

## CHAPTER 513 – YARD WASTE DISPOSAL SITE

**513.01. Designation of Yard Waste Disposal Site.** From time to time the City may designate property owned or leased by the City as a Yard Waste Disposal Site. Utilization and management of any designated Yard Waste Disposal Site shall be governed by the provisions of this chapter.

### **513.02. Definitions.**

a) *Yard Waste*: means organic material commonly generated from plants located on real property, including grass clippings, leaves, branches, brush, garden plants, flowers and bushes. Yard Waste does not include trees, tree stumps or tree branches with any diameter in excess of 4 inches or a length greater than 5 feet long.

b) *Commercial Use*: means any person or entity receiving any form of compensation from a third party in exchange for transporting and/or depositing Acceptable Waste at or upon a Yard Waste Site designated by the City.

c) *Resident*: means a person owning or occupying under lease a residential dwelling or other real property located within the corporate limits of the City of Detroit Lakes

**513.03. Acceptable Waste.** Only Yard Waste will be accepted at a Yard Waste Disposal Site.

**513.04. Unacceptable Waste.** All waste not specifically defined as Yard Waste by this chapter is Unacceptable Waste and prohibited, including but not limited to any material deemed hazardous, any non-organic material, household garbage, plastic, metal, construction debris, petroleum products, concrete and other materials that do not fit within the definition of Yard Waste. The City may further restrict the types, sizes and quantity of Yard Waste that will be Acceptable Waste accepted at a Yard Waste Disposal Site by public notice posted at a Yard Waste Disposal Site.

**513.05. Disposal of Unacceptable Waste.** Any person or entity that utilizes a Yard Waste Disposal Site designated by the City to deposit Unacceptable Waste at or upon a designated Yard Waste Site is in violation of this chapter.

**513.06. Use of a Designated Yard Waste Disposal Site.** A Resident may utilize a designated Yard Waste Disposal Site for disposal of Acceptable Waste free of charge, unless the use by that Resident is Commercial Use. Use of a designated Yard Waste Disposal Site by persons who are not Residents, and all Commercial Use of a designated Yard Waste Disposal Site, is in violation of this Chapter unless:

- a) the non-Resident has received a Non-Resident Use Permit issued by the City and paid a Non-Resident Use Fee for the disposal of Acceptable Yard Waste at the designated Yard Waste Disposal Site; or

- b) the use is Commercial Use and the person or entity using a designated Yard Waste Disposal Site has received a Commercial Use Permit issued by the City and paid a Commercial Use Fee for for the disposal of Acceptable Yard Waste at the designated Yard Waste Disposal site.

**513.07. Non-Resident Use Fee.** The City may charge a non-Resident utilizing a Yard Waste Disposal Site designated by the City for disposal of Yard Waste a use fee established by City ordinance. The fee may be imposed on a per use basis, or a daily, weekly, monthly or annual fee. Non-Residents desiring to utilize a designated Yard Waste Disposal Site shall apply for a Non-Resident Use Permit. Non-Resident Use Permits shall be issued only upon written application filed with the City Administrator and payment of a Non-Resident Use Fee. The City Administrator may condition the issuance of any such permit upon the applicant's agreement that the Non-Resident Use Permit holder will pay the reasonable costs, disbursements and attorney fees incurred by the City in enforcing the provisions of the Non-Resident Use Permit or any violation of the Non-Resident Use Permit.

**513.08. Commercial Use Fee.** The City may charge a Resident or non-Resident utilizing a Yard Waste Disposal Site designated by the City for Commercial Use a use fee established by City ordinance. The fee may be imposed on a per use basis, or a daily, weekly, monthly or annual fee. Persons or entities desiring to utilize a designated Yard Waste Disposal Site for Commercial Use shall apply for a Commercial Use Permit. Commercial Use Permits shall be issued only upon written application filed with the City Administrator and payment of a Commercial Use Fee. The City Administrator may condition the issuance of any such permit upon the applicant's agreement that the Commercial Use Permit holder will pay the reasonable costs, disbursements and attorney fees incurred by the City in enforcing the provisions of the Commercial Use Permit or any violation of the Commercial Use Permit.

**513.09. Violation of this Chapter.**

- a) Criminal Penalties. Violation of the provisions of this Chapter or failure to comply with any of its requirements shall constitute a misdemeanor and shall be a separate offense for each day during which the violation continues and shall be punishable as defined by law for misdemeanor violations.
- b) Civil enforcement. Enforcement may be by stop work order issued by the City, abatement or by Civil Action and the City is authorized to pursue any remedy available at law or in equity, including but not limited to temporary restraining orders, injunctions both mandatory and prohibitory as well as damages and shall entitle the City to costs, disbursements and attorney fees as set forth as an agreed in the application for a Commercial Use Permit issued by the City.
- c) Administrative Penalties. This Ordinance may also be enforced through the City of Detroit Lakes Administrative Penalty Ordinance.

**(Ordinance No. 470, Adopted 3/9/2021)**