



STAFF REPORT

DATE: 07/05/2022

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 the proposed amendments to the City's solid waste ordinance.

DETAILS/ANALYSIS:

Washington County Department of Public Health and Environment contracted with Foth Infrastructure and Environment to assist the City with an update to the solid waste ordinance. 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 a representative from Foth and county staff on multiple occasions to discuss the suggestions and incorporate updates into the City's code of ordinances.

The City Council discussed the proposed updates at the June 14, 2022 workshop and directed staff to move forward with the updated language, including the change to section 5.12.120(A) designating Monday and Thursday as collection days in Lake Elmo.

FISCAL IMPACT:

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

OPTIONS:

The City Council may:

- Approve the proposed changes to the ordinance.
- Approve the proposed changes to the ordinance with changes to the proposed language.
- Deny the proposed changes to the ordinance.

RECOMMENDATION:

If removed from the Consent Agenda:

***“Motion to adopt Ordinance 2022-04 and Resolution 2022-039 Authorizing Summary
Publication of Ordinance 2022-04*”**

ATTACHMENTS:

- A. Ordinance No. 2022-04
- B. Resolution No. 2022-039

**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 ~~strikethrough~~):

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 ~~and~~ 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 a license~~ inge
- 5.12.130 Licensing procedure
- 5.12.140 Insurance certificate

- [5.12.150](#) Cash deposit or surety bond required ~~of~~[for](#) license
- [5.12.160](#) License fee; expiration; transferability
- [5.12.170](#) License revocation or suspension
- [5.12.180](#) Payment of charges; notice of discontinuance of service
- [5.12.190](#) Frequency of collections
- [5.12.200](#) Burying and burning
- [5.12.210](#) Rules and regulations

Composting

- [5.12.220](#) [Yard Waste](#) Composting

Solid Waste Abatement/Recycling

- [5.12.230](#) Purpose
- [5.12.240](#) Definitions
- [5.12.250](#) Curbside recycling
- [5.12.260](#) Collection
- [5.12.270](#) Participation
- [5.12.280](#) Materials ~~to be picked up at~~[collected](#) curbside
- [5.12.290](#) Ownership
- [5.12.300](#) Scavenging
- [5.12.310](#) Land disposal of yard waste

~~[5.12.320](#) [Ownership of compost](#)~~

- [5.12.3230](#) City's commitment to solid waste abatement

Open Fires Prohibited

~~[5.12.340](#) [Adoption by reference](#)~~

~~[5.12.350](#) [Permits](#)~~

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 encourages 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.*

~~(1997 Code, § 800.02) (Am. Ord. 97-41, passed 9-21-1999)~~

5.12.020 STATE RULES ADOPTED.

Solid Waste Rules 7035 of the Minnesota Pollution Control Agency, as they may be amended from time to time, are hereby adopted by reference as part of LEC [5.12.010](#) *et seq.*, as they apply to cities.

~~(1997 Code, § 800.02) (Am. Ord. 97-41, passed 9-21-1999)~~

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

The [Metropolitan](#) 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.

~~(1997 Code, § 800.02) (Am. Ord. 97-41, passed 9-21-1999)~~

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 wording 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.

~~(1997 Code, § 800.02) (Am. Ord. 97-41, passed 9-21-1999)~~

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 so as to give them the same meaning as they have in common usage throughout this code.

(B) Definitions are found in LEC 1.08.010.

~~(1997 Code, § 800.02) (Am. Ord. 97-41, passed 9-21-1999)~~

5.12.0560 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 must presents a plan; acceptable to the Council or its designee, to that ensures an environmentally sound alternative. The Council or its designees may deny any exemption requests that do not present an acceptable alternative.

~~(1997 Code, § 800.02) (Am. Ord. 97-41, passed 9-21-1999) Penalty, see LEC 1.04.230~~

5.12.0670 DISPOSAL REQUIREMENTS.

(A) It shall be unlawful for any person, firm, or corporation to ~~fail to dispose of~~ allow the accumulation of garbage, refuse, and/or waste materials ~~in a sanitary manner which may be or may accumulate~~ upon ~~property~~ property-owned or occupied property. ~~All garbage, refuse, and waste material must be disposed of in a sanitary manner~~ -at least as often as hereinafter provided, ~~or more frequently as needed to prevent accumulation~~. 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 may authorize an exception to the aforementioned requirements for a time period not to exceed 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 ~~not~~ 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.

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

~~(F)~~ 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.

~~(G)~~ 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 ~~dispose of~~ garbage, refuse, or waste materials in accordance with the County's Solid Waste Management Plan and deliver to-at the ~~Resource Recovery Facility~~ Recycling & Energy Center in Newport, Minnesota, pursuant Minnesota Statutes 115A.46 and 115A.471.

