**Ordinance No. 140, Fourth Series**

***AN ORDINANCE AMENDING CHAPTER 10, SECTION 10.01 OF THE CITY CODE***

**THE CITY COUNCIL OF THE CITY OF RED WING ORDAINS AS FOLLOWS:**

**SECTION 1**. Section 10.01 of Chapter 10 of the City Code of the City of Red Wing is hereby amended by deleting the ~~overstruck~~ language and inserting the underlined language as shown below:

**SECTION 10.01.** **STORAGE, SEPARATION, DEPOSIT, COLLECTION, AND DISPOSAL OF SOLID WASTE FOR RESIDENTIAL AND MULTIPLE DWELLINGS AND INDUSTRIAL AND COMMERCIAL SERVICE.**

**Subd. 1.** Purpose and Goals.

A. The purpose of this Section is to benefit the public health, safety and welfare of the residents of the City. This Section also provides for the orderly and efficient handling of Solid Waste within the City, and allows the City to provide quality Solid Waste management at an economical price.

**Subd. 2.** Definitions. The following terms, as used in this Section and Sections 10.02 and 10.03, shall have the meanings stated:

1. “Agricultural Waste” ‑ waste generated from agriculture operations such as farming, winery operations, livestock operations, and other agricultural services.

2. “Backyard Compost Site” ‑ a site that meets all the requirements of Subdivision 9 of this Section and that is used to compost food scraps, garden wastes, weeds, lawn cuttings, leaves and prunings from a single family or household, apartment buildings, or responsible tenant of the property.

3. “Building Agent” ‑ the material added to a compost system to provide structural support and prevent the settlement and compaction of the decomposing waste.

4. “City Environmental Service Charge” or “CESC” ‑ the city service charge established in Section 10.03.

5. “City Service” ‑ collection of Residential and Multiple Dwelling Mixed Municipal Solid Waste, Recyclable Materials and Yard Waste.

6. “Collection” ‑ the aggregation of Solid Waste, Mixed Municipal Solid Waste, Commercial and Industrial Solid Waste, Construction and Demolition Debris Solid Waste, Yard Waste (together “Waste”), and Recyclable Materials from the place at which the Waste or Recyclable Materials are generated and includes all activities up to the time when the Waste or Recyclable Materials are delivered to a waste management or recycling facility.

7. “Commercial or Industrial Establishment” ‑ any premises where a commercial, industrial, or institutional enterprise of any kind is conducted, including restaurants, clubs, churches, and schools and other institutions.

8. “Commercial and Industrial Solid Waste” ‑

(a) Garbage, refuse, and other Solid Waste from Commercial or Industrial Establishments that the generator of the waste aggregates for collection.

(b) Commercial and Industrial Solid Waste does not include tanning shavings, leather scraps and rubber and polyurethane composite leather-ware components, auto hulks, street sweepings, ash, construction and demolition debris, mining waste, sludge, tree waste, waste from agricultural activities, tires, lead acid batteries, motor and vehicle fluids and filters, and materials separated from solid waste by the generator that are separately collected and delivered for reuse in their original form or for use in a manufacturing process; but does not include source separated compostable materials.

9. “Commercial Service” ‑ collection of Commercial and Industrial Solid Waste, and Construction and Demolition Debris Solid Waste.

10. “Composting” – the controlled microbial degradation of organic waste to yield a humus-like product.

11. “Construction and Demolition Debris Solid Waste” ‑

(a) Solid Waste resulting from construction, remodeling, and repair of buildings, roads and other structures and from demolition of buildings, roads and other structures, except for materials from such activities that are or will be separated from Solid Waste by the generator, separately collected, and delivered for reuse in their original form or for use in a manufacturing process.

(b) Construction and Demolition Debris Solid Waste does not include asbestos waste, lead paint or materials with lead paint, contaminated soils, or regulated hazardous waste.

(c) Any Construction and Demolition Solid Waste contaminated with mixed municipal solid waste shall be considered Mixed Municipal Solid Waste.

12. “Contaminated” ‑ not in its pure state; tainted, purified or polluted.

