

**ORDINANCE 2024 – 03-01  
CITY OF BIRCHWOOD VILLAGE  
WASHINGTON COUNTY, MINNESOTA  
AN ORDINANCE AMENDING SECTION 402 "Solid and Hazardous Waste Management"**

**Section 1.**

Ordinance No. 2024-03-01 adopted on \_\_\_\_, and titled "SOLID AND HAZARDOUS WASTE MANAGEMENT" is hereby replaced.

**402. SOLID WASTE AND RECYCLING**

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

1. Authorized Hauler. Any person, firm, corporation, association, partnership, or other entity that collects or transports Mixed Municipal Solid Waste (MMSW) that is generated in the City and is authorized by the City Council to collect and haul.
2. Authorized Mixed Municipal Solid Waste. Waste that is acceptable at the Designated Facility. Acceptable waste shall include garbage, and other municipal Solid Waste from residential and community activities that is generated and collected in aggregate and is not otherwise defined herein as Unacceptable Waste. No amount of Hazardous Waste or Infectious Waste that is regulated by law is acceptable at the Designated Facility. All household waste is Acceptable Waste unless it is otherwise regulated or prohibited by law.
3. Authorized Recycling. Materials that are separated from MMSW for the purpose of Recycling, which materials will be identified by the City Council, City's Solid Waste Contractor, and at least be inclusive of the Washington County standard list of residential curbside Recyclables. The list of Recyclable Material shall be provided to customers and updated on a regular basis as marketplace changes for recyclables.
4. Authorized Bulky Item. Any item or material that the authorized hauler accepts only separately from authorized refuse or authorized recycling. Furniture, large toys, bicycles, lawnmowers, lawn chairs, carpet, and other Solid Waste with weights or volumes greater than those allowed for bags or carts. Bulky Waste does not include construction debris, hazardous waste, or Consumer Electronics.
5. Authorized Yard Waste or Compost. All yard waste or compost materials that the authorized hauler accepts. Means green/lawn clippings, leaves, weeds, garden waste (tomato vines, carrot tops, cucumber vines, etc.) soft-bodied plants (flowers and vegetable plants) small non-woody shrub trimmings or twigs (1/4-inch diameter maximum), pine cones and needles.

**Commented [AL1]:** Let's plan to discuss this use of the word "Authorized"

6. Authorized Materials. All Authorized Refuse, Authorized Recycling, Authorized Bulky Items and Authorized Yard Waste or Compost.
7. Compost or Composting. Any aboveground microbial process that converts organic materials to a soil amendment or mulch by decomposition of material through an aerobic process providing adequate oxygen and moisture.
8. Demolition waste. Waste building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition of buildings and roads.
9. 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 groundwater.
10. Food Scraps. Food scraps are discarded organized waste from unused food or food residue.
11. Food Scraps Pickup Program (FSPP). Ramsey and Washington Counties' food scraps pickup program is a program that allows Ramsey and Washington County participants to collect and dispose of food scraps using program-specific bags that are co-collected with mixed municipal solid waste. After collection, the program-specific bags are separated from mixed municipal solid waste and recycled. Material to be collected shall follow the food scraps pickup program's list of accepted material.
12. Garbage. Discarded material resulting from the handling, processing, storage, preparation, serving, and consumption of food.
13. Recycling. The process of collecting and preparing Recyclable Materials for the purpose of 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.
14. Recyclable Materials. Materials that are separated from MMSW for the purpose of Recycling, which materials will be identified by the City Council, City's Solid Waste Contractor, and at least be inclusive of the Washington County standard list of residential curbside Recyclables.
15. Residential Dwelling Unit (RDU). RDU shall include single dwellings and can include up to four multi-dwelling residences including residential manufactured homes and

businesses operating out of a residence.

16. Solid Waste or Waste. Garbage, 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.
17. Scavenge or Scavenging. Shall mean the unauthorized collection of recyclable materials that have been set out by residents of the City specifically for collection by City or County authorized haulers.
18. Unauthorized Materials. Any material(s) which is/are not (an) Authorized Material(s).

402.030. DISPOSAL.

1. Refuse, yard waste, and recycling containers. Every person shall set out authorized refuse, authorized yard waste, and authorized recyclable materials in the container(s) provided by the authorized hauler(s).
2. Carts. Carts or Curbside Carts will be provided to all RDUs for their Authorized Waste, Authorized Yard Waste, and Authorized Recyclable materials. The Authorized Hauler shall furnish and deliver Carts for MMSW and Recycling in small, medium, and large sizes to Residential Dwellings. Residents shall be allowed to choose the number and size of the Cart(s) for their residence and will be billed according to the Rate Schedule as established by resolution of the City Council. Carts will remain the property of the Contractor. Additional carts can be requested at the expense of the RDU owner.
  - a. Additional MMSW may be placed for pickup in sealed black bags.
  - b. It is the property owner's responsibility to clean any litter resulting from disturbed bagged MMSW.
3. Cart placement and time of day. It is the responsibility of all persons occupying or controlling any residence to:
  - a. Place garbage and/or recycling carts at the curb for collection, and at ground level, or as directed by the Authorized Hauler.
  - b. On non-collection days said containers shall be screened from view. If carts are stored outside, they shall be secured and maintained in a stationary manner.

- c. Carts shall not be set out for garbage and/or recycling pickup earlier than 3:00 p.m. on the day preceding garbage and/or recycling pickup.
- d. Carts shall be retrieved and returned to the premises 24 hours after collection. by 11:59 p.m. on the day of collection.

