

Chapter 2

MIXED SOLID WASTE AND RECYCLING

4-2-1: INTENT:

It is the intent of the city council, by means of this chapter, to establish a system of solid waste management throughout the city so that the disposal of such materials is accomplished in a sanitary manner, so that the health and sanitary conditions of the residents of the city shall be properly safeguarded, and so that the city is in compliance with the city's 2030 comprehensive plan, the Washington County solid waste management master plan 2012 - 2030 and any updates to those plans approved by the city or the county and with the state and the county recycling and solid waste reduction mandates. In addition, the city council intends to establish a volume based refuse collection system in order to improve waste management within the city. (Ord. 964, 7-6-2016)

4-2-2: DEFINITIONS:

The following words, terms, and phrases when used in this chapter shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning:

BULKY WASTE: Shall have the meaning set forth in Minnesota statutes and is a subset of mixed municipal solid waste. Includes household items and other discarded materials that due to their dimensions and weight are typically not collected as part of the regular trash and recycling or for which there is a separate fee, such as furniture, carpeting, mattresses and appliances including electronic devices.

CITY: The city of Cottage Grove, Washington County, Minnesota.

COMMERCIAL ESTABLISHMENT: Any premises where a commercial or industrial enterprise of any kind is carried on, and shall include, but is not limited to, restaurants, clubs, churches, and schools where food is prepared or served.

COMMERCIAL/MULTIPLE-RESIDENTIAL DWELLING/INDUSTRIAL/ROLL-OFF SERVICE SOLID WASTE HAULER AND RECYCLER: A city licensed hauler who collects and hauls solid waste, including, but not limited to, garbage, recyclable materials, and construction/demolition waste, from commercial, multiple-residential dwelling and industrial properties or who provides roll-off box services.

COMMINGLED RECYCLABLES: Collection of recyclable materials whereby generators mix different types of recyclable materials in a single container for collection by a licensed hauler.

COMPOSTING: A method of recycling yard waste by allowing it to decay and then using it as a soil amendment.

CONSTRUCTION/DEMOLITION WASTE: Construction materials, packaging and rubble resulting from construction, remodeling, repair and demolition of buildings and roads, as well as sand, earth, brick, stone, crockery, trees, tree branches of more than two inches (2") in diameter and tree stumps.

CONTAINER: All containers for solid waste shall be made of metal, plastic, or other suitable material which is rodentproof, fireproof, and waterproof, can be kept tightly closed, will not easily corrode and shall be of such size and weight that they can be handled by one person. No container shall have ragged or sharp edges or other defect liable to hamper or injure the person collecting the contents thereof.

COUNTY: County of Washington, Minnesota.

DAILY HAULING DISTRICT: A residential area in which garbage, recyclables and yard waste are collected on the same day, the boundaries and day of collection of which are established by council resolution.

DUMPSTER: Large covered containers for large accumulations of garbage, recyclables or construction/demolition debris, including compactors.

GARBAGE: See definition of Mixed Municipal Solid Waste (MMSW).

HAZARDOUS WASTE: Shall have the meaning defined in Minnesota statutes and includes any refuse, sludge, or other waste material or combinations of refuse, sludge or other waste materials in solid, semisolid, liquid, or contained gaseous form which because of its quantity, concentration, or chemical, physical, or infectious characteristics may: a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. Categories of hazardous waste materials include, but are not limited to: explosives, flammables, oxidizers, poisons, irritants, and corrosives. Hazardous waste does not include source, special nuclear, or byproduct material as defined by the atomic energy act of 1954, as amended.

HOLIDAYS: Shall include only New Year's Day, Memorial Day, Fourth Of July, Labor Day, Thanksgiving Day and Christmas Day.

MIXED MUNICIPAL SOLID WASTE (MMSW): Has the meaning set forth in Minnesota statutes and shall include garbage, refuse, rubbish, trash, and other solid waste from residential, commercial, industrial, and community activities, that the generator of the waste aggregates for collection. MMSW does not include auto hulks, street sweepings, ash, construction debris, mining waste, sludges, tree and agricultural wastes, tires, lead acid batteries, motor and vehicle fluids and filters, and other materials collected, processed, and disposed of as separate waste streams. Also commonly referred to as "garbage".

