

**Chapter 10**  
**GARBAGE AND REFUSE**

**Art. I. In General Sections 01 through 16**

**Art. II. Collection and Disposal Sections 17 through 55**

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**ARTICLE I. IN GENERAL**

**Section 01. Purpose: Declaration of public policies and purpose.**

The City Council of the City of Chaska finds that present methods of disposing of waste and recyclable material is detrimental to the health, safety and general welfare of its citizens and that it is in the best interest of the public to encourage, and in certain instances, compel, the use of methods of disposing of waste which helps preserve and benefit our environment; and the benefits to be derived from the enactment of the hereinafter described Ordinance are in the best interest of the public and that said Ordinance is in keeping with one of the adopted values of the City of Chaska. (Ord. No.469, Sec. 1, 7/2/90}

**Section 02. Definitions.**

As used in this chapter, the following words and phrases shall have the meanings ascribed to them:

**Approved Landfill Site or Disposal Depot:** Shall mean a site for the disposal of waste approved by the County, and operated in accordance with the rules and regulations of the Minnesota Pollution Control Agency.

**Collection:** Shall mean 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.

**Collector:** Shall mean any person collecting or hauling the waste, garbage, or rubbish or another for hire.

**Commercial Establishments:** Shall mean any premise where a commercial, industrial or agricultural enterprise of any kind is carried on, and includes clubs, churches and schools.

**Commingled (e.g., dumpster-type) Residential Collection:** Means collections from any building consisting of more than one dwelling unit wherein each unit has an individual kitchen and wherein the mixed municipal solid waste of each unit is mixed with the waste of other units prior to the collection efforts of licensed hauler.

**Compost:** Means the product of the biological degradation of materials into an odor free brown material useable as a soil amendment or garden mulch: "compost" also means the physical structure wherein the composting process takes

**Compost Sites (Private):** Shall mean locations on single family lots for the controlled biological decomposition of selected organic matter. (Ord. No. 601, Sec. 1, 05-06-96)

**Construction Debris:** Means waste building materials, packaging and rubble resulting from construction, remodeling, repair and demolition of buildings and roads.

**Garbage:** Shall mean putrescible animal, vegetable and organic refuse resulting from the handling, preparation, cooking and consumption of food.

**Generator:** Means any person who produces or causes the production of mixed municipal solid waste.

**Individual (e.g, curbside) Residential Collection:** Means collection from any building consisting of one or more dwelling units wherein each unit has an individual kitchen and wherein the mixed municipal solid waste of each unit is separately collected by licensed haulers.

**Mixed Municipal Solid Waste:** Means garbage, refuse, and other solid waste from residential, commercial, industrial and community activities which is generated and collected in aggregate, but excluding auto hulks or large auto parts, street sweepings, ash, construction debris, mining waste, sludges, household hazardous waste, tree and agricultural wastes, tires, lead acid batteries, used oil, yard waste, and other materials collected, processed, and disposed of as separate waste streams.

**Multiple Dwelling:** Shall mean any building used for residential purposes consisting of more than three (3) dwelling units with individual kitchen facilities for each.

**Recyclable:** Means materials which can be separated from the mixed municipal solid waste stream for collection and preparation for reuse in their original form, or for other uses in manufacturing processes that do not cause the destruction of the recyclable materials in a manner that precludes further use.

**Recycling Center or Recycling Depot:** Shall mean a site, either publicly or privately owned and operated, equipped to receive, handle, store and process recyclable materials.

**Residential Dwelling:** Shall mean any single building consisting of three (3) or less dwelling units with individual kitchen facilities for each.

**Rubbish:** Shall mean nonputrescible solid waste of all kinds, combustible or noncombustible, consisting of tin cans, glass, paper, cardboard, yard clippings, wood, ashes, street sweepings, and all other inorganic refuse.

