

FRIDLEY CITY CODE
CHAPTER 113. SOLID WASTE DISPOSAL AND RECYCLING COLLECTION
(Ref. 585, 630, 838, 955, 962, 968, 1013, 1019,1111,1122, 1161)

113.01. DEFINITIONS

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

1. Approved

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

2. Commercial Establishment

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

3. Compost

A mixture of decaying organic matter in a contained area.

4. Composting

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

5. Dwelling Unit

A separate residential dwelling place with a kitchen.

6. Front Yard Setback

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

7. Licensed Solid Waste Hauler

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

8. Mixed Municipal Solid Waste

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

9. Multiple Dwelling Unit

A residential structure with five or more dwelling units.

10. Person.

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

11. Public Nuisance

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

12. Recyclable Materials.

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

13. Recycling

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

14. Recycling Collector.

Any person or entity engaged in collecting, transporting, and processing of recycled materials from residential or commercial sites in the City.

15. Residential Properties.

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

16. Solid Waste.

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

17. Yard Waste.

Grass clippings, leaves, herbaceous garden wastes, and tree waste.

113.02 SOLID WASTE DISPOSAL

It is unlawful for any person to throw or deposit solid waste, yard waste, tree waste or recyclables on any property within the City, except that the owner may maintain receptacles for collection of such items, provided such receptacles meet the requirements of Sections 113.04, 113.05, and 113.06. The owner of any private property, whether occupied or vacant, shall at all times maintain the premises free of litter. No person shall dispose of solid waste upon any lands in the City of Fridley, except that composting may be conducted if in full accordance with the terms of Section 113.09.

113.03 FREQUENCY OF COLLECTION

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

113.04 CONTAINMENT OF SOLID WASTE

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

113.05 CONTAINMENT OF YARD WASTE

Yard waste may be stored in containers, bags, or bundles until the next available collection.

113.06 CONTAINER SCREENING/PLACEMENT

1. Commercial Establishments and Multiple Dwelling Units

Any bulk or box type container used for the storage of mixed municipal solid waste, recyclables, or compostables must be screened from view of the public right-of-way, public park or residential area. Recycling containers less than one (1) cubic yard in capacity do not need to be screened from view of the public right-of-way, but must be placed on a paved surface. Baled recyclables must be stored out of view from the public right-of-way other than a 24-hour time period before a scheduled collection.

Screening shall consist of a solid fence or wall not less than six (6) feet high in the side and rear yards and shall not extend to within fifteen (15) feet of any "street right-of-way" line. Plantings may be used in addition to, or in lieu of, fencing. If plantings are used to meet screening requirements, the type, size and location of such plantings must be approved by the City.

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

- A. Plantings shall not be placed so as to obstruct lines of sight at street corners and driveways.
- B. A screening fence shall be attractive and compatible with the principal building and the surrounding land use.
- C. A planting screen shall consist of a closely grown hedge, a row of trees, evergreens or other vegetation approved by the City.
- D. If the topography, natural growth of vegetation, permanent buildings or other barriers meet the standards for screening as approved by the City, they may be substituted for all or part of the screening fence or planting screen.
- E. If a four-sided enclosure is necessary to screen a solid waste container from the public right-of way, doors, allowing for removal of the container, must be constructed of durable material and be maintained in workable condition.

2. Residential Properties

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

113.07 CONSTRUCTION WASTE BINS

An uncovered bulk or box type waste storage bin may not be located on any premises for the purpose of collecting construction waste for more than three (3) consecutive months.

113.08 YARD WASTE COLLECTION

A person may not place yard waste in mixed municipal solid waste, in a disposal facility, or in a resource recovery facility except for the purpose of reuse or composting, in accordance with Minnesota Statutes Chapter 115A.931.

113.09 COMPOSTING

Composting is permitted on residential or publicly owned properties provided the following conditions are met:

1. Only the following materials may be placed in a compost area: grass clippings, leaves, herbaceous garden wastes, raw fruit and vegetable food scraps, chipped tree waste, sawdust, evergreen cones and needles, or additional materials approved by the City and the collector. Under no circumstances may any of the following items be placed in a compost area: meat, bones, grease, eggs, dairy products, or human or pet feces.

2. A compost area must be fully confined within a fenced area or enclosed structure.
3. A compost area must be located and designed so that seepage from the compost will not funnel off into public or private streets, storm sewers, drainage ditches, water retention basins, wetlands, streams, lakes, or ponds. No compost area may be placed within twenty-five (25) feet of any body of water or area designated as flood plain, shore land or state protected wetlands.
4. A compost area may not be located in any front yard and must be at least five (5) feet from any side or rear lot line and be no closer than 20 feet from any dwelling unit located on adjacent property.
5. A compost area may not exceed 5 cubic yards in volume and may not exceed five (5) feet in height.
6. The compost must be managed according to standard compost practices, which includes providing air circulation within the compost structure to prevent combustion and aeration often enough to prevent the generation of odors and the generation of a public nuisance.

113.10 SOLID WASTE ABATEMENT PROGRAM AND FEE

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

113.11 RECYCLING COLLECTION

The City of Fridley will provide for the collection of recyclables from all single through 12-unit multiple dwellings as required in Chapter 115A of Minnesota State Statutes. Owners of multiple dwelling structures of 13 or more units shall provide at least monthly collection of four (4) broad categories of recyclables. Recycling categories include, but are not limited to, paper, glass, plastic and metal. Owners of multiple dwelling structures must also ensure and annually provide evidence to the City that their tenants are informed at time of occupancy and, in addition, at least once per year as to the availability of recycling collection on site. Containers designated for the collection of recyclables at a multiple dwelling unit must be clearly labeled as to what materials may be placed in it and the containers must be placed in a location that is as convenient to use as the solid waste collection containers on site. Recycling containers must also be kept accessible year-round, including the removal of snow within 24 hours after a snowfall of more than 3 inches.