Commented [RK2]: Council may want to discuss

- 4. Screening of containers. Except on the day of collection, refuse, yard waste, and recycling containers greater than 96 gallons in volume shall be screened from view.
- 5. Items outside containers. Authorized Bulky Waste items shall be set out separately. Authorized Materials that do not fit within the provided containers may be set out separately as specified by the authorized hauler. Such items shall be set out no sooner than one day before the scheduled pickup day and only with prior arrangement with the Authorized Hauler.
- 6. Materials for collection. No person shall set out Authorized Materials, except in the manner the Authorized Hauler specifies, nor shall any person set out Unauthorized Materials for collection by the Authorized Hauler.
- 7. Separation of materials. No person shall place materials for collection by the Authorized Hauler in any container not designated for those materials, nor shall any person mix materials for collection for which the Authorized Hauler requires separation.
- 8. Hours of operation. Collection of residential and commercial waste streams must be respectful of the City's Noise Ordinance. Collection of residential waste, recyclables, and yard waste shall not start before 7:00 a.m. or continue after 7:00 p.m. on the evening of the same date (Monday through Friday).

Exceptions to collection hours shall be affected only upon the mutual agreement of the City and hauler. Exceptions may include holidays, landfill operations, or when the hauler and City reasonably determine that an exception is necessary in order to complete collection on an existing collection route due to unusual circumstances. The City has the final decision in all exceptions.

- 9. Recycling. The city's contracted hauler is required to pick up recyclable materials at every Residential Dwelling that secures a Recycling Cart. [The City Council, by approving the Contractor, establishes recyclable materials as stated in the Washington County Standard List of Recyclables.] In the event the City, County, or State changes the list of recyclable materials, the City's contracted hauler shall begin collection of any additional recyclable materials not listed within 30 days of the adoption of the resolution unless written approval is obtained from the City.

Commented [RK3]: This is new

Commented [RK4R3]: Remove the word "resolution".

Authorized Hauler shall:

- a. Make available single-sort recycling services to all properties.
- b. Provide each new customer with detailed instructions on how to prepare recyclables for collection.
- c. Notify customers at least 30 days in advance before changing their recycling collection system and provide detailed instructions on how to prepare recyclables under the system.
- d. Notify customers at least once each year of proper recyclables preparation for collection, including the list of recyclable materials as defined in the Washington County Standard List of Recyclables.

Authorized Hauler shall not landfill or incinerate any recyclable materials collected, nor sell, trade, or give materials to any person or business for the purpose of landfilling or incinerating said materials without the prior written consent of the City, the County, and the state of Minnesota.

10. Materials for non-collection pickup. Unless such acts violate City Code other than this chapter, or create a hazard, obstruction, unsanitary condition or nuisance, materials may be placed out for others to pick up without cost or for sale on a lot or on street right-of-way. However, no resident or owner of the property shall allow materials to remain for more than seven days, nor shall any resident place materials for pickup more than twice every three calendar months.
11. Hazardous waste. Hazardous waste shall be disposed of as required by Washington County and the state.
12. Resource recovery. Resource recovery is a desirable alternative to collection for disposal in landfill sites. No provision of this chapter shall abridge 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.
13. Demolition waste. All demolition waste must be disposed of in accordance with County regulations.
14. Clean fill. Dirt, stones, etc. used as clean fill is not covered under this chapter.

402.040. COLLECTION SUPERVISED BY CITY COUNCIL. All Solid Waste, MMSW, or Recycling Materials (hereinafter collectively referred to as "Solid Waste") accumulated in or at

RDUs 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, to authorize haulers by contract, to determine days of collection, types and location of waste containers, to limit or prescribe fees charged by Authorized Haulers, and such other matters as it deems necessary provided that such are not contrary to the provisions of this Code. The City shall have the right and duty to administer this Ordinance.

Authorized Hauler agrees that during the life of the contract, the Authorized Hauler will not, within the state of Minnesota, discriminate against any employee or applicant for employment because of race, color, creed, national origin, ancestry, or sex and will include a similar provision in all subcontracts entered into for the performance thereof.

402.XXX. LICENSING AND LICENSEE RESPONSIBILITIES; COUNTY LICENSE REQUIRED. It shall be unlawful for any person to collect Solid Waste from any person for a fee or other charge or under contract within the City without having first secured a license from the County. This Ordinance requires that appropriate licenses be obtained from Washington County for the establishment and operation of Solid Waste Management activities and Facilities. The City may have the right and duty to approve and consider all license applications submitted to the County for operation of all Solid Waste Management activities, Sites, or Facilities, and hauling services within the City.

402.045. EXCLUSION OF UNAUTHORIZED HAULERS. The purpose of city-authorized haulers is to reduce traffic on city streets and roads, to reduce noise and pollution, and to secure better contract terms for collection. No person shall receive regular collection of refuse or recycling from any hauler except an Authorized Hauler. It shall be unlawful for any person who is not authorized by the City or County to take or collect recyclable material set out for authorized collection programs within the City.

402.050. STANDARDS. No person shall cast, place, sweep or deposit any Waste Materials in such manner that it may be carried or deposited by the elements off the property within the City, nor shall any person burn or permit burning of Waste Materials.

402.055. OWNERSHIP. The person or household from which the materials originate shall own recyclable materials set out for the purpose of participating in curbside recycling programs until collected by the authorized hauler. Upon collection, the authorized hauler shall own the materials. Nothing in this ordinance shall abridge the right of any individual or household to give or sell their recyclable materials to any recyclable materials program. No person shall scavenge recyclable materials.

402.070. FEES FOR COLLECTION AND DISPOSAL. The fees for collection and disposal of Waste Materials for each container size shall be set equally for all persons by the City's authorized hauler(s), subject to restrictions imposed by the City Council. The authorized hauler(s) shall not charge a fee to residents for recycling. All amounts due hereunder shall be payable to the authorized hauler, and the authorized hauler may set and collect additional fees for collection of yard waste, compost, bulky items, late payments, or for services other than the scheduled collection of Waste Materials and recycling in the containers provided by the authorized hauler.

**CHARGES BECOME A LIEN.** Each charge levied by and pursuant to this section 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 30 days past due and having been properly billed to the occupant of the premises served, shall be certified by the City Administrator to the Auditor of Washington County each year. The City Administrator 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 Administrator, along with other taxes.

