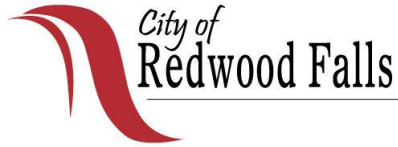


Procedure for Solid Waste Collection and Transportation License

1. Complete City Form “*Application for Solid Waste Collection and Transportation License*”.
2. Applicant must supply the City a “*Certificate of Liability Insurance*” showing the minimum coverage for General Liability and Automobile Liability as stated on the City Application. City of Redwood Falls must be listed as Certificate Holder/Additional Insured: “*City of Redwood Falls, PO Box 526, 333 South Washington Street, Redwood Falls, MN 56283*”.
3. Complete “*Certificate of Compliance – Minnesota Workers’ Compensation Law*” form.
4. Applicant pays an application fee of **\$100/year** for a Commercial, Industrial, Construction Waste or Demolition Debris Collection License OR **\$200/year** for a Residential License (*Franchise Grantee Only*) payable to the “City of Redwood Falls”.
5. The materials with a box in the left margin (#1-4) should be returned to:

Amy Kerkhoff
City of Redwood Falls
333 South Washington Street
PO Box 526
Redwood Falls MN 56283
6. Upon receiving the completed Application, Certificate of Liability Insurance, Certificate of Compliance-MN Workers Compensation Law form and fee, the application will be on the City Council agenda to consider approval of issuance of the license. If approved, the City of Redwood Falls will send you the license.
7. The City of Redwood Falls will send you a renewal notice each fall for the next year for any license that has been in place.
8. Should you have any questions regarding this application process, please contact Amy Kerkhoff at 507-637-5755 or akerkhoff@ci.redwood-falls.mn.us.

Enclosures: City Form “*Application for Solid Waste Collection and Transportation License*”
“*Certificate of Compliance – Minnesota Workers’ Compensation Law*”
City Code – Chapter 3.20 “Rules and Regulations Relating to Refuse Collection and Disposal”



Deputy City Clerk's Office
 333 S. Washington Street, PO Box 526
 Redwood Falls, MN 56283
 507-637-5755
 Email: akerkhoff@ci.redwood-falls.mn.us

Application for Solid Waste Collection and Transportation License

License Requested:

- \$100/year for Commercial, Industrial, Institutional, Construction Waste or Demolition Debris Collection License
 \$200/year for Residential License (Franchise Grantee Only)

License Term: For Calendar year _____ (January 1 to December 31) unless stated otherwise.

APPLICANT INFORMATION:		
Applicant Name:		
First	Full Middle Name	Last Name
Business Name:		
Address:		
City, State, Zip:		
Telephone:		
Work:	Cell:	
E-Mail Address:		

PRINCIPAL PLACE OF BUSINESS FOR BUSINESS TO BE CONDUCTED:

VEHICLES TO BE USED IN THE COLLECTION AND TRANSPORTATION:			
<i>(Attach Additional Sheets if needed)</i>			
<u>Vehicle Make</u>	<u>Vehicle Year</u>	<u>MN License Plate No.</u>	<u>Empty Tar Weight</u>
1.	1.	1.	1.
2.	2.	2.	2.
3.	3.	3.	3.
4.	4.	4.	4.

CERTIFICATE OF INSURANCES REQUIRED:
<ol style="list-style-type: none"> 1. General Liability in the amount of \$500,000 for bodily injury per occurrence, \$250,000 for property damage per occurrence, or \$500,000 combined single limit. 2. Automobile Liability coverage in amounts of \$500,000 for property damage, \$250,000 for bodily injury per person and \$500,000 for bodily injury per accident, or \$500,000 combined single limit. 3. Workers' Compensation Insurance in accordance with MN Statute Chapter 176. <p><i>All policies and certificates shall be endorsed to require that the insurer provide at least a sixty day written notice to the City prior to the effective date of policy cancellation, non-renewal, or material adverse change in coverage terms. Applicant may carry limits higher than those required and may use a self-insured plan certified by the Minnesota Commissioner of Commerce. Term of insurance must be throughout the term of the license.</i></p>

The City of Redwood Falls reserves the right to request additional information to assist in the evaluation of this application. The City Council shall have at least 30 days from and after receipt of the complete application for review prior to granting or denying issuance of a license.

