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RESIDENTIAL/COMMERCIAL SOLID WASTE HAULER LICENSE APPLICATION

THE COMPLETED APPLICATION MUST BE RECEIVED ON OR BEFORE 12:00 NOON ON JUNE 10th, AN INCOMPLETE APPLICATION OR ANY PART THEREOF RECEIVED ON OR AFTER JULY 1, WILL INCURR A \$50.00 LATE FEE FOR EXPEDITED PROCESSING.

License Application Fee : **\$100**

Per Truck Fee: **\$75.00** / Number of Trucks : _____

TOTAL FEE ENCLOSED \$ _____

BUSINESS NAME: _____

BUSINESS ADDRESS: _____

City: _____ State: _____ Zip: _____

BUSINESS PHONE: _____

CONTACT PERSON: _____

RESIDENTIAL/COMMERCIAL SOLID WASTE HAULER LICENSE MUST HAVE PRIOR COUNCIL APPROVAL BEFORE ANY WORK IS COMMENCED.

THE UNDERSIGNED APPLICANT MAKES THIS APPLICATION PURSUANT TO ALL THE LAWS OF THE CITY OF LEXINGTON, ANOKA COUNTY, STATE OF MINNESOTA AND SUCH RULES AND REGULATIONS AS THE CITY COUNCIL OF THE CITY OF LEXINGTON MAY FROM TIME TO TIME PRESCRIBE.

Applicant's Signature: _____ Date: _____

NOTE: License Expires June 30th of Each Year

*****OFFICE USE ONLY*****			
Lic. #:	_____	Date Rec'd:	_____
		Amt. Pd:	_____
		Late Fee Pd:	_____
Bkgd Chk:	<input type="checkbox"/> P <input type="checkbox"/> F	Council Appr:	_____

In order to be approved for a Residential/Commercial Solid Waste Hauler License in the City of Lexington, you must provide the following:

- List of the equipment which the applicant proposes to use in such collection.
- The place or places to which the garbage, rubbish, yard waste and/or recyclable materials are to be hauled.
- The manner in which said garbage, rubbish, yard waste and/or recyclable materials are to be disposed of.
- Public liability insurance certificate for the hauler's business and for all vehicles in at least the sum of \$500,000 for injury on one person, \$1,000,000 for the injury of two or more persons in the same accident and \$100,000 property damage.
- Certificate of workers' compensation insurance, if applicable.
- A schedule of proposed rates to be charged during the licensed period. Every licensee shall provide 30 days prior written notification to the City and the licensee's customers of any change in rates to be implemented during the licensed period.

Day of Week for Collection: _____

Do You Offer An Organics Recycling Program to Residents? _____

List of Equipment Applicant Proposes to Use in Collection: _____

Designated Waste Disposal Site: _____

Material Recovery Facility (Recyclable): _____

Manner in which said garbage, rubbish, yard waste and/or recyclable materials are to be disposed of: .

**MINNESOTA BUSINESS TAX IDENTIFICATION NUMBER
AND SOCIAL SECURITY NUMBER**

Pursuant to Laws of Minnesota, 1984, Chapter 502, Article 8, Section 2 (270.72) (Tax Clearance; Issuance of Licenses), the licensing authority is required to provide to the Minnesota Commissioner of Revenue your Minnesota business tax identification number and the Social Security number of each license applicant.

Under the Minnesota Government Data Practices Act and the Federal Privacy Act of 1974, we are required to advise you of the following regarding the use of this information:

1. This information may be used to deny the issuance of renewal of your license in the event you owe Minnesota Sales, employers withholding or motor vehicle excise taxes:

2. Upon receiving this information, the licensing authority will supply it only to the Minnesota Department of Revenue. However, under the Federal exchange of Information Agreement the Department of Revenue may supply this information to the Internal Revenue Service.

3. **FAILURE TO SUPPLY THIS INFORMATION MAY JEOPARDIZE OR DELAY THE PROCESSING OF YOUR LICENSE ISSUANCE OR RENEWAL APPLICATION.**

Please supply the following information and return along with your application to the licensing authority.