MULTIPLE-RESIDENTIAL DWELLING: Any building used for residential purposes consisting of five (5) dwelling units or more with separate individual kitchen facilities for each dwelling unit.

RECYCLABLE MATERIALS: Shall have the meaning set forth in Minnesota statutes and means materials that are separated from MMSW for the purpose of recycling or composting, including, at a minimum, the targeted materials.

RECYCLING: Shall have the definition in Minnesota statutes, and means the process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of recyclable materials in a manner that precludes further use.

RECYCLING CONTAINER: A container for use in the city's authorized curbside recycling program.

RESIDENTIAL DWELLING: Any single building consisting of four (4) or less dwelling units with individual kitchen facilities for each dwelling unit.

RESIDENTIAL DWELLING SOLID WASTE HAULER AND RECYCLER: A city licensed hauler who collects and hauls solid waste, including, but not limited to, garbage, recyclable materials, and construction/demolition waste, from residential dwellings.

ROLL-OFF CONTAINERS: Open top dumpsters characterized by a rectangular footprint. The container is designed to be transported by special roll-off trucks. Roll-off containers are commonly used to contain loads of construction and demolition waste or other waste types.

SOLID WASTE: The general term for MMSW, recyclable materials, yard waste, bulky waste and SSCM.

SOURCE SEPARATED COMPOSTABLE MATERIALS (SSCM): Shall include food waste and other compostable organic materials that are source separated by the waste generator for the purpose of preparing them for use as compost and as further defined in Minnesota statutes. Also referred to as "food waste", "organics" and "source separated organics". The terms "food waste", "organics" and "source separated compostable materials" do not include yard waste for purposes of this chapter.

SPECIAL PICK UP: Any collection of bulky waste and construction/demolition waste and excludes MMSW, recyclable materials, yard waste or SSCM.

TARGETED RECYCLABLE MATERIALS: Those recyclable materials identified in the Washington County standard list of residential curbside recyclables.

VOLUME BASED BILLING: A graduated rate structure based upon the volume of MMSW, recyclable materials, SSCM collected from a residential dwelling, multiple-residential dwellings or a commercial enterprise.

YARD WASTE: Garden wastes, leaves, grass and lawn clippings, weeds, shrub, tree waste and other materials as defined by Minnesota statutes and council resolution. (Ord. 964, 7-6-2016)

4-2-3: LICENSE REQUIRED:

No person shall scavenge or otherwise haul or collect solid wastes including MMSW, recyclable materials, bulky wastes, SSCM, or yard wastes for hire from public or private property, including residential, commercial, institutional or other uses, unless licensed therefor by the city. However, nothing in this chapter shall prevent persons from hauling MMSW, recyclables, construction/demolition waste, bulky waste, SSCM or yard waste from their own residence or business in accordance with this chapter. (Ord. 964, 7-6-2016)

4-2-4: CATEGORIES AND NUMBER OF LICENSES:

A. Categories Of Licenses: There shall be two (2) license categories:

1. Residential dwelling solid waste hauler and recycler.
2. Commercial/multiple-residential dwelling/industrial/roll-off service solid waste hauler and recycler.

B. Number Of Licenses: No more than three (3) residential dwelling solid waste hauler and recycler licenses shall be issued under this chapter at any one time. (Ord. 964, 7-6-2016)

4-2-5: APPLICATION FOR LICENSE:

A. Application: Any person desiring to be licensed as a residential dwelling solid waste hauler and recycler or as a commercial/multiple-residential dwelling/industrial/roll-off service solid waste hauler and recycler shall make application to the city on a form prescribed by the city. Each hauler operating under a separate name or identity, regardless of whether the hauler entity is a business entity related to another licensed hauler, shall apply for and obtain a separate license prior to collecting any solid waste.

B. Vehicles And Equipment: The application shall include a list of vehicles and equipment utilized by the hauler while operating in the city.

C. Insurance: The applicant must provide a certificate of insurance coverage meeting the minimum general liability coverage requirements, and liability coverage requirements for each vehicle operated as part of the licensed activity, as established by state statute or city council resolution, whichever is greater. The city shall be named as a certificate holder and as an additional insured, and the certificate must contain a provision for notifying the city should the policy be canceled before its stated expiration date.

