

**CHAPTER \_\_. LICENSING**  
**“Good” Licensing and Solid Waste Ordinances Template**  
**Section \_\_ - General**  
(Sections suitable for most Cities’ General Licensing Sections)

**400.0 Commercial Establishment Licenses.**

**Subd. 1. License or permit required.** No person, partnership, corporation, or association shall engage in or operate any of the following Commercial Establishments without having obtained a license or permit therefore:

- A. Commercial Business type 1
- B. Commercial Business type 2
- C. Commercial Business type 3
- D. Solid Waste and Recyclables Collection
- E. Commercial Business type 5
- F. Commercial Business type 6
- G. Etc.

**Subd. 2. Scope.** The provisions of this Section shall apply to all license or permits issued under this Chapter.

**400.1 Applications.**

Every application for a license or permit to engage in any of the Commercial Establishment listed in this Section shall be made to the Clerk-Administrator on forms supplied by the City, and shall state the applicant's name and address, the name of the Commercial Establishment, the address of the premises on or from which the Commercial Establishment is to be operated, the name of any other Commercial Establishment operated from or on the same premises, date of birth when license is restricted to persons of at least a certain age, social security number, and such other information as may be required by this Code or by the Council. All applications shall be accompanied by payment in full of the license or permit fee. The license or permit fee shall be refunded if the license or permit is denied, unless otherwise specifically provided in this Chapter. All license or permits may be issued by the Clerk-Administrator. A license or permit shall only be suspended or revoked by the Council.

**400.2 Terms and Fees.**

The fee, term, and expiration date for license or permits issued under this Chapter shall be as follows:

<u>Type of License or permit</u>	<u>Term</u>	<u>Expiration Date</u>
Commercial Business type 1	One year	December 31
Commercial Business type 2	One year	December 31
Commercial Business type 3	One year	December 31
Solid Waste and Recyclables	One year	December 31
Commercial Business type 5	One year	December 31

**400.3 Payment.**

All fees shall be annual fees and shall not be pro-rated.

**400.4 License Background Checks<sup>1</sup>**

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<sup>1</sup> 400.4 and 440.7. Subd. 2.E. Background checks are recommended for Solid Waste and Recycling Collectors. These individuals have special knowledge of where vulnerable adults live, because these people often have special (walk-up) garbage service. These individuals also know when people are away from home for an extended time, or when homes are under construction and vulnerable to construction materials theft. A background check provides a level of confidence for your community, and alerts your Public Safety officers to potential issues. The Background Check should be similar in scope to background checks required of “Transient Merchants,” or similar Commercial Establishments in your City.

- Subd. 1. Purpose.** The purpose and intent of this section is to establish regulations that will allow law enforcement to access Minnesota's Computerized Criminal History information for the specific noncriminal purpose of licensing background investigations for the licenses described in Subdivision 2 of this section.
- Subd. 2. Background Investigation Required.** The City's Police Department is hereby required, as the exclusive entity within the City, to conduct a criminal history background investigation on the applicants for the following licenses or permits within the City:
- A. Commercial Business 1
  - B. Commercial Business type 2
  - C. Commercial type Business e 3
    - D. Solid Waste and Recycling Collectors
  - E. Commercial Business type 5
    - F. Etc.
- Subd. 3. BCA Data.** In conducting the criminal history background investigation in order to screen license applicants, the Police Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehension Computerized Criminal History information system (BCA Data) in accordance with BCA policy. Any BCA Data that is accessed and acquired shall be maintained by the Police Department under the care and custody of the Chief of Police or his/her designee. A summary of the results of the BCA Data may be released by the Police Department to the hiring authority, including the City Council, the City Administrator, the City Attorney or other City staff involved in the licensing process.
- Subd. 4. Written Authorization.** Before the investigation is undertaken, the applicant must authorize the Police Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minnesota Statutes Chapter 13 regarding the collection, maintenance and use of the information. Except for the positions set forth in Minnesota Statutes Section 364.09, the City will not reject an applicant for a license on the basis of the applicant's prior conviction unless the crime is directly related to the license sought and the conviction is for a felony, gross misdemeanor, or misdemeanor punishable by jail. If the City rejects the applicant's request on this basis, the City shall notify the applicant in writing of the following:
- A. The grounds and reasons for the denial.
  - B. The complaint and grievance procedure set forth in Minnesota Statutes Section 364.06.
  - C. The earliest date the applicant may reapply for the license.
  - D. That all competent evidence of rehabilitation will be considered upon reapplication.

