402. SOLID AND HAZARDOUS WASTE MANAGEMENT

402.010. DEFINITIONS. For the purpose of this chapter, the following terms, phrases, words and their derivations shall have these meanings:

1. Compost. A mixture of decayed organic matter.

2. Composting. Any above ground microbial process that converts yard waste to organic soil amendment or mulch by decomposition of material through an aerobic process providing adequate oxygen and moisture.

3. Demolition waste. Concrete, blacktop, bricks, stone facing, concrete block, stucco, glass, structural metal and wood from demolished structures and other inert waste materials as may be approved by the County Engineer, unless such material is to be used for land reclamation at the site where demolition takes place.

4. Disposal. The discharge, deposits, injection, dumping, spilling, leaking, or placing of any solid or hazardous waste or any constituent thereof which may enter the environment or be emitted into the air or discharged into any water, including ground waters.

5. Garbage. Discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.

6. Garden. Ground area for cultivation of flowers, vegetables and shrubs.

7. Hazardous Waste. Any refuse or discarded material or combination of refuse or discarded material in solid, semi-solid, liquid or gaseous form which cannot be handled by routine waste management techniques because they pose a substantial present or potential hazard to human health or other living organisms because of their chemical, biological, or physical properties. Categories of hazardous waste materials include but are not limited to: explosives, flammables, oxidizers, poisons, irritants and corrosives.

8. Incineration. The process by which solid wastes are burned for the purpose of volume and weight reduction in facilities for such use.

9. Person. Any entity, individual, partnership, corporation or association, however organized, of a private or public nature, or any representative thereof.

10. Rear Yard. A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.

11. Refuse. Putrescible and nonputrescible solid wastes, except body wastes, and including garbage, rubbish, ashes, incinerator residue, Christmas trees up to six (6) feet in length, and market and industrial solid wastes.

12. Rubbish. Inorganic waste such as tin cans, glass, paper, sweepings, etc. Stones, sod, earth, concrete, demolition waste, large automobile parts, large appliances, hazardous waste, tree trunk sections over four (4) inches in diameter, animal wastes except when adequately wrapped, or articles so heavy or bulky they cannot be easily lifted by one man shall not be considered rubbish.

13. Resource Recovery Facility. A waste facility used for the reclamation for sale or reuse of materials, substances, energy, or other products contained within or derived from solid or hazardous waste.

14. Sanitary landfill. A method of disposal of solid waste on land as prescribed by State and County law.

15. Solid waste. Garbage, refuse and other discarded solid materials including solid waste materials and waste sludges resulting from industrial, commercial, and agricultural operations and from community activities, but does not include hazardous waste, animal waste used as fertilizer, earthen fill, boulders, rock, solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water to effluents, dissolved materials in irrigation return flows, or other common water pollutants.

16. County. Washington County.

17. State. State of Minnesota.

18. Yard Waste. Means green/lawn clippings, leaves, weeds, garden waste (tomato vines, carrot tops, cucumber vines, etc.) softbodied plants (flowers and vegetable plants) small non-woody shrub trimmings or twigs (1/4 inch diameter maximum), pine cones and needles.

402.020. GENERAL. No person shall cause or permit the generation, transportation, disposal or processing of solid or hazardous waste, or the construction or operation of solid or hazardous waste facilities, except in full compliance with the provisions of this chapter.

402.030. DISPOSAL.

1. Garbage containers. Any person who accumulates garbage shall provide one or more fly-tight metal or plastic garbage containers of 30 or 32 gallon capacity to contain all garbage which accumulates between weekly collections. Plastic bags shall not be construed as garbage containers, but may be used to line the cans.

2. Yard wastes. Including but not limited to grass clippings and leaves shall not be placed in containers for regular collection but shall be disposed of as directed by the County and/or State at the expense of the owner or possessor thereof.

3. Contagious disease refuse. The removal of wearing apparel, bedding or other refuse from homes or places where highly infectious or contagious diseases have prevailed shall be performed under the supervision and direction of an agent of the City. Such refuse shall not be placed in containers for regular collection.

4. Hazardous wastes. Hazardous wastes shall not be placed in containers for regular collection but shall be disposed of as directed by the County and/or State at the Expense of the owner or possessor thereof.

5. Resource recovery. All resource recovery is recognized by the city as a desirable alternative to collection for disposal in landfill sites. No provision of this chapter shall deny the right of persons to dispose of refuse in this manner provided storage of the recoverable materials is concealed from public view and such storage is not dangerous to the public health.

6. Demolition waste. All demolition waste must be disposed of in accordance with county regulations.

7. Clean fill. Dirt, stones, etc. used as clean fill is not covered under this chapter.

402.040. COLLECTION SUPERVISED BY CITY COUNCIL. All refuse accumulated in the City shall be collected, conveyed and disposed of under supervision of the City Council. The City Council shall have the authority to make rules and regulations concerning haulers, days of collection, type and location of waste containers and such other matters as it deems necessary provided that such are not contrary to the provisions of this Code.

