APPENDICES

E ORDINANCES

i. Cottonwood County ................................................................. 2
ii. Jackson County ................................................................. 30
iii. Lac qui Parle County ......................................................... 87
iv. Lincoln ................................................................. 112
v. Lyon ................................................................. 132
vi. Murray County ................................................................. 155
vii. Nobles County ................................................................. 183
viii. Pipestone County .............................................................. 226
ix. Redwood County ............................................................... 250
x. Renville County ................................................................. 270
xi. Rock County ................................................................. 282
xii. Yellow Medicine County ..................................................... 327
"FINAL"
1991
COTTONWOOD COUNTY
SOLID WASTE
ORDINANCE

ADOPTED: October 29, 1991
<table>
<thead>
<tr>
<th>SECTION</th>
<th>TITLE</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>&quot;DEFINITIONS&quot;</td>
<td>1</td>
</tr>
<tr>
<td>II</td>
<td>&quot;ADMINISTRATION&quot;</td>
<td>6</td>
</tr>
<tr>
<td>III</td>
<td>&quot;LICENSING&quot;</td>
<td>7</td>
</tr>
<tr>
<td>IV</td>
<td>&quot;SOLID WASTE STORAGE AND DISPOSAL&quot;</td>
<td>13</td>
</tr>
<tr>
<td>V</td>
<td>&quot;FARM DISPOSAL OF SOLID WASTE&quot;</td>
<td>14</td>
</tr>
<tr>
<td>VI</td>
<td>&quot;ORGANIZED COLLECTION&quot;</td>
<td>14</td>
</tr>
<tr>
<td>VII</td>
<td>&quot;COLLECTION AND TRANSPORTATION OF SOLID WASTE&quot;</td>
<td>15</td>
</tr>
<tr>
<td>VIII</td>
<td>&quot;SOLID WASTE DISPOSAL BY SANITARY LANDFILL&quot;</td>
<td>16</td>
</tr>
<tr>
<td>IX</td>
<td>&quot;SOLID WASTE DISPOSAL BY INCINERATION&quot;</td>
<td>16</td>
</tr>
<tr>
<td>X</td>
<td>&quot;TRANSFER STATIONS&quot;</td>
<td>16</td>
</tr>
<tr>
<td>XI</td>
<td>&quot;SOLID WASTE DISPOSAL BY COMPOSTING&quot;</td>
<td>16</td>
</tr>
<tr>
<td>XII</td>
<td>&quot;DEMOLITION DEBRIS DISPOSAL&quot;</td>
<td>16</td>
</tr>
<tr>
<td>XIII</td>
<td>&quot;LITTERING&quot;</td>
<td>17</td>
</tr>
<tr>
<td>XIV</td>
<td>&quot;SPECIAL MATERIALS&quot;</td>
<td>17</td>
</tr>
<tr>
<td>XV</td>
<td>&quot;MANDATORY SOLID WASTE COLLECTION/RECYCLABLE MATERIALS SEPARATION&quot;</td>
<td>18</td>
</tr>
<tr>
<td>XVI</td>
<td>&quot;ANTISCRAVENGING&quot;</td>
<td>19</td>
</tr>
<tr>
<td>XVII</td>
<td>&quot;RATES AND CHARGES FOR SOLID WASTE MANAGEMENT&quot;</td>
<td>20</td>
</tr>
<tr>
<td>XVIII</td>
<td>&quot;ENFORCEMENT AND INSPECTION&quot;</td>
<td>21</td>
</tr>
<tr>
<td>XIX</td>
<td>&quot;VIOLATIONS AND PENALTIES&quot;</td>
<td>22</td>
</tr>
<tr>
<td>XX</td>
<td>&quot;VARIANCES&quot;</td>
<td>24</td>
</tr>
<tr>
<td>XXI</td>
<td>&quot;NONCONFORMING SITES FACILITIES, AND COLLECTION SERVICES&quot;</td>
<td>25</td>
</tr>
<tr>
<td>XXII</td>
<td>&quot;ADDITIONAL REQUIREMENTS WAIVERS&quot;</td>
<td>25</td>
</tr>
<tr>
<td>XXIII</td>
<td>&quot;SEVERABILITY&quot;</td>
<td>25</td>
</tr>
<tr>
<td>XXIV</td>
<td>&quot;INTERPRETATION, PURPOSE AND CONFLICT&quot;</td>
<td>25</td>
</tr>
<tr>
<td>XXV</td>
<td>&quot;NO CONSENT&quot;</td>
<td>25</td>
</tr>
<tr>
<td>XXVI</td>
<td>&quot;OTHER ORDINANCES AND REGULATIONS&quot;</td>
<td>26</td>
</tr>
<tr>
<td>XXVII</td>
<td>&quot;REPEALER&quot;</td>
<td>26</td>
</tr>
<tr>
<td>XXVIII</td>
<td>&quot;INDEMNIFICATION&quot;</td>
<td>26</td>
</tr>
<tr>
<td>XXIX</td>
<td>&quot;EFFECTIVE DATE&quot;</td>
<td>26</td>
</tr>
</tbody>
</table>

SWRSWC Solid Waste Management Plan, Appendix E Ordinances Page | 3
COTTONWOOD COUNTY
SOLID WASTE ORDINANCE

An ordinance authorizing and providing for County Solid Waste Management, establishing powers and duties in connection therewith, establishing standards for and regulating solid waste management operations within the County of Cottonwood, requiring a license for the establishment and use of a solid waste management operation; establishing requirements for certain facilities on a disposal site, for control of special solid wastes, and those waste abatement programs as defined by SCORE legislation; determine embodying minimum standards and requirements established by regulation of the Minnesota Pollution Control Agency; providing for enforcement of said requirements; requiring a performance bond for solid waste disposal facilities; and imposing penalties for failure to comply with these provisions; in purpose and object to promote the health, welfare and safety of the public and protect resources of water, air and land pursuant to Minnesota Statutes, Chapters 115, 115A, 116, 145.22, 145.23, 375, 400, 561.01, and 609.74.

The Board of Commissioners of the County of Cottonwood hereinafter referred to as the County Board, does ordain:

SECTION I. DEFINITIONS.

Unless specifically altered, terms and abbreviations used in this ordinance shall be interpreted in a manner consistent with Minnesota Statutes, Chapters 115, 116, and 400, and regulations of the Agency, which have been or hereafter may be adopted under those provisions. Terms and abbreviations used herein which are not specifically defined by law shall be construed in accordance with the context and professional usage.

Subd. 1. "Agency" means the Minnesota Pollution Control Agency.

Subd. 2. "Air Contaminant" means the presence in the outdoor atmosphere of any dust, fumes, mist, vapor, gas or gaseous, fluid or particulate substance differing in composition from, or exceeding in concentration, the natural components of the atmosphere.

Subd. 3. "Air Pollution" means the presence in the outdoor atmosphere of any air contaminant or combination thereof in such quantity, of such nature and duration, and under such conditions as would be injurious to human health or welfare, to animal or plant life, or to property, or to interfere unreasonably with the enjoyment of life or property.

Subd. 4. "Canister System" means one or more commercial solid waste storage containers (such as "dumpsters") located to function as an
intermediate disposal facility, and which is serviced on a regular basis by a public or private hauler.

Subd. 5. "Construction Debris" means waste building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition of buildings and roads.

Subd. 6. "County" means any department or representative of the County who is authorized by this ordinance, or otherwise by the County Board, to represent the County of Cottonwood in the enforcement or administration of this ordinance.

Subd. 7. "Collection" means the aggregations of solid waste from the place at which it is generated, and includes all activities up to the time the waste is delivered to a waste facility.


Subd. 9. "Cover Material" is material that is used to cover compacted solid waste in a landfill disposal site. Important general characteristics of good cover material are low permeability, uniform texture, cohesiveness and compatibility. Suitable cover material include, but are not limited to, sandy loam, loam, sandy clay loam, silty clay loam, clay loam, sandy clay, and loamy sand.

Subd. 10. "Garbage" means discarded material resulting from the handling, processing, storage, preparation, serving, and consumption of food.

Subd. 11. "Demolition Debris" means inert material that includes earth fill, boulders, rock and other materials normally handled in construction operations but does not include solid waste, hazardous or toxic waste, recyclables or materials possessing usual or anticipated chemical or biological action.

Subd. 12. "Designation" means a requirement by the county that all or any portion of the mixed municipal solid waste that is generated within its boundaries, or any service area thereof, be delivered to a processing or disposal facility identified by the county.

Subd. 13. "Hazardous Waste" means any refuse or discarded materials or combinations of refuse or discarded materials in solid, semi-solid, liquid, or gaseous form which cannot be handled in a routine waste management technique because they pose a substantial present or potential hazard to human health or other living organisms because of their chemical, biological or physical properties. Categories of hazardous waste materials includes, but are not limited to, explosives, flammables, oxidizers, poisons, irritants, and corrosives. Hazardous waste does not include sewage sludge, and source materials, special nuclear waste or by-product material as defined by the Atomic Energy Act of 1954, as amended.

Subd. 14. "Household Hazardous Waste" means any waste generated from household activity that exhibits the characteristics of, or that is listed as, hazardous waste under agency rules, but does not include waste from commercial activities that is generated, stored, or present in a household. Household Hazardous Wastes include, but are not limited to, paints, solvents, cleaners, pesticides, herbicides, paint thinner, drain opener, varnishes,
stains, and adhesives.

Subd. 15. "Incineration" means the process by which solid wastes are burned for the purpose of energy recovery or volume and weight reduction in facilities designed for such use.

Subd. 16. "Intermediate Disposal Facility" means a facility for the temporary collection, storage, reduction, recycling, or processing of solid waste prior to final disposal.

Subd. 17. "Land Pollution" means the presence in or on the land of any solid waste in such quantity, of such nature or duration, and under such conditions as would affect injuriously any waters of the state, create air contaminants or cause air pollution.

Subd. 18. "Licensee" means a person who has been issued a license by the County Board for solid waste management purposes pursuant to this ordinance.

Subd. 19. "Littering" means the unlawful placing of any portion of solid waste in or on public or private lands, shorelands, roadways, or waters.

Subd. 20. "Multi-County Mixed Waste" means solid waste that is collected outside the County and then transported to this County and mixed with solid waste from the County. Excluded from this definition is one (1) cubic yard per vehicle per load, or, ten (10) percent of the vehicles solid waste load, whichever is less.

Subd. 21. "Non-recyclable Materials" means solid waste, refuse, construction debris, and materials for which there is no appropriate market that will accept these materials for recycling.

Subd. 22. "Office" means the Office of Waste Management.

Subd. 23. "Operation" means any site, facility, or activity relating to solid waste management.

Subd. 24. "Organized Collection" means a system for collecting solid waste in which a specified collector, or member of an organization of collectors, is authorized to collect from a defined geographic service area or areas some or all of the solid waste that is released by generators for collection.

Subd. 25. "Person" means any human being, any municipality or any other governmental or political subdivision or public agency, any public or private corporation, any partnership, firm, association, or other business organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing, or any other legal entity.

Subd. 26. "Putrescible Material" means solid waste which is capable of becoming rotten or which may reach foul state of decay or decomposition.

Subd. 27. "Recycler" means any commercial or business established to collect, transport, process, store, redeem, or dispose of recyclables.

Subd. 28. "Recyclable Materials" means materials such as non-residential corrugated cardboard, non-residential office paper, newsprint, glass containers, tin containers, polyethylene terephthalate and high density polyethylene plastic, aluminum containers, that are separated from solid waste for the purpose of recycling. These materials and other materials are considered to be recyclable materials if appropriate markets exist that will accept these recyclable materials. Refuse derived fuel or other material
that is destroyed by incineration is not a recyclable material.

Subd. 29. "Recycling" means the process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of recyclable materials in a manner that precludes further use.

Subd. 30. "Recycling Facility" means any facility, permanent or mobile, that recycles or accepts waste for the purpose of recycling.

Subd. 31. "Refuse" means putrescible and non-putrescible solid wastes, including, but not limited to, garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, market and industrial solid wastes, and sewage treatment wastes which are in a dry form.

Subd. 32. "Resource Recovery" means the reclamation for sale or reuse of materials, substances, energy, or other products contained within or derived from waste.

Subd. 33. "Rubbish" means nonputrescible solid wastes, including, but not limited to ashes and combustible and non-combustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass bedding, crockery, or litter of any kind.

Subd. 34. "Sanitary Landfill" means an area of land which is, or could be, used for the disposal of solid waste without creating pollution of land, water or air, hazards to the public health or safety, or public nuisance by utilizing the principles of engineering to confine the solid waste to the smallest practical volume and to cover it with at least six inches of cover material at the conclusion of each day's operation, or at more frequent intervals as may be necessary.

Subd. 35. "Scavenging" means the uncontrolled removal of solid waste or recyclables from the solid waste system.

Subd. 36. "Service Area" means a solid waste management service area established by the County Board pursuant to Minnesota Statutes Section 400.08, Subd. 2, as amended.

Subd. 37. "Shoreland" means land located within the following distances from the ordinary high water elevation of public waters: (a) land within 1,000 feet from the normal high watermark of a lake, pond, or flowage; and (b) land within 300 feet of a river or stream or the landward side of a floodplain delineated by ordinance on such river or stream, whichever is greater.

Subd. 38. "Solid Waste" means garbage, refuse, and other discarded solid materials, including solid waste materials resulting from industrial, commercial, agricultural operations, residential uses, and community activities, but does not include earthen fill, boulders, rock and other materials normally handled in construction operations, animal waste used as fertilizer, any permitted material disposed of as soil amendment, solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, wastewater effluent, dissolved materials, suspended solids in irrigation return flows, or other water pollutants.

Subd. 39. "Solid Waste Collection Service" means the collection and transportation of solid waste generated in Cottonwood County by any of the following:
1) a hauling service contracted by the generator
2) a demolition debris hauling service that transports solid waste, separated or mixed with demolition debris, or
3) a service that hauls recyclables.

The self collection and transportation of solid waste by a single family resident (1 unit) is exempt from this definition. However, collection from multiple family residences is included in this ordinance.

Subd. 40. "Solid Waste Disposal Facility" means any intermediate or final disposal site, equipment or building operated as a sanitary landfill, incinerator, transfer station, composter and other operations as defined by this ordinance, the agency, and the County.

Subd. 41. "Solid Waste Management System" means the storage, collection and removal of solid waste from public and private property; its transportation to intermediate or final disposal facilities and its disposal by approved methods; the management of a recycling program, solid waste education, and other solid waste operations or services.

Subd. 42. "Solid Waste Management Facility" means a sanitary landfill, or intermediate disposal facility.

Subd. 43. "Source Separated Materials" means materials that are separated from solid waste by the generator and recovered for reuse in their original form or for use in manufacturing processes.

Subd. 44. "Special Wastes" means nonhazardous solid wastes requiring management other than that normally used for mixed municipal solid waste.

Subd. 45. "Tipping Fee" means the fee charged to collectors and citizens for waste delivered to the facility.

Subd. 46. "Transfer Station" means an intermediate solid waste transfer facility in which solid waste is collected from any source and is temporarily deposited to await transportation to another solid waste transfer management facility.

Subd. 47. "Toxic or Hazardous Wastes" means substances, whether in liquid, gaseous or solid form, which when collected, stored, transported, or disposed of, may be acutely toxic to humans, or other animals, or plant life, or be directly damaging to property including, but not limited to, pesticides, acids, caustics, pathological wastes, radioactive materials, flammable or explosive materials, and similar noxious substances.

Subd. 48. "Waste Tire" means a pneumatic tire or solid tire for motor vehicles that has been discarded or no longer used for its original intended purpose because of wear, damage, or defect.

Subd. 49. "Waste Tire Collection Site" means a licensed waste facility used for the storage of waste tires prior to their transport to a waste tire processing facility.

Subd. 50. "Waste Tire Processing Facility" means a licensed waste facility used for the shredding, slicing, processing or manufacturing of useable materials for waste tires, and may include temporary storage activity. Processing does not include the retreading of waste tires.

Subd. 51. "Water Pollution" means the contamination of any waters of the state so as to create a nuisance or render such waters unclean, noxious
or impure, so as to be actually or potentially harmful or detrimental or injurious to public health, safety or welfare, to domestic, commercial or industrial use, or to animals, birds, fish, or other aquatic life.

Subd. 52. "Waters of the State" means all streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, and all other bodies or accumulations of water, surface or underground, natural or artificial public or private, which are contained within, flow through, or border upon the state or any portion thereof.

Subd. 53. "White Goods" means major appliances. Major appliances include, but is not limited to, clothes washers and dryers, dishwashers, hot water heaters, garbage disposers, microwave ovens, trash compactors, conventional ovens, ranges and stoves, humidifiers and dehumidifiers, air conditioners, refrigerators, and freezers.

Subd. 54. "Yard Waste" means organic plant material collected from yards. These materials include leaves, grass, clippings, weeds, vines, and stalks.

SECTION II. ADMINISTRATION

Subd. 1 Solid Waste Officer. The Cottonwood County Solid Waste Officer is appointed by the County Board.

Subd. 2 Authority. The duties and responsibilities of the Solid Waste Officer under this ordinance are hereby established and delegated by the County Board. The Solid Waste Officer shall have all necessary authority to implement and carry out the provisions of this ordinance, including, but not limited to, the following:

(a) To review and consider all license applications and supporting materials which are referred to him for operations within the County, and, after consideration, to recommend in writing, with documentation, to the County Board that a license may be granted or denied.

(b) To inspect operations to determine compliance with this ordinance and to investigate complaints about violations of this ordinance.

(c) To recommend to the County Attorney what legal proceedings be initiated against a person to compel compliance with the provisions of this ordinance or to abate or control an operation not in compliance with this ordinance.

(d) To encourage and conduct studies, investigations and research relating to aspects of solid waste management, including, but not limited to, methodology, chemical and physical considerations, and engineering.

(e) To advise, consult, and cooperate with the public and other governmental agencies in furtherance of the purpose of this ordinance.

(f) To plan, implement and administer all County operated waste abatement facilities.

(g) To implement all programs as proposed by the approved, and as amended, County Solid Waste Plan.
SECTION III. LICENSING

Subsection A - Solid Waste Disposal Facilities

Subd. 1. Unless otherwise provided by this ordinance, no person shall operate a solid waste disposal facility nor allow, permit, or cause his land to be used as a solid waste disposal facility without a valid license issued by the Solid Waste Officer. In addition to other requirements listed herein, applicants for licenses must meet all requirements stated in the rules and statutes noted below to the satisfaction of the Solid Waste Officer:

6. Operation of Transfer Station Facilities - MN Rules Ch. 7035.
7. Solid Waste Storage - MN Rules 7035

Subd. 2. Applicants for a license shall not commence any operation until the license application has been approved by the County Board and a license granted by the Solid Waste Officer.

A waste facility operating license shall not be issued until the facility construction has been completed in compliance with this ordinance, and the approved plans, and has been approved by the Solid Waste Officer. Following the review of the application by the Solid Waste Officer, the County Board shall approve or deny the license or request additional information as outlined in this ordinance.

Subd. 3. A non-transferable license issued by the Solid Waste Officer shall be required for the operation of solid waste facilities and other activities involving solid waste. A license may be waived under the provision of this ordinance.

Subd. 4. Unless otherwise provided by the Solid Waste Officer, the license year for solid waste sites, facilities, operations and activities shall be from January 1 through December 31.

Subd. 5. To obtain a license to operate a solid waste facility, an individual must first complete an application and provide all of the following information:

A. Complete plans, specifications, design data, long-range land use plan, if applicable, and proposed operating procedures prepared by a State of Minnesota registered professional engineer.

B. The applicant shall submit proof that the municipal or township governing body, in which solid waste facilities, operations or activities are located, has considered the establishment of solid...
C. Unless otherwise provided by the County Board, issuance of any license pursuant to the provisions of this ordinance shall be contingent upon the applicant furnishing the County a performance bond, in any amount to be set by the County Board, naming the County as obligee with sufficient sureties duly licensed and authorized to transact corporate surety business in the State of Minnesota as sureties. The condition of such bond shall be that if the principal fails to obey any of the requirements, or do any acts required by this ordinance, in the operation of the waste facility or activity, or if, for any reason, ceases to operate or abandons the waste facility or activity, and the County is required to expend any monies or expend any labor or material to restore the facility to the condition and requirements provided by ordinance, the obligor and the sureties on its bond shall reimburse the County for any and all expenses incurred to remedy the failure of the principal to comply with the terms of the ordinance, and the obligor and its sureties will indemnify and save the County harmless from all losses, costs and charges that may occur to the County because of any default of the obligor under the terms of this license to operate and the ordinances of the County. The performance bond shall be subject to cancellation by the surety at any time only upon giving one hundred twenty (120) days prior written notice of cancellation to the County. In lieu of part of said bond, the licensee may provide evidence of financial assurance in a form acceptable to the County Board to be used to bring the facility or activity into compliance with said requirements.

D. The licensee shall furnish the county certificates of insurance issued by a company duly licensed to operate within the State of Minnesota covering public liability, including general liability, automobile liability, completed operations liability, with bodily injury limits in amounts set by the County Board. In addition, the license shall provide evidence of worker's compensation coverage in the required statutory amounts.

E. Evidence of compliance with all state and federal laws including necessary permits or licenses for operation of a solid waste disposal facility.

Subsection B – Collection and Transportation of Solid Waste

Subd. 1. (115A.93) Unless otherwise provided by this Ordinance, no person shall operate a solid waste collection service within the county without a valid license issued by the Solid Waste Officer. The Solid Waste Officer shall not issue a license until the applicant complies with all of the following requirements:

(A) Filing of an application for a solid waste collection and
transportation license upon a form provided by the Solid Waste Officer. (Application Form- See Appendix A)

(B) The solid waste collection service will indemnify, defend and save harmless the County, their agents, elected officials and employees from all claims, damages, losses, liabilities, omission on the part of the hauler or its contractors, agents, servants or employees in the performance of, or in relation to, any of the work or services to be performed or furnished by the hauler under the terms of this Contract.

(C) The solid waste collection service shall obtain and keep in force at all times during this Contract the following insurance policies:

1. The licensee shall furnish the county certificates of insurance issued by a company duly licensed to operate within the State of Minnesota covering public liability, including general liability, automobile liability, completed operations liability with bodily injury limits in amounts set by the County Board. In addition, the license shall provide evidence of worker's compensation coverage in the required statutory amounts.

2. A performance bond with sufficient sureties in the penal sum to be determined by the Solid Waste Officer and approved by the County Board. Cottonwood County will be named as an obligee with sufficient sureties duly licensed and authorized to transact business in the State of Minnesota as sureties. The condition of the bond shall be that if the principal fails to comply with any requirements, or fails to perform any acts required of the operation, or ceases to operate or abandons the operation, the sureties will reimburse the County for any monies owed, and save and hold harmless the County from all losses, costs, and charges that may be incurred because of the operator's unwillingness or inability to operate in compliance with the terms of this ordinance. The amount of this performance bond will be determined by the Solid Waste Officer and approved by the County Board. Proof of the possession of this bond will be submitted to the Solid Waste Officer and subject to the approval of the County Attorney prior to the issuance of the license.

(D) The solid waste collection service agrees to provide collection in a timely manner as described in the following:

1. The solid waste collection service will be responsible for promptly reporting actual or potential delays in its collection schedule. If a delayed collection will occur and the collection service can use alternative methods to make the collection within 24 hours, no violation will be recorded. If the service cannot provide collection within 24 hours, it must notify the Solid Waste Officer directly. From the time of notification, the solid waste collection service will have an additional 24 hours to make the collection.

2. Customer Complaint: The solid waste collection service has 24 hours to make the collection upon notice from the Solid Waste Officer of the customer complaint.
(E) Collectors of solid waste from residential customers must charge for collection on the basis of the volume or weight of the waste collected. For single family customers, the collector must offer a minimum one (1) can or one (1) bag rate. The can or bag shall be no larger than 30 gallons. Households that recycle shall not be charged a higher fee than those that do not recycle. Failure to offer volume based rates shall be grounds for license termination or denial of license renewal.

(F) Solid waste collected in the County must be disposed of at the Cottonwood County Landfill or such waste disposal facility designated through resolution by the County Board. A license will not be issued to those hauling to undesignated sites.

(G) Submission of vehicle specifications: All vehicles to be used for solid waste collection and transportation shall have leak-proof bodies of easily cleanable construction, completely covered with metal or heavy canvas, and shall be subject to approval and periodic inspection by the Solid Waste Officer.

(H) The solid waste collection service, on a form provided, will provide to the Solid Waste Officer a report of quantities and final disposal sites of recyclables and solid waste hauled during the licensing year. Reports will be required twice per year, once by July 15 showing the first 6 month totals and again by January 15 showing the last 6 months totals. Quantities will be reported in tonnages and tallied by community. Recyclables will be reported in tonnages and tallied by type (e.g. newsprint, paper, plastic, ferrous and nonferrous metals, glass, corrugated, white goods, etc.) Omission of the annual report shall be grounds for the termination of the license or denial of license renewal.

