

AN ORDINANCE REGULATING THE DISPOSAL OF
SOLID WASTE

THE CITY COUNCIL OF THE CITY OF MOOSE LAKE HEREBY ORDAINS:

Section 1. Purpose and Application. The City of Moose Lake (the "City") is empowered by its enabling legislation and Minnesota Statute Section 115A.941 to regulate the disposal of Solid Waste within its boundaries, in a manner embodying the minimum standards and requirements established by the Minnesota Pollution Control Agency and the County of Carlton.

Section 2. Definitions. As used in this Ordinance, the following terms shall be defined as follows, unless a different meaning clearly appears from the context:

"Ashes" means cinders and all solid products of complete combustion of wood, coal or other material; provided the same has been completely burned and is not mixed with other solid waste.

"Backyard Compost Site" means a site used to compost food scraps or Yard Waste from a single family or household, apartment building, or a single commercial office.

"Bulky Items" means items of solid waste which do not fit within a Container.

"City" means the City of Moose Lake.

"City Council" means the City Council of the City.

"Clerk" means the duly appointed Clerk of the City.

"Collector" means any person or entity specifically licensed by the County of Carlton to collect Garbage, Rubbish, other Mixed Municipal Solid Waste and Recyclable Materials and to dispose of same.

"Composting" means the controlled microbial degradation of organic waste to yield a humus-like product.

"Construction Debris" means waste building, materials, packaging and rubble resulting from construction, remodeling, repair, and demolition of buildings and roads. Construction Debris does not include Solid Waste or Asbestos Waste.

"Container" means a container for Solid Waste which meets the requirements set forth in Section 7.B.

"Garbage" means discarded material resulting from the handling processing, storage, preparation, serving, and consumption of food.

"Hazardous Substance" means:

(a) Any commercial chemical designated pursuant to the Federal Water Pollution Control Act, under United States Code, Title 33, Section 1321 (b) (2) (A);

(b) Any hazardous air pollutant listed pursuant to the Clean Air Act, under the United States Code, Title 42, Section 7412; and

(c) Any other substance which constitutes a hazardous waste under Minnesota law Section 116.06, subdivision 13 or federal law.

Hazardous Substance does not include natural gas, natural gas liquids, liquified natural gas, synthetic gas usable for fuel, or mixtures or such synthetic gas and natural gas, nor does it include petroleum, including crude oil or any fraction thereof which is not otherwise a hazardous waste. Hazardous Substance does not include Household Hazardous Waste.

"Hospital Waste" means all Solid Waste generated by a hospital except Infectious Waste and Pathological Waste.

"Houshold Hazardous Waste" means those waste chemicals and compounds which would be considered Hazardous Substances under state law and are generated by residential dwelling units.

"Industrial Waste" means all Solid Waste resulting from an industrial, manufacturing service or commercial activity that is managed as a separate waste stream.

"Infectious Waste" means laboratory waste, blood, regulated body fluids, Medical Sharps, and research animal waste that have not been decontaminated. For purposes of this definition, laboratory waste means waste cultures and stocks of agents that are generated from a laboratory and are infectious to humans; discarded contaminated items used to inoculate, transfer, or otherwise manipulate cultures or stocks of agents that are infectious to humans; waste from the production of biological agents that are infectious to humans. For purposes of this definition, regulated body human fluids means cerebrospinal fluid, synovial fluid, pleural fluid, peritoneal fluid, pericardial fluid, and amniotic fluid that are in containers or that drip freely from body fluid soaked solid waste items. For purposes of this definition, research animal waste means carcasses, body parts, and blood derived from animals knowingly and intentionally exposed to agents that are infectious to humans for the purpose of research, production of biologicals, or testing or pharmaceuticals.

"Institutional Facilities" means schools, courthouses, hospitals, "in-house" municipal programs, etc., for collecting Recyclable Materials.

"Medical Sharps" means:

a. Discarded items that can cause subdermal inoculation of infectious agents, including needles, scalpel blades, pipettes, and other items derived from human or animal patient care, blood banks, laboratories, mortuaries, research facilities, and industrial operation; and

b. Discarded glass or rigid plastic vials containing infectious agents.

"Mixed Municipal Solid Waste" means garbage, refuse, rubbish 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 sweepings, ash, construction debris, mining waste, sludges, yard waste, tree and agriculture waste, tires, lead acid batteries, used oil, and other materials collected, processed, and disposed of as separate waste streams.

"Owner" and "Occupant" mean the person(s) or entity(s) which hold legal or beneficial title to a property and the person(s) or entity(s) which have or exercise possession or occupancy of a property, respectively.

