



## Legislation Details (With Text)

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**Title:** Creating Chapter 220 of the Saint Paul Legislative Code regulating coordinated collection of certain residential trash.

**Sponsors:** Amy Brendmoen

**Indexes:**

**Code sections:**

**Attachments:** 1. Misc. comments for July 18 meeting from website, 2. Online comments re Coordinated Collection, 3. Comment rec'd by Council re Coordinated Trash Collection

Date	Ver.	Action By	Action	Result
9/5/2018	3	Mayor's Office	Signed	
9/5/2018	3	City Council	Adopted	Pass
8/22/2018	2	City Council	Public Hearing Closed; Laid Over to Fourth Reading/Final Adoption	Pass
8/1/2018	2	City Council		
7/25/2018	1	City Council	Laid Over to Third Reading/Public Hearing	
7/18/2018	1	City Council		

Creating Chapter 220 of the Saint Paul Legislative Code regulating coordinated collection of certain residential trash.

Chapter 220 Of the Saint Paul Legislative Code Entitled "Residential Coordinated Collection" Is Hereby Created To Read As Follows:

### Section 1

#### Sec. 220.01.

Definitions: The following words or terms shall have the following meanings, unless the context clearly indicates otherwise.

- a. *Additional Service Options.* Collection services above base level services that may include, but are not limited to: overflow trash bags beyond the contents of the first trash cart, yard waste subscription, yard waste without subscription, bulky waste in excess of bulky base service per calendar year, walk-up service (and over 100- foot walk-up service) for non-eligible RDU, return fee or off-day service fee, cart size change fee, and extra cart fee.
- b. *Base Level Services.* The trash collection and disposal services common to all RDUs, as defined

herein, and includes weekly or bi-weekly collection and disposal of one trash cart at each RDU and a designated number of bulky waste items each year.

- c. *Bulky Waste.* Consists of large items that should not be put into carts including, but not limited to: stoves, refrigerators, water heaters, washing machines, bicycles, lawn mowers, mattresses, box springs, furniture, electronics and other such materials.
- d. *Carts.* The wheeled and lidded trash and yard-waste labeled containers in which materials can be stored and later rolled out for collection on the designated collection day.
- e. *Collection Hours.* The time-period during which services are authorized by the City, from 6:00 a.m. to 8:00 p.m. Monday through Friday, or Monday through Saturday during weeks that contain a holiday.
- f. *Collection Location.* The City-designated location for placement of carts, bulky waste and yard waste, no more than four (4) feet from the curb or alley-line.
- g. *Compostable Bags.* Paper kraft bags or bags that meet ASTM standard certification for compostable plastics (d6400) within a composting operation as required by Minn. Stat. § 115A.931, subd. (c) and Minn. Stat. § 325e.046, as they may be amended from time to time, for collection of any yard waste that is not contained in a yard waste cart or yard waste bundle.
- h. *Coordinated Collection Invoice.* The bill sent by a designated hauler to an RDU owner for services.
- i. *Designated Hauler.* The hauler assigned to provide services to an individual RDU.
- j. *Electronic waste.* Consists of any discarded consumer electronic device with a circuit board including, but not limited to: televisions, computers, laptops, tablets, computer monitors, peripherals (e.g., keyboard, printer, mouse, etc.), cell phones, DVD recorders/players and video cassette recorders/players and fax machines as specifically referenced in Minn. Stat. § 115A.1310, as it may be amended from time to time.
- k. *Extended Leave Suspension.* A suspension of services due to an absence from the RDU for at least four (4) but no more than twenty-six (26) consecutive weeks due to a vacation or other travel, temporary employment or education relocation, health concern, or other similar absence.
- l. *Hazardous Waste.* Any hazardous, biohazardous, infectious, radioactive, flammable, explosive, biomedical, or toxic waste as defined by applicable laws or regulations, including without limitation, any hazardous waste regulated under the resource conservation & recovery act, 42 U.S.C. §§ 6901 et seq. and associated regulations, 40 C.F.R. part 261; or the toxic substance control act, 15 U.S.C. §§ 2601 et. seq and associated regulations, 40 C.F.R. part 761, or the materials described in Minn. Stat. § 116.06, subd. 11, as it may be amended from time to time.
- m. *Holidays.* The following six (6) major holidays observed each year: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.
- n. *Holiday Tree.* A tree no larger than six (6) feet in length, twenty (20) pounds in weight which is set at

the collection location for collection between January 1<sup>st</sup> and January 15<sup>th</sup> of each year.