#### **400.5 Prior Convictions.**

No person shall be denied a license or permit because of a prior conviction unless that conviction has been determined by the City to be related to the Commercial Establishment for which a license or permit is sought, as provided by Minn. Stat., Chapter 364. No person shall be denied a license or permit because of an arrest or arrests not followed by conviction or admission of guilt.

#### **400.6 Suspension and Revocation.**

The City may suspend for a period not to exceed 60 days or revoke any license or permit for violation of any provision of this Chapter or any applicable State or Federal law, or other regulation. Except as otherwise provided, no license or permit shall be suspended or revoked unless the license or permit has been given written notice and a public hearing. The notice shall give at least ten-days' notice of the time and place of the hearing, and shall state the nature of the charges against the licensee or permit holder.

#### **400.7 Where Allowed.**

No license or permit shall be issued for any premises unless located in an area where the Commercial Establishment for which the license or permit is sought shall be permitted by the Zoning Ordinance.

#### **400.8 Display.**

Except as otherwise specifically provided by the Code, every license or permit shall be kept conspicuously posted on the premises, on or from which the Commercial Establishment is operated, or on the vehicle or person if the license is so applicable and shall be exhibited to any person on request.

#### **400.9 Transfer.**

No license or permit shall be transferrable, unless specifically provided by this Code.

#### **400.10 Renewals.**

Except as otherwise provided, the renewal of a license or permit shall be treated in the same manner as the initial application.

### **Section 440 - Solid Waste and Recyclables Collection**

#### **440.1 Intent.**

It shall be the intent of the City Council, to establish a system for the orderly and regular collection of Solid Waste, MSW, Bulky Waste, Recyclables and Yard Wastes in the City; to insure that the disposal of the material shall be accomplished in a sanitary manner; that the health of the residents of the City shall be properly safeguarded, and to further insure that the City shall be in compliance with all laws relating to the disposition of Recyclables and other wastes.

#### **440.2 Definitions.**

As used in this Section, the following words, terms and phrases shall have the following meanings, except where the context clearly indicates otherwise:

- Subd. 1. Bulky Waste.** Bulky Waste shall have the meaning set forth in State Statute and is a subset of Municipal Solid Waste. In this Ordinance Bulky Waste includes household items and other discarded materials that, due to their dimensions and weight, are typically not collected as part of the regular trash and recycling or for which there is a separate fee, such as furniture, carpeting, and mattresses and appliances including electronic devices.
- Subd. 2. City.** "City" shall mean the City of \_\_\_\_\_, \_\_\_\_\_ County, Minnesota.
- Subd. 3. City Council.** "City Council" shall mean the City Council of the City of \_\_\_\_\_, \_\_\_\_\_ County, Minnesota.
- Subd. 4. Commercial Establishment.** "Commercial Establishment" shall mean any premises upon which a commercial or industrial enterprise of any kind is carried on, including restaurants, clubs, and churches.
- Subd. 5. County.** "County" shall mean County of \_\_\_\_\_, Minnesota.
- Subd. 6. Daily Hauling Districts<sup>2</sup>.** "Daily Hauling Districts" shall mean a residential area in which MSW; Bulky Wastes, Recyclables and Yard Wastes are collected on the same day by all Collectors of residential wastes and Recyclables.
- Subd. 7. Mixed Municipal Solid Waste. (MSW)** Mixed Municipal Solid Waste shall have the meaning set forth in State Statute and shall include garbage, refuse, rubbish, trash, and other Solid Waste from residential, commercial, industrial, and community activities, that the generator of the waste aggregates for collection. MSW does not include auto hulks, street sweepings, ash, construction debris, mining waste, sludges, tree and agricultural wastes, tires, lead acid batteries, motor and vehicle fluids and filters, and other materials

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<sup>2</sup> In this template, 440.2, Subd. 6 and 440.8, Daily Hauling Districts are included. This Best Practice is part of the improved Solid Waste management continuum for cities.

collected, processed, and disposed of as separate waste streams. Also referred to as “trash.”

