

City of Prior Lake

Trash Can Storage Ordinance

The City of Prior Lake has an ordinance regarding trash can storage for days that are NOT a trash pick-up day. Please take a few minutes to read the following information and thank you for doing your part.



601.504: Storage of Garbage and Refuse Containers: Garbage cans and other garbage and refuse containers shall be so located as to be out of the public view except on the day of the pickup.

Public view is defined as being seen from any public street or sidewalk.



Places where residents CAN store trash cans:

- In a garage
- Behind an enclosure or opaque fence
- In the side or rear yard out of public view
- Anywhere else out of public view

Places where residents are NOT allowed to store trash cans:

- On the driveway in public view
- Next to a garage in public view
- In the front yard
- In other areas within view of the public



For more information or questions, please contact code enforcement officer Dale Stefanisko at (952) 447-9811, or dstefanisko@cityofpriorlake.com.

SECTION 601
GARBAGE AND REFUSE

SUBSECTIONS:

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601.100: DEFINITIONS: For the purpose of this Section the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

Garbage: Animal and vegetable wastes resulting from the handling, preparation, cooking, service and consumption of food and shall also include all other animal wastes.

Refuse: Shall include all wastes which normally result from the operation of a household or commercial establishment, except body wastes and garbage, including but not limited to rubbish, tin cans, paper, cardboard, glass jars, bottles, wood, grass clippings, Christmas trees, ashes, sod, dirt, tires, rocks, household or commercial establishment construction material, cement, bricks, trees, leaves, hedge or tree trimmings, burning barrels, and mesh backyard burners, household or commercial establishment appliances and furniture or any other household or commercial establishment refuse or material small enough for one man to handle. The term "refuse" shall not include construction material or other waste or debris resulting from construction or reconstruction of buildings and other improvements by contractors, or trees in excess of six inches (6") in diameter.

Rubbish: Means old tin and iron cans and containers, old wood, cardboard and paper boxes, old metals, wire, rope, cordage, bottles, bags and bagging, rubber and rubber tires, paper, wood shavings, and all used or cast-off articles or material, including old plaster, brick, cement, glass, old building material, leaves, yard trimmings, weeds, dead weeds, dead trees, dead bushes or dead grasses whether or not still in ground at any height and similar materials.
(Amd. Ord. 114-16, publ. 12/20/2014)

Commercial Establishment: Any premises where a commercial or industrial enterprise of any kind is carried on, and shall include clubs, churches and

establishments of nonprofit organizations where food is prepared or served or goods are sold.

Licensed Private Garbage, Rubbish, And Refuse Collector. Any person holding a valid license from the City for the collection of garbage, rubbish, and refuse. (Amd. Ord. 114-16, publ. 12/20/2014)

Residential Unit. Any single building consisting of three (3) or less separate dwelling places with individual kitchen facilities for each. It also includes any boarding house in a residential district.

Park. A 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.

Public Place. Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

Litter. 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.

Vehicle. 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.

Health Officer. The City Health Officer of Prior Lake, Minnesota.

Composting. The controlled microbial degradation of source separated composting materials to yield a humus-like product or mulch to be used as a soil amendment. (Amd. Ord. 116-18, publ. 09/17/2016)

601.200: PROHIBITED ACTS:

601.201 **Litter in Public Places:** No person shall throw or deposit litter in or upon any street, sidewalk, sewer, storm drain, ditch, drainage canal, lake, river, waterway, park, trail, or other public place within the City except in public receptacles or authorized private receptacles for collection. (Amd. Ord. 114-16, publ. 12/20/2014)

601.202 **Sweeping Litter Into Gutters:** No person shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot or from any private or public sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk/s, public easement area, in front, side or rear of their premises free of litter, weeds, brush, snow ice, or any obstruction. (Amd. Ord. 114-16, publ. 12/20/2014)

601.203 **Merchants Duty to Keep Premises Free of Litter:** No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or public place within the City, the accumulation of litter from any building or lot or from any public or private sidewalk or driveway or allow litter on their premises to be deposited by the elements upon any street, sidewalk or other public place or upon private property.

