



*Our Mission is to Provide Quality Public
Services in a Fiscally Responsible Manner
in Partnership with our Community.*

NOTICE OF MEETING

**City Council Workshop
3800 Laverne Avenue North
May 10, 2022
6:30 PM**

AGENDA

- | | |
|--|----------------|
| I. Call to Order | 6:30 PM |
| II. Solid Waste Ordinance Update | 6:30 PM |
| III. Items for Future Work Session Agenda | 7:30 PM |
| IV. Adjourn | 7:30 PM |



STAFF REPORT

DATE: 05/10/2022

CONSENT

TO: City Council
FROM: Julie Johnson, City Clerk & Rebecca McGuire, Deputy Clerk
AGENDA ITEM: Solid Waste Ordinance Update
REVIEWED BY: Sarah Sonsalla, City Attorney

INTRODUCTION:

The City participates in the Washington County Recycling Grant Program and receives approximately \$10,000 per year. Updating the City's solid waste ordinance was included in the work plan approved by Washington County.

ISSUE BEFORE THE CITY COUNCIL:

The City Council is being asked to review and consider proposed amendments to the City's solid waste ordinance.

DETAILS/ANALYSIS:

Each year the City submits a work plan to Washington County as part of the Recycling Grant program. One task in the current work plan is to update the City's solid waste ordinance. Washington County Department of Public Health and Environment contracted with Foth Infrastructure and Environment to assist the City with proposed updates. Foth provided assistance with updating the language in the ordinance and suggested updates that would better follow Best Management Practices and the GreenStep Cities challenge program. Staff met with Washington County Environmental Specialist Max Dalton and a representative from Foth on multiple occasions to discuss suggested updates and we have incorporated some of those suggestions into a draft update to the City's code of ordinances.

There are a few areas staff would like Council to discuss and provide input for use on a final draft ordinance update:

- Collection days: Currently the city does not limit residential haulers to a particular day of the week for collection. Staff contacted current haulers working in the city and found that most collect on Thursdays and one hauler services part of its customers on Monday. Limiting collection to certain days of the week would limit truck traffic on city streets to certain days and reduce the appearance of waste receptacles at the curb on multiple days of the week. It could also cause some increased cost to the haulers that would be passed on to residents as it can be complicated to plan routes and make sure they can get to the drop off site in St. Paul with the number of trucks available. (Chapter 5.12.120)
- Recycling: Some waste haulers collect recycling weekly and some collect every other week. If the city does not require weekly collection we could require haulers to provide an additional recycling container at no charge for bi-weekly customers. (Chapter 5.12.180)

- Bulky items: Staff has noticed that the illegal dumping of mattresses, furniture and other bulky items in city parks has occurred more frequently in the past year. At the end of April Public Works crews picked up 14 mattresses and a number of furniture pieces that were dumped at Pebble Park. The city could require waste haulers to include pick up of a certain number of bulky items at no additional individual charge to customers each year to potentially help alleviate illegal dumping. (This provision would be added in a new section in Chapter 5.12 if directed by Council)

FISCAL IMPACT:

The City receives approximately \$10,000 per year for completing its recycling grant work plan.

ATTACHMENTS:

Ordinance No. 2022-04

**CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA**

ORDINANCE NO. 2022-04

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
UPDATING CHAPTER 5.12: SOLID WASTE**

SECTION 1. The City Council of the City of Lake Elmo hereby ordains that Chapter 5.12 of the City's Code of Ordinances is hereby amended by changing the following sections (Proposed language is underlined, deleted language is shown with ~~striketrough~~):

CHAPTER 5.12: SOLID WASTE

Garbage, Refuse, Waste Materials, and Recycling

- [5.12.010](#) Purpose
- [5.12.020](#) State rules adopted
- [5.12.030](#) Metropolitan ~~Council~~ Solid Waste Management Policy Plan adopted
- [5.12.040](#) Conflict
- [5.12.050](#) Definitions
- [5.12.060](#) Required collection of mixed municipal solid waste
- [5.12.070](#) Disposal requirements
- [5.12.080](#) Container required; placement
- [5.12.090](#) License to collect required; exception
- [5.12.100](#) Hauler equipment requirement
- [5.12.110](#) Types of licenses
- [5.12.120](#) Conditions of licensing
- [5.12.130](#) Licensing procedure
- [5.12.140](#) Insurance certificate