- Subd. 8. Multiple Unit Residential Dwelling.** "Multiple Unit Residential Dwelling" shall mean any building consisting of more than four (4) Residential Dwelling units, each with individual kitchen facilities.
- Subd. 9. Recycling.** Recycling shall have the definition in Minnesota Statutes, and shall mean the process of collecting and preparing Recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of Recyclable materials in a manner that precludes further use.
- Subd. 10. Recyclables.** "Recyclables" shall have the meaning set forth in Minnesota Statutes and means materials that are separated from Mixed Municipal Solid Waste for the purpose of Recycling or composting, including paper, glass, plastics, metals, automobile oil, batteries, and source-separated compostable materials and all material hereafter designated as Recyclable by the City.
- Subd. 11. Residential Dwelling.** "Residential Dwelling" shall mean any single building consisting of up to four (4) Residential Dwelling units, having individual kitchen facilities for each unit.
- Subd. 12. Solid Waste.** “Solid Waste” has the meaning set forth in Minnesota Statutes, section 116.06, but is further defined for purposes of this ordinance to include MSW, Recyclables, Bulky Waste, Yard Waste, litter and household hazardous waste.
- Subd. 13. Yard Waste.** "Yard Waste" shall mean garden wastes, leaves, lawn cuttings, weeds, shrubs, and tree waste and pruning.

#### **440.3 Disposal Regulations.**

- Subd. 1. Collection Required.** Every Commercial Establishment and Residential Dwelling, including Multiple Unit Residential Dwellings, shall make adequate provisions for the sanitary disposal of Solid Waste, MSW, Bulky Waste, Recyclables and Yard Wastes by means of a licensed collector, unless they have otherwise provided for adequate means of disposal which meet the approval of the City Council and which comply with all ordinances and laws of the City, County and State of Minnesota.
- Subd. 2. Unlawful Accumulation.** No person shall allow Solid Waste, MSW, Bulky Waste, Recyclables or Yard Wastes to accumulate upon property owned or occupied by any such person; or fail to dispose thereof in a manner meeting the provisions of this Section.
- Subd. 3. Burning or burying prohibited.** No person shall burn or bury any MSW, Solid Waste, Recyclable materials, or other waste materials within the City.
- Subd. 4. Disposal.** Solid Wastes shall be handled and disposed in accordance with the following provisions:
- A. Solid Waste may be disposed of by contracting with a licensed collector to haul said Solid Waste to a State licensed and/or County-approved processing or disposal site.
  - B. Solid Waste may be disposed of by transporting Solid Waste to a County-approved processing or disposal site in person.
  - C. No person shall permit Solid Waste, MSW, Bulky Waste, Recyclables, and Yard Wastes, to be moved from property owned or occupied by the person, by any unauthorized or unlicensed collector.
  - D. No licensed collector shall dispose of Solid Waste, MSW, Recyclables, Bulky Wastes or Yard Wastes in any manner except as provided in this Section.
  - E. No burning or burying of Solid Waste, MSW, Bulky Wastes or Recyclables shall occur on any property in the City that is not expressly licensed for that activity.
  - F. All residents of Residential Dwelling units, including Multiple Unit Residential Dwellings, shall

separate Recyclables for pick-up.

- G. No licensed collector shall collect Solid Waste or MSW containing Recyclables which have not been separated therefrom.
- H. All separated Recyclables must be transported to a licensed Recycling facility or delivered to an end market for sale or reuse, or brought to an intermediate collection center for later delivery to a licensed processing center or end market for Recycling. It is unlawful for any person to transport for disposal or to dispose of designated Recyclables in a Mixed Municipal Solid Waste disposal facility. No separated Recyclables may be incinerated or landfilled or composted or made into fuel pellets.

#### **440.4 Littering.**

No person shall discharge or dispose of Solid Waste, MSW, Bulky Waste, Recyclables, or Yard Wastes in any street, alley, drive, park, playground or other public place, or upon privately owned property.

