

ORDINANCE NO. -17

**AN ORDINANCE AMENDING THE ST. LOUIS PARK ORDINANCE CODE
RELATING TO SOLID WASTE MANAGEMENT**

THE CITY OF ST. LOUIS PARK DOES ORDAIN:

SECTION 1. The St. Louis Park Solid Waste Management Code (Chapter 22) is hereby amended by deleting the current language in its entirety and replacing it with underscored language.

Chapter 22

SOLID WASTE MANAGEMENT*

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***Cross reference(s)**--Buildings and building regulations, Ch. 6; businesses and licenses, Ch. 8; environment and public health, Ch. 12; snow and rubbish removal, § 24-341 et seq.; utilities, Ch. 32.

State law reference(s) --Waste management generally, M.S.A. Ch. 115A; hazardous waste, M.S.A § 116.06, subd. 11; authority to regulate solid waste disposal, M.S.A. § 412.221, subd. 22; recycling space, M.S.A. § 1303.1500.

ARTICLE I. IN GENERAL

Sec. 22-1. Short title.

This Chapter shall be known and may be cited as the Solid Waste Ordinance of the city, and will be referred to as “this Chapter.”

(Code 1976, § 9-301; Ord. No. 2249-03, § 1, 9-2-2003)

Sec. 22-2. Purpose and intent.

The purpose and intent of this Ordinance is to:

- (a) Ensure that the organized collection program is conducted in an orderly fashion to avoid adverse effects on public health, welfare, safety and the environment.
- (b) Promote the health, safety, and general welfare of the citizens of St. Louis Park, and enhance and preserve the quality and value of resources by the proper management of solid waste.
- (c) Aid and promote the processing of recyclable materials and organic materials by means other than deposit in a landfill or by incineration at a waste-to-energy facility.
- (d) Encourage and improve opportunities for waste reduction, reuse, recycling, and organics recycling.

Sec. 22-3. 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 yard means the area between a line created by extending the rear face of the principal building and the rear lot line.

Bulk material container means any four-sided industry standard container including but not limited to a dumpster, tub, pod, or soft-sided dumpster bag that is used for the collection, storage or transport of large volumes of construction demolition debris or solid waste.

Bulk waste means large household items that are too large to fit in city-provided garbage carts.

Cart means city-provided carts with hinged lids and wheels that are provided to residents for the collection of solid waste.

City means the City of St. Louis Park.

Collection means the aggregation of material from the place at which it is generated and includes all activities up to the time the material is delivered to a licensed facility.

Collection point means a location designated for the collection of solid waste.

Commercial building means any building, or portion of a building, containing one or more commercial establishment, that is subject to the requirements of the building and fire codes approved for an occupancy use other than residential occupancy.

Commercial establishment means a commercial or industrial enterprise of any kind, and includes clubs, schools, places of worship or assembly, and nonprofit organizations.

Compost is the product resulting from composting.

Composting is the controlled biological decomposition of organic materials. It is an aerobic method of speeding natural decomposition.

Construction demolition debris means any waste building materials, packaging and rubble resulting from the construction, repair and demolition of buildings.

Dwelling unit means one or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping.

Electronics means computers, including tablet computers and laptops, peripherals, printers, facsimile machines, DVD players, video cassette recorders, video display devices, and other devices as required under the Minnesota Electronics Recycling Act.

Garbage means the portion of solid waste that is not separated at the source by the generator for the purpose of reuse, recycling, or organics recycling.

Garbage hold means a temporary suspension of all solid waste services for an extended period of time, at minimum four consecutive weeks.

Hauler means a licensed solid waste collector hired by the city to collect solid waste through the organized collection program.

Hazardous waste means any waste material in any form which because of its quantity, concentration, or characteristics may cause or significantly contribute to an increase in mortality or an increase in serious illness or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. Categories of hazardous waste materials include, but are not limited to explosives, flammables, oxidizers, poisons, irritants, and corrosives.

Incinerator means a permitted facility used for the destruction of solid waste by fire.

Licensed food establishment means a food establishment with a Hennepin County license in one of the following categories: “Medium Food – Small Menu,” “High Food – Small Facility,” or “High Food – Large Facility.”