Commented [RK5]: They pay directly to Tennis

Commented [AL6R5]: This is part of original 402 ordinance

402.080. WASTE COLLECTION REQUIRED. Every RDU shall contract with the City's Authorized Hauler(s) for Recycling and Waste Materials collection. Residential services will be outlined in the contract between the City and the Authorized Hauler(s). Every owner must ensure Recycling and Waste collection are provided at each dwelling within 30 days of occupancy. Such service must be maintained during occupancy.

In addition to all criminal remedies available to it, the City may contract for recycling and refuse collection for any residence that does not contract with an Authorized Hauler and shall charge the costs of the contract and all direct or indirect administrative costs the City incurs.

DEPOSITING WASTE INTO PUBLIC PROPERTY. No person shall sweep or deposit any litter in any public place or public way except in public containers. Persons owning or occupying property shall keep any right-of-way bordering their property free of litter.

401.201.00 ABANDONMENT AND STORAGE OF BULKY WASTE. No person shall have any abandoned, unattended, or discarded refrigerator or other similar appliance which has an airtight door or lid with a snaplock or other locking device which may not be released from the inside, on any lot, or in any structure.

401.201.10 THROWING LITTER FROM VEHICLES. No person shall throw or deposit any litter from a vehicle upon any public place or public place except in public containers. Any person convicted of this section shall be punished per section 401.320. Enforcement.

402.090. MAINTENANCE OF LOTS. The owner of a lot shall maintain the lot consisting of weeds, grass lawn, trees, shrubs and other vegetation free and clear of all Waste Materials.

1. Rodent harborages prohibited in occupied areas. No occupant of any structure shall accumulate boxes, lumber, scrap materials, construction debris or any other similar materials in such a manner that may provide a rodent harborage in or about any dwelling. 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 or her expense, within a time not to exceed ten 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. Any resident may compost materials. Composting must not result in objectionable odors or any hazard to health or welfare or a public nuisance.

INSPECTION. The City shall have the right and duty to inspect containers set out on public right-of-way for collection to determine if the property Owner is in compliance with the provisions of this Ordinance.

401.200.20. SCAVENGING. No person shall scavenge or otherwise collect MMSW, Recyclables, Bulky Waste, Food Scraps, or Yard Wastes from containers or from public or private property unless licensed therefore by the County or unless permission of the owner of any such materials has been given.

401.200.30. BURYING AND BURNING PROHIBITED. No person shall bury any MMSW, recyclable materials, or other waste materials within the City and no person shall burn MMSW, or other waste materials.

401.200.40. ILLEGAL DUMPING/UNAUTHORIZED DUMPING. It shall be a violation of this Ordinance for any Person to Dispose of Solid Waste within Birchwood Village.

401.200.50. UNLICENSED OPEN DUMPS. It shall be a violation of this Ordinance for any Person to operate an Open Dump. Waste placed in Open Dumps or illegally Disposed of shall be



collected and transported to a licensed Waste Facility for proper Disposal by the Property Owner or other Person(s) determined by the City to be responsible for the illegal activity. The responsible party shall submit a closure plan for City review and shall close the dump in accordance with the following provisions.

1. The responsible party shall notify the City at least 10 days prior to commencement of excavation/removal activity at the subject Site. A receipt or other documentation approved by the City that indicates satisfactory and legal Disposal of the subject Solid Waste shall be submitted to the City no later than 14 days after Disposal.
  - a. Implementation of a water monitoring program may be required by the City based on the Open Dump's potential to adversely affect the public's health and the environment. Any required water monitoring program shall be conducted pursuant to MPCA rules, guidelines, procedures, and policies. Plans to protect the ground and surface water shall be approved by the City prior to implementation.
  - b. Surface water must be diverted around and away from the Open Dump.
  - c. Remove all containerized liquids, Hazardous Waste, and other items specified by the City for proper Processing or Disposal. Potentially Recyclable Materials may be removed for Processing or Marketing.
  - d. Establish and maintain final grade between 2% and 25% to promote surface water run-off without excessive erosion.
  - e. Establish vegetative cover consisting of shallow rooted perennials or other suitable vegetation.
  - f. The Owner of the property on which the Open Dump is located shall place on record an instrument with the Washington County Recorder, in a form prescribed by the City, placing the public on notice of the existence and location of the Open Dump and of the obligations placed upon parties holding an interest in the property and the restrictions which may affect the use of the property.

401.200.60. SOLID WASTE DISPOSAL PROHIBITION. No person shall discharge or dispose of Recyclables, Bulky Waste, MMSW, Source-Separated Organic Material (SSOM), Yard Wastes, or Hazardous Wastes in any street, alley, drive, park, playground, or other public place, or upon privately owned property.

401.310. ADDITIONAL REQUIREMENTS AND PROVISIONS.

401.310.10. Waivers or Modifications. Due to the great variability in the types of Solid Wastes and their existing and potential management methods, the City may waive or modify the strict application of the provisions of this Ordinance by reducing or waiving certain requirements when such requirements are unnecessary or impractical, provided such a waiver or modification

will not endanger the public health, safety, welfare, or the environment. The City may impose reasonable additional requirements through Solid Waste Management activity or Facility-specific license conditions when deemed necessary to protect the public health, safety, welfare, or the environment.

401.310.20. Agency Approval. No modification or waiver may be granted if it would result in noncompliance with Minn. Rules Chapter 7035 unless such modification or waiver has been granted by the Minnesota Pollution Control Agency.

401.310.30. Promotion of Public Health, Safety, and Welfare. Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this Ordinance, or any other applicable law, Ordinance, rule, and regulation, the provision which establishes the higher standards for the promotion and protection of the public health, safety, and welfare shall prevail.

401.310.40. Construction. This Ordinance shall not be construed to hold the City or the County or any officer or employee responsible thereof for any damage to Persons or property by reason of the inspection or reinspection authorized herein provided, or by reason of the approval or disapproval of equipment or licensing herein, nor for any action in connection with the inspection or control of Solid Waste or in connection with any other official duties.

