

ORDINANCE NO. 1339

AN ORDINANCE AMENDING FRIDLEY CITY CODE CHAPTER 113. SOLID WASTE DISPOSAL AND RECYCLING COLLECTION

The Fridley City Council hereby finds after review, examination and recommendation of staff and public hearing that Chapter 113 of the Fridley City Code pertaining to solid waste disposal and recycling be hereby amended as follows:

**FRIDLEY CITY CODE
CHAPTER 113. SOLID WASTE DISPOSAL, ORGANICS, YARD WASTE AND
RECYCLING COLLECTION**

(Ref. 585, 630, 838, 955, 962, 968, 1013, 1019, 1111, 1122, 1161)

113.01. DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Chapter and the following words and terms wherever they occur in this Chapter are defined as follows:

1. Approved

Accepted by the City following its determination as to compliance with established public health practices and standards.

2. Commercial Establishment

Any premises where a commercial or industrial enterprise of any kind is carried on and shall include, but is not limited to, clubs, churches and establishments of nonprofit organizations where food is prepared or served or goods are sold.

3. Compost

A mixture of decaying organic matter in a contained area.

4. Composting

Any above ground microbial process that converts yard waste and other allowable materials into an organic soil additive or mulch by decomposition of material through an aerobic process providing adequate oxygen and moisture.

5. Dwelling Unit

A single unit providing complete independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. A separate residential dwelling place with a kitchen.

6. Front Yard Setback

The minimum distance between the front line of a lot and a structure located on that lot.

7. Licensed Solid Waste Hauler

Any person or entity engaged in the collection and transportation of solid waste in the City of Fridley and holding a valid solid waste hauling license from the City.

8. Mixed Municipal Solid Waste

Garbage, refuse, and other solid waste, except construction and demolition waste, from residential, commercial, industrial, and community activities that the generator of the waste aggregates for collection, as defined in Minnesota State Statutes Chapter 115A.

9. Multiple Dwelling Unit

A residential structure with five or more dwelling units.

10. Person.

Any person, firm, partnership, association, corporation, company or organization of any kind.

11. Public Nuisance

A condition which unreasonably annoys, injures or endangers the safety, health, comfort, or repose of a considerable number of members of the public.

12. Recyclable Materials.

Materials that are separated from mixed municipal solid waste for the purpose of reprocessing, including, but not limited to, metal, paper, glass, plastics, and textiles. This does not include material used to create refuse-derived fuel or material that is destroyed by incineration. Referred to as “recyclables”.

13. Recycling

The process of collecting and preparing marketable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of materials in a manner that precludes further use.

14. Recycling Collector.

Any person or entity engaged in collecting, transporting, and processing of recycled materials from residential or commercial sites in the City and holding a valid recycling collection license issued from the City.

15. Residential Properties.

Attached and detached single-, double-, triple- and quadruple-dwelling units and mobile manufactured homes.

16. Solid Waste.

Garbage, refuse, construction and demolition debris and other discarded matter in solid form, but not including hazardous waste.

17. Source-Separated Compostable Materials.

Food wastes, plant materials, and paper that is not otherwise recyclable as defined in Minnesota State Statutes Chapter 115A that are:

- a. Separated at the source by the waste generator for the purpose of transporting them to a commercial compost manufacturing facility;
- b. Collected separately from mixed municipal solid waste and are governed by the licensing provisions of section 115.93;
- c. Delivered to a facility to undergo controlled microbial degradation to yield a humus-like product meeting the Pollution Control Agency's class I or class II, or equivalent, compost manufacturing standards and where process rejects do not exceed 15 percent by weight of the total material delivered to the facility; and
- d. May be transferred to a licensed compost manufacturing facility, unless the Commissioner of the Pollution Control Agency determines that no other person is willing to accept the materials.

Also referred to as "organics".

178. Yard Waste.

Garden wastes, leaves, lawn cuttings, weeds, shrub and tree waste, and prunings. Grass clippings, leaves, herbaceous garden wastes, and tree waste.

