

## ORDINANCE 224

### AN ORDINANCE REGULATING THE USE OF REFUSE DUMPSTERS IN THE CITY OF ARLINGTON

WHEREAS, to promote the public safety, health and welfare of the City of Arlington;

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

SECTION 1. *Definitions.* “Refuse Dumpster or Dumpster” is any portable container used or designed for collection of, transportation of, or disposal of refuse, waste, construction/demolition materials, or the like. Refuse dumpster shall include, but is not limited to, “roll off” boxes or containers, collection bins, tubs, and portable storage containers.

SECTION 2. *License Requirements.* The company owning and emptying the dumpster within city limits must be licensed to operate within the City.

SECTION 3. *Rules.*

- A. Dumpsters must be well maintained and in good working condition, displaying the name or logo and telephone number of the owner of the dumpster, and be suitably supported at each contact point to prevent damage to paved surfaces.
- B. Dumpsters must be covered when materials inside are easily airborne, pose a hazard, emit an odor or are otherwise offensive.
- C. Debris must be placed inside the dumpster; 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 dumpsters on the street or sidewalk is not permitted.

SECTION 4. *Dumpsters in the Public Right-of-Way.*

- A. A dumpster 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 dumpster must have a flasher or reflector on the outside corner on both sides. Type I or Type II barricades can be used as an alternate to flashers or reflectors.
- B. Dumpsters 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 Streets Supervisor.
- 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 ninety (90) days. An extension of the 90 day rule may be allowed with written permission from the City.

- D. No dumpster 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.
- E. The owner and/or the user of a dumpster on a public right-of-way **is/are** responsible for any public property, street, curb and gutter, or public infrastructure damage.
- F. No dumpster 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.

SECTION 5. *Denial of Dumpster Use.*

- A. The City Council may deny the use of dumpsters in the public right-of-way if the dumpster 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 dumpsters to protect public health or safety concerns.

SECTION 7. *Violation of this Ordinance.* 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.

This Ordinance shall become effective immediately upon publication.

Adopted by the City Council of the City of Arlington on the 21<sup>st</sup> day of April, 2008.

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James R. Kreft, Mayor

ATTEST:

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Matthew Jaunich, City Administrator

First Reading: April 7, 2008  
Second Reading: April 21, 2008  
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