

CHAPTER 7-7 MIXED MUNICIPAL SOLID WASTE AND RECYCLABLES

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7-7-1: Definitions

As used in this chapter, the following terms and phrases have the following meanings:

ASSOCIATION: All cooperative organizations of residential dwelling owners formed for the purpose of joint management of property or services.

BULK REFUSE CONTAINER: Refuse container greater than ninety six (96) gallons that is designed or engineered to collect refuse and other mixed municipal solid waste. Bulk refuse containers are constructed of durable material and have enclosed sides.

COLLECTION: The aggregation of mixed municipal solid waste, recyclables and organics from the place at which it is generated and includes all activities up to the time the waste is delivered to a waste facility.

COMMERCIAL/INDUSTRIAL ESTABLISHMENT: Any premises not primarily used for residential purposes and wherein a commercial or industrial enterprise of any kind is undertaken, including restaurants, clubs, churches, and schools.

COMMINGLED (e.g., Dumpster Type) COMMERCIAL/RESIDENTIAL COLLECTION: Collection from any commercial/industrial establishment or building consisting of more than one dwelling unit where each unit has an individual kitchen and wherein the mixed municipal solid waste of each unit and recyclables from multi-family dwellings are mixed with the waste of other units prior to the collection efforts of licensed haulers.

CONSTRUCTION DEBRIS: Waste building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition of buildings and roads.

DAY SPECIFIC HAULING MAP: A map that divides the city into districts for individual residential collection based on the day of the week in which garbage, refuse, recyclables and yard waste are collected by a licensed collector.

HOUSEHOLD: An individual or two (2) or more persons related by blood, marriage, guardianship or adoption living together as a single housekeeping unit; or a group of not more than four (4) persons not so related, maintaining a common housekeeping unit and using common cooking and kitchen facilities; or a residential program (group home) for six (6) or fewer persons as defined and licensed by the state of Minnesota department of human services.

INDIVIDUAL (e.g., Curbside) RESIDENTIAL COLLECTION: Collection from any building consisting of one or more dwelling units wherein each unit has an individual kitchen and wherein the mixed municipal solid waste, recyclables, and yard waste of each unit are separately collected by licensed haulers.

MIXED MUNICIPAL SOLID WASTE: Garbage, refuse, and other solid waste from residential, commercial, industrial and community activities which is generated and collected in aggregate, but excluding auto hulks or large auto parts, street sweepings, ash, construction debris, mining waste, sludges, household hazardous waste, tree and agricultural wastes, tires, lead acid batteries, used oil, yard waste and other materials collected, processed and disposed of as separate waste streams.

MULTIPLE DWELLING OR MULTI-UNIT RESIDENTIAL BUILDING: Any building used for residential purposes consisting of more than four (4) dwelling units.

NONPUTRESCIBLE SOLID WASTE: Solid waste that is resistant to decomposition or decay by bacterial or fungal action. Examples are glass, steel, concrete, treated lumber, finished wood furniture, carpeting, rubber, paper, cardboard, or plastics that do not contain putrescible solid waste.

PUTRESICIBLE SOLID WASTE: Solid waste that contains organic matter that is capable of rotting or that is in a foul state of decay or decomposition or that is an attractant to animals and pests. Examples are food waste and containers, excreta, diapers, manure, and other materials.

RECYCLABLES OR RECYCLABLE MATERIALS: Materials which can be separated from the mixed municipal solid waste stream for collection and preparation for reuse in their original form, or for other uses in manufacturing processes that do not cause the destruction of the recyclable materials in a manner that precludes further use. For designated recyclables see section 7-7-8.

REFUSE: Nonputrescible solid wastes such as nonrecyclable glass, crockery, cans, paper, boxes, rags, but excluding ashes, sand, earth, brick, stone, concrete, trees, tree branches and wood.

SPECIAL PICK UP: Any collection of materials other than garbage, refuse, recyclables or yard waste, including white goods (e.g., large appliances), furniture, oversized materials, construction debris and other materials collected, processed and disposed of as separate waste streams.

