

## **TITLE V: PUBLIC WORKS**

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## CHAPTER 50: GARBAGE AND RUBBISH

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### ***Cross-reference:***

*Health and Safety; Nuisances, see Chapter 92*

### **§ 50.01 EFFECTIVENESS.**

The provisions of this chapter are not effective until the City Council has complied with the notice and hearing requirements of M.S. § 115A.94, as it may be amended from time to time.

### **§ 50.02 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***GARBAGE.*** Organic refuse resulting from the preparation of food, and decayed and spoiled food from any source.

***RUBBISH.*** All inorganic refuse matter such as tin cans, glass, paper, ashes and the like.

**§ 50.03 SANITATION COLLECTION SERVICE REQUIRED.**

Every person owning, managing, operating, leasing or renting any premises or any place where garbage or rubbish accumulates shall subscribe to a sanitation collection service.

Penalty, see § 10.99

**§ 50.04 CONTAINER REQUIRED; PLACEMENT.**

(A) It shall be the duty of every person whose garbage and refuse is collected by the sanitation collection service to provide a container or containers for garbage and refuse, sufficient in size and number to accommodate and securely keep all garbage and refuse that may accumulate between collections. Garbage containers shall be watertight and constructed of a solid and durable grade of metal, plastic, or paper material.

(B) It shall be the duty of every person whose garbage and refuse is collected by the sanitation collection service to place their garbage containers directly behind the curblines of the street abutting their property or in the absence of a curb directly behind the ditch line abutting their property. In no event shall containers be placed in the street or on the sidewalk or in any manner placed where the containers will interfere with vehicular or pedestrian traffic. It shall be the responsibility of the subscriber to place the containers no earlier than 6:00 p.m. of the afternoon preceding the collection day.

Penalty, see § 10.99

**§ 50.05 MEDDLING WITH TRASH RECEPTACLES PROHIBITED.**

(A) It shall be a violation of this code to meddle with garbage cans, trash or rubbish receptacles or in any way pilfer, search or scatter contents of garbage cans or rubbish receptacles in or upon any street or alley within the city limits.

(B) This section shall not apply to persons authorized by the city or persons authorized by state or federal law to search or otherwise meddle with trash receptacles.

Penalty, see § 10.99

**§ 50.06 CONTAINERS TO BE KEPT SANITARY AND SECURE.**

All containers shall be kept clean and free from accumulation of any substance remaining attached to the inside of the container which would attract or breed flies, mosquitoes, or other insects. The area surrounding garbage containers shall be maintained in a clean and sanitary condition. The contents of all receptacles shall be protected so that the wind cannot scatter the contents over the streets, alleys or other property within the city. All containers shall be securely closed in a manner as to prevent the scattering of the contents and to make them inaccessible to insects, rodents and other animals.

Penalty, see § 10.99

**§ 50.07 UNAUTHORIZED PRIVATE COLLECTIONS PROHIBITED.**

(A) It shall be a violation of this code for any person to transport garbage or refuse for hire which has been collected from any premises within the city over any public street within the city.

(B) This section shall not apply to any person who at the time of the activity is operating under a valid contract or franchise granted by the city which authorizes that person to use the public streets to conduct that activity.

Penalty, see § 10.99

**§ 50.08 SANITATION SERVICE: CITY OPTIONS.**

The City Council may provide for sanitation collection services within the city by use of city employees and vehicles, or it may grant licenses under the terms and conditions of § 50.13, or it may contract with one or more contractors for the provision of these services under the terms and conditions negotiated with the contractors, except that the provisions for insurance under § 50.13(E) shall always apply. Where the city provides for collection by use of city employees and city vehicles, the city shall establish a price structure consistent with § 50.13(I) except as provided by M.S. § 115A.9301 Subd. 3 as it may be amended from time to time.

**§ 50.09 REMOVAL OF BUILDING MATERIALS.**

Waste from building operations, rock waste, building materials or other refuse resulting from building or remodeling operations or resulting from a general cleanup of vacant or improved property shall be removed by the building contractor, owner or occupant of the building at his or her own expense. It shall be a violation of this code for any person to place those materials in any dumpster or other trash receptacle for disposal by the city or any agent or contractor of the city.

Penalty, see § 10.99

**§ 50.10 PROHIBITED ACTS.**

(A) It shall be a violation of this code for any person to sweep, throw or deposit any garbage, trash, debris, stagnant water or dead animal into, upon or along any public property or private property of another, except as may be specifically provided by this chapter.

(B) It shall be a violation of this code for any person owning or otherwise in control of any premises within the city to permit any of the conditions described in division (A) to exist upon property owned or controlled by him or her after having actual or constructive notice thereof.