601.204 **Litter Deposited on Public Property or in the Case of Private Property, Deposited by a Person Other Than the Property Owner:** When a person deposits litter on public property or on private property where the person is not the owner of such private property, that person shall immediately remove or cause the removal of that litter from the property at such person's own cost. (Amd. Ord. 114-16, publ. 12/20/2014)

601.300: GARBAGE AND REFUSE COLLECTORS:

601.301 **Licenses Required:** Any individual, corporation, partnership or other form of business entity that desires to engage in the business of waste management or refuse hauling is required to first make application to the City Clerk for a license which application shall be on a form provided by the City and shall include but not be limited to the following information:

- Letter of Credit
- License Fee
- The name of the owner and licensee
- A description of each motor vehicle to be used for hauling, including the license number thereof
- The manner and kind of services to be provided to customers and the cost of pick-ups
- Certificate of insurance

601.302 **Background Check:** In order to protect the health, safety and welfare of the public, the Prior Lake Police Department is authorized to conduct a criminal history background investigation and/or driver's license check on all persons who have applied for, or who will sell, hawk, vend, peddle or solicit under a license issued herein. The results of the criminal history background investigation and/or driver's license check may be cause for denial of the license at the sole discretion of the City. (Amd. Ord. 111-01, publ. 1/1/2011)

601.303 **Requirements of the Licensee:**

601.303.1 **Insurance Required:** No license shall be issued until the applicant provides the City with a current policy of insurance covering all vehicles to be used by the applicant in its business. The minimum limits of coverage for such insurance is a combined style limit for bodily injury and property damage of \$500,000.

601.303.2 **Letter of Credit:** Before each license is granted, the applicant shall furnish to the City and deposit with the City Clerk a Letter of Credit in the

sum of \$1,000. The purpose of the Letter of Credit is to assure compliance with all the provisions and requirements of this subsection and all applicable sanitary rules and regulations.

601.303.3 Reduction of Letter of Credit: If the City finds that the licensee has violated this Section, the City may reduce the Letter of Credit by \$500 as a penalty for such violation.

601.304

Civil Enforcement:

The license holder shall be responsible for the conduct of its agents or employees. Any violation of this section shall be considered an act of the license holder for the purposes of imposing a civil penalty, license suspension or revocation. Each violation, and every day which the violation occurs or continues, shall constitute a separate offense.

601.304.1 Notice of Violation. Upon the occurrence of a suspected violation, the Finance Department shall inform the City Manager of the suspected violation. The City Manager shall then send the license holder a written notice of civil violation. The notice shall advise the license holder of the penalty and the license holder's right to request a hearing regarding the violation of this ordinance pursuant to Section 601.400.

601.304.2 Civil Penalties. Each license issued hereunder shall be subject to suspension or revocation for violation of any provisions of this section or the laws of the State of Minnesota as follows:

- a. First Violation. The first violation of this section is punishable by a civil penalty of \$500.
- b. Second Violation. A second violation of this section within any 36-month period shall be punishable by a civil penalty of \$500.
- c. Subsequent Violation. A third or subsequent violation of this section within any 36-month period shall be punishable by revocation of the license. Any licensee whose license is revoked under this section shall not be eligible for renewal for a period of two license years after revocation.

Any civil penalty, suspension or revocation or combination thereof under this section does not preclude criminal prosecution under this Ordinance or Minnesota Statutes Section 609.685.

601.305

Hearing on Violation: Following receipt of a notice of violation and penalty issued under Subsection 601.303, a license holder may request a hearing. A request for a hearing shall be made by the license holder in writing and filed with the City Manager within ten (10) days of the mailing of the notice of alleged violation. Following receipt of the written request for hearing, the license holder shall be afforded an opportunity for a hearing within 30 days. The hearing for a violation as set forth in 601.303.2 a and b shall be conducted by the City Manager. The hearing for a violation of 601.303.2 c shall be conducted by the City Council.

601.305.1 Findings. If after the hearing, the license holder is found in violation of this ordinance, the City Manager or City Council may

affirm the denial, impose a fine, issue a suspension or revocation or impose any combination thereof as set forth in Subsection 601.303.

