



## Legislation Details (With Text)

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**Sponsors:** Russ Stark

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11/16/2016	1	City Council	Laid Over to Second Reading	

Amending Chapter 357 of the Saint Paul Legislative Code to update language related to the handling and storage of solid waste and other waste streams.

### THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

#### Section 1

Chapter 357 of the Saint Paul Legislative Code is hereby amended to read as follows:

#### Sec. 357.02. - Definitions.

For the purpose of this chapter, the following terms shall have the meaning indicated in this section:

*Authorized recycling program* is a program for the collection and processing of recyclable materials which is instituted, sponsored, authorized or controlled by the City of Saint Paul.

*Collection* is the aggregation of mixed municipal solid waste, yard waste and/or separate waste streams from the place at which it is generated and includes all activities up to the time the mixed municipal solid waste, yard waste and/or separate waste stream is delivered to a waste facility.

*Compostable materials* include but are not limited to kitchen wastes, food wastes, paper wastes, disposable diapers, and other clean organic wastes, but not including yard waste.

*Composting* means the controlled microbial degradation of organic waste to yield a humus-like product.

*Construction debris* is waste building materials, packaging, and rubble resulting from construction, remodeling, repair and demolition of buildings and roads.

*Corrugated cardboard* is heavy paper with alternating ridges and grooves for use in packing or boxing

material but does not include paperboard packaging.

*Disposal facility* is a mixed municipal solid waste facility permitted by the Minnesota Pollution Control Agency that is designed or operated for the purpose of disposing of mixed municipal solid waste on or in the land, together with any appurtenant facilities needed to process waste for disposal or transfer to another facility.

*Garbage* is includes all discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.

*Glass recyclable* includes jars, bottles and glass containers that are transparent or translucent and primarily used for packaging and bottling of various matter, but does not include mirror or window glass, ceramics, crockery or other glassware containing lead.

*Household battery* is any of a variety of small and button batteries used in flashlights, electronics, toys, portable appliances, hearing aids, pacemakers, watches, etc., commonly known as alkaline, Leclanche (carbon-zinc), nickel-cadmium, mercury, silver, zinc air or lithium batteries.

*Incineration* is the process of burning wastes for the purpose of volume and weight reduction in facilities designed for such use.

*Incinerator* shall mean any furnace or other device used in the process of burning mixed municipal solid waste for the purpose of reducing the volume of the waste by removing combustible matter.

*Land pollution* is the presence in or on the land of any waste in such quantity, of such nature and duration, and under such conditions as would injuriously affect any waters of the state, create air contamination, cause air pollution, attract rodents or vermin, cause a health hazard or otherwise create a nuisance.

*Lead acid battery* is a motor vehicle battery.

*Major appliances* include but are not limited to are refrigerators, freezers, stoves, ovens, dishwashers, clothes washers and dryers, hot water heaters, trash compactors, garbage disposals, air conditioners, residential furnaces, dehumidifiers, and microwave ovens, and other major appliances.

*Metal recyclable* includes all disposable food and beverage containers constructed primarily of aluminum, steel, bimetal and "tin."

*Mixed municipal solid waste* shall mean garbage, refuse and other solid waste from residential, commercial, industrial, and community activities which is generated and collected in aggregate, but does not include recyclable materials, auto hulks, street sweepings, ash, construction debris, mining waste, sludge, tires, lead acid batteries, used oil, infectious waste and other materials collected, processed and disposed of as separate waste streams.

*Mixed municipal solid waste hauler* is an agency, business or service, either governmentally or privately operated, for collecting, transferring, compacting and/or transporting mixed municipal solid waste, recyclable materials and/or yard waste for processing, for disposal or composting purposes.

*Mixed municipal solid waste processing or disposal operations* are the site or sites, facilities, operating practices and maintenance thereof for the utilization, processing, treating or final disposal of mixed municipal solid wastes, including, but not limited to, land disposal, incineration, composting, reduction, shredding, compressing, milling, baling, resource recovery, and salvage of such mixed municipal solid wastes.

