

ORDINANCE NO. 31

AN ORDINANCE RELATING TO AND REGULATING AND CONTROLLING THE COLLECTION AND DISPOSAL OF GARBAGE AND REFUSE IN THE TOWN OF WHITE BEAR, RAMSEY COUNTY, MINNESOTA, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF

THE TOWN BOARD OF THE TOWN OF WHITE BEAR ORDAINS:

SECTION 1. PURPOSE AND INTENT. It is the intent of the Town Board of Supervisors, by means of this ordinance, to establish a system of complete regular mixed municipal solid waste, appliance, recyclable, and yard waste collection throughout the Town in order to insure that the disposal of such materials is accomplished in a sanitary manner, safeguarding the health of the residents of the Town, and to implement the State of Minnesota's recycling and solid waste reduction mandates.

SECTION 2. AMENDMENT AND REPEAL OF CONFLICTING ORDINANCES. Ordinance No. 31 of the Town of White Bear, Ramsey County, Minnesota, adopted September 8, 1970, is hereby completely amended to be as follows, and all other ordinances or parts of ordinances inconsistent herewith are hereby repealed. In all other aspects all other ordinances shall remain in full force and effect.

SECTION 3. DEFINITIONS. Certain words used in this Ordinance are defined herein. Words used in the present tense shall include the future; the singular shall include the plural and the plural the singular; and the word "shall" is mandatory and not permissive.

3-1. Collection. Collection means the aggregation of waste from the place at which it is generated and includes all activities up to the time the waste is delivered to a waste facility.

3-2. Construction Debris. Construction debris means waste building materials, packaging, and rubble resulting from construction, remodeling, repair and demolition of buildings and roads.

3-3. Disposal. Disposal or dispose means the discharge, deposit, injection, dumping, spilling, leaking or placing of any waste into or on any land or waterbody so that the waste or any constituent thereof may enter the environment or be emitted into the air, or discharged into any waters, including ground waters.

3-4. Industrial Waste. Industrial waste means solid waste resulting from an industrial, manufacturing, service, or commercial activity that is managed as a separate waste stream.

3-5. Hazardous Waste. Hazardous waste means refuse, sludge, or other waste material or combinations of mixed municipal solid waste, sludge or other waste materials in solid, semisolid, liquor, or contained gaseous form which, because of its quantity, concentration, or chemical, physical or infectious characteristics, may (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. Categories of hazardous waste material include, but are not limited to: Categories of hazardous waste material include, but are not limited to: explosives, flammables, oxidizers, poisons, irritants, and corrosives. Hazardous waste does not include source, special nuclear, or by-product materials as defined by the Atomic Energy Act of 1954, as amended.

3-6. Household Hazardous Waste. Household hazardous waste means those wastes that cannot be disposed of through recycling efforts, or refuse collection. These include, but are not limited to: aerosol spray cans, ammunition and explosives, cleansers, paint, paint thinner, staining products; varnishes, insect repellent spray cans, smoke detectors, and many more. These are wastes that are generated in the operation of a home and are based on limited, household quantities.

3-7. Appliances. Appliances mean, but are not limited to clothes washers and dryers, dishwashers, hot water heaters, heat pumps, furnaces, garbage disposals, trash compactors, conventional and microwave ovens, ranges and stoves, air conditioners, dehumidifiers, refrigerators, freezers, and range hoods.

3-8. Mixed Municipal Solid Waste. (MSW) means garbage, other refuse, appliances and furniture, and other solid waste 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 wastes, sludge's, tree and agricultural wastes, tires, lead acid batteries, motor and vehicle fluids and filters, and other materials collection, processed, and disposed of as separate waste streams.

3-9. Mixed Municipal Solid Waste Collection Contractor. Mixed municipal solid waste collection contractor means any person or persons authorized by the Town to perform waste, non-standard or recycling collection services on a prescribed route within the Township.

