



# Model Composting Ordinance for backyard and small compost sites

A tool for local governing authorities to assist in determining appropriate regulations for backyard and small site composting in their community.



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Model Ordinance is available online at  
[www.mncompostingcouncil.org](http://www.mncompostingcouncil.org)

## **Model Backyard and Small Site Composting Ordinance**

This model ordinance was developed by the Minnesota Composting Council (MNCC) and the Association of Recycling Managers (ARM) with the assistance of local government staff and composting industry experts. The development team included:

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This model ordinance is intended to be a tool for local governing authorities to assist in deciding which provisions are appropriate for their communities. The authors fully expect each community to modify the specific requirements to their own communities' needs and zoning codes. The options are presented along with background information; not every provision is likely to be appropriate for every community. Local values, zoning codes, population density and other factors impact the value and appropriateness of the model provisions in this document.

### **Overview and Background:**

In late 2014, changes to the state regulations for composting were revised. The revisions established new designation for on-site composting - small site composting.

The small compost site designation is intended to allow more flexibility for composting at community gardens, apartment buildings, universities and at commercial properties. The state definition for small compost sites allows a wider array of acceptable materials than backyard composting, and also allows for materials generated from multiple households or businesses to be composted in the same location. The state rules also establish some basic operating requirements including provisions that require small compost sites to avoid creating nuisance

conditions and obligations to operate in a manner that is protective of public health and the environment.

Small compost sites are defined under Minnesota Rule 7035.0300 Subp 99a. The full rule citation can be found here: <https://www.revisor.leg.state.mn.us/rules/?id=7035.0300>

Included in the definition of small compost sites is a provision limiting their size to no more than 120 cubic yards of material on site at any given time. The size limit applies to all food scraps, yard waste and other feedstocks brought to the site as well as any active or finished compost. Compared to a typical backyard compost pile, this size limit is fairly large. 120 cubic yards is approximately the size of a semi-trailer. Small compost sites are not required to obtain a permit from the state.

The state rules have also expanded the types of materials that can be composted without a permit. Backyard composters are still limited to food scraps and yard wastes, but small sites can accept those items in addition to non-recyclable papers, compostable plastics and poultry litter (if the compost is used on-site). Some small compost sites may be of a similar size to backyard piles but would fit the definition of a small site because of the materials that are being composted.

Local governments for many years have had ordinances that governed backyard composting. With the change in state rules, this document is intended to provide some guidance on updating local practices so small compost sites do not burden communities where they operate. The authors also examined and discussed backyard composting ordinances as part of this processes. Many cities last examined their backyard composting ordinance many years ago. The template language below addresses considerations for both backyard and small compost sites.

The state rule change also now classifies all composting operations from multifamily and commercial office building properties as small compost sites. As small sites these types of composters still do not require a state permit or registration but have more defined responsibilities like minimizing odor and avoiding the creation of nuisance conditions.

While the state regulations specifically require small sites not to cause nuisances or create public health or environmental hazards, some additional local requirements may be appropriate in many communities. For example, local governments may opt to have set-back requirements from property lines, requirements to register facilities with the local authority, additional size limitations or other provisions to ensure small compost sites are good neighbors.

The remainder of this document includes template language that can be used to assist local governments with developing appropriate ordinances in their communities. Since each

community has unique circumstances and approaches to governance the provisions are intended to be adaptable. Each community will likely need to modify the template language below, but the intent is for this to provide a framework for communities to discuss how they want to approach on-site composting locally.

Several provisions, most notably pertaining to the training and registration for small compost sites are worthy of particular scrutiny by each local government using this model. Promoting composting in communities benefits the environment, so most communities will want to balance requirements and restrictions with the desire to promote more composting.

Many of the ordinance provisions below may require the local authority to expend staffing or enforcement resources. Thus, the local authority must be confident they are adequately prepared to handle those responsibilities when they design their own provisions.