Licensed solid waste collector means any person holding a valid license from the city who shall offer to, or engage in, the collection of solid waste in the city.

Major appliances means clothes washers and dryers, dishwashers, hot water heaters, heat pumps, furnaces, garbage disposals, trash compactors, conventional and microwave ovens, ranges and stoves, air conditioners, dehumidifiers, refrigerators, and freezers.

Multi-family residential building means any residential building consisting of five or more dwelling units.

Organic materials means the portion of solid waste that is separated at the source by the generator for the purpose of food to animals, composting, or anaerobic digestion, and may include food scraps, plant materials, compostable paper, and compostable products that have been tested and verified to meet the standards in ASTM D6400 or ASTM D6868.

Organized collection program means an authorized program for the collection of solid waste from single-family residential buildings in the city, and which is contracted for, instituted by, and coordinated by the city.

Recyclable materials means the portion of solid waste that is separated at the source by the generator for the purpose of recycling, and is comprised of materials deemed recyclable by a local materials recovery facility or Hennepin County and city solid waste staff in collaboration with local materials recovery facilities.

Residential building means a building, or any portion of a building, consisting of one or more dwelling units.

Responsible party means the owner, or their designee, of a commercial or multi-family building or complex.

Service capacity is the total volume of service contracted for on a weekly basis from a licensed solid waste collector(s) for the collection of garbage, recyclable materials, or organic materials.

Single-family residential building means any residential building consisting of four or fewer separate dwelling units.

Solid waste means garbage, recyclable materials, organic materials, yard waste, appliances, bulk waste, and other solid waste from residential or commercial buildings, and activities thereof, that the generator of the material aggregates for collection, but does not include construction demolition debris, hazardous waste, dirt, rocks, sod, or sewage sludge.

State means the State of Minnesota.

Video display device means a television or computer monitor that contains a cathode-ray tube or a flat panel screen, but does not include a video display device that is part of a motor vehicle, larger piece of equipment, or household appliance.

Yard waste means compostable plant material including grass clippings, leaves, weeds, garden plants, and brush and branches under four inches in diameter and four feet in length.

Sec. 22-4. Collection and transportation of solid waste within the city.

- (a) Any person or party engaging in the business of solid waste collection within the city must first obtain a solid waste collector's license from the city. Such collection shall be done in compliance with all applicable ordinances of the city.
- (b) The owner or occupant of any premises at which solid waste has accumulated, persons who desire to dispose of solid waste not collected by the city, and solid waste collectors from outside of the city who desire to haul over the streets of the city, shall:

- (1) Use a vehicle provided with a tight cover and so operated and maintained as to prevent offensive odors escaping therefrom, and solid waste from being blown, dropped or spilled from the vehicle.
 - (2) Keep receptacles on vehicles and all equipment used in the performance of the work in a clean, sanitary condition and as free from offensive odors as possible.
 - (3) Not be allowed to stand in any street, alley or other place longer than is reasonably necessary to collect solid waste.
 - (4) Comply with ordinances of the city and laws or regulations of the state relating to sanitation and collection of solid waste.
- (c) This Chapter does not prohibit the following activities:
- (1) The owner or occupant of any premises at which solid waste has accumulated from giving away, selling or otherwise disposing of such solid waste in accordance with the provisions of this Chapter and with any other applicable law or ordinances;
 - (2) Licensed solid waste collectors from collecting solid waste from commercial or multi-family buildings within the city.
 - (3) Licensed solid waste collectors from outside the city from hauling such solid waste over city streets, provided that such collectors comply with the provisions of this section and with any other applicable ordinances of the city or state laws.

Sec. 22-5. Disposal prohibitions.

- (a) Solid waste or any other materials may not be disposed of by the following means:
- (1) *Private incineration.* No solid waste, construction demolition debris or hazardous waste shall be disposed of by burning except in an incinerator of an approved type as regulated and permitted by the state.
 - (2) *Dumping.* No solid waste, construction demolition debris, hazardous waste, dirt, rocks, or sod shall be disposed of by dumping or disposal at or on any place within the city.
 - (3) *Scattering of solid waste or littering.* No person shall cast, spill, place, sweep or deposit anywhere within the city any solid waste, construction demolition debris or hazardous waste in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place, or into any other premises within the city.