*Newsprint* is printed, ground-wood newspaper.

*Processing* is the treatment of waste after collection and before disposal. Processing includes, but is not limited to, reduction; storage; separation; exchange; resource recovery; physical, chemical or biological modification; and transfer from one (1) waste facility to another.

*Recyclable glass*, for the purpose of this chapter, includes jars, bottles and containers that are transparent or translucent and primarily used for packaging and bottling of various matter(s), but does not include mirror or window glass, ceramics, crockery or other glassware containing lead.

Recyclable materials shall mean materials that are separated from mixed municipal solid waste for the purpose of recycling, including, but not limited to, wood, paper, glass, metal, and other materials to the extent the director of the public works department determines that these or other materials may be reasonably and feasibly recycled.

Recyclable metal, for the purposes of this chapter, are all food and beverage containers constructed primarily of aluminum, steel, bimetals and "tin."

Paper/Recyclable/Recyclable paper materials, for purposes of this chapter, are newsprint, boxboard, school and office paper, magazines, and corrugated cardboard. and magazines.

Processing is the treatment of waste after collection and before disposal. Processing includes, but is not limited to, reduction; storage; separation; exchange; resource recovery; physical, chemical or biological modification; and transfer from one (1) waste facility to another.

Recyclable materials shall mean materials that are separated from mixed municipal solid waste for the purpose of recycling, including, but not limited to, paper, wood, glass and metal recyclables, high density polyethylene (H.D.P.E.) and polyethylene terephthalate (P.E.T.) plastic containers, and other materials to the extent which the director of the public works department determines that these or other materials may be reasonably and feasibly recycled.

Recyclable plastic materials, for the purpose of this chapter, means containers (bottles, tubs, jugs) used for food and beverages, laundry/bathroom products, and small storage containers.

Recycling is the process of collecting and preparing recyclable materials and reusing them in their original form or using them in manufacturing processes that do not cause the destruction of recyclable materials in a manner that precludes further use.

Refuse is putrescible and nonputrescible solid waste, except body wastes, and includes garbage and rubbish.

Scavenging is the unauthorized collection of recyclable materials that have been set out by persons for participation in authorized recycling programs.

Separate waste streams are materials that are collected, processed or disposed of separately from mixed municipal solid waste, including, but not limited to, construction debris, compostable materials, auto hulks, street sweepings, ash, earthen fill, boulders, rocks and other material normally handled in construction operations, mining waste, tree and agricultural wastes, yard waste, tires, lead acid batteries, used motor oil and major appliances.

Tire is a pneumatic tire or solid tire for motor vehicles.

Transfer station is an intermediate facility in which mixed municipal solid waste or other separate waste streams are collected from any source and temporarily deposited to await transportation to another waste facility.

Used motor oil is motor oil which through use, storage or handling has become unsuitable for its original purpose due to impurities or loss of original properties.

Volume-based rate is a mixed municipal solid waste collection and disposal charge based on the number of gallons or cubic yards and the weight of the mixed municipal solid waste.

Waste facility means any facility as defined in Minn. Stat. § 115A.03(35) and for which a license is required under the provisions of the Ramsey County Solid Waste Ordinance.

Waste storage is the holding of mixed municipal solid waste, yard waste and/or separate waste streams at or near the point of generation.

Waste transportation is the conveying of mixed municipal solid waste, yard waste and/or separate waste streams from one (1) place to another by means of vehicle, rail car, water vessel, conveyor or other means.

Yard waste shall mean lawn cuttings, leaves, weeds, garden wastes and soft bodied plants.

Sec. 357.03. - Fee.

The license fee required for each site, location, vehicle, facility, or for each collector or hauler of mixed municipal solid waste, recyclable materials or compostable materials shall be determined by city council resolution. The fee required for a license shall also be established by ordinance as specified in section 310.09 (b) of the Saint Paul Legislative Code.

Sec. 357.04. - Licensing requirements.