3-10. Recyclable Materials. Recyclable materials means materials that are separated from mixed municipal solid waste for the purpose of recycling, including paper, glass, plastics, metals, automobile oil, and batteries. Refuse-derived fuel or other material that is destroyed by incineration is not a recyclable material.

3-11. Recycling. Recycling means the process of collection and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing process that do not cause the destruction of recyclable materials in a manner that precludes further use.

3-12. Solid Waste. Solid waste means garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded waste materials and sludge's, in solid, semisolid, liquid, or contained gaseous form, resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include hazardous waste; animal waste used as fertilizer; earthen fill, boulders, rock; sewage sludge; solid or dissolved material in domestic sewage or other common pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents or discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended, dissolved materials in irrigation return flows; or sources, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended.

3-13. Waste Management. Waste management means activities which are intended to affect or control the generation of waste and activities which provide for or control the collection processing and disposal of waste.

3-14. Waste Reduction: Source Reduction. Waste reduction or source reduction means an activity that prevents generation of waste or the including of toxic materials in waste, including:

- (1) reusing a product in its original form;
- (2) increasing the life span of a product;
- (3) reducing material or the toxicity of material used in production or packaging; or
- (4) changing procurement, consumption, or waste generation habits to result in small quantities or lower toxicity of waste generated.

3-15. Yard Waste. Yard waste means wastes such as grass, branches, brush, garden trimmings, leaves, limbs, (not to exceed 3" in diameter) that are normally generated from residential laws and gardens.

SECTION 4. COLLECTION HOURS IN RESIDENTIAL AREAS. No type of collection service within or near residential neighborhoods shall occur between the hours of 10:00 p.m. and 6:00 a.m.

SECTION 5. DISPOSAL.

5-1. Residential Mixed Municipal Solid Waste Collection. All persons are required to dispose of all mixed municipal solid waste by means of a Township licensed residential mixed solid waste collection contractor unless they have provided for adequate means of disposal which meets the approval of the Town Board pursuant to the Town's Refuse Exemption Policy, and which comply with all ordinances and regulations of the Township, County and State.

5-1.1. It shall be unlawful for any person to permit mixed municipal solid waste to be removed from their property by an unauthorized or unlicensed collector.

5-1.2. It shall be unlawful for any person to fail to dispose of mixed municipal solid waste that may accumulate upon property owned or occupied by a person, at least once every 7 days.

5-2. Commercial/Industrial Mixed Municipal Solid Waste Collection. Commercial and industrial businesses shall make necessary arrangements with a hauler licensed to do mixed municipal solid waste hauling in the Township.

5-3. Yard Waste. It shall be unlawful for any person to dispose of yard and tree waste into the mixed municipal solid waste stream. Yard waste shall be disposed of by:

5-3.1. Contracting with a licensed private collector to haul the yard waste to a County approved compost site.

5-3.2. The resident transporting the yard waste to an approved compost site.

5-3.3. Composting the yard waste on the resident's property in compliance with the Town Ordinances.

5-4. Appliance Collection. Appliances may be collected by a licensed private hauler, or by a Minnesota Pollution Control Agency approved appliance collector.

SECTION 6. COLLECTION OF DESIGNATED RECYCLABLE MATERIALS. Collection of designated recyclable material shall be once per week by the collector and transporter of recyclable materials designated by the Town Board. Designated recyclable materials shall be separated and set out for pick up at the

curb side of all residences and at the normal solid waste collection place for commercial/industrial businesses, on the day designated for such pick-up.

SECTION 7. LITTERING. The discharging or depositing of mixed municipal solid waste on any street, alley, drive, park, playground, or other public place or any privately owned lot in the Township by any person is unlawful. Mixed municipal solid waste is the responsibility of the property owner until such time as trash is collected by the Township's licensed hauler. No person shall place mixed municipal solid waste in a Township owned container placed on public property if such mixed municipal solid waste is produced on other than public property.