D. Residential Dwelling Solid Waste Hauler And Recycler Applicants: Residential dwelling solid waste hauler and recycler applicants shall provide the following information:

1. The volume based MMSW rate structure for thirty (30) gallon, sixty (60) gallon, and ninety (90) gallon service and other offered services that would be implemented during the licensed period; and
2. The recycling fee that would be implemented during the licensed period.

E. City Clerk: The application and license fee shall be filed with the city clerk.

F. License Fees: The city council shall establish license fees by ordinance. (Ord. 964, 7-6-2016)

4-2-6: ISSUANCE OF LICENSE:

If the conditions for license approval are satisfied, the city clerk shall issue the license. If the city clerk denies the application, the applicant may, within ten (10) days, appeal the decision to the city council. A license granted under this chapter is subject to the license provisions and any other applicable state statute, county or city code or ordinance. No license shall be issued or renewed if the licensee, or individuals having interest in the business entity for which the license is sought, have any outstanding fees due to the city, state or county for that business entity or another related business entity under the applicant's financial control. (Ord. 964, 7-6-2016)

4-2-7: LICENSE PERIOD:

Licenses shall be issued for a calendar year or portion thereof and shall expire on December 31 of each year. (Ord. 964, 7-6-2016)

4-2-8: GENERAL CONDITIONS FOR LICENSES:

All residential dwelling solid waste hauler and recycler and commercial/multiple-residential dwelling/industrial/roll-off service solid waste hauler and recycler licenses are subject to the following conditions:

- A. **Vehicles:** The licensee must have watertight vehicles in good condition to prevent loss in transit of liquid or solid cargo. The licensee's vehicles must also be sufficiently covered so that solid waste remains contained in the vehicles and does not blow out of or fall out or off of the vehicles in transit. The vehicles shall be kept clean and as free from offensive odors as possible and not allowed to stand in any street longer than reasonably necessary to collect garbage, recyclable materials, SSCM, yard waste, or construction/demolition waste. Each vehicle may be inspected by the city, at the city's discretion, for conformance with this chapter.
- B. **Spills And Leaks:** The licensee shall also ensure that the collection site is left free of litter and shall clean up solid or liquid spills or leaks from vehicles within one hour. Each of the licensee's vehicles shall be equipped with materials and equipment to aid in the cleanup of the spills and leaks.
- C. **Missed Collections:** Licensees must respond to missed collections, regardless of the type of collection, within a reasonable time period.
- D. **Insurance:** The licensee must maintain insurance coverage meeting the minimum general liability coverage requirements, and liability coverage requirements for each vehicle operated as part of

the licensed activity, as established by state statute or city council resolution, whichever is greater.

- E. Display Of License: Each vehicle for which a hauler's license is issued shall carry a copy of the license in the vehicle.
- F. Records:
1. Report To County: Each licensed hauler shall compile and retain MMSW, recyclable materials, bulky waste, SSCM and yard waste weight slips and other data and report county required data to Washington County. In addition, the licensed hauler shall furnish the city with copies of reports that are submitted to the county when requested.
 - a. Failure to keep accurate weights and/or to furnish this data to the county or the city within thirty (30) business days of it being due shall entitle the city to suspend or revoke the hauler's license.
 2. City Access To Records: Upon demand of the city, each licensed hauler shall produce any records which the city may require to verify that all MMSW, recyclables, bulky waste, SSCM and yard waste have been disposed of in a lawful manner. Each licensed hauler shall provide to the city, during normal business hours, access to books, documents, papers, and other records of the licensee that are directly pertinent to the issuance and monitoring of the license and required reports.
- G. No Vested Right To License: No hauler licensed pursuant to this chapter shall acquire a vested right in a license. The city may, upon finding that public necessity requires, determine to establish other means of solid waste collection.
- H. MMSW: Each licensee shall provide its customers with weekly collection of MMSW or more frequently as required by its customers.
- I. Recycling: Each licensee shall provide its customers with the opportunity to recycle through a weekly collection of "recyclable materials" (as defined in section [4-2-2](#) of this chapter or by city council resolution). The collection of recyclable materials shall be on the same day as collection of customer's MMSW and other refuse but may occur at a different time during that same day. The recyclable materials collection shall be from a location at or near the customer's MMSW and other refuse collection site, or at such other location as mutually agreeable to the hauler and the customer. No provision in this chapter shall be construed to prevent the licensee from offering curbside collection for other recyclable materials in addition to the targeted recyclable materials.
- J. Right To Refuse Collection: The licensee may refuse to make collection from any premises when the fees are not paid within thirty (30) days from the billing date. The licensee shall notify the public works director or their designee of the discontinuation of service to any premises within two (2) days after service is discontinued.