~~(1997 Code, § 800.02) (Am. Ord. 97-41, passed 9-21-1999) Penalty, see LEC 1.04.230~~

5.12.0780 CONTAINER REQUIRED ~~AND~~; 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/generated~~, -who does not otherwise dispose of the garbage and/or recycling in a sanitary manner, shall provide-have 1 or more fly-tight containers sufficient to receive-contain all garbage, recycling and other refuse which may accumulate between the time for collection hereinafter set forth. Each can ~~shall-must~~ 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 4 rental dwelling units or of any firm or corporation where garbage, recycling or refuse accumulates in excess of 4 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 1 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 1 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 to allow~~ the contents ~~can to~~ be lifted by suitable ~~rectangular~~ handles ~~rectangular in shape~~ and ~~must~~ have a ~~maximum~~ capacity ~~not to exceed~~ ~~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~~ kept behind the front setback line of the dwelling, ~~or~~ in the garage, or otherwise screened from view from the street and at least 10 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.

~~(1997 Code, § 800.02) (Am. Ord. 97-41, passed 9-21-1999) Penalty, see LEC 1.04.230~~

5.12.0890 LICENSE TO COLLECT REQUIRED; EXCEPTION.

(A) ~~—(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.

(A)(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)(B) 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~~ is ~~considered the property of the generator until picked up by a hauler.~~

~~(1997 Code, § 800.02) (Am. Ord. 97-41, passed 9-21-1999) Penalty, see LEC 1.04.230~~

5.12.090100 -HAULER EQUIPMENT REQUIREMENT.

Hauler licenses shall be granted only upon the condition that the licensee have watertight packer-type vehicles. ~~or. F, for recycling, H~~ haulers must have appropriate container vehicles in good condition to prevent loss ~~in transit~~ of liquid or solid cargo while in transit. All vehicles used

by haulers must be kept clean and as free from offensive odors ~~as much~~ as possible. ~~They shall not be~~ Vehicles cannot allowed to stand in any street longer than reasonably necessary to collect garbage, refuse, and yard waste materials or recyclables. ~~They shall~~ Said vehicles cannot not be parked any place or in any manner that constitutes a traffic hazard of nuisance.

~~(1997 Code, § 800.02) (Am. Ord. 97-41, passed 9-21-1999) Penalty, see LEC 1.04.230~~

5.12.10010 - TYPES OF LICENSES.

(A) There ~~shall be~~ are 2 license categories, each is 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 must~~ provide refuse pick up refuse and recycling on the same day-. ~~however, licensees are required to provide refuse pickup weekly and recycling may be picked up every other week.~~

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

~~(1997 Code, § 800.02) (Am. Ord. 97-41, passed 9-21-1999) Penalty, see LEC 1.04.230~~

5.12.10020 CONDITIONS OF A LICENSINGE.

(A) Residential dwelling(s) collection shall only occur on MonTuesdays and Thursdays. It shall be unlawful for a licensed hauler to operate on residential streets in the city on any day, ~~except for that is not~~ regularly scheduled for collections, ~~except~~ to collect a missed pick-up, a special pick-up or when an observed holiday ~~falls within that week~~ interrupts regularly scheduled collection.

(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, B~~before a license is issued or renewed, applicants must file -a schedule of proposed rates with the City Administrator, ~~to be charged during the licensed period for which the application is made.~~

(D) ~~Every l~~licensees ~~mustshall~~ notify customers of any rate increase at least 30 days in advance of any rate increase prior to effectuating any increase and must provide written

notification of any said rate increase to the City Administrator at least 15 days prior to notifying the any customer of the increases.

(E) Residential refuse/recycling licenses rates shall include a minimum of 2 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.

(I) 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 and yard waste abated from the landfills, as well as any and other recycling information requested. The reports shall are to be submitted quarterly and submitted to the city on or by January 10, April 10, July 10, and in October 10 October 10, respectively. The penalty for not submitting the reports is 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.

(1997 Code, § 800.02) (Am. Ord. 97-41, passed 9-21-1999) Penalty, see LEC 1.04.230

5.12.12030 LICENSING PROCEDURE.

(A) Any person desiring a hauler license shall make Applications for hauler licenses must be made the same to the City Administrator upon using a form prescribed-prepared by the Council. The application shall at a minimum set forth must include 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 the any other information as the city may require, as specified on the form. The a Completed application shall be submitted to the City Administrator for investigation and recommmendation report.

~~—(B)—~~(1) The City Administrator ~~shall~~will review ~~the all~~ applications and make a recommendations for approval/denial to the City Council.

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

(CB) ~~In order to~~ 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~~will not issue more than 10 licenses for residential refuse/recycling, as defined in LEC 1.08.010.