- (a) *Application.* When the application is submitted in complete form, together with any required site plan and specifications, the inspector shall transmit it for review and approval to the department of safety and inspections, and to the department of public works. The inspector shall determine whether a license is required by either the county or the state pollution control agency and, if required, whether the appropriate license has been obtained.
- (b) *Issuance of licenses.* If found to be satisfactory, the inspector shall issue the license; or if not satisfactory, the inspector shall immediately notify the applicant of the reason and shall proceed in accordance with section 310.05.
- (c) *Insurance.* No license shall be granted or shall become effective until the licensee shall have filed with the inspector a copy of certificate of insurance protecting the licensee from claims for damages and bodily injuries, including accidental death, as well as for claims for property damage which may arise from operations involving all phases of mixed municipal solid waste or disposal operations, as herein defined, in Saint Paul. The minimum amounts of such public liability insurance for bodily injury and property damage shall be determined by city council resolution upon the recommendation of the license inspector and the risk manager.

Insurance policies shall run concurrently with the license period, and copies or certificates of such policies shall be filed with the inspector prior to the issuance or reissuance of a license.

- (d) *Reporting.* Every mixed municipal solid waste hauler shall submit with the application documentation on amounts collected during the previous year of mixed municipal solid waste, recyclable materials and compostable materials from residential, commercial, institutional and industrial buildings for delivery to a resource recovery facility approved by Ramsey County. The license inspector may require submittal of lists of actual residential customers. The city shall keep customer lists strictly private as trade secret information pursuant to the provisions of Minn. Stat. § 13.37 or as amended.

Sec. 357.05. - Regulations.

- (a) *Applicability.* These regulations and standards shall apply to the storage, collection, transportation, treatment, handling, utilization, processing and final disposal of all mixed municipal solid waste and separate waste streams, and the supervision, inspection and control of all facilities and equipment, including operation and maintenance of such facilities and equipment, in connection with the mixed municipal solid waste and separate waste streams for the protection of the health, safety and general welfare of the public in Saint Paul.

The responsibility for compliance with these regulations and standards shall be with the owner and/or occupant of any premises, business establishment or industry, and the owner and/or operator of any equipment or facilities involved in the storage, collection, transportation, treatment, handling, utilization, processing and final disposal of mixed municipal solid waste and separate waste streams.

- (b) *License to be displayed.* All licenses issued in accordance with this chapter shall be displayed where they can be readily seen in or on the site, facility or equipment for which the license is issued and in

accordance with public works department rules and regulations.

- (c) *Schedule of charges.* Each licensee shall submit to the inspector a schedule of advertised charges in connection with his operation or service at the time of the application for license.

Charges for mixed municipal solid waste services provided after July 1, 1991, must be submitted on a form provided by the inspector and based on the number of mixed municipal solid waste containers serviced by the licensee. Volume-based rates must be offered which limit the total amount of mixed municipal solid waste to be collected and shall be in proportion to the amount or weight of mixed municipal solid waste collected and shall differ significantly and incrementally one from another. At a minimum, volume-based rates must be offered for three (3) levels of single-family through fourplex residential service. The levels of service are for one (1), two (2) and three (3) containers of mixed municipal solid waste. Refuse haulers must provide written notice to their customers at least twice yearly of their volume-based rate structure and must provide information on their volume-based rate structure to new customers, including those acquired from other refuse haulers.

Charges shall not be changed except by submitting a revised schedule of charges to the inspector no more than ten (10) days after the effective date of the changes. The inspector shall report the revised charges to the department of public works within thirty (30) days of the effective date of the changes. Any licensee who shall charge, or change his charges contrary to the above procedure shall be required to appear before the city council for consideration of license revocation of his license.

- (d) *General regulations; premises.* In connection with mixed municipal solid waste and/or separate waste stream processing or disposal operations licensed under this chapter, the entire operation shall be carried on in a manner that does not create excessive noise, dust or odors.

Adequate fire protection shall be provided in loading, unloading, storage and handling areas. An adequate, continuous rodent and insect control program shall be carried on at the site.