- K. Participation In City Tests: The licensee shall participate with the city in tests to confirm the methodology and accuracy of the estimated weight of waste and recyclable materials and participation of residents in the recycling programs.
- L. Hours: No collection of solid waste or construction/demolition waste shall be made except between the hours of six o'clock (6:00) A.M. and six o'clock (6:00) P.M., Monday through Friday. Operation during these hours may require that service be delayed one day to accommodate holidays. (Ord. 964, 7-6-2016)

4-2-9: CONDITIONS SPECIFIC TO RESIDENTIAL DWELLING SOLID WASTE HAULER AND RECYCLER LICENSES:

- A. Collection Days: Licensed haulers shall collect and haul solid waste from residential dwellings as established by the daily hauling districts. The licensee shall notify customers of a specific day for collection of their solid waste consistent with the daily hauling district in which the customer is located.
- B. Collection Frequency: Licensed haulers shall make weekly collection of solid waste for all residential dwelling accounts within the daily hauling districts on the days as established by council resolution.

C. Rates:

1. Volume Based Pricing: Every licensee's rates shall include a volume based MMSW rate structure for the following services (other services may be provided):
 - a. Thirty (30) gallon service.
 - b. Sixty (60) gallon service.
 - c. Ninety (90) gallon service.

The licensee may offer the owner other services in addition to MMSW collection and hauling.

2. Rate Changes: Every licensee shall provide notification to the customer and the city at least two (2) weeks prior to any change in the rates submitted with the application that will be implemented during the licensed period.

D. Recycling:

1. Service: The licenses shall provide curbside recycling to all accounts and collect, at a minimum, the targeted materials.
 2. Fees: The licensee must also include a specific line item on the owner's billing statement that reflects the amount charged to the owner for recycling. In accordance with state law, no residential customer may be charged more for recycling service than a residential customer who does not recycle.
- E. Special Pick Up: Residential "special pick up" as defined in section [4-2-2](#) of this chapter may take place on any day, Monday through Saturday, six o'clock (6:00) A.M. to six o'clock (6:00) P.M., as arranged by the property owner and licensee. (Ord. 964, 7-6-2016)

4-2-10: CONDITIONS SPECIFIC TO COMMERCIAL/MULTIPLE-RESIDENTIAL DWELLING/INDUSTRIAL/ROLL-OFF SERVICE SOLID WASTE HAULER AND RECYCLER LICENSES:

- A. Collection Frequency: Licensees shall make weekly collection of solid waste for all accounts at least once or more frequently as is necessary to protect the public's health.
- B. Recycling: Licensees shall provide recycling collection to all accounts. At a minimum, licensees shall collect the targeted materials. Nothing in this chapter shall be interpreted to prevent licensees from collecting other materials in addition to the targeted materials.
- C. Special Pick Up: Commercial "special pick up" as defined in section [4-2-2](#) of this chapter may take place on any day, Monday through Saturday, six o'clock (6:00) A.M. to six o'clock (6:00) P.M., as arranged by the property owner and licensee. (Ord. 964, 7-6-2016)

4-2-11: RENEWAL OF LICENSES:

- A. Residential Dwelling Hauler And Recycler Licenses: In order to renew a residential dwelling hauler and recycler license, the licensee must have at least two hundred (200) active accounts and must submit a list of all active accounts with its application and fee for renewal.
- B. All Licenses: In order to renew any license issued pursuant to this chapter, the licensee must not have any outstanding city fees, state solid waste fees or county solid waste fees. (Ord. 964, 7-6-2016)

4-2-12: TRANSFERABILITY AND ASSIGNABILITY OF LICENSE:

No license issued pursuant to this chapter may be transferred or assigned. (Ord. 964, 7-6-2016)

