

Minutes of the Proceedings of the City Council of the City of Champlin in the County of Hennepin and the State of Minnesota
Pursuant to Due Call and Notice Thereof

Regular Session
May 27, 2025
Municipal Center

Call to Order	The Champlin City Council met in Regular Session and was called to order by Mayor Ryan Sabas at 7:00 p.m.
Pledge of Allegiance	The Pledge of Allegiance was recited.
Roll Call	<p>Present: Mayor Ryan Sabas and Councilmembers Jessica Tesdall (Ward 1), Tom Moe (Ward 2), Nate Truesdell (Ward 3), and Tim LaCroix (Ward 4).</p> <p>Absent: None.</p> <p>Also present were City Administrator Jenny Max, Finance Director Shelly Peterson, Community Development Director Scott Schulte, Fire Chief Ted Massicotte, City Attorney Dave Schaps, and City Engineer Heather Nelson.</p>
Approval of Agenda (May 27, 2025) Motion	Motion by Councilmember Moe and seconded by Councilmember LaCroix to approve the agenda for the May 27, 2025, Regular Meeting as presented. Voting in favor were Mayor Sabas, Councilmembers Tesdall, Moe, Truesdell and LaCroix. Voting against: none. Motion carried.
Approval of Minutes Motion	Motion by Councilmember Tesdall and seconded by Councilmember Truesdell to approve the minutes of the May 12, 2025, Worksession and May 12, 2025, Regular Session Meeting as presented. Voting in favor were Mayor Sabas, Councilmembers Tesdall, Moe, Truesdell and LaCroix. Voting against: none. Motion carried.
Ratification of Payments (May 27, 2025) Motion	Motion by Councilmember Truesdell and seconded by Councilmember LaCroix to approve ratification of payments as submitted on May 27, 2025. Voting in favor were Mayor Sabas, Councilmembers Tesdall, Moe, Truesdell and LaCroix. Voting against: none. Motion carried.
Announcements	<p>Mayor Sabas made the following announcements:</p> <ul style="list-style-type: none">• Council Special Worksession – Thursday, June 5th at 7:30 a.m. in the Council Conference Room• Council Worksession – Monday, June 9th at 5:00 p.m. in the Council Conference Room• City Council Meeting – Monday, June 9th at 6:00 p.m. in the Council Chambers• The 2025 MC Summer Series kicks off next Thursday, June 5th, with hometown country star Anderson Daniels. Join us riverside at Mississippi Crossings for free live music and food trucks on Thursdays at 6 p.m. all summer long.• Father Hennepin Festival Week is June 9th – 15th. Join us for the annual medallion hunt, carnival, parade, fireworks, live music, and more. Visit Fatherhennepinfestival.com to learn more and purchase concert tickets.• The 2025 Farmers Market returns to the Ice Forum on June 17th, every Tuesday from 2 p.m. to 6 p.m., through September. Come shop fresh, local goods weekly!• Welcome to the new City Administrator.
Presentation of the 2024 Financial Report	<p><u>Special Presentations</u></p> <p>The Finance Director stated that Redpath and Company performed the 2024 Audit and introduced the representative present to review the report.</p> <p>Rebecca Peterson, Redpath and Company, presented the City's 2024 Financial Audit results.</p> <p>Councilmember Moe thanked the Finance Director and her team for the excellent work they do on behalf of the City, and also thanked Ms. Peterson for her work.</p>

The Finance Director commented that the two large spikes for the water fund were related to painting the water tower. She stated that the goal is to establish rates that support the capital needs moving forward.

Update on the 2025 Street Improvement Projects

The City Engineer provided a brief update on the 2025 Street Improvement Projects.

Overview of Worksession Discussion

The City Administrator provided a brief overview of the discussion that occurred earlier in the evening at the Council Worksession regarding:

- The Council received a presentation from the Police Chief related to a request to provide a member to the Hennepin County Emergency Response Team. The Council provided consensus to move forward, and the item is on the Consent Agenda for action tonight.

Consent Agenda

Councilmember Truesdell requested to pull Item 9.7, Accept Resignation/Retirement of Full-Time Building Official, from the Consent Agenda for further discussion.

Councilmember Tesdall requested to pull Item 9.5, Appointment of Full-Time Building Official, from the Consent Agenda for further discussion.

Mayor Sabas requested to pull Item 9.6, Amend Council Bylaws Regarding City Council Meeting Start Time, from the Consent Agenda for further discussion.

Receive the Comments from the City's Independent Auditor and Accept the 2024 Financial and Audit Reports Motion

Motion by Councilmember Moe and seconded by Councilmember LaCroix to receive the comments of the City's independent auditor and accept the 2024 Financial and Audit Reports. Voting in favor were Mayor Sabas, Councilmembers Tesdall, Moe, Truesdell and LaCroix. Voting against: none. Motion carried.

Appointment to the Environmental Resources Commission Motion

Motion by Councilmember Moe and seconded by Councilmember LaCroix to appoint Mr. Andrew Kessler to the Environmental Resources Commission. Voting in favor were Mayor Sabas, Councilmembers Tesdall, Moe, Truesdell and LaCroix. Voting against: none. Motion carried.

Approve Change Order No. 1 for the 109th Avenue Reconstruction Project 1, Improvement Project No. 21606 Motion

Motion by Councilmember Moe and seconded by Councilmember LaCroix to approve Change Order No. 1 for the 109th Avenue Reconstruction Project 1, Improvement Project No. 21606 to North Pine Aggregate, Inc. in the amount of \$126,250. Voting in favor were Mayor Sabas, Councilmembers Tesdall, Moe, Truesdell and LaCroix. Voting against: none. Motion carried.

Approve Final Payment to Hydro-Klean for the Sewer Rehabilitation Project, Improvement Project No. 22310 Motion

Motion by Councilmember Moe and seconded by Councilmember LaCroix to approve Final Payment to Hydro-Klean for the Sewer Rehabilitation Project, Improvement Project No. 22310, in the amount of \$32,779.60. Voting in favor were Mayor Sabas, Councilmembers Tesdall, Moe, Truesdell and LaCroix. Voting against: none. Motion carried.

Appointment of Full-Time Building Official Motion

Councilmember Tesdall commented that Jerry Hart will be replaced with another full-time Building Official and is pleased that residents will still receive the same level of service rather than moving to a consulting firm.

The Community Development Director commented that they found a great candidate and are excited to welcome him to the team. He stated that they did review other options for building services but decided that a full-time position in-house is more cost-effective and provides the highest level of services.

