

**ORDINANCE NO. 364**  
**AN ORDINANCE AMENDING CHAPTER 40 SOLID WASTE**  
**ARTICLE III RULES, REGULATIONS AND LICENSING RELATING TO SOLID**  
**WASTE AND RECYCLABLE MATERIALS COLLECTION AND DISPOSAL**  
**CITY OF CROSSLAKE**  
**COUNTY OF CROW WING**  
**STATE OF MINNESOTA**

The City Council of the City of Crosslake, in the County of Crow Wing, State of Minnesota, does ordain as follows:

SECTION 1. Section 40, Article III is hereby amended as follows:

Sec. 40-31 – **Definitions**

The following terms, as used in this Section, shall have the meanings stated:

1. ***Collection*** is the aggregation of mixed municipal solid waste, yard waste and/or separate waste streams from the place at which it is generated and includes all activities up to the time the mixed municipal solid waste, yard waste and/or separate waste stream is delivered to a waste facility.
2. ***Compostable materials*** include but are not limited to kitchen wastes, food wastes, paper wastes, and other clean organic wastes, but not including yard waste.
3. ***Garbage*** is discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.
4. ***Mixed municipal solid waste*** shall mean garbage, refuse and other solid waste from residential, commercial, industrial, and community activities which is generated and collected in aggregate, but does not include recyclable materials, auto hulks, street sweepings, ash, construction debris, mining waste, sludge, tires, lead acid batteries, used oil, infectious waste and other materials collected, processed and disposed of as separate waste streams.
5. ***Recyclable materials*** shall mean materials that are separated from mixed municipal solid waste for the purpose of recycling, including, but not limited to, paper, glass bottles, metal, plastic containers, and other materials.
6. ***Recycling*** is the process of collecting and preparing recyclable materials and reusing them 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.
7. ***Refuse*** is putrescible and non-putrescible solid waste, except body wastes, and includes garbage and rubbish.

8. *Separate waste streams* are materials that are collected, processed or disposed of separately from mixed municipal solid waste, including, but not limited to, compostable materials, auto hulks, street sweepings, ash, earthen fill, boulders, rocks and other material normally handled in construction operations, mining waste, tree and agricultural wastes, yard waste, tires, lead acid batteries, used motor oil and major appliances.
9. *Yard waste* shall mean lawn cuttings, leaves, weeds, garden wastes and soft bodied plants.

#### **Sec. 40-32 - License Required**

1. **Haulers License Required.** No person shall engage in the business of mixed municipal solid waste, garbage, refuse, compostable materials or recyclable materials collection or conveyance in the City of Crosslake unless such person shall first secure from the City, annually, a haulers license to do so and pay the license fee pursuant to the provisions contained in this article. The license is non-transferable, unless approved by the City Council.
2. **Application for Haulers License.** An applicant for a haulers license shall make application to the City Clerk on a form prepared by the City Clerk and in accordance with those procedures prescribed by the City Clerk. All applications shall be complete or shall be rejected. An applicant denied a license by the City Clerk may have the decision reviewed by the City Council. The applicant shall request review by the City Council in writing within ten days after denial of the license.

The application shall accurately provide at a minimum:

- A. The name, telephone number and current address of the applicant;
  - B. A description of each motor vehicle to be used for hauling, including the license number thereof;
  - C. Such other information as the City Clerk may require or as required by this article; and
  - D. A copy of the current D.O.T. inspection report.
3. **Insurance.** No license shall be issued until the applicant files with the City Clerk a valid certificate of insurance protecting the licensee from claims for damages and bodily injuries, including accidental death, as well as for claims for property damage which may arise from operations involving all phases of mixed municipal solid waste or disposal operations, as herein defined and evidencing the following minimum insurance coverages:

- E. Commercial general liability insurance coverage in an amount of not less than \$1,000,000.00 for injury to any one or more persons or property damage resulting from any one accident;
- F. Automobile liability coverage with a combined single limit of \$1,000,000.00 covering all owned, hired and non-owned vehicles; and
- G. Statutory workers' compensation insurance.

All obligations and costs regarding required insurance shall be the responsibility of the applicant. Such insurance shall be kept in force during the term of the license. Any license issued under this Section shall automatically be revoked upon notice of termination or cancellation of such insurance.