Waste facilities shall be located in areas that are properly zoned, shall be licensed by Ramsey County for the purpose and shall be equipped, operated and maintained in such a way as to minimize the interference with other activities in the area. Adequate sanitary facilities shall be provided at the facility for employees.

- (e) *Identifying sign.* A sign shall be posted at the entrance of the facility identifying the operation and indicating the normal hours of operation, and access to the facility shall be provided only during the posted hours. The sign shall be in compliance with the requirements of the Minnesota Pollution Control Agency as well as the provisions of this chapter and the city zoning code.

- (f) *Mixed municipal solid waste and/or separate waste stream storage:*

(1) *Responsibility:* The owner and/or occupant of any premises, business establishment or industry shall be responsible for the safe and sanitary storage of all mixed municipal solid waste and/or separate waste streams accumulated or stored at that premises, business establishment or industry. Storage containers located within a public right-of-way must be kept clear of snow to allow the free flow of traffic around such containers at all times.

(2) *Containers:* Refuse when stored out-of-doors shall be stored in durable, rust-resistant, nonabsorbent, watertight, rodent-proof, easily cleanable containers with closefitting, fly-tight covers. The maximum capacity for mixed municipal solid waste storage containers intended to be handled manually during collection shall be thirty-two (32) gallons and may not exceed thirty (30) pounds in weight. Refuse shall be stored in durable containers with proper covers. In no case shall the out-of-doors storage of refuse in plastic bags be allowed. Other types of mixed municipal solid waste containers which may not meet all of the requirements above but which will facilitate mixed municipal solid waste storage, handling and collection in a safe and sanitary way may be approved by the department of public works. All containers for the storage of mixed municipal solid waste or other waste streams shall be maintained in a manner which will prevent the creation of a nuisance or menace to the public health, safety and general welfare. Containers which are damaged, broken or otherwise create a nuisance or menace to public health, safety and general welfare shall be replaced

with acceptable containers.

Yard waste must be stored separately from mixed municipal solid waste. Lawn clippings, leaves, weeds and garden waste must be stored in clearly marked plastic bags, paper biodegradable bags, or a permanent container which is identified as containing yard waste. The maximum capacity for yard waste bags or containers intended to be handled manually during collection shall be thirty-two (32) gallons and may not exceed thirty (30) pounds in weight. Other types of yard waste containers which may not meet the requirements above but which will facilitate yard waste storage, handling and collection in a safe and sanitary way may be approved by the department of public works. All containers for the storage of yard waste shall be maintained in a manner which prevents the creation of a nuisance or menace to the public health, safety and general welfare. Containers which are damaged, broken or otherwise create a nuisance or menace to public health, safety and general welfare shall be replaced with acceptable containers.

(3) Storage of toxic or hazardous materials, infectious waste, pathological waste: Toxic or hazardous materials, infectious waste and pathological waste to be disposed of shall be stored and handled in accordance with federal and state law. Construction debris containing asbestos or other hazardous materials must be stored and disposed of in accordance with federal and state law, and may not be placed in the standard construction debris waste stream, or stored in containers intended for mixed municipal solid waste, construction debris, recyclable materials, or any other nonhazardous waste.

(4) Dumpsters and roll-offs-Advisory to be affixed: Dumpsters and roll-off containers intended for storage of mixed municipal solid waste or separate waste streams must have an advisory statement prominently affixed, describing the nature of the materials intended to be stored in the dumpster or roll-off, as well as common categories of materials that may not be placed in the dumpster or roll-off. Advisory statements must be approved in advance by the department of safety and inspections.

(5) Location of containers: Containers for storage of mixed municipal solid waste and/or yard waste, recyclables or compostable materials storage shall be kept in locations that do not create a nuisance and the locations shall be maintained in a manner acceptable to the department of public works. In no case shall the containers be kept beyond the alley line or in front of the established building line as defined in the zoning code or on boulevards except on the day of collection.

