

**City of Woodbury
Washington County, Minnesota**

Ordinance 2042

An Ordinance of the City of Woodbury, Washington County, Minnesota Providing that the City Code be Amended by Amending Chapter 19, Solid Waste – Section 19-1 Purpose – Section 19-2 Definitions – Section 19-3 Disposal Generally – Section 19-4 Littering – Section 19-5 Scavenging Prohibited – Section 19-6 Exception – Section 19-7 Hauler License Requirements – Section 19-8 Collection Days, Hours, Etc. – Section 19-9 Duties and Obligations of Licensed Collector – Section 19-10 Process for Designated Targeted Recyclables – Section 19-11 Storage and Placement for Collection – Section 19-12 Hauler Complaints – Section 19-13 Violations – Section 19-14 Penalty – Section 19-15 Appeal – Section 19-16 Reservation of Rights – Section 19-17 Severability.

The City Council of the City of Woodbury, Washington County, Minnesota does ordain:

Section One. Amendment that Chapter 19 – Solid Waste, Section 19-1 Purpose be amended to delete the same in its entirety and substitute the following therefore:

Sec. 19-1 Purpose.

It is the intent of the city council, by means of this chapter to:

- (a) Establish a system of complete regular garbage, other refuse, major appliances, recyclables, and yard waste collection throughout the city so that the disposal of such materials is accomplished in a sanitary manner;
- (b) Guarantee that the health and sanitary conditions of the residents of the city is properly safeguarded;
- (c) Ensure that the city is in compliance with the state and/or county recycling and solid waste reduction requirements and;
- (d) Adopt the plans, policies, rules standards, and requirements of the Minnesota Pollution Control Agency and Washington County regarding solid waste.

Section Two. Amendment that Chapter 19 – Solid Waste, Section 19-2 Definitions be amended to delete the same in its entirety and substitute the following therefore:

Sec. 19-2. Definitions.

Unless specifically defined below, words or phrases used in this division shall be interpreted so as to give them the same meaning as they have in common usage and to give this chapter its most reasonable application. For the purpose of this division, the words "must" and "shall" are mandatory and not permissive.

Bulky Waste means waste that is oversized and cannot fit within a garbage container and requires special pickup such as, furniture, carpeting and mattresses, couches, tables, scrap wood, etc. Excludes major appliances and electronic waste.

Commercial Establishment means any premises where a commercial or industrial enterprise of any kind is carried on, and shall include restaurants, clubs, churches, and schools where food is prepared or served.

Commingled Recyclables means any collection system in which a licensed hauler mixes different types of targeted recyclables in a single container.

Daily Hauling District means a residential area in which garbage, other refuse, recyclables, source separated organics (SSO) and yard wastes are collected on the same day by licensed collectors. The district boundaries and day of collection are established by council resolution.

Construction Debris means materials used for construction projects such as roads, buildings, earthwork, etc. These materials are commonly building wood, concrete, asphalt, earthen fill, rock/gravel, brick, and steel.

Dwelling, attached means one which is joined to another dwelling or building at one or more sides by a party wall or walls.

Dwelling, detached means one which is entirely surrounded by open space on the same lot with no common party walls.

Dwelling Unit means a residential building or portion thereof intended for occupancy by a single-family, but not including hotels, motels, boarding or rooming houses or tourist homes. There are three principal types:

- (a) *Single-family detached*: A freestanding residence structure designed for or occupied one family only.
- (b) *Single-family attached*: A residential building containing two or more dwelling units with one common wall;
 1. *Duplex*: A residence designed for or occupied by two families only, with separate housekeeping and cooking facilities for each.
 2. *Townhouse*: A residential building containing two or more dwelling units with at least one common wall, each unit so oriented as to have all exits open to the outside.
 3. *Quadplex*: A residential building containing four dwelling units with one common wall, each unit so oriented as to have all exits open to the outside.
- (c) *Multi-family*: A residence designed for or occupied by three or more families or individuals living together as a single-family unit, either wholly (attached) or partially a part of a large structure (detached), with separate housekeeping and cooking facilities for each;

1. *Apartment*: A room or suite of rooms, available for rent which is occupied as a residence by a single family, or a group of individuals living together as a single-family unit.
2. *Condominium*: A form of individual ownership within a multi-family building with joint responsibility for maintenance and repairs of the land or other common property.
3. *Cooperative*: A multi-unit development operated for and owned by its occupants. Individual occupants do not own their specific housing unit outright as in a condominium, but they own shares in the enterprise.