Motion by Councilmember Truesdell and seconded by Councilmember Tesdall to authorize the appointment of Austin Rademacher to the position of full-time Building Official, subject to successful

completion of a background investigation with an anticipated start date of June 30, 2025. Voting in favor were Mayor Sabas, Councilmembers Tesdall, Moe, Truesdell and LaCroix. Voting against: none. Motion carried.

Amend Council Bylaws
Regarding City Council
Meeting Start Time
Motion

Mayor Sabas noted that this action will change the Council meeting start time to 6:00 p.m. as a trial during the summer months. He noted that the Council will revisit the topic in August or September to evaluate and determine if the time should remain at 6:00 p.m. or change back to 7:00 p.m.

Motion by Councilmember Truesdell and seconded by Councilmember LaCroix to change the meeting time from 7:00 p.m. to 6:00 p.m. and the worksession meeting time from 6:00 p.m. to 5:00 p.m. Voting in favor were Mayor Sabas, Councilmembers Tesdall, Moe, Truesdell and LaCroix. Voting against: none. Motion carried.

Accept
Resignation/Retirement of
the Full-Time Building
Official
Motion

Councilmember Truesdell commented that Jerry Hart has been with the City for 41 years, and he has been a wonderful person to work with and will be missed. He wished him well in his retirement.

Mayor Sabas echoed the comments of appreciation and thanks for the work Jerry Hart has done for the community. He stated that Jerry Hart will be the Grand Marshall of the Father Hennepin parade this year.

Councilmember Moe commented that Jerry Hart helped people to understand the why and how of the Building Code and noted that the residents will miss his wealth of knowledge.

Motion by Councilmember Truesdell and seconded by Councilmember Tesdall to accept the resignation/retirement of Jerry Hart, effective June 27, 2025. Voting in favor were Mayor Sabas, Councilmembers Tesdall, Moe, Truesdell and LaCroix. Voting against: none. Motion carried.

Enter into a Memorandum
of Understanding with
Hennepin County
Sheriff's Office to Provide
a Member for Their
Emergency Response Unit
(SWAT)
Motion

Motion by Councilmember Moe and seconded by Councilmember LaCroix to direct staff to enter into a Memorandum of Understanding with the Hennepin County Sheriff's Office to provide a member for their Emergency Response Unit (SWAT). Voting in favor were Mayor Sabas, Councilmembers Tesdall, Moe, Truesdell and LaCroix. Voting against: none. Motion carried.

Waive First Reading,
Conduct Second Reading
and Adopt Ordinance
Amending Chapter 46 –
Solid Waste and
Authorize Use of a
Publication Summary
Ordinance No. 914

Councilmember Moe introduced the following ordinance, waiving the first reading, conducting the second reading, and moving its adoption:

An Ordinance Amending Chapter 46 – Solid Waste and Authorizing Use of a Publication Summary

The motion for the adoption of the ordinance was duly seconded by Councilmember LaCroix, and upon vote being taken thereon, the following voted in favor thereof: Mayor Sabas, Councilmembers Tesdall, Moe, Truesdell and LaCroix, and the following voted against the same: none, whereupon said ordinance was passed this 27th day of May 2025.

Open Forum

Sheila Kenyan, 6458 109th Place N, stated that she is representing her neighbors tonight and shared concerns with the drastic changes that have occurred in their neighborhood. She stated that in 2019, they noticed one house a block over with signs in the window, which was followed by a lot of police activity in the street. She stated that in 2020, a house on their block went up for sale, and the new owner commented that the house would be rented as an Airbnb until she received licensing to become an assisted living facility. She commented that the police presence has now moved to their street, and one of the first residents of the home was a registered sex offender. She commented that another tenant of the property refused to take his medications and often wandered the streets, which brought about police presence and resulted in an arrest in the street. She stated that the home has also received a report from the Minnesota Department of Health, as the home was found to have no staff presence. She stated that this is not normal and the community needs to stand up for its residents and push for more control over what happens in the neighborhoods. She stated that residents should feel safe in their homes and have their children outside.

Mayor Sabas commented that this Council and the City truly want to be a partner in the issues facing not just this neighborhood but many neighborhoods in the community. He stated that they have been working with the House and Senate representatives on this topic and encouraged the residents to reach out to those elected officials, as they are the ones who need to change the laws. He commented that many other communities are experiencing the same issues with group homes. He commented that the number one priority for the Council and Police is to have a safe community; they do not want to have these issues in neighborhoods and will continue to work with the legislative representatives.

First Reading of
Amendments to Chapter
30 – Licenses, Permits and
Miscellaneous Business
Regulations, Article XIII
Mobile Food Units

New Business

The Fire Chief stated that Deputy Fire Chief Andy Winkel has been working with the Anoka County Fire Protection Council to create a fire inspection program for food truck vendors. The City of Champlin's current food truck licensing process includes verification of an electrical inspection but does not include a fire inspection. The creation of a Fire Inspection Program will help to standardize inspections, and training has been provided for fire department personnel to ensure consistency.

Councilmember Moe asked if this would apply to only food trucks that prepare hot foods, or whether it would apply to all mobile food vendors.

The Fire Chief replied that this would apply to any mobile food vendor licensed under City Ordinance.

Mayor Sabas recognized that Champlin is outside of Anoka County but will be included in the reciprocity of the Anoka County program because of its involvement in the Anoka-Champlin Fire Department.

The Fire Chief commented that there are other communities in Hennepin County that are interested in joining as well.

Councilmember Tesdall asked for more details on how inspections will occur.

The Fire Chief replied that the vendor would schedule an appointment at one of the two locations for inspection, and that information would then be provided to the City when they apply for the vendor's license.

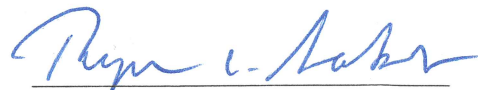
Motion

Motion by Councilmember Truesdell and seconded by Councilmember Moe to approve the first reading of amendments to Chapter 30 – Licenses, Permits, and Miscellaneous Business Regulations, Article XIII Mobile Food Units, to add a Fire Inspection to the licensing process. Voting in favor were Mayor Sabas, Councilmembers Tesdall, Moe, Truesdell and LaCroix. Voting against: none. Motion carried.

Adjournment

The Champlin City Council adjourned the regular meeting at 7:42 p.m.

