

- D. The licensee is responsible for maintaining order at the incidental dancing business. In the event the licensee fails to maintain order, the Council may undertake necessary measures to ensure proper security.

**Subd. 4. Single Event Dances.**

In addition to the requirements for all public dances, single event license applications shall be submitted at least 30 days prior to the scheduled dance and shall contain the following information along with any additional information required by the Council:

- A. The date, time and place of the dance;
- B. The approximate number of persons expected to attend the dance;
- C. A copy of any lease, agreement or letter allowing the dance to take place on the premises if the applicant is not the owner of the premises;
- D. A statement that the applicant is the person who will conduct, sponsor and be responsible for the public dance.

**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. “Garbage” means discarded material resulting from the handling, processing, storage, packaging, preparation, serving, and consumption of food.
- C. “Industrial waste” means all organic and inorganic wastes except garbage, resulting from any manufacturing, building repairing, demolition, construction, processing, grain cleaning, the operation of garages and service stations and other similar activities.
- D. “Items to be composted” means decomposable items such as leaves, grass clippings, and yard scraps. It does not include tree branches, limbs or trunks.
- E. “Recyclable materials” or “recyclables” means 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. “Refuse” means all non-combustible wastes including ashes, crockery, household rubbish, and all combustible wastes including rags and old cloths; but does not include any material such as earth, sand, brick, stone, plaster or other similar substances that may accumulate as a result of construction operations; it also does not include appliances, auto and auto parts, tree limbs, flammable material including gasoline and motor oil, and any dangerous substance. .

G. “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.

H. “Rubbish” means non-putrescible solid waste, including ashes, consisting of both combustible and non-combustible waste, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, and litter of any kind.

**Subd. 2. Deposit of Refuse Restricted.**

- A. No person shall deposit, cause to be deposited or place garbage, refuse, industrial waste, rubbish, items to be composted, recyclables or containers therefore upon any street, alley, vacated lot or upon any ground appurtenant to any building in the City, except upon the premises wherein the garbage, refuse, industrial waste, rubbish, items to be composted, or recyclables originated.
- B. No person, except as authorized and licensed by the City, shall transport garbage, refuse, rubbish or industrial waste, with the exception of recyclable materials and items to be composted, over any street or alley in the City. No person shall disturb, collect or in any manner interfere with garbage, refuse, rubbish, or industrial 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 garbage, refuse, rubbish and recyclables must be:

1. Made of metal or other suitable material that is not easily corrodible or combustible;
2. Watertight, insect and rodent-proof;
3. Kept tightly covered when containing garbage, refuse or rubbish;
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, garbage, refuse and rubbish 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 garbage and refuse 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, 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 the garbage, refuse and rubbish 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 Garbage, Refuse, Rubbish and Recyclables.**

- A. The City may provide for on-site collection once each week of all garbage, refuse, rubbish and recyclables from all City residences connected with the City water system and from City trash 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 garbage, refuse, rubbish and industrial waste on the premises. Furthermore, the property owner or occupant shall provide for collection of the garbage, refuse, rubbish and industrial 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 garbage, refuse and rubbish collected under City contract shall be transported on the streets and alleys in the City only in leak-proof, packer trucks. All other garbage, refuse, rubbish and industrial 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 Council may contract for collection of garbage, refuse, rubbish and recyclables from residences and apartment buildings in the City on such terms and for such periods as the Council may determine. The Council 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 garbage, refuse, rubbish 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 garbage, refuse, rubbish 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 garbage, refuse, rubbish and recyclables from residences and apartments within the City.
- E. The garbage, refuse 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 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 Council, 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 or pursuant to civil litigation.

**Subd. 7        Licensing of Collectors.**

- A. No person shall collect garbage, refuse, rubbish, 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        Composting.** The contractor for residential and apartment garbage, refuse, and rubbish collection shall provide no fewer than four annual collections of composting materials; two collections shall occur in the spring and two in the fall.

**Subd. 9.        Recycling.** 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.

**SECTION 405.01.    PROPERTY MAINTENANCE CODE.**

**Subd. 1.        Purpose.** The purpose of this Section is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the use and occupancy, construction and maintenance of all buildings, property and structures within the City. The provisions contained herein are in addition to other applicable provisions of the code and not in lieu thereof. Any provisions contained herein which are inconsistent or in conflict with any other provision of the code shall supersede such other provisions. This Section shall be referred to as the Delano Property Maintenance Code.

**Subd. 2        Scope.** The provisions of this Section shall apply to all buildings, structures and property within the City.

**Subd. 3.        Enforcement.**

- A. Authority. The Building Official and the Council are hereby authorized to enforce all of the provisions of this Section.
- B. Right of Entry. The Building Official or an authorized representative may enter, examine and survey all buildings at all reasonable times. In the event the owner or occupant of the building does not consent to entry by the Building Official or an authorized representative of the Building Official, and if there is probable cause to believe that a violation of the Delano Property Maintenance Code exists in the building, then