Garbage means all solid waste, excluding animal offal and carcasses of dead animals, human excreta, sewage, and other water-carried wastes.

Household Hazardous Wastes (HHW) shall have the definition in Minnesota Statute, and Washington County Ordinance. Wastes are hazardous in Minnesota when they display one or more of these characteristics: ignitability, corrosively, reactivity, toxicity, lethality or are an oxidizer.

Major Appliances shall have the definition in Minnesota Statute, including but not limited to clothes washers and dryers, dishwashers, hot water heaters, heat pumps, furnaces, garbage disposals, trash compactors, conventional and microwaves ovens, ranges and stoves, air conditioners, dehumidifiers, refrigerators, and freezers.

Municipal Solid Waste (MSW) shall have the definition in Minnesota Statute, including but not limited to garbage, refuse, rubbish, and other waste from residential, commercial, industrial, and community activities that the generator of the waste aggregates for collection. MSW 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.

Other Refuse means ashes, non-recyclable glass, crockery, cans, paper, boxes, rags and similar wastes, but excluding sand, earth, brick, stone, concrete, trees, tree branches and wood.

Recyclable Materials shall have the definition in Minnesota Statute, and means materials that are separated from MSW for the purpose of recycling or composting, including paper, glass, plastics, metals, automobile oil, batteries, source-separated compostable materials, and sole source food waste streams that are managed through bio degradative processes. Refuse-derived fuel or other material that is destroyed by incineration is not a recyclable material.

Recycling shall have the definition in Minnesota Statute, and means 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 materials in a manner that precludes further use.

Solid Waste is the general term for MSW, but is further defined for the purposes of this ordinance to include recyclable materials, bulky waste, source separated organics, yard waste and household hazardous waste.

Source Separated Organics (SSO) shall include food waste and other compostable organic materials that are source separated for recovery. The term “organics” does not include yard waste for the purposes of this ordinance.

Special Pickup means any collection of materials other than garbage, other refuse, recyclables, or yard waste including major appliances, furniture, oversized materials and construction debris.

Targeted Recyclables are those recyclable materials identified in the Washington County standard list of residential curbside recyclables.

Yard Waste shall have the definition in Minnesota Statute and means garden wastes, leaves, lawn cuttings, weeds, shrub and tree waste and, prunings.

Section Three. Amendment that Chapter 19 – Solid Waste, Section 19-3 Disposal generally be amended to delete the same in its entirety and substitute the following therefore:

Sec. 19-3. Disposal generally.

- (a) All residents are required to make adequate provisions for the sanitary disposal of garbage, other refuse, major appliances, recyclable materials, HHW, and yard waste by means of a licensed private collector unless they have provided for adequate means of disposal which meet the approval of the city council and which comply with all ordinances and regulations of the city, county, and state.
- (b) The city encourages residents and businesses to reduce the amount of food waste generated and to divert food waste and associate SSO to compost programs managed by the county and the Ramsey/Washington Recycling & Energy Board.
- (c) Any person, firm, business, or corporation that picks up garbage, other refuse, and major appliances for the City of Woodbury must dispose of garbage at the Recycling & Energy Center in Newport, Minnesota.
- (d) It shall be unlawful for any person to fail to dispose of garbage, recyclable materials, other refuse, major appliances, HHW, and yard waste, in a way that may accumulate upon property owned or occupied by a person. Every person who fails or refuses to make provisions for the secure disposal of such items shall be guilty of a misdemeanor.
- (e) It shall be unlawful for any person to dispose of yard waste, other refuse, recyclable materials, or major appliances into the waste stream. Yard waste shall be disposed of by:
 1. Contracting with a licensed private collector to haul the yard waste to a county approved compost site;

