

Chapter 5.01

Storage, Collection, Disposal And Transportation Of Waste Materials

Section 1. Definitions.

Subdivision 1. The term “garbage” means all decomposable and putrescible solid wastes, including materials resulting from the handling, preparation, cooking and consumption of food, but excluding human excrement, sewage and other water-carried wastes.

Subdivision 2. The term “refuse” means all non-combustible wastes, including ashes, crockery, glass, household rubbish, tin cans; and all combustible wastes, including grass, leaves, paper, boxes, rags and old clothes; but does not include any material such as earth, sand, brick, stone, plaster or other similar substances that may accumulate as a result of construction operations; it also does not include appliances, autos and auto parts, tree limbs or flammable material, including gasoline and motor oil.

Subdivision 3. The term “person” includes a natural person of either sex, co-partnership, corporations, limited liability companies, and associates of persons and the agent or manager of any of the aforesaid. The singular number includes the plural and the masculine includes the feminine and neuter.

Subdivision 4. The term “industrial waste” means all organic and inorganic wastes, except garbage, resulting from any manufacturing, building repairing, demolition, construction, processing, grain cleaning, the operation of garages and service stations and other similar activities.

Subdivision 5. The term “residence” for this ordinance means a dwelling connected with the City water system, and does not include trailer courts, business firms, churches, schools or farms.

Section 2. Purpose. The purpose of this ordinance is to maintain and protect the health, safety, comfort and repose of the public by regulation of sanitation, open burning, storage, collection, disposal and transportation of waste materials in and around the City of Howard Lake, Minnesota.

Section 3. Deposit of Refuse Restricted.

Subdivision 1. No person shall deposit, cause to be deposited or situate garbage, refuse or containers for garbage or refuse upon any street, alley, vacated lot or upon any ground appurtenant to any building in the City, except upon the premises wherein the garbage or refuse originated.

Subdivision 2. No person, except as authorized, shall transport garbage or refuse over any street or alley in the City or shall disturb, collect or in any manner interfere with garbage or refuse placed in containers for collection, or interfere in any manner with

containers for garbage or refuse.

Section 4. Storage of Garbage and Refuse.

Subdivision 1. Except as otherwise provided, all garbage and refuse shall be kept in rust-resistant metal, water tight, non-absorbent and easily washable containers which are equipped with a bail or handles covered with close fitting lids. Insofar as practicable, all garbage shall be drained of liquids and wrapped in paper.

Subdivision 2. Containers shall have the capacity of not less than 10 nor more than 32 gallons, nor exceeding 100 pounds in weight, unless otherwise approved, and shall be provided in sufficient number to hold all garbage and refuse accumulating between collections. All containers shall be washed and treated with disinfectant as often as necessary to prevent a nuisance. All special containers must meet the approval of the collector herein based on sanitation, safety, weight limitations and ease of handling.

Subdivision 3. The property owner or occupant shall control the garbage and refuse on the premises so as to keep the premises in a clean and sanitary condition and shall have the garbage and refuse removed at regular intervals, being at least once each week.

Section 5. Collection of Garbage and Refuse.

Subdivision 1. The City of Howard Lake shall provide for on-site collection of all garbage and refuse from all city residences connected with the city water system, and apartment houses with three or less units, and city trash containers on streets, parks and swimming beach, once each week.

Subdivision 2. Containers shall be made easily accessible to the collector for pick-up on the days designated for collection by placing containers at street curb on boulevard.

Subdivision 3. All garbage and refuse shall be collected at least five times each week from restaurants, hotels, taverns and other commercial establishments except where the Health Officer certified that less frequent collection would not create a health menace or other nuisance.

Subdivision 4. All garbage and refuse collected under city contract shall be transported on the streets and alleys in the city only in leakproof, packer trucks. All other garbage and refuse shall be transported on the streets and alleys in the city only in vehicles with leakproof bodies of easily cleanable construction designed not to transmit odor or attract flies or otherwise create a nuisance. Vehicles shall be so operated that contents do not spill or drip upon streets or alleys or otherwise create a nuisance.

