

TITLE V: PUBLIC WORKS

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CHAPTER 50: GARBAGE AND RUBBISH

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Cross-reference:

Health and Safety; Nuisances, see Chapter 92

SECTION 50.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

GARBAGE. Organic refuse resulting from the preparation of food, and decayed and spoiled food from any source.

RUBBISH. All inorganic refuse matter such as tin cans, glass, paper, ashes and the like.

UNACCEPTABLE WASTE. Includes, but is not limited to, hazardous waste as defined in Minnesota Statutes, Section 116.06 Subd. 13 (1968), and the Resource Conservation and Recovery Act 42 U.S.C. 6903 (5); hazardous waste of any kind or nature, such as explosives, radioactive materials, cleaning fluids, batteries, crankcase oils, cutting oils, paint, acids, caustics, poisons, drugs, or other material that would be likely to pose a threat to health or public safety; pathological and biological wastes, hot ashes,

foundry sand; sanitary sewage and other highly diluted water-carried materials or substances; all sludges, including sewage sludge and septic and cesspool pumpouts; human and large animal remains; large quantities of non-burnable demolition debris; street sweepings; mining waste; construction debris, trees, agricultural waste (manure) and tires; and waste which was generated outside of the city.

YARD WASTE. Leaves, grass clippings or other organic materials as may be defined by the city council, county, state and/or federal law, etc.

SECTION 50.02 SANITATION COLLECTION SERVICE REQUIRED.

Every person owning, managing, operating, leasing or renting any premises or any place where garbage or rubbish accumulates shall subscribe to a sanitation collection service.

Penalty, see Section 10.99

SECTION 50.03 CONTAINER REQUIRED; PLACEMENT.

(A) It shall be the duty of every person whose garbage and rubbish is collected by the sanitation collection service to provide a container or containers for garbage and rubbish, sufficient in size and number to accommodate and securely keep all garbage and rubbish that may accumulate between collections. Garbage containers shall be watertight and constructed of a solid and durable grade of metal, plastic, or paper material.

(B) It shall be the duty of every person whose garbage and rubbish is collected by the sanitation collection service to place their garbage containers directly behind the curb line of the street abutting their property or in the absence of a curb directly behind the ditch line abutting their property. In no event shall containers be placed in the street or on the sidewalk or in any manner placed where the containers will interfere with vehicular or pedestrian traffic. It shall be the responsibility of the subscriber to place the containers no earlier than 6:00 p.m. of the afternoon preceding the collection day. The owner or occupant of the premises must remove all containers and any materials not picked up by the licensed residential hauler from the location next to the street or alley by the end of the collection day.

Penalty, see Section 10.99

SECTION 50.04 MEDDLING WITH TRASH RECEPTACLES PROHIBITED.

(A) It shall be unlawful to meddle with garbage cans, trash or rubbish receptacles or in any way pilfer, search or scatter contents of garbage cans or rubbish receptacles in or upon any street or alley within the city limits.

(B) This section shall not apply to persons authorized by the city or persons authorized by state or federal law to search or otherwise meddle with trash receptacles.

Penalty, see Section 10.99

SECTION 50.05 CONTAINERS TO BE KEPT SANITARY AND SECURE.

All containers shall be kept clean and free from accumulation of any substance remaining attached to the inside of the container which would attract or breed flies, mosquitoes, or other insects. The area surrounding garbage containers shall be maintained in a clean and sanitary condition. The contents of all receptacles shall be protected so that the wind cannot scatter the contents over the streets, alleys or other property within the city. All containers shall be securely closed in a manner as to prevent the scattering of the contents and to make them inaccessible to insects, rodents and other animals.

Penalty, see Section 10.99

SECTION 50.06 UNAUTHORIZED PRIVATE COLLECTIONS PROHIBITED.

(A) It shall be unlawful for any person to transport garbage or refuse for hire which has been collected from any premises within the city over any public street within the city.

(B) This section shall not apply to any person who at the time of the activity is operating under a valid contract or franchise granted by the city which authorizes that person to use the public streets to conduct that activity.

Penalty, see Section 10.99

SECTION 50.07 SANITATION SERVICE: CITY OPTIONS.

The City Council may provide for sanitation collection services within the city by use of city employees and vehicles, or it may grant licenses under the terms and conditions of Section 50.13, or it may contract with one or more contractors for the provision of these services under the terms and conditions negotiated with the contractors, except that the provisions for insurance under Section 50.13(E) shall always apply.

