

ORDINANCE NO. 121

AN ORDINANCE OF THE CITY OF HOKAH REGULATING THE STORAGE AND DISPOSAL OF SOLID WASTES INCLUDING RECYCLABLE MATERIALS, PROVIDING PENALTIES FOR VIOLATION OF THE PROVISIONS THEREOF AND AMENDING THE ORDINANCE NO. 80

The City Council of the City of Hokah, Houston County, Minnesota, hereby ordains:

SECTION 1. SOLID WASTE TSTORAGE AND DISPOSAL; RECYCLING.

Subd. 1 PURPOSE. The purpose of this Section is to safeguard the health, safety, and welfare of the citizens of the City of Hokah by regulating the storage and disposal of waste materials and by reducing the volume of waste generated by mandating separation of and storage and disposal of recyclable materials.

Subd. 2. DEFINITIONS. For the purposed of this Section, the following words and phrases shall have the meanings respectively ascribed thereto, as follows:

(a) Collector: A privately operated agency, business or service for collecting, transferring or transporting solid waste materials for disposal purposes to an incinerator, and approved landfill site or licensed refuse transfer station.

(b) Contaminated: not in its pure state, tainted, putrefied, or polluted.

(c) Designated Recyclable materials: materials such as newsprint, glass bottles and jars, aluminum cans, corrugated cardboard, and high density plastic, and other materials designated for separate collection of such by the City Council.

(d) Garbage: Discarded material resulting from the handling, processing, storage, preparation, and serving of food.

(e) Garbage Container: A container such as a milk carton, cheese carton, plastic bag, or other paper bag or such other wrapping which will prevent the escape of moisture and odor while in storage on the premises of the responsible tenant.

(f) Incineration: the process of burning waste materials for the purpose of volume and weight reduction in a properly installed facility designed for such use and listed as an approved unit by the state pollution control agency, o other agency or regulatory body having jurisdiction in such matters.

(g) Non-Recyclable Materials: Solid waste, refuse, construction debris and materials for which there are no appropriate existing markets that will accept these materials for recycling.

(h) Recycling: 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.

(i) recyclable Materials: Materials such as newsprint, glass containers, tin containers, aluminum containers, polyethylene terephthalate and high density polyethylene plastic, that are separated from solid waste for the purpose of recycling. These materials are considered to be recyclable materials if appropriate markets exist that will accept these recyclable materials. Refuse derived fuel or other material that is destroyed by incineration is not a recyclable material.

(j) Recyclables Container: A container such as a cardboard box, paper bag, plastic container, or other such receptacle for storing designated recyclable materials.

(k) Refuse: Putrescible and non putrescible solid wastes including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, market and industrial solid wastes and municipal treatment wastes which do not contain free moisture.

(l) Refuse Containment: Garbage and trash shall be kept in cans not in excess of thirty (30) gallons in size, or in approved bags. Trash susceptible to bundling shall be in bundles no more than two feet in diameter and no more than four feet in length. A refuse container may also be a commercial-size container; provided, that mechanical means for lifting and dumping are available and are used.

(m) Responsible Tenant: Responsible tenant shall mean any occupant, tenant, owner, manager, operator, or custodian of any residence, apartment or dwelling unit and any person owning or operating an industrial or commercial establishment in the city and for purposes of these provisions, the "premises" and or 'real property' or any such designation shall refer to the particular location within the city where the activity or the commission or omission exists or has occurred.

(n) Rubbish: Nonputrescible solid wastes including, but not limited to, ashes, combustible or noncombustible wastes such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, or litter of any kind. Rubbish shall not include designated recyclable materials.

(o) Rubbish Container: A paper or plastic bag manufactured for the storage of rubbish or fiberboard drum in good condition and acceptable to the collector not exceeding thirty gallons except for commercially designed containers where the mechanical means for lifting and dumping is available and used.

(p) Sanitary Landfill: A land disposal site employing an engineering method of disposing of solid waste on land in a manner that minimizes environmental hazards by spreading the solid waste in thin layers on a suitable liner where indicated, compacting solid waste to the smallest practical volume and applying cover material at the end of each operating day, or at intervals as may be required by the state pollution control agency, or other agency or regulatory body having jurisdiction in such matters.