402.050. STANDARDS. Persons accumulating or disposing of refuse shall comply with the following requirements:

1. Refuse in the Street. No person shall cast , place, sweep or deposit any refuse in such manner that it may be carried or deposited by the elements off his property within the City.

2. Burning of Refuse. No person shall burn or permit open burning of refuse.

**"AMENDED BY ORDINANCE 1995-3; MAY 9, 1995."**

3. Placement of Container. Refuse containers shall be placed on the day of collection at ground level no more than forty (40) feet from the right-of-way of the nearest street. On non-collection days said containers shall be screened from view.

402.060. SERVICE NOTIFICATION. It shall be the responsibility of every person to notify the City Clerk at least one (1) week in advance of starting or discontinuing service.

402.070. FEES FOR COLLECTION AND DISPOSAL. The fees for collection and disposal of refuse for all persons shall be determined by contract with the City. All amounts due hereunder shall be payable to the City of Birchwood Village. A late fee, determined by the Council, will be charged for all billings not paid by the due date.

402.080. CHARGES BECOME A LIEN. Each charge levied by and pursuant to this chapter is hereby made a lien upon the corresponding lot, land or premises served hereunder and all such charges which are on July 31 of each year more than thirty (30) days past due and having been properly billed to the occupant of the premises served, shall be certified by the City Clerk to the Auditor of Washington County each year. The City Clerk in so certifying such charges to the County Auditor shall specify the amount thereof, the descriptions of the premises served, the name of the owner thereof, and the amount so certified shall be extended by the County Auditor on the tax rolls against such premises in the same manner as other taxes, and collected by the County Treasurer, and paid to the City Clerk, along with other taxes.

402.090. MAINTENANCE OF LOTS. The owner of a single or two family dwelling shall be responsible for maintaining lots consisting of weeds, grass lawn, trees, shrubs and other vegetation; free and clear of all garbage rubbish or excavations for which a special use permit has not been taken out.

1. Rodent harborages prohibited in occupied areas. No occupant of any structure shall accumulate boxes, lumber, scrap metal, or any other similar materials in such a manner that may provide a rodent harborage in or about any dwelling or dwelling unit. Stored materials shall be stacked neatly in piles.

2. Notice to Owners of Unsanitary Conditions. When any unsanitary conditions are found on any property, an agent of the City, shall order the owner or occupant thereof to remove the same, at his/her expense, within a time not to exceed ten (10) days, the exact time to be specified in the notice. This notice shall be served by delivering a copy thereof to the owner, occupant, or agent of the property.

402.100 COMPOSTING. Composting is permitted only in residential properties provided that all of the following conditions are met:

1. Permitted composting materials. Only yard waste, straw, fruit and vegetable scraps, coffee grounds, egg shells of which is generated from the site on which the composting is located. In addition, commercially available ingredients can be placed in a composting container.

2. Prohibited materials. The following materials and shall not be placed in the composting container(s): meat bones, fat oils, whole eggs, dairy products, unshredded branches or logs, weeds heavily loaded with seeds, plastics, synthetic fibers, human or pet wastes, diseased plants and any other garbage or refuse except for those permitted above in "1".

3. Composting structure. All composting materials must be contained in a bin which may be constructed of wood, wire mesh, a combination of wood and wire or commercially fabricated compost bins designed to contain composting materials.

4. Composting container size. Composting shall be conducted within an enclosed container(s) not to exceed a total of one hundred fifty (150) cubic feet (for example, 6'x 5'x 5') in volume for those lots of ten thousand, five hundred (10,500) square feet or less. For those lots greater than ten thousand five hundred (10,500) square feet, a total of two hundred fifty (250) cubic feet (for example 10' x 5' x 5')in volume, will be allowed. Maximum height of the composting container shall be five (5) feet. For composting containers larger than the above or for noncontained composting material, approval is required by the City Clerk. Requests shall be submitted on the appropriate request form (to be supplied by the City) and submitted to the City Clerk for his/her approval. If request is denied, applicant can appeal to the City Council for approval within ten (10) days of the denial.

5. Location. The composting container shall be located in the rear yard of the property, and be at least two (2) feet from the property line and no closer than fifty (50) feet to any adjacent habitable building other than the residents' own home. See 301.080.

6. Maintenance. The compost must be periodically mixed and moistened: to incorporate air, to properly mix wet and dry material, and to promote a rapid biological degradation. The compost must provide for adequate air circulation to prevent objectionable odors to adjacent properties.

7. Nuisance. The operation of composting in a manner that results in objectionable odors and/or the placing of prohibited materials in a composting container to create a health hazard is considered a public nuisance.

402.110. PENALTIES. Any person violating any of the provisions of this ordinance by doing any act or failing to any act which constitutes a breach of any section of this ordinance is guilty of a misdemeanor.

402.120. SEPARABILITY. Every section, provisions, or part of this ordinance is declared separable from every other section, provision or part to the extent that if any section, provision or part of the ordinance shall be held invalid, it shall not invalidate any other section, provision or part thereof.