

AN ORDINANCE REGULATING THE DISPOSAL OF GARBAGE AND REFUSE AND PROVIDING THE CREATION AND ESTABLISHMENT OF A UNIFORM SYSTEM FOR COLLECTION AND DISPOSAL OF GARBAGE AND REFUSE.

THE CITY COUNCIL OF THE CITY OF OAK PARK HEIGHTS, WASHINGTON COUNTY, MINNESOTA, DOES HEREBY ORDAIN:

502.01. Purpose.

It is the purpose and intention of the City Council of the City of Oak Park Heights by means of this Ordinance to establish a system of uniform garbage and refuse collection throughout the City. It is the further intention and purpose of the City of Oak Park Heights to prevent the unregulated and unrestrictive hauling of garbage, refuse, construction materials and/or recycling materials. All residential properties of the City are required by this ordinance to make adequate provisions for the disposal of the sanitary removal of garbage and refuse by the system established through this ordinance. All commercial, industrial and nonresidential properties shall be required under the terms of this ordinance to make and confirm the adequate provisions for the sanitary removal and treatment of garbage and refuse from their properties are provided for and compliant with the terms and provisions of this ordinance.

502.02. Residential Garbage Collection.

- A. There is hereby created and established a uniform system for the collection and disposal of garbage and refuse from residential properties within the City of Oak Park Heights. Commencing January 1, 1999, all garbage and refuse accumulations generated on single family residential properties as that term is hereinafter defined shall be conveyed and disposed of by the City of Oak Park Heights through its authorized agent and pursuant to the provisions of this Ordinance. No person shall collect or convey garbage or refuse generated from a single family residential property over the streets and alleys of the City or dispose of any garbage accumulated from a single family residential structure within the City except by use of the City's duly authorized agent.
- B. The City Council may establish fees directly related to the costs associated with the collection and disposal of garbage, refuse, rubbish, recyclables, white goods, or yard waste as collected under Section 502.02 a. These fees shall be payable by and/or assessable to the property owner on at least a quarterly basis by the City.
- C. The fee rates under Subsection B. may be established at least once annually by the City Council in its Master Fee Schedule and based upon estimated volumes and tonnage, tipping fees, taxes, collection and disposal costs as may be supplied by the City's agent. The fees shall be proportional to the container size used by the residential property.

502.03.

Definitions.

For the purpose of this Ordinance, the following terms, phrases, words and their derivation shall have the following meanings as provided:

- A. "Container" means a 90-96 gallon, 60-64 gallon, 30-35 gallon receptacle used to contain garbage and refuse. The City may by resolution from time to time regulate and prescribe specifications for all such receptacles and containers.
- B. "Dwelling Unit" shall mean a separate single family, residential dwelling with kitchen or area for the preparation of food provided.
- C. "Garbage" means animal or vegetable waste resulting from the handling, preparation, cooking, service and consumption of food.
- D. "Recyclables" are reusable or reprocessable materials specified by resolution of the City Council which shall include, but not be limited to, the following: newsprint, boxboard, corrugated cardboard, magazines, mixed mail, glass, plastic, bi-metal cans, aluminum, used motor oil, automotive batteries, tires and other metal goods.
- E. "Recycling Container" means a container supplied by the City of Oak Park Heights to residential property owners to place recyclable materials into for collection.
- F. "Refuse" is solid waste from residential properties and the City owned and operated buildings that result from normal operation and use, including garbage and refuse and specifically excluding compost, yard waste, recyclables and toxic and/or hazardous waste. Refuse further excludes industrial, commercial, agricultural and construction materials and/or garbage and/or rubbish and waste generated from the construction of properties.
- G. "Rubbish" is inorganic solid waste, including ashes consisting of both combustible and noncombustible waste, dirt, household construction materials, cement, bricks, crockery and other nonreusable waste. Rubbish also includes nonrecyclable types of glass, paper, cardboard and metal cans.
- H. "Toxic and Hazardous Waste" are waste materials including, but not limited to, poisons, waste, radioactive materials, flammable or explosive materials, and similar, harmful chemicals and waste which require special handling and must be disposed of in a manner to conserve the environment and protect the public health and safety.
- I. "Volume Based" refuse and garbage collection means the maximum limit of garbage and refuse a dwelling unit or other generator of waste is permitted to

dispose under the base dwelling unit rate.