- o. Late Set Out Collection.* The failure of an RDU to set out trash, yard waste, or bulky wastes, electronic wastes, and other additional collection service options for collection by 6:00 a.m. on the scheduled day for collection of the material(s). An RDU that sets out a cart or materials after 7:00 a.m. may request a late set out collection for a fee as adopted by the Council by resolution.
- p. Mixed Municipal Solid Waste.* Has the meaning prescribed in Minn. Stat. § 115A.03, subd. 21, as it may be amended from time to time.
- q. Opt-In.* An option for attached dwelling units with more than four units that have carted service to participate in services. Once an RDU has opted in, it may not withdraw.
- r. Overflow Trash Bag.* Extra bag of trash that does not fit into the trash cart which is set out by an RDU at the collection location next to the trash cart. Overflow trash must be placed in a bag that is securely closed, no larger than 35 gallons, and less than 40 pounds.
- s. Overflow Yard Waste Bag.* Extra compostable bag of yard waste that does not fit into the yard waste cart. Overflow yard waste must be placed in a compostable bag that is securely closed, no larger than 35 gallons, and less than 40 pounds.
- t. Property Owner.* The RDU owner of record with Ramsey County Taxation.
- u. Residential Dwelling Unit (RDU).* Any dwelling unit in any one-, two-, three-, or four-unit residential building within the City, including dwelling units in residential buildings with more than four attached dwelling units using carted service that opt-in to receive services.
- v. Residential Solid Waste.* All solid waste from an RDU which normally results from the operation of a household including, but not limited to: mixed municipal solid waste (trash), recyclables, yard waste, and bulky waste. Residential solid waste does not include hazardous waste.
- w. Residential Collection Services or Services.* The regular collection from an RDU of trash, yard waste, and bulky waste which normally results from the operation of a household.
- x. Special Waste.* Waste that requires special management or treatment, including but not limited to, auto hulks, street sweepings, ash, construction debris, mining waste, sludges, tree and agricultural wastes, lead acid batteries, motor and vehicle fluids and filters, asbestos containing materials, and other materials that require special handling or disposal.
- y. Source-Separated Recyclable Materials.* Recyclable materials, including comingled recyclable materials, that are separated by the generator and separately placed for collection by the City's designated recyclable materials collection contractor.
- z. Trash.* Garbage, refuse, and other discarded waste materials in solid form resulting from residential activities as generated by an, specifically excluding unacceptable materials, bulky waste, yard waste, and source-separated recyclable materials.

- aa. Trash Disposal Facility. The facility(s) where trash is deposited.
- bb. Trash Collection. The taking of trash placed by the RDU at the collection location at the RDU chosen service level.
- cc. Trash Collection Costs. Cost of base level services and additional service options.
- dd. Trash Collection Day. Designated trash collection day of the week for an RDU. For weeks containing a holiday, trash collection day may be delayed one day and may be provided on a Saturday.
- ee. Unacceptable Materials. Items which an RDU is prohibited from placing for collection from any of the waste streams (e.g. trash, yard waste, bulky waste) that are not allowed because they may contaminate the specific waste stream, cause an unsafe handling/management situation, or otherwise may harm the environment. Examples include, but are not limited to:
1. Prohibited trash: biomedical waste such as hypodermic needles, hazardous waste, special waste, source-separated recyclable materials, electronic waste.
  2. Prohibited yard waste: prohibited trash items referenced above and any items not specifically identified in the definition of yard waste.
  3. Prohibited bulky waste: prohibited trash items referenced above (with the exception of electronic waste) and any items not specifically identified as being accepted.
  4. Hazardous materials.
- ff. Walk-Up Service. Means the collection of a trash cart from a location other than the collection location. Walk-up service specifically excludes bulky waste and yard waste.
- gg. Yard Waste. Means garden waste, leaves, lawn cuttings, weeds, shrub and tree waste, prunings, and holiday trees; but does not include dirt, rocks, tree stumps, or any woody items more than three (3) inches in diameter or three(3) feet in length.
- hh. Yard Waste Bundle. Yard waste that is fastened together which shall not exceed forty (40) pounds or two (2) feet in diameter and three (3) feet in length.
- ii. Yard Waste Cart. A cart provided by the designated hauler to an RDU who purchases a yard waste subscription that has a maximum capacity of ninety-eight (98) gallons.
- jj. Yard Waste Collection. The pick-up, transportation and delivery to an appropriate processing facility of yard waste discarded in a yard waste cart, or compostable bag not in excess of forty (40) pounds, or yard waste bundle not in excess of forty (40) pounds.
- kk. Yard Waste Collection Day. Designated yard waste collection day of the week for an RDU, which may be the same as the trash collection day. If the yard waste collection day falls on a holiday, services will

be delayed one day and may be provided on a Saturday.