13. “Hauler” ‑ a company or person that owns, operates or leases vehicles for the purpose of collection, conveyance, and transportation of Commercial and Industrial Solid Waste and Construction and Demolition Debris Solid Waste for hire.

14. “Inert Material” ‑ the uncompostable material remaining in a compost system after decomposition. Inert material does not include soil particles or other naturally-occurring materials that may be found in the compost system.

15. “Mixed Municipal Solid Waste” ‑

(a) Garbage, refuse, and other Solid Waste that the generator of the waste aggregates for collection, except as provided in subsection (b) of this definition.

(b) Mixed Municipal Solid Waste does not include auto hulks, street sweepings, ash, construction debris, mining waste, sludges, tree and agricultural wastes, tires, lead acid batteries, motor and vehicle fluids and filters, and other materials collected, processed, and disposed of as separate waste streams, but does include source-separated compostable materials.

16. “Multiple Dwelling” ‑ any building used for residential purposes consisting of more than four dwelling units with individual kitchen facilities for each.

17. “Putrescible Waste” ‑ solid waste containing matter capable of being decomposed by microorganisms and of such a character and proportion as to cause obnoxious odors and to be capable of attracting or providing food for birds or animals.

18. “Recyclable Materials” – materials such as office paper, cardboard, newsprint, glass, bottles, jars, aluminum cans, tin cans, recyclable plastics, or other materials designated for separate collection by the City Council.

19. “Refuse” ‑ includes all drained organic material resulting from the preparation of food and spoiled or decayed food from any source, contaminated bottles, cans, glassware, paper or paper products, crockery, rags, discarded clothing, and other waste products, except human waste, compost materials, or waste resulting from building construction or demolition, except for designated recyclable materials.

20. “Residential Dwelling” ‑ any single building consisting of one through four dwelling units with individual kitchen facilities for each.

21. “Responsible Tenant” ‑ any occupant, tenant, owner, manager, operator or custodian of any Residential Dwelling or Multiple Dwelling, and any person owning or operating a Commercial or Industrial Establishment in the city.

22. “Rural or Remote Service” ‑ garbage, refuse and other solid waste collected in areas with a density of less than one dwelling unit per half mile.

23. “Self Hauler” ‑ a Commercial or Industrial Establishment that, using its own employees and its own equipment, collects and transports Commercial and Industrial Solid Waste and/or Construction and Demolition Debris Solid Waste that is generated by the Establishment for proper management.

24. “Solid Waste” ‑ has the meaning given it in Minnesota Statutes, Section 116.06, Subd. 22, as amended.

25. “Source Separation” ‑ to divide or separate out from the main body, to make distinguishable from, to isolate, to seclude.

26. “Yard Waste” ‑ garden wastes, leaves, lawn cuttings, weeds, shrub and tree waste, and prunings. Yard waste is a source separated compostable material.

**Subd. 3.** City Service; Residential Collection Requirements.

A. All Responsible Tenants of Residential and Multiple Dwelling premises shall only dispose of Mixed Municipal Solid Waste via the City Service and shall not transport or dispose of Mixed Municipal Solid Waste by any other means. However, in unusual cases where the collection or disposal of Mixed Municipal Solid Waste by the City Service is impractical, or in cases where large quantities of excess volumes need to be disposed of, the owner or occupant of any Residential or Multiple Dwelling premises may, upon receiving written approval from the City Service, transport and dispose of such Mixed Municipal Solid Waste in each individual case pursuant to Federal, State, County, and Local permitted facilities. Said facilities shall be annually disclosed by the City of Red Wing and on file in the Public Works Department and Solid Waste Boiler Facility.

**Subd. 4.** Storage, Transportation and Disposal.

A. It is unlawful for any Responsible Tenant to store Mixed Municipal Solid Waste on Residential Dwelling premises for more than one week. All such storage shall be in plastic bags and placed in a city provided automated 48 or 96 gallon cart. These containers shall be maintained in a clean and sanitary condition. On at least a bimonthly basis, recyclable materials shall be set out for collection in containers approved by the city. Large articles of Mixed Municipal Solid Waste that do not fit in the container cannot be transported by the City Service. These items may be disposed of by the Responsible Tenant in a manner approved by the City Public Works Director. All Mixed Municipal Solid Waste set out for disposal by the Responsible Tenant shall be set out for disposal so that designated Recyclable Materials are separated from the Mixed Municipal Solid Waste except if employed in the disposal of other Mixed Municipal Solid Waste if the material has been contaminated:

A list of designated Recyclable Materials will be published and made available.