(Code 1976, § 9-308; Ord. No. 2249-03, § 1, 9-2-2003)

- (b) The following materials require special disposal methods and may not be deposited through regular solid waste collection:
- (1) *Major appliances, automobile or truck tires, video display devices.* In accordance with state law, these items may not be disposed and must be properly recycled.
 - (2) *Hazardous waste materials.* Hazardous waste materials shall be properly discarded as directed by the city, Hennepin County, or the state.
 - i. *Explosive or highly flammable materials.* Explosive or highly flammable material shall be disposed of as directed by the fire chief at the expense of the owner or possessor.
 - (3) *Infectious disease materials.* Materials such as, but not limited to, bedding, wearing apparel or utensils from residential or commercial buildings where highly infectious or contagious diseases are present shall be disposed of as directed by the Minnesota Department of Health at the expense of the owner or possessor.

Sec. 22-6. Enforcement.

- (a) When a violation of this Chapter has occurred, the resident or responsible party shall be subject to Sections 1-13 or 1-14 of the City Code.
- (b) Any person aggrieved by a regulation of, or fee charged by the city shall have the right of appeal to the city council which shall have the authority to confirm, modify or revoke any such regulation or fee.

Sec. 22-7--22-10 Reserved.

ARTICLE II. SINGLE-FAMILY RESIDENTIAL CURBSIDE COLLECTION PROGRAM

DIVISION 1. GENERALLY

Sec. 22-11. Purpose.

This Article is designed to ensure that the organized collection program is conducted in an orderly fashion to avoid adverse effects on public health, welfare, safety and the environment.

Sec. 22-12. Collection supervised by director of operations and recreation.

All solid waste collected, conveyed and disposed of by the city shall be under the supervision of the director of operations and recreation, or their designee. The director, or their designee, shall have the authority to make regulations concerning the days of collection, type and location of collection containers, and such other matters pertaining to the collection, conveyance and disposal as the director shall find necessary, and to change and modify the regulations in accordance with the provisions of this Article and contract between the city and its hauler(s).

Sec. 22-13. Ownership of solid waste materials.

Ownership of solid waste materials placed out for collection remains with the individuals or household from which the materials originated until collected by the hauler at which point they become the responsibility and property of the hauler. Materials not prepared, cleaned or stored according to city specifications will not be collected and shall remain the responsibility and property of the individuals or household from which the materials originated.

Sec. 22-14. City-provided carts.

Carts for residential collection under the city's contract will be provided by the city. City-provided carts are owned by the city and shall remain the property of the city. City-provided carts shall not be marked or modified in any way.

Sec. 22-15. Solid waste container storage.

Except when placed out for collection on the designated collection day, city-provided carts and resident-owned yard waste containers shall be stored inside a building or outside on the property.

If stored outside, carts must be:

- (a) At least four (4) feet from any interior lot lines that are adjacent to a habitable building;

- (b) Located behind the extended building line adjacent to any street;
- (c) Placed in such a manner to prevent them from being overturned.

Carts and yard waste containers may be stored in the alley right-of-way immediately adjacent to and abutting a garage if no portion of the cart extends into the alley itself. Carts and yard waste containers shall never be stored in the alley itself.

Sec. 22-16. Solid waste collection point requirements.

Collection of solid waste through the city's organized collection program will occur at curb and alley locations.

- (a) Cart placement - City-provided carts and resident-owned yard waste containers or bags shall be placed for collection on the premises at ground level and accessible from the street or alley from which collection is made. Carts shall not be placed in the street or alley or on any sidewalk.
 - (1) Carts should be placed in such a manner to prevent them from being overturned.
 - (2) In winter months, carts may not be placed on top of snowbanks. Residents must clear a space of snow for their carts to be safely collected as close to ground level as possible.

Sec. 22-17. Carts and container maintenance requirements.

Residents shall keep all carts and containers in a clean and sanitary condition so as to prevent the cart and containers or contents thereof from becoming a nuisance that may breed insects or attract vermin. The city does not replace serviceable carts due to odor or unclean conditions.

