

Ordinance No. 9741
Adopted by cc 12-1-98

Chapter 8 – Solid Waste

Section 800.01 – Environmental Management Commission

Subd. 1. Commission Established

An Environmental Management Commission for the City is hereby established.

Subd. 2. Purpose of the Commission

The general purpose of the Commission is to assist the City Council in establishing plans, policies, and procedures in matters affecting the environment. This will include, but not be limited to: the orderly disposal of solid waste, recycling, composting, storm water run off, water quality improvements, wetland conservation and management, air quality, ground water (drinking), tree preservation, and quality of the environment and natural resources. Additionally, the Commission may assist in educational tasks and other environmental interests and concerns that Council deems appropriate. All conclusions reached by the Commission shall serve as recommendations and powers of execution shall be vested in the Council.

Subd. 3. Composition of Commission; Appointment and Terms of Members¹

The Environmental Management Commission shall consist of nine ~~(9)~~ (5) regular members, appointed by the Council for three year (3) terms. The initial term for appointments to the Commission shall be staggered so that only three ~~(3)~~ (1) new appointments or re-appointments need to be made in any one year. Commission members must be voting age residents of the City. Vacancies during a term due to resignation or removal from the Commission shall be filled by a Council appointment for the remainder of the unexpired term. Resignation of Environmental Management Commission members shall be submitted in writing to the Council. A majority of the serving members shall constitute a quorum.

At their discretion, the Council may appoint up to two (2) ex officio members and up to two (2) student representatives to serve on the Commission. Such individuals shall serve in an advisory role without voting privileges and do not need to meet the age or residency requirements for a commissioner.

Subd. 4. Residency Requirement

No person appointed to represent the residents shall continue to serve on the Commission once that member has taken residence outside of the corporate limits of the City. A resignation shall be submitted to the Council in this instance.

Subd. 5. Organization of the Commission

Officers of the Environmental Management Commission shall be the Chair and Vice-Chair. These Officers shall be elected annually by the members of the commission at the first meeting in January. The Environmental Management Commission may elect such other officers as may be necessary and may give the Chair the authority to appoint and change committees if such appointments might become necessary. The Environmental Management Commission shall provide for the date, time and location for meeting.

Subd. 6. Commission Meetings and Records

The Environmental Management Commission shall hold regular meetings as established by the Commission and approved by the Council. These meetings shall be open to the public. The

¹ The number of members may be changed dependent upon the City's of Grant and Pine Springs desire to participate in this program with Lake Elmo.

Environmental Management Commission shall submit to the Council written minutes of its meetings and actions.

Subd. 7. Commissioner to Attend Council Meetings

The Environmental Management Commission shall have one or more of its members present at all pertinent Council meetings.

Subd. 8. Duties of Commission

It shall be the duty of the Environmental Management Commission:

1. To assist the Council in developing and reviewing policies, plans, reports, regulations, and other matters affecting solid waste disposal, recycling, composting, storm water run off, water quality improvements, or other areas affecting the environment that may be assigned by the Council.
2. To advise the Council and residents on solid waste disposal, recycling, composting, storm water run off, water quality improvements, or other issues affecting the environment.
3. To assist in the collection of background data to determine goals, policies, and programs that will maintain or improve the environment in the City.
4. To assist in preparing public education materials and methods on solid waste disposal, recycling, composting, storm water run off, water quality improvements, and other issues affecting the environment.
5. To recommend additional methods, policies, or procedures that will reduce the solid waste stream; expand recycling; and/or improve the orderly disposal of solid waste.
6. To hold public meetings.
7. To cooperate with other agencies, Commissions, and volunteer organizations to achieve common goals related to solid waste and the environment.

Subd. 9. Commission Expenditures

The expenditures of the Environmental Management Commission shall be within amounts appropriated for the purpose by the Council, provided, however, that all expenditures are duly authorized through normal administrative purchasing policies.

Subd. 10. Removal of Commission Members for Nonattendance

Given that the Council expects diligence in attendance by the members of the Environmental Management Commission at Commission meetings, excessive absences will be considered as grounds for removal from the Commission. Excessive absences may be considered as absence from more than one-third (1/3) of the meetings, or absence from three (3) or more consecutive meetings.

Section 800.02 – Garbage, Refuse, Waste Materials and Recycling

Subd. 1. Purpose.

