

## CHAPTER 50: GARBAGE

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### § 50.01 DEFINITIONS.

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

**CITY.** The City of Milaca, Minnesota.

**COLLECTION.** The aggregation of waste from the place at which it is generated, and including all activities up to the time the waste is delivered to a waste facility.

**COLLECTORS(S).** Any person(s) who owns, operates, or leases vehicles for the purpose of collection and transportation of any type of mixed municipal solid waste, construction debris, industrial waste and/or recyclables.

**CONTAINER.** This term includes refuse, garbage, recycling, and yard waste containers, and garbage bags provided by the contract hauler.

**CONTRACT HAULER.** For the purpose of this section, anyone who collects and disposes of garbage and other refuse for another person in this municipality, including individuals, partnerships and corporations, shall be considered a contract hauler.

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

**DISPOSAL FACILITY.** A waste facility permitted by the Minnesota Pollution Control agency that is designated or operated for the purpose of disposing of waste on or in the land, together with any appurtenant facilities needed to process waste for disposal or transfer to another waste facility.

**GARBAGE.** Any animal and vegetable waste, as well as discarded material resulting from the handling, processing, storage, preparation, serving and the consumption of food.

**HAZARDOUS SUBSTANCE.** "Hazardous substance" means: (1) any commercial chemical designated pursuant to the Federal Water Pollution Control Act, under United States Code, title 33, section 1321(b)(2)(A); (2) any hazardous air pollutant listed pursuant to the Clean Air Act, under United States Code, title 42, section 7412; and (3) any hazardous waste.

Hazardous substance does not include natural gas, natural gas liquids, liquefied natural gas, synthetic gas usable for fuel, or mixtures of such synthetic gas and natural gas, nor does it include petroleum, including crude oil or any fraction thereof which is not otherwise a hazardous waste.

**HAZARDOUS WASTE.** Any refuse, sludge, or other waste material or combination 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 by-product material as defined by the Atomic Energy Act of 1954, as amended.

**HOUSEHOLD HAZARDOUS WASTE.** Waste generated from household activity that exhibits the characteristics of or that is listed as hazardous waste under this ordinance, but does not include waste from commercial activities that is generated, stored, or present in a household.

**INDUSTRIAL WASTE.** Solid waste resulting from an industrial, manufacturing, service, or commercial activity that is managed as a separate waste stream.

**MIXED MUNICIPAL SOLID WASTE.** Garbage, refuse, and other solid waste from residential, commercial, industrial, and community activities that the generator of the waste aggregates for collection; but not including auto hulks, street sweepings, ash, construction debris, mining waste, sludge, 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; but the term does include source-separated compostable materials, but does not include Solid Waste as further defined in this chapter.

**RECYCLABLE MATERIALS.** Materials that are separated from mixed municipal solid waste for the purpose of recycling, including paper, glass, plastics, metals, automobile oil, and batteries. Refuse-derived fuel or other material that is destroyed by incineration is not a **RECYCLABLE MATERIAL**.

**REFUSE.** This term includes garbage and rubbish but shall not include sewage.

**RUBBISH.** No garbage solid waste such as tin cans, glass, paper, sweepings, clippings, ash and the like.

**SOLID WASTE.** Garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded waste materials and sludges, in solid, semisolid, liquid, or contained gaseous form, resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include hazardous waste; animal waste used as fertilizer; earthen fill, boulders, rock; concrete diamond grinding and saw slurry associated with the construction, improvement, or repair of a road when deposited on the road project site in a manner that is in compliance with best management practices and rules of the agency; sewage sludge; solid or dissolved material in domestic sewage or other common pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents or discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as amended, dissolved materials in irrigation return flows; or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

**YARD WASTE.** Vegetative or organic material produced from the care and maintenance of landscaped areas, gardens, and lawns. This includes weeds, leaves, grass clippings, dead flowers and plants, pruned branches and stems, roots, and Christmas trees, but does not include the City Compost Site.

(Ord. 99-1, passed 4-15-99; Ord. 472, passed 1-22-21)

## **§ 50.02 GENERAL REGULATIONS**

- (A) *Accumulation of waste.* Any unauthorized accumulation of garbage, refuse, rubbish, or yard waste on any premises is a nuisance and prohibited.
- (B) *Refuse, rubbish, or yard waste in streets and the like.* No person shall place any refuse, rubbish, or yard waste in any street, alley or public place or upon private property except in proper containers for collection or other lawful disposal. No person shall throw or deposit refuse, rubbish, or yard waste in any stream or other body of water.
- (C) *Scatter of refuse, rubbish, or yard waste.* No person shall deposit anywhere within the city any refuse, rubbish, or yard waste in such manner that it may be carried or deposited by the elements upon any public place or any other premises within the city.
- (D) *Burying of refuse, rubbish, or yard waste.* No person shall bury any refuse, rubbish, or yard waste in the city except in an approved sanitary landfill.
- (E) *Composting materials.*
  - a. Compost must be fully confined within fencing or an enclosed structure no larger than 4 feet high and 250 cubic feet in area.
  - b. Compost shall not be located in the front yard and must be located in the rear yard, and at least 5 feet from all property lines.
  - c. Compost materials shall be regularly mixed and shall not include items such as meat, bones, grease, whole eggs, dairy products, and feces.
  - d. Compost materials which cause undue odor or rodent harborage may be removed as directed by the City.

