

ORDINANCE NO. 21-02

**AN ORDINANCE AMENDING NEW HOPE CITY CODE §§1-2, 8-14, 9-11, and 9-42 -
GARBAGE, RECYCLING AND SOURCE SEPARATED ORGANICS**

THE CITY COUNCIL OF THE CITY OF NEW HOPE ORDAINS:

Section 1. Section 1.2 “Definitions” of the New Hope City Code is hereby amended to repeal the strikeouts and add the underlined text as follows:

Bulky Wastes shall have the meaning set forth in Minnesota Statutes and is a subset of mixed municipal solid waste. Bulky wastes include household items and other discarded materials that, due to their dimensions and weight, are typically not collected as part of the regular garbage and recycling or for which there may be a separate fee, such as furniture, carpeting, and mattresses, and appliances.

Walkup collection service means the collection of recyclable materials accumulated in recycling containers from a location at a dwelling unit other than the location designated by the recycling authority for regular collection.

Hauler means a business licensed by the city to collect, transport and dispose of mixed municipal solid waste (“MSW”), recyclables, or yard waste . The term shall include the hauler’s duly authorized and acting employees and agents.

Composting means controlled aerobic decomposition of organic matter into a humus-like product called compost.

Compost containers mean containers used for composting on residential property. They are to be enclosed on all vertical sides and made of a durable material free of rot.

Compost sites mean locations on residential property for composting..

Garbage collection means the taking up and collecting of all mixed municipal solid waste (“MSW”) accumulated at all dwelling residences, places of business and other institutions in the city and the transportation of MSW to a sanitary landfill or other place of disposal licensed and permitted by the State.

Hazardous wastes are defined in Minnesota Statutes. Wastes are hazardous in the State when they display one or more by all haulers of these characteristics: ignitable, oxidizer, corrosive, reactive, toxic, or lethal.

Litter means garbage, recyclables and all other waste material which, if thrown or deposited as prohibited in this Code, tends to create a nuisance or danger to public health, safety and welfare.

Mixed municipal solid waste (“MSW”) has the meaning set forth in Minnesota Statutes and means garbage. Garbage, rubbish, trash, and other solid waste from residential, commercial, industrial, and community activities, that the generator of the waste aggregates for collection. MSW does not include auto hulks, street sweepings, ash, construction debris, mining waste, sludges, tree and agricultural wastes, tires, lead acid batteries, motor and vehicle fluids and filters, and other materials collected, processed, and disposed of as separate waste streams. Also referred to as “trash” or “garbage.”

Permanent waste container means a container of non-corrodible material with a close-fitting cover, rodent and fly-proof, nonabsorbent, and leak-proof.

Properly shredded organics means the wastes from the preparation, cooking, and dispensing of food that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch in any dimension.

Recyclables shall have the meaning set forth in Minnesota Statutes and mean materials that are separated from mixed municipal solid waste for the purpose of recycling, or composting including paper, glass, metals, plastics, source-separated compostable materials and all materials hereafter designated as recyclable by the city.

Recycling shall have the definition in Minnesota Statutes and means the process of collecting and preparing recyclable materials and reusing the materials 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.

Recycling services means recycling collection services, walkup collection services, and any other services provided to a dwelling unit in accordance with this Code.

Source separated organic materials (“SSO”) shall have the meaning set forth in Minnesota Statutes, and include food waste and other compostable organic materials that are source separated for recovery. The term “organics” does not include yard waste for purposes of this section. (Also referred to as “food waste/organics” and “source separated organics.”)

Waste – see mixed municipal solid waste (“MSW”).

Yard waste means garden wastes, , leaves, lawn cuttings, weeds, shrubs, and tree waste and pruning.

Section 2. Section 8-14 Garbage and refuse collectors of the New Hope City Code is hereby amended to repeal the strikeouts and add the underlined text as follows:

Sec. 8-14. – Garbage haulers.

(b) *Licensing regulations, terms and conditions.*

- (8) Liability insurance. Every licensee shall carry general liability insurance coverage for bodily injury or death in an amount specified by State law. As of January 1, 2011, that is \$1.5 million for bodily injury or death and \$200,000 for damages to property. Every licensee shall carry vehicle liability insurance in the amount of at least \$1,000,000. Every licensee shall also carry worker's compensation insurance for his employees. The licensee shall provide the city with evidence that said insurance is in full force and effect and shall provide the city with 30 days' written notice of cancellation of said insurance.
- (9) Cancellation or revocation. The parties hereunder may, if mutually agreeable, cancel such license. However, the city may revoke the license of any hauler as provided for in this Code.
- (10) Display of license. The city shall furnish evidence of the license to the hauler and such evidence shall be displayed in or upon each licensed vehicle in accordance with regulations promulgated by the city manager.
- (11) Identification. The hauler shall display the company name and telephone number in a conspicuous place on both sides of each licensed vehicle in letters and numerals no less than four inches in height.