601.305.2 Default. If the license holder has been provided written notice of violation and if no request for hearing is filed within the ten-day period, then the penalty, suspension or revocation imposed in 601.303 shall take immediate effect by default. The City Manager shall mail a notice of the fine, suspension or revocation to the license holder. The Police Department shall confirm compliance with the suspension or termination.

601.305.2 Severability. If any provision of this section is for any reason held to be invalid, such decision shall not affect the validity of the remaining provisions of this Section.

601.306 **Hours Of Operation:** No person engaged in hauling refuse or garbage for hire shall do so after seven o'clock (7:00) P.M. or before seven o'clock (7:00) A.M. of any day. There shall be no garbage or refuse pickup on Sundays except in commercial zones between nine o'clock (9:00) A.M. and noon (12:00) P.M. or in other zoning districts without prior written consent of the City Manager following the conclusion of special City-wide events.

601.307 **Vehicles For Hauling Garbage And Refuse:** All persons hauling or conveying garbage or refuse over the streets of the City shall use a vehicle provided with a tight cover and so operated and maintained as to prevent offensive odors escaping therefrom and garbage or refuse from being blown, dropped or spilled from the vehicle. Any such vehicles shall be kept clean and as free from offensive odors as possible, and if customarily used for the hauling of garbage or refuse, shall not be allowed to stand in any street alley or other place longer than is reasonably necessary to collect garbage and refuse. Any vehicle customarily used for such purposes shall be kept in a clean and sanitary condition and shall be thoroughly disinfected at least once each week unless the same has not been used since the last disinfection.

Each vehicle for which a license is applied for or which is licensed shall be subject to inspection by the City at all reasonable times. Any such vehicle, while it is used by the licensee in the City, shall have the name of the licensee clearly printed on both sides and the license for the vehicle shall be kept in the vehicle at all time while it is being so used.

601.308 **Revocation Of License:** Said license for garbage collection, when issued, may be revoked by the City Council without notice in the case of the conviction in a court of competent jurisdiction of the licensee on a complaint alleging the violation of this Section or alleging the violation of the provisions of the City Code or the laws of the State of Minnesota regarding public health. Further, said license may be revoked at any time by the City Council, upon a hearing; provided, that the licensee shall be given at least five (5) days' written notice of such hearing and shall have an opportunity to appear in person or by agent or attorney and present evidence relative to the matter under consideration.

- 601.309 **No Vested Right:** No person licensed pursuant to this Section shall gain a vested right in said license. The City may, upon finding that public necessity requires, determine to establish another means of refuse collection.
- 601.310 **Obligation Of Licensed Collectors:** A licensed garbage and refuse collector shall pick up any garbage and refuse of his customers which has been deposited for collection, in the manner provided by this Section.
(Amd. Ord. 107-13, publ 07/21/2007)
- 601.400:** **PRECOLLECTION AND COLLECTION REQUIREMENTS:** Grass clippings, leaves and other similar refuse shall be placed in bags or bundles not exceeding three feet (3') in any dimension and securely fastened to avoid spillage. Household appliances, furniture, Christmas tress, burning barrels and mesh backyard burners falling within the definition of refuse need not be so packaged. Unless the licensed garbage and refuse collector agrees to pick up such refuse from some other location on the premises, it may be deposited for pickup adjacent to the street or alley from which the pickup is to be made. Refuse deposited adjacent to a street or alley for pickup shall be deposited off the traveled, in one place, at ground level. No refuse shall be deposited next to the traveled roadway of any street or alley before sunset of the day before the day of collection. All refuse, refuse bags, wrappings, cans and disposable containers so deposited shall be picked up by the licensed garbage and refuse hauler, so that after pickup no such items are left adjacent to the street or alley. If any such items are not picked up on the day of collection, they shall be removed from their location next to the street or alley on the day of collection.
- 601.401 **Preparation of Garbage and Refuse:** Except as otherwise provided in the preceding paragraph, all garbage and refuse as accumulated on any premises shall be placed and maintained in containers and shall have drained from it all free liquids before being deposited for collection and shall be wrapped or bagged. No explosive or highly inflammable material shall be so deposited. Such material shall be disposed of as directed by the Fire Chief at the expense of the owner or possessor thereof.
- 601.402 **Contagious Disease Refuse:** Refuse such as, but no limited to bedding, wearing apparel or utensils from residential dwelling units or other units where highly infectious or contagious diseases are present shall not be deposited for regular collection but shall be disposed of as directed by the sanitarian at the expense of the owner or possessor thereof.
- 601.403 **Multiple Residence Buildings:** Multiple residence buildings having more than three (3) family units having garbage and refuse pickup shall either be equipped with refuse containers and refuse pickup service as provided in this subsection or equipped with a commercial incinerator complying with the requirements of the Minnesota Pollution Control Agency and licensed by the City as provided in this Section. If refuse containers are provided as an alternative to or in addition to incineration and are on cubic yard or larger in capacity, then they shall be conveniently located in relationship to the residence units for which they are

