

SOLID WASTE MANAGEMENT*

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***Cross references** – Junk vehicles, § 22-171 et seq.

State law reference – Waste management, M.S.A. Ch. 115A; authority to regulate the collection and disposal of garbage and other refuse, M.S.A. § 412.221, subd. 22; authority to assess for garbage collection and disposal, M.S.A. § 443.015.

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SOLID WASTE MANAGEMENT

ARTICLE I. IN GENERAL

Secs. 18-1--18-30. Reserved.

ARTICLE II. COLLECTION*

Sec. 18-31. Purpose.

The purpose of this article is to protect the public health, safety and welfare of the residents of the city by licensing and regulating the operation of solid waste collection services within the city, which licensing and regulation the city council hereby determines to be necessary to ensure 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.

(Code 1982, § 501.102)

Sec. 18-32. Definitions.

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

Collection point means any residence, place of business or other place in the city with respect to which a hauler has been hired for the purpose of collecting and transporting solid waste therefrom.

Hauler means any person engaged in the business of solid waste collection.

Solid waste means garbage, rubbish, refuse, and other discarded solid materials, including solid waste materials resulting from industrial, commercial, and agricultural operations, except animal waste used as fertilizer. "Solid waste" does not include earthen fill, boulders, rock, and other materials normally handled in construction operations, nor any materials which are recyclable and which are separated from mixed municipal solid waste by the generator, separately collected, and delivered for reuse in their original form or for use in a manufacturing process pursuant to a contract between the city and a recycling company.

Solid waste collection means the gathering of solid waste from public or private places for disposal at an approved site.

Solid waste collection service means a private operation engaged in solid waste collection and solid waste transportation.

Solid waste transportation means the conveyance of solid waste from one place to another, by means of vehicle, rail car, water vessel, conveyor or other means.

(Code 1982, § 501.101)

Cross reference--Definitions generally, § 1-2.

Sec. 18-33. License required.

No person shall engage in the business of solid waste collection within the city without first having obtained a license from the city council. Such license may be issued by the council for a period of up to five years under the conditions prescribed by this article and any conditions imposed by the council in the licensing agreement, and upon payment of currently required annual license fee during the term of the license.

(Code 1982, § 501.103)

***Cross reference**—Businesses, Ch. 8.

State law references—Licensing of solid waste collection, M.S.A. §§ 115A.93—115A.9302; cities required to have compulsory collection of solid waste, M.S.A. § 115.941.

Sec. 18-34. Exceptions.

Where upon written application of the responsible person or persons, the city council finds that by reason of exceptional circumstances strict conformity with any provisions of the regulations contained herein would cause undue hardship, would be unreasonable or impractical under the circumstances, the city council may permit a variance from these regulations upon such conditions and within such time limitations as it may prescribe, and as may be permitted by other laws and regulations.
(Code 1982, § 501.105)

Sec. 18-35. Regulations.

All collection and removal of solid waste within the city shall be performed in accordance with the following regulations:

- (1) *Responsibility for collection.* The owner and occupant of any premises, business establishment or industry shall be responsible for the satisfactory collection and transportation of all solid waste accumulated at a premises, business establishment or industry. The owner or occupant shall have a contract for waste collection services with a hauler licensed by the city, unless the owner or occupant obtains an exemption from the city council and ensures that an environmentally sound alternative is used.

In order to obtain a variance or exemption from the requirements of this subsection, the owner or occupant of any premises, business establishment or industry must provide a written application to the city council. The owner or occupant must certify in writing to the city council that the owner or occupant will ensure that an environmentally sound alternative to contract collection services is used.

- (2) *Frequency of collections.* All garbage and all other solid waste shall be collected and removed from each collection point at least once a week on a date to be established by the hauler.
- (3) *Storage of solid waste.* The owner and occupant of any premises, business establishment or industry shall be responsible for the satisfactory storage of all solid waste accumulated at that premises, business establishment or industry.
- (4) *Storage of containers.* Except on days scheduled for collection, containers shall be stored out of view of the public street or road.
- (5) *Effect of failure to pay fees.* Notwithstanding any provision of this article 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.
- (6) *Collection and removal fees.* No hauler shall charge a fee for the collection and removal of solid waste within the city in an amount greater than that set out in a schedule of rates which shall be adopted by the city council by resolution from time to time. In the case of a multiple-family residential building, the fee for each unit within such building shall not exceed the amount permitted for service to any single family residential dwelling. In the case of commercial or other nonresidential buildings, the hauler may charge a fee to be established by agreement between him and the individual customer, provided such fee is reasonably related to the rate established hereunder for collection and removal of solid waste from residential buildings to the extent the collection and removal service required is comparable.
- (7) *Separation of leaves and grass clippings.* All leaves and grass clippings shall be separated by the homeowner from all other garbage and refuse accumulated on the premises and shall be composted on the premises or placed and maintained until removal by the licensed compost collection hauler in degradable bags, containers, or packages provided by the homeowners compost hauler. Degradables shall be defined as any untreated paper bags or biodegradable or photodegradable plastic bag acceptable to the composting station used by the licensed compost collection hauler.

(Code 1982, § 501.104; Res. No. 1995-1, 2-14-95)

Sec. 18-36. Enforcement and penalties.

