

**TITLE V: PUBLIC WORKS**

Chapter

**50. GENERAL PROVISIONS**

**51. UTILITIES**

## CHAPTER 50: GENERAL PROVISIONS

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### **§ 50.01 REMOTE READING TYPE WATER METER REQUIRED.**

In all new construction using 1-inch size water meter, or smaller, remote reading type water meters shall be installed at the expense of the owners. In all replacement of present 1-inch meters, or smaller, the replacement shall be with a remote reading type meter allowing reading of same from the exterior of the building. The reading device shall be installed by the Public Works Department. (Prior Code, § 4.08) Penalty, see § 10.99

### **§ 50.02 SEWAGE AND WASTE CONTROL RULES AND REGULATIONS ADOPTED.**

The Rules and Regulations for the Metropolitan Council of Environmental Services are hereby adopted by reference as though set forth verbatim herein. Three copies of the Rules and Regulations shall be marked CITY OF HASTINGS - OFFICIAL COPY and deposited on file in the office of the City Clerk and open to inspection and use by the public. (Prior Code, § 4.09)

### **§ 50.03 REQUIRED HOOKUP TO CITY SANITARY SEWER.**

All properties currently served with on-site sewer systems shall be required to hookup at owner's expense to City sanitary sewer within 1 year of such time as service becomes available to a property boundary. Furthermore, properties currently being served by on-site sewer systems which have available access to City sanitary sewer as of the effective date of this section (1-14-1994) shall be required to hookup within 1 year. (Prior Code, § 4.10) Penalty, see § 10.99

## **§ 50.04 REQUIRED HOOKUP TO CITY WATER.**

All properties currently served with private wells for potable water needs shall be required to hookup at owner's expense to the City water system within 1 year of such time as service becomes available to a property boundary. Furthermore, properties currently being served by private wells which have available access to City water service as of the effective date of this section (1-14-1994) shall be required to hookup within 1 year.

(Prior Code, § 4.11) Penalty, see § 10.99

## **§ 50.05 ON-SITE SEWER REQUIREMENTS.**

(A) *Adoption of Subsurface Sewage Treatment Systems (SSTS).* Standards for the installation and repair of individual on-site sewer systems are established by the Minnesota Pollution Control Agency. Commonly referred to as the Subsurface Sewage Treatment Systems Program – Chapters 7080 – 7083, published by the Minnesota Pollution Control Agency, these standards along with Dakota County Ordinance No. 113 are hereby adopted by reference as though set forth verbatim herein. The stricter provisions of Dakota County Ordinance No. 113 shall apply.

(B) *Permit required.* No person shall install, repair, alter, or pump an on-site sewer system without first obtaining a permit as provided herein. Applications, provided by the City, must be completed in writing prior to issuance of a permit. Permit fees shall be as provided in this code.

(C) *SSTS License required.* Installation and repair of on-site sewer systems requires licensing by the respective county jurisdiction. Persons applying for a permit for installation or repair of an on-site sewer system must provide evidence of licensure with Dakota County if the property where work will be performed is in Dakota County or licensure with Washington County if the property where work will be performed is in Washington County. All design, installation, alteration, repair, maintenance, operation, pumping, and inspection activities for SSTS located in Hastings must be completed by a business licensed by the MPCA under Minnesota Rules Chapters 7080-7083.

(D) *Required conditions.*

(1) Soil percolation tests must be completed by an independent party and must be favorable for the operation of an on-site sewer system before a permit will be issued.

(2) Installations, alterations, repairs, and maintenance shall be performed in accordance with MPCA Rules Chapter 7080-7083.

(3) No private on-site sewer system shall be permitted without approval by the City Council. City Council may deny approval of an on-site sewer on property situated within the Municipal Urban Service Area (MUSA) due to the pending availability of City sanitary sewer service.  
(Prior Code, § 4.12) Penalty, see § 10.99 (Ord. 2012-14, 3<sup>rd</sup> Series, passed 10-15-12)

## **§ 50.06 MANDATORY SOLID WASTE COLLECTION.**

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CITY.** The City of Hastings.

