



**REGULAR CITY COUNCIL WORK SESSION
BARTHOLOMEW ROOM
DECEMBER 10, 2019
5:45 PM**

Call to order

1. Discuss options for Organized Residential Curbside Recycling and Organics Collection.

Adjournment

Auxiliary aids for individuals with disabilities are available upon request. Requests must be made at least 96 hours in advance to the City Clerk at 612-861-9738.

**STAFF REPORT NO. 17****WORK SESSION****12/10/2019**

REPORT PREPARED BY: Rachel Lindholm, Sustainability Specialist

DEPARTMENT DIRECTOR REVIEW: Amy Markle, Recreation Services Director
12/6/2019

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
12/6/2019**ITEM FOR WORK SESSION:****Discuss options for Organized Residential Curbside Recycling and Organics Collection.****EXECUTIVE SUMMARY:**

This work session will detail the following:

- Background on waste generation and management in Hennepin County and Richfield, including a recap of the May work session
- RFP summary and current timeline of this project
- General comparison and summary of proposals received
- Update on letter received from Garbage Haulers for Citizen Choice ("GHCC") challenging the City's process
- Options for next steps
- Staff recommendation

Staff recommendation:

- Negotiate a contract with one hauler providing both recycling and organics collection service or one hauler providing recycling and one hauler providing organics collection. Both options provide low service costs, robust education plans, and negates any risk involved with revenue sharing. While these options presents the possibility of a legal challenge, we believe the statutory framework supports our conclusion that the steps required prior to organizing solid waste collection do not apply to collection of recyclables and organic materials.

DIRECTION NEEDED:**Staff is seeking direction on next steps to take in organizing recycling and organics collection.****If the consensus is to move ahead with negotiating a contract(s), staff will meet and negotiate a contract(s) with selected hauler(s) and bring it back to the council in January to be officially awarded.****If the consensus is to move ahead and follow the procedures detailed in Waste Management Act required to organize solid waste collection, staff estimate it will take over a year to fully research, plan and implement applicable procedures. It would also necessitate rejection of all current proposals.****BACKGROUND INFORMATION:**

A. HISTORICAL CONTEXT

- Richfield is one of two cities in the county that is not organized for recycling collection, which has resulted in a lower participation rate and less consistent recycling education for residents, negatively affecting recycling efforts.
- The City has not had a dedicated recycling coordinator for over 20 years, therefore decreasing the amount of resources available for both residents and staff.
- In large part because of resident activism, Richfield's Organics Drop-off program started in November 2018 and currently has over 800 households signed up.
- In November 2018, Hennepin County revised Ordinance 13 declaring that cities with 10,000+ residents must make curbside organics collection available to all residents (in 1-4 unit buildings) by 1/1/2022.
- If the City organizes recycling collection, SCORE funds from the county will be able to help fund the sustainability specialist position, which is needed to make municipal system-wide waste management and sustainability changes, and be the staff contact for residents' sustainability questions and projects.
- The City went out for bid to organize collection to obtain the most competitive rate for residents and to ensure that education will be streamlined through the hauler(s) providing service to Richfield.

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):

- Hennepin County Ordinance 13 (see attachment)
- MN State Statute 115A.94 (see attachment)
- Richfield Code of Ordinances Section 601 (see attachment)

C. CRITICAL TIMING ISSUES:

- Due to Hennepin County's current funding system, SCORE funding for 2020 can only be used in its entirety by the City if organized recycling collection starts before 12/31/20.
- Action needs to be taken regarding curbside organics collection in order to comply with the county mandate by 1/1/2022.
- The City received bids for collection services that need to be acted on promptly to continue following the proposed timeline.
- Bids are subject to market conditions and won't be valid for an extended period of time (however, there is no legal deadline indicated in the RFP or otherwise).

D. FINANCIAL IMPACT:

- Staff time of the Sustainability Specialist, City Attorney, City Manager, and Recreation Services Director, will be greatly increased if the direction to staff is to pursue organizing collection through the state statute procedure.
- SCORE funds that have been projected to support the Sustainability Specialist position will be lost if organized recycling is not implemented by 12/31/2020. Requirements for allowing the City to retain all future SCORE funds are subject to Hennepin County decisions and could also affect the position's funding.

E. LEGAL CONSIDERATION:

Concerns from Garbage Haulers for Citizen Choice (GHCC)

City Attorney Mary Tietjen will be at the work session to answer legal questions.

ALTERNATIVE(S):

- Follow state statute procedure for organizing solid waste collection, but maintain focus on recycling and organics collection.
- Follow state statute procedure for organizing solid waste collection, but add trash collection, organizing everything.

PRINCIPAL PARTIES EXPECTED AT MEETING:

ATTACHMENTS:

Description	Type
▣ Hennepin County Ordinance 13	Ordinance
▣ MN State Statue 115A.94	Backup Material
▣ Richfield Code of Ordinances Section 601	Ordinance
▣ Work Session Powerpoint Presentation	Presentation

ORDINANCE NUMBER THIRTEEN
RECYCLING
FOR HENNEPIN COUNTY

Adopted by the
Hennepin County Board of Commissioners
October 30, 1986

Amended on November 27, 2018

Section I Definitions

Section II General Provisions for Cities

Section III General Provisions for Multifamily Housing

Section IV General Provisions for Commercial Generators

Section V Shared Provisions for Multifamily Housing and Commercial Generators

Section VI Violations

Section VII Separability

Section VIII Provisions are Accumulative

Purpose

This Ordinance regulates the separation of Mixed Recyclables and Organic Material from Waste by Generators. This Ordinance is consistent with County adopted goals established by the Minnesota Pollution Control Agency in its Metropolitan Solid Waste Management Policy Plan and mandated by Minnesota Statute, section 115A.551, subdivision 2a, requiring a 75 percent Recycling rate by 2030. This Ordinance satisfies statutory obligations and is authorized pursuant to authority in Minnesota Statutes, section 115A.551 – 115A.553, and 473.811. The County Board of Hennepin County, Minnesota, does therefore ordain this Ordinance Thirteen.

SECTION I DEFINITIONS

The following words and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section.

“Anaerobic Digestion” means the process during which microorganisms break down Organic Material in the absence of oxygen in an enclosed vessel to produce energy and beneficial soil or agricultural supplements.

“Back-of-House” means the kitchen, food preparation, dishwashing, and storage areas of a commercial establishment that are not accessed by customers or the public.

“Beneficial Use” means an activity that serves to reuse nutrients through processing of Organic Material, such as consumption by humans or animals, Composting, Anaerobic Digestion, and additional methods as designated by the Department in collaboration with local facilities that manage Organic Material and further defined in Section IV.

“Bin” means any receptacle including but not limited to a barrel or cart that is used for the Collection, storage, or transport of Waste to a Collection Container serviced by a Hauler for transport to a Disposal Facility, Organic Material Management Facility, or Materials Recovery Facility.

“Bulky Items” means those items that are not included in regular Collection Service by a Hauler and include large items like mattresses and furniture that cannot fit into Collection Containers.

“Bureau” means the County Violations Bureau.

"Cities" mean statutory and home rule charter cities authorized to plan under Minnesota Statutes, sections 462.351 to 462.364.

"Collection" means the aggregation of Waste from the place where it is generated and includes all activities up to the time when the Waste is delivered to a Materials Recovery Facility, Organic Material Management Facility, or a Disposal Facility.

“Collection Container” means the receptacle that is provided, designated, and serviced by the Hauler for the Collection of any Waste, including but not limited to barrels, carts, dumpsters, roll-off containers, or compactors.

“Collection Service” means a service providing scheduled Collection of any Waste.

“Commercial Composting Facility” means a site used to compost Organic Material, including Food Scraps, which have been Source Separated as defined in Minnesota Rules, part 7035.0300, Subpart 105b, and which meets applicable State and local requirements for composting Organic Material.

“Commercial Generator” means an entity that is neither housing with Curbside Collection nor Multifamily Housing.

“Compost” means the product resulting from the controlled biological decomposition of Organic Material that has been sanitized through the generation of heat during the composting process and stabilized to the point that it is beneficial to plant growth and can be used as a soil amendment without further processing.

“Compostable” means that a material or product will biodegrade without leaving a residue or any toxicity in the soil. Any compostable plastics or lined papers must meet ASTM D6400 and ASTM D6868, respectively, as certified by the Biodegradable Products Institute or other similar independent certification bodies.

“Composting” means the controlled biological decomposition of Organic Material through an aerobic method of accelerating natural decomposition.

"County" means Hennepin County.

"County Board" means the Hennepin County Board of Commissioners and authorized representatives.

"Covered Generators" are any Commercial Generators of Organic Material that must comply with this Ordinance as stated in Section IV.

"Curbside Collection" means the pickup of Waste from residential households that are single family through fourplex and other residential households where each household has its own Collection Container, such as a townhouse.

"Department" means the Hennepin County Environment and Energy Department.

"Disposal Facility" means a Waste facility permitted by the Minnesota Pollution Control Agency (MPCA) that is designed or operated for the purpose of disposing of Waste on or in the land together with any appurtenant facilities needed to process Waste for disposal or transfer to another Waste facility.

"Food Scraps" means all material resulting from the production, storage, preparation, processing, cooking, handling, selling, or serving of food for human or animal consumption, including but not limited to, meats, grains, dairy, fish, fruits, and vegetables.

"Food-to-Animal Programs" means all Food-to-Animal-Feed Processing and Food-to-Livestock programs.

"Food-to-Animal Feed Processing" means the process of using grains, cereals, vegetable and animal by-products to create a feed for animals.

"Food-to-Livestock" means the process of re-using and recycling food and Food Scraps as feed for livestock, subject to regulation in Minnesota Statutes, sections 35.751 and 35.76.

"Generation" means the act or process of producing Waste.

"Generator" means any Person who generates Waste.

"Hauler" means any Person who owns, operates or leases vehicles for the primary purpose of Collection and transportation of any type of Waste.

"Household Hazardous Waste" means materials generated in a residential household, which includes any dwelling from a single unit to Multifamily Housing properties, that are in solid, semi-solid, liquid, or contained gaseous form that, because of quantity, concentration, or chemical, physical, or infectious characteristics, may (a) cause or

significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or (b) pose substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed. Categories of hazardous waste materials include, but are not limited to, explosives, flammables, oxidizers, poisons, irritants, and corrosives. Household Hazardous Waste does not include source, special nuclear, or M by-product materials as defined by the Atomic Energy Act of 1954, as amended.

“Materials Recovery Facility” means a permitted facility where Mixed Recyclables are received to be prepared for reuse in their original form or for use in manufacturing processes that do not cause the destruction of the materials in a manner that precludes further use. It does not include a manufacturer using recyclable materials as feedstock. This includes a transfer station where Mixed Recyclables are delivered, temporarily stored and sent to a facility where it is processed for Recycling.

"Metropolitan Council" means the council established in Minnesota Statutes, section 473.123.

