

ORDINANCE NO. 2015-45

AN ORDINANCE AMENDING THE CITY CODE TO CONFORM WITH RESOLUTION NO. 2015-71 ADOPTED ON JUNE 22, 2015, DIRECTING THE IMPLEMENTATION OF ORGANIZED SOLID WASTE COLLECTION IN THE CITY AND THEREBY AMENDING BLOOMINGTON CITY CODE, CHAPTER 10, ENVIRONMENTAL CONTROL, ARTICLE II – REFUSE; ARTICLE VII – RECYCLING; AND CHAPTER 11, WATER, WASTEWATER, STORM WATER AND RECYCLING

The City Council of the City of Bloomington hereby ordains:

Section 1. That Chapter 10 of the City Code is hereby amended by deleting those words that are in ~~striketrough~~ font contained in brackets [] and adding those words that are underlined, to read as follows:

CHAPTER 10

ENVIRONMENTAL CONTROL

* * *

ARTICLE II. SOLID WASTE AND REFUSE

SEC. 10.04. DEFINITIONS.

The following word or term, when used in this Article, shall have the following meanings, unless the context clearly indicates otherwise:

~~["Composting" is a microbial process that converts plant materials such as grass clippings and leaves to a usable organic soil amendment or mulch by providing adequate aeration, moisture, particle size, and fertilizer and lime.~~

~~"Nonrecyclable materials" are refuse that cannot be separated by the generator or during collection to be reused in their original form or in manufacturing processes.~~

~~"Person" means natural person, corporation, partnership or sole proprietor.~~

~~"Recyclable materials" means materials that are separated from refuse for the purpose of recycling and includes aluminum recyclables, can recyclables, corrugated cardboard, glass recyclables, paper recyclables and plastic recyclables.~~

~~"Refuse" means waste material, garbage, rubbish and yard waste as defined below.~~

~~(1) Waste material includes natural soil, earth, sand, clay, gravel, loam, brick, plaster, concrete and ashes.~~

~~(2) Garbage includes animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.~~

~~(3) Rubbish, consisting of wood, dead trees or branches, chips, shavings, rags, and nonrecyclables materials.~~

~~(4) Yard waste includes compostible materials such as grass clippings, leaves, weeds, straw and other forms of organic material derived from plants and plant material, but does not include trees, brush and similar materials.~~

"Residential hauling district" is a residential boundary as specified by this ordinance.

"Special pickup" is any collection of material other than refuse including yard waste and recyclables but shall include white goods (appliances), furniture, oversized items and construction debris.]

"Additional Collection Service Options for Residents" are collection services above the Base Level Solid Waste Services that may include, but are not limited to: Additional Carts or Overflow Trash Bags beyond the contents of the first Trash Cart; Yard Waste; Bulky Waste, Electronic Waste and Organics Collection services.

"Bagged Organics with Trash" is a collection system where source-separated Organics are placed in a strong organics bag and placed inside the regular Trash Cart and collected on the same day as Trash.

"Base Level Solid Waste Services" are the Trash and Recyclable Collection and Disposal Services common to all Residential Dwelling Units ("RDUs") and includes weekly collection of one Trash Cart at each RDU address with disposal of Solid Waste and Recyclable Collection Services that are paid for by the Resident to the City.

"Bulky Waste" consists of large items from eligible RDUs that should not be put into Carts including, but not limited to: stoves, refrigerators, water heaters, washing machines, bicycles, lawn mowers, lawn chairs, furniture and other such materials.

"Carts" are the wheeled and lidded Trash, Recyclables, and Yard Waste labeled containers in which materials can be stored and later rolled out for Curbside Collection on the designated collection day.

"Collection Hours" are the time periods during which collection of Solid Waste, including Recyclables, is authorized by the City for the Hauling District.

"Composting" is a microbial process that converts plant materials such as grass clippings and leaves to a usable organic soil amendment or mulch by providing adequate aeration, moisture, particle size, and fertilizer and lime.

"Compostable Bags" are Paper Kraft Bags or bags that meet ASTM Standard Certification for Compostable Plastics (D6400) within a composting operation as required by Minnesota Statutes, section 115A.931, subd. (c) and Minnesota Statutes, section 325E.046 for collection of any Yard Waste that is not contained in a Yard Waste Cart.

"Construction Debris" has the meaning prescribed in Minnesota Statutes, section 115A.03, subd. 7, which states that it includes waste building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition of buildings and roads.

"Curbside" is that portion of the right-of-way adjacent to the paved or traveled City, County or State roadways, including alleys.