(I) Payment of all tipping fees shall be due by the 20th of the month following the month in which the fees were accumulated. Non-payment of tipping fees by this date will result in the immediate suspension of the license, unless late payment has prior approval of the County Treasurer. The unpaid balance will be subject to a monthly 1.5 % interest fee.

(J) Payment of an annual vehicle permit fee: A vehicle permit fee shall be established by the County Board and adopted by resolution. The vehicle permit fee shall be established for a calendar year and if no new permit fee is adopted in any given year the permit fee from the previous year shall remain in effect. A copy of the current permit fee shall be kept on file in the office of the County Auditor. Nonpayment of the annual vehicle permit fee shall be grounds for the termination of the license or denial of license renewal. The County will notify all permit holders by December 23rd of each calendar year if there are new fee schedules. Each license fee must be paid by December 31st to receive a vehicle permit for the next calendar year.

(K) Accompanying the application for licensure each calendar year, the solid waste collection service will also submit a Minnesota State Highway Patrol vehicle inspection checklist for each registered
vehicle. Omission of the annual inspection checklist shall be grounds for the termination of the license or denial of the license renewal. (L) The applicant must demonstrate to the County Board that it has financial and operational capability to properly collect, transport, and dispose of all solid waste. Such determination shall be at the sole discretion of the County Board.
(M) A surcharge fee for the collection and hauling of solid waste may be established by the County Board through resolution. The fee will be based on cubic yards/tonnage collected in Cottonwood County regardless of the final disposal site. The solid waste collection service will provide, by the 10th of each following month, the tipping receipts and the fee payment for the preceding month. The amount of surcharge will be established by County Board Resolution for each calendar year. If no new surcharge is adopted in any given year, the surcharge from the previous year shall remain in effect. A copy of the current surcharge fee shall be kept on file in the office of the County Auditor. Nonpayment of the monthly collection surcharge shall be grounds for the termination of the license or denial of license renewal.

Subsection B - License Fees

Subd. 1. Approval of an application to the County Board for a license for a solid waste management facility shall be contingent upon the payment to the County of a license fee in the amount specified by resolution and adopted by the County Board. Such license fees are hereby found to be equal to the cost to the County for processing the license applications and administering and enforcing this ordinance with respect to said license. The fees prescribed shall be paid by a license applicant with respect to each facility maintained by him. Solid waste collection service license fees shall be paid annually as a condition for license renewal. Solid waste collection service surcharges will be paid monthly as a condition for license renewal. Nonpayment of the required fee shall be grounds for the termination of a license or denial of license renewal. Fees shall be paid to the County Treasurer prior to issuance or renewal of a license.

The license fee for a solid waste management facility shall be established for a calendar year and, if no new license fee is adopted in any given year, the license fee from the previous year shall remain in effect. A copy of the current license fee shall be kept on file in the office of the County Auditor.

Subd. 2. Approval of an application for a license for solid waste collection service shall be contingent upon the payment to the County of the surcharge fee in the amount specified by resolution and adopted by the County Board. Surcharge fees shall be paid monthly as a condition for maintaining a license. Nonpayment of the monthly surcharge fee shall be grounds for the termination of a license or denial of license renewal. Fees shall be paid to the County Treasurer by the 10th of the following month for the previous month based on all tipping receipts.
The surcharge fee will be determined by multiplying the total cubic yards collected by the surcharge fee.

Subd. 3. Approval of an application to the County Board for a license for solid waste collection service shall be contingent upon payment to the County of a vehicle permit fee in the amount specified by resolution and adopted by the County Board. The fees prescribed shall be paid by a licensed applicant for each vehicle operated by him. Nonpayment of the annual vehicle permit fee shall be grounds for the termination or denial of permit renewal. Fees shall be paid to the County Treasurer prior to issuance or renewal of a license. A copy of the resolution will be kept in the office of the County Auditor.

Subsection C - Additional conditions of licensure.

Subd. 1. All submittals to the State during the State permitting and/or licensing process for solid waste facilities and operations shall also be submitted to the Solid Waste Officer.

Subd. 2. The applicant shall submit additional data requested by the Solid Waste Officer. The County Board may waive a requirement for submitting certain information under the provisions of this ordinance.

Subd. 3. Submission of false information may constitute grounds for denying a license or license renewal, or suspension by revocation of an issued license.

Subd. 4. License applications will be reviewed by the Solid Waste Officer to determine compliance with the requirements of Subd. 6 and the Cottonwood County Solid Waste Plan. The applicant will be notified of any deficiencies within 30 days of the application. Within 30 days after receipt of a completed application, the Solid Waste Officer will present the application to the County Board with a recommendation for approval or denial of the license.

Subd. 5. Unless otherwise provided by the Solid Waste Officer, issuance or renewal of any license shall be contingent upon the owner of the site facility, or the operator, or both, providing financial assurance for the closure, post-closure maintenance and monitoring of the site or facility. Use of the financial assurance will be limited to the site or facility for which it was provided.

Documentation submitted with the application for Solid Waste Officer approval shall include funding procedures, a description of the funding method, the value of the funding, and an inflation adjusted cost estimate which assures that the closure and post-closure activities at the site or facility take place. The amount of financial assurance shall be equal to or exceed the total estimated post-closure costs specified in the approved post-closure plan.

Subd. 6. The County Board will, by resolution, establish fees, including fees for the application, initial permit, renewal permit, and such other fees as may be necessary for the administration of this ordinance. The County Board may waive these fees for any political subdivision applying for a solid waste permit.
Subd. 7. The County Board will make final determination as to whether to grant the license. Any license granted by the County Board will be valid for one year unless surrendered, suspended or revoked prior to that time.

SECTION IV. SOLID WASTE STORAGE AND DISPOSAL

Subd. 1. The owner, lessee and occupant of any single or multi-family dwelling, business establishment, industry and all other premises, shall be responsible for the satisfactory storage of all solid waste accumulated at that premise, business establishment or industry. No building, structure, area, or premise shall be constructed or maintained for occupancy, use or assembly without adequate facilities for sanitary and safe storage, collection, transportation, and disposal of all solid wastes.

Subd. 2. Putrescible waste, including, but not limited to garbage, shall be stored in durable, rust-resistant, nonabsorbent, water-tight, rodent-proof, and easily cleanable containers, with close-fitting, fly-tight covers having adequate handles to facilitate handling; or other types of containers acceptable to the solid waste collection service which comply with agency regulations, this ordinance, and approved by the Solid Waste Officer. The size and allowable weight of the containers may be determined by the solid waste collection service as approved by the Solid Waste Officer.

Subd. 3. Solid waste must be stored in durable containers or as otherwise provided in this ordinance. Where putrescible wastes are stored in combination with non-putrescible wastes, containers for the storage of the mixture shall meet requirements for putrescible waste containers.

Subd. 4. The following items are banned for final disposal at solid waste disposal facilities in Cottonwood County and therefore they shall not be placed in Mixed Municipal Solid Waste for collection but disposed of through a County or Agency approved facility:
- Dry Cell Batteries containing mercury, silver, or nickel-cadmium, or sealed lead-acid batteries that were purchased for use or used by a government agency or an industrial, communication, or medical facility.
- Household Hazardous Waste (By definition in Sec. I)
- Lead Acid Batteries (vehicle batteries)
- All Used Oil and commercially generated oil filters.
- White Goods (major appliances) (By definition in Sec. I)
- Waste Tires (By definition in Sec. I)
- Yard Waste (By definition in Sec. I)

The Cottonwood County Board of Commissioners will, by resolution, ban additional materials as dictated by state regulations.

Subd. 5. Toxic or hazardous wastes shall be stored in durable, leak-proof containers and shall be "painted and marked" so as to easily identify the container as a toxic or hazardous waste, (e.g. a yellow band that encircles, at a minimum, the center one-third (1/3) of the container) consistent with federal and state regulations. All previous lettering and numbering will be obliterated from the container. The container will be marked within the yellow band, or other easily identified area, using a
permanent marker as follows: The chemical name of the waste, the UN or NA Number, the contaminates present by percentages, the start date, the generators name and address and the generators EPA or agency identification number. Such wastes shall be stored in a safe location, accompanied with a description of the chemical composition of the substance stored within the container, and be in compliance with the storage and transportation requirements of agency regulations, Minnesota Department of Transportation regulations, federal and state regulations and this ordinance. Vehicles shall be properly placarded and be accompanied with a proper shipping manifest. In any case, a generator of hazardous waste must comply with all federal and state laws and regulations applicable to the generation, storage, transportation, processing and disposal of hazardous waste (whichever laws and regulations are more stringent).

Subd. 6. All containers for the storage of solid waste shall be maintained in such a manner as to prevent the creation of a nuisance or unsanitary condition.

Subd. 7. Solid waste objects or materials too large or otherwise unsuitable for storage containers shall be stored in a manner which is pollution-free, nuisance-free, and satisfactory to the Solid Waste Officer.

Subd. 8. Solid wastes shall not be stored outside a private residence, in a residential or urban rural setting, for more than one (1) month without the written approval of the Solid Waste Officer. Solid waste shall not be stored on public, commercial or business property for more than two (2) weeks without the written approval of the Solid Waste Officer. Non-putrescible wastes suitable for recycling shall not be stored on public or private property in a manner which creates a nuisance, blight, or health hazard. Compostables shall not be stored on public or private property in a manner which creates a nuisance, blight, or health hazard.

Subd. 9. Solid Waste shall not be stored or disposed of in containers specifically designated for the collection or deposit of recyclables.

SECTION V. FARM DISPOSAL OF SOLID WASTE (Dept. of Ag. -17.35)

Subd. 1 A person who owns or operates land used for farming may bury, or burn and bury, solid waste generated from a person's household located on the farm land or as part of the person's farming operation if the burying is done in a nuisance free, pollution free, and aesthetic manner on the land used for farming from which it was generated.

Subd. 2 This exemption does not apply if regularly scheduled pickup of solid waste is reasonably available at the person's farm, as determined by resolution of the County Board.

SECTION VI. ORGANIZED COLLECTION (115A.94)

Subd. 1 On or before January 1, 1992, all cities are required to organize their solid waste collection in accordance with Minnesota Statute 115A.94 and are required to conform to the following provisions of this Organized Collection Ordinance:
A. Cities shall organize collection as municipal service or by ordinance, franchise, license, negotiated or bided contract, or other means, using one or more collectors or an organization of collectors.

B. Recycling collection will be exempt from this organized collection ordinance.

C. Cities shall invite and employ the assistance of interested persons, including persons licensed to operate solid waste collection services in the County, in developing plans and proposals for organized collection.

D. All contracts will require that all solid waste collected shall be required to be disposed of at the Cottonwood County Sanitary Landfill or a County designated disposal facility.

E. All contracts shall conform to all provisions of this ordinance, including, but not limited to: Mandatory Solid Waste Collection, Mandatory Source Separated Recycling, and Volume or Weight based fees.

F. Cities shall give the notice required by Minnesota Statute 115A.94, Subd. 4, on or before January 1, 1992.

Subd. 2 All rural designated service areas will be organized by the township or townships in which the service area is located, and are subject to the same provisions as the cities under Subd. 1.

SECTION VII. COLLECTION AND TRANSPORTATION OF SOLID WASTE

Subd. 1. Unless otherwise provided in these regulations, the owner, lessee and occupant of any premises, business establishment or industry is responsible for the removal of solid waste from their premises, business establishment or industry, and shall collect and remove all solid waste accumulated at the premise, business establishment or industry; and transport or hire a licensed collection service to haul it to the Cottonwood County Sanitary Landfill or a County designated disposal site. The solid waste collection service shall be responsible for the collection and transportation of all solid waste for which it has been contracted to collect and remove. All solid waste collected in the County shall be transported and deposited at Cottonwood County Sanitary Landfill or at the solid waste disposal facility that is designated through resolution by the County Board.

Subd. 2. Vehicles or containers used for the collection and transportation of garbage, putrescible wastes, or solid waste shall be covered, leak-proof, durable and of easily cleanable construction. These shall be cleaned regularly to prevent nuisances, pollution or insect breeding, and shall be maintained in good repair.

Vehicles or containers shall be loaded and moved in such a manner that the content will not fall, leak or spill therefrom, and shall be covered to prevent blowing of material. Where spillage does occur, the material shall be picked up immediately by the solid waste collector or transporter and returned to the vehicle or container and the area properly cleaned. When the material cannot be immediately picked up or the area cleaned, the Solid Waste Officer shall be notified as described in Subd. 5 (c) of this Section.

Subd. 3. Vehicles and containers used for the collection and transportation of toxic or hazardous wastes shall be durable, enclosed and
leak proof and shall be constructed, loaded, transported and unloaded in a
safe, sanitary and nuisance-free manner. Vehicles shall be properly marked
and labeled and be accompanied with a proper shipping manifest, as required
by federal and state regulations and statutes.
Subd. 4. The collection and transportation of solid waste shall be
performed in accordance with state rules administered by the agency and the
County.

SECTION VIII. SOLID WASTE DISPOSAL BY SANITARY LANDFILL

A solid waste landfill shall comply with all agency permit and county
license requirements and the Cottonwood County Solid Waste Management Plan.
The County will not issue a license to a site out of compliance. All other
methods of solid waste landfills are prohibited.

SECTION IX. SOLID WASTE DISPOSAL BY INCINERATION

A solid waste incinerator shall comply with all agency and county
license requirements and the Cottonwood County Solid Waste Management Plan.
The County will not issue a license to a site out of compliance. No other
types of burning solid waste are allowed.

SECTION X. TRANSFER STATIONS

A solid waste transfer station shall comply with all agency and county
permit requirements and the Cottonwood County Solid Waste Management Plan.
The County will not issue a license to a site out of compliance.

SECTION XI. SOLID WASTE DISPOSAL BY COMPOSTING

A solid waste composter shall comply with all agency and county license
requirements and the Cottonwood County Solid Waste Management Plan. The
County will not issue a license to a site out of compliance.

SECTION XII. DEMOLITION DEBRIS DISPOSAL

Demolition debris disposal shall comply with all agency permit
requirements, all county license requirements and the Cottonwood County Solid
Waste Management Plan. All demolition debris disposed of in Cottonwood
County must be disposed at an Agency permitted site. Demolition waste
generated on-site by construction or demolition of structures on an
individual's property may be buried on-site provided a permit is issued by
the Agency. Placement of demolition for land improvement projects may be
allowed provided a permit for that waste is obtained from the Agency. A
record of on-site or land improvement burials shall be filed at the office
of the County Recorder. Permit application forms may be obtained from the
Solid Waste Officer.
SECTION XIII. LITTER (Waste Management Act -115A.99)

Subd. 1 "Litter Penalties and Damages/Civil Penalty"
A. A person who unlawfully places any portion of solid waste in or on public property or private lands, shorelands, roadways, or waters is subject to civil penalty of not less than twice, nor more than five times, the amount of the cost incurred by the County, or other political subdivision, to remove, process, and dispose of the waste.
B. The County, or other political subdivision, that incurs the cost as described in this section may bring an action to recover the civil penalty, related legal, administrative, and court costs, and damages for injury to, or pollution of, lands, roadways, or waters where the wastes were placed if owned or managed by the entity bringing the action.
Subd. 2. Civil Penalties collected under this section must be deposited in the County general fund.
Subd. 3. A private person may join an action by the county or a political subdivision to recover civil penalty to allow the person to recover damages for waste unlawfully placed on the person's property.

SECTION XIV. SPECIAL MATERIALS

Subd. 1 Waste Tires - The following requirements are adopted to insure the proper handling of waste tires:
A. Chapters 7001 and 9220 of the Minnesota Waste Tire Permitting Rules are hereby incorporated by reference.
B. No more than ten (10) waste tires may be stored within the boundaries of any residential lot.
C. No more than one hundred (100) waste tires may be stored on any non-residential lot except at a properly licensed solid waste facility.
D. Exceptions to subdivisions 1A and 2A may be allowed when waste tires are utilized outside the building for decorative, recreational, structural, construction or agricultural purposes where they comply with the requirements or other applicable laws or sections of this ordinance.
E. Waste tires within one thousand (1000) feet of a residence shall be stored or utilized in a manner that prevents water from being retained in the tires.
F. Waste tires shall not be placed, stored, left, or permitted to remain in a lake, stream, wetland, sinkhole, gully, waterway, floodplain, or shoreland.
G. The disposal of waste tires in the land is prohibited. This does not prohibit the storage of unprocessed tires at a collection or processing facility. (115A.904)
H. The owner of the land or premises upon which waste tires are located in violation of this ordinance shall be obligated to remove them to a licensed solid waste facility, or obtain the license required by this ordinance within one year of the effective date of this ordinance, or such later date approved by the Solid Waste Officer.
Subd. 2. Waste Appliances (115A.9561)
A. A person may not place major appliances in mixed municipal solid waste; or dispose of major appliances in or on land or in a solid waste processing facility or disposal facility.
B. All waste major appliances must be recycled or reused. All major appliances will be delivered to the County appliance depot at the landfill or to a County approved appliance recycling facility. Recycling includes the removal of capacitors that may contain PCB’s, removal of ballasts that may contain PCB’s, removal of chlorofluorocarbon refrigerant gas, and the recycling of the metals.

Subd. 3. Waste Oil
A. A person may not place used oil in mixed solid waste or place used oil in or on the land unless approved by the agency. (115A.916)
B. All commercially generated oil filters will be disposed of, or recycled, according to agency rules and regulations.

Subd. 4. Household Hazardous Waste - All household hazardous wastes shall be disposed of through the Lyon County Regional Household Hazardous Waste Facility or such other facility designated by the County Board.

Subd. 5. Yard Waste (115A.931)
A. A person may not place yard waste:
   (1) in mixed municipal solid waste;
   (2) in a disposal facility; or
   (3) in a resource recovery facility except for the purpose of composting or co-composting.
B. Yard Waste subject to this subdivision is garden wastes, leaves, lawn cuttings, weeds, and prunings.

Subd. 6. Lead Acid Batteries
A. A person may not place a lead acid battery in mixed municipal solid waste or dispose of a lead acid battery. Lead acid batteries are to be taken to lead acid battery recycling facility or returned to the vendor for transport to a recycling facility. (115A.915)
B. A person who transports used lead acid batteries from a retailer must deliver the batteries to a lead acid battery recycling facility. (115A.9152)

Subd. 7. All materials identified under the provisions of Section IV. Subd. 4 as being banned from mixed municipal waste disposal facilities will be disposed of properly under the rules and regulations of the agency.

SECTION XV. MANDATORY SOLID WASTE COLLECTION/RECYCLABLE MATERIAL SEPARATION

Subd. 1. Mandatory Municipal /Collection Service Area Solid Waste Collection: By January 1, 1993 all corporate municipalities in Cottonwood County shall pass an ordinance requiring each residential unit and all commercial businesses to have solid waste collection. The County Board reserves the right that through resolution it may designate collection service areas outside incorporated municipalities. These collection service areas will be subject to the same requirement to have solid waste collection at each residential unit and commercial business. The service area will have
curbside recycling collection or alternative recyclable material disposal through drop-off facilities provided by the county.

Subd. 2. Mandatory Recycling: It is mandatory to remove from all waste generated or disposed of in the County, regardless of the place of origin or place of final disposal, all materials that the County has identified as recyclable. These materials will be taken to a location provided by the County for collection or be redeemed by the generator at a County permitted or otherwise approved recycling facility.

Subd. 3. County Identified Recyclables: Recyclables include:
   a) Aluminum cans
   b) Tin food cans
   c) Glass bottles and jars
   d) Plastic bottles and jugs: HDPE#2 (small neck bottles)
       PETE#1
   e) Newspaper
   f) Corrugated boxes
   g) Office paper
   h) Such other material which may be designated by the County Board unless such waste is directly delivered or collected for direct delivery to a facility which has been approved by the County for separation of recyclables.

Subd. 4. Haulers: A collector or hauler shall refuse to knowingly accept for collection any mixed municipal solid waste within a Cottonwood County municipality or service area which:
   a) contains any yard waste or any other material listed as banned from the landfill.
   b) contains any material which has been designated by the County Board as subject to mandatory recycling, pursuant to this section.

Subd. 5. See Section XIV SPECIAL MATERIALS, Subd. 2 Waste Appliances.

Subd. 6. Nothing in this section shall preclude persons from disposing of recyclable materials with commercial recyclers and salvage yards or with non-profit organizations, school groups, service clubs or others that conduct recycling drives for purpose of community clean-up or organizational fund drives.

SECTION XVI. ANTI-SCAVENGING

Subd. 1. Ownership of the designated recyclable materials set out for curbside collection or deposited in the Cottonwood County drop-off sheds shall be vested in the collector and transporter of recyclable materials designated by the County Board, or by contract through the municipalities. It shall be unlawful and an offense against this section for any person, firm, or corporation other than the owner, lessee, or occupant of a residential dwelling, to pick up said materials for his/her own use.

Subd. 2. Ownership of solid waste put out for collection remains the property of the generator until collected. Ownership of the solid waste, for solid waste management purposes, then becomes the property of the County. Collectors and transporters of solid waste remain liable for the safe
transport to, and disposal of, collected waste at the Cottonwood County Landfill, or other County designated waste disposal facility, and are liable for all materials collected in violation of this ordinance. It shall be unlawful for a collector or transporter to remove any item from waste collected or transported without permission of the generator or the Solid Waste Officer.

Subd. 3. Scavenging from the Cottonwood County landfill is forbidden. It shall be unlawful for any person to remove any material without authorization from the Solid Waste Officer or the County Board. This authority may be delegated to the operator of the landfill.

SECTION XVII. RATES AND CHARGES FOR SOLID WASTE MANAGEMENT

Subd. 1. Power to establish fees This subdivision is enacted pursuant to Minnesota Statute 400.08 which grants the County the authority to impose reasonable charges for solid waste management and disposal. The purpose of this section is to establish a method of collection of such charges. Owners, lessees, and occupants of property situated within the County shall pay for solid waste management services or a solid waste collection service provided by the County, through its contractors, or licensees, according to the following schedule:

(a) User's Fees: Users of solid waste management facilities provided by the County, by and through its contractor, or by facilities licensed in the County or by those who collect solid waste from sites, premises, owners, lessees, or occupants of property situated within or outside the County, shall pay charges for the use of said facilities according to resolutions established by the County Board; and, the fee rates will be according to the definition in this ordinance of "multi-county mixed waste," and for solid waste generated within the County. Established user's fees are adopted by the County Board, by Resolution, and kept on file in the office of the County Auditor. All fees charged for solid waste disposal shall be paid on a monthly basis according to the billing schedule at the facility.

(b) Service Fees: The County Board, by resolution, may establish a service charge for solid waste management services provided to the various parcels of land in the County, and such charges may result in an assessment levy payable with real estate taxes. All rates and charges shall be uniform in their application to use and service of the same character and quantity. A copy of the current rate schedule shall be kept on file in the Office of the County Auditor. If no new rate schedule for solid waste management services is adopted in any year, the rate schedule for the previous year will remain in effect. In establishing or revising the rate schedule, the Board may take into account all factors relevant to solid waste management and disposal. Such factors include, but are not limited to, the character, kind and quality of service; the character, kind and quality of solid waste; method of the deposition; the number of people served at each place of collection; and all other factors that enter into the cost of providing the service including, but not limited to, public education, recycling programs,
solid waste management facilities operation and debt. On or before October 15th of each year, the County Board shall certify to the County Auditor all unpaid outstanding charges and a description of the lands against which charges arose. It shall be the duty of the County Auditor, upon the order of the County Board, to extend assessment with interest rate provided for in Minnesota Statutes Section 279.03, Subdivision 1, upon the tax rolls of the County for the taxes of the year in which the assessment is filed. For each year ending October 15th, the assessment with interest shall be carried into the taxes and payable in January the following year, and shall be enforced and collected in the manner provided for the enforcement and collection of real property taxes in accordance with the laws of the State. The charges, if not paid, shall become delinquent and be subject to the same penalties and the same rate of interest as the taxes under the general laws of the State. For tax exempt properties, the County may collect unpaid charges in Small Claims Court or through such other means as may be approved by the County Attorney. Any property owner who believes that the service charge imposed upon his property is incorrect may appeal the charge. An appeal form may be obtained at the Office of the County Assessor, and shall be filed within 30 days of the mailing of the service charge statement by the County. Appeals will be processed in the same manner as other applications for abatement of current year payable real estate tax.

(c) Surcharge: The County Board, by Resolution, reserves the right to impose a surcharge. If imposed, all solid waste collection services operating within the County shall be required to pay a surcharge fee based on total tonnage of solid waste collected in Cottonwood County.

Subd. 3. Service Area. The County has, by adoption of this ordinance, established and has determined the boundaries of solid waste management service areas to be all land within the County under Minnesota Statutes, Section 400.08, Subd. 2. The Board may, by resolution, terminate, re-establish, enlarge, revise, or alter the service areas so established following the procedures specified in Minnesota Statutes, Section 400.08, Subd. 2.

