

## CHAPTER 9

### HEALTH, SANITATION, AND GENERAL WELFARE

#### SOLID WASTE

9.100. Definitions. For the purposes of this Ordinance, the following definitions shall apply:

- (1) **Bulky Waste** - A large appliance, piece of furniture or waste material from a source other than construction debris or hazardous waste with a weight or volume greater than appropriate or allowed for in waste containers. Bulky waste does not include tires, batteries, waste oil, or yard and garden material.
- (2) **Construction Debris** - Waste building materials resulting from construction, remodeling, repair or demolition operations.
- (3) **City** - Refers to the City of Long Prairie, Minnesota, and also to the appropriate employee or office of the municipality authorized to act as its agent in handling the pertinent matter of the Ordinance.
- (4) **Compostable Garbage** - Compostable materials, including books, cardboard, catalogs, magazines, cereal boxes, disposable diapers, food packaging, food scraps, paper bags, paper milk containers, pop and beer cartons, scrap paper, and putrescible animal or vegetable wastes, resulting from the handling, preparation, cooking, servicing or consumption of food and including food containers. Compostable garbage shall also include any other specifically defined items of property from time to time designated as such by resolution of the City Council.
- (5) **Contractor or Solid Waste Collector** - The individual, firm, partnership, joint venture, corporation, or association performing refuse collection and disposal under contract with the City.
- (6) **Hazardous Waste** - Waste designated as hazardous by the United States Environmental Protection Agency or appropriate state agency.
- (7) **Landfill Material** - Refers to and includes air filters, automobile parts, building materials, carpet and carpet pads, coat hangers, dishes, fiberglass, furniture, garden-hydraulic hose, broken bottles/glass, window glass, hard plastics, ice cream pails, empty paint pails, plumbing fixtures, styrofoam, twine and banding, aerosol cans, clothing, light bulbs, and flashlight batteries. Landfill materials shall also include any other specifically defined items of property from time to time designated as such by resolution of the City Council.
- (8) **Recyclables** - Recyclable materials including aluminum cans, unbroken glass bottles, newspapers, plastic bottles, scrap aluminum, and tin cans. Recyclables shall also include any other specifically defined items of property from time to time designated as such by resolution of the City Council.
- (9) **Refuse and Solid Waste** - Discarded waste materials in a solid or semiliquid state

including but not limited to recyclables, compostable garbage, landfill materials, tires, batteries, yard wastes, bulky wastes, waste oil and construction debris.

- (10) Residence - Each separate household and/or each unit in an apartment building or mobile home park.
- (11) Yard Waste - Organic plant materials collected from yards or gardens including leaves, grass clippings, vines and stalks.

9.101. Prohibiting collection. It shall be unlawful for any person, firm or corporation to collect garbage, rubbish, refuse or solid waste, in the City of Long Prairie, Minnesota, without first entering into a written contract with the City Council of Long Prairie, Minnesota. No person other than the city or its contractor shall collect or dispose of any garbage or rubbish accumulated from any premise in the city other than his own. No person shall permit refuse to be picked up from his premises by an unlicensed collector. No more than one contractor or solid waste collector shall be permitted to do business within the city limits at any one time.

9.102. Approval of contractor. Any person, firm, or corporation desiring to collect garbage, rubbish, refuse, or solid waste in the City of Long Prairie shall make application for the same to the City Clerk. The application shall, at a minimum, contain the following:

- (1) The name and address of the applicants;
- (2) A list of the equipment which he proposes to use in such collection;
- (3) A schedule of proposed pick-up days;
- (4) Rates to be charged;

9.103. Council approval and insurance requirements. Applications shall then be submitted to the City Council for their investigation and approval;

- (1) If such application is approved by the City Council, the applicant shall deposit with the City Clerk a performance bond, letter of credit, certificate of deposit pledged to the city or any other financial document acceptable to the council in the penal sum of at least \$5,000.00 conditioned that he will faithfully and continuously provide the refuse and solid waste collection service specified in the application.
- (2) Each approved contractor shall provide equipment so constructed that the contents will not leak or spill therefrom. The equipment shall be kept clean and as free from offensive odors as possible, and shall not be allowed to stand in any street, alley or public place longer than is reasonably necessary to collect refuse.
- (3) The contractor shall provide proof of insurance with a minimum public liability insurance of \$250,000.00 for any one person; \$500,000.00 for any one accident, and \$250,000.00 for property damage. The contractor shall also carry Worker's Compensation on all employees; all of the foregoing to be accompanied by a

license of the insurance company to do business in the State of Minnesota. If so requested, the city shall be furnished with copies of the policies, which policies shall contain a clause that the city will be notified in the event of cancellation for any reason; in the event of the failure of the contractor to furnish such policies or to keep them in force, the contract with said contractor, at the option of the city, shall be immediately terminated.

