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## MEMORANDUM

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**TO:** HONORABLE MAYOR AND CITY COUNCIL  
**CC:** JOSHUA M. TETZLAFF, CITY ADMINISTRATOR  
**FROM:** KEN ONDICH, PLANNING / COMMUNITY DEVELOPMENT DIRECTOR  
ROBIN PIKAL, FINANCE DIRECTOR  
MATT RYNDA, PUBLIC WORKS DIRECTOR  
**SUBJECT:** ADOPTION OF ORDINANCE NO. 346 AMENDING CHAPTER 53 OF THE CITY CODE  
RELATING TO REFUSE  
**DATE:** DECEMBER 11, 2023

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The City Council introduced and conducted the first reading of the amended refuse ordinance at the December 4<sup>th</sup>, 2023 City Council meeting.

At the meeting, the Council requested language pertaining to the “bag system” of collection be added to the ordinance amendments. After speaking with Rob Hennes at Lakers, the following language was added to section 53.01(B)(1): “Vendor provided collection bags may also be used for curb site pick up in lieu of receptacles on collection day.”

Also at the meeting, the City Council asked about whether collection bags would increase in cost and how Lakers would collect the current base fee that the City is collecting and remitting to Lakers (\$5.35/mo.). Mr. Hennes at Lakers indicated that they would simply add the base fee to everyone’s invoice from Lakers for no net increase in their bill related to refuse. He also indicated that he believed the price of the bags had gone up recently due to the cost of the bags themselves, but no fee increase would be attributed to this ordinance change. What would change for invoicing, however, would be that collection bag users would now receive an invoice from Lakers that would include the former base fee (again at no net increase).

Regarding timing of the ordinance taking effect, Mr. Hennes did ask for the effective date of the ordinance to be moved to April 1, 2024 to give time to adjust their invoices and processes. This change was reflected in the revised ordinance.

Finally, while there would be no net increase in the refuse collection fees, staff asks for the Council’s consideration in continuing to collect a monthly fee on the utility bills for residential customers in the amount of \$0.40/month which would initially be used for costs related to the operation and future improvements of the City’s yard waste site and could be expanded to the organics site in the future when grant funds run out. This fee would generate just under \$18,000/year in revenue of which would be used to cover ongoing utility billing fees (approximately \$6,900/yr.) and operation, maintenance, and future improvement projects (such as a key card access gate) at the yard waste site (labor/equipment alone is nearly \$7,500/yr.). This would amount to \$4.80/year for a residential household on their utility bill.

As noted during the introduction of the ordinance amendments, each license and agreement will need to be approved for each hauler individually by the City Council. If the ordinance is approved tonight, it would become effective on 4/1/24. Staff would work to bring agreements for all haulers to the City Council for approval prior to 4/1/24.

**Recommendation(s)**

- A. Staff recommends that the City Council conduct a second reading and adopt Ordinance #346.
- B. Staff recommends approving the attached resolution approving publication of Ordinance #346 by Title and Summary.

**Attachments:**

- 1. Proposed Ordinance #346 Amending Chapter 53 Relating to Refuse
- 2. Resolution Authorizing Publication by Title and Summary of Ordinance #346

**ORDINANCE NO. 346  
CITY OF NEW PRAGUE**

**AN ORDINANCE AMENDING CHAPTER 53 OF THE NEW PRAGUE  
CITY CODE REGARDING REFUSE COLLECTION**

**THE CITY COUNCIL OF THE CITY OF NEW PRAGUE, SCOTT AND LESUEUR,  
COUNTIES, MINNESOTA ORDAINS:**

**SECTION 1.** Chapter 53 of the City Code of the City of New Prague is hereby amended by deleting the ~~stricken~~ language and adding the double-underlined language as follows:

**Chapter 53: REFUSE**

~~53.01 Definitions~~

~~53.012 Refuse; Collection and storage of refuse and garbage~~

~~53.023 Vehicles for hauling refuse~~

~~53.034 Pickup site~~

~~53.045 License required~~

~~53.056 Application for license; renewals; fees and agreement~~

~~53.067 Revocation or suspension of license~~

~~53.08 Payment~~

**~~53.01 DEFINITIONS.~~**

~~(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~**REFUSE.** Includes any combustible waste material, trade waste, garbage, paper, leaves or other similar substances as may be defined as refuse in the State Pollution Control Agency Solid Waste Regulations, SWI (12), which definition is hereby adopted by reference pursuant to M.S. § 471.62, as it may be amended from time to time.~~

~~**OPEN BURNING.** The burning of any material whereby the resultant combustible product is emitted directly into the open atmosphere without passing through an adequate stack, duct or chimney, in accordance with the Minnesota Pollution Control Agency Regulation 368.2, as amended.~~

~~(B) No person shall dispose of refuse by open burning, or cause, suffer, allow or permit open burning of refuse in the city.~~

**53.012 REFUSE; COLLECTION AND STORAGE OF REFUSE AND GARBAGE.**

(A) For the purpose of this chapter, “refuse” shall mean solid waste from residential, commercial, industrial, and community activities that the generator of the waste aggregates for collection~~the following definitions shall apply unless the context clearly indicates or requires a~~

different meaning.

