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ORDINANCE 415 LICENSED REFUSE COLLECTION

Section 415.01: PURPOSE. This Section is intended to regulate the storage, collection, transportation and disposal of refuse.

Section 415.02: DEFINITIONS. Unless the context otherwise indicates, the following terms have the meanings stated:

Subd. 1. Garbage. Organic waste resulting from preparation of food and decayed and spoiled food from any source.

Subd. 2. Refuse. Garbage and rubbish, but shall not include sewage or vegetation.

Subd. 3. Rubbish. Non-garbage solid waste including specifically, but not exclusively, tin cans, glass, paper, ashes, sweepings, etc.

Subd. 4. Franchised. Contract awarded to collector licensed by the City.

Subd. 5. Franchise Holder, Current. The current licensed collector.

Subd. 6. User. Anyone who uses refuse collection services provided by the City or by another refuse collection service provider.

Subd. 7. Vegetation. Leaves, brush, grass and garden clippings, slashing, excelsior, sawdust, wood chips, weeds, bark, etc.

Section 415.03: GENERAL REGULATIONS.

Subd. 1. Placement in Streets, Etc. No person shall place any refuse or vegetation in any street, alley, public or private property, except in proper containers for collection or other lawful disposal. No person shall throw or deposit refuse or vegetation in any stream or other body of water. No person shall deposit or scatter refuse or vegetation in such manner that it may be carried or deposited by the elements upon any public or private property in the City.

Subd. 2. Burying. No person shall bury any refuse or vegetation in the City; provided, however, that this subdivision shall not prevent anyone from composting leaves, grass clippings and other easily biodegradable, non-poisonous garbage on his or her own property in a rodent-proof and otherwise sanitary manner.

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Subd. 3. Burning. No person shall burn any refuse or vegetation at any time or place within the City, including specifically, but not exclusively, in an incinerator, wood stove, burning barrel, furnace, or fireplace; except that wood and wood products may be burned in a wood stove or fireplace.

Section 415.04: DISPOSAL REQUIRED. Every person shall, in a sanitary manner, store and dispose of refuse and vegetation that may accumulate upon property owned or occupied by him/her in accordance with the terms of this Section. Refuse shall be collected or otherwise lawfully disposed of at least once each week. Every householder, occupant or owner of any residence or dwelling shall use the refuse collection service provided by the City. Every business establishment, restaurant, industrial establishment, mobile home, school, nursing home, church, and apartment building shall have refuse collection, but may utilize other refuse collection services.

Section 415.05: CONTAINERS.

Subd. 1. General Requirement. The hauler shall provide, on the premises, at least one container to receive and contain all refuse which may accumulate between collections. All accumulations of refuse shall be deposited in such containers, except that leaves, trimmings from shrubs, grass clippings, shavings, excelsior and other like rubbish of similar volume and weight may be stored in closed containers not meeting the requirement of subdivision 2.

Subd. 2. Container Requirements. Each residential container shall meet all requirements of the City's refuse collection contract. Commercial or business establishments may provide bulk or box-type refuse storage containers or dumpsters. All containers and dumpsters shall be maintained in good and sanitary condition. Any container or dumpster not conforming to the requirements of this Section, having ragged or sharp edges, or having any other defect likely to hamper or injure the person collecting the contents or the public, shall be promptly replaced.

Subd. 3. Placement. Containers shall not be placed at curbside more than 24 hours before collection, nor left at curbside more than 24 hours after collection.

Subd. 4. Use of Containers. Refuse shall be drained of liquid. Household garbage shall be wrapped before being deposited in a container. Highly inflammable or explosive material shall not be placed in containers.

Section 415.06: FRANCHISED COLLECTOR.

Subd. 1. License Required. No person shall collect refuse within the City without a license from the Council. No person shall permit refuse to be picked up from his/her property by an unlicensed collector. A licensed collector shall be designated by the Council by bid process and/or designation, on terms and conditions to be determined by the Council. The granted license will be reviewed by Council and may be canceled when petitioned by 10% of the users, or at the Council's discretion.

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Subd. 2. Application for Bid Documents. Each year the City may grant the existing collector the license and/or advertise for sealed bids. If bid, rate schedules showing bid prices in the form of sealed bids shall be opened at the second Council meeting in September. The City reserves the right to reject any price or bid. The license award will be from January 1st to December 31st for 12 months.