4-2-13: SUSPENSION OR REVOCATION OF LICENSE:

- A. Grounds For Suspension Or Revocation Of License: The city council may suspend or revoke the license of any licensee whose conduct is found to be in violation of the provisions of this chapter or any other applicable ordinance, law or regulations. Suspension or revocation may also be based on other health, safety, and welfare concerns arising out of the performance of the licensee, its employees, subcontractors and agents, its vehicles or its equipment.
- B. Hearing Required: Suspension or revocation of a license by the city council shall be preceded by a hearing. The city council may appoint a hearing examiner or may conduct the hearing itself. The hearing notice shall be given at least ten (10) days prior to the hearing, and shall include notice of the time and place of the hearing, and shall state the nature of the charge against the licensee. (Ord. 964, 7-6-2016)

4-2-14: GENERAL DISPOSAL REQUIREMENTS:

- A. Disposal Required: All property owners are required to make adequate provisions for the sanitary disposal of solid waste by means of a licensed private hauler. However, residents of residential dwelling units may dispose of solid waste and construction/demolition waste in a manner which conforms to city and county ordinances and state statutes.
- B. MMSW (Garbage): Property owners shall contract with a licensed private hauler to collect and haul MMSW to a state licensed and/or county approved processing or disposal site in accordance with state and county rules and regulations.
- C. Recyclable Materials: All separated recyclable materials must be transported to a licensed recycling facility or delivered to an end market for sale or reuse, or brought to an intermediate collection center for later delivery to a licensed processing center or end market for recycling. It is unlawful for any person to transport for disposal or to dispose of designated recyclables in an MMSW disposal facility. No separated recyclables may be mixed with another waste material or incinerated or landfilled or composted or made into fuel pellets.

D. Bulky Waste: Bulky waste must be disposed of by contracting with a licensed private hauler to haul the waste to a state licensed or county approved processing or disposal site.

E. Yard Waste:

1. It shall be unlawful for any person to dispose of yard waste into the MMSW, recyclable material, or bulky waste streams. Yard waste shall be disposed of by:
 - a. Contracting with a city licensed hauler to haul the yard waste to a properly permitted or licensed compost site;
 - b. The resident transporting the yard waste to a compost site; or
 - c. Composting the yard waste on the resident's property.
2. It shall be unlawful for a licensed private hauler to dispose of yard waste into the MMSW, recyclable materials, SSCM, or bulky waste stream.

F. SSCM: It shall be unlawful for any person to permit SSCM to be removed from the property by an unlicensed hauler. A hauler of MMSW may also be licensed for SSCM.

G. Disposal By Licensed Hauler: It shall be unlawful for any person to permit solid waste and construction and demolition waste to be removed from the property by an unlicensed hauler.

H. Recycling:

1. Residents of residential dwelling units are strongly encouraged to separate recyclable materials from the waste stream for recycling.
2. Owners and occupants of commercial buildings shall comply with Minnesota statutes and recycle at least three (3) types of material.

I. Rules And Regulations:

1. The director of public works shall have the authority to make regulations concerning days of collection, type and location of containers, recyclable materials to be collected and such other matters pertaining to the collection, conveyance and disposal as necessary, and to change and modify the same after notice as required by law; provided, however, that such regulations are not contrary to the provisions of this chapter.
2. The director of public works shall have the authority to make such other reasonable regulations concerning individual collection and disposal and relating to the hauling of other solid waste over city streets by outside haulers as necessary, subject to the rights of appeal as set forth in section [4-2-20](#) of this chapter.

J. Payment Of Rates: The expense of garbage, recyclable materials, yard waste, bulky waste, and construction/demolition waste collection and processing/disposal shall be paid to the hauler by the owner, agent, occupant, or tenant of the premises from which they are collected. Such fees shall be full compensation for the hauler's services and in no event shall hauler seek payment from the city. (Ord. 964, 7-6-2016)

4-2-15: CONTAINERS:

A. Containers Required:

1. Garbage Containers:

- a. All residential dwelling property owners shall provide one or more containers to hold and contain all MMSW required by the city which may accumulate between times of collection.
- b. Owners of commercial/multiple-residential dwellings/industrial establishments shall provide one or more containers to hold and contain all garbage required by the city which may accumulate between times of collection.