No cart or container shall have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents. City-provided carts that become damaged shall be reported to the city by the resident and shall be repaired or replaced with a serviceable cart by the city. Resident-owned yard waste containers not complying with the requirements of this section shall be promptly repaired or replaced by the resident upon notice by the city.

Sec. 22-18. Unauthorized collection.

No person or entity other than one expressly authorized by the city council shall take or collect solid waste set out for collection through the city's organized collection program.

Sec. 22-19. Solid waste service rates.

Solid waste service rates include the garbage, recycling, organics recycling, and yard waste collection provided to single-family residential buildings within the city.

- (a) Solid waste service rates shall be set by city council resolution annually. Rates will be set based on a pay-as-you-throw model, with the volume of garbage service determining the total rate.
- (b) Each residential customer will be charged a solid waste service charge regardless of whether they utilize the service. Customers who apply for a garbage hold or opt-out of service allowance, and are approved by the city, shall receive a temporary suspension of all solid waste services and charges.

- (c) Solid waste charges are included as part of customer utility bills and will be sent to customers via mail or electronic billing for each billing period. The proceeds from collection of these bills shall be placed in a separate solid waste fund.
- (d) All charges for solid waste service shall be due and payable within 21 days after the billing date. Accounts shall be considered delinquent when not paid within three (3) business days following the due date, and a penalty in an amount set by city council resolution shall be added to the amount due. Such charges shall be a charge against the owner of the premises, and shall be certified by the city clerk to the finance division who shall prepare an assessment roll each year providing for assessment of the delinquent amounts against the respective properties served for collection as other taxes.
- (e) Additional services beyond those included in the city program that are offered by the hauler, for a separate fee, shall include:
 - (1) Collection and proper disposal in accordance with any state laws for bulk waste, electronics, and appliances. Unless otherwise specified by the city, costs for the collection and disposal of such items shall be charged by the hauler directly to the customer.
 - (2) Extra collection for garbage, recycling, organics recycling, and yard waste beyond the standard collection frequency and upon request by a customer. Costs for this service shall be charged by the hauler directly to the customer.
 - (3) Walk-up service for garbage, recycling, and organics recycling, upon request by a customer. Costs for this service shall be charged by the hauler directly to the customer.

(Code 1976, § 9-307, Ord. No. 2249-03, § 1, 9-2-2003; Ord. No. 2324-06, 1-12-07)

DIVISION 2. GARBAGE

Sec. 22-20. Purpose.

This division is designed to ensure that garbage collection, as part of the organized collection program, is conducted in an orderly fashion to avoid adverse effects on public health, welfare, safety and the environment.

Sec. 22-21. Garbage collection requirements.

Garbage shall be bagged and sealed, and placed in the city-provided garbage cart. Garbage must fit inside the city-provided garbage cart with the cart lid closed. If a resident has more garbage than will fit in the cart with the cart lid closed, the resident may purchase an "extra garbage" sticker from the city, place the garbage in a securely sealed bag for collection, affix the sticker, and place the bag alongside the cart for collection at the same time as the cart. Extra garbage stickers may not be used on bulk waste items. If a resident has more garbage than will fit into the cart on a regular basis, a larger service size may be selected.

Sec. 22-22. Frequency and times of collection.

Garbage shall be collected by the hauler at an interval determined by city contract with the hauler, but no less frequently than every-other-week. Collection of garbage by the hauler will take place between 7:00 a.m. and 6:00 p.m. Monday through Friday and 8:00 a.m. and 6:00 p.m. on Saturday when necessary. Garbage from residences shall be placed out for collection curbside or alley side by 7:00 a.m. on the designated collection day, and the cart(s) shall be retrieved as soon as practical after collection on the day of collection and returned to the storage location.

DIVISION 3. RECYCLING

Sec. 22-23. Purpose.

This division is designed to ensure that recyclable materials collection, as part of the organized collection program, is conducted in an orderly fashion to avoid adverse effects on public health, welfare, safety and the environment.

Sec. 22-24. Designation of items.

