

Chapter 22

SOLID WASTE MANAGEMENT*

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State law reference(s)--Waste management generally, M.S.A. ch. 115A; authority to regulate solid waste disposal, M.S.A. § 412.221, subd. 22.

SOLID WASTE MANAGEMENT

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ARTICLE I. IN GENERAL

Sec. 22-1. Construction debris containers (dumpsters).

(a) *Purpose.* The purpose of this section is to establish minimum standards for construction debris containers (dumpsters) and similar containers used for the collection, storage or transport of any construction, demolition debris, or other solid waste in volumes larger than city provided containers or carts and to prohibit placement of these large containers on city property.

(b) *Definitions.* Construction debris container, as that term is used in this Chapter shall mean any four-sided industry standard steel or plastic container used to collect, store or transport volumes of waste or other materials in excess of city-provided containers or carts, including but not limited to dumpsters, tubs, and pods.

(c) *Regulations.*

- (1) The construction debris container shall be watertight; clearly labeled with the name and phone number of the container owner. The debris or other materials stored within the construction debris container shall not exceed three feet in height from the top of the construction debris container, and shall not be used for storage of any refuse other than construction or demolition debris unless totally sealed.
- (2) The construction debris container shall be located outside of the city right-of-way. The construction debris container shall not be located on an individual lot or parcel for more than six months during any 12-month period.
- (3) The construction debris container shall be placed in a location that will ensure the least possible obstruction to pedestrian and vehicular traffic, as well as provide for the safety of the general public and residents living in the area.

(Ord. No. 2198-01, § 1, 5-21-2001; Ord. No. 2249-03, § 1, 9-2-2003)

Secs. 22-2--22-30. Reserved.

ARTICLE II. GARBAGE AND REFUSE COLLECTION

DIVISION 1. GENERALLY

Sec. 22-31. Short title.

This article shall be known and may be cited as the Garbage and Refuse Collection Ordinance of the city.

(Code 1976, § 9-301; Ord. No. 2249-03, § 1, 9-2-2003)

Sec. 22-32. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial establishment means any premises where a commercial or industrial enterprise of any kind is carried on, and shall include clubs, churches and establishment of nonprofit organizations where food is prepared or served or goods are sold.

Garbage means waste material, animal or vegetable, which results from the handling, preparation, cooking, service, and consumption of food.

Incinerator means any device used for the destruction of refuse, rubbish or waste materials by fire.

Licensed collector means any person holding a valid license from the city for the collection of garbage, refuse, yard waste, recyclables or other materials covered by this Chapter.

Refuse means all wastes (except body wastes) including, but not limited to, rubbish, tin cans, papers, Christmas trees, cardboard, grass clippings, ashes, glass jars and bottles, and wood normally resulting from the operation of a household or business establishment, but not including garbage, sod, dirt, rocks, construction material, cement, trees, leaves, hedge or tree trimmings, or anything one person could not lift easily.

Residential dwelling means any single building consisting of four or fewer separate dwelling units with individual kitchen facilities for each.

Residential garbage and refuse collection contractor means any person with whom the city contracts for collection of garbage and refuse from residential dwellings in the city.

Solid Waste Material or Material, unless otherwise qualified, means refuse, garbage, recyclable materials, yard waste, appliances, bulk items and any other solid waste from residential dwellings and activities that the generator of the waste aggregates for collection.

Yard waste means all compostable organic plant material that consists of grass clippings, leaves, weeds, soft garden materials, Christmas trees, and brush and limbs under four inches in diameter and four feet in length, if bundled with twine or other organic material.

(Code 1976, § 9-302; Ord. No. 2249-03, § 1, 9-2-2003)

Cross reference(s)--Definitions generally, § 1-2.

Sec. 22-33. Collection of garbage and refuse within the city.

Except as otherwise authorized by the city in this article, all garbage and refuse accumulated at any residential dwelling in the city shall be collected, conveyed and disposed of by the authorized city residential garbage and refuse collection contractor. The residential solid waste collection contractor shall charge a fee for special pickup of garbage, refuse, yard waste or recycling in an amount as determined by the City. This section does not prohibit the following activities:

- (1) The disposal of garbage by any device, which grinds and deposits the garbage in a sewer;
- (2) The owner or occupant of any premises upon which garbage or refuse has accumulated from personally conveying and disposing of such garbage or refuse in accordance with the provisions of this article and with any other applicable law or ordinances;

- (3) Collectors of refuse from outside of the city from hauling such refuse over city streets, provided that such collectors comply with the provisions of this section and with any other applicable laws or ordinances of the city; or
- (4) Any licensed private garbage and refuse collector from hauling garbage or refuse from any premises that is not a residential dwelling.