Attest:


Ryan Sabas, Mayor


Julie Tembreull, Executive Assistant/City Clerk

Councilmember Moe introduced the following ordinance, waiving the first reading, conducting the second reading, and moving its adoption:

**CITY OF CHAMPLIN
COUNTY OF HENNEPIN
STATE OF MINNESOTA**

ORDINANCE NO. 914

**AN ORDINANCE AMENDING CHAPTER 46 SOLID WASTE AND AUTHORIZING USE
OF A PUBLICATION SUMMARY**

ARTICLE I. IN GENERAL

Secs. 46-1—46-1~~2~~8. Reserved.

Sec. 46-13. Solid Waste Management

This chapter shall be known and may be cited as the Solid Waste Management Ordinance and will be referred to as “this chapter.”

Sec. 46-14. Purpose and intent.

a) The purpose and intent of this ordinance is to:

- 1) Ensure that that the organized collection program of solid waste is conducted in an orderly fashion to avoid adverse effects on public health, welfare, safety and the environment.
- 2) Promote the health, safety, and general welfare of the citizens of Champlin, and enhance and preserve the quality and value of resources by the proper management of solid waste.
- 3) Aid and promote the processing of recyclable materials and organic materials by means other than deposit in a landfill or by incineration at a waste-to-energy facility.
- 4) Encourage and improve opportunities for waste reduction, reuse, recycling, and organics recycling.

Sec. 46-15. Definitions

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authorized private receptacle means a receptacle designated for the storage and collection of litter.

Authorized recycling program means a program for the collection and recycling of recyclable materials that are instituted, sponsored, authorized or controlled by the city.

Approved container means a container authorized by the city for refuse, recycling, organics recycling, or yard waste use.

Backyard means the area between a line created by extending the rear face of the principal building and the rear lot line.

Bulk waste means large household items that are too large to fit in a collection container.

City means the City of Champlin.

Collection means the aggregation of material from the place at which it is generated and includes all activities up to the time the material is delivered to a licensed facility.

Collection container means the receptacle that is provided, designated, and serviced by the hauler for the collection of any solid waste, including but not limited to barrels, carts, dumpsters, roll-off containers, or compactors.

Collection service means the private operation engaged in collection and transportation of solid wastes.

Collectors means any persons who own, operate or lease vehicles for the purpose of collection and transportation of any type of solid waste.

Commercial building means any building, or portion of a building, containing one or more commercial establishment, that is subject to the requirements of the building and fire codes approved for an occupancy use other than residential occupancy.

Commercial establishment means a commercial or industrial enterprise of any kind, and includes clubs, schools, places of worship or assembly, and nonprofit organizations.

Compost is the product resulting from composting.

Compostable materials mean organic material that can undergo the process of composting to produce compost.

Composting is the controlled biological decomposition of organic materials. It is an aerobic method of speeding natural decomposition.

Construction demolition debris means any waste building materials, packaging and rubble resulting from the construction, repair and demolition of buildings.

Dwelling means a building or portion thereof, but not including a house trailer or mobile home, designed or used exclusively for residential occupancy, including one-family, two-family, and multiple-family dwelling units, but not including hotels, motels, nursing homes, or boardinghouses .

Dwelling unit means one or more rooms in a dwelling or apartment hotel designed for occupancy by one family for living purposes and having its own permanently installed cooking and sanitary facilities.

Electronics means computers, including tablet computers and laptops, peripherals, printers, facsimile machines, DVD players, video cassette recorders, video display devices, and other devices as required under the Minnesota Electronics Recycling Act.

Facility means any resource recovery facility, or related transfer station, or similar facility to which solid waste or recyclable materials are delivered for disposal or processing.

Garbage means the portion of solid waste that is not separated at the source by the generator for the purpose of reuse, recycling, or organics recycling.

Garbage hold means a temporary suspension of all solid waste services for an extended period of time, at minimum four consecutive weeks.

Generation means the act or process of producing waste.

Generator means any person or entity producing waste.

Handbill means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature.

Hauler means a licensed collector or transporter of solid waste, including refuse, recyclable materials, organic recyclable materials, and yard waste.

Hazardous waste means any waste material in any form which because of its quantity, concentration, or characteristics may cause or significantly contribute to an increase in mortality or an increase in serious illness or

pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. Categories of hazardous waste materials include, but are not limited to explosives, flammables, oxidizers, poisons, irritants, and corrosives.

Incinerator means a permitted facility used for the destruction of solid waste by fire.

Litter means refuse as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

Major appliances means clothes washers and dryers, dishwashers, hot water heaters, heat pumps, furnaces, garbage disposals, trash compactors, conventional and microwave ovens, ranges and stoves, air conditioners, dehumidifiers, refrigerators, and freezers.

Multifamily dwellings means any building containing more than four dwelling units, but does not include rooms in motels, hotels, nursing homes or boardinghouses.

Newspaper means any newspaper of general circulation as defined by general law, any newspaper duly entered with the United States Post Office, in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, shall mean and include any periodical or current magazine regularly published with no less than four issues per year, and sold to the public.

Organic materials means the portion of solid waste that is separated at the source by the generator for the purpose of composting, or anaerobic digestion, and may include food scraps, plant materials, and compostable products.

Organized collection program means an authorized program for the collection of solid waste from single-family residential buildings in the city, and which is contracted for, instituted by, and coordinated by the city.

Park means any park, reservation, playground, beach, recreation center or any other public area in the city, owned or used by the city and devoted to active or passive recreation.

Private premises means any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walkway, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

Public place means any and all streets, sidewalks, trailways, walkways, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds, and buildings.

Recyclable materials mean the portion of solid waste that is separated at the source by the generator for the purpose of recycling and is comprised of materials deemed recyclable by a local materials recovery facility or Hennepin County and City solid waste staff in collaboration with local materials recovery facilities.

Recyclable materials processing facility means a facility established and used for the receiving, storage, preparing, or processing of recyclable materials for sale or reuse.

Refuse means all putrescible and non-putrescible solid wastes (except body wastes) including garbage and rubbish.

Responsible party means the owner, or their designee, of a commercial or multi-family building or complex.

Rubbish means all inorganic non-putrescible solid wastes consisting of both combustible and noncombustible wastes and sweeping nonreusable waste.

Scavenging means the unauthorized removal of solid waste materials that have been set out specifically for collection services.

Single-family residential building means any residential building consisting of four or fewer separate dwelling units.

Solid waste means refuse, recyclable materials, organic materials, yard waste, appliances, bulk waste, and other waste from residential or commercial buildings, and activities thereof, that the generator of the material

aggregates for collection, but does not include construction demolition debris, hazardous waste, dirt, rocks, sod, or sewage sludge.