**PROPERTY OWNER.** Any real person, partnership, or a corporate entity that holds fee title to real property which is occupied for residential, commercial, or industrial uses. In the case where real property is being sold on a contract for deed, recorded at the Dakota County Recorder's office, the term **PROPERTY OWNER** shall also mean the **CONTRACT VENDEE**.

**SOLID WASTE.** Garbage, refuse, and other discarded solid materials, including solid waste materials resulting from industrial, commercial, agricultural operations, residential uses, and community activities, but does not include earthen fill, boulders, rock, and other materials normally handled in construction operations, animal waste used as fertilizer, any permitted material disposed of as soil amendment, solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, waste water effluent, dissolved materials, suspended solids and irrigation return flows, or other water pollutants.

(B) *Mandatory refuse collection.* All property which is occupied for residential, commercial, or industrial uses shall receive solid waste collection service from a solid waste hauler licensed by the City of Hastings.

(1) *Responsible party.* All owners of property in the City are responsible to ensure their property receives the solid waste collection services required by this section. This responsibility remains with the property owner regardless if the property is occupied by someone other than the property owner.

(2) *Failure to pay for solid waste collection.* It is not a defense to the requirements of this division (B) that the property owner or occupants of the property failed to pay for solid waste collection services.

(C) *Exemptions.* The following individuals may be exempted from the requirements of this section.

An owner of a business in the City who also resides in the City and who can demonstrate to the satisfaction of the City that waste collection service is received by that individual at either their place of business or their residence. The City Administrator is authorized to grant an exemption to individuals who meet the requirements of this division (C). Any exemption granted under this division (C) will expire on December 31 of the year in which it is granted, unless the individual applies for and is granted a renewal of that exemption. If at any time during the term of that exemption, the individual fails to meet all requirements of this division (C), the City Administrator is authorized to terminate that exemption. Upon termination of an exemption, the individual must comply with the requirements of division (B) above. (Prior Code, § 5.42) Penalty, see § 10.99

## **§ 50.07 GARBAGE AND REFUSE HAULERS.**

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CITY.** City of Hastings.

**COMMERCIAL HAULER.** Any person licensed by the City to collect solid waste from commercial, industrial, professional, governmental, institutional structures, or governmental property within the City.

**COMMERCIAL STRUCTURES.** Buildings which contain 4 or more dwelling units; and buildings with commercial, industrial, professional, governmental, or institutional uses and which are located in the appropriate zoning district. Buildings with home occupations shall be considered residential structures.

**CONSTRUCTION AND DEMOLITION MATERIAL.** Any refuse resulting from the construction, alteration, or removal of a structure.

**DWELLING UNITS.** One room or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a daily, weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

**GARBAGE.** All organic waste resulting from the handling, preparation, cooking, service, and consumption of food.

**PERSON.** Any natural person, partnership, or corporation.

**RECYCLABLES.** All those materials which are required to be recycled under § 50.08.

**REFUSE.** All inorganic waste, including construction and demolition material, from residential, commercial, industrial, professional, governmental, or institutional operations that is the result of their normal operations, excluding compost, recyclables, toxic waste, and hazardous waste.

**RESIDENTIAL HAULER.** Any person licensed by the City to collect solid waste from residential structures within the City.

**RESIDENTIAL STRUCTURE.** Any structure containing 1 dwelling unit, 2 dwelling units, or 3 dwelling units and which are located in a residential zone within the City. **RESIDENTIAL STRUCTURES** that rent dwelling units on a daily, weekly, or longer basis, shall be considered a residential structure for purposes of this section. **RESIDENTIAL STRUCTURES** containing 1 dwelling unit, 2 dwelling units, or 3 dwelling units and which are nonconforming uses under Chapter 155, shall be considered residential structures for purposes of this section.

**SOLID WASTE.** Garbage and refuse.

**WHITE GOODS.** Refrigerators, stoves, dishwashers, washers and dryers, water heaters, and household furniture.

**YARD WASTE.** Garden waste, leaves, lawn cuttings, weeds, and prunings.

(B) *Residential solid waste collection.*

(1) *Statement of purpose.* The City of Hastings finds that it is in the best interests of its residents to have organized residential solid waste collection within the City, and will protect the public health, safety, and welfare of its residents by promoting efficiency, reducing disturbances to residents, reducing wear on residential streets, cost reduction and promoting the disposal of residential solid waste within the City in an environmentally safe manner.

