

**CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA**

ORDINANCE NO. _____

AN ORDINANCE AMENDING INVER GROVE HEIGHTS CITY CODE, TITLE 8, CHAPTER 6 RELATED TO SOLID WASTE COLLECTION AND DISPOSAL

THE CITY COUNCIL OF THE CITY OF INVER GROVE HEIGHTS ORDAINS AS FOLLOWS:

Section One. Amendment. Title 8, Chapter 6, , of the Inver Grove Heights City Code is hereby amended to read as follows. The ~~struck-out~~ text shows the deleted wording and the underlined text shows the language added to the code:

8-6-1: DEFINITIONS:

For the purpose of this chapter, the following terms shall have the meanings ascribed to them in this section:

BACK-OF-HOUSE: The kitchen, food preparation, dishwashing, and storage areas of a commercial generator or large event venue with organics that are not accessed by customers or the public.

COLLECTION: 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.

COMMERCIAL/COMMERCIAL GENERATOR: An entity that is not a residential source generator.

COMPOSTABLE MATERIAL: Any material that is primarily organic and can be decomposed through biological activity. Compostable plastics or lined papers must meet ASTM D6400 and ASTM D6868, respectively, as certified by the Biodegradable Products Institute or other similar independent certification bodies.

COMPOSTING: ~~The controlled microbial degradation of yard wastes to yield a humus like soil product.~~ The controlled biological decomposition and management of selected solid waste to produce and innocuous, hummus-like material, which can be used as a soil conditioner

CONSTRUCTION DEBRIS: Waste building materials, packaging, and rubble resulting from construction, remodeling, and repair. ~~of buildings.~~

DEPARTMENT: The Dakota County department or unit designated by the Dakota County Board to conduct solid waste regulatory activities within Dakota County and its staff and designated agents.

DESIGNATED LIST OF ORGANICS: A list of organic material types suitable for commercial composting approved by the Dakota County Board of Commissioners and published by the Department on the Dakota County website.

DESIGNATED LIST OF RECYCLABLES: A list of recyclable materials types approved by the Dakota County Board of Commissioners and published by the Department on the Dakota County Website that represents the minimum haulers must accept and generators must recycle.

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

INDUSTRIAL SOLID WASTES: All solid wastes generated from an industrial or manufacturing process and solid waste generated from nonmanufacturing activities such as service and commercial establishments and chemical and debris contaminated soils spills; property clean up and development activities. Industrial solid waste does not include office materials, restaurant and food preparation waste, discarded machinery, demolition ~~waste~~debris or household ~~waste~~refuse.

LARGE EVENT VENUE WITH ORGANICS: A public gathering of at least 300 people that generates at least one ton of municipal solid waste or contracts for eight cubic yards or more per location, and generates organics back-of-house. Examples include but are not limited to: concerts, fairs, festivals, community events, athletic tournaments, parades, etc.

MIXED MUNICIPAL SOLID WASTE/MUNICIPAL SOLID WASTE: Garbage, refuse and other solid waste from residential, commercial, industrial and community activities that the generator of the waste aggregates for collection which is generated and collected in aggregate, but does not include auto hulks, street sweepings, ash, construction debris, mining wastes, sludges, tree and agricultural wastes, tires, lead-acid batteries, motor or vehicle fluids and filters, and other materials collected, processed, and disposed of in separate waste streams.

~~MULTI-FAMILY UNITS~~MULTI-UNIT RESIDENTIAL BUILDING: Residential buildings containing Dwellings of four (4) five (5) or more dwelling units.

ORGANICS/ORGANIC MATERIAL: Food waste and the designated list of organics published on the Dakota County website.

~~PERSON: Any human being, public or private corporation, partnership, firm, association or other organization.~~Any human being, any municipality or other governmental or political subdivision, or other public agency, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent, or other legal representative of the foregoing, or any other legal entity.

~~RECYCLABLES/RECYCLABLE MATERIALS: Materials that are separated from mixed municipal solid waste by the generator or during collection for the purpose of recycling, including paper, glass, metals, automobile oil and batteries.~~Materials that are suitable for separating from solid waste for the purpose of recycling including, but not limited to, paper, glass, plastics, metals, automobile oil, batteries, etc. Refuse derived fuel or other material that is destroyed by incineration is not a recyclable material.

RECYCLING: The process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of recyclable material in a manner that precludes further use.

~~RECYCLING FACILITY: A site used to collect, process, and repair recyclable materials and reuse them in their original form or use them in manufacturing processes.~~A site at which waste materials are prepared for reuse in their original form or for use in manufacturing processes that do not cause the destruction of materials in a manner that precludes further use.

