

CITY OF LAKE ELMO
WASHINGTON, COUNTY
SUMMARY OF ORDINANCE 8029
RELATING TO SOLID WASTE AND SOLID WASTE DISPOSAL

On April 17, 1990, the Lake Elmo City Council adopted Ordinance 80-29 relating to the Solid Waste and Solid Waste Disposal.

On December 3, 1991, the Lake Elmo City Council received a summary of Ordinance 80-29 and by 4 affirmative votes, approved the publication of a summary of this ordinance, to wit:

Section 801.050 B. Frequency of Collections:
Section 801.050 C. Storage of Solid Waste:
Section 801.050 D. Storage and Containers
Section 801.070 Prohibits waste incineration facilities and/or solid waste, rubbish, or garbage disposal facilities from being located within the City of Lake Elmo.

Section 802 Solid Waste Abatement: Sets forth the city's policy for waste abatement


Section 802.020 Defines Recyclable Materials, Designated Recycling Program, Scavenging, Yard Waste, Compost Site.

Section 802.030:- Curbside Recycling
Section 802.040 - Collection of Recyclables.
Section 802.050 - Participation in Recycling Program
Section 802.060 - Materials to be Picked Up for Recycling
Section 802.070 - Ownership of Recyclables
Section 802.080 - Prevention of Scavenging
Section 802.090 - Land Disposal of Yard Waste
Section 802.100 - Ownership of Compost
Section 802.110 - City's Commitment to Solid Waste Abatement

A complete copy of Ordinance 80-29 Solid Waste Disposal and Abatement is on file in the office of the city administrator and can be viewed by the public during normal business hours.

Signed 
David Johnson, Mayor

Attest:


Mary Kueffner, City Administrator

800 SOLID WASTE

801 SOLID WASTE DISPOSAL

802 SOLID WASTE ABATEMENT

803 OPEN BURNING OF REFUSE

801 SOLID WASTE DISPOSAL

801.010 Definitions

A. The words "solid waste" for purposes of this ordinance shall mean garbage, refuse and other discarded solid materials, except animal waste used as fertilizer, including solid waste materials resulting from industrial, commercial and agricultural operations. "Solid Waste" does not include earthen fill, boulders, rock and other materials normally handled in construction operations.

B. The word "refuse" for the purpose of this ordinance, shall mean putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue.

C. The word "rubbish" for the purpose of this ordinance, shall mean nonputrescible solid wastes, including ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, fallen leaves, tree trimmings, parts of dead trees, wood glass, bedding, crockery, or litter of any kind.

D. The word "garbage" for the purpose of this ordinance, shall mean discarded material resulting from the handling, processing, preparation, serving, and consumption of food.

E. The words "solid waste collection" for the purpose of this ordinance, shall mean the gathering of solid waste from public or private places.

F. The words "solid waste transportation" for the purpose of this ordinance shall mean, the conveyance of solid waste from one place to another, by means of vehicle, rail car, water vessel, conveyer or other means.

G. The words "refuse collection service" for purposes of this ordinance shall mean, a private operation engaged in solid waste collection and solid waste transportation.

H. The words "business of refuse collection" for the purpose of this ordinance, shall mean, operating a refuse collection service for hire.

In compliance with this State Law, the City of Lake Elmo shall prohibit the deposit of yard waste (1) In mixed municipal solid waste; (2) In a disposal facility; (3) In a resource recovery facility except for the purposes of composting or co-composting, effective 1-1-1990.

The City of Lake Elmo 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 of Lake Elmo at a regularly scheduled basis.

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.

802.100 OWNERSHIP OF COMPOST The uncontaminated leaves and grass clippings deposited at the Lake Elmo Compost Site shall remain the property of the City of Lake Elmo. However, it is the intent of the City of Lake Elmo to make available to the general residential public the finished compost, on a first come, first serve basis. No motorized loading equipment, other than that used by the City of Lake Elmo, is allowed on the premises at any time for the purpose of obtaining finished compost without the approval of the City of Lake Elmo.

802.110 CITY'S COMMITMENT TO SOLID WASTE ABATEMENT Lake Elmo is firmly dedicated to the education of the public on the importance of natural resources protection and preservation and the many environmentally and socially responsible ways in which such resources should be used and enjoyed.

To this end, the City of Lake Elmo has resolved that in all aspects of its planning and operation, it shall demonstrate its long-range commitment to education, environmental ethics, and the protection and preservation of its and all natural resources by serving as a highly visible living example and role model of care and respect for the environment.