Subd. 4. Solid Waste Management Fund for Operations Provided by the County. A special account on the official books of the County is hereby created which shall be known as the Solid Waste Management Fund. Monies collected pursuant to this ordinance and all receipts from the sale of real or personal property pertaining to solid waste management systems and the proceeds of all gifts, loans, and issuance of bonds for the purpose of the system shall be credited to the Solid Waste Management Fund. All costs of acquisition, construction, enlargement, improvement, repair, supervision, control, maintenance, and operations of the solid waste management system, the county owned recycling system, and facilities which are owned and operated by the County, but not those owned and operated by its licensee or contractor, shall be charged to the Solid Waste Management Fund.

SECTION XVIII. ENFORCEMENT AND INSPECTION

Subd. 1. Inspection and evaluation of waste facilities shall be made
by the Solid Waste Officer or Agency in such frequency as to insure consistent compliance by the facilities with the provisions of this ordinance. Each licensee shall be provided with written and documented notice of any deficiencies, recommendations for their correction and the date when the corrections shall be accomplished. Each licensee shall be required to allow free access to authorized representatives of the Solid Waste Department, County Board, Agency, or to authorized representatives of any other governmental agency at any time for the purpose of making such inspections as may be necessary to determine compliance with the requirements of this ordinance, or any other applicable statute, ordinance or regulation.

Subd. 2. Where the conditions imposed by any provisions of this ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this ordinance or any other applicable law, ordinance, rule and regulation, the provision which establishes the higher standards for the promotion and protection of the public health, safety and general welfare shall prevail.

Subd. 3. The Solid Waste Officer and County Board shall be responsible for the administration and enforcement of this ordinance.

SECTION XIX. VIOLATIONS AND PENALTIES

Subd. 1. Misdemeanor. When any person performs an act prohibited or declared unlawful, fails to act when such failure is prohibited or declared unlawful, fails to take action when such action is required, or fails to take action to abate the existence of a violation within the specified time period when ordered or notified to do so by the County, they violate the section, subdivision, paragraph, or provision of this ordinance within which such act or action is prohibited, declared unlawful, or required, and upon conviction thereof, shall be punished for a misdemeanor. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues. All violations of this ordinance shall be prosecuted by the County Attorney.

Subd. 2. Equitable Relief. In the event of a violation or a threat of violation of this ordinance, the Cottonwood County Attorney may take appropriate action to enforce this ordinance, including but not limited to, application for injunctive relief, action to compel performance, or other appropriate action in District Court, if necessary, to prevent, restrain, correct, or abate such violations or threatened violations.

Subd. 3. Costs as Special Assessment. For any violation of this ordinance, the County may take the necessary steps to correct such violations and the costs thereof may be recovered in a civil action or may be certified, at the discretion of the County Board, to the Cottonwood County Auditor as a special assessment against real property.

Subd. 4. Suspension of License. Any license issued pursuant to this ordinance may be suspended for not longer than sixty (60) days by the County Board for violation of any provision of this ordinance. Suspension shall not occur earlier than ten (10) calendar days after written notice of suspension has been personally served on the licensee by certified mail with
return receipt. Such written notice shall contain the effective date of suspension, the nature of the violation or violations constituting the basis for the suspension, the facts which support the conclusion that a violation or violations have occurred, and a statement that the licensee is entitled to a hearing provided that he request such hearing in writing and serve said request personally on the Board within ten (10) calendar days of service of such notice, exclusive of the day of service. If the licensee fails to request a hearing within the time prescribed, he shall forfeit any right to a public hearing. Following receipt of a request for a hearing, the County Board shall set a hearing date which will be convenient for the Board. The hearing shall be conducted pursuant to the procedures established under this Section XIX, Subd. 6, entitled "Hearing". If the suspension is upheld and the operator has not demonstrated within the sixty (60) day period that full compliance with the ordinance has been attained and that such compliance will be continued, the County Board may serve Notice of Suspension once again or initiate the revocation procedures in Section XIX, Subd. 5.

Subd. 5. Revocation of License. Any license issued pursuant to this ordinance may be revoked by the County Board for violation of any provision of this ordinance. Revocation shall not occur earlier than ten (10) calendar days after written notice of revocation has been personally served on the licensee, or, if a hearing is requested, until the written decision of the Board has been served on the licensee by registered mail. Such written notice shall contain the effective date of the revocation, the nature of the violation or violations constituting the basis for revocation, the facts which support the conclusions that a violation or violations have occurred, and a statement that the licensee is entitled to a hearing provided that he request such hearing in writing and by personally serving said request to the Board within ten (10) calendar days of service of such notice, exclusive of the day of service. If the licensee fails to request a hearing within the time prescribed, he shall forfeit any right to a public hearing. Upon receipt of a written request for a hearing, the County Board shall set a hearing not earlier than ten (10) days and not later than thirty (30) days from the date of receipt of the request.

Subd. 6. Hearings. Whenever a hearing is requested in regard to an application, renewal, suspension or revocation of a license, the hearing shall be governed by the following procedures:

(a) Hearing Officer: The County Board shall have the power to conduct public hearings pursuant to this section. By resolution, the County Board may appoint a hearing officer to assist the County Board. If the individual conducts hearings on behalf of the County Board, he shall submit to the County Board, in writing, Findings of Fact, Conclusions of Law and Recommendations and the County Board may base its decision on this report.

(b) Notice of Decision: The County Board shall notify the applicant, or licensee, in writing as to its decision within five (5) working days after a decision is reached.

(c) Procedure: All hearings shall be conducted in the following manner:
1. The court reporter shall record and transcribe, if necessary, a record of the hearing.
2. All testimony shall be sworn under oath.
3. The rules of evidence shall be informal. All relevant evidence, subject to the County Board's or hearing officer's discretion, may be reviewed.
4. The County shall present evidence first.
5. The applicant or licensee, or his counsel, if represented, may cross-examine all witnesses testifying in the proceedings.
6. The attorney for the County Board may cross-examine all witnesses testifying in the proceedings.
7. The decision of the County Board shall be based on the evidence presented at the hearing or on the Findings of Fact, Conclusion of Law and Recommendations of the hearing officer.
8. If the applicant or licensee fails to appear at the hearing, he shall forfeit any right to a public hearing before the County Board or the hearing officer.
9. Any applicant or licensee aggrieved by a decision of the County Board shall have the right to appeal to the District Court in the County of Cottonwood on questions of law and fact within thirty (30) days of the date of the decision.

Subd. 7. **Removal of Suspension:** In the case of a suspension, upon written notification from the licensee that all violations for which the suspension was invoked have been corrected, the Solid Waste Officer shall, within five (5) working days of receipt of the notice by the licensee, re-inspect the site, facility, or solid waste collection service. If the Solid Waste Officer finds upon such re-inspection that the violations constituting the grounds for suspension have been corrected, the Solid Waste Officer shall immediately terminate the suspension by written notice to the licensee and the County Board.

**SECTION XX. VARIANCES.**

Upon written application by the applicant or operator, the County Board may grant variances from the provisions of this ordinance in order to promote the effective and reasonable application and enforcement of the provisions of this ordinance.

A variance may be granted by the Board after a public hearing where the Board determines that enforcement of this ordinance cannot be complied with due to a technological impossibility. Such a variance shall not be granted for a period in excess of two years, but may be renewed upon application of the applicant and after public hearing. A variance may be revoked by the County Board at the public hearing prior to expiration of the variance. An application for a variance shall be accompanied by a plan and time schedule for achieving compliance with this Ordinance. Prior to any public hearing held by the Board under this provision, persons who may be adversely affected by the granting of the proposed variance shall be given at least thirty (30) days notice of said public hearing.
SECTION XXI. NON-CONFORMING SITES, FACILITIES AND COLLECTION SERVICES.

Solid waste management facilities and solid waste collection services in existence on the effective date of this Ordinance (and operation of such facilities or collection services) shall conform to the provisions of this Ordinance no later than thirty (30) days after the adoption of the Ordinance, or terminate operations or services no later than that date, unless granted a variance.

SECTION XXII. ADDITIONAL REQUIREMENTS/ WAIVERS

For the purpose of protecting the public health, safety and welfare, the County Board may impose additional requirements consistent with the intent of this Ordinance for the operation of solid waste management sites or facilities. The County Board may waive any licensing, construction, or operation requirements based on the characteristics of the waste, the site or the proposed service, provided such waiver will not endanger the health or safety of the public.

SECTION XXIII. SEVERABILITY.

It is hereby declared to be the intention of the County Board that provisions of this Ordinance be severable in accordance with the following:

Subd. 1. If any Court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provision of this ordinance not specifically included in said judgment.

Subd. 2. If any Court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular structure, site, facility, operation or solid waste collection service, such judgment shall not affect the application of said provision to any other structure, site, facility or operation not specifically included in said judgment.

SECTION XXIV. INTERPRETATION, PURPOSES AND CONFLICT.

The provisions of this Ordinance shall be construed to be the minimum requirements for the promotion of public health, safety and welfare. In any case where provisions of any zoning, building, safety or health ordinance or code in force in Cottonwood County exists, the provisions of which establishes a higher standard for the promotion and protection of the health, safety and welfare of the people of Cottonwood County, the same shall prevail.

SECTION XXV. NO CONSENT.

Nothing contained in this ordinance shall be deemed to be a consent, license, or permit to locate, construct, operate or maintain any site,
facility or operation, or to carry on any activity.

SECTION XXVI. OTHER ORDINANCES AND REGULATIONS.

Nothing in this ordinance shall preclude any local unit of government from adopting stricter regulations than this ordinance.

SECTION XXVII. REPEALER

Cottonwood County Ordinance #5-Solid Waste Ordinance is hereby repealed and replaced with the adoption of this Ordinance.

SECTION XXVIII. INDEMNIFICATION.

This Ordinance shall not be construed to hold the County, or any officer or employee of the County, responsible for any damage to persons or property by reason of inspections or re-inspections authorized by the provisions of this Ordinance, or by reason of the approval or disapproval of equipment or licensing herein, nor for any action in connection with the inspection or control of solid waste or refuse or in connection with any other official duties.

SECTION XXIX. EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed by the Cottonwood County Board of Commissioners this 29th day of October, 1991.

Chairman

Date

ATTEST:

County Auditor

APPROVED AS TO FORM AND EXECUTION:

County Attorney

26
| SECTION I. | DEFINITIONS ............................................................................................................. | Page 2 |
| SECTION II. | PURPOSE AND GOALS ............................................................................................... | Page 10 |
| SECTION III. | GENERAL PROVISIONS-SOLID WASTE OFFICER RESPONSIBILITIES ................................... | Page 11 |
| SECTON IV. | SOLID WASTE DISPOSAL FACILITIES ....................................................................... | Page 12 |
| SECTION V | SOLID WASTE STORAGE ........................................................................................... | Page 15 |
| SECTION VI | COLLECTION AND TRANSPORTATION OF SOLID WASTE ............................................... | Page 18 |
| SECTION VII | SOLID WASTE DISPOSAL BY SANITARY LANDFILL ......................................................... | Page 20 |
| SECTON VIII | SOLID WASTE DISPOSAL BY INCINERATION ................................................................ | Page 21 |
| SECTION IX | SOLID WASTE DISPOSAL BY COMPOSTING .................................................................. | Page 22 |
| SECTION X | TRANSFER STATIONS ................................................................................................ | Page 23 |
| SECTION XI | DEMOLITION DEBRIS DISPOSAL ............................................................................... | page 24 |
| SECTION XII | WASTE TIRES ......................................................................................................... | Page 25 |
| SECTION XIII | SPECIAL WASTE ...................................................................................................... | Page 26 |
| SECTION XIV | RECYCLING FACILITY/RECYCLING COLLECTION LICENSE ........................................... | Page 28 |
| SECTION XV | MANDATORY SOLID WASTE COLLECTION / RECYCLING MATERIAL SEPARATION ................. | Page 30 |
| SECTON XVI | PERMITS AND LICENSE FOR SOLID WASTE COLLECTION AND TRANSPORTATION ................. | Page 32 |
| SECTION XVII | LICENSE FEES ....................................................................................................... | Page 36 |
| SECTION XVIII | RATES AND CHARGES FOR SOLID WASTE MANAGEMENT WHEN PROVIDED BY THE COUNTY ...... | Page 37 |
SECTIONS XIX  LITTER ................................................................. Page 39
SECTION XX  ENFORCEMENT AND INSPECTION ...................... Page 40
SECTION XXI  VIOLATIONS AND PENALTIES .......................... Page 41
SECTION XXII VARIANCES ..................................................... Page 44
SECTION XXIII NONCONFORMING SITES AND FACILITIES
AND COLLECTION OF SOLID WASTE ............................... Page 45
SECTION XXIV ADDITIONAL REQUIREMENTS ......................... Page 46
SECTION XXV  SEVERABILITY ................................................ Page 47
SECTION XXVI PROVISIONS ARE ACCUMULATIVE .................. Page 48
SECTION XXVII NO CONSENT ................................................. Page 49
SECTION XXVIII OTHER ORDINANCES AND REGULATIONS .... Page 50
SECTION XXIX  EFFECTIVE DATE ........................................... Page 51
"ORDINANCE NUMBER 101"
COUNTY OF JACKSON, STATE OF MINNESOTA

SOLID WASTE ORDINANCE

The Solid Waste Management Ordinance for Jackson County is an ordinance authorizing and providing for County Solid Waste Management; establishing powers and duties in connection therewith; establishing standards and requirements for solid waste management operations within incorporated and unincorporated areas of the County of Jackson; requiring a license for storage, collection, transportation, processing, and disposal of solid waste, embodying and supplementing the minimum standards and requirements established by rules of the Minnesota Pollution Control Agency; providing for enforcement of said requirements; imposing penalties for failure to comply with these provisions; requiring performance bonds and insurance; and promoting the health, safety, and welfare of the public along with protecting resources of water, air and land.

The County Board of Commissioners of the County of Jackson under the authority provided in chapter 115, 115A, 116, 145.22, 145.23, 375, 400, 561.01 and 609.74 of the MN State Statutes, does ordain:
SECTION I. DEFINITIONS

Unless specifically altered, terms and abbreviations used in this ordinance shall be interpreted in a manner consistent with Minnesota Statutes, Chapter 115, 115A, 116 and 400 and rules of the Agency, which have been or hereafter may be adopted under those provisions. Terms and abbreviations used herein which are not specifically defined by law shall be construed in accordance with the context and professional usage.

Subd. 1. "Agency" means the Minnesota Pollution Control Agency.

Subd. 2. "Air contaminant" means the presence in the outdoor atmosphere of any dust, fumes, mist, smoke, vapor, gas or other gaseous fluid, or particulate substance differing in composition from or exceeding in concentration the natural components of the atmosphere.

Subd. 3. "Air Pollution" means the presence in the outdoor atmosphere of any air contaminant or combination thereof in such quantity, of such nature and duration, and under such condition as would be injurious to human health or welfare, to animal or plant life, or to property, or to interfere unreasonably with the enjoyment of life or property.

Subd. 4. "Backyard Compost Site" means a site used to compost food scraps or yard waste generated by a single family or household, apartment building, or commercial office building.

Subd. 5. "Brush Disposal Facility" a site used exclusively for disposal in or on the land of trees and tree parts including stumps, branches, and their attached leaves. Such disposal may include open burning and burial of the resulting ash or unburned tree parts.

Subd. 6. "Board" means the Jackson County Board of Commissioners.

Subd. 7. "Canister System" means one or more commercial solid waste storage containers (such as "dumpsters") located to function as an intermediate disposal facilities, and which are serviced on a regular basis by a public or private hauler.

Subd. 8. "Collection" the aggregation of solid waste from the place at which it is generated, and includes all activities up to the time the waste is delivered to a waste facility.

Subd. 9. "Collector(s)" any person(s) or entity specifically licensed by the County under this Ordinance, who owns, operates, or leases vehicles for the purpose of collection and transportation of garbage, rubbish, or other mixed municipal solid waste and recyclable materials and to dispose of the same.

Subd. 10. "Co-Composting" the composting of mixed municipal solid waste with a nutrient source or a bulking agent.
Subd. 11. “Compost Facility” a site used to compost or co-compost solid waste. This includes all structures used to control drainage, collect and treat leachate, and storage areas for the incoming waste, the final product, and residuals resulting from the composting process.

Subd. 12. “Composting” is the controlled microbial degradation of organic waste to yield a humus-like product.

Subd. 13. “Container” a container for solid waste which meets the requirements set forth in Section.

Subd. 14. “County” means any department or representative of the County who is authorized by this ordinance or otherwise by the county Board to represent the County of Jackson in the enforcement or administration of this ordinance.

Subd. 15. “Cover Material” is granular material approved by the Agency that is used to cover compacted solid waste and demo-debris in a land disposal site. Important general characteristics of good cover are low permeability, uniform texture, cohesiveness and compactibility.

Subd. 16. “Demolition Debris” inert material that includes concrete, brick, bituminous, untreated wood, masonry, glass, rock, and plastic parts resulting from the demolition of buildings, roads, and other man-made structures. Demolition debris does not include solid waste or asbestos waste.

Subd. 17. “Demolition Debris Land Disposal Facility” means a site used only to dispose of demolition debris.

Subd. 18. “Disposal” has the meaning given it in MN Statutes Section 115A.03, Subd. 10.

Subd. 19. “Dumping” the discharge, deposit, injection, spilling, leaking, or placing of any waste into or on any land or water so that the waste or any constituent thereof may enter the environment or be emitted into the air, or discharged into any waters, including ground water.

Subd. 20. “Facility” all contiguous land, structures, monitoring devices, and other improvements on the land used for monitoring, treating, storing, or disposing of solid waste, leachate, or residuals from solid waste processing.

Subd. 21. “Farm” is a tract of land, ten (10) acres or more in size, which is principally used for agricultural activities such as the production of cash crops, livestock or poultry farming. Such farm may include agricultural dwelling and accessory buildings and structures necessary to the operation of the farm.

Subd. 22. “Garbage” means material resulting from the handling, processing, storage, preparation, serving and consumption of food.
Subd. 23. "Hazardous Waste or Toxic Waste" is any refuse or discarded materials or combinations of refuse or discarded materials in solid, semi-solid, liquid, or gaseous form which cannot be handled in a routine waste management techniques because they pose a substantial present or potential hazard to human health or other living organisms because of their chemical, biological or physical properties. Categories of hazardous waste material includes, but are not limited to, explosives, flammables, oxidizers, poisons, irritants, and corrosives. Hazardous waste does not include sewage sludge, and source materials, special nuclear waste or by product material as defined by the "Atomic Energy Act of 1954", as amended.

Subd. 24. "Household Hazardous Waste" any waste generated from household activity that exhibits the characteristics of or that is listed as hazardous waste under agency rules, but does not include waste from commercial activities that is generated, stored, or present in a household. Household hazardous waste include, bat are not limited to paints, solvents, cleaners, pesticides, herbicides, paint thinner, drain opener, varnishes, stains, and adhesives.

Subd. 25. "Illegal Dumping" means dumping of any garbage including littering, demolition, white goods, batteries, rubbish, tires, or solid or hazardous waste other than approved site or container.

Subd. 26. "Incineration" means the process by which solid wastes are burned for the purpose of energy recovery or volume and weight reduction in facilities designed for such use.

Subd. 27. "Industrial Solid Waste" all solid waste generated from an industrial or manufacturing process and solid waste generated from non-manufacturing activities such as service and commercial establishments. Industrial solid waste does not include office materials, restaurant and food preparation waste, discarded machinery, demolition debris, or household refuse.

Subd. 28. "Intermediate disposal facility" means a facility for the temporary collection, storage, reduction, recycling, or processing of solid waste prior to final disposal.

Subd. 29. "Land Pollution" means the presence in or on the land of any solid waste in such quantity, or such nature or duration, and under such conditions as would affect injuriously any waters of the state, create air contaminants or cause air pollution.

Subd. 30. "Licensee" means a person who has been authorized by issuance of a license by the County Board for solid waste management purposes pursuant to this ordinance.

Subd. 31. "Local Government Unit" means, cities, towns and counties.

Subd. 32. "Major Appliances" means clothes washers, dryers, dishwashers, garbage disposals, trash compactors, conventional and microwave ovens, ranges and stoves, air conditioners, refrigerators, freezers, residential furnaces, hot water heaters, and dehumidifiers.

Subd. 33. "Mixed Municipal Solid Waste" has the meaning given it in MN Statues, Section 115A.03, subd. 21. Garbage, refuse, and other solid waste from residential, commercial.
industrial, and community activities that the generator of the waste aggregates for collection, but does not include hulks, street sweepings, ash, construction debris, mining waste, sludge, tree and agriculture wastes, tires, lead acid batteries, used oil, and other materials collected, processed, and disposed of as separate waste streams.

Subd. 34. “Municipality” a city, village, borough, county, town, sanitary district, school district or other governmental subdivision or public corporation or agency created by the legislature.

Subd. 35. “Office” means the Office of Waste Management.

Subd. 36. “Open Burning” burning any matter whereby the resultant combustion products are emitted directly to the open atmosphere without passing through an adequate stack, duck, or chimney.

Subd. 37. “Open Dump or “Dump” a land disposal site at which solid waste is disposed of in a manner that does not protect the environment, is susceptible to open burning, and is exposed to the elements, flies, rodents and scavengers.

Subd. 38. “Operation” means any site, facility, or activity relating to solid waste management.

Subd. 39. “Operator” person responsible for the overall operations of a facility.

Subd. 40. “Owner and Occupant” the person(s) or entity(ies) which hold legal or beneficial title to a property and the person(s) or entity(ies) which have or exercise possession or occupancy of a property respectively.

Subd. 41. “Person” means any human being, any municipality or any other governmental or political subdivision or public agency, any public or private corporation, any partnership, firm, association, or other business organization, any receiver, trustee, assignee, agent, or other legal representative or any of the foregoing, or any other legal entity.

Subd. 42. “Pollutant” has the meaning given it in MN Statutes, Section 115.01, Subd. 13.

Subd. 43. “Post Closure & Post-Closure Care” actions taken for the care, maintenance, and monitoring of a facility after closure that will prevent, mitigate, or minimize the threat to public health and environment posed by the closed facility.

Subd. 44. “Processing” the treatment of solid waste after collection and before disposal. Processing includes but is not limited to volume reduction, storage, separation, exchange, resource recovery, physical, chemical, or biological modification, and transfer from one waste facility to another.
Subd. 45. "Putrescible Material" means solid waste which is capable of becoming rotten or which may reach a foul state of decay or decomposition.

Subd. 46. "Recovered Materials" materials that have been separated from solid waste and stored so that the material is properly protected from environmental degradation and is not a source of odor, harborage for skunks, rodents or mosquitoes and is being processed, modified, or converted to be a raw material that may be beneficially used.

Subd. 47. "Recycling" is the process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of recyclable materials in a manner that precludes further use.

Subd. 48. "Recycling Center" is either a county facility for receiving, processing and marketing recyclable materials or a privately operated facility performing the same functions.

Subd. 49. "Recyclable Materials" materials that are separated from mixed municipal solid waste for the purpose of recycling, including paper, glass, plastics, metals, automobile oil, and batteries. Refuse derived fuel or other material that is destroyed by incineration is not a recyclable material.

Subd. 50. "Refuse" means putrescible and non-putrescible solid wastes, including, but not limited to, garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, market and industrial solid wastes, and sewage treatment wastes which are in a dry form.

Subd. 51. "Rubbish" non-putrescible solid wastes, including but not limited to ashes and combustible and non-combustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass bedding, crockery, or litter of any kind.

Subd. 52. "Sanitary District" a sanitary district with the authority to regulate solid waste.

Subd. 53. "Sanitary Landfill" means a land disposal site, permitted by the Agency, employing an engineered method of disposing of solid waste on land in a manner that minimizes environmental hazards by spreading the solid waste in thin layers, compacting the solid waste to the smallest practical volume, and applying cover material at the end of each operation day, or at intervals as may be required by the Agency.

Subd. 54. "Scavenging" all unauthorized removal of solid waste materials from a solid waste disposal facility.

Subd. 55. "Service Area" is enacted pursuant to Minnesota Statute 400.08 which grants Jackson County the authority to establish and determine the boundaries of the solid waste management areas in the County. The County Board may impose service charges for the area. The Jackson County Solid Waste Ordinance may require mandatory solid waste collection and mandatory recycling separation in the service area.
Subd. 56. "Shoreland" means land located within the following distances from the ordinary high water elevation of public waters:

(a) land within 1,000 feet from the normal high watermark of a lake, pond or flowage
(b) land within 300 feet of a river or stream of the landward side of flood plain delineated by ordinance on such a river or stream, whichever is greater.

Subd. 57. "Solid Waste" means garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded solid materials and sludges, in solid, semisolid, liquid, or contained gaseous form, resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include hazardous waste; animal waste used as fertilizer; earthen fill, boulders, rock; sewage sludge; solid or dissolved material in domestic sewage or other common pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents or discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as amended, dissolved materials in irrigation return flows; or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

Subd. 58. "Solid Waste Collection Service" the collection and transportation of solid waste generated by any person, residential, business, commercial, governmental, or industrial unit in Jackson County by a hauling service for hire by the generator, or a demolition debris hauling service that transports solid waste separated or mixed with demolition debris, or a service hauls recyclables.

Subd. 59. "Solid Waste Facility" all property real or personal, including negative and positive easements and water and air rights, which is or may be needed or useful for the processing or disposal of waste. It includes but is not limited to the storage, collection, transportation, processing and reuse, conversion, or disposal of solid waste in a safe environmentally sound manner.