401.310.50. No Consent. Nothing contained in this Ordinance shall be deemed to be a consent, license, or permit to locate, construct, operate, or maintain any Solid Waste Facility, or to carry on any activity.

401.310.60. Severability. If any provision of this Ordinance or the application thereof to any Person or circumstance is held invalid, said invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and for this purpose the provisions of the Ordinance are severable.

#### ENFORCEMENT.

401.320.20. MISDEMEANOR. Any Person within the City who violates this Ordinance, except for an activity or at a Site or Facility for which a license has been granted, or who shall permit such a violation to exist on the premises under his control, or who shall fail to take action to abate the existence of the violation within the specified time period when ordered or notified to do so by the City, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished therefore, as provided by law. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

401.320.30. INJUNCTIVE RELIEF. In the event of a violation or a threat of violation of this Ordinance, the City may institute appropriate actions or proceedings, including requesting injunctive relief to prevent, restrain, correct, or abate such violations or threatened violations.

401.320.40. CIVIL ACTION OR COST AS SPECIAL TAX. If a person fails to comply with the provisions of this Ordinance, the City may recover the cost incurred for corrective action in a civil action in any court of competent jurisdiction or, at the discretion of the County Board, the costs may be certified to the County Auditor as a special tax against the real property.

401.320.50. CITATION. The City may issue citations for violations of this Ordinance.

402.105 COMPLAINTS. The City shall log and investigate any complaint relating to this chapter under Chapter 618 of the City Code.

402.110. PENALTIES. Unless otherwise specified, 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, or a petty misdemeanor as noted.

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.

EFFECTIVE DATE: This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by M.S. § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of M.S. § 331A.01, subd. 10, as it may be amended from time to time.

Adopted by the City of Birchwood Village City Council this XXth day of [MONTH], 2024.

\_\_\_\_\_  
Margaret Ford, Mayor

Attest:

\_\_\_\_\_  
Rebecca Kellen, City Administrator-Clerk

**RED LINE VERSION**

~~To: Birchwood City Council  
From: Ryan Hankins  
Re: Cleaning up the Trash (Code)  
Or: Recycling the Recycling (Code)~~

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~~Please see remarks on sections 401 and 402 of the city code that relate to waste and recycling in the “findings and purpose” section below.~~

~~The most recent contract for Tennis that I could find is in the May 10, 2016 agenda.~~

**9.1. Present Schedule.** As of the date of execution of this Contract, Tennis Sanitation is charging Birchwood residents the following rates:

- 96 gallon container \$18.90 + \$1.84 (SWM) + \$5.29 (CEC) = \$26.03/month
- 64 gallon container \$15.75 + \$1.54 (SWM) + \$4.41 (CEC) = \$21.70/month
- 35 gallon container \$11.55 + \$1.13 (SWM) + \$3.23 (CEC) = \$15.91/month

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**9.2. Adjustments in Fee Schedule.** Tennis Sanitation may adjust the Schedule of Charges from time to time to reflect actual increases in disposal fees and/or county, state, local, and federal taxes. Increases for other reasons must be approved by the City. Tennis Sanitation shall notify the City and individual residents in writing of any increase in rates at least thirty days before such increases shall take effect.

~~The 2016 contract prescribes that fees for 35 gallon “solid waste” are \$11.55 + 1.13 for SWM + 3.23 for CEC = 15.91/month.~~

~~My fees on my last 2022 bill per month for 35 gallon service are \$14.76 + 1.44 for SWM + 5.17 for CEC = 21.37.~~

~~My fees on my 2023 bills per month for the same service were \$16.51 + 1.61 for SWM + 5.78 for CEC = 23.90~~

~~My fees on my 2024 bill per month for same service was: \$18.26 + 1.78 for SWM + 6.39 for CEC = 26.43~~

~~SWM is “Solid Waste Management,” and “CEC” is County Environmental Charge.~~

~~I can’t find a contract that mentions recycling.~~

~~For the 7 years from 2016 to 2022, that is an increase of about 3.6% per year in the pre-tax rate. Interestingly, the contract included in the May, 2016 agenda appears to expire December 31, 2013, but renews automatically. However, the memo in the agenda says the contract is in place until at least the end of 2017.~~

The increase in the pre-tax rate from 2022 to 2023 is 11.9%, and the increase from 2023 to 2024 was 10.6%.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE REPLACING ORDINANCE NO. 402, AND TITLED “SOLID AND HAZARDOUS WASTE MANAGEMENT.”**

**Findings and Purpose:**

~~The purpose of this section is to provide for handling of garbage, recycling, composting and other waste, to protect public health and to limit the visibility and harm of rubbish in the City.~~

~~Because the City now contracts with a private hauler to perform waste and recycling pickup, the hauler determines what is eligible for pickup and provides the containers. This change leaves to the hauler and its contract with the City what is authorized and which fees are collected. Because residents contract directly with the hauler, the hauler can collect unpaid charges privately. The hauler must collect recycling and refuse from every household, but may collect additional fees for collection of yard waste, bulky items or other services. The City may contract with a hauler and pursue tax certification for households that do not contract with an authorized hauler themselves.~~

~~The City has the authority to organize solid waste under Minnesota Statute 115A.94.~~

~~To reduce traffic and noise, households must use the City’s authorized hauler for regular pickup.~~

~~This code divides waste into general categories. These categories correspond to the categories into which our current hauler divides items.~~

- ~~• Authorized recycling, yard waste, refuse and bulky items include items in each of those categories that are accepted by the hauler.~~
- ~~• Unauthorized Items are items the hauler does not accept, and should not be set out for the hauler.~~

~~Several definitions are removed. “Hazardous Waste” is better defined and regulated by the state and county. “Incineration,” “Rear Yard,” “Resource Recovery Facility” and “Sanitary Landfill” are beyond the scope of what the City can reasonably regulate.~~