2. The resident transporting the yard waste to a county approved compost site; or
 3. Composting the yard waste on the resident's property, as permitted in City Code, Sec. 24-256. Composting.
- (f) It shall be unlawful for any person to permit garbage, other refuse, recyclable materials, and/or yard waste to be removed from their property by an unauthorized or unlicensed collector unless stated in Sec. 19-6 Exceptions.
- (g) It shall be unlawful for a licensed private collector to dispose of yard waste into the garbage, other refuse, recyclable materials, or major appliances into the waste stream. Haulers who fail to comply with this provision shall be subject to a fine at the value found in City Code, Sec. 2-3 Fees for various services.
- (h) Residents of single-family detached, single-family attached and multi-family dwelling units are required to separate targeted recyclables from the waste stream for recycling. Persons who fail or refuse to comply with this provision shall be subject to a fine at the value found in City Code, Sec. 2-3 Fees for various services.
- (i) It shall be unlawful for a licensed private collector to pick up garbage and refuse which has not had the targeted recyclables removed for separate pick up. Haulers who fail to comply with this provision shall be subject to a fine at the value found in City Code, Sec. 2-3 Fees for various services.
- (j) It shall be unlawful for a licensed private collector to mix targeted recyclable materials with the non-targeted recyclable waste stream. Haulers who fail to comply with this provision shall be guilty of a misdemeanor.
- (k) No person shall bury or burn any solid waste, HHW, recyclable materials, or solid waste within the city.
- (l) HHW shall not be disposed of with MSW but shall be disposed of at a county approved drop-off location.
- (m) Persons who fail or refuse to comply with these provisions shall be subject to a fine at the value found in City Code, Sec. 2-3 Fees for various services.

Section Four. Amendment that Chapter 19 – Solid Waste, Section 19-4 Littering generally be amended to delete the same in its entirety and substitute the following therefore:

Sec. 19-4. Littering.

The discharging of garbage, other refuse, recyclable materials, yard waste, HHW, or major appliances on any street, alley, drive, park, playground, or other public place or any privately owned lot in the city, by any person, is unlawful. Persons who refuse or fail to comply with this provision shall be subject to a fine at the value found in City Code,

Sec. 2-3 Fees for various services for the incident and/or the cost of removing and disposing of the material.

Section Five. Amendment that Chapter 19 – Solid Waste, Section 19-5 Scavenging prohibited generally be amended to delete the same in its entirety and substitute the following therefore:

Sec. 19-5. Scavenging prohibited.

It is unlawful for any person or business to scavenge or otherwise collect garbage, other refuse, recyclable materials, major appliances, or yard waste at the curb or from waste containers and recyclable containers without a license issued by the city and an account relationship with the owner of the premises.

Section Six. Amendment that Chapter 19 – Solid Waste, Section 19-6 Exception generally be amended to delete the same in its entirety and substitute the following therefore:

Sec. 19-6. Exception.

Nothing in this section shall prevent persons from hauling garbage, other refuse, recyclable materials, yard waste, or major appliances from their own residences or business properties provided the following rules are observed:

- (a) That all garbage is hauled in containers that are watertight on all sides, including the bottom, with a tight-fitting cover on top;
- (b) That all other refuse and recyclable materials are hauled in vehicles with leakproof bodies and completely covered or enclosed by canvas or other means of material to eliminate the possibility of loss of cargo;
- (c) That all garbage and other refuse shall be dumped or unloaded only at a county designated disposal facility;
- (d) That all recyclable materials be disposed of at a recycling facility or an organized recyclable event; and
- (e) That Yard Waste may be composted privately, be disposed of at a composting facility, or through a licensed garbage and refuse hauler.

Section Seven. Amendment that Chapter 19 – Solid Waste, Section 19-7 Hauler license requirements generally be amended to delete the same in its entirety and substitute the following therefore:

Sec. 19-7. Hauler license requirements.