YARD WASTE: Organic material consisting of grass clippings, leaves and other forms of organic garden waste, prunings, and fresh cut Christmas trees and boughs, but excluding garden vegetables, and materials that are not readily compostable within a calendar year.

HISTORY

Amended by Ord. [1536](#) on 1/19/2021

7-7-2: Required Collection Of Mixed Municipal Solid Waste

Every household and commercial/industrial establishment in the city must be under a contract for the collection of mixed municipal solid waste with a licensed hauler. A household in a multi-dwelling property is considered to be under a garbage collection contract if the owner, association, or management entity has a contract with a licensed garbage hauler.

HISTORY

Amended by Ord. [1536](#) on 1/19/2021

7-7-3: Exemption From Collection Requirement

A household or commercial/industrial establishment may be exempt from the requirement to be under a mixed municipal solid waste contract if the household or commercial/industrial establishment hauls mixed municipal solid waste and recyclables from their own residence or business property and complies with the standards set forth in section 7-7-6 of this chapter.

HISTORY

Amended by Ord. [1536](#) on 1/19/2021

7-7-4: Opportunity To Recycle

- A. All owners or lessees of commercial or industrial properties shall have an opportunity to recycle. The recycling opportunity shall include the collection of all designated recyclables.
- B. It is unlawful for any residential or multiple dwelling association or management entity to negotiate, execute or maintain a contract for mixed municipal solid waste collection unless it includes, as a part of the contract or as a part of a separate contract, a service capacity of one-tenth (0.1) cubic yards per week per dwelling unit of all designated recyclables. Owners and managers of multiple dwelling must:
1. Ensure designated recyclables are collected for recycling.
 2. Provide recycling containers with a weekly service capacity of at least one-tenth (0.1) cubic yards per dwelling unit.
 3. Ensure that the collection schedule and container capacity are sufficient to contain all the recyclables collected and organics (if collected) from the building and public spaces and to prevent overflowing containers.
 4. Ensure all trash collection containers or collection chutes are co-located within ten (10') feet from a recycling container or recycling chute. Each container or chute must have equal access.
 5. Ensure all trash, recyclables, and organics collection containers are labeled in accordance with Dakota County Ordinance 110, Solid Waste Management, 16.06 Labeling, as may be amended.
 6. Ensure all trash is delivered to a facility licensed or permitted to accept the waste, recyclables collected are delivered to a recycling facility and organics (if collected) are delivered for food recovery or to an organics facility.
 7. Provide solid waste abatement messages in print or electronic form to each dwelling resident, tenant, employee, housekeeping, and custodial contractors. Messaging must be documented and follow the solid waste abatement messaging published on the Dakota County Website. Such messaging must occur:
 - a. At least annually;
 - b. Within thirty (30) days of a substantive change to the generator's waste program; and
 - c. Within thirty (30) days of a new hire or tenant.
- C. Large event venues with organics are defined as a gathering of at least three hundred (300) people that generates at least one ton (eight cubic yards) of trash per location and that generates back-of-house organics. Event sponsors and owners and operators of large event venues with organics must:
1. Ensure the designated recyclables are collected for recycling.
 2. Provide a collection schedule and containers adequate to meet the requirements of this ordinance. Container locations must include but are not limited to: indoor and outdoor locations, public spaces, private spaces, and communal spaces.
 3. Co-locate all recycling containers within ten (10') feet from a trash collection containers. Each container must have equal access.

4. Ensure all trash, recyclables, and organics collection containers are labeled in accordance with Dakota County Ordinance 110, Solid Waste Management, 16.06 Labeling, as may be amended.
5. Ensure all trash is delivered to a facility licensed or permitted to accept the waste, recyclables collected are delivered to a recycling facility and organics (if collected) are delivered for food recovery or to an organics facility.
6. Provide solid waste abatement messaging in print or electronic form to each employee, volunteer, tenant, and housekeeping and custodial contractors. Messaging must be documented and follow the solid waste abatement messaging published on the Dakota County Website. Such messaging must occur:
 - a. At least annually;
 - b. Within thirty (30) days of a substantive change to the generator's waste program; and
 - c. Within thirty (30) days of a new hire or tenant.

