

## ORDINANCE NO. 312

### AN ORDINANCE AMENDING THE HAYFIELD CITY CODE BY REPEALING ORDINANCE CHAPTER 3, PART 8 (308.01 ET SEQ) AND ADDING A NEW CHAPTER 3, PART 12 CITY BRUSH SITE

THE CITY COUNCIL OF THE CITY OF HAYFIELD DOES ORDAIN:

SECTION 1. REPEAL. The Hayfield City Code Chapter 3, part 8 is hereby repealed.

SECTION 2. AMENDMENT The Hayfield City Code is hereby amended by inserting a new section, Chapter 3, part 12, to read as follows:

#### Chapter 3, Part 12. City Brush Site

312.01. Definitions. As used in this section, the terms shall mean the following:

Subdivision 1. **Resident.** "Resident" mean persons who have a voting residence in the City of Hayfield, Minnesota, or are firms or corporations who are taxpayers in the city and including churches or other non-profit corporations located in the city.

Subd. 2. **Person.** "Person" includes a natural person of either sex, partnerships, corporations and associates of persons and the agent or manager of aforesaid. The singular number includes the plural and the masculine includes the feminine and neuter.

Subd. 3. **Brush Site** "Brush Site" means the site where the City of Hayfield has designated as the permanent location for the burning of tree and brush materials as permitted by this Chapter.

Subd. 4. **Commercial User.** "Commercial User" mean all persons, firms, private and municipal corporations, who collect materials to be deposited at the Brush Site from Resident's home and charge a fee for that service.

Subd. 5. **Garbage.** "Garbage" means all decomposable and putrescent solid wastes, including materials resulting from the handling, preparation, cooking and consumption of food, every accumulation of animal, fruit, vegetable, fish endeared of derivative wastes from the processing, preparation, manufacture, serving, cooking, consumption, storage or handling of animals, fish, fowl, fruits and vegetables and all related food products. The term also includes all disposable paper and plastic articles, containers and wrappers which have been contaminated by containing or by serving of foods or beverages including but not limited to paper plates, cups, napkins, portion cups, butter cups and cottage cheese, milk and ice cream cartons. The term also includes all other materials which might attract insects or rodents, and includes cans, bottles, crates and boxes, but excluding human excrements, sewage and other water-carried wastes.

Subd. 6. **Industrial Waste.** "Industrial Waste" means all organic and inorganic wastes except garbage resulting from any manufacturing, building repairing, demolition, construction, processing, grain cleaning, the operation of garages and service stations and other similar activities.

Subd. 7. **Season.** "Season" shall mean the time from the thawing of the ground in the spring until the time of accumulated snow in the fall. The clerk's office will, with the assistance of the city maintenance workers, publish in the local legal newspaper an announcement that the Season has begun, ended or is temporarily open for use of the Brush Site.

312.02. **Location of Brush Site.** Hayfield maintains a Brush Site located in the northern portion of Hayfield described as follows:

Commencing at the Northeast corner of Block One (1), Grandview Addition, City of Hayfield, thence North eight (8) rods, thence West to the East edge of the Chicago and Great Western Railroad Company right of way (now abandoned), thence South eight (8) rods thence East to the point of beginning, Southeast Quarter (SE1/4), Section 15, Township 105, Range 17, Hayfield, Dodge County, Minnesota.

312.03. **Purpose.** The purpose of this ordinance is to maintain and protect the health, safety, comfort and repose of the public by regulation and operation of the Brush Site.

312.04. **Deposit of Material Restricted.**

- a. No persons shall deposit, cause to be deposited, place or put any item in Brush Site except as specifically authorized under Section 312.05 hereof.
- b. The City Brush Site shall be for the use and convenience of residents of the City of Hayfield that purchase a User License and shall not be for the use by the general public except as herein provided. The city council may permit use by non-residents upon payment of the fees in compliance with the regulations adopted by the council but the use of non-residents may be terminated or prohibited at any time by the city council without cause.

312.045 **User License.** Residents from the City of Hayfield may apply for a "User License" in order to deposit material at the Brush Site. Applications are available from the City Clerk. A User License will be issued upon presenting a signed application, positive proof of residence, and payment of the fee set forth in Section 312.08. Positive proof of residence accepted must include a picture ID. Only those holding a User License shall deposit materials at the Brush Site.

