

ORDINANCE NO. 122
STILLWATER TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
AN ORDINANCE REQUIRING
SOLID WASTE COLLECTION AND LICENSING COLLECTORS

THE BOARD OF SUPERVISORS OF STILLWATER TOWNSHIP ORDAINS:

Stillwater Township Ordinance No. 111 is amended in its entirety to read as follows:

SECTION 1. Definitions. As used in this ordinance, the following terms have the following meanings:

COLLECTION: The aggregation of mixed municipal solid 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/INDUSTRIAL ESTABLISHMENT: Any premises not primarily used for residential purposes and a commercial or industrial enterprise of any kind is undertaken, including restaurants, clubs, churches, and schools.

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

GARBAGE: Waste foodstuffs or table wastes of vegetable or animal origin, together with other incidental admixtures.

HOUSEHOLD: An individual or two (2) or more persons related by blood, marriage, guardianship, or adoption, living together as a single housekeeping unit; or a group of not more than three (3) persons not so related, maintaining a common housekeeping unit and using common cooking and kitchen facilities; or a residential program (group home) for six (6) or fewer persons as defined and licensed by the State of Minnesota Department of Human Services.

MIXED 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, but does not include auto hulks, street sweeping, ash, construction debris, mining waste, sludges, tree and agricultural wastes, tires, lead acid batteries, used oil, and other materials collected, processed, and disposed of as separate waste streams.

REFUSE: Solid wastes such as nonrecyclable glass, crockery, cans, paper, boxes, rags, but excluding ashes, sand, earth, brick, stone, concrete, trees, tree branches, and wood.

TARGETED RECYCLABLES: (1) aluminum and bi-metal cans, (2) glass containers, (3) newsprint, (4) glossy magazines, (5) corrugated cardboard, (6) plastics #1 - #5, (7) office paper, (8) junk mail, (9) box board, (10) phone books, (11) household metals, or other materials as defined by Board resolution.

YARD WASTE: Organic materials consisting of grass clippings, leaves, and other forms of organic garden waste, prunings, tree waste, and fresh-cut Christmas trees and boughs, but excluding garden vegetables and materials that are not readily compostible within a calendar year.

SECTION 2. Required Collection of Mixed Municipal Solid Waste: Every household and commercial/industrial establishment must be under a contract for at least weekly collection of mixed municipal solid waste by a licensed collector. A household or commercial/industrial establishment may apply to the Town Board for an exemption from this requirement if the household or commercial/industrial establishment presents a plan to ensure an environmentally sound alternative.

SECTION 3. Disposal Requirements:

A. Disposing of mixed municipal solid waste, yard waste, and recyclable material on any streets, alleys, drives, parks, playgrounds, or other public places or on any vacant lots privately owned shall constitute a violation of this ordinance whether such material is discarded by the individual upon whose premises the mixed municipal solid waste or recyclable material originates or whether it is discarded by some other person or collector, licensed or unlicensed.

B. Yard Waste Disposal: It shall be unlawful for any person to dispose of yard waste in mixed municipal solid waste, in a disposal facility or in a resource recovery facility except for the purposes of composting or co-composting.

C. Prohibited Disposal: No person shall place or cause to be placed any mixed municipal solid waste, construction debris, yard waste, or anything they intend to dispose of or abandon within or next to a garbage can or dumpster or anywhere else unless they own or lease the receptacle or have the permission of the property owner or tenant.

SECTION 4. Collection License Required:

A. License Requirement: It shall be unlawful for any person to engage in the business of collecting mixed municipal solid waste or recyclable material without having first secured from the Town Board a license to do so.

B. Term of License: No license issued hereunder shall be for a period longer than one year, and all licenses shall expire on December 31 of each year.

SECTION 5. Application and Fee:

A. Application for License: Any person desiring a license to collect mixed municipal solid waste and/or recyclable material shall make application for the same to the Town Clerk upon a form prescribed by the Town Board. The application shall set forth:

1. The name and address of the applicant.
2. A list of equipment which is proposed to be used in such collection.
3. The place or places to which the mixed municipal solid waste and/or recyclable material is to be hauled.
4. The manner in which the mixed municipal solid waste and/or recyclable material is to be disposed.
5. The portion of the Town in which collections are to be made and the number of households which are served.
6. List of recyclables collected at curbside and the method of preparation which is preferred.