**Special Pick-up:** Means any collection of materials other than garbage, recyclables or yard waste, including white goods (e.g., large appliances), furniture, oversized materials, construction debris, and other materials collected, processed, and disposed of as separate waste streams.

**Targeted Recyclables:** Means metal containers, glass, containers, newsprint, or other materials as more particularly described herein:

(a) Aluminum Recyclables: Shall be deemed to include clean aluminum foil and all disposable containers fabricated primarily of aluminum and commonly used for soda, beer, or other beverages.

(b) Bi-metal Recyclables: Shall be deemed to include cans containing, or using two metals. More specifically, "tin" cans manufactured of steel and tin and which have all paper removed therefrom and both ends flattened. Bi-metal recyclables may be commingled with aluminum.

(c) Glass Recyclables: Shall be deemed to include all glass bottles and jars which are rinsed clean. Glass recyclables are considered to be three colors: clear, green, brown; and. each color must be placed in separate bag or box according to color and placed in the recycling container.

(d) Paper Recyclables: Shall be deemed to include paper of the type commonly referred to as newsprint. Bundled and tied, or placed in large brown paper grocery bags. Expressly excluded from paper recyclables, however. are all magazines or similarly constructed periodicals.

(e) Plastics: As more particularly described as "all No.1 and No.2 Bottle Grade Plastics with the exception of automotive products. No.1 grade includes pop and liquor bottles. No.2 includes milk and other beverage bottles and detergent bottles." (Ord. No.479, Sec. 1, 2/25/91.)

**Waste:** Shall be all encompassing and shall include all discarded matter or materials.

**Yard Waste:** Shall mean organic materials consisting of grass clippings, leaves and other forms of organic garden waste, but excluding bushes, fibrous brush, woody materials, or other materials that are readily compostible within a calendar year. (Ord. No.201, Secs. 1-5, 05-17-71, Ord. No.469, Sec. 2, 7/2/90; Ord. No.479, Sec. 1, 2/25/91)

### **Section 03. Compliance with chapter required.**

Every person occupying a residential dwelling, multiple dwelling, motel, store, restaurant, manufacture home park or commercial establishment, or combination thereof shall dispose of waste as provided in this chapter. (Ord. No.201, Sec. 3, 5/17/71 ; Ord. No.469, Sec. 3, 7/2/90)

### **Section 04. Certain accumulations declared a nuisance; abatement.**

Any accumulation of garbage and other putrescible matter not stored in containers which comply with this chapter or which has remained on the premises for more than one (1) week, or which is offensive by reason of appearance, odor or sanitation, or which creates a fire hazard, is hereby declared to be a nuisance and shall be abated by Minnesota Statutes, Sections 145.22 to 145.23. The cost of the abatement may be assessed against the property where the nuisance was found as provided in said sections. (Ord. No.201, Secs. 2, 3, 5/17/77; Ord. No.469, Sec. 4, 7/2/90)

### **Section 05. Standards for containers.**

(a) *Generally.* Notice of defective container. It shall be the duty of each person owning or maintaining containers for waste to maintain them in a sanitary condition. Such containers shall be located in such a manner as to prevent them from being overturned and shall be kept free from any substance which shall attract or breed flies, mosquitoes, other insects or rodents. No waste container for a residential dwelling unit shall exceed ninety (90) gallons in capacity, shall have ragged or sharp edges, or any defects liable to impede or injure the person collecting the contents thereof. Containers not complying with the requirements of this article shall be promptly replaced by the owner upon notice by the City. Whenever a container is in poor repair the collector shall tag the container with a notice of defects and the requirements to repair or replace the container. A copy of such notice shall be given to the City, and if, upon the next collection date, the container has not been repaired or replaced, the collector shall notify the City and discontinue collection from the premises. The City shall then enforce the provisions of the penal section of this Code against the person owning or maintaining the defective container.