provided, shall be watertight and rodent proof with lids and shall be kept in an enclosing structure concealing them from public view. Such structure shall have a concrete floor with apron that drains which shall not be higher than three inches (3") above the natural grade of the surrounding area. Existing bituminous surfaces may be used as a floor for the enclosing structures until such time that the floor has deteriorated or five (5) years, whichever occurs first, at which time the bituminous floor shall be replaced with a concrete floor. The enclosing structure shall be equipped with a gate large enough for a garbage truck to service the refuse container. The gate in the enclosing structure shall face in the direction which is most convenient for the approach of the garbage truck and shall be constructed with a latch which can secure the gate in an open and shut position. The enclosing structure shall have a minimum opening of thirty inches (30"). Such opening shall be constructed in such a manner so that the view to the interior of the enclosure is blocked when viewed from the outside of the enclosing structure. Such enclosing structures shall be kept in a state of good repair at all times. The refuse container shall be located such that their contents are inaccessible to at least three feet (3') above the base of the enclosing structure. The owner or operator of such multiple residence property shall provide for garbage pickup from such containers. Refuse, debris, garbage and other waste materials shall no be permitted to be accumulated in or near the enclosing structure unless placed in the refuse container located within said structure with watertight and rodent proof lids in place thereby sealing off the container. There shall be daily clean-up in and around each such enclosing structure.

601.404 **Commercial Establishments/Volume Producers of Garbage or Refuse:** The owner or occupant of any commercial establishment shall also comply with the provisions of subsection 601.403. The owner or occupant of any other property located in the City producing a volume of garbage or refuse or both, the accumulation of which exceeds the garbage collection agreement for maximum amounts to be picked up and hauled on a weekly basis pursuant to the agreement in effect between the owner or occupant of the property and the garbage or refuse collector, shall comply with the provisions of subsection 601.403.

601.500: CONTAINER SPECIFICATIONS:

601.501 **Duty to Provide and Maintain Containers in Sanitary Conditions:** Garbage, rubbish, and refuse containers shall be provided by the owner, tenant, lessee or occupant of the premises located in such a manner so as to prevent them from being overturned. Such containers shall be kept in a clean and sanitary condition and kept free from any substance which will attract or breed flies, mosquitoes or other insects. No garbage, rubbish, or refuse container shall exceed ninety six (96) gallons in capacity or have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof. Containers not complying with the requirements of this Section shall be promptly replaced upon notice. Containers shall be made of metal, plastic, or other suitable material which is rodent, fire and waterproof and which will not easily corrode and is equipped with suitable handles and tight-fitting covers and shall be kept tightly covered when there is garbage, rubbish, or refuse therein. Containers shall be of a kind suitable for collection purposes, and shall be of such size and weight that they can be handled

by one person, and kept tightly covered when there is garbage, rubbish, or refuse therein.

(Ord. Amd 114-16, publ. 12/20/14)

601.502 **Storage of Garbage, Rubbish, and Refuse Containers:** Garbage cans and other garbage and refuse containers shall be so located as to be out of the public view except on the day of the pickup.