(6) Mixed municipal solid waste not suitable for storage in containers includes and/or separate waste streams: Furniture, tires, lead acid batteries, used motor oil, major appliances and similar items and shall be stored in a manner so as not to create a nuisance or a rat harborage. Trees, tree limbs, brush, scraps of wood, ~~cardboard~~ and similar items must be tied in bundles of suitable size for handling during collection. Used motor oil must be placed in a suitable container with a tight-fitting lid and clearly labeled as containing used motor oil.

(g) *Collection and transportation:*

(1) Operations and facilities: Vehicles or containers used for the collection and transportation of mixed municipal solid waste or other separate waste streams shall be durable, rust-resistant, leak-proof and easily cleanable with tight-fitting covers of a type approved by the department of public works. Vehicles or containers shall be maintained in good repair and shall be properly cleaned to prevent a nuisance or insect breeding. Vehicles and containers used for the collection and transportation of all mixed municipal solid waste or other waste separate waste streams shall be loaded and moved in such a manner that contents will not fall, spill or leak therefrom and shall be covered to prevent blowing of material. Where spillage does occur for any reason, the material spilled shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned up.

Mixed municipal solid waste from any premises, business establishment or industry must be collected by a licensed hauler at least once every seven (7) calendar days and in accordance with Chapter 34.11. The owner of the premises, business establishment or industry must show evidence, including,

but not limited to, receipt, canceled check or other similar evidence, of hauling service. This section shall not preclude abutting property owners from cooperating for arranging for collection services from a licensed hauler, nor other arrangements for reasonable interruption of service.

Yard waste set out for collection must be removed from any premises, business establishment or industry at least once every seven (7) calendar days during the period from April first to November thirtieth. This provision does not apply to composting permitted by section 357.08.

- (2) Toxic or hazardous material, infectious waste, pathological waste: Toxic or hazardous materials, infectious waste and pathological waste shall be disposed of in accordance with applicable federal and state laws.
  - (3) Name of licensee displayed: All vehicles and equipment licensed hereunder shall have, on each side of such vehicle and equipment in a position where it may be clearly seen, the name of the licensee in block letters not less than two (2) inches high, painted in a contrasting color.
  - (4) Collection every week: Effective January 1, 1991, each licensed mixed municipal solid waste collector shall, at least every seven (7) calendar days, separately collect and transport yard waste, or make available those services, to a site or sites approved for yard waste composting, during the period from April first through November thirtieth.
  - (5) Hours of collection-Residential areas: A solid waste collector licensed under this section may only collect mixed municipal solid waste or separate waste streams between the hours of 6:00 a.m. and 10:00 p.m. in residential areas of the city.
- (h) *Transfer, treatment or otherwise handling of mixed municipal solid waste and/or separate streams:*
- (1) Responsibility: The owner and/or occupant of any premises, business establishment or industry involving a facility operated for the transfer, treatment, salvaging, composting, shredding, compacting, processing or otherwise handling mixed municipal solid waste and/or separate waste streams shall be responsible for the maintenance of the facility in a manner which is not detrimental to the health, safety and general welfare of the public and is in accordance with the provisions of this chapter and the rules and requirements of the department of public works.
  - (2) Operations and facilities: All operations and facilities for the transfer, treatment, salvaging, composting, compacting, shredding, processing or otherwise handling mixed municipal solid waste and/or separate waste streams shall be carried on in facilities designed for the purpose and approved by Ramsey County, the Metropolitan Council and the Minnesota Pollution Control Agency, as required, and licensed by the city.
- All mixed municipal solid waste and/or separate waste streams involved in the operation of the facility shall be confined to adequate enclosed areas for dumping, storage and handling. Access to the facility shall be provided only at times that are approved and when authorized employees are on duty at the facility.
- Adequate equipment and facilities shall be provided to clean the loading, unloading, dumping, storage and handling areas, and it is required that the entire facility be maintained in a sanitary condition at all times.
- Mixed municipal solid waste which is to be finally disposed of at a resource recovery or disposal facility shall be removed promptly to an approved site.
- (i) *Incineration:*
- (1) Responsibility: Effective January 1, 1992, no incinerator with a maximum refuse burning capacity of less than one thousand (1,000) pounds per hour may be operated. The owner and/or occupant of any premises, business establishment or industry involved in the operation of an incinerator not prohibited by this section for the reduction of mixed municipal solid waste by incineration shall be responsible for the operation and maintenance of the incinerator in a manner

consistent with the health, safety and general welfare of the public and in accordance with the provisions of this chapter and in compliance with the requirements of the Minnesota Pollution Control Agency.

