



REQUEST FOR COUNCIL ACTION

MEETING DATE: October 16, 2023
PREPARED BY: Administration
AGENDA ITEM: Organics recycling code amendment to conform to statutory requirements – Ordinance No. 23-22

PREVIOUS ACTIONS:

Council approved Ordinance No. 21-03 at the meeting of March 1, 2021 in order to be consistent with the new organics recycling mandates implemented by Hennepin County.

RECOMMENDED COUNCIL ACTION:

Motion to approve Ordinance No. 23-22 amending Maple Grove City Code 26-34 and 26-92 to conform to statutory requirements for organics recycling and authorizing publication of the ordinance summary.

COMMENTS:

The Minnesota Pollution Control Agency has recently interpreted Minnesota Statute § 115A.93, Subd. 3(c) to mean that licensing authorities, such as cities, are required to prohibit waste haulers from imposing a greater charge on residents who subscribe to curbside organics recycling collection service than to those who do not.

The state law requires garbage haulers to charge all residential customers a fee for curbside organics recycling – regardless of whether they utilize the service. The City of Maple Grove is required to ensure its licensed waste haulers are complying with this statute and to ensure customers who subscribe to residential curbside organics recycling services are not charged more than customers who do not.

Ordinance No. 23-22 amends Maple Grove City Code 26-34 and 26-92 to ensure conformity to statutory requirements for organics recycling.

ATTACHMENTS:

Attachment A: Ordinance No. 23-22
Attachment B: Summary Ordinance No. 23-22
Attachment C: Minnesota Pollution Control Agency letter