I do hereby swear that the answers in this application are true and correct to the best of my knowledge. I do authorize the City of Redwood Falls, its agents and employees, to obtain information and to conduct an investigation, if necessary, into the truth of the statements set forth in this application and my qualifications for this license. Terms and Conditions of License shall be followed as stipulated by City Code Section 3.20.

Signature of Applicant: _____ Date: _____

Print Name: _____
 First Middle Last

Certificate of Compliance

Minnesota Workers' Compensation Law

This form must be completed by the business license applicant.

Print in ink or type

Minnesota Statutes § 176.182 requires every state and local licensing agency to withhold the issuance or renewal of a license or permit to operate a business in Minnesota until the applicant presents acceptable evidence of compliance with the workers' compensation insurance coverage requirement of Minn. Stat. chapter 176. If the required information is not provided or is falsely stated, it shall result in a \$2,000 penalty assessed against the applicant by the commissioner of the Department of Labor and Industry.

A valid workers' compensation policy must be kept in effect at all times by employers as required by law.

License or certificate number (if applicable)	Business telephone number	Alternate telephone number
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Business name (Provide the legal name of the business entity. If the business is a sole proprietor or partnership, provide the owner's name(s), for example John Doe, or John Doe and Jane Doe.)

DBA ("doing business as" or "also known as" an assumed name), if applicable

Business address (must be physical street address, no P.O. boxes)	City	State	ZIP code
County	Email address		

You must complete number 1 or 2 below.

Note: You must resubmit this form to the authority issuing your license if any of the information you have provided changes.

1. I have a workers' compensation insurance policy.

Insurance company name (not the insurance agent)		
Policy number	Effective date	Expiration date

I am self-insured for workers' compensation. (Attach a copy of the authorization to self-insure from the Minnesota Department of Commerce; see www.mn.gov/commerce/industries/insurance/licensing/self-insurance.)

2. I am not required to have workers' compensation insurance because:

- I only use independent contractors and do not have employees. (See [Minn. Stat. § 176.043](#) for trucking and messenger courier industries; [Minn. Stat. § 181.723, subd. 4](#), for building construction; and [Minnesota Rules chapter 5224](#) for other industries.)
- I do not use independent contractors and have no employees. (See [Minn. Stat. § 176.011, subd. 9](#), for the definition of an employee.)
- I use independent contractors and I have employees who are not required to be covered by the workers' compensation law. (Explain below.)
- I only have employees who are not required to be covered by the workers' compensation law. (Explain below.) (See [Minn. Stat. § 176.041](#) for a list of excluded employees.)

Explain why your employees are not required to be covered

I certify the information provided on this form is accurate and complete. If I am signing on behalf of a business, I certify I am authorized to sign on behalf of the business.

Print name

Applicant signature (required)	Title	Date
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If you have questions about completing this form or to request this form in Braille, large print or audio, call (651) 284-5032 or 1-800-342-5354.

CITY CODE § 3.20 RULES AND REGULATIONS RELATING TO REFUSE COLLECTION AND DISPOSAL

Subd. 1. *Purpose.* The purpose and intent of this section is to organize the collection and transportation of solid waste generated within the city so as to further the policy and purposes of the Minnesota Waste Management Act of 1980, being M.S. Chapter 115A, as it may be amended from time to time, and in a manner consistent with the County Comprehensive Waste Management Plan, all of which the City Council deems necessary for the health, safety and general welfare of this community. The adoption of the following regulations and requirements is intended to promote and further those objectives and purposes while fostering economic competition, which regulations and requirements the City Council deems necessary for the health, safety and general welfare of this community. This section shall be liberally construed to effectuate its objectives and purposes.

Subd. 2. *Definitions.* Unless a different meaning is required by the context, the following definitions shall have the meanings stated.