SECTION 8. SCAVENGING. It is unlawful for any person to scavenge or otherwise collect mixed municipal solid waste or other recyclable materials at the curb or from recyclable containers without a license from the Township and an account relationship with the owner of the premises.

SECTION 9. SCATTERING OF MIXED MUNICIPAL SOLID WASTE. No person shall cast, place, sweep or deposit any mixed municipal solid waste in such a manner that it may be carried or deposited by the elements (weather or animals) off their property.

SECTION 10. BURYING AND BURNING OF MIXED MUNICIPAL SOLID WASTE. No person shall bury or burn any mixed municipal solid waste in the Town except in accordance with regulations established by the State Pollution Control Agency.

SECTION 11. CONTAINERS.

11-1. All containers for mixed municipal solid waste, and yard waste shall be made of metal or other suitable materials, which is rodent and water proof, fire resistant, and which will not easily corrode, not exceeding 30 gallons in capacity or 35 lbs. in weight when filled. Containers shall be kept tightly closed.

11-1.1. Mixed municipal solid waste, recyclables, and yard waste may also be kept in a securely tied plastic bag of such strength that the contents therein will not rip, tear, or puncture the plastic bag. Plastic bags used for recycling and yard waste shall not be closed or tied.

11-2. All yard waste to be picked up by a licensed hauler shall not be placed in separate bags or containers, and shall not contain mixed municipal solid waste, recyclables, or major appliances.

11-3. Owners of commercial or industrial establishments shall cause large cardboard boxes, bales of paper, wooden crates, pallets and other bulky articles to be kept either inside a building on an impervious floor, or outside a building in a metallic container suitable for expeditious unloading by collector, or outside a building in a bin or shed or fenced or screened enclosure constructed for the

storage of such articles. Wooden pallets shall be stacked in neat piles on stringers 6 to 8 inches off the ground.

SECTION 12. PLACEMENT OF CONTAINERS. Mixed municipal solid waste containers shall be placed, on the day of collection, at the place agreed to with the licensed collector. If placed in the open for this purpose, they must be removed no later than 10:00 p.m. on the day of collection.

SECTION 13. CONTAGIOUS DISEASE MIXED MUNICIPAL SOLID WASTE. The removal of wearing apparel, bedding or other mixed municipal solid waste from homes or places where highly infectious or contagious diseases have prevailed shall be performed under the supervision and direction of the Health Officer. Such mixed municipal solid waste shall not be placed in containers for regular collections.

SECTION 14. HOUSEHOLD HAZARDOUS WASTE. Household hazardous waste shall not be disposed of with mixed municipal solid waste but shall be disposed of at a County approved drop-off location.

SECTION 15. FLAMMABLE OR EXPLOSIVE MIXED MUNICIPAL SOLID WASTE. Highly flammable or explosive materials shall not be placed in containers for regular collection, but shall be disposed of as directed by the Town Fire Marshall, at the expense of the owner or possessor thereof.

SECTION 16. LICENSING. It shall be unlawful for any person, firm or corporation to collect or dispose of mixed municipal solid waste without first making application for and securing a license to do so. The issuance of such licenses shall be subject to and governed by the following provisions:

16-1. Application. An applicant for a license shall make application to the Town Clerk through forms and procedures prescribed by the Town Clerk. The application for a license shall contain, at a minimum, the following information:

16-1.1. The name, phone number, and current address of the applicant.

16-1.2. A list of the place or places to which the mixed municipal solid waste and/or recyclables are to be hauled.

16-1.3. Information about the location and method of storage of collected recyclable materials, including evidence of compliance with all Town, County, State and Federal laws and regulations.

16-1.4. A statement indicating the amount of the charges imposed for collection of mixed municipal solid waste that increase with the volume of weight of the waste collected.

16-2. Issuance of License. The Town Clerk shall issue a new license, or transfer ownership of a license, upon completion of the following:

16-2.1. Receipt from the applicant of all required forms and applications, fully completed.