REFUSE: Putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, and market and industrial solid wastes.

RESIDENTIAL/RESIDENTIAL SOURCE: Any source from a residential building.

RESIDENTIAL UNIT: Means, jointly and severally, the following:

- A. Single-family residential dwellings, including manufactured homes, townhomes, and boathomes.
- B. ~~Multiple-family residential~~Multi-unit residential buildings containing dwellings of three four (4) or less fewer dwelling units.

RUBBISH: Nonputrescible solid wastes, including ashes, consisting of combustible and noncombustible wastes, such as paper, cardboard, tin cans, wood, glass, bedding, crockery, plastics, electrical appliances, or litter of any kind.

SCHEDULED DAY: That normal customary and scheduled day that the collector has informed the customer or agreed with the customer to collect mixed municipal solid waste from the residential unit.

SOLID WASTE ABATEMENT MESSAGING: The standardized solid waste abatement education messaging developed by the Department and published on the Dakota County website.

SOLID WASTE ABATEMENT PROGRAM: A program for reducing, reusing, and recycling solid waste.

~~SOURCE SEPARATED TARGETED RECYCLABLES: Targeted recyclables which have been separated and set out for separate collection by a residential unit.~~

~~TARGETED RECYCLABLES: Newsprint, aluminum cans, bimetal cans, tin cans, glass bottles and jars, magazines, telephone books, and other material as may be defined by city council resolution.~~

TRASH: Trash has the same meaning as mixed municipal solid waste.

YARD WASTES: The garden wastes, leaves, lawn cuttings, weeds and prunings generated at residential or commercial properties. (1974 Code § 610.01; amd. 2008 Code)

8-6-2: MIXED MUNICIPAL SOLID WASTE ABATEMENT PROGRAM:

Purpose: In response to Dakota County Ordinance 110, the City of Inver Grove Heights hereby establishes a solid waste abatement program. The intent of the program is to be consistent with the Dakota County Solid Waste Master Plan, ensure the opportunity to recycle exists for all residents and commercial generators, deliver solid waste abatement as determined by the Dakota County department or unit designated by the Dakota County Board to conduct solid waste regulatory activities within the County, its staff, and designated agents, and to support the implementation of the Dakota County Solid Waste Master Plan. The provisions of this Chapter shall constitute the City's solid waste abatement program.

8-6-~~32~~: COLLECTOR LICENSING PROVISIONS:

A. License Required; Exemptions:

1. Within the city, no person shall engage in collection of construction debris, recyclable materials, or mixed municipal solid waste, including garbage, rubbish, yard waste, industrial solid waste, and refuse, without first securing a license from the city council. (1974 Code § 610.03)

2. The license requirements of this chapter shall not apply to persons who haul mixed municipal solid waste, construction debris, or recyclables from their own residences or business properties, provided that the following conditions are met:

a. Mixed municipal solid waste is hauled in containers equipped with tightfitting covers and which are also watertight on all sides and the bottom.

b. Mixed municipal solid waste, construction debris, and recyclable materials are hauled in a manner that prevents leakage or any possibility of a loss of cargo.

c. Mixed municipal solid waste and construction debris are only dumped or unloaded at designated sanitary landfills, demolition landfills, or other facilities authorized by the county.

d. Recyclable material is only dumped or unloaded at a recycling facility, an organized recycling drive, or through licensed collectors.

e. Yard waste is privately composted, or is only dumped or unloaded at a composting facility authorized by the county, or through a licensed collector. (1974 Code § 610.07)

B. Application For License: Any person desiring a license under this chapter shall make application for the same to the clerk upon a form prescribed by the council. The application will contain the following information:

1. The name, business name, current business address, and business telephone number of the applicant;

2. A list of the equipment proposed to be used in the collection, including information about the number, type, license number, and capacity of the collection vehicles and equipment to be used in the city;

3. a. A brief description of the services to be rendered, including a brief description of how the applicant will comply with subsection 8-6-4D1a of this chapter, and any other special collections made by the collector including, but not limited to:

(1) Separate collection of yard waste; and

(2) Collection of recyclable materials ~~s-other than~~ on the Designated List of Recyclables ~~the targeted recyclables~~;

b. The collector shall state if collections are made from a residential unit and/or multi-unit residential buildings;

4. The place or places to which mixed municipal solid waste and/or recyclable materials are to be hauled;

5. Information about the location and method of storage of collected recyclable material; and

6. A general description of the applicant's service area. This description need not include information about the specific customers.