- A. The term "authorized recycling program" means the program for the collection and processing of recyclable materials which is instituted, sponsored, authorized or controlled by the county.
- B. The term "city" means the City of Redwood Falls, Minnesota, acting by or through its duly authorized representative.
- C. The term "City Administrator" means the person duly appointed by the Mayor and acting in such capacity.
- D. The term "collection" means the aggregation of waste from the place at which it is generated and includes all activities up to the time the waste is delivered to a waste facility.
- E. The term "commercial solid waste" means all types of solid waste generated by stores, offices, restaurants, warehouses, motels, hotels and other non-manufacturing activities, excluding residential and industrial wastes.
- F. The term "construction waste" shall mean all nonhazardous waste material and rubble resulting from the construction, alteration, repair, removal or demolition of buildings or from the production or development of real property which is customarily, but not necessarily, handled and transported by means of roll-off boxes, bodies or containers.
- G. The terms "Council" and "City Council" mean the City Council of the City of Redwood Falls, Minnesota.
- H. The term "county" shall mean the County of Redwood, State of Minnesota.
- I. The term "demolition debris" means solid waste resulting from the demolition of buildings, roads and other structures including concrete, brick, bituminous concrete, untreated wood, masonry, glass, trees, rock and plastic building parts. "Demolition debris" does not include asbestos wastes.
- J. The term "garbage" shall include all kitchen and table food waste, animal waste, vegetable waste and all household waste or residue resulting from the preparation, storage, cooking, handling or treatment of food and shall also include putrescible waste.
- K. The term "generator" means any person who generates waste.

L. The term "hauler" means any person, firm, corporation, association, partnership or other entity, other than an individual resident hauling his or her household waste, who collects or transports mixed municipal solid waste that is generated in the city.

M. The term "industrial waste" means any liquid, gaseous or solid waste substance resulting from any process of industry, manufacturing trade or business or from the development of any natural resource.

N. The term "licensee" shall mean any person who has been issued a license to collect, transfer or remove solid waste under the provisions of this section.

O. 1. The term "mixed municipal solid waste" means garbage, refuse and other solid waste from residential, commercial, industrial and community activities that the generator of the waste aggregates for collection, except as provided in Subd. 2.O.2. below.

2. The term "mixed municipal solid waste" does not include auto hulks, street sweepings, ash, construction and demolition debris, mining waste, sludge, tree and agricultural wastes, tires, lead acid batteries, motor and vehicle fluids and filters, and other materials collected, processed and disposed of as separate waste streams, but does include source-separated compostable materials.

P. The term "multi-residential units" shall mean permanent buildings containing three or more residential units including condominiums, apartment houses, mobile home parks, travel trailer parks and recreational vehicle parks.

Q. The term "person" shall mean any person, firm, business, sole proprietorship, partnership, joint venture, trust, association or corporation whether for profit or non-profit.

R. The term "putrescible material" is defined as solid waste which is capable of becoming rotten and which may reach a foul state, decay or decomposition.

S. The term "recyclable materials" means material which has been segregated from other solid waste material for the purpose of reuse or recycling, including, but not limited to, discarded paper, glass, cardboard, plastic, ferrous materials, yard waste or aluminum.

T. The term "recycling" means the process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of recyclable materials in a manner that precludes further use.

U. The term "refuse" is defined as putrescible and non-putrescible solid wastes (except body wastes), and including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings and market and industrial solid wastes.

V. The term "residential unit" shall mean a dwelling within the incorporated areas of the city occupied by a person or group of persons comprising not more than two families. A residential unit to which service must be rendered under the provisions of this chapter shall be either a single-family residential unit or a duplex residential unit that requires waste collection service. A residential unit shall be deemed occupied when either water or domestic light and power services are being supplied thereto. A duplex is considered to be two attached residential units. This definition shall apply also to mobile home subdivisions where the mobile home lot is individually owned.

W. The term "rubbish" means all non-putrescible solid wastes, including ashes, consisting of both combustible and non-combustible solid wastes.

X. The term "solid waste" means garbage, refuse, rubbish, commercial solid waste, industrial waste, demolition debris or construction waste as herein defined, and other discarded solid materials, including solid waste materials resulting from any source.

