

CHAPTER 50: GARBAGE AND REFUSE; DUMPSTERS

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50.01 PURPOSE AND INTENT.

The ordinance is adopted for the purpose of authorizing the City of Blooming Prairie to regulate waste collection throughout the city. This is to ensure that the disposal of waste is accomplished in a sanitary manner, ensuring healthy and sanitary conditions for residents and property owners.

50.02 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (A) **Refuse Container.** A container constructed of metal or plastic having a volume not exceeding ninety-six (96) gallons, shall be watertight, insect proof, and rodent proof, shall be of a material not easily corrodible, equipped with suitable handles and tight-fitting covers and shall be kept tightly covered when there is garbage therein. A refuse container is designed and used to contain or store solid waste or recyclables, this can include bags and totes.
- (B) **Dumpster.** A metal solid waste receptacle designed to be lifted and emptied mechanically for use primarily used for commercial and industrial businesses and construction sites.
- (C) **Solid Waste.** Any nonrecyclable material produced by any residential, commercial, institutional, or industrial use.

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50.03 GARBAGE AND REFUSE REGULATIONS.

- (A) All properties that generate solid waste are required to have a contracted hauler.
- (B) All refuse containers must be well maintained and in good working condition, displaying the name or logo and telephone number of the owner of the refuse container.
- (C) Refuse containers must be emptied at a minimum of once per week by a contracted hauler.
- (D) If one refuse container is not large enough to contain all of your garbage, contact your hauler for a larger or additional container.
- (E) The maximum size of an individual refuse container is ninety-six (96) gallons.
- (F) Refuse containers kept outside shall be maintained in such a manner as not to permit the entry of or harborage of animals, insects or other vermin and so maintained as not to be tipped over.
- (G) Refuse containers shall not be moved or placed for collection sooner than the day prior to scheduled collection, nor shall the containers be permitted to remain in the collection area for more than one day after collection.
- (H) Refuse containers must be pulled back to a structure on the property.
- (I) Refuse containers must be placed behind the curb line for collection. Containers must not be placed in the street.

50.04 DUMPSTER REGULATIONS.

- (A) Dumpsters must be well maintained and in good working condition, displaying the name or logo and telephone number of the owner of the dumpster, and be suitably supported at each contact point to prevent damage to paved surfaces.
- (B) Dumpsters must be covered when materials inside are easily airborne, pose a hazard, emit an odor, or are otherwise offensive.
- (C) Debris must be placed inside the dumpster, not alongside or on top of it.
- (D) All dumpsters are required to be emptied when **full**, or if a complaint pertaining to other sections of this ordinance have been identified, such as an offensive odor or vermin harborage.
 - a. For the purpose of this section, "**full**" is defined as when the contents of the dumpster reach an average level of one foot below the top edge of the dumpster sides. Any dumpster which has reached the full status and is not emptied within seven calendar days shall be considered in violation of this ordinance.
- (E) Cleaning of dumpsters on the street or sidewalk is not permitted.
- (F) Residential properties are prohibited from maintaining a dumpster on their property with the following two exceptions;
 - a. A residential property may have a dumpster for the purpose of home renovation or spring cleaning. A permit is required, may be renewed for up to three (3) months.
 - b. Multiple dwellings having three (3) or more family units shall be equipped with a sufficient amount of refuse containers to accommodate and securely keep all refuse and recyclables, or a dumpster that is sufficiently sized to accommodate and securely keep all refuse and recyclables that accumulate between collections. No permit required.
 - i. Dumpsters for multiple dwellings must be emptied weekly.

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50.05 DUMPSTER PERMITTING.

Dumpster permits are valid for one month in duration. A permit may be extended up to three (3) months with written permission by the city. One dumpster permit allowed per property annually.

- (A) Dumpsters for commercial and industrial businesses and construction sites are not required to obtain a permit.
- (B) Dumpsters placed in the city by non-profit organizations for special events or a city recognized disaster are exempt from obtaining a permit. However, the responsible organization and/or property owner are still subject to the rules and regulations of this ordinance.
- (C) The company owning and emptying the dumpster within city limits or the user of the dumpster must complete a dumpster permit application before placing the dumpster within the city.
- (D) A permit application is required to be completed each time a dumpster is placed at a location within a residentially zoned district, whether the dumpster is located on private property or in the right-of-way.

50.06 DUMPSTERS IN THE PUBLIC RIGHT-OF-WAY.

- (A) A dumpster placed in the public right-of-way must have a flasher or reflector on the outside corner facing traffic at all times. Where traffic may approach from either side, the dumpster must have a flasher or reflector on the outside corner of both sides. Type I or Type II barricades can be used as an alternate to flasher or reflectors.
- (B) Dumpsters shall not block a public sidewalk or be placed in a location that restricts the sight lines of an intersection. Sight lines will be determined by the Public Works Director or City Administrator.
- (C) Dumpsters placed in the public right-of-way for construction, remodeling, or demolition projects shall be removed immediately upon the completion of the project. No dumpster shall be placed in the public right-of-way for more than 30 days. An extension of the 30-day rule may be allowed with written permission from the city.
- (D) No dumpster shall be placed on streets, side of streets, or areas designated as "No Parking." Dumpsters shall not be placed in public parking lots or parks without prior written permission from the city.
- (E) The owner and/or the user of a dumpster on a public right-of-way is/are responsible for any public property, street, curb and gutter or public infrastructure damage.
- (F) No dumpster shall be placed in the public right-of-way during the "**winter snow season.**"
 - a. For the purpose of this section, "**winter snow season**" is defined as period between November 1st to April 1st.

50.07 DENIAL OF USE.

- (A) The city may deny the use of dumpsters in the public right-of-way if the dumpster is too wide to allow public safety vehicles through or due to any other traffic concerns.
- (B) The city may also deny the use of dumpsters to protect public health or safety concerns.

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50.08 VIOLATIONS.

- (A) The city may remove or have a refuse container or dumpster removed from the public right-of-way or private property, if the container is in violation of this ordinance.
 - a. The owner of the container or, if the owner cannot be determined, the person placing it in the public right-of-way shall pay all costs, fees, penalties, or other expenses incurred by the city in removal, storage fees, and disposal of any container and its contents.
 - b. If payment is not received by the city, the unreimbursed cost may be assessed against the property.
- (B) If the container is not claimed within 30 days by its owner or person responsible for placing it in the public right-of-way, it may be disposed of as abandoned property, but disposal shall not diminish the responsibility of the owner or the person responsible for placing the container in the public right-of-way to pay all amounts due.
- (C) The city shall not release a container from storage until all amounts due under this section have been paid.

50.98 PENALTY

- (A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to section 10.99 of this code of ordinances.
- (B) Any violation of this ordinance is a misdemeanor.

50.99 SEVERABILITY AND SAVINGS CLAUSE

If any section or portion of this ordinance shall be found unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, that finding shall not serve as invalidation or affect the validity and enforceability of any other section or provision of this ordinance.

Passed by the City Council of Blooming Prairie, Minnesota this 17th day of May, 2021.

Mayor

Attested:

City Administrator