16-2.2. Receipt of the required proof of insurance, as required under Section 18 of this Ordinance.

16-2.3. Receipt from the applicant of the required license fee.

16-2.4. An investigation deposit fee will be charged to the applicant as set out in Ordinance No. 54 (Fees & Charges).

16-2.5. Completion of a background investigation report determining the applicant's ability to provide adequate and reliable service under the conditions of this Ordinance.

16-2.6. Approval of a license issuance, or transfer of license, by the Town Board.

16-3. Fee. An annual license fee shall be as established in Ordinance No. 54 (Fees & Charges).

16-4. Duration. The license shall be valid for one year, and shall expire on the 31st day of December each year, unless revoked sooner.

16-5. Non-Transferable. The license is non-transferable, unless approved by the Town Board. The licensee shall not be entitled to a refund of any license fee upon revocation or voluntarily ceasing to carry on the license activity.

16-6. Renewal. Applications for license renewal must be received by the Town Clerk by November 1st of each year for renewal of the license for the following year. Renewal applications received on or after November 1st will be administered as an application for a new license.

16-6.1. Renewal Requirements. The Town Clerk shall issue license renewals upon completion of the following:

16-6.1(a). The applicant has completed and submitted all required forms and applications.

16-6.1(b). The applicant has provided proof of insurance, as required under Section 18 of this Ordinance.

16-6.1(c). The applicant has paid to the Town the required license fee as set out in Ordinance No. 54 (Fees & Charges).

16-6.1.(d). The Town Clerk has determined that the applicant is operating in good standing with the Town by:

16-6.1(d)(i). Verifying that all written complaints received from residents or business owners of the Township, regarding the applicant's service under the terms and conditions of the license, have been resolved or are likely to be resolved in the near future.

16-6.(d)(ii). Verifying the applicant has performed to the standards and conditions of the license.

SECTION 17. CONSTRUCTION ROLL-OFF LICENSES. The Town Clerk shall issue a license for construction roll-off upon completion of the following:

17-1. Completion of an application for a construction roll-off license.

17-2. Proof of insurance as established in Section 18 of this Ordinance.

17-3. Payment of the license fee as established in Ordinance No. 54 (Fees & Charges).

SECTION 18. INSURANCE REQUIREMENTS. The licensee shall obtain and submit certificates of insurance issued by insurers duly licensed by the State of Minnesota, providing coverage in an amount not less than the statutory limits for political subdivisions in the State of Minnesota. Nothing in this section shall prohibit a licensee from providing insurance with limits higher than those required by the State of Minnesota. (If the limits are higher than those required by the State of Minnesota, said limits do not waive the statutory limitations for political subdivision.) All such required policies shall name the Town of White Bear as additional insured's. All policies and certificate shall be endorsed to require that the insurer provide at least a thirty (30) day written notice to the Town prior to the effective date of policy cancellation, non-renewal, or material adverse change in coverage terms. The licensee shall maintain insurance in compliance with this section throughout the term of the license.

SECTION 19. RESPONSIBILITY OF COLLECTOR.

19-1. No person except a collector duly licensed by the Township, or a person whom the Town Board has exempted, shall transport garbage or mixed municipal solid waste over any street or alley in the Town or shall disturb, collect, or in any manner, interfere with mixed municipal solid waste placed in containers for collection, or interfere in any manner with containers for mixed municipal solid waste.

19-2. Each collection crew shall adhere to all applicable Ordinances of the Township and all of those rules, regulations and conditions for mixed municipal solid waste collection as established by any agency of the Township, Federal, State or County agencies.

19-3. The collectors(s) shall perform their work in a neat and quiet manner and clean up all mixed municipal solid waste, yard waste, or recyclables spilled in collection under any circumstances.

19-4. All containers shall be replaced on the boulevard adjoining the curb or in an area designated by the owner for such containers.

