



**CITY OF NEWPORT
COUNCIL WORKSHOP MEETING
NEWPORT CITY HALL
OCTOBER 16, 2014
IMMEDIATELY FOLLOWING THE REGULAR CITY COUNCIL MEETING**

MAYOR: Tim Geraghty
COUNCIL: Tom Ingemann
Bill Sumner
Tracy Rahm
Steve Gallagher

City Administrator: Deb Hill
Supt. of Public Works: Bruce Hanson
Chief of Police: Curt Montgomery
Fire Chief: Mark Mailand
Executive Analyst: Renee Eisenbeisz

AGENDA

1. ROLL CALL
2. DISCUSSION REGARDING AMENDMENTS TO CHAPTER 4 AND CHAPTER 8 IN REGARDS TO SOLID WASTE AND RECYCLING
3. CLOSE THE MEETING TO THE PUBLIC TO PRELIMINARY CONSIDERATION OF ALLEGATIONS AND CHARGES OF EMPLOYEES PURSUANT TO MN STATUTES CHAPTER 13D.05, SUBD. 2, PARAGRAPH B
4. ADJOURNMENT



MEMO

TO: Mayor and City Council
Deb Hill, City Administrator

FROM: Renee Eisenbeisz, Executive Analyst

DATE: October 13, 2014

SUBJECT: Amendments to Chapter 4, Licensing, and Chapter 8, General Regulations and Offenses

BACKGROUND

Recently, staff reviewed Section 440, Garbage Hauling, of the City Code and found that it was out of date and needed to be cleaned up. Staff contacted the Washington County Department of Public Health and Environment to see if they had a template for garbage and recycling to use and was informed that they would be hiring a consultant to help cities and townships in the county with updating their ordinances. As such, staff worked with the County and Susan Young, Consultant with Foth Infrastructure and Environment, to update not only Section 440 but also different areas in Chapter 8, General Regulations and Offenses that relate to garbage and recycling. Additionally, Ms. Young established Solid Waste Management Standards for the City Council to adopt.

DISCUSSION

Please find attached a red-lined version of Chapter 4, Licensing, and Chapter 8, General Regulations and Offenses, as well as the proposed Solid Waste Management Standards. Below is a summary of the recommended amendments and discussion points for the City Council.

Chapter 4

- **Section 440.02, Definitions** - Several definitions are being added and amended to comply with current State laws and Washington County's Master Plan.
- **Section 440.03, Disposal Regulations** - This section is being amended to comply with current State laws and County rules. Some of the major amendments for this section are below:
 - **Subd. 3, Burning or Burying Prohibited** - This language prohibits anyone from burning or burying their garbage, solid waste, recyclables, or other waste.
 - **Subd. 4, Item C** - This language has been moved to Section 440.09, Yard Waste,
 - **Subd. 4, Item E** - This language prohibits licensed haulers from burning or burying solid waste, garbage, recyclables, white goods, or yard waste
 - **Subd. 4, Item H** - This language regulates the disposal and processing of recyclables.
- **Section 440.06, Subd. 1, License Required** - The proposed amendments state that the number of residential licenses will be capped at the number that is in place at the time that this amendment is approved. Furthermore, the language allows for the number of licenses to reduce over time to a maximum of three licenses. This language is being recommended to gradually reduce the number of vehicles collecting waste and recyclables in the City to a level that will reduce undue street wear while maintaining competition. The City issued eight licenses in 2014, two of which only provide commercial services. The other six provide services to single-family residences, multi-family residences, and businesses. The City Council will need to discuss if they would like to cap the number of licenses. If so, there are a couple items to discuss:
 - Should there be a maximum number of licenses for commercial haulers?
 - Should the City also require haulers to have a certain amount of active accounts to further reduce the number of haulers? For instance, Cottage Grove does not issue more than three licenses and requires them to have a minimum of 200 active accounts in order to renew.

- Should the City begin the process for organized collection bringing the number of licenses down to one?
- **Section 440.07, Subd. 2, Item B** - This language is being amended to comply with State law that requires solid waste services to be billed on a volume basis. Additionally, the language is being amended to protect residents from unreasonable fee increases by nullifying any increases that are not reported to the City in advance.
- **Section 440.07, Subd. 2, Item D** - This language is being added to require licensees to provide proof that they performed background checks on each employee that will be working within the City of Newport.
- **Section 440.07, Subd. 3, Reporting Requirements** - This language is being amended to allow the City to comply with State and County reporting requirements.
- **Section 440.08, Subd. 1, Hours and Collection** - The City Council should discuss whether or not hours of operation should be added for commercial collection. Cottage Grove and Woodbury's ordinances state that commercial establishments shall be serviced at least once a week between the hours of 6:00 a.m. and 6:00 p.m. Monday through Friday. If the City Council would like to differentiate, staff recommends adding similar language for commercial establishments.
- **Section 440.08, Subd. 3, Clean and Safe Collection** - This language is being added to provide for clean and safe collection practices.
- **Section 440.09, Yard Waste** - This section is being added to provide regulations for yard waste disposal.
- **Section 440.10, Penalties** - The proposed amendments are similar to the penalties for liquor and tobacco licenses. Staff recommends having the penalty be an administrative fine instead of a suspension because a suspension would penalize the residents as well as the licensees. The City Council will need to discuss the amounts of the proposed administrative fines.

Chapter 8 - Language throughout this Chapter is being amended to reflect current definitions and compliance with State and County requirements. One major change is removing the definition for household hazardous waste. Per State law, household hazardous waste includes items such as cleaners, paint, motor oil, etc., not waste generated from a clandestine drug lab.

Solid Waste Management Standards - Ms. Young recommended that the City adopt a set of Solid Waste Management Standards that will implement the City Code and provide an efficient method for the City to respond to occasional changes without having to update the City Code. The City Council will need to discuss whether or not they would like adopt the Standards as is, make amendments to them, or not adopt them at all.

RECOMMENDATION

It is recommended that the City Council provide direction on the items listed above. Since the proposed amendments involve licensing requirements, staff is recommending that the City Council hold a public hearing at its November 20 meeting so that the current hauling companies can be notified of the changes and invited to the Council meeting.

CHAPTER 4. LICENSING

Section 400 - General

400.01 Business Licenses.

Subd. 1 License or permit required. No person, partnership, corporation, or association shall engage in or operate any of the following businesses without having obtained a license or permit therefore:

- A. Kennel
- B. Tobacco Sales
- C. Games of Skill
- D. House Sewer Contractors
- E. Gas Installation
- F. Christmas Tree Sales
- G. Pawn Shops
- H. ~~Rubbish~~ Solid Waste and Recyclables Collection ~~or Hauling~~ Hauling
- I. Bingo
- J. Gambling
- K. Peddler, Solicitors, and Transient Merchant
- L. Seasonal Fireworks Sales
- M. Incidental Fireworks Sales

Subd. 1a. For purposes of this subdivision, “seasonal fireworks sales” shall mean sales of lawful fireworks within the City limits by a business operating primarily for that purpose for a period less than 12 months in any given year. “Primarily for that purpose” shall mean that at least 50% of the volume of sales of that business are lawful fireworks sales. For purposes of this subdivision, “incidental fireworks sales” shall mean sales of lawful fireworks with the City limits by a business operating for more than 12 continuous months within the City limits and for which said sales consist of less than 50% of the sales volume in that year.