~~The section relating to disposal is significantly updated. Our current hauler provides containers not greater than 96 gallons. The City cannot reasonably enforce any code requiring screening of those containers, so the requirement to screen them is limited to larger sizes. Households must separate items for collection as the hauler requires and must arrange with the hauler for collection of items that do not fit into containers or that are not collected. The penalty for failing to separate items is a petty misdemeanor, however.~~

~~The hauler may determine where containers shall be set out; much of Birchwood places containers on only one side of the street and in some areas, residents place containers at a nearby street. Residents must place the containers where the hauler specifies and must allow neighbors to use their right of way if necessary. The requirement that containers be within 40 feet from the right of way is unreasonable for collection.~~

~~Unless the City wants to hire a compost mixing and moistening inspector, have the city clerk approve exceptional compost containers and support compost container rejection appeals to the council, the regulation of compost is overly complex and difficult to enforce. This change requires simply that composting does not result in odors, nuisances or health hazards.~~

~~A new section allows for materials to be offered for pickup from the curb or yard, but limits that materials must be picked up within fourteen days, and must be set out no more frequently than every three months.~~

~~Previously, only open dumpster fires were forbidden; this change forbids all dumpster fires. Figurative dumpster fires are still allowed at village hall.~~

~~Complaints relating to this chapter can be addressed using section 618. Penalties remain a misdemeanor, though penalties are reduced to a petty misdemeanor in one section.~~

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## Section 1.

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Commented [AL2]: Let's plan to discuss the use of the word "Authorized"

2. ~~Authorized Refuse Mixed Municipal Solid-Waste (MMSW).~~ All refuse materials that the authorized hauler accepts, Waste that is acceptable at the Designated Facility. Acceptable waste shall include garbage, and other municipal Solid Waste from residential and community activities that is generated and collected in aggregate and is not otherwise

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defined herein as Unacceptable Waste. No amount of Hazardous Waste or Infectious Waste that is regulated by law is acceptable at the Designated Facility. All household waste is Acceptable Waste unless it is otherwise regulated or prohibited by law.

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Authorized Recycling. ~~All recyclable materials that the authorized hauler accepts. Materials that are separated from MMSW for the purpose of Recycling, which materials will be identified by the City Council, City's Solid Waste Contractor, and at least be inclusive of the Washington County standard list of residential curbside Recyclables. The list of Recyclable Material shall be provided to customers and updated on a regular basis as marketplace changes for recyclables.~~

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4. Authorized Bulky Item. ~~Any item or material that the authorized hauler accepts only separately from authorized refuse or authorized recycling. Furniture, large toys, bicycles, lawnmowers, lawn chairs, carpet, and other Solid Waste with weights or volumes greater than those allowed for bags or Carts. Bulky Waste does not include construction debris, hazardous waste, or Consumer Electronics.~~

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5. Authorized Yard Waste or Compost. ~~All yard waste or compost materials that the authorized hauler accepts. Means green/lawn clippings, leaves, weeds, garden waste (tomato vines, carrot tops, cucumber vines, etc.) soft-bodied plants (flowers and vegetable plants) small non-woody shrub trimmings or twigs (1/4 inch diameter maximum), pine cones and needles.~~

4.

5-6. Authorized Materials. All Authorized Refuse, Authorized Recycling, Authorized Bulky Items and Authorized Yard Waste or Compost.

6-7. Compost or Composting. Any above-ground microbial process that converts ~~yard waste organic materials~~ to ~~organic~~ a soil amendment or mulch by decomposition of material through an aerobic process providing adequate oxygen and moisture.

7-8. Demolition waste. Waste building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition of buildings and roads.

9. Disposal. The discharge, deposits, injection, dumping, spilling, leaking, or placing of any solid or hazardous waste or any constituent thereof which ~~may~~ enter the

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environment or be emitted into the air or discharged into any water, including ground waters.

10. Food Scraps. Food scraps are discarded organized waste from unused food or food residue.

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11. Food Scraps Pickup Program (FSPP). Ramsey and Washington counties' food scraps pickup program is a program that allows Ramsey and Washington county participants to collect and dispose of food scraps using program-specific bags that are co-collected with mixed municipal solid waste. After collection, the program-specific bags are separated from mixed municipal solid waste and recycled. Material to be collected shall follow the food scraps pickup program's list of accepted material.

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

13. Recycling. The process of collecting and preparing Recyclable Materials for the purpose of 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.

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14. Recyclable Materials, ~~or Recycling. Materials that are separated from mixed municipal solid waste for the purpose of recycling.~~ Materials that are separated from MMSW for the purpose of Recycling, which materials will be identified by the City Council, City's Solid Waste Contractor, and at least be inclusive of the Washington County standard list of residential curbside Recyclables.

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10.—Residential Dwelling Unit (RDU): Residential Dwelling Unit shall include single dwellings and can include up to four multi-dwelling residences including residential manufactured homes and businesses operating out of a residence.

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16. Solid Waste or Waste, ~~Refuse. All waste products which are wholly or partly composed of such materials as garbage, rubbish, waste materials, or any other such substance which may become a nuisance and/or a health hazard.~~ Garbage, and other discarded solid materials including solid waste materials and waste sludges resulting from industrial, commercial, and agricultural operations and from community activities.

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~~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.~~

~~11.~~

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~~12. Rubbish. All nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, grass and shrubbery clippings, wood, glass, brick, plaster, bedding, crockery, leaves, dead trees or branches thereof, rags, plastic, and other similar materials.~~

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~~18. Scavenge or Scavenging. Shall mean the unauthorized collection of recyclable materials that have been set out by residents of the City specifically for participating in curbside recycling programs for collection by City or County authorized haulers.~~

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~~14.19. Unauthorized Materials. Any material(s) which is/are not (an) Authorized Material(s).~~

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~~15.20. Waste Materials. Materials such as paper, cardboard, tin cans, grass and shrubbery clippings, wood, glass, brick, plaster, bedding, crockery, leaves, dead trees or branches thereof, rags, plastic, and other similar materials, any other material which is a nuisance or a health hazard.~~

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~~16.21. Yard Waste. Means grass and lawn clippings, leaves, weeds, garden, soft bodied, small non woody shrub trimmings or twigs that are 1/4 inch diameter or less, pine cones, and needles.~~

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#### 402.030. DISPOSAL.