312.05. **Materials Deposited.** Allowable materials to be placed at Brush Site by User License owners are:

- a. Tree branches less than three (3) inches in diameter and less than 5 feet in length;

- b. Leaves;
- c. Brush;
- d. Natural trees used as Christmas trees;
- e. Garden waste, flowers, etc.

**All materials deposited are to be removed from any containers (boxes, bags, drums, etc.) and such containers are to be removed from the Brush Site.**

**312.06. List of Items Specifically Excluded.** This list is not considered all inclusive, but only as an example of some of the things that are prohibited from being placed in the Brush Site. Only those things specifically included in Section 312.05 above are authorized to be placed in the Brush Site. Items prohibited from being placed in the Brush Site include, but are not limited to:

- a. Tires;
- b. Materials which are inherently dangerous;
- c. Garbage;
- d. Industrial waste;
- e. Any chemicals;
- f. Live ammunition or other explosives or corrosive acids or alkalis;
- g. Glass, plastic, aluminum or metal containers
- h. Newspapers or magazines;
- i. Sewage treatment wastes, ashes, incinerator ash, or incinerator residue;
- j. Toxic or hazardous wastes including, but not limited to, poisons, pesticides, herbicides, acids, caustics, pathological wastes, radioactive materials, flammable or explosive materials and similar harmful chemicals and wastes which require special handling and must be disposed of in a manner to conserve the environment and protect the public health and safety;
- k. Inorganic refuse in a liquid or semi-liquid state, such as sludge from automobile wash racks, mud, water from laundry and paint sludge;
- l. Newsprint, plastic bottles, glass bottles, jars, aluminum cans or other recyclable materials.

**312.07. Hours.** The City Brush Site shall be available for Public access to User License Holders only between on Wednesday's between the hours of Twelve p.m. and Six p.m. on Wednesdays and on Saturdays between Nine a.m. and Twelve p.m. and Twelve-Thirty P.M. and Five P.M. during the Season. The City Council shall have the power to change said hours by resolution.

**312.08. Fee Schedule.** The following fee schedule shall be maintained:

- a. There shall be a fee for a Residential User License issued to a non-commercial resident disposing of permitted material per season. All permitted materials to be disposed of shall originate within the City of Hayfield. Yearly license fee amount: Refer to Appendix 7A.

- b. There shall be fee for a Commercial User License per season that the Council shall set by resolution prior to the commencement of each season. The fee amount shall be published in the official city paper. All permitted materials to be deposited shall originate within the City of Hayfield. Yearly license fee amount: Refer to Appendix 7A.
- c. The City Council may by resolution change the fees and license requirements for depositing materials which shall become effective after being published once in the official city paper.
- d. No fires shall be allowed to be in Brush Site unless authorized by the Hayfield City Council. No person shall dispose of anything upon the property if said disposal or operation is in violation of any rule or regulation of the State of Minnesota including the Minnesota Pollution Control Agency.

312.09. **Restrictions.** No person, firm or corporation shall be permitted to trespass, pick over or remove items or materials from the Brush Site unless they have first obtained written permission from the council. No person shall dump, leave, deposit or abandon any scrapped or junked automobile, truck or other propelled vehicle or parts thereof, nor refrigerators, cabinets or any other metallic appliances, computers, computer parts, computer accessories, machinery, household furniture or rubber.

312.10. **Severability.** Every provision of this ordinance is declared separable from every other provision and if one provision is held invalid, such invalidity shall not affect any other provision. The city council shall have the power to establish regulations for the use of Brush Site including but not limited to rates, hours of use, method of disposal, types and classes of materials to be deposited and other rules and restrictions for the public's safety, welfare and convenience and connections therewith, which regulations may be different for residents and non-residents. The council may amend such regulations at any time and from time to time by written resolution duly adopted in a conspicuous place at the Brush Site. Any failure to keep such notice posted shall not be a defense to any prosecution for violation of any provision of this ordinance or a regulation adopted pursuant to this section of this ordinance.

312.11 **Penalty.** Any person violating this ordinance shall be guilty of a misdemeanor punishable by a fine of not more than \$1,000.00, by imprisonment for not more than 90 days or both.

This ordinance is effective 30 days after publication.

Adopted by the City Council of the City of Hayfield, Minnesota, on October 17, 2005.