Source separation means the separation of recyclable materials, organic recyclable materials, and yard wastes from solid waste at the source of generation.

State means the State of Minnesota.

Yard waste means compostable plant material including grass clippings, leaves, weeds, garden plants, and brush and branches under four inches in diameter and four feet in length.

Waste means all solid waste, sewage sludge, and hazardous waste.

Sec. 46-16. Collection and transportation of solid waste within the city.

- a) Any person or party engaging in the business of solid waste collection within the city shall be done in compliance with all applicable ordinances of the city.
- b) The owner or occupant of any premises at which solid waste has accumulated, persons who desire to dispose of solid waste not collected by the city, and solid waste collectors from outside of the city who desire to haul over the streets of the city, shall:
 - 1) Use a vehicle provided with a tight cover and so operated and maintained as to prevent offensive odors escaping therefrom, and solid waste from being blown, dropped, or spilled from the vehicle.
 - 2) Keep receptacles on vehicles and all equipment used in the performance of the work in a clean, sanitary condition and as free from offensive odors as possible.
 - 3) Not be allowed to stand in any street, alley, or other place longer than is reasonably necessary to collect solid waste.
 - 4) Comply with ordinances of the city and laws or regulations of the state relating to sanitation and collection of solid waste.
- c) This chapter does not prohibit the following activities:
 - 1) The owner or occupant of any premises at which solid waste has accumulated from giving away, selling or otherwise disposing of such solid waste in accordance with the provisions of this chapter and with any other applicable law or ordinances.
 - 2) Solid waste collectors from collecting solid waste from commercial or multi-family buildings within the city.

Sec. 46-17. Disposal prohibitions.

- a) Solid waste or any other materials may not be disposed of by the following means:
 - 1) Private incineration. No solid waste, construction demolition debris or hazardous waste shall be disposed of by burning except in an incinerator of an approved type as regulated and permitted by the state.
 - 2) Dumping. No solid waste, construction demolition debris, hazardous waste, dirt, rocks, or sod shall be disposed of by dumping or disposal at or on any place within the city.
 - 3) Scattering of solid waste or littering. No person shall cast, spill, place, sweep, deposit, or bury anywhere within the city any solid waste, construction demolition debris or hazardous waste in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway, or other public place, or into any other premises within the city.
- b) The following materials, but not limited to, require special disposal methods, and may not be deposited through regular solid waste collection:
 - 1) Major appliances, automobile or truck tires, video display devices. In accordance with state law, these items may not be disposed and must be properly recycled.

- 2) Hazardous waste materials. Hazardous waste materials shall be properly discarded as directed by the city, Hennepin County, or the state.
- 3) Explosive or highly flammable materials. Explosive or highly flammable material shall be disposed of as directed by the fire chief at the expense of the owner or possessor.
- 4) Infectious disease materials. Materials such as, but not limited to, bedding, wearing apparel or utensils from residential or commercial buildings where highly infectious or contagious diseases are present shall be disposed of as directed by the Minnesota Department of Health at the expense of the owner or possessor.

Sec. 46-18. Scavenging

- a) Ownership of solid waste set out for collection shall remain with the person who set out the materials until removed by the collector. The person who set out the material is totally responsible for proper preparation, handling, and storage. Ownership and responsibility for the proper handling of the solid waste shall vest in the collector upon removal thereof by the collector.
- b) Any person, firm or corporation which shall take, collect, or scavenge solid waste set out for collection within the city, without first having been authorized hereunder to do so, is guilty of a misdemeanor.

Sec. 46-19. Enforcement.

When a violation of this chapter has occurred, the resident or responsible party shall be subject to Chapter 34 of the city code.

ARTICLE II. LITTER CONTROL¹

Sec. 46-19. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Aircraft means any contrivance now known or hereafter invented, used or designated for navigation or for flight in the air. The term "aircraft" shall include helicopters and lighter than air dirigibles and balloons.

Authorized private receptacle means a receptacle designated for the storage and collection of litter.

Garbage means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Handbill means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature.

Litter means garbage, refuse, and rubbish as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

Newspaper means any newspaper of general circulation as defined by general law, any newspaper duly entered with the United States Post Office, in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, shall mean and include any periodical or current magazine regularly published with no less than four issues per year, and sold to the public.

Park means any park, reservation, playground, beach, recreation center or any other public area in the city, owned or used by the city and devoted to active or passive recreation.

Private premises means any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walkway, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

Public place means any and all streets, sidewalks, trailways, walkways, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds, and buildings.

Refuse means all putrescible and nonputrescible solid wastes (except body wastes) including garbage, rubbish, trash, ashes, street cleanings, dead animals, junk, abandoned automobiles, and solid market and industrial wastes.

Rubbish means nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, wood, glass, bedding, crockery, and similar materials.

Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

(Code 1977, § 8-701)

Sec. 46-20. Public places.

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the city except in public receptacles or in authorized private receptacles for collection.

(Code 1977, § 8-702)

Sec. 46-21. Placement of litter in receptacles.

- (a) Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from getting out of the receptacle by reason of the elements.

Single-family through four-~~dwelling~~ unit ~~townhome~~ property owners/renters shall be required to use refuse and recycling collection containers ~~the garbage cart and recycling cart~~ provided for the disposal and collection of all refuse, recyclables, litter, and garbage.

Townhome Property owners/renters in complexes greater than four dwelling units shall be required to place their refuse, recyclables, organic recyclables, and litter in a collection container ~~refuse, litter and garbage in a cart~~ substantially similar to the collection containers used city-issued carts for single-family through four-unit ~~townhomes properties~~. A collection container ~~cart or bin~~ shall be required for recyclables; however, they may use a one sort containers cart or two sort containers bin for recyclables.

Oversized items and extra pick-up orders may be set out next to the regular refuse and recycling collection container cart on a periodic basis as needed and only for a period of not more than 24 hours before the scheduled pick-up.

- (b) Refuse, recyclables, organics recyclables, and yard waste collection containers ~~Refuse, recyclables, litter and garbage~~ shall not be placed adjacent to any street, except for the sole purpose of collection, and then only for a period of not more than 24 hours before the scheduled pick-up. Refuse, recyclables, organics recyclables, and yard waste collection containers ~~Refuse, recyclables, litter and garbage~~ shall not be stored in the area between the street and the front plane of the house or garage.