Y. The term "solid waste collector" shall mean any person who operates collection routes for the removal of solid waste from residential, multi-residential, commercial or industrial premises.

Z. The term "yard waste" means organic material including garden wastes, leaves, lawn cuttings, weeds and prunings resulting from the trimming of trees, shrubs or other vegetation.

Subd. 3. *Unlawful Acts.*

A. It is unlawful for any person to store solid waste except as herein provided.

B. It is unlawful for any person to engage in the business of solid waste collection, transfer or disposal from any residential, multi-residential, commercial, industrial or institutional location within the city without first obtaining a franchise or license from the City Council.

C. It is unlawful for any person to transport solid waste on any street unless it is carried in a vehicle equipped with a leak-proof body or container and completely covered with a heavy canvas or top to prevent loss of contents.

D. It is unlawful for any person to put his or her solid or industrial waste in anyone else's trash receptacle.

E. It is unlawful for any person to dump his or her solid or industrial waste upon any public property or upon any private property not owned by him or her.

F. It is unlawful for any person to provide a service for the collection and transportation of recyclable materials within the city unless licensed and authorized by the county.

Subd. 4. *Regulations.*

A. *Applicability.* These regulations and standards shall apply to the storage, collection, transportation, treatment, handling, utilization, processing and final disposal of all mixed municipal solid waste and separate waste streams for the protection of the health, safety and general welfare of the public in Redwood Falls. The responsibility for compliance with these regulations and standards shall be with the owner and/or occupant of any premises, business establishment or industry, and the owner and/or operator of any equipment or facilities involved in the storage, collection and transportation, treatment, handling, utilization, processing and final disposal of mixed municipal solid waste and separate waste streams.

B. *Mixed Municipal Solid Waste And/or Separate Waste Stream Storage.*

1. *Responsibility.* The owner and/or occupant of any premises, business establishment or industry shall be responsible for the sanitary storage of all mixed municipal solid waste and/or separate waste streams accumulated or stored at that premises, business establishment or industry.

2. *Containers.* Refuse when stored out-of-doors shall be stored in durable, rust-resistant, nonabsorbent, watertight, rodent-proof, easily cleanable containers with closefitting, fly-tight covers. In no case shall the out-of-doors storage of refuse in plastic bags be allowed. Other types of mixed municipal solid waste containers which may not meet all of the requirements above but which will facilitate mixed municipal solid waste storage, handling and collection in a safe and sanitary way may be approved by the Department of Public Works. All containers for the storage of mixed municipal solid waste shall be maintained in a manner which will prevent the creation of a nuisance or menace to the public health, safety and general welfare. Containers which are damaged, broken or otherwise create a nuisance or menace to public health, safety and general welfare shall be replaced with acceptable containers. Provided, however, that tree clippings may be stored in tied bundles no longer than four feet and lawn clippings and paper may be stored in containers protected from wind and other elements.

3. *Storage of Toxic or Hazardous Materials, Infectious Waste, Pathological Waste.* Toxic or hazardous materials, infectious waste and pathological waste to be disposed of shall be stored and handled in accordance with federal and state law.

4. *Location of Containers.* Containers for mixed municipal solid waste and/or yard waste storage shall be kept in locations that do not create a nuisance and the locations shall be maintained in a manner acceptable to the Department of Public Works. In no case shall the containers be kept beyond the alley line or in front of the established building line as defined in the Zoning Code or on boulevards except on the day of collection.

5. *Mixed Municipal Solid Waste Not Suitable for Storage in Containers And/or Separate Waste Streams.* Furniture, tires, lead acid batteries, used motor oil, major appliances and similar items shall be stored in a manner so as not to create a nuisance or a rat harborage. Trees, tree limbs, brush, scraps of wood, cardboard and similar items must be tied in bundles of suitable size for handling during collection.

