

CITY OF DELANO
COUNTY OF WRIGHT
STATE OF MINNESOTA

ORDINANCE NO. O-25-10

AN ORDINANCE AMENDING DELANO CITY CODE
CHAPTER 4, SECTION 404.01, RELATING TO SOLID WASTE MATERIALS

The City Council of the City of Delano hereby ordains:

Section 1. City Code Chapter 4, Section 404.01, is hereby deleted in its entirety and replaced with the following:

SECTION 404.01. SOLID WASTE MATERIALS.

Subd. 1. Definitions. As used in this Section, the following words and terms shall have the meanings stated:

- A. "Apartment Buildings" means any building or structure or portion thereof used, designed, or intended to be used for human habitation which is occupied as the home or residence of four or more families or person living independently in separate dwelling units and for which the owner receives, is entitled to receive or will receive consideration in the form of money, goods, labor, or otherwise from or on behalf of the occupant.
- B. "City compost site" means a location owned and operated by the City of Delano for the drop off yard waste and compostable materials.
- C. "Compostable materials" means the portion of trash that is source-separated for the purpose of beneficial use, and may include food waste, fish and animal waste, kitchen scraps, certified compostable packaging and other products, and other compostable trash.
- D. "Industrial waste" means all organic and inorganic wastes resulting from any manufacturing, building, repairing, demolition, construction, processing, grain cleaning, the operation of garages and service stations, and other similar activities.
- E. "Recyclable materials" or "recyclables" means materials that are separated from solid waste for the purpose of recycling, including newspaper, cardboard, computer paper, ledger paper, glass, tin cans, bi-metal cans, aluminum cans, scrap aluminum, and acceptable plastics under the recycling coding system as per the Society of the Plastics Industry, Inc. (SPI) designates listed below:

1. PET – polyethylene terephthalate
2. HDPE – high density polyethylene
3. V – Vinyl
4. LDPE – low density polyethylene
5. PP – polypropylene
6. PS – polystyrene
7. Other

F. “Residence” means a single-family dwelling, duplex or triplex connected with the City water system and does not include trailer courts, business firms, religious institutions, schools or farms.

G. “Solid Waste” means all trash, recyclables, yard waste, compostable materials, and industrial waste generated from residential, commercial, industrial, and community activities.

H. “Trash” means non-recyclable materials that are designated for landfill or incinerator disposal by the hauler. The term “trash” does not include hazardous waste as defined in Minn. Stat. § 116.06, subd. 11, or construction debris as defined in Minn. Stat. § 115A.03, subd. 7.

I. “Yard waste” means garden wastes, leaves, lawn cuttings, weeds, shrub and tree waste, and prunings.

Subd. 2. Deposit of Solid Waste Restricted.

- A. No person shall deposit, cause to be deposited or place solid waste or containers therefore upon any street, alley, park, vacated lot, or upon any ground appurtenant to any building in the City, except upon the premises wherein the solid waste originated.
- B. No person, except as authorized and licensed by the City, shall transport solid waste, with the exception of recyclable materials, yard waste, and compostable materials, over any street or alley in the City. No person shall disturb, collect or in any manner interfere with solid waste placed in containers for collection, or interfere in any manner with containers thereof.
- C. No person shall disturb, collect or in any manner interfere with recyclable materials placed in containers for collection, or interfere in any manner with containers for recyclable materials, except as authorized by the City or by the person who placed the recyclable materials in the containers for collection.

Subd. 3. Storage.

- A. Containers used in the City for solid waste must be:
 1. Made of metal, plastic, or other suitable material that is not easily corrodible or combustible;

2. Watertight, insect and rodent-proof;
3. Kept tightly covered when containing trash;
4. Placed in such a manner as to prevent them from being overturned; and
5. Maintained in a sanitary and safe condition, free of a substance on the exterior that attracts or breeds flies, other insects, or rodents, and free of ragged or sharp edges or other defects that may impede or injure the person collecting the contents.

B. In addition, solid waste containers for residential dwellings must be:

1. Equipped with suitable handles and tight fitting covers;
2. A size and weight that can be handled by one person;
3. Only those containers supplied by the City contractor in such volumes and weight as specified in the City contract;
4. Provided in sufficient number to hold all trash and recyclables accumulating between collections;
5. Washed and treated with disinfectant as often as necessary to prevent a nuisance;
6. Be vendor-approved containers; and
7. All special containers must meet with the approval of the collector based on sanitation safety, weight limitations and ease of handling.

C. In addition, solid waste containers for multiple dwellings and commercial establishments must be:

1. At least one cubic yard in capacity;
2. Conveniently located with respect to the residential units or establishment; and
3. Placed in an enclosure complying with the requirements of paragraph D below.
4. Kept in an enclosure that conceals them from public view. The enclosure must have a raised concrete floor and be kept in good repair at all times. The enclosure must be constructed, or the containers must be located in the enclosure, so that the contents of the containers are inaccessible for at least three feet about the base of the enclosure.
5. In compliance with applicable provisions of the City Zoning Ordinance.

D. Containers not complying with the requirements of this Section must be promptly repaired or replaced with ones that do comply. Whenever a container is in poor condition, the collector may tag the container with a notice of the defects and the requirement to

repair or replace the container. A copy of the notice must be given to the City, and if on the next collection date the container has not been repaired or replaced, the collector may notify the City and discontinue collections from the premises.

- E. The property owner or occupant shall have trash removed at regular intervals, being at least once each week, or as often as deemed necessary by the City health officer. Pickup and removal of recyclable materials shall be at regular intervals.

