

## **Chapter 32 SOLID WASTE\***

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**\*Cross reference(s)**--Buildings and building regulations, ch. 10; environment, ch. 22; utilities, ch. 42.

**State law reference(s)**--Waste management generally, M.S.A. ch. 115A; authority to regulate solid waste disposal, M.S.A. § 412.221, subd. 22; rubbish removal by municipalities, M.S.A. § 443.015 et seq.

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### **ARTICLE I. IN GENERAL**

**Secs. 32-1--32-30. Reserved.**

## **ARTICLE II. REFUSE COLLECTION AND DISPOSAL**

### **Sec. 32-31. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Garbage* means organic waste resulting from the preparation of food and decayed and spoiled food from any source.

*Recyclables* include 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* means premises used for the receipt, storage or processing of recyclables and approved as such by the council when the premises are in the city or by the governing body of the local government unit having jurisdiction when the premises are outside the city.

*Refuse* includes garbage and rubbish.

*Rubbish* means inorganic solid waste such as tin cans, glass, paper, ashes, sweepings, etc.

(Code 1987, § 502.01)

**Cross reference(s)**--Definitions generally, § 1-2.

### **Sec. 32-32. Unauthorized accumulation.**

Any unauthorized accumulation of refuse on any premises is a nuisance and prohibited.

(Code 1987, § 502.02(1))

### **Sec. 32-33. Refuse in streets, other public places.**

No person shall place any refuse in any street, alley or public place or upon any private property except in proper containers for collection. No person shall throw or deposit refuse in any stream or other body of water.

(Code 1987, § 502.02(2))

### **Sec. 32-34. Scattering 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 or private premises within the city.

(Code 1987, § 502.02(3))

**Sec. 32-35. Burying of refuse; composting.**

No person shall bury any refuse in the city except in an approved sanitary landfill; but leaves, grass clippings, and easily biodegradable, nonpoisonous garbage may be composted on the premises where such refuse has been accumulated.

(Code 1987, § 502.02(4))

**Sec. 32-36. Disposal required.**

Every person shall dispose of refuse that may accumulate upon property owned or occupied by him in a sanitary manner. Garbage shall be collected, or otherwise lawfully disposed of, at least once each week during the months of May through September and at least once every week during other months. Every household occupant, and owner of any residence shall use the garbage and refuse collection service provided by the city.

(Code 1987, § 502.03)

**Sec. 32-37. Licensed collectors.**

- (a) *License required.* No person shall permit refuse to be picked up from his premises by an unlicensed collector.
- (b) *Collectors.* Collectors of refuse other than the municipal collection service shall be licensed by the county under their licensing provisions. They shall be contracted with those properties that they service under the provisions of their specific licenses. Collectors shall service commercial and industrial clients only within the corporate limits of the city.

(Code 1987, § 502.05)

**Cross reference(s)**--Businesses, ch. 12.

**Sec. 32-38. Municipal collection.**

- (a) *City system established.* There is established a municipal system for the collection and disposal of refuse accumulated within the city. Any person may transport recyclables to a recycling center; but otherwise no person except an authorized city employee shall collect, convey over any street or alley of the city, or dispose of any refuse accumulated in the city except as provided in section 32-35.
- (b) *Responsibility of city system.* The public works superintendent shall supervise and control the collection and disposal of refuse. In accordance with regular personnel and purchasing procedures, he shall employ necessary personnel and acquire necessary equipment to provide for the collection and disposal of refuse accumulated within the city. Subject to council approval, he may adopt rules and regulations necessary to supplement the provisions of this article.

(Code 1987, § 502.06)

**Sec. 32-39. Rates and charges.**

- (a) *Schedule.* The owner or occupant of any premises served by the city refuse collection system shall pay to the city a service charge assessed in accordance with the rates that the council by resolution may establish periodically. This rate schedule shall be updated accordingly with council resolution.
- (b) *Billing.* The service charge shall be made to the owner or occupant of each building or housing unit served. If the building is served by city water or sewer, the refuse collection charge shall be billed as a separate entry on the water or sewer bill. If the premises are not so served, the refuse collection charge shall be separately billed by the administrative clerk-treasurer.
- (c) *Payment.* Services charges shall be payable at the same time as bills for water service and subject to the same conditions of payment. If any charge is unpaid on September 1 of any year, the council may levy an assessment equal to the unpaid charge of that date. The administrative clerk-treasurer shall certify the assessment to the county auditor for collection in the same manner as assessments for local improvements.
- (d) *Fund.* All service charges shall be deposited in a separate fund designated as the refuse fund.

(Code 1987, § 502.07)

**Sec. 32-40. Refuse collection schedule.**

The municipal collection service shall collect refuse from premises once weekly.

(Code 1987, § 502.08)

**Sec. 32-41. Collection vehicles.**

Every refuse collection vehicle shall be lettered on the outside so as to identify the licensee (contractor). Every vehicle used for hauling garbage shall be covered, leakproof, durable, and of easily cleanable construction. Every vehicle used for hauling refuse shall be sufficiently airtight 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.

(Code 1987, § 502.09)

**Sec. 32-42. Official refuse package.**

- (a) *Establishment.*
  - (1) There is established an official refuse package. Such package shall be as established by the city council for the collection of refuse. It shall be the only package acceptable for curbside collection by the public works department.

- (2) No package that is set out for curbside collection shall be filled to in excess of 40 pounds total weight, or left with the top untied. Package weight greater than 40 pounds or packages not tied at their opening shall be deemed nonconforming and subject to the provisions of subsection (c) of this section.
- (b) *Noncurbside disposal.* The acceptance of refuse in the city collection vehicle at any time shall be limited to only that which is contained in the official refuse package.
- (c) *Nonconforming refuse package.* Any refuse disposal which is not in conformance with this section shall be at the discretion of the public works superintendent as to acceptance and compensation to the city. All nonconforming refuse is excluded from curbside collection and is to be transported by the individual for disposal at the collection vehicle as the vehicle is made available to the public (Saturday mornings), at which time the individual can load the nonconforming package into the rear collection hopper of the refuse truck for disposal. Any such nonconforming refuse will be confined to individual residents and their personal rubbish generated within the city. Any person generating rubbish in the course of business is required to provide for disposal by means other than the city refuse department unless such waste is contained within an official refuse package.

(Code 1987, § 502.10(2)--(4); Ord. of 5-13-1997)

#### **Sec. 32-43. Charges and payment.**

The official refuse package shall be made available to all residents by the city and/or its agents. The point source collection of package sale receipts shall become the method of payment for city refuse disposal. The price per package will be established by the city council periodically so as to assure the financial capacity for the continued operation of the refuse department.

(Code 1987, § 502.10(5))

#### **Sec. 32-44. Commercial refuse service in residential areas limited.**

- (a) No commercial hauler shall supply a refuse container or service to a property that utilizes that container or service to a large degree for the disposal of typical household wastes, with the exception of apartment complexes of eight or more units; and no private commercial hauler's refuse container shall be allowed in any city residential zone for a period in excess of 60 days, and then only for the purposes of one-time cleanup projects such as new construction.
- (b) The only exceptions to the no private commercial hauler refuse container in a residential neighborhood rule shall be:
  - (1) Institutions, such as a church or school which due to normal operations as a church or school produces large quantities of food and food service wastes; and
  - (2) Apartment complexes with eight or more household units.

(Res. of 5-9-1995)