

**CITY OF WEST ST. PAUL  
DAKOTA COUNTY, MINNESOTA**

**ORDINANCE NO. 21-001**

**AN ORDINANCE ENACTING WEST ST. PAUL CITY CODE  
SECTION 92.11 AND AMENDING SECTIONS 92.02, 92.03 AND 92.08  
REGARDING SOLID WASTE ABATEMENT**

The City of West Saint Paul does ordain:

**SECTION 1.** West St. Paul City Code Section 92.11 relating to solid waste abatement is hereby enacted as follows:

**§ 92.11 MUNICIPAL SOLID WASTE ABATEMENT PROGRAM**

*(A) Definitions.*

The following words, terms and phrases, when used in this chapter 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](http://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.

**NON-MIXED MUNICIPAL SOLID WASTE** means Infectious waste, pathological waste, industrial waste and construction debris.

**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.

(B) *Purpose.* In response to Dakota County Ordinance 110, the City of West St. Paul has created this 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.

(C) *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.

(D) *Solid Waste Abatement Performance Standards.* The standards found in this section 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 92.11(D)(1) a, b, e, g, and h.

(E) *Enforcement.* Violations of this Chapter are a public nuisance and may be abated or enforced by the City in a manner consistent with Chapter 94 or Chapter 10.99 or otherwise as permitted by law.

**SECTION 2.** The title of West St. Paul City Code Section 92.02 is hereby amended as follows:

**§ 92.02 DUMPING GARBAGE AND RUBBISH TEMPORARY OUTDOOR STORAGE CONTAINERS**

Remainder of section is unchanged.

**SECTION 3.** West St. Paul City Code Section 92.03 relating to required collection is hereby amended as follows:

**§ 92.03 REQUIRED COLLECTION.**

(A) *Collection.* Every residential household, multiple-residential dwelling and business in the city must have a mixed solid waste collection at least on a monthly basis with a ~~rubbish-trash~~ collection firm properly licensed by the city.

(B) *Exceptions.* The Council may exempt a residential household, multiple dwelling or business from the requirement of division (A) above, if that household, multiple-family residential dwelling or business can establish to the Council's satisfaction that an environmentally sound method of waste disposal has been provided.

~~(C) *Accumulation of rubbish.* Accumulation of rubbish in violation of this division (C) constitutes a public nuisance. The public nuisance may be abated and assessed pursuant to Chapter 94.~~

**SECTION 4.** West St. Paul City Code Section 92.08 relating to composting is hereby amended as follows:

## § 92.08 COMPOSTING.

~~A. Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~—COMPOSTING. 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. 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. Garbage, refuse and other solid waste from residential, commercial and community activities that the generator of the waste aggregates for collection.~~

~~—NON-MIXED MUNICIPAL SOLID WASTE. Infectious waste, pathological waste, industrial waste and construction debris.~~

~~—ORGANIC WASTE. Yard waste and food waste. It also includes commercially available compost ingredients.~~

~~—SOURCE SEPARATED. 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. Garden wastes, leaves, lawn cuttings, sawdust, weeds, as well as non-woody shrub and tree prunings and twigs no larger than one-fourth inch diameter.~~

~~Composting regulations.~~ Composting is permitted in residential zoned districts, provided the following regulations are complied with:-

- (A) Composting must be conducted within an enclosed container, not to exceed a total of 100 cubic feet in volume for city lots of 10,000 square feet or less and 150 cubic feet for lots of greater area than 10,000 square feet. The containers must be constructed of durable material such as wood, plastic, fiberglass or metal fencing material. Plastic bags or paper bags are not allowed.
- (B) Only organic waste, including food and yard waste, wood, ash, straw and commercially available compost ingredients to accelerate composting may be placed in the compost container.
- (C) ~~Prohibited materials:-.~~ the ~~The~~ following materials must not be placed in a composting container: meat, bones, whole eggs, dairy products, unshredded branches or logs, weeds heavily loaded with seeds, plastic, synthetic fiber, human or pet wastes, diseased plants, any other mixed or non-mixed municipal solid waste.
- (D) Compost must be properly managed to minimize odor generation and promote effective decomposition of the material.
- (E) The compost container must be located in the rear yard and placed no closer than 30 feet from any habitable building, 20 feet from the street on a corner lot and at least five feet from the side and rear yard lines.

**SECTION 5. 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:

This ordinance enactment and amendments brings City Code into compliance with Dakota County Ordinance 110 regarding solid waste abatement.

**SECTION 6. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed by the City Council of the City of West St. Paul, Minnesota, this 11<sup>th</sup> day of January 2021.

Attest:

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David J. Napier, Mayor

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Shirley R Buecksler, City Clerk