

City of South St. Paul
Dakota County, Minnesota
Ordinance No. XXXX

**AN ORDINANCE AMENDING SOUTH ST. PAUL CITY CODE AMENDING CITY
CODE CHAPTER 46 REGARDING SOLID WASTE**

The City Council of the City of South St. Paul does ordain:

SECTION 1. AMENDMENT. South St. Paul City Code Article I, Division 1, Section 46.1 is hereby amended as follows:

DIVISION 1. – GENERALLY

Sec. 46.1 - Collection Contracts Required

- (a) Every residential household and business within the city must have a contract for solid waste collection service in force at all times. The city council may exempt a residential household or business from the requirement of this section if the household or business ensures to the satisfaction of the city council that an environmentally sound alternative is used.
- (b) In addition to any abatement process as described in section 46-45, the cost of enforcement of this section shall be imposed upon each residential household and business found to be in violation of this section.
- (c) Recyclable materials from residential sources where each household has its own curbside recycling container for collection shall be collected at least every other week by a recycling hauler licensed by the city.

SECTION 2. ENACTMENT. The South St. Paul City Code Article I, Division 2, Section 46.2 is hereby enacted as follows:

Sect. 46-2. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Back-of-House means the kitchen, food preparation, dishwashing, and storage areas of a commercial generator or large event venue with organics that are not accessed by customers or the public.

Composting means the controlled microbial degradation of source separated organic waste to yield a humus-like product or mulch to be used as a soil amendment.

Dakota County Website means the website maintained and monitored by Dakota County, Minnesota, www.co.dakota.mn.us, or as may be updated, changed or renamed from time to time.

Department means the department within Dakota County designated by the County Board to conduct solid waste regulatory activities, its staff, and designated agents.

Designated list of recyclables means a list of recyclable materials and types approved by the County Board and published on the Dakota County Website that represents the minimum haulers must accept and generators must recycle.

Food waste means vegetable, fruit and other organic waste resulting from the handling, preparing, cooking and consumption of food, except for meat, bones, whole eggs and dairy products.

Garbage means discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.

Large Event with Organics or Large Event Venue with Organics means a public gathering of at least 300 people that generates at least one ton of municipal solid waste or contracts for eight cubic yards or more per location and generates organics back-of-house. Examples include but are not limited to concerts, fairs, festivals, community events, athletic tournaments, parades, etc.

Mixed Municipal Solid Waste means garbage, refuse, and other solid waste from residential, commercial, industrial, and community activities that the generator of the waste aggregates for collection but does not include auto hulks, street sweepings, yard waste, ash, construction debris, mining waste, sludges, tree and agricultural wastes, tires, lead-acid batteries, motor or vehicle fluids and filters, and other materials collected, processed, and disposed of as separate waste streams.

Multi-Unit Residential Buildings means any building with four or more residential units.

Organics means food waste and the designated list of organics published on the Dakota County Website.

Recyclable Materials means materials that are suitable for separating from solid waste for the purpose of recycling including, but not limited to, paper, glass, plastics, metals, automobile oil, batteries, etc. Refuse derived fuel or other material that is destroyed by incineration is not a recyclable material.

Solid Waste Abatement Messaging means the standardized solid waste abatement education messaging developed by the Department and published on the Dakota County Website.

Source separated means organic waste that is separated from mixed municipal solid waste at the source by the waste generators for the purpose of composting in a container.

Trash has the same meaning as mixed municipal solid waste.

Yard waste means garden wastes, leaves, lawn cuttings, sawdust, weeds, non-woody shrub and tree prunings and twigs no larger than one-quarter inch diameter.

SECTION 3. AMENDMENT. The South St. Paul City Code Article I, Division 2, Section 46.16 regarding definitions is hereby deleted as follows:

~~Sec. 46-16.— Definitions.~~

~~The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~Composting means the controlled microbial degradation of source separated organic waste to yield a humus-like product or mulch to be used as a soil amendment.~~

~~Food waste means vegetable, fruit and other organic waste resulting from the handling, preparing, cooking and consumption of food, except for meat, bones, whole eggs and dairy products.~~

~~Mixed municipal solid waste means garbage, refuse and other solid waste from residential, commercial and community activities that the generator of the waste aggregates for collection.~~

~~Organic waste means yard waste and food waste. It also includes commercially available compost ingredients.~~

~~Source separated means organic waste that is separated from mixed municipal solid waste at the source by the waste generators for the purpose of composting in a container.~~

~~Yard waste means garden wastes, leaves, lawn cuttings, sawdust, weeds, non-woody shrub and tree prunings and twigs no larger than one-quarter inch diameter.~~

SECTION 4. ENACTMENT. South St. Paul City Code Article 1, Division 3, Section 46.18 is hereby enacted as follows:

DIVISION 3. – MUNICIPAL SOLID WASTE ABATEMENT PROGRAM

Sec. 46.18 - Municipal Solid Waste Abatement Program

- (a) Purpose. In response to Dakota County Ordinance 110, the City of South St. Paul has created a solid waste abatement ordinance. This ordinance is intended to reduce the amount of waste going into landfills, improve the quality of materials recycled to strengthen the market, and make progress towards the state’s recycling goals.
- (b) Reporting. The City shall submit a completed annual report to the department on a form prescribed by the department by February 15 of the following year.

