

CHAPTER 18 SOLID WASTE COLLECTION

1800.001 Purpose. In order to provide for a continuous system of refuse collection and disposal in a manner which meets the needs and conveniences of the residents of this City and in order to protect the area from the problems of uncoordinated, unsanitary and improper solid waste disposal and construction debris, the Taylors Falls City Council hereby determines that it is in the best interest of the residents of the City to require licenses of persons collecting and/or hauling garbage and rubbish for hire.

1800.002 Definitions. As used in this Chapter, the following terms and phrases have the following meanings:

CARTS. Any size personal can or container provided by a refuse company to hold garbage.

COLLECTION. The aggregation of mixed municipal solid waste from the place at which it is generated and includes all activities up to the time the waste is delivered to a waste facility.

COMMERCIAL ROLL-OFF BOX. Specially designed large commercial boxes usually set by a roll-off collection truck designed for this purpose. Boxes are commonly sized at 10-, 20-, 30-, 40- and 50-yards in order to hold construction debris or garbage.

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

DUMPSTER. Specially designed containers usually set and movable by a front or rear load collection truck. Dumpsters are commonly sized at 2-, 4-, 6- and 8- yards in order to hold construction debris or garbage.

GARBAGE. Waste foodstuffs or table wastes of vegetable or animal origin, together with other incidental admixtures.

RECYCLABLES. Materials which can be separated from the mixed municipal solid waste stream for collection and preparation for reuse in their original form, or for other uses in manufacturing processes that do not cause the destruction of the recyclable materials in a manner that precludes further use.

REFUSE. Solid wastes such as nonrecyclable glass, crockery, cans, paper, boxes, rags but excluding sewage, ashes, sand, earth, brick, stone, concrete, trees, tree branches and wood.

RESIDENTIAL SOLID WASTE. Garbage, refuse and other solid waste from residential activities which is generated and collected in aggregate, but excluding auto hulks or large auto parts, ash, construction debris, household hazardous waste, tree and agricultural wastes, tires, lead acid batteries, used oil, yard waste and other materials collected, processed and disposed of as separate waste streams.

YARD WASTE. Organic materials consisting of grass clippings, leaves and other forms of organic garden waste, prunings, tree waste, and fresh-cut Christmas trees and boughs, but excluding garden vegetables and materials that are not readily compostible within a calendar year.

1800.003 Collection License Required.

Subd. 1 License Requirement. It shall be unlawful for any business or company to engage in the business of collecting mixed municipal solid waste, recyclable material or construction debris without having first secured from the City a license to do so.

Subd. 2 Term of License. No license issued hereunder shall be for a period longer than one year, and all licenses shall expire on March 31 of each year unless revoked sooner.

Subd. 3 Non-Assignability of License. Licenses issued by the City may not be assigned or transferred in whole or in part by the hauler unless the City Council, in its sole discretion, gives its approval prior to any proposed assignment or transfer. Any attempt to assign or transfer the license in whole or in part without prior approval of the City Council shall be grounds for termination of the license.

Subd. 4 Revocation. A hauler's license may be terminated by the City for any violation of City ordinances, Chisago County ordinances, state or federal laws. The City may also terminate the license for unsatisfactory performance by the hauler. The licensee shall not be entitled to refund of any license fee upon revocation or voluntary ceasing to carry on the licensed activity.

Subd. 5 Exception. A license under this Chapter is not required for the following:

1. Collecting food waste to feed farm animals.
2. Non-profit organizations collecting recyclable materials. All such material shall be deposited in an approved disposal site.
3. Collecting household appliances. All such material shall be deposited in an approved disposal site.
4. Hauling of grass clipping, leaves, tree branches, rocks, earth, sand, gravel or brick. All materials must be contained in a type of vehicle, which will prohibit the possible loss of cargo. All such material shall be deposited in an approved disposal site.

1800.004 Application and Fee.

Subd. 1 License Application. Any business or company desiring a license to collect mixed municipal solid waste, recyclable material and/or construction debris shall make application for the same to the City upon a form prescribed by the City Council. Applications for renewal of a license shall be received thirty (30) days prior to its expiration. The application shall set forth:

1. The name, current business address and telephone number of the applicant.
2. A description of the kind of service proposed to be rendered.
3. A list of the equipment which is proposed to be used in such collection (including license plate number, DNR number and DOT number).
4. The place or places to which the mixed municipal solid waste, recyclable material and/or construction debris is to be hauled.
5. The manner in which the mixed municipal solid waste or recyclable material is to be disposed of.
6. The number of households which are serviced and the fee which they are required to pay for such service.

7. Certificate of Insurance (refer to Section 1800.005)

Subd. 2 Investigation. Upon receipt and review of all required forms, certificates, and fees, the application shall be submitted to the City Council for approval. If approved by the City Council, the City Clerk-Treasurer shall issue the license. If the City Council does not approve an application, it shall state in writing its reasons for the denial.

Subd. 3 License Fee. Before any license may be issued, the applicant shall pay to the City a license fee as established in Section 305.05 of Code of Ordinances. Such fee shall accompany the application.