Subd. 60. "Solid Waste Management" means the storage, collection and removal of solid waste from public or private property, its transportation to intermediate or final disposal facilities and its disposal by approved methods, the management of a recycling program, solid waste education and other solid waste operations or services.

Subd. 61. "Source Separated Materials" materials that are separated from solid waste by the generator and recovered for reuse in their original form or for use in manufacturing processes.

Subd. 63. "Transfer Station" means an intermediate waste facility in which solid waste collected from any source is temporarily deposited to await transportation to another waste facility.

Subd. 64. "Waste" means solid waste, sewage sludge and hazardous waste.

Subd. 65. "Waste Reduction" an activity that prevents generation of waste including reusing a product in its original form, increasing the life span of a product, reducing material used in production or packaging, or changing procurement, consumption, or waste generation habits to result in smaller quantities of waste generated.

Subd. 66. "Waste Tire" is a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect.

Subd. 67. "Waste Tire Collection Site" a licensed waste facility used for the storage of waste tires prior to their transport to a waste tire processing facility.

Subd. 68. "Water Pollution" means the contamination of any waters of the state so as to create a nuisance or render such waters unclean, obnoxious or impure, so as to be actually or potentially harmful or detrimental or injurious to public health, safety or welfare, to domestic, commercial or industrial use, or to animals, birds, fish or other aquatic life.

Subd. 69. "Water of the State" means all streams, lakes ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.

Subd. 70. "Yard Waste" means the garden wastes, leaves, lawn cuttings, weeds and prunings generated at residential or commercial properties.

Subd. 71. "Yard Waste Compost Facility" a site used for the composting of yard waste which is (a) operated by the county or the municipality or; (b) operated by a private person or entity and permitted by the Minnesota Pollution Control Agency to accept yard waste.
SECTION II. PURPOSE AND GOALS

The Jackson County Board of Commissioners has determined this Ordinance be adopted to:

Subd. 1. Protect the public’s health, prevent public nuisances, and prevent contamination of the groundwater and other environments of Jackson County from solid waste through the control of number, location and operation of such facilities.

Subd. 2. Preserve and protect our land and water resources.

Subd. 3. Assure that all individuals are informed and responsible for their actions regarding solid waste that may affect the environment and the community now and in the future.

Subd. 4. Support activities that will promote use and reuse of materials found in solid waste that would otherwise be disposed in ways that would not recapture the useful characteristics of its components.

Subd. 5. Augment, supplement and support existing Jackson County and State of Minnesota controls on solid waste.

Subd. 6. Embody the purposes found in Minnesota State Laws and Rules on solid waste.

Subd. 7. The Jackson County Solid Waste Ordinance shall follow Minnesota Statutes, including but not limited to Chapters 17.135, 115, 115A, 116, 145.22, 145.23, 375, 400, 561.01, 609.671, 609.68 and 609.74.
SECTION III. GENERAL PROVISIONS - SOLID WASTE OFFICER RESPONSIBILITIES

The Environmental Service Officer shall have all necessary authority to implement and carry out the provisions of this Ordinance including, but not limited to, the following:

Subd. 1. The Environmental Services Officer shall be certified with Minnesota Pollution Control Agency for Waste Disposal Facilities Inspector Type II, in accordance with the provisions of Minnesota Statutes, Section 116.41, Subd. 2.

Subd. 2. To review and consider all license applications and supporting materials which are required to him/her for operations within the County, and after consideration, to recommend in writing with documentation to the County Board that a license may be granted or denied.

Subd. 3. To inspect operations to determine compliance with this Ordinance and to investigate complaints which violate this Ordinance.

Subd. 4. To recommend, after first consulting with and obtaining approval from the County Board of Commissioners, to the County Attorney that legal proceedings be initiated against a person to compel compliance with the provisions of this Ordinance or to abate or control an operation not in compliance with this Ordinance.

Subd. 5. To encourage and conduct studies, investigations and research relating aspects of solid waste management, including, but not limited to, methodology, chemical and physical considerations, and engineering.

Subd. 6. To advise, consult, and cooperate with the public and other governmental agencies in furtherance of the purpose of the Ordinance.

Subd. 7. To plan, implement and administer all County operated waste abatement measures.
SECTION IV. SOLID WASTE DISPOSAL FACILITIES

Subd. 1. No person shall operate a solid waste disposal facility nor allow, permit, or cause his land to be used as a solid waste disposal facility without a valid license issued by Jackson County.

Subd. 2. In order to obtain a license to operate a solid waste facility an individual must first complete an application and provide all of the following information:

A. Two sets of complete plans, specifications, design data, ultimate land use plan, if applicable, and proposed operating procedures prepared by a registered professional engineer of Minnesota.

B. Evidence that the property is properly zoned for the solid waste disposal facility and that the owner has obtained the necessary building permits.

C. A bond in an amount to be set by the County Board naming the County as an obligee with sufficient sureties duly licensed and authorized to transact corporate surety business in the State of Minnesota as sureties. The condition of such bond shall be that if the principal fails to obey any of the requirements or do any of the acts required by this Ordinance in the operation of the waste facility, or if, for any reason ceases to operate or abandons the waste facility, and the County is required to expend any monies or expend any labor or material to restore the facility to the condition and requirements as provided by this Ordinance, the obligor and the sureties on its bond shall reimburse the county for any and all expenses incurred to remedy the failure of the principal to comply with the terms of the Ordinance, and the obligor and its sureties will indemnify and save the County harmless from all losses, costs and charges that may occur to the County because of any fault of the obligor under the terms of his license to operate and the Ordinances of the County.

D. In lieu of part, or all, of said bond, the licensee may provide financial assurance in an amount and form acceptable to the County Board to be used to bring the facility into compliance with said requirements. The performance bond shall be subject to cancellation by the surety at any time only upon giving one hundred twenty (120) days prior written notice of cancellation to the Environmental Services Officer.

E. The licensee shall furnish to the County certificates of insurance issued by insurers duly licensed within the State of Minnesota covering public liability insurance, including general liability, automobile liability, loading and unloading, completed operations liability, explosion and collapse of underground operations liability and bodily injury liability in amounts described in F. In addition, the licensee shall provide evidence of workers compensation coverage in the required statutory amounts.
F. A certificate of insurance issued by a company duly licensed to operate within
the State of Minnesota covering public liability, automobile liability,
operations liability, with bodily injury limits in an amount no less than
$500,000 for injury or death on any one person and aggregate limits of not
less than $1,000,000 for injuries or deaths arising out of any one occurrence.
Property damage limits shall be not less then $1,000,000 per occurrence and
in the unencumbered aggregate amount of at least $1,000,000. The Board
reserves the right in its discretion to set such other limits as it deems
necessary.

G. Evidence of compliance with all State and Federal laws including necessary
permits and licenses for operation of a solid waste disposal facility.

Subd. 3. License applications will be reviewed by the Environmental Services
Officer to determine compliance with the requirements of Subd. 2 and the Jackson County Solid
Waste Plan. The applicant will be notified of any deficiencies in the application. Within 45 days
after receipt of a completed application the Environmental Health Officer will present the
application to the Jackson County Board of Commissioners with a recommendation for approval
or denial of license.

Subd. 4. The Jackson County Board of Commissioners will make final
determination whether to grant the license. Any license granted by the Board will be valid for
one (1) year unless surrendered, suspended, or revoked prior to that time.

Subd. 5. No person shall construct or operate in Jackson county a landfill,
icincerator, transfer station, or compost facility for the disposal of solid waste without first
obtaining a permit from the County and meeting all local, state and federal regulations relating to
such facility.

Subd. 6. The following items are banned from final disposal at solid waste disposal
facilities in Jackson County and Dickinson County Sanitary Landfill, Iowa:

- dry cell batteries containing mercury, silver, or nickel-cadmium, or sealed lead
acid batteries that were purchased for use by a government agency or an
industrial, communication, or medical facility.
-Household Hazardous Waste (see Sect. II for definition)
-Lead Acid Batteries (vehicle batteries)
-Use oil
-Major Appliances/White Goods (see Sect. II for definition)
-Recyclable Material (see Sect. II for definition)
-Waste Tires
-Yard Waste
-Plastic grocery bags or trash bags (IA Chapter 455D)
Jackson County Board of Commissioners will by resolution ban additional materials as dictated by State and Iowa State regulations.
SECTION V. SOLID WASTE STORAGE

Subd. 1. The owner, lessee and occupant of any single or multi-family dwelling, business establishment, industry and all other premises, shall be responsible for the satisfactory storage of all solid waste accumulated at that premise, business establishment or industry. No building, structure, area, or premise shall be constructed or maintained for human occupancy, use or assembly without adequate facilities for sanitary and safe storage, collection, transportation, and disposal of all solid wastes.

Subd. 2. The owner, lessee and occupant of any single or multi-family dwelling, business establishment, industry and all other premises shall be responsible for maintaining all areas free of improperly stored solid waste accumulations. Except for accepted normal operation on farms, this includes removal of: (a) animal feces, brush piles, inoperable machines, major appliances, fixtures, and equipment so damaged, deteriorated or obsolete as to have not substantial value and can be reasonably considered solid waste; (b) lumber piles and building materials unless being actively used by a business or construction requiring the use of such lumber and materials; (c) tin cans, broken glass, broken furniture, boxes, crates, and other debris; (d) any other form of mixed municipal solid waste. Nothing in this section is designed to restrict the commonly accepted activities of farms and duly established and licensed automobile, scrap iron, and metal recyclers and salvage operations.

Subd. 3. Putrescible waste, including, but not limited to, garbage shall be stored in durable, rust-resistant, non-absorbent, water-tight, rodent-proof, and easily clearable containers, with close-fitting, fly tight covers having adequate handles to facilitate handling, or other types of containers acceptable to the solid waste collection service which comply with Agency regulations, this Ordinance, and approved by the Environmental Services Officer. The size and allowable weight of the containers may be determined by the solid waste collection service as approved by the Environmental Services Officer.

Subd. 4. Solid Waste shall be stored in durable containers or as otherwise provided in this Ordinance. Where putrescible wastes are stored in combination with non-putrescible wastes, containers for the storage of the mixture shall meet requirements for putrescible waste containers.

Subd. 5. No person shall place the following items into a container for collection and disposal at a solid waste disposal facility:
- Household Hazardous Waste. All household hazardous wastes shall be disposed of through the Lyon County Regional Household Hazardous Waste Facility.
- Dry cell batteries containing mercury, silver, or nickel-cadmium, or sealed lead-acid batteries.
- Lead Acid Batteries (vehicle batteries)
- Used oil
- Major Appliances
- Waste Tires
- Yard Waste
- Recyclable Material
-Plastic grocery bags or trash bags (IA Chapter 455D)

Jackson County Board of Commissioners will by resolution ban additional materials as directed by MN State regulations and Iowa Department of Natural Resources regulations.

Subd. 6. Toxic or Hazardous Wastes shall be stored in durable, leak-proof containers and shall be “printed or marked” so as to easily identify the container as a toxic or hazardous waste, (e.g. a yellow band that encircles, at a minimum the center one-third (1/3) of the container) consistent with federal and state regulations. All previous lettering and numbering will be obliterated from the container. The container will be marked within the yellow band, or other easily identified area, using a permanent marker as follows: The chemical name of the waste, the UN or NA number the contaminates present by percentages, the start date, the generators name and address and the generators EPA or Agency identification number. Such wastes shall be stored in a safe location, accompanied with a description of the chemical composition of the substance stored within the container and be in compliance with the storage and transportation requirements of Agency regulations, federal and state regulations and this Ordinance. Vehicles shall be properly placarded and be accompanied with a proper shipping manifest. In any case a generator of hazardous waste must comply with all federal and state laws and regulations applicable to the generation, storage, transportation, processing and disposal of hazardous waste (whichever laws and regulations are more stringent).

Subd. 7. All containers for the storage of solid waste shall be maintained in such a manner as to prevent the creation of a nuisance or unsanitary condition.

Subd. 8. Solid Waste objects or materials too large or otherwise unsuitable for storage containers shall be stored in a manner which is pollution-free, nuisance-free and satisfactory to the Environmental Services Officer.

Subd. 9. Solid wastes shall not be stored outside a private residence, in a residential or urban rural setting, for more than one (1) month without the written approval of the Environmental Services Officer. Solid Waste shall not be stored on public, commercial or business property for more than two (2) weeks, without the written approval of the Environmental Services Officer. Non-putrescible wastes suitable for recycling shall not be stored on public or private property in a manner which creates a nuisance, blight, or health hazard. Compostables shall not be stored on public or private property in a manner which creates a nuisance, blight, or health hazard.

Subd. 10. Solid Waste shall not be stored or disposed of in containers specifically designated for the collection or deposit of recyclables.

Subd 11. Burning of solid waste shall be prohibited except (a) as allowed at a licensed solid waste facility; (b) as allowed under the terms of a “Permit For Open Burning”, Agency Rules 7005.

Subd. 12. Burying of solid wastes shall be prohibited except as allowed by 17: Department of Agriculture; 17.135.
Subd. 13.  All major appliances shall be disposed of with an Agency approved major used appliance processor. No major appliance shall be stored, or disposed of at an unapproved facility.
SECTION VI. COLLECTION AND TRANSPORTATION OF SOLID WASTE

Subd. 1. Unless otherwise provided in these regulations; the owner, lessee and occupant of any premises, business establishment or industry is responsible for the collection and transportation of solid waste from the premises, establishment or industry, and shall collect and remove all solid waste accumulated at the premise, business establishment or industry and transport it to an operation for which permit has been issued by the Agency or IDNR and/or a contract signed by the County. A solid waste collection service shall be responsible for the collection and transportation of all solid waste for which it has been contracted to collect and remove and will transport it to an operation for which a permit has been issued by the Agency, IDNR, and/or a contract signed by the County, at which disposal occurs, or at the solid waste disposal facility that is designated through resolution by the Jackson County Board of Commissioners.

Subd. 2. Vehicles or containers used for the collection and transportation of garbage and other putrescible wastes, or solid waste containing such materials, shall be covered, leak-proof, durable and of easily cleanable construction. These shall be cleaned to prevent nuisances, pollution or insect breeding, and shall be maintained in good repair.

Subd. 3. Vehicles or containers used for the collection and transportation of any solid waste shall be loaded, moved and unloaded in such a manner that the content will not fall, leak or spill therefrom, and shall be covered to prevent blowing of material. Where spillage does occur, the material shall be picked up immediately by the solid waste collector or transporter and returned to the vehicle or container and the area properly cleaned. When the material cannot be immediately picked up or the area cleaned the Environmental Services Officer shall be notified as described.

Subd. 4. Vehicles and containers used for the collection and transportation of toxic or hazardous wastes shall be durable, enclosed, and leak-proof in a safe, sanitary and nuisance free manner. Vehicles shall be properly marked and labeled and be accompanied with a proper shipping manifest, as required by federal and state regulations and statutes.

Subd. 5. Any person, firm or corporation intending to collect and haul mixed municipal solid waste for hire is required to obtain a license before starting business. Any firm, corporation or business collecting and hauling its own waste is required to obtain a license. Vehicles that are transporting only Recovered Materials, concrete, brick, bituminous, trees, or structural metals are excluded from this requirement, unless these materials are being hauled to a County contracted Solid Waste Facility.

Subd. 6. The collection and transportation of solid waste shall be performed in accordance with State rules administered by the Agency and the County.

Subd. 7. A collector or hauler shall refuse to knowingly accept for collection any mixed municipal solid waste within Jackson County Municipalities or service areas which contains:

A. Any yard waste
B. Any materials which has been designated by the County Board of Commissioners as subject to mandatory recycling, pursuant to Section IV.
C. Household hazardous wastes. All household hazardous wastes shall be disposed of through the Lyon County Regional Household Hazardous Waste Facility.
D. Dry cell batteries containing mercury, silver, or nickel-cadmium, or sealed lead acid batteries.
E. Lead acid batteries (vehicle batteries)
F. Used oil
G. Major appliances
H. Waste tires
I. Plastic grocery bags or trash bags

Subd. 8. Jackson County may by Ordinance require cities and towns to organize collection as pursuant to Minnesota State Statute 115A.94, Subd. 5.

Subd. 9. The collection and transportation of solid waste shall be performed in accordance with agency rules in addition to the rules provided by this Ordinance.

Subd. 10. Solid Waste must be disposed of at a MPCA permitted facility or IDNR permitted facility. The County reserves the right to designate which agency approved solid waste facility solid waste produced in the County is to be disposed at through resolution by the County Board of Commissioners. A license will not be issued to those hauling to undesignated sites.
SECTION VII. SOLID WASTE DISPOSAL BY SANITARY LANDFILL

A sanitary landfill shall comply with all Agency (MN Rules Chapters 7001 and 7035) and County permit requirements, and the Jackson County Solid Waste Management Plan. The County will not issue a license to a site out of compliance. All other methods of solid waste landfills are prohibited.

See Section IV of this Ordinance for further regulations.
SECTION VIII. SOLID WASTE DISPOSAL BY INCINERATION

A solid waste incinerator shall comply with all Agency and County permit requirements and the Jackson County Solid Waste Plan. The County will not issue a permit to a site out of compliance.

See Section IV of this Ordinance for further regulations.
SECTION IX. SOLID WASTE DISPOSAL BY COMPOSTING

A solid waste composting facility shall comply with all Agency and County permit requirements and the Jackson County Solid Waste Plan. The County will not issue a permit to a site out of compliance.

See Section IV of this Ordinance for further regulations.
SECTION X. TRANSFER STATIONS

A solid waste transfer station shall comply with all Agency and County permit requirements and the Jackson County Solid Waste Plan. The County will not issue a permit to a site out of compliance.

See Section IV of this Ordinance for further regulations.
SECTION XI. DEMOLITION DEBRIS DISPOSAL

Demolition debris disposal shall comply with all Agency permit requirements, local zoning ordinance and the Jackson County Solid Waste Plan. All demolition debris disposed of in Jackson County must be disposed at an Agency permitted site. Demolition waste generated on-site by construction or demolition of structures on an individual property may be buried on-site. Placement of demolition for land improvement projects may be allowed provided a permit for that waste is obtained from the Agency. A record of on-site or land improvement burial shall be filed at the Office of the County Recorder. Permit application forms may be obtained from the Minnesota Pollution Control Agency.
SECTION XII. WASTE TIRES


Subd. 2. No more than ten (10) waste-tires may be stored within the boundaries of any residential lot.

Subd. 3. No more then one hundred (100) waste tires may be stored on any non-residential lot except at a properly licensed solid waste facility.

Subd. 4. Exceptions to Subd. 1 and 2 may be allowed when waste tires are utilized outside the building for decorative, recreational, structural, constructual or agricultural purposes where they comply with the requirements of other applicable laws or sections of this Ordinance.

Subd. 5. Waste tires within one thousand (1000) feet of a residence shall be stored or utilized in a manner that prevents water from being retained in the tires.

Subd. 6. Waste tires shall not be placed, stored, left, or permitted to remain in a lake, stream, wetland, sinkhole, gully, waterway, floodplain, or shoreline.

Subd. 7. The owner of the land or premises upon which waste tires are located in violation of this Ordinance shall be obligated to remove them to a licensed solid waste facility, obtain the license required by the Ordinance within one (1) year of the effective date of this ordinance, or such later date approved by the Jackson County Environmental Service Officer.

Subd. 8. The disposal of waste tires in the land is prohibited after July 1, 1985. This does not prohibit the storage of unprocessed waste tires at a collection or processing facility. (115A.904)

Subd. 9. Transfer and Collection of waste tires must meet Agency rules and regulations.
SECTION XIII. SPECIAL WASTES

MAJOR APPLIANCES (WHITE GOODS)

Subd. 1. No person may place major appliances in mixed municipal solid waste or dispose of major appliances in a solid waste processing or disposal facility after July 1, 1990.

Subd. 2. Major appliances must be recycled or reused. Recycling includes:

A. the removal of capacitors that may contain PCB’s
B. the removal of ballasts that may contain PCB’s
C. the removal of chlorofluorocarbon refrigerant gas; and
D. the recycling or reuse of the metals.

Subd. 3. All doors, lids, hinges or latches must be removed from major appliances or provide locks to prevent access by the public.

Subd. 4. No more than two (2) discarded appliances may be stored on a residential property for more than 1 year without the written approval of the Environmental Service Officer.

Subd. 5. All major appliances shall be disposed of with an Agency approved major used appliance processor. No major appliance shall be stored, or disposed of on an unapproved facility.

HOUSEHOLD BATTERIES

Subd. 1. Household batteries may not be placed in the mixed municipal solid waste. (e.g. disposable or rechargeable dry cells commonly used as power sources for household or consumer products including, but not limited to, nickel-cadmium, alkaline, mercuric oxide, silver oxide, zinc oxide, lithium, and carbon-zinc batteries, but excluding lead acid batteries).

MOTOR VEHICLE BATTERIES

Subd. 1. No person shall place in mixed municipal solid waste any motor vehicle battery or dispose of after January 1, 1988.

Subd. 2. All batteries must be recycled.

Subd. 3. Any person who transports used lead acid batteries from a retailer must deliver the batteries to a recycling facility.
INFECTIOUS WASTE

Subd. 1. No person shall place in mixed municipal solid waste any infectious waste.

Subd. 2. All Minnesota State Statute 116.75 rules and regulations will be followed.

USED OIL

Subd. 1. A person may not place used oil in mixed municipal solid waste or place oil in or on the land, unless approved by the Agency (115A.916)

Subd. 2. Any person, firm or corporation intending to collect used oil must meet Agency regulations.

YARD WASTE

Subd. 1. A person may not place yard waste in or for collection with mixed municipal solid waste.

Subd. 2. Yard waste shall be disposed of at municipal yard waste compost sites, backyard composting or by agricultural burning.
SECTION XIV. RECYCLING FACILITY/RECYCLING COLLECTION LICENSE

Subd. 1. Recycling facilities/Recycling Collection Services shall fulfill the requirements established by this Ordinance, provide the annual reports required, be permitted, and shall be exempt from a permit fee.

Subd. 2. Vehicles operated by recyclers must meet the requirements of Section VI.

Subd. 3. No person shall operate a recycling facility nor allow, permit or cause his land to be used as a recycling facility without a valid license issued by Jackson County.

Subd. 4. To obtain a license to operate a solid waste recycling facility the individual must first complete an application available from the Jackson County Environmental Service Office and provide the following:

A. Plans, specifications, and proposed operating procedures.
B. Evidence that the property is properly zoned for a recycling facility and that the owner has obtained the necessary building permits.
C. Evidence of knowledge and compliance with all State and Federal laws including necessary permits or license for operation as a recycler.
D. Provide a list of recyclable materials accepted at said facility.

Subd. 5. Civic or non-profit organizations, school groups, service clubs or others who collect recyclable materials to support their organization will not need to obtain a license/permit, except as required by the Agency. All submittals, as required by an agency license/permit, shall be submitted to the Environmental Services Office.

Subd. 6. All recyclable materials collected as part of an recycling collection program shall not be disposed in a manner which precludes its reuse, as defined in the recycling definition in Minnesota Statute 115.03., Subd. 25a, and 25b.

Subd. 7. Recyclable materials collected and processed at part of an organized recycling collection program for municipalities, service areas and townships within Jackson County, at a minimum, shall be as outlined below:

A. Aluminum food and beverage containers, and foil
B. Tin food cans
C. Glass bottles and jars (food and beverage)
D. Plastic bottles and jugs (1-5, plus 7)
E. Newsprint
F. Corrugated cardboard
G. Office paper
H. Metal pots and pans
I. Brass fitting and copper tubing
J. Such other materials which may be designated by the County Board of Commissioners.

Subd. 8. All civic or non-profit organizations, school groups, service clubs, commercial/industrial establishments or others who collect and dispose of recyclable material shall to the extent possible, submit a report to the Environmental Service Office of the type and quantity of material collected. This report shall be submitted by July 15 of each year and account for all material collected and recycled from July 1 of the previous year to June 30 of the reporting year.
SECTION XV. MANDATORY SOLID WASTE COLLECTION/RECYCLABLE MATERIAL SEPARATION

Subd. 1. Municipal Collection/Service Areas: By January 1, 1993, all corporate municipalities in Jackson County shall pass an Ordinance requiring each residential unit and all commercial businesses to have solid waste collection and recyclable separation for collection.

Jackson County through resolution will form service areas. The service areas will be required to have solid waste collection at each residential unit, and require commercial business to have solid waste collection. The service area will have mandatory recycling collection, or alternative recyclable material disposal through drop-off sites. The service area will be required to have recyclable separation for collection. The service areas will be required to have environmentally safe alternative solid waste disposal practices, such as burning or burial as set by Agency rules 7005 and as allowed by 17; Department of Agriculture 17.135.