(c) Solid Waste Abatement Performance Standards. The standards found in this ordinance are intended to be consistent with and no less restrictive than the requirements found in Dakota County Ordinance 110, or as may be amended.

(1) Multi-Unit Residential Buildings. Multi-unit residential buildings owners and managers who manage municipal solid waste through a common contract shall comply with the following requirements and regulations:

- a. Collect all recyclables designated on Dakota County's list of recyclables for recycling.
- b. Ensure all waste is delivered to a facility licensed or permitted to accept the waste, recyclables are delivered to a recycling facility, and organics are delivered for food recovery or to a composting facility or anaerobic digester.
- c. Provide recycling services to tenants.
- d. Provide recycling containers with a weekly service capacity of at least 0.1 cubic yards per dwelling unit.
- e. Provide a collection schedule and container capacity sufficient to contain all the recyclables collected and organics (if collected) from the building and public spaces in order to prevent overflowing containers.
- f. Provide containers in locations that include but are not limited to indoor and outdoor locations, public spaces, private spaces, and communal spaces.
- g. Co-locate trash collection containers or collection chutes within 10 feet from a recycling container or recycling chute. Each container or chute must be equally accessible.
- h. Clearly label or mark all trash, recyclables, and organics collection containers to adhere to the standards found in Dakota County Ordinance 110, Section 16.06 (A), or as amended.
- i. Provide solid waste abatement messaging in print or electronic form to each employee, tenant, multiunit resident, student, volunteer, and housekeeping and custodial contractors. Messaging must be documented and follow the solid waste abatement messaging published on the Dakota County Website and occur:
 - 1) At least annually.
 - 2) Within 30 days of any substantive change to the property owner's waste program.

- 3) Within 30 days of a new employee's hire date or tenant's occupancy date.
- j. Submit a completed annual report to the City on a form prescribed by the department by January 31 of each year.
- (2) Event Sponsors and Operators of Large Events with Organics. Property owners, managers, and event sponsors for large event venues with organics shall comply with the requirements and regulations in Section 46.18 (c)(1) a, b, e, g, and h.
- (3) Enforcement. Violations of this Chapter may be abated or enforced by the City in a manner consistent with Chapter 34 Article II or Chapter 38, Article IV or otherwise as permitted by law.

SECTION 5. AMENDMENT. The South St. Paul City Code Article II, Section 46.40 regarding definitions is hereby deleted as follows:

~~Sec. 46-40. Definitions~~

~~The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~Garbage means dead animals of not more than ten pounds and accumulations of animal, vegetable and other matter that attends the preparation, consumption, decay or dealing in or storage of meats, fish, fowls, birds, fruits or vegetables.~~

SECTION 6. AMENDMENT. The South St. Paul City Code Article II, Section 46.41 regarding Care of Garbage is hereby amended as follows:

Sec. 46.41 - Care of Garbage

It is the duty of the property owner, tenant, lessee or occupant of ~~a private dwelling single-family or multi-family residential property~~, the keeper owner of a hotel, restaurant, ~~eating house~~, boardinghouse or other dwelling where meals are furnished, ~~the owner of every furnished flat or apartment house~~, and other persons having garbage to provide, without expense to the city, and at all times to keep upon the lot on which the building is situated suitable and sufficient cans, containers or receptacles ~~with suitable bales or handles~~ for garbage and waste. Multi-family property owners shall also comply with container locations and other container requirements in Section 46.18 (c)(1)d, e, f, g and h. Each container, can or receptacle must have a tightfitting cover for receiving and holding, without leakage or escape of odors, and without being filled to within four inches of the top, garbage which would ordinarily accumulate on the premises in one week's time. The cans, containers and receptacles must be placed to be readily accessible for removing and emptying the garbage therefrom by the collectors and where they will not be a public nuisance or in any degree offensive. ~~Garbage must be dry and wrapped in paper before being placed in garbage cans or receptacles.~~ A can, container or receptacle for receiving garbage may not be placed on or in a street, alley, sidewalk, footpath or public place. The code

enforcement officer or designee ~~is the exclusive judge of shall determine~~ the sufficiency of ~~garbage~~ cans, containers and receptacles and the locations thereof.

SECTION 7. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The proposed ordinance establishes a solid waste abatement program in conformity with Dakota County ordinance.

SECTION 8. EFFECTIVE DATE. This ordinance shall become effective on January 1, 2021.

Approved: _____

Published: _____

Christy Wilcox, City Clerk