"Pathological Waste" means human tissues and human body parts removed accidentally or during surgery or autopsy intended for disposal. Pathological waste does not include teeth.

"Recyclable Materials" means materials that are separated from mixed municipal Solid Waste for the purpose of recycling as defined by the County of Carlton's Ordinance on Recycling.

"Recycling Facility" means a site permitted by the Minnesota Pollution Control Agency, or by the County of Carlton, used to collect, process, and prepare Recyclable Materials and reuse them in their original form or use them in manufacturing processes.

"Rubbish" means non'putrescible solid wastes, including ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, wood, glass, bedding, crockery, or litter of any kind. Rubbish does not include Recyclable Materials.

"Solid Waste" means Garbage, Refuse, rubbish, sludge from a water supply treatment plant or air contaminant treatment facility and other

discarded waste materials and sludges, in solid, semisolid, liquid, or contained gaseous form, resulting from industrial, commercial, mining, and agricultural operations and from community activities, but does not include hazardous waste; animal waste used as fertilizer; earthen fill, boulders, rocks; sewage sludge; solid or dissolved material in domestic sewage or other, pollutants in water resources such as silt, dissolved or suspended solids in industrial waste water effluents or discharges which are point source subject to permits under Sec. 402 of the federal Water Pollution Control Act, as amended, dissolved materials in irrigation return flow; or source, special nuclear, or byproduct material as defined by The Atomic Energy Act of 1954 as amended.

"Solid Waste Collection Officer" means the City official or employee designated by the Council to administer this Ordinance.

"Unacceptable Waste " means Solid Waste designated as Unacceptable Waste by regulation of the County of Carlton or the City.

"Yard Waste" means garden wastes, leaves, lawn cuttings, weeds and prunings generated at residential or commercial properties.

"Yard Waste Compost Facility" means a site used for the Composting of Yard Waste which is (i) operated by the County of Carlton or (ii) operated by a private person or entity and permitted by the Minnesota Pollution Control Agency to accept Yard Waste.

Section 3. Disposal of Recyclable Materials.

A. Every person or entity disposing of Solid Waste in the City shall separate Recyclable Materials from Solid Waste. The owner or Occupants of each residence or residential unit and the owner or Occupant of each non-residential, commercial, or industrial premises authorized to place Solid Waste in the various waste receiving Facilities of the County of Carlton, including its sanitary landfills, shall separate Recyclable Materials prior to collection by a Collector.

B. Such persons or entities shall then dispose of said Recyclable Materials in the manner or by any or the methods established by the County of Carlton in its Solid Waste Ordinance No. 17.

Section 4. Disposal of Yard Waste; Composting. Any person disposing of Yard Waste shall have the option of disposing of such waste by one of the following; (1) disposal in a Backyard Compost Site; or (2) disposal in a Yard Waste Compost Facility operated by the City or the County of Carlton or (3) disposal in a privately operated Yard Waste Compost Facility. Yard Waste shall not be placed in the Containers described in Section 7 herein. Yard waste, if not disposed of in designated compost site, shall be disposed of in the manner established by the County of Carlton Solid Waste Ordinance

No. 17. No persons or entity shall cause, allow or permit the burning of Yard Waste, notwithstanding any permit which such person or entity may obtain from the State of Minnesota. Leaf burning is prohibited.

Yard Waste may be subject to periodic pickup by a licensed Collector. Yard Waste collected for the purpose of Composting shall not be disposed of in any other manner.

Section 5. Disposal of Construction Debris. Any person disposing of Construction Debris shall transport such waste to any site designated by the Minnesota Pollution Control Agency for receipt of said waste.

Section 6. Disposal of Bulky Items. Any person disposing of Bulky Items shall transport such waste to any site designated by the County of Carlton or the Minnesota Pollution Control Agency for receipt of said waste. If such service is provided, Bulky Items may be subject to periodic collection by a licensed collector.

Section 7. Waste Preparation and Storage.

A. No Owner or Occupant of any private property or business property shall permit any accumulation of Solid Waste, or any similar material or mixture of material upon such property or upon any adjoining property, alley, street, sidewalk, or highway, except in proper Containers as described below.

B. Every Owner or Occupant of any private property or business property shall provide in good condition water-tight and rodent-proof Containers sufficient to hold all the Solid Waste which accumulated on such premises during the time between collections. In the case of residential structures containing four or less dwelling units, such Containers shall be of a maximum size of thirty-two (32) gallons, shall be provided with handles and a tight and securely fitted cover. All solid Waste shall be placed in such Containers which shall not be filled in a manner which prevents closure of the Container and, in the case of residential structures containing four or less dwelling units, the contents shall not exceed forty-five (45) pounds in Weight.