113.02 SOLID WASTE, YARD WASTE, TREE WASTE, ORGANICS OR RECYCLABLES DISPOSAL

It is unlawful for any person to throw or deposit solid waste, yard waste, tree waste, organics or recyclables on any property within the City, except that the owner may maintain receptacles for collection of such items, provided such receptacles meet the requirements of Sections 113.04, 113.05, and ~~113.06~~ 113.07. The owner of any private property, whether occupied or vacant, shall at all times maintain the premises free of litter. No person shall dispose of solid waste upon any lands in the City of Fridley, ~~except that~~ Composting of organics may be conducted if in full

accordance with the terms of Section 113.0910. No person shall burn mixed municipal solid waste, yard waste, organics or recyclables within the City.

113.03 FREQUENCY OF COLLECTION

Mixed municipal solid waste and organics must be collected a minimum of once a week, or more frequently if necessary, by a licensed solid waste hauler from all property within the City.

113.04 CONTAINMENT OF SOLID WASTE

The owner of any dwelling unit or commercial establishment must provide and maintain on premises sufficient containers for the storage of all solid waste accumulated on the premises between collections. Each such container shall be durable, watertight, impervious to insects and rodents, and shall have a close-fitting, fly-tight lid. ~~Residential solid waste containers shall not exceed 32 gallons in size unless approved by the City of Fridley.~~

113.05 CONTAINMENT OF YARD WASTE

Yard waste may be stored in containers provided by a licensed yard waste hauler, compostable bags, contained in a trailer, or bundles until the next available collection by licensed private contractors. for no more than one week.

113.06 CONTAINMENT OF ORGANICS

Organics shall only be stored by residents in special organics bags designed to breakdown during composting. They shall be stored for collection in containers provided by the licensed organics hauler for no more than one week in a container with a close-fitting, fly-tight lid equipped with odor-limiting features.

113.067 CONTAINER SCREENING/PLACEMENT

1. Commercial Establishments and Multiple Dwelling Units

Any bulk ~~or box-type~~ container or dumpster used for the storage of mixed municipal solid waste, recyclables, or ~~compostables~~ organics must be screened from view of the public right-of-way, public park or residential area. Any bulk container or dumpster located inside a building for collection of mixed municipal solid waste must be metal for fire safety. Laundry rooms must have metal cans with metal lids for collection of mixed municipal solid waste. Recycling containers less than one (1) cubic yard in capacity do not need to be screened from view of the public right-of-way, provided there are less than six containers at a given location, but must be placed on a paved surface. Baled recyclables must be stored out of view from the public right-of-way other than a 24-hour time period before a scheduled collection.

Screening shall consist of a solid fence or wall not less than six (6) feet high in the side and rear yards and shall not extend to within fifteen (15) feet of any “street right-of-way” line.

Mixed municipal solid waste, organics and recyclables container enclosures must be constructed in a manner that does not prevent residents or haulers from accessibility to other containers placed therein. Plantings may be used in addition to, or in lieu of, fencing. If plantings are used to meet screening requirements, the type, size and location of such plantings must be approved by the City Community Development Director or designee.

The screening requirements shall be satisfied by the use of a screening fence or planting screen according to the following standards:

- A. Plantings shall not be placed so as to obstruct lines of sight at street corners and driveways.
- B. A screening fence shall be attractive, in a state of good repair, and compatible with the principal building and the surrounding land use.
- C. A planting screen shall consist of a closely grown hedge, shrubs, ~~a row of trees,~~ evergreens or other vegetation approved by the City Community Development Director or designee and shall be kept weeded, watered and maintained in good health.
- D. If the topography, natural growth of vegetation, permanent buildings or other barriers meet the standards for screening as approved by the City, they may be substituted for all or part of the screening fence or planting screen.
- E. If a four-sided enclosure is necessary to screen a solid waste container from the public right-of-way, doors, allowing for removal of the container, must be constructed of durable material in a location that allows for safe material pickup, and shall be maintained in workable condition in an attractive, well-kept condition. The doors must be constructed so that residents or commercial establishments may easily access solid waste, recycling, yard waste and organics dumpsters and containers within.