Subd. 2 Scope. The provisions of this Section shall apply to all license or permits issued under this Chapter.

400.02 Applications. Every application for a license or permit to engage in any of the business listed in this Section shall be made to the Clerk-Administrator on forms supplied by the City, and shall state the applicant's name and address, the name of the business, the address of the premises on or from which the business is to be operated, the name of any other business operated from or on the same premises, date of birth when license is restricted to persons of at least a certain age, social security number, and such other information as may be required by this Code or by the Council. All applications shall be accompanied by payment in full of the license or permit fee. The license or permit fee shall be refunded if the license or permit is denied, unless otherwise specifically provided in this Chapter. All license or permits may be issued by the Clerk-Administrator. A license or permit shall only be suspended or revoked by the Council.

400.03 Terms and Fees. The fee, term, and expiration date for license or permits issued under this Chapter shall be as follows:

<u>Type of License or permit</u>	<u>Term</u>	<u>Expiration Date</u>
Kennel	One year	December 31
Tobacco Sales	One year	December 31

- C. Has at least one year of experience in responsible charge of gas piping installation and related gas servicing and/or repairs.
- D. Agrees to comply with Building Code Regulations and performance standards for gas work; and in securing permits and inspections.

425.03 Renewals. Any license may be renewed on or before the expiration date upon payment of the annual fee.

425.04 Transferability. Gas Contractor's Licenses shall not be transferable. No licensee shall allow his or her name to be used by any other person for the purpose of doing gas work.

425.05 Revocation. Any Gas Contractor's License, which is revoked pursuant to this Section, shall not be reinstated for a period of six months.

425.06 Exceptions. No person shall be required to obtain a license in order to perform gas work on his or her own property; provided that any person exempted from licensing by this Section, shall comply with all statutes, ordinances, regulation, and rules regulating the manner and quality of workmanship for gas installation, servicing or repair work, including securing gas permits.

Section 430 - Christmas Tree Sales

430.01 Definition - Christmas Tree. "Christmas tree" shall mean any cut evergreen, fir, spruce, or other tree of like kind, generally known and described as a Christmas tree.

430.02 Application Date. No application for a Christmas tree sales license shall be accepted or acted upon unless it is received before December 15 of the year in which the sales are to be made.

430.03 Eligibility. No Christmas tree sales license shall be issued unless the premises are first approved by the Fire Department, and the applicant has complied with recommendations, conditions and requests made by the Fire Chief, as well as the requirements of this Section.

430.04 Conditions.

Subd. 1 Premises. The premises for which a Christmas tree sales license is issued shall be maintained in a neat and clean manner, and shall not be permitted to become a nuisance or hazard to the health, safety, or welfare of the residents or property within the City.

Subd. 2 Clean-up. All trees, tree parts and other materials shall be removed from the premises and properly disposed of no later than December 31 of the year of the sales.

Section 440 - ~~Garbage~~ Solid Waste and Recyclables Collection or Hauling

440.01 Intent. It shall be the intent of the City Council, to establish a system for the orderly and regular collection of solid waste, garbage, ~~other refuse, white goods~~ bulky waste, appliances, recyclables and yard wastes in the City; to insure that the disposal of the material shall be accomplished in a sanitary manner; that the health of the residents of the City shall be properly safeguarded, and to further insure that the City shall be in compliance with all laws relating to the disposition of recyclables and other wastes.

The city administrator or their designee shall have the authority to develop Solid Waste Management Standards

concerning days of collection, type and location of waste containers and other matters as they deem necessary to provide for the safe, orderly and cost-efficient preparation, storage, collection and disposal of all waste materials covered in this ordinance. These standards shall not be contrary to this ordinance.

440.02 Definitions. As used in this Section, the following words, terms and phrases shall have the following meanings, except where the context clearly indicates otherwise:

Subd.1 Appliances. Appliances shall include washers, dryers, refrigerators, freezers, air conditioners, dehumidifiers, humidifiers, stoves, ranges, hot water heaters, water softeners and other, similar large household items that require electricity and/or special processing under Minnesota laws.

Subd. 2. Bulky waste. Bulky wastes shall have the meaning set forth in the County Master Plan and is a subset of Municipal Solid Waste; household items and other discarded materials that, due to their dimensions and weight, are typically not collected as part of the regular trash and recycling or for which there is a separate fee, such as furniture, carpeting, and mattresses and excludes appliances.

Subd. 13 City. "City" shall mean the City of Newport, Washington County, Minnesota.

Subd. 24 City Council. "City Council" shall mean the City Council of the City of Newport, Washington County, Minnesota.

Subd. 35 Commercial Establishment. "Commercial Establishment" shall mean any premises upon which a commercial or industrial enterprise of any kind is carried on, including restaurants, clubs, and churches.

Subd. 46 County. "County" shall mean County of Washington, Minnesota.

Subd. 57 Daily Hauling Districts. "Daily Hauling Districts" shall mean a residential area in which garbage, other refuse, recyclables and yard wastes are collected in the same day.

Subd. 68 Garbage. "Garbage" shall mean all putrescible wastes, excluding animal offal, carcasses of dead animals, human excreta, sewage and other water-carried wastes.

Subd. 9 Mixed municipal solid waste. "Mixed municipal solid waste" has the meaning set forth in Minnesota Statutes and means garbage, refuse, and other solid waste from residential, commercial, industrial, and community activities that the generator of the waste aggregates for collection, except auto hulks, street sweepings, ash, construction debris, mining waste, sludges, tree and agricultural wastes, tires, lead acid batteries, motor and vehicle fluids and filters, and other materials collected, processed, and disposed of as separate waste streams

Subd. 10 Multiple Residential Dwelling. "Multiple Residential Dwelling" shall mean any building consisting of more than two residential dwelling units, with individual kitchen facilities.

Subd. 8 Other Refuse ~~"Other Refuse" shall mean ashes, non-recyclable glass, crockery, cans, paper, boxes, rags and similar non-putrescible wastes, excluding sand, earth, brick, stone, concrete, trees, tree branches, stumps and wood.~~

Subd. 11 Recycling. Recycling shall have the definition in Minnesota Statutes, and shall mean the process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of recyclable materials in a manner that precludes further use.

Subd. 912 Recyclables. "Recyclables" shall have the meaning set forth in Minnesota statutes and means materials that are separated from mixed municipal solid waste for the purpose of recycling or composting, including paper, glass, plastics, metals, automobile oil, batteries, and source-separated compostable materials and all ~~other~~ material hereafter designated as recyclable ~~by City Council Resolution~~ in the City of Newport Solid Waste Standards.

Subd. 13 Residential Dwelling. "Residential Dwelling" shall mean any single building consisting of not more than two residential dwelling units, having individual kitchen facilities for each unit.