(2) *License required.* It is unlawful for any person to haul solid waste for hire from any residential structure within the City without being issued a residential hauler's license from the City.

(3) *Number of licenses.* The City shall issue 1 residential hauler's license which will permit that residential hauler to collect solid waste from residential structures within the City.

(4) *License subject to this section.* Any residential hauler's license issued under this section shall be subject to the terms of this section, any amendments to it, and additional requirements imposed by the City Council through the request for proposal and licensing process.

(5) *Change in number; expiration.* The City Council may change the number of residential hauler license(s) when it determines, by a 2/3 majority of the entire Council, that a change in circumstances warrants changing the number of residential hauler license(s). All residential license(s) shall expire on the same date.

(6) *Term of license.* The term of a residential hauler license shall be 3 years from the date of issuance, unless terminated earlier, as provided in this section or as further limited by this section.

(7) *License fee.* The annual fee for a residential hauler's license shall be set by Council resolution and shall not be prorated. The first year's fee shall be paid before the license shall be issued. Subsequent annual installments of the license fee shall be paid by the first working day of each year. Failure to pay the license fee shall be grounds for termination of the license. In determining the amount of the license fee, the City Council shall include all costs incurred by the City to administer any residential hauler's license and to enforce City Code provisions relating to solid waste collection.

(8) *Rate regulation.* The City shall establish by resolution a written agreement with the licensed hauler. Such rates may include an automatic price increase or fuel surcharge when based on an ascertainable standard described in the written agreement. A residential hauler cannot request a rate adjustment during the first year of a residential hauler's license.

(9) *Non-assignability of license.* A residential hauler's license issued by the City may not be assigned or transferred in whole or in part by the hauler unless the City Council, in its sole discretion, gives its approval prior to any proposed assignment or transfer. Any attempt to assign or transfer the license in whole or in part without prior approval of the City Council shall be grounds for termination of the license.

(10) *Revocation.* A residential hauler's license may be terminated by the City for any violation of City ordinance, Dakota County ordinances, or state or federal laws. The City may also terminate the license for unsatisfactory performance by the hauler.

(11) *Hours of collection.* All residential solid waste collection shall take place between the hours of 6:30 a.m. and 6:30 p.m. There shall be no residential solid waste collection on Sundays or Christmas Day.

(12) *Insurance and performance bond requirements.* Every residential hauler shall provide the City with proof of insurance for general liability coverage in an amount not less than \$1,000,000 for injury to any one or more persons resulting from any 1 accident and not less than \$500,000 for property damage resulting from any 1 accident. Every residential hauler shall also provide the City with proof of automobile liability insurance with a combined single limit of \$1,000,000, covering all owned, hired, and non-owned vehicles. Every hauler shall also provide the City with proof of worker's compensation insurance covering all of its employees.

(13) *Performance bond.* Every residential hauler shall provide the City with a performance bond, in a form satisfactory to the City, to assure the hauler's compliance with this section, all City ordinances, county, state, and federal laws.

(14) *Policy and bond effect.* Any insurance policy or performance bond required from the residential hauler under this section shall remain in full force and effect at all times that the hauler is licensed in the City. All insurance policies and performance bonds required under this section shall contain a provision requiring the City to be notified at least 30 days prior to the expiration or cancellation of any insurance policy or bond. Failure to carry the required insurance or the required performance bond shall be grounds for termination of the residential hauler's license.

(15) *Equipment.* Every residential hauler shall transport residential solid waste only in covered vehicles having watertight containers which prevent the scattering, dripping or removal of the contents from the vehicle during transit. Every vehicle used to haul residential solid waste shall be maintained in a clean condition. Permitting solid waste to scatter, drip, fall, spill, blow, or otherwise be removed from the hauler's vehicle during transportation, is prohibited and is hereby declared a public nuisance.