Subd. 2. Mandatory residential recycling. It shall be unlawful for any owner or occupant of a residential or multi-unit residential building within a Jackson County municipality or service area to generate and deposit for collection mixed municipal solid waste which contains any of the following recyclable materials:

A. Aluminum food and beverage containers, and foil
B. Tin food cans
C. Glass food and beverage containers
D. Plastic bottles and jugs (1-5, plus 7)
E. Newsprint
F. Corrugated cardboard
G. Office paper
H. Metal pots and pans
I. Brass fitting and copper tubing
J. Such other materials which may be designated by the County Board of Commissioners unless such waste is directly delivered or collected for direct delivery to a facility which has been approved by the County for separation of recyclables.

Subd. 3. Mandatory Commercial Recycling: It shall be unlawful for any owner or occupant of a commercial building within Jackson County municipality or service area to generate or deposit for collection mixed municipal solid waste which contains any of the following recyclable materials:

A. Aluminum food and beverage containers, and foil
B. Tin food cans
C. Glass food and beverage containers
D. Plastic bottles and jugs (1-5, plus 7)
E. Newsprint
F. Corrugated cardboard
G. Office paper
H. Metal pots and pans
I. Brass fitting and copper tubing

Such other materials which may be designated by the County Board of Commissioners unless such waste is directly delivered or collected for direct delivery to a facility which has been approved by the County for separation of recyclables.

Subd. 4. Haulers: A collector or hauler shall refuse to knowingly accept for collection any mixed municipal solid waste within a Jackson County Municipality or service area which contains:

A. Any yard waste
B. Any materials which has been designated by the County Board of Commissioners as subject to mandatory recycling, pursuant to this Section.
C. Household hazardous wastes. All household hazardous wastes shall be disposed of through the Lyon County Regional Household Hazardous Waste Facility.
D. Dry cell batteries containing mercury, silver, or nickel-cadmium, or sealed lead acid batteries.
E. Lead acid batteries (vehicle batteries)
F. Used oil
G. Waste tires
H. Plastic grocery bags or trash bags

Subd. 5. Anti-Scavenging Clause: Ownership of the designated recyclable materials set out for curbside collection or deposited at the drop off sites shall be vested in the collector and transporter of recyclable materials designated by the County Board of Commissioners, or by contract through the municipalities. It shall be unlawful and an offense against this Section for any person, firm, or corporation other than the owner, lessee, or occupant of a residential dwelling to pick up said materials for his or her own use.

Subd. 6. Municipalities, Service Areas or Townships within Jackson County that contract with refuse hauler(s)/recyclable collector must contract only with a refuse hauler/recyclable collector who is licensed by Jackson County. A recycling collector(s)/facility(ies) contracted by a municipality or township for collection or processing of recyclable material must accept, at a minimum, recyclables as stated in Section XIV, Subd. 7 of this Ordinance. Contracts must also be consistent with the provision of this subsection.
SECTION XVI. PERMITS AND LICENSE FOR SOLID WASTE COLLECTION AND TRANSPORTATION

All commercial haulers must obtain an annual license. Any firm, corporation or business collecting and hauling its own waste must obtain an annual license. Each vehicle used by Commercial haulers to haul solid waste or any vehicle owned by a firm, corporation or business used to collect and haul its own waste shall be operated only after a Commercial haulers Vehicle Permit has been initially issued by the County Board as provided herein. However, any firm, corporation or business may apply to the Environmental Service Office for an exemption from the above requirements. Exemptions may be granted upon a showing of: 1) the nature of the material being hauled; 2) the frequency of the hauling of the material; and 3) the amount of material to be hauled.

Subd. 1. No licensee or any contractor operating under contract or agreement with the licensee shall commence operations until he/she has obtained at his/her own cost and expense all insurance required herein. All insurance coverage is subject to approval of the County board of Commissioners and shall be maintained by the licensee for the term of the license period. All insurance shall be on occurrence basis form only. A certificate of insurance issued by a company duly licensed to operate within the State of Minnesota.

A. The licensee shall obtain and maintain for the duration of this license statutory Worker’s Compensation Insurance and Employer’s Liability Insurance as required under the laws of the State of Minnesota.
   a. State: Minnesota – Statutory
   b. Employer’s Liability
   c. Benefits required by Union labor contracts: as applicable.

B. Comprehensive General Liability (including Premises-Operations: independent Contractor’s Protective; Products and Completed Operations; Broad Form Property Damage). The licensee shall obtain the following minimum insurance coverage and maintain it at all times throughout the life of the license.
   a. Personal Injury; an amount not less than $500,000 and aggregate limits of not less than $1,000,000.
   b. Property damage liability insurance; an amount not less than $1,000,000 per occurrence and in the unencumbered aggregate amount of at least $1,000,000 and shall include coverages for the following hazards:
      i. X (Explosion)
      ii. C (Collapse)
      iii. U (Underground)

C. A Comprehensive Automobile Liability (owned, non-owned, hired). Bodily Injury and Property Damage (combined limit) amount not less than $500,000 on any person and aggregate limits of not less than $1,000,000 for injuries or deaths arising out of any one occurrence.
D. Insurance certification evidencing that the above insurance is in force with companies acceptable to the County Board of Commissioners and in amounts required shall be submitted to the Environmental Services Officer for examination with which they shall be filed with the permit at the Environmental Services Office. The insurance certificates shall specifically provide that a certificate will not be modified except upon thirty (30) days prior written notice to the environmental Service Officer. Neither the County Board of Commissioner's failure to require or insist upon certificates or other evidence of insurance, nor the County Board of Commissioner's acceptance of the certificate or other evidence of insurance showing a variance from the specified coverage changes the licensees responsibility to comply with the insurance specifications.

E. The terms used in Subd. 1 to specify the required insurance are to be interpreted according to the ordinary usage of the insurance industry.

Subd. 2. Persons intending to engage in the business of being a Commercial Hauler for hire and any firm, corporation or business, except as exempted collecting and hauling its own waste must file an application with the County Board of Commissioners for initial issuance of a license and vehicle permits, using forms provided by the Environmental Services Office. Such application to the County Board of Commissioners and subsequent annual renewals to the County Board shall contain the following information.

A. The name and address of the applicant.
B. A description of each vehicle to be used for solid waste collection, including the vehicle identification, make, model, the capacity of the body or the capacity and number of rolloffs.
C. The date of the last State of Minnesota safety inspection of the vehicle.
D. The location and address describing the place where the applicant is storing his equipment/vehicle.
E. Current copy of certificate of insurance, indicating proper insurance coverage for the period of the license, including the name of the insurance carrier, its agent, policy number, and effective dates.
F. Map of the area of each City, Township and County served.
G. The type and number of locations served and the estimated weekly weight or volume of solid waste collected.
H. A copy of approvals if required by the governing body of any municipality to be served, or
I. A statement by the applicant that shows that he/she:
   a. Utilizes County designated routes;
   b. That vehicle operators possess proper Minnesota drivers license
J. Other information the County may reasonably require, including applicants signature, and appropriate fees for the license and permit(s).
Subd. 3. All vehicles used for collecting and transporting solid waste shall be inspected annually by the Minnesota Department of Transportation and the vehicle shall not be permitted or operated unless it has a current safety sticker affixed by the Minnesota Department of Transportation. Each vehicle, its body or rolloff, may be inspected by the County at least annually to determine compliance with this Ordinance.

Subd. 4. Collectors of solid waste from residential customers must by January 1, 1993, charge for collection on the basis of the volume or weight of waste collected. For single family customers, the collector must offer a minimum 1 can or bag rate. The can, or bag, shall be no larger than 30 gallons in accordance with Minnesota Statute 115A.93.

Subd. 5. License required. No person may collect mixed municipal solid waste for hire without a license from Jackson County where the mixed municipal solid waste is collected. No firm, corporation, or business, except as exempted may collect and haul its own waste without a license from Jackson County.

Subd. 6. The solid waste collection service for hire, and any firm, corporation, or business, except as exempted collecting its own solid waste will provide annually to the Jackson County Environmental Services Officer a report of the following:

A. Quantities hauled for recyclables and solid waste; (quantities will be reported in cubic yards or tonnages. Recyclables will be reported in cubic yards or tonnages separated by type (e.g.) newsprint, paper, plastic, ferrous and nonferrous metals, glass corrugated, white goods, etc.)

B. The site where the load(s) of solid waste was disposed;

Omission of the annual report shall be grounds for the termination of the license or denial of license renewal.

Subd. 7. The Solid Waste Officer shall determine that the solid waste transportation vehicles used are properly constructed to be in compliance with the intentions of this Ordinance.

Subd. 8. All permits expire when the vehicle ownership is transferred or on the 31st day of December following issuance. Each permit issued shall be maintained in or on the vehicle and displayed as required by the County. Any such permit may be suspended or revoked by the County Board of Commissioners for good cause.

Subd. 9. The Solid Waste collection service will indemnify, defend and save harmless the Commission, the County, their agents, elected officials and employees from all claims, damages, losses, liabilities, omission on the part of the hauler or its contractors, agents, servants or employees in the performance of or in relation to any of the work or services to be performed or furnished by the hauler under the terms of this Contract.
SECTION XVII. LICENSE FEES

Subd. 1. Approval of an application to the County Board of Commissioners for a license for a solid waste management facility shall be contingent upon the payment to the county of a license fee in the amount specified by the County Board of Commissioners. Such license fees are hereby found to be equal to the cost to the county of processing the license applications and administering and enforcing this Ordinance with respect to said license including periodic inspections.

Subd. 2. The fees prescribed shall be paid by a license applicant with respect to each facility maintained by him/her. All license fees shall be paid annually as a condition for license renewal. Nonpayment of the annual solid waste license fee shall be grounds for denial to issuance of licenses.

Subd. 3. The fees prescribed by the County Board of Commissioners shall be paid by a license applicant with respect to each vehicle collecting and transporting solid waste. All license fees shall be paid annually as a condition for license renewal. Such license fees are hereby found to be equal to the cost to the County of processing the license applications and administering and enforcing this Ordinance with respect to said license including periodic inspections. Nonpayment of the annual solid waste collection and transportation license fee shall be grounds for denial for issuance of licenses.
SECTION XVIII. RATES AND CHARGES FOR SOLID WASTE MANAGEMENT WHEN PROVIDED BY THE COUNTY

Subd. 1. This subdivision is enacted pursuant to Minnesota Statute 400.08 which grants Jackson County the authority to impose reasonable charges for solid waste management and disposal. The purpose of this section is to establish a method of collection for such charges. Owners, lessees, and occupants of property situated within Jackson County shall pay for solid waste management services to their properties provided by the County or through its contractor, according to a schedule of charges approved from time to time by resolution of the Board of Commissioners.

A. Landfill fees are determined annually by Sanifill Inc., owner/operator of the Dickinson County Sanitary Landfill, and as per contract agreed upon by the County Board of Commissioners.

B. Service fees may be established by the County Board of Commissioners by resolution for solid waste management services provided to the various parcels of land in the County, and such charges may result in an assessment levy payable with real estate taxes. All rates and charges shall be uniform in their application to use and service of the same character and quantity. A copy of the current rate schedule shall be kept on file in the Office of the County Auditor. If no new rate schedule for solid waste management services is adopted in any year, the rate schedule for the previous year will remain in effect. In establishing or revising the rate schedule, the Board may take into account all factors relevant to solid waste management and disposal. Such factors include, but are not limited to, the character, kind and quality of service and of solid waste, method of deposition, the number of people served at each place of collection, and all other factors that enter into the cost of providing the service including, but not limited to, public education, recycling programs, solid waste management facilities operating and debt.

C. Surcharges can be determined by the County Board of Commissioners by resolution. Solid Waste collection services hauling within Jackson County, shall pay a surcharge fee based on total cubic yards/tonnage of solid waste collected in Jackson County.

D. All service fees and surcharges may be billed by the County pursuant to resolution by the County Board of Commissioners.

Subd. 2. Users of facilities. Users of solid waste management facilities provided by the county, (or the solid waste management facility that is designated by resolution by the County Board of Commissioners) by and through its contractor or by facilities licensed in the County or by those who collect solid waste from sites, premises, owners, lessees, or occupants of property situated within or outside the County shall pay charges for the use of said facilities according to resolutions established by the County Board of Commissioners; and, the fee rates will be according to the definition of this Ordinance for “Multi-county mixed waste,” and, for
solid waste generated within the County. Established tipping fees are adopted in resolution by
the County Board of Commissioners and kept on file in the office of the County Auditor. All
fees charged for solid waste disposal shall be paid on a monthly basis according to the billing
schedule at the facility.

Subd. 3. Service Area. This section is enacted pursuant to Minnesota Statute
400.08 which grants Jackson County the authority to establish and determine the boundaries of
the solid waste management areas in the County. The boundaries of the County shall constitute
the boundaries of the solid waste management service area.

Subd. 4. Solid Waste Fund for operations provided by the County. A special
account on the official books of the County is hereby created which shall be known as the Solid
Waste Fund. Monies collected pursuant to this Ordinance and all receipts from the sale of real or
personal property pertaining to solid waste management systems and the proceeds of all gifts,
loans, and issuance of bonds for the purpose of the system shall be credited to the Solid Waste
Fund. All costs of acquisition, construction, enlargement, improvement, repair, supervision,
control, maintenance, post closure care and maintenance and operations of the solid waste
management system, and facilities which are owned and operated by the County, but not those
owned and operated by its licensee or contractor, shall be charged to the Solid Waste Fund.
SECTION XIX. LITTER

Subd. 1. A person who unlawfully places any portion of solid waste in or on public or private lands, shorelands, roadways, or waters is subject to a civil penalty.

Subd. 2. A State, political subdivision or private person that incurs costs as described in Minnesota State Statute 115A.99 may bring an action to recover the civil penalty, related legal, administrative, and court costs, and damages for injury to or pollution of the lands, shorelands, roadways, or waters where the waste was placed if owned or managed by the entity bringing the action.
SECTION XX. ENFORCEMENT AND INSPECTIONS

Subd. 1. Inspection and evaluation of waste facilities shall be made by the Environmental Services Office or Agency in such frequency as to insure consistent compliance by the facilities with the provisions of this Ordinance. Each licensee shall be provided with written and documented notice of any deficiencies, recommendations for their correction and the date when the corrections shall be accomplished. Each licensee shall be required to allow free access to authorized representatives of the Solid Waste Department, County Board, Agency, or to authorized representative of any other governmental agency at any time for the purpose of making such inspections as may be necessary to determine compliance with the requirements of this Ordinance, or any other applicable statute, Ordinance or regulation.

Subd. 2. The County shall have the right to inspect private property to determine if a waste facility is in accordence with the provisions of this Ordinance.

Subd. 3. Where the conditions imposed by any provisions of this Ordinance are either more restrictive or less restrictive, than comparable conditions imposed by any other provision of this Ordinance or any other applicable law, Ordinance, rules and regulation, the provision which establishes the higher standards for the promotion and protection of the public health, safety and general welfare shall prevail.

Subd. 4. The Environmental Services Office shall be responsible for the administration and enforcement of this Ordinance.
SECTION XXI. VIOLATIONS AND PENALTIES

Subd. 1. Misdemeanor. Any person who shall violate or fails, neglects or refuses to comply with the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished therefore as provided by Minnesota Law. A separate offense shall be deemed committed upon each separate day during or on which a violation occurs or continues. The county is responsible for the enforcement of this Ordinance.

Subd. 2. Equitable Relief. In the event of a violation or a threat of violation of this Ordinance, the Jackson County Attorney may take appropriate action to enforce this Ordinance, including but not limited to, application for injunctive relief, action to compel performance or other appropriate action in District Court, if necessary, to prevent, restrain, correct, or abate such violations or threatened violations.

Subd. 3. Costs as Special Assessment. If a licensee, owner, or operator of a waste facility fails to comply with the regulations in this Ordinance, Jackson County may take the necessary steps to correct such violations or terminate the facility and the costs thereof may be recovered in a civil action or may be certified, at the discretion of the County Board of Commissioners, to the Jackson County Auditor as a special assessment against real property.

Subd. 4. Suspension of License. Any license issued pursuant to this Ordinance may be suspended for not longer than sixty (60) days by the County Board of Commissioners for violation of any provision of this Ordinance. Suspension shall not occur earlier than ten (10) calendar days after written notice of suspension has been personally served on the licensee by certified mail with return receipt. Such written notice shall contain the effective date of suspension, the nature of the violation or violations constituting the bases for the suspension, the facts which support the conclusion that a violation or violations have occurred and a statement that the licensee is entitled to a hearing provided that he request such hearing in writing by serving said request personally on the Board within ten (10) calendar days, of service of such notice, exclusive of the day of service. If the licensee fails to request a hearing within the time prescribed, he/she shall forfeit any right to a public hearing. Following receipt of a request for a hearing, the County Board of Commissioners shall set a hearing date which will be set at a time convenient for the Board. The hearing shall be conducted pursuant to the procedures established in Section XII, Subd. 6, titled “hearing” of this Section. If the suspension is upheld and the operator has not demonstrated within the sixty (60) day period that full compliance with the Ordinance has been attained and that such compliance will be continued, the County Board of Commissioners may serve Notice of Suspension once again or initiate the revocation procedures in Section XXI., Subd. 5.

Subd. 5. Revocation of License. Any license issued pursuant to this Ordinance may be revoked by the County Board of Commissioners for violation of any provision of this Ordinance. Revocation shall not occur earlier than ten (10) calendar days after written notice of revocation has been personally served on the licensee, or, if a hearing is requested, until the written decision of the Board has been served on the licensee by registered mail. Such written notice shall contain the effective date of the revocation, the nature of the violation or violations constituting the basis for revocations, the facts which support the conclusions that the violation
or violations have occurred, and a statement that the licensee is entitled to a hearing provided that he request such hearing in writing by personally serving said request to the Board of Commissioners within (10) calendar days, of service of such notice, exclusive of the day of service. If the licensee fails to request a hearing within the time prescribed, he/she shall forfeit any right to a public hearing. Upon receipt of a written request for a hearing, the County Board of Commissioners shall set a hearing not earlier then ten (10) days and not later then thirty (30) days from the date of receipt of the request.

Subd. 6. Hearings. Whenever a hearing is requested in regard to an application, renewal, suspension or revocations of a license, the hearing shall be governed by the following procedures:

A. Hearing Officer: The Jackson County Board of Commissioners shall have the power to conduct public hearings pursuant to this Section. By resolution, the County Board of Commissioners may appoint a Hearing Officer to assist the County Board. If the individual conducts hearings on behalf of the County Board he/she shall submit to the County Board of Commissioners, in writing, Findings of Fact, Conclusions of Law and recommendations, and the County Board of Commissioners may base its decision on this report.

B. Notice of Decision: The County Board of Commissioners shall notify the applicant or licensee in writing as to its decision within five (5) working days after a decision is reached.

C. Procedures: All hearings shall be conducted in the following manner:

a. The court reporter shall record and transcribe, if necessary, a record of the hearing.

b. All testimony shall be sworn under oath.

c. The rules of evidence shall be informal. All relevant evidence, subject to the County Board of Commissioner’s or hearing officer’s discretion may be reviewed.

d. The county shall present evidence first.

e. The applicant or licensee, or his counsel, if represented, may cross-examine all witnesses testifying in the proceedings.

f. The attorney for the County Board of Commissioners may cross-examine all witnesses testifying in the proceedings.

g. The decision of the County Board of Commissioners shall be based on the evidence presented at the hearing before the County Board or on the Findings of Fact, Conclusion of Law and Recommendations of the hearing officer.

h. If the applicant or licensee fails to appear at the hearing, he shall forfeit any right to a public hearing before the County Board of Commissioners or hearing officer.

i. Any applicant or licensee aggrieved by a decision of the County Board of Commissioners shall have the right to appeal to the District Court in
the County of Jackson on questions of law and fact within thirty (30) days of the date of the decision.

Subd. 7. Removal of Suspension: In the case of a suspension, upon written notification from the licensee that all violations for which the suspension was invoked have been corrected, the Environmental Services Office shall re-inspect the site, facility, or solid waste collection service within five (5) working days after receipt of the notice for the licensee. If the Environmental Services Office finds on such re-inspection that the violations constituting the grounds for suspension have been corrected, the Environmental Services Office shall immediately terminate the suspension by written notice to the licensee and the County Board.
SECTION XXII. VARIANCES

Upon written application by the applicant or operator, the County Board may grant variances from the provisions of this Ordinance in order to promote the effective and reasonable application and enforcement of the provisions of this Ordinance.

A variance may be granted by the Board of Commissioners after a public hearing where the Board determines that enforcement of this Ordinance would cause the applicant undue hardship, or that the Ordinance cannot be complied with due to technological impossibility or economic unreasonableness. Such a variance shall not be granted for a period in excess of two years, but may be renewed upon application of the applicant and after public hearing. A variance may be revoked by the Board at the public hearing prior to expiration of the variance. An application for a variance shall be accompanied by a plan and time schedule for achieving compliance with the Ordinance. Prior to any public hearing held by the Board under this provision, persons who may be adversely affected by the granting of the proposed variance shall be given at least thirty (30) days notice to said public hearing.
SECTION XXIII. NONCONFORMING SITES AND FACILITIES AND COLLECTION OF SOLID WASTE

Solid Waste management facilities, and any firm, corporation, or business collecting its own solid waste in existence on the effective date of this Ordinance and operation of such facilities shall conform to the provision of this Ordinance no later than 60 days after the adoption of the Ordinance, or terminate operations no later than the date, unless granted a variance.

Solid waste collection services for hire in existence on the effective date of this Ordinance shall conform to the provisions of this Ordinance no later than January 1, 1993, unless granted a variance.
SECTION XXIV. ADDITIONAL REQUIREMENTS

For the purpose of protecting the public health, safety, and welfare, the County Board may impose additional requirements consistent with the intent of this Ordinance for the operation of solid waste management sites or facilities.
SECTION XXV. SEVERABILITY

It is hereby declared to be the intention of the County Board of Commissioners that several provisions of this Ordinance be severable in accordance with the following:

Subd. 1. If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provision of this Ordinance not specifically included in said judgment.

Subd. 2. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular structure, site, facility, operation or solid waste collection service, such judgment shall not affect the application of said provision to any other structure, site, facility, operation or solid waste collection service, not specifically included in said judgment.
SECTION XXVI. PROVISIONS ARE ACCUMULATIVE

The provisions of this Ordinance are accumulative and additional limitations upon all other laws and ordinances heretofore passed or which may be passed hereafter, covering any subject matter in this Ordinance.
SECTION XXVII. NO CONSENT

Nothing contained in this Ordinance shall be deemed to be a consent, license, or permit to locate, construct, operate or maintain any site, facility or operation, or to carry on any activity.
SECTON XXVIII. OTHER ORDINANCES AND REGULATIONS

Nothing in this Ordinance shall preclude any local unit of government from adopting stricter regulations than this Ordinance.
SECTION XXIX. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage and publication according to law.
PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF JACKSON COUNTY

Chairman, Board of Commissioners

Attest:

County Auditor

Approved as to Form and Execution:

County Attorney
RESOLUTION
TO APPROVE AND ADOPT THE
JACKSON COUNTY SOLID WASTE MANAGEMENT ORDINANCE

WHEREAS, Jackson County recognizes the need to protect the public's health, prevent public nuisances, and prevent contamination of the groundwater and other environments from solid waste through control of number, location and operation of such facilities; and

WHEREAS, to assure all individuals are informed and responsible for their actions regarding solid waste that may affect the environment and the community now and in the future; and

WHEREAS, to support activities that will promote use and reuse of materials found in solid waste that would otherwise be disposed in ways that would not recapture the useful characteristics of its components;

WHEREAS, The County Board of Commissioners of the County of Jackson under the authority provided in Chapter 115, 115A, 116, 145.22, 145.23, 375, 400, 561.01 and 609.74 of the Minnesota State Statutes and applicable rules authorizing and providing for County Solid Waste Management, does ordain;

NOW THEREFORE, BE IT RESOLVED, Jackson County Board of Commissioners hereby approves and adopts the Jackson County Solid Waste Ordinance.

BE IT FURTHER RESOLVED, Jackson County will maintain, implement and enforce this Ordinance by following Minnesota State Statutes and Rules.

Adopted this 10 day of February, 1992, by
Jackson County Board of Commissioners.

[Signature]
Jackson County Board of Commissioner Chairman,
Norman Pohlman

Attest by: [Signature]
Jackson County Auditor, Luther F. Glaser
JACKSON COUNTY COMMERCIAL RECYCLING RESOLUTION

WHEREAS, the 1989 Minnesota legislation mandated a statewide waste reduction and recycling program effective October 4, 1989; and

WHEREAS, Minnesota Statutes Chapter 400.09 authorizes Jackson County to impose reasonable charges for solid waste management and disposal; and

WHEREAS, it is in the opinion of the County Board that all owners or occupants of commercial buildings within Jackson County which have the potential to generate solid waste be mandated to participate in recycling. Commercial/Industrial property is described as: Property utilized for any occupation, employment or enterprise wherein merchandise is exhibited or sold, or where services are offered for compensation during normal business hours. This includes non-farm business (not meeting the definition of farm in the Jackson County Development Code), public buildings, churches, other property exempt from real estate taxes; and

WHEREAS, it shall be unlawful for any owner or occupant of a commercial building within Jackson County to generate or deposit for collection mixed municipal solid waste which contains any of the county designated recyclable material.

