

CITY OF APPLE VALLEY
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF APPLE VALLEY, MINNESOTA, REVISING CHAPTER 50 OF THE CITY CODE REGULATING SOLID WASTE BY INCORPORATING THE REQUIREMENTS OF SECTIONS 16.03(A)(1-4) AND 16.05 OF DAKOTA COUNTY ORDINANCE NO. 110—SOLID WASTE MANAGEMENT IN ACCORDANCE WITH MINNESOTA STATUTES

The City Council of Apple Valley ordains:

Section 1. Chapter 50 of the Apple Valley City Code is amended by adding the following definitions to Section 50.01 to read as follows:

COMPOSTABLE MATERIAL. Any material that is primarily organic and can be decomposed through biological activity. 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. The controlled biological decomposition and management of selected solid waste to produce an innocuous, humus-like material, which can be used as a soil conditioner.

WASTE. Items of any type that are to be discarded in the broadest sense, including but not limited to, garbage, refuse, solid waste, recyclables, and organics.

Section 2. Chapter 50 of the Apple Valley City Code is amended by revising the following definitions in Section 50.01 to read as follows:

RECYCLABLES. ~~Materials which can be separated from the mixed municipal solid waste stream for collection and preparation for reuse in their original form, or for other uses in manufacturing processes that do not cause the destruction of the recyclable materials in a manner that precludes further uses. Materials that are suitable for separating from solid waste for the purpose of recycling including, but not limited to, paper, glass, plastics, metals, automobile oil, batteries, etc. Refuse derived fuel or other material that is destroyed by incineration is not a recyclable material.~~

TARGETED RECYCLABLES. ~~Metal beverage containers, glass containers, newsprint or other materials that may be designated by the Council via resolution.~~

WASTE MATTER. ~~Waste matter composed of soil, earth, sand, clay, gravel, loam, stone, brick, plaster, crockery, glass, glassware, ashes, cinders, shells, metal and all other noncombustible material which has been or is to be discarded.~~

Section 3. Chapter 50 of the Apple Valley City Code is amended by revising Section 50.02 to read as follows:

§ 50.02 CONTAINERS; STORAGE AND LOCATION.

(A) *Specifications for keeping refuse/waste in containers.* ~~The occupant of any private dwelling, the keeper or manager of any hotel, motel, restaurant, eating house or boarding house, or any building where meals are served, the owner of any flat or apartment house, trailer camp or auto court, and any other person having refuse or yard waste as herein defined, All residential and commercial/industrial property owners and occupants shall provide and keep on the premises sufficient and appropriate containers for the storage of all refuse or yard waste accumulated on the premises between collections. Each container shall be watertight and shall be impervious to insects, rodents, vermin and absorption of moisture. All waste on any premises shall be stored in the required containers, except as the same may be consumed or disposed of on the premises as permitted. No waste shall be stored outdoors unless contained within containers as required herein.~~

(B) *Storage of containers.*

(1) When not placed for collection as specified in division (C) below, the containers, as relates to single-family dwellings, may be stored in the rear of the premises, may be stored in the side yard setback if screened from the street and adjoining properties, or may be stored within any structure located on the premises. Containers stored outside shall be maintained in such a manner as not to permit entry of or harborage for animals, insects, or other vermin.

(2) All compostable material must be confined to a container. Containers, used for the purpose of composting yard and compostable household waste, shall be located in the rear yard between the rear property line and the rear of the main structure and be no closer than five feet to any property line or 20 feet to a side lot line if adjacent to any public street right-of-way.

(C) *Placing containers for collection of contents.* During all days when collection is scheduled to occur, containers shall be accessible to the collector which means that the containers, as relates to residential and multiple dwellings having individual residential collection service, shall be placed at the curb or other location on the property for which collection is provided as agreed to by the customer and the licensed hauler. All refuse/waste, including garbage, recycling, and yard waste placed at the curb for collection shall be permitted at the curb or other collection point no earlier than 6:00 p.m. of the night preceding collection day. At all other times, ~~refuse, recycling and yard~~ the waste containers shall be stored in accordance with storage requirements stated herein.

(D) *Flexible dumpster or compact dumpster.* A flexible dumpster or compact dumpster may be placed and used on a property subject to the following requirements:

(1) No garbage, recyclables, or swill, as the terms are defined in this chapter, or other liquid waste shall be placed into a flexible dumpster or compact dumpster for disposal. Only refuse that is of a solid physical form or matter shall be placed or disposed into the flexible dumpster or compact dumpster, such as construction or demolition debris, discarded household goods or wares, cardboard or packaging waste, or the like.

(2) A flexible dumpster or compact dumpster shall not exceed a five cubic yard capacity.

