

**SOLID WASTE MANAGEMENT
ORDINANCE
OF
BECKER COUNTY**

November 13, 2001

SOLID WASTE MANAGEMENT ORDINANCE OF BECKER COUNTY

Table of Contents

Section	Title	Page
1	Purposes and Authorization	1
	Subdivision 1 Purpose	1
	Subdivision 2 Authorization	1
2	Title	1
3	Jurisdiction, Scope, Interpretation and Severability	2
	Subdivision 1 Jurisdiction	2
	Subdivision 2 Scope	2
	Subdivision 3 Interpretation	2
	Subdivision 4 Severability	2
4	Rules and Definitions	2
	Subdivision 1 Rules	2
	Subdivision 2 Definitions	3
5	General Provisions	8
	Subdivision 1 Disposal	8
	Subdivision 2 License	8
	Subdivision 3 Performance Bond	10
	Subdivision 4 Insurance	10
6	Solid Waste Administrator	10
7	Solid Waste Storage	11
8	Collection and Transportation of Solid Waste	12

9	Solid Waste Facilities	14
	Subdivision 1 Facilities	14
	Subdivision 2 License Requirements – general	14
	Subdivision 3 Records	15
	Subdivision 4 Additional Requirements – Transfer Stations	15
	Subdivision 5 Intermediate Solid Waste Disposal Facility [Recycling Centers]	16
	Subdivision 6 Additional Requirements – Permit-by-Rule Demolition Landfills	17
10	Special Wastes	18
	Subdivision 1 Tires	18
	Subdivision 2 White Goods	18
	Subdivision 3 Yard Waste	18
	Subdivision 4 Batteries	18
	Subdivision 5 Waste motor oil, waste motor oil filters, waste motor vehicle fluids	19
	Subdivision 6 Other wastes	19
11	Household Hazardous Waste Program	19
	Subdivision 1 Permanent Household Hazardous Waste Collection Facility	19

	Subdivision 2 Mobile Household Hazardous Waste Unit	20
12	Service Charge	20
	Subdivision 1 Purpose and Authority	20
	Subdivision 2 Rates and Charges	20
	Subdivision 3 Rate Schedule of Solid Waste Management Charges Payable Commencing at the adoption of the ordinance	21
	Subdivision 4 Unpaid Charges	22
	Subdivision 5 Appeals	22
13	Variances	23
14	Nonconforming sites and Facilities	23
15	Additional Requirements	23
16	Provisions are Cumulative	24
17	No Consent	24
18	Violations and Enforcement	24
	Subdivision 1 Violation	24
	Subdivision 2 Enforcement	24
19	Validity	25
20	Effective Date	25

SOLID WASTE MANAGEMENT ORDINANCE OF BECKER COUNTY

SECTION 1. PURPOSES AND AUTHORIZATION.

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 the county; requiring a license for establishment and operation of a solid waste management operation; establishing requirements for the management of special solid wastes; embodying minimum standards and requirements established by the Minnesota Pollution Control Agency; providing for the enforcement of said requirements; requiring a performance bond and insurance; and imposing penalties for failure to comply with these provisions.

Subdivision 1. Purposes.

This ordinance is enacted for the following purposes:

- A. To promote the health, safety and welfare throughout Becker County.
- B. To protect the resources of water, air and land throughout Becker County.
- C. To preserve and enhance the economic value of land.

Subdivision 2. Authorization.

This ordinance is enacted pursuant to the laws of Minnesota listed in Minnesota Statutes Chapters 17, 85, 88, 115, 115A, 116, 297A, 297H, 375, 400, 473, 549.09, 609.671 and 609.68.

SECTION 2. TITLE.

This ordinance shall be known and may be cited and referred to as the "Becker County Solid Waste Management Ordinance"; when referred to in this ordinance, it shall be known as "this Ordinance".

SECTION 3. JURISDICTION, SCOPE, INTERPRETATION AND SEVERABILITY.

Subdivision 1. Jurisdiction.

The jurisdiction of this Ordinance shall apply to all the area of Becker County.