Applicant's Last Name	First Name	Middle Initial
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Applicant's Address

Applicant's Social Security Number	Position (Officer, Partner, etc.)
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Business Name

Business Address	City	State	Zip Code
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MN Tax ID Number NOT Required

***Minnesota Tax Identification Number**

Signature	Date
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*If a Minnesota Tax ID Number is not required for the business being operated, indicate that by placing an X in the box.

**CERTIFICATION OF COMPLIANCE
MINNESOTA WORKER'S COMPENSATION LAW**

Minnesota Statute, Section 176.182 requires every state and local licensing agency to withhold the issuance or renewal of a license or permit to operate a business or engage in an activity in Minnesota until the applicant presents acceptable evidence of compliance with the workers' compensation insurance coverage requirement of Chapter 176. The information required is: the name of the insurance company, the policy number, and dates of coverage or the permit to self-insure. This information will be collected by the licensing agency and retained in their files.

Law requires this information, and licenses and permits to operate a business may not be issued or renewed if it is not provided and/or is falsely reported. Furthermore, if this information is not provided or falsely stated it may result in a \$2,000 penalty assessed against the applicant by the Commissioner of the Department of Labor and Industry.

Insurance Company Name: _____
(NOT the insurance agent)

Policy Number: _____

Dates of Coverage: _____ to _____

or

I am not required to have workers' compensation liability coverage because:

- I have no employees
- I am self-insured (include permit to self-insure)
- I have no employees who are covered by the workers' compensation law (these include: Spouse, Parents, Children and Certain Farm Employees)

I certify that the information provided above is accurate and complete and that valid workers' compensation policy will be kept in effect at all times as required by law.

Name: _____
(Last, First, Middle)

Doing Business As: _____
(Business Name if Different Than Your Name)

Business Address: _____

City, State, Zip: _____

Phone: _____

Signature: _____

Date: _____

MINNESOTA STATUTE 176.182 BUSINESS LICENSES OR PERMITS COVERAGE REQUIRED

Every state or local licensing agency shall 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 section 176.181, subdivision 2, by providing the name of the insurance company, the policy number, and dates of coverage or the permit to self-insure. The commissioner shall assess a penalty to the employer of \$2,000 payable to the assigned risk safety account, if the information is not reported or is falsely reported.

Neither the state nor any governmental subdivision of the state shall enter into any contract for the doing of any public work before receiving from all other contracting parties acceptable evidence of compliance with the workers' compensation insurance coverage requirement of section 176.181, subdivision 2.

This section shall not be construed to create any liability on the part of the state or any governmental subdivision to pay workers' compensation benefits or to indemnify the special compensation fund, an employer, or insurer who pays workers' compensation benefits.

HIST: 1981 c 346 s 94; 1983 c 290 s 114; 1987 c 332 c 332 s 47; 1992 c 510 art 3 s 19; 1995 c 231 art 2 s 72

CHAPTER 6

OTHER BUSINESS REGULATION AND LICENSING

SECTION 6.02. LICENSE APPLICATIONS – PROCEDURE AND ADMINISTRATION.

Subd. 1. General Application Requirements. All activities licensed by the City are subject to the application process and requirements set forth in this Section, and as supplemented by other Sections of this Code or as otherwise required by law. All applications shall be made at the office of the City Clerk upon forms prescribed by the City, or if by the State of Minnesota, then together with such additional information as the Council may desire. Information required may vary with the type of business organization or person making application. All questions asked or information required during the application process shall be answered fully and truthfully by the applicant. The Council has determined that a comprehensive background investigation is necessary for each applicant. Such an investigation must be performed during the initial application process and may be performed anytime during the pendency or renewal of a license. A licensee shall allow the City to examine its records or other data in its possession or control in order to verify or investigate owners of a business or other information related to licensure. Each person or business named in or as part of this application shall execute a written authorization allowing the City and/or the Chief of Police to verify all information disclosed as part of the application.