Subd. 14 Solid Waste. "Solid waste" has the meaning set forth in Minnesota Statutes, section 116.06, but is further defined for purposes of this ordinance to include garbage, recyclables, appliances, bulky waste, yard waste, litter and household hazardous waste.

Subd. 15 Special Pick-up. "Special Pick-up" shall mean any collection of material other than garbage, other refuse, other recyclables or yard waste, including white goods, furniture, oversized materials and construction debris.

~~**Subd. 1 White Goods.** "White Goods" shall mean large appliances, furniture, oversized materials, construction materials, sand, earth, brick, stone, crockery, trees, tree branches, stumps, and all other materials collected, processed and disposed of as separate waste.~~

Subd. 16 Yard Waste. "Yard Waste" shall mean garden wastes, leaves, lawn cuttings, weeds, shrubs, and tree waste and prunings.

440.03 Disposal Regulations.

Subd. 1 Collection Required. Every business and residential household, including multi-residential dwellings, shall make adequate provisions for the sanitary disposal of solid waste, garbage, ~~other refuse,~~ ~~white goods~~ appliances, bulky waste, recyclables and yard wastes by means of a licensed private collector, unless they have otherwise provided for adequate means of disposal which meet the approval of the City Council and which comply with all ordinances and laws of the City, County and State of Minnesota.

Subd. 2 Unlawful Accumulation. No person shall allow solid waste, garbage, appliances, bulky waste ~~other refuse, white goods,~~ recyclables or yard wastes to accumulate upon property owned or occupied by any such person; or fail to dispose thereof in a manner meeting the provisions of this Section.

Subd. 3. Burning or burying prohibited. No person shall burn or bury any garbage, solid waste, recyclable materials, or other waste materials within the city since regularly scheduled pick-up of solid waste is available in the city

Subd. 43 Unlawful Disposal. No person shall dispose of ~~yard~~ solid waste except in one of the following manners:

- A. By contracting with a licensed private collector to haul said ~~yard~~ solid waste to a county-approved compost-processing or disposal site.
- B. By the person transporting said ~~yard waste~~ solid waste to a county-approved processing or disposal site. ~~City, County or private compost site,~~

~~C.~~ By composting the yard waste on said persons property under the following conditions:

- ~~1.~~ The compost pile shall be screened from public view.
- ~~2.~~ The compost pile shall be fenced or enclosed on three (3) sides to prevent the scattering of yard waste.
- ~~3.~~ The compost pile shall be managed in a way that prevents odor, harborage of animals, and stockpiling of material which does not readily decompose within a calendar year.
- ~~4.~~ Only that yard waste which is produced on the premises can be composted on that premises.

~~D.C.~~ No person shall permit solid waste, garbage, appliances, bulky waste, recyclables, and yard wastes, to be moved from property owned or occupied by the person, by any unauthorized or unlicensed collector.

~~E.~~ No licensed collector shall dispose of yard waste except by depositing the same in a City, County or private compost site.

~~D.~~ No licensed collector shall dispose of solid waste, garbage, ~~other refuse~~, recyclables, white goods or yard wastes in any manner except as provided in this Section.

~~F.E.~~ No burning or burying of solid waste, garbage, white goods or recyclables shall occur on any property in the City that is not expressly licensed for that activity.

~~G.F.~~ All residents of residential dwelling units, including multiple residential dwellings, shall separate recyclables for pick-up.

~~G.~~ No licensed private collector shall pick-up solid waste or garbage ~~or other refuse~~ containing recyclables which have not been separated therefrom.

H. All separated recyclables must be transported to a licensed recycling facility or delivered to an end market for sale or reuse, or brought to an intermediate collection center for later delivery to a licensed processing center or end market for recycling. facility where they shall be processed and marketed for recycling or re-use. It is unlawful for any person to transport for disposal or to dispose of designated recyclables in a mixed municipal solid waste disposal facility. No separated recyclables may be incinerated or landfilled or composted or made into fuel pellets.

440.04 Littering. No person shall discharge or dispose of solid waste, garbage, ~~other refuse, appliances, bulky waste~~, recyclables, yard wastes, or hazardous wastes ~~or white goods~~ in any street, alley, drive, park, playground or other public place, or upon privately owned property.

440.05 Scavenging Prohibited. No person shall scavenge or otherwise collect solid waste, garbage, appliances, bulky waste, ~~other refuse~~, recyclables, ~~white goods~~ or yard wastes from recyclable containers or from public or private property, unless licensed therefore by the City or unless permission of the owner of any such materials has been given.

440.06 Waste Hauling.

Subd. 1 License Required. ~~No person shall contract to haul garbage, other refuse, recyclables, yard wastes or white goods within the City, without a license therefore issued by the City; and no unlicensed~~

~~person shall haul garbage, other refuse, recyclables or yard wastes from property owned or occupied by any person in the City, except as provided in this Section. No person, firm or corporation, except city employees, shall collect mixed municipal solid waste, appliances, bulky waste, recyclable materials, or yard waste belonging to another in the city without a license from the city. The number of residential licenses under this section shall be capped at the number in place on ~~October 21~~ November 20, 2014; any decrease in the number of licenses that occurs due to attrition will decrease the number of available licenses to that extent, save that at least three licensed haulers shall be allowed in the City.~~

Subd. 2 Exception. Nothing set forth in this Section shall prevent persons from hauling solid waste, garbage, appliances, bulky waste, ~~other refuse~~, recyclables, ~~white goods~~ or yard wastes from residential or business properties owned or occupied by them, providing the following rules shall be observed:

- A. All garbage shall be hauled only in containers that are water-tight on all sides and bottom, and which have tight-fitting covers.
- B. All other ~~refuse~~ solid waste and recyclables shall be completely covered or enclosed by canvas or other means so as to completely eliminate the loss of cargo in transit; and shall be hauled only in vehicles with leak-proof bodies.
- C. All garbage, mixed municipal solid waste and ~~other refuse~~ solid waste shall be dumped or unloaded only at a County designated disposal facility.
- D. All recyclables shall be disposed of only at a licensed recycling facility; through an organized recyclable drive; or through a licensed recyclable hauler. No separated recyclables shall be disposed of with garbage, mixed municipal solid waste or other solid waste.
- E. Yard waste shall be disposed of only in the manner set forth in ~~Subd. 4~~ (Section 440.09) hereof.

440.07 Collector License Requirements.

Subd. 1 Classification. The following licenses shall be issued by the City Council:

- A. Commercial License. A commercial license shall allow collection of solid waste, garbage, ~~other refuse~~, white goods, and all recyclables; at any industry, business or multiple residential dwelling within the City.
- B. Residential License. A residential dwelling license shall allow collection of all solid waste, garbage, ~~other refuse~~, white goods and recyclables from any residential dwelling within the City.

Subd. 2 Application. Any person desiring a collector license from the City shall file an application therefore on forms to be provided by the City. The application shall include the following information:

- A. A list of current equipment to be utilized by the collector.
- B. A schedule of rates to be charged during the license period, which in the case of an application for a residential dwelling license, shall include rates for approximately 30 gallon service, approximately 60 gallon service, approximately 90 gallon service and white goods disposal. Differences between rates charged for the various container sizes shall be sufficient to encourage recycling and waste reduction in accordance with Minnesota Statutes and the City of Newport Solid Waste Standards. Every license shall provide not less than two weeks prior notification, to the City and all customers, of any change in the rates to be implemented during the license period.

