

CHAPTER 35 - GARBAGE AND REFUSE

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GARBAGE AND REFUSE

35.01. PURPOSE. The purpose of this chapter is to safeguard the health, safety, and welfare of the citizens of the City of Winona by regulating the storage and disposal of waste materials and by reducing the amount of waste generated by mandatory separation of recyclable materials.

Ord. No. 2921 04/18/88.

35.01.1. DEFINITIONS. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Collector: A privately operated agency, business or service for collecting, transferring or transporting solid waste materials for disposal purposes to a sanitary landfill site or licensed refuse transfer station.

Contaminated: Not in its pure state, tainted, putrified, or polluted.

Designated Recyclable Materials: Materials such as newsprint, glass bottles and jars, aluminum cans, tin cans, and high density plastic, or other materials designated for separate collection by the city council.

Garbage: Discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.

Garbage Container: A container such as a milk carton, cheese carton, plastic bag, or paper bag or such other wrapping which will prevent the escape of moisture and odor while in storage on the real estate of the responsible tenant.

Incineration: The process of burning waste materials for the purpose of volume and weight reduction in a properly installed facility designed for such use and listed as an approved unit by the state pollution control agency.

Recyclable Container: A container such as a cardboard box, paper bag, plastic container, or other such product for storing designated recyclable materials.

Refuse: Putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, market and industrial solid wastes, and municipal treatment wastes which do not contain free moisture.

Refuse Container: A durable container which must be watertight, rodent proof, equipped with a tight fitting cover, with tapered sides and 2 handles for lifting. It shall be a manufactured product designed for storage of refuse. It shall be constructed of rust resistant metal, rubber, fiberglass or plastic of a kind which will not become brittle in cold weather. It shall have a capacity of not more than 32 gallons and shall not weigh over 65 pounds when filled. A refuse container may also be a commercial-sized container; provided, that mechanical means for lifting and dumping are available and are used.

Responsible Tenant: For all sections of this chapter other than Sections 35.02(a) and 35.09, responsible tenant shall mean any occupant, tenant, owner, manager, operator or custodian of any residence, apartment or dwelling unit and any person owning or operating an industrial or commercial establishment in the city. As applied to sections 35.02(a) and 35.09 of this chapter, responsible tenant shall mean any occupant or tenant of any residence, apartment or dwelling unit and any person owning or operating an industrial or commercial establishment in the city.

Rubbish: Nonputrescible solid wastes including, but not limited to, ashes, combustible and noncombustible wastes such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, or litter of any kind. Rubbish shall not include designated recyclable materials.

Rubbish Container: A paper or plastic bag manufactured for the storage of rubbish or fiberboard drum in good condition and acceptable to the collector.

Sanitary Landfill: A land disposal site employing an engineering method of disposing of solid waste on land in a manner that minimizes environmental hazards by spreading the solid waste in thin layers, compacting solid waste to the smallest practical volume, and applying cover material at the end of each operating day, or at intervals as may be required by the state pollution control agency.

Solid Waste: Garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility, or other discarded waste materials and sludges, in solid, semi-solid, liquid or contained gaseous form, resulting from industrial, commercial, mining, or agricultural operations, or from community activities, but does not include hazardous waste, animal waste used as fertilizer, earthen fill, boulders, rock, sewage sludge, solid or dissolved material in domestic sewage or other common pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents or discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended; dissolved materials in irrigation return flows; or source materials, special nuclear material, or byproduct material as defined by the Atomic Energy Act of 1954, as amended.

Source Separation: To divide or separate out from the main body, to make distinguishable from, to isolate, to seclude.

Toxic and Hazardous Waste: Waste materials including but not limited to pesticides, fluorescent tubes, herbicides, acids, caustics, pathological wastes, radioactive materials, flammable or explosive materials and similar chemicals and harmful wastes which require special handling and must be disposed of in a manner so as to protect the environment.

Toxic and Hazardous Waste Container: A container approved by the department of protective inspection in accordance with the requirements of laws of the United States and/or the state or the ordinances of the city.