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This article may be enforced under M.S.A. §§ 115.071 and 116.072. In addition, any individual or business who fails to comply with the provisions of this article shall, upon conviction, be guilty of a misdemeanor and shall be punished as provided in section 1-13.
(Code 1982, § 501.106)

Secs. 18-37--18-60. Reserved.

ARTICLE III. RECYCLING

Sec. 18-61. Definitions.

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

Dwellings means those dwellings described in subsections (1) and (2) of the definition of premises in this section.

Premises means:

- (1) All dwellings now or hereafter located in the city; and
- (2) All buildings or parts of buildings now or hereafter owned by or leased to the city and located in the city, except, however, park shelter or park toilet buildings.

Recyclables means:

- (1) Newsprint.
- (2) Corrugated cardboard.
- (3) Mixed residential mail.
- (4) Boxboard.
- (5) Aluminum and bimetal beverage containers.
- (6) Brown, clear and green glass.
- (7) Batteries, auto and tractor only.
- (8) Food cans.
- (9) Plastic: All narrow neck bottles with screw-off type caps, type 1 through 5.
- (10) Magazines: Current periodicals (no catalogues, Readers' Digest).
- (11) Phone books.

Also included as a recyclable is any other material that the city may hereafter be required to collect as a recyclable by the county. For purposes of this article, recyclables shall not be refuse, rubbish or waste matter as defined in section 18-32.

Resident means every person who is an owner or occupant of a dwelling, the city as to the buildings or parts thereof described in subsection (2) of the definition of premises in this section.

(Res. No. 1996-1, § 502.102, 1-16-96)

Cross reference--Definitions generally, § 1-2.

Sec. 18-62. Purpose of article.

The purpose of this article is to require mandatory separation of recyclables to aid and promote collection thereof and disposal by means other than deposit in a sanitary landfill or by burning.

(Res. No. 1996-1, § 502.101, 1-16-96)

Sec. 18-63. Separation and storage of recyclables.

(a) Every resident of every premises shall separate the recyclables from their respective premises from all other refuse, garbage, rubbish and waste matter as defined in article II of this chapter and shall store the recyclables separately in containers designated as containers for the storage of recyclables.

(b) Containers for storage of recyclables shall be kept in the same location as is designated by article II of this chapter for refuse containers; however, residents of dwellings, no earlier than 12 hours prior to the day for scheduled collection of recyclables from their respective dwellings, shall place adjacent to the dwelling or garage accessory thereto and visible from the street in front of the dwelling, or from the alley by the dwelling if that dwelling has refuse collection service at the alley. After the scheduled collection, the containers for recyclables and any recyclables not collected shall be returned by the resident of the dwelling to the same location as containers for refuse are kept as designated by article II of this chapter.

(Res. No. 1996-1, § 502.103, 1-16-96)

Sec. 18-64. Collection of recyclables.

(a) Collection of recyclables from premises shall be by a hauler selected and duly licensed by the city. Also, such collection shall be done in compliance with all other applicable ordinances of the city now or hereafter in effect.

(b) The provisions of subsection (a) of this section notwithstanding, the city, at any time, and from time to time, may contract with a hauler for collection of recyclables from some or all premises, and if the city so contracts, the recyclables shall be collected from the premises covered by such contract by the collector under contract with the city and on terms and conditions set out in such contract.

(c) Neither the provisions of subsections (a) or (b) of this section or any other provisions of this article shall prevent any resident from disposing of that resident's recyclables without the use of a paid hauler or the city collector, but the provisions of section 18-65 shall be complied with by such resident.

(Res. No. 1996-1, § 502.104, 1-16-96)

Sec. 18-65. Disposal of recyclables.

Recyclables collected from premises shall not, in any event, be:

- (1) Deposited in any landfill;
- (2) Burned in any incinerator; or
- (3) Deposited or distributed in any way or manner which is contrary to the applicable law, statute, ordinance, rule or regulation.

Provided, however, the restrictions of subsections (1) and (2) of this section shall not apply to any recyclables which are deposited in a landfill or burned pursuant to specific prior written approval granted by the county and consented to, in writing, by the city. Residents shall take such action as is reasonable under the circumstances to determine that recyclables are not disposed of contrary to the provisions of this section.

(Res. No. 1996-1, § 502.105, 1-16-96)

Sec. 18-66. Reports to city.

(a) As and when requested by the city from time to time, the city shall require the haulers of their respective recyclables to keep complete and accurate records of the total tons of recyclables collected each month from their respective premises, together with the actual weight or percentage of the total that each recyclable material

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represents, and the markets used for the sale of, and primary purchasers of, such recyclables. Such records shall be sent to the city, when requested by the city.

(b) The city also shall prepare or require their haulers to prepare, and submit to the city, at the request of the city, such other reports, data and information relative to the separation, collection and disposal of recyclables as may be required by any statute, law, ordinance, rule or regulation now or hereafter be requested of the city by the county. All such records, reports, data and information, once received by the city, shall become the property of the city to be used as it shall determine without obligation to any person.

(Res. No. 1996-1, § 502.106, 1-16-96)

Sec. 18-67. Penalty.

Any person violating this article shall be guilty of a petty misdemeanor and shall be punished, upon conviction, as provided in section 1-13.

(Res. No. 1996-1, § 502.108, 1-16-96)

Sec. 18-68. Controlling effect.

The provisions of this article shall control over any contrary or inconsistent provisions in article II of this chapter.

(Res. No. 1996-1, § 502.109, 1-16-96)