2. Residential Properties

Wheeled Ccontainers used for the storage of mixed municipal solid waste, recyclables, yard waste and ~~compostables~~ organics may be placed at the curb, but not in the public drive area of the right-of-way, for collection from 5:00 pm the day prior to collection until 9:00 pm the day of collection. Containers must not be stored between weekly collections in the front yard setback.

113.078 CONSTRUCTION WASTE BINS

An uncovered bulk waste container or dumpster box type waste storage bin ~~may~~ shall not be located on any premises for the purpose of collecting construction waste from the premises on which such container is placed for more than three (3) consecutive months. Construction dumpsters or bulk waste bins shall not be placed on the street, but must be located on the driveway or yard of the property generating the construction waste.

113.089 YARD WASTE COLLECTION SORTING AND DISPOSAL

A person may not place yard waste in mixed municipal solid waste, in a disposal facility, or in a resource recovery facility except for the purpose of reuse or composting, in accordance with Minnesota Statutes Chapter 115A.931. Yard waste is not collected by the City and must be disposed of through collection by a City-licensed yard waste hauler or disposed of through backyard composting or by the property owner self-hauling it to a commercial composting facility.

113.0910 COMPOSTING

Composting is permitted on residential or ~~publicly owned~~ City-approved properties in designated areas, provided the following conditions are met:

1. Only the following materials may be placed in a compost area: grass clippings, leaves, herbaceous garden wastes, raw fruit and vegetable food scraps, chipped tree waste, sawdust, evergreen cones and needles, or additional materials approved by the City ~~and the collector~~. Under no circumstances may any of the following items be placed in a residential or public compost area: meat, bones, grease, eggs, dairy products, or human or pet feces.
2. A compost area must be fully confined within a fenced area or enclosed structure.
3. A compost area must be located and designed so that seepage from the compost will not funnel off into public or private streets, storm sewers, drainage ditches, water retention basins, wetlands, streams, lakes, or ponds. No compost area may be placed within twenty-five (25) feet of any body of water or area designated as flood plain, shore land or state protected wetlands.
4. A compost area may not be located in any front yard and must be at least five (5) feet from any side or rear lot line and be no closer than 20 feet from any dwelling unit located on adjacent property.
5. A residential compost area may not exceed 5 cubic yards in volume and may not exceed five (5) feet in height.
6. The compost must be managed according to standard compost practices, providing air circulation within the compost structure to prevent combustion and aeration often enough to prevent the generation of odors and the generation of a public nuisance.
7. Yard Waste for the purposes of composting may not be stored in the yard in plastic or other types of bags.

113.101 SOLID WASTE ABATEMENT PROGRAM AND FEE

In order to meet the requirements of State Waste Abatement Laws, the City of Fridley has established a Solid Waste Abatement Program (SWAP). This program includes residential

curbside recycling collection services and other programs approved by the City that provide means for Fridley residents to reduce their amount of waste. In order to fund these waste abatement programs, the City of Fridley charges a solid waste abatement fee on the utility bills of each single through 12-unit dwelling unit provided recycling service by the City. The amount of the fee is set by resolution by the City Council. Solid Waste Abatement Fee revenues shall be placed in the Solid Waste Abatement Fund and shall only be expended on solid waste abatement program activities.

113.142 RECYCLING COLLECTION

1. Residential Properties and Multiple Dwelling Units.

A. Residential Properties

The City of Fridley will provide for the collection of recyclables from all residential properties, single unit through 12-unit multiple dwellings as required in Chapter 115A of Minnesota State Statutes.

B. Multiple Dwelling Units

~~Owners of multiple dwelling structures of 13 or more units shall provide at least monthly collection of four (4) broad categories of recyclables by a city-licensed recycling collector. Recycling categories include, but are not limited to, paper, glass, plastic and metal. Owners of multiple dwelling structures must also ensure and annually provide evidence to the City that their tenants are informed at time of occupancy and, in addition, at least once per year as to the availability of recycling collection on site. Containers designated for the collection of recyclables at a multiple dwelling unit must be clearly labeled as to what materials may be placed in it and the containers must be placed in a location that is as convenient to use as the Mixed Municipal Solid Waste collection dumpster or containers on site. Recycling containers must also be kept accessible year-round, including the removal of snow within 24 hours after a snowfall of more than 3 inches. Owners must also keep recycling carts or dumpsters clean and free from contamination, such as Mixed Municipal Solid Waste or Organics.~~

