

CHAPTER 6 SOLID WASTE AND ENVIRONMENT

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ARTICLE I. ENVIRONMENTAL MANAGEMENT COMMISSION

Sec. 6-01. Commission Established; Purpose of Commission. An Environmental Management Commission for the City of Oakdale is hereby established. The commission serves as an advisory board for the City Council and City Administrator. All conclusions reached by the commission shall serve as recommendations and powers of execution shall be vested in the City Council.

Sec. 6-02. Functions and Duties of Commission. The Environmental Management Commission shall act in an advisory capacity to the City Council and City Administrator in all matters pertaining to solid waste, recycling, composting, storm water run-off, water quality improvements, wetland conservation and management, air quality, ground and drinking water, tree preservation, and energy conservation. Specific responsibilities of the commission shall be:

- (a) To assist the City Council in developing and reviewing policies, plans, reports, regulations, and other matters affecting solid waste, recycling, composting, storm water run-off, water quality improvements, wetland conservation and management, air quality, ground and drinking water, tree preservation, energy conservation, and other issues affecting the environment that may be assigned by the City Council.
- (b) To advise the City Council and residents on solid waste, recycling, composting, storm water run-off, water quality improvements, wetland conservation and management, air quality, ground and drinking water, tree preservation, energy conservation, and other issues affecting the environment.
- (c) To assist in the collection of background data to determine goals, policies, and programs that will maintain or improve the environment in the city.
- (d) To assist in preparing public education materials and methods on solid waste, recycling, composting, storm water run-off, water quality improvements, wetland conservation and management, air quality, ground and drinking water, tree preservation, energy conservation, and other issues affecting the environment.
- (e) To recommend additional methods, policies, or procedures that will reduce the solid waste stream; expand recycling; reduce energy consumption, and/or improve the orderly disposal of solid waste.
- (f) To serve as the advisory body for any utility or program that pertains to solid waste, recycling, composting, storm water run-off, water quality improvements, wetland conservation and management, air quality, ground and drinking water, tree preservation, energy conservation, and other areas affecting the environment.

- (g) To cooperate with other agencies, commissions, and volunteer organizations to achieve common goals related to solid waste and the environment.

Sec. 6-03. Composition of Commission; Appointment to Commission. The Environmental Management Commission shall consist of seven (7) regular members, appointed by the City Council. A simple majority of the serving members shall constitute a quorum. Vacancies occurring during a term due to resignation or removal from the commission shall be filled by City Council appointment for the remainder of the unexpired term. Resignation of Environmental Management Commission members shall be submitted in writing to the City Council. At their discretion, the City Council may appoint up to two (2) student representatives to serve on the commission. Such individuals shall serve in an advisory role without voting privileges and do not need to meet the age or residency requirements for a commissioner.

Sec. 6-04. Terms of Members. Members of the Environmental Management Commission shall be appointed by the City Council for three (3) year terms. Terms, in general, begin July 1 of each year. Members that have served on one commission for three consecutive terms shall be given the option of submitting an application to be considered for appointment to another advisory commission or to submit an application to be considered for appointment to the same commission the following June. *Exception:* at the sole discretion of the City Council, seated commissioners that have served on one commission for three or more consecutive terms may be reappointed to the same commission when the continuation of their service on said commission is deemed vital to projects and/or programs under the purview of the commission. The initial term for appointments to the commission shall be staggered so that only three (3) new appointments or reappointments need to be made in any one year. (Ord. 833, 10/10/17)

Sec. 6-05. Organization of the Commission. The Environmental Management Commission shall elect from its membership, a Chairperson and Vice-Chairperson annually at its first meeting of the year. The election of Chairperson is subject to veto by the Mayor. The Environmental Management Commission shall adopt its own Rules of Order and Bylaws for the purpose of governmental procedure.

Sec. 6-06. Commission Meetings and Records. The Environmental Management Commission shall hold regular meetings as established in the Bylaws. These meetings shall be open to the public. The Environmental Management Commission shall submit copies of its meeting minutes to the City Council following each scheduled meeting and shall submit periodic reports when requested by the City Council.

Sec. 6-07. Removal of Commission Members. Commission members may be removed, at will, by action supported by a majority of the City Council. Also, given that the City Council expects diligence in attendance by the members at commission meetings, excessive absences will be considered as grounds for removal from the commission.