Subd. 2. False Statements. It is unlawful for an applicant to make a false statement or willful omission in any application form or document, or to any inquiry or assertion made during the application process. A license application or license is rendered void at the moment such false statement or willful omission is made, whether or not it is discovered by the City. A voided license application or license is not cured by a subsequent grant of license renewal or amendment by the City, nor does it protect the applicant or licensee from prosecution or civil penalties for violation of law or operating without a valid license. Upon discovery of such false statement or willful omission a license application or license is revoked effective immediately upon notice to the applicant or licensee.

Subd. 3. Fees.

A. **Application Fees.** At the time of the initial application or license renewal, an applicant for each license type set forth in this Code shall pay the City a separate application fee as established by the Council.

B. **Investigation Fees.** At the time of an initial application, license renewal or at any time during the pendency of a license the City may conduct a background investigation of each applicant. The applicant shall pay an investigation fee as established by Council. Should the City's investigation costs exceed the scheduled fee, the applicant shall reimburse the City for its actual costs to conduct the background investigation. During initial and renewal applications this fee is due before an application will be processed by the City.

Subd. 4. License Action.

A. **Granting.** All licenses shall be issued on an annual basis as specified by each license type. The Council may approve a license application for a remaining period of the annual license year or for the entire ensuing license year. Prior to consideration of any application for a license, the applicant shall pay the license fee, and if applicable, pay the investigation fee.

B. **Issuing.** If an application is approved, the City clerk shall forthwith issue a license pursuant thereto in the form prescribed by the City or the property agency of the State of Minnesota, as the case may be. For licenses issued and which are to become effective other than on the first day of the licensed year, the fee to be paid with the application shall be valid only at one location and on the premises therein described.

C. Refundment. Fees are paid in full and not subject to a refund unless otherwise specified by statute. A quarterly pro-rata share of an annual license fee shall be paid for any license approved for a period of less than one year.

D. Transfer. No license shall be transferable between persons without prior consent of the Council and payment of the investigation fee. No license shall be transferable to a different location without prior consent of the Council and payment of the fee for a duplicate license or other costs related to investigation of the transfer.

E. Refusal and Termination. The Council may, in its sole discretion and for any reasonable cause, refuse to grant any application. The City shall only terminate a license by expiration or revocation. A licensee may terminate a license by failure to adhere to lawful requirements or by voluntary cancellation.

F. Fine, Suspension or Revocation. The Council may, in its sole discretion and for any reasonable cause, proscribe a civil penalty not to exceed \$2,000.00 or suspend for a period not to exceed sixty days, any license granted under the provisions of this chapter. The Council may, in its sole discretion and for any reasonable cause, revoke any license granted under the provisions of this chapter. These penalties are independent from any criminal prosecution.

G. Right to Hearing. No civil fine, suspension or revocation shall take effect until the licensee has afforded an opportunity for a hearing before the Council, a committee of the Council, or a hearing examiner, as may be determined by the Council in action calling the hearing. Such hearing shall be called by the Council upon written notice to the licensee served in person or by certified mail not less than fifteen days prior to the hearing date, stating the time, place and purpose thereof.

Subd. 5. Business Applicants & Licensees.

A. Business Ownership. An application for a license to be used by a business entity shall disclose all owners which have a beneficial interest in the business. It is presumed that any entity owning 5% or more of the business owns a beneficial interest. A business applicant must furnish the City with a list of all entities which own a beneficial interest and describe the extent of such interest. The list shall name all such owners, show the number of shares or percentage of ownership held by each, either individually or beneficially for others.