Any increase in rates for which notification is not provided to the City shall be null and void, and shall be cause for license suspension.

- C. The application for license shall be accompanied by a certificate of insurance evidencing that the proposed licensee has liability insurance covering all vehicles to be used by licensee, in the minimum amount of \$2,600,000 bodily injury (each occurrence and in the aggregate); property damage in the amount \$250,000 (each occurrence and in the aggregate). All such certificates shall name the City as certificate holder and shall provide for a minimum of 15 days notice to the City prior to cancellation of the insurance before the expiration date thereof.
- D. The application for license shall be accompanied by certification that each of the employees of the hauler that will be performing work in the City shall have been found free of offenses of felony, gross misdemeanor or misdemeanor punishable by jail. The Certification shall be approved by the Police Department.
- E. All licensees shall display the issued license, or a copy thereof, in a prominent position on all vehicles used by licensees. Licensees shall provide information to all customers that may be required by city, county, metropolitan, state, or federal governments.

Subd. 3. Reporting Requirements

- A. All licensees shall ~~submit quarterly, or as otherwise required,~~ submit semi-annual and reports annual reports to the City and/or County, giving any information as may be required in the City of Newport Solid Waste Standards, on forms to be provided for this purpose. All reports shall be submitted as required in the Solid Waste Standards, before the 15th day of the month following the close of each quarter during the license period. Failure to submit the reports shall be cause for license suspension.
- B. Each hauler shall document and retain dated market weight receipts of recyclable materials sold for the last three years, which upon request will be made available to the city for review. In addition to the above requirements, the hauler shall participate with the city in tests to confirm the methodology and accuracy of the estimated weight of waste and recyclable materials.
- C. Upon demand of the City, licensees shall produce any records, which the City may require to verify that all solid waste, garbage, recyclables, ~~white goods~~ Appliances, Bulky and waste and other refuse yard waste have been disposed of in a lawful manner. Copies of these records may be required in the semi-annual and annual reports specified in the City of Newport Solid Waste Standards.
- D. Each hauler shall provide to the city during normal business hours, access to books, documents, papers, and other records of the Licensee that are directly pertinent to the issuance and monitoring of the Licensee and required reports.

440.08 Collection.

Subd. 1 Hours and Collection. No collection of residential garbage, other refuse, recyclable, white goods or yard wastes shall be made except between the hours of 6:00 a.m. and 6:00 p.m. from the east side of Trunk Highway 61 residential hauling area on Mondays only, and between the hours of 6:00 a.m. and 6:00 p.m. from the west side of Trunk Highway 61 residential hauling area on Fridays only. Exception to these days shall occur when a regular collection day occurs on New Year's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving Day or Christmas Day, when collection shall be delayed by one calendar day.

Subd. 2 Container Placement. All residential areas of the City shall have garbage, ~~refuse,~~ yard wastes, white goods and recyclable containers placed curbside on the day of collection. Except on days of collection, all containers shall be removed from the curbside and stored behind the front building line of the property.

Subd. 3 Clean and safe collection. It shall be the duty of every solid waste, garbage, recyclables, bulky material and yard waste hauler, contractor, subcontractor, and person, including their agents and employees, who is licensed to remove any solid waste, garbage, or any other waste material or who is engaged in the removal, loading or unloading of any such substance in the city to do such with dispatch, in a clean manner and with as little danger and prejudice to life and health as possible.

A. All persons engaged in the business of hauling solid waste, garbage, recyclables and/or yard waste in the city shall transport the materials in enclosed vehicles, carts, dumpsters, bins, or other secure containers so as to prevent any loss of these materials and to prevent litter. Care shall be taken to ensure no blowing or escape of garbage, litter, yard waste or liquids from truck operations occurs during the collection and transportation of garbage, designated recyclables, bulky waste, yard wastes or source-separated compostable materials.

B. Upon resident request, the licensed hauler must collect and properly dispose of appliances or other bulky waste.

C. Each licensed hauler shall comply with all city, county, state and national laws and rules, including weight restrictions, DOT driver licensing and vehicle inspections, and disposal requirements.

Subd. ~~3.4~~ Containers Approval. Residential solid waste and recycling containers shall be provided by the City. All owners and/or managers of multiple residential dwellings are required to ensure that tenants are provided containers in which to deposit their recyclables for collection by a licensed hauler.

Subd. 4 Additional Charges. All collection charges shall be paid to the licensee by the owner, agent, occupant or tenant of the premises served and all fees collected shall be full compensation for the licensee's services.

Subd. 5. Preparation and Ownership of Recyclables. All licensees may specify to customers, the preparation of targeted recyclables for collection and the collection site. The licensee shall be deemed the owner of all recyclables collected but nothing shall be construed to prevent the licensee from offering curbside collection for other recyclable materials in addition to recyclables defined in this Section

440.09 Yard waste. No person shall dispose of solid waste except in one of the following manners:

Subd. 1 By contracting with a licensed private collector to haul said yard waste to a county-approved compost site.

Subd. 2 By the person transporting said yard waste to a City, County or private compost site.

Subd. 3. By composting the yard waste on said persons property under the following conditions:

a. The compost pile shall be screened from public view.

b. The compost pile shall be fenced or enclosed on four (4) sides to prevent the scattering of yard waste and shall have a cover to minimize entrance of rain to the container.

c. The compost pile shall be managed in a way that prevents odor, harborage of animals, and stockpiling of material which does not readily decompose within a calendar year.

Subd. 4. Only that yard waste which is produced on the premises can be composted on that premises.

440.109 ~~Suspension or Revocation of License~~Penalties. The City Council may ~~suspend or impose an administrative fine~~ revoke the license of any person found in violation of any applicable statute, regulation, provision of this Section, or the City of Newport Solid Waste Standards. Any proposed revocation ~~or suspension~~ shall be preceded by a public hearing, conducted before the City Council, and preceded by at least 15 days notice of the hearing given to the licensee. The notice, in addition to setting forth the time and place of the hearing, shall state the nature of the charges for which revocation ~~or suspension~~ shall be considered. No person granted a license hereunder shall acquire any vested rights, and the City reserves the right to establish other means of collection of materials for which a license may be issued under this Section.

~~—Subd. 1~~ The following are minimum penalties which shall be imposed by the City Council for violations of any applicable statute, regulation, provision of this chapter, or the City of Newport Solid Waste Standards

A. For the first violation, at least a \$75 administrative fine.

B. For the second violation within any four (4) year period, at least a \$200 administrative fine.

C. For a third violation within any four (4) year period, the license shall be revoked.

Section 445 - Bingo

445.01 Purpose. The purpose of this Section shall be to closely regulate and control the conduct of bingo and to prohibit commercialization of bingo.

445.02 Adoption by Reference. The provisions of Minn. Stat. 349.11 - 349.23 are adopted by reference and made a part of this Section as if set out here in full.