Sec. 6-08. Residency Requirement. No person appointed to represent the residents shall continue to serve on the commission once that member has taken residence outside of the corporate limits of Oakdale. A letter of resignation shall be submitted to the City Council in this instance.

ARTICLE II. RESIDENTIAL AND COMMERCIAL SOLID WASTE REQUIREMENTS

Sec. 6-09. Purpose. This ordinance is adopted for the following purposes:

- (a) To protect the public health, safety, comfort, convenience, and general welfare of the residents of the city.
- (b) To establish powers, duties, rules, regulations, and standards for the removal of solid waste from the city.
- (c) To promote programs and recommend policies to reduce waste and promote yard waste reduction through separation of recyclables and yard and garden wastes; and encourage the purchasing of products that are most durable or contain recycled or recyclable materials.
- (d) To meet minimum standards and requirements established by rules of the Minnesota Pollution Control Agency regarding solid waste.
- (e) To adopt the plans, policies, rules, standards, and requirements of the Metropolitan Council regarding solid waste.
- (f) To assure that the City is in compliance with the City's current Comprehensive Plan, the Washington County Solid Waste Management Master Plan 2012-2030 and any updates to those Plans approved by the City or the County.
- (f) To provide for the administration of the ordinance.

Sec. 6-10. Definitions. The following terms, as used in this Chapter, shall have the meaning stated:

- (a) **Bulky Waste** shall have the meaning set forth in Minnesota Statute 7035.0300 and is a subset of Municipal Solid Waste (MSW). Includes household items and other discarded materials that due to their dimensions and weight are typically not collected as part of the regular trash and recycling or for which there is a separate fee, such as furniture, carpeting, mattresses, and appliances including electronic devices.
- (b) **Collection Day** means the normal day for pick-up of MSW, recyclables, yard waste, and other materials outlined in this chapter.
- (c) **County** means County of Washington, in Minnesota.
- (d) **Composting** means a method of recycling yard waste by allowing it to decay and then using it as a soil amendment.
- (e) **Commercial Property Service** means providing solid waste and recycling pick up to any premises not primarily used for residential purposes and where a commercial, community, or industrial enterprise of any kind is carried on, including restaurants, clubs, churches, and schools.
- (f) **Construction/Demolition Waste** means construction materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition of buildings and roads, as well as sand, earth, brick, stone, crockery, trees, tree branches of more than two inches (2") in diameter, and tree stumps.

- (g) **Hazardous Wastes** has the meaning defined in Minnesota Statute 115A.96, state rule, and county ordinance. Wastes are hazardous in Minnesota when they display one or more of these characteristics: Ignitable, Oxidizer, Corrosive, Reactive, Toxic, or Lethal.
- (h) **Mixed Municipal Solid Waste (MSW)** has the meaning set forth in Minnesota Statute 115A.03 and means garbage, refuse, and other waste materials from residential, commercial, industrial, and community activities that the generator of the waste aggregates for collection, but does not include auto hulks, street sweepings, ash, construction debris, mining waste, sludge, tree and agriculture wastes, tires, lead acid batteries, used oil, and other materials collected, processed and disposed of as separate waste streams.
- (i) **Multiple Residential Dwelling Service** means providing solid waste and recycling pick up to any structure containing more than four (4) dwelling units that does not meet the definition of a residential dwelling service.
- (j) **Recyclable Materials, Recyclables** have the meaning set forth in Minnesota Statute 7035.0300 and means material that are separated from MSW for the purpose of recycling or composting, including recyclables. At a minimum, the list of recyclables shall be inclusive of the Washington County Standard List of Residential Curbside Recyclables.
- (k) **Recycling** shall have the definition in Minnesota Statute 7035.0300 and shall mean the process of collecting and preparing recyclable materials including yard waste and source-separated organic materials, and reusing the materials in their original form or using them in composting or manufacturing processes that do not cause the destruction of recyclable materials in a manner that precludes further use.
- (l) **Residential District** means any parcel that has one or more residential housing units and is primarily used for residential purposes.
- (m) **Residential Dwelling Service** means providing solid waste and recycling pick up to any single building consisting of one through four dwelling units with individual kitchen facilities for each. Individual condominiums and townhome units shall be considered residential dwellings for the purposes of this chapter.
- (n) **Residential Hauling District** means an area of the city in which all residential mixed municipal solid waste, recyclable materials and yard waste are collected on the same day.
- (o) **Residential Recycling Service** means providing recycling pick up only to any single building consisting of one through four dwelling units with individual kitchen facilities for each. Individual condominiums and townhome units shall be considered residential dwellings for the purposes of this chapter.
- (p) **Roll-Off Service** means providing an open top dumpster characterized by a rectangular footprint, utilizing wheels to facilitate rolling the dumpster into place. Roll-offs are commonly used to contain loads of construction and demolition waste or other waste types.
- (q) **Source Separate Organic Materials (SSOM)** shall include food waste and other compostable organic materials that are source separate for recovery and as defined in Minnesota Statute 7035.0300. The term “Organics” does not include Yard Waste for the purposes of this Ordinance. (Also referred to as “food waste/organics” and “source separated organics”.)