"Mixed Recyclables" means materials that are separated from Waste for the purpose of Recycling, whether or not these materials are commingled for Collection.

"Multifamily Housing" means an apartment building, a condominium, a townhouse, a cooperative housing unit, or any other property where a property manager or association coordinates Collection Service for residents of the housing.

“Organic Material” means the portion of Waste that is Source Separated for the purpose of Beneficial Use, and may include food, Food Scraps and other materials as designated by the Department in collaboration with local Organic Material Management Facilities. For the purpose of this Ordinance, Organic Material excludes Yard Waste regulated in Minnesota Statute, section 115A.931.

“Organic Material Drop-off Site” is a site that accepts Organic Material self-hauled by residents for the purpose of collection and transport to an approved facility for Beneficial Use. The site may be a stand-alone site or be co-located at an existing Disposal Facility, Materials Recovery Facility, or transfer station.

“Organic Material Management Facility” means a facility where Organic Material is received and processed for Beneficial Use. This includes a transfer station where Organic Material is delivered, temporarily stored and sent to a facility where it is processed for Beneficial Use.

"Person" means any human being, any city or other public agency, any public or private corporation, any partnership, any firm, association, or other organization, any receiver, trustee, assignee, agent or other legal representative of any of the foregoing or any other legal entity.

"Recycling" means the process of collecting and preparing Mixed Recyclables and reusing the materials in their original form or using them in manufacturing processes that does not cause the destruction of those materials precluding further use.

"Responsible Party" means the owner or their designee of a commercial property or business including any Multifamily Housing building or complex covered under this Ordinance.

"Source Separation" means the separation of Mixed Recyclables and Organic Material from Trash at the source of Generation.

"Trash" means non-recyclable material that is designated for landfill or incinerator disposal by the Hauler. The term "Trash" does not include hazardous waste as defined in Minnesota Statutes, section 116.06, subdivision 11, or construction debris as defined in Minnesota Statutes, section 115A.03, subdivision 7.

"Waste" means all Trash, Mixed Recyclables, and Organic Material from residential, commercial, industrial, and community activities.

"Waste Reduction" or "Source Reduction" means an activity that prevents Generation of Waste or the inclusion of toxic materials in Waste, including reusing a product in its original form; increasing the life span of a product; reducing amount of material or the toxicity of material used in production or packaging; or changing procurement, consumption, or Waste Generation habits to result in smaller quantities or lower toxicity of Waste generated as defined in Minnesota Statutes, section 115A.03, subsection 36b.

"Yard Waste" means plant materials including grass clippings, leaves, weeds, garden plants, and brush and branches under four inches in diameter and four feet in length.

SECTION II GENERAL PROVISIONS FOR CITIES

Subsection 1: Mixed Recyclables Collection requirements

A. Curbside Collection of Mixed Recyclables

Cities shall have an ordinance to ensure the provision of Curbside Collection of Mixed Recyclables to residential households that are single family through fourplex and other residential households where each household has its own Collection Container for Trash. It is the responsibility of each City to enforce its ordinance relating to the Curbside Collection of Mixed Recyclables within the boundaries of the City.

B. Materials Accepted for Recycling

A City's Curbside Collection program must accept a list of Mixed Recyclables as selected by the County in consultation with haulers, local Material Recovery Facilities, and end markets. The County will update the list of materials as needed, distribute the list to City recycling coordinators, and post the list on the County's website.

Subsection 2: Organic Material Collection requirements

A. Curbside Collection of Organic Material

By January 1, 2022, Cities shall provide the opportunity to participate in Curbside Collection of Organic Material to residential households that are single family through fourplex and other residential households where each household has its own Collection Container for Mixed Recyclables. Curbside Collection of Organic Material must be provided year round on a weekly basis. A City may adjust Collection Service frequency with prior approval by the Department.

Cities shall make Curbside Collection of Organic Material available by contracting for citywide service or by requiring Haulers to provide the service. If a City does not provide Curbside Collection of Organic Material by contracting for citywide service, the City shall require Haulers to provide it. Haulers shall provide Curbside Collection of Organic Material upon request to households that have Curbside Collection for Mixed Recyclables.

Cities shall require Haulers to provide the following information annually, to the City:

- A description of how Organic Material will be collected.
- A communications plan that includes the method(s) and frequency of communications that notify residents of the availability of Curbside Collection of Organic Material.
- Instructions on how residents sign up for the Curbside Collection of Organic Material.
- A Curbside Collection schedule or calendar.
- Instructions on how residents should prepare Organic Material for Curbside Collection.
- The number of participants and tonnage collected.
- The Organic Material Management Facility where Organic Material is delivered.
- The contact information of a representative who works for the Hauler who can respond to inquiries related to the requirements of this Ordinance.

Cities shall share this information with the County as required by the reporting requirements in Section II, Subsection 4 of this Ordinance.

B. Curbside Collection exemption for Cities of the fourth class

If a City of the fourth class, as defined in Minnesota Statutes, section 410.01, chooses not to meet Section II, Subsection 2A of this Ordinance, it must provide at least one Organic Material Drop-off Site within its geographic boundaries by January 1, 2022. A City of the fourth class may partner with nearby Cities to meet this requirement with prior approval by the Department.

Subsection 3: Education requirements

Cities shall:

- Use County terminology on promotional materials when describing Mixed Recyclables and Organic Material guidelines, including the description of materials accepted and not accepted, as well as preparation guidelines.
- Use images approved by the County if using images of Mixed Recyclables and Organic Material.
- Provide information on the City's website, including materials accepted and not accepted, a Curbside Collection calendar, and links to County resources on waste management.
- Provide a guide on Mixed Recyclables and Organic Material to residents each year. The guide shall contain information on Curbside Collection, materials accepted and not accepted, and a Curbside Collection calendar.
- Complete two educational activities each year to promote Curbside Collection. The County will provide a list of activities to city recycling coordinators.

Subsection 4: City reporting requirements to the Department

Each City shall report all information relating to Waste Generation, Collection, and disposal within its boundaries to the Department. Such information shall include data on tonnage of Waste generated in the City, licensing and contract information, a description of Waste management programs, financial information, and any additional information as requested by the Department. Such information shall be provided on an annual basis by or on February 15th of each year or as otherwise directed by the Department.

Subsection 5: Failure to meet requirements

A. Compliance

It is the responsibility of each City to meet the requirements of this Ordinance. The implementation of the County requirements for Cities shall be the responsibility of each respective City. Nothing in this Ordinance shall preclude the Collection of Yard Waste, although Yard Waste Collection alone is not sufficient for a City to be compliant with the Ordinance. If a City should fail to implement the requirements by January 1, 2022, the enforcement provisions in this Ordinance, Section II, Subsection 5.B, shall come into effect.

B. County Enforcement

If any City fails to establish or implement any or all of the requirements in Section II of this Ordinance, the County Board may implement any of the requirements of this Ordinance within the boundaries of the City. The County Board, to the extent that it has assumed the responsibilities that the City has failed to assume, may seek reimbursement from a City for all costs, expenses, and expenditures that the County has incurred incident

to the adoption, implementation, administration, and enforcement of this Ordinance within the boundaries of a City through any means available under Minnesota law.

SECTION III GENERAL PROVISIONS FOR MULTIFAMILY HOUSING

Subsection 1: Mixed Recyclables Collection requirement

Upon execution, Cities shall have an ordinance that requires property owners of Multifamily Housing to provide Collection Service for lessees. Mixed Recyclables Collection Service must be available at all Multifamily Housing buildings within Hennepin County. It is the responsibility of each City to enforce its ordinance(s) relating to the Collection of Mixed Recyclables from Multifamily Housing within the boundaries of the City.

Responsible Parties must enter into an agreement with a Hauler or arrange service through a City contract to provide Collection Service to collect Mixed Recyclables from each building.

The agreement between the Responsible Party and Hauler must also provide for the Collection and delivery of these materials to a Materials Recovery Facility. Mixed Recyclables must go to a Materials Recovery Facility, and if Organic Material Collection Service is provided, Organic Material must be delivered to an Organic Material Management Facility.

Subsection 2: Education requirements

The Responsible Party must distribute written information about the Collection Service to each occupied building unit at the time of leasing and at least annually thereafter. If Collection Service for Organic Material is available, this information must include details pertaining to that program.

Educational material and instructions may be provided in print or electronic form and shall include, but not be limited to:

- Reasons to properly manage Mixed Recyclables, Organic Materials, and adopt practices that result in Waste Reduction.
- Mixed Recyclables and Organic Material guidelines, including the description of materials accepted and not accepted, as well as preparation guidelines.
- Disposal options for Household Hazardous Waste and Bulky Items.
- Location of Collection Containers for lessees to use.
- Contact information for the City or County for additional information.

Educational materials are available from the County. The County has the authority to request verification of annual education practices. A record must be kept to meet the self-inspection requirement in Section V, Subsection 3.A of this Ordinance.

Subsection 3: Bin and labeling requirements

Responsible Parties must make Collection for Mixed Recyclables convenient for lessees. Responsible Parties shall:

- Provide separate Bins for the disposal of Mixed Recyclables where Trash is also being collected in common areas, including, but not limited to laundry rooms, mail pickup area, and community rooms.
- Conveniently locate sufficiently sized Bins for the amount or volume of Waste generated.
- Affix a label on each Bin to indicate which Waste type should be placed inside the Bin. Replace label if it becomes damaged, faded, illegible, or when images or text conflict with the acceptable materials.

Labels on Bins must:

- Clearly and legibly state a Waste type and show images of acceptable materials for Mixed Recyclables and Organic Material.
- Be color-coded to differentiate the material being collected. The color blue must be used for Mixed Recyclables; green for Organic Material for Composting or Anaerobic Digestion; and red, gray or black for Trash.
- Include standardized and relevant terminology.
- Include preparation instructions where applicable.

Labels and signs that meet these requirements are available from the County.

SECTION IV GENERAL PROVISIONS FOR COMMERCIAL GENERATORS

Subsection 1: Mixed Recyclables Collection requirement

This Ordinance incorporates by reference the obligations placed on public entities, commercial buildings and sports facilities in Minnesota Statutes, section 115A.151, and all subsequent codifications.

Subsection 2: Organic Material Collection requirement

In addition to the obligations in Minnesota Statutes, section 115A.151, Covered Generators must implement a Collection program to divert food and Food Scraps from Back-of-House for Beneficial Use by January 1, 2020.

A. Covered Generators

Commercial Generators covered under this Ordinance include the following business classifications: restaurants; grocery stores; food wholesalers, distributors and manufacturers; hotels; hospitals; sports venues; event centers; caterers; nursing and residential care facilities; office buildings with dining services; farmers markets; food shelves and food banks; colleges and universities with dining services; shopping centers; airports; golf clubs and country clubs; and rental kitchens or shared use commercial kitchens. The County Board may annually designate by resolution additional business

classifications. Obligations under Section IV, Subsection 2 of this Ordinance will become effective for all added businesses one year after the County Board's resolution. The County will maintain a list of Covered Generators on its website.