"Curbside Collection" is the collection of all Residential Solid Waste, including Trash, Recyclables, Yard Waste, Organics, Bulky Wastes, Electronic Wastes, and other Additional Collection Service Options.

"Door Step Collection" is the collection of Residential Solid Waste from the door step or other area adjacent to the residential dwelling unit by the Residential Solid Waste Hauler in lieu of Curbside Collection. Door Step Collection must first be authorized by the City as an accommodation to the residents.

"Electronic Waste" consists of any discarded consumer electronic device with a circuit board including, but not limited to: televisions, computers, laptops, tablets, computer monitors, peripherals (e.g., keyboard,

printer, mouse, etc.), cell phones, PDAs, DVD recorders/players and video cassette recorders/players and fax machines as specifically referenced in Minnesota Statutes, section 115A.1310.

“Hauling District” is the geographic area within the City that designates the day of the week for the collection of Residential Solid Waste, including Trash, Recyclables, Yard Waste and Organics from RDUs.

“Hazardous Waste” has the meaning prescribed in Minnesota Statutes, section 116.06, subd. 11, as amended from time to time.

“Licensed Solid Waste Hauler” is a company or person licensed by both the City and Hennepin County in accordance with this Article.

“Mixed Municipal Solid Waste” has the meaning prescribed in Minnesota Statutes, section 115A.03, subd. 21, as amended from time to time.

“Organics” is food waste, non-recyclable paper, and other targeted compostable organic materials that are source separated for recovery. The term Organics does not include Yard Waste.

“Overflow Trash Bags” are extra bags of Trash that do not fit into the Trash Cart which are set out by residents next to the Trash cart.

“Overflow Yard Waste Bags” are extra bags of Yard Waste that do not fit into the Yard Waste Cart which are set out by residents next to the Yard Waste Cart in Compostable Bags.

“Non-RDUs” are properties other than Residential Dwelling Units consisting of multiple-family residential buildings, residential dwellings in associations, commercial, industrial and institutional establishments that contract directly for their own Solid Waste collection services.

“Recyclable Materials” or “Recyclables” are materials listed by the City as appropriate for collection recycling, that will include without limitation: newspapers (including advertising inserts), household office paper and mail, greeting cards, school papers, phone books, magazines, catalogues, boxboard (including cereal, cake, chip and cracker boxes) corrugated cardboard, food and beverage glass jars and bottles, aluminum cans and foil (including pie tins and trays), steel bimetal (“tin”) cans, all rigid plastic containers (including lids, caps, non-bottle tubs, cups, clam shells), and aseptic juice and milk cartons.

“Refuse” means Solid Waste, Yard Waste, Organics, as well as waste materials consisting of natural soil, earth, sand, clay, gravel, loam, brick, plaster, concrete and ashes.

“Residential Dwelling Unit (RDU)” consists of any single-family or two-family dwelling occupied by a person or group of persons, and other dwellings expressly agreed upon in writing by the City within the corporate limits of the City that are eligible for services from a Residential Solid Waste Hauler.

“Residential Solid Waste” consists of all Solid Waste from eligible RDUs which normally results from the operation of a household including, but not limited to: all Mixed Municipal Solid Waste (Trash), Recyclables, Yard Waste, Bulky Waste, and Electronic Waste. Residential Solid Waste does not include Hazardous Waste.

“Residential Solid Waste Collection Services” includes, without limitation: the purchase and distribution of all Carts and/or bags as specified for aggregation of Trash, Recyclables, Organics, and/or Yard Waste for use by eligible RDU's; the collection of all Solid Waste from eligible RDU's which normally results from the operation of a household, including but not limited to: all Mixed Municipal Solid Waste (Trash), Recyclables, Yard Waste, Bulky Waste, and Electronic Waste. Tasks also include reporting, other administration, customer service and public education responsibilities.

“Residential Solid Waste Hauler” is a Licensed Solid Waste Hauler under contract with the City to collect Solid Waste from RDUs in the City in accordance with Minnesota Statutes, section 115A.94. The Residential Solid Waste Hauler(s) are the sole haulers of Residential Solid Waste for RDUs in the City and for other properties that the City has allowed to opt-in to the City contracted service.

“Solid Waste” has the meaning prescribed in Minnesota Statutes, section 116.06, subd. 22., as amended from time to time, and currently means 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.

“Trash” has the same meaning as the definition of “Mixed Municipal Solid Waste” in Minnesota Statutes, section 115A.03, subd. 21, as may be amended from time to time, and currently means, garbage, refuse, and other solid waste from residential, commercial, industrial, and community activities that the generator of the waste aggregates for collection, but does not include, auto hulks, street sweepings, ash, construction debris, mining waste, sludges, 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.