(b) *Garbage.* Garbage containers shall be made of metal or other suitable materials, shall be watertight, insect proof, rodent proof and fire proof, shall be of a material not easily corrodible, equipped with suitable handles and tight-fitting covers and shall be kept tightly covered when there is garbage therein.

(c) *Recyclables.* Recyclable containers shall be of a kind suitable for collection purposes, and shall be of such size and weight that they can be handled by one (1) man. (Ord. No.201 , Sec. 4, 5/17/71; Ord. No.469, Sec. 5, 7/2/90)

#### **Section 06. Container requirements for multiple dwellings.**

Multiple dwellings having more than three (3) family units shall either be equipped with waste containers and pick-up service as provided herein or be equipped with a commercial incinerator complying with the requirements of the Minnesota Pollution Control Agency. Waste containers provided as an alternative to or in addition to such incinerator shall be at least one (1) cubic yard in capacity, shall be conveniently located in relationship to the residence units for which they are provided, shall be watertight, insect proof, rodent proof and fire proof, and provided with lid with the exception of recyclable containers. The person owning or operating such multiple residence shall provide for pick-up from such containers. Waste discarded shall not be permitted to accumulate at or near the enclosure except in the container. (Ord. No.201 , Sec. 4, 5/17/71; Ord. No.469, Sec. 6, 7/2/90)

#### **Sections 07 through 16. Reserved.**

## **ARTICLE II. COLLECTION AND DISPOSAL**

### **DIVISION 1. GENERALLY**

#### **Section 17. Reservation of right to alter method of refuse collection.**

No collector licensed pursuant to this article shall acquire a vested right in his license and the City may, upon finding that the public necessity requires, determine to establish other means of refuse collection. (Ord. No.201, Sec. 7, 5/17/71; Ord. No.469, Sec. 17, 7/2/90)

#### **Section 18. Duty of collectors generally.**

(a) It shall be the duty of each licensed waste collector to pick up all waste of his customers which has been deposited for collection in the manner provided in this article.

(b) All waste, waste bags, wrappings, cans and disposable containers deposited for pick-up as provided in this article shall be picked up by the licensed collector so that no items are left adjacent to the street or alley. After pick-up, reusable refuse and garbage cans and containers shall be returned by the collector to the same place where deposited or situated for pick-up. (Ord. No.201 , Sec. 7, 5/17/71; Ord. No.469, Sec. 18,7/2/90)

#### **Section 19. Preparation of refuse and garbage for collection; prohibited substances.**

Except as otherwise provided in this chapter all waste accumulated shall be drained of all liquids, shall be wrapped or bagged and placed and kept in containers. No explosives or highly inflammable materials shall be so prepared and placed in containers for collection. Such explosives and highly inflammable materials shall be disposed of as directed by the Fire Marshal of the City at the expense of the owner or possessor thereof. (Ord. No.201, Sec. 4, 5/17/71; Ord. No.469, Sec. 19,7/2/90)

## **Section 20. Frequency of disposal.**

(a) Residential and multiple dwellings: waste shall be disposed of at least once each week from residential dwellings and multiple dwellings.

(b) Commercial establishments: waste at any commercial establishment shall be disposed of at least once each week and at more frequent intervals if deemed necessary to protect the public health, and on order of the City. (Ord. No.201 , Sec. 3,5/17/71 ; Ord. No.469, Sec. 20,7/2/90)

(c) Notwithstanding, the weekly collection requirement for single-family/multiple-dwelling individual households, licensed haulers may collect receivables for single-family/multi-dwelling individual households hauling accounts on a bi-weekly basis, provided that the licensee complies with the following conditions:

1. The licensee shall permit single source recycling whereby the customer may co-mingle all recyclables in a single container.