(1) Dumpster Required: Where garbage volume exceeds three (3) 90-gallon containers per week, dumpster service shall be utilized with the frequency of pick up being not less than once per week. The actual size of the dumpster or the frequency of pick up shall be determined by need as established by the director of public works. The dumpster shall be a watertight receptacle with a tightfitting cover to prevent exposure of its contents to potential fly or vermin infestation.

2. Recyclable Materials Containers:

- a. Residential Dwellings: All owners of residential dwellings shall provide one or more containers to receive and collect all recyclable materials required by the city which may accumulate between times of collection.
- b. Commercial/Multiple-Residential Dwellings/Industrial Establishments: All owners of commercial, multiple-residential dwellings and industrial establishments are required to provide containers for tenants to deposit recyclable materials for collection by a licensed hauler.

(1) Dumpster Required: For all commercial, multiple-residential dwellings and industrial establishments where the volume exceeds three (3) 90-gallon containers per week, the owner shall utilize dumpster service with the frequency of pick up being not less than once per week. The actual size of the dumpster or the frequency of pick up shall be determined by need as established by the director of public works. The dumpster shall be a watertight receptacle with a tightfitting cover to prevent exposure of its contents to potential fly or vermin infestation.

3. Roll-Off Containers:

- a. Permit Required: The property owner shall secure at least one roll-off container at any construction or demolition site. The owner shall pay the permit fee set forth by ordinance. In the event there is an open building permit for the property, no permit fee is required.

- b. Storage: No solid wastes or construction/demolition waste, whether generated at the site or elsewhere, shall be stored outside the roll-off container.
 - c. Collection: The roll-off container shall be emptied within seven (7) days of the container being filled to capacity. Property owners and their contractors shall be responsible for cleaning up and disposing of construction debris carried by the elements onto neighboring property.
4. Composting Containers: Containers shall be of a durable material including, but not limited to, sturdy woven wire fencing, rot resistant wood, or a commercially purchased composting unit which will provide for adequate aeration. Containers shall be constructed and maintained in a structurally sound manner. Wood used in the construction of a compost container must be sound and free of rot.
 5. Yard Waste Containers: All yard waste to be picked up by a licensed hauler shall be placed in a container or in separate compostable bags in compliance with Minnesota statutes and shall not contain garbage, recyclable materials, SSCM or construction/demolition waste.

B. Storage And Placement Of Containers:

1. Location For Residential Dwellings: Residential dwelling MMSW and recyclable materials, when not placed for collection by the hauler, shall be so located as to be out of public view in a secure place insofar as possible.
2. Location For Commercial/Multiple-Residential Dwellings/Industrial: Commercial/multiple-residential dwellings/industrial MMSW and recyclable materials containers shall be kept in a trash enclosure or building. All new trash and recycling enclosures or buildings constructed in compliance with this provision and all major alterations to such existing trash and recycling enclosures and buildings shall be constructed in compliance with the provisions relating to trash and recycling enclosure structures in subsection [11-6-3B](#) of this code. Bulky waste shall be contained within the enclosure.
3. Residential Dwelling Composting Containers: The compost container(s) shall be located in the rear yard no closer than five feet (5') to any rear or side property line and shall not be located closer than five feet (5') from the rear property line and shall not be located in any required front or side yard as defined in the zoning code, nor closer than twenty feet (20') to any habitable building(s) located off of the owner's property.
4. Yard Waste Containers: All yard waste when not placed for collection by the hauler shall be so located as to be out of public view in a secure place insofar as possible.
5. Roll-Off Containers: Roll-off containers must be located in an accessible location on the owner's property. In no event may a roll-off container be located in the right of way. (Ord. 964, 7-6-2016)

4-2-16: SCAVENGING:

It is unlawful for any person or business to scavenge or otherwise collect garbage, recyclable materials, bulky waste, yard waste or construction/demolition waste at the curb or from recyclable materials containers without a license from the city and an account relationship with the owner of the

premises. The licensee is also deemed the owner of recyclable materials, and upon collection, the licensee may market them. (Ord. 964, 7-6-2016)

4-2-17: COMPOSTING:

A. Locations: Composting is permitted only on residential dwelling properties.

B. Composting Area: The composting area must meet the following conditions:

1. The compost must be contained, secure against vermin and excess moisture and remain aerobic to allow for the decomposition of the material; and
2. The compost is screened from view of adjacent property owners in containers and located pursuant to subsection [4-2-15B3](#) of this chapter.

