

141. REFUSE COLLECTION AND DISPOSAL

141.01. Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

"Collector" means any person licensed under the provisions of this chapter to collect refuse.

"Commercial garbage" means garbage from all restaurants, hotels, hospitals, grocery stores and fruit stores, which produce an average of 10 gallons or more of garbage per day.

"Commercial rubbish" means rubbish from commercial establishments completely free of napkins, paper cups, milk cartons or any type of paper, carton or cardboard used as containers for food, which may contain residues of food.

"Construction waste" means all waste material resulting from the construction, repair, alteration, destruction or removal of buildings or other structures, such as building materials, material containers and wrappings, stone, trees and construction debris.

"Garbage" means all putrescible organic wastes resulting from the handling, storage, preparation, cooking or consumption of food.

"Health officer" means the health officer of Olmsted County or authorized representative.

"Refuse" means all types of garbage, rubbish, construction wastes and ashes as defined herein.

"Responsible tenant" means any occupant, tenant, owner, manager or custodian of any residence, apartment or dwelling unit, and any person, firm or corporation owning or operating a commercial establishment.

"Restaurant" means any restaurant, coffee shop, cafeteria, short-order cafe, luncheonette, tavern, sandwich stand, drive-in, soda fountain, and all other eating or drinking establishments including stands of seasonal operation.

"Rubbish" means all nonputrescible solid wastes, such as paper, cardboard, tin cans, glass, cold ashes, wood, clothing, yard clippings and similar material. (4368, 3/4/19)

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141.02. Preparation of Garbage. Repealed by Ordinance No. 4368 on March 4, 2019.

141.03. Preparation of Rubbish. Repealed by Ordinance No. 4368 on March 4, 2019.

141.04. Commercial Establishments. Commercial establishments handling big cardboard boxes, wooden crates or similar items which cannot be placed in containers as defined herein, shall keep such items indoors on an impervious surface or outdoors in fixed large metallic containers which are easily drained and so located as to be easily unloaded by the collector. Such containers shall be kept covered at all times.

141.05. Seasonal Rubbish. In residential areas during spring and fall, when a great amount of leaves, grass trimmings, and similar material, may accumulate between collections, such items may be stored in fiber boxes, plastic bags or similar containers, and shall be disposed on site or at a composting facility. (4368, 3/4/19)

141.06. Construction of Refuse Containers. Repealed by Ordinance No. 4368 on March 4, 2019.

141.07. Maintenance of Containers. Refuse containers shall be kept by the property owner or tenant in a neat, clean and sanitary condition so as to prevent insect breeding, nuisances and unsightly conditions. Such containers shall be maintained in good repair free of defects likely to injure or hamper the person using the same or collecting the contents thereof. (4368, 3/4/19)

141.08. Replacement of Containers. Repealed by Ordinance No. 4368 on March 4, 2019.

141.09. Location of Containers. All refuse containers shall be stored in or adjacent to the garage, or adjacent to the residence if there is no garage. Each container shall bear the name of the commercial hauler supplying it. During collection periods the containers shall be placed adjacent to but not in the traveled portion of the right of way. No container shall be kept adjacent to the right of way for longer than 24 hours. (4368, 3/4/19)

141.10. Disposal of Refuse. All refuse shall be disposed of at a facility approved for the type of refuse disposed of and in a manner prescribed by the health officer.

141.11. Disposal of Hazardous Refuse. Hazardous refuse, such as radioactive materials, drugs, poisons, infectious wastes, and similar materials, shall be picked up only by collectors licensed for collection and transport of such hazardous refuse by the State of Minnesota, County of Olmsted, or other governmental authority, or by the owner or other

person responsible therefor. Such hazardous refuse shall be disposed of at a facility licensed for disposal of such refuse and in a manner prescribed by the health officer.

141.12. Disposal of Construction Wastes. Subdivision 1. Construction wastes may be disposed of by the builder, contractor or person responsible therefore, without a license or permit, in a vehicle normally used for that purpose; provided, however, that when such construction wastes include paper or other material likely to scatter, such vehicle shall be enclosed or covered in a manner which will prevent such scattering.

Subd. 2. Whenever a substantial area is being cleared of brush, trees or other debris for purposes of street construction, subdivision development, or other similar purpose, or whenever heat is required for legitimate construction purposes (e.g. removing frost from the ground) the chief of the fire department may authorize in writing the burning of such brush, trees or other debris or the burning of combustible materials for heat purposes, on the site. The chief's authorization may be given only if:

- A. the burning can be done with reasonable safety and without causing undue public discomfort; and,
- B. the applicant, in its application for subdivision activity, development activity or a conditional use permit, informed the Planning Department of its intent to burn brush, trees or other debris.

Subd. 3. In authorizing the burning of such combustible materials on the site, the chief shall prescribe the location where and the time when such burning shall be done, and shall prescribe such conditions and requirements deemed necessary to minimize the hazard of fire or public discomfort. Nothing in this section shall be construed to allow the chief to authorize the burning on the site of ordinary construction waste.