(Code 1976, § 9-303; Ord. No. 2249-03, § 1, 9-2-2003)

Sec. 22-34. Collection supervised by director of public works.

All garbage and refuse collected, conveyed and disposed of by the city shall be under the supervision of the director of public works. The city manager shall have the authority to make regulations concerning the days of collection, type and location of waste containers, and such other matters pertaining to the collection, conveyance and disposal as he/she shall find necessary, and to change and modify the regulations in accordance with the provisions of this article and contract between the city and its garbage and refuse collection contractor. Any person aggrieved by a regulation of, or fee charged by the city manager shall have the right of appeal to the city council which shall have the authority to confirm, modify or revoke any such regulation or fee.

(Code 1976, § 9-304; Ord. No. 2249-03, § 1, 9-2-2003)

Sec. 22-35. Pre-collection practices.

(a) *Preparation of garbage and refuse.* All garbage and refuse as accumulated on any premises other than bulk items, appliances, and yard waste shall be placed and maintained in city provided containers and shall have drained from it all free liquids before being deposited for collection, and shall be placed in sealed bags or wrapped. If any residential dwelling has more garbage and refuse than will fit into the cart(s), the resident may purchase an "extra refuse" sticker from the City, place the garbage or refuse in a securely sealed bag for collection, affix the sticker, and place the bag in the same location and at the same time for collection as the cart(s). No explosive or highly inflammable material shall be deposited or placed for collection. Such material shall be disposed of as directed by the fire chief at the expense of the owner or possessor.

(b) *Contagious disease refuse.* Refuse such as, but not limited to, bedding, wearing apparel or utensils from residential dwelling units or other units where highly infectious or contagious diseases are present shall not be deposited for regular collection, but shall be disposed of as directed by the health department at the expense of the owner or possessor.

(c) *Duty to maintain containers in sanitary condition.* Except when placed out for collection that day, garbage and refuse carts shall be located by the owner, tenant, lessee or occupant of the premises inside a building or outside on the property. If located outside the carts must be located behind the building line adjacent to any street or alley right-of-way line. Carts must also be placed four (4) feet or more from interior lot lines. Carts should be placed in such a manner to prevent them from being overturned. The owner, tenant, lessee or occupant of the premises is responsible for providing yard waste containers or bags. Yard waste containers and bags shall not exceed forty pounds when filled and shall be of a size and nature to be easily handled and lifted by a single person. All containers shall be kept in a clean and sanitary condition and kept free from any substance, which will attract or breed flies, mosquitoes or other insects. No container shall have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the

contents. Containers not complying with the requirements of this article shall be promptly replaced upon notice. The director shall have the authority to refuse collection services for failure to comply herewith.

(d) *Garbage and refuse containers.* Garbage and refuse containers shall be kept tightly covered when there is garbage therein. Containers for residential collection under the city's contract will be provided by the City.

(e) *Points of collection.* Garbage and refuse containers shall be placed for collection in one place at ground level on the property, not within the right-of-way of a street or alley, and as remote as possible from any surrounding dwellings, and accessible to the street or alley from which collection is made. All containers which contain yard waste must be placed on the abutting alley if there be one, or upon the boulevard area of the street for collection by the city.

(Code 1976, § 9-305; Ord. No. 2249-03, § 1, 9-2-2003)

Sec. 22-36. Collection practices.

(a) *Frequency of collection.* Garbage and refuse accumulated at residential properties shall be collected at least once a week. Garbage and refuse accumulated at stores, restaurants, other businesses and institutions shall be collected no less than once each week and as often as once each business day if necessary to protect the public health. Collection by the authorized city residential garbage and refuse collection contractor will take place between 7:00 a.m. and 5:00 p.m. Monday through Fridays and 9:00 a.m. to 5:00 p.m. on Saturdays when necessary. Items from residences shall be placed out for collection curbside or alley side by 7:00 a.m. on their designated collection day, and the carts or containers shall be retrieved as soon as practical after collection but no later than 7:00 p.m. on the day of collection.

(b) *Collection by actual producers and outside collectors.* The actual producers of refuse, or the owners of premises upon which refuse is accumulated, who desire personally to collect and dispose of such refuse, persons who desire to dispose of waste material not collected by the city, and private collectors of refuse and garbage from outside of the city who desire to haul over the streets of the city, shall use a vehicle provided with a tight cover and so operated and maintained as to prevent offensive odors escaping therefrom, and refuse from being blown, dropped or spilled from the vehicle. Such receptacles on vehicles shall be kept clean and as free from offensive odors as possible and shall not be allowed to stand in any street, alley or other place longer than is reasonably necessary to collect garbage and refuse. The collector shall comply with ordinances of the city and laws or regulations of the state relating to sanitation and collection of garbage and refuse. The collector shall keep all equipment used in the performance of the work in a clean, sanitary condition and shall thoroughly disinfect each vehicle at least once a week unless the vehicle has not been used since its last disinfection.