B. Investigation: The application shall be submitted to the Town Clerk for investigation and report to the Town Board. If the Town Board finds that the applicant is responsible and has proper equipment for such collection and that no nuisance is liable to be created by the granting of the license, the Town Board will grant the license.

C. License Fees: Before any license may be issued, the applicant shall pay to the Town Clerk a license fee in an amount established by resolution of the Town Board, which fee shall accompany the application.

SECTION 6. Collection Regulations: A licensed mixed municipal solid waste collector shall comply with the following collection regulations. Failure to observe these provisions may be a basis for suspension or revocation of a license.

A. Collecting Mixed Municipal Solid Waste Required: It shall be the duty of each licensed mixed municipal solid waste collector to haul away once each week to such places as designated in their license application all mixed municipal solid waste from premises located within the area in which they are authorized to collect mixed municipal solid waste.

B. Collection Truck: Each licensed mixed municipal solid waste or recyclable material collector shall provide a covered vehicle so constructed that the contents will not leak or spill therefrom, in which all mixed municipal solid waste or recyclable material collected by them shall be conveyed to the place designated in their application. The vehicle shall 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 mixed municipal solid waste or recyclable material.

C. Collection Hours: No collections of mixed municipal solid waste or recyclable material shall be made except between the hours of seven o'clock (7:00) A.M. and six o'clock (6:00) P.M., Monday through Friday.

D. Collecting Recyclable Material Required: It shall be the duty of each licensed mixed municipal solid waste collector to haul away to such places as designated in its license application the targeted recyclable materials from residences on the same day that it hauls mixed municipal waste. Nothing herein shall be construed to prevent a collector from offering residences recyclable collection of other recyclable materials.

E. Recyclable Material Report: Each licensed mixed municipal solid waste or recyclable material collector shall provide the Town with a quarterly report on residential recycling participation, quantity and type of all material recycled within the Town. A legible copy of the weight slips obtained from each recyclable material purchaser shall accompany each quarterly report as documentation that the material was recycled. Failure to certify accurate volumes may be cause for revocation of license.

F. It shall be unlawful for any person engaged in the business of collecting recyclable material to landfill or incinerate collected recyclable material without approval from the Town.

G. The licensee shall operate in a manner consistent with its application materials and shall provide notice to the Town within ten (10) days of any changes in information, forms, or certificates filed as a part of the license application process.

H. Minimum Service: Residential mixed Municipal solid waste and recyclable material collector rates shall include a minimum of three (3) levels of regular service, priced on the basis of volume with a rate structure designed to encourage reduction, reuse, and recycling. The rate structure shall increase with the volume of the waste collected. Residential mixed Municipal solid waste and recyclable material collectors are prohibited from imposing a greater charge on residents who recycle than on residents who do not recycle.

SECTION 7. Limitation on Number of Licenses.

A. Purpose: A limitation on the number of mixed municipal solid waste collectors in the Town is necessary for the following reasons: proper inspection and control is more difficult as the number of haulers increases, more trucks use more fuel, more trucks create more pollution, more trucks create more noise, more haulers create an increased risk to public safety, more haulers will decrease efficiency and increase rates and energy costs.

B. No more than four (4) licenses to engage in the business of collecting mixed municipal solid waste or recyclable material may be in force at any one time.

SECTION 8. Penalty. Any person convicted of violating this ordinance shall be guilty of a misdemeanor and shall be subject to a fine or imprisonment, or both as specified by State statute.

SECTION 9. Effective Date. This ordinance shall be effective following its passage and publication on January 1, 2000.

ADOPTED this 9 day of 9 month, 1999, by the Board of Supervisors of Stillwater Township.

STILLWATER TOWNSHIP

BY: Louise Bergeron
Its Chairperson

ATTEST:

Pat Bantli
Pat Bantli, Stillwater Town Clerk