445.03 Licensing.

Subd. 1 License Required. No bingo occasion shall be conducted except by an organization, which has been issued a bingo, license by the State, or if exempt from State licensing, by a permit issued by the City.

Subd. 2 Term. A bingo permit shall be valid for one year from the date of issuance.

Subd. 3 Fee. The annual bingo permit fee shall be established from time to time by the City Fee Schedule.

Subd. 4 Exception. A permit shall not be required for the conduct of bingo in connection with a county fair or civic celebration recognized by Council resolution, or for the conduct of bingo by an organization, which conducts fewer than five bingo occasions during a year.

445.04 Eligibility. Bingo may be conducted only by a non-profit organization, which has been in existence for at least three years and has at least 30 members.

445.05 Applications. An application for a bingo permit shall be signed by a duly authorized officer of the organization and by the organization's bingo manager, and shall state the name, address, age and place of birth of the officer and the bingo manager, whether either has ever been convicted of a crime other than a traffic offense, the location, date and time of the organization's regular meetings, the purpose of the organization, how

CHAPTER 8. NUISANCES

Section 800 - General Nuisances

800.01 Public Nuisance Defined. Whoever by his or her act or failure to perform a legal duty does any of the following shall be guilty of maintaining a public nuisance, which is a misdemeanor:

- A. Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort, or repose of any considerable number of members of the public; or
- B. Interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way, or waters used by the public; or
- C. Is guilty of any other act or omission declared by law or this Code to be a public nuisance and for which no sentence is specifically provided.

800.02 Public Nuisance Affecting Health. The following shall be declared to be nuisances affecting health:

- A. Exposed accumulation of decayed or unwholesome food or vegetable matter;
- B. All diseased animals running at large;
- C. Pools of stagnant water;
- D. Carcasses of animals not buried or destroyed within 24 hours after death;
- E. Accumulation of manure, tin cans, bottles, trash, ashes, solid waste, garbage, appliances, bulky waste, recyclables and yard wastes ~~solid waste~~ refuse or debris of any nature or description;
- F. Privy vaults and garbage cans which are not rodent-free or fly-tight or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors;
- G. The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances;
- H. All noxious weeds including all weeds defined by the State Commissioner of Agriculture to be injurious to public health, roads, crops, livestock and other property;
- I. Dense smoke, noxious fumes or odors, gas and soot, or cinders, in unreasonable quantities;
- J. All public exposure of persons having a contagious disease;
- K. The placing of the contents of any cesspools septic tank, privy vault, or garbage can upon the surface of public or private property;
- L. Any offensive trade or business as defined by statute not licensed by the City;
- M. The placing of ~~any trash, garbage, or other waste material~~ solid waste, garbage, other refuse, white goods, appliances, bulky waste, recyclables and yard wastes in the front yard of any property for a period longer than 24 hours prior to a scheduled commercial pickup of the trash.

- D. **Enforcement Officer** means a person designated by the City Administrator to administer and enforce this code, or his or her designee.
- E. **Garbage** means putrescible animal and vegetable wastes, including those resulting from the handling, preparation, cooking, and consumption of food.
- F. **Habitable** means fit to be lived in.
- G. **Nuisance** means:
1. A public nuisance known as such under common law or in equity or recognized by Minnesota Statutes or the City Code.
 2. A public nuisance which may prove detrimental to children whether in a building, on the premises of a building, or upon an unoccupied lot. This included, but is not limited to, any abandoned wells, shafts, basements, or excavations, abandoned refrigerators in a hazardous condition; unlicensed or inoperable motor vehicles; or any structurally unsound fences or structures; or any lumber, garbage, rubbish, fences, or debris which may become a hazard for inquisitive minors.
 3. Overcrowding a room with occupants.
 4. Insufficient ventilation or illumination.
 5. Inadequate or unsanitary sewage or plumbing facilities.
 6. Uncleanliness.
 7. Any situation or activity, which renders air, food, or drink unwholesome or detrimental to the health of human beings.
 8. Any conditions, which are offensive or has a blighting influence on the community.
 9. Any other activity or situation that is dangerous to human life or is detrimental to health.
- H. **Occupancy** means taking or possessing of something.
- I. **Owner** means a person who, alone, jointly, or severally with others, shall be in actual possession of, or have charge, care, or control of, any dwelling or dwelling unit within the City as owner, employee, or agent of the owner, or as trustee or guardian of the estate of person of the title holder. A person representing the actual owner must comply with the provisions of this code to the same extent as the owner.
- J. **Public Area** means those areas, which are normally open to the general public or the occupants of more than one dwelling unit of a multiple family dwelling.
- K. ~~Refuse means putrescible and nonputrescible solids including garbage and rubbish.~~
- L. **Residence** means a place of habitat.

M. **Responsible Party** means a party who is one or more of the following:

1. Agent;
2. Designee or collector of rents;
3. Holder of a contract for deed;
4. Receiver, executor, or trustee;
5. Lessee;
6. Other person, firm, or corporation exercising control over a party.

N. **Rodent or Vermin Harborage** means a place where rodents or vermin are liable to live, nest, or seek shelter.

~~N.O.~~ **Solid Waste** has the meaning set forth in Minnesota Statutes, section 116.06, subdivision 22(1)(9) but is further defined for purposes of this ordinance to include garbage, recyclables, appliances, bulky waste, yard waste, and household hazardous waste items.

~~O. **Rubbish** means nonputrescible solid wastes consisting of, but not limited to, both combustible and noncombustible wastes, such as paper, cardboard, tin cans, grass and shrubbery clippings, tires, batteries, wood, glass, brick, plaster, bedding, crockery, cement, and similar materials.~~

P. **Structure** means anything erected, the use of which requires more or less permanent location on the ground; or attached to something having a permanent location on the ground. Whenever the word “structure” is used in this code, it shall be construed as though it was followed by the words “or any part thereof”.

Q. **Yard** means all ground, lawn, court, walk, driveway, or other space constituting part of the same premises.

811.06 Responsibility of Owners and Occupants: The owner of a dwelling is responsible for the maintenance of structures and for meeting the provisions of this code, unless otherwise noted.

A. Joint Responsibility of Occupants and Owner

1. An owner, agent or occupant of a dwelling may not allow the accumulation of dirt or filth on the premises occupied or controlled in a manner that could create a health hazard to the dwelling occupants or the general public.
2. An owner, agent or occupant of a dwelling may not allow the accumulation of ~~rubbish~~ **solid waste** or garbage on the premises occupied or controlled in a manner that could create a health hazard to the dwelling occupants or the general public. The area of ~~rubbish~~ **solid waste** control and disposal is covered in the Newport City Code, section 440.01 through 440.09 ~~11~~, it requires that garbage be collected at least once a week from residences and it also requires that all solid waste be stored in containers between times of pickup.
3. An owner, agent or occupant may not allow formation of rodent harborage in or about the premises occupied or controlled.

public, may be declared unfit for human habitation. Whenever any building has been declared unfit for human habitation, the enforcement officer shall order same vacated within a reasonable time and shall post a placard on the property which shall (1) be in writing, (2) include a description of the property sufficient for identification, (3) include a statement of a reason or reasons why it is being issued, (4) include a description of the repairs and improvements required to bring the dwelling into compliance with the provisions of this ordinance, and (5) include a statement of time allowed to correct the violations.