2. The licensee shall provide to the customer a closed fitting covered container of not less than 32-gallon capacity, and at the customer's request, the licensee shall provide a larger capacity closed fitting covered container to the customer at no additional cost to the customer. (Ord. 759 Art. ii, Sec. 20/01-26-04)

## **Section 21. Placing containers for collection.**

In those areas where the premises are served by an alley, on the day of collection the waste containers shall be deposited for pick-up adjacent to the alley from which the pick-up is to be made. In those areas where the premises are not served by an alley, on the day of collection the waste or containers shall be deposited for pick-up in a place on said premises, at a place either adjacent to the curbside or the building in accordance with the agreement between generator and collector. (Ord. No. 201, Sec. 4, 5/17/71; Ord. No.469, Sec. 21, 7/2/90)

## **Section 22. Disposal of waste.**

Every residential household and business in the City of Chaska shall have solid waste collection service. (Ord. No.201, Sec. 5, 5/17/71; Ord. No. 469, Sec. 22, 7/2/90; Ord. No. 510, Sec. 1, 8/17/92)

## **Section 23. Owners permitted to dispose of garbage.**

A residential household or business in the City of Chaska may be exempt from the requirement to have solid waste collection service if the household or business provides the City with proof that an environmentally sound alternative is used. (Ord. No. 201, Sec. 7, 05-17-71; Ord. No. 469, Sec. 23, 07-02-90; Ord. No. 510, Sec. 2, 08-17-92)

## **Section 24. Collection vehicles.**

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

(a) The licensee shall operate in a manner consistent with its application materials and shall provide notice to the City within ten (10) days of any change in the information.

(b) No collection of mixed municipal solid waste or recyclable materials shall be made except between the hours of 6:30 a.m. and 6:00 p.m., Monday through Friday. Operations during these hours may also be conducted on Saturday, to accommodate recognized national holidays or a special pick-up. No collection of yard waste shall be made except between the hours of 6:30 a.m. and 6:00 p.m., Monday through Saturday. Customers shall be reasonably notified of the special day and hours for the collection of their yard waste, mixed municipal solid waste and/or recyclables and the licensee shall collect the materials within those time periods.

(c) Each licensed collector shall only use vehicles and equipment so constructed that the contents will not leak or spill. The vehicles and equipment shall also be kept clean and as free from offensive odors as possible, and shall not stand in any street, alley, or public place longer than is reasonably necessary to collect mixed municipal solid waste, yard waste, and/or recyclables. The licensee shall also ensure that the collection site is left tidy and free of litter.

(d) Each licensed collector shall provide its customers with an opportunity to recycle through the weekly curbside collection of targeted recyclables. A container for the storage of recyclable material shall be provided by the licensed collector. The curbside collection of targeted recyclables shall be on the same day as the collection of the customer's mixed municipal solid waste, but may occur at a different time within that day. The targeted recyclables collection shall be from a location at or near the customer's mixed municipal solid waste collection site, or such other location mutually agreeable to the hauler and the customer. The licensee may specify how a customer is to place and prepare their targeted recyclables for collection. The licensee is also deemed the owner of the recyclables and upon collection, the licensee may market them. Nothing herein shall be construed to prevent a licensee from offering curbside collection for other recyclable materials or other "special" pick-ups, in addition to the targeted recyclables.

(e) Each licensee shall submit a quarterly report to the City of the weight, in tons, of mixed recyclables collected by the licensee in Chaska. The report shall be provided on or before the twentieth day of the month following the close of the quarter and shall be on a form provided by the City. The report shall also identify the estimated weight of each type of collected recyclable, distinguish residential collection tonnage from commercial/industrial tonnage, and describe how the weights were calculated. Upon written notice to the licensee, the City may require similar reports on other materials picked up by the licensee.

(f) Licensed mixed municipal solid waste haulers may not charge their customers a flat fee rate. To the extent possible, charges shall be based upon the volume or weight of mixed municipal solid waste that is collected. (Ord. No.201 , Sec. 6, 5/17/71; Ord. No.469, Sec. 24, 7/2/90)

**Sections 25 through 33. Reserved.**

## **DIVISION 2. COLLECTOR'S LICENSE**

### **Section 34. License required.**

(a) No person shall haul mixed municipal solid waste or recyclables collected in the City without first securing a license from the City.

