

**AN ORDINANCE TO AMEND CHAPTER 51 SOLID WASTE OF THE CITY OF
BENSON CODE OF ORDINANCES TO PROVIDE FOR THE REGULATION OF
DUMPSTERS AND PORTABLE STORAGE CONTAINERS**

WHEREAS, in an effort to keep the streets within the city safer and cleaner, an ordinance is hereby being enacted to regulate the placement of dumpsters, portable storage containers and the like on the public right-of-way and streets within the City of Benson;

THE CITY COUNCIL OF THE CITY OF BENSON, MINNESOTA, DOES ORDAIN AS FOLLOWS:

§ 51A.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates a different meaning.

CONTAINER. Any portable container used or designed for collection, transportation, disposal or storage of solid waste or personal property.

DUMPSTER. Any portable container used or designed for collection of, transportation of, or disposal of solid waste or the like. Dumpsters shall include, but is not limited to, roll-off containers, collection bins, and tubs.

PORTABLE STORAGE CONTAINER. A portable, weather-resistant receptacle designed and used for the storage or shipment of household goods, wares, building materials or merchandise.

ROLL-OFF CONTAINER. A large metal container designed and used for the temporary storage of refuse, rubbish, trash, garbage, junk, debris, offal, or any material rejected as useless and fit only to be thrown away. Such container is typically rented or leased to owners or occupants of property for their temporary use and which is typically delivered and removed by truck.

SOLID WASTE. All matter of useless, unwanted or discarded solid or semisolid domestic, commercial, industrial, institutional, construction and demolition waste material, including garbage and refuse.

§ 51A.02 PERMIT. Every person seeking to place one or more containers upon any public right-of-way or public street must obtain a container permit from the Director of Public Works.

§ 51A.03 RULES.

(A) Containers must be well maintained and in good working condition and be suitably supported at each contact point to prevent damage to paved surfaces.

(B) Containers must be covered when materials inside are easily airborne, pose a hazard, emit an odor or are otherwise offensive.

(C) Debris and property must be placed inside the container and not along side or on top of it.

(D) All dumpsters are required to be emptied when full. For the purpose of this ordinance, full is defined as when the contents of the dumpster reach an average level of one foot below the top edge of the dumpster sides. Any dumpster which has reached the full status, and is not emptied within seven (7) calendar days shall be considered in violation of this ordinance.

(E) Cleaning containers on the street or sidewalk is not permitted.

§ 51A.04 CONTAINERS IN THE PUBLIC RIGHT-OF-WAY.

(A) A container placed in the public right-of-way must have a flasher or reflector on the outside corner facing traffic at all times. Where traffic may approach from either side, the container must have a flasher or reflector on the outside corner on both sides.

(B) Containers shall not block a public sidewalk or be placed in a location that restricts the “sight lines” of an intersection. “Sight lines” will be determined by the Public Works Director.

(C) Dumpsters placed in the public right-of-way for construction, remodeling or demolition projects shall be removed immediately upon the completion of the project. No dumpster shall be placed in the public right-of-way for more than sixty (60) days. An extension of the sixty (60) day rule may be allowed with written permission from the City.

(D) Portable storage containers in the public right-of-way for temporary storage of personal property shall be placed in the public right-of-way for no more than fourteen (14) days. An extension of the fourteen (14) day rule may be allowed with written permission from the City.

(E) No container shall be placed on streets, sides of streets or areas designated as “No Parking”. Dumpsters shall not be placed in public parking lots or parks without prior written permission from the City.

(F) The owner and/or the user of a container on a public right-of-way is/are responsible for any public property, street, curb and gutter, or public infrastructure damage.

(G) No container shall be placed in the public right-of-way during the winter snow season, defined for this purpose of this ordinance as the period from November 1 to the next following April 1.

(1) The Director of Public Works may issue a special permit to a property owner for placement of a container in the city right-of-way during the winter snow season due to the necessity of immediate cleanup of solid waste or storage of personal property due to fire, flood, or other calamity. The permit would be issued on a temporary basis not to exceed thirty (30) days, and the permit may provide additional requirements for visibility. Extensions cannot be granted for more than the aforesaid time period unless a longer period is granted by the City Council.

§ 51A.05 CONTAINERS IN THE PUBLIC RIGHT-OF-WAY.

(A) The City Council may deny the use of containers in the public right-of-way if the container is too wide to allow public safety vehicles through, or due to any other traffic concerns.

(B) The City Council may also deny the use of containers to protect public health or safety concerns.

§ 51A.06 FEES AND FINES. Any permit fees or fines pursuant to the provisions of this section shall be set by and amended, from time to time, by the City Council through resolution.

§ 51A.99 VIOLATION. Any violation of this ordinance is a misdemeanor.

(A) The City may remove or have a container removed from the public right-of-way, if the container is in violation of this ordinance.

(B) The owner of the container, or if the owner cannot be determined, the person placing it in the public right-of-way shall pay all costs, fees, penalties or other expenses incurred by the City in removal, storage fees and disposal of any container and its contents.

(C) If the container is not claimed within 30 days by its owner or person responsible for placing it in the public right-of-way, it may be disposed of as abandoned property, but disposal shall not diminish the responsibility of the owner or the person responsible for placing the container in the public right-of-way to pay all amounts due.

(D) The City shall not release a container from storage until all amounts due under this section have been paid.

(E) The City of Benson shall not be responsible for any damages to such container removed in accordance with the provisions of this Ordinance.

This Ordinance shall become effective thirty days upon publication.

Mayor

ATTEST: _____
Clerk

Approved as to Form: _____
City Attorney

First Reading: _____ January 4, 2010

Second Reading: _____ February 16, 2010

Publication: _____ February 24, 2010