C. License Fee; Display Of License:

1. Before any license may be issued, the applicant shall pay to the clerk a license fee established by resolution of the city council. (1974 Code § 610.03)

2. When a license is issued, the city shall furnish a license tab to the licensee for a charge established by resolution of the city council per license for each vehicle to be used by such licensee within the city, which license tab shall be affixed to each such vehicle in a conspicuous place. (1974 Code § 610.05; amd. 2008 Code)

D. Insurance Required:

1. An applicant must obtain all of the insurance required by this subsection and any other insurance as required by local, state or federal law. All costs and expenses are the responsibility of the applicant. All insurance coverage is subject to approval by the city and shall be maintained by the licensee during the term of the license. No work under the license shall be commenced until the requirements of this subsection have been satisfied. (1974 Code § 610.03)

2. Before any license may be granted, the applicant shall deposit with the city clerk proof of the public liability and property damage insurance required in this subsection. The public liability and property damage insurance policies shall remain and be in force and effect during the entire term of said license and shall contain a provision that they shall not be canceled without ten (10) days' written notice to the city. Public liability insurance shall not be less than one hundred thousand dollars (\$100,000.00) for injuries, including

accidental death to any one person, and, subject to the same limit for each person, in an amount of not less than three hundred thousand dollars (\$300,000.00) on account of any one accident, and property damage insurance in the amount of not less than fifty thousand dollars (\$50,000.00) for each accident or mishap. The policies of insurance shall further provide for indemnity and security to the city against any liability and/or responsibility for the acts, actions or omissions of the licensee or any of the agents or servants of such licensee, subject, however, to the limitations as to the amounts herein stated. No work shall be done under any license hereunder until the insurance policies shall have been filed and approved by the city clerk. (1974 Code § 610.03; amd. 2008 Code)

E. Term Of License; Expiration; Renewals; Number Of Licenses And Eligibility:

1. No license issued hereunder shall be for a period longer than one year. All licenses shall expire on December 31 following the date of issuance unless sooner revoked or forfeited. If a license granted hereunder is not renewed previous to its expiration, then all rights granted by such license shall cease, and any work performed after the expiration of the license shall be in violation of this chapter.

2. Persons renewing their license after the expiration date shall be charged the full annual fee. No prorated license fee shall be allowed for renewals.

3. No more than seventeen (17) licenses shall be issued in any license year. Persons eligible to obtain a license are only the following:

a. Those persons that held a license on September 1, 2016; and

b. Those license transferees approved under section [3-2-8](#) of this code to whom a license was transferred from a person that held a license on September 1, 2016.

F. Revocation Or Suspension Of License:

1. Grounds For Revocation Or Suspension: The city council may suspend or revoke the license of any person licensed under this chapter upon any of the following events occurring:

a. The licensee is found to be in violation of any of the provisions of this chapter;

b. Grounds exist under section [3-2-10](#) of this code;

c. Any of the vehicles used by the licensee are defective or so unsafe so as to jeopardize person or property.

2. Council Action: The city council may suspend or revoke a license for any of the occurrences identified in subsection F1 of this section. The licensee shall be given ten (10) days' notice in writing of such complaint and shall be granted the opportunity to be heard before such action is taken. Notice hereunder shall be deemed sufficient if it is sent to the address of the licensee as shown on the most recent application for license hereunder. When any person holding a license has been convicted for the second time within a five (5) year period by a court of competent jurisdiction for violation of any of the provisions of this chapter, the council shall revoke the license of the person so convicted. Such person

may not make application for a new license for a period of one year. (Ord. 1324, 10-10-2016)

8-6-34: UNLICENSED COLLECTION PROHIBITED; UNLAWFUL DEPOSITS:

No person shall permit the collection by an unlicensed collector of any construction debris, recyclable material, or mixed municipal solid waste. The discarding of these materials on any streets, alleys, drives, parks, playgrounds, or other public places or on any vacant lot privately owned shall constitute a violation of this chapter whether it is discarded by the individual upon whose premises the construction debris, mixed municipal solid waste, or recyclable material originates or whether it is discarded by some other person or collector, licensed or unlicensed. (1974 Code § 610.09)

8-6-45: COLLECTOR DUTIES AND OBLIGATIONS:

A. Volume Based Rate: Each licensed collector shall provide at least two (2) different charges for residential collection service based on volume. The volume for the minimum charge shall not exceed thirty (30) gallons.