9.104. Revocation. Any and all licenses are subject to revocation at any time for violation of any provision of this ordinance or violation of the laws of the State of Minnesota, the rules, regulations, provisions, and conditions and restrictions of all public State agencies or any other applicable law or ordinance.

9.105. Licensees. All licensees shall be independent contractors and any and all agents and employees thereof shall be their agents and employees and not agents or employees of the City. Licensees shall render all services in the collection of garbage and refuse of City customers. Licensee undertakes to serve and shall collect all service charges and provide all necessary equipment of a kind adequate to the performance of the services contemplated and in conformance with all rules and regulations applicable.

9.106. Exclusive use. Every householder or occupant of any dwelling house, boarding house, apartment house, mobile home or any other place of residence as well as all non-residential places, such as businesses and commercial places must make arrangements for the collection of garbage from the City approved contractor. In the event the contractor shall not be able to properly dispose of the refuse or solid waste generated by any business or commercial place, such place of business may apply to the City for an exemption in order to be able to use a different contractor for such items.

9.107. Containers. All refuse and solid waste must be presented for collection in properly closed bags or covered re-usable containers. All containers must be water tight.

9.111. Unlawful deposit. No person, corporation, business entity or commercial establishment shall bring refuse or solid waste into the City for disposal or otherwise.

9.112. Fees. There is hereby imposed upon each household and business or other establishment from which garbage or other refuse is collected by the City or its contractor a charge for such service in accordance with the schedule established from time to time by resolution of the City Council. Service charges shall be charged to the owner and occupant of the premises served, and shall be paid in accordance with City council resolution. When any charges remain unpaid after the due date, a penalty of 10% shall be added thereto. Interest shall be charged on unpaid bills at the rate of 6% per year from the due date until paid.

9.113 Assessments. Although the occupier of the individual residence or business or industry or the owner of the multiple unit residences or mobile home park is considered to be the party primarily responsible for payment of any collection fees charged by the City or the contractor, the service is considered to benefit the real property occupied by the consumer. Therefore in the event of non-payment by the consumer or person or business billed, unpaid charges shall be assessed against the property served.

The contractor shall be responsible for collection of all accounts. In the event the contractor is unable to collect the accounts, they may provide the city with a list of delinquent accounts. This list must be provided to the city by September 1 of each year.

All delinquent accounts may be certified by the Clerk who shall prepare an assessment roll each year providing for assessment of the delinquent accounts against the respective property served. This assessment roll shall be delivered to the City Council for adoption on or before October 10 of each year and upon approval thereof, the Clerk shall certify to the County Auditor the amount due, plus a certification fee as established by resolution of the City Council, and the County Auditor shall thereupon enter such amount as part of the tax levy on such premises to be collected during the ensuing year.

The city shall submit to the contractor the amount collected from the tax levy against the respective properties.

Such action may be optional or subsequent to taking legal action to collect delinquent accounts.

9.114. Penalties for violations of ordinance. Any person, firm, corporation, entity, business or commercial establishment violating the provisions of this ordinance shall be guilty of a misdemeanor. A contractor need not collect and take into his possession any refuse that is not separated or set out for collection in accordance with the terms of this Ordinance. Further, the weekly charge for collection will still be billed as provided for herein. Each day on which such violation continues shall constitute a separate offense.

9.115 Repeal of ordinance. Ordinances of the City of Long Prairie, Minnesota, or parts thereof, inconsistent with the terms of this Ordinance are herewith repealed.

9.116 Provisions severable. The provisions, sections, and subdivisions of this ordinance are severable; and, in the event that any Court shall find any section or any part thereof to be invalid for any reason, such finding shall not affect any other section or part thereof.

9.117 Effective date. This Ordinance shall become effective after its passage and publication but not prior to August 1, 1994.