NOW THEREFORE BE IT RESOLVED, that the Jackson County Board of Commissioners hereby determined that Commercial Recycling be implemented in Jackson County beginning January 1, 1993; and

BE IT FURTHER RESOLVED, that each municipality within Jackson County shall be established as a separate service area subject to all the requirements of the Jackson County Solid Waste Ordinance.

BE IT FURTHER RESOLVED, that a $3 per month ($36 per year) Recycling Processing Assessment be placed on all commercial property though the avenue of placing on property taxes, with the exception of: empty commercial lots; radio or T.V. towers, water towers, utility substations, warehouse or storage buildings, or those exempted by the County Board of Commissioners. Recycling processing assessment fees will be remitted to the licensed or contracted recycling center which is processing the commercial recycling.

BE IT FURTHER RESOLVED, that all County licensed garbage haulers shall charge for the collection of recyclable material on their monthly garbage bill a minimum of $8 per month/collection site or 15% of garbage rate. Recycling collection monies will be turned over to the County by a date set by the County Board. Jackson County will remit this collected money to those haulers doing the collecting and hauling of recyclable materials to a Jackson County licensed or contracted recycling center.
BE IT FURTHER RESOLVED, that commercial recycling will require all corrugated cardboard to be broken down and office paper be placed in clear plastic bags. The County will make available the designated 30 gallon yellow recycling containers for half the cost to commercial businesses.

BE IT FURTHER RESOLVED, that this Resolution supersedes the existing Jackson County Commercial Recycling Resolution passed October 26, 1998 and the Jackson County Commercial Recycling Resolution passed November 23, 1992.

BE IT FURTHER RESOLVED, that the County will review commercial recycling annually.

Passed this ___ day of December, 1998

Edward G. Yonker
Chairman, Jackson County
Board of Commissioners

ATTEST: Janice Hendrickson
Coordinator, Jackson County
APPENDIX - 4

SOLID WASTE ORDINANCE
LAC QUI PARLE SOLID WASTE ORDINANCE

An ordinance establishing standards for and regulating the operation of solid waste disposal facilities in Lac qui Parle County, Minnesota; requiring a license for establishing and operating a solid waste disposal facility; establishing requirements for certain facilities on a disposal site, for control of special solid wastes and for fire protection; providing for an enforcement agency, requirement of a performance bond and penalties for lack of compliance with these provisions; and requiring a license for persons who provide a service of collecting and transporting mixed municipal solid waste; in order to promote the health, welfare and safety of the public pursuant to Laws of Minnesota 1984, Chapters 473.811 Subdivision 5a; 115A.919; 115A.90 and 145.

Section 1. Definitions. The following words and phrases, when used in this ordinance, unless the context clearly indicated otherwise, shall have the meaning ascribed to them in this Section.

Subsection 1. "County Board" is defined as the Lac qui Parle County Board of Commissioners.

Subsection 2. "Cover Material" is soil that can be compacted to provide the tight seal, does not crack when dry and is free of putrescible material.

Subsection 3. "Demolition Waste" is defined as solid waste which consists of concrete, blacktop, bricks, blocks, structural metal, wood from demolished structures, trees and tree trimmings and other inert waste materials as may be approved by the Office.

Subsection 4. "Demolition Waste Landfill" is defined as an area of land used for the disposal of demolition waste without creating nuisances or hazards to the environment, public health and safety and is operated in compliance with the provisions of this Ordinance.

Subsection 5. "Garbage" is defined as discarded material resulting from the handling, processing, storage, preparation, serving, and consuming of food.

Subsection 6. "Gate Yard" is defined as a cubic yard of solid waste as received at the entrance of a waste facility. Waste facilities weighing and reporting tons of solid waste received at the entrance shall use the conversion factor of six hundred pounds per cubic yard (600 lb/yd3) of solid waste received at the entrance when required or authorized by this Ordinance.

Subsection 7. "Incineration" is defined as the process by
which solid wastes are burned for the purposes of volume and weight reduction in facilities designed for such use.

Subsection 8. "Licensee" is defined as the person who has been given authority by the County Board to establish, operate and maintain a solid waste disposal site or facility.

Subsection 9. "Mixed Municipal Solid Waste" is defined as garbage, refuse, and other solid waste from residential, commercial, industrial, and community activities which is generated and collected in aggregate, but does not include auto hulks; street sweepings, ash construction debris, mining waste, sludges, tree and agricultural wastes, tires, and other materials collected, processed and disposed of as separate waste streams.

Subsection 10. "Office" is defined as the Lac qui Parle County Solid Waste Office.

Subsection 11. "Person" is defined as any entity, individual, partnership, corporation, or organization of a private or public nature and any representative thereof.

Subsection 12. "Putrescible Material" is defined as solid waste which is capable of becoming rotten and which may reach a foul state of decay or decomposition.

Subsection 13. "Recycling" means the process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of recyclable materials in a manner that precludes further use.

Subsection 14. "Refuse" is defined as putrescible and nonputrescible solid wastes (except body wastes), and including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings and market and industrial solid wastes.

Subsection 15. "Refuse Hauler/Recyclable Collector" means any person who provided a service (except nonprofit organizations) for the collection and transportation of mixed municipal solid waste and/or those recyclable waste materials designated by Lac qui Parle County as required recyclable materials.

Subsection 16. "Sanitary Landfill" is defined as an area of land which is used for the disposal of solid waste without creating nuisances or hazards to public health or safety by utilizing the principals of engineering to confine the solid waste to the smallest practical volume and to cover it with at least six inches (6") of cover material at the conclusion of each day's operation, or at more frequent intervals as may be necessary.

Subsection 17. "Shoreland" is defined as land located
within the following distances from the ordinary high water mark of public waters:

a) land within 1,000 feet from the normal high water mark of a lake, pond, reservoir, impoundment, or flowage; and

b) land within 300 feet of a river or stream or the landward side of flood plain delineated by ordinance on such a river or stream, whichever is greater.

Subsection 18. "Site or Facility" is defined as all real or personal property which is or may be used for the utilization, processing or final disposal of solid waste and which requires a licence for disposal therein under the provisions of this Ordinance.

Subsection 19. "Sludge Waste" is defined as inorganic waste in a semiliquid state, excluding toxic and hazardous waste, but including waste from automobile wash racks and steam cleaning products, ceramic, pottery and glass wastes, muddied water from laundries and similar nontoxic materials.

Subsection 20. "Solid Waste" is defined as garbage, refuse, demolition waste, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded solid waste materials, and sludges, in solid, semisolid, liquid, or contained gaseous form, but does not include hazardous waste, animal waste used as fertilizer; earthen fill, boulders, rock; sewage sludge; solids or dissolved material in domestic sewage or other pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents; or discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended; dissolved materials in irrigation return flows; or source, special nuclear, or by-product material as defined by The Atomic Energy Act of 1954, as amended.

Subsection 21. "Source Separation" means the separation, by the generator, of any material for the purpose of preventing its introduction into the mixed solid waste stream.

Subsection 22. "Toxic and Hazardous Wastes" shall have the definition ascribed to Hazardous Waste in the Pollution Control Agency Solid Waste Management Rules.

Subsection 23. "Transfer Station" is defined as an intermediate solid waste disposal facility in which solid waste collected from any source is temporarily deposited to await transportation to the final disposal site for facility.

Subsection 24. "Waste Tire" is defined as solid waste which consists of the rubber other resilient material product which is used on a vehicle or other equipment wheel to provide tread which
is discarded or which cannot be used for its original intended purpose because it is used, damaged or defective.

Section 2. General Provisions.

Subsection 1. No person shall dispose of solid waste, nor allow his land or property under his control to be used for intermediate or final disposal of any solid waste, except at a site or facility for which a license has been granted by the County Board, unless otherwise provided by this Ordinance. No person shall provide a service for the collection and transportation of mixed municipal solid waste or designated recyclable materials within Lac qui Parle County unless licensed as a Refuse Hauler/Recyclable Collector by Lac qui Parle County.

Subsection 2. Any site of facility to be used for any method of solid waste disposal, not otherwise provided for in this Ordinance, must be licensed by the County Board before operation may commence. The license application shall include two (2) sets of complete plans, specifications, design data, ultimate land use plan and proposed operating procedures prepared by a registered engineer of Minnesota.

Subsection 3. After receiving an application for the operation of a site or facility, the County Board shall have ninety (90) days to either grant or deny the license. After receiving an application for a Refuse Hauler/Recyclable Collector's license, the County Board shall have 30 days to either grant or deny the license. If an applicant is not granted a license, he shall be notified in writing the reasons therefor by the County Board. A denial shall be without prejudice to the applicant's right to an appearance before the County Board or for filing a further application after revisions are made to meet objections specified as reasons for denial.

Subsection 4. Unless otherwise provided by the County Board, issuance of any license pursuant to the provisions of this Ordinance shall be contingent upon the applicant furnishing to the County a bond in an amount to be set by the County Board and naming the County as obligee with sufficient sureties duly licensed and authorized to transact corporate surety business in the State of Minnesota as sureties. The condition of such bond shall be that if the principal fails to obey any of the requirements or do any of the acts required by this Ordinance in the operation of the solid waste disposal site or facility, or if, for any reason, ceases to operate or abandons the solid waste disposal site or facility, and the County is required to expend any monies or expend any labor or material to restore the site to the condition and requirements as provided by the Ordinance, the obligor and the sureties on its bond shall reimburse the County for any and all expenses incurred to remedy the failure of the principal to comply with terms of the Ordinance, and that the obligor and its sureties will indemnify and save the County harmless from all losses, costs and charges that may occur to the
County because of any default of the obligor under the terms of his license to operate and the Ordinance of the County. In addition to the bond to be furnished, the licensee shall furnish to the County, certificates of insurance in amounts and types to be set by the County Board.

Subsection 5. Unless otherwise provided by the County Board, each license granted pursuant to the provisions of this Ordinance shall expire on December 31 of each year unless sooner revoked. Application for license renewal shall be made in writing to the County Board by November 1 each year. Application for license renewal shall contain a written statement of any changes in the information submitted in the last approved license application. Failure to submit such information shall result in grounds for revocation or for not granting renewal of the license by the County Board. If there are no changes it shall be so stated in the renewal of the license by the County Board. If there are no changes, it shall be so stated in the renewal application.

Subsection 6. Any license granted under the provisions of this Ordinance may be suspended at any time for any failure to pay the license fee, for noncompliance with the provisions of this Ordinance, or whenever in the written and documented opinion of the County Board the continuance of the site or facility would endanger the health, welfare or safety of the public. The notice of suspension may be served upon the licensee personally or by leaving the same at the licensed premises with the person in charge thereof. A license may be revoked only after the County Board has held a public hearing at which the licensee and other person interested in the site or facility shall have the right to be heard. The date of the hearing shall be set by the County Board and shall not be held earlier than fifteen (15) calendar days after notice of said hearing was received by the licensee. At the hearing, any person interested in said site or facility shall have the right to be heard.

Subsection 7. Routine inspection and evaluation of solid waste disposal facilities if located in Lac qui Parle County shall be made by the Office in such frequency as to ensure consistent compliance by the facilities with the provisions of the Ordinance. The licensee shall be provided with written and documented notice of any deficiencies, recommendations for their correction and the date when the corrections shall be accomplished. The licensee shall be required to allow free access to the Office, County Board, or to the proper representative of any other governmental agency at any time for the purpose of making such inspections as may be necessary to determine compliance with the requirements of this Ordinance, or any other applicable statute, ordinance or regulation.

Subsection 8. The Office shall be responsible for the administration of this Ordinance. Its duties shall include, but not be limited to, the following:
A. Review and consider all license applications submitted to the County Board for operation of solid waste disposal facilities within the County, and after consideration, to recommend in writing with documentation to the County Board that a license be granted or denied.

B. Inspect solid waste disposal facilities as herein provided and to investigate complaints of violations of this ordinance.

C. Recommend, when necessary, to the County Attorney's Office that legal proceedings be initiated against a certain site or facility to compel compliance with the provisions of this Ordinance or to abate the operation of the same.

D. Encourage and conduct studies, investigations and research relating to aspects of solid waste disposal such as methodology, chemical and physical considerations and engineering.

E. Advise, consult and cooperate with other governmental agencies and the various offices of Lac qui Parle County.

F. Employ qualified personnel to assist County staff in the supervision, administration and enforcement of this Ordinance.

Section 3. Solid Waste Disposal by Sanitary or Demolition Waste Landfill. A sanitary or demolition waste landfill shall comply with the following provisions:

Subsection 1. No person shall establish, operate and maintain a sanitary or demolition waste landfill without first being licensed to do so by the County Board. The County Board may, at its discretion, issue a license for the operation of a sanitary or demolition waste landfill. An application fee, in an amount set by resolution of the County Board, shall accompany the application. The following information must be prepared by a registered engineer of Minnesota and submitted as a part of the application:

A. A current map or aerial photograph of the area showing land use and zoning within one-fourth (1/4) mile of the solid waste disposal site. The map or aerial photograph shall be of sufficient scale to show all homes, building, lakes, pond, water courses, wetlands, dry runs, rockcroppings, roads and other applicable problems. Wells shall be identified on the map or aerial photograph, U.S.G.S. date shall be indicated and a north arrow drawn. A location insert map shall be included.

B. A plot plan including legal description of the site
and immediate adjacent area showing dimensions, location of soil borings, present and planned pertinent features including, but not limited to roads, fencing and cover stockpiles. The plan of development including any excavation, trenching and fill. The scale of the plot plan should not be greater than two hundred feet per inch.

C. An ultimate land use plan, including intermediate stages, identifying the total and complete land use. The scale of the ultimate land use plan shall not be greater than two hundred feet per inch.

D. A report shall accompany the plans indicating:

1. Pollution and areas expected to be served by proposed site.

2. Anticipated type, quantity and source of material to be disposed of at the site.

3. Geological formations and ground water elevations to a depth of at least ten feet (10') below proposed excavation and lowest elevation of site, including the high water table. Such data shall be obtained by soil borings or other appropriate means.

4. Source and characteristics of cover material and method of protecting cover material for winter operation.

5. Area of site in acres.

6. Owner of site.

7. Persons responsible for actual operation and maintenance of the site and intended operating procedures.

E. Written proof that the local applicable municipal or township government has considered the establishment of the site and the results of that consideration.

Subsection 2. The annual license fee shall be set by resolution of the County Board.

Subsection 3. The fill and trench areas of sanitary landfill sites are prohibited within shoreland.

Subsection 4. The following shall be established, constructed or provided for at the sanitary landfill site:

A. Sanitary facilities and shelter shall be available for site personnel.
B. Litter control devices such as portable fences.

C. Electrical service for operations and repairs.

D. Fire fighting facilities on site adequate to insure the safety of employees.

E. Emergency first aid equipment to provide adequate treatment for accidents including those resulting from hazardous and toxic wastes.

F. A potable water supply for site personnel.

G. Shelter for maintenance and storage of site equipment.

H. Adequate facilities to insure that no vehicle desiring entry into the site may have to wait outside the perimeter of the sanitary landfill site.

I. Adequate communication facilities shall be provided for emergency purposes.

J. The site shall be fenced and a gate shall be provided at the entrance to the site and kept locked when an attendant is not on duty.

K. An all weather haul road to the unloading area.

L. Equipment sufficient for spreading, compacting and covering operations to include sufficient reserve equipment or arrangements to immediately provide for equipment during periods of breakdown.

M. At each entrance to the site the licensee shall erect and maintain a sign stating the name of the facility, the schedule of day and hours the facility is open to the public, prices for use of the facility and Minnesota Pollution Control Agency permit number and penalty for nonconforming dumping. The sign and its placement shall be subject to approval by the Office.

N. At the County Board’s discretion, a ground and surface water monitoring system may be required, at the licensee’s expense.

O. Visual screening of the sanitary landfill site, as approved by the Office, shall be provided by use of natural objects, trees, plants, seeded soil, berms, fences, or other suitable means.

P. Suitable disposal facilities shall be provided for individuals who wish to transport and dispose of their own
solid waste.

Subsection 5. Landfill Operating Procedures. Any person who has been granted a license by the County Board to operate a sanitary landfill shall comply with the following regulations:

A. Open burning of solid waste is prohibited. No scavenging shall be allowed. Salvaging shall be allowed only upon conditions approved in writing by the County Board. Animal feeding within the site is prohibited.

B. Putrescible wastes shall not be deposited within five feet (5') above the highest known water table at the landfill site.

C. A minimum separating distance of twenty feet (20') shall be maintained between the disposal operation and the adjacent property line.

D. Unloading of solid waste shall be confined to as small an area as practicable and surrounded with appropriate facilities to confine possible wind-blown material within the area. At the conclusion of each day of operation, all wind-blown material resulting from the operation shall be collected and returned to the area by the owner or operator.

E. Solid waste shall be compacted as densely as practicable and covered after each day of operation with a compacted layer of least six inches (6") of suitable cover material.

F. Surface water drainage shall be diverted around the landfill operating area.

G. Putrescible materials which have reached a foul state of decay or decomposition, such as spoiled food and animal carcasses, shall be immediately covered and compacted.

H. Disposal of truck and automobile tires and other special wastes shall be managed in accordance with the provisions of Section 13 of this ordinance.

I. Control of vectors, such as rodents and flies, and of odors, dust, wind blown material and other potential public nuisances shall be the responsibility of the licensee. Should the Office so prescribe, the licensee shall, at his own expense, engage an exterminator or pest control agent to inspect the landfill on at least a monthly basis. A copy of each inspection report shall be sent to the Office immediately upon its receipt by the licensee.

J. An attendant shall be on duty at the site at all times while it is open for public use. Unloading of refuse
shall be continuously supervised at the working face of the landfill.

K. The depth of any layers of compacted solid waste in the landfill shall not exceed eight feet (8') without being covered.

L. Within one month after final termination of a site, or a major part thereof, the area shall be covered according to PCA rules. No holes or depressions which might result in collection of surface water shall remain or exist after such covering.

M. The finish surface of the filled area shall be covered with adequate topsoil and seeded with native grasses or other suitable vegetation immediately upon completion or immediately in the spring on areas terminated during winter conditions. If necessary, seeded slopes shall be covered with straw or similar material to prevent erosion.

N. Prior to termination of operation of the site, the Minnesota Pollution Control Agency and the Office shall be notified in order that site investigation may be conducted before personnel and equipment are removed from the property. The final condition of the landfill must be approved by the Office and the Minnesota Pollution Control Agency before such removal may occur.

O. The licensee shall accept all solid waste offered for disposal during the posted hours of operation which may legally and reasonably disposed of at the site. Vehicles, such as automobiles and trucks, are not considered reasonable items for disposal, but when accepted must be crushed prior to disposal.

P. Accurate daily records of site operations shall be maintained. These records shall contain information pertinent to site operation. Intake of solid waste in tons or cubic yards shall be recorded daily in a manner acceptable to the Office. General areas in which a particular type of solid waste disposal take place within the landfill shall be filed. Disposal of hazardous waste is prohibited. All hazardous wastes generated by the facility operation, or delivered to the facility by other persons, must be managed in accordance with Lac qui Parle County's Hazardous Waste Management Ordinance No. 12, Minnesota Pollution Control Agency Rules and special waste management plans approved as part of any license or permit issued by either Lac qui Parle County of the State of Minnesota.

Subsection 6. Disposal of bulky wastes in a sanitary landfill is conditioned upon the following requirements:

A. Yard wastes consisting of garden wastes, leaves,
lawn cuttings, weeds, trees, branches, and prunings may not be acceptable for disposal at a landfill after January 1, 1990.

Subsection 7. The licensee of the sanitary landfill is responsible for adequate fire protection on the site. Adequate fire fighting equipment shall be available at all times on the site or the licensee shall furnish the Office with proof of a fire fighting agreement between the licensee and the local fire protection agency to immediately acquire its services when needed.

Subsection 8. A detailed description and a plat of the completed sanitary landfill site shall be recorded with the Lac qui Parle County Recorder within one month after approval of the final condition of the landfill. This description shall include the general type and location of deposited solid waste, the type and number of lifts, original and final terrain description and other pertinent characteristics of the completed sanitary landfill site.

Subsection 9. A demolition waste landfill shall comply with the provisions of Subsection 3 through 8 above and with other applicable provisions of this Ordinance, except for those provisions specifically waived by the Office, and shall pay the appropriate fees.

Subsection 10. Household hazardous waste, pesticide, herbicide or fertilizer containers or any hazardous waste as defined by PCA must be collected and transferred in accordance with Minnesota Statutes, PCA Rules and licensed by the County.

Section 4. Incineration. This section applies only to existing and new incinerator having a capacity greater than six thousand (6,000) pounds per hour. All incinerators shall be designed and operated in a manner to conform to emission limitations of State and local air pollution control regulations.

Subsection 1. It is unlawful for any person to construct, establish, maintain or operate an incinerator without first acquiring a license from the County Board. It shall not be necessary to have more than one license per incinerator for purposes of this Ordinance. An application fee in an amount set by resolution of the County Board shall accompany the application. The annual license fee shall be set by resolution of the County Board. The following information shall be submitted as a part of the application:

A. A minimum of two (2) sets of plans and specifications, prepared by a registered engineer of Minnesota, clearly indicating the construction which will be undertaken. These details shall include a plot plan showing land use, zoning and the location, type and height of all
buildings within five hundred feet (500') of the proposed installation.

B. An engineering report including furnace design criteria and expected performance data, the present and future population and area to be served by the incinerator, and the characteristics, quantities and sources of the solid waste to be incinerated.

C. Plans for the disposal of incinerator residue and emergency disposal of solid waste in the event of major incinerator plant breakdown.

D. Owner of the site and/or plant.

E. Persons responsible for actual operation and maintenance of the plant and intended operating procedures.

F. Such additional clarifying data as may be requested by the office.

G. Written proof that the local applicable municipal or township government has considered the establishment of the incinerator and the results of that consideration.

Subsection 2. The incinerator operation for each proposed installation shall be considered for approval on its own merits, and shall be in compliance with the following criteria and in accordance with accepted engineering practices.

A. The incinerator plant shall be so situated, equipped, operated and maintained as to minimize interference with other activities in the area.

B. Shelter and sanitary facilities shall be available for plant personnel.

C. A permanent sign shall be posted at the site entrance identifying the operation and showing the Minnesota Pollution Control Agency permit number of the plant, and indicating the hours and days when the plant is open for public use. Access to the plant shall be limited to those times when authorized personnel are on duty.

D. All incoming solid waste to be incinerated at the plant shall be confined to the unloading area. Adequate holding bin capacity shall be provided.

E. Facilities shall be designed to provide for dust control in the unloading and charging areas.

F. The incinerator plant shall have weighing facilities available. Permanent records shall be maintained indicating the total weight of material incinerated, the
total quantity or resulting residue and total hours of plant operation. These records shall be immediately available for inspection upon request by the Office.

G. Fire fighting equipment, meeting the standards of Underwriters Laboratory, Inc., or other approved nationally recognized safety standards, shall be available in the storage and charging areas and elsewhere as needed.

H. Arrangements shall be made with the local fire protection agency to provide fire fighting forces in an emergency.

I. Adequate communication facilities shall be provided for emergency purposes.

J. Equipment shall be provided in the storage and charging areas and elsewhere as needed to allow cleaning after each day of operation or as may be required in order to maintain the plant in a sanitary condition.

K. The charging openings as well as all equipment throughout the plant shall be provided with safety equipment.

L. During normal operation, the temperature in the combustion chambers shall conform to the Air Pollution Control Regulations of the Minnesota Pollution Control Agency now or hereafter adopted, to produce a satisfactory residue and to result in an odor-free operation.

M. A continuously recording pyrometer shall be provided in order to maintain continuous records of temperature in the combustion chambers. A copy of such records shall be available to the Office upon request.

N. All residue removed from the incinerator plant shall be promptly disposed of in a manner that will prevent nuisances, pollution and public health hazards. Residue containing combustible material shall be disposed of in a sanitary landfill.

O. Upon completion of the plant and prior to initial operation, the Office shall be notified to allow personnel of the Office to inspect the plant both prior to and during the performance tests.

P. Performance tests of the plant may be required by the County Board. A report covering the results of the performance test in such cases shall be prepared by the design engineer of the project and submitted to the County Board with the copy of all supporting data.

Q. Yard wastes consisting of garden wastes, leaves,
lawn cuttings, weeds, trees, branches of trees, and prunings may not be accepted for incineration at any solid waste incinerator, whether licensed under this ordinance or not, after January 1, 1990.

Section 5. Transfer Stations. Any transfer station shall be constructed, established, maintained and operated in accordance with the following provisions.

Subsection 1. A license shall first be obtained from the County Board to construct, establish, maintain or operate a transfer station. The application and license fee, which shall accompany the license application, shall be set by resolution of the County Board. The application for a license shall contain the following information:

A. Location, size and ownership of the land upon which the station will operate.

B. General description of property use in the immediate vicinity of the transfer station.

C. Complete plans and specifications and proposed operating procedures for the transfer station.

Subsection 2. The following shall be established and maintained at the transfer station site:

A. A sign, subject to the approval of the Office shall be posted on the premises indicating the station name, the schedule of days and hours it is open to the public and prices for use.

