

## Section 605 - Garbage and Refuse

605.01. Definitions. Subdivision 1. Terms defined in this section have the meanings given them in this subsection.

Subd. 2. "Aluminum recyclables" means and includes aluminum foil and disposable containers fabricated primarily of aluminum and commonly used for soda, beer, or other beverages.

Subd. 3. "Collection" means the aggregation of waste from the place at which it is generated and includes activities up to the time when the waste is delivered to a "waste facility".

Subd. 4. "Collector" means a person who owns, operates or leases vehicles for the purposes of collection and transportation of any type of mixed municipal solid waste, recyclables or yard waste.

Subd. 5. "Compost container" means the city approved physical structure wherein the composting process takes place. (Added, Ord. No. 98-10)

Subd. 6. "Composted yard waste" means compostible organic materials such as grass clippings, leaves, weeds, straw or other forms of organic material derived from garden plants and plant material. It does not include trees, brush and other similar materials; nor does it include kitchen scraps, feces, or any other household wastes. (Added, Ord. No. 98-10)

Subd. 7. "Compostible material" means a humus (organic portion of soil) made from yard waste and used as a soil conditioner.

Subd. 8. "Composting" means a microbial process that converts yard waste to a useable organic soil amendment or mulch by providing adequate aeration, moisture, particle size, fertilizers and lime. Plant material that is neither contained or maintained as provided in this section is not compost. (Added, Ord. No. 98-10)

Subd. 9. "Garbage" means animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Subd. 10. "Generation" means the act or process of producing waste (as defined in Minnesota Statutes, section 115A.03, subdivision 11).

Subd. 11. "Generation" means the act or process of producing waste (as defined in Minnesota Statutes, section 115A.03, subdivision 12).

Subd. 12. "Glass recyclables" means and includes jars, bottles and glass containers which are transparent or translucent and primarily used for packaging and bottling of various matter.

Subd. 13. "Hauler" means a collector or transporter of mixed municipal solid waste, recyclable materials, or yard waste.

Subd. 14. "Metal recyclables" means and includes all disposable containers fabricated primarily of tin or any other metal other than aluminum.

Subd. 15. "Mixed municipal solid waste" means garbage, refuse and other solid waste from residential, commercial, industrial and community activities which is generated and collected in aggregate; the term does not include auto hulks or large auto parts, street sweepings, ash, construction debris, mining waste, sludges, tree and agricultural wastes, tires and other materials collected, processed and disposed of as separate waste streams.

Subd. 16. "Paper recyclables" means and includes paper of the type commonly referred to as newsprint. Expressly excluded, however, are all magazines or similarly constructed periodicals.

Subd. 17. "Recyclable materials" means materials that are separated from mixed municipal solid waste by the generator and include items of refuse designated by the Hennepin County Department of Environment and Energy to be part of an authorized recycling program and that are intended for transportation, processing and remanufacturing or reuse.

Subd. 18. "Recycling" means the process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes.

Subd. 19. "Refuse" means discarded waste materials in a solid or semi-liquid state, consisting of garbage, rubbish, or a combination thereof.

Subd. 20. "Rubbish" means nonputrescible solid wastes consisting of combustible and noncombustible materials, including yard waste.

Subd. 21. "Source separation" means the separation of recyclable materials and yard waste from mixed municipal solid waste at the source of generation.

Subd. 22. "Solid waste" has the meaning given it in Minnesota Statutes, section 116.06, subdivision 10.

Subd. 23. "Yard waste" means organic material consisting of grass clippings, leaves, and other forms of organic garden waste.

Subd. 24. "Corrugated cardboard" means heavy paper with alternating ridges and grooves for use in packing or boxing materials.

Subd. 25. "Commercial building" or "commercial property" means a structure being used (i) as a residential building with more than four housing units, or (ii) in a manner other than residential.

Subd. 26. "Container" means a dumpster, collection bin, collection box, tub, roll-off box, roll-off container, portable storage container or any other receptacle used to store construction, remodeling or demolition debris or any goods or materials being temporarily or permanently stored. This excludes primary rubbish removal for commercial purposes. (Added, Ord. No. 06-02)

605.03. Pre-collection and collection. Subdivision 1. Commercial pre-collection and collection. Commercial properties generating mixed municipal solid waste are required to have an operating recycling program approved by the city.