[5.12.150](#) Cash deposit or surety bond required for license

[5.12.160](#) License fee; expiration; transferability

[5.12.170](#) License revocation or suspension

~~[5.12.170](#) Payment of charges; notice of discontinuance of service~~

[5.12.180](#) Frequency of collections

[5.12.190](#) Burying and burning

[5.12.200](#) Rules and regulations

Composting

[5.12.210](#) Yard Waste Composting

Solid Waste Abatement/Recycling

[5.12.220](#) Purpose

[5.12.230](#) Definitions

[5.12.240](#) Curbside recycling

[5.12.250](#) Collection

[5.12.260](#) Participation

[5.12.270](#) Materials to be picked up at curbside

[5.12.280](#) Ownership

[5.12.290](#) Scavenging

[5.12.300](#) Land disposal of yard waste

[5.12.310](#) City's commitment to solid waste abatement

Cross-reference:

Waste Water Treatment Systems, see [Ch. 5.08](#)

Water, see [Ch. 5.04](#)

GARBAGE, REFUSE, WASTE MATERIALS, AND RECYCLING

5.12.010 PURPOSE.

The general purpose of LEC [5.12.010](#) *et seq.* is for the following:

- (A) To protect the public health, safety, comfort, convenience, and general welfare of the residents of the city;
- (B) To establish powers, duties, rules, regulations, and standards for the removal of solid waste from the city;
- (C) To promote a program to reduce waste materials purchased and promote yard waste reduction through separation of recyclables, yard ~~and garden~~ wastes; and encourage the purchasing of products that contain recycled or recyclable materials;
- (D) To set minimum standards and requirements established by rules of the Minnesota Pollution Control Agency;
- (E) To adopt the plans, policies, rules, standards, and requirements of the ~~Metropolitan Council~~ [Minnesota Pollution Control Agency](#) and ~~Washington~~ County regarding solid waste; and
- (F) To provide for the administration of LEC [5.12.010](#) *et seq.*

(Adopted by ord. 08-253 on 11-3-2021)

5.12.020 STATE RULES ADOPTED.

Minn. R. ch. 7035, as amended from time to time, is hereby adopted by reference as part of LEC 5.12.010 *et seq.*, as it applies to cities.

(Adopted by ord. 08-253 on 11-3-2021)

5.12.030 ~~METROPOLITAN COUNCIL~~ [MINNESOTA POLLUTION CONTROL AGENCY](#) PLAN ADOPTED.

The Solid Waste Management ~~Development Guide/Policy Plan 2016-2036 of the Metropolitan Council of the Twin Cities Area, adopted March 1985, Publication No. 12-85-059, Document number w-sw7-21~~ is hereby adopted by reference as part of LEC [5.12.010](#) *et seq.*, as they apply to cities.

(Adopted by ord. 08-253 on 11-3-2021)

5.12.040 CONFLICT.

In case of conflict between LEC [5.12.010](#) *et seq.* and the Minn. Rules 7035, as it may be amended from time to time, or the Metropolitan ~~Council~~ [Solid Waste Management Policy Plan](#),

the terming and meaning of the Minn. Rules 7035, as it may be amended from time to time, or the Metropolitan ~~Council~~ [Solid Waste Management Policy](#) Plan shall prevail.

(Adopted by ord. 08-253 on 11-3-2021)

5.12.050 DEFINITIONS.

(A) Unless specifically defined in LEC [5.12.010 et seq.](#), common definitions, words, and phrases used herein shall be interpreted to give them the same meaning as they have in common usage throughout this code.

(B) Definitions are found in LEC [1.08.010](#).

(Amended by ord. ____)

5.12.060 REQUIRED COLLECTION OF MIXED MUNICIPAL SOLID WASTE.

(A) Every residential dwelling, multiple dwelling, and commercial/industrial establishment must be under a contract for at least weekly collection of mixed municipal solid waste.

(B) A residential dwelling, multiple dwelling, or commercial/industrial establishment may apply to the Council or its designees for an exemption from this requirement, if the applicant presents a plan, acceptable to the Council or its designees, to ensure an environmentally sound alternative.

(Adopted by ord. 08-253 on 11-3-2021) [Penalty, see LEC 1.04.230](#)

5.12.070 DISPOSAL REQUIREMENTS.

(A) It shall be unlawful for any person, firm, or corporation to fail to dispose of garbage, refuse, and/or 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 site of neighbors and not visible from the street, except with permission from the Building Inspector and then not longer than 72 hours.