“Unacceptable Materials” are prohibited items from any of the specific waste streams (e.g. Trash, Recyclables, Yard Waste, Bulky/Electronic Waste, Organics) that are not allowed because they may contaminate the specific waste stream, cause an unsafe handling/management situation, or otherwise may harm the environment. Examples include, but are not limited to: Prohibited Recyclables: hypodermic needles, hazardous waste, plastic bags; Prohibited Trash: hypodermic needles, hazardous waste; Prohibited Yard Waste: any items not specifically identified as being accepted; Prohibited Bulky/Electronic Waste: any items not specifically identified as being accepted; and Prohibited Organics: non-compostable plastics, etc.

“Yard Waste” has the meaning prescribed in Minnesota Statutes, section 115A.03, subd. 38, which states: “Yard Waste” means garden wastes, leaves, lawn cuttings, weeds, shrub and tree waste, and prunings.” Yard Waste does not include Organics.

“Yard Waste Collection” means the pick-up, transportation and processing of all Yard Waste accumulated in a Yard Waste Cart, or in a compostable Yard Waste bag or bundle or in accordance with City guidelines.

SEC. 10.05. CARE OF TRASH, YARD WASTE, SOLID WASTE, RESIDENTIAL SOLID WASTE AND REFUSE.

It shall be the duty of every tenant, lessee, owner, or occupant of every private dwelling, house, store, hotel, restaurant, place of business and the owner of every furnished flat or apartment house, and of every other person having Trash, Solid Waste, Residential Solid Waste, or Refuse [~~refuse~~] which accumulates on said premises, to at least once a week deposit said [~~refuse~~] Trash, Solid Waste, Residential Solid Waste or Refuse in

approved containers for collection by a Residential Solid Waste Hauler [with a refuse collection service or in an approved landfill]. City Code Section 19.51 sets the minimum standards for [refuse and recycling] all solid waste storage and handling facilities.

- (1) Trash, Solid Waste, Residential Solid Waste, or Refuse [Garbage] at RDUs shall be kept in the appropriate Cart. [suitable and sufficient cans or receptacles with suitable handles and a tight fitting cover. Each of said]Carts [receptacles or cans] shall be maintained and cleaned, and in a state of repair which will prevent leakage. Overflow Bags shall be kept inside a building until put out for collection according to Section 10.06.02 (3). Non-RDUs shall keep all Trash, Solid Waste, Residential Solid Waste or Refuse in the appropriate Carts or dumpsters with suitable handles and tight-fitting covers maintained clean and in a state of repair which will prevent leakage.
- (2) All uncontained Bulky Waste, Trash, Solid Waste, Residential Solid Waste or Refuse[refuse] shall be kept in an enclosed building until put out for collection according to Section 10.06.02 (3). [and accumulations of garbage shall be properly contained in a closed, insect and rodent proof container designed or reasonably adapted for such purpose.] These requirements do not apply to dumpsters used for construction debris, or refuse as part of an active project or clean-up of that property.
- (3) Yard [w]Waste shall be kept separate from other Solid Waste [refuse]until put out for collection in a Compostable Bag or labeled Cart, or bundled appropriately. Yard Waste may be removed by a Residential Solid Waste Hauler when placed at the Curb or self-hauled or removed by a lawn or landscape business. If [it] Yard Waste is kept on the site, it is to be composted. Composting is permitted in residential zoning districts or for residential uses located in non-residential zoning districts provided the following regulations are complied with:

If [Y]yard W[w]aste is to be removed from the site, it shall be taken in a sanitary manner to a county [and/or] city approved site.

SEC. 10.06. HAULING OF RESIDENTIAL SOLID WASTE AND REFUSE.

All persons hauling or collecting Residential Solid Waste and Refuse [refuse] for hire shall haul the same in appropriate garbage trucks, roll-off trucks or other approved vehicles [suitable vehicles provided with end and sideboards of]sufficient [heights] to prevent any part of the load from falling or leaking into or upon any public street or alley in the City. Such vehicles shall at all times, except when loading or unloading, be kept covered [with sufficient canvas, metal, or wooden covers, which covers shall be closely attached to the side and ends of such vehicles]. There [should] shall be printed on both sides of such vehicles in clear, legible type the name and telephone number of the owner of such vehicle.

SEC. 10.06.01. HAULING AND COLLECTION OF RESIDENTIAL SOLID WASTE SERVICES.