B. Report Change of Ownership. It is the duty of each business licensee to notify the Clerk of any change in legal ownership, beneficial interest or voting control in such corporation. Such notification is required for any corporation, partnership, limited liability corporation, trust, sole proprietorship, or any other form of business ownership. A transfer of stock or ownership of a beneficial interest of a business holding a license is deemed a transfer of the license, and transfer without prior approval of the City Council renders the license void. An application to transfer a license shall be provided to the City Clerk at least 90 days prior to the proposed transfer and shall be treated the same as an application for a new license. A transfer of ownership or beneficial interest in the type of shares entitled to vote at a meeting of the shareholders of a corporate licensee, which results in the change of voting control of the corporation by the persons owning the share(s) therein, shall be deemed equivalent to a transfer of the license issued to the corporation, and any such license shall be revoked thirty days after any such change in ownership or beneficial interest of shares unless the Council has been notified of the change in writing and has approved under the same standards as an application for a new license.

Subd. 6. Duplicate Licenses. Duplicates of all original licenses under this Chapter may be issued by the Clerk without action by the Council, upon licensee's affidavit that the original has been lost, and upon payment of a fee as established by the Council for issuance of the duplicate. All duplicate licenses shall be clearly marked DUPLICATE.

Subd. 7. Posting. All licensees shall conspicuously post their licenses in their places of business. If the licensee does not have a place of business the licensee shall conspicuously display the license on or about their person.

Subd. 8. Agent. Before a license is issued to an individual or to any business, corporation, partnership, or association, the applicant or applicants shall appoint in writing a natural person as its manager or agent. Such resident manager or agent shall, by the terms of his/her written consent, (1) take full responsibility for the conduct of the licensed premises, and, (2) serve as agent for service of the notices and other process relating to the license. Such manager or agent must be a person who, by reason of age, character, reputation, and other attributes, could qualify individually as a licensee.

Subd. 9. Persons Disqualified. No license may be issued, transferred, or renewed if the results of any investigation show, to the satisfaction of the Council, that such issuance, transfer, or renewal would not be in the public interest. It is presumed that is not in the public interest to issue a license to any person or any establishment owned (in whole or in part) to a disqualified person. The criteria of qualified and disqualified persons will vary depending on the type of license, and the Council shall set forth such criteria as it shall deem appropriate.

Subd. 10. Delinquent Taxes and Charges. Any license issued by the City is voided whenever taxes, assessments, or other financial responsibilities to the City or other government institution are delinquent or unpaid, either in whole, in part, or by failure to pay an installment by the licensee or related to a licensed premises.

SECTION 6.09. RENEWAL OF LICENSES. Applications for renewal of all licenses shall be made at least 90 days prior to the date of expiration of the license, and shall contain such information as is required by the City. This time requirement may be waived by the Council for good and sufficient cause. The decision whether or not to renew a license rest within the sole discretion of the Council. No licensee has a right to have a renewed license.

SECTION 6.35. GARBAGE AND REFUSE HAULERS.

Subd. 1. Definitions. The following terms, as used in this Section, shall have the meanings stated.

A. **“Garbage”** - As used herein shall include only organic refuse resulting from the preparation of food and decayed and spoiled food from any source.

B. **“Rubbish”** - As used herein shall include all inorganic refuse matter, such as non-recyclable packaging, ashes, and sweepings.

C. **“Compost”** - As used herein shall include plant materials, such as grass, leaves, straw and non-woody plant materials stored on a person's property for the purposes of recycling organic materials as a soil conditioner.

D. **“Yard Waste”** - As used herein shall include leaves, grass clippings, organic garden waste, or similar non-woody plant materials.

E. **“Residence”** - As used herein shall include any single building of one to three dwelling units with individual kitchen facilities for each.

F. **“Multiple Dwelling”** - As used herein shall include any building used for residential purposes consisting of four or more residential units with kitchen facilities for each.

G. **“Commercial Establishment”** - As used herein shall include any premises where a commercial or industrial enterprise of any kind is carried on, including restaurants and clubs, churches, and schools where food is served.

H. **“Hauler”** - As used herein shall include a collector or transporter of garbage, rubbish, recyclable materials, or yard waste.