(c) *Refuse property of city.* Ownership of garbage and refuse material set out for collection and collected by the city shall be vested in the city.

(Code 1976, § 9-306; Ord. No. 2249-03, § 1, 9-2-2003)

Sec. 22-37. Garbage/refuse service rates.

- (a) A service charge for garbage/refuse collection, including recycling service, and yard waste collection service, provided to residential dwelling units with the city shall be an amount set by city council resolution.
- (b) Each dwelling unit in a residential dwelling will be charged a service charge for garbage/refuse collection and for yard waste collection, regardless of whether they utilize the service, provided that residents with an extended absence from the city and non-use of service during that period may apply to the City for a temporary suspension of service and reduction of charges.
- (c) A service charge in an amount set by city council resolution shall be added to the service charge for garbage/refuse collection for residential dwelling which mixes refuse with yard waste.
- (d) Charges for the collection and disposal of garbage/refuse, bulk items, electronics, appliances and yard waste shall be a charge against the owner, lessee, occupant, or all of them of the premises served, any of whom shall be charged and billed for such service.
- (e) Garbage/refuse bills will be mailed to customers for each billing period at the rate shown in this subsection. The proceeds from collection of these bills shall be placed in a separate fund. A penalty in an amount set by city council resolution shall be added to the amount due on any bill if not paid within three weeks after the billing date. Payments received six working days following the due date shall be deemed as paid within such period.
- (f) All charges for garbage/refuse service shall be due and payable within three weeks after the billing date; accounts shall be considered delinquent when not paid within three working days following the date. Such charges shall be a charge against the owner of the premises and shall be certified by the city clerk to the city assessor who shall prepare an assessment roll each year providing for assessment of the delinquent amounts against the respective properties served for collection as other taxes.
- (g) The city council reserves the right to adjust the rates provided by this section from time to time.

(Code 1976, § 9-307, Ord. No. 2249-03, § 1, 9-2-2003; Ord. No. 2324-06, 1-12-07)

Sec. 22-38. Disposal.

- (a) *Private incineration.* No garbage or refuse from any commercial or residential establishment shall be disposed of by burning except in an incinerator of an approved type as specified by ordinance of the city.
- (b) *Dumping.* No garbage or refuse shall be disposed of by dumping or disposal at or on any place within the city.
- (c) *Scattering of garbage or refuse.* No person shall cast, spill, place, sweep or deposit anywhere within the city any garbage or refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place, or into any other premises within the city.

(Code 1976, § 9-308; Ord. No. 2249-03, § 1, 9-2-2003)

Secs. 22-39--22-60. Reserved.

DIVISION 2. RECYCLING

Sec. 22-61. Purpose of division.

This division is designed to ensure that a designated recycling program is conducted in an orderly fashion to avoid adverse effects on the public health, welfare, safety and environment.

(Code 1976, § 9-309(1); Ord. No. 2249-03, § 1, 9-2-2003)

Sec. 22-62. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authorized or designated recycling program means a program for the collection and recycling of recyclable materials which is instituted, sponsored and controlled by the city.

Recyclable materials means all items of refuse which are part of an authorized recycling program and which are intended for transportation, processing and remanufacturing, or reuse.

(Code 1976, § 9-309(2); Ord. No. 2249-03, § 1, 9-2-2003)

Cross reference(s)--Definitions generally, § 1-2.

Sec. 22-63. Designation of items.

A list of refuse items designated to be part of an authorized recycling program shall be prepared. Such items must be ones which are generally accepted by the recycling industry for remanufacture and reuse, which can be cleaned, prepared and stored in a manner to protect the public health, welfare, safety or environment, and which can be collected and recycled without threatening the economic viability of an authorized recycling program. This list shall be published in the official newspaper. The list may be modified as circumstances warrant by following the procedure specified for the original designation.

(Code 1976, § 9-309(3); Ord. No. 2249-03, § 1, 9-2-2003)

Sec. 22-64. Implementation.