(Code 1977, § 8-703; Ord. No. 703, 10-25-2010; Ord. No. 711, 7-11-2011)

Sec. 46-22. Resident's duty to keep sidewalks free of litter.

Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

(Code 1977, § 8-703)

Sec. 46-23. Merchants' duty to keep sidewalks free of litter.

Persons owning or occupying places of business within the city shall keep the sidewalk in front of their business premises free of litter.

(Code 1977, § 8-704)

Sec. 46-24. Throwing or distributing handbills in public places.

No person shall hand out or distribute any handbill to any person not willing to accept it.

(Code 1977, § 8-705)

Sec. 46-25. Placing handbills on vehicles.

No person shall throw or deposit any handbill in or upon any vehicle; provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof, a handbill to any occupant of a vehicle who is willing to accept it.

(Code 1977, § 8-706)

Sec. 46-26. Handbills on uninhabited or vacant premises.

No person shall throw or deposit any handbill in or upon any private premises that are temporarily or continuously uninhabited or vacant.

(Code 1977, § 8-707)

Sec. 46-27. Prohibiting distribution of handbills where properly posted.

No person shall throw, deposit or distribute any handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed on said premises, in a conspicuous position near the entrance thereof, a sign bearing the words "no trespassing," "no peddlers or agents," "no advertisement," or any similar notice, indicating in any manner that the occupants of said premises do not desire to be molested or have their right of privacy disturbed, or to have any such handbills left upon such premises.

(Code 1977, § 8-708)

Sec. 46-28. Distributing commercial and noncommercial handbills at inhabited private premises.

- (a) No person shall throw, deposit or distribute any handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant, or other person then present in or upon such private premises.
- (b) In case of inhabited private premises which are not posted, as provided in section 46-27, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises, if such hand-bill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets, or other public places. Mailboxes may not be so used when so prohibited by federal postal law or regulations.
- (c) The provisions of this section shall not apply to the distribution of mail by the United States, nor to newspapers (as defined in section 46-19) except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

(Code 1977, § 8-710)

Sec. 46-29. Posting notices prohibited.

No person shall post or affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any lamp post, public utility pole or shade tree, or upon any public structure or building, except as may be authorized or required by law.

(Code 1977, § 8-712)

Sec. 46-30. Owner to maintain premises free of litter.

The owner or person in control of any private property whether occupied or vacant shall, at all times, maintain the premises free of litter; provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection, and provided, further, that the owner or person in control of any private property shall keep all receptacles tightly covered when such receptacles have any litter stored therein.

(Code 1977, § 8-715)

Secs. 46-31—46-48. Reserved.

ARTICLE III. COLLECTION AND DISPOSAL²

Sec. 46-49. Generally. Definitions.

Every property shall in a sanitary manner, separate and dispose of solid waste that may accumulate upon the owner or occupants' property by entering into an agreement with a hauler or by arranging service through a City contract to provide refuse and recycling collection service in accordance with Minn. Statute 115A.941- Solid Waste Required Collection, Chapter 443 – Rubbish Removal, and Hennepin County Ordinance 13.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authorized recycling program means a program for the collection and recycling of recyclable materials that are instituted, sponsored, authorized or controlled by the city.

Dwelling means a building or portion thereof, but not including a house trailer or mobile home, designed or used exclusively for residential occupancy, including one-family, two-family, and multiple-family dwelling units, but not including hotels, motels, boardinghouses or lodginghouses. The term "dwelling" shall include only that portion of the structure attached to the primary unit and shall specifically exclude detached garages and other buildings.

Garbage means organic waste resulting from the preparation of food and decayed and spoiled food from any source.

Recyclables means and includes newsprint, corrugated and ledger paper, plastics, tin cans, aluminum, used motor oil, glass and other metal goods and other items identified as reusable or reprocessable materials, to include yard waste (i.e., leaves, grass clippings, each separated and acceptable for collection or deposit).

Refuse means and includes garbage and rubbish.

Rubbish means all inorganic solid waste such as ashes and sweeping nonreusable waste.

Scavenging means the unauthorized collection of recyclable materials that have been set out by residents of the city specifically for participating in authorized recycling programs.

(Code 1977, § 8-801; Ord. No. 601, 9-13-2004)

²State law reference(s) — Mandatory that city provide for solid waste collection, Minn. Stats. § 115A.941; rubbish removal, Minn. Stats. ch. 443.

Sec. 46-50. City-contracted collection. General regulations.

The provisions of this Article notwithstanding, the city, at any time, and from time to time, may contract with a hauler for collection of solid waste from some or all single family through multi-family buildings. If the city so contracts, solid waste shall be collected from the premises by the hauler under contract with the city and on terms and conditions set out in such contract.

~~(a) — Refuse in streets, etc. No person shall place any refuse in any street, alley or public place or upon any private property, except in proper containers for collection. No person shall throw or deposit refuse in any stream or other body of water or in such manner as to cause litter or contamination of the environment.~~

~~(b) — Scattering of refuse; composting. No person shall bury any refuse in the city, except in an approved and licensed sanitary landfill.~~

~~(1) — Compost upon private property.~~

~~a. — Leaves, grass clippings, and easily biodegradable, nonpoisonous garbage may be composted on the premises where such refuse has been accumulated.~~

~~b. — A compost area must be fully confined within a fenced area or enclosed structure. The fencing material must be of a type generally permitted for residential fencing. Property over one acre in size is exempt from the fencing requirement.~~

~~c. — A compost area must be located and designed so that seepage from the compost will not funnel off into public or private streets, storm sewers, drainage ditches, water retention basins, wetlands, streams, lakes or ponds. No compost area may be placed within 25 feet of any body of water or area designated as floodplain, shore land or state protected wetlands.~~

~~d. — A compost area may not be located in any front yard and must be at least five feet from any side or rear lot line and be no closer than 20 feet from any dwelling unit located on adjacent property.~~

~~e. — A compost area may not exceed five cubic yards in volume and may not exceed five feet in height.~~

~~f. — Compost containing garbage may be composted only in a rodent proof structure; and in an otherwise sanitary manner; and only after the council gives its approval to such composting and only after it finds that such composting will be in accordance with these and other health standards.~~

~~(2) — Compost for collection. No persons shall combine for disposal clean grass clippings and leaves, but shall separate from garbage, in approved containers, for separate collection and composting.~~

~~(c) — Disposal required. Every household or occupant or owner of any residence, an owner of any commercial or industrial establishment shall, in a sanitary manner, dispose of refuse that may accumulate upon the owner or occupant's property.~~

~~(d) — Participation required. All residential, single through four unit dwellings shall be required to participate in the residential collection system, in accordance with the negotiated written contract or bid, except when the primary use of the parcel is commercial or industrial and the residential structure is secondary to the business operation.~~

~~(Code 1977, § 8-802; Ord. No. 601, 9-13-2004)~~

Sec. 46-51. Method of collection.

