

CITY OF GEM LAKE, RAMSEY COUNTY, MINNESOTA

ORDINANCE NO. 45

AN ORDINANCE REGULATING THE DISPOSAL OF GARBAGE, RUBBISH, AND OTHER REFUSE PROVIDING PENALTIES FOR VIOLATION THEREOF.

**Section 1. Purpose.** It is the purpose of this ordinance to regulate the disposal of garbage, rubbish, and other refuse in the City of Gem Lake so as to control rats and other vermin and otherwise protect the health of the inhabitants and property located in the City.

**Section 2. Definitions.** For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

**Commercial Establishment.** shall mean any premises where a commercial or industrial enterprise of any kind is carried on, and shall include hotels and boarding houses, clubs, churches, and establishments of nonprofit organizations where food is prepared or served or goods are sold.

**Garbage.** shall mean animal and vegetable wastes resulting from the handling, preparation, cooking, service and consumption of food and shall also include all other animal wastes, but shall not include refuse or hazardous waste.

**Hazardous Waste** shall mean hazardous waste as defined in Minnesota Statutes, Section 116.06, subdivision 13.

**Incinerator.** shall mean any device used for the destruction of refuse, rubbish, or waste materials by fire.

**Open burning.** means the burning of any matter whereby the resultant combustion products are emitted directly to the atmosphere without passing through an adequate stack, duct, or chimney.

**Refuse.** shall include all wastes which normally result from the operation of a household, except body wastes and garbage, including, but not limited to, rubbish, tin cans, paper, cardboard, glass jars, bottles, wood, grass clippings, Christmas trees, ashes, sod, dirt, tires, rocks, household construction material, cement bricks, trees, leaves, hedge or tree trimmings, burning barrels and mesh backyard burners, household appliances and furniture, or any other household refuse or materials small enough for one man to handle. The term "refuse" shall not include hazardous waste, 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.

**Residential Dwelling Unit.** shall mean any single building consisting of four (4) or less separate dwelling places, with individual kitchen facilities for each. Any building containing more than four (4) dwelling places, with individual kitchen facilities, shall be deemed "multiple dwelling residences."

**Section 3. Disposal of Garbage and Refuse.** Every tenant, lessee, owner, or occupant of every private dwelling, house, multiple residence, store, motel, restaurant, and every other type of property in the city which accumulates garbage or refuse or both on such premises shall dispose of such garbage and refuse as provided in this section. Garbage and refuse shall be disposed of at least once each week from residential dwelling unit properties. Garbage and refuse in outside storage at any commercial establishment shall be disposed of at least once each week and as often as once each day if necessary to protect the public health. No person shall accumulate or permit to accumulate any refuse on any property in the city which might constitute a nuisance by reason of appearance, odor, sanitation, possible littering of neighboring properties, littering of the property on which the refuse is accumulated, attracting rats or other vermin, or a fire hazard.

**Section 4. Collection, Supervision, and Control.** The City Council shall have the authority to make regulations concerning the days of collection, type and location of waste containers, and such other matters pertaining to the collection, conveyance, and disposal as they shall find necessary, and to change and modify the same. Any person aggrieved by a regulation of the City Council shall have the right of appeal to the City Council which shall have the authority to confirm, modify, or revoke any such regulation.

**Section 5. Pre-Collection Practices.** Grass clippings, leaves, and other similar refuse shall be placed in bags or bundles not exceeding three (3) feet in any dimension and securely fastened to avoid spillage. Household appliances and furniture falling within the definition of refuse need not be so packaged. All refuse deposited for pickup shall be placed next to the property line unless the commercial private garbage and refuse collector agrees to pick up such refuse from some other location on the premises. Refuse shall be deposited at one place, at ground level, on each property. Refuse

and garbage shall not be deposited on the traveled roadway on any street or alley. Refuse and garbage shall not be deposited next to streets or alleys for collection prior to 3:00 p.m. on the day preceding the day of collection and containers and any garbage or refuse which is not picked up shall be removed from any such location on the day of collection.

**Section 6. Preparation of Garbage and Refuse.** Except as otherwise provided in Section 4, all garbage and refuse as accumulated on any premises shall be placed and maintained in containers and shall have drained from it all free liquids before being deposited for collection and shall be wrapped or bagged.

**Section 7. 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 shall not be deposited for regular collection but shall be disposed of as directed by the health officer or his deputy at the expense of the owner or possessor thereof.

**Section 8. Hazardous Waste; Hazardous Waste Regulations.** All hazardous waste, including but not limited to, explosive and highly flammable material, shall be disposed of in accordance with applicable laws and regulations of the United States of America and the State of Minnesota, including regulations and permit requirements established by the Minnesota Pollution Control Agency and the Minnesota Waste Management Board.

