

City Code Chapter 11

Garbage and Trash

Article 1. General Conditions, §§ 11-1—11-21

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Article 1. General Conditions

Sec. 11-1. Definitions.

The definitions in this Section shall apply when these words and phrases are used in this Chapter.

- (1) **Approved.** Acceptable to the City upon a determination as to compliance with established public health practices.
- (2) **Collection Days.**
 - A. North of 694 - Monday.
 - B. South of 694 - Tuesday.
- (3) **Commercial Establishment.** Any premises where an institutional, commercial, or industrial enterprise is carried on, including restaurants, clubs, churches, and schools.
- (4) **Garbage.** Putrescible animal and vegetable waste including that which results from the handling, preparation, cooking, or consumption of food.
- (5) **Hauler.** A collector or transporter of garbage, refuse, recyclable materials, or yard waste.
- (6) **Health Authority.** The City's Sanitarian or designee.
- (7) **License.** A license issued in accordance with this Chapter.
- (8) **Multiple Dwelling.** Any building used for residential purposes consisting of three or more residential units with individual kitchen facilities for each.
- (9) **Owner.** A person, firm, corporation, or other partnership or organization who alone, jointly, or severally with others shall be in ownership of and have the charge, care, or control of any premises or business within the City as owner, employee or agent of the owner, or as trustee or guardian of the estate or person of the title holder.
- (10) **Premises.** Any single or multiple residential dwelling, mobile home, commercial or industrial building, club, church, school, or other structure including all the lands thereof and any parcel of land without structures.

(11) **Public Place.** All streets, sidewalks, boulevards, alleys, parks, public buildings, and other public ways.

(12) **Recyclable.** Material that may be recycled or reused through recycling processes including metal cans, glass, newsprint, plastic and any other material designated as recyclable by the City sanitarian. (Ord. No. 716, 3-9-04)

(13) **Refuse.** Ashes, non-recyclable glass, metal, plastic, wooden waste, clothing, crockery, cans, paper, boxes, rags and similar non-putrescible materials.

(14) **Residence.** A single building consisting of one or two dwelling units with individual kitchen facilities for each.

(15) **Rubbish.** All refuse, recyclables, and yard waste other than composted yard waste.

(16) **Special Pick-Up.** Collection of material other than garbage, refuse, recyclables, or yard waste including white goods, furniture, oversized material, and construction debris.

(17) **Transfer Station.** A facility where the solid waste transported by one vehicle is placed into another vehicle before being hauled to a disposal site.

(18) **Yard Waste.** Organic material such as leaves, grass clippings, organic garden waste, or similar materials. (Ord. No. 94, 2-16-60; Code 1966; Ord. No. 299, 5-9-72; Ord. No. 433, 8-29-78; Code of 1988; Ord. No. 576, 9-25-90; Code of 2001)

Sec. 11-2. Accumulation and Disposal.

Garbage and rubbish shall be disposed of at least once each week from a premises and at more frequent intervals if deemed necessary by the City to protect the public health.

(1) **Exemption.** An owner may apply to the City for exemption from this requirement. The application shall be on a form as prescribed by the City.

(2) **Approval.** The City may grant the exemption and impose such conditions as are deemed necessary but only after determining that approval of the exemption will not be detrimental to the public health, safety, welfare, or comfort. The exemption may be revoked by the City at any time.

(2) **Manner of Disposal.** All garbage and rubbish shall be disposed of in a sanitary manner so as not to constitute a nuisance. The City shall approve the manner of disposal.

(3) **Accumulation Prohibited.** No person shall accumulate or permit to be accumulated any garbage or rubbish on any property in the City that might constitute a fire hazard or a nuisance by reason of appearance, odor, sanitation, possible littering of neighboring properties, or littering of the property on which the garbage or rubbish is accumulated. (Code 1966; Ord. No. 299, 5-9-72; Code of 1988; Ord. No. 576, 9-25-90; Code of 2001)

Sec. 11-3. Littering.

(1) ***Prohibited Acts.*** No person shall throw, scatter, or deposit any garbage or rubbish, handbills, or other littering materials upon or in any public place or private lands, bodies of water, vehicles, or structures within the City. No person shall cause such acts to be permitted.