Transfer Station: An intermediate solid waste disposal facility in which solid waste collected from any source is temporarily deposited to await transportation to another solid waste management facility. Ord. No. 2755 02/19/85. Ord. No. 2921 04/18/88.

35.02 DUTIES OF RESPONSIBLE TENANT.

(a) A responsible tenant shall store refuse on his/her real property in an approved container as defined herein and in an approved manner as set forth herein. Large articles of refuse need not be confined in containers but shall be kept in a neat condition and in a manner so as not to constitute a hazard. All refuse set out for disposal by the responsible tenant shall be set out for disposal so that the following designated recyclable materials are separated from the refuse except if employed in the disposal of other refuse or if the material has been contaminated.

- (1) Newsprint, magazines and cardboard,
- (2) Rinsed glass bottles and jars and other glass containers without rings and caps;
- (3) Aluminum cans;
- (4) Tin cans;
- (5) High density plastics.

(b) A responsible tenant in a residential district shall place containers containing designated recyclable materials at the curb in front of his/her real property for collection.

(c) A responsible tenant shall keep each refuse container neat, sanitary and clean to prevent insect breeding, odors and unhealthy conditions from developing. He/she shall also keep each container in good repair so that no person handling a container will be injured. He/she shall replace a container which is not in good repair within 72 hours after he/she is ordered to do so by the city. A 55 gallon metal drum or container shall not be used as a refuse or rubbish container.

(d) A responsible tenant shall place garbage in an approved garbage container, which shall be placed in a refuse container.

(e) A responsible tenant shall not dispose of or permit the disposal of garbage into a sanitary sewer system unless the garbage is first processed by a mechanical disposal device permanently installed in or on a sanitary sewer line.

(f) A responsible tenant shall not burn garbage, trash or rubbish on the real estate.

(g) A responsible tenant shall store toxic and hazardous waste in a toxic and hazardous waste container. Toxic and hazardous waste shall be disposed of at an approved disposal facility.

(h) A responsible tenant may remove and transport his/her own rubbish to a licensed transfer station. Rubbish shall be transported in an enclosed vehicle or shall be in containers or contained in a manner which will prevent littering or spilling while in transit.

(i) If a responsible tenant does not remove and transport his/her own rubbish, he/she shall employ a collector to remove and transport the rubbish.

(j) A responsible tenant in a residential district shall not store refuse or garbage containers in the front yard and shall place the containers at the designated location for collection not more than 12 hours prior to collection. Refuse or garbage containers shall not be stored, kept or placed on any public property.

(k) Except while in the act of filling or emptying a refuse container, the responsible tenant shall keep the cover securely in place.

(l) A responsible tenant shall, at all times, have enough approved containers to take care of the refuse or rubbish produced on the real property.

(m) A responsible tenant shall remove or cause the removal of garbage and/or rubbish from his/her real property not less often than once every 7 days. In the event he/she does not do so, the city may in addition to any other remedy available to it, notify him/her that he/she has failed to perform a duty imposed upon him/her by law, and that he/she shall comply within 72 hours after service of such notice. A notice shall be in writing and be delivered to the responsible tenant by a city official or be mailed to his/her last known address by first class mail supported by an affidavit of mailing. A notice tag shall also be affixed to the door of any building situated on the property. In the event the responsible tenant does not comply with the notice, the city may cause removal of the garbage or rubbish from the real property. Promptly upon completion of the work of removal of the garbage or rubbish, the city manager or his/her designated representative shall serve upon the owner of the property by first class mail an itemized statement of the actual cost of removal; such statement to include an administrative fee per chapter 51. If the owner fails to pay, the city manager shall submit to the city council the itemized accounting of costs and a recommendation that the city council by resolution authorize that an assessment be levied upon said premises in accordance with Minnesota Statutes, Chapter 429.

(n) A responsible tenant shall not keep any personal property of any kind on his/her real property which property has no substantial potential use consistent with its usual functions, including but not limited to scrap metal, building materials, dead trees or brush, indoor furniture, inoperable machines or appliances, or parts thereof, unless such property is kept in an enclosed building.