(C) It shall be a violation of this code for any person to place in any container any material other than as specifically provided in this chapter.

(D) It shall be a violation of this code for any person to deposit or maintain garbage or trash except as provided for by this chapter.

(E) It shall be a violation of this code for any person to deposit any burning match, charcoal, ember, or other material in any container used for the disposal of garbage.  
Penalty, see § 10.99

#### **§ 50.11 NONRESIDENTIAL CUSTOMERS; CONTAINER TYPES; COLLECTION SCHEDULES.**

(A) It shall be the duty of the owner or person otherwise in charge of multi-family, institutional or industrial premises within the city to cause all garbage and trash accumulated on the premises to be placed in disposable containers, or commercial-type containers. Commercial-type containers may be used and may be placed at a location on the premises as arranged between the customer and the collector, but subject to review by the city at any time.

(B) Disposable containers shall be placed at a location on the premises which is readily accessible to the collector.

(C) The amount and character of garbage shall be considered in establishing size of commercial containers and frequency of pickup. The city shall have final authority to establish the size and frequency based on the history of amount and type of garbage generated by the customer. The collection and removal of garbage and trash from premises used for commercial, institutional, or industrial purposes shall be made as often as necessary in order to maintain the premises free of accumulations. Garbage, except dry trash in contractor-supplied containers, shall be collected not less than one time each week, except for roll-off containers which shall not be subject to this provision so long as they are used solely for brush and dry trash.  
Penalty, see § 10.99

#### **§ 50.12 MANNER OF COLLECTION AND TRANSPORTATION.**

(A) The collection, removal and disposal of all garbage, trash and brush shall be carried on in a systematic, efficient manner to keep the city in a clean and sanitary condition.

(B) All vehicles used for the collection and transportation of garbage and trash shall be equipped with suitable covers which shall be used to prevent blowing or scattering of refuse while garbage and trash are being transported for disposal.  
Penalty, see § 10.99

**§ 50.13 LICENSING FOR COLLECTION.**

(A) *Purpose.* In order to provide for a continuous system of refuse collection and disposal in a manner which meets the needs and conveniences of the residents of the city and in order to protect the area from the problems of uncoordinated, unsanitary and improper solid waste disposal, the City Council may determine that it is in the best interests of the residents of the city to require licenses of persons collecting or hauling garbage and rubbish for hire, reserving to the city the right and authority to contract with one or more operators to provide these services.

(B) *Licensing.* No person may collect or haul garbage or rubbish within the city without first obtaining a written license from the City Council. An application for a license shall be submitted in writing to the City Clerk, and shall contain the following information:

- (1) Name and address of the applicant;
- (2) Description of the equipment which will be used within the city by the applicant;
- (3) A schedule of the rate that will be charged by the applicant for the various categories of customers within the city;
- (4) Evidence of compliance with the other applicable sections of this chapter.

(C) *Franchise.* The City Council may exercise its reserved right to contract with one or more operators for the collection of garbage and rubbish within the city.

(D) *Suspension of license or contract.* A contract or license issued under the provisions of this section may be revoked or suspended for a violation of this chapter or other applicable regulations of law upon a showing that the contractor or licensee has failed to comply with that regulation.

(E) *Financial responsibility.* The licensee or contractor shall show financial responsibility or a certificate of insurance coverage prior to obtaining the license or franchise whereby each vehicle to be used by the licensee or contractor shall be covered against loss or injury in the following amounts: \$500,000 when the claim is one for death by wrongful act or omission and \$500,000 to any claimant in any other case; \$1,500,000 for any number of claims arising out of a single occurrence. The licensee or contractor shall hold the city harmless and agrees to defend and indemnify the city, and the city's employees and agents, for any claims, damages, losses, and expenses related to the work under the license or contract. The city shall be named as an additional insured under that insurance for the services provided under the license or contract. The licensee's or contractor's insurance shall be the primary insurance for the city and the licensee or contractor shall provide a certificate of insurance on the city's approved form which verifies the existence of the insurance required, including provisions to hold the city harmless and defend and indemnify the city. The licensee or contractor shall also provide evidence of workers compensation insurance for employees. These insurance policies shall be for the full term of the license or franchise and shall provide for the giving of ten days prior notice to the city of the

termination or cancellation of these policies. In case any policies are terminated or cancelled, the license or contract shall be automatically revoked upon receipt by the City Clerk of the termination or cancellation.

(F) *Design of equipment.* All trucks or motor vehicles used by the licensee or contractor shall be water-tight so as not to allow the leakage of liquids or refuse while hauling the same and shall be covered with a covering to prevent the scattering of its contents upon the public streets or private properties in the city.

(G) *Inspections.* All vehicles used for garbage or rubbish shall be made available for inspection within the city at the times and places as the City Council may designate.