Subd. 2. Residential pre-collection and collection. For all persons who are owners, lessees, or occupants of any residential building wherein there are four or fewer housing units, yard waste must be separated from mixed municipal waste in accordance with rules, regulations and procedures adopted by the city for the separation of recyclable materials from mixed municipal waste. All refuse products must be kept, maintained or stored for pick-up in city approved containers, unless an appropriate amount of city solid waste stickers have been applied for collection. Unapproved containers include but are not limited to trailers, recreational vehicles or any motor vehicle. (Amended, Ord. No. 03-26)

Subd. 3. Recyclables.

- (a) Paper recyclables must be bundled separately or secured in such a manner as to prevent them from being blown or scattered, be maintained in as dry a condition as practicable free of any other substance, and may not be placed in plastic bags.
- (b) Aluminum recyclables must be clean of all contents and such recyclables shall not be placed in plastic bags.
- (c) Glass recyclables must be clean of all contents and may not be placed in plastic bags.
- (d) Metal recyclables must be clean of all contents and may not be placed in plastic bags.
- (e) Yard waste compostibles must be placed in separate containers.

Subd. 4. Recyclables, container requirements. Containers provided by owners, lessees, or occupants of commercial or residential buildings must be:

- (a) maintained in a clean and sanitary condition in accordance with all pertinent health statutes, ordinances, rules and regulations;
- (b) located in such a manner so as to prevent them from being overturned or obstructing pedestrian or motor vehicle traffic or being in violation of any statute, ordinance, rule or regulation; and
- (c) adequate and substantial enough to contain the recyclables therein. (Amended, Ord. No. 02-13)

Containers for recyclable material must be kept at or near a building using the same except on the day of collection. (Amended, Ord. No. 02-13)

Subd. 5. Non-recyclables.

- (a) The householder or occupant of a dwelling house, boarding house, restaurant or place of business, having garbage to dispose of, must provide containers with fly tight covers to receive all non-recyclable material that may accumulate between the times of collection.
- (b) Mixed municipal solid waste accumulated between the times of collection must be placed in said containers which may not contain any substance other than garbage. Water shall be drained off the garbage before it is placed in the containers.

- (c) Containers for non-recyclable material must be kept at or near a building using the same except on the day of collection. On the day of collection, containers used for collection of mixed municipal solid waste must be placed in a location accessible to collectors. (Amended, Ord. No. 02-13)
- (d) The code enforcement officer may require owners of dwellings or commercial structures at specific addresses to provide large dumpster-type rubbish containers. The dumpster-type rubbish containers must be rodent proof, well maintained, bear identification of the rubbish firm supplying the containers, including the phone number, and be provided with covers which owners and lessees can operate with no unusual physical effort. The rubbish haulers providing the dumpster service must provide collection service at least once every week and the dumpster or dumpsters must be of sufficient size to handle the accumulation of rubbish between collections. (Amended, Ord. No. 94-07)
- (e) The code enforcement officer shall require owners of dwellings or commercial structures at specified addresses to obtain a permit for temporary containers. No permit shall be granted for the right-of-way under this section. The permit fee is set by Appendix B. (Added, Ord. No. 06-02)

Subd. 6. Collection. The collection, removal and disposal of recyclables, yard waste and mixed municipal solid waste will be supervised by the city, the city may establish the time, method and routes of service. Special times for large item pick-up may also be established. Collection provisions include but not limited to the following:

- (a) Notice of dates and times of collection will be published or otherwise made available to persons affected herein.
- (b) The city may establish drop-off or collection sites where any person may deposit recyclables or yard waste at such times and locations as determined.
- (c) It is unlawful for any person other than employees of the city, or authorized persons, collectors or haulers to distribute, collect, remove or dispose of recyclable or non-recyclable materials after said materials or yard waste have been placed or deposited for collection. (Amended, Ord. No. 02-13)
- (d) Nothing in this section abridges the right of any person to give or sell their recyclable materials or yard waste to any recycling and composting program lawfully operated.
- (e) Nothing in this section abridges the right of any authorized recycling or composting program to lawfully operate within the city, subject to such other licenses or other regulations as may be required by law.
- (f) It is unlawful for a person to collect, remove, dispose or incinerate recyclables or yard waste in this city in a manner inconsistent with rules, regulations or procedures adopted by the city.