The city may, by negotiated written contract or bid, provide exclusive collection of refuse and recyclables for dwellings containing not more than four dwelling units.

(1) — *Billing.* The city shall impose, bill and collect reasonable charges for such collection services as set forth in chapter 22. Any amount past due for collection charges may be collected by the city in a civil action

or the city may certify to the county auditor the amount due together with a legal description of the premises served. The county auditor shall thereupon enter such amount as a charge against said premises payable together with the tax levied on said premises, to be collected in the next year. This assessment shall include a penalty of ten percent of the unpaid charge or \$5.00, whichever is the larger, and shall bear interest at the rate of six percent per annum.

- (2) ~~Penalty for late payment.~~ If the monthly service charge is not paid when due, a penalty of ten percent shall be added thereto.

(Code 1977, § 8-803; Ord. No. 601, 9-13-2004)

~~Sec. 46-52. Other specifics incorporated into contract or bid.~~

The following provisions shall be prescribed by and incorporated into the negotiated contract or bid, and may be subject to change from time to time:

- (1) ~~The container size, description and placement of container for collection;~~
- (2) ~~Specific zones within the city for collection;~~
- (3) ~~The frequency and specific day/certain of collection within zones; and~~
- (4) ~~Other collection specifics, including costs to be billed for collection.~~

(Code 1977, § 8-805; Ord. No. 601, 9-13-2004)

~~Sec. 46-53. Recycling.~~

- (a) ~~Definitions.~~ The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

~~Approved container~~ means a container authorized by the city for recycling use.

~~Can recycling~~ means all disposable containers fabricated of tin, aluminum or any other metal.

~~Collection~~ means the aggregation of waste or recyclable materials from the place at which it is generated and includes all activities up to the time the materials are delivered to a facility.

~~Collectors~~ means any persons who own, operate or lease vehicles for the purpose of collection and transportation of any type of mixed municipal solid waste or recyclables.

~~Compostable materials~~ means organic material consisting of grass clippings, leaves and other forms of organic yard waste.

~~Corrugated recyclables~~ means paper products that are manufactured in layered form with a core of ridges.

~~Facility~~ means any resource recover facility, or related transfer station, or similar facility to which solid waste or recyclable materials are delivered for disposal or processing.

~~Fixed costs of recycling~~ means the costs of administration of the recycling program, promotion, coordination, billing and provision of containers.

~~Garbage~~ means animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of foods.

~~Generation~~ means the act or process of producing waste as defined in Minn. Stats. § 115A.03, subd. 11.

~~Generator~~ means the act or process of producing waste as defined in Minn. Stats. § 115A.03, subd. 12.

~~Glass recyclables~~ means and includes jars, bottles and containers that are transparent or translucent and primarily used for packaging and bottling.

Hauler means a collector or transporter of mixed municipal solid waste, recyclable materials, and/or yard waste.

Mixed municipal solid waste means garbage, rubbish, refuse and other solid waste from residential, commercial, industrial and community activities which is generated and collected in aggregate, but does not include: auto hulks, street sweepings, ash, construction debris, mining waste, sludge, tree and agricultural wastes, tires and other materials collected, processed and disposed of as separate waste streams, or source-separated compostable materials.

Multifamily dwellings means any building containing more than four dwelling units, but does not include rooms in motels, hotels, nursing homes or boardinghouses.

Paper recyclables includes paper of the type commonly referred to as newsprint. Expressly excluded from this definition are:

- (1) — All glossy paper products such as magazines and similar items;
- (2) — Corrugated paper products; and
- (3) — Cardboard paper products such as is commonly used for food packaging.

Recyclable materials means materials that are separated from mixed municipal solid waste by the generator and include all items of refuse designated by the county department of environment and energy to be part of an authorized recycling program and which are intended for transportation, processing and remanufacturing or reuse.

Recyclable materials processing facility means a facility established and used for the receiving, storage, preparing and/or processing of recyclable materials for sale or reuse.

Residential dwelling unit means any building or one or more portions thereof occupied or intended to be occupied for residence purposes; but not including rooms in motels, hotels, nursing homes, boardinghouses, tents, recreation vehicles and trailers or buildings containing more than four dwelling units.

Solid waste means garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded waste materials and sludge, in solid, semisolid, liquid or contained gaseous form, resulting from industrial, commercial, mining and agricultural operations and from community activities, but does not include hazardous waste; animal waste used as fertilizer; earthen fill, boulders, rocks, sewage sludge, solid or dissolved material in domestic sewage or other common pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluent or discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as amended; dissolved materials in irrigation return flows; source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended.

Source separation means the separation of recyclable materials and yard wastes from mixed municipal solid waste at the source of generation.

Variable costs of recycling means the costs of collection, processing and marketing of recyclable materials, including, without limitation, compensation paid to any recycling contractor hired by the city.

Waste tires means a pneumatic tire or solid tire for motor vehicles as defined in Minn. Stats. § 169.01 and included in a solid waste management plan pursuant to Minn. Stats. § 115A.46.

Yard waste or compostible material means organic material consisting of grass clippings, leaves, and other forms of organic garden waste.

- (b) — *Precollection and collection.* All persons, who are owners, lessees, and occupants of any building, commercial or residential, within the city, which generate mixed municipal solid waste, shall separate from all solid waste the recyclable materials and yard waste before disposal, removal or collection as provided by city policy. Fees to be paid for recycling shall be as established in chapter 22.