B. It is unlawful for any Responsible Tenant to store Mixed Municipal Solid Waste on multiple dwelling premises for more than one week. Such storage shall be in containers as for Residential Dwelling premises, except that so-called “dumpsters” with close-fitting covers may be substituted provided the Mixed Municipal Solid Waste is first placed in plastic bags. Collection of household refuse not capable of being recycled shall be one per week as designated by the City Council. Materials shall be placed at the curb for automated collection and recycling collection by the Responsible Tenant, unless otherwise approved by the Public Works Director.

C. It is unlawful for any person other than a Minnesota Pollution Control Agency-permitted solid waste facility to store putrescible Waste on Commercial or Industrial Establishment premises for more than 48 hours, or Waste of any type for more than one week, unless written approval is received from the city authorizing a longer storage period. Commercial or Industrial Establishments that regularly generate significant amounts of putrescible Waste may, in the alternative, satisfy the 48-hour requirement by obtaining collection service on Monday, Wednesday and Friday of each week. Such storage shall be in containers as for Residential Dwelling premises, except that so-called “dumpsters” with close-fitting covers may be substituted provided the Mixed Municipal Solid Waste is first placed in plastic bags.

D. The City shall provide for collection and disposal of all Mixed Municipal Solid Waste and Recyclable Materials. This will be done in a sanitary manner to insure the health, safety and general welfare of its residents, and shall set all fees and charges in relation thereto, under such terms and conditions as the City may, from time to time, deem appropriate. The City may collect such fees and charges in a civil action or, in the alternative and at the option of the City, as provided in Section 3.04, Subdivision 6, of the Red Wing City Code.

Residents who are physically unable to take the automated carts to the designated collection areas should contact the Director of Public Works or authorized representative to apply for special service.

Following are the requirements for city provided residential refuse collection:

1. All residential refuse containers must be placed in their proper collection location by 6:30 am on collection day. If that location is a curbside location the container must be removed within 24 hours of collection.

2. Automated refuse carts shall not be placed within four feet of any obstacle that prevents unobstructive access, such as telephone poles, additional refuse carts, parked cars, signs, trees, recycling carts, fire hydrants, , fences, snow banks, etc. Carts shall be placed with the lid opening and identification number facing the street. Carts must be placed on a flat surface; do not place them on top of any object including snow banks. Carts not meeting these requirements will be charged a service fee for the driver to move the container(s) for servicing.

3. All refuse must be bagged and tied. Lids on the containers should be closed. If the lid is not closed and refuse falls out of the cart while it is being emptied the resident will be charged for extra refuse according to the fee schedule. Extra bags of refuse should be placed at least four feet from the automated cart. Extra volume will also be charged to the property owner based on the fee schedule.

4. Each household will be issued one 48-gallon refuse cart at no cost. This cart is the property of the City of Red Wing and shall not be removed from the address if the resident should move. The cart shall only be removed from the property by duly authorized personnel of the Solid Waste Department. If the cart is stolen, the resident shall report the theft to the Red Wing Police Department and the Public Works Department. The property owner will be responsible for the replacement cost of the cart. The Solid Waste Department will maintain an automated cart in good working condition upon notification by the resident that repairs are needed. Damage to the automated carts due to negligence by the property owner shall result in a fee being assessed for repair or replacement costs.

5. Carts will be emptied once per week. If a single 48-gallon cart is not sufficient for the amount of refuse generated weekly, residents may request additional carts or a larger cart. Residents will be charged according to the fee schedule. Residents who generate more than 48 gallons of refuse on three or more occasions in a single month will be required to increase the size of their container.