Subdivision 2. Repeal of Existing Ordinance.

After the effective date of this Ordinance, the existing Solid Waste Ordinance is hereby repealed its entirety.

Subdivision 3. Interpretation.

The provisions of this ordinance are the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. If the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this Ordinance will be controlling. If the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of the statute, ordinance or regulation shall be controlling.

Subdivision 4. Severability.

If any section, subdivision, clause or portion of this Ordinance is ruled unconstitutional or invalid, the remainder of this Ordinance shall remain in effect.

SECTION 4. RULES AND DEFINITIONS.

Subdivision 1. Rules.

Certain words or terms used in this Ordinance shall be interpreted according to the following rules:

- A. Words used in the present tense shall include the future;
- B. Words used in the singular shall include the plural and the plural the singular;
- C. The word "shall" is mandatory;

- D. The word “may’ is permissive;
- E. The word “person” includes a firm, association, partnership, trust, company, or corporation, as well as an individual.
- F. Headings used in this ordinance are for convenience only and do not define, limit or construe the contents of the ordinance.

Subdivision 2. Definitions.

Acceptable waste - means garbage, refuse, trash and waste material, generally produced by a residential household, commercial firm or industrial firm, except those types of waste identified by the county as unacceptable.

Agency - means the Minnesota Pollution Control Agency, it’s agents or representatives.

Air Contaminant - means the presence in the outdoor atmosphere of any dust, fume, mist, smoke, vapor, gas or other gaseous fluid, or particulate substance differing in composition form or exceeding in concentration the natural components of the atmosphere.

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.

Canister system - means one or more commercial solid waste storage containers [i.e. dumpsters] located to function as intermediate disposal facilities and which are serviced on a regular basis by a public or private solid waste hauler.

Collection - [when referring to solid waste] means the aggregation of solid waste from the place at which it was generated and includes all activities up to the time the waste is delivered to a Solid Waste Facility.

Commercial Hauler - means any person as defined in Section 8 of this Ordinance, who owns, operates, or leases vehicles for hire for the purpose of collection and/or transportation of any type of solid waste.

Commercial Operations - means a facility in a useable or operable condition.

Commissioner - means the Commissioner of the Minnesota Pollution Control Agency.

Composting - means the controlled biological decomposition of selected solid waste in a manner yielding an innocuous humus-like final product.

Contingency Action - means a course of action to be followed in case of a fire, explosion, or release of solid waste, waste by-products or leachate that could threaten human health or the environment.

County - means any department or representative of Becker County who is authorized by this Ordinance or otherwise by the County Board to represent Becker County in the administration and enforcement of this Ordinance.

County Board - means the Becker County Board of Commissioners.

Cover Material - means the material that is used to cover compacted solid waste in a land disposal site.

Demolition Landfill - means an area of land used for the disposal of demolition wastes without creating nuisances or hazards to the environment, public health and safety and is operated in compliance with provisions of this ordinance and the Minnesota Pollution Control Agency.

Demolition Debris [Demolition Waste] - means solid waste resulting from the demolition of buildings, roads and other man-made structures including concrete, brick, bituminous concrete, untreated wood, masonry, glass, rock, plastic building parts and other materials as defined by Agency rules. It does not include asbestos wastes.

Department - means the Environmental Services Department of Becker County.

Disposal - means the discharge, deposit, injection, dumping, 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 water including ground waters.

Disposal Facility - means a waste facility permitted by the agency that is defined or operated for the purpose of disposing waste on or in the land together with any appurtenant facilities needed to process waste for disposal or transfer to another waste facility.

Durable Container - means something designed to have capacity for receiving and holding solid waste and not likely to wear out or decay within three [3] years.

Facility or site - means the land, structures, monitoring devices and other improvements on the land used for the monitoring, treating, processing, storing or disposing of solid waste, leachate or residuals from solid waste processing.

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

Hauler - means any person, firm or corporation who delivers solid waste in any form to a disposal facility.

