

ORDINANCE # 300-007
AN ORDINANCE REGARDING ORGANIZED GARBAGE SERVICE AND
REGULATION OF GARBAGE AND REFUSE HAULERS

The City Council of the City of Hewitt does hereby ordain as follows:

SECTION 1: It is unlawful for any person to haul garbage or other refuse for hire without a license for the same from the City, or to haul garbage or other refuse from his own residence or business property other than herein excepted.

SECTION 2: The annual license fee for a garbage and refuse hauler's license shall be determined by Council and adopted annually at the time the Fee Schedule is adopted.

SECTION 3: Nothing in this Section shall prevent persons from hauling garbage or other refuse from his or her own residence or business properties provided the following rules are observed:

1. That all garbage is hauled in containers that are water-tight on all sides and the bottom with tight-fitting covers on top;
2. That all other refuse is hauled in vehicles with leak-proof bodies and completely covered or enclosed by canvass or other means so as to eliminate the possibility of loss of cargo; and
3. that all garbage and other refuse shall be dumped or unloaded only at the designated sanitary land-fill.
4. The act of hauling one's own garbage or other refuse shall not relieve said persons from the proportionate fees contemplated within this Ordinance for the organized garbage service adopted by the City.

SECTION 4: The City has, by action taken at its regular council meeting on August 13, 2014, adopted organized garbage service for its city residents.

1. The City shall issue a garbage collection franchise to one or more garbage haulers on terms and conditions that it deems to be in the best interest of the residents of the City.
2. The owners of all property located within the City that receive residential water/sewer service, shall receive organized garbage service and shall be obligated to pay the proportionate cost for such garbage service to their respective properties. The provisions of Minnesota Statutes Section 443.015 shall govern the assessment and collection of the fees associated therewith.
3. The owners of property located within the Hewitt City limits that do not receive residential water/sewer service may participate in the organized garbage service at the rates established by the hauler and approved by the City.
4. The fees to be charged for organized garbage service shall be approved by the City on an annual basis.
5. The fee to be charged for organized garbage service shall include a one dollar (\$1) per household, per month charge, which shall be retained by the City in a Refuse Operations Fund to be used to pay for refuse related expenses incurred by the City.

SECTION 5:

- 5.01: Hauler license shall be granted only upon the condition that the licensee have tight packer-type vehicles in good condition to prevent loss in transit of liquid or solid cargo, that the vehicle be kept clean and as free from offensive odors as possible and not allowed to stand on any street longer than reasonable necessary to collect garbage or refuse, and that the same be dumped or unloaded only at the designated sanitary landfill, and strictly in accordance with regulations relating thereto.

- 5.02: Before a garbage and refuse hauler's license shall be issued, the applicant shall file, with the City Clerk, evidence that he or she has provided public liability insurance on all vehicles in at least the sum of \$500,000.00 for the injury of one person, \$1,000,000.00 for the injury of two or more persons in the same accident and \$100,000.00 for property damages. Said policy shall carry an endorsement that the policies will not be canceled or terminated without first giving written notice to the City at least ten (10) days prior to the proposed cancellation.
- 5.03: Licensees shall deliver all refuse to the sanitary land-fill and shall be required to pay non-resident rates for any refuse collected outside the City Collection outside the City and failure to pay non-resident rates therefor shall be grounds for revocation of the license.
- 5.04: The Council, in the interest of maintaining healthful and sanitary conditions in the City, hereby reserves the right to specify and assign certain areas for all licensees, and to limit the number of licenses issued.
- 5.05: Each applicant shall file with the City Clerk, before a garbage and refuse hauler's license is issued or renewed, a schedule of proposed rates to be charged by him or her during the licensing period for which an application is made. The schedule of proposed rates shall be approved by the City Council before granting the license. Nothing herein shall prevent a licensee from petitioning the Council for reviewing such rates during the license period, and the Council shall likewise consider such petition and make such new rates effective at any time. No licensee shall charge rates other than rates approved by the Council.

SECTION 6: Any person or persons violating any of the provisions of this Chapter shall, upon conviction thereof, be subject to penalty as set for in Ordinance #100-004.

Passed and adopted by a majority vote of the City Council of the City of Hewitt this 10th day of February, 2015.

By: Juanita Mitchell, Mayor

Attest: Michael Dagen, Clerk/Treasurer