## Model Ordinance:

### Section 1: Purpose.

This ordinance is adopted for the following purposes:

- A. To protect environmental and public health, safety, comfort, convenience, and the general welfare of the citizens of the (insert local authority here).
- B. To establish powers, duties, rules, regulations, and standards for the location and operation of backyard and small compost sites at residential, commercial, institutional and public properties.
- C. To promote a program of waste reduction through source separation of organic materials from mixed municipal solid waste.
- D. To provide for the administration and enforcement of this ordinance.

**Comments:** The purpose for a small site ordinance is essentially the same as for backyard compost sites. The focus is on avoiding nuisances, ensuring the health and safety of residents and preventing any environmental harm. The language above also acknowledges that composting is a preferable method of managing organic materials.

## Section 2: Definitions.

**“Backyard Compost Site”** means a site no greater than four cubic yards located used to compost food scraps, garden wastes, weeds, lawn cuttings, leaves, and prunings from a single family or household with the intention of using compost produced on site. ([MN Rules 7035.0300](#))

**“Composting”** means the controlled microbial degradation of source separated compostable material to yield a humus-like product or mulch to be used as a soil amendment. ([MN Rules 7035.0300](#))

**“Incidental Quantities”** means a small amount of a material that would attach itself to a food or paper product. An example of an incidental amount.

**“Invasive Plants”** are terrestrial plant species that have a high probability of becoming serious problems on the landscape if not managed correctly. Although an invasive plant is generally not regulated in Minnesota until it becomes classified as a noxious weed, extreme care and consideration should be taken to ensure that these species do not spread across the landscape.

**“Non-Recyclable Paper”** means paper products that are food-soiled or contain fibers too short for recycling. Examples include but are not limited to paper plates, towels and napkins, facial tissue and tissue paper.

**“Poultry Litter”** means bedding material, such as wood shavings, sawdust, or straw, that has been used in a chicken coop or broiler house floor and consists mostly of the bedding material, poultry manure, feathers and spilled feed. ([University of Kentucky Poultry Production Manual](#))

**“Food Scraps”** means organic material resulting from the handling, preparation, cooking and consumption of food.

**“Local Authority”** means the governing body responsible for enacting and enforcing the ordinance.

**“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. ([MN Statutes 115A.03](#))

**“Noxious Weeds”** means an annual, biennial, or perennial plant that the Minnesota Department of Agriculture commissioner designates to be injurious to public health, the environment, public roads, crops, livestock, or other property. ([MN Statutes 18.77](#))

**“Organic Material”** means yard waste, food scraps and compostable material meeting ASTM D6400 or ASTM D6868. It also includes community available compost ingredients.

**“Responsible Party for Composting Activities”** means a person identified as the operator of a small compost site.

**“Small Compost Site”** means a compost site where food scraps, yard waste, poultry litter generated on site only if the compost produced is used on site, non-recyclable paper, and compostable materials meeting ASTM D6400 or ASTM D6868 can be composted so long as the

volume of all materials on site (feedstock, composting material and curing compost) is less than 120 cubic yards. ([MN Rules 7035.0300](#))

**“Source Separated Organics”** means organic material that is separated from mixed municipal solid waste at the source by the waste generators for the purpose of composting. ([MN Statutes 115A.03](#))

**“Yard Waste”** means garden wastes, leaves, lawn cuttings, non-regulated weeds, shrub and tree waste and prunings and twigs. ([MN Statutes 115A.03](#))

**Comments:** A compost site becomes a small site instead of a backyard compost site if the material composted is generated by multiple households, by multifamily dwellings, commercial properties, or institutions. The small site definition may also apply if items not included in the backyard definition are composted. For example, a backyard compost pile that includes non-recyclable paper, poultry liter and/or compostable plastics is considered a small compost site instead of a backyard compost site regardless of how large it is. These provisions are consistent with the state rules and definitions.