Hazardous or Toxic Waste - means any refuse or discarded material or combination of refuse or discarded materials in solid, semi-solid, liquid or gaseous form which cannot be handled by routine waste management techniques because they pose a substantial present or potential hazard to human health or other living organisms because of chemical, biological or physical properties. Categories of hazardous waste include, but are not limited to, radioactive materials, explosives, flammable liquids, flammable solids, oxidizers, poisons, irritants, acids, bases, corrosives, toxins, herbicides and pesticides.

Household Hazardous Waste - means toxic or potentially toxic wastes related to chemicals used in the home, including but not limited to, acids, bases, corrosives, paints, solvents, automotive chemicals, poisons, home and garden pesticides, home and garden herbicides and other such chemical products.

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

Intermediate Waste Disposal Facility - means a solid waste facility for the preliminary or incomplete disposal of solid waste including but not limited to, transfer station, canister site or systems, incineration, composting site, recycling site, processing site or other such site where solid waste is managed prior to final disposal.

Land Pollution - means the presence in or on the land of any waste in such quantity, of such nature and duration, and under such conditions as would pose a threat to human health and safety, or other living organisms; or would affect injuriously any waters of the state; or would create air contaminants or cause air pollution.

Letters or Warnings - means a written document issued by the Department following an inspection or other compliance review that indicates a violation has occurred, the actions necessary to correct the violation and the date within which the violation must be corrected.

Licensee - means a person who has been issued a license by the Becker County Board of Commissioners for solid waste management purposes pursuant to this Ordinance.

Mixed Municipal Solid Waste - see Solid Waste.

Nuisance - shall be deemed to occur when solid waste is maintained in a condition which unreasonably annoys, injures or endangers the safety health, comfort and repose of any person, or endangers living things [plants or animals].

Office - means the Becker County Environmental Services Department Office.

Operation - means any site, facility or activity relating to solid waste management.

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

Problem Materials - means non-hazardous waste which has been identified by the Agency to require special handling techniques including but not limited to white goods, tires, yard waste, fluorescent light bulbs, waste automobile oil, waste automobile antifreeze, "brown goods" [waste electronic items] and other such materials.

Processing - means the treatment of waste after collection and before disposal. Processing includes but is not limited to size reduction, storage, separation, exchange, resource recovery, physical, chemical or biological modification, and transfer from one waste facility to another.

Putrescible Material - means solid waste that is capable of becoming rotten [degraded biologically] which may reach a foul state of decay and decomposition.

Recyclable Material - means materials separated from solid waste for the purpose of recycling, reuse or restoration, including but not limited to residential and commercial corrugated cardboard, chipboard [boxboard], office paper, newsprint, glass containers, aluminum containers, steel/tin containers, plastic containers, textiles, and other materials. Materials are considered to be recyclable materials if appropriate markets exist that will accept these materials. Refuse derived fuel or other material that is destroyed by incineration is not a recyclable material.

Recycling - means the collecting, processing, or preparing of recyclable materials for end markets reusing the material in its original form or using the material in a manufacturing process.

Recycling Facility - means a facility where recyclable materials are collected and processed or loaded onto vehicles for transport to market.

Recyclable Hauler/Collector - means any person who provides a service [except nonprofit organizations] for the collection and transportation of recyclable materials.

Refuse - means putrescible and non-putrescible solid waste including garbage, rubbish, ashes, incinerator ash, incinerator residues, street cleanings, market and industrial solid wastes, and municipal treatment wastes which do not contain free moisture.

Rubbish - means non-putrescible solid wastes including but not limited to ashes, consisting of both combustible and non-combustible wastes, cardboard, paper, tin cans, wood, glass, crockery or litter of any kind.

Sanitary Landfill - means an area of land, employing an engineered method of disposing of solid waste that minimizes nuisances, hazards to public health and safety, and hazards to the environment.

Shoreland - means land located within the following distances from public waters: one thousand [1,000] feet from the ordinary high water mark of a lake, pond, reservoir, impoundment or flowage; or three hundred [300] feet from the ordinary high water level of a river or stream or the landward extent of a floodplain designated by ordinance, whichever is greater.