- K. "White Goods" are large household items including refrigerators, stoves, dishwashers, washers, dryers, heaters, furnaces, air conditioners, water softeners, and other appliances which are too large for one person to pick up.

- L. "Yard Waste" means garden waste, leaves, lawn cuttings, weeds, shrub and tree waste, and prunings.
- M. "Yard Waste Receptacle" means a paper biodegradable bag which is available commercially or a permanent container which is identified as containing yard waste or compost, which receptacle is not exceed 35 pounds in weight when full.
- N. "Commercial Establishment" is any premises where commercial, business, or industrial enterprise of any kind is carried on shall include clubs, churches, establishments of non-profit organizations where food is prepared or served or goods are sold for retail distribution.
- O. "Single Family Residential Unit" means any household within a single or multiple family structure provided that the same is intended to house four (4) or less families.
- P. "Multiple Family Residential Unit" means any residential structure intended to house more than four (4) families within a single building.
- Q. "Residential Properties" shall mean all single family residences and multiple family units providing housing for one, two, three or four families.

502.04. Implementation of Uniform Collection of Recycling, Garbage and Refuse Collection Within All Residential Properties.

The collection of all garbage, refuse and recyclable materials accumulated upon any residential property shall be placed, stored and maintained in containers provided by the City. Garbage and refuse containers provided by the City or the City's agent shall be maintained in good, neat and sanitary condition at all times. All recyclable materials accumulated or generated upon any residential property shall be placed and maintained in recycling containers provided by the City or its agent. All recycling containers provided by the City or its agent shall be maintained in good, neat and sanitary condition at all times. Residential garbage containers shall be equipped with handles, tight fitting covers and shall be of capacity specified by the City Council. All garbage, refuse and recyclable materials generated from any residential property shall be collected and transported through the City of Oak Park Heights exclusively by use of the City's garbage collection and recyclable collection systems established within this Ordinance. No person shall collect or convey garbage, refuse or recycling materials generated from residential properties over the streets and alleys of the City except the City's duly authorized agent.

502.05. Business, Commercial, Industrial and Multiple Family Collection of Garbage, Refuse and Recycling.

All garbage and refuse containers in use on premises of any commercial, business or multiple family establishment, shall be used exclusively and solely for the purpose of that establishment as a receptacle for the storage and accumulation of its garbage, refuse and/or recycling. No person shall use the commercial establishment's garbage, refuse or recycling containers unless specifically authorized by the commercial establishment. The specifications of all containers on commercial, business, multiple family and all nonresidential properties shall be subject to regulation and requirements of the City of Oak Park Heights as may be contained in resolution of the City Council from time to time. All business, commercial industrial properties and multiple family residential units (as defined herein) shall directly contract for removal and disposal of their garbage, waste and refuse by use of licensed haulers as is prescribed and set forth in Section 502.06 below.

502.06. License Required to Transport All Nonresidential Waste, Garbage, Refuse and Recycling Materials Over the Streets and Alleys of the City of Oak Park Heights.

No person, firm or corporation shall engage in the business or collecting or removing garbage, waste, refuse or recycling materials from any nonresidential property located within the City of Oak Park Heights without first having obtained a license from the office of the City Administrator. Such license shall be issued by the City for a period of one (1) year under the terms prescribed within this Ordinance upon the payment of a license fee, which shall be established by resolution of the City Council from time to time. A license so issued may be renewed annually upon the payment of such fee and proof of insurance. In addition to the application fee, all such licensed individuals must maintain throughout the period of the license the following:

- A. A Certificate of Insurance provided to the City of Oak Park Heights demonstrating that they have general liability coverage for injury to persons or property of not less than \$1,000,000.00.
- B. A Certificate of Insurance provided to the City of Oak Park Heights demonstrating that they have workman's compensation coverage for the benefit of their employees.
- C. An identification by the proposed licensed hauler as to the nonresidential properties from which they will be collecting garbage, refuse, recycling and/or rubbish with the commencement date of the collection identified.