C. *Collection and Transportation.*

1. *Operations and Facilities.* Vehicles or containers used for the collection and transportation of mixed municipal solid waste shall be durable, rust-resistant, leak-proof and easily cleanable with tight-fitting covers of a type approved by the Department of Public Works. Vehicles or containers shall be maintained in good repair and shall be properly cleaned to prevent a nuisance or insect breeding. Vehicles and containers used for the collection and transportation of all mixed municipal solid waste shall be loaded and moved in such a manner that contents will not fall, spill or leak therefrom and shall be covered to prevent blowing of material. Where spillage does occur for any reason, the material spilled shall be picked up immediately by the solid waste collector or transporter and returned to the vehicle or container and the area properly cleaned up.

2. *Leaking Prohibited.* All carts and vehicles which shall be used in removing, transporting and disposing of garbage, yard waste and/or recyclables shall be designed and maintained so as to prevent leaking and blowing of garbage when transported. All equipment shall be maintained and operated in accordance with all applicable federal and state laws and city ordinances. In the discretion of the city, the city may inspect the contractor's equipment solely for purposes of determining compliance with the provisions of this section.

3. *Collected.* Mixed municipal solid waste from any premises, business establishment or industry must be collected by a licensed hauler at least once every seven calendar days.

4. *Compliance.* Toxic or hazardous materials, infectious waste and pathological waste shall be disposed of in accordance with applicable federal and state laws.

5. *Business to Operate.* A business may remove commercial or industrial solid waste produced in the course of its own business, and utilizing only its own employees and equipment. Such a business shall not be required to obtain a license, but is required to use equipment meeting the standards set forth in this section.

6. *Recyclables.* Only persons acting under the authority of a county recycling hauler shall collect, pick up, remove or cause to be collected, picked up or removed, any recyclables placed in or adjacent to a recycling container for collection by the county as part of a county-sponsored program.

7. *Mandatory Use.* The use of a collection service licensed by the city is mandatory for all residences, businesses and commercial enterprises within the city unless specifically accepted by the City Administrator. The owner of the premises, business establishment or industry must show evidence, including, but not limited to, receipt, canceled check or other similar evidence, of hauling service.

D. *Right of Further Regulation Reserved.* The city hereby reserves its right to regulate or further regulate aspects of solid waste handling including, but not limited to, frequency of collections, means of collection and transportation, delivery point, level of services, charges and fees, nature, location, extent of providing solid waste handling services, whether such services are to be by means of non-exclusive franchise, contract, license, permit or otherwise, either with or without competitive bidding, or, if in the opinion of the City Council, the public health, safety and well-being so required, by partially exclusive or wholly exclusive franchise, contract, license, permit or otherwise, either with or without competitive bidding, authority to provide such solid waste handling services may be granted under such terms and conditions as are prescribed by the City Council pursuant to resolution or ordinance.

Subd. 5. *Solid Waste Collection and Transportation.*

A. *License Required.* The City Council hereby establishes a system of licensure to regulate the collection, transfer and removal of solid waste by granting licenses to qualified applicants who meet the standards set forth in this section, and to revoke a license where a licensee has failed to meet those standards or has violated the laws or ordinances applicable to solid waste collection, transfer and removal. The solid waste collection, transfer and disposal services for which a license is required includes the collection and disposal of mixed municipal solid waste, construction debris and demolition debris from all premises within the city; however, such a license shall not be required for the collection and disposal of liquid and industrial wastes for which specialized equipment or handling is necessary. A solid waste license shall not authorize a license to engage in the collection of mixed municipal solid waste generated by residential and multi-residential units or recyclable materials that has been separated at the curb.

1. *Exceptions.* This licensing provision shall not apply to governmental agencies engaged in such activities. Persons who transport, transfer, compact, shred, compost or bale in connection with their own separated recyclable materials and yard waste generated at premises owned or occupied by them are exempt. Persons engaged in an authorized recycling program, motor vehicle salvage dealers or scrap and metal processors, are exempt from the license requirements contained in this section.