Subd. 4. Collection of Trash and Recyclables.

- A. The City may provide for on-site collection once each week of all trash and recyclables from all City residences connected with the City water system and from City trash and recyclable containers on streets and parks. The City may also provide for on-site collection of recyclables from all City residences and apartment units connected with the City water system.
- B. Property owners and occupants shall make containers easily accessible to the collector for on-site pickup on the days designated for collection.
- C. The property owner or occupant of a restaurant, hotel, tavern or other commercial, industrial or manufacturing establishment shall control the solid waste on the premises. Furthermore, the property owner or occupant shall provide for collection of the solid waste on the premises as often as necessary to keep the premises in a clean and sanitary condition, but in no event less frequently than one pickup per week, or as often as deemed necessary by the City health officer.
- D. All solid waste collected under City contract shall be transported on the streets and alleys in the City only in leak-proof, packer trucks. All other solid waste shall be transported on the streets and alleys in the City only in vehicles with leak-proof bodies of easily cleanable construction designed not to transmit odor, attract insects or rodents, or otherwise create a nuisance. Vehicles carrying recyclable materials shall be so operated that contents do not spill or drip onto streets or alleys or otherwise create a nuisance.

Subd. 5. Collection Contract.

- A. The City may contract for collection of trash and recyclables from residences and apartment buildings in the City on such terms and for such periods as the Council may determine. The City may solicit proposals and award a contract based on the amount of the proposal submitted as well as considerations of overall cost, general safety, as well as the number and level of services offered.
- B. Collectors shall have a registered office and notify the Clerk of any change in the office address.
- C. Collectors shall furnish the equipment and personnel necessary for the collection of trash and recyclables.

- D. If the City has entered into a collection contract under this Subdivision, only collectors under contract with the City may collect the trash and recyclables from residences and apartment buildings within the City, and no other person shall make a business or collect a fee for collection of trash and recyclables from residences and apartments within the City.
- E. The trash and recyclables collected by the collectors shall be transported and disposed of in the manner provided by law.
- F. Collectors shall furnish a performance bond, letter of credit, or certificate of deposit in an amount determined by the City, conditioned upon the satisfactory performance of the contract, which designates the City as beneficiary and deposit the same with the Clerk.
- G. Collectors shall maintain such insurance in such amounts as is determined by the City, and shall name the City and its elected and appointed officials and employees as additional insureds under such insurance.
- H. Collectors shall at all times maintain Worker's Compensation insurance.
- I. Collectors shall protect, defend, hold harmless and release the City, its elected and appointed officials and employees from any and all claims, demands, judgments, fines, penalties, assessments, settlements, costs and expenses, including attorney fees and costs, arising out of, or relating to the contract and the performance of the contract and collection activities.

Subd. 6. Service Charge.

- A. The contract between the City and the collector shall specify whether the City or the collector will send bills to the premises served. The City, or the City's contractor, shall charge each dwelling served on the basis of service rendered, as determined by the Council. The bill for such charges shall be sent to the persons served.
- B. Following 30 days notice to the property owner and/or occupant, any charge for collection service not remitted in a timely manner may be collected by the Council as an assessment against the property pursuant to Minn. Stat. § 443.015.

Subd. 7. Licensing of Collectors.

- A. No person shall collect trash, recyclables, or industrial waste from any person, property, or business located within the City of Delano, unless a license therefor shall first have been obtained from the City.
- B. The Council shall consider any application for a collector's license. If the Council finds that the applicant is responsible, has a good record of operations, is in compliance with applicable legal requirements, and has the proper equipment, facilities, resources and

personnel to provide good quality collection service, and that it would be in the public interest to do so, it may direct the Clerk to issue the permit to the applicant.

C. The applicant shall submit to the Clerk a certificate of insurance containing such terms and in such an amount as shall be determined by the Council.

Subd. 8. Collection of Yard Waste. The contractor for residential and apartment trash collection shall provide no fewer than four annual collections of yard waste; at least two collections shall occur in the spring and at least two in the fall.

Subd. 9. Recycling at Non-Residential Facilities. In addition to the recycling which may be provided pursuant to City contract, the City encourages collection of recyclable materials at restaurants, hotels, taverns, commercial, industrial, religious, educational and health care facilities.

Subd. 10. City Compost Sites.

A. City compost sites are intended for the benefit of City residents to drop off yard waste and compostable materials originating within the City. It is therefore unlawful:

1. For any person who does not own or occupy property within the City to deposit, or cause to be deposited, any yard waste or compostable materials at a City compost site;
2. For any person to deposit, or cause to be deposited, at a City compost site any yard waste or compostable materials not originating within the City;
3. For any person to deposit, or cause to be deposited, at a City compost site any solid waste other than yard waste and compostable materials;
4. For any commercial hauler or commercial landscaper to deposit materials at a City compost site; or
5. For any person to disregard or disobey any City compost site regulations that are legally posted by the City Public Works Director.

B. Any person violating the provisions of this subdivision 10 shall be guilty of a misdemeanor and shall also be liable to the City for any costs incurred by the City in removing and disposing of materials deposited at the City compost site in violation of this subdivision 10.

Section 2. Effective Date. This Ordinance shall be in full force and effect immediately following its passage and publication.

ADOPTED by the Mayor and City Council of Delano, Minnesota this 21st day of October, 2025.

Holly Schrupp
Holly Schrupp, Mayor

ATTEST:

Alisha Ely
Alisha Ely, City Clerk