- (r) **Special Pick-up** means any collection of material other than MSW, recyclables, or yard waste. Special Pick-up includes Bulky Waste and Construction/Demolition Waste.
- (s) **Volume Based Billing** means a graduated rate structure based upon the volume of MSW collected from a residential dwelling, multiple-residential dwellings, or a commercial property.
- (n) **Waste Materials.** The following are waste materials: stone, sod, earth, trees, tree branches, wood, concrete, contractor's building materials, large automobile parts, junk cars, tires, large appliances, inflammable liquids, manure or articles so heavy or bulky that they cannot be easily lifted by one person. Waste materials are not considered "mixed municipal solid waste" for the purposes of this chapter.
- (o) **Yard Waste** means items such as leaves, garden waste, and grass clippings or other materials as defined by the City Council.

Sec. 6-11. Required Collection of Mixed Municipal Solid Waste. Every residential dwelling, multiple residential dwelling, and commercial establishment must be under a contract for at least weekly collection of mixed municipal solid waste. A residential dwelling, multiple residential dwelling, or commercial establishment may apply to the City Council or its designee for an exemption from this requirement if the applicant presents a plan, acceptable to the City Council or its designee, to insure an environmentally sound alternative.

Sec. 6-12. Disposal Requirements

- (a) It shall be unlawful for any person, firm or corporation to fail to dispose of MSW and other waste materials in a sanitary manner which may be or may accumulate upon property owned or occupied at least as often as hereinafter provided.
- (b) It is unlawful for any person or business to scavenge or otherwise collect MSW, recyclables, bulky wastes, yard waste, SSOM or construction/demolition waste at the curb or from containers without a license from the City and an account relationship with the owner of the premises.
- (c) Littering:
 1. No person shall cast, place, sweep, or deposit anywhere within the city any MSW, recyclables, bulky waste, SSOM, yard waste, or construction/demolition waste in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway, or other public place or onto any property within the city.
 2. No person shall place MSW, recyclables, bulky waste, SSOM, yard waste, construction/demolition waste or any other waste in any alley or other public place, or upon any private property whether owned by such a person or not, unless it is in proper containers for collection or under express approval granted by City staff; nor shall any person throw or deposit any MSW, recyclables, bulky waste, yard waste, construction/demolition waste, or any other waste into any stream or other body of water.

- (d) Recyclable materials shall be separated in accordance with hauler requirements and placed on the driveway apron behind the curb line on collection day. Recycling is voluntary but the separation of recyclable materials from the mixed municipal solid waste is encouraged. The hauler transports recyclables to a licensed recycling facility or deliver them to an end market for sale or reuse, or bring to an intermediate collection center for later delivery to a license processing center or end market for recycling. Haulers shall not landfill or incinerate any recyclable materials or materials collected for recycling, nor sell, trade or give recycling materials to any person or business for the purpose of landfilling or incinerating said materials.
- (e) Yard waste shall be separated from MSW and recyclable materials.
- (f) Contractor's waste building materials that accumulate on construction sites must be contained in a durable container to prevent waste from escaping. The capacity of the durable containers must be sufficient for the project or planned removal (pick-ups) must be scheduled. All roll-off containers placed in the City must be owned and serviced by a waste hauler that holds a valid City-issued Roll-Off License. Waste materials cannot be stored in the structure. Failure to contain and control waste building materials will result in a Stop Work Order.
- (g) It shall be unlawful to place or maintain a roll-off container on private property for more than twenty (20) days without written authorization from the City building official, or its designee. Said authorization may only be considered when the owner provides the City with a construction / demolition plan and removal date for the roll-off container. When determining whether to grant authorization under this paragraph, the building official, or its designee, shall consider whether the roll-off container will create a public nuisance or otherwise interfere with the health, safety, and enjoyment of adjacent properties. Each day that a violation of this paragraph exists shall constitute a separate offense. (Ord. No. 831, 8/08/17).
- (h) Disposing of MSW, recyclable materials, waste materials, or yard waste in an unregulated manner on any street, alley, drive, park, playground, or other public place or on any occupied or vacant privately owned lot shall constitute a violation of this section, whether such material is discarded by the individual upon whose premises the material originates or whether it is discarded by some other person or collector, licensed or unlicensed.

