

304 Recyclable Materials and Yard Waste**(1) Definitions.**

- (A) **Aluminum Recyclables** includes all disposable containers fabricated primarily of aluminum and commonly used for soda, beer, or other beverages.
- (B) **Collection** means the aggregation of waste from the place at which it is generated and includes all activities up to the time when the waste is delivered to a waste facility.
- (C) **Collector(s)** means any person(s) who owns, operates or leases vehicles for the purposes of collection and transportation of any type of mixed municipal solid waste, recyclable and/or yard waste.
- (D) **Compostable Material** means a humus (organic portion of soil) made from yard waste and used as a soil conditioner.
- (E) **Facility** means any resource recovery facility or related transfer station or similar facility to which waste is required to be delivered.
- (F) **Garbage** means animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
- (G) **Generation** means the act or process of producing waste (as defined in Minn. Stat. Sec. 115A.03, Subd. 11).
- (H) **Glass Recyclables** shall be deemed to include jars, bottles and containers which are transparent or translucent and primarily used for packaging and bottling of various matter.
- (I) **Hauler** means a collector or transporter of mixed municipal solid waste, recyclable materials, and/or yard waste.
- (J) **Metal Recyclables** shall be deemed to include all disposable containers fabricated primarily of metal or tin.
- (K) **Mixed Municipal Solid Waste** means garbage, 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.

- (L) **Paper Recyclables** shall be deemed to include paper of the type commonly referred to as newsprint. Expressly excluded, however, are all magazines or similar periodicals.
- (M) **Person** means any human being, any municipality or other public agency, any public or private corporation, any partnership, any firm, association or other organization, any receiver, trustee, assignee, agent or other legal representative of any of the foregoing or any other legal entity.
- (N) **Recyclable Materials** means materials that are separated from mixed municipal solid waste by the generator and include all items of refuse designated by the Hennepin County Department of Environment and Energy or successor agency to be part of an authorized recycling program and which are intended for transportation, processing and manufacturing or reuse.
- (O) **Recycling** means the process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes.
- (P) **Source Separation** means the separation of recyclable materials and yard waste from mixed municipal solid waste at the source of generation.
- (Q) **Solid Waste** has the meaning given it in Minn. Stat. Section 116.06, Subdivision 10.
- (R) **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.
- (S) **Waste Tire** means a pneumatic tire or solid tire for motor vehicles as defined in Minn. Stat. 169.01, and included in the Solid Waste Management Plan pursuant to Minn. Stat. 115A.46.
- (T) **Yard Waste** means organic material consisting of grass clippings, leaves, and other forms of organic garden waste.
- (2) **Pre-Collection.** All persons who are owners, lessees, and/or occupants of any building or land, commercial or residential, within the City, which generates mixed municipal solid waste, shall separate from all solid waste the following designated recyclable materials and yard waste before disposal, removal or collection:

- (A) **Paper Recyclables** which shall be bundled separately and/or secured in such a manner as to prevent them from being blown or scattered, and shall be maintained in a dry condition free of any other substance and shall not be placed in plastic bags.
 - (B) **Aluminum Recyclables** which shall be clean of all contents and shall not be placed in plastic bags.
 - (C) **Glass Recyclables** which shall be clean of all contents and shall not be placed in plastic bags.
 - (D) **Metal Recyclables** which shall be clean of all contents and shall not be placed in plastic bags.
 - (E) **Yard Waste** compostables shall be sorted in such manner as the City may require from time.
- (3) **Container Requirements.** All aluminum, glass, metal and yard waste shall be placed in separate containers and not mixed with other forms of solid waste or mixed municipal solid waste in a manner consistent with the rules, regulations and procedures adopted from time to time by the City.
- (A) **Clean and Sanitary.** Containers shall be maintained in a clean and sanitary condition in accordance with all pertinent health statutes, ordinances, rules and regulations;
 - (B) **Location.** Containers shall be located in such a manner so as to prevent them from being overturned or obstructing pedestrian or motor vehicle traffic or being in violation of any statute, ordinance, rule or regulation; and
 - (C) **Substantiality.** Containers shall be adequate and substantial enough to contain the recyclables or yard waste therein.
- (4) **Collection.** The collection, removal and disposal of recyclables and yard waste shall be supervised by the City, which shall have the power to establish the time, method and routes of service. Special times for large item pick-up may also be established in the sole discretion of the City. Collection provisions shall include but not be limited to the following:
- (A) **Notice of Date and Time.** Notice of dates and times of collection will be published or otherwise made available to persons affected herein.
 - (B) **Drop-Off/Collection Sites.** The City may establish drop-off or

collection sites where a resident may deposit recyclables and/or yard waste at such times and locations as the City may determine from time to time.

- (C) **Unauthorized Collection.** It shall be unlawful for any person other than employees of the City, or authorized persons, collectors or haulers to distribute, collect, remove or dispose of recyclable materials after said materials and/or yard waste have been properly placed or deposited for collection.
- (D) **Limitation.** Nothing in Section 304 shall
- (i) 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, non-profit or charitable purposes; or
 - (ii) abridge the right of any authorized recycling or composting program to lawfully operate within Hennepin County, subject to such other licenses and other regulations as may be required by law.
- (E) **Recyclable Material Not Combinable With Other Forms of Mixed Municipal Solid Waste.** It shall be unlawful for a person to collect, remove or dispose of mixed municipal solid waste which consists of recyclables and/or yard waste combined with other forms of mixed municipal solid waste.
- (5) **Violation and Penalty.** Any person who shall violate or fail to comply with any of the provisions of Section 304 shall be guilty of a misdemeanor, and upon conviction thereof shall be punished a fine and/or imprisonment up to maximum extent authorized by law. Each day that a violation continues shall constitute a separate offense.
- (6) **Enforcement.** The City Council shall conduct and supervise the enforcement of Section 304 with the assistance of the City Attorney, Police Department and other City Staff. Enforcement actions to be taken by the City shall be authorized by the City Council. The City Council may authorize the institution of legal proceedings to restrain, correct or abate any violation of Section 304.