B. Roads on the premises shall be all-weather surfaced. The premises shall be constructed and landscaped in such a manner as to be aesthetically pleasing in appearance.

C. Adequate sanitary facilities and shelter for personnel shall be provided on the premises.

D. Records approved by the Office shall be maintained indicating the type and quantity of solid waste passing through the transfer station.

E. The transfer station shall be so equipped, situated, operated and maintained as to minimize interference with other activities to the area.

Subsection 3. A transfer station licensee shall comply with the following regulations:

A. When stated in and as part of the license, the licensee shall take away all solid waste, and wash, clean
and disinfect the station at the end of each day of use.

B. The premises, entrances and exists shall be maintained in a clean, neat and orderly manner at all times.

C. All incoming and outgoing traffic shall be controlled by the licensee in such a manner as to provide orderly and safe ingress and egress.

D. All unloading of solid wastes from contributing vehicle shall be conducted in such a manner as to eliminate odor and litter outside the station.

Section 6. Refuse Hauler/Recyclable Collector. All Refuse Haulers/Recyclable Collectors providing service to residential, commercial or industrial customers in Lac qui Parle County must be licensed by Lac qui Parle County (except nonprofit organizations who can provide satisfactory verification of their Minnesota nonprofit tax exempt status), display a decal provided or approved by Lac qui Parle County on each vehicle (on driver's door in upper right quarter) and container used for refuse collection and transportation of refuse from Lac qui Parle County customers, and comply with the following procedures:

Subsection 1. A license shall first be obtained from the County Board to provide the service of collection of solid waste within the County. The annual license fee shall be set by resolution of the County Board. The application for a license shall contain the following information:

A. The name and current business address of the Refuse Hauler/Recyclable Collector.

B. The type, number and capacity of refuse hauling vehicles, and other containers or collection equipment used in Lac qui Parle County for solid waste or recyclables.

C. A brief description of how the Refuse Hauler/Recyclable Collector will comply with the provisions in Subsection 3 A-D of this Section.

D. Information about the location and method of storage of collected recyclable materials along with evidence of compliance with applicable local zoning codes.

E. A general description of the service area. This need not include information about specific customers.

Subsection 2. The Refuse Hauler/Recyclable Collector must provide a service (either directly or through written subcontract with a person or company approved by Lac qui Parle County as a condition to the license) to collect recyclables (and after January 1, 1990 yard waste in accordance with Section 13 Subsection 2) from all single family residential, commercial and
industrial customers in Lac qui Parle County. Designated recyclables include aluminum and bimetal beverage containers, color separated glass food and beverage containers, and newspaper for single and multiple family residential customers, and for commercial customers: office paper and corrugated if requested by the customer. Additional recyclable materials may be added to this by Resolution of the County Board after the effective date of this Section. All licensed Refuse Haulers/Recyclable Collectors shall be given 120 days advance notice in writing of the proposed additional recyclable material(s) and shall be notified in writing 15 calendar days in advance of the time and date of the County Board meeting at which time a decision will be rendered. Notice shall be deemed given by mail via general delivery, to the address identified on the most recent license application or renewal form on file in the Office.

A. The Refuse Hauler/Recyclable Collector may specify the type of container their customer must place the recyclables in. The containers must be provided by the Refuse Hauler/Recyclable Collector or already available to a customer at the time this Ordinance becomes effective.

B. The Refuse Hauler/Recyclable Collector must specify the time and day of collection that their customers are to place their recyclables out on their property for pickup. The Refuse Hauler/Recyclable Collector must collect the recyclables within 12 hours of the designated time. The collection location must be on the customer's property in a location at or near the regular solid waste collection site or such other location mutually agreeable to the hauler and the customer.

C. The Refuse Hauler/Recyclable Collector may specify how a customer is to place their recyclables out for collection and how the recyclable are to be prepared. The County Solid Waste Officer reserves the right to review and modify the amount of preparation required by the Refuse Hauler/Recyclable Collector in consideration of local recyclable market requirements.

D. The Refuse Hauler/Recyclable Collector must collect recyclables from each customer at least once a month unless normal solid waste collection service is provided less frequently than monthly, in which case the frequency of recyclable collection shall be the same as refuse collection.

E. The Refuse Hauler/Recyclable Collector is assumed to own the recyclables they have collected and may market them as they see fit. However, a Refuse Hauler/Recyclable Collector may not dispose of any recyclables in or on the land, nor through incineration unless given prior written approval to do so by the Environmental Health Manager.
F. The Refuse Hauler/Recyclable Collector must submit an annual report to the Office, on or before January 31 of each year for the previous calendar year, identifying the weight in tons of all recyclables and all other disposal solid wastes (if tonnage is unavailable for disposal solid waste, cubic yard shall be reported) collected from Lac qui Parle County customers. The report must identify the weight of each type of recyclable collected.

G. The Refuse Hauler/Recyclable Collector must demonstrate to the Office at the time of license application and at time of annual license renewal how they will provide both an incentive to their customers to reduce the amount of waste generated and an incentive to recycle the materials designated by the County Board. Examples of compliance with this provision include, but are not limited to, volume based collection fees and/or credit equal to the reduction in tip fee realized through removal of the amount a customer is recycling.

H. Municipalities or Townships within Lac qui Parle County that contract with Refuse Hauler/Recyclable Collectors must contract only with a Refuse Hauler/Recyclable Collector who is licensed by Lac qui Parle County. Contract must also be consistent with the provisions in this Subsection.


A. The County shall provide to a licensed Refuse Hauler/Recyclable Collector an amount of money (Performance Enhancement Recycling Cost Share or PERCS) to be set by resolution of the County Board for each ton of designated recyclable material collected in Lac qui Parle County by the Refuse Hauler/Recyclable Collector or their contractor. Payment of said PERCS shall be made monthly, providing the Hauler/Recyclable Collector submits to the Office the following information:

1) Receipts from the recyclable market or broker or verifiable scale weight slips identifying the quantity by weight of each designated recyclable material collected from Lac qui Parle County; and

2) Information on the customers participating with the recycling program including names and addresses.

B. Information regarding the names and addresses of customers provided by the haulers under Section 7.A.2. above shall not be released by the County to any person, (other than the waste hauler providing the information) for any purpose, and shall be considered confidential or nonpublic.
data in accordance with the provisions in Minnesota Chapter 13.37 and 13.41 relating to Government Data Practices.

Section 8. Anti-Scavenging Provision.

A. Ownership of the separated recyclable materials set out by a customer for collection by the Refuse Hauler/Recyclable Collector shall be vested in the Refuse Hauler/Recyclable Collector servicing the Person who is recycling. It shall be unlawful and an offense against this Ordinance (except as noted in Subsection B below) for any person other than the owner, leasee, or occupant of a residential dwelling or commercial/industrial business, to pick up said separated recyclable materials for any purpose.

B. Persons or organizations other than a licensed Refuse Hauler/Recyclable Collector may not collect recyclables (except at a drop off or redemption site) unless they obtain written permission from the Office. Permission will be granted to any organization to collect recyclables at curb side providing the following conditions are met and evidence thereof is provide to the office.

1) For single and multi-family residential customers, written permission must be granted by the Refuse Hauler/Recyclable Collector servicing the accounts to be collected from.

Section 9. Variances. Upon written application by the applicant or operator, the County Board may grant variances from the requirements of the regulations and standards prescribed by the Ordinance in order to promote the effective and reasonable application and enforcement of the provisions of the Ordinance. Disposal facilities in existence at the time of the enactment of the Ordinance, and operation of such facilities, shall conform to the provisions of this Ordinance no later than one hundred eighty (180) days after the adoption of the Ordinance, or terminate operations no later than that date unless granted a variance for good cause shown this Section in writing to continue operations by the County Board. A request for such variance shall be accompanied with a plan and time schedule for compliance with the provisions of this Ordinance.

Section 10. Penalty. Any person who fails to comply with the provisions of this Ordinance may be charged with a misdemeanor and upon conviction thereof shall be punished thereof as provided by law. The County Board is responsible for the enforcement of this Ordinance, and any person who violates, omits, neglects, or refuses to comply with the provisions or the enforcement of this Ordinance, shall be guilty of a misdemeanor.

Section 11. Additional Requirements. For purposes of protecting and providing for public health, safety and welfare, the County Board may impose additional requirements consistent with the
intent of this Ordinance for the operation of solid waste sites or facilities.

Section 12. Fee on Operators of Disposal Facilities.

Subsection 1. Fee on Operators of Disposal Facilities. There is imposed a fee on operators of facilities which accept and dispose of mixed municipal solid waste in the County of Lac qui Parle. All vehicles transporting solid waste shall be registered at the entrance of the waste facility.

Subsection 2. Amount of Fee. The fee shall be two dollars ($2.00) per gate yard of solid waste accepted and disposed of at a facility for mixed municipal solid waste located in Lac qui Parle County. A facility that weighs the waste accepted and disposed of may pay a fee of two dollars ($2.00) per gate yard based on equivalent gate yards of waste computed as follows: six hundred (600) pounds of waste is equivalent to one (1) gate yard. An operator has the option to vary or alternate the method of determining the amount of waste accepted at the entrance, between weighed and measured volume, however, the fee shall be determined in the same manner as is used to determine the disposal charge. Charges for passenger cars and pickup trucks shall be in accordance with the rules promulgated by the Minnesota Commissioner of Revenue pursuant to the Metropolitan Landfill Abatement Act and shall be prorated in accordance with the ratio between the State fee and the County fee. This is subject to change.

Subsection 3. Partial Exemption from Fee.

A. Waste residue from energy and resource recovery facilities at which solid waste is processed for the purposes of extracting, reducing, converting to energy, or otherwise separating and preparing solid waste for reuse shall be exempt from one-half the amount of the fee imposed if there is at least an eighty-five percent (85%) volume reduction in the solid waste processed. To qualify for exemption under this clause, waste residue must be brought to the facility separately. Before any fee is reduced, the verification procedures of Section 73, Subdivision 1, Paragraph (c) of Minnesota Laws 1984, Chapter 644 must be followed and submitted to the Office.

B. Exemption for Cover Material and Lining. Materials approved by the Office for use as lining, or daily or final cover shall be exempt from the fee imposed under this Section. The generator of such material must obtain written approval from the Office. The Office may suspend or revoke such approval upon written notification to the landfill and waste generator if the waste is judged by the Office to be unsuitable for lining or cover material or is not used for the intended purpose at the landfill.
Subdivision 4. Returns, Fee payment and Reporting Requirements.

A. Time for Payment of Fee to Count. The fee imposed by this section shall be due and payable by the operator of the facility to the County of Lac qui Parle monthly, on or before the twentieth (20th) day of the month immediately following the month in which the solid waste was received at the facility.

B. Returns. Any operator subject to the fee imposed by this Section shall file a return prescribed by the Office. The return must be signed by the operator or person authorized by the operator to do so. The return shall be filed with the Office on or before the twentieth (20th) day of the month immediately following the month in which the solid waste was received at the facility and must be accompanied by payment of the fee.

C. Extensions. The office may extend for reasonable cause the time for filing returns and remittance of fees for not more than sixty (60) days. The Office may require a tentative return at the time fixed for filing the regularly required return and payment of the fee therewith on the basis of such estimated return.

D. Reporting Requirements. The monthly return required to be filed shall show: (1) the number of gate yards of solid waste accepted and disposed of at the facility; (2) for a facility that weighs waste, the total weight of solid waste accepted and disposed of at the facility converted to equivalent gate yards of solid waste; (3) if a facility has accepted and disposed of solid waste exempted from the fee under Subsection 3, the number of gate yards of solid waste exempt from the fee, together with verification acceptable to the Office that the waste is exempt from the fee; (4) the amount of fee due on the return; and (5) such other information as may be required by the Office and on forms approved by the Office in order to administer this Section.

E. Failure to File Return. If any operator required to file any return shall fail to do so within the time prescribed by this Section or shall make, willfully or otherwise, an incorrect, false or fraudulent return, such operator, upon written notice and demand, shall immediately file such thereof. If such operator shall fail to file such return or corrected return, the Office may make for him a return, or corrected return, from its knowledge and from such information as the Office can obtain through (less any partial payments for the fee covered by such return) shall be immediately paid upon written notice and demand. Any such return or assessment made by the Office shall be prima facie correct and valid and such operator shall have the
burden of establishing its incorrectness or invalidity in any action or proceeding in respect thereto. Nothing in this paragraph shall preclude any other remedy authorized by law or ordinance.

F. Records. Every operator of a facility at which mixed municipal solid waste is accepted and disposed of shall keep adequate and complete records showing the total gate yards of solid waste accepted and disposed of at the facility for each day or, if such waste is weighed, the total weight of such solid waste for each day.

G. Examination of Records. The County or its designated agent shall have the right to examine records and accounts of the operator required to file a return.

Section 13. Special Wastes.

Subsection 1. Applicability. The requirements of this section shall apply to any person who disposes of, transports, stores, processes, or otherwise possesses waste tires within the County of Lac qui Parle.

Subsection 2. Definitions. The terms used in this section shall have meanings as defined in Minn. Stat. 115A.90 and Minn. Rules pts. 9220.0110 and .0210.

Subsection 3. Disposal.

1. Requirement. Any person who possesses waste tires in the County of Lac qui Parle shall:

   a) deliver the waste tires to a person who possesses a valid Waste Tire Transporter Identification Number as required by Minn. Rules pt. 9220.0530;

   b) deliver the waste tires directly to a permitted or exempt waste tire storage, transfer or processing facility; or

   c) obtain a permit from the Minnesota Pollution Control Agency to store or process the waste tires as required by Minn. Rules pts. 9220.0230 and .0240. Such storage or processing shall be in accordance with all conditions of the State permit.

2. Exemptions. A person may store or process waste tires without a State permit if:

   a) such storage or processing is pursuant to an exemption under Minn. Rules pt. 9220.0230, subp. 2;
b) fewer than 50 waste tires are stored at any one time; or

c) fewer than 50 waste tires are processed during any 30 days.

Subsection 4. Transportation.

1. Requirement. Any person who transports waste tires for hire in the County of Lac qui Parle shall first obtain a Waste Tire Transporter Identification Number from the Minnesota Pollution Control Agency as required by Minn. Rules pt. 9220.0530.

2. Exemptions. A person may transport waste tires without a Waste Tire Transporter Identification Number if such transportation is pursuant to an exemption under Minn. Rules pt. 9220.0530, subpt. 2.

3. Conditions. A person who transports waste tires for hire shall:

   a) deliver the waste tires to a waste tire processing, storage, or transfer facility that has a State permit or is exempt from the requirement to obtain a State permit; and

   b) transport the waste tires in accordance with all conditions of the applicable Waste Tire Transporter Identification Number.

Subsection 5. Penalties.

1. Criminal penalties. Any person who willfully or negligently violates this section shall upon conviction be guilty of a misdemeanor.

2. Civil penalties. Any person who disposes of waste tires on public or private land, shoreland, roadways or waster in the County of Lac qui Parle in violation of this section shall be subject to the civil penalties of Minn. Stat. ch. 115A.99.

Subsection 6. Yard Wastes. After January 1, 1990, yard wastes including garden wastes, leaves, lawn cuttings, weeds, and prunings shall not be disposed of in mixed municipal solid waste, in a land disposal facility or in a resource recovery facility except for the purposes of composting or co-composting. The County shall provide a co-composting site.

Subsection 7. Other Wastes. The Lac qui Parle County Board may be resolution prohibit the disposal of other wastes in a sanitary landfill when alternatives to disposal are available.
Section 14. **Tax Levies: Advance Funding.** Pursuant to Minnesota Statutes Section 400.11 the County Board by resolution from time to time may levy taxes for solid waste management purposes upon all taxable property within the county. The county may levy a tax in anticipation of need for solid waste management purposes as specified in the resolution levying the tax appropriating the proceeds of the tax to a special fund to be used only for those purposes and, until used, to be invested in securities authorized in Section 475.66 of Minnesota Statutes.

Section 15. **Indemnification and Cost Recovery.**

Subsection 1. Indemnification. This ordinance shall not be construed to hold the Office of the County of Lac qui Parle or any officer or employee responsible thereof for any damage to persons or property by reason of the inspection or re-inspection authorized herein provided, or by reason of the approval or disapproval of equipment or licensing herein, nor for any action in connection with the inspection or control of solid waste or refuse or in connection with any other official duties.

Subsection 2. Civil Action or Cost as Special Tax. If a person fails to comply with the provisions of this Ordinance, the County may recover costs incurred for corrective action abate a threat to public health in a civil action in any court of competent jurisdiction or, at the discretion of the County Board, the costs may be certified to the County Auditor as a special tax against the real property.

Section 16. **Other Ordinances and Regulations.** Lac qui Parle County does not release any of its Solid Waste Management Powers under Minnesota Statutes and agency regulations to other units of government. If any regulations existing or adopted by other local units of government conflict with this ordinance, this County ordinance and plan shall prevail.

Section 17. **Effective Date.** This ordinance shall be in full force and effect from and after its passage and publication according to law except SECTIONS 6, 7, 8 and the amendments to SECTION 13 which shall be effective January 1, 1990 or as otherwise specified within those Sections.

Section 18. **Effective Date.** This ordinance shall be effective upon its passage and publication as provided by law.
Passed by unanimous vote of the Lac qui Parle County Board of Commissioners this 6th day of May, 1991.

Morris Benson
Chairman,
Board of County Commissioners
Lac qui Parle County, MN

ATTEST:

County Auditor

Passed this 6th day of May, 1991.
SECTION X

SOLID WASTE MANAGEMENT
SECTION X. SOLID WASTE MANAGEMENT

This Section identifies the authorization and provision for County Solid Waste Management, establishing powers and duties in connection therewith, establishing standards for and regulating solid waste management operations within the County of Lincoln.

Subdivision 100.0 Purpose and General Provisions

101.0 Purpose. The Lincoln County Board of Commissioners has adopted Solid Waste Management provisions to:

A. Protect the public’s health; prevent public nuisances and contamination of soil, surface water, ground water and other environments of Lincoln County from waste through the control of number, location and operation of waste management activities.

B. Preserve and protect land and water resources.

C. Assure that all persons are informed and responsible for their actions regarding waste that may affect the environment and the community now and in the future.

D. Support activities that will promote the reduction, reuse and recycling of materials found in waste.

E. Augment, supplement and support existing Lincoln County and State of Minnesota controls on waste.

102.0 Jurisdiction. The jurisdiction of this Ordinance shall include the unincorporated areas within Lincoln County, Minnesota; and the incorporated areas of Lincoln County where Minnesota Stat. § 115A apply.

103.0 Enforcement. The Administrator is responsible for the administration and enforcement of this Ordinance. Any violation of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor and shall be punishable as defined by law.

104.0 Interpretation. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.

105.0 Additional Requirements/Waivers. For the purpose of protecting the public health, safety, and welfare, the County Board may impose additional requirements consistent with the intent of this Ordinance for the operation of solid waste management sites or facilities. The County Board may waive any licensing, construction, or operation
requirements based on the characteristics of the waste, the site or the proposed service, provided such waiver will not endanger the health or the safety of the public.

106.0 No Consent. Nothing contained in this Ordinance shall be deemed to be a consent, license or permit to locate, construct, operate or maintain any site, facility or operation, or to carry on any activity.

107.0 Other Ordinances and Regulations. Nothing in this Ordinance shall preclude any local unit of government from adopting more restrictive regulations than this Ordinance.

Subdivision 200.0 Rules and Definitions

201.0 Interpretation of Terms and Abbreviations. Unless specifically altered, terms and abbreviations used in this Ordinance shall be interpreted in a manner consistent with Minn. Stat. § Chapters 115, 115A, 116, 375, 400, 561.01, 609.74 and regulations of the Agency, which have been or hereafter may be adopted under those provisions. Terms and abbreviations used herein which are not specifically defined by law shall be construed in accordance with the context and professional usage.

202.0 Definitions. See Section 1, Subdivision 1700.0.

Subdivision 300.0 Administration and Enforcement

301.0 General Conditions. All waste in Lincoln County shall be stored, collected, transferred, transported, processed and disposed of, or reclaimed in a manner consistent with the requirements of this Ordinance and any applicable State and Federal laws. The County is responsible for enforcement of these regulations and encourages cooperation of municipalities, which may adopt these regulations for use in local laws, ordinances or regulations.

302.0 Solid Waste Administrator. The Lincoln County Solid Waste Administrator shall be appointed by the Lincoln County Board of Commissioners.

303.0 Authority. The Administrator has been given the authority by the Lincoln County Board of Commissioners to implement and carry out the provisions of this Ordinance including, but not limited, to the following:

303.1 Inspection and Investigation. To inspect operations to determine compliance with this Section and to investigate complaints about violations of this Ordinance.

303.2 Review. To review and consider all license applications and supporting materials which are referred to the Administrator for operations within the County, and after consideration, to recommend in writing with documentation to the County Board that a license may be granted or denied.
303.4 Studies. To encourage and conduct studies, investigations and research relating to aspects of solid waste management, including, but not limited to methodology, chemical and physical considerations and engineering.

303.5 Implementation of County Solid Waste Programs.

A. To implement all programs as proposed by the approved, and as amended County Solid Waste Management Plan.

B. To plan, implement and administer all County operated waste abatement facilities.

C. To advise, consult and cooperate with the public and other governmental agencies in furtherance of the purpose of this Ordinance.

304.0 Variances. Upon written application of the responsible persons, to the Administrator, the County Board of Adjustments may grant variances from the provisions of this Section to promote the effective and responsible application and enforcement of the provisions of this Ordinance. If such variance would result in noncompliance with Agency rules, a variance application must be filed with the Agency. Refer to Subdivision 306.0 of this Section for variance proceedings.

305.0 Appeals. The Lincoln County Board of Commissioners shall act as a Board of Appeals. Any person wishing to appeal any action taken by the County pursuant to this Ordinance may request a hearing. The County Administrator must receive the appeal within thirty (30) days, exclusive of the day of receipt of notice, after the person received notice of the action taken by the County. The request shall be in writing stating the grounds of the appeal. If a person fails to submit an appeal within the required time period, the person forfeits any opportunity for a hearing. The County Board of Appeals shall schedule a hearing within thirty (30) days of receipt of the notice of appeal, and shall send to the appellant by mail notice of the hearing date, time and location. If the appellant or his or her authorized representative fails to attend the hearing, the appellant forfeits any right to hearing. The County Board of Appeals shall send to the appellant by mail notice of the decision by the County within thirty (30) days after the close of the hearing. Any time limitations may be extended thirty (30) days by resolution of the County Board and longer upon agreement between the appellant and the County Board. See Subdivision 306.0 of this Section for additional appeals proceedings.

306.0 Permit, Variance and Appeal Proceedings. Unless otherwise stated herein, the following procedures shall apply to all:

A. Permit applications brought before the Board of Adjustment;

B. Variance applications brought before the Board of Adjustment; and

C. Appeals brought before the County Board of Appeals.
306.1 Once all application materials are received, the County Board of Adjustment/Appeals has up to sixty (60) days to act.

A. The County may refer the application to the Agency, the County Environmental Office and the municipality or township affected within fifteen (15) days for its recommendations.

B. The County Board of Adjustment/Board of Appeals may, at its discretion, hold a public hearing on a permit application, appeal and/or variance request. Notice of public hearing shall be posted in a public location in the Lincoln County Courthouse and published at least once in the County’s legal newspaper at least ten (10) days prior to the hearing.

C. Any hearings or meetings of the County Board of Adjustment/Board of Appeals shall be held under such rules and procedures as the County Board of Adjustment/Board of Appeals shall establish to ensure the presentation of evidence, discussions and deliberations in an orderly manner.

D. County Board of Adjustment/Board of Appeals decisions shall be by resolution with findings of fact that support the decision.

E. For good cause, or upon agreement with the applicant, the County Board of Adjustment/Board of Appeals may extend the time limitations herein by resolution.

F. As part of its deliberations at its discretion, the County Board of Adjustment/Board of Appeals may request additional information from the applicant. All time periods shall be tolled from the date of the request until compliant by applicant, subject to dismissal of the application. If applicant does not, without good cause, comply within ninety (90) days.

306.2 Decisions by the County Board of Adjustment for permits and variances, and by the County Board of Appeals for appeals shall be based upon:

A. Compliance with this Ordinance and approved variances.

B. Compliance with other applicable County ordinances and plans, including but not limited to the Solid Waste Management Plan, Comprehensive Local Water Management Plan and Shoreland Management Ordinance.

C. Compliance with Agency Rules, Local, State and Federal law.

D. Recommendations of Local Government.
E. Recommendations of persons affected by the proposal as conveyed at a public hearing, if held.

F. Determination of need for the facility or activity.

G. Consideration of the adequacy of existing public services and additional services necessary for the facility or activity.

H. Whether the activity or facility requested is beneficial to the County and its citizens or merely to the applicant.

I. The hazards, including potential risks and hazards, to persons, property, soil, water, animal and plant life the purposed activity or facility presents, both presently and in the foreseeable future.

J. No permit, variance or appeal shall be issued without strict compliance of parts A, B, and C above. The remaining considerations shall be considered and weighed by the County Board of Adjustment/Board of Appeals in determining whether the proposed activity or facility’s necessity, benefits and safety justify any hazards it may present.