Solid Waste - means garbage, refuse, recyclable materials, demolition debris, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded waste materials and sludges in solid, semi-solid, 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.

Solid Waste Administrator - means the Administrator of the Environmental Services Department of Becker County.

Solid Waste Collection - means the process of gathering solid waste from public or private places.

Solid Waste Management - means the storage, collection, processing, recycling, reuse, conversion or transportation to intermediate or final disposal facilities or the final disposal of solid waste by methods approved by the Agency.

Solid Waste Management Facility - means a facility for the storage, collection, processing, transportation, reuse, conversion or disposal of solid waste.

Solid Waste Storage - means the holding of solid waste for more than forty-eight [48] hours in quantities equal to or greater than ten [10] cubic yards.

Source Separation - means the separation of any material, by the generator, for the purpose of preventing its introduction into mixed municipal solid waste.

Transfer Station - means an intermediate solid waste disposal facility in which solid waste collected from any source, is temporarily deposited, to be transported to another intermediate disposal facility or to a final disposal site or facility.

Waste - means solid waste, sewage sludge and hazardous waste.

Waste Tire - means solid waste which consists of rubber or 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.

Warnings - see Letters.

Water pollution - means the presence in the water of any waste in such quantity, of such nature and duration, and under such conditions as would pose a threat to human health and safety, or other living organisms; or would affect injuriously any waters of the state; or would create air contaminants or cause air pollution.

White goods - means major appliances, including but not limited to, clothes washers and dryers, dishwashers, water heaters, ranges, stoves, refrigerators, freezers, air conditioners, dehumidifiers, trash compactors and garbage disposals.

Yard waste - means the organic plant materials collected from residential and commercial properties including but not limited to, garden wastes, leaves, lawn cuttings, weeds, pruning waste and brush.

SECTION 5. GENERAL PROVISIONS.

Subdivision 1. Disposal.

No person shall dispose of solid waste, nor allow land or property under their 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 Minnesota Pollution Control Agency. This Subdivision does not apply to the lawful retention of yard waste and composting of such or the lawful composting of compostable residential solid waste by approved agency rules.

Subdivision 2. License.

Any operation not otherwise provided for in this Ordinance must be licensed by the County Board before the operation may commence.

A. The license application for a solid waste facility shall include three [3] sets of complete plans, specifications, design data and ultimate land use. The proposed plans and operating procedures for a solid waste management facility must be prepared by a professional engineer, registered in Minnesota.

B. The applicant shall procure a proper zoning permit to accompany the application if required by the Becker County Zoning Ordinance.

C. No license shall be issued for a solid waste management facility unless the applicant has demonstrated to the satisfaction of the Becker County Board of Commissioners the availability of revenues necessary to operate the facility in accordance with all applicable local, state and federal laws, ordinances and rules.

D. After receiving an application for an operation, the County Board shall refer such applications to the Solid Waste Administrator who shall give his/her recommendation to the County Board concerning whether the County Board should issue or deny the license. If an applicant is denied a license, the applicant shall be notified in writing of the reasons for denial. The denial shall be without prejudice to the applicant's right to file a further application after revisions are made to satisfy objections specified as reasons for denial.

E. The County Board shall refuse to issue a license for any operation which does not comply with this Ordinance, The Becker County Solid Waste Plan as provided for in Minnesota State Statutes and Agency rules and regulations.

F. Unless otherwise provided by the County Board, each license granted pursuant to this Ordinance shall expire on the last day of December in each year unless revoked prior thereto. Application for license renewal shall be made in writing to the County Board by November 15, of each year. The Becker County Environmental Services Department shall mail the annual license renewal notice to all licensees by November 1 of each year. Application for renewal shall contain a statement of any changes in operations or the information submitted in the last license application. Failure to submit such information shall result in grounds for revocation of applicant's existing license or for denial of the renewal of the license by the County Board. If there are no changes, it shall be so stated in the renewal application. If the renewal applicant is not granted a license, the applicant shall be notified in writing of the reasons therefore by the County Board.

G. Failure to apply for a license renewal by November 15 of each year shall serve as notice not to renew the license and intent to terminate the operation at the end of the current license year.