C. Maintains or permits garbage or refuse to be place or stored in yards.

1. To enhance the safety of residents, no ~~garbage, junk or debris~~ solid waste, garbage, refuse, appliances, bulky waste, recyclables and yard wastes shall be placed in yards or properties in the City. Woodpiles, and/or lumber may be stored and stacked in an orderly manner not visible from the street.

D. Special Provision – Lawn Maintenance

1. **Preamble:** There are a variety of landscapes in the City, which diversify and add a richness to the quality of life. Certain areas in the City have been left, or allowed to go, unmaintained. They have been accepted by the vast majority of the city residents as appropriate and as part of the unique quality of life in this community. There are community expectations, however, that once an area has been disturbed, landscaped, or otherwise maintained, that area will continue to be maintained in a consistent manner. When vegetation in that area is not continually maintained, it becomes aesthetically unpleasing and violates community standards. Property, which appears neglected, may decrease the value of adjacent properties. In addition, if vegetation is not properly maintained, there may be the following adverse impacts on public health, safety, and welfare:
 - a. Undesirable vegetation such is common buckthorn, quackgrass, and other weeds may invade and threaten to supplant other more desirable vegetation.
 - b. Vegetation which causes allergic reactions, such as ragweed, may develop.
 - c. Tall vegetation along driveways and public roads may impair visibility when entering or exiting public roads.
2. **Definitions:** For the purpose of this section the following words shall have the meanings specified below:
 - a. **Meadow Vegetation** is grasses and flowering and broad leaf plants which are native to, or adapted to, the State of Minnesota, which are commonly found in meadow and prairie plan communities, except weeds.
 - b. **Noxious Weeds** shall be those plants which are determined from time to time to be noxious weeds pursuant to Minnesota Statute 18.171, subdivision 5.
 - c. **Regularly Cut** means mowing or otherwise cutting the vegetation so that it does not exceed eight (8) inches.
 - d. **Turf Grasses** are grasses commonly used in regularly cut lawn areas, such as bluegrass, fescue, and rye grass blends, and non-woody vegetation interspersed with them.

drug lab site or associated dumpsite may exist. The City Council finds that such sites may contain suspected chemicals and residues that place people, particularly children or adults of child bearing age, at risk when exposed through inhabiting or visiting the site, now and in the future.

Subd. 2 Interpretation and Application. In their interpretation and application, the provisions of this Article shall be construed to protect the public health, safety and welfare.

Where the conditions imposed by any provision of this Article are either more or less restrictive than comparable provisions imposed by any other law, ordinance, statute, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.

Should any court of competent jurisdiction declare any section or subpart of this Article to be invalid, such decision shall not affect the validity of the Article as a whole or any part thereof, other than the provision declared invalid.

Subd. 3 Fees. Fees for the administration of this Article may be established and amended periodically by resolution of the City Council.

Subd. 4 Definitions. For the purposes of this Article, the following terms or words shall be interpreted as follows:

- a. **Child** shall mean any person less than 18 years of age.
- b. **Chemical dumpsite** shall mean any place or area where chemicals or other waste materials used in a clandestine drug lab have been located.
- c. **Clandestine drug lab** shall mean the unlawful manufacture or attempt to manufacture controlled substances.
- d. **Clandestine drug lab site** shall mean any place or area where law enforcement has determined that conditions associated with the operation of an unlawful clandestine drug lab exist. A clandestine drug lab site may include dwellings, accessory buildings, accessory structures, a chemical dumpsite or any land.
- e. **Controlled substance** shall mean a drug, substance or immediate precursor in Schedules I through V of M.S.S. 152.02. The term shall not include distilled spirits, wine, malt beverages, intoxicating liquors or tobacco.
- ~~f. **Household hazardous wastes** shall mean waste generated from a clandestine drug lab. Such wastes shall be treated, stored, transported or disposed of in a manner consistent with Minnesota Department of Health, Minnesota Pollution Control, and Washington County Health Department rules and regulations.~~
- ~~g.f.~~ **Manufacture**, in places other than a pharmacy, shall mean and include the production, cultivation, quality control, and standardization, by mechanical, physical, chemical or pharmaceutical means, packing, re-packing, tableting, encapsulating, labeling, re-labeling, filling, or by other process, of drugs.
- ~~h.g.~~ **Owner** shall mean any person, firm or corporation who owns, in whole or in part, the land, buildings or structures associated with a clandestine drug lab site or chemical dumpsite.

i.h. Public health nuisance. All dwellings, accessory structures and buildings or adjacent property associated with a clandestine drug lab site are potentially unsafe due to health hazards and are considered a public health nuisance.

Section 820.02 Administration.

Subd. 1 Law Enforcement Notice to Other Authorities. Law enforcement authorities that identify conditions associated with a clandestine drug lab site or chemical dump site that places neighbors, visiting public, or present and future occupants of the dwelling at risk for exposure to harmful contaminants and other associated conditions must promptly notify the appropriate municipal, child protection, and public health authorities of the property location, property owner if known, and conditions found.

Subd. 2 Declaration of Property as a Public Health Nuisance. If law enforcement determines the existence of a clandestine drug lab site or chemical dumpsite, the property shall be declared a public health nuisance.

Subd. 3 Notice of Public Health Nuisance to Concerned Parties. Upon notification by law enforcement authorities, the City Building Official shall promptly issue a Declaration of Public Health Notice for the affected property and post a copy of the Declaration at the probable entrance to the dwelling or property. The Building Official shall also notify the owner of the property by mail and notify the following parties:

- a. Occupants of the property;
- b. Neighbors at probable risk;
- c. The City of Newport Police Department; and
- d. Other state and local authorities, such as Minnesota Pollution Control Agency and Minnesota Department of Health, which are known to have public and environmental protection responsibilities that are applicable to the situation.

Subd. 4 Property Owner's Responsibility to Act. The Building Official shall also issue an order to abate the public health nuisance, including the following:

- a. *Immediately* vacate those portions of the property, including building or structure interiors, which may place the occupants or visitors at risk.
- b. Promptly contract with appropriate environmental testing and cleaning firms to conduct an on-site assessment, complete clean-up and re-remediation testing and follow-up testing, and determine that the property risks are sufficiently reduced to allow safe human occupancy of the dwelling. *The property owner shall notify the City of actions taken and reach agreement with the City on the clean-up schedule. The City shall consider practical limitations and the availability of contractors in approving the schedule for cleanup.*
- c. Provide written documentation of the clean-up process, including a signed, written statement that the property is safe for human occupancy *and that the clean-up was conducted in accordance with Minnesota Department of Health guidelines.*

Subd. 5 Property Owner's Responsibility for Costs. The property owner shall be responsible for all costs of vacation or clean-up of the site, including contractor's fees and public costs for services that were performed in association with a clandestine drug lab site or chemical dump site clean-up. Public costs may include, but are not limited to:

- a. Posting of the site;
- b. Notification of affected parties;
- c. Expenses related to the recovery of costs, including the assessment process;
- d. Laboratory fees;
- e. Clean-up and disposal services;
- f. Administrative fees; and
- g. Other associated costs.

