

CHAPTER 50: GARBAGE AND REFUSE

Section	Page
§ 50.01 DEFINITIONS.....	1
§ 50.02 GENERAL REGULATIONS.....	1
§ 50.03 DISPOSAL REQUIRED.....	2
§ 50.04 CONTAINERS.....	2
§ 50.05 LICENSED COLLECTION	3
§ 50.06 RATES AND CHARGES.....	4
§ 50.07 VIOLATIONS.....	5

GARBAGE AND WASTE DISPOSAL

§ 50.01 DEFINITIONS

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

Container. This term includes refuse, garbage, recycling, and yard waste containers.

Garbage. Organic waste resulting from the preparation of food and decayed and spoiled food from any source.

Recyclables. This term includes paper, plastic, tin cans, aluminum, motor oil, glass and other metal goods, each separated or otherwise prepared so as to be acceptable to the recycling center where they are to be deposited.

Recycling Center. Premises within the city approved by the Council for receipt, storage and process of recyclables and premises outside the city approved as a recycling center by the local governmental unit having jurisdiction.

Refuse. This term includes garbage and rubbish but shall not include sewage.

Rubbish. Nongarbage solid waste such as tin cans, glass, paper, sweepings, clippings, ash and the like.

Yard Waste. Vegetative or organic material produced from the care and maintenance of landscaped areas, gardens and lawns. This includes weeds, leaves, grass clippings, dead flowers and plants, pruned branches and stems, roots, and Christmas trees.

§ 50.02 GENERAL REGULATIONS

(A) *Accumulation of waste.* Any unauthorized accumulation of refuse on any premises is a nuisance and prohibited.

(B) *Refuse in streets and the like.* No person shall place any refuse in any street, alley or public place or upon private property except in proper containers for collection or other lawful disposal. No person shall throw or deposit refuse in any stream or other body of water.

(C) *Scatter of refuse.* No person shall deposit anywhere within the city any refuse in such manner that it may be carried or deposited by the elements upon any public place or any other premises within the city.

(D) *Burying of refuse.* No person shall bury any refuse in the city except in an approved sanitary landfill.

(E) *Composting Materials.*

(1) Compost must be fully confined within fencing or an enclosed structure no larger than 4 feet high and 250 cubic feet in area.

(2) Compost shall not be located in the front yard and must be located at least 5 feet from side and rear property lines.

(3) Compost materials shall be regularly mixed and shall not include items such as meat, bones, grease, whole eggs, dairy products and feces.

(4) Compost materials which cause undue odor or rodent harborage may be removed as directed by the City.

§ 50.03 DISPOSAL REQUIRED

Every person shall, in a sanitary manner, store and dispose of refuse that may accumulate upon property owned or occupied by him or her in accordance with the terms of this subchapter. Garbage shall be collected or otherwise lawfully disposed of at least once every two weeks. The owner of any property shall be responsible for keeping such property in accordance with this subchapter and free from refuse violations including vacant land and property.

§ 50.04 CONTAINERS

(A) *General requirement.* In all zoning districts, all waste material, debris, refuse, recycling materials or garbage shall be properly stored in a closed container designed for such purposes and screened in accordance with this section. No refuse materials may be stored outside of the containers. All normal accumulations of refuse shall be deposited in such containers, except that leaves, trimmings from shrubs, grass clippings, shavings, excelsior and other rubbish of similar volume and weight may be stored in closed containers not meeting the requirements of division (B) of this section and be properly collected, removed, and disposed.

(B) *Container requirements.* Each container shall be watertight, shall be impervious to insects and rodents and shall be fireproof. Containers shall be maintained in good and sanitary condition. Any

container not conforming to the requirements of this chapter, having ragged or sharp edges or any other defect likely to hamper or injure the person collecting the contents shall be promptly replaced after notice by the city.

(C) *Placement.* Refuse or recyclable material containers shall be located within rear or interior side yards. No refuse or recyclable material containers shall be located within any front or corner side yard except if they are stored immediately in front of and adjacent to the garage on a residential property and as identified in (1) below.

(1) R-1, R-1A, R-2 Zoning Districts and Residences within BT Zoning. The total number of containers stored outdoors shall be limited to four containers. Individual containers larger than 96 Gallons are prohibited. Only three of the containers may be visibly stored immediately in front of and adjacent to the garage. Any additional containers must meet the requirements of subpart D below. If a residence has more than four (4) containers, then those must be stored in an enclosed building.