Section 6. Collection Contract.

Subdivision 1. The city council shall contract, after receiving bids for such purposes, for collection of garbage and refuse from residences in the City of Howard Lake on such terms and for such periods as the council may determine.

Subdivision 2. The collector shall have at all times a registered office and notify the city clerk of any change in said address of office.

Subdivision 3. The collector shall furnish his own equipment and personnel for the collection of garbage and refuse.

Subdivision 4. The collector shall be the only authorized individual to collect the garbage from any residence within the City of Howard Lake, and no other person shall make a business or collect a fee for collection of garbage within the City of Howard Lake.

Subdivision 5. The garbage and refuse so collected by the collector shall be disposed of in a manner as provided by Minnesota Statutes and regulations.

Subdivision 6. The collector shall furnish a performance bond in the amount of annual payment under contract, conditioned upon the satisfactory performance of his contract.

Subdivision 7. The independent contractor shall at all times maintain insurance on all of his equipment against liability imposed by law in the amount of at least One Hundred Thousand (\$100,000.00) Dollars, for injury to any one person; Two Hundred Thousand (\$200,000.00) Dollars, for injury arising out of any accident; and Twenty-Five Thousand (\$25,000.00) Dollars for property damage, a certificate of which shall be filed with the City Clerk.

Section 7. Service Charge.

Subdivision 1. The City of Howard Lake shall charge each dwelling in the City of Howard Lake. Such charge shall be determined by the council, and the bill for such charges shall be sent to the persons served on a monthly basis with their water bills, or at such other intervals as the council shall determine.

Subdivision 2. It shall be lawful in case any person shall default in the payment of the garbage or refuse collection fee for the city council to collect a fee thereon from said person or owner of the real estate by civil action or by assessing of the same against the property.

Section 8. Permits for Business Establishments.

Subdivision 1. Any person, firm or corporation desiring to collect garbage and refuse from any business establishment or person not served by the city collection, shall submit a written application to the City Council for permit.

Subdivision 2. The City Council shall consider such application, and if it finds that the applicant is a responsible person or has the proper equipment, facilities, resources and personnel to provide adequate collection service under the ordinances herein and that it would be in the public interest to do so, it may direct the City Clerk to issue the applicant the permit.

Subdivision 3. The amount of the fee for the permit shall be determined by the City Council and the fee shall be paid before the issuance of the permit by the City Clerk.

Subdivision 4. The applicant shall submit to the clerk a certificate of insurance against liability imposed by law in the mount of at least One Hundred Thousand (\$100,000.00) Dollars for injury to any one person; Two Hundred Thousand (\$200,000.00) Dollars for injuries arising out of any accident; and Twenty-Five Thousand (\$25,000.00) Dollars for property damage.

Subdivision 5. The permit shall be issued for a period of one year.

Section 9. Open Burning of Garbage, Refuse, Industrial Wastes, Salvage Operations and Agriculture Operations Refuse.

Subdivision 1. Between the dates of April 10 and May 10 and between September 15 and December 1 each year, it shall be lawful to dispose of leaves and grass by open burning within the city limits of Howard Lake, provided the burning is conducted in a careful and safe manner and an adult person is in continual supervision of the burning operation.

Subdivision 2. Subject to the provisions of Subdivision 1, no person shall dispose of garbage, refuse and industrial waste in the city limits at any time by open burning, cause, suffer, allow or permit open burning of garbage, refuse or industrial wastes at any time by outdoor fire, outdoor incinerator, can receptacle or devise.

Subdivision 3. No person shall conduct, cause or permit the conduct of a salvage operation by open burning. Refuse from agriculture operations shall not be disposed of by open burning, except as provided by Minnesota Statutes and regulations.

Section 10. Penalty. Any person or property owner violating this ordinance shall be guilty of a misdemeanor.