- (2) Facilities and operation: All facilities and operations for the reduction of mixed municipal solid waste by incineration and any attendant operation as listed in paragraph (h) of this section that may be carried on in conjunction with incineration at the same premises shall be carried on in a facility designed for the purpose and approved by Ramsey County, Metropolitan Council, the Minnesota Pollution Control Agency, and as approved and licensed by the city.

All mixed municipal solid waste involved in the operation of the facility shall be confined to adequate enclosed areas for dumping, storage, handling and charging. Adequate fire protection shall be provided in the dumping, storage, handling and charging areas. Adequate facilities and equipment shall also be provided to clean the entire premises, including water supply and drainage for washing down the entire facility.

The provisions of this section shall apply not only to the incineration activities where the sole purpose is the reduction of mixed municipal solid waste in volume and weight, but shall apply to other activities as may be required to salvage, process and utilize mixed municipal solid waste for operation including the generation of steam for heat and power.

The remaining mixed municipal solid wastes, including incinerator residue and noncombustible mixed municipal solid waste which is to be finally disposed of at a sanitary landfill, are to be removed from the site regularly with no excessive storage of the material at the incinerator site. Access to the facility shall be provided only at those times which are approved and when authorized employees are on duty at the facility.

(j) *Disposal facility:*

- (1) Responsibility: While it is not anticipated that there will be any public or private disposal facility operation within the city limits after the closing of the Pig's Eye landfill operation, these provisions are included in the event that the availability of sites in other locations makes it necessary to utilize relatively small areas that may be available. Those sites, with certain specific variances from the Minnesota Pollution Control Agency, Ramsey County, the Metropolitan Council and the city may be required for the disposal of mixed municipal solid waste within the city. The owner and/or occupant of any premises to be utilized for the purpose of a disposal facility disposal area shall be responsible for the operation and maintenance of the facility in a manner consistent with the health, safety and general welfare of the public and in accordance with this chapter and in compliance with all applicable state laws.

- (2) Facilities and operation: All facilities and operation of a disposal facility for the disposal of mixed municipal solid waste shall be conducted ~~carried on~~, on a premises that is approved and licensed by the city for this purpose. No disposal facility shall be approved or licensed unless it has been approved by the Minnesota Pollution Control Agency, the Metropolitan Council and Ramsey County.

Adequate fire protection shall be provided and arranged for at the site.

Access for the purpose of disposing of mixed municipal solid waste shall be during the hours that are approved by the city council and shall only be at those times when authorized employees are on duty at the facility.

Sec. 357.06. - Enforcement.

- (a) *Revocation or suspension of license.* The city council may suspend or revoke any license when the licensee neglects or fails to comply with the provisions of applicable Minnesota Statutes, Ramsey County

solid waste management ordinances, and city ordinances.

- (b) *Inspection.* Inspection may be made of any premises, facilities or equipment in connection with the storage, collection, transportation, treatment, handling, utilization, processing and final disposal of mixed municipal solid waste and/or separate waste streams at any reasonable time upon showing proper identification. Inspection may be made by authorized personnel from the department of public works and/or the department of safety and inspections, or the county, the metropolitan council, the state pollution control agency, as appropriate, or any peace officer.
- (c) *Violations.* Whenever it is found that a violation of the provisions of this chapter exists, the department of public works and/or the department of safety and inspections may take action to correct the conditions by serving a written order or notice upon the person responsible therefore directing him to discontinue the illegal action or correct the condition which is in violation of the provisions and regulations of this chapter. Any violation of this chapter is a misdemeanor, unless otherwise specified.