(q) Solid Waste: Garbage, refuse, sludge from water supply treatment plant or air contaminant treatment facility, or other discarded waste materials and sludge, in solid, semi-solid, liquid or contained gaseous form, resulting from industrial, commercial, mining, or agricultural operations, or from community activities, but does not include hazardous waste, animal waste used as fertilizer, earthen fill, boulders, rock, 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 waste water 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 materials, special nuclear materials or byproduct material as defined by the Atomic Energy Act of 1954, as amended.

(r) Source Separation: To divide or separate out from the main body, to make distinguishable from, to isolate, to seclude.

(s) Toxic and hazardous Waste; Waste materials including but not limited to pesticides, fluorescent tubes, herbicides, acids, caustics, pathological wastes, radioactive materials, flammable or explosive materials and similar chemicals and harmful wastes

which require special handling and must be disposed of in a manner so as to protect the environment.

(t) Toxic and Hazardous Waste Container: A container approved by the Department of Protective Inspection, or such other agency or legal authority vested with the power to grant such approval in accordance with the requirements of laws of the United States and/or the State and/or the Ordinances of the City and any other law or regulation applicable.

(u) Transfer Station: An intermediate solid waste disposal facility in which solid waste collected from any source is temporarily deposited to await transportation to another solid waste management facility.

(w) Yard Waste: Organic plant material collected from yards including but not necessarily limited to leaved, grass clippings, weeds, vines and stalks.

SECTION 2. DUTIES OF RESPONSIBLE TENANT.

Subd.1. STORAGE AND PREPARATION OF SOLID WASTES.

A responsible tenant shall store refuse on his premises in an approved container as defined herein and in an approved manner as herein provided. Large refuse articles need not be contained in containers but may be kept in a neat condition and in a manner so as not to constitute a hazard. All refuse set out for disposal by the responsible tenant shall be set out with designated recyclable materials separated from other refuse except if employed in the disposal of another refuse or if the material has been contaminated.

Recyclable materials include the following:

- (1) Newsprint
- (2) Rinsed glass bottles and jars, and other glass containers without rings and caps.
- (3) Aluminum cans
- (4) High density plastics
- (5) Such other materials which the City may designate as recyclables as markets for such materials develop.

Subd. 2. MAINTENANCE OF CONTAINERS

A responsible tenant shall maintain each refuse container neat, sanitary and clean to prevent insect breeding odors and unhealthy conditions from developing. Commercial containers shall be maintained in a similar fashion and be kept in good repair to facilitate the use thereof by persons required to handle them. The responsible tenant and/or other owner shall, within 72 hours of receipt of notice from the City, cause defective containers to be replaced or repaired.

Subd. 3. MISCELLANEOUS REGULATION.

1. A responsible tenant may package books, magazines or newspapers in disposable boxes not larger than 20 inches by 20 inches by 36 inches, or by securely tying them in smaller bundles.

2. A responsible tenant shall thoroughly drain fluids from all garbage and place the garbage in plastic bags authorized by the City, or in an approved commercial container.

3. A responsible tenant shall not dispose of or permit the disposal of garbage into a sanitary sewer system unless the garbage is first processed by mechanical disposal device permanently and satisfactorily installed on a sanitary sewer line.

4. A responsible tenant shall not burn garbage or rubbish on his premises.

5. A responsible tenant shall store toxic and hazardous waste in a toxic and hazardous waste container.

6. A responsible tenant in a residential district on collection days shall place refuse containers at the rear of his real property for collection if access thereto is afforded by an alley, or curb side, or such other collection location, as may be agreed upon with Collector.

7. If a responsible tenant does not himself remove and transport his own rubbish he shall employ a City licensed collector to remove and transport the rubbish.

8. A responsible tenant shall remove and transport or cause the removal and transport of rubbish from his real property at least once every 7 days.