All Residential Solid Waste collected, conveyed and disposed of by Residential Solid Waste Haulers shall be pursuant to a written contract with the City that will specify the residential Hauling Districts, Base Level Solid Waste Services, Collection Hours, Additional Collection Service Options for Residents, extended leave or 'snow bird' policies, Cart ownership, Organics Collection Program options, availability of Overflow Trash Bags and

Overflow Yard Waste Bags, and other details relating to service delivery. No person or entity shall engage in the business of Residential Solid Waste Collection in the City unless it is pursuant to a contract with the City. All previous private contracts between Solid Waste Haulers and eligible RDUs shall become null and void as of June 6, 2016.

SEC. 10.06.02. DUTIES OF RDU TENANTS, LESSEES, OWNERS AND OCCUPANTS.

It shall be the joint and several responsibility of every tenant, lessee, owner and occupant of an eligible RDU to:

- (1) Utilize the Base Level of Solid Waste Services from a Residential Solid Waste Hauler as contracted by the City. Or, if an eligible RDU resident wishes to self-haul, obtain approval from the City using the process and form provided by the City to apply for permission to self-haul Trash. The form will require proof to the City of the regular disposal of Trash at an approved disposal facility or facilities approved by the City and Hennepin County.
- (2) Follow the City's guidelines and instructions for storing and setting out Solid Waste materials, including placement of their residential Trash and Recyclables in designated Carts for each type of waste with the lid fully closed.
- (3) Place the Carts and any Overflow Bags at Curbside no more than 12 hours before, but no later than, the onset of the Collection Hours, the assigned collection day and remove the Carts no more than 12 hours after the scheduled collection day unless Door Step Collection has been approved by the City.
- (4) Make certain that Recycling Carts placed out for collection do not contain Trash. Recycling Carts containing more than 10 percent Trash may be tagged and not emptied by the Residential Solid Waste Hauler.
- (5) Make certain that no Yard Waste is placed out for collection unless subscribing for Yard Waste collection service, or "per bag" Yard Waste stickers are purchased from the City.
- (6) Make certain that no Bulky Waste or Electronic Waste is placed out for collection unless an order is properly placed with the City. The City shall publish ordering instructions and a rate schedule for Bulky Waste and Electronic Waste items.
- (7) Make certain that no Unacceptable Materials are placed out for collection within any container for the various types of Solid Waste.
- (8) Provide at least one week's advance notice to the City that the RDU will not require services for at least 4 consecutive weeks because of an extended leave so as to obtain credit on their next bill.
- (9) Provide payment to the City on or before the due date on the City's Utility Bill for all Residential Solid Waste Collection Services, including any additional collection services provided to the RDU. Failure to pay for services shall result in the special assessment of the costs of those services, along with any applicable fees, penalties or administrative costs against the real property on which the RDU is situated for collection in the manner of a tax.

SEC. 10.06.03. HAULING OF SOLID WASTE FROM NON-RDUS.

All persons hauling or collecting Solid Waste for hire from property that does not qualify as an RDU shall utilize appropriate garbage trucks, roll-off trucks or other approved vehicles sufficient to prevent any part of the load from falling or leaking into or upon any public street or alley in the City. Such vehicles shall at all times, except when loading or unloading, be kept covered. There should be printed on both sides of such vehicles in clear, legible type the name and telephone number of the owner of such vehicle.

SEC. 10.06.04. DUTIES OF NON-RDU TENANTS, LESSEES, OWNERS AND OCCUPANTS.

It shall be the joint and several responsibility of every tenant, lessee, owner and occupant of a non-RDU property to:

- (1) Arrange for the collection of Trash and Recyclables by a Licensed Solid Waste Hauler pursuant to an individual, private contract that provides for at least weekly collection of the same in an approved disposal facility that has been approved by the City and Hennepin County.
- (2) Follow the City's guidelines and instructions for storing and setting out Refuse, Solid Waste, Trash Recyclable Materials and Yard Waste, including placement of thereof in the suitable and sufficient Carts or receptacles with tight fitting covers and with the lid fully closed. The storage of Refuse, Solid Waste, Trash, Recyclable Materials and Yard Waste containers must be setback 30 feet from any four season living area of an adjacent residence and must not be stored more than 5 feet in front of the principal building along any public right-of-way.
- (3) Place the containers at Curbside on no more than 12 hours before, but no later than, the onset of the Collection Hours, the assigned collection day and remove the containers no more than 12 hours after the scheduled collection day unless the property has applied for and received Door Step Collection approval from the City.
- (4) Make certain that containers for Recyclable Materials placed out for collection do not contain Trash.
- (5) Make certain that no Unacceptable Materials are placed out for collection.