(2) ***Premises Maintained.*** Every person shall maintain his or her premises and the abutting sidewalk and boulevard to be free of garbage, rubbish, and litter. (Code 1966; Ord. No. 299, 5-9-72; Code of 1988; Code of 2001)

Sec. 11-4. Duty of Business Owners and Occupants.

(1) ***Diligence by Owner.*** The owner or occupant of any store or other place of business in the City shall:

- A. Exercise reasonable diligence at all times to keep their premises clean of wastepaper, wrapping paper, paper napkins, cartons, package containers, and other used or waste material thrown or left on the premises by its customers, and
- B. Take reasonable measures to prevent such material from drifting or blowing to adjoining premises.

(2) ***Receptacles.*** Receptacles of sufficient size and number shall be placed on the premises accessible to the customers of the business to provide for the proper disposal of the items noted in Section 11-4 (1)A. (Code of 1988; Code of 2001)

Sec. 11-5. Duty of Customers.

Customers shall dispose of wastepaper, wrapping paper, paper napkins, cartons, package containers, and other used or waste material only in receptacles provided for this purpose. (Code of 1988; Code of 2001)

Sec. 11-6. Containers.

(1) Owners shall provide all premises with an adequate number of approved containers to hold the garbage accumulated by the premises.

(2) The containers shall be made of metal or other suitable material that is not easily corrodible.

(3) The containers shall be water tight and insect and rodent proof.

(4) The containers shall be equipped with suitable handles, tight-fitting covers, and shall be kept tightly covered when there is garbage stored in them.

(5) Rubbish may be kept in plastic bags or other disposable containers and stored in a manner that excludes littering of the rubbish. (Code 1966; Ord. No. 299, 5-9-72; Code of 1988; Code of 2001)

Sec. 11-7. Approved Containers.

(1) Except as provided in this Section, all garbage containers shall be suitable for collection purposes and shall not have a capacity greater than 32 gallons.

(2) Approved bulk or box type storage containers shall be used for all commercial, industrial, or apartment complexes where the volume of disposal exceeds three, 32 gallon containers per week. (Code 1966; Ord. No. 299, 5-9-72; Code of 1988; Code of 2001)

Sec. 11-8. Placement of Containers.

(1) Garbage, rubbish, recycling, and yard waste containers shall be:

- (A) Placed in the rear or on the side of the premises, or if a corner lot, placed in the rear or non-road fronting side of the premises; OR
- (B) Placed in such a manner as to be out of view from the street (or streets) fronting of the premises, OR
- (C) Placed in a garage located on the premises.

(2) Containers shall not be placed or maintained in such a way as to unreasonably interfere with the use of adjoining property.

(3) Containers shall be placed in such a manner as to prevent entry of or harborage for animals, insects, or other vermin. Containers shall be maintained so as not to be tipped over.

(4) Containers shall be kept in an enclosing structure which conceals them from public view for premises using three or more containers up to and including the 32 gallon size or vat or box containers. This requirement shall not apply to single family premises.

(5) Containers shall only be placed in a location for collection after 5:00 p.m. on the day before collection, and shall be removed before 8:00 p.m. on the day of the collection.

(Code 1966; Ord. No. 299, 5-9-72; Code of 1988; Code of 2001; Ord. 802, 6-28-11; Ord 867, 9-24-19)

Sec. 11-9. Maintenance of Containers.

Every garbage and trash container shall be maintained in as sanitary condition as possible in view of its use. Containers shall be thoroughly cleansed as needed by washing, scalding, or other means. (Code 1966; Ord. No. 299, 5-9-72; Code of 1988; Code of 2001)

Sec. 11-10. Defective Containers.

(1) The City shall notify the provider or user of a container when it is determined that the container does not meet the requirements of this Chapter including being in poor repair, corroded, or otherwise defective so as to permit insects, vermin, or rodents to enter.

(2) The notice shall be provided in writing. Any ordered repair or container replacement shall be made within fifteen calendar days of notification. If the deficiency is not corrected by the compliance date, the provider or user shall be held in violation of this Chapter. (Code 1966; Ord. No. 299, 5-9-72; Code of 1988; Code of 2001)

Sec. 11-11. Unauthorized Collection.