9. A responsible tenant removing and transporting his own rubbish shall at all times use an enclosed vehicle or shall transport rubbish in covered containers or in another contained manner which will prevent littering or spilling while in transit.

10. A responsible tenant shall have garbage and rubbish removed from his real property not less often than once every 7 days. Should he fail to do so, the City may, in addition to any other remedy available to it, notify such tenant that he has failed to perform a duty imposed upon him by law, affording him the opportunity to comply within 72 hours of notification. Such notice shall be in writing and delivered to the responsible tenant by a duly designated City Official or be mailed to the responsible tenant's last known address by certified mail. In the event the responsible tenant does not comply with such notice, the city may cause removal of the garbage or rubbish from such real property, and the City may recover the costs incidental to such removal in a cause of action therefore against the responsible tenant, or the City may in the alternative levy a special assessment to recover all such costs and expenses.

11. Except while in the act of filling or emptying a refuse container, the responsible tenant shall keep the refuse container securely fastened and covered.

12. A responsible tenant shall use only such containers or receptacles for rubbish as are specifically designed for such purpose, or as may be approved by the city, but shall not use, except for commercial or other large volume generators of refuse and rubbish, containers of a larger size than 30 gallon, and shall at all times provide an adequate number of containers for the refuse and rubbish generated on his property.

13. A responsible tenant shall place rubbish containers at the indicated location on time for collection on designated collection days, but no sooner than the evening previous.

14. A responsible tenant shall not permit the accumulation on his property of dead trees, brush and yard wastes, nor shall inoperable machines and appliances and parts thereof be kept on his property unless completely enclosed within a building.

15. Where an extraordinary amount of rubbish in a volume not practical to place in containers or bundles is generated, a responsible tenant may hire a collector to remove such rubbish provided removal is accomplished no later than 48 hours after the accumulation on responsible tenant's property.

SECTION 3. LICENSING AND REGULATION OF COLLECTORS.

Subd.1. Collectors' responsibilities:

(a) A collector shall haul refuse, garbage, and trash to the City's designated disposal site. Failure to do so may result in forfeiture of Performance Bond and license revocation.

(b) All collectors as a prerequisite to the issuance thereto of a collector's license, shall post a performance bond in the minimum penal amount of \$50,000.00 or in such additional amount as the City Council may reasonably prescribe.

(c) No collector shall collect solid waste and recyclables in the city unless and until a collector's license has been issued him by the City.

(d) A collector shall not park vehicle(s) or leave it (them) standing on any street, alley, or other public ground for a period longer than necessary to make a collection.

(e) A collector shall not park its unused vehicles in a residentially zoned area of the city unless enclosed in a garage.

(f) A collector collecting rubbish shall at all times use an enclosed vehicle or shall transport rubbish in containers or in a contained, covered manner, so as to prevent littering or spillage when in transit.

(g) A collector shall collect garbage, rubbish and recyclables from his customer not less often than once a week and such collections shall be made between the hours of 6:00am and 6:00pm. If the routinely established weekly collection day falls on an official holiday, the collector may collect either on the holiday or nteh next succeeding day.

(h) A collector shall promptly clean up and remove any garbage or refuse which he spills, scatters or drops.

(i) A contractor shall only dispose of garbage, refuse and trash at the final disposal site designated in the license issued him, or at such site as may be subsequently directed by competent authority. Violation of this provision will result in immediate revocation of license.

(j) yard waste shall be picked up and deposited at an approved site therefore, or at a composting location. Such materials shall not be picked up and deposited of in the manner provided for herein for garbage, refuse or trash.

SECTION 4. COMMERCIAL INDUSTRIAL ESTABLISHMENTS.

A responsible tenant of a commercial or industrial establishment shall cause large cardboard boxes, bales or paper, wooden crates, pallets and other bulky articles to be kept on an impervious floor inside a building. If kept outside, such materials shall be placed in a metallic container suitable for expeditious handling by a Collector. If stored outside a building, such material shall be kept in a bin or shed, or fenced or screened enclosure designed and constructed for storage of such materials. Wooden pallets shall be stacked in neat piles on stringers of 6 to 8 inches off the floor.