(B) 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, nor sell, trade, or give materials to any person or business for the purpose of landfilling or incinerating the materials without the prior written consent of the city.

(C) Yard waste shall be separated from other refuse.

[\(D\) Food waste and other organic waste can be separated from the refuse stream by being placed in a separate container or compostable bag.](#)

(~~ED~~) Contractor's waste building materials, which accumulate on construction sites, must be contained within an enclosure to prevent waste 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.

(~~FE~~) 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 LEC 5.12 *et seq.*, whether the 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.

(~~GF~~) Any person, firm, business, or corporation that picks up garbage, refuse, waste materials for the City of Lake Elmo, including, but not limited to, its city office, city parks, City Maintenance Department, or City Fire Department must manage garbage, refuse, or waste materials in accordance with the County's Solid Waste Management Plan and deliver to the ~~Resource Recovery Facility~~ Recycling & Energy Center in Newport, Minnesota, pursuant Minnesota Statutes 115A.46 and 115A.471.

(Adopted by ord. 08-253 on 11-3-2021) [Penalty, see LEC 1.04.230](#)

5.12.080 CONTAINER REQUIRED; PLACEMENT.

(A) 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 and recycling is accumulated, who does not otherwise dispose of the garbage and/or recycling in a sanitary manner, shall provide one or more fly-tight containers sufficient to receive all garbage, recycling and other refuse which may accumulate between the time for collection hereinafter set forth. Each can shall have an enclosed pail with handles, have a tightfitting cover, and be so anchored or fastened that it cannot easily be accidentally tipped over.

(B) The owners, operators, or managers of any multiple dwelling containing more than four rental dwelling units or of any firm or corporation where garbage, recycling 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.

(C) 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. The container shall be constructed so the contents can be lifted by suitable rectangular handles ~~rectangular in shape~~ and have a capacity of not to exceed 95~~14~~ gallons for residential dwelling units.

(D) All garbage, recycling and refuse containers shall be placed as follows in residential areas:

(1) Except for collection day, all containers shall be located behind the front setback line of the dwelling, in the garage, or screened from view from the street and at least ten feet from any abutting dwelling.

(2) 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 7:00 a.m. on the day of collection to ensure service. The hauler shall complete pick-ups by 7:00 p.m., unless emergency permission is granted by the City Administrator, and all containers must be removed from the curb no later than 8:00 p.m. on collection day.

(Adopted by ord. 08-253 on 11-3-2021) [Penalty, see LEC 1.04.230](#)

5.12.090 LICENSE TO COLLECT REQUIRED; EXCEPTION.

- (A) 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.
- (B) [Hauler must obtain a license from the City as well as a county haulers license in order to collect garbage, refuse, recyclables or other waste materials in the City.](#)
- (C) 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.

(Adopted by ord. 08-253 on 11-3-2021) [Penalty, see LEC 1.04.230](#)

5.12.100 HAULER EQUIPMENT REQUIREMENT.

Hauler licenses shall be granted only upon the condition that the licensee have watertight packer-type vehicles or ~~F, 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 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.

(Adopted by ord. 08-253 on 11-3-2021) [Penalty, see LEC 1.04.230](#)

5.12.110 TYPES OF LICENSES.

- (A) There are two license categories defined by the type of account served:

(1) *Commercial refuse/recycling ~~residential dwelling~~*. A commercial refuse/recycling license is required for any hauler that serves commercial establishment(s) as defined in LEC [1.08.010](#).

(2) *Residential refuse/recycling*. A residential refuse/recycling license is required for any hauler that serves residential dwelling(s) as defined in LEC [1.08.010](#).

(B) Residential refuse/recycling and commercial refuse/recycling licensees shall provide refuse pickup and recycling on the same day: [licensees are required to provide refuse pickup weekly and recycling pickup every other week](#).

(C) Every licensed hauler shall offer collection and disposal of yard waste, unless otherwise provided by Council action.

(Adopted by ord. 08-253 on 11-3-2021) [Penalty, see LEC 1.04.230](#)

5.12.120 CONDITIONS OF LICENSING.

(A) [Residential dwelling\(s\) collection shall only occur on Mondays and Thursdays](#). 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.