2. Commercial Establishments

Pursuant to Minn. Stat. Section 115A.151, owners of commercial establishments shall ensure that at least three (3) recyclable materials such as, but not limited to, paper, glass, plastic, and metal are collected from its facilities and that those collected materials are transferred to a city-licensed recycler. Recyclables in carts, containers and dumpsters must be placed in close proximity to Mixed Municipal Solid Waste carts, containers and dumpsters to make recycling equally accessible to persons who are disposing materials. If dumpsters are used to collect recyclables, they must be located in proximity to dumpsters for Mixed Municipal Solid Waste and both clearly labeled to make recycling equally accessible to persons who are disposing of materials.

113.13 ORGANICS COLLECTION

The City of Fridley will provide for the collection of organics from all residential properties 1-4 who voluntarily opt to participate in the fee-based collection program. Organics containers must be kept on a hard surface so that they may remain accessible to residents and the haulers year-round, including the removal of snow within 24 hours after a snowfall of more than 3 inches and observe set-back rules as for solid waste and recycling containers.

Residents from residential properties who do not opt-in to the organics program, along with residents in multiple dwelling units may take their organics to State authorized drop sites, including those located and available in Anoka County.

113.124 SCAVENGING

It shall be unlawful for unauthorized persons to collect, remove or dispose of recyclable materials after said materials have been placed or deposited for collection without a license from the City and an account relationship with the owner or occupant of the premises. Responsibility for and ownership of recyclable materials remains with the person who placed the materials out for collection until collected by a licensed recycling collector, at which time, the ownership and responsibility passes to the recycling collector.

113.135 RECYCLING, YARD WASTE AND ORGANICS COLLECTORS' AND SOLID WASTE HAULERS' REGULATIONS

1. License Requirement.

No person shall engage in collecting weekly containerized collection or conveyance of said containers of solid waste, yard waste, organics or recyclable material from any premises, other than their own dwelling unit property, in the City unless that person holds a valid license hereunder. Each such vehicle so used must be licensed.

2. License Classifications.

Applicants for licenses issued hereunder shall be issued to collectors for the following classes of operations:

- Class I - Residential Solid Waste Collection ~~Vehicle~~
- Class II - Commercial Solid Waste Collection ~~Vehicle~~
- Class III - Recycling Collection ~~Vehicle~~
- Class IV – Construction and Demolition Waste Collection ~~Transport Vehicle~~
- Class V – Yard Waste Collection
- Class VI – Organics Collection

3. Class I through Class V License Procedure.

- A. The provisions of Chapter 11, License and Permit, of the City Code, including the license fee shall apply to all licenses required by this Chapter and to the holders of such license. The term of each license hereunder shall be for not more than one year and shall expire on April 30 each year. The application for license or renewal of license shall contain a description of the types and makes of the motor vehicles used for collection, a description of what types of collection services will be provided, approximate number of customers served, schedule of charges which will be made for hauling, a schedule of residential solid waste collection routes, location of where the material collected will be disposed of, detailed description of any containers the hauler plans to provide their customers and any other information the City of Fridley shall require.
- B. Applicants for all license classifications shall file with each application a certificate of insurance for general liability coverage for the licensee of at minimum ~~\$500,000~~ \$1,000,000 per occurrence and automobile liability coverage for each vehicle to be used in the amount of ~~\$500,000~~ \$1,000,000 or more per accident. Every licensee shall also carry Workers' Compensation Insurance for all of its employees. Each policy shall provide that it shall not be cancelled or terminated for any reason without at least ten (10) days written notice thereof first being given to the City.
- C. Applications for license hereunder shall be submitted to the City for review and recommendation. If the City Council is satisfied that the health, safety and welfare of the public will be served, it may grant a license to any such application meeting the requirements of this Chapter.

