

CHAPTER 6 GARBAGE AND REFUSE

Section 600 - Refuse

600.01 Definitions. Unless the context otherwise indicates, the following terms have the meanings stated:

Subd. 1 Refuse. Refuse means all solid waste products, or those having the character of solids rather than liquids, in that they will not flow readily without additional liquid, and which are composed wholly or partly of such materials as garbage, swill, sweepings, cleanings, trash, rubbish, litter, industrial solid wastes or domestic solid wastes; organic wastes or residue of animals sold as meat, fruit or other vegetable or animal matter from kitchen, dining room, market food establishment or any place dealing in or handling meat, fowl, grain or vegetables; offal, animal excreta, or the carcasses of animals; tree, shrub or grass trimmings or clippings; brick, plaster or other waste matter resulting from the demolition, alteration or construction of buildings or structures; accumulated waste materials, cans, containers, tires, junk or other such substance that may become a nuisance.

Subd. 2 Garbage. Garbage includes every accumulation of animal, vegetable or other matter that attends the preparation, consumption, display, dealing in or storage of meat, fish, fowl, birds, fruit or vegetables, including the cans, containers or wrappers wasted along with such materials.

Subd. 3 Swill. Swill includes that particular garbage that is wholly or nearly edible and usable as a food, has food value for animals or fowl and accumulates from animal, vegetable or other matter wasted from clubs, hotels, hospitals, restaurants and public eating places.

Subd. 4 Rubbish. Rubbish includes wood, leaves, trimmings from shrubs, dead trees or branches, shavings, sawdust, excelsior, wooden ware, printed matter, paper, paper board, pasteboard, grass, rags, straw, boots, shoes, hats and all other combustibles not included under the term garbage.

Subd. 5 Waste Matter. Waste matter includes matter composed of soil, earth, sand, clay, gravel, lime, stone, brick, plaster, crockery, glass, glassware, ashes, cinders, shells, metal and all other noncombustible material which has been or is to be discarded.

Subd. 6 Recyclable Materials. Recyclable materials include paper, plastic, tin cans, aluminum, glass and cardboard; each separated and cleaned or otherwise prepared so as to be acceptable for curbside recycling or transportation to the recycling center where it is to be deposited.

Subd. 7 Recycling Center. Recycling center means premises used for receipt, storage and processing of recyclables.

Subd. 8 Residential Premises. Residential premises means any single building consisting of four (4) or less separate dwelling places with individual kitchen facilities for each.

600.02 Disposal and Containers.

Subd. 1 Refuse Containers Required. The owner of any private dwelling, the keeper or manager of any hotel, motel, restaurant, eating house, or boarding house, or any building where meals are served, the owner of any flat or apartment house, trailer camp or auto court, and any other person having refuse as defined in this Chapter, shall provide and keep on such premises sufficient containers for the storage of all refuse accumulated on the premises between collections. Each such container shall be water tight, shall have a tight fitting lid, shall be impervious to insects, rodents, vermin and absorption of moisture, shall be fire proof and shall not, in the case of residential premises only, exceed 32 gallons in size. Nothing in this Chapter shall be deemed to require the storage in containers of any refuse which is immediately consumed or disposed of on the premises in a multiple chamber gas fire incinerator of a type approved by the Health Authority of the County of Anoka.

Subd. 2 Use of Refuse Containers. All refuse on any premises shall be stored in the containers required by Subd. 1.

Subd. 3 Placement of Containers. The containers shall be placed in the rear of the premises, or may be placed in the side yard set back if screened so as to be out of view from the street and from adjoining properties or in a garage located on the premises. In no event shall containers be placed next to the street or curb or be placed or maintained in such a way as to unreasonably interfere with the use of adjoining property.

Subd. 4 Defective Containers. Whenever a container is in poor repair, is corroded or otherwise defective so as to permit insects, vermin or rodents to enter, or does not meet any other requirements of this Section, the collector shall notify the City Clerk-Treasurer/Administrator in writing on forms furnished by the City. The collector shall affix a copy of said notice to the container. The notice shall state the deficiency and shall require repair or replacement. Upon the next collection, if the deficiency has not been corrected, the collector shall notify said City Clerk-Treasurer/Administrator. The Chief of Police shall then inspect said container and, if found deficient, condemn the container. The collector shall not collect the contents of any container marked as condemned.

Subd. 5 Burying of Refuse. No person shall bury any refuse in the City.

Subd. 6 Refuse Collection. The contents of the containers shall be collected at least once every week by a collector licensed under this Chapter. The collector shall transfer the contents of each container to his/her vehicle without spilling them, or, if any spilling

occurs, the collector shall clean it up completely. Upon such collection, each container shall be completely emptied and returned to curbside and the lid of the container shall be replaced.

Subd. 7 Litter. Minn. Stat. Sec. 609.68 is hereby adopted by reference and shall be in full force and effect in the City as if set out here in full.

600.03 Unauthorized Accumulation. Any unauthorized accumulation of refuse on any premises not stored in containers that comply with this Section, or any unauthorized accumulation of refuse on any premises, is hereby declared to be a nuisance and shall be abated by order of the City Clerk-Treasurer/Administrator or his or her designee. The cost of abatement may be assessed on the property where the nuisance was found, as provided in this section.