(B) 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.

(C) 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.

(D) Every licensee shall notify customers 30 days in advance of any rate increase and provide written notification of any rate increase to the City Administrator 15 days prior to notification of the customer of the increases.

(E) 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.

(F) Commercial refuse/recycling licenses rates shall also include a cost for curbside recycling.

[\(G\) Residential refuse/recycling licenses rates shall include a separate rate for each \(both?\) refuse and recycling. The recycling collection rate cannot be more than refuse collection for residential dwelling unit\(s\).](#)

(H) No hauler shall exceed weight limits established by the city.

(H) 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.

(J) Each vehicle for which a hauler's license is issued shall exhibit the license in a prominent position on the vehicle.

(K) All residential refuse/recycling and commercial refuse/recycling license holders shall report to the city, on a form provided for the purposes, the ~~recycling~~ yard waste abated from the landfills, other recycling information requested. The reports shall be submitted quarterly and submitted to the city on or by January 10, April 10, July 10, and October 10. The penalty for not submitting the 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.

(L) All licensee employees shall report to the licensees any violations of LEC [5.12.010](#) *et seq.* they observe in the performance of their work and the licensees shall report all the violations to the city's Code Enforcement Officer.

(Adopted by ord. 08-253 on 11-3-2021) [Penalty, see LEC 1.04.230](#)

5.12.130 LICENSING PROCEDURE.

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

(1) The City ~~Administrator~~ shall review the applications and make a recommendation for approval/denial to the City Council.

(2) The City Council, after any additional investigation it deems necessary, shall approve or deny the application.

(C) In order to control the number of heavy trucks that use city streets, to reduce the wear of those streets, reduce air and noise pollution, and to reduce the traffic hazard in residential neighborhoods where children play, the city will not issue more than ten licenses for residential refuse/recycling, as defined in LEC [1.08](#).

(Adopted by ord. 08-253 on 11-3-2021)

5.12.140 INSURANCE CERTIFICATE.

Before a license can be issued, the applicant must file with the city ~~administrator~~ an executed indemnification, ~~in the form provided by the city administrator~~, and proof of insurance as filed with the County, in an amount and in the form as shall be established from time and time by resolution of the City Council.

(Adopted by ord. 08-253 on 11-3-2021)

5.12.150 CASH DEPOSIT OR SURETY BOND REQUIRED FOR LICENSE.

The applicant shall deposit with the city administrator the sum of \$3,000, or, in the alternative, shall file a surety bond in the amount of \$3,000. The condition of the bond shall bind the holder of the license to comply with all applicable provisions of this chapter and any other items as maybe imposed by the Council. The council, based on the review and favorable recommendation of the City Attorney, shall approve the bond. Where a cash deposit is used, all or any part thereof may be subject to forfeiture in case of violation of any provisions of LEC [5.12.010](#) *et seq.*

(Adopted by ord. 08-253 on 11-3-2021)

5.12.160 LICENSE FEE; EXPIRATION; TRANSFERABILITY.

(A) The fees for a license required by LEC [5.12.010](#) *et seq.* shall be established from time to time by resolution of the City Council.

(B) Every license shall expire on December 31 next after its issuance.

(C) The fee for part of a year shall be prorated.

(D) No license shall be issued for more than one year.

(E) The licenses shall not be transferable from one person to another.

(Adopted by ord. 08-253 on 11-3-2021) [Penalty, see LEC 1.04.230](#)

5.12.170 LICENSE REVOCATION OR SUSPENSION.

(A) Every license required by LEC 5.12.010 *et seq.* 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.

(2) 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 from 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.

(B) No suspension or revocation takes effect until the licensee has been afforded an opportunity for a hearing under M.S. §§ 14.57 to 14.69 of the Administrative Procedure Act, as they may be amended from time to time.

(Adopted by ord. 08-253 on 11-3-2021)

~~5.12.170 PAYMENT OF CHARGES; NOTICE OF DISCONTINUANCE OF SERVICE.~~

~~—The expense of collection shall be paid to the licensed hauler at intervals as 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 5 day notice prior to service being discontinued, if possible, but no later than the date service is discontinued.~~

(Adopted by ord. 08-253 on 11-3-2021)

5.12.180 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. Single-sort residential recycling shall be collected at least bi-weekly.