C. Every Owner or Occupant shall separate all automobile Oil, motor vehicle batteries and tires from all Solid Waste and shall transport the same to the Facility designated by the County of Carlton for the handling of such waste. Automobile oil shall be placed in an unbreakable, leak-proof receptacle by the owner or occupant. Motor vehicle batteries shall be transported in a manner which will not allow release or escape of their contents.

D. No person or entity shall place Solid Waste in any container unless specifically authorized by the Owner, Occupant or licensed collector which provides collection services for such Container. The disposal in a roadside litter receptacle of Garbage or Rubbish generated within an automobile shall not violate this provision.

E. Every Owner or Occupant shall separate all Household Hazardous Waste from all other Solid Waste. Containers with Household Hazardous Waste shall be handled or transported in a manner which will not allow release or escape of the contents. All household Hazardous Waste shall be disposed of in accordance with the Household Hazardous Waste Program of the County of Carlton or the Minnesota Pollution Control Agency, as the same shall exist at such time, or in such other manner as shall be specified by the District.

F. Hospital Waste, Pathological Waste, Infectious Waste, Medical Sharps, Hazardous Substances and other Unacceptable Wastes not specifically referred to in this Ordinance shall be disposed of in accordance with state law and as required by the County of Carlton. Industrial Solid Waste shall be disposed of in accordance with the Industrial Solid Waste Management Plan of the County of Carlton, or that of the Western Lake Superior Sanitary District, or as required by the State of Minnesota.

Section 8. Mandatory Collection of Waste. It shall be the duty of the Owner and Occupant of every residential structure containing four or fewer dwelling units to provide for not less frequent than weekly disposal of all mixed municipal solid waste generated by such dwelling units through employment of the services of a licensed Collector; volume of Mixed Municipal Solid Waste generated is sufficiently low to allow less frequent collection in compliance with all other provisions of this Ordinance, upon application to and approval of the City. Owners or Occupants of a single dwelling residential structure may upon application and approval of the City be exempted from the requirement to have Solid Waste collection service if the Owner or Occupant uses an environmentally sound alternative. Owners of residential structures containing more than four dwelling units or of commercial or industrial establishments shall either employ a licensed Collector for the removal of all Mixed Municipal Solid Waste from their premises or provide such removal service in any manner consistent with the County of Carlton's Solid Waste Ordinance No. 17, provided that such removal service shall occur not less than weekly. The City, for those residential or commercial structures not in compliance with the mandatory collection provisions of this section, may assign Collectors on a rotating basis to collect Mixed Municipal Solid Waste from said structures. Prior to assignment of collection under this section, written notice of the assignment shall be served upon the Owner and/or Occupant of the structure in question, ten (10) days before commencement of service. If an Owner and/or Occupant assigned a Collector under this Section fails to pay the Collector for collection of Mixed Municipal Solid Waste, the City may require payment by the Owner and/or Occupant to the Collector in the same manner as provided for in Section 16.C.

Section 9. Collection of Recyclable Materials. The City council may designate certain areas of the City in which Collectors will provide curbside collection of Recyclable Materials at least once each month. For areas of the City not designated for curbside collection of Recyclable Materials, the City may, at its option, construct and operate a structure for the collection and disposal of Recyclable Materials or designate at least one privately operated location for the collection and disposal of Recyclable Materials, or alternatively required disposal of Recyclable Materials in the manner and methods established by the County of Carlton in its Solid Waste Ordinance No. 17.

Section 10. Charges for Collection. The schedule of rates for the collection of Mixed Municipal Solid Waste established pursuant to Carlton County Ordinance shall be applicable within the City of Moose Lake.

Section 11. Licensing Collectors of Solid Waste and Recyclable Materials. No person shall engage in the business of collecting or removing Garbage, Rubbish, other Mixed Municipal Solid Waste and Recyclable Materials within the City without first obtaining and providing proof of a license to do so from the County of Carlton. Charitable, religious, fraternal and other eleemosynary organizations may collect Recyclable Materials without compliance with this Section 11.