~~**REFUSE AND GARBAGE.** Includes organic waste, empty metal cans, empty glass bottles and jars remaining or resulting from the preparation of food for household use, organic spoiled or decayed food, together with household paper waste and residential lawn, tree and shrubbery cuttings and trimmings, clothing and household refuse, and any other rejected or useless items fit only to be thrown out or away.~~

(B) It shall be the duty of every tenant, lessee, owner or occupant of every private dwelling house, store, hotel or restaurant, and the owner of every other type of property and of every other person having refuse which is on the premises, to at least once a week deposit the refuse with the refuse collecting service.

(1) ~~Garbage and r~~Refuse shall be kept in suitable and sufficient ~~cars or~~ receptacles made of metal or plastic with suitable handles and tight fitting covers. ~~The receptacles shall not be of more than a 30-gallon capacity, and the aggregate weight of each receptacle and contents shall not be more than 75 pounds.~~ Each of the receptacles shall be maintained and clean, and kept in a state of repair which will prevent leakage. Vendor provided collection bags may also be used for curb side pick up in lieu of receptacles on collection day. Tree branches shall be bound in bundles not more than two feet in diameter and three feet in length. All organic garbage shall be tightly enclosed in a paper bag or wrapper before depositing the same in the receptacle. Yard waste must be brought to the City's yard waste site for proper disposal and may not be placed in refuse receptacles. While not mandatory, organics may be brought to the City's organics waste collection site.

(2) No person shall accumulate or permit to accumulate any refuse which shall constitute a nuisance by reason of appearance, odor, sanitation, possible littering of neighboring properties or a fire hazard.

### **53.023 VEHICLES FOR HAULING REFUSE.**

All persons and entities hauling or conveying refuse for hire shall haul the same in suitable vehicles provided with end and sideboards of sufficient height to prevent any part of the load from falling or leaking into or upon any public street or alley in the city. The vehicles shall at all times, except when loading or unloading, be kept covered with sufficient canvas, metal or wooden covers.

### **53.034 PICKUP SITE.**

All pickups of refuse ~~and garbage~~ shall be made in at the curb. The city may direct other locations as practical.

### **53.045 LICENSE REQUIRED.**

No person or entity shall engage in the business of residential or commercial refuse collection in the city ~~unless he or she shall first pay without paying~~ the licensing fee herein prescribed and ~~secure securing and maintaining a~~ valid residential or commercial hauling license

from the city, as the case may be, to operate his or her business collect said refuse.

### **53.056 APPLICATION FOR LICENSE; RENEWALS; FEES AND AGREEMENT.**

(A) Applications for a license or a license renewal to haul or convey residential or commercial refuse and garbage in and from the city shall be in writing and be filed with the City Administrator, or its designee, and shall state the type of license requested, the number of vehicles proposed to be used, the type or name of unit to be used, the name of the owner or the licensee, the charge which the person proposes to make for the hauling of refuse and the kind of service proposed to be given to customers, and the schedule of proposed residential and business commercial pickups, as applicable. Rates to be charged shall also be filed with the City Administrator, or its designee, and made available for public inspection. ~~The applicant shall file with his or her application a certificate of liability insurance on each vehicle involved. Before the license shall be issued, the licensee shall agree to hold the city harmless and shall agree to defend and indemnify the city, and the city's employees and agents, for any claims, damages, losses, and expenses related to the work under the license. The city shall be named as an additional insured under that insurance for the services provided under the license. The licensee's contract of insurance shall be the primary insurance for the city and the license or insurance company shall provide a certificate of insurance which verifies the existence of the insurance required, including provisions to hold the city harmless and defend and indemnify the city. The insurance shall provide coverage up to \$300,000 for any single claim and \$1,000,000 for any number of claims in a single occurrence.~~

(B) The ~~annual~~ license fee for the residential and commercial licenses shall be established in the city's fee schedule ~~is \$100 for the first vehicle proposed to be used in the hauling and conveying of refuse and \$25 for each additional vehicle used thereafter.~~ All licenses shall remain valid for no longer than three years and shall expire on March 31st of their expiration year, and the first three-year license term shall begin on April 1, 2024. Renewal applications shall be filed with the City Administrator, or its designee, no later than 60 days prior to expiration, the thirty first day of the thirty sixth month following the issuance of the license. One residential license may be granted for every 7,000 residents of in the city. Beginning on April 1, 2024, prior to being issued a residential or commercial license, a hauler shall enter into an agreement with the city that meets all city requirements, and such agreement shall include, without limitation, terms and conditions related to rates, insurance, indemnification, and community cleanup day events.

