

CHAPTER 66. UTILITIES

ARTICLE III. Solid Waste Collection and Disposal.

DIVISION 2. Private Collectors.

Section 66-106. License.

- (a) No person shall haul garbage, other refuse, recyclables, yard waste, or white goods for hire without a license therefore from the city, or haul garbage, other refuse, recyclables, or yard waste from their own residence or business properties other than as excepted in this Chapter.
- (b) There shall be two license categories, defined by the type of account served: Commercial/Industrial/Multiple Dwelling Collection and Residential Dwelling Collection, both as defined in Chapter 66, Article III, Division 1. The City Council shall establish license fees. Licenses shall be issued for one calendar year, from January 1 through December 31. Each vehicle for which a hauler's license is issued shall exhibit such license in a prominent position on such vehicle. No collector licensed pursuant to this article shall acquire any vested right in a license. The City may, upon finding that public necessity requires, determine to establish other means of refuse collection.
- (c) Prior to the issuance of a license an applicant must obtain and provide proof of all the insurance required within this Article. All costs and expenses are the responsibility of the applicant. All insurance coverage is subject to approval by the City and shall be maintained by the Licensee for the full term of the license. No activity under this license shall be commenced until the requirements of this Article have been satisfied.
 - (1) The Licensee shall obtain and maintain statutory Worker's Compensation Coverage as required under the laws of the State of Minnesota.

In the event the Licensee is a sole proprietor and has not elected to provide Worker's Compensation Coverage, Licensee shall be required to execute and submit an affidavit of sole proprietorship in a form satisfactory to the City.

- (2) The Licensee shall obtain and maintain the following minimum coverage for comprehensive general liability (including premises' operations; independent contractors' protective; products and completed operations; broad form property damage:

Bodily Injury: \$1,000,000 per occurrence.
\$1,000,000 products/completed operations

Property Damage: \$1,000,000 per occurrence

- (3) Licensee shall obtain and maintain the following minimum insurance coverage for personal injury liability (with employment related exclusion deleted):

Limit: \$1,000,000 per occurrence

- (4) Licensee shall obtain and maintain the following minimum insurance coverage for comprehensive automobile liability (owned, non-owned, hired):

Bodily Injury: \$1,000,000 per person
\$1,000,000 per occurrence

Property Damage: \$1,000,000 per occurrence

- (5) Insurance certificates evidencing that the insurance required by this Article is in force with companies acceptable and licensed in the State of Minnesota, and in amounts required, shall be submitted for examination and approval by the City prior to the execution of the license. Thereafter, the certificates shall be filed with the City. The insurance certificates shall specifically provide that a certificate shall not be modified, canceled or non-renewed, except upon thirty (30) days' prior written notice to the City. Neither the City's failure to require or insist upon certificates, or other evidence tending to show a variance from the coverages specified in this section shall change a Licensee's responsibility to comply with these insurance requirements.

- (d) Each applicant shall file a schedule of rates to be charged by the hauler during the license period for which the application is made. The schedule of rates must include a base rate and all other charges to the consumer listed as a service fee, surcharge, or other similarly described fee. The schedule of rates must be submitted on a Schedule of Rates Form provided by the City, which is included in the license application and renewal packet. Every Licensee shall provide prior notification to the City of any change in rates to be implemented during the licensed period. Residential dwelling hauling rates shall include, at a minimum, a rate structure for the following services:

- (1) 30 to 40 gallon service;
- (2) 80 to 90 gallon service;
- (3) Walk up service;
- (4) Handicapped service;
- (5) White goods;
- (6) Bi-weekly pick-up rate;
- (7) Senior Citizen Discount Rate;
- (8) Organized Neighborhood Collection Rate. A description of what meets the criteria for organized neighborhood collection must be listed on the Schedule of Rates Form.

- (e) Hauler licenses shall be granted only upon the condition that the Licensee have watertight packer-type vehicles to prevent the loss in transit of liquid or solid cargo, that the vehicle be kept clean and as free from offensive odors as possible and not be allowed to stand in any street longer than reasonably necessary to collect garbage, other refuse, or white goods. The Licensee shall also ensure that the collection site is left tidy and free of litter. No hauler operating on a route in

a residential district shall operate a truck on any street when the weight of such vehicle exceeds eight tons per axle.