For the purpose of the model ordinance, the authors of this document also elected to include compost piles that are larger than four cubic yards in size into the small site definition. Authors believed that many communities would want notification of composting operations larger than four cubic yards. Those cities would want to know where the composting was occurring and who the responsible party for the site is. The state rules do not define a maximum size for a backyard compost pile, although backyard compost piles are limited to accepting material from a single family or household. As such, each community using this document could use the recommended four cubic yard size or could select a different size for defining when a backyard site becomes a small compost site. Small compost sites must be no larger than 120 cubic yards in size. Any composting operation larger than that must obtain a state permit.

### **Section 3: Prohibition on Disposal.**

No person shall knowingly rake or deposit, organic materials or mixed municipal solid waste on or into public or private streets (unless allowed by the local authority), storm sewers, drainage ditches, water retention basin, streams or lakes. Yard waste may not be deposited into mixed municipal solid waste per [Minnesota Statute 115A.931](#).

**Comments:** In some communities residents are instructed to rake leaves into streets for collection. The authors of this document recommend that all communities should consider including language that yard waste should not be raked into waterways at the same time as adopting or modifying a composting ordinance.

## Section 4: Backyard Compost Site.

### 4.1 Location for backyard compost sites.

4.1.1. Composting containers shall be located and designed so that seepage from the compost will not run off into public or private streets, storm sewers, drainage ditches, water retention basins, streams or lakes.

4.1.2. No compost container may be located closer than five (5) feet to any rear or side property line, or closer than twenty (20) feet to any residential dwellings, except the dwelling on the property at which the compost container is located.

4.1.3 No compost container may be placed within twenty (20) feet of any body of water or area designated as 100-year flood plain or state protected wetland.

**Comments:** This model ordinance recommends establishing a greater distance for larger small compost sites. It is important to recognize that some small compost sites may be similar sizes to backyard compost piles but are technically small compost sites because of the types of materials that are composted. For that reason, this model ordinance recommends having a standard for small sites greater than 4 cubic yards in size. Communities may opt for a different size depending on local considerations. 4 cubic yards was selected because some effective small scale composting operations utilize a three-bin system that could handle approximately that capacity. Other communities may elect to have larger size limits so they composters can have larger volumes of carbon (leaves, wood chips, etc.) on site. Access to more carbon material can aid composters in minimizing odors and can reduce problems with pests.

Appropriate separation distances for small compost sites will need to be decided in each community. Separation distances are advised to minimize impacts from odors and/or pests. However, exceptionally larger separation distances may be impractical and unnecessary especially in densely populated areas. So, each community will need to decide what distances are appropriate for their own specific circumstances. Several communities currently allow various sizes of backyard compost piles/sites based on the lot sizes.

Cities may also have zoning regulations that address these same issues. When cities revisit their ordinances it is also advised that they check zoning regulations to ensure any updates necessary for the zoning regulations occur at the same time the composting ordinance is updated so both are consistent. Zoning regulations may not allow for compost piles or containers to be located in the front or side yards. These regulations are typically for aesthetic reasons only.

### 4.2 Acceptable materials for a backyard compost site.

Composting materials at a backyard compost site are those approved by the [Minnesota Rules 7035.0300](#). Composting materials include: food scraps, garden wastes, weeds, lawn cuttings, leaves, and prunings from a single family or household.

**Comments:** Backyard composters often incorporate non-recyclable paper products into their compost piles. Per state rules, this practice would result in their sites being considered a small compost site.

Residents who have chickens on their property and compost the chicken litter on-site, who would also be considered a small compost site. Communities using this document should consider asking residents who raise chickens or other poultry on their property or if their home is designated as an urban farm if the compost poultry litter on site. Cities may wish to consider if these additional materials trigger the need to register as a small compost site, or if the local authority's concern is over the size of a small compost site.

