

ORDINANCE NO. 2017 - 20

AN ORDINANCE AMENDING BLOOMINGTON CITY CODE,
CHAPTER 10, ENVIRONMENTAL CONTROL, ARTICLE II – SOLID WASTE AND REFUSE;
CHAPTER 11, WATER, WASTEWATER, SOLID WASTE AND UTILITY SERVICES;
CHAPTER 12, PUBLIC PEACE AND SAFETY;
CHAPTER 14, LICENSES AND PERMITS; AND THE SCHEDULE OF CIVIL FINES

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

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ARTICLE II. SOLID WASTE AND REFUSE

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§ 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]collection, 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]became~~ null and void [as of June 6, 2016]on October 3, 2016. No new private contracts between solid waste haulers and eligible RDUs for any type of services will be valid.

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§ 10.08 APPLICATION AND RENEWAL.

The initial application for a license to haul or collect refuse and each renewal application shall be in writing on a form provided by the city. Each new and renewal application must be filed with the issuing authority and shall include the following information:

~~[(1) The number of vehicles proposed to be used;]~~

~~(1)[(2)]~~ The name and address of the applicant;

(2) A true copy of the certificate of incorporation or, if a foreign corporation, a certificate of authority as described in M.S. § 303.03, as it may be amended from time to time. A true copy of the certificate of good standing will be required for renewal;

(3) A true copy of the certificate of assumed name under M.S. § 333.02, as it may be amended from time to time;

(4) Tax ID information as described in M.S. § 270C.72;

(5) Proof of workers compensation insurance coverage as described in M.S. § 176.182;

- (6) Type of collection;
- (7) Location(s) where materials will be hauled; and
- (8) Contact name, phone number and email address; and
- (9) List of vehicle identification numbers for vehicles used to transport solid waste, residential solid waste, and refuse in the City.
- ~~[(3) The applicant's current residential customer list; and~~
- ~~—(4) The applicant's current customer rates.~~

~~—Current customer list and rates shall be filed with the city's Department of Public Works. The licensee shall notify the city's Department of Public Works in writing of any change in rates within ten days after the effective date of such change.]~~

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§ 10.10 RESIDENTIAL HAULING DISTRICT BOUNDARIES.

Hauling of all refuse except yard waste shall be conducted on the collection day that corresponds to the residential hauling district specified by this section.

Collection Day	{Residential Hauling District}	Residential Hauling District Boundaries
Monday	{District 1}	Eastern boundary west to Portland Avenue
Tuesday	{District 2}	Portland Avenue to Penn Avenue
Wednesday	{District 3}	Penn Avenue to France Avenue
Thursday	{District 4}	France Avenue to Normandale Boulevard
Friday	{District 5}	Normandale Boulevard, west to the city's western boundary

No licensed collector of refuse or any other person shall collect refuse on any day other than the day specified for collection in the residential hauling district except to collect a missed pickup, a special pickup or when a holiday falls on a district collection day.

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§ 10.12 BOND AND INSURANCE~~[FOR NON-RDU LICENSED SOLID WASTE HAULING].~~

~~[Before a license is granted or renewed, the applicant shall furnish to the License Division the following.~~

- ~~—(1) A surety bond in the sum of \$1,000 for each vehicle licensed, to be conditioned upon the faithful performance by the licensee of all work entered into or contracted for by said licensee and upon strict compliance with all the provisions and requirements of this Article II and all applicable sanitary rules and regulations.~~
- ~~—(2) A liability insurance policy for each vehicle authorized in the amount of \$100,000 for bodily injury to any one person, in the amount of \$300,000 for injuries to more than one person which are sustained in any one accident and \$50,000 for property damage resulting from any one accident. Said insurance shall inure to the benefit of any one person who shall be injured or who shall sustain damage to property proximately caused by the negligence of the holder, his or her servant or agents. A certificate of insurance covering the aforementioned insurance shall be issued in favor of the city. This certificate shall contain a ten-day notice of cancellation to the city.]~~

- (a) For RDUs, no license shall be issued or continued in operation unless a performance and payment bond has been furnished pursuant to M.S. § 574.26 through 574.32, as may be amended from time to time. Licensees must show proof of the continuation of the performance and payment bond annually prior to renewal of a license.
- (b) For RDUs and Non-RDUs, no license shall be issued or continued in operation unless there is in full force and effect a business automotive liability insurance policy for each vehicle licensed with a minimum limit of \$1,000,000 for bodily injury to any one person, or in an amount required by contract; with a minimum limit of \$1,000,000 for injuries to more than one person which are sustained in the same accident, or in an amount required by contract; and with a minimum limit of \$1,000,000 for property damage resulting from any one accident, or in an amount required by contract. Said insurance shall inure to the benefit of any person who shall be injured or who shall sustain damage to property proximately caused by the negligence of a holder, his or her servant, or agents. A certificate of insurance conveying the aforementioned insurance shall be issued in favor of the city and shall be filed in the License Section. This certificate shall contain a thirty-day notice of cancellation.
- (c) For RDUs and Non-RDUs, no license shall be issued or continued in operation unless there is in full force and effect a commercial general liability insurance policy with a minimum limit of \$1,000,000 per occurrence, and \$1,000,000 annual aggregate, or in amounts required by contract. Said insurance shall inure to the benefit of any person who shall be injured or who shall sustain damage to property proximately caused by the negligence of a holder, his or her servant, or agents. A certificate of insurance conveying the aforementioned insurance shall be issued in favor of the city and shall be filed in the License Section. This certificate shall contain a thirty-day notice of cancellation.

§ 10.17 DELINQUENT ACCOUNTS.