The City of Lake Elmo shall become further involved environmentally and develop and aggressively implement a highly visible recycling program that will effectively demonstrate, yet again, another example of its leadership in the protection and preservation of its natural resources.

The City of Lake Elmo has implemented a curbside recycling program, and yard waste compost site, and commits to recycling in all City owned facilities including an in-park recycling effort made possible through education of park guests and general public as to the need for recycling; and will explore ways for broadening the program through intergovernmental cooperation and private enterprise.

The City of Lake Elmo will make every effort to purchase recycled materials, which will include, but not be limited to paper.

802.050 PARTICIPATION The initial curbside collection of recyclables shall be voluntary. Hereafter, this program may be supported by mandatory source separation at the discretion of the City of Lake Elmo, Washington County, or the State of Minnesota, pending further analysis.

802.060 MATERIALS TO BE PICKED UP AT CURBSIDE Items to be collected and instructions for preparation shall be uniform throughout the City. Material to be collected shall include, but not be limited to the following:

- A. Newspapers
- B. Corrugated Cardboard
- C. Glass (clear, green and brown)
- D. Aluminum and bi-metal cans.
- E. Batteries
- F. Special Items
 - a. Tires will be picked up with recyclables at a cost determined by the City and the Contracted Recycler.

802.070 OWNERSHIP 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. 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. 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. Nothing in this ordinance shall abridge the right of any individual or household to give or sell their recyclable materials to any recyclable material program.

802.080 SCAVENGING 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. To insure 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 of Lake Elmo to take or collect recyclable material set out for authorized collection programs within the City.

802.090 LAND DISPOSAL OF YARD WASTE The Minnesota Waste Management Act prohibits the deposit of yard waste (1) In mixed municipal solid waste; (2) In a disposal facility; (3) In a resource recovery facility except for the purposes of composting or co-composting, effective 1-1-1990.

I. The word "hauler" for the purpose of this ordinance means any person engaged in the business of refuse collection.

J. The words "collection point" for the purpose of this ordinance shall mean, any residence, place of business or other place in the City of Lake Elmo with respect to which a hauler as defined hereunder has been hired for the purpose of collecting and transporting solid waste therefrom.

K. A "farmer" for purposes of this ordinance shall be a person permanently residing on a tract of land of not less than 75 acres in the City of Lake Elmo and who farms such land as a predominant source of income.

801.020 Purpose The purpose of this ordinance is to protect the public health, safety and welfare of the residents of the City of Lake Elmo by licensing and regulating the operation of refuse collection services within the City which licensing and regulation the City Council hereby determines to be necessary to insure the regular collection and transportation of solid waste and to eliminate the dispersal of solid waste along the streets and other areas in or near the City and to eliminate other and similar health and safety hazards which the Council finds now exist or are to be anticipated in the absence of such licensing and regulation.

801.030 License Required

A. No person, firm or corporation shall engage in the business of refuse collection with the City of Lake Elmo without first having obtained a license from the City Council.

B. Such license may be issued by the Council for the calendar year under the conditions prescribed by this Ordinance and upon payment of a license fee for certain occupations as set by the City Council by resolution.

C. Revocation Every license issued under this Ordinance is subject to the right, which is hereby expressly reserved, to revoke the same should the licensee, directly or indirectly, violate any provision of the City Code, the laws of the State of Minnesota or any permit issued hereunder relating to this activity permitted by this license. Said license may be revoked by the City Council after written notice to the licensee. Which notice shall specify the Ordinance or law violation with which the licensee is charged. Ten (10) days notice of the hearing shall be given the licensee. At such hearing the licensee and his attorney may present and submit evidence in his defense.

D. The application shall include at least the following information:

1. Name of applicant
2. Address of applicant
3. Telephone number of applicant
4. Name of employer
5. Certificate of Competancy, License, Master Number and issuing authority, where applicable.
6. If self-employed, business name.
7. Set forth in detail applicants training, experience and other qualifications, if any, which tend to establish that he possesses the technical knowledge and ability required to plan, lay-out and supervise the work.
8. A list of communities where applicant is licensed and recent work performed in them.
9. An assurance that applicant agrees to abide by the Ordinance of the City of Lake Elmo relating to the installation, alteration, repair of service equipment, work, or construction licensed.