#### **4.3 Prohibited materials for a backyard compost site.**

The following compostable materials shall not be placed in a composting container: uncooked meat, fats, oils, grease, bones, whole eggs, milk or other liquid dairy products, human or pet wastes, pesticides, herbicides, noxious weeds and any other mixed municipal solid waste that may cause a public health risk or create nuisance conditions.

**Comments:** The authors of this model agreed that the prohibited materials identified above could pose a human health concern should be prohibited from backyard compost sites as a backyard compost site is unlikely to reach temperatures to effectively neutralize pathogens in these items. Furthermore, these items may result in increased pests and odors. Noxious weeds were added due to the fact that a backyard compost pile or a small compost site will not sustain hot enough temperatures for long enough to effectively break them down.

Those seeking to dispose of noxious weeds, should consult with operators of professional compost facilities that:

- 1) Agree to accept noxious weed materials and are aware of the issues with potential seed survival and
- 2) Strictly adhere to the US Composting Council's Seal of Testing Assurance standards.

More information on disposal of noxious weed materials can be found at the Minnesota Department of Agriculture Website:

<http://www.mda.state.mn.us/en/plants/pestmanagement/weedcontrol/disposalnoxweed.aspx>

Communities using this document should make a determination if other items should be prohibited. Non-regulated weed seeds, invasive plants not regulated as noxious weeds, diseased plants, and plants that are poisonous to animals are several examples that should be considered. These items do not cause a human health concern; however, they may not fully break down in a backyard compost pile and may reduce the quality of the finished compost.



These items could be prohibited from including or more information could be provided on best management practices in the Educational Materials (Section 6) below.

#### **4.4 Composting container for a backyard compost site.**

All composting must occur in a container constructed out of wood, wire mesh, or concrete block, or a combination thereof, or in a commercially available compost bin designed for composting organic materials.

**Comments:** Communities should evaluate pros and cons for different container types and select a container type that encourages composting while meeting the needs of their community. Containers may not be required for rural areas or where properties have large lot sizes. Some container types, pros and cons, are detailed below:

**Several options for backyard composting containers include:**

1. No container required
  - a. Pro: Cost effective and allows for ease of operations.
  - b. Con: Allows materials in the pile to spread out resulting in reduced microbial activity and allows easy access for scavengers.
2. Enclosed on three vertical sides
  - a. Pro: Contains materials but allows easy access to manage composting material.
  - b. Con: Allows easy access for scavengers.
3. Enclosed on all vertical sides (with or without a lid)
  - a. Pro: Contains materials and restricts above ground scavenging from birds, squirrels, raccoons, etc.
  - b. Con: Can be difficult to effectively manage the pile.
4. Enclosed on all sides (four vertical sides, bottom, and top)
  - a. Pro: Contains materials and restricts scavenging from above ground and burrowing scavengers.
  - b. Con: Many pre-manufactured compost bins do not come with a bottom.

If requiring a container, the authors of this document recommend considering different materials that residents in the community may use to construct their own container and how that material affects local zoning codes. Ex: concrete block containers may be considered a permanent structure which may not be allowed per zoning codes.

Requiring lidded composting containers may reduce scavenging, however, it should be noted that a common issue with backyard compost piles is that they do not receive enough water. It may be best to leave container options open in the ordinance text and allow for requiring container improvements in the enforcement section of the ordinance.

#### 4.5 Volume of a backyard compost site.

Backyard compost sites shall not exceed a total of four cubic yards in volume. The maximum height of the composting container shall be five (5) feet.

**Comments:** Many communities with existing backyard composting ordinances limit the size of the compost site based on the lot size. If the local authority elects to have small compost sites register the site, they may want to include information about the size of composting operation that triggers the registration in this part of the ordinance.

Some examples of size limits imposed on backyard composting by cities include:

**Bloomington & West Saint Paul:** A total of 100 cubic feet in volume for city lots of 10,000 square feet or less. A total of 150 cubic feet in volume for city lots greater than 10,000 square feet.