(b) All persons applying for a City license shall be required to provide proof of having secured a license from Carver County prior to issuance of the City license.

(c) The license shall be valid for one calendar year and shall expire on December 31 of each year unless revoked sooner .

(d) An applicant for a license shall make application to the City Administrator through forms and procedures prescribed by the City Administrator.

(e) The annual license fee shall be established by Resolution of the City Council.

(f) The City Administrator shall issue license only after receipt and review of all required forms and fees. Upon review of the documents submitted, the City Administrator shall issue a license if the documents comply with the provisions of the Article. An applicant denied a license by the City Administrator may have the decision reviewed by the City Council. The applicant shall request review by the City Council in writing ten (10) days after denial of the license.

(g) The license requirements of this Article shall not apply to persons who haul garbage, refuse, or recyclables from their own residences or business properties, provided that the following conditions are met:

(1) Garbage is hauled in containers equipped with tight-fitting covers and which are also watertight on all sides and the bottom;

(2) Waste and recyclables are hauled in a manner that prevents leakage or any possibility of a loss of cargo ;

(3) Garbage and waste, except recyclables, are only dumped or unloaded at designated sanitary landfills or other facilities authorized by Carver County:

(4) Recyclables are only dumped or unloaded at a recycling facility, an organized recycling drive, or through licensed collectors;

(5) Yard waste is privately composted, or is only dumped or unloaded at a composting facility authorized by Carver County, or through a licensed collector .

(Ord. No.201 , Sec. 6, 5/17/71; Ord. No.469, Sec. 34, 7/2/90)

### **Section 35. Contents of application.**

Each application for a license required by this article shall include:

(a) The name, address, telephone number, Social Security number and Minnesota Tax Identification number of the owner or owners of the business;

(b) A description of the types and makes of motor vehicles and equipment used;

(c) The extent and source of public liability and property damage insurance carried on the motor vehicles and equipment used;

(d) A schedule of the charges to be made to customers;

(e) The place of disposal of waste collected; and

(f) Such other information as may be required. (Ord. No.201 , Sec. 6, 5/17/71; Ord. No.469, Sec. 35, 7/2/90)

### **Section 36. Insurance requirements.**

(a) The minimum limits of coverage for insurance required by this article shall be:

- (1) Each person injured, at least \$100,000.00.
- (2) Each accident, at least \$300,000.00.
- (3) Property damage, at least \$50,000.00.

(b) Such insurance shall be kept in force during the term of the license and shall provide for notification to the City prior to termination or cancellation.

(c) Any license issued pursuant to this article shall automatically be revoked upon notice of termination or cancellation of such insurance and shall remain revoked until and unless other insurance is provided as required herein. (Ord. No.201 , Sec. 6, 5/17/71; Ord. No.469, Sec. 36, 7/2/90)

### **Section 37. Separate licenses required.**

A separate license shall be required for each motor vehicle used for the collection of garbage. (Ord. No.201, Sec. 6, 5/17/71; Ord. No.469, Sec. 37, 7/2/90)

### **Section 38. Suspension or revocation of license.**

Upon the recommendation of the City Administrator, the City Council may suspend or revoke the license of any person 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. Revocation or suspension of a license by the Council shall be preceded by a public hearing conducted in accordance with Minnesota Statutes Sections 14.57 to 14.70. The City Council may appoint a hearing examiner or may conduct a hearing itself. The hearing notice shall be given at least ten (10) days prior to the hearing, include notice of the time and place of the hearing, and shall state the nature of the charges against the licensee. (Ord. No.469, Sec. 38, 7/2/90)

### **Section 39. Unlawful collection.**

It is unlawful for any person or business to scavenge, collect, or otherwise remove mixed solid waste, recyclables, or yard waste that has been placed at the curb or in recycling containers, with a license from the City and an account relationship with the owner, lessee, or occupant of the premises. (Ord. No.469, Sec. 39, 7/2/90)

### **Section 40. Additional recyclables.**

Additional recyclable materials may be designated as targeted recyclables by Resolution of the City Council after the effective date of this Chapter. The designation process will be as follows:

(a) Each licensed collector shall be given 120 days written notice of proposed additions to the list of targeted recyclables. The notice will specifically describe the material(s) proposed for addition and also describe how the addition might affect the duties and obligations of a licensee.