Sec. 357.07. - City collection of mixed municipal solid waste.

City departments may collect mixed municipal solid waste. The department of public works may and the department of safety and inspections shall collect or arrange for collection of mixed municipal solid waste from city buildings and other city facilities, including the provision of recycling receptacles and collection services.

Sec. 357.08. - Residential composting.

Composting by residents on their own property is permitted provided the following regulations are complied with:

- (1) *Container.* Composting shall be conducted within an enclosed container(s) not to exceed a total of one hundred (100) cubic feet in volume for city lots less than ten thousand (10,000) square feet and one hundred fifty (150) cubic feet for lots greater than ten thousand (10,000) square feet, and five (5) feet high. The container(s) shall be of a durable material such as wood, block or sturdy metal fencing material.
- (2) *Container location.* The compost container(s) shall be located at least five (5) feet from lot lines and be placed no closer than twenty (20) feet to any habitable building, other than the resident's own home, nor less than two (2) feet from the alley if any alley exists.
- (3) *Materials allowed.* Only organic yard materials, including grass clippings, leaves, faded flowers, weeds, sawdust, wood ash and plant trimmings, lake plants, straw; kitchen scraps such as fruit and vegetable peels and trimmings, and other raw, nongreasy food wastes; and commercially available compost materials, may be placed in the compost container(s).
- (4) *Materials not allowed.* None of the following materials shall be placed in the compost container (s): meat, bones, fat, oils, dairy products and other greasy kitchen wastes, whole branches or logs, plastics, synthetic fibers, human or pet wastes or heavily diseased plants.
- (5) *Odors.* Compost shall be properly managed to minimize odor generation and promote effective decomposition of the material.

Sec. 357.09. - Mandatory separation of recyclable materials and compostable materials.

- (a) *Mandatory separation required:*
- (1) *Recyclable materials-Residential property.* Effective July 1, 1991, every owner, lessee or occupant of residential property shall separate recyclable materials from other mixed municipal solid

waste and shall set recyclable materials out for collection in the manner and at such frequency as shall be prescribed by the city's director of public works, or shall deliver the recyclable materials to a recycling facility approved by the department of public works.

- (2) *Recyclable materials-Commercial/industrial property.* Effective January 1, 1992, every owner, lessee or occupant of commercial and industrial property shall separate recyclable materials from other mixed municipal solid waste and shall set recyclable materials out for collection in the manner and at such frequency as shall be prescribed by the city's director of public works, or shall deliver the recyclable materials to a recycling facility approved by the department of public works.
- (3) *Compostable materials.* Effective January 1, 1993, and to the extent permitted by Ramsey County solid waste ordinances, every owner, lessee or occupant of residential, commercial and industrial property shall separate separated compostable materials from other mixed municipal solid waste and shall set separated compostable materials out for collection in the manner and at such frequency as shall be prescribed by the city's director of public works or shall deliver the compostable materials to a composting facility approved by the department of public works.
- (4) *Enforcement.* The department of public works shall enforce mandatory source separation, taking into consideration which sectors, residential, commercial and institutional, or industrial, are not meeting State of Minnesota and/or Ramsey County mandated recycling goals.

(b) *Containers for recyclable materials.*

Containers for recyclable materials used by owners, lessees or occupants of any residential buildings consisting of four (4) or less eleven (11) or fewer dwelling units and which are set out for collection shall:

- (1) ~~Be city owned and/or approved, wheeled carts that are durable, rust-resistant, nonabsorbent, watertight, rodent-proof, easily cleanable containers with closefitting, fly-tight covers constructed of materials substantial and adequate enough to contain the recyclable materials, including materials such as kraft paper bags, corrugated cardboard boxes, but may not include plastic bags;~~
- (2) Be located in a manner so as to prevent the containers from being overturned, obstructing pedestrian or motor vehicle traffic or being in violation of any statute, ordinance, rule or regulation;
- (3) Be kept in an enclosed area except on the evening prior to and on the day of regularly scheduled curbside or alley collection; and
- (4) Be maintained in a condition that complies with all pertinent health statutes, ordinances, rules and regulations.