(Adopted by ord. 08-253 on 11-3-2021) [Penalty, see LEC 1.04.230](#)

5.12.190 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 building, and that conforms to the requirements of the state.

(Adopted by ord. 08-253 on 11-3-2021) [Penalty, see LEC 1.04.230](#)

5.12.200 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.

(Adopted by ord. 08-253 on 11-3-2021)

COMPOSTING

5.12.210 YARD WASTE COMPOSTING-Regulations.

All yard waste collected or concentrated by any individual shall be disposed of at a licensed compost site or on site. [If composting on site, residents must comply with](#) ~~providing~~ the following ~~compliance with the following~~ regulations: ~~are complied with~~.

(A) *Location of compost.* The compost shall be located in the rear yard of the property, be at least five feet from lot lines, outside any drainage easement, and placed at least fifty feet away from any adjacent habitable building, other than the residents own home.

(B) *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.

(C) *Proper maintenance required.*

(1) Compost shall be properly managed to minimize odor generation and promote effective decomposition of the material.

(2) 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.

(D) Residents must follow and comply with the regulations of acceptable and non-acceptable materials when using a licensed compost site for the disposal of yard waste.

(Adopted by ord. 08-253 on 11-3-2021) [Penalty, see LEC 1.04.230](#)

SOLID WASTE ABATEMENT/RECYCLING

5.12.220 PURPOSE.

(A) The purpose of the policies set forth within LEC [5.12.220](#) *et seq.* is to reduce the amount of solid waste sent to landfills through source separation of recyclable items.

(B) This subchapter is intended to serve several purposes:

(1) To raise the public's awareness of recycling and to make recycling services available to city residents; and

(2) To encourage recycling activity within the city; ~~and~~

~~—(3) To be prepared for a seemingly inevitable mandatory source separation ordinance which may occur at the discretion of the city, the county, and/or the state.~~

(Adopted by ord. 08-253 on 11-3-2021)

5.12.230 DEFINITIONS.

Unless specifically defined LEC [5.12.220](#) *et seq.*, common definitions, words, or phrases used in LEC [5.12.220](#) *et seq.* shall be interpreted so as to give them the same meaning as they have in common usage throughout this code. Definitions are found in LEC [1.08.010](#).

(Adopted by ord. 08-253 on 11-3-2021)

5.12.240 CURBSIDE RECYCLING.

(A) The city has initiated a program in which every resident within the city is afforded the opportunity to voluntarily separate recyclable solid waste.

(B) The city will provide curbside pickup of recyclables based on the ~~following~~ conditions.

(Adopted by ord. 08-253 on 11-3-2021)

5.12.250 COLLECTION.

All collection of recyclables shall be at curbside on the boulevard, ~~in a clearly identifiable manner to be designated by the city staff.~~

(Adopted by ord. 08-253 on 11-3-2021) [Penalty, see LEC 1.04.230](#)

5.12.260 PARTICIPATION.

The initial curbside collection of recyclables shall be voluntary. This program may be supported by mandatory source separation at the discretion of the city, the county, or the state pending further analysis.

(Adopted by ord. 08-253 on 11-3-2021)

5.12.270 MATERIALS TO BE PICKED UP AT CURBSIDE.

(A) Items to be collected and instructions for preparation shall be uniform throughout the city.

(B) Material to be collected shall ~~include, but not be limited to, the following~~ [follow Washington County's Standard List of Recyclable Materials.](#)

- ~~(1) Newspapers~~
- ~~(2) Corrugated cardboard~~
- ~~(3) Glas~~
- ~~(4) Aluminum~~
- ~~(5) Batteries~~
- ~~(6) Special items; and~~
- ~~(7) Tires will be picked up with recyclables at a cost determined by the city and the contracted recycler.~~

(Adopted by ord. 08-253 on 11-3-2021) [Penalty, see LEC 1.04.230](#)

5.12.280 OWNERSHIP.

(A) Ownership of recyclable materials set out for the purpose of participating in curbside recycling programs shall remain that of the person or household from which the materials originated until collected by the authorized collector.

(B) Upon removal by the city or its designated agents or contractors from a designated collection point, ownership of properly prepared and stored recyclable materials intended for a city authorized collection program shall be vested in the authorized collector.

(C) Materials not prepared, cleaned, or stored according to city specifications shall remain the responsibility and property of the individuals or household from which the materials originated.