306.3 In connection with the issuance of any permit, variance or appeal herein, the County Board of Adjustment / Board of Appeals may impose conditions, restrictions or specifications that it determines are necessary to ensure compliance with this Section and the safety of persons, property, water, animal and plant life.

306.4 In all proceedings herein, the applicant is deemed to have the burden of proof with regards to any issue.

307.0 Inspections. All property affected by this Section shall be subject to inspection of the County in accordance with Minnesota law. The County may collect samples for evidence or laboratory examination as deemed necessary for enforcement of this Section. No person shall refuse to permit the County’s officers to inspect any premises. No person shall molest or resist the County’s officers in their discharge of duty for protection of the public health or waters of the State.

308.0 Non-conforming sites and facilities. The rules, regulations and requirements of the County and the Agency shall govern the termination and abandonment of each non-conforming waste facility and activity within the County. Owners or operators, or both, of real property being used for waste disposal purposes shall be responsible for satisfactorily completing termination and abandonment procedures.

309.0 Illegal Dumping.

309.1 It shall be a violation of this Section for any person to dispose of waste within Lincoln County at any place except where authorized by this Section.
309.2 It shall be a violation of this Section for any person to operate an open dump. A site operated as described in Subdivision 501.1 of this Section will not be considered an open dump per this provision. The owner of any open dump in existence at the time this Ordinance is enacted shall cease operations and close the dump in accordance with the following provisions. The owner shall:

A. Close access to the site and prohibit the public from using the site. Signs indicating that dumping is not allowed shall be posted.

B. Stop burning, if present; and remove all chemical containers.

C. Remove waste that may cause pollution and transport to an appropriate permitted facility.

D. Eradicate rodents.

E. Divert surface water drainage around and away from the disposal area.

F. Compact the waste and cover it with at least two (2) feet of compacted cover material.

G. Seed the cover material so that adequate shallow rooted vegetation is present.

H. Establish and maintain a final grade sufficient to promote water runoff without excessive erosion.

310.0 Violations and Penalties. All provisions of this Section shall be enforced according to this Subdivision.

310.1 Misdemeanor. Any person within the County who violates this Section, or who shall permit such a violation to exist on the premises under his or her control, or who shall fail to take action to abate the existence of the violation within the specified time period when ordered or notified to do so by the County, shall be guilty of a misdemeanor, and upon conviction shall be punished as provided by law. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

310.2 Equitable Relief. In the event of a violation or a threat of violation of this Section, the County Attorney may take appropriate action, including application for injunctive relief, action to compel performance, or other appropriate action in court, if necessary, to prevent, restrain, correct, or abate such violations or threatened violations. In the event the County prevails on any issue, it shall be awarded attorney’s fees and costs.

310.3 Civil Action or Cost as Special Tax. If a person fails to comply with the provisions of this Section, the County may recover costs incurred for corrective action in a civil action in any court or competent jurisdiction and/or, at the discretion of the County, the costs
may be certified to the County Auditor as a special tax against the real property. County remedies herein are not deemed exclusive.

311.0 **Solid Waste Assessment.** The County Auditor shall each year assess a solid waste management service charge per parcel payable with real estate taxes. The service charge for Residential parcels and for Non-Residential parcels shall be set by the County Board of Commissioners. On or before October 15th each year, the County Board shall certify to the County Auditor all unpaid outstanding per parcel charges and a description of the lands against which the charges arose. It shall be the duty of the County Auditor, upon order of the County Board to extend the assessment with interest rate provided for in Minn. Stat. § 279.03, subd. 1, upon the tax rolls of the County for the taxes of the year in which the assessment is filed. For each year ending October 15th, the assessment with interest shall be carried into the tax becoming due and payable in January of the following year, and shall be enforced and collected in the manner provided for the enforcement and collection of real property taxes in accordance with the provisions of the State of Minnesota. The charges, if not paid, shall become delinquent and be subject to the same penalties and the same rate of interest as the taxes under general laws of the State. Unpaid charges on tax exempt properties may be collected in Small Claims Court or through such other means as may be approved by the County Attorney.

**Subdivision 400.0 Waste Storage Disposal**

401.0 **Waste Storage.**

401.1 **General.** The owner, lessee and occupant of any single or multi-family dwelling, business establishment, industry and all other premises, is responsible for the satisfactory storage of all solid waste accumulated at that premise, business establishment or industry. No building, structure, area, or premise shall be constructed or maintained for occupancy, use or assembly without adequate facilities for sanitary and safe storage, collection, transportation and disposal of waste.

401.2 **Garbage Containers.** Garbage and similar putrescible and mixed putrescible solid waste shall be stored in:

A. Durable, rust-resistant, nonabsorbent, watertight, rodent-proof, and easily cleanable containers, with close-fitting, fly-tight covers and having adequate handles or bails to facilitate handling, or;

B. Other types of containers acceptable to the municipality and conforming to the intent of this regulation.

401.3 **Refuse Storage Containers.** Refuse shall be stored in durable containers or as otherwise provided in this Section. Where garbage and similar putrescible wastes are stored in combination with non-putrescible refuse, containers for the storage of the mixture shall meet the requirements for garbage containers.
401.4 **Toxic and Hazardous Waste.** Toxic or hazardous wastes shall be stored in durable, leak-proof containers and shall be “painted and marked” so as to easily identify the container as a toxic or hazardous waste, (e.g. a yellow band that encircles, at a minimum, the center one-third (1/3) of the container) consistent with federal and state regulations (MN Rules Ch. 7045). All previous lettering and numbering will be obliterated from the container. The container will be marked within the yellow band, or other easily identified area, using a permanent marker as follows:

A. The chemical name of the waste;

B. The UN or NA Number;

C. The contaminates present by percentages;

D. The start date;

E. The generators name and address; and

F. The generators EPA or Agency Identification Number.

401.5 **Household Hazardous Waste.** No person shall place household hazardous wastes into a container for solid waste or recycling collection. All household hazardous wastes shall be disposed of through a permitted Household Hazardous Waste Facility.

401.6 **Maintenance of Waste Storage Containers.** All containers for the storage of waste shall be maintained in such a manner as to prevent the creation of a nuisance or menace to public health. Containers that are broken or otherwise fail to meet requirements of this Section shall be replaced.

401.7 **Waste Materials too Large for Containers.** Waste objects or materials too large or otherwise unsuitable for storage containers shall be stored in a pollution and nuisance free manner which is pollution-free, nuisance-free, and in compliance with the regulations of the Federal, State, and Local Governments, and their regulatory agencies.

401.8 **Recycling Containers.** Waste shall not be stored or disposed in containers specifically designated for the collection or deposit of recyclables.

401.9 **Garbage Storage.**

A. Wastes shall not be stored outside a private residence, in a residential or urban rural setting, for more than one (1) month without the written approval of the Administrator.

B. Solid waste shall not be stored on public, commercial or business property for more than two (2) weeks, without the written approval of the Administrator.
C. Non-putrescible wastes suitable for recycling shall not be stored on a public or private property in a manner which creates a nuisance, blight or health hazard.

D. Compostables shall not be stored in public or private property in a manner which creates a nuisance, blight or health hazard.

**Subdivision 500.0 On-Site Disposal of Solid Waste**

**501.1 Farm Households.** A person who owns or operates land used for farming may bury, or burn and bury, solid waste generated from a person’s household located on the farm land or as a part of the person’s farming operation if the burying is done in a nuisance free, pollution free, and aesthetic manner on the land used for farming from which it was generated.

**501.2 Exclusion.** Subdivision 501.1 does not apply if:

A. Regularly scheduled pickup of solid waste is reasonably available at the person’s farm, as determined by resolution of the County Board of Commissioners.

B. To the following materials from land disposal:

1. Waste Tires (Refer to Subdivision 701.0)
2. Waste Appliance (Refer to Subdivision 702.0)
3. Waste Oil (Refer to Subdivision 703.0)
4. Household Hazardous Waste (Refer to Subdivision 704.0)
5. Lead Acid Batteries (Refer to Subdivision 706.0)
6. Other materials as identified by Minnesota Statute and Rules.

**502.2 Open Burning of Waste.** Any burning of waste at a site shall be prohibited except as allowed by Agency rules, Minn. Stat. § 17.135, and any local ordinance, if applicable.
Subdivision 600.0 Waste Facility and Activity Permit Requirements.

601.0 Waste Facilities or Activities Which Require Permits. Unless otherwise provided in this Section, no person shall cause or allow real or personal property under their control to be used for waste management purposes, except at an operation for which a permit has been granted by the County. For the purposes of this Section, waste management activities which require permits include, without limitation, the following activities.

601.1 Operation of Mixed Municipal Solid Waste (MSW) Land Disposal Facilities. (Appendix A)

601.2 Operation of Demolition Waste Land Disposal Facilities. (Appendix B)

601.3 Operation of Incinerator Facilities (Appendix C)

601.4 Operation of MSW Transfer Station, Recycling or Composting and Co-composting Facilities (Appendix D)

601.5 Collection and Transportation of Waste (Appendix E)

602.0 Waste Activities Which Do Not Require a County Permit.

602.1 A permit shall not be required for the disposal of solid waste from a single household on the household's property as allowed in Subdivision 501 of this Section.

602.2 A permit shall not be required for the disposal of yard waste by composting from a single household on the households property.

602.3 Generators of recyclable solid waste shall not need a permit for any materials delivered to a permitted recycling facility.

602.4 No generator of waste shall be required to obtain a permit for storage or disposal of waste as long as the waste is delivered to a collector, transporter or disposal facility permitted by this Section, if applicable, and is stored and transported in compliance with Agency regulations (MN Rules Chap. 7045), State and Federal law.

602.5 A permit shall not be required for waste management activities involving organic waste from agricultural production or the keeping of animals.

602.6 A permit shall not be required for the operation of individual septic systems or sanitary and wastewater sewage disposal systems and treating facilities operated by a municipality.

602.7 The County Board of Commissioners may, after consideration of the purpose and intent of this Section and the Solid Waste Management Plan, at its sole discretion, waive the permit requirement for any waste management activity.
603.0 Pre-Application Requirements. Prior to the County Board of Adjustment’s consideration of the initial application for a waste facility or activity permit governed by this Section, the applicant shall submit to the Administrator for review a needs assessment.

A. The Needs Assessment shall show

1. The name and address of the owners and operators of the proposed site and facility.

2. Proposed location of the facility or activity.

3. Geographical areas expected to be served by the proposed facility or activity.

4. The expected life of the facility.

5. Current and projected population of the area(s) to be served for expected life of the facility.

6. The proposed operating hours and number of employees of the facility.

7. A description of the type of vehicles and number of vehicles using the facility.

8. The anticipated type, quantity and source of waste to be handled at the facility.

9. The type and amount of equipment to be provided for the operation of the facility.

10. A description of the intended operating procedures.

B. Once all requirements of the pre-application have been met and received, the Administrator shall have forty-five (45) days to file a recommendation with the applicant and County Board of Adjustment.

604.0 Permit Applications. Following pre-application approval, any person applying for a permit to operate a waste management facility or activity in the County shall complete and submit to the County a complete application on a form provided by the County. The application shall not be considered complete until the County receives all applicable fees and materials required by this Subdivision, and any subsequent Subdivision and Appendix(s) relevant to the specific waste management permit being requested.
605.0 Plans, Specifications and Reports. Depending on the complexity and size of the facility or activity and the type of waste to be managed, the applicant may be required to submit complete sets of plans, specifications and reports prepared by a professional engineer and/or architect licensed in Minnesota for evaluation by the County.

606.0 Standards of Appendix(s) Shall Guide Permit. The Subdivision and the Appendix(s) adopted as part of this Section shall guide the applicant in:

A. The plan and specification preparations and review by the County.
B. The construction and operation of the waste management facility.
C. The conditions for closure and post-closure of the waste management facility and activity.
D. The applicant and permittee shall abide by all specifications and requirements of the applicable sections and Appendix(s).

607.0 Additional Information Required by County. The applicant shall submit additional data requested by the County, including, but not limited to, scientific studies and reports. The County shall provide the applicant with an approved list of professional engineers licensed in Minnesota and other consultants from which the applicant can choose. All expenses incurred in providing the additional data shall be at the expense of the applicant. The County may waive a requirement for submitting certain information if such a waiver will not endanger the health or safety of the public.

608.0 State Permitting Information. All submittals to the State during the State permitting and/or licensing process of waste management facilities shall also be submitted to the County. Copies of all State and Federal permits and licenses shall also be submitted.

609.0 Permit Review Process. Upon receipt of a favorable pre-application recommendation, and applicant shall have up to ninety (90) days to meet all application requirements and submit required information.

609.1 Time limits may be extended to ninety (90) day periods upon request of applicant if request is made prior to expiration.

609.2 If the time limit or extension(s) thereof expire without compliance with this Section, the application shall be denied unless continued at the sole discretion of, and by formal resolution of, the County Board of Adjustment.
610.0 Permit Insurance.

610.1 A waste management facility or activity shall not be effective until:

A. The permittee complies with all other requirements of this Section and any other ordinance that may be affected.

B. The permittee receives Agency approval and permit if necessary.

C. The permittee provides the County proof of adequate performance bonding, certificates of insurance, and a closure, post-closure and contingency action plan.

610.2 A person applying for a permit shall not commence any construction of operation activities until the permit has been approved by the County Board of Adjustment. Once issued, a permit shall be valid as long as the permittee is in compliance with the terms of the permit, County and Local Ordinances, Agency rules and State and Federal law. In the event of violation, the permit shall be immediately suspended until the violation is remedied. If not remedied within thirty (30) days of the initial violation, the County Board of Adjustment may revoke the permit after ten (10) days notice to the permittee.

610.3 The permit is not transferable.

611.0 Performance Bond Requirements. Unless otherwise provided by the County Board of Adjustment, issuance of any permit pursuant to the provisions of this Section shall be contingent upon the applicant furnishing to the County a performance bond, in an amount to be set by the County Board, and naming the County as obligee with sufficient sureties duly licensed and authorized to transact corporate safety business in the State of Minnesota as sureties.

A. The condition of such bond shall be that if the principal fails to obey any of the requirements or do any of the acts required by this Section in the operation of the waste facility or activity, and the County is required to expend any monies, labor or material to restore the facility to the condition and requirements as provided by this Section, the obligor and the sureties on its bond shall reimburse the County for all expenses, including legal fees and costs, incurred to remedy the failure of the principal to comply with the terms of this Section. The obligor and its sureties will indemnify and save the County harmless from all losses, costs and charges that may occur to the County because of any default of the obligor under the terms of the permit to operate and the Ordinance of the County.

B. The performance bond shall be subject to cancellation by the surety at any time only upon giving one hundred twenty (120) days prior written notice of cancellation to the County. In lieu of part or all of said bond, the permittee may provide evidence of financial assurance in a form acceptable to the County Board to be used to bring the facility or activity into compliance with said requirements.
612.0 **Certificates of Insurance.** The permittee shall furnish the County certificates of insurance issued by insurers duly licensed within the State of Minnesota covering public liability insurance, general liability, automobile liability, completed operations liability, and bodily injury liability in the amounts to be set by the County Board. For facilities which generate toxic emissions or leachate, liability insurance may be required depending on availability and cost. If toxic emissions or leachate liability insurance is not available or provide additional financial assurance funds for liability that may arise from leachate and/or toxic emissions upon terms as determined by the County. In addition, the permittee shall provide evidence of worker’s compensation coverage in the required statutory amounts.

613.0 **Financial Assurance.** Unless otherwise provided by the County, issuance or renewal of any permit shall be contingent upon the owner of the site or facility or the operator or both providing financial assurance for the closure, post-closure maintenance and monitoring and contingency action of the site or facility.

A. Documentation submitted with the application for County approval shall include funding procedures, a description of the funding method, the value of the funding and an inflation adjusted cost estimate which assures that the closure, post-closure and possible contingency action activities at the site or facility take place.

B. The method of financial assurance shall provide that the County have the right to draw funds or that part or all of the funds shall be paid to the County in the event that the owner or any successor in interest or operator fails to perform any required closure or post-closure activities or duties.

C. Amounts paid to the County shall be used by the County to carry out closure and post-closure activities. Use of the financial assurance monies shall be limited to the site or facility for which it was approved.

D. The County may change the amount of the financial assurance required if the County determines that the funds necessary to complete the closure, post-closure monitoring and maintenance have changed.

614.0 **Operational Reporting.** During the life of the permit or license, the licensee and/or permittee shall annually report, on forms provided by the County, information requested relative to operations. In addition, copies of all correspondence with the Agency, as well as other governmental units involved in monitoring the facility or activity relating to operations shall be provided to the County in a timely manner, not later than ninety (90) days after receipt.

615.0 **Permit Period.** Unless otherwise provided by the County, each permit granted pursuant to the provisions of this Section shall be for a period as stipulated in the Appendices of this Section, unless earlier suspended or revoked. The permit year for waste management facilities and activities shall be from January 1 to December 31.
616.0 Permit Renewals.

616.1 Application for the renewal of a permit shall be made no later than ninety (90) days prior to the expiration of the permit.

616.2 If the facility has been maintained in compliance with this Section and other applicable laws, and proper renewal application has been made with the appropriate fees paid, the County may, at its discretion, issue the renewal permit without routing the application through the procedures required or the initial permit.

616.3 The County may temporarily extend a permit pending determination of the renewal application.

617.0 Permit Fees. The County Board shall, by resolution, establish fees, including fees for the initial permit, renewal of permit and other fees as may be necessary for the administration of this Section. The County Board may waive fees for any political subdivision applying for a solid waste permit.

Subdivision 700.0 Special Materials and Wastes

701.0 Waste Tires. The following requirements are adopted to insure the proper handling of Waste Tires:

701.1 Minnesota Rules and Statutes.
   A. Minnesota Rules, Chapters 7001 and 9220 of the Minnesota Waste Tire Permitting Rules are hereby incorporated by reference.
   B. The disposal of waste tires in the land is prohibited. This does not prohibit the storage of unprocessed tires at a collection or processing facility (Minn. Stat. § 115A.904).

701.2 General
   A. Waste Tires within one thousand (1000) feet of a residence shall be stored or utilized in a manner that prevents water from being retained in the tires.
   B. Waste Tires shall not be placed, stored, left or permitted to remain in a lake, stream, wetland, sinkhole, gully, waterway, floodplain or shoreland.
   C. The owner of the land or premises upon which tires are located in violation of this Section shall be obligated to remove them to a licenses solid waste facility, or obtain the license required by this Section within one (1) year of the effective date of this Ordinance, or such later date approved by the Administrator.
701.3 **Residential Lot Storage.** No more than ten (10) waste tires may be stored within the boundaries of any residential lot.

701.4 **Non-Residential Lot Storage.** No more than one hundred (100) waste tires may be stored on any non-residential lot except at a properly licensed solid waste facility.

701.5 **Exceptions.** Exceptions to Subdivisions 701.1A and 701.2 of this Section may be allowed when waste tires are utilized outside the building for decorative, recreational, structural, constructional or agricultural purposes where they comply with the requirements or other applicable laws or sections of this Ordinance.

702.0 **Waste Appliances.** (Minn. Stat. § 115A.9561)

702.1 **Prohibited Methods of Disposal.** A person may not place major appliances in mixed municipal solid waste; or dispose of major appliances in or on land in a solid waste processing facility or disposal facility.

702.2 **Accepted Methods of Disposal.** All waste major appliances must be recycled or reused. All major appliances will be delivered to the County appliance depot at the landfill or to a County approved appliance recycling facility. Recycling includes: the removal of capacitors that may contain PCB’s, removal of ballasts that may contain PCB’s, removal of chlorofluorocarbon refrigerant gas; and the recycling or reuse of the metals, including mercury.

703.0 **Waste Oil and Oil Filters**

703.1 **Waste Oil.** A person may not place used oil in mixed solid waste or place used oil in or on the land unless approved by the Agency. (Minn. Stat. § 115A.916)

703.2 **Oil Filters.** All commercially generated oil filters will be disposed of, or recycled according to Agency rules and regulations.

704.0 **Household Hazardous Waste.** All household hazardous wastes shall be disposed of through the County designated household hazardous waste facility.

705.0 **Yard Waste.** (Minn. Stat. § 115A.931) Yard Waste subject to this subdivision includes garden wastes, leaves, lawn cuttings, weeds, shrub and tree waste and prunings.

705.1 **Prohibited Methods of Disposal.** A person may not place yard waste.

   A. In mixed municipal solid waste.

   B. In a disposal facility; or

   C. In a resource recovery facility except for the purpose of reuse, composting or co-composting.
705.2 **Accepted Methods of Disposal.** Yard waste disposal in Lincoln County may include, but it not limited to the following methods.

A. County permitted municipal collection sites;

B. Backyard compost sites, when approved by the local jurisdiction.

706.0 **Lead Acid Batteries.** (Minn. Stat. § 115A.915)

706.1 **Disposal.** A person may not place a lead acid battery in mixed municipal solid waste or dispose of a lead acid battery. Lead acid batteries shall be taken to a lead acid battery recycling facility or returned to the vendor for transport to a recycling facility. (Minn. Stat. § 115A.915).

706.2 **Transport.** A person who transports used lead acid batteries from a retailer must deliver the batteries to a lead acid battery recycling facility. (Minn. Stat. § 115A.9152)

707.0 **Prohibited Disposal.** The following items are banned for final disposal at solid waste disposal facilities designed by Lincoln County and will be disposed of properly under the rules and regulations of the Agency:

A. Dry Cell Batteries containing mercury, silver, or nickel-cadmium, or sealed lead-acid batteries that were purchased for use or used by a government agency or an industrial, communication or medical facility.

B. Household Hazardous Waste. By definition in Section I, Subdivision 1700 of this Ordinance.

C. Lead Acid Batteries (vehicles batteries).

D. All used oil and commercially generated oil filters.

E. White Goods (major appliances). By definition in Section I, Subdivision 1700 of this Ordinance.

F. Waste Tires.

G. Yard Waste. By definition in Section I, Subdivision 1700 of this Ordinance.

H. The Lincoln County Board of Commissioners will, by resolution, ban additional materials as dictated by State Statutes and Regulations.
Subdivision 800.0 Organized Collection and Recycling


801.2 Mandatory Collection. (Minn. Stat. § 115A.941) Mandatory Collection is applicable to a City or Town with a population of five thousand (5,000) or greater.

802.0 Recycling. Any owner or occupant of a residential or multi-unit residential building, commercial, or industrial building within a Lincoln County municipality or service area shall have the opportunity to recycle the following types of materials:

A. Metals
B. Glass generated from food products.
C. Plastic
D. Paper products
E. Such other material which may be designated by the County Board unless such waste is directly delivered or collected for direct delivery to a facility which has been approved by the County for separation of recyclables.

803.0 Mandatory Public Facility Recycling. (Minn. Stat. §115A.151) Any local unit of government, school district, state agency in Lincoln County shall ensure that facilities under its control, from which mixed municipal solid waste is collected, have containers for at least three of the following recyclable materials: paper, glass, plastic, and metal; and transfer all recyclable materials collected to a recycler.

804.0 Haulers. A collector or hauler shall refuse to knowingly accept for collection any mixed municipal solid waste within a Lincoln County municipality or service area which contains any yard waste or any other material listed as banned from the County designated waste disposal facility.

805.0 General. Nothing in this Section shall preclude persons from disposing of recyclable materials with commercial recyclers and salvage yards or with nonprofit organizations, school groups, service clubs or others that conduct recycling drives for purpose of community clean-up or organization fund drives.
**Subdivision 900.0 Anti-Scavenging**

**901.1 Ownership of Recyclable Materials.** Ownership of the designated recyclable materials set out for curbside collection or deposited in the Lincoln County drop-off sheds shall be vested in the collector and transporter of recyclable materials designated by the County Board, or by contract through the municipalities. It shall be unlawful and an offense against this Section for any person, firm or corporation other than the owner, lessee or occupant of a residential dwelling, to collect said materials for personal use.

**902.0 Scavenging.** Scavenging from the Lincoln County drop-off sheds, curbside programs, or waste sites is forbidden. It shall be unlawful for any person to removal of any material without authorization from the Administrator.

**Subdivision 1000.0 Litter Penalties and Damages**

**1001.0 Penalties.** A person who unlawfully places any portion of solid waste in or on public property or private lands, shorelands, roadways, or waters is guilty of a misdemeanor offense and may be liable for the cost of expense to remove, process and dispose of the waste and any additional costs deemed appropriate by a court of competent jurisdiction.

**1002.0 Political Subdivision Action.** The County or other political subdivisions that incurs the cost as described in this Section may bring an action to recover the civil penalty, related legal, administrative and court costs, and damages for injury to or pollution of lands, roadways, or waters where the wastes were placed if owned or managed by the entity bringing the action.

**1003.0 Deposit of Penalties.** Civil Penalties collected under this Section must be deposited in the general fund of the jurisdiction enforcing the penalties.

**1004.0 Private Action for Damages.** A private person may join an action by the County or a political subdivision to recover civil penalty to allow the person to recover damages for waste unlawfully placed on the person’s property.