(Amd. Ord. 114-16, publ. 12/20/2014)

601.503 **Refuse Containers:** Refuse containers shall be of a kind suitable for collection purposes, and shall be of such size and weight that they can be handled by one man, and kept tightly covered when there is refuse therein.

(Amd. Ord. 116-18, publ. 09/17/2016)

601.600: DISPOSAL OF GARBAGE AND REFUSE: No person shall dispose of garbage or refuse upon any property in the City except at an approved landfill site. An approved landfill site is a site for disposal of garbage and refuse approved and licensed by Scott County and operated in accordance with the rules and regulations of the Minnesota Pollution Control Agency. This subsection does not limit the disposal of garbage or refuse to sites in the County of Scott.

601.601 All properties within the City shall have compulsory garbage and refuse pickup.

601.602 Agricultural Rural Area Exceptions: Properties in rural or agricultural zoning districts which are five (5) acres or more are not required to have compulsory garbage and refuse pickup.

(Amd. Ord. 116-18, publ. 09/17/2016)

601.700 COMPOSTING: It is prohibited for any person to engage in Composting in a public, commercial, office or industrial zoning district without prior written permission from the City. It is prohibited for any person to engage in Composting in a residential or agricultural zoning district except when in compliance with all of the following:

601.701 Composting shall occur only within a fully enclosed container, which is no more than 120 gallons in size. The container shall be located and designed so that no seepage occurs. Composting containers shall be located at least five (5) feet from any rear or side property line; at least twenty (20) feet from any residential dwelling other than the dwelling on the property on which the container is located; and at least twenty (20) feet from any body of water or area designated as 100-year flood plain or state protected wetland.

601.702 **PROHIBITED MATERIALS:** The following materials shall not be used for Composting: uncooked meat, fats, oils, grease, bones, whole eggs, milk or other liquid dairy products, human or pet wastes, pesticides, herbicides, noxious weeds or any other mixed municipal solid waste that may cause a public health risk or create nuisance conditions.

601.703 Composting shall not occur in a manner that creates an odor or other public nuisance or in a manner that creates a fire or health hazard.
(Amd. Ord. 116-18, publ. 09/17/2016)

601.800: AIR POLLUTION CONTROL REGULATIONS: Pursuant to Minnesota Statutes, section 471.62, Air Pollution Controls and Regulations and Ambient Air Quality Standards, 1-15, inclusive of the Minnesota Pollution Control Agency are hereby adopted by reference. The City Clerk shall mark and keep on file in his office one copy of said regulations, marked "Official Copy", for use and examination by the public and shall furnish a copy of this Section and said regulations at cost to any person upon request.

601.900: BURNING PERMIT: No person shall wilfully burn or set fire to any grass, weeds or other natural ground cover or any building, fixture or appurtenance of real property unless a permit therefor has been secured from the Fire Chief.

No person shall negligently or carelessly set on fire or cause to be set on fire any woods, prairie, grass or other combustible material, whether on his own land or not, by means whereof the property of another will be endangered, and no person shall willfully allow any fire on his own land, or land occupied by him, to extend beyond the limits thereof.

If a permit is required by the terms of this Section for any burning, the Fire Chief may condition the granting of such permit in such a manner as he shall deem appropriate. A violation of such conditions shall be a violation of this Section. Permits shall be issued only under such circumstances as may be allowed by the Air Pollution Regulations adopted in subsection 601.700 and as may be allowed by other ordinances of the City.

601.1000: ENFORCEMENT AND ENFORCEMENT PENALTIES: In enforcing the provisions of this Section, the persons identified in City Code Subsection 104.400 shall have the power to issue citations for violation of this Section in lieu of arrest or continued detention.

In addition, City may abate any violation of this Section as a public nuisance.

In addition, any violation of this Section may be enjoined by the City Council through proper legal channels. Any person, firm, partnership or corporation who violates this Section shall be guilty of a misdemeanor and punishable in accordance with the penalties established by Minnesota Statute. Each day a violation is permitted to exist shall constitute a separate offense.
(Amd. Ord. 116-18, publ. 09/17/2016)

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