(D) Nothing in LEC [5.12.230](#) *et seq.* shall abridge the right of any individual or household to give or sell their recyclable materials to any recyclable material program.

(Adopted by ord. 08-253 on 11-3-2021)

5.12.290 SCAVENGING.

(A) Purpose: Unauthorized collection or scavenging may reduce the volumes of material collected as part of a designated program and thereby threaten the economic viability of the authorized program. Scavenging may also cause confusion among participating residents and thereby disrupt the publicity and educational processes of an authorized program.

~~(B) It is unlawful for any person who is not authorized by the by the city to take or collect recyclable material set out for authorized collection programs within the city.~~

~~—(B) To ensure that a designated recycling program will be implemented in an orderly fashion and to avoid adverse effects on the public health, welfare, safety, and environment, it shall be unlawful for any person who is not authorized by the city to take or collect recyclable material set out for authorized collection programs within the city.~~

(Adopted by ord. 08-253 on 11-3-2021) [Penalty, see LEC 1.04.230](#)

5.12.300 LAND DISPOSAL OF YARD WASTE.

(A) The Minnesota Waste Management Act of 1980 prohibits the deposit of yard waste:

- (1) In mixed municipal solid waste;
- (2) In a disposal facility; and/or
- (3) In a resource recovery facility except for the purposes of composting or co-composting.

(B) In compliance with this state law, the city shall prohibit the deposit of yard waste:

- (1) In mixed municipal solid waste;
- (2) In a disposal facility; and/or
- (3) In a resource recovery facility except for the purposes of composting or co-composting.

~~—(C)— The city will provide to its residents a place at which uncontaminated leaves and grass clippings may be deposited. This site, to be known as "the Lake Elmo Compost Site," will be open to the residents of the city on a regularly scheduled basis.~~

~~—(D)— Residents who use the compost site for the deposit of uncontaminated leaves and grass clippings shall remove from the site any bags or containers in which yard waste was brought to the site.~~

(Adopted by ord. 08-253 on 11-3-2021)

~~5.12.320 OWNERSHIP OF COMPOST.~~

~~—(A)— The uncontaminated leaves and grass clippings deposited at the city compost site shall remain the property of the city. However, it is the intent of the city to make available to the general residential public the finished compost, on a first come, first serve basis.~~

~~—(B)— No motorized loading equipment, other than that used by the city, is allowed on the premises at any time for the purpose of obtaining finished compost without the approval of the city.~~

~~(1997 Code, § 805.10) Penalty, see § 10.99~~

5.12.310 CITY'S COMMITMENT TO SOLID WASTE ABATEMENT.

The city is firmly dedicated to educating the public on the importance of natural resource protection and preservation, and the many environmentally and socially responsible ways in which the resources should be used and enjoyed.

(Adopted by ord. 08-253 on 11-3-2021)

§ 1.08.010 DEFINITION ADDITIONS & CHANGES

COMMERICAL ESTABLISHMENT. Means any premises where a commercial or industrial enterprise of any kind is carried on, including restaurants, clubs, churches, schools, or where food is prepared or served.

~~COMPOST SITE. An area designated by the city for the placement of uncontaminated leaves and grass clippings.~~

ORGANIC WASTE. Organic waste material typically includes food waste, non-recyclable paper products, yard waste, and other materials that readily degrade.

SPECIAL ITEMS. Waste that cannot be disposed of through typical curbside services, and requires additional or specific handling for proper disposal.

SPECIAL PICKUP. Any collection of materials other than garbage, other refuse, organic waste, recyclables or yard waste including major appliances, furniture, oversized materials and construction debris

TARGETED RECYCLABLES. Recyclable Material means materials that are separated from Solid Waste for the purpose of Recycling or composting, including paper, glass, plastics, metals, automobile oil, batteries, source-separated compostable materials, sole source food waste streams that are managed through biodegradative processes, and other materials as defined by resolution.

PROHIBITED WASTE. Prohibited Materials means Solid Waste which is unacceptable for collection, Processing, or Disposal due to the physical or chemical nature of the material or due to a Facility's inability to properly manage the waste.

SECTION 2. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 3. Adoption Date. This Ordinance 2022-04 was adopted on this 19th day of April, 2022, by a vote of ___ Ayes and ___Nays.

LAKE ELMO CITY COUNCIL

Charles Cadenhead, Mayor

ATTEST:

Julie Johnson, City Clerk