600.04 Licensed Collectors.

Subd. 1 License Required. No person shall collect refuse within the City without a license from the Council. No person shall permit refuse to be collected from his/her premises by an unlicensed collector. Licenses shall be applied for and issued pursuant to Section 350 of this Code.

Subd. 2 Refuse Collector Conveyance. Each licensed garbage collector shall provide a conveyance so constructed that the contents will not leak or spill during collection or on route to the place designated in his/her application as the place of disposal.

Subd. 3 Surety Bond. The Council may require of each collector a surety bond to guarantee faithful and continuous refuse collection service under the conditions imposed by the ordinances of the City and the lawful orders, rules and regulations of the City.

Subd. 4 Insurance. No license shall be issued until the applicant has placed on file with the City Clerk-Treasurer/Administrator a certificate or certificates of insurance indicating that there is in effect public liability insurance covering any damages arising out of the use and operation of any and all devices and facilities operated in connection with the applicant's business. Such insurance shall be in the minimum amount of \$100,000 for each person, and \$300,000 for each accident.

Subd. 5 Cancellation of Service. The collector shall cancel service to any premises when the only container or containers have been condemned. The collector may cancel service when the party who is obligated to pay the collector is two (2) months or more overdue in paying for such service. When any collector cancels service to any premises, written notice thereof shall be served upon or mailed to the occupant, manager, or owner of the premises and a copy of the notice shall be mailed to the City Clerk-Treasurer/Administrator.

600.05 Contract For Refuse Collection From Residential Premises Only.

Subd. 1 Council to Let Contract. Subject to the provisions of this Section, the Council shall grant, by contract let to the lowest responsible bidder in accordance with law, the authority to collect and dispose of all refuse originating on residential premises located within the City.

Subd. 2 Preparation and Execution of Contract. The City Clerk-Treasurer/ Administrator shall prepare specifications for advertising for bids for such contract and shall see that, when let, the contract is executed in accordance with its terms and the terms of this Code.

Subd. 3 Collection Exclusively by Contract Collector. No person shall collect refuse from residential premises within the City, except a person holding a contract with the City to do so. No person shall permit refuse to be picked up from residential premises owned or rented by him/her except by such contractor. The City Council may by resolution exempt townhouses consisting of greater than four units from the requirements of this subdivision 3.

Subd. 4 Service Charge. The City Council shall by resolution establish a system of service charges for refuse collection that, at a minimum, compensates for the cost of providing standard service with a volume-based limit of 64 gallons per week. Such charges shall also provide for a sticker system that provides for disposal of amounts other than 64 gallons as well as other residential extras. In addition, such charges shall also provide for a fall and spring leaf disposal and weekly curbside recycling.

Subd. 5 Billing. The service charge shall be billed as a separate entry on the utility bill of each residential property owner whose property is served by a person holding a refuse collection contract with the City.

Subd. 6 Payment. Service charges shall be payable at the same time as bills for utility service and subject to the same conditions of payment. If any charge is unpaid on September 1 of any year, the Council shall levy an assessment equal to the unpaid charge as of that date, plus interest from that date at a rate fixed from time to time by resolution of the City Council plus a penalty of ten percent (10%). The City Clerk-Treasurer/Administrator shall certify the assessment to the county auditor for collection in the same manner as assessments for local improvements.

Subd. 7 Fund. All service charges shall be deposited in the general fund.

Subd. 8 Applicability of Provisions Governing Licensed Collectors to Contract Collector. Collectors that enter into contracts with the City for the collection of refuse from residential premises must also secure a license pursuant to 600.04. The provisions of this Section governing licensed refuse collectors shall also apply to contract collectors,

except that there shall be no cancellation of service to residential premises served by a contract collector where the owner of such premises is two months or more overdue in paying the service charge to the City.

Section 605 - Solid Waste and Recycling Management

605.01 Definitions. Unless the context otherwise indicates, the following terms have the meanings stated:

Subd. 1 Household Hazardous Waste. Includes household chemicals that have the potential to pollute the environment. The characteristics of the substances will be considered hazardous if one or more of the following could occur: catch fire; become acidic or caustic; toxic, long and short term, from exposure; produces toxic leachate; explosive or reactive; potential to initiate fires,

Subd.2 Industrial Waste. Waste that is generated by business or industry.

Subd.3 Littering. The placing of refuse, debris, waste or similar material, hereafter referred to as litter materials, on properties, roadways and right-of-ways other than that owned by the owner or carrier of said litter, either by deliberate act or by being dropped or blown from a vehicle while being transported due to failure to take proper safeguards to prevent the same.

Subd. 4 Putrescible Material or Garbage. Solid waste which is capable of becoming rotten or which may reach foul state of decay or decomposition.

Subd. 5 Recyclables. Those materials named by resolution and accepted by the recycling collection service to be separated from the solid waste stream.

Subd. 6 Recycling Collection Service. Any commercial or business established to collect, transport process, store, redeem or dispose of recyclables.