D. Class VI Organics Collection License Procedures.

1. Residential Properties. Only a hauler who has a current contract with the City for organics collection from residential properties is eligible for an Organics Collection license for residential properties. The initial license term for a residential property organics collection license shall follow the initial term set forth in the organics collector's current contract for service with the City. Thereafter, the term of each organics collection license shall not be for more than one year and shall expire on April 30 of each year. The application for license or renewal of license shall contain the information set forth in Section 113.15.
 2. Commercial Establishments and Multiple Dwelling Units. Application and issuance of licenses for Class VI Organics Collection from commercial establishments and multiple dwelling units shall be governed by Section 113.15.3.A through 113.15.3.C of this Chapter.
4. Hours of Collection.

No person engaged in collecting and hauling solid waste, yard waste, organics or recyclable materials from residential areas within the City of Fridley shall do so before 6:30 A.M. or

after 8:30 P.M. Monday through Saturday. Furthermore, collecting and hauling from commercial, business, industrial, or other such establishments shall not create a nuisance for, adjacent residential areas.

5. Vehicles.

- A. ~~Each vehicle for which a license is applied for or which is licensed may be subject to a visual inspection by the City at the annual renewal date and at all reasonable times.~~ Any ~~such~~ vehicle, while it is used by the licensee in the City of Fridley, shall have the name of the licensee clearly printed on both sides. Said lettering shall be at least three (3) inches in height and the color of the lettering and of the background shall be contrasting.
- B. Each vehicle used to haul ~~m~~Mixed ~~m~~Municipal Ssolid Wwaste in the City of Fridley shall be licensed by the regional waste authority and such license shall be maintained for the entire term of the City license. Each licensed vehicle shall have attached a decal issued by the base County, showing the current regional registration. Each vehicle used to haul recyclables, yard waste, organics or construction/ demolition waste in the City of Fridley must display the decal issued by the City of Fridley. Expired or otherwise invalid decals shall be removed from the vehicle.
- C. Each vehicle licensed for hauling Mixed Municipal Ssolid Wwaste, yard waste, organics or recycling must have a tight cover that is operated and maintained as to prevent offensive odors or spillage. The loading space of every ~~solid~~ waste vehicle licensed hereunder shall be leak proof. Every vehicle shall be equipped with the necessary hand tools for cleaning up spills.
- D. Every vehicle licensed hereunder shall be kept well painted, clean and in good repair. Every such ~~solid~~ waste vehicle used for collecting Mixed Municipal Ssolid Wwaste, organics, yard waste or recyclables shall be cleaned every week, or more often if necessary, to prevent persistent odors.
- E. Recyclables, organics, yard waste and Mixed Municipal Ssolid ~~w~~Waste shall be loaded so that ~~none of such~~ materials can jar loose and fall to the ground or street when the vehicle is in motion. Loose paper, trash, and similar materials shall be so secured that they cannot be displaced by the wind or fall out of the vehicle.
- F. All licensed vehicles shall be equipped with a back-up warning device that complies with all applicable OSHA, Minnesota Statutes, or Minnesota Department of Transportation regulations.
- G. No person shall at any time park or store any recycling, organics, yard waste or Mixed Municipal Ssolid ~~w~~Waste collection vehicle on any premises zoned for use as a single or multiple residence dwelling, within one hundred (100) feet of any aforementioned premises, or within two hundred (200) feet of any food establishment, for purpose other than, or for periods inconsistent with, providing recycling, organics, yard waste or solid waste collection at said premises. No person shall at any time park or store any loaded or

partially loaded recycling, organics, yard waste or Mixed Municipal Ssolid Wwaste collection vehicle on any premises within the City, except for the purpose of and for periods consistent with, providing recycling, organics, yard waste or Mixed Municipal Ssolid Wwaste collection at that parcel of property.

6. Container Placement

Containers used for the storage and collection of Mixed Municipal Ssolid waste, recyclables, organics or yard wastes must be returned to the private driveway of the customer upon collection of the container contents.