No person shall haul garbage, other refuse, recyclable materials, yard wastes, or major appliances for hire or from their business property without first having obtained a license to do so from the city, other than a defined in Sec 19-6 Exception.

Hauler licenses shall be granted only upon the condition that the licensee have watertight packer-type vehicles or, in the case of recycling haulers, appropriate container vehicles in good condition to prevent loss in transit of liquid or solid cargo, that the vehicle be kept clean and as free from offensive odors as possible and not allowed to stand in any street longer than reasonably necessary to collect garbage, other refuse, or targeted recyclables.

(a) License categories; fees; terms. There shall be three license categories defined by the type of account served:

1. Commercial/multi-unit residential dwelling (apartment complexes or housing where trash from several households is commingled);
2. Single-family/ multi-unit residential dwelling (individual household collection);
3. Construction and demolition debris hauling.

The city council shall establish license fees by ordinance. Licenses shall be issued for one calendar year from January 1 through December 31.

(b) Recycling licenses.

1. Commercial/multi-unit residential dwelling, single-family/multiple residential licenses, include recycling licenses.
2. Recycling licensees may only collect recyclables (i.e. this license does not include garbage collection).

(c) Recycling collections.

Single-family and multi-unit residential dwelling hauling licensees shall provide curbside recycling collection to all customers. At a minimum, such service shall include all targeted recyclables as defined herein.

(d) Weekly collection on established days.

Single-family/multi-unit residential dwelling hauling licensees and multiple dwelling (apartment complexes) licensees shall make weekly collection of separated garbage, and other refuse for all residential dwelling accounts within the daily hauling districts and on the days established by council resolution. Haulers shall collect recyclables at a minimum on a biweekly basis and on the same day as the scheduled garbage collection.

(e) Insurance required.

1. Before a garbage/recycling license shall be issued, the applicant shall file with the city a certificate of insurance. The certificate and the required insurance policies shall contain a provision that the coverage afforded under the contract will not be canceled or allowed to expire until at least 30 days prior written notice has been given to the city.

2. Before a garbage/recycling license shall be issued, the applicant shall provide proof of Workers' Compensation Insurance as required by Minnesota law.
3. The licensee shall maintain commercial general liability with a limit of not less than \$1,500,000.00 each occurrence, and a general aggregate limit of not less than \$2,000,000.00. The commercial general liability insurance shall cover liability arising from premises, operations, independent contractors, products-completed operations, personal injury, and advertising injury, and contractually assumed liability. The city shall be listed as a certified holder.
4. Licensee shall maintain automobile liability insurance, and if necessary, umbrella liability insurance with a limit of not less than \$1,500,000.00 each accident, and a general aggregate limit of not less than \$2,000,000.00. The insurance shall cover liability arising out of any auto, including owned, hired, and non-owned autos.

(f) State Tax Clearance.

1. Statement of whether all taxes and special assessments due and owing on the premises on which the applicant proposes to operate the licensed business are current, and if taxes are delinquent, the years for which the taxes on the premises are delinquent (this information is required by the applicant only if the applicant or other entity in which the applicant has an interest has the legal duty to pay said property taxes or assessments due and owing)

(g) Rates.

1. Each applicant shall file with the city before a garbage, other refuse, construction debris, or recycling license is issued or renewed. A schedule of rates must be submitted to the city that includes all applicable state and county taxes and fees, to be charged by the hauler, during the license period for which the application is made.
2. Recyclables and targeted recyclables collection cannot be charged more than municipal solid waste, other refuse and yard waste collection.
3. For single-family and multi-unit residential dwelling hauling licensees, a rate structure shall be provided to the city for three levels of service utilizing standard containers. At a minimum, containers should be at least 30, 60 and 90 gallons in size, and no larger than 96 gallons in size. In addition, licensees shall provide rates for walk-up service, and handicapped service.

(h) Vehicle weight.

All licensed haulers shall be solely responsible for complying with all road weight restrictions. The city shall be notified immediately of any notices of haulers exceeding such restrictions.

(i) License fee and decal location.