Subd. 7 Refuse. Putrescible and non-putrescible solid wastes, including but not limited to garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, market and industrial solid wastes, and sewage treatment wastes which are in a dry form

Subd. 8 Residential Property. All occupied single family residence, multiple residential unit apartments, mobile homes, mobile home parks and residential nursing homes.

Subd. 9 Solid Waste. Garbage, refuse and other discarded solid materials, including solid waste materials resulting from industrial, commercial, agricultural operations, residential uses, and community activities, but does not include earthen fill, boulders, rock and other materials normally handled in construction operations, animal waste used as fertilizer, any permitted material disposed of as soil amendment, solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, wastewater effluent, dissolved materials, suspended solids in irrigation return flows, or other water pollutants.

Subd. 10 Solid Waste Collection Service. The collection and transporting of solid waste generated in Eagle Bend by a Todd County licensed hauling service contracted by the City.

Subd. 11 Toxic or Hazardous Wastes. Substances, whether in liquid, gaseous or solid form, which when collected, stored, transported, or disposed of, may be acutely toxic to humans, or other animals, or plant life, or be directly damaging to property including, but not limited to, pesticides, acids, caustics, pathological wastes, radioactive materials, flammable or explosive materials, and similar noxious substances.

Subd. 12 White Goods. Such household items as stoves, refrigerators, washers, dryers, hot water heaters, furnaces, air conditioners, dishwashers, and freezers.

Solid Waste and Recycling Management

Subd. 13 Yard Waste. Includes leaves, trees (branches, twigs, stumps, roots, and trunks), garden waste and grass clippings.

605.02 Mandatory Collection of Recyclables and Garbage. Commencing September 1, 2017 the occupants of each residence and residential unit to include but not limited to: single family residence, multiple residence unit apartments, mobile homes, mobile home parks and residential nursing homes shall participate in mandatory collection of garbage, refuse and those recyclable materials designated by Council Resolution to be included as an attachment to this section and updated periodically to reflect rate increases.

Subd. 1. All recyclable material shall be separated from other garbage and refuse and handled in the manner described in the Resolution on mandatory recycling.

Subd. 2. All non-recyclable material (i.e. mixed municipal solid waste) shall be grouped together and placed in one or more containers, the size, style and provision for which shall be described in the Resolution on Recycling and Solid Waste Management attached to this section, for the mandatory collection by a Todd County permitted and licensed solid waste collection service. Non-recyclable material shall be distinguished as being identical to the Minnesota Pollution Control Agency's definition of solid waste refuse, putrescibles and garbage.

Subd. 3. The power to establish levy's and assessment fees to procure services for the City of Eagle Bend to ensure the proper management of solid waste and recyclables through mandatory collection is authorized through this section.

- A. The City will bill the residential property tenant. In the event that the tenant fails to pay for services the property owner will be assessed on the yearly property tax statement.
- B. A variable rate of household service fees will be described by Resolution.

Subd. 4. The solid waste collection service contracted by the City of Eagle Bend will be responsible for the collecting of solid waste and will transport the waste to Minnesota Pollution Control Agency permitted disposal site.

Subd. 5. The recycling material collection service contracted by the City will be responsible for the collection of the recyclable material and for the disposal of the recyclable material.

Subd. 6. Mixed municipal solid waste excludes tires, oil, batteries, white goods, yard waste, household hazardous waste, infectious waste, hazardous waste and industrial waste, as defined by the Minnesota Pollution Control Agency (MPA). It shall be illegal for any person to put the above items in containers used for collection of mixed municipal solid waste.

Subd. 7. Materials Ownership. All recyclable materials and solid waste placed for collection shall be owned by, and be the responsibility of, the occupants of the residential properties (residents) until they are collected by the Contractor. The recyclable materials become the property and responsibility of the contractor upon the Contractor's acceptance and collection of said items. Theft of this property will be considered a misdemeanor.

Subd. 8. The City has the power to name a party responsible for enforcement of this section by Resolution.

605.03 Littering. In order to promote public safety, health, peace, and welfare by regulating the hauling and transportation of garbage and other waste material, the City Council of Eagle Bend,

Minnesota does ordain:

Subd. 1. It shall be unlawful for anyone to litter within the City limits of Eagle Bend and vehicles used to transport shall be loaded and moved in such a manner that said litter will not fall, leak or spill therefrom, and shall be covered to prevent the blowing of material. Where spillage does occur, the material shall be picked up immediately by the transporter and returned to the vehicle and/or container, and the area properly cleaned.

Subd. 2. All vehicles and container used for the collection and transportation of toxic or hazardous wastes shall be durable, enclosed and leak proof and shall be constructed, loaded, moved and unloaded in a safe manner and in compliance with the applicable regulations or federal, state and local governments and their regulatory agencies.

605.04 Violations.

Subd. 1. Violations of this section shall be considered a misdemeanor.

605.05 Minimum Standards. Where the conditions imposed by any provision of this section are either more restrictive or less restrictive, than comparable conditions imposed by any other provision of this section or any other applicable law, ordinance, rule and regulation, the provision which establishes the higher standards for the promotion and protection of the public health, safety and general welfare shall prevail.