

Chapter 38 - SOLID WASTE¹

Article/Division/Section:

ARTICLE I	<u>IN GENERAL</u>
38-1 – 38-18	<i>Reserved</i>
ARTICLE II	<u>COLLECTION AND DISPOSAL</u>
38-19	<u>Refuse defined</u>
38-20	<u>Required collection of garbage and refuse</u>
38-21	<u>Storage of refuse</u>
38-22	<u>Fees for collection of recyclables</u>
38-23	<u>Recycling scavenging prohibited</u>

ARTICLE I - IN GENERAL

Secs. 38-1 – 38-18 - Reserved

ARTICLE II - COLLECTION AND DISPOSAL²

Sec. 38-19 - Refuse defined

Refuse means all waste products which are composed wholly or partly of such materials as garbage, rubbish, leaves, grass, brush, and other waste materials; or any other such substance which may become a nuisance.

(Code 1993, § 5-3.02(A))

Sec. 38-20 - Required collection of garbage and refuse

- (a) Every household and commercial/industrial establishment in the city must be under a contract for the collection of garbage and refuse with a licensed garbage hauler. A household in a multi-dwelling property is considered to be under a garbage collection contract if the owner, association, or management entity has a contract with a licensed hauler.
- (b) A household or commercial/industrial establishment may be exempt from the requirement to be under a garbage and refuse contract if the household or commercial/industrial establishment hauls garbage or refuse from their own residence or business property and complies with the following standards:
 - (1) Garbage is hauled in a timely manner such that it does not accumulate and become a nuisance;
 - (2) Garbage is hauled in containers equipped with tightfitting covers and which are also watertight on all sides and the bottom.

- (c) Garbage and refuse is dumped or unloaded only in the county at designated sanitary landfills, or other facilities authorized by the county.

(Code 1993, § 5-3.02(B); Ord. No. 0-92-3, 6-24-1992)

Sec. 38-21 - Storage of refuse

- (a) *Metal or plastic nondisposable containers required.* The owner or occupant of any dwelling or any other person having refuse shall provide sufficient nondisposable containers for the storage of all refuse accumulated on the premises between collections. Each metal or plastic nondisposable container shall be watertight, shall have a tightfitting lid, and shall be impervious to insects, rodents, vermin and absorption of moisture.
- (b) *Placing of nondisposable containers.* Where alleys are platted and open for traffic, nondisposable containers shall be placed at the rear of the property adjoining the alley. Where no such alley exists, nondisposable containers shall be stored in a side yard, adjacent to the residence, and shall not be placed in the front yard of the residence.
- (c) *Placing of waterproof bags.* Waterproof bags may be placed next to the street, curb or alley, provided they do not remain there for a period longer than 24 hours prior to the time scheduled for collection.
- (d) *Placement of refuse containers after collection.* Where refuse containers are brought to the curb (street) for collection, said containers must be returned to the location specified in [subsection \(b\)](#) of this section within 24 hours after collection.

(Code 1993, § 5-3.02(C); Ord. No. 24-06, § 1, 9-11-2024)

Sec. 38-22 - Fees for collection of recyclables

- (a) Recyclable materials shall mean items of refuse which are deemed acceptable for processing for reuse and collected/deposited at an appropriate recycling center.
- (b) The owners of all residential properties shall pay a fee for the collection of recyclable materials. Recycling fees and penalties and assessment of unpaid fees are as established by the city council.

(Code 1993, § 5-3.02(D))

State Law reference – Recycling, Minn. Stats. § 115A.551 et seq.

Sec. 38-23 - Recycling scavenging prohibited

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Authorized or designated recycling program means a program for the collection and

recycling of recyclable materials which is instituted, sponsored and controlled by the city.

Recyclable materials means items of refuse which are part of an authorized recycling program and which are intended for transportation, processing, and manufacturing or reuse.

Scavenging means the unauthorized collection of recyclable materials that have been set out by residents of the city specifically for participating in the recycling programs.

- (b) *Purpose.* This section is designed to prevent unauthorized collections of recyclable materials that are set out by city residents as part of the designated recycling program. Unauthorized collection or "scavenging" may reduce the volumes of material collected as part of a designated program and thereby threaten the economic viability of the program. Scavenging may also cause confusion among participating residents and thereby disrupt the publicity and educational processes of the program. This section is also designed to insure that a designated recycling program will be implemented in an orderly fashion to avoid adverse effects on the public health, welfare, safety and environment.
- (c) *Ownership.* Ownership of recyclable materials set out for the purpose of participating in the recycling programs shall remain with the person or household from which the materials originated until collected by an authorized collector. Upon removal by the city or its designated agents or contractors from a designated collection point, ownership of properly prepared and stored recyclable materials intended for a city authorized collection program shall be vested in the authorized collector. Materials not prepared, cleaned, or stored according to city specifications shall remain the responsibility and property of the individuals or household from which the materials originated. Nothing in this article shall abridge the right of any individual or household to give or sell their recyclable materials to any recyclable materials program.
- (d) *Unauthorized collection.* It shall be unlawful for any person or hauler who is not authorized by the city to take or collect recyclable material set out for authorized collection within the city.

(Code 1993, § 5-3.02(D), (E))

Footnotes:

¹ **State Law reference** – Waste Management Act, Minn. Stats. ch. 115A.

² **State Law reference** – Mandatory that city provide for solid waste collection, Minn. Stats. § 115A.941; rubbish removal, Minn. Stats. ch. 443.