Covered Generators are those aforementioned public, nonprofit, and for profit businesses that generate one ton of Trash per week or contract for eight cubic yards or more per week of Collection Service for Trash as of January 1, 2020.

B. Beneficial Use

For the purpose of this Ordinance, Beneficial Use of Organic Material includes the following:

- Donation of edible food for human consumption (must be done in combination with other management methods)
- Collection of food and Food Scraps for Food-to-Animal Programs (this may include either Food-to-Livestock or Food-to-Animal-Feed Processing).
- Collection of food, Food Scraps and other Compostable materials for Composting at a Commercial Composting Facility.
- Collection of food, Food Scraps, and other Compostable materials accepted for Anaerobic Digestion at an Anaerobic Digestion facility.
- Additional methods may be included but must be reviewed and approved by the Department.

In accordance with the 2013 Metropolitan Council Environmental Services Waste Discharge Rules, Prohibited Waste Discharges, section 406.21, directly disposing of any more than incidental amounts of food and Food Scraps through the public sewer system to avoid off-site disposal is prohibited and is not compliant with this Ordinance.

Nothing in this Ordinance shall preclude a Covered Generator or other licensed food establishment from donating leftover or unsold food that is fit for human consumption to a food shelf, food bank, shelter, or other food reuse program, or from implementing Source Reduction strategies to reduce their Generation of excess food and Food Scraps. In fact, the Department considers these management options of food to be of highest priority. However, unless the Covered Generator requests and receives a Variance in writing and signed by the Department, these actions alone shall not be considered sufficient compliance with this Ordinance.

C. Collection requirements

Food and Food Scraps must be Source Separated from other Waste in all Back-of-House areas where Organic Material is Generated and Collected. The Covered Generator shall abide by the following requirements:

- Provide sufficiently sized Bins for the amount or volume of Organic Material generated in any Back of House area.

- Conveniently locate each Bin in a manner to promote its use. Bins must be readily accessible to employees any time there is access to Bins for Trash.
- Affix a label on each Bin to indicate only Organic Material may be placed in the Bin. Replace label if it becomes damaged, faded, illegible or when images or text conflict with the acceptable materials.

Covered Generators must either obtain the proper license to self-haul or contract with a Hauler or service provider to collect and deliver all of a Covered Generator's food and Food Scraps to one or more Organic Material Management Facilities.

Where a building owner rents, leases, or lets space to a business that is a Covered Generator, the building owner is responsible to either provide a Collection system on behalf of the tenant or to facilitate and allow the tenant to set up their own Collection Service for Organic Material.

The building owner and Covered Generator shall not contaminate or commingle Organic Material that has been Source Separated in a manner that would make it unfit for an Organic Material Management Facility.

A Covered Generator may collect other Compostable material in addition to food and Food Scraps provided that the collected materials are appropriate for the intended Organic Material Management Facility.

D. Education requirements

Covered Generators shall post instructions on the separation requirements for Organic Materials in an area where such instructions will be visible to employees who are disposing of Organic Materials. The instructions shall state that Organic Material is required to be Source Separated and shall explain which materials must be Source Separated according to the intended Beneficial Use. The Department will post guidelines on accepted materials on the County website and regularly update such information.

Covered Generators shall provide training opportunities to all new employees and subcontractors performing work regulated by this Ordinance and review Collection procedures of Organic Materials with all employees and such subcontractors at least once per year. A record of trainings must be kept to meet the self-inspection requirement in Section V, Subsection 3.A of this Ordinance.

Subsection 3: Bin and labeling requirements

Responsible parties shall:

- Provide sufficiently sized Bins for the amount or volume of Mixed Recyclables generated if Bins for Trash are also provided.
- Conveniently locate sufficiently sized Bins for the amount or volume of Waste generated.

- Affix a label on each Bin to indicate which Waste type should be placed inside the Bin. Replace label if it becomes damaged, faded, illegible, or when images or text conflict with the acceptable materials.

Labels on Bins must:

- Clearly and legibly state a Waste type and show images of acceptable materials for Mixed Recyclables and Organic Material.
- Be color-coded to differentiate the material being collected. The color blue must be used for Mixed Recyclables; green for Organic Material for Composting or Anaerobic Digestion; and red, gray or black for Trash.
- Include standardized and relevant terminology.
- Include preparation instructions where applicable.

Labels and signs that meet these requirements are available from the County.

E. Variances

A Covered Generator or Responsible Party may seek a waiver from the Department of all or portions of Section IV, Subsection 2 of the Ordinance if one or all of the following special circumstances apply:

- Lack of adequate storage space for Bins and Collection Containers.
- Generation of Organic Material has been eliminated or substantially eliminated.
- Determination by a local health authority that Collection of Organic Material would conflict with MN Rules 4626 (Food Code) or other applicable state or federal food regulations.

The applicant must submit a form specified by the Department and include a signed affidavit. This form and guidelines will be supplied by the Department upon request.

When a Covered Generator requests a variance for Section IV, Subsection 2 of this Ordinance the Department will issue a written determination regarding that variance request within 30 working days.

To be effective, the variance must be in writing and signed by the Department or its designee. A variance may be revoked if one or more of the factors justifying the exemption no longer exist, or other changes in circumstances warrant revocation. Unless earlier revoked, a variance shall be effective for a period of three years from the date it was granted.

SECTION V: SHARED PROVISIONS FOR MULTIFAMILY HOUSING AND COMMERCIAL GENERATORS

Subsection 1: Collection requirements

A. Collection Container and Collection Service requirements:

The Responsible Party shall ensure that Collection Containers for Mixed Recyclables and Organic Material are as conveniently located for tenants and lessees to access as are Collection Containers for Trash. Collection Containers must be located in an accessible room or area, having appropriate aisle space that allows unobstructed access for the user. Access to Collection Containers for Mixed Recyclables and Organic Material must be allowed any time there is access to a Collection Container for Trash.

The Responsible Party shall ensure Collection Service is adequate for the Mixed Recyclables and Organic Material generated onsite. In the event that Mixed Recyclables or Organic Material are overflowing Collection Containers and subsequently being discarded as Trash, hauling frequency or Collection Container size must be adjusted within 30 days to accommodate the material being generated.

Collection Containers provided by contracted Haulers shall be maintained in clean and sanitary condition in accordance with all pertinent health statutes, ordinances, rules, and regulations. Collection Containers must be located in such a manner to prevent them from being overturned or from obstructing pedestrian or motor vehicle traffic or be in violation of any statute, ordinance, rule, or regulation.

B. Labeling requirements

Collection Containers must be labeled by Haulers to designate the type of material to be placed therein and must meet the following requirements. Labels must:

- Be visible from all points of access for the user.
- Clearly and legibly state a Waste type and show images of acceptable materials for Mixed Recyclables and Organic Material.
- Be color-coded to differentiate the material collected. The color blue must be used for Mixed Recyclables; green for Organic Material for Composting or Anaerobic Digestion; and red, gray or black for Trash.
- Include standardized and relevant terminology.
- Include preparation instructions where applicable.
- Be sized a minimum of 8 ½ inches by 11 inches and include Waste type in letters at least one inch high for Collection Containers that are barrels or carts.
- Be sized a minimum of 11 inches by 17 inches and include Waste type in letters at least one inch high for Collection Containers other than barrels or carts that are up to four yards in volume.
- Be sized a minimum of 18 inches by 24 inches and include Waste type in letters at least two inches high for Collection Containers larger than four yards in volume.
- Be replaced if damaged, faded, illegible or when images or text on the label conflict with materials accepted in Collection of Mixed Recyclables and Organic Material.

Labels and signs that meet these requirements are available from the County. Further specifications relating to Collection Containers may be designated by the Department and will be posted on the County's website.

Subsection 2: Enforcement

Enforcement provisions shall be applicable to any Responsible Party that fails to implement the requirements of this section by January 1, 2020. The implementation and enforcement shall be coordinated through the Department, which may cooperate with other governmental agencies in the furtherance of Section III, Section IV, and Section V of this Ordinance.

A. Warnings

The Department or any of its authorized representatives may issue a warning notice to any Person observed to be not in compliance with any provision of this Ordinance. The warning notice shall be on a form provided by the Department.

B. Misdemeanor

Any Person who fails to comply with the provisions of this Ordinance may be charged with a misdemeanor. It is a separate offense for each day that the violation occurs or continues.

C. Remedies Cumulative

No remedy established by this Ordinance is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Ordinance in equity or by statute.

D. Injunctive Relief

In the event of a violation or a threat of violation of this Ordinance, the County may institute appropriate actions or proceedings, including application for injunctive relief, action to compel performance, or other appropriate action to prevent, restrain, correct, or abate such violations or threatened violations.

E. Costs and Special Assessments

If any Person within the County collects or disposes of Mixed Recyclables or Organic Material in violation of this Ordinance, the County may take the necessary steps to correct such violations, and the resulting costs may be recovered in a civil action in any court of competent jurisdiction or, at the discretion of the County Board, the costs may be certified to the County Auditor as a special tax against the real property owned by such Person.

F. Citations

The Department or any of its authorized representatives shall have the power to issue citations for violations of this Ordinance.

a) Form of Citations: Citations shall contain at least the following:

1. The name and address of the Person charged with the violation or the owner or Person in charge of the premises at which the violation occurs.
2. The date and place of the violation.
3. A short description of the violation followed by the section of this Ordinance violated.
4. The date and place at which the Person receiving the citation shall appear and a notice that if such Person does not respond, a warrant may be issued for such Person's arrest.
5. The name of the representative issuing the citation.
6. Such other information as the Court may specify.

b) Issuance of Citations: Whenever any representative of the Department discovers any violation of this Ordinance, that representative may issue a citation to the Person alleged to have committed the violation and such citation shall be in the form specified in paragraph a) of this subsection. Such citation shall be made out in quadruplicate (4). One copy thereof shall be issued to the Person alleged to have committed the violation; one copy shall be filed with the Department; two copies thereof shall be filled with the Bureau.

G. Other Options allowed under Minnesota Law.

In addition to the above enforcement options, the Department reserves the right to exercise any other option available under Minnesota law existing at the time of an Ordinance 13 violation.

Subsection 3: Implementation

A. Self-inspection program

Every Responsible Party shall arrange for and maintain a program for self-inspection. The self-inspection program shall include confirmation acceptable to the Department that requirements listed under Section III; Section IV; and Section V, Subsection 1 are met. The Department may establish a self-reporting form to be completed within a regular interval no more frequent than annually, which may include, but is not limited to, program description, proof of hauling or other Waste management contract information, Waste Collection Service volumes and frequency, training plan, and financial information related to all Waste.