All recyclable materials intended and set out for collection shall be cleaned, prepared and stored in accordance with city specifications and shall be placed for collection in the same manner as other materials. The City will provide recycling containers to residents. All recyclables must be placed in the recycling containers provided by the city or in recyclable bags within the containers to prevent litter and spillage. Except when placed out for pickup that day, recyclable materials must be stored inside a dwelling or structure. Failure to use a city provided recycling container may void the opportunity to participate in an authorized program and shall constitute a public nuisance where such failure causes a threat to the public health, welfare, safety or environment or results in a disorderly and unsightly collection or refuse visible to the public. All city provided recycling containers must be kept clean and sanitary by the resident and remain the property of the city.

(Code 1976, § 9-309(4) Ord. No. 2249-03, § 1, 9-2-2003)

Sec. 22-65. Ownership.

Ownership of recyclable materials remains with the person or household from which the materials originated until collected by designated collection programs. Upon removal by the city or its designated agents or contractors from a designated collection point, ownership of properly prepared and stored recyclable materials intended for a city authorized collection program shall be vested in the city. Materials not prepared, cleaned or stored according to city specifications shall remain the responsibility and property of the individuals or household from which the materials originated. Nothing in this division shall abridge the right of an individual or household to give or sell their recyclable materials to any recyclable materials program.

(Code 1976, § 9-309(5) Ord. No. 2249-03, § 1, 9-2-2003)

Sec. 22-66. Unauthorized collection.

No person other than one expressly authorized by the city council shall take or collect recyclable material set out for authorized collection programs within the city.

(Code 1976, § 9-309(6); Ord. No. 2249-03, § 1, 9-2-2003)

Secs. 22-67--22-90. Reserved.

DIVISION 3. RECYCLING FOR MULTIPLE-FAMILY RESIDENTIAL STRUCTURES

Sec. 22-91. Purpose of division.

The purpose of this division is to require mandatory separation of recyclables, and to aid and promote collection and disposal by means other than deposit in a sanitary landfill or by incineration.

(Code 1976, § 9-309.101; Ord. No. 2249-03, § 1, 9-2-2003)

Sec. 22-92. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Multiple-family residential structure means any residential building consisting of five or more apartments, townhomes or condominiums, or other living units.

Recyclables means newsprint, corrugated paper (cardboard), office paper, mail, magazines, phone books, glass containers, aluminum foil and cans, tin cans, steel cans, bi-metal cans, reasonably free of dirt, food and other contaminants, and plastic bottles. Also included as a recyclable is any other material that the city may hereafter be required to collect as a recyclable by the county or its environmental department.

(Code 1976, § 9-309.102; Ord. No. 2249-03, § 1, 9-2-2003)

Cross reference(s)--Definitions generally, § 1-2.

Sec. 22-93. Separation and storage.

- (a) It shall be the obligation and responsibility of the owners of each multiple-family residential structure including, but not limited to, an apartment building, townhome complex, townhome association, condominium complex, and condominium association to have recycling containers available and accessible, and provide recycling collection services at least twice each month to all residents residing within each structure.
- (b) Every resident of every multiple-family residential structure shall separate the recyclables from all other refuse, garbage, rubbish and waste matter, and shall store the recyclables in containers designated as containers for the storage of recyclables.
- (c) Containers with tight fitting lids for storage of recyclables shall be kept in the same location as refuse containers; provided, however, that residents of those dwellings where curbside or alleyside collection is available, shall place the recyclables and the containers for recyclables at a place adjacent to the dwelling (or building in which the dwelling is located) or garage accessory thereto and visible from the street in front of the dwelling (or building in which the dwelling is located) or from the alley by the dwelling (or building in which the dwelling is located) if that dwelling (or building in which the dwelling is located) has refuse collection service at the alley. After the scheduled collection, the containers for recycling and any materials not collected shall be returned by the resident of such dwelling to the same location as containers for refuse are kept.

(Code 1976, § 9-309.103; Ord. No. 2249-03, § 1, 9-2-2003)

Sec. 22-94. Collection.

- (a) Collection of recyclables from the multiple-family residential structure shall be by a hauler selected and paid by the owners of the complex or by a manager of such or by a management company of such or by an association governing such, but which hauler is then duly licensed by the city under applicable ordinances of the city or county. Also, such collection shall be done in compliance with all other applicable ordinances of the city now or hereafter in effect.
- (b) The owners or manager or management company or governing association of each complex shall report to the city manager or the city manager's designee, upon written request from time to time made by the city manager or the city manager's designee, and on forms prescribed and provided by the city manager or the city manager's designee, such information relative to the program for separation, storage, and collection of recyclables then in effect for their complex as the city manager or the city manager's designee shall then request. The owners or managers of each complex shall post and provide this information and additional educational material regarding recycling to residents of the complex.
- (c) The provisions of subsection (a) of this section notwithstanding, the city, at any time, and from time to time, may contract with a hauler for collection of recyclables from some or all complexes, and if the city so contracts, the recyclables shall be collected from the premises by the collector under contract with the city and on terms and conditions set out in such contract.