**Burnsville & Edina:** A compost container shall not exceed 30 square feet in area on lots with a lot area less than 9,000 square feet and shall not exceed 50 square feet in area on lots with a lot area of 9,000 square feet or more. The height of the container and the compostable material stored in the container shall not exceed four feet.

**Eagan:** Yard waste must be composted within an enclosure with a minimum of three sides or circular, not to exceed a total of 100 cubic feet in volume for the residential lots of 12,000 square feet or less or 150 cubic feet for residential lots with an area of more than 12,000 square feet. The containers shall be of durable material such as wood, plastic, fiberglass, or metal fencing material;

**Minneapolis:** The maximum size for a compost area on lots with a residential structure shall be two hundred forty-five (245) cubic feet for lots smaller than five thousand (5,000) square feet, four hundred five (405) cubic feet on lots five thousand (5,000) to ten thousand (10,000) square feet, and five hundred (500) cubic feet on lots over ten thousand (10,000) square feet. The maximum size on lots without a residential structure shall be four hundred five (405) cubic feet on lots smaller than five thousand (5,000) square feet, seven hundred twenty (720) cubic feet on lots five thousand (5,000) to ten thousand (10,000) square feet, and one thousand, one hundred twenty-five (1,125) cubic feet on lots larger than ten thousand (10,000) square feet.

#### 4.6 Maintenance.

Compost materials shall be layered, aerated, moistened, turned and managed to promote effective decomposition of the materials in a safe, secure and sanitary manner. Backyard compost sites must be maintained to minimize nuisance conditions.

#### 4.7 Compost Use.

When the composting process is finished and the compost resembles a soil-like humus or mulch material, it shall be used as a soil amendment. Finished or unfinished compost shall not be used in a manner causing a nuisance.

## Section 5 Small Compost Site.

### 5.1 Location requirements for small compost sites.

5.1.1. Composting containers shall be located and designed so that seepage from the compost will not run off into public or private streets, storm sewers, drainage ditches, water retention basins, streams or lakes.

5.1.2. Small Compost Sites are allowed in (insert local zoning region codes [ex: C3, R2] areas or in R2 areas as an accessory to a community garden or urban farm). Compost Sites may not be located closer than ten (10) feet to any rear or side property line, or closer than twenty (20) feet to any residential dwellings, except the dwelling on the property at which the compost site is located.

**Comments:** Cities may want to require that variances are reappraised each time the ownership of the neighboring property changes or annually. However, the authors were reluctant to include this language because it may be burdensome both for local authority staff and for composters. Cities may also require small sites to obtain consent from neighbors, although such a provision may also be burdensome for local authority staff and/or composters. Some cities have adopted provisions for raising chickens or keeping bees that requires approval from 80% of properties within 100 feet to approve before the city grants approval. This model could be usefully applied to small compost sites in some cities.

5.1.3 No compost activities may be conducted within twenty (20) feet of any body of water or area designated as flood plain, shoreland or state protected wetland according to [MN Rule 7035.2555](#).

**Comments:** Appropriate separation distances for small compost sites will need to be decided in each community. This model ordinance recommends establishing a larger distance for larger small compost sites. It is important to recognize that some small compost sites may be similar sizes to backyard compost piles but are technically small compost sites because of the types of materials that are composted or because they are at a multifamily dwelling. For that reason, this model ordinance recommends having a local standard for small sites greater than 4 cubic yards in size. Communities may opt for a different size depending on local considerations. Four (4) cubic yards was selected because some effective small scale composting operations utilize a three-bin system that could handle approximately that capacity.

Separation distances are advised to minimize impacts from odors and/or pests. However, exceptionally larger separation distances may be impractical and unnecessary depending on the particular city's characteristics. So, each community will need to decide what distances are appropriate for their own specific circumstances.

