

ORDINANCE NO. 2016 - 33

**AN ORDINANCE AMENDING BLOOMINGTON CITY CODE,
CHAPTER 10, ENVIRONMENTAL CONTROL, ARTICLE II – SOLID WASTE AND REFUSE;
AND CHAPTER 11, WATER AND WASTEWATER**

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 ~~strike through~~ 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:

* * *

CITY-WIDE CURBSIDE CLEANUP PROGRAM. Annual program for pick-up of refuse, brush, appliances, and scrap metal, including neighborhood programs related to solid waste planning, promotion, education and program development.

* * *

HOLIDAY TREE COLLECTION. The seasonal annual collection of naturally-grown holiday trees. This additional collection is collected and disposed of like yard waste, when possible, and will be serviced outside of the Yard Waste Collection Season for a separate fee as set forth in Section 11.65.01 of this Code.

* * *

~~YARD WASTE. [Has the meaning prescribed in Minnesota Statutes, section 115A.03, subd. 38, as it may be amended from time to time, which states: "Yard Waste] means garden wastes, leaves, lawn cuttings, weeds, shrub and tree waste, [and] prunings, and Holiday Trees."~~ Yard Waste does not include Organics.

* * *

SEC. 10.15. CHARGES.

Each RDU shall be charged one hundred percent (100%) of the fixed costs and one hundred percent (100%) of the variable costs for the collection of solid waste and refuse. The City Council shall establish the costs for each RDU annually.

SEC. 10.16. PAYMENT OF CHARGES.

Solid waste and refuse bills shall be placed on the utility accounts of each RDU and are payable in the manner established for all utilities.

SEC. 10.17. DELINQUENT ACCOUNTS.

(a) Payment Options. Each RDU owner or its duly authorized property manager paying for solid waste and refuse collection 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 RDU owner or its duly authorized property manager. The City shall endeavor to promptly collect delinquent accounts. The provisions of Section 11.07 of the City Code relating to the requirement, use and release of a security deposit shall apply to delinquent solid waste and refuse collection 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 is 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. 10.18. RECALCULATION OF CHARGES.

If an RDU owner or its duly authorized property manager paying the for solid waste and refuse collection 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 designee shall have the authority to recompute the charge.

SEC. 10.19. APPEAL.

The RDU owner or its duly authorized property manager paying the refuse charge shall have the right to appeal the decision of the Director of Public Works or designee 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. 10.20. CHARGE FOR REPLACEMENT OF CONTAINERS.

The Consortium and its individual Consortium Members shall supply containers to RDUs for use in the collection of solid waste and refuse. The containers are and shall remain the property of the individual Consortium Members. The Consortium shall replace such containers when rendered unserviceable through ordinary wear and tear. When replacement is necessary due to other causes, the RDU owner or occupant shall be charged the cost of such container together with the administrative and delivery costs incurred by the Consortium.

SEC. 10.21. 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.

* * *

Section 2. That Chapter 11 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 11

WATER, [AND], WASTEWATER, SOLID WASTE AND REFUSE UTILITY SERVICES

* * *

ARTICLE VI. FEES AND RATES FOR UTILITY SERVICES

* * *

SEC. 11.65.01. SOLID WASTE AND REFUSE COLLECTION FEES.

These rates shall be effective on ~~[June 6, 2016]~~ January 1, 2017.

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

<i>Cart Size</i>	<i>Trash</i>	<i>Recycling</i>	<i>Total</i>
Small	\$9.88	\$5.67	\$15.55
Medium	\$13.22	\$5.67	\$18.89
Large	\$16.55	\$5.67	\$22.22
Trash overflow	[\$4.00] <u>4.75</u> (on-call per bag)		

(b) Bulky waste services (base collection and disposal services only; ~~[a#]~~ may be subject to taxes and fees, not included):

* * *

(c) Electronic waste services (base collection and disposal services only; ~~all~~ may be subject to taxes and fees, not included):

* * *

(d) Yard waste subscription service (annual cost per household per year, including collection and processing/composting costs):

Full season (any amount)	April 1 through November 30	\$79.50
Partial, first season (unlimited yard waste)	January 1 to July 31	\$79.50
Partial, first season (unlimited yard waste)	August 1 to December 31	\$49.75 (first season)
On-call	Anytime <u>April 1 through November 30</u>	\$4.00 per bag
<u>Holiday Tree Collection</u>	<u>First full two weeks of January</u>	<u>\$10.00 per tree</u>
<u>Holiday Tree Collection</u>	<u>Outside of the Holiday tree Collection timeframe listed above</u>	<u>\$50.00 per tree</u>

(e) City-wide Curbside Cleanup Program (billed bimonthly):

<u>2017</u>	<u>\$3.04 per month (\$6.08 bimonthly)</u>
-------------	--

* * *

Passed and adopted this 19th day of December, 2016.

/s/ Gene Winstead
Mayor

ATTEST:

APPROVED:

/s/ Denise M. Christenson
Secretary to the Council

/s/ Melissa J. Manderschied
City Attorney