(16) *Residential yard waste.* Every residential hauler shall provide for a method of disposal of residential yard waste within the City limits where residents can drop off residential yard waste at no additional cost to the residents.

(17) *Pickup.* Every residential hauler shall provide for pickup of residential yard waste at curbside for which the hauler can charge the residential customer.

(18) *Household white goods.* Every residential hauler shall provide a method for disposal of household white goods, with the hauler determining the cost and billing the residential customer for that service.

(19) *Household hazardous waste program.* Every residential hauler must participate in any household hazardous waste program conducted within the City. The hauler shall provide necessary disposal containers and personnel at no direct cost to the City.

(20) *Additional provisions.* Any hauler issued a residential hauler's license shall cooperate with and assist the City in enforcing M.S. § 115A.941, as it may be amended from time to time, and City Code § 50.06, both now in effect. The cooperation required by this section shall include, but not be limited to, providing the City with all documentation needed by it to enforce mandatory collection requirements. Any cooperation and assistance required by this section shall be provided at no cost to the City.

(a) A residential hauler shall provide solid waste collection from each residential structure at least weekly, except for qualified customers using the bag system.

(b) All residential solid waste collection shall be at the street curb unless separate arrangements are made with the hauler to pick up the solid waste at a different part of the residential dwelling.

(c) Until such time as the City issues more than 1 residential hauler's license, the residential hauler must provide, at no additional cost to the City, solid waste pickup at all buildings and public parks used or maintained by the City.

(d) Every residential hauler shall provide, at no additional cost to the residents or City, curbside Christmas tree pickup on a Saturday in January of each year. The specific Saturday in January for Christmas tree pickup shall be selected by the residential hauler.

(e) Every residential hauler shall establish and maintain, in a location approved by the City, an office with continuous supervision, for accepting complaints and resident calls. City residents shall not be required to make long-distance calls for service or to register complaints. The office shall be in service during the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday, except holidays. Any change in the address or telephone number of the office shall be given to the City in writing.

(C) *Commercial solid waste collection.*

(1) *License required.* It is unlawful for any person to haul solid waste for hire from a commercial, industrial, professional, governmental, or institutional structure or governmental property without first obtaining a commercial hauler's license from the City. A licensed commercial hauler may also haul only construction and demolition material from residential structures.

(2) *Number of licenses.* The City can issue unlimited commercial haulers' licenses for solid waste collection from commercial, industrial, professional, governmental, or institutional structures or property within the City. The City Council may change the number of commercial hauler licenses when it determines by a 2/3 majority of the entire Council that a change in circumstances warrants changing the number of commercial hauler licenses. At the first council meeting in March of each year, the Council shall review whether the number of commercial hauler licenses should be changed.

(3) *Term of license.* All commercial haulers' licenses shall expire on December 31, in each odd year, regardless of when it was issued.

(4) *Application and license fee.* Any person requesting a commercial hauler's license shall complete the application form approved by resolution of the City Council.

(5) *Application review.* All applications shall be presented to the City Council for review. If approved by the City Council, the commercial hauler's license shall be issued to the applicant after payment of the license fee. If the Council does not approve an application, it shall state in writing its reasons for the denial.

(6) *License fee to be set by Council.* The license fee for a commercial hauler's license shall be set by resolution of the City Council and shall not be prorated.

(7) *Denial or termination of license.* False information provided by an applicant shall be grounds for denial or termination of the commercial hauler's license.



(8) *Rates.* The rates for commercial solid waste collection are not subject to City regulation.

(9) *Termination of commercial hauler's license.* A commercial hauler's license may be terminated by the City for any violation of City ordinances, county ordinances, or state or federal laws.

(10) *Non-assignability of license.* A commercial hauler's license issued by the City may not be assigned or transferred by the commercial hauler in whole or in part, without the prior approval of the City Council. Any attempt to assign or transfer the license in whole or in part without prior approval of the City Council shall be grounds for termination of the commercial hauler's license.

(11) *Recycling.* Any hauler wishing to haul solid waste from non-residential structures must also offer recycling services to its customers. At a minimum, all commercial haulers must provide their customers with the same recycling services that are offered to residential structures within the City.