1800.005 Liability Insurance Required. An applicant shall obtain all of the insurance required by this Section. All costs and expenses are the responsibility of the applicant. All insurance coverage is subject to approval by the City and shall be maintained by the licensee during the term of the license. No work under this license shall be commenced until the requirements of the Section have been satisfied.

Subd. 1 Worker's Compensation Insurance. The Licensee shall obtain and maintain statutory worker's compensation insurance as required under the laws of the State of Minnesota.

In the event licensee is a sole proprietor and has not elected to provide worker's compensation insurance, licensee shall be required to execute and submit an affidavit of sole proprietorship in a form satisfactory to the City.

Subd. 2 Comprehensive General Liability Insurance. Licensee shall obtain and maintain the following minimum coverage for comprehensive general liability (including premise-operations; independent contractors' protective; products and completed operations; broad form property damage):

Bodily Injury: \$500,000.00 per occurrence
\$500,000.00 products/completed operations

Property Damage: \$500,000.00 per occurrence

Subd. 3 Personal Injury Liability. Licensee shall obtain and maintain the following minimum insurance coverage for personal injury liability (with employment-related exclusion deleted):

Limit: \$500,000.00 per occurrence

Subd. 3 Comprehensive Automobile Liability. Licensee shall obtain and maintain the following minimum insurance coverage for comprehensive automobile liability (owned, nonowned, hired):

Bodily Injury: \$500,000.00 per person
\$500,000.00 per occurrence

Property Damage: \$500,000.00 per occurrence

Subd. 4 Insurance Certificate Required. Insurance certificates evidencing that the insurance required by this Section is in force with companies acceptable and licensed by the State of Minnesota, and in the amounts required, shall be submitted for examination and approval prior to the execution of the license. Thereafter, the certificates shall be filed with the City. The insurance certificates shall specifically provide that a certificate shall not be

modified, cancelled, or nonrenewed, except upon thirty (30) days prior written notice to the City. Neither the City's failure to require or insist upon certificates, or other evidence tending to show a variance from the coverages specified in this Section shall change a licensee's responsibility to comply with these insurance requirements.

1800.006 Collection Regulations. A licensed collector shall comply with the following collection regulations. Failure to observe these provisions may be a basis for suspension or revocation of a license.

Subd. 1 Display of Business or Company Sign. Any cart, dumpster or roll-off container set by a licensed collector in the City of Taylors Falls, shall display its proper name and telephone number on the container.

Subd. 2 Collection Required. It shall be the duty of each licensed collector to haul away to such places as designated in their license application all mixed municipal solid waste, recyclables and/or construction debris from premises located within the area in which they are authorized to collect mixed municipal solid waste.

Subd. 3 Collection Truck. Each licensed collector shall only use vehicles and equipment so constructed that the contents will not leak or spill. The vehicles and equipment shall also be kept clean and as free from offensive odors as possible, and shall not stand in any street or public place longer than reasonably necessary to collect garbage, refuse, yard waste, and/or recyclables. The licensee shall also ensure that the immediate collection site is left tidy and free of litter.

Subd. 4 Collection Hours. No collection of municipal solid waste, garbage, refuse, yard waste, construction debris and/or recyclable materials shall be made except between the hours of six o'clock (6:00 am) and six o'clock (6:00 pm) Monday through Saturday, with no collection on Sunday, except under extenuating circumstance including poor weather conditions or natural disasters. Customers shall be reasonably notified of the specific day for the collection of their garbage, refuse, and/or recyclables and the licensee shall collect the materials on those days.

Subd. 5 Operation. The licensee shall operate in a manner consistent with its application and shall provide notice to the City within ten (10) days of any change the information, forms or certificates filed as part of the license application process.

Subd. 6 Dumpsters and Roll-off Containers. Dumpsters or roll-off containers, or other such receptacles intended for the collection of construction or demolition debris, shall be kept entirely on private property.

- a. Exception.** If it can be shown that a dumpster or roll-off container cannot reasonably or feasibly be located on private property, the Public Works Supervisor or his/her designee shall be authorized to grant permission for placement of such dumpster on the street. The property owner and/or contractor shall comply with all such conditions that the Public Works Supervisor or designee may attach thereto.
- b. Time Limit.** Placement of dumpsters or roll-off containers for the purpose of collection of construction or demolition debris, shall not exceed more than thirty (30) days at any one site.

Subd. 6 Compliance with laws. Each licensee shall comply with all State, County, local laws and regulations.

1800.007 Anti-Scavenging Provision. It shall be unlawful for any person or business to scavenge, collect or otherwise remove garbage, refuse, recyclables or yard waste that has been placed at the curb or in recycling containers, without a license from the City and an account relationship with the owner, lessee, or occupant of the premises.

1800.008 Indemnification. The licensee shall hold the City harmless from all damages and claims of damages 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 the licensed residential solid waste collectors.

1800.009 Penalty. Any person convicted of violating this ordinance shall be guilty of a misdemeanor, and shall be subject to a fine or imprisonment, or both as specified by state statute. Such penalty may be imposed in addition to suspension or revocation of the license.

1800.010 Effective Date. This ordinance shall be effective immediately upon its passage and publication.

1800.011 Severability and Savings Clause. If any section or portion of this ordinance shall be found unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, that finding shall not serve as an invalidation or affect the validity and enforceability of any other section or provision of this ordinance.

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