The general purpose of this Section is for the following:

1. To protect the public health, safety, comfort, convenience, and general welfare of the residents of the City.

2. To establish powers, duties, rules, regulations, and standards for the removal of solid waste from the City.
3. To promote a program to reduce waste materials purchased and promote yard waste reduction through separation of recyclables, yard and garden wastes; and encourages the purchasing of products that contain recycled or recyclable materials.
4. To set minimum standards and requirements established by rules of the Minnesota Pollution Control Agency.
5. To adopt the plans, policies, rules, standards, and requirements of the Metropolitan Council and Washington County regarding solid waste.
6. To provide for the administration of this Section.

Subd. 2. State Rules Adopted

Solid Waste Rules 7035 of the Minnesota Pollution Control Agency are hereby adopted by reference as part of this Section, as they apply to cities.

Subd. 3. Metropolitan Council Plan Adopted

The Solid Waste Management Development Guide/Policy Plan of the Metropolitan Council of the Twin Cities Area, adopted March 1985, Publication No. 12-85-059, is hereby adopted by reference as part of this ordinance, as they apply to cities.

Subd. 4. Conflict

In case of conflict between this Section and the State Rules 7035, or the Metropolitan Council Plan, the wording and meaning of the State Rules 7035 or the Metropolitan Council Plan shall prevail.

Subd. 5. Definitions

Unless specifically defined in this Section, common definitions, words and phrases used in this Section shall be interpreted so as to give them the same meaning as they have in common usage throughout this Code. Definitions are found in Section 150.

Subd. 6. Required Collection of Mixed Municipal Solid Waste

Every residential dwelling, multiple dwelling, and commercial/industrial establishment must be under a contract for at least weekly collection of mixed municipal solid waste. A residential dwelling, multiple dwelling, or commercial/industrial establishment may apply to the Council or its designee for an exemption from this requirement if the applicant presents a plan, acceptable to the Council or its designee, to insure an environmentally sound alternative.

Subd 7. Disposal Requirements

1. It shall be unlawful for any person, firm or corporation to fail to dispose of garbage, refuse and waste materials in a sanitary manner which may be or may accumulate upon property owned or occupied at least as often as hereinafter provided. All garbage and refuse shall be stored out of sight of neighbors and not visible from the street, except with permission from the Building Inspector and then not longer than seventy-two (72) hours.
2. Targeted recyclables shall be source separated, placed in separate containers, and set out with the regular pick-up of garbage/refuse. Recycling shall be voluntary at this time but the separation of targeted recyclables from the refuse is encouraged. The hauler shall not landfill or incinerate any targeted recyclable materials collected, not sell, trade or give

materials to any person or business for the purpose of landfilling or incinerating said materials without the prior written consent of the City.

3. Yard waste shall be separated from other refuse.
4. Contractor's waste building materials, which accumulate on construction sites, must be contained within an enclosure to prevent matter from escaping. Enclosures can be a fenced-in area or a dumpster. The capacity of the enclosure must be sufficient for the project or planned removal (pick-ups) must be scheduled. Waste materials cannot be stored in the structure. Failure to contain and control waste building materials will result in a Stop Work Order.
5. Disposing of garbage, refuse, targeted recyclables, waste materials, or yard waste in an unregulated manner on any street, alley, drive, park, playground, or other public place or on any occupied or vacant privately owned lot shall constitute a violation of this section, whether such material is discarded by the individual upon whose premises the material originates or whether it is discarded by some other person or collector, licensed or unlicensed.

Subd. 8. Container Required and Placement

1. Every person, firm or corporation who owns or occupies any residential dwelling, boarding house, multiple dwelling, restaurant, place of business or other establishment where garbage is accumulated, who does not otherwise dispose of such garbage in a sanitary manner, shall provide one or more fly-tight containers sufficient to receive all garbage and other refuse which may accumulate between the time for collection hereinafter set forth. Each such can shall have an enclosed pail with handles, have a tight-fitting cover and be so anchored or fastened that it cannot easily be accidentally tipped over.
2. The owners, operators or managers of any multiple dwelling containing more than four rental dwelling units or of any firm or corporation where garbage or refuse accumulates in excess of four 30-32 gallon containers per week may elect to have vat service weekly from a licensed hauler. The vats shall be of a minimum capacity of one cubic yard and of any approved sanitary type with the proper attachments for lifting on to licensed trucks.
3. Each person, firm or corporation, unless supplied by the City or the hauler, shall provide one or more containers sufficient to retain all Targeted Recyclables, which may accumulate between the times for collection hereinafter, set forth. Such container shall be constructed so the contents can be lifted by suitable handles rectangular in shape and have a capacity of not to exceed fourteen (14) gallons for residential dwelling units.
4. All garbage and refuse containers shall be placed as follows in residential areas:
 - A. Except for collection day, all containers shall be located behind the front setback line of the dwelling or in the garage or screened from view from the street and at least ten feet from any abutting dwelling.