7. Volume Based Fees.

As required by Minnesota Statutes Chapter 115A.93, Subd.3, the City requires all licensed Mixed Municipal Ssolid Wwaste collectors and haulers to establish a volume-based or weight-based fee system for all customers. This means a licensee has established a multiple unit pricing system that ensures that amounts of waste generated in excess of the base unit amount are priced higher than the base unit price. In addition, any licensee offering use of Mixed Municipal Ssolid Wwaste storage carts to their customers must also give customers a choice of a cart size less than 60 gallons in size upon request.

8. Disclosure of Waste Destination.

As required in Minnesota State Statutes 115A.9302, any person licensed to transport Mixed Municipal Ssolid Wwaste, organics, yard waste or recyclables in the City of Fridley must disclose the final destination(s) of what waste is collected, by category to their customers on an annual basis.

9. Reeyeling Requirements Enforcement

~~A recycling collector contracting to collect recyclables from any multi-dwelling unit account in the City of Fridley must collect a minimum of four (4) broad categories of recyclables, according to Section 113.10 of this code. The collection of newspaper, mixed paper, and corrugated cardboard is all one paper category. Collected recyclable materials shall be recycled and may not be disposed of in any solid waste facility without authorization from the appropriate State agency and the City. If recyclables placed out for collection are significantly contaminated with non-recyclable materials, the recycling collector shall notify the property owner and the City of the contamination problem and refuse to collect the recyclables until the unacceptable material is removed. A violation of this section of code is a misdemeanor. The owner of a building or premises in or upon which a violation of any provisions of this Chapter has been committed, or shall exist; or the lessee of the entire building or entire premises in or upon which a violation has been committed or shall exist; or the owner or lessee of any part of the building, or premises in or upon which such violation has been committed or shall exist, shall be guilty of a misdemeanor, and subject to all penalties provided for such violations under the provision of Chapter 901 of this Code each~~

and every day that such violation continues. Any such person who, having been served with an order to remove any such violation, shall fail to comply with said order to remove any such violation, within ten (10) days after such service, or shall continue to violate any provisions of the regulations made under authority of Chapter 901 in the respect named in such order shall be guilty of a misdemeanor and subject to all penalties provided for such violations under the provisions of Chapter 901 of this Code. Each day that such violation continues shall be a separate violation.

10. Reports.

All applicants for licenses hereunder who provide recycling, yard waste and organics collection services to single to thorough multiple dwelling units in the City shall submit semi-annual reports to the City detailing the weight of recyclables by material type collected. A report for January through June recycling collections shall be submitted by the following July 15. A report for recycling collections from July through December shall be submitted by the following January 15. Reports shall be submitted to the City Community Development Director or designee in the format specified by each license.

11. Revocation of License

Any license issued hereunder may be revoked or suspended by the City Council for any of the following causes following a hearing before the City Council upon due notice to the licensee, stating the time and place of such hearing, together with a statement of the violation alleged to be the cause for the revocation or suspension of the license.

- A. Fraud, misrepresentation, or incorrect statement contained in the application for license, or made in carrying on the licensed activity.
- B. Conviction of any crime or misdemeanor pertaining to license held.
- C. Conducting such licensed activity in such manner as to constitute a breach of the peace, or a menace to the health, safety and welfare of the public, or a disturbance of the peace or comfort of the residents of the City, upon recommendation of the appropriate City official.
- D. Expiration or cancellation of any required bond or insurance, or failure to notify the City within a reasonable time of changes in the terms of the insurance or the carriers.
- E. Actions unauthorized or beyond the scope of the license granted.
- F. Violation of any regulation or provision of this code applicable to the activity for which the license has been granted, or any regulation or law of the State so applicable.
- G. Failure to continuously comply with all conditions contained in this Code.

113.1416 FEES

The license fee and expiration date shall be provided in Chapter 11 of Fridley City Code.

113.157 PENALTIES

Any violation of this Chapter is a misdemeanor and subject to all penalties provided for such violation under the provisions of Chapter 901 of this Code.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FRIDLEY THIS 28TH DAY OF NOVEMBER 2016.



SCOTT J. LUND - MAYOR

ATTEST:



DEBRA A. SKOGEN – CITY CLERK

Public Hearing:	October 24, 2016
First Reading:	November 14, 2016
Second Reading:	November 28, 2016
Publication:	December 9, 2016