605.04. Yard waste composting. Subdivision 1. Purpose. Properly managed yard waste composting provides valuable nutrients for gardens. Improperly managed operations can cause objectionable odors, rodent harborages, and unsightly waste piles. The purpose of this section is to describe acceptable composting operations. Composting is a microbial process that converts plant materials to a usable organic soil amendment or mulch. (Added, Ord. No. 98-10; Amended, Ord. No. 10-06)

Subd. 2. Requirements for properly managed compost operations. Location: Compost containers shall be located in rear yards only and at least two feet from the hard surface of an alley. Compost containers may be no closer than **30 feet** from any residential dwelling located on an adjacent property. Said **30 feet** to be measured horizontally to the foundation of the nearest living space within the structure from the nearest edge of the proposed compost pile location. (Amended, Ord. No. 10-06)

- a) Compost containers: Composting shall be conducted within an enclosed container(s) not to exceed five-feet by five-feet by three-feet (height) for lots less than 5,000 square feet, two five-foot by five-foot by three-foot (height) containers for lots 5,000 to 10,000 square feet, and three five-foot by five-foot by three-foot (height) containers for lots larger than 10,000 square feet. Containers shall be of a durable material including, but not limited to, sturdy woven wire fencing, rot-resistant wood, or a commercially purchased composting unit which will provide for adequate aeration. Containers shall be constructed and maintained in a structurally sound manner. (Added, Ord. No. 98-10; Amended, Ord. No. 10-06)
- b) Compost materials: Only grass clippings, leaves, weeds that have not gone to seed, nondiseased plants, trimmings less than one-fourth inch in diameter, straw, sawdust, wood ashes, fruit or vegetable scraps, coffee grounds, eggshells, and commercially available compost ingredients may be placed in the compost container(s). Meat, bones, fat oils, grease, dairy products, feces, plastics or synthetic fibers shall not be placed in the compost container(s). (Added, Ord. No. 10-06)
- c) Maintenance: Compost materials shall be layered, aerated, moistened, turned, managed and covered during inclement weather to promote effective decomposition of the materials in a safe, secure and sanitary manner. (Added, Ord. No. 10-06)

Subd. 3. Informational materials. (Added, Ord. No. 98-10; Deleted, Ord. No. 10-06)

Subd. 4. Violations. It is unlawful to carry out composting operations in violation of the requirements of this section. In addition to the other remedies available, such violation may be abated as a public nuisance under section 2020.01 of this code. (Added, Ord. No. 98-10)

605.05. Licensing of collection, hauling or conveying of mixed municipal waste. Subdivision 1. License required. It is unlawful to engage in collecting, hauling or conveying rubbish, garbage or other refuse in the city unless a license is secured therefor as provided in this section.

Subd. 2. Application for license. Application for a license to collect, haul or convey rubbish, garbage or other refuse in the city is made in writing, filed with the city clerk, and state the name and address of the applicant, the types and makes of equipment to be used, a schedule of charges for the performance of services, and full information as to where and how such rubbish, garbage or other material must be disposed of. The applicant must provide a certificate of insurance with the city with public liability insurance of not less than \$1,000,000 combined single limit issued by an insurance company authorized to do business in the state of Minnesota. The insurance policy must provide for the giving of 30 days prior notice to the city of the termination or cancellation of the policy. (Amended, Ord. No. 03-22)

Subd. 3. License fee. The annual license fee for a license is set by Appendix B.

Subd. 4. Term and issuance of license. Licenses expire annually on December 31. Applications for licenses will be considered by the city council and, if approved by the city council, a license will be issued by the city clerk. Licenses are not transferable. (Amended, Ord. No. 03-22)

Subd. 5. Equipment of collector. A licensed garbage collector must provide a covered tank or wagon, so constructed that the contents will not leak or spill therefrom, in which garbage collected must be conveyed to the place designated in the license application. The wagon or conveyance used shall be kept clean and as free from offensive odors as possible, and may not be allowed to stand in a street, alley or public place longer than is reasonably necessary to collect garbage.

Subd. 6. Garbage collections. Garbage collections must be made under such terms and at such times and frequencies as may be designated from time-to-time by the council.

Subd. 7. Garbage and refuse dumping. The depositing of or dumping of garbage, refuse or rubbish within the city is prohibited; provided, however, that dumping or depositing of garbage, refuse or rubbish may be permitted by special permit issued by the council and upon such terms and conditions as it deems necessary and specified in the permit in the interests of the general health, safety and welfare.

605.07. Violation and penalty. Subdivision 1. It is unlawful to fail to dispose of mixed municipal solid waste which may be or may accumulate upon property owned or occupied, in accordance with the provisions of this section.

Subd. 2. A person violating a provision of this section is guilty of a misdemeanor.

605.09. Enforcement. It is the duty of the code enforcement officer to enforce the provisions of this section.