1. The fee for each license shall be as set by ordinance of the city council. When a license is issued, the city shall furnish to the licensee for a charge, as set by ordinance, a decal for each vehicle to be used by licensee within the city. The license decal shall be so worded as to signify that the vehicle is licensed by the city. The licensee shall apply the decal to the left forward side of the body of the appropriate licensed vehicle as indicated by the city. Old, expired, or otherwise invalid decals shall be removed from the vehicle.
2. Application for waste hauling license shall be made to the city clerk on a form supplied by the city.

Section Eight. Amendment that Chapter 19 – Solid Waste, Section 19-8 Collection days, hours, etc. generally be amended to delete the same in its entirety and substitute the following therefore:

Sec. 19-8. Collection days, hours, etc.

- (a) Residential collection of solid waste shall only take place between the hours of 6:00 a.m. and 6:00 p.m., Monday through Friday, as established by council, and outlined by the city's daily hauling districts. Municipal solid waste must be collected weekly, and recyclables collected weekly or bi-weekly, depending on the arrangement between the resident and hauling company. Failure to comply with these provisions, and not collect solid waste during the designated timeframe, shall be subject to an administrative penalty per incident.
- (b) Commercial, industrial, apartment and institutional collection of solid waste shall be made at least once a week between the hours of 6:00 a.m. and 6:00 p.m. and on any day of the week, and as often as is necessary, to protect the public's health. Residential special pick up as defined in section 19-2 may take place on any day, Monday through Friday, 6:00 a.m. and 6:00 p.m., as arranged by the resident and licensed hauler.
- (c) Service for solid waste and recycling collection observes six holidays a year: New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving, and Christmas. If an observed holiday falls on a Monday through Thursday, collection service will be one day late for the rest of the week. Refer to the Trash Collection Schedule Map on the city's website.

Haulers who fail to comply with these provisions shall be subject to an administrative penalty at the value found in City Code, Sec. 2-3 Fees for various services.

Section Nine. Amendment that Chapter 19 – Solid Waste, Section 19-9 Duties and obligations of licensed collector generally be amended to delete the same in its entirety and substitute the following therefore:

Sec. 19-9. Duties and obligations of licensed collector.

A licensed hauler must comply with the following operational requirements. Failure to observe these provisions may be a basis for suspension or revocation of a license.

(a) Operating procedures.

A licensee shall operate in a manner consistent with its application materials and provide notice to the city within 15 days of any change of information, forms, rate structures, or certificates filed as a part of the license application process except for the 30-day notice requirement on insurance as found in subsection (e) of section 19-7.

(b) Compliance with laws and regulations.

The licensee shall comply with all state, county, and local laws and regulations.

(c) Collection days and hours.

Licensed haulers shall comply with garbage, other refuse, yard waste, major appliances, and recyclable collection days and hours as specified in section 19-9.

(d) Vehicles and equipment.

Each licensed collector shall only use vehicles and equipment so constructed that the contents shall not leak or spill. The vehicle's equipment shall also be kept clean and as free from offensive odors as possible, and shall not stand on any street, alley, or public place longer than is reasonably necessary to collect garbage, other refuse, yard waste, major appliances, and/or recyclable materials. The licensee shall also ensure that the collection site is left tidy and free of litter; each licensed collector shall provide its customers with the opportunity to recycle through a weekly or biweekly curbside collection of targeted recyclables (as defined in section 19-2). Haulers may collect targeted recyclables on a biweekly basis subject to the conditions defined in section 19-8. The curbside collection of targeted recyclables shall be on the same day as collection of customer's garbage and refuse collection, but may occur at a different time within that day.

The targeted recyclable collection shall be from a location at or near the customer's garbage, or at such other location as mutually agreeable to the hauler and the customer. The licensee may specify how the customers are to place and prepare their targeted recyclables for collection. The licensee is also deemed the owner of recyclables and upon collection the licensee may market them. Nothing here within shall construe to prevent the licensee from offering curbside collection for other recyclable materials in addition to the targeted recyclables.