**Section 9. Duty to Provide and Maintain Containers in Sanitary Condition.** Garbage and refuse containers shall be provided by the owner, tenant, lessee, occupant of the premises or garbage and refuse collector, located in such a manner so as to prevent them from being overturned. Such containers shall be kept in a clean and sanitary condition and kept free from any substance which will attract or breed flies, mosquitoes, or other insects. No garbage or refuse container shall exceed thirty-two (32) gallons in capacity or have ragged or sharp edges and any other defect liable to hamper or injure the person collecting the contents thereof. Containers not complying with the requirements of this ordinance shall be promptly replaced upon notice. Garbage containers shall be made of metal, or other suitable material, which is rodent, fire, and waterproof and which will not easily corrode and is equipped with suitable handles and tight-fitting covers and shall be kept tightly covered when there is garbage therein. Refuse containers shall be of a kind suitable for collection purposes, and shall be of such size and weight that they can be handled by one man, and kept tightly covered when there is refuse therein.

**Section 10. Multiple Dwelling Residences.** Multiple dwelling residences shall either be equipped with refuse containers and refuse pickup service as provided in this paragraph 10 or be equipped with a commercial incinerator complying with the requirements of the Minnesota Pollution Control Agency. Refuse containers provided as an alternative to or in addition to such incineration shall be at least one (1) cubic yard in capacity, shall be conveniently located in relationship to the residence units for which they are provided, shall be water-tight and rodent-proof with self-closing lids and shall be kept in an enclosing structure concealing them from public view. Such structure shall have a raised concrete floor and shall be surrounded by a concrete barrier curb. Such structure shall be kept in a state of good repair at all times. The refuse containers shall be located so that their contents are inaccessible to at least three (3) feet above the base of the enclosing structure. The owner or operator of such multiple dwelling residence shall provide for garbage pickup from such containers each day. Refuse, debris, garbage and other waste materials shall 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 such enclosing structure.

**Section 11. Commercial Establishments.** The owner or occupant of any commercial establishment or any other property which provides a volume of garbage or refuse or both, which requires garbage and refuse pickup more frequently than once a week, shall also comply with the provisions of the foregoing Section 10.

**Section 12. Disposition by Burning; Air Pollution Control Regulations.** No person shall dispose of garbage or refuse by burning except in accordance with applicable state law and regulations, including the conditions of any open burning permit obtained for such purpose. The regulations of the Minnesota Pollution Control Agency, which have been adopted and incorporated by reference by City Ordinance No. 44 require that a permit be secured for open burning.

**Section 13. Vehicles for Hauling Garbage and Refuse.** All persons hauling or conveying garbage or refuse over the streets in the city shall use a vehicle provided with a tight cover and so operated and maintained as to prevent offensive odors escaping therefrom and garbage or refuse from being blown, dropped or spilled from the vehicle. Any such vehicles shall be kept clean and as free from offensive odors as possible, and, if customarily used for the hauling of garbage or refuse, shall not be allowed to stand in any street, alley, or other place longer than is reasonably necessary to collect garbage and refuse. Any vehicle customarily used for such purposes shall be kept in a clean and sanitary condition and shall be thoroughly disinfected at least once each week unless the same has not been used since the last disinfection thereof.

**Section 14. Hours for Hauling Garbage and Refuse.** No person engaged in hauling refuse or garbage for hire within the city shall do so after eight thirty o'clock p.m. or before six thirty o'clock a.m. on any day. There shall be no garbage or refuse pickup from residential dwelling units on Sunday.

**Section 15. Inspection.** Each vehicle engaged in hauling garbage or refuse in the city shall be subject to inspection by the city at all reasonable times. Any such vehicle, while it is used in the city, shall have the name of the owner clearly printed on both sides.

**Section 16. Obligation of Commercial Collectors.** A commercial garbage and refuse collector shall pick up any garbage and refuse of his customers which has been deposited for collection, in the manner provided by this ordinance.

**Section 17. Disposal of Garbage and Refuse; Solid Waste Disposal Regulations.** No person shall dispose of garbage or refuse upon any property in the city except at a sanitary landfill site, resource recovery facility or other mixed solid waste disposal facility, approved in accordance with applicable law, including Minnesota Statutes Sections 473.801 to 473.834, and the rules and regulations of the Minnesota Pollution Control Agency. Pursuant to Minnesota Statutes Section 471.62, the Solid Waste Disposal Regulations, of the Minnesota Pollution Control Agency are hereby adopted by reference.

**Section 18. Storage of Garbage and Refuse Containers.** Garbage cans and other garbage and refuse containers shall be so located as to be out of the public view, insofar as possible, except on the day of pick up.

**Section 19. Penalties.** Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed \$700 for each violation or both.

**Section 20. Enactment.** This Ordinance No. 45 was enacted and placed in full force and effect on 15 August 1983 by a unanimous vote of the Gem Lake City Council.

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