SECTION 50.08 RATES AND CHARGES; COLLECTION AND LATE PAYMENT.

If the city collects charges for the collection, removal and disposal of garbage and trash within the city, the following provisions apply:

(A) *Generally.* The monthly charge for the collection, removal and disposal of garbage, rubbish and trash from residences and businesses within the corporate limits of the city shall be as established by the Ordinance Establishing Fees and Charges adopted pursuant to this code, as that ordinance may be amended from time to time.

(B) *Collection of charges.* The charges fixed herein for the collection, removal and disposal of all garbage, rubbish and trash shall be entered in their respective amounts on

the utility bill. The city may discontinue all utility services, including water, sewer, and garbage and trash services, for failing to pay any assessed charges and until the charges have been paid in full under conditions and procedures detailed in division (C) of this section.

(C) Assessment of Unpaid Charges.

(1) Any customer disputing the correctness of his or her bill shall have a right to a hearing at which time he or she may be represented in person and by counsel or any other person of his or her choosing and may present orally or in writing his or her complaint and contentions to the city official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint. Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered.

(2) Any prepayment or overpayment of charges may be retained by the city and applied on subsequent charges.

(3) If a service charge is not paid when due, then a penalty of may be added thereto.

(4) Any person violating any of the provisions of these Sections shall become liable to the city for any expense, loss or damage occasioned by the city by reason of that violation.

(5) Each and every charge levied by and pursuant to these Sections is made a lien upon the lot or premises served, and all charges which are on October 31 of each year past due and delinquent shall be certified to the County Auditor by November 30 as taxes or assessments on the real estate. Nothing in these Sections shall be held or construed as in any way stopping or interfering with the right of the city to levy as taxes or assessments against any premises affected any delinquent or past due refuse or recycling service charges. As an alternative to levying a lien, the city may, at its discretion, file suit in a civil action to collect amounts as are delinquent and due against the occupant, owner or user of the real estate, and shall collect as well all attorney's fees incurred by the city in filing the civil action. Attorney's fees shall be fixed by order of the court. In addition to all penalties and costs attributable and chargeable to recording notices of the lien or filing a civil action, the owner or user of the real estate being serviced shall be liable for interest upon all unpaid balances at the rate of 8% per annum.

SECTION 50.09 REMOVAL OF BUILDING MATERIALS.

Waste from building operations, rock waste, building materials or other refuse resulting from building or remodeling operations or resulting from a general cleanup of vacant or improved property shall be removed by the building contractor, owner or occupant of the building at his or her own expense. It shall be unlawful for any person to

place those materials in any dumpster or other trash receptacle for disposal by the city or any agent or contractor of the city.

Penalty, see Section 10.99

SECTION 50.10 PROHIBITED ACTS.

(A) It shall be unlawful for any person to sweep, throw or deposit any garbage, trash, debris; stagnant water or dead animal into, upon or along any public property or private property of another, except as may be specifically provided by this chapter.

(B) It shall be unlawful for any person owning or otherwise in control of any premises within the city to permit any of the conditions described in division (A) to exist upon property owned or controlled by him or her after having actual or constructive notice thereof.

(C) It shall be unlawful for any person to place in any container any material other than as specifically provided in this chapter.

(D) It shall be unlawful for any person to deposit or maintain garbage or trash except as provided for by this chapter.

(E) It shall be unlawful for any person to deposit any burning match, charcoal, ember, or other material in any container used for the disposal of garbage.

Penalty, see Section 10.99

SECTION 50.11 NON-RESIDENTIAL CUSTOMERS; CONTAINER TYPES; COLLECTION SCHEDULES.

(A) It shall be the duty of the owner or person otherwise in charge of multi-family, institutional, commercial or industrial premises within the city to cause all garbage and trash accumulated on the premises to be placed in disposable containers, or commercial-type containers. Commercial-type containers may be used and may be placed at a location on the premises as arranged between the customer and the collector, but subject to review by the city at any time.

(B) Disposable containers shall be placed at a location on the premises which is readily accessible to the collector.

(C) The amount and character of garbage shall be considered in establishing size of commercial containers and frequency of pickup. The city shall have final authority to establish the size and frequency based on the history of amount and type of garbage generated by the customer. The collection and removal of garbage and trash from premises used for multi-family, commercial, institutional, or industrial purposes shall be made as often as necessary in order to maintain the premises free of accumulations. Garbage, except dry trash in contractor-supplied containers, shall be collected not less

than one time each week, except for roll-off containers which shall not be subject to this provision so long as they are used solely for brush and dry trash.