(a) *Payment Options.* Each RDU owner or its duly authorized property manager paying for collection of solid waste, recycling, bulk waste, electronic waste, yard waste, and refuse [collection], and for other collection services, 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.

ARTICLE IV. NOISE CODE

§ 10.29.07 OPERATIONAL LIMITS.

(d) *Refuse hauling.* All vehicles licensed in the city for hauling refuse shall limit their hours of operation as follows:

(1) On abutting, or across the street, road or railroad tracks from residentially zoned and used property, from 7:00 a.m. to 10:00 p.m. on weekdays and from 9:00 a.m. to 9:00 p.m. on weekends, except for residential collection on Saturdays following an observed holiday and for City-wide Curbside Cleanup Program, from 7:00 a.m. to 10:00 p.m.;

(2) In all other locations, the hours of operation for the hauling of refuse shall be unrestricted unless a public nuisance is declared as defined in § 12.01 of this code; and

(3) In the event that a nuisance is declared, the hours of pick-up in all locations other than those residentially zoned and used shall be limited to those allowed in residential zones.

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Section 2. That Chapter 11 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 11
WATER, WASTEWATER, SOLID WASTE AND REFUSE UTILITY SERVICES

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ARTICLE VI. FEES AND RATES FOR UTILITY SERVICES

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§ 11.65.01 SOLID WASTE AND REFUSE COLLECTION FEES.

These rates [~~shall be~~are effective [on]after [~~June 6, 2016~~October 3, 2016].

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(f) Cart exchanges.

<i>Type of Change</i>	<i>Unit Cost</i>
First change per calendar year	No cost
Additional changes in same calendar year	\$35.00 per trip
<u>Second Yard Waste Cart Delivery</u>	<u>\$35.00 per trip</u>

Section 3. That Chapter 12 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 12
PUBLIC PEACE AND SAFETY

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ARTICLE I. GENERAL PROVISIONS

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§ 12.01.01 DEFINITIONS.

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NUISANCE SERVICE CALL. Public officer response to a verified incident of any activity, conduct or condition occurring on private property that is likely to unreasonably interfere with the quiet enjoyment of neighboring properties or the safety, health, morals, welfare, comfort or repose of the residents therein or misuse city resources, including without limitation:

* * *

(24) [~~Illegal litter, in violation of § 10.25 of this city code;~~RESERVED

Section 4. That Chapter 14 of the City Code is hereby amended by deleting those words that are in ~~struckthrough~~ font contained in brackets [] and adding those words that are underlined, to read as follows:

**CHAPTER 14
LICENSES AND PERMITS
ARTICLE I. GENERAL PROVISIONS**

§ 14.03 FEES.

Except as otherwise stated in this code, the fees for the various licenses and permits shall be as hereinafter stated.

<i>License/Permit</i>	<i>Required by Section</i>	<i>Annual Fee</i>
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Garbage and Refuse Hauler	10.07	<u>\$200.00</u>
[(A) First truck]		[\$54.50]
[(B) Each additional truck]		[\$23]

ARTICLE II. PUBLIC ENTERTAINMENT LICENSES AND REGULATIONS

DIVISION E: Public Assemblies

§ 14.64.01 EXEMPTIONS FROM PERMIT FEE AND APPLICATION

(d) *Responsibilities of exempt event sponsors.* Those persons exempt from a permit fee and application in subsection (b) above are nonetheless subject to all applicable state laws and city code provisions, including without limitation regulations relating to: parks, open space and recreational areas (§§ 5.20 through 5.22.01); ~~litter (§§ 10.15 through 10.28);~~ noise (§§ 10.29 through 10.32); sound trucks (§§ 10.33 through 10.36); trespass (§§ 12.07 through 12.12); public nuisance (§§ 12.02 through 12.06); juvenile curfew (§§ 12.27 through 12.33); vandalism (§ 12.34); transient merchant (§§ 14.180 through 14.192); tents (§ 19.63.06); and signs (§ 19.106) and may be required to pay the cost of any law enforcement services over and above the level of city services available with regular on-duty staffing that are directly attributable to their event. The city's cost of repair, clean-up or replacement of city property, public grounds or facilities damaged as a direct result of the event shall also be recoverable from the exempt event sponsor, as well as any city liability to third parties resulting from the exempt person's event.

§ 14.66 PERMIT RESTRICTIONS AND PERMIT REVOCATION.

(b) *Application of other laws.* In addition to the provisions of this Division E, parades, races, public assemblies and private special events shall be subject to all other applicable state laws and city code provisions, including without limitation regulations relating to: parks, open space and recreational areas (§§ 5.20 through 5.22.01); ~~litter (§§ 10.15 through 10.28);~~ noise (§§ 10.29 through 10.32); sound trucks (§§ 10.33 through 10.36); trespass (§§ 12.07 through 12.12); public nuisance (§§ 12.02 through 12.06); juvenile curfew (§§ 12.27 through 12.33); vandalism (§ 12.34); transient merchant (§§ 14.180 through 14.192); tents (§ 19.63.06); and signs (§ 19.106).

Section 5. That the Schedule of Civil Fines for Administrative Offenses under Chapter 1, Article II 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:

**SCHEDULE OF CIVIL FINES
FOR ADMINISTRATIVE OFFENSES UNDER CHAPTER 1,
ARTICLE II OF THE CITY CODE**

ADMINISTRATIVE OFFENSE

FINE

Refuse Violations:

[Littering (10.16 - 10.27)]	\$250.00
<u>Proper Litter Receptacles (10.25)</u>	<u>\$250.00</u>

Passed and adopted this 26th day of June, 2017.

/s/ Gene Winstead
Mayor

ATTEST:

APPROVED:

/s/ Denise M. Christenson
Secretary to the Council

/s/ Melissa J. Manderschied
City Attorney