



## Legislation Text

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**File #:** Ord 19-35, **Version:** 1

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Amending Chapter 357 of the Legislative Code to reflect current City practices.

WHEREAS, on August 8, 2018, the Council adopted Ordinance 18-40 which amended Chapter 357 of the Saint Paul Legislative Code in order to regulate Coordinated Collection; and

WHEREAS, on September 26, 2018, the City received a petition to repeal Ord 18-40 which was legally sufficient; and

WHEREAS, on October 17, 2018, the Council, in RES 18-1760, requested the City Attorney prepare an Ordinance repealing Ord. 18-40; and

WHEREAS, while the primary purpose of the changes to Ord. 18-40 were to implement Coordinated Collection, certain changes were unrelated to coordinated collection and were housekeeping in nature; and

WHEREAS, certain housekeeping changes were inconsistent with the current enforcement practices of the City; and

WHEREAS, the Council seeks to avoid creating confusion that the City is retreating from its current enforcement practice of Chapter 357; now, therefore be it

RESOLVED, that the Council of the City of Saint Paul does hereby ordain:

### Section 1

Section 357.05 of the Saint Paul Legislative code is hereby amended to read as follows:

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 charges contrary to the above procedure shall be required to appear before the city council for consideration of license revocation.

- (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 that are fully closed. The maximum capacity for mixed municipal solid waste storage containers intended to be handled manually during collection shall be ~~thirty-two (32)~~ ninety-eight (98) 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 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)~~ ninety-eight (98) gallons. The maximum

capacity for a compostable bag intended to be handled during collection shall be thirty-five (35) gallons and may not exceed forty (40) 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 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 or department of safety and inspections. In no case shall the containers, overflow trash bags, holiday trees, organics waste, overflow yard waste or bulky items, 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: 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 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 fourteen (14) ~~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 fifteenth 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 fifteenth 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 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.

## Section 2

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

publication.