Penalty, see Section 10.99

SECTION 50.12 MANNER OF COLLECTION AND TRANSPORTATION.

(A) The collection, removal and disposal of all garbage, trash and brush shall be carried on in a systematic, efficient manner to keep the city in a clean and sanitary condition.

(B) All vehicles used for the collection and transportation of garbage and trash shall be equipped with suitable covers which shall be used to prevent blowing or scattering of refuse while garbage and trash are being transported for disposal.

Penalty, see Section 10.99

SECTION 50.13 LICENSING FOR COLLECTION.

(A) *Purpose.* In order to provide for a continuous system of refuse collection and disposal in a manner which meets the needs and conveniences of the residents of the city and in order to protect the area from the problems of uncoordinated, unsanitary and improper solid waste disposal, the City Council may determine that it is in the best interests of the residents of the city to require licenses of persons collecting or hauling garbage and rubbish for hire, reserving to the city the right and authority to contract with one or more operators to provide these services.

(B) *Licensing.* No person may collect or haul garbage or rubbish within the city without first obtaining a written license from the City Council. An application for a license shall be submitted in writing to the City Clerk, and shall contain the following information:

- (1) Name and address of the applicant;
- (2) Description of the equipment which will be used within the city by the applicant;
- (3) A schedule of the rate that will be charged by the applicant for the various categories of customers within the city;
- (4) Evidence of compliance with the other applicable sections of this chapter.
- (5) Payment of a license fee as may be established by the City Council and amended from time to time.

(C) *Franchise.* The City Council may exercise its reserved right to contract with one or more operators for the collection of garbage and rubbish and recyclable materials within the city.

(D) *Suspension of license or contract.* A contract or license issued under the provisions of this section may be revoked or suspended for a violation of this chapter or other applicable regulations of law upon a showing that the contractor or licensee has failed to comply with that regulation.

(E) *Financial responsibility.* The licensee or contractor shall show financial responsibility or a certificate of insurance coverage prior to obtaining the license or franchise whereby each vehicle to be used by the licensee or contractor shall be covered against loss or injury in the following amounts: \$300,000 when the claim is one for death by wrongful act or omission and \$300,000 to any claimant in any other case; \$1,000,000 for any number of claims arising out of a single occurrence. The licensee or contractor shall hold the city harmless and agrees to defend and indemnify the city, and the city's employees and agents, for any claims, damages, losses, and expenses related to the work under the license or contract. The city shall be named as an additional insured under that insurance for the services provided under the license or contract. The licensee's or contractor's insurance shall be the primary insurance for the city and the licensee or contractor shall provide a certificate of insurance on the city's approved form which verifies the existence of the insurance required, including provisions to hold the city harmless and defend and indemnify the city. The licensee or contractor shall also provide evidence of workers compensation insurance for employees. These insurance policies shall be for the full term of the license or franchise and shall provide for the giving of ten days prior notice to the city of the termination or cancellation of these policies. In case any policies are terminated or canceled, the license or contract shall be automatically revoked upon receipt by the City Clerk of the termination or cancellation.

(F) *Design of equipment.* All trucks or motor vehicles used by the licensee or contractor shall be water-tight so as not to allow the leakage of liquids or refuse while hauling the same and shall be covered with a covering to prevent the scattering of its contents upon the public streets or private properties in the city.

(G) *Inspections.* All vehicles used for garbage or rubbish shall be made available for inspection within the city at the times and places as the City Council may designate.

(H) *Bond.* The contractor or licensee may be required to furnish a surety bond in an amount as the City Council deems necessary running to and approved by the City Council, guaranteeing the franchisee's or licensee's faithful and continuous performance of the terms of the franchise, license or contract and of this chapter.

SECTION 50.14 RECYCLING.

The City may charge all customers a basic fee for recycling service to be provided to each City residence.

SECTION 50.15 YARD WASTE.

Yard wastes must be separated from garbage and refuse and transported to an approved municipal or county site. Transportation is the property owner's responsibility. Nothing in this chapter shall be construed to prevent the collection for hire by other persons of leaves, trees or tree limbs.

Penalty, see Section 10.99.

SECTION 50.16 CITY DUMPSTER USE.

The Council ordains that the public use of any City dumpster shall be forbidden. Dumpsters located within a City park shall be for park use only.

Penalty, see Section 10.99