- (F) *Construction Debris Dumpsters.* No garbage shall be allowed to be disposed of in a construction dumpster

### **§ 50.03 DISPOSAL REQUIRED**

Every person shall, in a sanitary manner, store and dispose of refuse that may accumulate upon property owned or occupied by him or her in accordance with the terms of this subchapter. Garbage shall be collected or otherwise lawfully disposed of every week. The owner of any property shall be responsible for keeping such property in accordance with this subchapter and free from refuse violations including vacant land and property.

### **§ 50.04 CONTAINERS**

- (A) *General requirement.* In all zoning districts, all waste material, debris, refuse, recycling materials or garbage shall be properly stored in a closed container designed for such purposes and screened in accordance with this section. No refuse materials may be stored outside of the containers. All normal accumulations of refuse shall be deposited in such containers, except that leaves, trimmings from shrubs, grass clippings, shavings, excelsior and other rubbish of similar volume and weight may be stored in closed containers not meeting the requirements of division (B) of this section and be properly collected, removed, and disposed. No container shall be permitted on another property without permission or signed agreement with individuals and/or businesses or holder of the refuse contract.

- (B) *Container requirements.* Each container shall be watertight, shall be impervious to insects and rodents. Containers shall be maintained in good and sanitary condition. Any container not conforming to the requirements of this chapter, having ragged or sharp edges or any other defect likely to hamper or injure the person collecting the contents shall be promptly replaced after notice by the city

(Ord. 99-1, passed 4-15-99)

### **§ 50.05 LICENSE REQUIRED**

- (A) No person, firm, corporation, or other entity shall collect mixed municipal solid waste in the city without first securing a license from the city.
- (B) The City Council, in the interest of maintaining healthful and sanitary conditions in the city, uniformity of service and limiting the negative effects on city streets, hereby limits the number of licenses issued to one contract hauler.

- (C) Any license issued under division (A) above shall be valid for four calendar years and shall expire on December 31 of the fourth year unless revoked sooner.
  - (D) Any license issued under this chapter shall be non-transferable. Licensees shall not be entitled to refund of any license fee upon revocation or voluntary cessation of business.
  - (E) No license shall be required by any person, firm, or corporation or other entity for purposes of collecting, hauling, or disposing of their own mixed municipal solid waste; provided that, any
  - (F) collection, hauling, and/or disposal shall be done in a lawful manner. Notification and plan for disposing of solid waste must be submitted to the city, and approved by the city, prior to any person or entity disposing of the same.
- (Ord. 99-1, passed 4-15-99; Am. Ord. 348, passed 4-15-04; Ord. 472, passed 1-22-21) Penalty, see §10.99

## **§ 50.06 APPLICATION FOR LICENSE**

- (A) Any person, firm, or corporation desiring a license to collect mixed municipal solid waste shall make application for the same to the city upon a form prescribed by the city. The city is exempt from the competitive bidding process when contracting for professional services. The applicant shall provide for the city the following information:
  - (1) The name and address of the applicant;
  - (2) A description of the equipment proposed to be used in collection;
  - (3) The disposal facility to which the solid waste is to be hauled; and
  - (4) The manner in which the solid waste is to be disposed of; and
  - (5) A proposed contract with the city, setting forth the details of the applicant's proposal for collection of mixed municipal solid waste and recyclable materials.
- (B) Before any license is issued, an applicant shall file with the city, evidence that the applicant has in effect insurance for at least the amount of \$500,000 for bodily injuries to or death of one person, and \$1,000,000 for any one accident resulting in injuries and/or death of more than one person, and a total of \$250,000 liability for damages to property of others arising out of any accident. Applicant shall provide a \$10,000 bond to insure conformance to all provisions of this ordinance. Submit a copy of dated document payable to the City of Milaca demonstrating coverage during the license years. Before the license shall be issued, the licensee shall agree to hold the city harmless and shall agree 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. The city shall be named as an additional insured under that insurance for the services provided under the license. The licensee's contract of insurance shall be the primary insurance for the city and the licensee or insurance company shall provide a certificate of insurance which verifies the existence of the insurance required, including provisions to hold the city harmless and defend and indemnify the city. Any insurance or indemnity provisions of this chapter, or contained in any contract for licensed hauling approved pursuant to this chapter, shall not be interpreted to constitute a waiver by the city of any of its defenses of immunity, or limitations

on liability under M.S. Chapter 466.