19-5. The collector understands and agrees that once any mixed municipal solid waste is collected it is the responsibility of the collector. The collector shall hold harmless and indemnify the Township for all claims, actions, damages and causes of action of any kind whatsoever, including attorney fees. The hold harmless and indemnification includes all claims involving hazardous waste and materials classified as hazardous according to any Town, County, State and Federal regulations.

SECTION 20 EQUIPMENT.

20-1. Vehicle Protection. All trucks or motor vehicles used by a collector shall be water-tight so as not to allow the leakage of liquids or refuse while hauling the same and shall be covered to prevent the scattering of its contents upon the public streets or private properties in the Township or otherwise create a nuisance. Should any garbage be dropped or spilled in collecting or transporting, it shall be immediately cleaned up. A broom or shovel shall be carried on each vehicle at all times for this purpose.

20-2. Cleaning. All vehicles shall be kept in a clean and sanitary condition.

20-3. Maintenance. The trucks shall be maintained in good working order. They shall be equipped to meet all Federal, State, and municipal regulations concerning vehicles used on public roads and maintained to meet these standards.

20-4. Safety Equipment. Each collection vehicle shall have a flashing light warning system, fire extinguisher (CO₂ type) and proper backup alarms as approved by the Township.

SECTION 21. REVOCATION. Any license granted hereunder may be revoked or suspended at any time for any failure to pay the license fee or otherwise comply with the terms and conditions of this Ordinance. No suspension or revocation shall take effect until after notice and hearing by the Town Board.

SECTION 22. COLLECTION OF DELINQUENT ACCOUNTS. Any person delinquent in paying their mixed municipal solid waste bills to the authorized Township mixed municipal solid waste collector shall have such delinquent accounts be a lien upon their property. All such charges which are on September 1st of each year, more than 30 days past due, and having been properly billed to the occupant of the premises served, shall be deemed a

delinquent account and may be certified to the Town Clerk who shall prepare an assessment roll each year providing for assessment of the delinquent account against the respective property served. In preparing the assessment roll, the Town shall collect an administrative charge for each account as provided in Ordinance No. 54 (Fees & Charges). This assessment roll shall be delivered to the Town Board for adoption on or before September 15th of each year and upon approval thereof, the amount due shall be certified by the Town Clerk to the Auditor of Ramsey County before the 15th day of October each year, and the Town, in so certifying such charges to the County Auditor, shall specify the name of the owner of the premises, the description of the premises served and the amount thereof. The amount so certified shall be extended by the auditor on the tax rolls against such premises in the same manner as other taxes. Such action may be optional or subsequent to using legal action to collect delinquent accounts.

SECTION 23. PENALTY. Every person convicted of a violation of any provision of this Ordinance shall be punished as provided in Ordinance No. 26.

SECTION 24. SEVERABILITY. Should any section, subdivision, clause or other provision of this Ordinance be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or of any part thereof, other than the part held to be invalid.

SECTION 25. EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after its passage and publication.

Passed by the Town Board of the Town of White Bear, Minnesota, this 8th day of September, 1970.

APPROVED:

TERRANCE M. ROONEY, Chairman

ATTEST:

MARIE ROLPH, Clerk-Treasurer

Board of Supervisors:

Terrance M. Rooney, Chair

Thomas V. Malloy, Jr., Supervisor

Jerome L. Perron, Supervisor

Published in the White Bear Sun on September 16, 1970.

Historical Notes

1995

Section 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25 passed June 5, 1995, and effective June 14, 1995 by Weisenburger (Chair), Sand and Ford; Short (Clerk-Treasurer).

1987

Section 8, 9, 10, and 11 passed July 13, 1987, and effective September 30, 1987 by Weisenburger (Chair), Jungkunz and Sand; Malinen (Clerk-Treasurer).

1970

Ordinance, Title and Section 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 originally passed September 8, 1970, and effective September 16, 1970 by Rooney (Chair), Malloy and Perron; Rolph (Clerk-Treasurer).