Subd. 4. A licensed collector is not required to remove construction wastes which have not been stored as provided in this chapter, or which are in excess of the quantity agreed to be removed, unless separate arrangements therefore have been made. (3678, 11/1/04)

141.13. Incinerators and Disposals. Subdivision 1. Refuse may be disposed of by means of an approved indoor, self-fired incinerator or other incinerator licensed for disposal of such refuse by the State of Minnesota, County of Olmsted, or other competent governmental authority.

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Subdivision 2. Garbage may be disposed of by means of garbage disposal systems which discharge ground garbage into the City's sewage disposal system.

141.14. Limitations. No person shall burn, bury or dispose of any refuse in any manner other than as provided in this chapter.

141.15. Refuse Handling. No person shall haul or transport refuse over or upon any public street, alley or public grounds unless the same is hauled or transported in a tightly covered vehicle or container so constructed that such refuse cannot fall out or be scattered in transit.

141.16. Collector's License Required. No person shall engage in the business of collecting refuse in the city without being licensed by the county of Olmsted and having such license approved by the council.

141.17. Collection Vehicles. The body of all vehicles to be used for the collection of refuse and recyclables shall be of metal construction and fully enclosed; shall be so constructed, maintained and equipped that refuse cannot leak, spill or escape in any way; and shall be maintained in good repair and mechanical condition. (4368, 3/4/19)

141.18. Cleaning of Vehicles. All vehicles used in the collection of refuse shall be cleaned at reasonable intervals to be kept free of offensive odor at all times. (4368, 3/4/19)

141.19. Parking of Vehicles. No vehicle used for the collection of refuse shall be allowed to stand on any street, alley or public ground for any period of time longer than is reasonably necessary to make collection, and all refuse shall be hauled away and disposed of promptly following its collection. Each collector shall provide off-street parking facilities in an area not zoned or used for residential purposes, where vehicles used for the collection of refuse shall be parked or stored when not in actual operation.

141.20. Substitute Vehicles. Repealed by Ordinance No. 4368 on March 4, 2019.

141.21. Hazardous Equipment. All hazardous equipment such as packer type body shall be attended while in operation.

141.22. Residence Required. Any person desiring to engage in the business of refuse collecting, must have a permanent business address in the city and a telephone.

141.23. Schedule and Hours of Collection. Subdivision 1. Refuse shall be collected

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from residential and commercial properties at least once weekly. Except as hereinafter provided, all such collection shall be made between the hours of 7:00 a.m. and 6:30 p.m. Collections shall not be made on Sundays or on New Year's Day, Memorial Day, the Fourth of July, Thanksgiving or Christmas.

Subd. 2. In areas zoned and used for commercial and industrial purposes that have been approved by the city administrator, the hours set forth for collection shall be 4:00 a.m. to 6:30 p.m. The city administrator may rescind any approval issued pursuant to this subdivision for any reason.

Subd. 3. The provisions of this section limiting hours and days of collection shall not apply to the collection, transport or disposal of refuse from a facility or group of facilities which generates medical waste and which owns, or is under common ownership or control with, a licensed waste disposal facility capable of disposing of medical waste.

141.24. Employees. Each collector shall employ clean, courteous and competent employees at all times and shall investigate all complaints about employees, equipment and service. (4368, 3/4/19)

141.25. Rubbish on Premises Not Served. Repealed by Ordinance No. 4368 on March 4, 2019.

141.26. Emergencies. Repealed by Ordinance No. 4368 on March 4, 2019.

141.27. Annual Reports. Repealed by Ordinance No. 4368 on March 4, 2019.

141.28. Repealed by Ordinance 2413, January 8, 1985.

141.29. Revocation or Suspension. Repealed by Ordinance No. 4368 on March 4, 2019.

141.30. City Collection. Nothing in this chapter shall be construed as limiting the right of the city to engage directly in the collection of refuse or garbage.

141.31. Prohibited Disposal. It is unlawful for any person to deposit refuse in any manner on the property of another or to place refuse in a refuse container belonging to another person, without the consent of such person.

141.32. Disposal Fees and Restrictions on Disposal. Repealed by Ordinance No. 4368 on March 4, 2019.

141.33. Additional Disposal Fees. Repealed by Ordinance No. 4368 on March 4, 2019.

(1169, 8/6/62; 1307, 5/3/65; 1551, 5/4/70; 1552, 5/4/70; 1671, 10/17/72; 1675, 11/7/72; 1717, 7/17/73; 1725, 9/4/73; 1729, 9/26/73; 1740, 12/18/73; 1744, 2/19/74; 1767, 6/3/74; 1825, 12/1/75; 1827, 12/1/75; 1927, 12/19/77; 1962, 6/19/78; 1987, 9/5/78; 2038, 4/16/79; 2091, 12/18/79; 2092, 12/17/79; 2170, 3/1/81; 2184, 5/2/81; 2214, 1/1/82; 2279, 1/25/83; 2353, 2/22/84; 2413, 1/7/85; 2672, 1/18/90; 3025, 3/26/96; 3308 2/8/2000; 3678, 11/1/04; 4368, 3/4/19)