



BOARD OF COMMISSIONERS

ORDINANCE

Presented By: Commissioner Rettman Date: December 19, 2017 No. B2017-353
Attention: Public Health

AMENDMENT TO
THE RAMSEY COUNTY SOLID WASTE ORDINANCE (B2017-275)

WHEREAS, Metropolitan counties have waste management authority and responsibilities under Minn. Stat. Chapters §115A.473 and related waste management and public health statutes; and

WHEREAS, The counties have previously coordinated the licensing of haulers collecting mixed municipal solid waste through the joint powers agreement creating the Solid Waste Management Coordinating Board, which will expire at the end of 2017; and

WHEREAS, The metropolitan counties would like to continue to coordinate the licensing of haulers following the expiration of the Solid Waste Management Coordinating Board and counties have determined that the most appropriate mechanism for addressing a regional hauler license is through the creation of a joint powers agreement that establishes a regional haulers licensing program and a board to set license fees; and

WHEREAS, Amendments are needed in the Ramsey County Solid Waste Ordinance to implement the regional hauler licensing program and they have been prepared by Saint Paul – Ramsey County Public Health; and

WHEREAS, Section 5.02 of the Ramsey County Home Rule Charter requires that every proposed ordinance and amendment receive two full readings: the first at the time the amendment is presented and the second at the time of the public hearing; and

WHEREAS, On November 14, 2017 the Ramsey County Board of Commissioners waived the first reading of the amendments to the Ramsey County Solid Waste Ordinance (Res. No. B2017-257) for hauler licensing; and

WHEREAS, On November 28, 2017 the Ramsey County Board of Commissioners waived the second reading of the amendments to the Ramsey County Solid Waste Ordinance (Res. No. B2017-257) for hauler licensing; and

WHEREAS, The Ramsey County Board of Commissioners held a public hearing on November 28, 2017 for the purpose of taking public comment on the proposed ordinance. Now, Therefore, Be It

ORDAINED, The Ramsey County Board of Commissioners hereby adopts the Ramsey County Solid Waste Ordinance (Ordinance B2017-257) as amended:

Ramsey County Board of Commissioners

Table with 3 columns: YEA, NAY, OTHER. Rows for Toni Carter, Blake Huffman, Jim McDonough, Mary Jo McGuire, Rafael Ortega, Janice Rettman, Victoria Reinhardt.

Victoria Reinhardt, Chair

By: Janet M. Guthrie
Chief Clerk – County Board



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SECTION 7.00 COLLECTION AND TRANSPORTATION OF SOLID WASTE.

This section shall apply to Haulers who own, operate or lease vehicles for the purpose of collection and transportation of Mixed Municipal Solid Waste in Ramsey County and the seven County Metropolitan Area.

7.01 Definitions: Unless specifically defined herein, terms used in this section shall have common usage meaning. For purposes of this section, the words "must" and "shall" are mandatory and not permissive. Terms, which are defined in the Waste Management Act, Minnesota Statute 115A.01 et seq., shall have the same definition in this Ordinance.

- A. Base County: shall mean the metropolitan County in which a Hauler's office, records, and vehicles are primarily located. If differing parts of the Hauler's business are located in more than one Metropolitan County, the Base County shall be the Metropolitan County in which most of the Hauler's vehicles are kept, as determined by the Department at the time of licensing. The Base County for Haulers based in a County not participating in the Regional Hauler Licensing Program shall be an adjacent Metropolitan County as determined by the Department.
- B. Base License: shall mean the License obtained by the Hauler from the Base County as a precondition to obtaining an Operating License from the County.
- C. Counties: shall mean Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties or, if one or more of said Counties withdraws from the Regional Hauler Licensing Program, the remaining Counties.
- D. Hauler: shall mean any Person, firm, corporation, association, partnership, or other entity, other than an individual resident hauling his or her household waste, who collects or transports Mixed Municipal Solid Waste that is generated in the Counties.
- E. Operating County: shall mean any of the Counties, including the Base County, in which the Hauler collects or transports Mixed Municipal Solid Waste.
- F. Operating License: shall mean the License, issued by an Operating County, to operate within each Operating County, including in the Base County, in which the Hauler collects or transports Mixed Municipal Solid Waste and which may contain specific conditions imposed by the issuing County.