~~(1997 Code, § 800.02) (Am. Ord. 97-41, passed 9-21-1999)~~

5.12.13040 INSURANCE CERTIFICATE.

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

~~must be filed with Washington County, and in an amount and in the form as shall be established from time to time by resolution of the City Council.~~

~~(1997 Code, § 800.02) (Am. Ord. 97-41, passed 9-21-1999)~~

5.12.14050 CASH DEPOSIT OR SURETY BOND REQUIRED ~~OF~~FOR LICENSE.

The applicant shall deposit with the city 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.

~~—The applicant shall must make a cash deposit of \$3,000 with the City Administrator the sum of \$3,000 or, in the alternative, shall may file with the City Administrator a surety bond in thean 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 the any other items as maybe imposed by the Council. The Council Bbased on thea review and favorable recommendation of the City Attorney, the Council shall may approve the 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 LEC 5.12.010 et seq.~~

~~(1997 Code, § 800.02) (Am. Ord. 97-41, passed 9-21-1999)~~

5.12.15060 LICENSE FEE; EXPIRATION; TRANSFERABILITY.

____(A) The fees for a license required by LEC 5.12.010 *et seq.* ~~shall~~will 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.~~

~~____(B) Licenses are issued beginning on the first day of the calendar year (Jan. 1) and are valid for one calendar year. All Every licenses shall expire on the last day of the year (Dec. 31) in which they were issued December 31 next after its issuance.~~

~~____(C) The fee for part of a year shall License fees will be prorated according to their date of issuance.~~

~~____(D) No license shall be issued for more than 1 year.~~

~~____(E) The licenses a shall not be transferable from 1 person to another between individuals or separate business entities.~~

~~(1997 Code, § 800.02) (Am. Ord. 97-41, passed 9-21-1999) Penalty, see LEC 1.04.230~~

5.12.16070 LICENSE REVOCATION OR SUSPENSION.

(A) ~~____(1) Every l~~licenses issued under ~~required by~~ LEC 5.12.010 *et seq.* ~~may are subject to be revocation~~ked, ~~suspension~~ended, or ~~a civil fines of up to not more than~~ \$2,500 as 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~~ hailer'Shauler's license, the city license, ~~in case of revocation, shall will~~ be automatically terminated without any further action ~~of from~~ the city, ~~or, in case of suspension, If the County suspends a license, -the city license shall will~~ 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 is~~ 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.

~~(1997 Code, § 800.02) (Am. Ord. 97-41, passed 9-21-1999)~~

5.12.17080 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 5-day notice prior to service being discontinued, if possible, but no later than the date service is ~~actually~~ discontinued.

~~(1997 Code, § 800.02) (Am. Ord. 97-41, passed 9-21-1999)~~

5.12.180890 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.

~~(1997 Code, § 800.02) (Am. Ord. 97-41, passed 9-21-1999; Am. Ord. 97-128, passed 5-18-2004) Penalty, see LEC 1.04.230~~

5.12.19019200 BURYING AND BURNING.

No person shall bury or burn any garbage, solid waste, household hazardous waste, recyclable materials, or other waste materials within the City since regularly schedule pick-up of solid waste and recycling is available in the City; ~~no person shall burn burn garbage except in an incinerator located within a residence or other building, and that conforms to the requirements of the State of Minnesota.~~

~~(1997 Code, § 800.02) (Am. Ord. 97-41, passed 9-21-1999) Penalty, see LEC 1.04.230~~

5.12.200010 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, information required for license applications ~~and the information required~~, and any other matter concerning solid waste management which is not in conflict with this chapter.

~~(1997 Code, § 800.02) (Am. Ord. 97-41, passed 9-21-1999)~~

COMPOSTING

5.12.210120 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 follow and comply with providing the following ~~compliance with the following~~ regulations: ~~are complied with.~~

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

(B) *Prohibited ~~ingredients~~materials.* ~~None of t~~The following materials ~~shall be placed on the property for cannot be~~ composted: meat, bones, fat, oils, dairy products, whole branches or logs, plastics, synthetic fibers, human or pet wastes, and/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 may~~ create a health hazard is and/or be considered a public nuisance.

~~(D)In regards to dropping off yard waste to a licensed compost site, r~~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. that the site has in place on which materials are accepted and what are not.

~~(1997 Code, § 800.03) (Am. Ord. 97-41, passed 9-21-1999) Penalty, see LEC 1.04.230~~

SOLID WASTE ABATEMENT/RECYCLING

5.12.20230 PURPOSE.

(A) The purpose of the policies set forth within LEC 5.12.230 *et seq.* is to reduce the amount of solid waste sent to landfills through source separation of recyclable items.

(B) Sections 5.12.230 *et seq.* is intended to ~~serve several purposes:~~

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

(2) ~~To e~~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.~~

~~(1997 Code, § 805.01)~~

5.12.2340 DEFINITIONS.

Unless specifically defined LEC 5.12.230 et seq., common definitions, words, or phrases used in LEC 5.12.230 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.