Cities may also have zoning regulations that address these same issues. When cities revisit their ordinances it is also advised that they check zoning regulations to ensure any updates necessary for the zoning regulations occur at the same time the composting ordinance is updated so both are consistent.

## 5.2 Acceptable materials at small compost sites.

5.2.1 Small compost sites may accept the following materials:

- (1) food scraps;
- (2) yard waste;
- (3) poultry litter generated on site only if the compost produced is used on site;
- (4) non-recyclable paper; or
- (5) compostable materials meeting ASTM D6400 or ASTM D6868, incorporated by reference under [Minnesota Rule 7035.0605](#);

**Comments:** The acceptable materials list above is defined by state rule for small compost sites. Local communities may further restrict the above list but do not have the authority to add materials to the list. The state rules do allow incidental quantities of meat and dairy at small compost sites. However, these materials are typically best composted with larger pile sizes and require a more sophisticated composter. If not properly managed meat and dairy items may attract pests or result in odor problems. Small compost sites that wish to accept materials not on this list must obtain a permit from the Minnesota Pollution Control Agency.

## 5.3 Prohibited Materials at small compost sites.

5.3.1 Small compost sites may not accept fats, oils, grease, meat, dairy, animal manure, diapers, or sanitary products.

5.3.2 Small compost sites may not accept pet wastes or animal carcasses.

**Comments:** Item 5.3.1 is pulled directly from the state rule, although the rule's Statement of Need and Reasonableness (SONAR) does specifically indicate that incidental quantities of meat and dairy are acceptable. Prohibiting items in 5.3.2 is recommended because there are frequently questions from potential composters about those materials. If they're not properly composted, pet wastes and animal carcasses could pose health or safety concerns.

The authors of this model ordinance have not included provisions that would place restrictions on weed seeds, diseased plants, or invasive plants. While those items may reduce the quality of the finished compost if included, they do not pose an environmental or safety hazard and as

such were not included. In addition, there are many common plants that are poisonous to domestic and wild animals. Be sure to consider how to handle these items. See the [American Society for the Prevention of Cruelty to Animals website](#) for information on plants poisonous to animals.

#### **5.4 Composting operations at small compost sites.**

All composting must occur in a controlled manner to minimize the creation of nuisances.

#### **5.4 Volume of a small compost site.**

Any compost site that is allowed to compost more materials than in a backyard compost pile or with more than 4 cubic yard of material on site at any one time is a small compost site. Small compost sites cannot exceed 120 cubic yards of material on site at any time.

**Comments:** Small compost sites can have up to 120 cubic yards of material on-site at any time without receiving a state permit. Cities can choose definitions appropriate for their community to distinguish between backyard and small compost sites. 4 cubic yards was selected for this model because that is the approximate size of a three or four bin system frequently utilized by a single household. Additional size considerations are addressed in the registration and training sections of this model ordinance.

Many communities also host yard waste sites. Yard waste sites receive a permit by rule from the Minnesota Pollution Control Agency. Yard waste sites are typically professionally operated and must comply with the applicable rules associated with their type of permit. Unlike small compost sites, yard waste sites are not allowed to accept food scraps under Minnesota Rules. To obtain a permit by rule from the MPCA yard waste compost sites must obtain signatures from the county where they are located.

In some communities it may be feasible to operate a small compost site adjacent to a yard waste compost site. Cities may wish to consider this scenario while developing their local ordinance.

#### **5.6 Maintenance of small compost sites.**

Compost materials shall be layered, aerated, moistened, turned and managed to promote effective decomposition of the materials in a safe, secure and sanitary manner.

**Comments:** The local authority may wish to use the ordinance to include provisions in the maintenance section related to incorporating food scraps into the pile in a timely manner. Given that the concern is reducing nuisances, having a maintenance provision in an ordinance

may be sufficient to allow the local authority to intervene if problems arise. In problem circumstances, working with composters to get food scraps incorporated into compost piles quickly can help reduce odors and pests.