Sec. 6-13. Container Required and Placement.

- (a) Unless provided by the hauler, every person, firm or corporation who owns or occupies any residence or establishment where MSW and recyclable materials accumulate, who does not otherwise dispose of such materials in a sanitary manner, shall provide one or more covered containers sufficient to receive all MSW and recyclable materials which may accumulate between collections.
- (b) The owners, operators or managers of any multiple residential dwelling containing more than four rental dwelling units or of any firm or corporation where MSW and recyclable materials accumulates in excess of four 30-32 gallon containers per week may elect to have dumpster service weekly from a licensed hauler. The dumpsters shall be of a minimum capacity of one cubic yard and of an approved sanitary type with the proper attachments for lifting on to licensed trucks.
- (c) Unless provided by the hauler, every person, firm or corporation who owns or occupies any residence or establishment shall provide one or more covered containers sufficient to retain all recyclable materials that may accumulate between collections. The owners, operators or

managers of any multiple residential dwelling may elect to have stationary recycling containers on site for occupants to place recyclables in that comply with their hauler requirements for recyclable collection.

- (d) All MSW and recyclable materials containers shall be placed as follows in residential areas:
1. Except for collection day, all containers are prohibited from being stored in the front yard of the house and garage. However, due to a unique circumstance, containers can be allowed to be stored in the front yard area if they are totally screened from view; the Building Official must approve screening.
 2. On collection day, except where dumpster or in-yard service is required, containers shall be placed on the driveway apron behind the curb, in a location easily accessible for motor vehicle pick-up. Containers must be placed for pick-up just prior to 7 AM on the day of collection to insure service and to avoid interfering with snow removal operations. The hauler shall complete pick-ups by 7 p.m., unless emergency permission is granted by the Building Official, and all containers must be removed no later than 8 PM on collection day.
 3. All MSW and recyclables shall be stored out of sight of neighbors and not visible from the street, except with permission from the Building Official and then not longer than 72 hours.

Sec. 6-14. Burying and Burning. No person shall bury any MSW, recyclable materials, or other waste materials within the city and no person shall burn MSW, or other waste materials except in an incinerator located within a residence or other building that conforms to the requirements of the State of Minnesota.

Sec. 6-15. Rules and Regulations. The City Council shall have the authority to make rules and regulations concerning type and location of waste containers, the collection of yard and garden wastes and recyclables, license applications and the information required, and any other matter concerning solid waste management which is not in conflict with this chapter.

ARTICLE III. SOLID WASTE AND RECYCLING HAULER LICENSE REGULATIONS

Sec. 6-16. Purpose. To establish regulations and procedures for the collection and disposal of commercial and residential MSW, waste materials, recyclable material, yard waste, and other non-toxic and toxic wastes. These regulations are necessary to develop standard procedures for the collection and disposal of MSW and recyclable materials in meeting the purposes outlined in Article II – Residential and Commercial Solid Waste Requirements.

Sec. 6-17. License to Collect Required, Exception.

- (a) No person, firm or corporation, except city employees, shall collect MSW, recyclable materials, waste materials, SSOM or yard waste belonging to another in the city without a license from the city.
- (b) No person, firm or corporation, except city employees, shall scavenge, sort through, or in any way handle the MSW, recyclable material, yard waste, or any other waste materials of another person, firm or corporation without a license from the city or permission from the owner

thereof. Mixed municipal solid waste, recyclable materials, yard waste, and any other waste materials shall be considered the property of the generator until picked up by a hauler.

Sec. 6-18. Types of Licenses.