HISTORY

Amended by Ord. [1536](#) on 1/19/2021

7-7-5: License Requirements

- A. No person shall haul mixed municipal solid waste or recyclables in the city without first securing a license from the city.
- B. The license shall be valid for one calendar year and shall expire on December 31 of each year unless revoked sooner.
- C. An applicant for a license shall make application to the city manager through forms and procedures prescribed by the city manager. The application for a license shall contain the following information:
 1. The name and current business address of the applicant;
 2. A list of the equipment proposed to be used in the collection, including information about the number, type, license number, and capacity of the collection vehicles and equipment to be used in the city;
 3. A description of the services to be rendered, including a brief description of how the applicant will comply with the provisions of subsections 7-7-7(H), (I) and (J) of this chapter;
 4. The place or places to which mixed municipal solid waste and/or recyclables are to be hauled;
 5. Information about the location and method of storage of collected recyclable materials, including evidence of compliance with all state, county, and local laws and regulations; and
 6. A general description of the applicant's service area. This description need not include information about specific customers.
- D. An applicant must obtain all of the insurance required by this subsection. All costs and expenses are the responsibility of the applicant. All insurance coverage is subject to approval by the city

and shall be maintained by the licensee during the term of the license. No work under this license shall be commenced until the requirements of this section have been satisfied.

1. The licensee shall obtain and maintain statutory workers' compensation insurance and employer's liability insurance, as required under the laws of the state of Minnesota.

In the event licensee is a sole proprietor and has not elected to provide workers' compensation insurance, licensee shall be required to execute and submit an affidavit of sole proprietorship in a form satisfactory to the city.

2. Licensee shall obtain and maintain the following minimum coverage for comprehensive general liability (including premises-operations; independent contractors' protective; products and completed operations; broad form property damage): (Ord. 433, 12-2-1991)

Bodily injury:
\$2,000,000.00 per occurrence
\$2,000,000.00 product and completed operations
Property damage:
\$2,000,000.00 per occurrence

(Ord. 433, 12-2-1991; amd. Ord. 1367, 2-16-2016)

3. Licensee shall obtain and maintain the following minimum insurance coverage for personal injury liability (with employment related exclusion deleted): (Ord. 433, 12-2-1991)

Limit:
\$2,000,000.00 per occurrence

(Ord. 433, 12-2-1991; amd. Ord. 1367, 2-16-2016)

4. Licensee shall obtain and maintain the following minimum insurance coverage for comprehensive automobile liability (owned, nonowned, hired): (Ord. 433, 12-2-1991)

Bodily injury:
\$2,000,000.00 per person
\$2,000,000.00 per occurrence
Property damage:
\$2,000,000.00 per occurrence

(Ord. 433, 12-2-1991; amd. Ord. 1367, 2-16-2016)

5. Insurance certificates evidencing that the insurance required by this subsection is in force with companies acceptable and licensed in the state of Minnesota, and in amounts required, shall be submitted for examination and approval prior to the execution of the license. Thereafter, the certificates shall be filed with the city. The insurance certificates shall specifically provide that a certificate shall not be modified, canceled or nonrenewed, except upon thirty (30) days' prior written notice to the city. Neither the city's failure to require or insist upon certificates, or other evidence tending to show a variance from the

coverages specified in this subsection shall change a licensee's responsibility to comply with these insurance requirements.

- E. The annual license fee shall be established by resolution of the city council.
- F. The city manager shall issue licenses only after receipt and review of all required forms, certificates and fees. Upon review of the documents submitted, the city manager shall issue a license if the documents comply with the provisions of this chapter. An applicant denied a license by the city manager may have the decision reviewed by the city council. The applicant shall request review by the city council in writing within ten (10) days after denial of the license. (Ord. 433, 12-2-1991)
- G. The locations and boundaries of the day specific hauling areas established under this chapter are hereby set forth on the map entitled city of Burnsville day specific hauling map. The official day specific hauling map shall be kept on file with the city clerk, and hereinafter referred to as the day specific hauling map. The day specific hauling map and all the notations, references and other information shown thereon shall have the same force and effect as if fully set forth herein and thereby made a part of this code by reference. (Ord. 1124, 7-8-2008, eff. 1-1-2009)