(3) No flexible dumpster or compact dumpster shall be placed within the roadway surface of any street and shall be located behind the street curb. No flexible dumpster or compact dumpster shall be placed within or as to block any portion of a sidewalk, path or trail.

(4) No flexible dumpster or compact dumpster shall be placed within 15 feet of a water/fire hydrant.

(5) No flexible dumpster or compact dumpster shall remain on a property more than 14 days from the date it was placed outdoors at the property. The flexible dumpster or compact dumpster shall be collected by a waste hauler or otherwise removed within one week of the container being filled to its capacity.

(6) All refuse shall be completely and securely placed within the container; no material shall be sticking out or exceeding above the top of the container sides. No refuse placed in the container shall exceed outside the container beyond the plane of the street curb line. It is the property owner/occupant responsibility to ensure any refuse that falls or is blown out of the container is promptly collected/picked up and properly stored as any refuse is required to be stored.

Section 4. Chapter 50 of the Apple Valley City Code is amended by revising Section 50.03 to read as follows:

§ 50.03 REQUIRED COLLECTION.

(A) Every residential dwelling ~~as defined in § 50.01~~ and commercial/industrial establishment in the city must be under a contract for the collection of garbage, and refuse, and recyclables with a licensed collector by July 1, 1992. A multiple-dwelling, as defined in § 50.01, is considered to be under a ~~garbage~~-collection contract if the owner, association or management entity has a contract with a licensed ~~garbage~~-collector.

(B) Any residential or multiple dwelling and commercial/industrial establishment may be exempt from the requirements of division (A) provided that a dwelling or commercial/industrial establishment hauls garbage, and refuse, and recyclables from its own residence or business property and disposes of such in an environmentally sound manner by meeting the following conditions:

(1) Garbage, refuse, and recyclables are hauled in a timely manner such that they do not accumulate and become a nuisance as defined and regulated elsewhere in this Chapter~~under § 50.01~~;

(2) Garbage, refuse, and recyclables are hauled in containers equipped with tight-fitting covers which are also watertight on all sides and the bottom;

(3) Garbage, refuse, and recyclables are hauled in a manner that prevents leakage or any possibility of a loss of cargo;

(4) Garbage and refuse are dumped, disposed or otherwise unloaded only at a designated sanitary landfill, municipal solid waste composting facility, resource recovery facility or other facility authorized to accept the waste by Dakota County;

(5) Recyclables are dumped, disposed or otherwise unloaded only at a recycling facility, an organized recycling collection drive, or through licensed collectors;

(6) Yard waste is privately composted, or is only dumped, disposed or otherwise unloaded at a compost facility or through licensed collectors; and

(7) All garbage and refuse is collected, processed and disposed of according to state, county and local laws. Separate waste disposal methods must be utilized for items including but not limited to auto hulks, large auto parts, used appliances, ash, sludges, household hazardous wastes, tires, lead acid batteries, used oil, yard waste and tree and agricultural wastes.

(C) In compliance with Dakota County Ordinance No. 110, entitled “Solid Waste Management,” adopted November 26, 2019 by the Dakota County Board of Commissioners, the requirements set forth in this Clause C shall apply within the City.

(1) The words and terms used in this Clause C shall have the meanings as defined in Dakota County Ordinance No. 110, specifically including the following: generator; multi-unit residential building; dwelling unit; municipal solid waste; mixed municipal solid waste; recycling; recyclables; designated list of recyclables; organics; designated list of organics; large event venue with organics; trash; recycling facility; solid waste abatement messaging.

(2) Multi-unit residential building owners and managers who provide and manage municipal solid waste through a common contract shall:

(a) Ensure recycling service is provided to all residents;

(b) Comply with the requirements set forth in Clause C(3) herein;

(c) Provide recycling containers with a weekly service capacity of at least 0.1 cubic yards per dwelling unit; and

(d) Ensure that the collection schedule and container capacity are sufficient to contain all the recyclables collected and organics (if collected) from the building and public spaces and to prevent overflowing containers.

(3) Property owners, managers, and event sponsors of large event venues with organics shall:

(a) Effective January 1, 2021, ensure the recyclables generated which are on the designated list of recyclables are collected for recycling.

(b) Provide a collection schedule and containers adequate to meet the requirements of this Clause C(3). Container locations must include but are not limited to: indoor and outdoor locations, public spaces, private spaces, and communal spaces.

(c) Ensure all trash collection containers or collection chutes are co-located within 10 feet from a recycling container or recycling chute. Each container or chute must have equal access;

(d) Ensure all trash, recyclables, and organics collection containers are clearly labeled or marked consistent with the Dakota County Environmental Resources Department's solid waste abatement messaging.