(12) *Insurance requirements.* Every commercial hauler shall provide the City with proof of insurance for general liability coverage in an amount not less than \$1,000,000 for injury to any 1 or more persons resulting from any 1 accident, and not less than \$500,000 for property damage resulting from any 1 accident. Every commercial hauler shall also provide the City with proof of automobile liability insurance with a combined single limit of \$1,000,000 covering all owned, hired, and non-owned vehicles. Every hauler shall also provide the City with proof of worker's compensation insurance covering all of its employees.

(13) *Hours of collection.* All commercial solid waste collection shall take place between the hours of 6:30 a.m. and 6:30 p.m.

(14) *Equipment.* All commercial haulers shall transport commercial solid waste only in covered vehicles having watertight containers which prevent the scattering, dripping or removal of the contents from the vehicle during transit. Every vehicle used to haul commercial solid waste shall be maintained in a reasonably clean condition. Permitting solid waste to scatter, drip, fall, spill, blow, or otherwise be removed from the hauler's vehicle during transportation, is prohibited and is hereby declared a public nuisance.

(15) *Additional provisions.* Any hauler issued a commercial hauler's license shall cooperate with and assist the City in enforcing M.S. § 115A.941, as it may be amended from time to time, and City Code § 50.06, both now in effect. The cooperation required by this section shall include, but not be limited to, providing the City with all documentation needed by it to enforce mandatory collection requirements. Any cooperation and assistance required by this section shall be provided at no cost to the City.

(16) *Standards.* The City Council may establish by resolution performance standards for solid waste collection, which must be complied with by all commercial haulers. Violations of any performance standards shall be grounds for termination of a commercial hauler's license.  
(Prior Code, § 5.43)

## § 50.08 RECYCLING HAULERS.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***AUTHORIZED RECYCLING PROGRAM.*** A program for the collection and recycling of recyclable materials which is instituted, sponsored, authorized, and controlled by the City of Hastings.

***RECYCLABLE MATERIALS.*** All items of refuse designated by the City Council to be part of an authorized recycling program and which are intended for transportation, processing, remanufacturing, or reuse.

***SCAVENGING.*** The unauthorized collection of recyclable materials that have been set out by residents of the City specifically for participation in curbside recycling programs.

(B) *License required.* It is unlawful for any person to pick up recyclable materials from residences or commercial buildings without a license from the City. There shall be issued by the City 1 recycling license until such time as the Council determines, by ordinance approved by a 2/3 majority of the entire City Council, that additional licenses are necessary. The holder of a recycling license shall be able to collect recyclable material from residential or commercial buildings as part of an authorized recycling program. Application shall be made in the same manner as required by ordinance for a garbage and refuse hauler in the City.

(C) *Fee.* The annual fee for a recycling license shall be \$50.

(D) *Designation of items.* Items designated for recycling shall be listed by resolution of the City Council to be part of an authorized recycling program.

(E) *Ownership of recyclable materials.* Ownership of recyclable materials set out for the purpose of participating in a curbside recycling program shall remain with the person who set out the recyclable materials until they are removed by the recycling hauler licensed by the City. Until the recyclable materials are removed by the licensed recycling hauler, the person who set out the recyclable materials are totally responsible for their proper preparation, handling, and storage. Ownership and responsibility for the proper handling of the recyclable materials shall vest in the licensed recycling hauler upon removal by it.

(F) *Unauthorized collection.* It shall be unlawful for any person who is not authorized by the City to take, collect, or scavenge recyclable materials set out for authorized recycling programs within the City. A violation of this division (F) shall be a misdemeanor.

(G) *Contract.* The City may require recycling haulers to enter into a contract with the City which more specifically spells out the details and requirements of an authorized recycling program. Violation of the contract will be grounds for revocation of any license issued pursuant to this section.

(H) *Fees.* Before the Council shall establish the rates for residential recycling collections. The Council shall establish the rates by written agreement with the licensed hauler. Such rates may include an automatic price increase or fuel surcharge when based on an ascertainable standard described in the written agreement. A residential hauler cannot request a rate adjustment during the first year of a residential hauler's license. (Prior Code, § 5.44) Penalty, see § 10.99