(c) *Collection practices.*

- (4) Yard waste. Each hauler shall separately collect and transport yard waste to a licensed and permitted yard waste composting facility.
- (5) Source separated organics (SSO). Each hauler shall collect and transport source separated organics to a licensed and permitted facility designed to manage SSO either through composting or anaerobic digestion.
- (6) Service complaints.
 - a. *Local contact information.* Each hauler shall have a website with a local telephone number and an electronic communications link; and shall provide staff to answer customer communications between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday, except on legal holidays.
 - b. *Service failure make-up.* Where, due to the hauler's fault, a customer is not serviced on the regularly scheduled day, the collection shall be made the day following the scheduled collection day. If the customer was not serviced because the waste containers were not accessible on the scheduled collection

day, the collection shall be made as soon as possible by agreement between the hauler and customer.

- (7) Hauler to replace damaged waste containers. The hauler shall replace at their expense, damaged waste and recycling containers.
- (8) Hauler to replace containers to their original locations. The hauler shall after servicing the customer, replace all covers and cans to their original locations on the curbside and off the traveled portion of the street.
- (9) Use of private driveway prohibited. Haulers are prohibited from driving vehicles upon the private driveways of residents unless written approval is first obtained from such resident.

(d) *Transportation of waste.*

- (1) Waste to be covered. No hauler shall transport waste upon the public streets and highways or other public property of the city unless such waste being transported is entirely and securely covered.
- (2) Vehicles durable and maintained. Every vehicle used to collect waste or recycling must be constructed in such a way that all waste or recycling is securely transported, and that there is no dripping or leaking of any collected materials. Vehicles must be equipped with an audible electronic back-up alarm. Vehicles must be kept in good repair, regularly cleaned, and maintained in a way to prevent persistent odors.
- (3) Cleanup of spills. The hauler shall immediately clean up in a neat and thorough manner any waste, recycling or fluids that the hauler may have caused to spill upon the streets, highways or other public or private property in the city.

Section 3. Section 9-11 Waste and recyclable materials collection and disposal is hereby amended to repeal the strikeouts and add the underlined text as follows:

(a) *Waste storage.*

- (1) Accumulation of waste prohibited. All exterior property and premises shall be kept free from any accumulation of waste.
 - a. *Waste removal.* The contents of waste containers must be collected at every week and every person shall always keep their premises free and clean from same.
- (2) Waste containers required—Placement and maintenance.

- c. *Inspection.* All waste containers shall be subject to inspection and approval by the city manager or designee. Filthy, leaking or defective containers shall be cleaned, repaired or replaced by and at the expense of the hauler.
- d. *Institutional, commercial and industrial waste containers.* Institutional, commercial, and industrial waste shall be stored on a concrete or other non-penetrating surface that is easily cleanable surface and be screened from view.
- e. *Yard waste.* Yard waste must be enclosed in containers separate from other waste.

(b) *Collection and disposal of waste.*

- (1) Collection and disposal at once per week. In residential areas, all garbage shall be collected and disposed of at least once every week by a hauler duly licensed by the city.
- (3) Garbage disposals. Food scraps may be disposed of by grinding and finely shredding it and disposing of it through pipes leading to a public sanitary sewer, providing that all garbage so disposed of in such pipes shall be ground or shredded to such a degree that all particles are carried freely under the flow conditions normally prevailing in the sewers into which the same is deposited.
- (i) *Permitted composting/regulations.* Composting of certain food scraps and yard waste as defined by this section and section 1-2 of this Code shall be permitted above ground in a controlled area per the following regulations allowing for the decomposition of the materials through an aerobic process providing adequate oxygen and moisture. At no time shall composting create a health hazard or a nuisance to adjoining properties.
- (k) *Collection and processing of recyclable materials.* Recycling services shall be provided to all residential properties (including single-, two-, and multiple-family dwellings) and tenants of commercial buildings at least two times per month.
 - (1) Recycling authority; powers. The recycling authority is responsible for supervising and controlling the collection, processing, and marketing of recyclable materials from all residential properties containing eight or fewer dwelling units in the city. The recycling authority may contract with one or more haulers for the collection, processing, and marketing of recyclable materials from residential properties. The recycling authority may adopt and enforce additional rules not inconsistent with this chapter as necessary for the collection, processing, and marketing of recyclable materials, including but not limited to rules governing the days and hours of collection, the types of recyclable materials to be collected, the manner in which dwelling unit owners or occupants must prepare recyclable materials for collection, the recycling containers to be used, and the location of recycling containers for collection.

Section 4. Section 9-42 is hereby amended to repeal the strikeouts and add the underlined text as follows:

(b) *Hourly restriction on certain operations.*

(3) Garbage and source separated organic materials haulings. No person shall collect or remove garbage or SSO in any residential district except between the hours of 6:00 a.m. and 6:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday.

Section 5. Effective Date. This Ordinance shall be effective upon passage and publication.

APPROVED by the New Hope City Council this 22nd day of March, 2021.

Kathi Hemken, Mayor

Attest:

Valerie Leone, City Clerk

(Published in the New Hope-Golden Valley Sun-Post the ____ day of _____, 2021.)