(H) *Bond.* The contractor or licensee may be required to furnish a surety bond in an amount as the City Council deems necessary running to and approved by the City Council, guaranteeing the franchisee's or licensee's faithful and continuous performance of the terms of the franchise, license or contract and of this chapter.

(I) *Licensee requirements.*

(1) Licensees must impose charges for the collection of garbage or rubbish consistent with M.S. § 115A.93 Subd 3, as it may be amended from time to time, that increase with the volume or weight of the garbage or rubbish collected.

(2) Licensees must not impose any additional charges on customers who recycle.

(3) Where a licensee imposes charges by volume instead of weight, the licensee must establish a base unit size for an average small quantity household and offer a multiple pricing system that ensures that the amounts of waste generated in excess of the base unit amount are priced higher than the base unit price.

#### **§ 50.14 COLLECTION OF LEAVES, TREES OR TREE LIMBS.**

Nothing in this chapter shall be construed to prevent the collection for hire by other persons of leaves, trees or tree limbs.

**CHAPTER 51: RESERVED**



**CHAPTER 52: RESERVED**



## CHAPTER 53: STORM WATER DRAINAGE UTILITY

### Section

- 53.01 Storm water drainage utility established
- 53.02 Definition
- 53.03 Determination of storm water drainage fees
- 53.04 Credits
- 53.05 Exemptions
- 53.06 Fee payment schedules

### § 53.01 STORM WATER DRAINAGE UTILITY ESTABLISHED.

The Council may, by resolution adopted by a majority of its members, resolve that the city storm sewer system be operated as a public utility pursuant to M.S. § 444.075, from which revenues will be derived subject to the provisions of this chapter and state statutes. The storm water drainage utility will be under the administration of the City Clerk.

### § 53.02 DEFINITION.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning:

***RESIDENTIAL EQUIVALENT FACTOR (REF).*** One ***REF*** is defined as the ratio of the average volume of runoff generated by one acre of a given land use to the average volume of runoff generated by one acre of typical single-family residential land during a standard one-year rainfall event.

### § 53.03 DETERMINATION OF STORM WATER DRAINAGE FEES.

(A) Storm water drainage fees for parcels of land shall be determined by multiplying the REF for a parcel's land use by the parcel's acreage and then multiplying the resulting product by the storm water drainage rate. The REF values for various land used are as shown in the following table.

[See table on following page]

| <i>Classification</i> | <i>Land Use</i>  | <i>REF</i>  |
|-----------------------|--|-------------|
| 1                     | Cemeteries, golf courses                                       | .25         |
| 2                     | Parks with parking facilities                                  | .75         |
| 3                     | Single-family and duplex residential                           | 1           |
| 4                     | Public and private schools                                     | 1.25        |
| 5                     | Multiple-family residential, churches and government buildings | 2.5         |
| 6                     | Commercial, industrial, warehouse                              | 5           |
| 7                     | Vacant land  | As assigned |

(B) For the purpose of calculating storm water drainage fees, all developed single-family and duplex parcels shall be considered to have an acreage of one-third acre. The storm water drainage rate shall be as set in the Ordinance Establishing Fees and Charges adopted pursuant to § 30.11 of this code by the City Council.

(C) Other uses not listed shall be classified by the City Engineer by assigning them to the most similar class from the standpoint of probably hydrologic response.

#### **§ 53.04 CREDITS.**

The Council may adopt policies, recommended by the City Engineer, by resolution for adjustment of the storm water drainage fee for parcels based upon hydrologic data to be supplied by the property owner, which data demonstrates a hydrologic response substantially different from the standards. The adjustment of storm water drainage fees shall not be made retroactively.

#### **§ 53.05 EXEMPTIONS.**

The following land uses are exempt from storm water drainage fees:

- (A) Public rights-of-way;
- (B) Vacant, unimproved land with ground cover; and
- (C) Wetlands and public waters as defined by state law.

**§ 53.06 FEE PAYMENT PROCEDURES.**

(A) Statements for storm water drainage fees shall be computed monthly and shall appear as part of the monthly utility bill from the city utilities.

(B) If a property owner or person responsible for paying the storm water drainage fee questions the correctness of the fee, the person may have the determination of the charge recomputed by written request to the City Engineer.

(C) Each monthly billing for storm water drainage fees not paid when due shall incur a penalty charge of 10% of the amount past due.

(D) Any past due storm water drainage fees in excess of 90 days past due on October 1 of any year may be certified to the County Auditor for collection with real estate taxes in the following year, pursuant to M.S. § 444.075, Subd. 3e. In addition, the city shall also have the right to bring civil action or to take other legal remedies to collect unpaid fees.