If the local authority asks for small compost sites to be registered, they may consider asking the party responsible for composting activities to agree to adhere to a set of best management practices for operating the small compost site. Best practices can be to obtain and store sufficient carbon sources to mix in with food scraps, incorporating food scraps in a timely manner, and maintain a clean composting site.

Incorporating materials into compost pile quickly after the material has arrived is a best practice. When food scraps are mixed with carbon materials, such as leaves or wood chips, the possibility for pests and odors are reduced. If large volumes of food scraps are delivered, sufficient volume of carbon sources must be available and timely management is needed to prevent issues.

### **5.8 Compost Use.**

When the composting process is finished and the compost resembles a soil-like humus or mulch material, it shall be used as a soil amendment. Finished or unfinished compost shall not be used in a manner causing a nuisance. Compost made with poultry litter must be used on site.

## **Section 6. Educational Materials.**

The local authority shall prepare and distribute informational materials to assist persons wishing to conduct source separated organic composting in an efficient manner that minimizes public nuisance conditions and shall offer technical assistance to those persons on the proper operation and maintenance of a composting operation. Materials are to contain examples of acceptable composting containers for backyard compost sites and best management practices for small compost sites.

**Comments:** Information for small and large composting operations and regulators can be found on the Minnesota Composting Council's Resources webpage.

## **Section 7. Nuisance.**

A backyard compost site or a small compost site must not be established or maintained in a manner such that it creates an odorous or other nuisance and any composting shall be suspended or terminated if at any time the local authority determines a nuisance exists or that conditions exist constituting a fire hazard or health hazard, or if there is a threat to surface or

groundwater from run-off. The local authority may require individuals whose compost site and/or materials are not in compliance with this section to attend a master composter or similar educational program as a condition of continuing to compost on subject property.

**Comments:** Most composting complaints to local authorities are nuisance related; frequently relating to pests like insects or rodents or odors. Having provisions barring nuisances can allow local authority officials to intervene if a composter is causing problems for their neighbors. In most cases, the nuisance conditions can be avoided if the composter utilizes best practices for composting. For that reason local authorities may want to include language that allows them to require training.

Before requiring training, the local authority should determine what training opportunities exist in their area for composters and the frequency the training is offered. A list of trainings should be maintained and provided to composters if training is to be required. Additional training considerations relating to small sites are included in section 5.7.

## **Section 8. Violations.**

It is unlawful to conduct composting operations in violation of the requirements of this ordinance. In addition to the enforcement methods and penalties available under the local authority Code, such violations may be abated as a public nuisance under Section 7 of the Code.

## **Section 9. Severability.**

Should any section, subdivision, clause or other provision of this ordinance be held to be invalid by any court of competent jurisdiction, such decisions shall not affect the validity of the ordinance as a whole, or of any part thereof, other than that part held to be invalid.

## **Section 10. Effective Date.**

This ordinance shall be in effect after its adoption and official publication.

## **Additional considerations for a model ordinance: Training and Registration for small compost sites.**

The authors strongly considered incorporating training and registration provisions into this model ordinance document but ultimately elected to include a discussion of these types of provisions instead of recommendations. A sample ordinance provision is presented for training and for registration, but the development team wanted the document to clearly reflect that these types of provisions are likely not needed or manageable in many communities. There are however, likely also communities that will need to consider having training and registration requirements for small site composters.

Sections 11 and 12 of this document include the sample provisions discussed by the development team and are intended to provide insight into benefits and consequences of ordinance provisions related to training and registration requirements. Issues that will influence the appropriateness and effectiveness of these provisions range can be greatly impacted by access to training opportunities and capacity of the local authority to monitor and enforce regulations established by the ordinance.

When these provisions are appropriate in communities, the development team suggests careful consideration of the specific requirements established. The sample language is intended more so to identify potential considerations that should be discussed locally.