The city shall prepare a list of acceptable recyclable materials allowed to be included in the city's organized collection program. This list shall be provided to all residents who receive city solid waste collection services at least once per year. Such items must be:

- (a) Generally accepted by the recycling industry for remanufacture;
- (b) Able to be cleaned, prepared and stored in a manner to protect the public health, welfare, safety or the environment;
- (c) Able to be collected and recycled without threatening the economic viability of the city's organized collection program.

Sec. 22-25. Recycling collection requirements.

Recyclable materials shall be unbagged, unless otherwise specified by the city, and placed loosely in the city-provided recycling cart. If a resident has more recyclable materials than will fit in the cart, the resident may request an additional cart. Extra recyclable materials may also be placed next to the recycling cart in a paper bag, cardboard box, or resident-owned container. Under no circumstances shall recyclable materials be bagged in plastic bags of any kind. All recyclable materials intended and set out for collection shall be cleaned, prepared and stored in accordance with city specifications.

Sec. 22-26. Frequency and times of collection.

Recyclable materials shall be collected by the hauler at an interval determined by city contract with the hauler, but no less frequently than every-other-week. Collection of recycling by the hauler will take place between 7:00 a.m. and 6:00 p.m. Monday through Friday and 8:00 a.m. and 6:00 p.m. on Saturday when necessary. Recycling from residences shall be placed out for collection curbside or alley side by 7:00 a.m. on their designated collection day, and the carts shall be retrieved as soon as practical after collection on the day of collection and returned to the storage location.

DIVISION 4. ORGANICS RECYCLING

Sec. 22-27. Purpose.

This division is designed to ensure that organic materials collection, as part of the organized collection program, is conducted in an orderly fashion to avoid adverse effects on public health, welfare, safety and the environment.

Sec. 22-28. Designation of items.

The city shall prepare a list of acceptable organic materials allowed to be included as part of the city's organized organics recycling program. This list shall be provided to all residents who

participate in the city's organics recycling program, at least once per year. Such items must be generally accepted by the composting industry for composting.

Sec. 22-29. Organics recycling collection.

Organic materials shall be bagged and sealed in compostable bags that meet the ASTM D6400 standard, unless otherwise specified by the city, and placed in the city-provided cart. Organic materials may not be bagged in non-compostable plastic bags. Failure to use a city-provided cart will void the opportunity to participate in the organics recycling program.

Sec. 22-30. Frequency and times of collection.

Organic materials shall be collected by the hauler weekly throughout the year. Collection of organics recycling by the hauler will take place between 7:00 a.m. and 6:00 p.m. Monday through Friday and 8:00 a.m. and 6:00 p.m. on Saturday when necessary. Organics recycling shall be placed out for collection curbside or alley side by 7:00 a.m. on the designated collection day, and the carts shall be retrieved as soon as practical after collection on the day of collection and returned to the storage location.

DIVISION 5. YARD WASTE

Sec. 22-31. Purpose.

This division is designed to ensure that yard waste collection, as part of the organized collection program, is conducted in an orderly fashion to avoid adverse effects on public health, welfare, safety and the environment.

Sec. 22-32. Designation of items.

Materials accepted in the city's yard waste collection program include grass clippings, leaves, weeds, garden plants, and brush and branches under four inches in diameter and four feet in length.

Sec. 22-33. Yard waste collection.

The resident is responsible for providing yard waste containers or bags.

- (a) Yard waste containers and bags shall not exceed forty pounds when filled.
- (b) In accordance with state law, any bag used to contain yard waste shall be compostable, such as paper yard waste bags or compostable plastic bags that meet the ASTM D6400 standard.
- (c) Brush and limbs under four inches in diameter and four feet in length may alternatively be bundled with string or twine and placed on the ground at the solid waste collection point.

Sec. 22-3. Frequency and times of collection.

Yard waste shall be collected by the hauler weekly throughout the yard waste season, as determined by city staff. Collection of yard waste by the hauler will take place between 7:00 a.m. and 6:00 p.m. Monday through Friday and 8:00 a.m. and 6:00 p.m. on Saturday when necessary. Yard waste shall be placed out for collection curbside or alley side by 7:00 a.m. on the designated collection day, and the

containers shall be retrieved as soon as practical after collection on the day of collection and returned to the storage location.