6. Construction material (sheetrock, concrete, brick, rocks, shingles), yard waste (grass, leaves, brush), dirt, electronics (TV’s, computers, VCR’s, DVD players, CD players, cell phones, fax machines, and printers), and hazardous waste (liquid paint, fluorescent light bulbs, etc) are considered unacceptable waste for disposal with your residential refuse. Carts containing unacceptable waste shall not be emptied until such time as the items are removed from the cart. Construction debris and yard waste can be disposed of at the Solid Waste Management Campus for a fee. Electronics should be brought to a recycling center. Hazardous waste can only be disposed of at a Hazardous Waste Collection Center.

7. It shall be illegal to use another Person’s Solid Waste Storage container for disposal of refuse without the consent of that person.

E. The City shall provide for the collection of designated Recyclable Materials every other week from Residential Dwellings. This collection day shall be every other week on the same day as the scheduled collection day of Mixed Municipal Solid Waste.

Each household will be issued one (1) 96 gallon recycling cart at no cost. This cart is the property of the City of Red Wing and shall not be removed from the address if the resident should move. The cart should only be removed from the property by authorized personnel of the Solid Waste Department. If the cart is stolen, the resident shall report the theft to the Red Wing Police Department and the Public Works Department. The Property owner will be responsible for the replacement cost of the cart. The Solid Waste Department will maintain an automated cart in good working condition upon notification by the resident that repairs are needed. Damage to the automated cart due to negligence by the property owner shall result in a fee being assessed for repair or replacement costs.

Responsible Tenants of Residential Dwellings shall set out designated Recyclable Materials in City provided carts at curbside locations prior to 6:30 a.m. of the scheduled day of collection. Responsible Tenants of Multiple Family Dwellings or Commercial or Industrial Establishments shall set out designated Recyclable Materials prior to 6:30 a.m. of the scheduled day of collection in City issued carts in locations determined as being readily accessible to the Recyclable Materials collector. Preparation of designated Recyclable Materials by the Responsible Tenant shall be as follows:

1. Recycling shall be done utilizing a co-mingled method. All designated Recyclable Materials may be placed together in the recycling cart. All food and beverage containers shall be emptied, cleaned and rinsed.

2. Designated Recyclable Materials shall be placed loosely in the recycling cart. Bagged items will not be accepted.

3. A list of designated Recyclable Materials will be published and made available.

4. City Council can by resolution amend or expand preparation requirements.

F. Anti-Scavenging Clause. Ownership of the Mixed Municipal Solid Waste or designated Recyclable Materials set out for collection shall be vested in the collector and transporter of Mixed Municipal Solid Waste or Recyclable Materials as designated by the Red Wing City Council. It shall be unlawful and an offense against this Section for any person other than City Service or licensed Hauler to pick up said materials.

G. It is unlawful to store organic Waste unless it is drained, wrapped, and/or stored in a leak-resistant container.

**Subd. 5.** Deposit. It is unlawful for any person to deposit any nonrecyclable material, Waste, garbage, rubbish, offal, or the body of a dead animal, in any place other than an approved container for collection or Waste management facility as permitted by the Minnesota Pollution Control Agency, or other similar state or federal permitting authority.

**Subd. 6.** Fire Danger. It is unlawful for any person to store, deposit or dispose of any Waste which is in flames or heated to the point where it could cause danger of fire in other Waste or cause combustion when in contact with other waste. The City of Red Wing prohibits the placement of Lithium Ion batteries and rechargeable batteries from smart phones and other electronic devices in refuse and recycling carts.

**Subd. 7.** Spring and Fall Collection.

1. The Public Works Director or authorized representative will schedule and publicize a spring and fall cleanup when authorized by the City Council.
2. Residents may drop off brush for no charge at the Solid Waste Campus during spring and fall cleanup dates as scheduled by the Public Works Director.

**SECTION 2: Effective Date.** This ordinance shall be in full force and effect 14 days after its adoption and publication in accordance with the City Charter.

Introduced the \_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2019.

Adopted this \_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2019.

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Dean Hove, Council President

ATTEST:

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Teri Swanson

City Clerk

(seal)

Presented to the Mayor at \_\_\_\_\_ p.m. on this \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2019. Approved this \_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2019.

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Sean Dowse, Mayor