Ramsey County Board of Commissioners

	YEA	NAY	OTHER
Toni Carter			X - Absent
Blake Huffman	X		
Jim McDonough	X		
Mary Jo McGuire	X		
Rafael Ortega	X		
Janice Rettman	X		
Victoria Reinhardt	X		

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G. Regional Hauler Licensing Program: shall mean the cooperative Hauler licensing program established by joint powers agreement of (DATE) by and between Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington Counties.

H. Regional Hauler Licensing Board: shall mean the joint powers board established by agreement of the Counties to coordinate the licensing of haulers collecting solid waste, so as to retain licensing efficiencies for haulers and county staff.

7.02 State Rule Adopted: The collection and transportation of Solid Waste shall be performed in accordance with Solid Waste Rule 7035.0800 which is hereby adopted by reference as part of this Ordinance.

7.03 License Required: No Hauler shall collect or transport Mixed Municipal Solid Waste generated in Ramsey County unless the Hauler has a valid Base License from the Base County and a valid Ramsey County Operating License. On the expiration date of the current License, any activity for which the License is required shall cease.

A. General Licensing Requirements. The following information shall be submitted to the Department as part of the application process for obtaining a Base and/or Operating License.

1. License Application for Base and Operating Licenses. The Hauler shall submit a completed application to the Base County on forms provided by the Base County. The Hauler shall submit to the Base County all License application information necessary to obtain a Base License and all Operating Licenses. Information necessary to obtain Base and Operating Licenses shall be set forth on the application forms as determined by the Department. Applications, which are not complete, may be returned to the Hauler. An application will be deemed incomplete if information is omitted, incomplete, inaccurate or non-compliant, or if the required fees do not accompany the application.

a. Incomplete or Non-Conforming Application. If an application for a Base or Operating License is not complete or otherwise does not conform to the requirements set forth in this Ordinance, the Department shall notify the applicant, in writing, of the reasons for nonacceptance and may request that the applicant resubmit, modify or otherwise alter the application. The notification required in this subpart shall be served upon the applicant by first class mail sent to the address provided on the application form.

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	YEA	NAY	OTHER
Toni Carter			X - Absent
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- b. License Fees. The Hauler shall pay all License fees to the Base County for a Base License and all Operating Licenses issued pursuant to the Regional Hauler Licensing Program. Such License fees and term shall be established by the Regional Hauler Licensing Board. No License fee shall be prorated for a portion of a license term and no License fee shall be refunded.
- c. Late Fees. Complete applications received after the due date established in 7.03 A.1.e. on this Section shall be subject to the following late fees:
 - 1. One to seven days late - Twenty-five percent (25%) Late Fee
 - 2. Eight to thirty days late - Fifty percent (50%) Late Fee
 - 3. More than thirty days late - One hundred percent (100%) Late Fee
- d. No Bar to Enforcement Action. Payment of the License fee together with payment of any late fees shall not bar other enforcement action by the County.
- e. Application Due. Hauler License renewal applications must be submitted to the Base County by April 30 of the renewal year. A License renewal application received after April 30 shall be subject to a late fee.
- f. Failure to Act on License Application. If the Base County does not act on a License renewal application, which is complete and submitted by June 30, the current Base License and Operating Licenses shall continue in force until action is taken. If the Department fails to act within sixty (60) days of receipt of a completed initial application, the applicant may request a hearing on the application. The request for a hearing shall be as set forth in the Ramsey County Administrative Ordinance.
- g. License Transfer. All Base Licenses and Operating Licenses are non-transferable.
- h. License Term. The License period shall be the period of July 1 of the issuing year through June 30 of the second year, or as otherwise established by the Regional Hauler Licensing Program Board.
- i. License Issuance. Base and Operating Licenses shall be issued by the Department consistent with this Ordinance.
- j. False Information. Submission of false information shall be deemed a violation of this Ordinance.

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B. Base License Required: A Hauler, which collects or transports Mixed Municipal Solid Waste in the County shall obtain and maintain a Base License from the Base County. A hauler which collects or transports Mixed Municipal Solid Waste generated in any of the other Counties shall obtain and maintain a Base License from the County, if the County is the Hauler's Base County.