B. Trucks: Each licensed collector shall provide a covered vehicle, so constructed that the contents will not leak or spill therefrom, in which all material collected shall be conveyed to the places designated in the application. All vehicles will be kept clean and as free from offensive odors as possible, and shall not be allowed to stand in any street, alley, or public place longer than is reasonably necessary to collect material. (1974 Code § 610.05)

C. Hours And Days Of Collection: No collection of mixed municipal solid waste, construction debris, or recyclable material from residential units shall be made except between the hours of six o'clock (6:00) A.M. and six o'clock (6:00) P.M., Monday through Friday. Operations during these hours may also be conducted on Saturdays to accommodate recognized national holidays and special collections arranged between the collector and the customer. Customers shall be reasonably notified of the specific day and hours for the collection of their mixed municipal solid waste and/or recyclable material, and the licensee shall collect the materials within those time periods. With regard to any particular customer, the licensee is not required to pick up ~~targeted-recyclables~~recyclable materials from that customer each time the licensee picks up mixed municipal solid waste from that customer. However, with regard to any particular customer, when the licensee picks up ~~targeted-recyclables~~recyclable materials or yard waste, the pick up of ~~targeted-recyclables~~recyclable materials or yard waste shall occur on the same day of the week that the licensee picks up mixed municipal solid waste from that customer.

D. Collection Of Recyclable Material:

1. Collection Required:

a. As part of its required service and as part of its contract for collection of mixed municipal solid waste from a residential unit, each licensed collector shall provide each customer who resides in a residential unit the mandatory required service of ~~targeted~~recyclable material collection through a curbside recycling program on each scheduled collection day, ~~or biweekly on the scheduled day during that week~~; provided, however,

collection of the ~~targeted-recyclable material~~recyclable materials may occur at a time during the day that is different than the time of collection for mixed municipal solid waste. Any collector who collects mixed municipal solid waste from a residential unit is required to provide collection of ~~targeted-recyclable materials~~ as part of the collection contract. Weekly collection of recyclables is permitted. The mixing of source separated ~~targeted-recyclables~~recyclable materials with other mixed municipal solid waste by the licensed collector is prohibited, subject to subsection D4 of this section.

b. Licensed collectors who collect mixed municipal solid waste from ~~multi-family residential units~~multi-unit residential buildings shall provide an opportunity to recycle by providing the separate collection of ~~targeted-recyclables~~recyclable materials.

2. Limitation On Obligation To Collect ~~Targeted~~-Recyclable Material: The licensed collector shall not be obligated to collect ~~targeted-recyclable material~~ recyclable materials from a residential unit on those occasions when any of the following circumstances exist:

a. The ~~targeted-recyclables~~recyclable materials have not been placed in a location to allow curbside collection.

b. The residential unit has not separated the ~~targeted-recyclables~~recyclable materials from other mixed municipal solid waste.

3. Right To Subcontract: Any licensed collector who wishes not to directly provide recycling service must provide the service through a written subcontract with a person or company approved by the city as a condition of license. The subcontractor shall have a license hereunder and comply with all provisions of this chapter, as well as all local, state and federal laws.

4. Marketing Of ~~Targeted~~-Recyclable Materials: Licensed collectors are free to market the collected ~~targeted-recyclable materials~~ to any company or entity that engages in the process of recycling. Any sums paid to the collector by the recycling company shall be retained by the collector and shall not be paid over to the city. ~~Disposal in a sanitary landfill or incinerator of any targeted-recyclable materials that have been set out by the customer for separate collection is prohibited without prior written permission from the city administrator or designated city staff.~~ (Ord. 1324, 10-10-2016)

8-6-65: MULTI-UNIT RESIDENTIAL BUILDING AND LARGE EVENT VENUE REQUIREMENTS

A. Multi-Unit Residential Building Owner and Manager Requirements: Multi-Unit Residential Building owners and managers who manage municipal solid waste through a common contract shall:

1. Ensure recycling service is provided to all residents.
2. Ensure that all items on the designated list of recyclables are collected for recycling.
3. Provide recycling containers with a weekly service capacity of at least 0.1 cubic yards per dwelling unit.