- D. For all licensed haulers who are proposing to provide service for the removal of garbage and refuse from the nonresidential property, they shall also identify a plan for the collection and removal of recycling materials from the subject property and provide same to the City prior to the commencement of service.
- E. All licensed haulers shall sign a statement certifying to the City of Oak Park Heights that the refuse and garbage generated from the subject property shall be disposed at a refuse derived fuel processing facility at which the operator/licensee has assumed all liability arising from the solid waste disposal; the Comprehensive Environmental Response, Compensation and Liability Act; and similar federal and state statutes. The licensee must advise the City of its intended disposal site not less than twenty-four (24) hours prior to the transportation of any refuse to said site. A change in location shall also be reported to the City of Oak Park Heights by the licensee no less than forty-eight (48) hours prior to any transportation of garbage or refuse from the nonresidential property. Any deviation from this provision shall be considered a violation of the Ordinance and can result in the forfeiture of the license in addition to other penalties.

502.07. Duties and Obligations of License Holders.

All persons, firms or corporations holding a license from the City of Oak Park Heights pursuant to this chapter must comply with the following operational requirements. Failure to observe these provisions may be basis for suspension or revocation of the license in addition to the imposition of other penalties and fines:

- A. Operating Procedures. The licensee shall operate in a manner consistent with its application materials and shall provide notice to the City within ten (10) days or any change of information, forms, rate structures or certificates filed as part of the license application process.
- B. Compliance with Laws and Regulations. The licensee shall comply with all state, federal, county and local laws and regulations.
- C. Collection Days and Hours. The licensed hauler shall comply with the garbage or other refuse, rubbish or recyclable collection days and hours as are approved by the City of Oak Park Heights for the license.
- D. Vehicles and Equipment. Each licensed collector shall only use vehicles and equipment so constructed so that the contents shall not leak or spill. The vehicle's equipment shall also be kept clean and free from offensive odors as is possible and shall not stand on any street, alley or public place longer than is reasonably necessary to collect the garbage, refuse, yard waste or recyclables from the nonresidential property.

- E. Reports. All licensed haulers shall report to the City such information as shall be required from the City Council by resolution from time to time, with such information being provided as required on forms prescribed through the office of the City Administrator for such purpose. Reports shall be submitted quarterly before the 15th day of the month next following close of the quarter. Haulers are required to report information as specified by Washington County and/or the City. Haulers shall be required to demonstrate that they have disposed of garbage at refuse derived processing facilities at which the operators have assumed all liability arising from the Solid Waste Disposal Act; the Comprehensive Environmental Response, Compensation and Liability Act; and other similar and federal and state statutes. Failure to certify accurate weights in disposal compliance shall be cause for revocation of the hauling license.

- F. Proof of Liability Insurance. All licensed haulers must show proof of liability insurance, filing with the City evidence of such insurance on all such vehicles utilized by the hauler in at least the sum of \$1,000,000.00 for injury to persons and/or property. All licensed haulers must also show proof of workman's compensation liability coverage.

- G. Time of Operations. All garbage, refuse, rubbish and other materials accumulated at nonresidential properties shall be collected at least once each week. No collections of garbage, refuse, rubbish or other materials shall be made except during the hours of 7:00 a.m. to 7:00 p.m. The days and times at which licensed haulers shall be collecting from their customers within the City of Oak Park Heights shall be subject to the approval of the Office of the City Administrator.

502.08.

Separation of Materials.

Notwithstanding any of the foregoing, all leaves and grass clippings shall be separated by all property owners from all other garbage and refuse accumulated on any premises within the City of Oak Park Heights. As to residential property owners, such materials shall be provided for in containers or packages identified by the City and its collection contractor.

All rocks, dirt, demolition materials, debris and construction materials shall be separated for collection and shall be removed from the construction site in containers meeting the requirements of the City of Oak Park Heights. The City Council for the City of Oak Park Heights shall from time to time by way of resolution establish rules and regulations affecting the manner and storage and collection of grass clippings and leaves as well as the manner and collection and removal of rubbish consisting of rocks, dirt, debris, construction and demolition materials.

502.09. Should any section, subsection, sentence or clause or phrase of this Ordinance for any reason be held invalid, such decision shall not offset the validity of the remaining portions of the Ordinance. The City of Oak Park Heights hereby declares it would have passed the Ordinance and each section, subsection, clause, sentence and phrase thereof irrespective of the possibility of any one or more of the sections, subsections, clauses or sentences or phrases be declared unconstitutional or invalid.

502.10. Violation.
Any person who shall violate any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding \$700.00 and/or the cost of prosecutions or in default thereof shall be imprisoned in the County or City Jail for a period not to exceed 90 days.

Amended: Section 502.1 through 502.10. Passed November 10, 1998.
Section 502.02 and 502.07 G. Passed October 22, 2019.