C. Compliance With State Law: Composting shall be accomplished in compliance with Minnesota statutes and the applicable administrative rules of the Minnesota pollution control agency. Nothing contained in this chapter prohibits city licensed haulers from offering collection and disposal of yard waste and SSCM at a properly licensed composting facility. (Ord. 964, 7-6-2016)

4-2-18: PROHIBITED ACTS AND CONDITIONS:

A. Unauthorized Accumulations: Any unauthorized accumulation of garbage, recyclable materials, bulky waste, SSCM, yard waste or other solid waste or litter on any premises is declared to be a nuisance and is prohibited. "Unauthorized accumulation" shall consist of garbage, recyclable materials, bulky waste, SSCM, yard waste, construction/demolition waste or litter in any of the following circumstances:

1. Garbage or recyclable materials not stored in containers or compostable bags in the case of yard waste because containers or compostable bags are not being used or because containers are of insufficient size to hold the garbage or recyclable materials.
2. Materials are not disposed of in conformance with this chapter.
3. Construction and/or demolition waste is not removed from the construction or demolition site within seven (7) days of the container being filled to capacity.

B. Dumping Solid Waste: It shall be unlawful for any person to dump or dispose of solid waste, construction and demolition waste or litter on any land, whether privately or publicly owned, within the limits of the city.

C. Littering:

1. No person shall cast, place, sweep or deposit anywhere within the city any garbage, recyclable materials, bulky waste, SSCM, yard waste, or construction/demolition waste in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place or onto any property within the city.
2. No person shall place garbage, recyclable materials, bulky waste, SSCM, yard waste, construction/demolition waste or other waste upon any street, in any alley or other public place or upon any private property whether owned by such person or not, unless it is in proper containers for collection or under express approval granted by the director of public works; nor shall any person throw or deposit any garbage, recyclable materials, bulky waste, yard waste, construction/demolition waste or other waste into any stream or other body of water.

D. Theft Of Service: No person shall deposit garbage, recyclable materials, bulky waste, SSCM, yard waste, construction/demolition waste or other refuse in a dumpster or roll-off container unless he or she is the owner, occupant or authorized agent of the premises providing such dumpster or container.

E. Burning: No burning or burying of solid waste, including garbage, bulky waste, recyclable materials, SSCM or construction and demolition waste shall occur on any property in the city that is not expressly licensed for that activity. (Ord. 964, 7-6-2016)

4-2-19: EXEMPTIONS FROM PROVISIONS:

Nothing in this chapter shall prevent persons from hauling recyclable materials, SSCM, yard waste, construction/demolition waste or bulky waste from their own residences or commercial properties, provided the following rules are observed: a) recyclable materials, SSCM, yard waste or construction/demolition waste are hauled in vehicles with leakproof bodies and completely covered or enclosed by canvas or other means of material so as to completely eliminate the possibility of loss of cargo; b) that recyclable materials be disposed of at a recycling facility, an organized recyclable materials drive or through a licensed recyclable material hauler; and c) that yard waste and SSCM may be composted privately on residential dwelling properties, disposed of at a properly licensed composting facility, or through a licensed residential dwelling hauler and recycler or a licensed commercial/multiple-residential dwelling/industrial hauler and recycler. (Ord. 964, 7-6-2016)

4-2-20: APPEALS:

Any person aggrieved by a regulation of, or a fee charged by, the director of public works shall have the right of appeal to the city council. The person shall provide the city clerk with a notice of appeal within twenty (20) days of the public director's imposition of the regulation or fee. The city shall

schedule a hearing before the city council within thirty (30) days of receipt of the notice of appeal. The city council shall have the authority to confirm, modify or revoke any such regulation or fee after a hearing on the appeal. (Ord. 964, 7-6-2016)

4-2-21: PENALTIES:

Any person convicted of violating any provision of 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. With respect to licensed haulers, such penalty may be imposed in addition to suspension or revocation of the license. (Ord. 964, 7-6-2016)