1. Refuse, yard waste and recycling containers. Every person shall set out authorized refuse, authorized yard waste and authorized recyclable materials in the container(s) provided by the authorized hauler(s).

2. Carts. Carts or Curbside Carts will be provided to all RDUs for their Authorized Waste, Authorized Yard Waste and Authorized Recyclable materials. The Authorized Hauler shall furnish and deliver Carts for MMSW and Recycling in small, medium, and large

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sizes to Residential Dwellings. Residents shall be allowed to choose the number and size of the Cart(s) for their residence and will be billed according to the Rate Schedule as established by resolution of the City Council. Carts will remain the property of the Contractor. Additional carts can be requested at the expense of the RDU owner.

- a. Additional MMSW may be placed for pickup in sealed black bags.
- b. It is the property owner's responsibility to clean any litter resulting from disturbed bagged MMSW.

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3. Cart placement and time of day. It is the responsibility of all persons occupying or controlling any residence to:

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- a. Place garbage and/or recycling carts at the curb ~~or alley~~ for collection, and at ground level ~~no more than forty (40) feet from the right of way of the nearest street, or as directed by the Authorized Hauler.~~
- b. On non-collection days said containers shall be screened from view. If carts are stored outside, they shall be secured and maintained in a stationary manner.
- c. Carts shall not be set out for garbage and/or recycling pickup earlier than 3:00 p.m. on the day preceding garbage and/or recycling pickup.
- ~~d. Carts shall be retrieved and returned to the premises 24 hours after collection, by 11:59 PM on the day of collection.~~

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3.4. Screening of containers. Except on the day of collection, refuse, yard waste and recycling containers greater than 96 gallons in volume shall be screened from view.

3.5. Items outside containers. Authorized ~~B~~Bulky ~~Waste~~ items shall be set out separately. Authorized ~~M~~materials that do not fit within the provided containers may be set out separately as specified by the authorized hauler. Such items shall be set out no sooner than one day before the scheduled pickup day and only with prior arrangement with the Authorized Hauler.

~~4.6. Excess items by arrangement only. No person shall set out Authorized Bbulky Waste items or items outside containers except by prior arrangement with the Aauthorized Hhauler.~~

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~~5.7. Materials for collection.~~ No person shall set out ~~A~~authorized ~~M~~materials, except in the manner the ~~A~~authorized ~~H~~hauler specifies, nor shall any person set out ~~U~~authorized ~~M~~materials for collection by the ~~A~~authorized ~~H~~hauler.

8. Separation of materials. No person shall place materials for collection by the ~~a~~Authorized ~~H~~hauler in any container not designated for those materials, nor shall any

person mix materials for collection for which the Authorized Hauler requires separation.

9. Hours of operation. Collection of residential and commercial waste streams must be respectful of the City's Noise Ordinance. Collection of residential waste, recyclables, and yard waste shall not start before 7:00 a.m. or continue after 7:00 p.m. on the evening of the same date (Monday through Friday).

6. Exceptions to collection hours shall be affected only upon the mutual agreement of the City and hauler. Exceptions may include holidays, landfill operations, or when the hauler and City reasonably determine that an exception is necessary in order to complete collection on an existing collection route due to unusual circumstances. The City has the final decision in all exceptions.

~~10. Time and manner of placement. Each person or household shall place authorized materials for collection in the location and at the time of collection required by the authorized hauler(s). For the purpose of reducing traffic or effort, an authorized hauler may require placement of materials for collection at a nearby street or across the street from the household.~~

~~7.~~

~~11. Placement on right of way. No person shall prevent any other person from placing materials for collection in a location on a right of way specified by the authorized hauler(s). Each person who places containers or materials on another person's right of way shall remove the containers or uncollected materials by 11:59 PM on the day of collection.~~

12. Recycling. The city's contracted hauler is required to pick up recyclable materials at every Residential Dwelling that secures a Recycling Cart. The city council, by resolution, approving the Contractor, establishes recyclable materials as stated in the Washington County Standard List of Recyclables. In the event the city, county, or state changes the list of recyclable materials, the city's contracted hauler shall begin collection of any additional recyclable materials not listed within 30 days of the adoption of the resolution unless written approval is obtained from the city.

Authorized Hauler shall;

- a. Make available single-sort recycling services to all properties.
- b. Provide each new customer with detailed instructions on how to prepare recyclables for collection.

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c. Notify customers at least thirty (30) days in advance before changing their recycling collection system and provide detailed instructions on how to prepare recyclables under the system.

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d. Notify customers at least once each year of proper recyclables preparation for collection, including the list of recyclable materials as defined in the Washington County Standard List of Recyclables.

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Authorized Hauler shall not landfill or incinerate any recyclable materials collected, nor sell, trade, or give materials to any person or business for the purpose of landfilling or incinerating said materials without the prior written consent of the City, the County, and the State of Minnesota.

13. ~~402.085. MATERIALS FOR PICKUP~~ Materials for pickup. Unless such acts violate City Code other than this chapter, or create a hazard, obstruction, unsanitary condition or nuisance, materials may be placed out for others to pick up without cost or for sale on a lot or on street right-of-way. However, no resident or owner of the property shall allow materials to remain for more than seven days, nor shall any resident place materials for pickup more than twice every three calendar months.

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9.14. Hazardous waste. Hazardous wastes shall be disposed of as required by Washington County and the state.

10.15. Resource recovery. Resource recovery is a desirable alternative to collection for disposal in landfill sites. No provision of this chapter shall abridge 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.