- II. *Yard Waste Subscription.* Separate weekly yard waste collection from April 15<sup>th</sup> through November 30<sup>th</sup> that an RDU may receive upon request. The designated hauler will provide the yard waste cart to a subscribing RDU. A subscribing RDU may fill the yard waste cart and up to eight compostable bags each week.

#### Sec. 220.02

Care Of Trash, Residential Solid Waste And Yard Waste. It shall be the duty of every RDU to, at least once every fourteen (14) days, with the exception of RDU's who are on an Extended Leave Suspension, deposit all trash in approved containers for collection by a Designated Hauler.

- a. Trash shall be kept in an appropriate cart provided by the City. Carts shall be maintained and cleaned, and in a state of repair which will prevent leakage. Overflow bags shall be kept inside a building until put out for collection.
- b. A RDU may not include any unacceptable materials with trash.
- c. All uncontained bulky waste, trash, or yard waste shall be kept in an enclosed building until put out for collection. These requirements do not apply to dumpsters used for construction debris, or refuse as part of an active project or clean-up of that property.
- d. Yard waste shall be kept separate from other solid waste until put out for collection in a yard waste cart, compostable bag, or yard waste bundle. Yard waste may be removed by the designated hauler when placed at the collection location, self-hauled by an RDU, or removed by a lawn or landscape business. If yard waste is kept on the site, it is to be composted.
- e. RDUs shall not store trash, residential solid waste, yard waste, or bulky waste in a way that creates a nuisance as defined in Chapter 45.

#### Sec. 220.03

Hauling And Collection Of Residential Solid Waste Services. All trash collected, conveyed and disposed of by residential solid waste haulers for RDUs shall be pursuant to a written contract with the City that will specify the residential hauling districts, base level services, collection hours, additional service options, extended leave policies, and other details relating to services. No person or entity shall engage in the business of residential solid waste collection from RDU's in the City unless it is pursuant to a contract with the City. All previous private contracts between solid waste haulers and RDUs became null and void on October 1, 2018. No new private contract between a solid waste hauler and an RDU for services will be valid.

#### Sec. 220.04

Duties Of RDU Owners. It shall be the responsibility of every owner of an RDU to:

- a. Choose a trash cart size (and frequency if choosing a small cart) and utilize the base level solid waste services from the designated hauler as contracted by the City. An RDU who fails to choose a trash cart size will be assigned a medium trash cart.
- b. Follow the City's guidelines and instructions for storing and setting out residential solid waste materials, including placement of their residential trash and yard waste in designated carts for each type of waste with the lid fully closed.
- c. Place the trash, bulky waste, yard waste cart and any overflow bags, compostable bags, and yard waste bundles at the collection location no more than 18 hours before, but no later than 6:00 a.m. on the day of collection and remove the cart(s) the same day as the scheduled collection day unless the RDU receives walk-up collection.
- d. Make certain that no yard waste is placed out for collection unless in a designated yard waste cart, compostable bag, or in a yard waste bundle.
- e. Make certain that all bulky items placed out for collection are empty of all food and liquids.
- f. Make certain that no bulky waste or, for an RDU who does not purchase yard waste subscription, compostable bags containing yard waste or yard waste bundles is placed out for collection unless the RDU notifies the designated hauler at least forty-eight (48) hours prior to the collection day.
- g. Make certain that no unacceptable materials are placed out for collection within any trash cart, yard waste cart, overflow trash bag, compostable bag, or yard-waste bundle. Haulers will not knowingly pick up unacceptable materials.
- h. Provide at least two weeks advance notice to the designated hauler that the RDU will not require services for at least four consecutive weeks because of an extended leave so as to obtain credit on the next coordinated collection invoice. An RDU may be on an Extended Leave Suspension no more than twice per calendar year and the total suspension time in any calendar year shall not exceed twenty-six (26) weeks.
- i. Properly maintain trash and yard waste cart in a secure location and be responsible for the cleanliness and safekeeping of the cart(s). An RDU who, through negligence or intentional acts, causes damage to a cart shall be charged for the repair or replacement of the cart.
- j. Contact the designated hauler for all customer service requests or inquiries.
- k. Make certain that the RDU has a street address number on the dwelling and garage, if applicable, of the RDU in a manner and place that is easily and readily discernible from the collection location by the designated hauler as indicated in SPLC Chapter 71.02 (4).

Sec. 220.05

Base Level Service And Additional Service Options.