(b) Each licensed collector shall also be given written notice at least ten (10) days in advance of the time and date of the City Council meeting that will consider the proposed addition to the list of targeted recyclables.

(c) Notice shall be deemed given by mail, to the address provided on the most recent license application or renewal form. (Ord. No.469, Sec. 40, 7/2/90)

**Sections 41 through 55. Reserved.**

### **DIVISION 3. PRIVATE COMPOSTING**

#### **Section 56. Composting, General Rule**

A compost must be maintained or contained in a manner to prevent it from becoming a habitat for insects and rodents and creating objectionable odors.

#### **Section 57. Permitted Contents**

A compost may contain materials such as grass clippings, leaves, weeds, hedge trimmings, garden waste (tomato vines, carrot tops, cucumber vines, etc.), soft bodied plants (flowers and vegetable plants), twigs (1/4 inch diameter maximum), evergreen cones and needles, wood chips and sawdust; "household waste" which may consist only of fruit and vegetable waste, egg shells and coffee grounds.

#### **Section 58. Prohibited Contents**

The following materials shall not be placed in the composting structure: Woody yard waste consisting of hedge or tree trimmings and twigs (1/4 inch diameter or greater); meat; bones; fat oils; whole eggs; dairy products; unshredded branches or logs; weeds heavily loaded with seeds; plastics; synthetic fibers; human or pet wastes; diseased plants; or, any other garbage or refuse except for those permitted above in Section 57.

#### **Section 59. Composting Structure**

All composting materials must be contained in a bin which may be constructed of wood, wire mesh, a combination of wood and wire or in commercially fabricated compost bins designed to contain composting materials. Maximum of one structure shall be allowed per lot.

#### **Section 60. Composting Structure Size**

Composting shall be conducted within an enclosed structure not to exceed a total of one hundred (100) cubic feet in volume for City lots, less than ten thousand (10,000) square feet, and two hundred (200) cubic feet for lots greater than ten thousand (10,000) square feet. Maximum height of composting structures shall be four feet (4').

#### **Section 61. Compost Location/Setback from Property Line**

Composting structures shall be located in the rear yard of the property, and be at least ten (10) feet from the property line.

## **Section 62. Compost Area Screening**

A compost area must be fully screened from the view of all lot lines and public streets. Screening shall be high enough to completely screen from all property lines and screening shall be of natural plant materials or solid fencing in accordance with Section 9.20 of the Zoning Ordinance.

## **Section 63. Compost Maintenance**

A compost area must not be established or maintained in a manner that creates a nuisance to adjacent properties. As part of regular maintenance, the compost shall be turned over and mixed within the container in order to keep the material aerated, to minimize odor generation and promote efficient biological deterioration of the material.

## **Section 64. Composting Nuisance**

The composting operation shall not generate off-site nuisances such as dust, odor, or wind blown debris. It shall be free of pests and vermin. The operation of composting in a manner that results in objectionable odors and/or the placing of prohibited materials in a composting structure that may result in creating a health and/or fire hazard shall be considered a public nuisance.

## **Section 65. Violations and Penalties**

Any person who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof shall be guilty of a petty misdemeanor in accordance with Chapter 1, Article II, Section 08, paragraph b of the Code of Ordinances. (Ord. No. 601, Sec. 2, 05-06-96)

## **Sections 66. through 75. Reserved.**