- (c) ~~Container and storage requirements.~~ All persons who are owners, lessees, or occupants of any building, commercial or residential shall either utilize containers provided by the city for recyclable materials, or shall provide their own approved containers for recyclable materials, and all containers for recyclable materials shall be:
- (1) ~~Maintained in a clean and sanitary condition in accordance with all pertinent health statutes, ordinances, rules and regulations;~~
 - (2) ~~Located in such a manner so as to prevent them from being overturned or obstruct pedestrian or motor vehicle traffic or being in violation of any statute, ordinance, rule or regulation; and~~
 - (3) ~~Adequate and substantial enough to contain the recyclable materials.~~
- (d) ~~Collection and separation.~~ The collection, removal and processing of recyclable materials shall be supervised by the city. The collection of recyclable materials shall be of sufficient frequency as to avoid unsightliness, odor, insect infestation, vermin infestation and any other public health or public safety hazards. Special times for special collection projects may also be designated. Collection provisions include the following:
- (1) ~~The city may establish dropoff or collection sites where any person may deposit recyclable materials and/or yard waste at such times and locations as determined;~~
 - (2) ~~It shall be unlawful for any person other than authorized persons, licensed collectors or haulers to collect, remove or dispose of recyclable materials after said materials and/or yard waste have been placed or deposited for collection;~~
 - (3) ~~Nothing in this section shall abridge the right of any person to give or sell their recyclable materials and/or yard waste to any recycling and composting program lawfully operated for profit, nonprofit or charitable purposes;~~
 - (4) ~~Nothing in this section shall abridge the right of any authorized recycling or composting program to lawfully operate within the county, subject to such other licenses or other regulations as may be required by law; and~~
 - (5) ~~It shall be unlawful for a person to collect, remove or dispose of mixed municipal solid waste which consists of recyclable materials and/or yard waste combined with other forms of mixed municipal solid waste.~~
- (e) ~~Yard waste.~~ Yard waste shall be kept separate from recyclable materials and from refuse. If yard waste is kept on site, yard waste shall be composed or stored in an acceptable manner so as not to create an unreasonable odor or other condition that is obtrusive or annoying to others. If yard waste is removed from the site, it shall be taken in a sanitary manner to an approved yard waste recycling or composting site or removed by a licensed hauler. Noncompostible tree branches or brush shall be disposed of at an approved site.
- (f) ~~Exception.~~ Nothing in this section shall prevent persons from hauling recyclable materials from their own residence or business properties provided the following rules are observed:
- (1) ~~That all recyclable materials are hauled in vehicles with leak-proof bodies and completely covered or enclosed by canvas or other means or material so as to completely eliminate the possibility of loss of cargo;~~
 - (2) ~~That recyclable materials may be disposed of at a recycling facility, an organized recyclable drive or through a licensed recyclable materials hauler; and~~
 - (3) ~~That recyclable materials shall be stored so as to be out of the public view.~~
- (g) ~~Violation and penalty.~~
- (1) ~~A violation of any provision of this section shall result in a fee for each owner or occupant of a single-, two-, three- or four-family dwelling, and a fee for each owner of a multiple-family dwelling, commercial, industrial or institutional property. Such fee shall be in an amount as set forth in chapter~~

~~22. A violator shall be given a written warning for the initial violation. A fee shall be imposed for each subsequent violation.~~

- ~~(2) Fees that remain unpaid for more than 30 days shall be charged to the utility account of the violator. Any fee that is placed on a utility account may be an assessment against the violator's property. Such amount shall be certified to the county auditor and collected in the same manner as taxes and/or special assessments against the premises and may be subject to a civil action initiated by the city.~~

~~{Code 1977, § 8-806; Ord. No. 601, 9-13-2004}~~

~~State law reference(s) — Recycling, Minn. Stats. § 115A.551 et seq.~~

~~Sec. 46-54. Scavenging.~~

~~Ownership of recyclable materials set out for the purpose of participating in the authorized recycling program shall remain with the person who set out the materials until removed by the authorized collector. The person who set out the material is totally responsible for their proper preparation, handling and storage. Ownership and responsibility for the proper handling of the recyclable materials shall vest in the authorized collector upon removal thereof by the authorized collector.~~

~~{Code 1977, § 8-807; Ord. No. 601, 9-13-2004}~~

~~Sec. 46-55. Scavenging penalty.~~

~~Any person, firm or corporation which shall take, collect, or scavenge recyclable material set out for the authorized collection program within the city, without first having been licensed hereunder to do so, is guilty of a misdemeanor.~~

~~{Code 1977, § 8-809; Ord. No. 601, 9-13-2004}~~

ARTICLE IV. SINGLE FAMILY RESIDENTIAL CURBSIDE COLLECTION PROGRAM

Sec. 46-51. Generally

a) Purpose

This article is designed to ensure that the organized collection program is conducted in an orderly fashion to avoid adverse effects on public health, welfare, safety and the environment.

b) Participation required

All residential, single through four-unit dwellings shall be required to participate in the organized collection program, in accordance with the negotiated written contract or bid, except when the primary use of the parcel is commercial or industrial and the residential structure is secondary to the business operation.

c) Collection supervised by

All solid waste collected, conveyed, and disposed of by the city shall be under the supervision of the City Administrator or their designee. The City Administrator, or their designee, shall have the authority to make regulations concerning the days of collection, type and location of collection containers, and such other matters pertaining to the collection, conveyance and disposal as the City Administrator shall find necessary, and to change and modify the regulations in accordance with the provisions of this Article and contract between the city and its hauler(s).

d) Ownership of solid waste materials

Ownership of solid waste materials placed out for collection remains with the individuals or household from which the materials originated until collected by the hauler at which point they become the responsibility

and property of the hauler. Materials not prepared, cleaned or stored properly will not be collected and shall remain the responsibility and property of the individuals or household from which the materials originated.

e) Solid waste collection point requirements.

1) Collection container placement – containers shall be placed for collection on the premises at ground level and accessible from the street or alley from which collection is made on the designated collection day.

i. Collection containers should be placed in such a manner to prevent them from being overturned or obstruct pedestrian or motor vehicle traffic or being in violation of any statute, ordinance, rule or regulation; and

ii. Adequate and substantial enough to contain all waste materials.

iii. In winter months, collection containers may not be placed on top of snowbanks. Residents must clear a space of snow for their containers to be safely collected as close to ground level as possible.

f) Collection container maintenance requirements.

1) Residents shall keep all containers in a clean and sanitary condition so as to prevent the containers or contents thereof from becoming a nuisance that may breed insects or attract vermin.

2) No container shall have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents. Containers that become damaged shall be reported by the resident and shall be repaired or replaced with a serviceable container.

3) Collection containers shall not be marked or modified in any way.

4) Collection containers shall be retrieved as soon as practical after collection on the day of collection and returned to the storage location.

g) Unauthorized collection.

No person or entity other than one expressly authorized by the city council shall take or collect solid waste set out for collection through the city's organized collection program.

h) Solid waste service rates.

1) Solid waste service rates include refuse, recycling, and organics recycling collection provided to single through four-unit dwellings within the city.