I. **“Manufactured Housing Park”** - As used herein shall include any park, trailer court, trailer camp, court, camp site, lot, parcel, a tract of land designed, maintained or intended for the purpose of supplying a location or accommodation for any manufactured home.

J. **“Recyclable Materials”** - As used herein shall include, but not being limited to, tin and aluminum cans, newspapers, corrugated cardboard, glass and plastics.

Subd. 2. Failure to Dispose of Garbage and Rubbish. It shall be unlawful for any person, firm, or corporation to fail to dispose of garbage and rubbish which may be or which may accumulate upon property owned or occupied by him or them in a sanitary manner. Failure or refusal to make provision for and secure such disposal at his or their expense or with the written approval of the property owner where it is being disposed. shall be subject to the penalties imposed in Subd. 10. To make use of the services of a licensed hauler, persons shall do so by notifying one of said haulers and paying the fee thereof.

Subd. 3. Garbage Containers. Every residence, multiple dwelling and commercial establishment having garbage to dispose of, who does not otherwise provide for the disposal of such garbage in a sanitary manner, shall provide one or more fly tight waterproof containers sufficient to receive all garbage in a sanitary manner which may accumulate between the times of collection. Each nondisposable container shall have a capacity not to exceed 90 gallons, except where dumpsters are used in conjunction with multiple dwellings, and commercial establishments. Each non-disposable container shall be provided with a tight fitting cover and shall be maintained, cleaned and kept in a state of repair which will prevent leakage. All garbage shall be drained of surplus water and wrapped in a manner sufficient to prevent leakage before it is placed in said containers.

Subd. 4. Storage of Garbage, Rubbish, Yard Waste and Recyclable Materials.

A. Except on scheduled collection days, garbage, rubbish, yard waste and recyclable materials shall be stored behind the front of the building line for the width of the property. Garbage, rubbish, yard waste and recyclable materials may be placed at curbside or on the boulevard for collection by a licensed hauler during the twelve hour period prior to the day of collection. Any garbage cans or other containers or materials left over from collection shall be removed from the curbside or boulevard within twelve hours after said collection.

B. Dumpsters for garbage, rubbish, yard waste and recyclable materials used in conjunction with multiple dwellings and commercial establishments for the convenience of the property owners, renters or lessees, shall be stored in the rear or side yards, and must be screened from public view in an enclosure consisting of three walls, at least six feet high and a door. The walls must be flush to the ground.

C. Dumpsters intended for collecting recyclable materials from the public for charitable purposes may be located on a paved surface not designated for parking and must be clearly marked to indicate the type of recyclables accepted and the name of the charity to receive the resulting revenues.

Subd. 5. Composting. Any property owner and/or lease holder may provide for the handling of certain yard wastes as defined by Subd. 1 Paragraph 4 of this Chapter by means of composting. Composting shall be accomplished above ground in a controlled area allowing for the decomposition of the material through an aerobic process providing adequate oxygen and moisture. At no time shall composting create a health hazard or a nuisance to adjoining properties.

Subd. 6. Yard Waste. Except for purposes of composting under Subd. 9 of this Code it shall be unlawful for any person, firm or corporation to dispose of yard waste on private or public lands located in the City of Lexington. All yard waste must be disposed of in the manner prescribed by law. Yard waste for purposes of

this Section consists of all grass clippings, leaves, twigs, tree branches and other woody and non-woody plant materials.

Subd. 7. Licensing Requirements.

A. It is unlawful for any person to collect garbage, rubbish, recyclables, or yard waste from commercial establishments, multi-family dwellings or manufactured home parks in the City without first securing a solid waste collection license from the City.

B. Each license shall be applied for, issued and renewed, and may be suspended or revoked, as provided by this Chapter, and each licensee shall comply with all applicable requirements of this Chapter.

C. Haulers collecting yard waste, recyclables and non-recyclables or any combination thereof from residential areas, commercial establishments, multiple dwellings and/or manufactured housing parks must be licensed.

