

City of South St. Paul
Dakota County, Minnesota
Ordinance No. 1356

**AN ORDINANCE AMENDING SOUTH ST. PAUL CITY CODE
SECTION 38-104 REGARDING AUTHORITY TO ISSUE COMPLIANCE LETTERS AND
ADMINISTRATIVE CITATIONS, SECTION 38-105(d) REGARDING COMPLIANCE
LETTERS, SECTION 110-144 REGARDING DESIGNATION AS A SIGNIFICANT ODOR
GENERATOR, SECTION 110-146 REGARDING ODOR MANAGEMENT PLAN,
SECTION 110-148 REGARDING NON-COMPLIANCE
AND SECTION 110-150 REGARDING PENALTIES**

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

SECTION 1. AMENDMENT. South St. Paul City Code Section 38-104 is hereby amended as follows:

Sec. 38-104. – Authority to issue compliance letters and administrative citations.

The following city employees and agents are authorized to issue compliance letters and administrative citations for violations of the City Code:

- (1) Licensed peace officers, police reserves, and community service officers of the South St. Paul Police Department.
- (2) Code enforcement officer;
- (3) Animal control officer;
- (4) City planner;
- (5) Building official;
- (6) City engineer;
- (7) City Clerk;
- (8) Fire chief; fire marshal, or fire inspector of the South Metro Fire Department;
- (9) City Administrator.

SECTION 2. AMENDMENT. South St. Paul City Code Section 38-105(d) is hereby amended as follows:

Sec. 38-105. – Compliance letter.

- (d) Exceptions to issuance of a compliance letter. For violations of any of the following sections, the city shall not be required to issue a compliance letter and may proceed directly to issuance of an administrative citation as provided in section 38-91.
 - (1) Repeat offender. If the same owner commits a subsequent violation within 12 months after a compliance letter has been issued for a same or similar offense, no

compliance letter shall be required for the new violation.

- (2) License violations. For any license violation, including not having a license, no compliance letter shall be required.
- (3) Traffic or parking violations. For traffic or parking violations issued under chapter 58, no compliance letter shall be required.
- (4) Animal violations. For any violation of city code section 15-35 (Running at large) or city code chapter 15, article V. (Dangerous Dogs), no compliance letter shall be required.
- (5) Noise violations. For any violation of city code chapter 38, article III (making unnecessary noise), no compliance letter shall be required.
- (6) Obstruction of fire hydrants or fire lanes. For violations of city code subsection 54-1(c) (Obstructing of fire hydrants), or city code section 30-41 (Fire Prevention Code), no compliance letter shall be required.
- (7) Water sprinkling violations. For violations of City Code section 62-28 (water sprinkling ban), no compliance letter shall be required.
- (8) Odor violations. For violations of City Code section 110-142 (odor pollution) committed by a significant odor generator so designated under section 110-144, no compliance letter shall be required.

SECTION 3. AMENDMENT. South St. Paul City Code Section 110-144 is hereby amended as follows:

Sec. 110-144. – Designation as a significant odor generator.

After reviewing the results of odor testing, if the property produces odor emissions that generate seven verifiable odor complaints in a six-month period, the city engineer or city administrator may determine that a property shall be designated as a significant odor generator and shall notify the property owner of the designation.

SECTION 4. AMENDMENT. South St. Paul City Code Section 110-146 is hereby amended as follows:

Sec. 110-146. – Odor management plan.

If the property is designated as a significant odor generator, then within 90 days of notice of designation by the city engineer or city administrator, the property owner shall work with the city engineer or city administrator to develop an odor management plan using the best practicable odor control technology in order to mitigate and comply with this ordinance. The city engineer or city administrator may grant an extension for up to an additional 90 days to submit the odor management plan, upon sufficient evidence and cause for such extension. The odor management plan shall:

- (1) Identify and explain the odor source(s);
- (2) Describe the best practicable odor control technology to manage the odors generated;
- (3) Provide a detailed plan on any proposed operational changes to the existing odor control equipment in order to control and mitigate the odors being generated;
- (4) Establish a timeline for development and implementation of an engineer-approved treatment technology, which includes monitoring instrumentation and equipment to ensure future compliance.
- (5) Be kept on file with the city engineer or city administrator.

SECTION 5. AMENDMENT. South St. Paul City Code Section 110-148 is hereby amended as follows:

Sec. 110-148. – Non-compliance.

If the city engineer or city administrator determines after follow-up testing that the results at the property have not improved, or if odor complaints continue, the property owner shall be required to meet with the city engineer or city administrator on at least a quarterly basis to develop a new odor management plan. Such meetings and follow-up testing shall continue until the city engineer or city administrator determines that the results at the property have improved. If non-compliance continues for a period of 12 months, the city may impose penalties pursuant to section 110-150.

SECTION 6. AMENDMENT. South St. Paul City Code Section 110-150 is hereby amended as follows:

Sec. 110-150. – Penalty.

Failure to comply with the requirements in sections 110-143, 110-146, 110-147, 110-148 or failure to meet the obligations contained in the odor management plan, unless the failures are determined by the city engineer or city administrator to be beyond the control of the significant odor generator or the result of an accident or unexpected and unforeseen events, shall result in an administrative citation pursuant to sections 38-102—38-110. In addition, any follow-up testing required due to compliance failure shall be paid for by the property owner. Sections 110-144 to 110-150 are intended to foster compliance with the city code and are in addition to any other legal or equitable remedy available to the city for city code violations. Nothing in the sections 110-144 to 110-150 relieves a significant odor generator of its continuing obligation to comply with the city code. More specifically, nothing in sections 110-144 to 110-150 limits the city's power to issue administrative citations, initiate criminal charges, or pursue other legal or equitable remedies available to the city for any violation of section 110-142

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:

These amendments allow the city to immediately issue administrative citations to significant odor generators for additional violations of the odor pollution code without having to issue compliance letters.

SECTION 8. EFFECTIVE DATE. This ordinance shall become effective upon publication.

Approved: May 18, 2020 _____

Published: May 22, 2020

Christy Wilcox, City Clerk