(e) Reports.

Single-family and multi-unit residential dwelling licensees shall report to the city information as required on a form provided for such purpose. The report shall be submitted annually, by January 30th. Haulers are required to report information as specified by the state, county and/or the city. On a minimum annual basis, haulers are required to provide residential customer lists to the city. Customer lists will include property address, cart size, and frequency of pickup. Haulers shall be required to demonstrate that they have disposed of garbage, and other refuse at a disposal facility as designated by the county. Major appliances may be disposed of through a reclamation center. Haulers are required to demonstrate

that they have recycled the targeted recyclables. Upon request, haulers shall produce weight slips, which shall verify and certify the amount of garbage, other refuse, and recyclables reported to the city. Failure to comply with reporting requirements as a licensed hauler will be subject to a fine at the value found in City Code, Sec. 2-3 Fees for various services.

(f) Targeted recyclables.

It shall be permissible for licensed haulers to commingle recyclables provided that haulers who do so shall provide to each customer, at least annually, the following information:

1. That while the recyclables are commingled during collection, they are later separated and recycled; and
2. A description of the recycling process.

Failure to comply with the duties and obligations as a licensed hauler will be subject to a fine at the value found in City Code, Sec. 2-3 Fees for various services.

Section Ten. Amendment that Chapter 19 – Solid Waste, Section 19-10 Process for designated targeted recyclables generally be amended to delete the same in its entirety and substitute the following therefore:

Sec. 19-10. Process for designated targeted recyclables.

Additional recyclable materials may be designated as targeted recyclables, by resolution of Washington County after the effective date of this chapter. The designation process will be as follows:

- (a) Each licensed collector shall be given 90 days written notice of proposed additions to the list of targeted recyclables. The notice will specifically describe the material(s) proposed for addition as well as describe how the addition might affect the duties and obligations of the licensee; and
- (b) Notice shall be given by mail via general delivery, to the address provided on the most recent license application or renewal form.

Section Eleven. Amendment that Chapter 19 – Solid Waste, Section 19-11 Storage and placement for collection generally be amended to delete the same in its entirety and substitute the following therefore:

Sec. 19-11. Storage and placement for collection.

- (a) The platted residential, estate and rural residential areas of the city shall have the necessary container to contain solid waste and targeted recyclables placed at curbside after 6:00 p.m. on the day before collection. At all other times, the containers shall be so located as to be out of public view in a secure place insofar as possible. Containers shall be properly closed and shall not be filled to the

extent that the solid waste and targeted recyclables placed therein can drop or spill from them.

- (b) Every owner, operator, or lessee of an industrial and/or commercial business who provides their own garbage and/or recycling containers shall keep the containers in a storage area or building which can be locked except on the day of collection. Every owner, operator, or lessee of an industrial and/or commercial business that uses a container provided by the licensed private collector shall keep the container in a location so that it is out of the public view as far as possible except on the day of pickup. Containers shall be properly closed and shall not be filled to the extent that the garbage or refuse placed therein can drop or spill from them.
- (c) All containers for garbage, other refuse, and yard waste shall be made of metal or other suitable material, which is rodent-, fire-, and water- proof and which will not easily corrode and shall be of such size and weight that they can be handled by one person, and kept tightly closed. Garbage and other refuse may be placed in a plastic bag of such strength that the contents therein will not rip, tear, or puncture the plastic bag.
- (d) All yard waste to be picked up by a licensed hauler shall be placed in separate bags or containers as defined by the licensed hauler, and shall not contain garbage or other refuse, or major appliances.

Section Twelve. Amendment that Chapter 19 – Solid Waste, Section 19-12 Hauler complaints generally be amended to delete the same in its entirety and substitute the following therefore:

Sec. 19-12 Hauler complaints.

- (a) Office Location.

The hauler shall establish and maintain an office with continuous supervision for accepting complaints and customer calls during regular business hours. A system for recording and responding to customer calls outside of 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 provided 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. Upon request by the city, 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.