- (a) There shall be four license categories defined by the type of account served:
 - 1. Commercial Property/Multiple Residential Dwelling Service
 - 2. Residential Dwelling Service
 - 3. Residential Recycling Service
 - 4. Roll-Off Service
- (b) Commercial Property/Multiple Residential Dwelling Service and Residential Dwelling Service licenses include Residential Recycling Service and Roll-Off Service licenses.
- (c) Residential Recycling Service licensees may only collect recyclable materials.
- (d) Residential Dwelling Service licensees shall provide weekly collection day curbside recycling to all accounts.
- (e) Multiple Residential Dwelling Service licensees shall provide weekly recycling collection to all accounts unless otherwise authorized by the City Council.
- (f) Every licensed hauler shall separately collect and dispose of yard waste, unless otherwise authorized by the City Council.
- (g) Every licensed hauler shall make weekly collection of separated MSW, recyclable materials, and yard waste for all Multiple Residential Dwelling Service and Residential Dwelling Service accounts within the daily hauling districts, unless otherwise authorized by the City Council.
- (h) All licensees, except Residential Recycling Service licensees, shall provide for "special pick-up" as defined as Section 6-10(r) at the request of customers. A separate charge may be made for this service.

Sec. 6-19. Licensing Procedure. The City Council, in the interest of maintaining healthful and sanitary conditions in the city hereby reserves the right to specify and assign certain areas to licensees, to limit the number of licenses issued, to determine collection fees and otherwise regulate collection not covered by this chapter.

To control the number of heavy trucks that use city streets, to reduce the wear of those streets, to reduce air and noise pollution, and to reduce the traffic hazard in residential neighborhoods where children play, the city shall not issue more than five (5) licenses for Residential Dwelling Service, as defined in Section 6-10(m).

Sec. 6-20. Application Forms. Any person desiring a Haulers License shall complete and submit an application form along with the prescribed exhibits below to the City. City staff shall review the application and make a recommendation for approval/denial to the City Council. The City Council may, at its discretion, require additional information be obtained, or studies conducted, before rendering a determination on the application.

The prescribed exhibits include, but are not limited, to:

- (a) **Proof of insurance for property damage liability, general liability, and bodily injury liability.** The applicant shall provide proof of a comprehensive contractor's general policy in the minimum amounts of two million dollars (\$2,000,000) per occurrence. All policies cannot be modified or canceled without giving fifteen (15) days prior notice.
- (b) **Service addresses to be served in the city.** The Applicant shall provide a list of MSW can-type and dumpster-type pick-up service addresses of units receiving or to receive such service in the city. This list shall be separated by license categories.
- (c) **Indemnification.** Before a license shall be issued, the applicant shall file with the City Administrator an executed indemnification in the form provided by the City.
- (d) **Surety bond or cash deposit.** The applicant shall deposit with the application the sum of three thousand dollars (\$3,000) or, in the alternative shall file with the City a surety bond in an amount of three thousand dollars (\$3,000). The condition of said bond shall bind the holder of said license to comply with all applicable provisions of this Chapter and such other items as may be imposed by the City Council. Said bond shall be approved by the City Council. Where a cash deposit is used, all or any part thereof may be subject to forfeiture in the event of the violation of any provisions of this license, city codes, or terms imposed by the City Council. If, for any reason, any licensee shall be without insurance, or the surety bond, the license shall terminate immediately without any further action of the city.
- (e) **Notice to be given to residents for non-pickup of recyclable material.**
- (f) **Yard waste service plan, including location of composting or disposal site.**
- (g) **List of equipment.** All equipment must meet the following standards.
 - 1. **Vehicle Protection.** All trucks or motor vehicles used by the hauler shall be watertight so as not to allow the leakage of liquids or materials and shall be covered to prevent the scattering of contents upon the public streets or private properties in the city. Should any material be dropped or spilled in collecting or transporting, the driver shall immediately clean it up. Each vehicle shall contain specific procedures to follow in the event of the loss of hydraulic or other working fluids and for cleaning up any spilled items or debris.
 - 2. **Cleaning.** All vehicles shall be kept in a clean and sanitary condition.
 - 3. **Painting.** The packer body shall be painted and numbered, and shall have the hauler's name and telephone number painted in letters of a contrasting color, at least three inches (3") high, on each side of the vehicle and the number painted or decaled on the rear. Recycling equipment shall also display the National Recycling emblem.
 - 4. **Maintenance.** The trucks shall be maintained in good working order; maintained to minimize the loss of hydraulic or other working fluids and contain a broom, shovels, and other equipment designed to absorb and collect spilled items or debris. Trucks also shall be equipped to meet all federal, state, and municipal regulations concerning vehicles used on public roads and maintained to meet these standards.