#### **440.5 Scavenging Prohibited.**

No person shall scavenge or otherwise collect Solid Waste, MSW, Bulky Waste, Recyclables, or Yard Wastes from containers or from public or private property, unless licensed therefore by the City or unless permission of the owner of any such materials has been given.

#### **440.6 Waste Hauling.**

**Subd. 1. License Required<sup>3</sup>.** No person, firm or corporation, except City employees, shall collect MSW, Recyclables, Bulky Waste, or Yard Waste belonging to another in the City without a license from the City.

**Subd. 2. Exception.** Nothing set forth in this Section shall prevent persons from hauling Solid Waste, MSW, Bulky Waste, Recyclables, or Yard Wastes from residential or Commercial Establishment properties owned or occupied by them, providing the following rules shall be observed:

- A. All Solid Waste shall be hauled only in containers that are water-tight on all sides and bottom, and which have tight-fitting covers.
- B. Solid Waste and Recyclables shall be completely covered or enclosed to eliminate the loss of cargo in transit; and shall be hauled only in vehicles with leak-proof bodies.
- C. All MSW and Solid Waste shall be dumped or unloaded only at a County-approved disposal facility.<sup>4</sup>
- D. All Recyclables shall be disposed of only at a licensed Recycling facility; through an organized Recyclables drive; or by a licensed Recyclables Collector. No separated Recyclables shall be disposed of with MSW or other Solid Waste.
- E. Yard Waste shall be disposed of only in the manner set forth in Section 440.09 hereof.

#### **440.7 Collector License Requirements.**

**Subd. 1. Classification.** The following licenses shall be issued by the City Council:

- A. Commercial License. A commercial license shall allow collection of Solid Waste, Bulky Wastes and all Recyclables at any Commercial Establishment or Multiple Unit Residential Dwelling within the City.
- B. Residential License. A residential license shall allow collection of all Solid Waste, Recyclables, Bulky Waste and Yard Waste from any Residential Dwelling within the City.
- C. Any person having a Residential License for Solid Waste must also provide Recycling services to all customers, and may offer Bulky Waste and Yard Waste services to all customers. Bulky Waste and Yard Waste services may require additional fees from customers than MSW and Recycling service

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<sup>3</sup> 440.6, Subd. 1 allows City Employees, such as Public Works employees, to collect wastes. This is important even if you do not have City-collected trash, so that City employees can empty litter containers, handle illegal dumping complaints, or dispose of City wastes.

<sup>4</sup> 440.6, Subd. 2.C. County designated facilities apply only to Counties that have rules for specific disposal. Alternate wording in "County-Approved."

alone.<sup>5</sup>

- Subd. 2. Application.** Any person desiring a collector license from the City shall file an application thereon on forms to be provided by the City. The application shall include the following information:
- A. A list of equipment to be utilized by the collector.
  - B. A list of all active accounts at the time of application.
  - C. A schedule of rates to be charged during the license period, which in the case of an application for a Residential Dwelling license shall include rates for approximately 30 gallon service, approximately 60 gallon service, and approximately 90 gallon service and disposal. Differences between rates charged for the various container sizes shall be sufficient to encourage recycling and waste reduction in accordance with Minnesota Statutes and the City's goals. Documentation of additional fees that will appear on the customer bills and the "specials" and "discounts" offered to customers and potential customers will be provided to the City with the application. Every licensee shall provide not less than two weeks prior notification to the City and all customers of any change in the rates to be implemented during the license period. Any increase in rates for which notification is not provided to the City shall be null and void, and shall be cause for license suspension.<sup>6</sup>
  - D. The application for license shall be accompanied by a certificate of insurance evidencing that the proposed licensee has liability insurance covering all vehicles to be used by licensee, in the minimum amount of \$2,000,000 bodily injury (each occurrence and in the aggregate); property damage in the amount \$500,000 (each occurrence and in the aggregate). All such certificates shall name the City as certificate holder and shall provide for a minimum of 15 days' notice to the City prior to cancellation of the insurance before the expiration date thereof.
  - E. The application for license shall be accompanied by certification that each of the employees of the Collector that will be performing work in the City shall have been found free of offenses of felony, gross misdemeanor or misdemeanor punishable by jail, compliant with Section 400 of the City's Ordinances. The Certification shall be approved by the Police Department.<sup>7</sup>
  - F. All licensees shall display the issued license, or a copy thereof, in a prominent position on all vehicles used by licensees. Licensees shall provide information to all customers that may be required by City, County, metropolitan, state, or federal governments.