B. Department Inspection

Inspection and evaluation listed in Section V, Subsection 2 and Section V, Subsection 3 shall be completed in such a frequency to ensure consistent compliance by Responsible Parties and Haulers with Section III, Section IV, and Section V of this Ordinance. The Department shall provide the Responsible Party with written notice of any deficiencies, corrections, and the date by which the corrections shall be accomplished. At the Department's election, the Responsible Party shall allow the authorized representative of

the Department to collect samples of Waste to evaluate contamination levels. The Responsible Party shall allow free access at all reasonable times to inspect and copy all business records related to Waste collection. The Responsible Party shall report to the County upon request information such as the business name, address, and telephone number of each contracted Hauler, as well as the day(s) of pickup and days which Disposal Facility, Materials Recovery Facility or Organic Material Management Facility is receiving the material. The Responsible Party shall allow the authorized representative from the Department to record and document their findings in any reasonable and appropriate manner including, but not limited to, notes, photographs, photocopies, video recordings, audio recordings, and computer storage systems or other electronic media. When requested by an authorized representative of the Department, the Responsible Party shall provide photocopies or electronic copies of records including scans, electronic image files, or other electronic files of records.

C. Right of entry

Whenever necessary to perform an inspection to enforce any of the provisions of this Ordinance or whenever the Department has reasonable cause to believe that a Responsible Party is not compliant, the authorized representative of the Department may enter such building or premises during business hours to inspect to ensure compliance with this Ordinance. If such building or premises is occupied, the authorized representative shall first present proper credentials and demand entry. Advanced notice is not required. If such entry is refused or cannot be obtained, the Department shall have recourse to every remedy provided by law to secure entry including administrative search warrants. If the Responsible Party or other Person having control of the premises has previously stated that they will refuse to allow the authorized representative of the Department entry for inspections, then the Department shall have the authority to obtain an administrative search warrant in advance of an inspection at that premises, without first being denied entry.

SECTION VI VIOLATIONS

It shall be unlawful for any Person other than Haulers to distribute, collect, remove or dispose of Mixed Recyclables after said materials have been placed or deposited for Collection Service.

Pursuant to Minnesota Statutes, sections 115A.95 and 115A.553, it shall be unlawful for a Hauler to dispose of any Source Separated Mixed Recyclables or Source Separated Organic Material at a waste-to-energy facility or landfill.

Nothing in this Ordinance shall abridge the right of any Person to give or sell their Mixed Recyclables or Organic Material to any Recycling program lawfully operated for profit, non-profit or charitable purposes.

Nothing in this Ordinance shall abridge the right of any authorized Recycling program to lawfully operate within the County, subject to such other licenses or other regulations as may be required by law.

SECTION VII SEPARABILITY

The provisions of this Ordinance are separable. If any court of competent jurisdiction adjudges any provision of this Ordinance to be invalid, such judgment shall not affect any other provision of this Ordinance not specifically included in the judgment.

SECTION VIII PROVISIONS ARE ACCUMULATIVE

The provisions of this Ordinance are accumulative to all other current or future laws, ordinances, and regulations, covering any subject matter in this Ordinance.

115A.94 ORGANIZED COLLECTION.

Subdivision 1. **Definition.** "Organized collection" means a system for collecting solid waste in which a specified collector, or a member of an organization of collectors, is authorized to collect from a defined geographic service area or areas some or all of the solid waste that is released by generators for collection.

Subd. 2. **Local authority.** A city or town may organize collection, after public notification and hearing as required in subdivisions 4a to 4f. A county may organize collection as provided in subdivision 5. A city or town that has organized collection as of May 1, 2013, is exempt from subdivisions 4a to 4f.

Subd. 3. **General provisions.** (a) The local government unit may organize collection as a municipal service or by ordinance, franchise, license, negotiated or bidden contract, or other means, using one or more collectors or an organization of collectors.

(b) The local government unit may not establish or administer organized collection in a manner that impairs the preservation and development of recycling and markets for recyclable materials. The local government unit shall exempt recyclable materials from organized collection upon a showing by the generator or collector that the materials are or will be separated from mixed municipal solid waste by the generator, separately collected, and delivered for reuse in their original form or for use in a manufacturing process.

(c) The local government unit shall invite and employ the assistance of interested persons, including persons licensed to operate solid waste collection services in the local government unit, in developing plans and proposals for organized collection and in establishing the organized collection system.

(d) Organized collection accomplished by contract or as a municipal service may include a requirement that all or any portion of the solid waste, except (1) recyclable materials and (2) materials that are processed at a resource recovery facility at the capacity in operation at the time that the requirement is imposed, be delivered to a waste facility identified by the local government unit. In a district or county where a resource recovery facility has been designated by ordinance under section 115A.86, organized collection must conform to the requirements of the designation ordinance.

Subd. 4. [Repealed, 2013 c 45 s 7]

Subd. 4a. **Committee establishment.** (a) Before implementing an ordinance, franchise, license, contract, or other means of organizing collection, a city or town, by resolution of the governing body, must establish a solid waste collection options committee to identify, examine, and evaluate various methods of solid waste collection. The governing body shall appoint the committee members.

(b) The solid waste collection options committee is subject to chapter 13D.

Subd. 4b. **Committee duties.** The committee established under subdivision 4a shall:

(1) determine which methods of solid waste collection to examine, which must include:

(i) the existing system of collection;

(ii) a system in which a single collector collects solid waste from all sections of a city or town; and

(iii) a system in which multiple collectors, either singly or as members of an organization of collectors, collect solid waste from different sections of a city or town;

(2) establish a list of criteria on which the solid waste collection methods selected for examination will be evaluated, which may include: costs to residential subscribers, impacts on residential subscribers' ability

to choose a provider of solid waste service based on the desired level of service, costs and other factors, the impact of miles driven on city streets and alleys and the incremental impact of miles driven by collection vehicles, initial and operating costs to the city of implementing the solid waste collection system, providing incentives for waste reduction, impacts on solid waste collectors, and other physical, economic, fiscal, social, environmental, and aesthetic impacts;

(3) collect information regarding the operation and efficacy of existing methods of solid waste collection in other cities and towns;

(4) seek input from, at a minimum:

(i) the governing body of the city or town;

(ii) the local official of the city or town responsible for solid waste issues;

(iii) persons currently licensed to operate solid waste collection and recycling services in the city or town; and

(iv) residents of the city or town who currently pay for residential solid waste collection services; and

(5) issue a report on the committee's research, findings, and any recommendations to the governing body of the city or town.

Subd. 4c. Governing body; implementation. The governing body of the city or town shall consider the report and recommendations of the solid waste collection options committee. The governing body must provide public notice and hold at least one public hearing before deciding whether to implement organized collection. Organized collection may begin no sooner than six months after the effective date of the decision of the governing body of the city or town to implement organized collection.

Subd. 4d. Participating collectors proposal; requirement. Before establishing a committee under subdivision 4a to consider organizing residential solid waste collection, a city or town with more than one licensed collector must notify the public and all licensed collectors in the community. The city or town must provide a period of at least 60 days in which meetings and negotiations shall occur exclusively between licensed collectors and the city or town to develop a proposal in which interested licensed collectors, as members of an organization of collectors, collect solid waste from designated sections of the city or town. The proposal shall include identified city or town priorities, including issues related to zone creation, traffic, safety, environmental performance, service provided, and price, and shall reflect existing haulers maintaining their respective market share of business as determined by each hauler's average customer count during the six months prior to the commencement of the exclusive negotiation period. If an existing hauler opts to be excluded from the proposal, the city may allocate their customers proportionally based on market share to the participating collectors who choose to negotiate. The initial organized collection agreement executed under this subdivision must be for seven years. Upon execution of an agreement between the participating licensed collectors and city or town, the city or town shall establish organized collection through appropriate local controls and is not required to fulfill the requirements of subdivisions 4a, 4b, and 4c, except that the governing body must provide the public notification and hearing required under subdivision 4c.

Subd. 4e. Parties to meet and confer. Before the exclusive meetings and negotiations under subdivision 4d, participating licensed collectors and elected officials of the city or town must meet and confer regarding waste collection issues, including but not limited to road deterioration, public safety, pricing mechanisms, and contractual considerations unique to organized collection.

Subd. 4f. **Joint liability limited.** Notwithstanding section 604.02, an organized collection agreement must not obligate a participating licensed collector for damages to third parties solely caused by another participating licensed collector. The organized collection agreement may include joint obligations for actions that are undertaken by all the participating licensed collectors under this section.

Subd. 5. **Counties; organized collection.** (a) A county may by ordinance require cities and towns within the county to organize collection. Organized collection ordinances of counties may:

- (1) require cities and towns to require the separation and separate collection of recyclable materials;
- (2) specify the material to be separated; and
- (3) require cities and towns to meet any performance standards for source separation that are contained in the county solid waste plan.

(b) A county may itself organize collection under subdivisions 4a to 4f in any city or town that does not comply with a county organized collection ordinance adopted under this subdivision, and the county may implement, as part of its organized collection, the source separation program and performance standards required by its organized collection ordinance.

Subd. 6. **Organized collection not required or prevented.** (a) The authority granted in this section to organize solid waste collection is optional and is in addition to authority to govern solid waste collection granted by other law.

(b) Except as provided in subdivision 5, a city, town, or county is not:

- (1) required to organize collection; or
- (2) prevented from organizing collection of solid waste or recyclable material.

(c) Except as provided in subdivision 5, a city, town, or county may exercise any authority granted by any other law, including a home rule charter, to govern collection of solid waste.

Subd. 7. **Anticompetitive conduct.** (a) A political subdivision that organizes collection under this section is authorized to engage in anticompetitive conduct to the extent necessary to plan and implement its chosen organized collection system and is immune from liability under state laws relating to antitrust, restraint of trade, unfair trade practices, and other regulation of trade or commerce.

(b) An organization of solid waste collectors, an individual collector, and their officers, members, employees, and agents who cooperate with a political subdivision that organizes collection under this section are authorized to engage in anticompetitive conduct to the extent necessary to plan and implement the organized collection system, provided that the political subdivision actively supervises the participation of each entity. An organization, entity, or person covered by this paragraph is immune from liability under state law relating to antitrust, restraint of trade, unfair trade practices, and other regulation of trade or commerce.

History: 1987 c 348 s 27; 1989 c 325 s 26,27; 1990 c 600 s 1,2; 1991 c 337 s 46; 1993 c 249 s 20,21; 2013 c 45 s 1-6; 2018 c 177 s 1-8

SECTION 601. - GARBAGE, REFUSE, YARD WASTE, AND RECYCLABLES PREPARATION, COLLECTION, AND DISPOSAL; SCAVENGING; AIR POLLUTION

(Repealed Sec. 600, Bill No. 1989-6; Added Sec. 601, Bill No. 1989-6)

601.01. - Definitions.