5. **Description of Vehicles.** The hauler shall furnish the city with a written description of all vehicles and equipment to be used within the City of Oakdale and shall advise the city in writing of any withdrawal of a part of such equipment or of any change therein within one (1) week of the time of making such change. Such description shall include the number and type of vehicles weight and number of axles of all equipment, what type of equipment will be used when streets are posted, and the provisions established in the event the equipment is inoperable.
6. **Safety Equipment.** Each collection vehicle shall have a flashing light warning system, fire extinguisher (CO2 type, or comparable type) and proper backup alarms as approved by the city.
7. **Weight Limits.** City Code establishes weight restrictions for roads and weight restrictions during frost conditions. Rear-loading MSW compactor vehicles are restricted to 18,000 pounds per axle during frost conditions. Haulers can contact the City Engineer with questions on weight restrictions.

(h) **Rates and fee structure for services.** All licensed haulers must adhere to the following billing practices.

1. **Volume Based Fees.** Residential Dwelling Service licensee's rates shall include a minimum of two levels of regular service, priced on the basis of volume beginning at a volume of 32 gallons or less and in increments of 32 gallons or less. Such fee structure shall be filed as part of the application, along with the applicant's fee schedules for special pickup items and yard wastes.

Differences between rates charged for the various container sizes shall be sufficient to encourage recycling and waste reduction in accordance with Minnesota Statutes and the Washington County Solid Waste Master Plan.
2. **Charges Listed.** Haulers shall not impose a greater charge on residents who recycle than on those who do not recycle. Charges for recycling, yard waste, and non-taxable special pick-ups and additional services may be listed as "non-taxable services" and charged separately. The hauler shall notify each customer of the available services and rates charged for the services, specifically for recycling services, at least once a year.
3. **Recycling Fee.** The licensees must also include a specific line item that reflects the amount charged for recycling. In accordance with State Statute, no residential customer may be charged more for recycling service than a residential customer that does not recycle.
4. **Notification.** Every licensee shall notify customers 30 days in advance of any rate increase and provide written notification of any rate increase to the City Administrator 15 days prior to notification of the customer of such increase.
5. **Billing Practices.** As licenser, the city reserves the right to insure billing practices and charges for service are fair and conscionable. All licensed haulers shall reimburse any unearned fees to any customer who cancels service for any reason. Additionally, haulers shall not charge any fees to remove any bin from a customer's property when they cancel service except, a hauler may charge a service fee for bin removal if they

have entered into a written contract that expressly outlines this charge in the event the customer cancels service before the end of the contract period. In the event the city receives a complaint on billing practices it deems unfair and/or unconscionable, it shall send a violation notice to the hauler outlining the unacceptable billing practice. The hauler will be provided an opportunity to respond to the complaint before any enforcement action is taken.

6. **Containers.** Haulers that require specific container types for their recycling system shall provide such containers to customers at no additional charge.

Sec. 6-21. License Fee; Expiration; Transferability. The fee for a license required by this Chapter shall be determined by the City Council. Every license shall expire on December thirty-first each year. The fee for part of a year shall be prorated. No license shall be issued for more than one year. The license shall not be transferable from one person to another. No pro-rating of license fees shall occur for any reason.

Sec. 6-22. License Revocation or Suspension.

- (a) Every license required by this Chapter may be revoked, suspended or a civil fine of not more than \$2,500 may be imposed by the City Council for a violation of any law or regulation pertaining to solid waste adopted by the City, County or State. If the County revokes or suspends any hauler's license, the City license, in case of revocation, shall be automatically terminated without any further action of the City, or, in case of suspension, the City license shall also be automatically suspended for the same length of time, without further action of the City.

Sec. 6-23. Collection Procedures.

- (a) **Frequency of Collections.** Each licensed hauler shall collect MSW weekly (or more often as sanitary conditions warrant as determined by the City Administrator or Designee). Residential Dwelling Service licensees shall make weekly collection of separated MSW and yard waste for all Residential Dwelling Service accounts within the daily hauling districts; and shall provide weekly curbside recycling with each MSW collection.
- (b) **Collection Days and Hours of Operation.** For purposes of residential pick-up, the haulers shall limit their collections to the following schedule:
 - 1) Tuesday: That area south of TH 212 (34th Street North) and north of 10th Street North.
 - 2) Wednesday: That area south of 10th Street North.
 - 3) Friday: That area north of TH 212 (34th Street North).