### **53.067 REVOCATION OR SUSPENSION OF LICENSE.**

~~The A~~ license to haul or convey residential or commercial refuse or garbage, after issued, may be revoked or suspended by the City Council for a violation of this chapter, or for any other violation state or local law regarding public health, 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 chapter or alleging the violation of the provisions of the city or the state regarding public health. Further, ~~the license may be revoked at any time by the City Council upon a hearing, provided that the licensee shall be given at least 30 days written notice of the hearing and shall have an opportunity to appear in person or by agent or attorney and present evidence relative to the matter under consideration.~~

### **53.08 PAYMENT.**

~~The expense of refuse collection may be paid to the collector monthly by the owner, agent, occupant, or tenant of the premises from which the refuse is collected, and the fee as determined therefore shall be separately designated and added to the monthly statement of the City Utilities Commission, and the Commission shall monthly remit to the licensee the monies thereby collected.~~

**SECTION 2.** The “Miscellaneous Licenses” section of the City’s Official Fee Schedule is hereby amended by adding the double-underlined language and deleting the ~~stricken~~ language as follows:

<b>MISCELLANEOUS LICENSES:</b>	
Commercial Refuse Hauler License <del>(annual)</del> (up to 3 year license)	\$150.00 <del>for first vehicle, \$25 for each additional vehicle</del> per year
<u>Residential Refuse Hauler License (up to 3 year license)</u>	<u>\$150.00 for first vehicle, \$25 for each additional vehicle</u> per year
<u>Yard Waste Site Fee</u>	<u>\$0.40/mo. added to residential utility accounts</u>

**SECTION 3.** This Ordinance shall take effect and be in force upon its publication, in accordance with Section 3.13 of the City Charter.

Introduced to the City Council of the City of New Prague, Minnesota, the 4th day of December, 2023.

The required 10 days posted notice was completed on the City Website and City Hall Bulletin Board on December 5th, 2023.

Passed by the City Council of the City of New Prague, Minnesota, the 18th day of December, 2023 and to be published on the 28th day of December, 2023.

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Duane J. Jirik, Mayor

ATTEST:

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Joshua M. Tetzlaff, City Administrator

**CITY OF NEW PRAGUE, MINNESOTA**

**RESOLUTION NO. 23-12-18-04**

**A RESOLUTION AUTHORIZING PUBLICATION BY TITLE AND  
SUMMARY OF ORDINANCE 346 RELATED TO REFUSE COLLECTION**

WHEREAS, the City of New Prague (the “City”) is a municipal corporation organized and operating under a home rule charter and the laws of Minnesota; and

WHEREAS, the City Council of the City of New Prague adopted “Ordinance 346 – An Ordinance Amending Chapter 53 of the New Prague City Code Regarding Refuse Collection”; and

WHEREAS, Section 3.14 of the City Charter authorizes summary publication of lengthy ordinances where the City Council determines, upon an affirmative 4/5 vote of its members, that the title and summary of such ordinance shall clearly inform the public of the intent and effect of the ordinance; and

WHEREAS, the verbatim text of the ordinance is four pages in length, is cumbersome, and the expense of publication of the complete text is not justified; and

WHEREAS, the following summary clearly informs the public of the intent and effect of the ordinance.

NOW THEREFORE, IT IS HEREBY RESOLVED, by the City Council of the City of New Prague, Minnesota, that the following summary is hereby approved for official publication:

**SUMMARY PUBLICATION  
ORDINANCE NO. 346**

**AN ORDINANCE AMENDING CHAPTER 53 OF THE NEW PRAGUE  
CITY CODE REGARDING REFUSE COLLECTION**

On December 18, 2023, the New Prague City Council adopted an ordinance designated as Ordinance No. 346, the title of which is stated above. The purpose of the ordinance is to amend certain regulations within chapter 53 of the New Prague City Code related to commercial and residential refuse disposal and collection. The ordinance includes updated provisions related to the city’s licensing of haulers and supplements the existing code language to include additional licensing requirements. The ordinance also clarifies the city’s longstanding limitation on the number of residential hauling licenses available and establishes licensing fees and other requirements for all licensed haulers. A full copy of the ordinance is available for public inspection in the office of the City Administrator during normal business hours.

BE IT FURTHER RESOLVED, by the City Council of the City of New Prague, Minnesota

that the City Administrator is directed to keep a copy of the ordinance in the Administrator's office at City Hall for public inspection and to post a full copy of this resolution and the ordinance in a public place in the City for a period of two weeks.

BE IT FURTHER RESOLVED, by the City Council of the City of New Prague, Minnesota that only the title and summary of the ordinance be published; and

BE IT FURTHER RESOLVED, by the City Council of the City of New Prague, Minnesota that the text of the summary is hereby approved.

BE IT FINALLY RESOLVED, by the City Council of the City of New Prague, Minnesota that the Mayor, City staff and City attorney are hereby authorized and directed to take any and all additional steps and actions necessary or convenient in order to accomplish the intent of this Resolution.

ADOPTED at a regular meeting of the New Prague City Council this 18<sup>th</sup> day of December, 2023.

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Duane J. Jirik, Mayor

ATTEST:

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Joshua M. Tetzlaff, City Administrator