- (d) Neither the provisions of subsections (a) or (c) of this section or any other provisions of this division shall prevent any resident from disposing of that resident's recyclables without the use of a paid hauler or the city collection, but the provisions of section 22-95 shall be complied with by such resident.

(Code 1976, § 9-309.104; Ord. No. 2249-03, § 1, 9-2-2003)

Sec. 22-95. Disposal.

Recyclables collected from multiple-family residential structures shall not, in any event, be:

- (1) Deposited in any landfill;
- (2) Burned in any incinerator; or
- (3) Deposited or distributed in any way or manner contrary to applicable law, statute, ordinance, rule, or regulation.

The restrictions of subsections (1) and (2) of this section shall not comply to any recyclables which are deposited in a landfill or burned in an incinerator pursuant to specific, prior written approval granted by the county and consented to in writing by the city manager or the city manager's designee. Residents shall take such action as is reasonable under the circumstances to determine that recyclables are not disposed of contrary to the provisions of this section.

(Code 1976, § 9-309.105; Ord. No. 2249-03, § 1, 9-2-2003)

Secs. 22-96--22-120. Reserved.

Article III. Residential Compost

Sec. 22-121. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Back Yard means the area between the rear lot and the rear face of the residential property.

Browns are carbon-rich materials such as dried grasses or leaves, straw, twigs, or dead plants.

Compost is partially decomposed organic matter. It is dark, easily crumbles, and has an earthy aroma. It is created by biological processes in which soil-inhabiting organisms break down plant tissue. When decomposition is complete, compost has turned to a dark brown, powdery material called humus.

Compost Structure is an enclosed container made of durable material such as wood, plastic or fiberglass, enclosed on the top and sides.

Composting is the process of creating compost. It is a method of speeding natural decomposition under controlled conditions.

Greens are nitrogen-rich materials like green leaves, coffee grounds, tea bags, plant trimmings, and raw fruit and vegetable scraps.

Inorganic Material is derived from non-living material.

Organic Material is derived from or produced through the biological activity of living things.

Residential Property means a residential dwelling with four or fewer dwelling units.

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

Sec. 22-122. Permits.

No Permit is required to compost or to install a compost structure on the residential property.

Sec. 22-123. Duties of Owner, Occupant or Tenant.

Every owner, occupant or tenant of any premises who composts shall do so in a sanitary and environmentally sound manner, shall use a compost structure that meets the design standards described in this section, and shall meet all other standards set forth in this ordinance. Composting shall be allowed only on residential property.

Sec. 22-124. Conditions of Composting

Composting is allowed on residential properties provided the following conditions are met:

(a) Allowable Materials

Only the following materials may be placed in a compost structure: leaves, grass clippings, straw, non-woody and woody plant trimmings, untreated/unpainted sawdust, raw fruit and vegetable scraps, dry eggshells, tea bags, coffee grounds, or additional materials approved by the City.

(b) Unacceptable Materials

Under no circumstances shall any of the following items be placed in a compost structure: meat, bones, grease, eggs, dairy products, whole or partial animals, feces, or inorganic materials such as rock, plastics, or synthetic fibers.

(c) Compost Structure

Compost shall be contained in a structure. Compost structures shall be designed to limit odors as well as rodent and pest access. Compost structures shall be made of impenetrable, and durable material such as wood, plastic or fiberglass, enclosed on the top and sides, and not to exceed a total of 150 cubic feet in volume that provide adequate aeration. Wire structures, metal fencing or other open mesh materials shall not be used for composting.

(d) Location on Property

Compost structures shall be located in the back yard. Compost structures shall be located at least 15 feet from any inhabited building or edge of a surface water body, 3 feet from any City park, trail, alley or right-of-way.

(e) Maintenance

Compost shall be properly maintained at all times to minimize odors and to promote effective decomposition of the materials in a safe, secure and sanitary manner. Properly maintaining the compost pile includes regularly turning the pile to increase air circulation, maintaining appropriate moisture levels and keeping the ratio of ingredients to approximately two parts green to one part brown.

(Ord. No. 2382-10, 4-30-10)

Sec. 22-125. Nuisance.

All compost structures or materials not in compliance with this section shall be declared a public nuisance and are subject to abatement and assessment as provided in Chapter 12 of this Code.

Sec. 22-126. Application to City Owned or Operated Compost Facilities.

This Article does not apply to any compost facility or community garden owned or operated by the City.

(Ord. No. 2249, § 1, 9-2-2003; Ord. No. 2382-10, 04-30-10)