4. Ensure that the collection schedule and container capacity are sufficient to contain all the recyclables collected and organics (if collected) from the building and public spaces and to prevent overflowing containers.
5. Provide a collection schedule and containers adequate to meet the requirements of this Section as well as Dakota County Ordinance 110.
 - a. Container locations must include but are not limited to: indoor and outdoor locations, public spaces, private spaces, and communal spaces.
 - b. Ensure all trash collection containers or collection chutes are co-located within 10 feet from a recycling container or recycling chute. Each container or chute must have equal access.
 - c. Ensure all trash, recyclables, and organics collection containers are clearly labeled or marked in a manner that is consistent with Dakota County's solid waste abatement messaging.
 - d. Ensure all trash is delivered to a facility licensed or permitted to accept the waste, recyclables are delivered to a recycling facility, and organics are delivered for food recovery or to a composting facility or anaerobic digester.
 - e. Provide solid waste abatement messaging in print or electronic form to each employee, tenant, multi-unit resident, student, volunteer, and housekeeping and custodial contractors. Messaging must be documented and follow the solid waste abatement messaging published on the Dakota County Website and occur:
 - i. At least annually.
 - ii. Within thirty (30) days of any substantive change to generator's waste program.
 - iii. Within thirty (30) days of a new hire or new tenant.

B. Event Sponsor and Large Event Venue Owner and Operator Requirements:

1. Ensure that the designated list of recyclables are collected for recycling.
2. Provide a collection schedule and containers adequate to meet the requirements of this Section as well as Dakota County Ordinance 110.
 - a. Container locations must include but are not limited to: indoor and outdoor locations, public spaces, private spaces, and communal spaces.
 - a. Ensure all trash collection containers or collection chutes are co-located within 10 feet from a recycling container or recycling chute. Each container or chute must have equal access.
 - b. Ensure all trash, recyclables, and organics collection containers are clearly labeled or marked in a manner that is consistent with Dakota County's solid waste abatement messaging.
 - c. Ensure all trash is delivered to a facility licensed or permitted to accept the waste, recyclables are delivered to a recycling facility, and organics are delivered for food recovery or to a composting facility or anaerobic digester.
 - d. Provide solid waste abatement messaging in print or electronic form to each employee, tenant, multi-unit resident, student, volunteer, and housekeeping

and custodial contractors. Messaging must be documented and follow the solid waste abatement messaging published on the Dakota County Website and occur:

- i. At least annually.
- ii. Within thirty (30) days of any substantive change to generator's waste program.
- iii. Within thirty (30) days of a new hire or new tenant.

8-6-57: COLLECTION AND DISPOSAL REQUIREMENTS:

A. Collection Required:

1. No person shall allow the storage for more than fourteen (14) calendar days of mixed municipal solid waste on premises owned or occupied by that person, unless the premises is a licensed sanitary landfill.

2. No person shall deposit or allow the deposit of demolition debris, construction debris or mixed municipal solid waste from any source in any place other than a sanitary landfill, demolition landfill, or a county designated facility.

3. All persons shall make provisions for collection of mixed municipal solid waste or construction debris by means of a licensed collector unless the conditions as stated in subsection [8-6-2A2](#) of this chapter are met.

4. No licensee shall place collection containers at any residential unit unless the person who owns or controls the residential unit has first consented, in writing, to the placement of the collection containers or has otherwise contracted with the licensee for collection of mixed municipal solid waste for that particular residential unit. (Ord. 1324, 10-10-2016)

B. Containers:

1. All mixed municipal solid waste shall be stored in containers which shall be watertight and shall have tightfitting lids. Said containers shall be maintained in a clean and sanitary manner. Any mixed municipal solid waste which, by its size or bulk, cannot be stored in a container shall be secured to the ground in such a manner to prevent the scattering of the mixed municipal solid waste by animals or wind.

2. The containers mentioned in subsection B1 of this section shall be kept near the building using the containers or in an enclosed area or garage. Containers shall not be allowed to sit at the curb for more than twelve (12) hours prior to collection by a licensed collector and shall be removed from the curb within twelve (12) hours after collection. (Ord. 1168, 11-13-2007)

8-6-86: PRIVATE COMPOSTING:

The private composting of yard wastes is permitted if the following conditions are met:

- A. The compost pile shall be screened from view of the public right of way.

B. The compost pile shall be fenced or enclosed on three (3) sides to prevent the scattering of yard wastes.

C. The compost pile shall be managed in a manner to prevent odor, harborage of animals, and the stockpiling of material which does not readily decompose within a calendar year including, but not limited to, refuse, fibrous material, and prunings.

D. Only the yard waste which is produced on the premises can be composted on that premises. (1974 Code § 610.13)

Section Two. Effective Date. This Ordinance shall be in full force and effect upon its publication as provided by law.

Passed in regular session of the City Council on the ____ day of _____, 2020.

CITY OF INVER GROVE HEIGHTS

By: _____

George Tourville, Mayor

ATTEST:

Rebecca Kiernan, City Clerk