ARTICLE III. MULTI-FAMILY RECYCLING

Sec. 22-35. Purpose.

The purpose of this Article is to require the collection of recyclable materials in all multi-family residential buildings such as apartments, townhomes, or condominiums within the city.

Sec. 22-36. Recyclable materials collected.

The responsible party for each multi-family building shall ensure that collection is available for all recyclable materials generated within the building.

Sec. 22-37. Recyclable materials collection point.

- (a) The responsible party for each multi-family building shall ensure that the collection point for recyclable materials is available and accessible to all tenants at all times.
- (b) The collection point for recyclable materials shall be located in close proximity to the collection point for garbage.
- (c) The collection point shall consist of designated and labeled containers or chutes for each material type.
- (d) The responsible party shall ensure that, in accordance with state law, available space for the collection of recyclable materials is sufficient to contain all the recyclable materials generated from the building.

Sec. 22-38. Service capacity and frequency of collection.

- (a) By July 1, 2018, the responsible party for each multi-family building shall ensure that the weekly service capacity for recyclable materials be a minimum of 20 gallons per dwelling unit.
- (b) Solid waste from a multi-family building shall be collected no less than once each week and as often as once each business day if necessary to protect public health.

Sec. 22-39. City-contracted collection.

The provisions of this Article notwithstanding, the city, at any time, and from time to time, may contract with a licensed solid waste collector for collection of recyclable materials and/or organic materials from some or all multi-family buildings. If the city so contracts, recyclable materials and/or organic materials shall be collected from the premises by the licensed solid waste collector under contract with the city and on terms and conditions set out in such contract.

Sec. 22-40. Education and reporting.

- (a) The responsible party for a multi-family building shall provide educational material and instructions related to the collection of solid waste within the building to:
 - (1) Each residential tenant located at the premises annually by March 31;
 - (2) A new residential tenant no later than the 30th day after the tenant occupies the premises; and

- (3) Each residential tenant located at the premises no later than the 30th day after a change in solid waste services offered.
- (b) Educational material and instructions may be provided in print or electronic form, and shall include information on the location of available collection points and accepted recyclable materials and, if provided, organic materials.
- (c) The responsible party shall report to the city upon written request such information relative to the program for separation, storage, and collection of recyclable materials and organic materials then in effect for their complex.

Sec. 22-41. Disposal.

Recyclable materials and organic materials collected from multi-family buildings for the purpose of recycling and/or organics recycling shall not, in any event, be:

- (a) Deposited in any landfill;
- (b) Burned in any waste-to-energy facility; or
- (c) Deposited or distributed in any way or manner contrary to applicable law, statute, ordinance, rule, or regulation.

ARTICLE IV. COMMERCIAL RECYCLING

DIVISION I. EXISTING COMMERCIAL BUILDINGS

Sec. 22-42. Purpose.

The purpose of this division is to require recycling in existing commercial buildings.

Sec. 22-43. Applicable buildings.

This division shall apply to commercial buildings that meet the following:

- (a) Permitted or constructed prior to January 1, 2018.
 - (1) If a building was permitted or constructed prior to January 1, 2018, and additional recycling requirements were put in place by the city through conditional use or other permitting agreements, those requirements must be followed in addition to the requirements set forth in this division.
- (b) Contains one or more commercial establishments classified in sectors 42 to 81 under the North American Industrial Classification System.
- (c) Contracts for four cubic yards or more per week of solid waste collection.

Sec. 22-44. Recyclable materials collected.

In accordance with state law, the responsible party for each commercial building shall ensure that at least three recyclable material types, such as, but not limited to, paper, glass, plastic, and metal, be collected for recycling.

Sec. 22-45. Recyclable materials collection point.

- (a) The responsible party for each commercial building shall ensure that the collection point for recyclable materials is available and accessible to all tenants at all times.

- (b) The collection point for recyclable materials shall be located in close proximity to the collection point for garbage.
- (c) The collection point shall consist of designated and labeled containers or chutes for each material type.
- (d) The responsible party shall ensure that, in accordance with state law, available space for the collection of recyclable materials is sufficient to contain all the recyclable materials generated from the building.