7-7-6: Exemption From License Requirements

The license requirements of this chapter shall not apply to persons who haul recyclables, yard waste or mixed municipal solid waste from their own residences or business properties; provided, that they are disposed of in an environmentally sound manner by meeting the following conditions:

- A. Mixed municipal solid waste is hauled in a timely manner such that it does not accumulate and become a "nuisance" as defined under sections 7-1-1 and 7-1-2 of this title;
- B. Mixed municipal solid waste is hauled in containers equipped with tightfitting covers and which are also watertight on all sides and the bottom;
- C. Mixed municipal solid waste and recyclables are hauled in a manner that prevents leakage or any possibility of a loss of cargo;
- D. Mixed municipal solid waste are only dumped or unloaded at designated sanitary landfills, municipal solid waste composting facility, resource recovery facility or other facilities authorized by Dakota County;
- E. Recyclables are only dumped or unloaded at a recycling facility, an organized recycling drive, or through licensed collectors;
- F. Yard waste is privately composted, or is only dumped or unloaded at a composting facility authorized by Dakota County, or through a licensed collector;
- G. Items excluded in "mixed municipal solid waste" (as defined in section 7-7-1 of this chapter) shall be collected, processed, and disposed of according to state and county laws.

HISTORY

Amended by Ord. [1536](#) on 1/19/2021

7-7-7: Duties And Obligations Of Licensed Collector

A licensed collector must comply with the following operational requirements. Failure to observe these provisions may be a basis for suspension or revocation of a license.

- A. The licensee shall operate in a manner consistent with its application materials and shall provide notice to the city within ten (10) days of any changes in the information, forms or certificates filed

as a part of the license application process, except for the thirty (30) day notice required by subsection 7-7-5(D)5 of this chapter;

- B. The licensee shall comply with all state, county, and local laws and regulations;
- C. Each licensed collector shall provide all of its customers with the opportunity for the weekly collection of mixed municipal solid waste. No collections of mixed municipal solid waste and/or recyclable materials shall be made except between the hours of six thirty o'clock (6:30) A.M., and six o'clock (6:00) P.M. Monday through Friday in residential use areas or areas adjoining or across the street from residential use areas. To accommodate recognized national holidays or a "special pick up" as defined in section 7-7-1 of this chapter, mixed municipal solid waste and/or recyclables may be collected on Saturdays during permitted hours. Customers shall be reasonably notified of the specific day and hours for the collection of their mixed municipal solid waste and/or recyclables and the licensee shall collect the materials within those time periods. Individual residential collection shall be on the specific day of the week as identified on the day specific hauling map. Commingled commercial/residential collection is exempt from the day specific hauling map;
- D. Each licensed collector shall only use vehicles and equipment so constructed that the contents will not leak or spill. The vehicles and equipment shall also be kept clean and as free from offensive odors as possible, and shall not stand in any street, alley, or public place longer than is reasonably necessary to collect mixed municipal solid waste, yard waste, and/or recyclables. The licensee shall also ensure that the collection site is left tidy and free of litter. Bulk refuse containers must be covered when transporting;
- E. Collectors shall be responsible to remove any refuse containers creating nuisance conditions as directed by the city. Property owners will be responsible for any costs associated with correcting nuisance conditions per section 7-1-10 of this title;
- F. All bulk refuse containers will be clearly identified with the name of licensed hauler and phone number. Letters must be a minimum of three inches (3") in height and be clearly visible. All markings shall be maintained in legible condition. Container must be in good condition and serviceable;
- G. No bulk refuse containers may be placed in the right of way;
- H. Each licensed collector shall provide its residential customers, including residents of multi-family dwellings, with an opportunity to recycle through collection of designated "recyclables" (as defined in section 7-7-1 of this chapter and by resolution of the city council hereinafter adopted) in an adequately sized recycling container at least biweekly. Individual residential collection of designated recyclables shall be on the specific day of the week identified on the day specific hauling map. The designated recyclables collection shall be from a location at or near the customer's mixed municipal solid waste collection site, or such other location mutually agreeable to the hauler and the customer. The licensee may specify how a customer is to place and prepare their designated recyclables for collection. The licensee is also deemed the owner of the recyclables and, upon collection, the licensee may market them. Nothing herein shall be construed to prevent a licensee from offering collection for other recyclable materials, in addition to the designated recyclables;
- I. Each licensed collector shall provide for a separate collection of yard waste(s) from customers who receive individual residential collection services. This yard waste collection shall be offered on a weekly basis from April 1 until November 15 unless by determination of the city manager, shorter collection periods are deemed more appropriate. The yard waste collection shall occur on the specific day of the week as identified on the day specific hauling map. Yard waste collection shall also be offered for two (2) weeks in January for the collection of Christmas trees. The licensed collector shall have the discretion of setting specific dates and times for the Christmas tree collection, but shall give reasonable notice and instructions to the customer. The licensee shall also ensure that the materials are collected within those time periods. The collected yard