2. *License Application.* Any person desiring to obtain a license to engage in the business of solid waste collection and transportation shall make written application to the City Administrator on forms provided by the city, shall be accompanied by an application fee as established by resolution of the City Council, and shall include, without limitation, the following information:

- a. The name and address of the applicant;
- b. The principal place of business for the business to be conducted;
- c. A list of vehicles owned or operated by the applicant to be used in the collection and transportation of solid waste in the city, including vehicle make, year, Minnesota license plate number and empty tare weight; and
- d. Whether the applicant wishes to obtain a residential, commercial, industrial, institutional, construction waste or demolition debris collection license.

3. *Incomplete Applications.* Applications which are not complete may be returned to the applicant. An application will be deemed incomplete if information is omitted, incomplete, inaccurate or non-compliant or if required fees do not accompany the application.

4. *Procedure.* Upon receipt of a completed application for a new license, the application shall be reviewed by the City Administrator who shall conduct such additional investigation as he or she deems necessary and shall recommend to the City Council that a license be granted, denied or granted with conditions. Denial of application may be for one or more of the following causes or for other reasons as specified by the City Administrator:

- a. Lack of responsibility as shown by past work; and/or
- b. Lack of competency as revealed by experience, inadequate equipment or size of operation.

5. *Insurance.* No license shall be granted or shall become effective until the applicant shall have filed with the City Administrator certificates of insurance issued by insurers duly licensed by the state providing the following coverage or a self-insurance plan certified by the Minnesota Commissioner of Commerce for providing equivalent coverage:

- a. General liability coverage in the amount of \$500,000 for bodily injury per occurrence, \$250,000 for property damage per occurrence or \$500,000 combined single limit; and
- b. Automobile liability coverage in the amounts of \$500,000 for property damage, \$250,000 for bodily injury per person and \$500,000 for bodily injury per accident or \$500,000 combined single limit.
- c. Worker's Compensation insurance in accordance with M.S. Chapter 176, as amended from time to time, nothing in this provision shall prohibit an applicant from providing insurance with limits higher than the limits provided herein. All policies and certificates shall be endorsed to require that the insurer provide at least a 60-day written notice to the city prior to the effective date of policy cancellation, non-renewal or material adverse change in coverage terms. The licensee shall maintain insurance in compliance with this paragraph throughout the term of the license.

6. *Term of License.* All licenses issued hereunder shall expire on December 31 after the date of issuance, unless canceled, suspended or revoked, and shall be renewed upon application for renewal and payment of the required fees.

7. *Renewal.* Applications for renewal of an existing license for collection and transfer of solid waste, shall be submitted to the City Administrator upon forms provided by the city at least 45 calendar days prior to the end of the year, shall be accompanied by a renewal fee as established by resolution of the City Council, and shall contain such information as required by this section. The renewal application shall be reviewed by the City Administrator who shall recommend to the City Council that a license be renewed, denied or renewed with conditions. The City Administrator shall evaluate the application under the criteria set forth for original applications.

8. *Reporting.* Each licensee shall maintain an accurate and complete log of the licensee's collection and transportation activities indicating the daily route of each vehicle, points of collection, times of collection, driver of the vehicle and times of disposal of the solid waste at the sanitary landfill or temporary transfer station. Each licensee shall promptly make available to the City Administrator, upon request, any and all daily log information concerning the collection, transportation and disposal of solid waste pursuant to this section.

9. *Revocation/Suspension or Denial of License.*

a. *Revocation/Suspension of Licenses.* A license may be revoked or suspended by the City Council whenever the licensee has failed to comply with the solid waste license conditions of this section and any rules and regulations promulgated thereunder, or any other state, federal or local law governing the licensee's operation. In such instance, a written notice of intended revocation or suspension as proposed by the City Administrator shall first be delivered in person or by certified mail to the business address of the permittee appearing on the license application. The written notice shall state the grounds for the proposed revocation or suspension.

b. *Appeals.* The applicant or licensee may appeal the proposed denial, suspension or revocation of the City Administrator by filing a written request for a hearing before the City Council with the City Administrator, not more than 15 calendar days after notice of the proposed denial, suspension or revocation has been given. Upon receipt of a written request for a hearing, the City Administrator shall set the matter for public hearing on a date not more than 60 calendar days following receipt of the written request, and shall give the applicant or licensee and the City Council at least 30 calendar days written notice the time, date and place of the hearing. The City Council shall issue its written decision and findings on the appeal within 15 working days after the close of the hearing. The decision shall be final. Where the license is suspended or revoked, the licensee shall terminate his, her or its operations forthwith as determined by the City Council.