~~(1997 Code, § 805.02)~~

5.12.2~~30450~~ **CURBSIDE RECYCLING.**

(A) The city has ~~initiated~~ a program ~~that affords in which~~ every resident ~~within of~~ 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 ~~established in 5.12.260 to 5.12.330.~~

~~(1997 Code, § 805.03)~~

5.12.2~~40560~~ **COLLECTION.**

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

~~(1997 Code, § 805.04) Penalty, see LEC 1.04.230~~

5.12.2~~50670~~ **PARTICIPATION.**

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

~~(1997 Code, § 805.05)~~

5.12.2~~6080~~ **MATERIALS ~~TO BE PICKED UP AT~~ COLLECTED CURBSIDE.**

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

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

- ~~—— (1) Newspapers;~~
- ~~—— (2) Corrugated cardboard;~~
- ~~—— (3) Glass (clear, green, and brown);~~
- ~~—— (4) Aluminum and bi-metal cans; and~~
- ~~—— (5) Batteries;~~
- ~~—— (5) Special items; and~~

~~— (7) — Tires will be picked up with recyclables at a cost determined by the city and the contracted recycler.~~

~~(1997 Code, § 805.06) Penalty, see LEC 1.04.230~~

5.12.27090 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 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~~ pass to 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.

~~(1997 Code, § 805.07)~~

5.12.280300 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 shall be~~ 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.~~

~~(1997 Code, § 805.08) Penalty, see LEC 1.04.230~~

5.12.290310 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.~~

~~(1997 Code, § 805.09)~~

~~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~~

5.12.31020 CITY'S COMMITMENT TO SOLID WASTE ABATEMENT.

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

~~(1997 Code, § 805.11)~~

~~OPEN FIRES PROHIBITED~~

~~5.12.340 ADOPTION BY REFERENCE.~~

~~—The ambient air quality standards, air pollution control regulations of the Minnesota Pollution Control Agency (M.P.C.A.), and the Open Burning Restrictions and Permitting Regulations of the Department of Natural Resources (D.N.R.) are adopted by reference, and have the same force and effect as if they were reproduced in their entirety.~~

~~(1997 Code, § 810.01) (Am. Ord. 97-80, passed 5-5-2001)~~

5.12.350 PERMITS.

~~—Open fires are prohibited provided that that a recreational fire is allowed upon issuance of a permit by the Lake Elmo Fire Chief or the Fire Chief's designee.~~

~~(1997 Code, § 810.02) (Am. Ord. 97-80, passed 5-5-2001; Am. Ord. 97-116, passed 4-1-2003) Penalty, see § 10.99~~

§ 1.08.010 DEFINITION ADDITIONS & CHANGES

COMMERICAL ESTABLISHMENT. Means ~~Any~~ premises where a commercial or industrial enterprise of any kind is carried on, ~~and shall~~ including inge restaurants, clubs, churches, ~~and~~ 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.

RESIDENTIAL DWELLING. A building used or intended to be used as a personal residence by an owner, part-time owner, or lessee of the residence. This includes both single-family residences and multi-unit residences.

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~~5th day of ~~April~~July, 2022, by a vote of ___ Ayes and ___ Nays.

LAKE ELMO CITY COUNCIL

Charles Cadenhead, Mayor

ATTEST:

Julie Johnson, City Clerk

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

RESOLUTION NO. 2022-039

**RESOLUTION AUTHORIZING PUBLICATION OF A SUMMARY OF ORDINANCE
2022-04**

WHEREAS, the Lake Elmo City Council has adopted Ordinance No. 2022-04, an ordinance that amends the City's Ordinance Chapter 5.12 relating to Solid Waste.

WHEREAS, the ordinance is lengthy; and

WHEREAS, Minnesota Statutes, section 412.191, subd. 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

WHEREAS, the City Council believes that the following summary would clearly inform the public of the intent and effect of the ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Clerk shall cause the following summary of Ordinance No. 2022-04 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 2022-04, an ordinance that amends the City Code language related to Chapter 5.12: Solid Waste. The following is a summary of the adopted ordinance language:

Ordinance 2022-04 includes the following elements:

1. Revisions to definitions and references to bring the ordinance into compliance with state law.
2. Restricting residential collection to Tuesdays and Thursdays.
3. Updated language related to disposal of yard waste.

The full text of Ordinance 2022-04, is available for inspection at Lake Elmo City Offices during regular business hours.

BE IT FURTHER RESOLVED by the City Council of the City of Lake Elmo that the City Administrator keep a copy of the ordinance at City Hall for public inspection and that a full copy of the ordinance be placed in a public location within the City.

Dated: July 5, 2022

Charles Cadenhead, Mayor

ATTEST:

Julie Johnson, City Clerk

(SEAL)