Section Thirteen. Amendment that Chapter 19 – Solid Waste, Section 19-13 Violations generally be amended to delete the same in its entirety and substitute the following therefore:

Sec. 19-13 Violations.

(a) Revocation or Suspension.

1. 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 them to discontinue said violation or correct such condition that is in violation.
2. Upon recommendation by the city administrator, the city council, and/or the county, the city may suspend or revoke the license of any licensee whose conduct is found to be in violation of the provisions of this chapter. Suspension or revocation may also be based on other health, safety, and welfare concerns arising out of the performance of the licensee, its employees, and agents, and/or its vehicles and equipment.
3. No suspension or revocation of a license will take effect until the hauler has been afforded an opportunity for a hearing under Minnesota Statutes, Sections 14.57 to 14.69 of the Administrative Procedure Act.
4. 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.

(b) Administrative procedures.

1. Any violation of this article may be prosecuted by the issuance of an administrative citation and resolved in accordance with chapter 25, article III, administrative citations and civil penalties, of the City Code.

(c) Administrative procedures and penalties shall be enforced for license violations including, but not limited to:

1. Failure to comply with statutory and code requirements, including insurance;
2. Failure to include the number of residential customers and service level;
3. Failure to submit required reports by date specified by ordinance or Washington County;
4. 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. Failure to clean-up solid or liquid spills or leaks from vehicles within four (4) hours;
6. Failure to collect solid waste on the designated day without a twenty-four (24) hour notice to the customer;
7. Failure to notify the city of rate changes in accordance with Sec. 19-7;
8. Failure to address complaints made by residents in a prompt manner.

Section Fourteen. Amendment that Chapter 19 – Solid Waste, Section 19-14 Penalty generally be amended to delete the same in its entirety and substitute the following therefore:

Sec. 19-14. Penalty.

- a. If a licensee or an employee of a licensee is found to have violated this article, the licensee shall be subject to an administrative penalty. Administrative penalties for violations can be found in City Code, Sec. 2-3 Fees for various services.
- b. 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.
- c. 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 penalties due to the city for that business entity or another business entity under their financial control.
- d. Any person convicted of violating this chapter shall be guilty of a misdemeanor and shall be subject to a fine or imprisonment in the county jail, or both, as specified by Minnesota State Statute. Such penalty may be imposed in addition to suspension or revocation of the license.

Section Fifteen. Amendment that Chapter 19 – Solid Waste, Section 19-15 Appeal generally be amended to delete the same in its entirety and substitute the following therefore:

Sec. 19-15 Appeal.

If the city clerk or designee denies the issuance of a license or revokes a license that has been issued, the applicant must be notified in writing of the decision the reasons for the denial or revocation and the applicant's right to appeal the denial or revocation by requesting, within 20 days of receiving notice of the denial or revocation, a hearing before the city's selected impartial examiner. The city's selected impartial examiner shall hear the appeal within 20 days of the date of the request. The decision of the city's selected impartial examiner can be appealed by petitioning the Minnesota Court of Appeals for a writ of certiorari.

**Section Sixteen. Amendment that Chapter 19 – Solid Waste, Section 19-16
Reservation of rights generally be amended to delete the same in its entirety and
substitute the following therefore:**

Sec. 19-16. Reservation of rights.

No collector licensed pursuant to this chapter shall acquire a vested right in a license. The city may, upon finding that public necessity requires, determine to establish other means of refuse collection.

**Section Seventeen. Amendment that Chapter 19 – Solid Waste, Section 19-17
Severability generally be amended to delete the same in its entirety and substitute
the following therefore:**

Sec. 19-17. Severability.

In the event that a court of competent jurisdiction adjudges any part of this chapter to be invalid, such judgment shall not affect any other provision of this chapter not specifically included within the judgment.

Section Eighteen. Effective date.

This ordinance shall be in full force and effect following its passage and publication according to law.

Passed and adopted by the City Council of Woodbury, Washington County, Minnesota, this 8th day of November, 2023.

ATTEST:

Anne W. Burt, Mayor

Clinton P. Gridley, City Administrator

(SEAL)

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