(o) A responsible tenant may hire a collector to remove an extraordinary amount of rubbish not in containers or bundled; provided, that such rubbish is removed from the real property not more than 48 hours after it is placed outside on the real property of the responsible tenant.

Ord. No. 3827 2/16/2010

35.03 LICENSING AND OTHER REQUIREMENTS FOR COLLECTORS.

Repealed. Ord. No. 2755 02/19/85.

35.04 COLLECTORS' RESPONSIBILITIES. (a) A collector shall at all times keep his vehicle in good operating condition.

(b) A collector shall not permit refuse to fall out or be scattered on public or private property in the city.

(c) A collector collecting garbage shall at all times use a vehicle of metal construction, fully enclosed with a packer type body, hydraulic ram and a loading hopper.

(d) A collector shall not park a licensed vehicle or leave it standing on any street, alley or other public ground for a period longer than is necessary to make a collection.

(e) A collector shall park a licensed vehicle when not in use either in an area of the city not zoned residential or in an enclosed garage.

(f) A collector collecting rubbish shall at all times use an enclosed vehicle or shall transport rubbish in containers or in a contained manner which will prevent littering or spillage while in transit.

(g) A collector shall collect from his customer not less often than once a week between the hours of 6:00 a.m. and 6:00 p.m. except on Sundays, New Year's Day, Memorial Day, July Fourth, Labor Day, Thanksgiving Day and Christmas Day.

(h) A collector shall clean up and remove any garbage or refuse which he spills or scatters or drops. Ord. No. 2755 02/19/85.

35.05 COMMERCIAL AND INDUSTRIAL ESTABLISHMENTS. A responsible tenant of a commercial or industrial establishment shall cause large cardboard boxes, bales of paper, wooden crates, pallets and other bulky articles to be kept either inside a building on an impervious floor or outside a building in a metallic container suitable for expeditious unloading by a collector, or outside a building in a bin or shed or fenced or screened enclosure constructed for the storage of such articles. Wooden pallets shall be stacked in neat piles on stringers 6 to 8 inches off the ground.

35.06 CONTRACTORS. A contractor whose operation produces earthen fill, boulders, rocks, brick, concrete, cement, wooden or similar building materials for disposal shall not mix rubbish in with the disposable items.

35.07 LITTERING AND DISPOSAL OF REFUSE. (a) No person shall litter or spill or permit littering or spillage of any materials on any public streets or other public property of the city.

(b) No person shall transport any one or more of the materials defined in this chapter in a manner other than is prescribed in this chapter.

(c) No person shall place refuse in a city owned container placed on public property if such refuse is produced on other than public property.

35.08 TRANSFER STATIONS. (a) Licenses. No person shall operate a transfer station in the City until a license has been granted by Winona County. A transfer station shall be operated by the person licensed in compliance with W.C.C. Section 43.63 (a) (2) and other pertinent city and county ordinances, regulations and standards and all state and federal laws. Ord. No. 2766 07/01/85.

35.09 COLLECTION OF DESIGNATED RECYCLABLE MATERIALS

Collection of designated recyclable materials shall be on a schedule and by a collector and transporter designated by the Winona County Department of Environmental Services. Designated recyclable materials shall be set out by the responsible tenant of any residence, apartment or dwelling unit for pick up at curb side. Designated recyclable materials shall be set out by the responsible tenant of any industrial or commercial establishment for pick up at the establishment's normal solid waste collection place.

Ord. No. 3827 2/16/2010

35.10 ANTI-SCAVENGING CLAUSE. Ownership of the designated recyclable materials set out for collection shall be vested in the collector and transporter of recyclable materials designated by the Winona City Council. It shall be unlawful and an offense against this section for any person, firm, or corporation other than the owner, lessee, or occupant of a residential dwelling, to pick up said materials for his/her own use. Ord. No. 2921 04/18/88.

35.11 PENALTY. Any person violating the provisions of this chapter shall be guilty of a petty misdemeanor. Ord. No. 2921 04/18/88.