(2) *Home Occupations within BT Zoning District.* Any Home Occupation with containers of 96 Gallons or less must meet Subpart C.1. Any Home Occupation wishing to have a container larger than 96 Gallons must first have said container approved by the City via an Interim Use Permit and meet subpart D below.

(D) *Screening.* All trash handling, recyclable material containers and equipment shall be fully enclosed by a gated opaque fence or wall of a sufficient height to completely screen such containers from eye-level view by all adjoining properties and all streets. The screening devices shall be designed so that they are architecturally harmonious with the principal structures of the site. This subpart shall not apply to those containers which are 96 Gallons of capacity or smaller in the R-1, R-1A, R-2 Zoning Districts and Residences within BT Zoning district; or to those containers used on a temporary basis for a construction or disposal activity, commonly called "roll-off dumpsters".

(E) *Roll-off Dumpsters.* Large removable dumpers over 96 gallons, commonly called "roll-off dumpsters", are allowed in all zoning districts on a temporary basis. If a landowner wishes to possess a roll-off dumpster on a site for more than 90 days, an Interim Use Permit is required.

(F) *Curb Collection.* The container(s) shall be placed at the front property line for collection but shall not be so placed before 8:00 p.m. the night before collection and shall be removed by 8:00 p.m. the day of collection.

(G) *Use of containers.* Refuse shall be drained of liquid and household garbage shall be wrapped before being deposited in a container. Highly inflammable or explosive material shall not be placed in containers.

§ 50.05 LICENSED COLLECTION

(A) *License required.* No person shall collect refuse within the city without a license from the City Council. No person shall permit garbage/refuse to be picked up from his or her premises by an unlicensed collector.

(B) *Terms.* The license shall be made for a term of no more than five years, subject to extension by mutual consent and to termination during the period of the license as provided in the license.

(C) *Limitations.* A maximum of three licenses for garbage/refuse, yard waste, and recycling may be issued by the City Council for collection during the period of the license from premises within the city defined by the Council. Of the three licenses that may be issued, only two of the licenses will be for residential service.

(D) *Insurance.*

(1) Before the license shall be issued, the licensee shall agree to hold the city harmless and shall agree 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. The city shall be named as an additional insured under that insurance for the services provided under the license. The licensee's contract of insurance shall be the primary insurance for the city and the license or insurance company shall provide a certificate of insurance which verifies the existence of the insurance required, including provisions to hold the city harmless and defend and indemnify the city, The insurance shall provide coverage up to the State of Minnesota's statutory municipal tort liability limits for any single claim and for any number of claims in a single occurrence.

(2) Each policy shall expressly provide that the city be given ten days notice of any termination or cancellation of the coverage. The license shall terminate upon termination of the required insurance coverage.

(E) *Licensed fees.* Licenses shall be issued for a period of not more than five years with an annual license fee as set forth by ordinance or resolution, or by contract.

(F) *Vehicles.* Each refuse collection vehicle shall be marked on the outside so as to identify the licensee. Every vehicle used for hauling garbage shall be covered, leak-proof, durable and of easily cleanable construction. Every vehicle used for hauling refuse shall be sufficiently air tight and so used as to prevent unreasonable quantities of dust, paper or other collected materials to escape. Every vehicle shall be kept clean to prevent nuisances, pollution or insect breeding and shall be maintained in good repair.

(G) *Licensed collector.* No person shall collect refuse within the city except the person holding a license with the city to do so. No person shall permit refuse to be picked up from his or her premises, except by such a licensed collector.

(H) *Refuse collection schedule.* The licensed collector shall collect refuse in the city at least once a month from residences, except those residents who notify the City Clerk-Administrator in writing that they do not want refuse collection service.

§ 50.06 RATES AND CHARGES

Rates for collection service charged by the licensed collector shall not be in excess of the rate fixed

from time to time by resolution or ordinance of the Council.

§ 50.07 VIOLATIONS

It shall be a violation of this subchapter for any owner, occupant, resident or premises who have notified the city that such owner, occupant, resident or premises does not desire refuse collection service to deposit garbage, refuse or rubbish for disposal in a container of any other owner, occupant, resident or premises served by the refuse collection service.