SEC. 10.07. LICENSE REQUIRED.

No person shall engage in the business of Residential Solid Waste collection or other Refuse [refuse] collection in the City unless [he shall first pay the] a Bloomington license is secured [license fee herein prescribed and secure a license from the City to do so in accordance with the provisions of this Article].

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SEC. 10.11. MAKING RECYCLING SERVICE AVAILABLE AND REPORTING REQUIREMENTS.

- (a) Every Residential Solid Waste Hauler and other licensed haulers of Solid Waste or [r]Refuse shall make recycling service available to each eligible RDU or other resident from whom Solid Waste or [r]Refuse is collected. A licensed hauler serving non-eligible RDUs shall notify annually in writing each customer that the hauler will, upon demand, collect the customer's [r]Recyclable [m]Materials.

- (b) Every licensed hauler of Solid Waste or ~~[r]~~Refuse shall report to the City's Department of Public Works, within thirty days after the end of each calendar year, all weight receipts received from Hennepin County for Solid Waste or ~~[r]~~Refuse collected from non- eligible RDUs ~~[residential dwelling units]~~ in the City of Bloomington.
- (c) Every licensed hauler of Solid Waste or ~~[r]~~Refuse shall report to the City's Department of Public Works, on a quarterly basis, all weight receipts from the sale of ~~[r]~~Recyclable ~~[m]~~Materials collected from commercial, industrial and institutional property in the City of Bloomington.

SEC. 10.12. BOND AND INSURANCE FOR NON-RDU LICENSED SOLID WASTE HAULING.

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SEC. 10.13. REVOCATION OF NON-RDU SOLID WASTE HAULING LICENSE.

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SEC. 10.14.02. PENALTY.

Violation of any provision of this Article shall be a misdemeanor. Civil penalties may also be issued pursuant to Section 12.15 of the City Charter and Section 1.19 of this City Code. However, nothing in this ordinance shall be constructed to limit the City's other available legal remedies for any violation of the law, including without limitation, criminal, civil and injunctive actions.

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ARTICLE VII. RECYCLING

SEC. 10.43. DEFINITIONS.

The words and terms of this Article shall have the meaning of the words and terms described and defined in Section 10.04 of this Code unless the context clearly indicates otherwise. ~~[The following words or terms, when used in this Article, shall have the following meanings, unless the context indicates otherwise:~~

- ~~(a) "Aluminum Recyclables" mean disposable containers fabricated primarily of aluminum and commonly used for soda, beer or other beverages.~~
- ~~(b) "Can Recyclables" mean all disposable containers fabricated primarily of metal or tin.~~
- ~~(c) "Collection" means the aggregation of recyclable materials from the place at which it is generated and includes all activities up to the time when the waste is delivered to a designated facility.~~
- ~~(d) "Corrugated Cardboard" means heavy paper with alternating ridges and grooves for use in packing or boxing materials.~~
- ~~(e) "Dwelling, multiple-family" means a building or portion thereof designed or used for residential occupancy by three or more families in separate dwelling units.~~

- (f) ~~“Dwelling, single-family” means a building designed or used for residential occupancy by one family with or without an approved Accessory Dwelling Unit.~~
- (g) ~~“Dwelling, two-family” means a building designed or used for residential occupancy by two families in separate dwelling units fully separated by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both units, including both duplexes and double bungalows but not including Accessory Dwelling Units.~~
- (h) ~~“Dwelling unit” means one or more rooms designed for residential use by a single family that contain cooking, living, sanitary and sleeping facilities and that are physically separated from any other rooms or dwelling units which may be in the same structure.~~
- (i) ~~“Glass or Plastic Recyclables” mean jars, bottles, and containers which are primarily used for packaging and bottling of various matter.~~
- (j) ~~“Institution” includes public and private, and means public or private schools, churches, synagogues, nursing homes, daycare facilities, colleges, hospitals and similar establishments.~~
- (k) ~~“Paper Recyclables” mean newsprint and office paper but does not include magazines or similar periodicals.~~
- (l) ~~“Recycling” means the process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of recyclable materials in a manner that precludes further use.~~
- (m) ~~“Recycling Facility” means an organization or business that collects recyclable materials.~~
- (n) ~~“Recyclable Materials” means materials that are separated from refuse for the purpose of recycling and includes aluminum recyclables, can recyclables, corrugated cardboard, glass recyclables, paper recyclables and plastic recyclables.~~
- (o) ~~“Refuse” means waste material, garbage, rubbish and yard waste as defined in Section 10.04 of the City Code.~~
- (p) ~~“Separation” or “to separate” means to place and store recyclable materials in containers provided by the contracted refuse or recycling hauler.]~~

SEC. 10.44. SEPARATION AND COLLECTION OF RECYCLABLE MATERIALS FROM ~~[RESIDENTIAL DWELLING UNITS]~~ RDUS.