Every bid document and/or rate schedule shall set forth: (a) the name and address of the applicant; (b) a description of each piece of equipment proposed to be used in refuse collection; (c) the proposed charges to users; (d) a description of the kind of service proposed to be rendered; (e) the place to which the refuse is to be hauled; (f) the manner in which the refuse is to be disposed of; (g) an itemization of all extra charges for items not included in normal weekly garbage such as tires, stoves, refrigerators, mattresses etc. not in normal weekly garbage.

Subd. 3. Limitation. Only one person shall be franchised during the period of the license for collection from premises within the City. Rates for collection service charged by the licensee shall not be in excess of the rate submitted or fixed, unless an increase is approved by resolution of the Council. The rates or bid shall reflect cost to single residential properties only. The commercial rates will be arranged by private agreement between the user and the collector. Commercial rates will be arbitrated and settled by the Council. Either the franchised collector or user may request a hearing on normal Council meeting dates.

Subd. 4. Insurance. No franchise shall be issued until the applicant files with the Clerk a current policy of public liability insurance covering all vehicles to be used by the applicant in the licensed business. The limits of coverage of such insurance shall be: (1) each person injured, at least one million (\$1,000,000.00); (2) each accident, at least one million (\$1,000,000.00); (3) property damage, at least five hundred thousand (\$500,000.00).

No franchise shall be issued until the applicant files, with the Clerk, proof of worker's compensation insurance. All insurance policies shall expressly provide that the City shall be listed as an additional named insured and that the City shall be given no less than ten (10) days prior notice of any termination or cancellation of the coverage. Each franchise license shall terminate upon termination of the required insurance coverage.

Subd. 5. Franchise License. The annual fee for a refuse franchise license shall be as set forth in the Schedule of Fees, Section 215. The license shall not be transferred or sold without prior written approval of the City Council.

Subd. 6. Vehicles. Each refuse collection vehicle shall be marked on the outside so as to identify the franchise licensee. Each vehicle shall be covered, leak-proof, durable and of easily cleanable construction. Every vehicle used for hauling refuse shall be sufficiently air tight and so used as to prevent unreasonable quantities of dust, paper or other collected materials to escape. Every vehicle shall be kept clean to prevent nuisances, pollution or insect breeding, shall be maintained in good repair and shall be equipped with a broom and shovel. Each collection vehicle driver

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shall be instructed on care of streets, drive-ways, curbs and sidewalk damage that may occur during spring break up, hot weather or wet spells.

Section 415.07: BILLING AND PAYMENT. The franchise licensee shall be paid by the City for each residential collection site on the following terms:

Subd. 1. Bid Price. The licensee shall be paid by the City for each residential collection site at the rate and frequency bid by the licensee, unless otherwise approved by resolution of the Council.

Subd. 2. Service Charges. The Council shall, by resolution, establish a system of service charges to be paid by users for refuse collection. In such resolution, the Council shall fix the charges, including any special charges for extra hauling or collecting from an excessive number of containers, and shall classify users of the service according to the type of occupancy and number of collections per week.

Subd. 3. Owner Billed. The service charge for refuse collection shall be made to the owner of each premises who shall be responsible for payment, even on rental property. Rental property will be billed to the property owner. If the premises are served by City water or sewer, the charge shall be billed as a separate entry on the water or sewer bill. If the premises are not so served, the refuse collection charge shall be separately billed by the City Clerk.

Subd. 4. Unpaid Charges. Service charges shall be payable at the same time as bills for water service and subject to the same conditions of payment. If any charge is unpaid on September 1st of any year, the Council may levy special assessment equal to the unpaid charges as of that date plus interest at the rate of six percent (6%) from that date and a penalty not to exceed ten percent (10%). The Clerk shall certify the assessment to the County Auditor for collection in the same manner as assessments for local improvements.

Subd. 5. Refuse Monies. All service charges shall be deposited in the Refuse Fund. All the expenses of providing refuse collection service shall be paid from this fund.

Section 415.08: REFUSE COLLECTION SCHEDULE - USER CUT-OFF. The Council shall specify, by resolution, the collection schedule to be observed. No collection service shall be cut off for delinquent accounts except by resolution of the Council. All delinquent accounts, even on rental properties, shall be the responsibility of the property owner.

Section 415.09: PENALTY. Any person who violates the provisions of this Section shall be guilty of a petty misdemeanor.