It shall be unlawful for a licensed hauler to operate on residential streets in the city on any day, except for regularly scheduled collections, to collect a missed pick-up, a special pick-up or when an observed holiday falls within that week.

No hauler shall operate in a residential district after 7 PM or before 7 AM of any day, or operate in a residential district on Sunday, unless emergency permission is granted by the Building Inspector or authorized by Council Resolution.

- (c) **Special Pickups.** Each licensed hauler, except Residential Recycling Service licensees, shall provide for special pick-up. Special pick-up means any collection of materials other than MSW, recyclable materials or yard waste. The cost of such service shall be provided as part of the application, subject to change due to an increase or decrease in disposal costs.
- (d) **Notification.** The licensed hauler shall notify the City Administrator or Designee of the discontinuance of service to any premises with a five (5) day written notice prior to service being discontinued, if possible, but no later than the date service is actually discontinued.

Sec. 6-24. Recycling Procedures.

- (a) **Materials to be Collected.** Every Residential Dwelling Service and Residential Recycling Service licensed hauler is required to pick up recyclable materials. At a minimum, the list of recyclables shall be inclusive of the Washington County Standard List of Residential Curbside Recyclables. Minimum curbside recyclable materials include:

1. Boxboard including corrugated cardboard (OCC)
2. Envelopes - window and metal clasps acceptable
3. Magazines and catalogs
4. Mail, office and school papers
5. Newspaper and inserts
6. Phone books
7. Shredded paper in a closed paper bag
8. Milk and broth cartons
9. Juice box cartons
10. Food and beverage aluminum/tin/bimetal cans
11. Food and beverage glass bottles and jars
12. PET (#1) Plastic – water, soda, juice, ketchup and salad dressing bottles
13. HDPE (#2) Plastic – milk, juice, dish soap, detergent, shampoo and lotion bottles
14. PP (#5) Plastic – yogurt, pudding and fruit cups, butter and cottage cheese tubs

The City Council, by ordinance, establishes recyclable materials. In the event the list of recyclable materials is changed, licensed haulers shall begin collection of any additional recyclable materials within 30 days of the adoption of the ordinance unless written approval is obtained from the City.

- (b) **Collection.** Licensed haulers shall only collect recyclable materials properly prepared by the homeowner and placed in an approved recycling container. All licensed haulers shall provide single-sort, or comingled, recycling services to all residents. An approved recycling container for curbside collection is: a container with a capacity of at least fourteen (14) gallons; has wheels, suitable handles, or other mechanism to transport the container to the curb; and if over 18 gallons has a cover to prevent spillage.

The hauler shall have full responsibility to determine which items are properly prepared, but should make every reasonable effort to collect all items set out by residents for the purpose of recycling.

The 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 and the State of Minnesota.

- (c) **Notifications.** The hauler shall provide each new customer with detailed instructions on how to prepare recyclables for collection. Haulers must 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 new system.

When the hauler rejects the collection of recyclable materials, the hauler shall provide a written notice to the resident stating the reason(s) for not picking up the recycling material. This written notice shall be written on a form approved by the city. The licensee shall provide a copy of the notice as part of the application.

Sec. 6-25. Yard Waste and SSOM Procedures.

- (a) **Frequency of Collection.** Each licensed hauler shall make weekly collection of yard wastes within the daily residential hauling districts. When SSOM collection is begun, each licensed hauler shall make weekly collection of SSOM within the daily hauling districts.
- (b) **Materials to be Collected.** Yard waste means leaves and grass clippings or other materials as may be defined by Council resolution. The City Council shall determine the beginning of SSOM collection in the City.
- (c) **Collection Plan.** Every hauler as part of the application shall submit a service plan for yard waste pick-up. This plan at a minimum shall describe the services to be provided, the manner in which the applicant intends to collect and haul away yard waste, the licensed compost site to receive the yard waste, the method by which the hauler will inform its customers of yard waste collection service, and the fees for pickup service.

For the purpose of providing yard waste pick-up, the city will accept a plan which provides yard waste pickup through a subcontractor, provided an agreement to provide such service is in effect between a subcontractor and/or the hauler or City of Oakdale. The yard waste plan submitted shall remain in effect for the term of the license unless written approval to modify the plan is obtained from the city.