Subdivision 1. The following terms, as used in this section, shall have the meanings stated:

Subd. 2. "Garbage" means animal and vegetable matter resulting from the preparation, cooking, service, consumption or display of meat, fish, fowl, fruit, grains or vegetables. The term does not include organic materials that are composted according to subsection 601.35. (Amended, Bill No. 1990-18)

Subd. 3. "Refuse" means wastes which normally result from the operation of a household, excluding body wastes, garbage, and designated recyclables. Refuse includes but is not limited to rubbish, tin cans, paper, cardboard, glass jars, bottles, wood, ashes, sod, dirt, tires, rocks, household appliances and furniture or any other household refuse or material. The term does not include construction material or other waste or debris resulting from construction or reconstruction of buildings and other improvements by contractors or trees in excess of six (6) inches in diameter. (Amended, Bill No. 1990-18)

Subd. 4. "Unacceptable waste" includes, but is not limited to, hazardous waste as defined in Minnesota Statutes, section 116.06, subd. 13 (1988), and the Resource Conservation and Recovery Act, 42 U.S.C. 6903(5); hazardous waste of any kind or nature, such as explosives, radioactive materials, cleaning fluids, crankcase oils, cutting oils, paints, acids, caustics, poisons, drugs, or other material that would be likely to pose a threat to health or public safety; pathological and biological wastes; hot ashes, foundry sand; sanitary sewage and other highly diluted water-carried materials or substances; all sludges, including sewage sludge and septic and cesspool pumpouts; human and large animal remains; large quantities of non-burnable demolition debris; street sweepings; mining waste; construction debris, trees, agricultural waste (manure) and tires; and waste which was generated outside of the City.

Subd. 5. "Recyclables" means materials which may be recycled or reused through recycling processes. This term includes "designated recyclables".

Subd. 6. "Designated recyclables" means properly prepared and packaged metal beverage and food containers, glass bottles and jars, newsprint, corrugated cardboard, and any other materials as may be defined by the City Manager or through State, County, or municipal mandates.

Subd. 7. "Yard waste" means leaves, grass clippings or other organic materials as may be defined by the City Manager. The term does not include organic materials that are composted according to subsection 601.35. (Amended, Bill No. 1990-18)

Subd. 8. "Residential dwelling unit" means a single building consisting of two (2) or fewer separate dwelling units with individual kitchen facilities for each unit. The term includes boarding houses in residential districts.

Subd. 9. "Commercial establishment" means any premises where a commercial or industrial enterprise is conducted; the term includes clubs, churches, schools and establishments of nonprofit organizations where food is prepared or served or goods are sold.

Subd. 10. "Incineration" means any device used for the burning of refuse, rubbish, or other waste materials.

Subd. 11. "Licensed private garbage and refuse collector" means a person holding a license from the City for the collection of garbage and refuse.

601.03. - Disposal of garbage and refuse.

The tenant, owner, or occupant of a private dwelling, house, multiple residence, store, restaurant, and other types of property in the City which accumulate garbage and/or refuse on such premises shall dispose of such garbage and refuse as provided in this section. Garbage and refuse must be disposed of at least once each week and as often as once each business day if necessary to protect the public health.

The tenant, owner, or occupant of a private dwelling, house, multiple residence, store, restaurant, or commercial property must contract with a licensed refuse hauler to provide garbage collection or must provide an environmentally sound alternative. Examples of environmentally sound alternatives include self-hauling of garbage to a licensed disposal facility or shared garbage service with a neighbor or other party. No person may accumulate or permit to accumulate any refuse on any property in the City which might constitute a nuisance by reason of appearance, odor, sanitation, littering of the property on which the refuse is accumulated, or an adjacent property, or a fire hazard. (Amended, Bill No. 1992-4)

601.05. - Disposal of unacceptable waste.

Each generator shall dispose of or arrange for the disposal of its own unacceptable wastes as defined in section 600.01, Subd. 4. "Generator" means any person who generates waste. No person may accumulate or permit to accumulate any unacceptable waste on any property in the City which might constitute a nuisance by reason of appearance, odor, sanitation, littering of the property on which the unacceptable waste is accumulated or an adjacent property, or a fire hazard.

601.07. - Collection, supervision and control.

The City Manager may make regulations concerning the days of collection, type and location of waste containers, designation, preparation, and packaging of recyclables and yard waste, and such other matters pertaining to the collection, transport, and disposal as the Manager deems necessary. A person aggrieved by a regulation of the City Manager may appeal the regulation to the City Council which may confirm, modify, or revoke the regulation.

601.09. - Precollection practices.

Subdivision 1. Preparation of garbage and refuse. All garbage must be wrapped, bagged, or otherwise packaged prior to placement into a container. All garbage and refuse as accumulated on any premises must be placed and maintained in containers and must have drained from it all free liquids before being deposited for collection.

Subd. 2. Preparation of yard wastes. Yard wastes must be bagged separately from garbage, refuse, and other wastes, and must be placed three to six (6) feet from garbage and refuse on collection day.

Subd. 3. Contagious disease refuse. Refuse such as, but not limited to bedding, wearing apparel, or utensils from residential dwelling units or other units where highly infectious or contagious diseases are present, may not be deposited for regular collection but must be disposed of as directed by the Director of Public Safety at the expenses of the owner or possessor thereof.

Subd. 4. Duty to provide and maintain containers in sanitary condition. Garbage, refuse, and yard waste containers must be provided by the owner, tenant, lessee, or occupant of the premises or the waste hauler servicing the premises and must be located in such a manner so as to prevent them from being overturned. Containers for designated recyclables may be provided by the owner, tenant, lessee, or occupant of the premises, the waste hauler servicing the premises, or the City. All containers must be kept in a clean, safe, and sanitary condition and kept free from any substance which will attract or breed flies, mosquitoes, or other insects. No container may have sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof. Containers not complying with the requirements of this subdivision must be promptly replaced.

Subd. 5. Garbage containers. Garbage containers must be made of metal, or other suitable material, which is rodentproof, and waterproof and which will not easily corrode. Garbage containers must be equipped with suitable handles and tight-fitting covers and must be kept tightly covered when there is garbage therein.

Subd. 6. Refuse and yard waste containers. Refuse and yard waste containers must be of a kind suitable for collection purposes and must be kept tightly covered or securely fastened when there is refuse or yard waste therein.

Subd. 7. Residential dwelling units; placement of garbage, refuse, yard waste, and designated recyclables. Garbage, refuse, yard wastes, and designated recyclables must be deposited for pickup

adjacent to the street or alley from which the pickup is to be made, unless the licensed residential hauler agrees to pick up such materials from some other allowable location on the premises. Material deposited adjacent to a street or alley for pickup must be deposited off the traveled roadway at ground level. No material may be deposited next to the traveled roadway of any street or alley before sunset of the day before the day of collection. Garbage, refuse, designated recyclables, yard waste, and disposable bags and wrappings must be picked up by the licensed residential hauler so that after pick up no such items are left adjacent to the street or alley. The owner or occupant of the premises must remove all containers and any materials not picked up by the licensed residential hauler from their location next to the street or alley by the end of the collection day.

Subd. 8. Multiple residential units. Multiple residence units having more than two-family units and which require garbage and refuse pickup more frequently than once each week must either be equipped with containers and provided with pickup service as provided in this subsection or be equipped with a commercial incinerator complying with the requirements of the Minnesota Pollution Control Agency and licensed by the City as provided in this section. Containers provided as an alternative to or in addition to such incineration must be at least one (1) cubic yard in capacity, must be conveniently located in relationship to the residence units for which they are provided, must be watertight and rodentproof with selfclosing lids and be kept in an enclosing structure concealing them from public view. Property owners of multiple residential units must provide apartment dwellers at their units an opportunity to recycle materials defined as designated recyclables. Containers for designated recyclables must be conveniently located in relationship to the residence units for which they are provided, must be watertight and rodentproof with lids and be kept in an enclosing structure concealing them from public view.

The structure must have a concrete floor and must be kept in a state of good repair at all times. All containers must be located so that their contents are inaccessible to at least three feet above the base of the enclosing structure. The owner or operator of multiple residence property must provide for pickup from the containers. Refuse, debris, garbage, recyclables and other waste materials may not be permitted to be accumulated in or near the enclosing structures except in the containers. There shall be daily cleanup in and around each enclosing structure. (Amended, Bill No. 1991-6)

Subd. 9. Commercial property. The owner or occupant of commercial establishments or any other property which produces a volume of garbage or refuse or both, which requires garbage or refuse pickup more frequently than once each week, must also comply with the provisions of subdivision 8.

Subd. 10. Preparation of designated recyclables. Residents in single-family through eight (8) unit apartment dwellings must separate designated recyclables from garbage, refuse, and other wastes. Designated recyclables should be prepared for collection according to City specifications, and placed in the recycling bin on garbage collection day. Designated recyclables may also be taken to a drop-off site, sold to a buy-back center, or given to volunteer-groups. (Added, Bill No. 1992-3)

601.11. - Air pollution control regulations.

Air pollution controls and regulations pursuant to Minnesota Rules, Chapter 7005 (M.P.C.A.), are hereby adopted by reference.

601.13. - Vehicles for hauling garbage and refuse.

Persons hauling or conveying garbage or refuse over the streets of the City must use a vehicle provided with a tight cover. The vehicle must be operated and maintained so as to prevent offensive odors from escaping or garbage or refuse from being blown, dropped or spilled from the vehicle. Vehicles must be kept clean and as free from offensive odors as possible and, if customarily used for the hauling of garbage or refuse, may not be allowed to stand in any street, alley, or other place longer than is reasonably necessary to collect garbage and refuse. Vehicles customarily used for such purposes must be kept in a clean and sanitary condition and thoroughly disinfected at least once each week unless the same has not been used since the last disinfection thereof.

601.15. - Licensing of garbage and refuse collectors.

Subdivision 1. License required. No person may engage in the business of garbage or refuse collection in the City without a license from the City to do so. There are two (2) license classifications:

- (1) Residential license. A residential license is required for collecting garbage or refuse from a residential dwelling unit.
- (2) Commercial license. A commercial license is required for collecting garbage or refuse from any premises other than a residential dwelling unit. Unless otherwise indicated, the provisions of this subsection apply to both license classifications.