Only a licensed recycling hauler under contract with the City or with the property owner shall collect, remove, or dispose of recyclables after they have been set out for collection. (Ord. No. 576, 9-25-90; Code of 2001)

Secs. 11-12--11-21. Reserved. (Code of 2001)

Article 2. Collectors

Sec. 11-22. Equipment.

Each collector of garbage or rubbish shall use equipment which meets the standards of this Section.

- (1) A covered tank or wagon shall be used to collect and convey garbage or rubbish to the place designated in the application.
- (2) The tank or wagon shall be constructed so that the contents will not leak or spill from it.
- (3) The wagon or tank shall be kept clean and free from offensive odors and shall not be allowed to stand in any street, alley, or public place longer than is reasonably necessary to collect garbage or rubbish. (Code 1966; Ord. No. 299, 5-9-72; Code of 1988; Code of 2001)

Secs. 11-23--11-29. Reserved. (Code of 2001)

Sec. 11-30. License Required.

No person shall collect and haul garbage, refuse, recyclables, or yard waste without the appropriate license unless the person is collecting and hauling from the person's own residence or commercial establishment. The licensee shall comply with all applicable requirements of this Chapter. Failure to comply will be grounds for suspension or revocation of the license. (Code 1966; Ord. No. 299, 5-9-72; Ord. No. 433, 8-29-78; Code of 1988; Ord. No. 576, 9-25-90; Code of 2001)

Sec. 11-31. Application.

Application for a license shall be made on a form as prescribed by the City and shall include:

- (1) The name and address of the applicant.
- (2) A list of the equipment proposed to be used for collection.
- (3) The place or places to which the garbage and rubbish will be hauled.
- (4) The manner in which the garbage is to be disposed.
- (5) The portion of the City in which collections are to be made. (Code 1966; Ord. No. 299, 5-9-72; Ord. No. 433, 8-29-78; Ord. No. 576, 9-25-90; Code of 2001)

Sec. 11-32. License Categories.

The license shall specify the type of license and the vehicles to be used by the hauler. The following categories of hauling activities must be separately licensed:

- (1) Hauling of recyclables.
- (2) Hauling of any non-recyclables and yard waste from residences.
- (3) Hauling of any non-recyclables and yard waste from commercial establishments and/or multiple dwellings. (Ord. No. 576, 9-25-90; Code of 2001)

Sec. 11-33. Insurance Required.

As a condition of issuing the license, proof of public liability insurance shall be provided for the hauler's business and for all vehicles in at least the sum of:

- (1) \$500,000 for injury for one person, \$1,000,000 for the injury of two or more persons in the same accident, and
- (2) \$100,000 for property damage. (Ord. No. 576, 9-25-90; Code of 2001)

Sec. 11-34. Rates.

The applicant shall specify on the application a schedule of proposed rates to be charged during the license period. In the case of service to residences, a minimum of three rate levels for regular service shall be provided. These rates will be based on volume. The licensee shall provide fourteen calendar days prior written notification to the City and to the licensee's customers of any rate changes to be made during the license period. (Ord. No. 576, 9-25-90; Code of 2001)

Sec. 11-35. Requirements and Restrictions.

All haulers shall comply with all of the requirements and restrictions specified in this Section.

- (1) No hauler shall collect from residences or multiple dwellings after 8:00 p.m. or before 6:30 a.m. on any day. No hauler shall operate in a residential district on a Sunday or a legal holiday.
- (2) The hauler shall make collections only on the specified days except to collect a missed pick up or a special pick up. If a legal holiday falls on the collection day, a substitute collection day will be permitted.
- (3) All haulers shall operate vehicles on City streets within the weight allowed by Minnesota Statutes.
- (4) A licensee shall have water-tight, packer-type vehicles. In the case of recycling, appropriate container vehicles shall be used that are in good condition and that prevent loss in transit of liquid or solid cargo. All vehicles shall be kept clean and as free from offensive odors as possible. Vehicles shall not be allowed to stand in any street longer than necessary to collect garbage, refuse, recyclables, or yard waste.

