

400.05 REFUSE AND LITTER AS A NUISANCE.

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Subd. 1 Definitions.

The following terms as used in this Section shall have the meanings stated:

- A. Authorized Receptacle. A litter storage and collection receptacle or container as required and authorized by provisions of the City Code and regulations as to the City refuse collection system.
- B. Garbage. All putrescible animal, vegetable, and other organic wastes resulting from handling, preparation, cooking and consumption of food.
- C. Litter. Garbage, refuse and rubbish as defined herein, in this Section, and all other waste material which, if thrown, deposited, maintained or stored as prohibited in this Chapter, tends to create a danger to the public health, safety and welfare.
- D. Public Place. Any and all streets or other public ways and any and all public parks, ravines, spaces, water bodies, grounds and buildings.
- E. Refuse. All putrescible and non-putrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned, unlicensed or inoperative vehicles as defined in Section 504, and solid commercial and industrial wastes.
- F. Rubbish. All non-putrescible solid waste consisting of both combustible and non-combustible wastes such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, scrap metal, scrap lumber, used vehicle parts, appliances, household furnishings, discarded construction items, and similar materials.
- G. Vehicle. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including but not limited to, devices such as automobiles, trucks, bicycles, motorcycles, snowmobiles, trailers of any kind, and similar forms of conveyance.

Subd. 2 Litter in Public Places.

It shall be unlawful for any person to throw or deposit litter in or upon any public place within the City except in Authorized Receptacles for collection, or in official City landfills. Persons placing

litter in Authorized Receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any public place or private property.

Subd. 3 Litter from Vehicles.

No person shall drive or move any truck or other vehicle within the City unless the vehicle is so constructed or loaded as to prevent any of the contents or litter from being, blown or deposited upon any street, or other public place, or upon private property. Nor shall any person drive or move a vehicle or truck within the City, the wheels or tires of which carry onto or deposit in any street or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind.

Subd. 4 Litter on Private Property.

It shall be unlawful for any person to throw, deposit, accumulate, maintain, or store outside any litter on any private property within the City, except in Authorized Receptacles for collection, whether owned by such person or not. The owner or person in control of any such private property shall at all times maintain the premises free of litter.

Subd. 5 Composting.

All composting consisting of yard waste and/or kitchen waste which have been left unattended and which cause offensive odors, attract rodents and/or pests or are unsightly, or do not meet the requirements stated below, are strictly prohibited:

- A. Compost must be fully confined within fencing or an enclosed structure no larger than 4 feet high and 250 cubic feet in area.
- B. Compost shall not be located in the front yard and must be located at least 5 feet from side and rear property lines.
- C. Compost materials shall be regularly mixed and shall not include items such as meat, bones, grease, whole eggs, dairy products and feces.

Subd. 6 Exceptions for Abandoned, Unlicensed or Inoperative Vehicles in Proper Zones.

This Section shall not prohibit the lawful keeping of vehicles defined in this Section as "Refuse" on private property under the following circumstances:

- A. On property duly licensed as a junkyard in an appropriate zone under the Zoning Chapter of this Code;
- B. When stored inside buildings, provided the building and land use complies with all applicable laws, regulations and provisions of this Code regulating the special hazards and usage thereof; or,
- C. Temporary outside storage, not exceeding thirty (30) days, in appropriate commercial or industrial zones, under the Zoning Ordinance while awaiting repair work thereon.

Subd. 7 Disposal Required.

Every person shall, in a sanitary manner, store and dispose of refuse that may accumulate upon property owned or occupied by him or her in accordance with the terms of this Section. Refuse shall be collected or otherwise disposed of at least once a week.

Subd. 8 Containers.

A. General Requirement. Every householder, occupant, or owner of any residence and any restaurant, industrial establishment, or commercial establishment, shall provide on the premises one or more containers to receive and contain all refuse which may accumulate between collection. All normal accumulations of refuse shall be deposited in such the containers. Items authorized for composting may be stored in containers meeting the requirements of Subdivision 5.

B. Container Requirements. Each container shall be water-tight, impervious to insects and rodents, and maintained in good sanitary condition. Any container not conforming to the requirements of this Chapter or having ragged or sharp edges or any other defect likely to hamper or injure the person collecting the contents shall be promptly replaced after notice by the City.

C. Placement. Residential refuse containers shall be stored in rear or side yards, or kept indoors; and shall be placed at curbside, or the front property line, for pick up. Refuse containers shall be removed by 8:00 p.m. on the day of collection.

D. Exceptions. Residences located in the downtown commercial district identified as Blocks 91, 92, 103, and 104, are exempt from curbside, or front property line, refuse pick up and shall be allowed refuse pick up in the alley ways.

E. Use of Containers. Refuse shall be drained of liquid, and household garbage shall be wrapped before being deposited in a container. Highly inflammable or explosive material shall not be placed in containers.

F. Refuse Dumpsters.

1. New Construction. Refuse dumpsters shall be required at the site of new construction for the duration of the project. Dumpsters shall be water tight, fireproof and completely contained.

2. Reconstruction/Remodeling. Refuse dumpsters are permitted at the site of construction for the duration of the project.

3. Refuse Dumpsters proposed to be located in the public right-of-way require prior approval from the Public Works Superintendent.

400.06 DISEASED OR UNSOUND TREES AS A NUISANCE.

Subd. 1. Diseased or Unsound Trees as a Nuisance. Any diseased or unsound trees, as defined by law or not, growing, standing, or stored upon any lot or parcel of land in the City shall be deemed a nuisance. The owner and occupant shall abate or prevent such a nuisance on the property in the manner prescribed in this Section.