2) The following provisions shall be prescribed by and incorporated into the negotiated contract or bid, and may be subject to change from time to time:

i. The container size, description and placement of container for collection;

ii. The frequency and specific day/certain of collection within zones;

iii. Other collection specifics, including costs to be billed for collection.

3) Each residential customer will be charged a solid waste service charge regardless of whether they utilize the service. Customers who apply for a hold and are approved by the city, shall receive a temporary suspension of all solid waste services and charges for a minimum of 30-days.

4) Solid waste charges are included as part of customer utility bills and will be sent to customers via mail or electronic billing for each billing period.

5) The city shall impose, bill and collect reasonable charges for such collection services as set forth in Chapter 22. Any amount past due for collection charges may be collected by the city in a civil action or the city may certify to the county auditor the amount due together with a legal description of the premises served. The county auditor shall thereupon enter such amount as a charge against said premises payable together with the tax levied on said premises, to be collected in the next year. This assessment shall include a certification penalty as set forth in Chapter 22 of the unpaid charge.

6) Penalty for late payment. If the monthly service charge is not paid when due, a penalty as set forth in Chapter 22 shall be added thereto.

Sec. 46-52. Refuse

a) Purpose.

This division is designed to ensure that refuse collection, as part of the organized collection program, is conducted in an orderly fashion to avoid adverse effects on public health, welfare, safety and the environment.

b) Refuse collection requirements.

Refuse shall be bagged and sealed and placed in a collection container. Refuse must fit inside the collection container with the lid closed.

Sec. 46-53. Recycling

a) Purpose.

This division is designed to ensure that recyclable materials collection, as part of the organized collection program, is conducted in an orderly fashion to avoid adverse effects on public health, welfare, safety and the environment.

b) Designation of items.

A list of acceptable recyclable materials allowed to be included in the city's organized collection program shall be provided to all residents at least once per year.

c) Recycling collection requirements.

Recyclable materials shall be clean and unbagged, unless otherwise specified by the city, and placed loosely in the recycling collection container. Under no circumstances shall recyclable materials be bagged in plastic bags of any kind.

Sec. 46-54. Organics recycling

a) Purpose.

This division is designed to ensure that organic materials collection, as part of the organized collection program, is conducted in an orderly fashion to avoid adverse effects on public health, welfare, safety and the environment.

b) Designation of items.

The city shall prepare a list of acceptable organic materials allowed to be included as part of the city's organized organics recycling program. This list shall be provided to all residents, at least once per year. Such items must be generally accepted by the composting industry for composting.

c) Organics recycling collection requirements.

Organic materials must be bagged utilizing compostable bags, unless otherwise specified by the city, and placed in the collection container. Organic materials may not be bagged in non-compostable plastic bags.

Sec. 46-55. Yard Waste

a) Purpose.

This division is designed to ensure that yard waste collection, as part of the organized collection program, is conducted in an orderly fashion to avoid adverse effects on public health, welfare, safety and the environment.

b) Designation of items.

Materials accepted in the city's yard waste collection program include grass clippings, leaves, weeds, garden plants, and brush and branches under four inches in diameter.

c) Yard Waste collection requirements.

Yard waste shall be kept separate from refuse, recyclables, and organics recyclables. If yard waste is kept on site, yard waste shall be composed or stored in an acceptable manner so as not to create an unreasonable odor or other condition that is obtrusive or annoying to others. If yard waste is removed from the site, it shall be taken in a sanitary manner to an approved yard waste recycling or composting site or removed by a hauler. In accordance with state law, any bag used to contain yard waste shall be compostable.

Article V. BACKYARD COMPOSTING

Sec. 46-56. Permits

No permit is required to compost or to install a compost bin.

Sec. 46-57. Duties of owner, occupant or tenant.

Every owner, occupant or tenant of any premises who composts shall do so in a sanitary and environmentally sound manner, shall use a compost bin that meets the design standards described in this section, and shall meet all other standards set forth in this ordinance.

Sec. 46-58. General Regulations.

a) A composting area or bin is allowed provided the following conditions are met:

- 1) Only yard waste and easily biodegradable, nonpoisonous, compostable waste or other acceptable materials may be placed in a compost area or bin and be composted on the premises. Examples of acceptable materials include, but are not limited to yard waste, fruit and vegetable scraps, eggshells, tea bags, coffee grounds, and paper coffee filters. Examples of unacceptable materials include meat, bones, grease, eggs, dairy products, animal remains, feces, or inorganic materials such as rocks, plastics, or synthetic fibers.
- 2) A compost area or bin must be located and designed so that seepage from the compost will not funnel off into public or private streets, storm sewers, drainage ditches, water retention basins, wetlands, streams, lakes, or ponds. No compost area or bin may be placed within 25 feet of any body of water or area designated as floodplain, shore land or state protected wetlands.
- 3) A compost area may not exceed five cubic yards in volume and may not exceed five feet in height.
- 4) Location on property. Compost areas shall be located:
 - i. In the back yard.
 - ii. At least five (5) feet from a trail, street or alley.
 - iii. At least five (5) feet from any side or rear lot line and be no closer than 20 feet from any dwelling unit located on adjacent property.
 - iv. At least 20 feet from any dwelling unit located on adjacent property.
- 6) Constructed of durable material such as wood, wire mesh, plastic, or concrete block, or a combination thereof, or be a commercially available compost bin designed for composting organic materials.
- 7) A compost area must be fully confined within a fenced area or enclosed structure. Property over one acre in size is exempt from the fencing requirement.

Sec. 46-59. Maintenance

Compost areas or bins and materials placed therein shall be properly maintained at all times to minimize odors and to promote effective decomposition of the organic materials in a safe, secure and sanitary manner.

Sec. 46-60 Nuisance

Compost areas or bins and the materials placed therein that are not in compliance with this section shall be declared a public nuisance and are subject to abatement and assessment as provided in Chapter 34.

The motion for the adoption of the ordinance was duly seconded by Councilmember LaCroix, and upon vote being taken thereon, the following voted in favor thereof: Mayor Sabas, Councilmembers Tesdall, Moe, Truesdell and LaCroix, and the following voted against the same: none, whereupon said ordinance was passed this 27th day of May 2025.

Ryan Sabas

Ryan Sabas, Mayor

ATTEST:

Julie Tembreull

Julie Tembreull, Executive Ass't./City Clerk

First Reading Waived:	May 27, 2025
Second Reading:	May 27, 2025
Adoption:	May 27, 2025
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