- 1. Vehicles Licensed. All vehicles used by the Hauler for the collection or transportation of Mixed Municipal Solid Waste generated within the Counties shall be included in the Hauler's Base License application.
2. Decalcomania. Each vehicle used by a Hauler for the collection or transportation of Mixed Municipal Solid Waste generated within the Counties shall be identified by a License decal issued by the Base County for that vehicle for the current License Term. The Hauler must affix the decal in a conspicuous place on the left side of the cab of the vehicle for which it was issued, as directed by the Department. The Hauler must maintain the License decal so that it is readily visible and legible at all times. Any vehicle not bearing the required decal shall be considered unlicensed. If a vehicle is put into service during the License Term, the Hauler shall submit the required information for this vehicle to the Base County and shall not use the vehicle to collect or transport Mixed Municipal Solid Waste within the Counties until a decal has been issued and affixed to the new vehicle.
3. Insurance. The Hauler shall obtain and submit certificates of insurance issued by insurers duly Licensed by the State of Minnesota providing the following coverage, or a self-insurance plan certified by the Department of Commerce providing equivalent coverage:
a. Commercial General Liability/Professional Liability with contractual liability coverage in the amount of the Counties' tort liability limits set forth in Minnesota Statute 466.04 and as amended from time to time. The County, its agents, officers, and employees shall be listed as an additional insured as it relates to these liabilities; and
b. Automobile liability coverage in the amount of the Counties' tort liability limits set forth in Minnesota Statute 466.04 and as amended from time to time; and
c. Workers Compensation insurance in statutory amount (if applicable)

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Nothing in this provision shall prohibit a Hauler from providing insurance with limits higher than the limits provided herein. All such required policies shall name the Regional Hauler Licensing Board, Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington Counties as additional insureds. All policies and certificates shall be endorsed to require that the insurer provide at least a sixty (60) day written notice to the County prior to the effective date of policy cancellation, non-renewal, or material adverse change in coverage terms. The Hauler shall maintain insurance in compliance with this paragraph throughout the term of the Base License.

- 4. License Suspension or Revocation: The Department may suspend or revoke any Hauler's Base License issued by the County for violation of any of the requirements set forth in 7.03 B. of this Ordinance or violation of any Base License conditions.
C. Operating License Required: Any Hauler, which collects or transports Mixed Municipal Solid Waste in the County must obtain and maintain an Operating License from the County. A Hauler shall obtain and maintain a Base License from the Base County in order to be eligible for an Operating License.
1. Standards. The issuance of an Operating License shall be subject to the provisions of County Solid Waste and Administrative Ordinances and any other conditions set forth in this Ordinance or established by the County Board of Commissioners.
2. Vehicles Licensed. All vehicles used by the Hauler for the collection or transportation of Mixed Municipal Solid Waste within the County shall be included in the Hauler's Base License application to the Base County.
3. Vehicle Decals. The Hauler must affix the decal required by the Base County in a conspicuous place on the left side of the cab of the vehicle for which it was issued as directed by the Base County. The Hauler must maintain the License decal so that it is readily visible and legible at all times. Any vehicle not bearing the required decal shall be considered unlicensed.
4. License Suspension or Revocation. The Department may suspend or revoke any Hauler's Operating License issued by the County for violation of any of the requirements set forth in Section 7.00 of this Ordinance or violation of any Operating License conditions. Suspension or revocation of a Hauler's Base License by the Base County shall constitute sufficient basis for the summary suspension or revocation of the Hauler's Operating License issued by the County.

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- 5. Route Description. The Department may require that the applicant submit a detailed description of the daily route(s) to be followed by each of the applicant's vehicles during the collection or transportation of Solid Waste. Route information received by the Department pursuant to this section is nonpublic data as defined in Minnesota Statutes Sections 13.37 and 13.02, Subdivision 9.
- 6. Additional Data. The applicant shall submit additional data requested by the Department regarding the applicant, the business and/or the License application.