- (f) Upon recommendation by the City Manager, the City Council may suspend or revoke the license of any Licensee whose conduct is found to be in violation of the provisions of this Article. Suspension or revocation may also be based on other health, safety, and welfare concerns arising out of the performance of the Licensee, its employees and agents, and/or its vehicles and equipment. The City's receipt of five (5) or more formal complaints, filed against a Licensee, within a twelve-month period, which have been administratively reviewed and verified by City staff for accuracy, may also result in suspension or revocation of a license. Revocation or suspension of a license by the Council shall be preceded by a public hearing. The City Council may appoint a hearing examiner or may conduct the hearing itself. The hearing notice shall be mailed at least ten days prior to the hearing to the address given on the license application, shall include notice of the time and place of the hearing, and shall state the nature of the allegations against the Licensee.

State law reference--Licensing of solid waste collection, Minn. Stats. § 115A.93.

Section 66-107. Limitation on Number of Licenses.

- (a) Purpose. It is the intent of the City to reduce the number of Solid Waste Collection Licenses issued. The means of this reduction will be through attrition. Said limitation is deemed necessary to protect the health, safety and welfare of the City and its residents.
- (b) No more than three (3) Residential collection licenses and three (3) Commercial collection licenses may be in force at any time, except that all companies licensed by the City as of September 1, 2015, may be relicensed according to the following conditions:
- (1) The Licensee has conformed to all City, County, State and Federal Laws related to solid waste collection;
 - (2) There is no lapse in the license period;
 - (3) The Licensee submits a fully completed annual renewal form, payment and all required documentation by the due date for renewals. Incomplete applications shall be returned to the Licensee and must be resubmitted by the original due date. Failure to submit a renewal, payment and all required documentation by the original due date will be cause for the City to deny the renewal of the license.
 - (4) Licenses are non-transferrable, except whereby an existing Licensee undergoes incorporation, sale or merger with another existing City of Anoka licensed collector, so long as the ownership, control, and interest in the license remain with a pre-existing Licensee.
 - (5) The type of service offered, i.e. commercial/industrial/multi-family or residential has not increased from the previous license period.
 - (6) There has been no increase in the number of trucks as listed in the application for the previous year license.

- (7) License must not have been suspended more than two (2) times in a 12-month period, or revoked.

Section 66-108. Collection days and hours.

- (a) Residential dwelling hauling Licensees shall make weekly collection of separated garbage and other refuse, unless the consumer has entered into an agreement with the Licensee for bi-weekly pick-up service.
- (b) No residential collection of garbage, other refuse, or white goods shall be made except between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday. Saturday collection during these hours is permissible in weeks which include recognized national holidays. Customers shall be notified of a specific day for collection of their garbage, other refuse, or white goods and the Licensee shall collect the materials within those time periods. Commercial, industrial, and institutional collection of garbage, other refuse, and white goods shall be made between the hours of 6:00 a.m. and 6:00 p.m. on any day of the week and as often as is necessary to protect the public's health, safety and welfare. Residential "special pickup" as defined in section 66-82 may take place on any day, Monday through Friday, 6:00 a.m. to 6:00 p.m. as arranged by the resident and licensed hauler.

Section 66-109. Duties and obligations of licensed collector.

A licensed collector must comply with the following operational requirements. Failure to observe any of these provisions may be a basis for suspension or revocation of a license.

- (a) A Licensee shall operate in a manner consistent with its application materials and provide notice to the City within 15 days of any change of information, forms, rate structures, or certificates filed as a part of the license application process.
- (b) The Licensee shall comply with all City, County and State laws and regulations, as well as this Article.
- (c) Upon the city's request, haulers shall be required to provide evidence that they have disposed of garbage, other refuse, and white goods at sites and in the manner authorized by law.

Secs. 66-110--66-130. Reserved.