10. *General Provisions.*

- a. Whenever a licensee wishes to add or change vehicles authorized to operate within the city, the licensee shall submit a written request for a license amendment to the City Administrator together with identifying information for each new vehicle to be licensed.
- b. Every licensee who changes his or her business address shall notify the City Administrator promptly in writing.
- c. Each licensee shall comply with all provisions of the County Comprehensive Waste Management Plan.

B. *Grant of Franchise.* The City Council shall grant a franchise to a qualified party to collect and haul mixed municipal solid waste generated by residential units and multi-residential units located within the incorporated areas of the city on such terms and conditions as may be agreed to by the city and by the party receiving the franchise. The City Council may grant the franchise through the process of negotiation or pursuant to competitive bidding. Unless expressly stated otherwise, any person granted a franchise hereunder shall, as a condition of the franchise, comply with the County Comprehensive Waste Management Plan, and with all laws and regulations of the state and the United States of America with respect to the collection, transportation and disposal of mixed municipal solid waste. Licensing is a prerequisite to holding a franchise.

1. *Qualifications.* The City Council shall grant a franchise only upon a finding that the chosen applicant is more likely to provide efficient and continuing service in the franchise area than any other applicant for the same franchise area, and that the grant of a franchise to the applicant will best serve the interests of the city in providing for the city-wide collection of mixed municipal solid waste.
2. *Procedure.* Application for a franchise shall be filed with the City Administrator and shall include a copy of the applicant's license application to the City Administrator, payment of the application fee set by the City Council and any other information the Council deems pertinent.
3. *Franchise Territory.* The city hereby reserves the right to determine the area for which a franchise is granted. During the term of any franchise granted hereunder, all other persons shall be prohibited from engaging in the business of collecting, transporting and disposing mixed municipal solid waste from residential generators in the area delineated in the franchise.
4. *Term.* A franchise granted hereunder shall be for a term of five years. Any person who has been granted a franchise to collect, transport and dispose of mixed municipal solid waste within the incorporated areas of the city shall be subject to the provisions and requirements of this section, awarded a renewal of franchise over any new applicants for the same or substantially same franchise area for a maximum of one renewal, at which time the franchise shall be reviewed and awarded to the best qualified applicant.
5. *Temporary franchises.* The Council may grant temporary franchises for the collection and transportation of mixed municipal solid waste to provide service in the event of abandonment of an existing franchise or for other cause.
6. *Assignability.* No franchise shall be assignable.
7. *Termination or Suspension.* The City Council may terminate or suspend upon notice and hearing a franchise for any of the following reasons:
 - a. Loss of the franchisee's license to operate as a solid waste collector;
 - b. Failure of the franchisee to render prompt and effective service to persons within its service area;
 - c. Failure of the franchisee to comply with any provision of this section or applicable laws and regulations of the state and the United States of America; or

d. Failure of the franchisee to comply with any provision of the County Solid Waste Plan.

Subd. 6. *Volume Based Fees.* All licensed and franchised haulers collecting mixed municipal solid waste shall offer a pricing system to their customers that increases with the volume or weight of the waste collected.

A. For all residential collection, haulers shall offer at least two volumes of waste to their customers.

B. If unlimited or traditional volumes of solid waste are offered for collection, there shall be at least two other volumes offered and unlimited or traditional volumes shall be priced higher than the rate for the next lowest volume.

C. In accordance with M.S. Chapter 115A.93, as amended from time to time, the city hereby establishes the minimum volume of 38 gallons or less of mixed municipal solid waste collected.

Subd. 7. *Severability.* It is hereby declared to be the intention of the City Council that the several provisions of this section are separable in accordance with the following: If any court of competent jurisdiction shall rule that any provision of this section is invalid, the judgment shall not affect any other provisions of this section not specifically included in the judgment.

(Ord. 42, Third Series, passed 9-7-1999)