- 4. **Fee; Term.** The annual license fee shall be duly set by the City Council by resolution. Such license shall expire December 31 of each year. The license fee will not be prorated. The license fee shall be paid at the time of application for such license. The licensee shall not be entitled to refund of any license fee upon suspension, revocation or voluntarily ceasing to carry on the license activity.
- 5. **Indemnification.** The licensed hauler shall hold the City harmless from all damages and claims of damages that may arise by reason of any negligence of the licensed hauler or the licensee's agents or employees while engaged in the performance of the work and services covered by the license and shall indemnify the City against all claims, liens, expenses and claims for liens for work, tools, machinery, materials or insurance premiums or equipment or supplies and against all loss by reason of failure of the licensee in any respect to fully perform all obligations outlined in the license, or by law, regulation, ordinance or contract regarding solid waste collection.

#### **Sec. 40-33 - Collection and Transportation of Recycling**

- 1. All haulers licensed to do business in the City of Crosslake must offer collection of recyclable materials to residential dwelling units.
- 2. Collection of recyclable materials shall be made at least twice per month.
- 3. The recyclable materials collection shall be from a location at or near the customer's mixed municipal solid waste, garbage and/or refuse collection site or other location mutually agreeable to the hauler and the customer.
- 4. Nothing herein shall be construed to prevent a licensee from offering curbside collection for other recyclable materials, in addition to those defined in this article.
- 5. The licensed hauler shall be deemed the owner of the recyclable materials upon collection and may market and sell the same.

6. The licensed hauler shall not impose a greater charge on residential customers who recycle than those who do not recycle.

#### **Sec. 40-34 – Service Requirements for Licensed Haulers**

1. **Frequency of service.** Licensed haulers must offer collection service at least once per week with the exception of recyclable materials collection which shall be offered at least twice monthly.
2. **Compliance with law.** The licensed hauler shall comply with all state, county, local laws and regulations.

#### **Sec. 40-35 -Transportation of Waste and Recyclable Materials**

1. A licensed hauler shall transport mixed municipal solid waste, recyclable materials, compostable materials, yard waste, garbage and refuse in the City only in a covered vehicle having a watertight body which prevents scattering, dripping or removal of the contents from the vehicle during collection and transportation of the same to a disposal facility. The body of each such vehicle shall be designed for complete emptying at the disposal site.
2. Each such vehicle shall be maintained in a reasonably clean condition. The city council may revoke or suspend the license of the hauler for failure to comply with this subsection. Permitting mixed municipal solid waste, recyclable materials, compostable materials, yard waste, garbage or refuse to scatter, drip, fall, spill, blow or otherwise be removed from the licensee's vehicle during transportation of its contents is prohibited and is declared a public nuisance.

#### **Sec. 40-36 – Required Collection and Disposal**

1. The owner and/or occupant of any premises, business establishment or industry in the City shall be responsible for the sanitary storage of all mixed municipal solid waste, garbage, refuse and/or separate waste streams accumulated or stored at that premises, business establishment or industry.
2. No commercial or industrial mixed municipal solid waste, garbage, refuse and/or separate waste streams shall be collected or disposed of except by a duly licensed hauler.

#### **Sec. 40-37 - Solid Waste Storage**

1. The owner, occupant and/or the person in control of any residential property, business establishment or industry, shall be responsible for the satisfactory storage of all mixed municipal solid waste and separate waste streams accumulated at the premises, business establishment or industry.

2. Mixed municipal solid waste shall be stored in durable, rust-resistant, non-absorbent, watertight, rodent-proof and easily cleanable containers, with close-fitting, fly-tight covers and/or disposable plastic bags with tightly sealed openings.
3. All containers for the storage of mixed municipal solid waste shall be maintained in a manner as to prevent the creation of a nuisance or menace to public health.

Containers that are broken or otherwise fail to meet requirements of this chapter shall be replaced with acceptable containers.

**Sec. 40-38 - Enforcement**

1. Revocation or suspension of license. The city council may suspend or revoke any license when the licensed hauler neglects or fails to comply with the provisions of applicable law, regulations or ordinances.
2. Inspection. Inspection may be made of any premises, facilities or equipment in connection with the storage, collection, transportation, treatment, handling, utilization, processing and final disposal of mixed municipal solid waste and/or separate waste streams at any reasonable time upon showing proper identification. Inspection may be made by authorized personnel from the department of public works, Crow Wing County, the state pollution control agency, as appropriate, or any peace officer.
3. Violations. Whenever it is found that a violation of the provisions of this article exists, the department of public works, police department and/or the city clerk may take action to correct the conditions by serving a written order or notice upon the person responsible therefor directing him to discontinue the illegal action or correct the condition which is in violation of the provisions and regulations of this chapter. Any violation of this chapter is a misdemeanor, unless otherwise specified. The penalty provided herein may be imposed in addition to suspension or revocation of the license.

Passed by a 5/5ths vote if the City Council this 13<sup>th</sup> day of July, 2020.

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David Nevin, Mayor

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Michael R. Lyonais, City Administrator