waste shall only be dumped or unloaded at a composting facility authorized or approved by Dakota County;

- J. Each licensed collector shall provide a volume based rate structure with a minimum of three (3) tiers for individual residential customers. Collectors are prohibited from imposing a greater charge on residents who recycle than on residents who do not recycle; and
- K. Licensed collectors may only dispose of mixed municipal solid waste at waste to energy facilities, sanitary landfills, or other solid waste disposal facilities meeting the requirements of 40 CFR parts 257 and 258.

HISTORY

Amended by Ord. [1536](#) on 1/19/2021

7-7-8: City Process For Designating Recyclables

In addition to the Dakota County process specified in Dakota County Ordinance 110, additional recyclable materials may be designated as for collection by resolution of the city council after the effective date of this chapter. The designation process will be as follows:

- A. Each licensed collector shall be given one hundred twenty (120) days' written notice of proposed additions to the list of designated recyclables. The notice will specifically describe the material(s) proposed for addition and also describe how the addition might affect the duties and obligations of a licensee;
- B. Each licensed collector shall also be given written notice at least ten (10) days in advance of the time and date of the city council meeting that will consider the proposed addition to the list of the designated recyclables; and
- C. Notice shall be deemed given by mail, via general delivery, to the address provided on the most recent license application, or renewal form.

HISTORY

Amended by Ord. [1536](#) on 1/19/2021

7-7-9: Suspension Or Revocation Of License

Upon the recommendation of the city manager, the city council may suspend or revoke the license of any person whose conduct is found to be in violation of the provisions of this chapter. Suspension or revocation may also be based on other health, safety, and welfare concerns arising out of the performance of the licensee, its employees and agents, and/or its vehicles and equipment. Revocation or suspension of a license by the council shall be preceded by a public hearing conducted in accordance with Minnesota statutes sections 14.57 to 14.70. The city council may appoint a hearing examiner or may conduct a hearing itself. The hearing notice shall be given at least ten (10) days prior to the hearing, include notice of the time and place of the hearing, and shall state the nature of the charges against the licensee. (Ord. 433, 12-2-1991)

7-7-10: Antiscavenging Provision

It is unlawful for any person or business to scavenge, collect, or otherwise remove mixed municipal solid waste, recyclables, or yard waste that has been placed at the curb or in recycling containers, without a license from the city and an account relationship with the owner, lessee, or occupant of the premises. (Ord. 433, 12-2-1991)

7-7-11: Reservation Of Rights

No collector licensed pursuant to this chapter shall acquire a vested right in the license. The city may, upon finding that public necessity requires, determine to establish other means of refuse collection. (Ord. 433, 12-2-1991)

7-7-12: Severability

In the event that a court of competent jurisdiction adjudges any part of this chapter to be invalid, such judgment shall not affect any other provision of this chapter not specifically included within the judgment. (Ord. 433, 12-2-1991)

7-7-13: Penalty

Any person convicted of violating this chapter shall be guilty of a misdemeanor and shall be subject to a fine or imprisonment in the county jail, or both, as specified by state statute. Such penalty may be imposed in addition to suspension or revocation of the license. (Ord. 433, 12-2-1991)