

ORDINANCE 223

AN ORDINANCE TO AMEND ORDINANCE 143, REGULATING THE COLLECTION OF SOLID WASTE IN THE CITY OF ARLINGTON

WHEREAS, to promote the public safety, health and welfare of the City of Arlington;

THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA, DOES ORDAIN AS FOLLOWS:

Ordinance 143 is amended to read as follows:

The City deems it to be in the best interest of the citizens, and necessary to preserve public health, safety, property values, and city streets and alleyways, to license both residential and commercial haulers of all solid waste whom operate within city limits. The City Council of the City of Arlington hereby ordains:

Section 1. That the City shall grant up to three (3) licenses authorizing haulers to pick up mixed residential solid waste within city limits. The City shall grant such licenses in its own discretion, after considering whether the services being offered, the prices for such services, and the equipment, personnel and reputation and experience of the haulers are the best available for the citizens and in keeping with city needs and policies.

Section 2. All haulers wishing to be licensed under this ordinance shall submit an application to the City Administrator on forms and at times as approved by the City Council. Licenses will be issued for a twelve month term. The yearly license fee shall be set by the City Council from time to time by resolution, and shall be paid before the license is issued. There shall be no refund of any license fee once paid. No license may be sold, transferred or assigned by the hauler to which it is issued.

Section 3. Mixed residential solid waste, for the purpose of this ordinance, is defined as waste generated by any dwelling unit of up to four separate family living quarters, to include solid waste, rubbish and garbage of any kind accumulated in the operation of a normal household. This may include organic matter such as grass, leaves and tree trimmings collected on a yard, but the City shall not require any licensee to pick up such organic material. No hazardous waste shall be included in this collection system. Licensee shall be required to offer large item pickup service for such things as sofas, mattresses, and other non-hazardous items, under a separate extra charge system.

Section 4. Recyclable materials shall be picked up at curbside in a commingled fashion as part of the service to be offered by the licensees, to be delivered back into the recycle stream in a manner and place in keeping with state and local regulations.

Section 5. No licensees shall refuse service to any residential customer because the customer cannot physically move the refuse containers to a designated pickup point. Licensees shall make available to such persons a valet pickup at the door of the residence if requested, but may charge a reasonable extra fee for such service.

Section 6. To preserve city streets and alleys, and to promote public safety and the neat appearance of the community, the City shall designate at the time of each license issuance the days of the week, times of day, and routes to be used by the licensee in conducting the collection activity, taking into consideration the needs of the customers, the reasonable convenience of the hauler, and the volume of collection needed.

Section 7. Haulers of commercial refuse, which is defined as refuse created by any residence exceeding four family living units or any business enterprise, are not allowed to operate within city limits unless they are licensed under this Ordinance. The City will limit the number of commercial haulers to six (6) within city limits. The city shall grant such licenses at its own discretion, taking into account the reputation and experience of the haulers. If more than six commercial haulers with reputation and experience acceptable to the city apply for a license under this ordinance, the first six such haulers who have submitted a completed application to the city shall be awarded said licenses.

Section 8. The City license activity under this ordinance is intended to allow the City to screen refuse haulers serving city customers, and to provide those haulers with the rules and regulations of hauling solid waste within city limits. The City shall not participate, regulate or have any responsibility for any record keeping, billing, tax payments, or any other obligations of the licensees in the normal running of their business. The licensees shall obey all county, state, federal, and any other government agency rules and regulations that pertain to their industry.

Any violation of this ordinance or the specific terms under which a license is issued under this ordinance shall be considered a misdemeanor punishable as such. Each day a violation occurs shall be considered a separate misdemeanor. The City reserves the right to cancel any license issued under this ordinance for good cause at any time, as determined by the City Council.

This Ordinance shall become effective immediately upon publication.

Adopted by the City Council of the City of Arlington on the 21st day of April, 2008.

James R. Kreft, Mayor

ATTEST:

Matthew Jaunich, City Administrator

First Reading: April 7, 2008

Second Reading: April 21, 2008

Adopted: April 21, 2008

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