11.16. Demolition waste. All demolition waste must be disposed of in accordance with County regulations.

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

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~~12.~~

402.040. COLLECTION SUPERVISED BY CITY COUNCIL. ~~The City Council shall have the authority to make rules and regulations, to authorize haulers by contract, to determine days of collection, types and location of waste containers, to limit or prescribe fees charged by Authorized Haulers, and such other matters as the City Council deems necessary provided that such are not contrary to the provisions of this Code. All Solid Waste, MMSW, or Recycling~~

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Materials (hereinafter collectively referred to as “Solid Waste”) accumulated in or at Residential Dwellings Units (RDUs) 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, to authorize haulers by contract, to determine days of collection, types and location of waste containers, to limit or prescribe fees charged by Authorized Haulers, and such other matters as it deems necessary provided that such are not contrary to the provisions of this Code. The City shall have the right and duty to administer this Ordinance.

Authorized Hauler agrees that during the life of the contract, the Authorized Hauler will not, within the State of Minnesota, discriminate against any employee or applicant for employment because of race, color, creed, national origin, ancestry, or sex and will include a similar provision in all subcontracts entered into for the performance thereof.

402.XXX. LICENSING AND LICENSEE RESPONSIBILITIES; COUNTY LICENSE REQUIRED. It shall be unlawful for any person to collect Solid Waste from any person for a fee or other charge or under contract within the city without having first secured a license from the County. This Ordinance requires that appropriate licenses be obtained from Washington County for the establishment and operation of Solid Waste Management activities and Facilities. The City may have the right and duty to approve and consider all license applications submitted to the County for operation of all Solid Waste Management activities, Sites, or Facilities, and hauling services within the City.

402.045. EXCLUSION OF UNAUTHORIZED HAULERS. The purpose of city-authorized haulers is to reduce traffic on city streets and roads, to reduce noise and pollution, and to secure better contract terms for collection. No person shall receive regular collection of refuse or recycling from any hauler except an Aauthorized Hauler. It shall be unlawful for any person who is not authorized by the City or County to take or collect recyclable material set out for authorized collection programs within the City.

402.050. STANDARDS. No person shall cast, place, sweep or deposit any Waste Materials in such manner that it may be carried or deposited by the elements off the property within the City, nor shall any person burn or permit burning of Waste Materials.

402.055. OWNERSHIP The person or household from which the materials originate shall own recyclable materials set out for the purpose of participating in curbside recycling programs until collected by the authorized hauler. Upon collection, the authorized hauler shall own the materials. Nothing in this ordinance shall abridge the right of any individual or household to

give or sell their recyclable materials to any recyclable materials program. No person shall scavenge recyclable materials.

402.070. FEES FOR COLLECTION AND DISPOSAL. The fees for collection and disposal of Waste Materials for each container size shall be set equally for all persons by the City's authorized hauler(s), subject to restrictions imposed by the City Council. The authorized hauler(s) shall not charge a fee to residents for recycling. All amounts due hereunder shall be payable to the authorized hauler, and the authorized hauler may set and collect additional fees for collection of yard waste, compost, bulky items, late payments, or for services other than the scheduled collection of Waste Materials and recycling in the containers provided by the authorized hauler.

CHARGES BECOME A LIEN. Each charge levied by and pursuant to this section 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 Administrator to the Auditor of Washington County each year. The City Administrator 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 Administrator, along with other taxes.

402.080. WASTE COLLECTION REQUIRED. Every ~~owner or resident~~ Residential Dwelling Unit shall contract with the City's ~~a~~ authorized H ~~h~~ auler(s) for ~~R~~ ecycling and Waste Materials collection. Residential services will be outlined in the contract between the City and the Authorized Hauler(s). Every owner must ensure ~~R~~ ecycling and ~~Waste~~ fd ~~collection~~ are provided at each dwelling within 30 days of occupancy. Such service must be maintained during occupancy.

In addition to all criminal remedies available to it, the City may contract for recycling and refuse collection for any residence that does not contract with an ~~A~~ authorized H ~~h~~ auler and shall charge the costs of the contract and all direct or indirect administrative costs the City incurs.

DEPOSITING WASTE INTO PUBLIC PROPERTY. No person shall sweep or deposit any litter in any public place or public way except in public containers. Persons owning or occupying property shall keep any right-of-way bordering their property free of litter.

401.201.00 ABANDONMENT AND STORAGE OF BULKY WASTE. No person shall have any abandoned, unattended, or discarded refrigerator or other similar appliance which has an

airtight door or lid with a snaplock or other locking device which may not be released from the inside, on any lot, or in any structure.

401.201.10 THROWING LITTER FROM VEHICLES. No person shall throw or deposit any litter from a vehicle upon any public place or public place except in public containers. Any person convicted of this section shall be punished per section 401.320. Enforcement.

~~Each charge levied by and pursuant to this section 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 Administrator to the Auditor of Washington County each year. The City Administrator 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 Administrator, along with other taxes.~~

~~402.085. MATERIALS FOR PICKUP. Unless such acts violate City Code other than this chapter, or create a hazard, obstruction, unsanitary condition or nuisance, materials may be placed out for others to pick up without cost or for sale on a lot or on street right of way. However, no resident or owner of the property shall allow materials to remain for more than seven days, nor shall any resident place materials for pickup more than twice every three calendar months.~~

402.090. MAINTENANCE OF LOTS. The owner of a lot shall maintain the lot consisting of weeds, grass lawn, trees, shrubs and other vegetation free and clear of all Waste Materials.

1. Rodent harborages prohibited in occupied areas. No occupant of any structure shall accumulate boxes, lumber, scrap materials, construction debris or any other similar materials in such a manner that may provide a rodent harborage in or about any dwelling. 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 or her expense, within a time not to exceed ten 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. Any resident may compost materials. Composting must not result in objectionable odors or any hazard to health or welfare or a public nuisance.



INSPECTION. The City shall have the right and duty to inspect containers set out on public right-of-way for collection to determine if the property Owner is in compliance with the provisions of this Ordinance.