Subd. 6 Recovery of Public Costs.

- a. If, after service of notice of the Declaration of Public Health Nuisance, the property owner fails to arrange appropriate assessment and clean-up, the city Building Official is authorized to proceed in a prompt manner to initiate the on-site assessment and clean-up.
- b. *If the City is unable to locate the property owner within ten days of the Declaration of Public Health Nuisance, the City is authorized to proceed in a prompt manner to initiate the on-site assessment and clean-up.*
- c. The City may abate the nuisance by removing the hazardous structure or building, or otherwise, according to Minnesota Statutes Chapter 463.
- d. If the City abates the public health nuisance, in addition to any other legal remedy, the City shall be entitled to recover all costs plus an additional 25% of the costs for administration. The City may recover costs by civil action against the person or persons who own the property or by assessing such costs as a special tax against the property in the manner as taxes and special assessments are certified and collected pursuant to M.S.S. 429.101.

Subd. 7 Authority to Modify or Remove Declaration of Public Health Nuisance.

- a. The Building Official is authorized to modify the Declaration conditions or remove the Declaration of Public Health Nuisance.
- b. Such modifications or removal of the Declaration shall only occur after documentation from a qualified environmental or cleaning firm stating that the health and safety risks, including those to neighbors and potential dwelling occupants, are sufficiently abated or corrected to allow safe occupancy of the dwelling.

820.03 Violations and Penalties. Any person violating any provision of this Article is guilty of a misdemeanor and upon conviction shall be subject to the penalties set forth in M.S.S. 609.02, Subd. 3.

City of Newport Solid Waste Management Standards *

*** As Authorized by the 2014 Amendments to the
City Licensing Ordinance (Chapter 4)**

October, 2014

City of Newport
596 7th Avenue
Newport, MN 55055



Contents

Introduction	1
Section 1.	Definitions 1
Section 2.	Residential Recycling Program 3
Section 3.	Residential Garbage Collection and Storage of Carts 4
Section 4.	Collection and Composting of Tree and Shrub Waste, Other Yard Waste, and Source Separated Compostable Materials 4
Section 5.	Bulky Waste, Large Appliances and Electronic Waste..... 5
Section 6.	Required Reports 6

Introduction

The City of Newport has developed these standards as specific requirements for the storage, collection transportation and disposal of residential solid waste. The goals of these standards are to:

- ❖ Achieve a reduction in waste generated.
- ❖ Encourage the separation and recovery of materials and energy from waste.
- ❖ Ensure the protection of public health and safety and promote city cleanliness and livability.
- ❖ Be consistent with the requirements of the State statutes, State rules and Washington County ordinances, and with State and Washington County solid waste plans.
- ❖ Implement the city's Licensing Ordinance (SWMO), Chapter 4 of the city's code of ordinances through detailed instructions.

To accomplish the above goals, it is important for the city to have specific and consistent instructions for residents and licensed haulers to follow as part of the solid waste collection system. These standards do not replace or supersede city ordinances. The city administrator's authority for adopting or amending these standards comes from the city's Licensing Ordinance Chapter 4, section 400.

These standards address:

- ❖ Eligible items to be included in the garbage;
- ❖ Resident's garbage storage requirements;
- ❖ Recycling programs;
- ❖ Bulky waste, yard waste and other waste collection and disposal requirements;
- ❖ Other collection system details that are part of the city's solid waste licensing and collection system.

Section 1. Definitions

Appliances include washers, dryers, refrigerators, freezers, air conditioners, dehumidifiers, humidifiers, stoves, ranges, hot water heaters, water softeners and other, similar large household items that require electricity and/or special processing under Minnesota laws.

Bulky wastes shall have the meaning set forth in the County Master Plan and is a subset of Municipal Solid Waste; household items and other discarded materials that, due to their dimensions and weight, are typically not collected as part of the regular trash and recycling or for which there is a separate fee, such as furniture, carpeting, and mattresses and excludes appliances

Collection means the aggregation and transportation of solid waste from the place at which it is generated and includes all activities up to the time when it is delivered to a designated disposal facility.

Collection service is the process of collection and transportation of garbage, yard waste,

recyclables, bulky waste or source-separated organic materials by a licensed hauler.

Composting has the meaning set forth in Minnesota Statutes, section 115A.03, and means the controlled microbial degradation of organic waste to yield a humus-like product.

Construction debris means building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition of buildings, roads or other facilities.

Designated recyclables shall mean those materials designated as recyclables in the city recycling program in the Section 2.2 of these Standards.

Garbage shall mean all putrescible wastes, excluding animal offal, carcasses of dead animals, human excreta, sewage and other water-carried wastes.

Household garbage means garbage from residential properties.

Mixed Municipal Solid Waste has the meaning set forth in Minnesota Statutes, section 115A.03, subdivision 21, mixed municipal solid waste, and means solid waste from residential, commercial, industrial, and community activities that the generator of the waste aggregates for collection, but does not include auto hulks, street sweepings, ash, construction debris, mining waste, sludges, tree and agricultural waste, tires, lead acid batteries, motor and vehicle fluids and filters, and other materials collected, processed, and disposed of as separate waste streams.

Multiple-family dwelling or unit for purposes of this ordinance means a building or a portion thereof containing more than two (2) residential dwelling units.

Recyclable materials (recyclables) means materials that are separated from garbage for the purpose of recycling, including items such as paper, glass, plastics, metals, textiles, automobile oil, batteries, and other recyclable items as designated in the City of Newport Solid Waste Management Standards.

Residential dwelling unit is a separate dwelling place with a kitchen in buildings with two (2) or fewer units per structure.

Single-Stream Recycling (Also referred to as “single-sort recycling.”) The recycling system whereby residents set out recyclables in one container without further sorting and the materials are later processed at a central materials recovery facility, including sorting into their individual marketable commodities.

Solid waste has the meaning set forth in Minnesota Statutes, section 116.06, subdivision 22(1)(9) but is further defined for purposes of this ordinance to include garbage, recyclables, appliances, bulky waste, yard waste, and household hazardous waste items.

Source-separated compostable materials has the meaning set forth in Minnesota Statutes, section 115A.03, subdivision 32(a) and means materials that: (1) are separated at the source by waste generators for the purpose of preparing them for use as compost; (2) are collected separately from mixed municipal solid waste; and (3) are comprised of food waste, fish and animal waste, plant materials, diapers, sanitary products, and paper that is not recyclable.

Vectors of disease are animals including, but not limited, to insects, mice, rats, squirrels, crows, flies and other vermin that are capable of carrying, transmitting and/or infecting humans with disease.