**Subd. 3. Reporting Requirements**

- A. All licensees shall submit semi-annual and annual reports to the City and/or County, giving any information as may be required. Failure to submit the reports shall be cause for license suspension.
- B. Each Collector shall document and retain dated weight receipts of Solid Waste and Recyclable materials collected for the last three years, which upon request will be made available to the City for review.
- C. Upon demand of the City, licensees shall produce any records, which the City may require to verify that all Solid Waste, Recyclables, Bulky Waste and Yard Waste have been disposed of in a lawful manner. Copies of these records may be required in the semi-annual and annual reports specified by the City.
- D. Each Collector shall provide to the City during normal business hours access to books, documents,

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<sup>5</sup> 440.7. Subd. 1. (c) requires that all trash Collectors must provide recycling services to all trash customers, and allows those Collectors to also offer Bulky Waste, SSO and Yard Waste services to customers. This "Good" level of Best Practices Ordinance does not require that all Collectors offer Bulky Waste, and Yard Waste services. If your City has organized recycling collection, this section must be modified.

<sup>6</sup> 440.7. Subd. 2.(c) requires Collectors to provide three levels of trash service, approximately 30, 60 and 90 gallon container sizes, and to have differences between the service levels sufficient to encourage recycling and waste reduction in accordance with Minnesota Statutes and the City's goals. This subdivision also requires that Collectors provide information to the City about the fees and taxes that will be placed on the customer bills, and requires that Collectors provide the City with information about "specials" and "discounts" that may be offered to customers.

<sup>7</sup> 400.4 and 440.7. Subd. 2.E. Background checks are recommended for Solid Waste and racing Collectors, and for roll-off Collectors. These individuals have special knowledge of where vulnerable adults live, because these people often have special (walk-up) garbage service. These individuals also know when people are away from home for an extended time, or when homes are under construction and vulnerable to construction materials theft. A background check provides a level of confidence for your community, and alerts your Public Safety officers to potential issues. The Background Check should be similar in scope to background checks required of "Transient Merchants," or similar Commercial Establishments in your City.

papers, and other records of the Licensee that are directly pertinent to the issuance and monitoring of the Licensee and required reports.

## **440.8 Collection.**

- Subd. 1. Hours of Collection.** No collection of Residential MSW, Recyclables, Bulky Wastes or Yard Wastes shall be made except between the hours of 6:00 a.m. and 6:00 p.m.
- Subd. 2. Hauling Districts<sup>8</sup>.** Collection of Residential MSW, Recyclables, Bulky Wastes or Yard Wastes shall be made in <specify geographic area> on Mondays only, in <specify geographic area> on Tuesdays only, in <specify geographic area> on Wednesdays only, in <specify geographic area> on Thursdays only and in <specify geographic area> on Fridays only. Exception to these days shall occur when a regular collection day occurs on New Year's Day, Memorial Day, 4<sup>th</sup> of July, Labor Day, Thanksgiving Day or Christmas Day, when collection shall be delayed by one calendar day.
- Subd. 3. Container Placement.** All Residential areas of the City shall have MSW, Recyclables, Bulky Wastes and Yard Wastes placed curbside or at the alley on the day of collection. Except on days of collection, all containers shall be removed from the curbside and stored behind the front building line of the property.
- Subd. 4. Clean and Safe Collection.** It shall be the duty of every Solid Waste, Recyclables, Bulky Waste, and Yard Waste Collector, Contractor, Subcontractor, and person, including their agents and employees, who is licensed to remove any Solid Waste or any other waste material or who is engaged in the removal, loading or unloading of any such substance in the City to do so efficiently, in a clean manner and with as little danger and prejudice to life and health as possible.
- A. All persons engaged in the collection of Solid Waste, Recyclables, Bulky Waste and/or Yard Waste in the City shall transport the materials in enclosed vehicles, carts, dumpsters, bins, or other secure containers so as to prevent any loss of these materials and to prevent litter. Care shall be taken to ensure no blowing or escape of trash, litter, Yard Waste or liquids from truck operations occurs during collection and transportation.
- B. Upon resident request, the licensed Collector must collect and properly dispose of Bulky Wastes. An additional fee may be required by the Collector for this service.
- C. Each licensed Collector shall comply with all City, county, state and national laws and rules, including weight restrictions, DOT driver licensing and vehicle inspections, and disposal requirements.
- Subd. 5. Containers<sup>9</sup>.** All owners and/or managers of Multiple Unit Residential Dwellings are required to ensure that tenants are provided containers in which to deposit their Recyclables for collection by a licensed Collector. All owners and/or managers of Commercial Establishments are required to ensure that tenants are provided containers in which to deposit their Recyclables for collection by a licensed Collector.
- Subd. 6. Additional Charges.** All collection charges shall be paid to the licensee by the owner, agent, occupant or tenant of the premises served and all fees collected shall be full compensation for the licensee's services.
- Subd. 7. Preparation and Ownership of Recyclables.** All licensees may specify to customers the preparation of targeted Recyclables for collection and the collection site. The licensee shall be deemed the owner of all Recyclables collected but nothing shall be construed to prevent the licensee from offering curbside collection