- B. On collection day, except where vat or in-yard service is required, containers shall be placed at the curb, in a location easily accessible for motor vehicle pick-up. Containers must be placed for pick-up before 7 a.m. on the day of collection to insure service. The hauler shall complete pick-ups by 7 p.m., unless emergency permission is granted by the City Administrator, and all containers must be removed no later than 8 p.m. on collection day.

Subd. 9. License to Collect Required, Exception.

1. No person, firm or corporation, except City employees, shall collect garbage, refuse, recyclables or waste materials belonging to another in the City without a license from the City.
2. No person, firm or corporation, except City employees, shall scavenge, sort through, or in any way handle the garbage, refuse, recyclables or waste materials of another person, firm or corporation without a license from the City or permission from the owner thereof. Garbage, refuse, recyclables and waste materials shall be considered the property of the generator until picked up by a hauler.

Subd. 10. Hauler Equipment Requirement

1. Hauler licenses shall be granted only upon the condition that the licensee have watertight packer-type vehicles or. For recycling, haulers must have appropriate container vehicles in good condition to prevent loss in transit of liquid or solid cargo. All vehicles used by haulers must be kept clean and as free from offensive odors as much as possible. They shall not be allowed to stand in any street longer than reasonably necessary to collect garbage, refuse, and yard waste materials or recyclables. They shall not be parked any place or in any manner that constitutes a traffic hazard of nuisance.

Subd. 11. Types of Licenses

1. There shall be two license categories defined by the type of account served:
 - A. Commercial Refuse/Recycling Residential Dwelling; and
 - B. Residential Refuse/Recycling

A Commercial Refuse/Recycling license is required for any hauler that serves Commercial establishment(s) as defined in Section 150. A Residential Refuse/Recycling license is required for any hauler that serves Residential Dwelling(s) as defined in Section 150.

2. Residential Refuse/Recycling and Commercial Refuse/Recycling licensees shall provide refuse pickup and recycling on the same day.
3. Every licensed hauler shall offer collection and disposal of yard waste, unless otherwise provided by Council action.

Subd. 12. Condition of a License

1. It shall be unlawful for a licensed hauler to operate on residential streets in the City on any day, except for regularly scheduled collections, to collect a missed pick-up, a special pick-up or when an observed holiday falls within that week.

2. The Council, in the interest of maintaining healthful and sanitary conditions in the City, hereby reserves the right to limit the number of licenses issued within the City.
3. Each applicant shall file with the City Administrator, before a license is issued or renewed, a schedule of proposed rates to be charged during the licensed period for which the application is made.
4. Every licensee shall notify customers thirty (30) days in advance of any rate increase and provide written notification of any rate increase to the City Administrator fifteen (15) days prior to notification of the customer of such increases.
5. Residential Refuse/Recycling licenses rates shall include a minimum of two levels of regular service, priced on the basis of volume beginning at a volume of 32 gallons or less and in increments of 32 gallons or less. Residential Refuse/Recycling licenses shall also include a cost for curbside recycling.
6. Commercial Refuse/Recycling licenses rates shall also include a cost for curbside recycling.
7. No hauler shall exceed weight limits established by the City.
8. No hauler shall operate in a residential district after 7:00 p.m. or before 7:00 a.m. on any day, and no hauler shall operate in a residential district on Sunday.
9. Each vehicle for which a hauler's license is issued shall exhibit such license in a prominent position on said vehicle.
10. All Residential Refuse/Recycling and Commercial Refuse/Recycling license holders shall report to the City on a form provided for such purposes, the recycling yard waste abated from the landfills and other recycling information requested. Such reports shall be submitted quarterly and submitted to the City on or by January 10, April 10, July 10, October 10. The penalty for not submitting said reports shall be \$500 for the first offense, \$500 plus an appearance before the City council for the second offense and automatic license revocation for the third offense.
11. All licensee employees shall report to the licensees any violations of this Section they observe in the performance of their work and the licensees shall report all such violations to the City's Code Enforcement Officer.