It is the duty of every ~~tenant, lessee, owner~~ or occupant of ~~[a residential dwelling unit]~~ an eligible RDU having ~~[r]Recyclable [m]Materials~~ which accumulate on the premises to separate ~~[r]Recyclable [m]Materials~~ from ~~[r]Refuse, Trash and Unacceptable Materials~~, place the ~~[r]Recyclable [m]Materials~~ in a City approved Cart ~~[container]~~ and set the ~~[r]Recyclable [m]Materials~~ out for collection in a manner that is designated by the City.

The City will ensure that a service is available for the collection of ~~[r]Recyclable [m]Materials~~ from all ~~[residential dwelling units]~~ eligible RDUs. The City will provide owners and occupants of ~~[residential dwelling units]~~ eligible RDUs with information regarding authorized recycling procedures. Tenants, lessees, ~~[O]owners and occupants of eligible RDUs~~ ~~[residential dwelling units]~~ may also take ~~[r]Recyclable [m]Materials~~ to an approved recycling facility.

SEC. 10.45. SEPARATION AND COLLECTION OF RECYCLABLE MATERIALS BY USERS OF NON-RDU, COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL PROPERTY.

It shall be the duty of each tenant, lessee, owner and occupant of a non-RDU, commercial, industrial and institutional property having ~~[r]Recyclable [m]Materials~~ which accumulate on the premises to separate ~~[r]Recyclable [m]Materials~~ from refuse and provide for the collection of ~~[r]Recyclable [m]Materials~~ in accordance with the procedures established by the City.

SEC. 10.46. PENALTY.

Violation of any provision of this Article shall be a misdemeanor. Civil penalties may also be issued pursuant to Section 12.15 of the City Charter and Section 1.19 of this City Code. However, nothing in this Article shall be constructed to limit the City's other available legal remedies for any violation of the law, including without limitation, criminal, civil and injunctive actions. ~~[A violation of any provision of Sections 10.44 or 10.45 of this Article shall result in a \$25.00 penalty for each owner or occupant of a single-family dwelling and two-family dwelling and a \$100.00 penalty for each owner or occupant of a multiple-family dwelling, commercial, industrial or institutional property.] [A violator shall be given a written warning for the initial violation. A penalty shall be imposed for repeated violation.]~~

~~[Penalties that remain unpaid for more than 30 days shall be charged to the utility account of the violator. Any penalty that is placed on a utility account may be an assessment against the violator's property. Such amount shall be certified to the county auditor and collected in the same manner as taxes and/or special assessments against the premises and may be subject to a civil action initiated by the City. The fifth and each succeeding violation of Sections 10.44 or 10.45 shall be a misdemeanor. Each day during which the violation continues shall constitute a separate offense.]~~

SEC. 10.47. PROHIBITING UNAUTHORIZED COLLECTION OF RECYCLABLE MATERIALS.

It shall be unlawful for any person who is not authorized by the City to remove, take for salvage or destroy any ~~[r]Recyclable [m]Materials [including aluminum recyclables, can recyclables, corrugated cardboard, glass recyclables, paper recyclables or plastic recyclables]~~ that have been set out for collection.

Any person violating any provision of this Section is guilty of a misdemeanor and such person shall be guilty of a separate offense for each and every day or portion thereof during which any violation of this Section is committed, continued or permitted.

SEC. 10.48. SEVERABILITY.

In the event that any section of this Article is held invalid by a court of competent jurisdiction, the invalidity shall extend only to the section affected and other sections of this Article shall continue in full force and effect.