1. Indicates which materials are acceptable in designated containers by using the term "Trash" or "Recycling" or "Recycle" or "Organics." Any other waste types must be clearly labeled with materials accepted.

2. Shows images of acceptable materials.

3. Is color-coded: blue for recycling; green for organics; and, gray or black for trash.

4. Is visible and legible to users.

5. Includes preparation instructions where applicable.

(e) Ensure all trash is delivered to a facility licensed or permitted to accept the waste, recyclables are delivered to a recycling facility, and organics are delivered for food recovery or to a composting facility or anaerobic digester.

(f) Provide solid waste abatement messaging in print or electronic form to each employee, tenant, multi-unit resident, student, volunteer, and housekeeping and custodial contractors. Messaging must be documented and follow the solid waste abatement messaging published on the Dakota County Website. and occur:

1. At least annually;

2. Within 30 days of any substantive change to generator's waste program; and

3. Within 30 days of a new hire or new tenant.

Section 5. Chapter 50 of the Apple Valley City Code is amended by revising Section 50.04(B)(1)(g) and (l) to read as follows:

* * * *

(g) A licensed collector is required to provide recycling services and opportunities for its customers. Each licensed refuse, recyclable and yard waste collector shall provide its individual residential collection customers with weekly collection of garbage and other refuse, and yard waste, and recyclables, subject to the daily residential hauling zone restrictions set forth herein. The individual residential collection of ~~targeted~~ recyclables shall be on the same day as the collection of the customer's garbage and other refuse, but may occur at a different time within that day. The ~~targeted~~ recyclables collection shall be from a location consistent with § 50.02(C). The licensee is deemed the owner of the recyclables and upon collection, the licensee may market the recyclables. Nothing herein shall be construed to prevent a licensee from offering household recyclable collection for other recyclable materials, ~~in addition to the targeted recyclables.~~ Notwithstanding the weekly collection requirement set forth above, a licensed hauler may collect

recyclables for individual residential collection customers on a bi-weekly basis provided the licensee complies with the following conditions:

1. The collection of recyclables shall comply with the daily residential hauling zone restrictions;
2. The licensee shall provide single-sort recycling whereby the customer may commingle all recyclables in a single container; ~~and~~
3. The licensee shall provide to the customer a close fitting covered container of not less than 30 gallon capacity and, at a customer's request, the licensee shall provide a larger capacity close fitting covered container to the customer at no additional cost to the customer; and
4. The licensee complies with the collection and hauling requirements for recycling services under Dakota County Ordinance No. 110 effective January 1, 2022.

* * * *

(l) Each licensed collector shall annually notify customers with whom they have an account relationship of the proper placement of refuse, recyclables and yard waste for collection, as specified in § 50.02(C). The notice shall also be given to all new customers of the licensed collector upon establishing an account relationship with the customer. It is unlawful for any licensed collector to direct, suggest or imply to any customer that containers may be placed for collection in any location in violation of § 50.02(C);

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Section 6. Summary approved. The City Council hereby determines that the text of the summary marked "Official Summary of Ordinance No. ____" a copy of which is attached hereto clearly informs the public of the intent and effect of the ordinance. The City Council further determines that publication of the title and such summary will clearly inform the public of the intent and effect of the ordinance.

Section 7. Filing. A copy of the ordinance shall be filed in the office of the City Clerk. This copy shall be available for inspection by any persons during regular office hours.

Section 8. Publication. The City Clerk shall publish the title of this ordinance and the official summary in the official newspaper of the City with notice that a printed copy of the ordinance is available for inspection by any person during regular office hours at the Office of the City Clerk.

Section 9. Effective date. This ordinance shall take effect upon its passage and the publication of its title and the official summary.

PASSED by the City Council this ____ day of _____, 2020.

Mary Hamann-Roland, Mayor

ATTEST:

Pamela J. Gackstetter, City Clerk

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The following is the official summary of Ordinance No. _____ passed by the City Council of Apple Valley on _____, 2020:

Chapter 50 is revised to incorporate the requirements of Sections 16.03(A)(1-4) and 16.05 of Dakota County Ordinance No. 110, entitled “Solid Waste Management,” as mandated by Minnesota Statutes, which sets forth solid waste regulations for the disposal of garbage, recyclables, and organics. Chapter 50 of the City Code is amended to add and revise definitions of various solid waste related terms consistent with Dakota County Ordinance No. 110. Chapter 50 is further revised to amend certain provisions to provide clarity and consistency in the use of terms and regulations therein.

A printed copy of the ordinance is available for inspection by any person during regular office hours in the office of the City Clerk at the Apple Valley Municipal Center, 7100 147th Street W., Apple Valley, Minnesota 55124.