- (C) At the time the application is submitted, the applicant shall pay to the city an annual license fee in an amount to be established by resolution of the City Council. The fee is to be paid annually and shall be nonproratable, nonrefundable and nontransferable. The fee shall be deposited to the General Fund.
  - (D) The City Council shall issue the license only after receipt and review of all required forms, certificates, and fees. Upon review of the documents submitted, the City Council shall issue a license if the documents comply with provisions previously stated. An applicant denied a license by the city may have the decision reconsidered by the City Council. The applicant shall request reconsideration by the City Council in writing within ten days after denial of the license.
  - (E) Licenses may be suspended or revoked by the City Council, after the licensee has been given reasonable notice and an opportunity to be heard, for the violation of any provision of this chapter or upon failure of the licensee to comply with any condition, order, or direction issued by the city.
- (Ord. 99-1, passed 4-15-99; Am. Ord. 382, passed 11-27-08; Ord. 472, passed 1-22-21)

#### **§ 50.07 LICENSED COLLECTOR; DUTIES AND OBLIGATIONS.**

- (A) A licensee shall operate in a manner consistent with its application materials and shall provide notice to the city within ten days of any change in the information, forms, or certificates filed as a part of the license application process.
- (B) The licensee shall comply with all federal, state, county, and local laws, ordinances, and regulations.
- (C) The licensed hauler shall offer each customer at least weekly collection service for mixed municipal solid waste.
- (D) The licensed hauler shall provide each customer with a garbage container meeting the requirements stated in § 50.04 (B)
- (E) No collection of mixed municipal solid waste shall be made except between the hours of 7:00 a.m. and 6:00 p.m. on the day or days for residential and 6:00 a.m. to 6:00 p.m. for commercial and schools, as the City Council shall designate, except under extenuating circumstances including poor weather conditions or natural disasters. No collection shall be made on New Year's Day, Thanksgiving Day, or Christmas Day.
- (F) The licensee shall offer residential customers curbside recycling at least twice per calendar month on the first and third week of each month, and shall not impose a greater charge on residential customers who recycle than those who do not recycle
- (G) The licensee shall use only vehicles and equipment so constructed that the contents will not leak or spill. The vehicles and equipment shall be kept clean and as free from offensive odors as possible, and shall not stand in any street or public place longer than is reasonably necessary to collect solid waste and recyclables. The licensee shall also insure that the immediate collection site is left tidy and free of litter.

(H) No person shall permit garbage/refuse to be picked up from their premises by an unlicensed collector.

(Ord. 99-1, passed 4-15-99; Ord. 472, passed 1-22-21; Am. Ord. 552, passed 12-18-25) Penalty, see § 10.99

## **§ 50.08 COLLECTION CHARGES; ESTABLISHMENTS.**

On or before December 31 of each renewal year, the City Council shall establish, by resolution, a schedule of rates for the collection of mixed municipal solid waste. Rates may be adjusted by resolution of the Council during any Four-year license period upon making a finding that a substantial change in circumstance has occurred, making the existing rates unreasonable.

(Ord. 99-1, passed 4-15-99; Am. Ord. 382, passed 11-27-08)

## **§ 50.09 INDEMINIFICATION**

All licensees under this chapter shall hold the city harmless from all damages and claims of damage that may arise by reason of any negligence of the licensee or the licensee's agent or employee while engaged in the performance of the work and services covered by the license requirements, and shall indemnify the city against all claims, liens, expenses, and claims for liens for work, tools, machinery, materials, or insurance premiums or equipment or supplies, and against all loss by reason of failure of the licensee in any respect to fully perform all obligations outlined in the duties and obligations of licensees as solid waste collectors, including attorney's fees and court costs reasonably incurred by the city in defense of such indemnified claims.

(Ord. 99-1, passed 4-15-99; Am. Ord. 382, passed 11-27-08)

## **§ 50.10 VIOLATION AND PENALTY**

- A. In accordance with the provisions of this chapter, it is unlawful for any person, firm, or corporation to fail to properly dispose of collected mixed municipal solid waste.
- B. Any person convicted of violating this chapter shall be guilty of a misdemeanor and shall be subject to a fine and/or imprisonment, as provided in § 10.99.
- C. Any licensed or unlicensed hauler violating any provision of this chapter is guilty of a misdemeanor and shall be punished as provided by § 10.99. Upon a violation, a hauler may have their license suspended or revoked for cause by the City Council.

(Ord. 99-1, passed 4-15-99; Ord. 472, passed 01-22-21) Penalty, see § 10.99