801.040 Bond Required No lincense issued hereunder shall be effective until the licensee shall have deposited with the Administrator a license bond in the penal sum of \$1,000.00 conditioned on the licensee's compliance with the conditions of the license granted hereunder.

801.050 Regulations All collection and removal of solid waste within the City of Lake Elmo shall be performed in accordance with the following regulations:

A. Responsibility for Collection The owner and occupant of any premises, business establishment or industry and/or the refuse collection service shall be responsible for the collection and transportation of all solid waste accumulated at a premises, business establishment or industry in accordance with this Section 801.

B. Frequency of Collections All garbage and all other solid waste small enough to fit in a 32-gallon can shall be collected and removed from each collection point at least once a week, unless the hauler and customer agree otherwise.

C. Storage of Solid Waste The owner and occupant of any premises, business establishment, or industry shall be responsible for the storage of all solid waste accumulated at that premises, business establishment or industry in accordance with this Section 801.

Garbage and similar putrescible waste shall be stored in durable, rust resistant, nonabsorbent, watertight, rodent proof, and easily cleanable containers, with close fitting, fly-tight covers and having adequate handles or bails to facilitate handling; other refuse shall be stored in durable containers or as otherwise provided in this Section. Where garbage and similar putrescible wastes are stored in combination with nonputrescible refuse, containers for the storage of the mixture shall meet the requirements for garbage containers.

D. Storage and Containers Except on days scheduled for collection, containers shall be stored out of view of the public street or road. If curbside pickup is used, only container with the week's accumulation of solid waste shall be placed curbside on private property for collection. Except on collection day containers shall remain out of the view from the public street or road. Refuse collection employees shall replace any collection containers back on the curbside on private property.

E. Effect of Failure to Pay Fees Notwithstanding any provisions of this ordinance to the contrary, no hauler need collect or remove the solid waste from any collection point if the customer for whom it is being collected is in default of any payment or payments required to be paid for such service under the contract or agreement existing between the hauler and such customer.

801.060 Exceptions Any farmer, as defined herein, shall be exempt from weekly collection provided, however, that solid waste accumulated on such farm shall be disposed of as provided by other applicable laws and regulations.

801.070 Disposal of Solid Waste, Rubbish, Garbage, Incinerator Ash

A. Purpose The purpose of this ordinance is to protect the public health, safety and welfare of the residents of the City of Lake Elmo against the adverse effects of landfills by prohibiting waste incineration facilities and/or solid waste, rubbish, or garbage disposal facilities from being located within the City of Lake Elmo.

B. Scope By adoption and publication of this ordinance, the City of Lake Elmo will prohibit waste incinerator facilities and/or solid waste rubbish or garbage disposal facilities from being located within the City of Lake Elmo.

802 SOLID WASTE ABATEMENT

802.010 The purpose of the policies set forth within this Ordinance is to reduce the amount of solid waste sent to landfills through source separation of recyclable items. This ordinance is intended to serve several purposes:

1. To raise the public's awareness of recycling and to make recycling services available to City residents.
2. To encourage recycling activity with the City of Lake Elmo.
3. To be prepared for a seemingly inevitable mandatory source separation ordinance which may occur at the discretion of the City of Lake Elmo, Washington County, and/or the State of Minnesota.

802.020 DEFINITIONS

A. "Recyclable Materials" shall mean items of refuse which are part of an authorized recycling program and which are intended for transportation, processing, and manufacturing or reuse, including, but not limited to: paper, glass, aluminum and other metal cans and containers and corrugated cardboard.

B. "Designated Recycling Program" shall mean a program for the collection and recycling of recyclable materials which is instituted, sponsored and controlled by the City of Lake Elmo and its contracted recycler.

C. "Scavenging" shall mean the unauthorized collection of recyclable materials that have been specifically set out by residents of the City for the purpose of participating in curbside recycling programs.

D. "Yard Waste" as it relates to this Ordinance shall mean uncontaminated leaves and grass clippings uncontaminated with foreign objects, such as tree trimmings or brush.

E. "Compost Site" An area designated by the City of Lake Elmo for residents to place uncontaminated leaves and grass clippings.

802.030 CURBSIDE RECYCLING The City of Lake Elmo has initiated a program in which every resident within the City is afforded the opportunity to voluntarily separate recyclable solid waste. The City of Lake Elmo will provide curbside pickup of recyclables based on the following conditions:

802.040 COLLECTION All collection of recyclables shall be at curbside on the boulevard. Those recyclables shall be in a clearly identifiable manner to be designated by the City staff.