7.04 Equipment and Operation Requirements:

- A. Equipment Requirements. All Mixed Municipal Solid Waste Collection and Transportation Vehicles and containers shall be easily cleanable, leak-proof, durable, and be covered with metal, canvas, or fishnet type material made for this purpose.
- B. Maintenance. All Mixed Municipal Solid Waste Collection and Transportation Vehicles shall be maintained in a safe and sanitary manner. Brooms, shovels, and spill absorbent material shall be provided on each vehicle for the purpose of cleaning spilled material. All safety equipment including but not limited to horns, lights, and reflectors shall be operable. All decals, labeling and License plates shall be maintained so that they remain readily visible and legible at all times.
- C. Identification. The business name and telephone number of the Hauler shall be printed or painted in legible characters on both sides of all vehicles and at a minimum the front and back of all containers, regardless of size, used by the Hauler to store, collect or transport Mixed Municipal Solid Waste generated within the County. Characters used in said labeling shall be at least four (4) inches in height for all vehicles and at least two (2) inches in height for all containers. This provision shall not apply to containers owned and maintained by a Mixed Municipal Solid Waste Generator.
- D. Inspection. The Department may inspect and approve all Solid Waste Collection and Transportation Vehicles and containers.
- E. Storage in Vehicles. The Hauler shall not allow Mixed Municipal Solid Waste to remain or be stored in any collection or transportation vehicle or container, following collection, in excess of 24 hours, except over a Sunday or holiday when the Facility is closed or in the event of an emergency such as inclement weather, equipment breakdown or accident.

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- F. Protecting Private Property. The Hauler shall take reasonable care to protect the property of customers being served. The Hauler shall be responsible for any damage or spillage of Mixed Municipal Solid Waste as a result of operational activity.
- G. Smoking, Smoldering or Burning Solid Waste. The Hauler shall not collect and transport Mixed Municipal Solid Waste materials that are smoking, smoldering or burning.
- H. Dumping in an Emergency. The Hauler shall be responsible for the cleanup of any Mixed Municipal Solid Waste that must be dumped in an emergency. The Operator of the vehicle shall immediately notify the Department, the local municipality, the appropriate law enforcement agency, the MPCA, and the Minnesota Duty Officer of such a dumping and clean the area within a time limit set by the Department.
- I. Discharge of Liquid Waste. The Hauler shall not discharge nor allow the discharge of liquid waste from Mixed Municipal Solid Waste Collection and Transportation Vehicles or containers at any location, except at the Facility or another designated Solid Waste Facility as part of a load.
- J. Volume or Weight Based Rates and Charges. The Hauler shall impose charges on residential and commercial customers for the collection of Mixed Municipal Solid Waste that increase with the volume or weight of the waste collected. The Hauler shall provide to new residential customers, and twice per year to all residential customers, written notice of the volume or weight based structure. The Hauler shall provide, upon request of a residential customer, a schedule of the Hauler's charges.
- K. Charges for Recycling. The Hauler shall not impose a greater charge for the collection of Mixed Municipal Solid Waste on residential customers that recycle than on residential customers that do not recycle.
- L. Collection Records. The Hauler shall maintain records regarding the volume or weight, type, and origin of Solid Waste collected. Each day, a record of the origin, type, and weight of the Solid Waste collected that day and the identity of the Solid Waste Facility at which that day's collected Solid Waste is deposited must be kept on the Solid Waste collection vehicle. If the Solid Waste is measured by volume at the Solid Waste Facility at which it is deposited, the record may show the volume rather than the weight of the Solid Waste. For the purposes of this section "origin" means a general geographical description that at a minimum names the local government unit within the County, and "type" means a best estimate of the percentage of each truck load that consists of

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residential, commercial, industrial, Demolition debris or any other general type of Solid Waste.

M. Volume Requirement. A Hauler that charges residential customers for the collection of Mixed Municipal Solid Waste based on volume instead of weight shall establish a multiple unit pricing system with a base unit volume determined by the County and prices which ensure that amounts of waste generated in excess of the base unit volume are priced higher than the base unit volume price. The base unit volume shall be established by resolution by the County Board after consultation with Licensed collectors.

7.05 Conditions: Violation of any condition imposed by the County on a License or variance shall be deemed a violation of this Ordinance and subject to the enforcement provisions set forth in this Ordinance.

7.06 Interpretation: In their interpretation, the provisions of this Ordinance shall be held to be minimum requirements and shall not be deemed a limitation or repeal of any other powers or authority granted by Minnesota Statutes or Rules or other Ordinance.

7.07 Termination or Cancellation of Regional Hauler Licensing Program: Upon termination of the Regional Hauler Licensing Program or the withdrawal of the County, any Hauler Licenses in effect at that time, shall continue in force until the end of the current License Term, unless otherwise suspended or revoked.

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