE*

* **State Law References:** Waste Management Act, Minn. Stats. ch. 115A; littering, Minn. Stats. §§ 169.42, 609.671, subd. 13.

Article I. In General

Secs. 26-1--26-18. Reserved.

Article II. Collection of Recyclables

Sec. 26-19. Definitions.

Sec. 26-20. Purpose and intent.

Sec. 26-21. Regulations.

Sec. 26-22. Disposal practices and standards.

Sec. 26-23. Littering.

Sec. 26-24. Scavenging prohibited.

Sec. 26-25. Duties and obligations of the recycling hauler.

Sec. 26-26. Process for designating targeted recyclables.

Sec. 26-27. Suspension, revocation of contract or imposition of fines.

Sec. 26-28. Storage and placement for collection.

ARTICLE I.

IN GENERAL

Secs. 26-1--26-18. Reserved.

ARTICLE II.

COLLECTION OF RECYCLABLES

Sec. 26-19. 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:

Commercial establishment means any premises where a commercial or industrial enterprise of any kind is carried on. This includes restaurants, clubs, churches, and schools where food is prepared or served.

Mixed municipal solid waste (MSW) means garbage, other refuse, and other solid waste from residential, commercial, industrial, and community activities that the generator of the waste aggregates for collection, but does not include auto hulks, street sweepings, ash, construction debris, mining wastes, sludges, tree and agricultural wastes, tires, lead-acid batteries, motor and vehicle fluids and filters, and other materials collected, processed and disposed of as separate waste streams, but does include source separated compostable materials.

Multiple residential dwelling means any building used for residential purposes consisting of more than five dwelling units with individual kitchen units for each.

Recyclables means materials that are separated from mixed municipal solid waste which may be recycled or reused through recycling processes and includes paper, glass, plastics, metals, automobile oil, and batteries as well as targeted recyclables. Refuse-derived fuel or other material that is destroyed by incineration is not a recyclable material.

Residential dwelling means any single building consisting of five or less dwelling units with individual kitchen facilities for each.

Targeted recyclables means metal beverage containers, tin cans, glass containers (clear, green and brown glass containers and excludes all window pane glass), newsprint, glossy magazines, corrugated cardboard, plastics types 1 and 2, or other materials as defined by city resolution.

Yard waste means leaves and grass clippings or other similar soft organic materials.
(Ord. No. 2003-101, § 3, 11-5-2003)

Sec. 26-20. Purpose and intent.

It is the intent of the city by this article to establish the rules and regulations for targeted recycling collection within the city and to establish fees to be collected for the costs of recycling incurred by the city from each resident or landowner to ensure that the disposal of such materials is accomplished in a sanitary manner, safeguarding the health of the residents of the city, and to implement the state's recycling and solid waste mandates.

(Ord. No. 2003-101, § 1, 11-5-2003)

Sec. 26-21. Regulations.

(a) Nothing in this article shall prevent persons from hauling recyclables from their own residences or commercial establishments, provided the following rules are observed:

(b) The disposal method must ensure that all recyclables are:

(1) Disposed of at a recycling facility, an organized recycling drive or through a licensed recycling hauler (not contracted by the city).

(2) Hauled in containers that are watertight on all sides and the bottom, and with tightfitting covers on top.

(3) Hauled in vehicles with leakproof bodies and completely covered or enclosed by canvas or other means of material so as to completely eliminate the possibility of loss of cargo.

(c) Yard waste may be composted privately, be disposed of at an approved composting facility, or through a licensed garbage and refuse hauler.

(Ord. No. 2003-101, § 7, 11-5-2003)

Sec. 26-22. Disposal practices and standards.

(a) *City to enter into contract.* The city shall enter into a contract with a recycling hauler for curbside collection and disposal of targeted recyclables in the city.

(b) *Accumulation more than 30 days unlawful.* It shall be unlawful for any person to fail to dispose of recyclables that may accumulate upon property owned or occupied by that person at least once every 30 days.

(c) *Yard waste.*

(1) It shall be unlawful for any person to dispose of targeted recyclables, yard and tree waste into the mixed municipal solid waste stream. Yard waste shall be disposed of by:

(2) Contracting with a private collector to haul the yard waste to an appropriately licensed site.

(3) The resident transporting the yard waste to an approved compost site.

(4) Composting the yard waste on the resident's property.

(5) Burning in compliance with city ordinance.

(d) *Collection of major appliances.* Major appliances may be collected by a private hauler who is a state pollution control agency approved appliance collector.

(e) *Recyclables to be separated.* Residents of residential dwelling units and commercial establishments are required to separate targeted recyclables from the wastestream for recycling. (Ord. No. 2003-101, § 4, 11-5-2003)

Sec. 26-23. Littering.

The discharging or depositing of targeted recyclables on any street, alley, drive, park, playground, or other public place or any privately owned lot in the city by any person is unlawful. Targeted recyclables are the responsibility of the property owner until such time as trash is collected by the recycling hauler. (Ord. No. 2003-101, § 5, 11-5-2003)

Sec. 26-24. Scavenging prohibited.

It is unlawful for any person to scavenge or otherwise collect targeted recyclable materials at the curb or from recyclable containers without a contract with the city or an account relationship with the owner of the premises. (Ord. No. 2003-101, § 6, 11-5-2003)

Sec. 26-25. Duties and obligations of the recycling hauler.