SECTION 5. CONTRACTORS.

A contractor whose operation produces earthen fill, boulders, rocks, brick, concrete, cement, wooden or similar building materials for disposal shall not mix other solid wastes with such disposable items. These items shall be disposed of in accordance with State and Federal regulations at sites approved for the deposit of such materials.

SECTION 6. LITTERING AND DISPOSAL OF REFUSE.

(a) No person shall litter or spill or permit littering or spillage of any solid wastes on any public streets or other public property of the City, nor shall such littering or spillage be permitted on any private property including the property where such materials are generated.

(b) Only refuse generated on public property shall be placed in City owned containers located on public property.

SECTION 7. TRANSFER STATION

(a) Licenses. No person shall operate a transfer station in the City without license from the City and if required by law approved by Houston County, and such other authority from whom approval is required. A transfer station shall be operated by the person licensed in compliance with City and County Ordinances, regulations, and standards and all other State and Federal laws, and regulations appertaining.

SECTION 8. COLLECTION OF DESIGNATED RECYCLABLE MATERIALS.

Residential collection of designated recyclable materials shall be once per week by the collector and transporter of recyclable materials designated by the City of Hokah City Council. Designated recyclable materials shall be set out by the responsible tenant of any residence, apartment or dwelling unit for pick up at curb side or other designated pick up point on the same day as garbage, refuse, and trash are collected. The residential tenant has the option of transporting recyclable materials to the Hokah recycling shed. Designated recyclable materials shall be set out by the responsible tenant of industrial and commercial establishments for pick up at such establishment's normal solid waste collection place or at such collection locations as arranged with the licensed collector. Designated recyclables shall be separated by the responsible tenant as follows:

(1) Glass bottles and jars, aluminum cans, and high density plastic shall be placed in three separate containers.

(2) Newspaper must be kept dry and shall be bundled, tied and placed for collection.

(3) Cardboard must be kept dry and shall be bundled, tied and placed for collection.

SECTION 9. YARD WASTES.

Yard wastes as hereinbefore defined shall not be disposed of as garbage and refuse. The responsible tenant may compost yard wastes on his property. Yard wastes shall be placed by the responsible tenant at a location on the property where other solid wastes are placed on a weekly basis on a day designated by the City Council for pickup by the City Maintenance Department.

SECTION 10. ANTI-SCAVENGING CLAUSE.

Ownership of the designated recyclable materials set out for collection shall be vested in the collector and transporter of recyclable materials designated by the City of Hokah. It shall be unlawful and a violation of this Section for any person, firm or corporation other than the owner, lessee, or occupant of a residential dwelling, to pick up said materials and appropriate for whatever use said materials.

SECTION 11. VIOLATIONS NUISANCES. All violations of the provisions of this ordinance are deemed public nuisances.

SECTION 12. PENALTY

Any person violating the provisions of this ordinance shall, upon conviction, be guilty of a petty misdemeanor. A second or more frequent violation within a period of two years of an initial violation shall be deemed misdemeanors. Criminal prosecution for violations shall not preclude, where indicated, forfeiture of Performance Bond and revocation of collectors license. Since all violation is hereby deemed a public nuisance, the city may enforce compliance by seeking injunctive relief without the election of such remedy affecting City's right to enforce the provisions of this ordinance by any one or more other of the foregoing remedies.

SECTION 13. MORE RESTRICTIVE.

To the extent that the provisions of this ordinance conflict with Ordinance No. 80 of the City of Hokah, the provisions of Ordinance No. 80 are repealed. In instances where regulations are more restrictive in Ordinance 80 than in this ordinance, the more restrictive shall control.

SECTION 14. EFFECTIVE DATE.

This ordinance, except for the provisions of Section 8 hereof, shall be effective upon due passage and enactment and publication according to law; the provisions of Section 8 shall become effective January 1, 1990.

Passed and enacted this 6th day of June, 1989.

Approved:

Edward Lonkoski
Mayor

Attest:

Ernest Sloan
City Clerk-Administrator