Subd. 2. License application. A person desiring a license must make application to the Department of Public Safety. The application must accurately state:

- (1) The name of the owner or the licensee;
- (2) The proposed charges for hauling;
- (3) A description of the kind of services to be rendered including separate collection of yard waste;
- (4) A description of each motor vehicle to be used for hauling including the license number thereof;
- (5) A record of household recycling participation rates consistent with Hennepin County requirements;
- (6) Verifiable volume or tonnage summaries of yard wastes collected in Richfield during the previous year; and
- (7) Verifiable tonnage summaries of designated recyclables collected in the City during the previous year; and
- (8) Previously unlicensed haulers will have requirements in the above paragraphs (5), (6), and (7) waived for their first year of operation in the City but must comply with paragraphs (1), (2), (3), and (4) of this subdivision. (Amended, Bill No. 1991-14; Bill No. 1993-4)

Subd. 3. Request for progress reports regarding designated recyclables and yard waste collection. Residential haulers, and commercial haulers collecting at apartment buildings of eight-plex or less in the City, are required to provide verifiable volume and/or tonnage summaries of separately collected yard wastes and designated recyclables. Such reports will be due to the City on a quarterly basis (April 20 for January, February, March; July 20 for April, May, June; October 20 for July, August, September; and January 20 for October, November, December). (Amended, Bill No. 1991-14; Bill No. 1993-4)

Residential haulers, and commercial haulers collecting at apartment buildings of eight-plex or less in the City, are required to provide participation rates regarding total number of possible household recycling stops and number of actual recycling stops. Such reports will be due to the City in May and October. (Added, Bill No. 1993-4)

Upon reasonable notice at any time during the license term, the City may request and the hauler must provide verifiable volume and/or tonnage summaries of separately collected yard wastes and designated recyclables. This is necessary in order to track recycling and yard waste collection performance and to comply with Hennepin County reporting requirements.

Subd. 4. Insurance required. The applicant must file with the Department of Public Safety a current policy of insurance covering all vehicles to be used in the applicant's business. The minimum limits of coverage for insurance are:

- (A) \$200,000.00 for any person injured;
- (B) \$300,000.00 for any property damage; and
- (C) \$600,000.00 for any number of claims arising out of a single occurrence.

The insurance must be kept in force during the license and must provide for notification of the City prior to termination or cancellation. Licenses issued will be revoked automatically at the time of termination or cancellation of the insurance unless other insurance is provided.

Subd. 5. Bond. The applicant must furnish to the City and deposit with the Department of Public Safety a certified bond in the sum of \$1,000.00 for each vehicle licensed, to be conditioned upon the faithful performance by the licensee for all work entered into or contracted for by the licensee and conditioned upon compliance with all the provisions and requirements of this section and all applicable sanitary rules and regulations.

Subd. 6. License fee. The annual fees for residential and commercial licenses are set in appendix D.

Subd. 7. Temporary substitute vehicle. If a licensed vehicle becomes temporarily inoperable, the hauler may substitute in its place an unlicensed vehicle for a period not to exceed one (1) week. Unlicensed substitute vehicles must conform in all respects to the requirements other than licensing contained in this subsection. The hauler must notify the City engineer of the substitution within 36 hours.

Subd. 8. Inspection. Licensed vehicles must have the name of the licensee clearly printed on both sides. The licensee clearly printed on both sides. The license must be kept in the vehicle at all times while the vehicle is being used for the licensed purpose.

Subd. 9. No vested right. A person licensed under this section does not have a vested right in the license. The City may, upon finding that public necessity requires, determine to establish another means of garbage, refuse, yard waste or designated recyclables collection.

Subd. 10. Obligation of licensed collectors. A licensed garbage and refuse collector must pick up garbage, refuse, and yard waste in the manner provided by this section. A licensed residential garbage and refuse collector must also pick up designated recyclables as follows:

- (a) Recycling pick up must be provided on a weekly basis if the capacity of the provided container is 32 gallons or less; or
- (b) Recycling pick up must be provided on a weekly or bi-weekly basis if the capacity of the provided container is 32 gallons or greater. (Amended, Bill No. 2003-13)

601.17. - Scavenging.

It is unlawful for any person or business to scavenge or otherwise collect garbage, refuse, yard wastes, or designated recyclables (excluding newspaper) at the curb or from recycling containers) without a license from the City and an account relationship with the owner of the premises. (Correction, 12-22-1989)

601.19. - Disposal of garbage and refuse: approved sites.

It is unlawful for any person to dispose of garbage or refuse from any source in any place other than in a sanitary landfill or at a County designated facility.

601.21. - Disposal of yard wastes; approved sites.

Yard wastes collected by haulers must be delivered to a compost site approved by the City Manager or designated by Hennepin County where the materials must be weighed (or volume determined). Verifiable tonnage or volume of yard waste must be reported to the Department of Public Safety as required in the license application.

601.23. - Disposal of designated recyclables; approved sites.

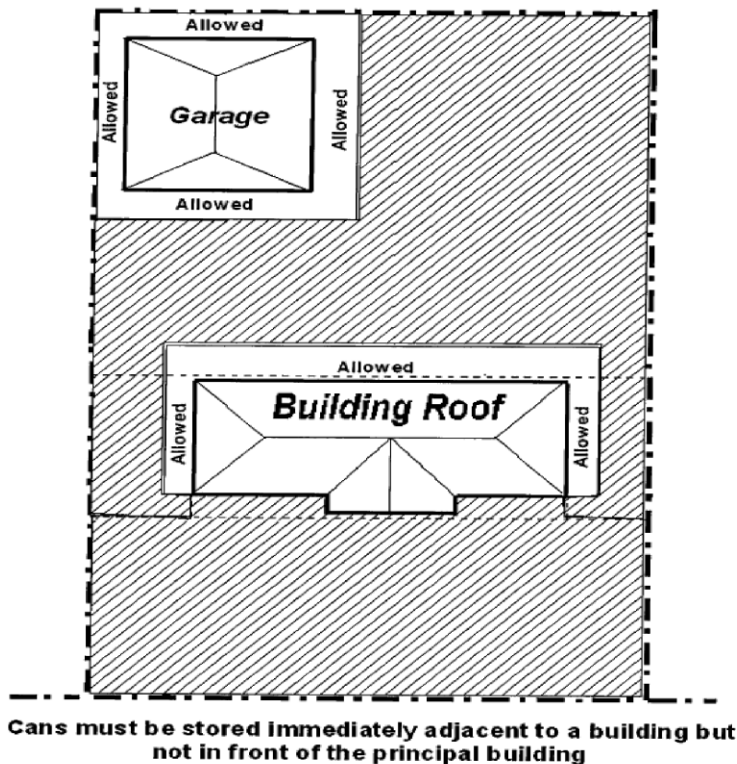
Designated recyclables collected by haulers must be delivered to a processing facility or end market where the material must be weighed and processed for later reuse. Verifiable tonnages of designated recyclables must be reported to the Department of Public Safety as required in the license application.

601.25. - Storage of garbage, refuse, and recyclables containers.

Garbage, refuse, yard waste and recyclables containers for single- and two-family residential properties must be located as provided in this subsection. Except when placed for collection, containers must be stored within an enclosed structure or in the rear or side yard of the property immediately

adjacent to a principal or accessory structure. Containers may not be stored in front of any part of the principal building on the property. (See Figure 1.)

Fig. 1



Legend



(Bill No. 2012-13)

601.27. - Burning.

Subdivision 1. Permit. No person may willfully burn or set fire to any grass, weeds, or other natural ground cover, or any building, fixture, or appurtenance of real property unless a permit has been secured from the Director of Public Safety.

Subd. 2. Grass fires. No person may negligently or carelessly set on fire or cause to be set on fire any woods, prairie, grass or other combustible material, whether on the person's own land or not, by means whereof the property of another will be endangered. No person shall willfully allow any fire on the person's own land, or land occupied by the person, to extend beyond the limits thereof.

Subd. 3. Conditions of permit. If a burning permit is required, the Director of Public Safety may condition the granting of the permit in such manner as the director deems appropriate. A violation of the conditions is a violation of this subsection. Permits shall be issued only under such circumstances as may be allowed by the air pollution regulations adopted in this subsection and as may be allowed by the other provisions of this code.

601.29. - Incinerators.

Subdivision 1. License required. No person may operate an incinerator within the City for the burning of garbage or refuse unless the incinerator complies with the requirements of the Minnesota Pollution Control Agency. No incinerator, except an incinerator for a residential dwelling unit, may be operated within the City unless the operation of incinerator has been licensed by the City as provided in this subsection.

Subd. 2. Application. Application for a license shall be made to the City Clerk. The application shall state:

- (i) The name and address of the owner of the property on which the incinerator is located,
- (ii) A description of the type of incinerator, and
- (iii) Except in renewal applications, a plan showing that the incinerator will comply with applicable rules and regulations.

Subd. 3. License fee. The annual license fee is set by appendix D.

Subd. 4. License standards. Applications for incinerator licenses may be granted by the City Clerk if the Clerk finds that the incinerator meets the requirements of the Minnesota Pollution Control Agency and this code. The Clerk may, however, refer any application to the City Council. In the event of a referral to the City Council, the City Council may grant or deny the application. It is grounds for denial of the application if the applicant or other persons occupying the premises at which the incinerator is or would be located have not complied with regulations of the City relating to health, safety, building, or zoning or any regulations applicable to the incinerator.

601.31. - Incinerators serving residential dwelling units.

Subdivision 1. General rule. Incinerators installed to serve residential dwelling units shall comply with the provisions of this subsection.

Subd. 2. Permit required. A permit is required for the installation of any incinerator serving a residential dwelling unit.

Subd. 3. Installation. An incinerator must be installed in accordance with Chapter IV and shall meet the requirements of the Minnesota Pollution Control Agency.

Subd. 4. Standards; outdoor incinerators. An outdoor incinerator must be constructed as follows:

- (a) It shall be at least six (6) feet from any property line, except that if it is screened on three sides by a fence or barrier wall it may be located within two (2) feet of the property from which it is screened;
- (b) It shall be at least ten (10) feet from the dwelling on the lot on which it is located;
- (c) It shall be at least 12 feet from any dwelling on any adjacent lot;
- (d) It shall be at least one (1) foot from any combustible building, fence or other structure or material or any trees or shrubs;
- (e) If it is protected or screened it shall be at least one (1) foot from any part of such protective barrier or screen;
- (f) It shall be to the rear of the front building line of the residential lot on which it is located and it shall be to the rear of the front building line of an abutting lot.

601.33. - Regulation of scavengers.

Subdivision 1. License required. No person may follow or practice the occupation of scavenger, or act as a scavenger within the City without first having obtained a license. No person may empty the contents of any privy, privy box, vault, sink, septic tank or cesspool into any manhole or other outdoor sewer installation in the City unless being so licensed.

Subd. 2. Transportation of facilities. No part of the contents of any such facility may be removed therefrom, nor may any of the contents from any such facility be transported into, within or through the City unless it is removed or transported by means of some airtight apparatus, whether pneumatic or some other process, so as to prevent the contents from being agitated or exposed in the open air during the process of removal or transportation.

Subd. 3. Fumes. Any tank, vehicle and apparatus must be maintained and operated in such manner as to avoid the omission of offensive fumes or the spill or loss of any unsanitary or offensive substance.

Subd. 4. Disposition of contents. No part of the contents of any privy, privy box, or vault may be emptied into any manhole or other outdoor sewer installation in this City.

Subd. 5. Permit for dumping. In the event that a cesspool must be opened in order to remove the contents of the same, or the contents thereof dumped in a City sewer, a permit must first be secured from the Director of Community Services, and the fee as provided in appendix D shall be paid for the permit.