Sec. 22-46. Separation of recyclable materials.

In commercial buildings regulated under this division:

- (a) Every commercial establishment within the commercial building shall separate recyclable materials from all other solid waste.

DIVISION II. NEW OR EXPANDED COMMERCIAL BUILDINGS

Sec. 22-47. Purpose.

The purpose of this division is to require recycling in new or expanded existing commercial buildings.

Sec. 22-48. Applicable buildings.

This division shall apply to commercial buildings that meet the following:

- (a) Permitted and constructed on or after January 1, 2018.
- (b) Permitted or constructed prior to January 1, 2018, but that increases the square footage of the building through the construction of an addition or remodel after that date.

Sec. 22-49. Recyclable materials collected.

The responsible party for each commercial building shall ensure that collection is available for all recyclable materials generated within the building.

Sec. 22-50. Recyclable materials collection point.

- (a) The responsible party for each commercial building shall ensure that the collection point for recyclable materials is available and accessible to all tenants at all times.
- (b) The collection point for recyclable materials shall be located immediately adjacent to the collection point for garbage.
- (c) The collection point shall consist of designated and labeled containers or chutes for each material type.
- (d) The responsible party shall ensure that, in accordance with state law, available space for the collection of recyclable materials is sufficient to contain all the recyclable materials generated from the building.

Sec. 22-51. Organic materials collection point.

- (a) The responsible party for each commercial building containing one or more licensed food establishments shall ensure that the collection point for organic materials is available and accessible to licensed food establishments at all times.

- (b) The collection point for organic materials shall be located immediately adjacent to the collection point for garbage.

Sec. 22-52. Service capacity.

- (a) The responsible party shall ensure that the combined weekly service capacity for recyclable materials and organic materials be equal to or greater than the weekly service capacity for garbage.

Sec. 22-53. Separation of recyclable materials and organic materials.

In commercial buildings regulated under this division:

- (a) Every commercial establishment located in the commercial building shall separate recyclable materials from all other solid waste.
- (b) Every licensed food establishment in the commercial building shall separate organic materials from all other solid waste.
- (1) Nothing in this ordinance shall preclude a licensed food establishment from donating left over or unsold food that is safe for human consumption to a food bank, shelter, or other food reuse program.

DIVISION III. ALL COMMERCIAL BUILDINGS

Sec. 22-54. Frequency of collection.

- (a) Solid waste from a commercial building shall be collected no less than once each week and as often as once each business day if necessary to protect public health.

Sec. 22-55. Education and reporting.

- (a) The responsible party for a commercial building shall provide educational materials and instructions related to the collection of solid waste within the building to:
- (1) Each commercial establishment located at the premises annually by March 31;
- (2) A new commercial establishment no later than the 30th day after the commercial establishment occupies the premises; and
- (3) Each commercial establishment located at the premises no later than the 30th day after a change in solid waste services offered.
- (b) Educational material and instructions may be provided in print or electronic form, and shall include information on the location of available collection points and accepted recyclable materials and, if provided, organic materials.
- (c) The responsible party shall report to the city upon written request such information relative to the program for separation, storage, and collection of recyclable materials and organic materials then in effect for their complex.

Sec. 22-56. Disposal.

Recyclable materials and organic materials collected from commercial buildings for the purpose of recycling and/or organics recycling shall not, in any event, be:

- (a) Deposited in any landfill;

- (b) Burned in any waste-to-energy facility; or
- (c) Deposited or distributed in any way or manner contrary to applicable law, statute, ordinance, rule, or regulation.

ARTICLE V. BACKYARD COMPOSTING

Sec. 22-57. Permits.

No permit is required to compost or to install a compost bin.

Sec. 22-58. Duties of owner, occupant or tenant.

Every owner, occupant or tenant of any premises who composts shall do so in a sanitary and environmentally sound manner, shall use a compost bin that meets the design standards described in this section, and shall meet all other standards set forth in this ordinance.

Sec. 22-59. Conditions of composting.