D. Any person, firm or corporation desiring a license to collect garbage shall make application for the same to the City Clerk upon a form prescribed by the City. The applicant shall set forth the following:

- 1) The name and address of the applicant.
- 2) A list of the equipment which the applicant proposes to use in such collection.
- 3) The place or places to which the garbage, rubbish, yard waste and/or recyclable materials are to be hauled.
- 4) The manner in which said garbage, rubbish, yard waste and/or recyclable materials are to be disposed of.

E. Before a license is issued, the applicant shall file with the City Clerk evidence that the applicant has in effect public liability insurance for the hauler's business and for all vehicles in at least the sum of \$500,000 for injury of one person, 1,000,000 for the injury of two or more persons in the same accident and \$100,000 property damage.

F. When the application is submitted, the applicant shall file with the City Clerk a schedule of proposed rates to be charged during the licensed period. Every licensee shall provide 30 days prior written notification to the City and the licensee's customers of any change in rates to be implemented during the licensed period.

G. Before a license is issued, the applicant shall pay to the City a license fee to be established by resolution of the City Council, which shall accompany the application.

H. No license issued shall be for a longer period than one year and all licenses shall expire on December 31 of each year.

I. Licenses may be suspended or revoked by the Council, after the licensee has been given a reasonable notice and an opportunity to be heard, for the violation of any provisions of this Chapter, or for the violation of any conditions or restrictions in the motion granting the license, or any motion passed by the Council, or upon failure of the licensee to comply with any conditions, order or direction issued by the City.

J. In addition to the other requirements of this Chapter, haulers servicing residences, manufactured housing parks and multiple dwellings shall comply with the following:

1) Curbside recycling collection will be made available to all residential, multiple dwelling and manufactured housing park customers. Such service shall include weekly or bi-weekly collection of all recyclable materials but may not necessarily occur on the same day as garbage and rubbish collection for residences.

2) Weekly collection of garbage and rubbish and weekly or biweekly collection of recyclable materials will be provided, but not necessarily on the same day, for multiple dwellings and manufactured housing parks.

3) Collection service provided on the basis of volume shall be provided. All billings shall be itemized so as to show what individual charges are being levied.

4) Each licensee shall separately collect and dispose of yard waste on a regular basis for a minimum of eight weeks in the spring, commencing on April 1, and eight weeks in the Fall, commencing on September 15th.

Subd. 8. Requirements and Restrictions. All licensees shall comply with all of the following requirements and restrictions:

A. No hauler shall operate in a residential district after 6:00 P.M. or before 7:00 A.M. of any day, and no hauler shall operate in a residential district on Sunday or legal holidays.

B. All haulers operating on a route in a residential district shall operate vehicles on City streets within the weight allowed by Minnesota State Statutes.

C. Licensees shall have covered water-tight, packer-type vehicles, or in the case of recycling, appropriate container vehicles, in good condition and which prevent loss in transit of liquid or solid cargo. All vehicles shall be kept clean and as free from offensive odors as possible, and shall not be allowed to stand in any street longer than reasonably necessary to collect garbage, rubbish, recyclable materials, or yard waste.

D. All garbage and rubbish shall be dumped or unloaded only at designated facilities.

E. Recyclable materials shall be disposed of at a recycling facility, an organized recyclable drive or through another licensed hauler.

F. Yard wastes may be composted privately or may be disposed of at an approved composting facility or through another licensed hauler.

G. Each vehicle for which a hauler's license is issued shall exhibit such license in a prominent position on the vehicle.

Subd. 9. Reporting of Recyclables and Yard Waste. All licensees shall report to the City in a manner consistent with the requirements of the Metropolitan Council. Such quantities shall be reported by tonnage, except that yard waste shall be reported in estimates of cubic yardage abated. Failure to certify accurate volumes within the time specified by the City may be cause for suspension or revocation of a hauling license.

Subd. 10. Penalty. Any person, firm or corporation violating any of the provisions of this Chapter shall be guilty of a misdemeanor.