Section 2. That Chapter 11 of the City Code is hereby amended by deleting those words that are in ~~strikethrough~~ font contained in brackets [] and adding those words that are underlined, to read as follows:

CHAPTER 11

WATER, WASTEWATER~~[,]~~ AND STORM WATER ~~[AND RECYCLING]~~

* * *

ARTICLE V. RESERVED ~~[RECYCLING]~~

~~SEC. 11.52. ESTABLISHMENT OF RECYCLING UTILITY.~~

~~Pursuant to Sections 1.02, 8.01 and 8.02 of the City Charter and Chapter 429 of Minnesota Statutes, the City hereby establishes a recycling utility and authorizes the imposition of just and reasonable charges for the use and availability of recycling to residential dwelling units.~~

~~SEC. 11.53. DEFINITIONS.~~

~~Dwelling, multiple-family—A building or portion thereof designed or used for use for residential occupancy by three or more families in separate dwelling units.~~

~~Dwelling, single family—A building designed or used for residential occupancy by one family with or without an approved Accessory Dwelling Unit.~~

~~Dwelling, two-family—A building designed or used for residential occupancy by two families in separate dwelling units fully separated by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both units, including both duplexes and double bungalows but not including Accessory Dwelling Units.~~

~~Dwelling unit—One or more rooms designed for residential use by a single family that contain cooking, living, sanitary and sleeping facilities and that are physically separated from any other rooms or dwelling units which may be in the same structure.~~

~~Fixed costs of recycling—Include administration of the recycling program, promotion, coordination, billing and provision of containers.~~

~~Variable costs of recycling—Are the costs of collection, processing and marketing of recyclable materials.~~

~~SEC. 11.54. FINDINGS AND DETERMINATIONS.~~

~~(a)—In the exercise of its governmental authority and in order to promote the public health, safety, convenience and general welfare, the City will facilitate the collection, processing and recycling of recyclable materials in accordance with Sections 10.43 through 10.49 of the City Code.~~

~~(b) It is necessary and desirable to provide a method of recovering the costs of operating the recycling service through the imposition of charges as provided in this Article. In imposing charges, it is necessary to establish a methodology that undertakes to make them just and equitable. Taking into account that recycling costs include fixed and variable costs and that variable costs will be a function of waste generation volume, it is determined that it would be just and equitable to apportion charges for some or all of the costs of starting, operating, maintaining and improving the recycling service according to the structure of fixed and variable costs.~~

~~SEC. 11.55. CHARGES.~~

~~Single-family dwellings, two-family dwellings, and multiple-family dwellings shall be charged one hundred percent (100%) of the fixed costs and one hundred percent (100%) of the variable costs for recycling. The City Council shall adopt a resolution establishing the annual recycling charge for each dwelling unit.~~

~~SEC. 11.56. PUBLIC HEARING AND NOTICE.~~

~~The City shall hold a hearing prior to determining the method for provision of recycling services financed in whole or in part by the imposition utility charges. Notice of such hearing shall be published in the official City newspaper at least ten days prior to the date of hearing. The failure to give mailed notice or any defects in the notice shall not invalidate the proceedings.~~

~~SEC. 11.57. PAYMENT OF CHARGES.~~

~~Recycling bills shall be placed on the utility accounts of all residentially used property and are payable in the manner established for all utilities.~~

~~SEC. 11.58. DELINQUENT ACCOUNTS.~~

- ~~(a) Payment Options. Owners or their duly authorized property managers must pay the total amount set forth in the bill on or before the due date listed on the bill. Failure to make payment by the due date listed on the bill will result in a late fee assessment of five percent (5%) of the total amount due and owing.~~
- ~~(b) Delinquent Accounts. Accounts shall be considered delinquent when any portion of the balance due exceeds thirty (30) days past due and no arrangements for payment have been agreed to by both the Utilities Division and the owner or the owner's duly authorized property manager. It shall be the duty of the City to endeavor to promptly collect delinquent accounts. The provisions of Section 11.07 of this Chapter relating to the requirement, use and release of a security deposit shall apply to delinquent recycling accounts.~~
- ~~(c) Assessment of Delinquent Accounts. All delinquent accounts shall be certified to the City Assessor who shall prepare an assessment roll each year providing for assessment of the delinquent amounts against the respective properties served. The assessment shall include the amount of the delinquent account and the administrative charge due under subdivision (d), together with interest thereon at the maximum lawful rate. This assessment roll shall be delivered to the City Council for adoption on or before October~~

~~first of each year. Such action may be optional or subsequent to taking legal action to collect delinquent accounts.~~

~~(d) Administrative Assessment Charge. An administrative charge of \$25.00 shall be due upon the mailing of the notice of the proposed assessment.~~

~~SEC. 11.59. RECALCULATION OF CHARGES.~~

~~If an owner or person responsible for paying the recycling charge questions the correctness of such a charge, such person may have the determination of the charge reviewed by written request to the Director of Public Works. Such request shall be made within thirty (30) days of the mailing of the bill in question. The Director of Public Works or his designate shall have the authority to recompute the charge.~~