Subdivision 13. Licensing Procedure

Any person desiring a hauler license shall make application for the same to the City Administrator upon a form prescribed by the Council. The application shall at a minimum set forth the name and address of the applicant, a list of the equipment which the hauler proposes to use in such collection, the portion of the City in which collections are to be made and such other information as the City may require. Such application shall be submitted to the City Administrator for investigation and report.

The City Administrator shall review the application and make a recommendation for approval/denial to the City Council. The City Council, after any additional investigation it deems necessary, shall approve or deny the application.

To control the number of heavy trucks that use City streets, to reduce the wear of those streets, to reduce air and noise pollution, and to reduce the traffic hazard in residential neighborhoods where children play, the City shall not issue more than ten _____ licenses for Residential Refuse/Recycling, as defined in Section 150.

Subd. 14. Insurance Certificate.

Before a license shall be issued, the applicant shall file with the City Administrator an executed indemnification in the form provided by the City Administrator and proof of insurance as filed with Washington County, in an amount and in such form as shall be established from time to time by resolution of the City Council.

Subd. 15. Cash Deposit or Surety Bond Required of License

The applicant shall deposit with the City Administrator the sum of three thousand dollars (\$3,000) or, in the alternative shall file with the City Administrator a surety bond in an amount of three thousand dollars (\$3,000). The condition of said bond shall bind the holder of said license to comply with all applicable provisions of this Chapter and such other items as maybe imposed by the Council. The Council based on a review and favorable recommendation of the City Attorney shall approve said bond. Where a cash deposit is used, all or any part thereof may be subject to forfeiture in case of the violation of any provisions of this Section.

Subd. 16. License Fee; Expiration; Transferability.

The fees for a license required by this Section shall be established from time to time by resolution of the City Council. Every license shall expire on December thirty-first next after its issuance. The fee for part of a year shall be prorated. No license shall be issued for more than one year. The license shall not be transferable from one person to another.

Subd. 17. License Revocation or Suspension.

1. Every license required by this Section may be revoked, suspended or a civil fine of not more than \$2,500 imposed by the Council for a violation of any law or regulation pertaining to solid waste adopted by the City, County or State. If the County revokes or suspends any hauler's license, the City license, in case of revocation, shall be automatically terminated without any further action of the City, or, in case of suspension, the City license shall also be automatically suspended for the same length of time, without further actions of the City.
2. No suspension or revocation takes effect until the licensee has been afforded an opportunity for a hearing under Minnesota Statutes, §14.57 to 14.69 of the Administrative Procedure Act.

Subd. 18. Payment of Charges; Notice of Discontinuance of Service.

The expense of collection shall be paid to the licensed hauler at intervals as may be determined by the licensed hauler. The licensed hauler shall notify the Code Enforcement Officer and the City Administrator of the discontinuance of service to any premises with a five (5) day notice prior to service being discontinued, if possible, but no later than the date service is actually discontinued.

Subd. 19. Frequency of Collections.

Each licensed hauler shall make collections of garbage and refuse, and recyclables at least weekly, or more often as sanitary conditions warrant as determined by the Code Enforcement Officer. Recyclables shall be collected weekly.

Subd. 20. Burying and Burning.

No person shall bury any garbage within the City, no person shall burn garbage except in an incinerator located within a residence or other building, and that conforms to the requirements of the State of Minnesota.

Subd. 21. Rules and Regulations.

The City Council, by resolution, shall have the authority to make rules and regulations concerning type and location of waste containers, the collection of yard and garden wastes and recyclables, license applications and the information required, and any other matter concerning solid waste management which is not in conflict with this chapter.

Section 800.03 Composting/Community Composting

Subd. 1. Composting.

All yard waste collected or concentrated by any individual shall be disposed at a licensed compost site or on site providing the following compliance with the following regulations are complied with.

Subd. 2. Location of Compost

The compost shall be located in the rear yard of the property, be at least five (5) feet from lot lines, outside any drainage easement, and be placed no closer than fifty (50) feet to any adjacent habitable building, other than the residents own home.

Subd. 3. Prohibited Ingredients.

None of the following materials shall be placed on the property for composting: meat, bones, fat oils, dairy products, whole branches or logs, plastics, synthetic fibers, human or pet wastes, or diseased plants.

Subd. 4. Proper Maintenance Required.

Compost shall be properly managed to minimize odor generation and promote effective decomposition of the material. The operation of composting in a manner that results in objectionable odors and/or the placing of prohibited materials for composting to create a health hazard is considered a public nuisance.