401.200.20. SCAVENGING. No person shall scavenge or otherwise collect MMSW, Recyclables, Bulky Waste, Food Scraps or Yard Wastes from containers or from public or private property unless licensed therefore by the County or unless permission of the owner of any such materials has been given.

401.200.30. BURYING AND BURNING PROHIBITED. No person shall bury any MMSW, recyclable materials, or other waste materials within the city and no person shall burn MMSW, or other waste materials.

401.200.40. ILLEGAL DUMPING/UNAUTHORIZED DUMPING. It shall be a violation of this Ordinance for any Person to Dispose of Solid Waste within Birchwood Village.

401.200.50. UNLICENSED OPEN DUMPS. It shall be a violation of this Ordinance for any Person to operate an Open Dump. Waste placed in Open Dumps or illegally Disposed of shall be collected and transported to a licensed Waste Facility for proper Disposal by the Property Owner or other Person(s) determined by the City to be responsible for the illegal activity. The responsible party shall submit a closure plan for City review and shall close the dump in accordance with the following provisions.

The responsible party shall notify the City at least 10 days prior to commencement of excavation/removal activity at the subject Site. A receipt or other documentation approved by the City that indicates satisfactory and legal Disposal of the subject Solid Waste shall be submitted to the City no later than 14 days after Disposal.

- a. Implementation of a water monitoring program may be required by the City based on the Open Dump's potential to adversely affect the public's health and the environment. Any required water monitoring program shall be conducted pursuant to MPCA rules, guidelines, procedures, and policies. Plans to protect the ground and surface water shall be approved by the City prior to implementation.
- b. Surface water must be diverted around and away from the Open Dump.
- c. Remove all containerized liquids, Hazardous Waste, and other items specified by the City for proper Processing or Disposal. Potentially Recyclable Materials may be removed for Processing or Marketing.
- d. Establish and maintain final grade between 2% and 25% to promote surface water run-off without excessive erosion.

- e. Establish vegetative cover consisting of shallow rooted perennials or other suitable vegetation.
- f. The Owner of the property on which the Open Dump is located shall place on record an instrument with the Washington County Recorder, in a form prescribed by the City, placing the public on notice of the existence and location of the Open Dump and of the obligations placed upon parties holding an interest in the property and the restrictions which may affect the use of the property.

401.200.60. SOLID WASTE DISPOSAL PROHIBITION. No person shall discharge or dispose of Recyclables, Bulky Waste, MMSW, Source-Separated Organic Material (SSOM), Yard Wastes, or Hazardous Wastes in any street, alley, drive, park, playground, or other public place, or upon privately owned property.

401.310. ADDITIONAL REQUIREMENTS AND PROVISIONS.

401.310.10. Waivers or Modifications. Due to the great variability in the types of Solid Wastes and their existing and potential management methods, the City may waive or modify the strict application of the provisions of this Ordinance by reducing or waiving certain requirements when such requirements are unnecessary or impractical, provided such a waiver or modification will not endanger the public health, safety, welfare, or the environment. The City may impose reasonable additional requirements through Solid Waste Management activity or Facility-specific license conditions when deemed necessary to protect the public health, safety, welfare, or the environment.

401.310.20. Agency Approval. No modification or waiver may be granted if it would result in noncompliance with Minn. Rules Chapter 7035 unless such modification or waiver has been granted by the Minnesota Pollution Control Agency.

401.310.30. Promotion of Public Health, Safety, and Welfare. Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this Ordinance, or any other applicable law, Ordinance, rule, and regulation, the provision which establishes the higher standards for the promotion and protection of the public health, safety, and welfare shall prevail.

401.310.40. Construction. This Ordinance shall not be construed to hold the City or the County or any officer or employee responsible thereof for any damage to Persons or property by reason of the inspection or reinspection authorized herein provided, or by reason of the approval or disapproval of equipment or licensing herein, nor for any action in connection with the inspection or control of Solid Waste or in connection with any other official duties.

401.310.50. No Consent. Nothing contained in this Ordinance shall be deemed to be a consent, license, or permit to locate, construct, operate, or maintain any Solid Waste Facility, or to carry on any activity.

401.310.60. Severability. If any provision of this Ordinance or the application thereof to any Person or circumstance is held invalid, said invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and for this purpose the provisions of the Ordinance are severable.

#### ENFORCEMENT.

401.320.20. MISDEMEANOR. Any Person within the City who violates this Ordinance, except for an activity or at a Site or Facility for which a license has been granted, or who shall permit such a violation to exist on the premises under his control, or who shall fail to take action to abate the existence of the violation within the specified time period when ordered or notified to do so by the City, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished therefore, as provided by law. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

401.320.30. INJUNCTIVE RELIEF. In the event of a violation or a threat of violation of this Ordinance, the City may institute appropriate actions or proceedings, including requesting injunctive relief to prevent, restrain, correct, or abate such violations or threatened violations.

401.320.40. CIVIL ACTION OR COST AS SPECIAL TAX. If a Person fails to comply with the provisions of this Ordinance, the City may recover the cost incurred for corrective action in a civil action in any court of competent jurisdiction or, at the discretion of the County Board, the costs may be certified to the County Auditor as a special tax against the real property.

401.320.50. CITATION. The City may issue citations for violations of this Ordinance.

402.105 COMPLAINTS. The City shall log and investigate any complaint relating to this chapter under Chapter 618 of the City Code.

402.110. PENALTIES. Unless otherwise specified, 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, or a petty misdemeanor as noted.

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.

EFFECTIVE DATE: This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by M.S. § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of M.S. § 331A.01, subd. 10, as it may be amended from time to time.

Adopted by the City of Birchwood Village City Council this XXth day of ~~May~~[MONTH], 2024.

\_\_\_\_\_  
Margaret Ford, Mayor

Attest:

\_\_\_\_\_  
Rebecca Kellen, City Administrator-Clerk