- (5) A person may haul garbage, refuse, recyclables, or yard waste from the person's own residence, multiple dwelling, or commercial establishment if hauled in containers with tight-fitting covers. Such containers shall also be water-tight on all sides and the bottom. If hauled in a vehicle, the vehicle shall have a leak-proof body which does not permit the loss of cargo.
- (6) All garbage and refuse shall be dumped or unloaded only at designated sanitary landfills or designated County facilities.
- (7) Except as provided in Section 11-35 (5), recyclables shall be collected by licensed recyclers only or in an organized recycling drive.
- (8) Yard waste may be composted privately or disposed of at a composting facility or through a licensed non-recyclable and yard waste hauler.
- (9) The license shall be exhibited in a prominent place on each of the hauler's vehicles.
- (10) Weekly collection of garbage, refuse, and yard waste will be provided on collection days in the case of service to residences.
- (11) The licensee shall separately collect and dispose of yard waste and shall include a separate charge to the customer in the case of service to residences. (Ord. No. 576, 9-25-90; Code of 2001)

Sec. 11-36. Reporting of Recyclables and Yard Waste.

The licensee shall report to the City the quantity of all recyclables and yard waste abated from landfills. The report shall be on a form as prescribed by the City. Quantities shall be reported in tons except that yard waste may be reported in estimates of cubic yardage abated. Failure to certify accurate volumes in a timely manner may be cause for revocation of a hauling license. (Ord. No. 576, 9-25-90; Code of 2001)

Sec. 11-37. Approval.

The Health Authority shall be authorized to issue a license upon a finding that the applicant is responsible and has proper equipment for collections and that no nuisance is liable to be created by granting of the license. (Code 1966; Ord. No. 299, 6-9-72; Code of 1988; Ord. No. 576, 9-25-90; Code of 2001)

Sec. 11-38. License Fee.

The license fee shall be specified by ordinance. The resolution may require quarterly payment of all or part of the fee. Haulers of residential non-recyclables and yard waste will pay a fee based on average monthly customer count. The licensee shall submit customer counts to the City on a quarterly basis for verification. At its discretion, the City may require a customer list for further verification of customer count. (Code 1966; Ord. No. 299, 5-9-72; Ord. No. 504, 2-22-83; Code of 1988; Ord. No. 576, 9-25-90; Code of 2001, Ord. 751 11-13-2007.)

Sec. 11-39. License Period.

The license period shall be for a year which begins on April 1st and ends on March 31st. (Code 1966; Ord. No. 299, 5-9-72; Code of 1988; Ord. 576, 9-25-90; Code of 2001)

Article 3. Transfer Station

Sec. 11-40. License Required.

A license shall be required to operate a transfer station in the City. (Ord. No. 433, 8-29-78; Code of 1988; Code of 2001)

Sec. 11-41. Application.

Application for a license shall be made on a form as prescribed by the City and shall include the following:

- (1) The name and address of the applicant.
- (2) The location and legal description of the premises where the operation is to be conducted.
- (3) A list of equipment which is to be used in the operation.
- (4) The extent and manner to which all unhealthful and offensive gases, vapors, or smells arising from the operation will be controlled. (Ord. No. 433, 8-29-78; Code of 1988; Code of 2001)

Sec. 11-42. Approval.

The Health Authority shall be authorized to issue a license upon a finding that the applicant has proper facilities and equipment for operating a transfer station and that no nuisance is liable to be created by granting of the license. (Ord. No. 433, 8-29-78; Code of 1988; Code of 2001)

Sec. 11-43. License Fee.

The annual license fee shall be established by ordinance. This fee shall be in addition to that for a license held by the applicant for garbage collection. (Ord. No. 433, 8-29-78; Code of 1988; Code of 2001, Ord. 751, 11-13-2007)

Sec. 11-44. License Period.

The license period shall be for a year which begins on April 1st and ends on March 31st. (Ord. No. 433, 8-29-78; Code of 1988; Code of 2001)

Editor's Notes
Chapter 11
Garbage and Trash

Introduction. The main purpose of this Chapter is to regulate the collection of garbage and trash.

General Comments. As with all other parts of the codification, the language in this Chapter has been simplified and made gender neutral.

Sections 11-10 and 11-34. The deadlines mentioned in both these sections has been clarified by adding the word "calendar". For example, "14 days prior" has been edited to read "14 calendar days prior".

Sections 11-38 and 11-53. The specified fees now will be established by resolution. This change in procedure will make it easier to keep the Code up-to-date.

September, 1999

Margaret A. Egan
Finance Director/
City Clerk