~~SEC. 11.60. APPEAL.~~

~~The owner or person responsible for paying the recycling charge shall have the right to appeal the decision of the Director of Public Works or his designate to the City Council. An appeal shall be made within ten days after notification of such decision. The Council shall either affirm, modify or overrule the decision and shall state the reasons for such action.~~

~~SEC. 11.61. CHARGE FOR REPLACEMENT OF CONTAINERS.~~

~~The City may supply containers to certain residential dwelling units for use in separating recyclable materials. The containers are and shall remain the property of the City. The City shall replace such containers when rendered unserviceable through ordinary wear and tear. When replacement is necessary due to other causes, the owner or occupant shall be charged the cost of such container together with the administrative and delivery costs incurred by the City.~~

~~SEC. 11.62. SEVERABILITY.~~

~~In the event that any section, subsection, sentence, clause or phrase of this Article is for any reason held to be invalid by a court of competent jurisdiction, the invalidity shall extend only to the section, subsection, sentence, clause or phrase affected, and shall not affect the validity of the remaining portions of this Article. The City Council hereby declares that it would have adopted the Article and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.]~~

ARTICLE VI. FEES AND RATES FOR UTILITY SERVICES

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SEC. 11.65.01. SOLID WASTE COLLECTION FEES.

These rates shall be effective on June 6, 2016.

(a) Trash and Recycling monthly rate schedule (all taxes and fees included):

<u>Cart Size</u>	<u>Trash</u>	<u>Recycling</u>	<u>Total</u>
<u>Small</u>	<u>\$9.88</u>	<u>\$5.67</u>	<u>\$15.55</u>
<u>Medium</u>	<u>\$13.22</u>	<u>\$5.67</u>	<u>\$18.89</u>
<u>Large</u>	<u>\$16.55</u>	<u>\$5.67</u>	<u>\$22.22</u>
<u>Trash Overflow</u>	<u>\$4.00 (on-call per bag)</u>		

(b) Bulky Waste Services (base collection and disposal services only; all taxes and fees included):

<u>Size</u>	<u>Weight</u>	<u>Amount of Metal</u>	<u>Example Items</u>	<u>Rate per Item</u>
<u>Small items (without Freon)</u>	<u>Less than fifty (50) pounds</u>	<u>n/a</u>	<u>Small furniture, lawn furniture, lawn mower, ottoman, small chair, bookcase, small table, small desk, wooden chair, end table</u>	<u>\$30.00</u>
<u>Small items (with Freon)</u>	<u>Less than fifty (50) pounds</u>	<u>n/a</u>	<u>dehumidifier</u>	<u>\$30.00</u>
<u>Large Appliances (without Freon)</u>	<u>More than fifty (50) pounds</u>	<u>More than 50% metal</u>	<u>Stove, snow blower, hide-a-bed</u>	<u>\$50.00</u>
<u>Large Appliances (with Freon)</u>	<u>More than fifty (50) pounds</u>	<u>More than 50% metal</u>	<u>Refrigerator, freezer</u>	<u>\$50.00</u>
<u>Large Furniture</u>	<u>More than fifty (50) pounds</u>	<u>Less than 50% metal</u>	<u>Sofa, love seat, mattress, box-spring, reclining chair, wooden picnic table</u>	<u>\$50.00</u>

(c) Electronic Waste Services (base collection and disposal services only; all taxes and fees included):

<u>Size</u>	<u>Weight</u>	<u>Screen or CRT Monitor</u>	<u>Example Items</u>	<u>Rate per Item</u>
<u>Small items</u>	<u>Less than twenty (20) pounds</u>	<u>No screen or monitor</u>	<u>Computer hard drive, keyboard, VCR, DVD</u>	<u>\$25.00</u>

<u>Large items</u>	<u>More than twenty (20) pounds</u>	<u>With screen or monitor</u>	<u>Computer monitor, television</u>	<u>\$40.00</u>
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(d) Yard Waste Subscription Service (Annual Cost per Household per year, including collection and processing/composting costs):

<u>Full season (Any amount)</u>	<u>April 1 through November 30</u>	<u>\$79.50</u>
<u>Partial, first season (Unlimited yard waste)</u>	<u>January 1 to July 31</u>	<u>\$79.50</u>
<u>Partial, first season (Unlimited yard waste)</u>	<u>August 1 to December 31</u>	<u>\$49.75 (first season)</u>
<u>On-call</u>	<u>Anytime</u>	<u>\$4.00 per bag</u>

* * *

Passed and adopted this 21st day of December, 2015.




 Mayor

ATTEST:



 Secretary to the Council

APPROVED:



 City Attorney