When SSOM collection begins, the same service plans, required disposal at a licensed facility, and reporting to the City shall be required as are required for yard waste collection.

- (d) **Notification.** The hauler in March and September shall notify each customer of the yard waste services, costs, and procedures for yard waste pickup provided by the hauler.

Sec. 6-26. Reporting Requirements.

- (a) **Access to Records.** Each Licensee shall provide to the city during normal business hours, access to books, documents, papers, and other records of the Licensee that are directly pertinent to the issuance and monitoring of the License and required reports.

- (b) **Required Reports.** Each hauler shall submit to Washington County recycling reporting that is consistent with the county's reporting requirements for recyclable materials.

Each hauler shall document and retain dated market weight receipts of recyclable materials sold for the last three years, which upon request will be made available to the City or Washington County for review.

Failure to keep accurate weights and/or to furnish this data to the City or Washington County within 30 business days of it being due shall entitle the city to administrative penalties and/or to revoke the collection license.

In addition to the above requirements, the hauler shall participate with the City or Washington County in tests to confirm the methodology and accuracy of the estimated weight of waste and recyclable materials.

Sec. 6-27. Complaint Procedures.

- (a) **Office Location.** The hauler shall establish and maintain an office with continuous supervision for accepting complaints and customer calls. The office shall be in service with continuous supervision during the hours of 8:00 AM to 4:30 PM on all days of collection in the city. A system for recording and responding to customer calls outside business hours shall be established and described in the application for license. The address and telephone number of such office and any changes therein shall be given to the City in writing.
- (b) **Complaint Response.** The hauler shall maintain a complaint response and file system. All complaints shall be answered courteously and promptly. The hauler is responsible for resolving all complaints received.
- (c) **Notification.** The City will notify the hauler of any unresolved complaints that it receives. The hauler shall provide a semi-annual report in a format prescribed by the City on the total number and type of complaints received and the resolution of those complaints.

Sec. 6-28. Violations.

- (a) **Reporting.** All licensed employees shall report to the Licensee any violations of these regulations or ordinances they observe in the performance of their work and the Licensee shall report all such violations to the City Administrator or Designee.
- (b) **Revocation or Suspension.** A license may be revoked, suspended, or a civil fine of not more than \$2,500 imposed by the City Council, if the Licensee neglects or fails to comply with the provisions of applicable Minnesota Statutes, Washington County ordinance, and the ordinances approved by the City Council with reference to Solid Waste and Recycling.

Whenever it is found that a violation exists, the City may take action to correct the conditions by serving a written order or notice upon the persons responsible therefore directing him/her to discontinue said violation or correct such condition that is in violation. No suspension or revocation takes effect until the licensee has been afforded an opportunity for a hearing under Minnesota Statutes, Sections 14.57 to 14.69 of the Administrative Procedure Act.

- (c) **Administrative Penalties** shall be enforced for license violations including:
1. Failure to comply with statutory and code requirements, including liability insurance.
 2. Failure to submit required reports by date specified by Ordinance or Washington County.
 3. Failure to provide the City with the name of the disposal facility used, upon request.
 5. Failure to ensure contents do not leak or spill from vehicles or during collection.
 6. Failure to clean-up solid or liquid spills or leaks from vehicles within one (1) hour.
 7. Failure to notify the City of rate changes in accordance with Sec. 6-20(h)4.
- (d) Administrative Penalties for Violations of City or State Solid Waste Regulations
1. First Violation: \$100 fine
 2. Second Violation: \$250 fine
 3. Third Violation: \$500 fine
 4. Fourth Violation: \$1,000 fine, plus suspension of license renewal for one (1) year.
- (e) The City Council retains the right to impose penalties in excess of those contained in this ordinance when in the judgement of the City Council it is appropriate to do so.
- (f) All licensed collectors under this article shall promptly remit to the City any Administrative Penalties imposed.
1. Administrative Penalties not remitted within forty-five (45) days of imposition shall be doubled on the forty-sixth (46th) day after the date of the City's notification to the licensee of the imposition of Administrative Penalties, and shall double again after each successive thirty (30) day period on which the Penalties are not fully remitted to the City.
 2. No license under this article shall be renewed or issued if the licensee, or individuals having interest in the business entity for which the license is sought, have any outstanding Administrative Penalties due to the City for that business entity or another business entity under their financial control.

If the County revokes or suspends any haulers license, the City license shall then automatically be revoked or suspended for the same length of time, without further action of the City.