

SECTION 13

313.001

SOLID WASTE REMOVAL IN THE CITY OF WINSTED

A. **Definitions.** Whenever the following words are used in this Section they shall mean:

1. "Commercial Establishment" shall mean any premises where a commercial or industrial enterprise of any kind is carried on, and shall include restaurants, clubs, churches, schools, hospitals, public buildings, and any other nonresidential premises where garbage accumulates. Commercial establishment shall also include dwelling units, accessory to a commercial establishment, provided that the units are able to use the garbage containers of the commercial establishment.
2. "Solid Waste" shall mean wastes, garbage and rubbish of all kinds that accumulate in the ordinary operation of a residential dwelling. It shall not include unacceptable waste such as hazardous waste, batteries, used motor oil, tires, and any other material listed as unacceptable by the State of Minnesota.
3. "Garbage" shall mean all putrescible wastes, including animal offal and carcasses of dead animals, but excluding human excreta, sewage and water carried wastes.
4. "Hauler" shall mean any person who collects or transports solid waste but does not include a self-hauler.
5. "Industrial Waste" shall mean all organic and inorganic wastes except garbage, resulting from any manufacturing, building repairing, demolition, construction, processing, grain cleaning, the operation of garages and service stations, and other similar activities.
6. "Multiple Residential Dwelling" shall mean any building used for residential purposes consisting of more than four dwelling units with individual kitchen facilities for each. "Multiple Family Dwelling" includes the "R-M" Manufactured Home Residential District.
7. "Other Refuse" shall mean ashes, nonrecyclable glass, crockery, cans, paper, boxes, rags and similar non-putrescible wastes, including sand, earth, brick, stone and concrete except when on-site construction is occurring; and trees, tree branches and wood except when stored as firewood.
8. "Recyclable" shall mean materials which may be recycled or reused through recycling processes.
9. "Residential Dwelling" shall mean any single building containing one through four residential dwelling units with individual kitchen facilities for each. "Residential Dwelling" includes townhouses.
10. "Self-Hauler" shall mean a person who transports their own solid waste for solid waste management purposes.

B. **Garbage Collection.** It shall be unlawful for any owner of an occupied residential dwelling, multiple residential dwelling, or commercial establishment not to have periodic collection or disposal of garbage or other refuse as required in this section. It shall be unlawful to dump or bury garbage and other refuse in the City.

C. **Storage.**

1. Containers used in the City for garbage or other refuse must be:
 - a) Made of metal or other suitable material that is not easily corrodible or combustible;
 - b) Watertight, insect and rodent-proof;

- c) Kept tightly covered when containing garbage or other refuse;
 - d) Placed in such a manner as to prevent them from being overturned;
 - e) Not placed upon any street or roadway without prior approval from the City; and
 - f) Maintained in a sanitary and safe condition, free of substance on the exterior that attracts or breeds flies, other insects, or rodents, and free of ragged or sharp edges or other defects that may impede or injure the person collecting the contents.
2. In addition, garbage or other refuse containers for residential dwellings must be:
- a) Equipped with suitable handles and tight-fitting covers; and
 - b) A size and weight that can be handled by one person; and
 - c) Only those containers supplied by the City contractor in such volumes and weight specified in the City contract; and
 - d) Provided in sufficient number to hold all garbage and refuse accumulating between collections; and
 - e) Washed and treated with a disinfectant as often as necessary to prevent a nuisance;
 - f) Be vendor approved containers; and
 - g) All special containers must meet the approval of the hauler based on sanitation safety, weight limitations and ease of handling.
3. In addition, garbage or other refuse containers for multiple residential dwellings and commercial establishments must be:
- a) Provided in sufficient size to hold all garbage or other refuse accumulating between collections; and
 - b) Conveniently located with respect to the residential units or establishment; and
 - c) Placed in an enclosure complying with the requirements of paragraph four (4) below; and
 - d) In compliance with applicable provisions of the City Zoning Ordinance.
4. Enclosures not complying with the requirements of this Section must be promptly repaired or replaced with ones that do comply. Whenever an enclosure is in poor condition, the hauler may tag the enclosure with a notice of the defects and the requirement to repair or replace the enclosure. A copy of the notice must be given to the City, and if on the next collection date, the enclosure has not been repaired or replaced, the hauler may notify the City and discontinue collections from the premises.
5. The property owner or occupant shall have the garbage or other refuse removed at regular intervals, being at least once per week, or as often as deemed necessary by the City.