- a. Base Level Service: Each RDU shall be charged one hundred percent (100%) of the fixed costs and one hundred percent (100%) of the variable costs for services. Base level service includes pickup of trash in one of the service levels listed below and one free cart change per year. In 2018, the base level service includes pickup of one bulky waste item and one holiday tree. In 2019 and after, the base level service includes pickup of two bulky waste items and one holiday tree for RDUs who choose a small trash cart, and three bulky waste items and one holiday tree for RDUs who choose a medium or large trash cart. The rates for additional service options shall be adopted by the council by resolution. Beginning October 1, 2018, the cost per month, which includes state and county tax, shall be as follows for base level services:

1. Small trash cart every other week: \$20.28
2. Small trash cart every week: \$23.44
3. Medium trash cart every week: \$ 32.02
4. Large trash cart every week: \$34.15

b. Additional Service Options:

1. An RDU shall pay an additional fee for the disposal of overflow trash bags. An RDU may be charged for an overflow trash bag if its trash cart is not fully closed. An RDU is not required to notify the designated hauler for collection of overflow trash bags.
2. An RDU shall pay an additional fee for a yard waste subscription and must contact the designated hauler to arrange service. The designated hauler shall provide the subscribing RDU a yard waste cart. The subscription entitles an RDU to weekly collection of the contents of the yard waste cart and up to eight compostable bags or yard waste bundles for no additional fee.
3. An RDU who does not purchase a yard waste subscription may set out yard waste in compostable bags or in yard waste bundles for a per bag or per bundle fee. An RDU must provide at least forty-eight (48) hours' advance notice to the designated hauler in order for yard waste to be collected on the yard waste collection day.
4. An RDU shall pay an additional fee for all bulky items not included in the base level services.
5. An RDU may apply to the designated hauler for free walk-up service if all occupants residing at the RDU are physically unable to place trash at the collection location. An RDU who is not eligible for free walk-up service may apply to the designated hauler to receive walk-up service for a fee; there shall be an additional fee for any non-eligible RDU whose collection location is

more than 100 feet from the public roadway.

6. An RDU, who fails to comply with set-out requirements, who requests the designated hauler to return to pick up trash or yard waste or requests off day service pickup from the designated hauler may receive such service for a fee.
7. Each RDU is entitled to receive one cart change per year for no fee. Generally, a cart change occurs when an RDU changes the base service level. If an RDU receives a second change in any calendar year, the RDU shall be charged a fee for that change. Replacement of a lost, stolen, or damaged cart due to misuse or neglect by the RDU shall be considered a cart change.

#### Sec. 220.06

Payment of Charges. Each RDU shall receive a quarterly coordinated collection invoice from a designated hauler. Each RDU shall be billed for all trash collection costs. Failure to pay for services shall result in the special assessment of the costs of those services, along with any applicable fees, penalties or administrative costs against the real property on which the RDU is situated.

#### Sec. 220.07

##### Delinquent Accounts.

- a. Payment options. Each RDU owner must pay the total amount set forth in the quarterly coordinated collection invoice on or before the due date listed on the invoice. Failure to make payment by the due date listed on the invoice may result in a late fee of five percent (5%) of the total amount due and owing and additional monthly late fees of five percent (5%) of the total amount due and owing for the first ninety (90) days of nonpayment.
- b. Delinquent accounts. Accounts shall be considered delinquent when any portion of the balance due exceeds ninety (90) days past due.
- c. Notice to City. The designated hauler shall notify the City of delinquent accounts.
- d. Notice to Owner. The city shall notify property owners deemed to have delinquent accounts. Property owners shall have thirty (30) days to make payment in full to the City. Such notice shall include the name of the designated hauler, the time period for which the account is delinquent, the amount of delinquency and a list of the delinquent items on the account. Such notice shall also state that if the City does not receive payment within thirty (30) days, the amount owed shall be assessed to the property.
- e. Assessment of delinquent accounts. The delinquent account shall be a debt owed to the city and any

unpaid costs shall be collected by special assessment under the authority of Minn. Stat. § 443.29 and the Saint Paul City Charter by the procedure outlined in Chapter 60 of the Saint Paul Administrative Code. Unpaid costs shall not include additional interest beyond that charged in section (a) above. Action under this section does not preclude any other civil or criminal enforcement procedure.

Sec. 220.08

Severability. In the event that any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid by a court of competent jurisdiction, the invalidity shall extend only to the section, subsection, sentence, clause or phrase affected, and shall not affect the validity of the remaining portions of this article.

Section 2

~~This Ordinance shall take effect and be in force beginning October 1, 2018, following its passage, approval and publication.~~

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