Subd. 6. Scavenging work limited to licensees. No person other than a properly licensed scavenger may clean any sanitary or plumbing facility listed in subdivision 1, nor may anyone deposit the contents thereof in any unauthorized place within the City.

Subd. 7. Application for license. Application for a scavenger's license shall be made to the City Clerk, be signed by the applicant and contain the name and address of the proposed license and of the owner and license numbers of the vehicle or vehicles to be used and equipment to be used. The application shall be filed with the Clerk who shall forthwith transmit the same to the Director of Public Safety for approval. Each vehicle used shall have a separate license. Upon approval by the Director of Public Safety the application shall be submitted to the City Manager for consideration.

Subd. 8. License fee. The license fee is fixed by appendix D. Licenses expire on December 31 next following the date when they become effective.

Subd. 9. Equipment licensed. The license shall constitute a registration of the vehicle licensed and of the tanks, containers and equipment to be used therewith. No other vehicle, tank or equipment may be used without first obtaining written approval of the substituted vehicle, tank or equipment from the Director of Public Safety.

Subd. 10. Identification of equipment. The name of the licensee or his registered name shall be printed in plain letters, along with the license number, on each side of the cab of the licensed vehicle.

Subd. 11. Use of vehicle. No person may cause or permit any vehicle used for scavenger hauling to stand or remain at or near any public building or residence or upon any street, alley, lot or other public place, for a longer time than is actually required in the loading, conveying and unloading thereof.

Subd. 12. Bond requirements. No license may be issued until the applicant first files with the City Clerk a corporate surety bond in the principal amount of \$2,000.00, conditioned upon the faithful performance by the applicant of all things required by this code and is further conditioned so as to guarantee that the applicant restores all streets, alleys, or other public grounds, or sewers, manholes or appurtenances thereto to their former good condition to the satisfaction of the City Manager, if public property is damaged by applicant in the course of operating as a scavenger.

Subd. 13. Insurance requirements. No license may be issued unless and until the applicant first files with the Clerk a policy or policies of insurance insuring the applicant and the City against loss for each licensed vehicle in the sum of at least \$100,000.00 against liability imposed on account of damage to or destruction of property by reason of the ownership or operation of the vehicle. The policy shall provide that it may not be cancelled by the insurer except upon notice to the City. In case of cancellation of the insurance, the license is suspended until the insurance has been replaced.

Subd. 14. Dumping of contents. Dumping of the contents of a licensed vehicle in the City sanitary sewer system shall be limited to contents removed from installations within this City unless the Council, by resolution, permits dumping from other designated municipalities. No dumping shall be permitted except at manholes designated by the Director of Community Services and specifically equipped for such dumping, and only if the person doing the dumping has obtained a permit as required. Emergency dumping by licensed scavengers may be made at authorized manholes on weekends and holidays when

City offices are not open, the person doing the dumping shall obtain a permit on or before noon the next following secular day. The dumping may be done only on week days, Monday through Friday, between the hours of 8:00 a.m. and 6:00 p.m. and on Saturdays, Sundays and holidays during the hours only in emergency cases. Vehicles used for dumping into the City sanitary sewer system shall be equipped with a gate valve and hose to control the flow of contents into the sewer.

Subd. 15. Revocation. Violation of any of the provisions of this subsection is grounds for an automatic revocation of the license.

601.35. - Composting.

Private composting is permitted if the following conditions are met.

- (a) Only organic materials, such as grass clippings, leaves, flowers, dried weeds, sawdust, wood ash and plant trimmings, lake plants, straw, raw vegetable and fruit scraps, coffee grounds, egg shells, and commercially available compost ingredients, may be placed in the compost container.
- (b) Composting shall be conducted within an enclosed structure, not to exceed 100 cubic feet (for example, 5;ft;x5;ft;x4;ft;) in volume for individual structures, or 300 cubic feet (approximately 15;ft;x5;ft;x4;ft;) for "three bin" containers. Compost structures must be of a durable material such as wood, brick, concrete block, or sturdy metal fencing material, and must be neat in appearance and capable of securing composting materials. The three bin and barrel composter methods may also be utilized.
- (c) The following materials are not permitted in compost containers: meat, bones, fat, oils, whole eggs, dairy products, whole branches or logs, plastics, synthetic fibers, human or pet wastes, diseased plants, or paper.
- (d) The compost container shall be located in the rear yard of the property, at least three feet from any property line. If a rear yard location is unavailable or impractical, the compost container may be placed in another location approved by the Public Safety Director or authorized designee.
- (e) At no time shall composting create a health hazard or a nuisance to adjoining properties.
(Added, Bill No. 1990-18)