Composting is allowed provided the following conditions are met:

- (a) Acceptable materials. Only materials deemed acceptable by city staff and listed on the city's website may be placed in a compost structure. Examples of acceptable materials include, but are not limited to yard waste, fruit and vegetable scraps, eggshells, tea bags, coffee grounds, and paper coffee filters.
- (b) Unacceptable materials. Materials deemed unacceptable by city staff and listed on the city's website shall not be placed in a compost structure under any circumstances. Examples of unacceptable materials include meat, bones, grease, eggs, dairy products, animal remains, feces, or inorganic materials such as rocks, plastics, or synthetic fibers.
- (c) Compost bin. All composting must occur in a compost bin which meets the following:
 - (1) Designed to limit odors;
 - (2) Designed to limit rodent and pest access;
 - (3) Enclosed on all sides and have a lid;
 - (4) Constructed of durable material such as wood, wire mesh, plastic, or concrete block, or a combination thereof, or be a commercially available compost bin designed for composting organic materials;
 - (5) Not exceed a total of 150 cubic feet in volume for compost bins on lots with a residential structure or a total of 200 cubic feet in volume for compost bins on lots without a residential structure.
- (d) Location on property. Compost bins shall be located:
 - (1) In the back yard;
 - (2) At least five (5) feet from a trail, street or alley.
 - (3) At least five (5) feet from a property line adjacent to any city park.
 - i. A compost bin may be installed at a public park in conjunction with a community garden, subject to all the setbacks and regulations of this section.
 - (4) At least 15 feet from the edge of a surface water body.
 - (5) At least 15 feet from any inhabited building.
- (e) Maintenance. Compost bins and materials placed therein shall be properly maintained at all times to minimize odors and to promote effective decomposition of the organic materials in a safe, secure and sanitary manner.

(Ord. No. 2382-10, 4-30-10)

Sec. 22-60. Nuisance.

Compost bins or materials placed therein that are not in compliance with this section shall be declared a public nuisance and are subject to abatement and assessment as provided in Chapter 12 of this Code.

ARTICLE VI. BULK MATERIAL CONTAINERS

Sec. 22-61. Purpose.

The purpose of this Article is to establish minimum standards for bulk material containers (e.g. dumpster, tub, pod, or soft-sided dumpster bag), and to prohibit placement of such containers on city property.

Sec. 22-62. Regulations.

- (a) Container labeling. Bulk material containers shall be clearly labeled with the name and phone number of the container owner.
- (b) Container location. Bulk material containers shall not be located on any city property or right-of-way including streets, alleys, boulevards, or sidewalks. Containers shall be placed in a location that will ensure the least possible obstruction to pedestrian and vehicular traffic, as well as provide for the safety of the general public and residents living in the area.
- (c) Container specifications.
 - (1) Bulk material containers shall be watertight.
 - (2) Bulk material containers that are used to collect solid waste on a permanent basis, such as those located at multi-family or commercial properties, and are emptied onsite by a licensed solid waste collector are required to have a lid or cover that is kept closed when not in use or be stored inside a building or enclosure with a roof.
- (d) Materials collected. Materials collected in a bulk material container shall not exceed three feet in height from the top of the container, and shall not spill out to create a public nuisance.
- (e) Duration of time allowed. Bulk material containers that are used:
 - (1) To collect construction demolition debris shall not be located on an individual lot or parcel for more than six months during any 12-month period when an active building permit is in place with the city.
 - (2) To collect solid waste on a temporary basis shall not be located on an individual lot or parcel for more than 14 days during any 12-month period.

(Ord. No. 2198-01, § 1, 5-21-2001; Ord. No. 2249-03, § 1, 9-2-2003)

SECTION 2. This ordinance shall take effect on January 12, 2018.

Public Hearing/First Reading	December 4, 2018
Second Reading	December 18, 2018
Date of Publication	December 28, 2018
Date Ordinance takes effect	January 12, 2018

Reviewed for Administration

Adopted by the City Council December 4, 2018

Thomas K. Harmening, City Manager

Jake Spano, Mayor

Attest:

Approved as to Form and Execution:

Melissa Kennedy, City Clerk

Soren Mattick, City Attorney

DRAFT