Section 12. Establishment of Solid Waste Collection Officer; Powers and Duties. There is hereby established a Solids Waste Collection Officer who shall have control over the making of all collections and removal of the materials and substances specified in this Ordinance and shall be responsible for the enforcement of the provisions of this Ordinance. Such Officer shall receive and investigate any complaints regarding services rendered and shall, if appropriate, direct that remedial measures be promptly taken. Such Officer shall coordinate the Solid Waste and Recyclable collection requirements that this Ordinance with licensed collectors, the State of Minnesota and County regulations, and shall, whenever possible, assist in the education of the citizens of Moose Lake to the benefits and the necessity of recycling and composting. In the performance of official duties, such Officer shall have the authority to issue citations for criminal violations of the law.

Section 13. Nuisance. No Owner or Occupant shall permit any accumulation or storage of Solid Waste which causes a nuisance or unsanitary condition or permits or encourages the accumulation or breeding of rats, insects or other vermin.

Section 14. Unauthorized Deposit of Solid Waste. No person shall:

A. Deposit Solid Waste, Recyclable Materials, Construction Debris or Yard Waste upon any public or private highway, street, road or right-of-way; deposit Solid Waste, Recyclable Materials, Construction Debris or Yard Waste upon or within any river, creek, stream, lake waterway or other body of water of any kind or character; or deposit Solid Waste, Recyclable Materials, Construction Debris or Yard Waste on the property of another; or

B. Cause, maintain or permit the accumulation of Solid Waste which creates an unsanitary condition or permits or encourages the accumulation or breeding of rats, insects or other vermin; or

C. Deposit Solid Waste, Recyclable Materials, Demolition Debris or Yard Waste within the City in any manner that violates the provisions of this Ordinance.

Section 15. Enforcement and Inspection.

A. Inspection and evaluation of Containers and Collectors shall be made by the City in such frequency as to insure consistent compliance by the Owners, Occupants and Collectors with the provisions of this Ordinance. Each Owner, Occupant or Collector shall be provided with written and documented notice of any deficiencies, recommendations for their correction and the date when the correction shall be accomplished. Each Owner, Occupant or Collector shall be required to allow free access to authorized representatives of the City, or to authorized representatives of any other governmental agency at any time for the purpose of making such inspections as may be necessary to determine compliance with the requirements of this Ordinance, or any other applicable statute, ordinance or regulation.

B. The City shall have the right to inspect private property to determine if a Container or Collector is in accordance with the provisions of this Ordinance.

Section 16. Violations and Remedies.

A. Penalties for Violation. Any person who fails to comply with, or violates, any of the provisions of this Ordinance may be charged with a violation thereof and, upon conviction, may be sentenced to payment of a fine not to exceed \$700.00. A separate offense shall occur for each day on which a violation occurs or continues.

B. Equitable Relief. In the event of a violation of a threat of violation of this Ordinance, the attorney for the City may take appropriate action to enforce this Ordinance, including but not limited to, application for injunctive relief, action to compel performance or other appropriate action in District Court, if necessary to prevent, restrain, correct, or abate such violations or threatened violations.

C. Costs as Special Assessment. If an Owner or Occupant fails to comply with the regulations in this Ordinance, the city may take the necessary steps to correct such violations and the costs thereof may be recovered in a civil action or may be certified, at the discretion of the City Council, to the county auditor as a special assessment against real property under Minnesota Statutes, Chapter 429, or other similar law relating to special assessment.

Section 17. Savings Clause. Invalidity of any portion of this Ordinance shall not invalidate any remaining portion hereof.

Section 18. Intent. It is the express intent of this Ordinance, specifically the mandatory recycling provision hereof, to require the recycling of Recyclable Materials within the City in order to aid in meeting the goals specified in Minnesota Statutes, Section 115A.551, and 115A.941.

It is further the express intent of this Ordinance to recognize that the County of Carlton has regional authority for the Solid Waste generated by residents of the City. Therefore, where this Ordinance is in contradiction to the rules and regulations of the County, the rules and regulations of the County shall supersede the specific portions of this Ordinance in contradiction or contravention of the rules and regulations of the County. This Ordinance shall not govern or control the disposal of Hospital Waste, Pathological Waste, Infectious Waste, Medical Sharps, Industrial Solid Waste and Hazardous Substances.

Section 19. Effective Date.

This Ordinance shall be effective upon adoption by the City Council and publication in the City's official newspaper.

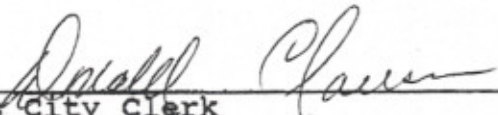
Passed by the City Council this 12 day of Sept, 1994.

CITY OF MOOSE LAKE



Its Mayor

ATTEST:



Its City Clerk

Published in the Star Gazette this 19 day of

April, 1994.

Adopted: 9/12/94

Effective Date: same