Yard waste shall mean garden wastes, leaves, lawn cuttings, weeds, shrubs, and tree waste and prunings,

Section 2. Residential Recycling Program

- 2.1 All residents are required to separate and recycle all designated recyclable materials. If set out for curbside or alleyside collection, recyclable materials are to be placed in the appropriate container(s) for recycling.
- 2.2 Recyclable materials included as part of the city's single sort recycling system are established through guidelines released under the authority of the City Administrator which are consistent with the Washington County Standard List of Recyclables. The current list of recyclables includes at minimum:

PAPER

- Boxboard including corrugated cardboard (OCC)
- Envelopes- window and metal clasps acceptable
- Magazines and catalogs
- Mail, office and school papers
- Newspaper and inserts
- Phone books
- Shredded paper in closed paper bag

CARTONS

- Milk and broth cartons
- Juice boxes

METAL

- Food and beverage aluminum/tin/bimetal cans

GLASS

- Food and beverage bottles and jars

PLASTICS

- PET (#1)
 - water, soda and juice bottles
 - ketchup and salad dressing bottles
- HDPE (#2)
 - Milk and juice jugs
 - Dish soap bottles and detergent jugs
 - Shampoo, soap and lotion bottles
- PP (#5)
 - Yogurt, pudding and fruit cups
 - Margarine, cottage cheese and other tubs
- Other materials: Items that from time to time are designated as recyclable by the city.

- 2.3 Recyclable materials are to be as clean and dry as practicable between use by the resident and collection by the hauler.

- 2.4 The resident is responsible for the appropriate use and safety of the recycling containers, including both the interior and exterior of the containers. The resident shall rinse or wash the interior of the container as needed, and shall keep the containers free of odor or graffiti.
- 2.5 Recyclables may be placed at the curb or alley line for collection. Recyclables may be set out for collection no earlier than twenty four (24) hours before collection. Recyclables collection will occur between 6 a.m. and 6 p.m. Recyclables containers must be removed to their storage location no later than 6 a.m. on the day after collection.

Section 3. Residential Garbage Collection and Storage of Containers

- 3.1 Garbage collection shall occur once per week, on days and in areas designated by the city. Slight schedule changes may be made, with sufficient advance notice by the garbage hauler for major holidays, or for adverse weather conditions.
- 3.2 Garbage containers may be set out for collection no earlier than twenty four (24) hours before the collection.
- 3.3 Garbage containers must be returned to their storage location no later than 6:00 a.m. on the day after the collection day.
- 3.4 Garbage containers shall be located between dollcitions in the garage or behind the front line of the dwelling, fully screened from view from the street, and at least ten feet from any abutting dwelling or sufficiently distant so as not to be a nuisance to those properties, unless other provisions are allowed by the city due to special site conditions.

Section 4. Collection and Composting of Tree and Shrub Waste, Other Yard Waste, and Source Separated Compostable Materials

- 4.1 Yard waste shall be properly disposed of by:
 - (a) Backyard composting or in-place mulching (as by “mulching mowers”).
 - (b) Collected by a licensed hauler separate from the garbage.
 - (c) Collected by an independent lawn service.
 - (d) Taken by the resident or property owner to an approved county or private yard waste drop-off or transfer facility.
 - (e) Including yard waste in a source-separated organics collection program, if available.
- 4.2 Home lawn, garden waste, and kitchen food scraps may be composted in small quantities on a residential lot as long as the compost pile does not create a nuisance for neighbors due to objectionable odor, vectors of disease or unsightliness.
 - (a) Backyard composting must be done in a structure that prohibits the entry or nesting of rodents and vermin. Composting of meats or fats that attract rodents and vermin is prohibited in backyard composting.

- (b) Compost structures must be placed at least five feet from rear- and side-yard property lines and shall not be placed in a front yard. Compost structures shall be properly maintained and shall not be unsightly.
 - (c) Residents must follow composting operation guidelines as published by the University of Minnesota Extension Service or other reputable gardening experts.
- 4.3 Yard waste not collected by a garbage hauler or not composted by the resident, or tree limbs, stumps and roots greater than six (6) inches in diameter must be transported to a properly permitted and licensed yard waste transfer or composting facility. Exceptions to this requirement are allowed if a tree service provides for on-site chipping to produce a suitable mulch product. Such on-site chipping and mulch depositing must be prior approved by the resident or property owner.
- 4.4 Reserved for Source Separated Organics program.
- 4.5 Reserved for standards relating to separation and collection of source separated organic waste at multiple-family dwelling properties.

Section 5. Bulky Waste and Appliances

- 5.1 All bulky waste appliances and similar items not included in the garbage or recycling service shall be properly disposed of. No such items may be disposed of in streams, ponds, waterways or roadside ditches or on vacant or public land, or on property whether owned or not owned by the waste generator.
- 5.2 Upon customer request, all licensed city-contracted garbage haulers must collect and properly dispose of appliances or bulky waste within two (2) business days of a customer's request. An additional fee may be charged by the hauler for this service; the fee, if any, for such service is the responsibility of the generator of the appliances or bulky waste if known, or the property owner on whose property the item is on, and must be paid in full.
- 5.3 Electronic waste must be properly disposed of, either through special arrangements with the garbage hauler, hauling of electronic waste by the resident to a legitimate electronic waste drop off facility, take back service at a retailer, or other approved disposal method. An additional fee may be charged by the hauler for this service; the fee, if any, for such service is the responsibility of the generator of the electronic waste or the property owner on whose property the item is on and must be paid in full.

Section 6. Required Reports

Semi-annual reports and annual reports for garbage and recycling will be submitted by each licensed hauler to the City in a format prescribed by the city that is consistent with reporting requirements of Washington County. Semi-annual reports are due on the 15th of July. Annual reports are due by February 15 of the year following collection. At a minimum, the reports shall include the following information:

1. Semi-Annual Garbage Reports
 1. Total number of residential customers.
 2. Total tons of solid waste collected from residential customers in the City of Newport.
 3. Processing/Disposal facility to which solid waste collected from residential customers in the City of Newport was taken.
 4. Copies of weight tickets for all solid waste collected from residential customers in the City of Newport.

2. Semi-Annual Recycling Reports
 1. Total number of recycling stops collected, total number of possible stops (set out numbers).
 2. Weight of materials collected, by recyclable material (in tons).
 3. The processor generally used for the sale of recyclables during that month.
 4. List of addresses at which education tags were left that month.
 5. Customer information collected on routes:
 - Number of set-outs per collection/route.
 - Residents that do not participate in the recycling program.
 6. The number of complaints for the period.
 7. A list of residential customers by address. This information will be kept confidential by the City in accordance with State Law relating to privileged and proprietary information.

3. Annual Reports
 1. Recap/summary of the semi-annual reports.
 2. Total tons of solid waste and recyclables collected from residential customers in the City of Newport.
 3. Suggestions to improve the City of Newport solid waste and recycling programs.
 4. Education Materials:
 - One copy of each of the educational materials distributed to City customers.
 - Method of Distribution:
 - Dates these materials were distributed: _____ .
 - Number of people materials were distributed to: _____ .
 5. Tons of bulky waste collected from residential customers in the City of Newport.
 6. Tons of yard waste from residential customers in the City of Newport.