### **Section 11. Training for small compost site operators.**

The responsible party for a small compost sites that houses 60 or more cubic yards of material must receive at least 3 hours of training on composting best practices.

**Comments:** Use of best practices is important in composting and composters benefit from learning techniques from experienced composters. But training courses are not available in all parts of the state and establishing a training requirement could prove cumbersome. Many composters would not have access to training and evaluating which specific training requirements are appropriate and manageable. Cities with local access to training programs would likely benefit from promoting existing compost training options. A current list of compost related trainings can be found on the [MNCC's website](#).

Compost operations fitting the small site definition could vary widely in size. The largest small sites can have up to 120 cubic yards of material on-site before triggering the need for a state permit. But other small sites may be very small, meeting the definition not because of their size but because they accept items like chicken litter or because they are operated at multifamily dwellings. However, with larger scale small site operators, it may be appropriate to have



training requirements in place. If the local authority does elect to have training requirements, they must ensure there is local access and have a plan in place to evaluate which specific types of training will satisfy the requirements established in the ordinance. Furthermore, cities with training requirements will need to consider what documentation composters must keep as proof of training.

Considering the size that triggers training or registration for small compost sites is also important for cities. Having larger volumes of carbon material (leaves, wood chips, etc.) on-site is important to operating in a manner that reduces pests and odors. And some small sites may be similar in size to backyard piles, reducing the justification for training and registration. But larger small compost sites may not be appropriate in many settings, the framework from the state rules allow local governments to determine what is appropriate for their community.

Any training requirement will also need to identify which individuals must be trained. Cities could identify the responsible party as that individual, another individual, or multiple individuals in settings where there are many composters sharing space.

Because of the complications, the authors of this document are reluctant to recommend inclusion of a training requirement at this time. If more trainings are available in the future, training requirements for small compost sites may be appropriate.

## **Section 12: Registration/License for small compost sites.**

12.1 Any small compost site that has more than 4 cubic yards of material on site at any time during the year is required to register with the local authority.

12.2 The registration must identify a responsible party for composting activities at the small compost site. The responsible party will be required to remove organic materials and mixed municipal solid waste from the site if nuisance conditions are found or in the event the small compost site is closed.

12.3 If the responsible party for composting activities is not the property owner, the responsible party must obtain a signature from the property owner approving the presence of a small compost site on the lot.

12.4 Responsible parties for composting activities must obtain approval signatures from 80% of properties within 100 feet of the small compost site. Responsible parties are required to re-obtain signatures each time they renew the small compost site registration.

**Comments:** Small compost sites have the potential to be significantly larger than backyard composting operations. Having these facilities register with the local authority may aid cities in their efforts to ensure that small compost sites do not cause problems for neighbors. However, since composting is a preferable method of managing organic materials, ensuring that registration processes are reasonable and minimally burdensome is also important. Each community will have to make their own decision about when registration is necessary; in many rural communities there may be no need for any registration whatsoever. However, in densely populated areas, ensuring the local authority is aware of larger composting operations and has identified a responsible party may be beneficial.

Each local authority with a registration will need to evaluate what size of composting operation triggers the need for registration. The authors of this document selected 4 cubic yards because many home composting operations utilize 3 or 4 bin systems approaching that size. Four cubic yards may be quite large for a residential lot in a densely populated area. However, it may be relatively small in a community garden or urban farm.

A template registration form is included on the [MNCC's website](#).

Local authorities may also want to use the registration to identify individuals who will be responsible for managing the small compost site. The sample language above also includes provisions to ensure that property owners are aware of the composting operations and template language for notifying neighbors. Some cities have had a signature/notification requirement for raising chickens this same process could be an option for cities with respect to small compost sites.

Local authorities may also elect to have a form which registered small compost sites must sign indicating they have read and understood the local authority's ordinance. This may help educate small compost operators about their obligations which could improve compliance and more importantly ensure neighbors are not negatively impacted by composters.