

# Garbage Haulers Rules

## ARTICLE IV, Licensing of Collectors

### § 147-17. License required.

It is hereby unlawful for any person, firm or corporation to transport or collect garbage and refuse for hire in the City of Breckenridge, Minnesota, without first obtaining a license to do so.

### § 147-18. Application information.

Any person, firm or corporation desiring a license to collect garbage or refuse shall submit a written application to the City Council for a license which said application shall contain the following:

1. The name and address of the applicant and the trade name, if any, under which he or she proposes to operate.
2. The street address of the applicant's office in the City of Breckenridge.
3. A list and a description of the equipment and the number of personnel the applicant proposes to use in making such collection.
4. A schedule of rates proposed to be charged for the collection of garbage and refuse from single-family dwellings, apartment houses, multiple-family dwellings and any commercial establishments with which the applicant has had experience.
5. A statement that as to all commercial establishments whose rates are not listed in the application and as to all commercial establishments not in existence at the time of the application, the applicant agrees to charge a reasonable rate subject to the supervision of the Public Utilities Commission of the City of Breckenridge.
6. A schedule of the pickups proposed to be made from all premises.
7. A statement that the applicant agrees to be bound by all applicable ordinances, laws and regulations and to faithfully and continuously provide garbage and refuse collection service to all persons in the City of Breckenridge, Minnesota, desiring such service during the period of the license.

### § 147-19. Conditions for issuance of license.

1. The City Council shall consider such applications. If it finds that the applicant is a responsible person and has the proper equipment, facilities, resources and personnel to provide an adequate collection service and that the rates proposed to be charged are reasonable and that it would be in the public interest to do so, it may direct the City Clerk-Treasurer to issue such license.
2. Before any such license may be issued, the applicant shall, if the application is approved by the City Council, condition that he or she will faithfully and continuously provide the garbage and refuse collection service specified in the application. The applicant shall also pay a license fee in the amount of as determined yearly by the City Council.
3. The City Council may, at its discretion, establish mandatory pickup, including but not limited to those residences or commercial businesses to be part of the mandatory pickup, and a billing procedure as a part of the public utilities bill on behalf of the licensed hauler. All licenses shall be issued for a period of 11 years.

### § 147-20. Payment of bills issued by collector and city.

1. All bills issued by the collector must be paid within 10 days after the due date. In the case of delinquent bills, the collector shall be entitled to charge a penalty of 10% before being required to resume service.
2. All bills issued by the City of Breckenridge on behalf of the licensed hauler must be paid in accordance with the rules and regulations for the payment of public utilities, including the unpaid amount being filed as a lien against the property owner.

### § 147-21. Review of licensee's performance; suspension or revocation of license; review of Public Utilities Commission decision.

1. From and after the effective date of this chapter, it shall be the duty of the Public Utilities Commission of the City of Breckenridge, Minnesota, to supervise the activities of all persons, firms or corporations licensed to collect garbage and refuse in the City of Breckenridge. The Utilities Commission shall at least annually review the performance of licensees under this chapter and shall report its findings to the City Council.

Should the Utilities Commission find the performance of a licensee to be inadequate, it shall then institute either suspension or revocation proceedings pursuant to this section. In the event the performance of a licensee is inadequate and the Utilities Commission does not institute suspension or revocation proceedings as provided herein, the City Council may then cause such proceedings to be heard before it in the manner provided herein.

2. A license granted pursuant to this chapter may be suspended or revoked for cause by the Utilities Commission following notice of the alleged violation or infraction and public hearing thereon. A license may be suspended or revoked under this section for failure to comply with the reasonable rules and regulations of the city, for negligent or hazardous operation of equipment by the licensee or his or her employees, for failure to provide the required services in a diligent manner and for any other valid and substantial reason.
3. Any decision of the Utilities Commission may be reviewed, affirmed or reversed by the City Council if within 10 days of the date of the Utilities Commission's decision any interested party, including the licensee, files a written notice of appeal in the office of the City Clerk-Treasurer. The Council shall hear and determine the appeal at its next regular meeting, and the Utilities Commission's decision shall be stayed until the appeal is determined by the City Council. In the event a notice of appeal is not filed, the Utilities Commission's decision shall be final and effective 11 days after the decision is issued.

#### **§ 147-22. Liability insurance.**

All licensees shall carry liability insurance on all garbage collection vehicles in such amount as determined by the Utilities Commission from time to time but not less than \$25,000 for property damage, \$100,000 per personal injury and \$300,000 per occurrence. The licensee shall display evidence of insurance coverage whenever requested by the Utilities Commission or City Clerk-Treasurer, and should a licensee fail to have insurance in the aforesaid amounts in effect, the license granted under authority of this chapter may be suspended or revoked as provided above.

#### **§ 147-23. Disputes between collector and customer.**

In a case where a dispute arises between the licensed collector and the customer pertaining to any matter, including rates and the application or interpretation of regulations or ordinances, the Public Utilities Commission shall give both parties thereto an opportunity to come before it and be heard and shall thereafter make its decision which shall be binding upon both parties thereto.

#### **§ 147-24. Approval of rate changes.**

No established rate as listed in the application of the licensee may be changed without the approval of the Public Utilities Commission.

#### **§ 147-25. Establishment of reasonable rates.**

All rates established or decided by the Public Utilities Commission for the collection of garbage and refuse shall be reasonable rates taking into consideration the services furnished.

#### **§ 147-26. Change in pickup schedule; rate increase.**

The Public Utilities Commission may, if it deems necessary, require the licensee to change the schedule of pickups or to increase the number of pickups. If additional services are required to be rendered by the licensee, the licensee may apply for and be granted an increase in rates.

#### **§ 147-27. Notification of discontinuance of service.**

The licensee may not discontinue service to any customer without first notifying the Public Utilities Commission in writing, which said notice shall contain the name and address of the customer and the reason for the discontinuance of service.

## **ARTICLE V, Penalties**

### **§ 147-28. Violations and penalties.**

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Chapter 1, General Provisions, Article I, General Penalty.