D. General Operating and Equipment Standards.

- 1. All garbage, other refuse, or industrial waste which is collected must be secured in covered, leak-proof vehicles or containers such that loads will not blow free or discharge liquids from the hauler vehicle. Where spillage does occur, the material must be picked up immediately by the hauler or solid waste transporter. Spillage that cannot be immediately and completely cleaned up must be reported to the City.
- 2. All vehicles or containers which are used to collect garbage, other refuse, or industrial waste on a regular basis must be kept clean and free of residues of the waste materials so as to minimize problems associated with odors, animals, and insects.
- 3. No one shall collect or transport garbage, other refuse, or industrial waste that is smoking, smoldering, or burning, except in a container designed and approved by the fire marshal and the City for that purpose.

4. Garbage, other refuse, or industrial waste may not be stored in any type of collection or transportation vehicle for a period of more than forty-eight (48) hours. This period may be extended up to seventy-two (72) hours if the garbage, other refuse, or industrial waste cannot be disposed of or processed due to a legal holiday being celebrated on a Friday or Monday. Non-putrescible source-separated recyclable materials may be stored in collection and/or transportation vehicles for no longer than seven (7) calendar days.
5. No solid waste collection or transportation vehicle which is not thoroughly cleaned and free of waste residues may be parked outdoors within 500 feet of a commercial or residential structure not owned by the owner or the operator of the vehicle for more than two hours unless the City has been notified and has approved a longer duration.
6. All relevant Minnesota Department of Transportation (MnDOT) and Minnesota Department of Health (MDH) requirements regarding equipment, operations, and inspections and all applicable local, state and federal regulations must be met.

E. Licensing of Haulers.

1. No person shall collect garbage, other refuse, or industrial waste from any person, property, or business located within the City of Winsted, unless a license thereof shall first have been obtained from the City.
2. The City Council shall consider any application for a solid waste hauler license. If the Council finds that the applicant is licensed to collect in McLeod County, is responsible, has a good record of operations, is in compliance with applicable legal requirements, and has the proper equipment, facilities, resources and personnel to provide good quality collection service, and that it would be in the public interest to do so, it may direct the City Clerk to issue the license to the applicant.
3. The applicant shall submit to the City Clerk-Treasurer a certification of insurance containing such terms and in such an amount as shall be determined by the City Council.

F. City Contract.

1. The City Council may contract for collection of garbage or other refuse from residential dwellings in the City on such terms and for such periods as the Council may determine. The City Council may solicit proposals and award a contract based on the amount of the proposal submitted as well as considerations of overall cost, general safety, as well as the number and level of services offered.
2. Haulers shall have a registered office and notify the City Clerk-Treasurer of any change in the office.
3. Haulers shall furnish the equipment and personnel necessary for the collection of garbage or other refuse.
4. If the City has entered into a contract under this Subdivision, only haulers under contract with the City may collect the garbage or other refuse from residential dwellings within the City, and no other person shall make a business or collect a fee for the collection of garbage or other refuse from residential dwellings within the City.
5. The garbage or other refuse collected by the haulers shall be transported and disposed of in the manner provided by law.

6. Haulers shall furnish a performance bond or certificate of deposit in an amount determined by the City, conditioned upon the satisfactory performance of the contract, which designates the City as beneficiary and deposit the same with the City Clerk-Treasurer.
7. Haulers shall maintain such insurance in such amounts as is determined by the City Council, and shall name the City and its elected and appointed officials and employees as additional insureds under such insurance.
8. Haulers shall at all times maintain Worker's Compensation Insurance.
9. Haulers shall protect, defend, hold harmless and release the City, its elected and appointed officials and employees from any and all claims, demands, judgments, fines, penalties, assessments, settlements, costs and expenses, including attorney fees and costs, arising out of, or relating to the contract and the performance of the contract and collection activities.
10. Haulers shall comply with all applicable county ordinances and regulations and state laws and regulations not inconsistent with this chapter unless such laws supersede the provisions of this chapter.

G. Service Charge.

1. The contract between the City and the hauler shall specify whether the City or the hauler will send bills to the premises served. The City, or the City's hauler, shall charge each dwelling served on the basis of service rendered, as determined by the Council. The bill for such charges shall be sent to the persons served.
2. If the City has selected to send bills to the premises served, following thirty (30) days-notice to the property owner and/or occupant, any charge for collection service not remitted in a timely manner may be collected by the City Council as an assessment against the property pursuant to civil litigation.

H. Hours of Operation.

1. Haulers servicing commercial establishments must operate between the hours of 6:00 a.m. and 8:00 p.m.
2. Haulers servicing residential dwellings or multiple residential dwellings must operate between the hours of 7:00 a.m. and 5:00 p.m.
3. No collection of garbage, other refuse, or industrial waste shall be allowed on Sundays.