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<sup>8</sup> 440.8, Subd. 2 sets out the day that each geographic section of the City shall have residential trash and recycling services. Depending on the size of your City, you may specify between one and five days of service. A community of less than 1,500 households, for example, may wish to specify only one or two districts, each relating to one day on which service can be provided; a City of 20,000 households may wish to specify five geographic areas each relating to one day on which service can be provided.

<sup>9</sup> 440.8, Subd. 5 requires that multi-unit and commercial properties have containers for trash and Recyclables. Your City's Zoning Code may require that trash contains be located in an enclosed area. The Zoning Code should also require sufficient room to enclose the Recyclables containers (s) and any Bulky Wastes generated by the residents between collections. You may wish to reference your Zoning Code in this Subsection of the Solid Waste Ordinance. If your City does not furnish carts, this section may be changed to require residential collectors to furnish containers.

for other Recyclable materials in addition to Recyclables defined by the City.

#### **440.9 Yard Waste.**

No person shall dispose of Solid Waste except in one of the following manners:

- Subd. 1.** By contracting with a licensed collector to haul said Yard Waste to a County-approved compost site.
- Subd. 2.** By the person transporting said Yard Waste from their owned property to a City, County or private compost site,
- Subd. 3.** By composting the Yard Waste on said person's property under the following conditions:
  - A. The compost pile shall be screened from public view.
  - B. The compost pile shall be fenced or enclosed on four (4) sides to prevent the scattering of Yard Waste and shall have a cover to minimize entrance of rain to the container.
  - C. The compost pile shall be managed in a way that prevents odor, harborage of animals, and stockpiling of material which does not readily decompose within a calendar year.
- Subd. 4.** Only that Yard Waste which is produced on the premises can be composted on that premises.

#### **440.10 Penalties<sup>10</sup>.**

The City Council may impose an administrative fine or revoke the license of any person found in violation of any applicable statute, regulation, and provision of this Section. Any proposed revocation shall be preceded by a public hearing, conducted before the City Council, and preceded by at least 15 days' notice of the hearing given to the licensee. The notice, in addition to setting forth the time and place of the hearing, shall state the nature of the charges for which revocation shall be considered. No person granted a license hereunder shall acquire any vested rights, and the City reserves the right to establish other means of collection of materials for which a license may be issued under this Section.

- Subd. 1.** The following are minimum penalties which shall be imposed by the City Council for violations of any applicable statute, regulation, and provision of this chapter.
  - A. For the first violation, at least a \$75 administrative fine.
  - B. For the second violation within any four (4) year period, at least a \$200 administrative fine.
  - C. For a third violation within any four (4) year period, the license shall be revoked.

Developed by foth.com of Lake Elmo, MN for MPCA and MN GreenStep Cities. Comments welcomed via <http://greenstep.pca.state.mn.us/contact.cfm>

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<sup>10</sup> 440.10 Penalties provides an administrative fine system for violations of the ordinance. This has been preferred by many cities instead of a misdemeanor-type enforcement system.