(a) *Compliance with provisions of contract and this article.* All recycling haulers of recycling products and materials shall comply with the operational requirements of this section, in addition to any requirements of their contract with the city. Failure to observe these provisions may be the basis for suspension or

revocation of a license or imposition of fines by the city council.

(b) *Notification required for change.* The licensee shall operate in a manner consistent with its request for proposal and application materials, and shall provide notice to the city within ten days of any change of the information, forms, or certificates filed as part of the application process.

(c) *Further compliance requirements.* The licensee shall comply with all city, county, state and federal laws and regulations.

(d) *Days and hours of collection.* No collection of recycling materials shall be made except between the hours of 6:00 a.m. and 5:00 p.m. Monday through Friday. Operation during these hours may have service moved back or forward one day to accommodate recognized national holidays, poor weather conditions, and natural disasters. Customers shall be reasonably notified of the specific day for the collection of their recyclables, and the licensee shall collect the materials on those days. Multiple residential dwellings, as defined in this article, and manufactured home parks are not restricted to these days of collection where combined collection service is provided through a homeowner's association or facilities management firm.

(e) *Standards for collection equipment and vehicles.* Each recycling hauler shall use only vehicles and equipment so constructed that the contents will not leak, spill, or blow out of the vehicles. Each collector shall cycle their collection equipment as is necessary to minimize the leaking or spilling of material from the vehicles. The vehicles and equipment shall also be kept clean and as free from offensive odors as possible, and shall not stand in any public place longer than is reasonably necessary to collect the recyclables. The recycling hauler shall also ensure that the immediate collection site is left tidy and free of litter.

(f) *Minimum frequency of collections.* Each licensed MSW hauler shall provide its customers with an opportunity to recycle through at least semimonthly collection of targeted recyclables.

(g) *Collection point.* The curbside collection of targeted recyclables shall be from a location at or near the customer's collection point for other materials or some other location mutually agreeable to the hauler and the customer.

(h) *Materials to be collected.* At a minimum, the materials collected shall be those designated as targeted recyclables by the city.

(i) *Notification required for rejected materials.* In each instance where a recycling hauler does not collect recyclable materials from a residence or business, adequate notification as to why the recyclable material was not picked up must be left with recyclable materials left at the curbside.

(j) *Ownership of collected recyclables.* The recycling hauler is also deemed the owner of the recyclables upon collection. The licensee is responsible for marketing or disposing of targeted recyclables to the appropriate recycling facility.

(k) *Documentation required.* The recycling hauler shall provide to the city on a quarterly basis documentation to show the types of targeted recyclables collected and the tonnage.

(Ord. No. 2003-101, § 9, 11-5-2003)

Sec. 26-26. Process for designating targeted recyclables.

Additional recyclable materials may be designated as recyclables by resolution of the city council after the effective date of the ordinance from which this article is derived. The designation process will be as follows:

- (1) The recycling hauler shall be given 90 days' notice of the proposed additions to the list of targeted recyclables. The notice shall specifically describe the designated materials proposed for addition, and describe how the addition might affect the duties and obligations of the licensee.
- (2) The recycling hauler shall also be given written notice of at least ten days in advance of the time and date of the council meeting that will consider the proposed addition to a list of targeted recyclables.
- (3) Notice shall be given by regular U.S. mail to the address provided on the most recent request for proposal or contract filed with the city.

(Ord. No. 2003-101, § 10, 11-5-2003)

Sec. 26-27. Suspension, revocation of contract or imposition of fines.

The city council may suspend or revoke the contract of the recycling hauler whose conduct is found to be in violation of this article, or which poses a threat to the public's health, safety, or welfare. The city council may impose fines under its administrative fines and fees ordinance. Such revocation or suspension or imposition of fines may only occur following a public hearing of which the recycling hauler has received prior notice. Sufficient notice to the recycling hauler shall be a written statement of the date, time, location, and purpose of the hearing, deposited, postage paid, with the U.S. postal service, at least ten days prior to the hearing, and addressed to the recycling hauler's business address, as listed on the recycling hauler's most recent contract or written notice to the city of address change.

(Ord. No. 2003-101, § 11, 11-5-2003)

Sec. 26-28. Storage and placement for collection.

(a) Platted residential areas of the city shall have targeted recyclables placed at curbside on the day of collection. In platted estate and rural areas of the city, containers and bags may be placed at the end of the driveway on collection day. At all other times, the containers shall be so located, insofar as possible, out of public view in a secure place.

(b) Any targeted recyclable container exceeding 90 gallons in size, and located on a commercial establishment used for purposes other than single-family residential, shall be contained within a building or within a secure area which has an impermeable floor surface, and is enclosed and screened within a 90 percent or greater opaque wooden or metal fence or masonry wall not less than six feet in height having a gate or doorway which remains closed except for access purposes. All enclosures must be large enough to allow for storage of recyclable material containers.

(c) All containers for recyclables shall be made of suitable material, which is rodentproof and waterproof and which will not easily corrode. Containers shall be kept tightly closed. Recyclables including targeted recyclables may be kept in a plastic bag of such strength that the contents therein will not rip, tear, or

puncture the plastic bag.
(Ord. No. 2003-101, § 12, 11-5-2003)