113.12 SCAVENGING

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

113.13 RECYCLING AND SOLID WASTE HAULERS' REGULATIONS

1. License Requirement.

No person shall engage in collecting or conveying solid waste or recyclable material from any premises, other than their own dwelling unit, in the City unless that person holds a valid license hereunder. Each such vehicle so used must be licensed.

2. License Classifications.

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

- Class I - Residential Solid Waste Collection Vehicle
- Class II - Commercial Solid Waste Collection Vehicle
- Class III - Recycling Collection Vehicle
- Class IV – Construction and Demolition Waste Transport Vehicle

3. License Procedure.

- A. The provisions of Chapter 11, License and Permit, of the City Code, including the license fee shall apply to all licenses required by this Chapter and to the holders of such license. The term of each license hereunder shall be for not more than one year and shall expire on April 30 each year. The application for license or renewal of license shall contain a description of the types and makes of the motor vehicles used for collection, a description of what types of collection services will be provided, approximate number of customers served, schedule of charges which will be made for hauling, a schedule of residential solid waste collection routes, location of where the material collected will be disposed of, detailed description of any containers the hauler plans to provide their customers, and any other information the City of Fridley shall require.

- B. Applicants for all license classifications shall file with each application a certificate of insurance for general liability coverage for the licensee of at minimum \$500,000 per occurrence and automobile liability coverage for each vehicle to be used in the amount of \$500,000 or more per accident. Every licensee shall also carry Workers' Compensation Insurance for all of its employees. Each policy shall provide that it shall not be cancelled or terminated for any reason without at least ten (10) days written notice thereof first being given to the City.
- C. Applications for license hereunder shall be submitted to the City for review and recommendation. If the City Council is satisfied that the health, safety and welfare of the public will be served, it may grant a license to any such application meeting the requirements of this Chapter.

4. Hours of Collection.

No person engaged in hauling solid waste or recyclable material from residential areas within the City of Fridley shall do so before 6:30 A.M. or after 8:30 P.M. Monday through Saturday. Furthermore, hauling from commercial, business, industrial, or other such establishments shall not create a nuisance for, adjacent residential areas.

5. Vehicles.

- A. Each vehicle for which a license is applied for or which is licensed may be subject to a visual inspection by the City at the annual renewal date and at all reasonable times. Any such vehicle, while it is used by the licensee in the City of Fridley, shall have the name of the licensee clearly printed on both sides. Said lettering shall be at least three (3) inches in height and the color of the lettering and of the background shall be contrasting.
- B. Each vehicle used to haul mixed municipal solid waste in the City of Fridley shall be licensed by the regional waste authority and such license shall be maintained for the entire term of the City license. Each licensed vehicle shall have attached a decal issued by the base County, showing the current regional registration. Each vehicle used to haul recyclables or construction/ demolition waste in the City of Fridley must display the decal issued by the City of Fridley. Expired or otherwise invalid decals shall be removed from the vehicle.
- C. Each vehicle licensed for hauling solid waste or recycling must have a tight cover that is operated and maintained as to prevent offensive odors or spillage. The loading space of every solid waste vehicle licensed hereunder shall be leak proof. Every vehicle shall be equipped with the necessary hand tools for cleaning up spills.
- D. Every vehicle licensed hereunder shall be kept well painted, clean and in good repair. Every such solid waste vehicle used for collecting solid waste or recyclables shall be cleaned every week, or more often if necessary, to prevent persistent odors.

- E. Recyclables and solid waste shall be loaded so that none of such materials can jar loose and fall to the ground or street when the vehicle is in motion. Loose paper, trash, and similar materials shall be so secured that they cannot be displaced by the wind or fall out of the vehicle.
- F. All licensed vehicles shall be equipped with a back-up warning device that complies with all applicable OSHA, Minnesota Statutes, or Minnesota Department of Transportation regulations.
- G. No person shall at any time park or store any recycling or solid waste collection vehicle on any premises zoned for use as a single or multiple residence dwelling, within one hundred (100) feet of any aforementioned premises, or within two hundred (200) feet of any food establishment, for purpose other than, or for periods inconsistent with, providing recycling or solid waste collection at said premises. No person shall at any time park or store any loaded or partially loaded recycling or solid waste collection vehicle on any premises within the City, except for the purpose of and for periods consistent with, providing recycling or solid waste collection at that parcel of property.

6. Container Placement

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

7. Volume Based Fees.

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

8. Disclosure of Waste Destination.

As required in Minnesota State Statutes 115A.9302, any person licensed to transport solid waste in the City of Fridley must disclose the final destination(s) of that waste to their customers on an annual basis.

9. Recycling Requirements

A recycling collector contracting to collect recyclables from any multi-dwelling unit account in the City of Fridley must collect a minimum of four (4) broad categories of recyclables, according to Section 113.10 of this code. The collection of newspaper, mixed paper, and corrugated cardboard is all one *paper* category. Collected recyclable materials shall be recycled and may not be disposed of in any solid waste facility without authorization from the appropriate State agency and the City. If recyclables placed out for collection are significantly contaminated with non-recyclable materials, the recycling collector shall notify the property owner of the contamination problem and refuse to collect the recyclables until the unacceptable material is removed.

10. Reports.

All applicants for licenses hereunder who provide recycling collection services to multiple dwelling units in the City shall submit semi-annual reports to the City detailing the weight of recyclables by material type collected. A report for January through June recycling collections shall be submitted by the following July 15. A report for recycling collections from July through December shall be submitted by the following January 15.

11. Revocation of License

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

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

G. Failure to continuously comply with all conditions contained in this Code.

113.14 FEES

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

113.15 PENALTIES

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