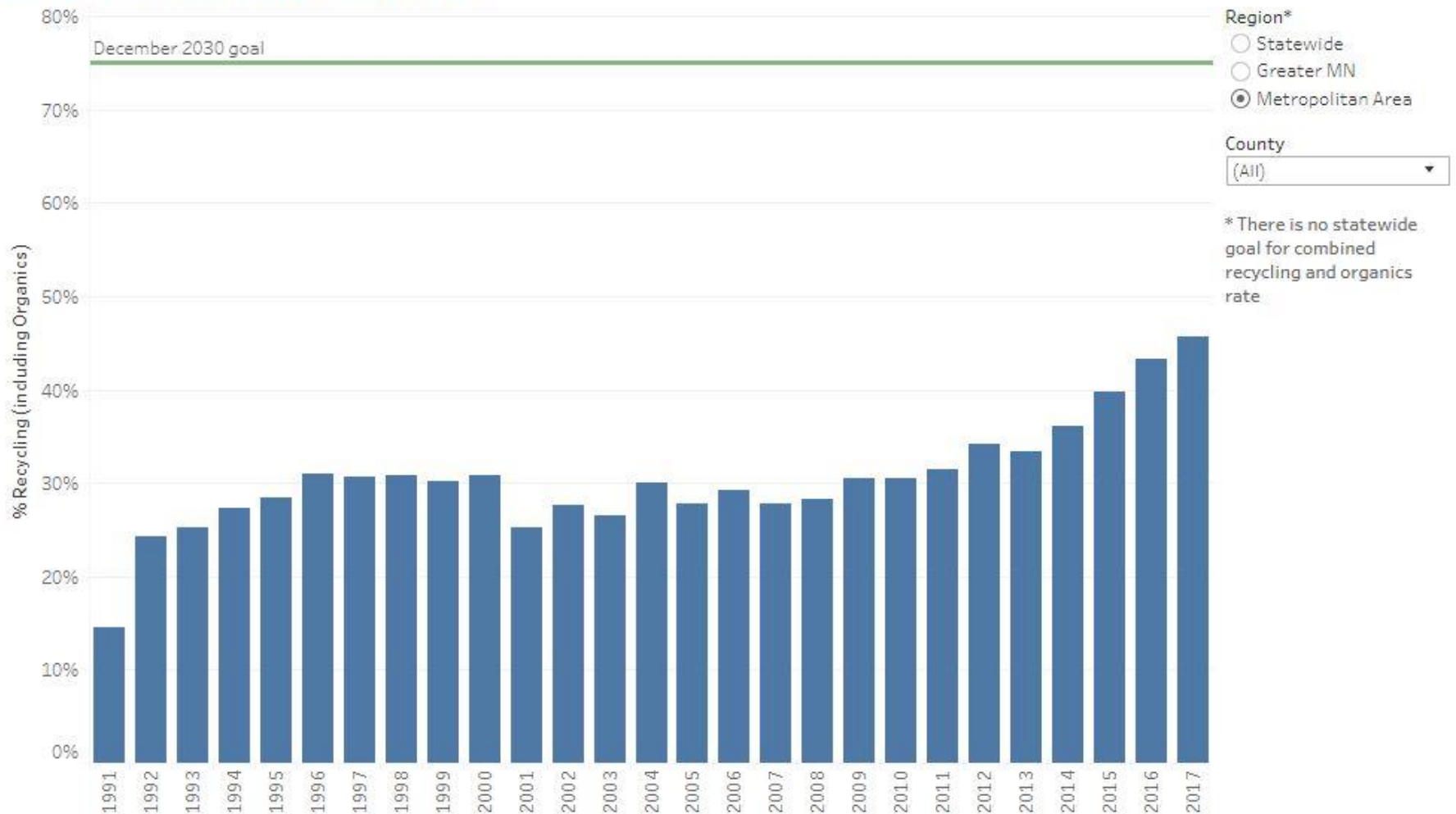


Organized Curbside Recycling and Organics Collection Work Session

December 10th, 2019



Combined recycling by goal

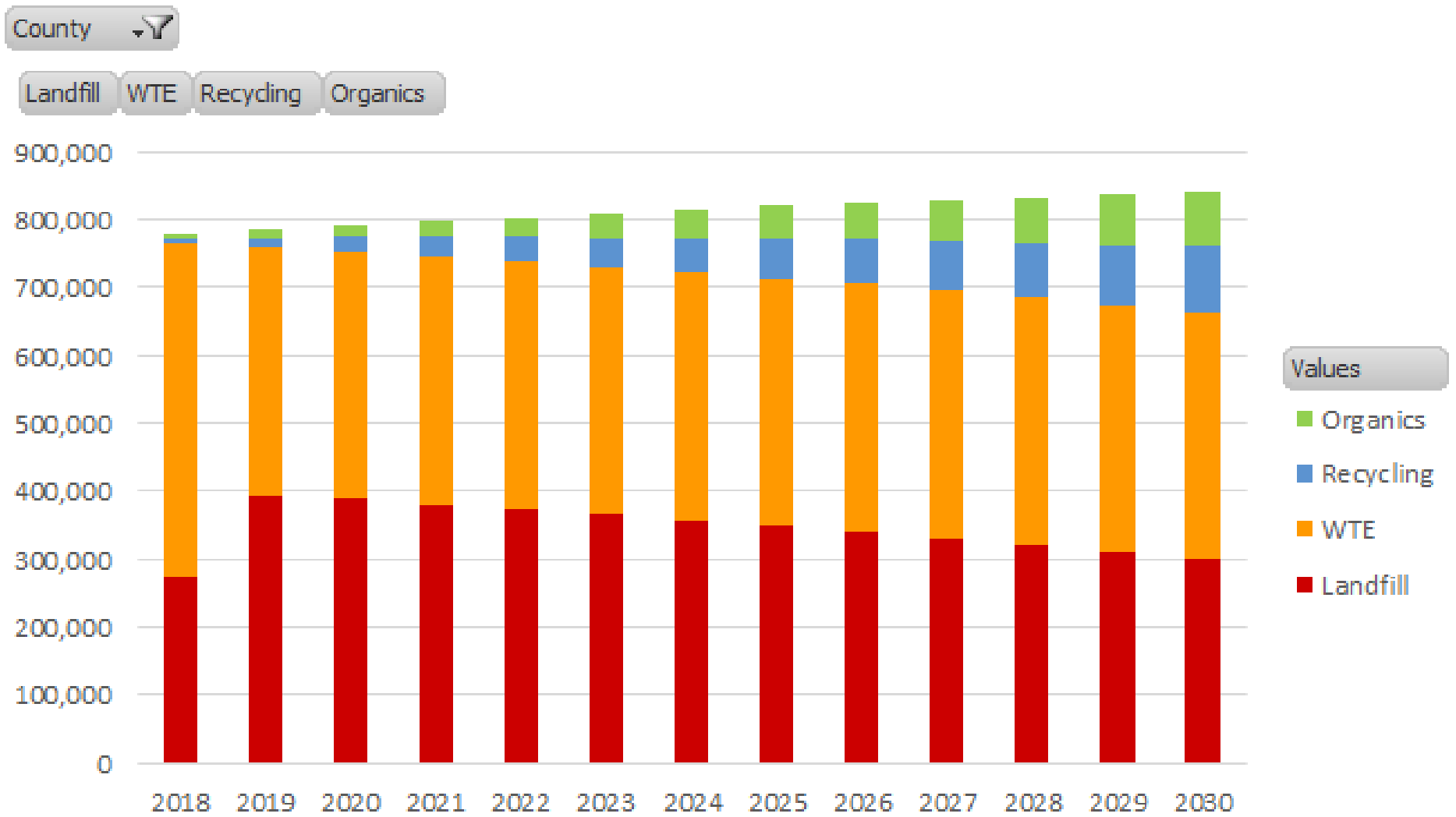


In 1989, Minnesota Legislation set county recycling goals. Each Greater Minnesota County (outside of the seven-county Metro Area) must recycle a minimum of 35% by weight of total solid waste generation. The goal for counties in the Twin Cities seven county metropolitan area was to recycle half of all solid waste generated. The 2014 Legislature increased the recycling goal for these counties; by December 2030, counties in the Twin Cities metropolitan area will be required to recycle 75% of the solid waste they generate.

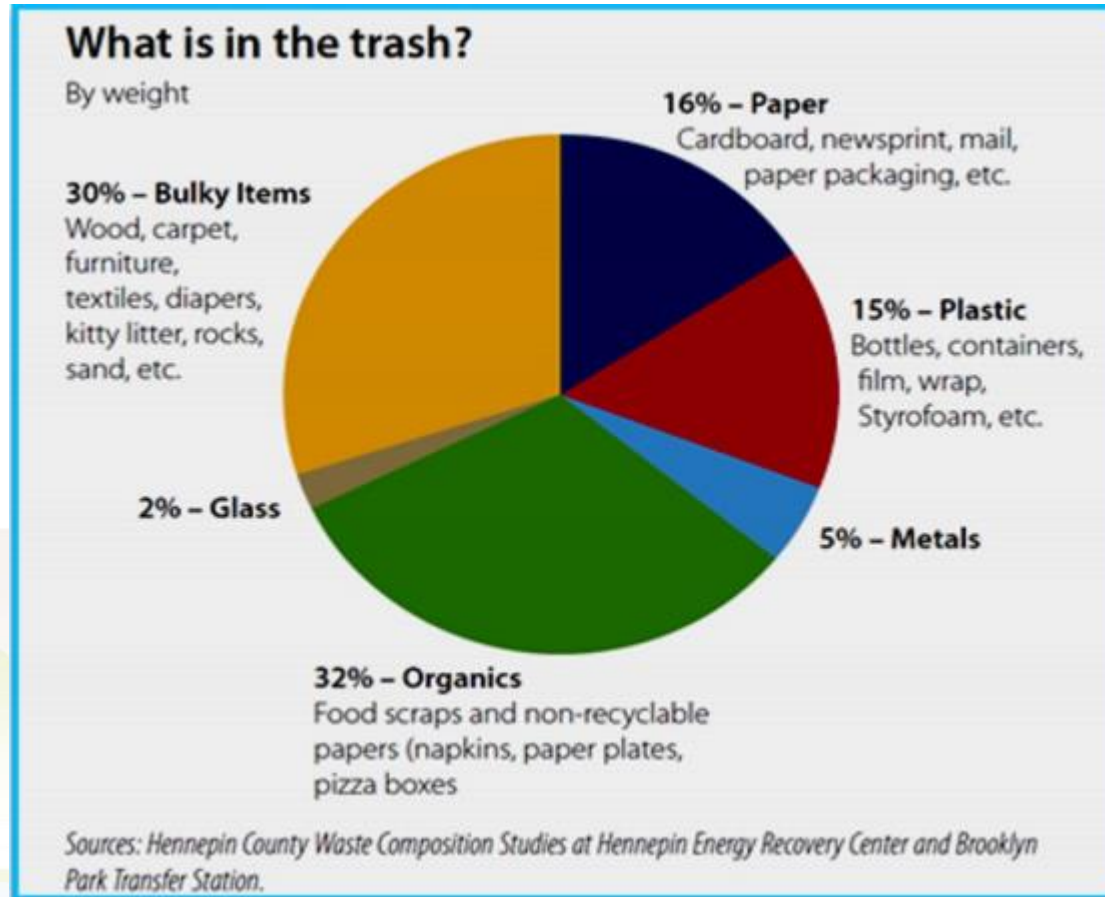
Annual recycling rates in Hennepin County

City	2017 Lbs/hh	2017 Rank
Minnetonka Beach	1,188	1
Excelsior	1,018	2
Greenwood	793	3
Wayzata	702	4
Eden Prairie	665	5
Champlin	646	6
Medina	640	7
Edina	635	8
Shorewood	609	9
Golden Valley	607	10
Bloomington	605	11
Minnetonka	597	12
Tonka Bay	590	13
Orono	589	14
Hopkins	575	15
St. Louis Park	560	16
Plymouth	558	17
Minneapolis	546	18
Greenfield	544	19
St. Bonifacius	544	20
Minnetrista	538	21
Corcoran	537	22
Maple Grove	531	23
Woodland	525	24
Independence	510	25
Rogers	499	26
Osseo	497	27
Spring Park	494	28
Rockford	484	29
Robbinsdale	479	30
Mound	475	31
Long Lake	455	32
Medicine Lake	448	33
Deephaven	444	34
Hennepin Recycling Group	442	35
Loretto	422	36
Hanover	419	37
St. Anthony	414	38
Richfield	399	39
Dayton	393	40
Brooklyn Park	390	41
Maple Plain	388	42

Hennepin County disposal projections



Organics are the most common material in the trash



Organics recycling drop-off program



Registration comments

Thanks! So thrilled to participate.

SO SO SO HAPPY to see this!!! Love this community.

Yay!! We participated in the Hennepin County Zero Waste Challenge and am I a Hennepin County Master Composter/Recycler. We honestly are soooooo excited to see the ball rolling with organics recycling in Richfield. I can't wait to see this program grow and develop over the coming years. Thank you!

We generally compost at home and are looking forward to a winter drop off

So glad the city can do this! I hope if it is successful that compost can become a regular part of waste pick-up services.

Yay! I'm so excited about this. I saw the notice in the metro section of the Star Tribune 11/4/18. I don't really have enough food scraps for my own compost bin, but I hate throwing away fruit/vegetable scraps. Sign me up!

Thank you for getting this going!!!

Very excited for this program!

This sounds like a win-win program.

We are so excited to give this a try! Are compostable bags already available at the drop off sites? Thank you for your work on this project!!!

I am excited for this program -- please spread the word so everyone knows about

Very excited to start to participate in this program. Looking forward to this as a curbside pickup option on the future.

i wish recycling was picked up every week & trash every other week!

I am so excited for this! Such an amazing initiative for an important cause.

Would love organics recycling ASAP at our home. Thanks!

Fabulous
thanks for doing this my kids are pleased!!!

Thanks! I'm so excited to do this! I didn't know about it before! Also, looking forward to the possible day when it's curbside pick-up! (Wink wink)

It's great Richfield is starting this. I'm all in.

I am so pleased to sign up for the organics collection. Thank you for offering this! Hopefully we can make home pick-up of organics a reality in the future, as well.

I just love this!!!! Thank you so much!



RFP Process

- Met in person with staff from Bloomington, Edina
- Talked to St. Louis Park, Hennepin County
- Referenced RFPs/contracts from cities above and Maplewood

3 Contractor Selection Process and Schedule

To the best of its ability, the City will use the following schedule for its decision-making process. This timeline is subject to change.

Date	Task
Monday, October 21st, 2019	RFP published
Friday, November 8th, 2019, 4:00 pm	Deadline for prospective respondents to notify the City of their intent to propose
Friday, November 15th, 2019, 4:00 pm	Proposal submittal deadline
November 18 – December 10th, 2019	Proposal Review Process
Tuesday, January 14th, 2020, 7:00 p.m.	Richfield City Council vote to approve contractor or authorize negotiations with top ranked proposer(s)
May 4 th , 2020	Service starts (able to negotiate)

Proposal Summary

- Evaluation criteria: Minimum requirements, pricing, questionnaire responses, references, education plan, processing facilities, collection/processing innovations



Proposal Comparison – Year 1

- Every Other Week recycling: \$3.75 - \$5.61
- Weekly recycling: \$6.33 - \$8.85
- Mandatory organics: \$4 - \$9.50
- Subscription organics: \$9.85 - \$15
- Annual escalators
- Alternate organics scenario



Proposal Comparison

- Extra recycling pick-up: \$4 - \$25
 - Extra organics pick-up: \$10
 - Walk-up fee (convenience): \$8 - \$33
-
- Revenue sharing
 - Processing fees
 - Education & Safety



Legal Considerations

- Garbage Haulers for Citizen Choice
 - Business Concerns
 - Differing opinions of definitions
 - Statute 115A.94 process



Options for Next Steps

1. Negotiate a contract with one hauler providing both recycling and organics collection service or one hauler providing recycling and one hauler providing organics collection and award a bid
2. Follow state statute procedure for organizing solid waste collection, but maintain focus on recycling and organics collection
3. Follow state statute procedure for organizing solid waste collection, but add trash collection, organizing everything



Staff Recommendation

Negotiate a contract with one hauler providing both recycling and organics collection service or one hauler providing recycling and one hauler providing organics collection and award a bid

Pros

- Allows us to act promptly on current bids
- Undertake what we initially proposed and have discussed with residents
- Environmental benefits
- Financial benefits

Cons

- Possible legal challenge

Follow state statute procedure for organizing solid waste collection, but maintain focus on recycling and organics collection

Pros

- Decrease chance of legal challenge

Cons

- This process would take a significant amount of time
- If/when Richfield organizes for trash, we would have to do the whole process again

Follow state statute procedure for organizing solid waste collection, but add trash collection, organizing everything

Pros

- Everything would be organized at the same time
- Decrease chance of legal challenge

Cons

- Would take a longer period of time (financial and timing issues)
- No stepping stone action for the community
- No current community outreach regarding trash



Discussion/Questions