Containers for recyclable materials used by owners, lessees or occupants of any residential buildings consisting of twelve (12) or more dwelling units and which are set out for collection shall:

- (1) Be city owned, wheeled carts and/or city or hauler owned dumpsters that are durable, rust-resistant, nonabsorbent, watertight, rodent-proof, easily cleanable containers with closefitting, fly-tight covers. ;
- (2) Be located in a manner so as to prevent the containers from being overturned, obstructing pedestrian or motor vehicle traffic or being in violation of any statute, ordinance, rule or regulation;
- (3) Be kept in an enclosed area except on the evening prior to and on the day of regularly scheduled curbside or alley collection; and
- (4) Be maintained in a condition that complies with all pertinent health statutes, ordinances, rules and regulations.

(c) *Containers for compostable materials.* Containers for compostable materials used by owners, lessees or occupants of any residential buildings consisting of four (4) or less dwelling units when stored out-of-doors shall be of durable, rust-resistant, nonabsorbent, watertight, rodent-proof, easily cleanable containers with close-fitting, fly-tight covers.

(d) *Collection of recyclable and compostable materials.* The residential curbside or alley collection of

recyclable and/or compostable materials shall be supervised by the city and the city shall have the power to establish the time, method and routes of collection.

- (1) Notice of dates and times of collection will be published and otherwise made available to the public.
  - (2) Notice of the location and hours of business for sites where any person may deposit recyclable materials will be made available to the public.
  - (3) Nothing in this chapter shall abridge the right of any person to give or sell their recyclable materials to any lawfully operated recycling program or facility.
  - (4) Nothing in this chapter shall abridge the right of any authorized recycling facility to lawfully operate within the city, subject to all licenses, permits or regulations as may be required by law.
- (e) *Enforcement.* This section shall be enforced by the public works department.
- (f) *Penalty.* Every owner, lessee or occupant of residential buildings consisting of four (4) or less dwelling units violating the provisions of this section shall be guilty of a petty misdemeanor and subject to a fine of twenty-five dollars (\$25.00). Other persons violating the provisions of this section shall be guilty of a petty misdemeanor and subject to a fine not to exceed one hundred dollars (\$100.00). Violators shall be given a written warning for the initial violation. A penalty shall be imposed for each subsequent violation. Each day a violation continues shall constitute a separate offenses.
- (g) *Findings and determinations.* In accordance with Minnesota Statutes, Section 115A.46(4), a county may not delegate to another governmental unit or other person any portion of its responsibility for solid waste management unless it establishes a funding mechanism to assure the ability of the entity to which it delegates responsibility to adequately carry out the responsibility delegated.
- (h) *Charges.* The charge for allowable costs of providing residential recycling collection services shall be paid from funds received by the city from Ramsey County, ~~the Metropolitan Council~~, the State of Minnesota, and/or a required surcharge set and/or collected by the city. Commercial recycling fees are charged by licensed refuse and/or recycling haulers to the customer.

Sec. 357.10. - Ownership of recyclable materials.

Ownership of recyclable materials set out for the purpose of participating in curbside or alleyside recycling programs shall remain with the person who set out the materials until removed by the authorized collector. Until the materials are removed by the authorized collector, the person who set out the materials is totally responsible for their proper preparation, handling and storage. Ownership and responsibility for the proper handling of the recyclable materials shall vest in the authorized collector upon removal thereof by the collector.

Sec. 357.11. - Unauthorized collection.

It shall be unlawful for any person who is not authorized by the city or county to take or collect recyclable material set out for authorized collection programs within the city. Any person violating this provision shall be subject to the penalties provided in section 1.05 of this Code.

Section 2

This ordinance shall take effect and be in force thirty (30) days following its passage, approval and publication.