H. Any license obtained under this Ordinance may not be transferred without written approval of the County Board. In case of a transfer of ownership, the licensee shall notify the Becker County Environmental Services Department sixty [60] days in advance of the date of effective transfer of ownership.

I. The licensee shall allow authorized representatives of Becker County and the Agency access to the operations at any reasonable time and upon presentation of appropriate credentials for the purpose of making such inspections as may be necessary to determine compliance with the requirements of this Ordinance and any other applicable statutes, ordinances or rules.

Subdivision 3. Performance Bond.

Unless otherwise provided by the County Board, issuance of any license pursuant to the provisions of this Ordinance shall be contingent upon the applicants furnishing to County a performance bond in the amount set by the County Board and naming County as obligee with sufficient sureties duly licensed and authorized to transact corporate surety business in the State of Minnesota. The condition of such bond shall be that if the principal fails to abide by the requirements of its license or this Ordinance, and County is required to expend any monies, labor or material as result thereof, the principal and its sureties shall reimburse County for any and all expenses incurred. The performance bond shall be non-cancelable without County's written consent and shall be for the lifetime of the license.

Subdivision 4. Insurance.

The applicant shall furnish to County, Certificates of Insurance issued by insurers duly licensed within the state of Minnesota covering commercial general liability, automotive liability, loading and unloading, completed operations and explosion and collapse of underground operations, with minimum liability limits of \$600,000 for injury or death of any one person and \$2 million for injuries or death arising out of any one occurrence. Minimum property damage liability limits shall be \$600,000 for any one claimant and \$2 million for any one occurrence. Workers compensation insurance shall be provided as required by Minnesota Statutes.

SECTION 6. SOLID WASTE ADMINISTRATOR

The Solid Waste Administrator shall have all the necessary authority to implement and carry out the provisions of this Ordinance, including but not limited to the following:

- A. Review and consider all license applications and supporting materials which are referred to the Environmental Services Department for operations within the county, and after such review and consideration, to recommend in writing with documentation to the County Board whether a license should be granted or denied.
- B. Inspect County facilities and other operations to determine compliance with this Ordinance and Agency rules and regulations.
- C. Supervise the day to day operations of the County Facilities.
- D. Prepare and administer a budget within the framework of the county budgeting process.

E. Investigate complaints about violations of this Ordinance. For the purpose of investigating complaints, the Solid Waste Administrator or his agents and authorized representatives shall have the right of entry upon all lands within the county for the purpose of determining compliance with this Ordinance. The Solid Waste Administrator shall give notice of his intent to inspect to the occupant, if any, and property owner. All inspections shall be made in a reasonable manner during the usual and customary hours for the conduct of business.

F. To recommend to the County Attorney that legal proceedings be initiated against a person, operation or facility to enforce the provisions of this Ordinance.

G. 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.

H. Advise, consult and cooperate with other governmental agencies and various departments of Becker County.

I. Hire, train and employ qualified personnel to assist county staff in the supervision, administration and enforcement of this Ordinance.

J. Provide and maintain a public education and information service relative to solid waste, recycling, reuse, waste reduction and other matters arising out of this Ordinance.

K. Receive and forward all license applications to the County Board and recommend that the license be granted or denied.

M. Prepare and update as necessary the Five Year Solid Waste Plan for the county.

SECTION 7. SOLID WASTE STORAGE

The owner, lessee, or occupant of any premises shall be responsible for the satisfactory storage of all solid waste accumulated at the premises.

A. Solid waste shall be stored in a manner which complies with state rules administered by the Agency.

B. Solid Waste shall be stored in:

1. durable, rust resistant, nonabsorbent, watertight, rodent proof and easily cleanable containers, with close fitting, insect proof covers, having adequate handles or bails to facilitate handling; or
2. other types of containers acceptable to the County Board and conforming to the intent of this section; and

C. All containers for storage of solid waste must be maintained in such condition 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 must be replaced with an acceptable container.

D. Toxic or hazardous wastes shall be stored in durable, leak-proof containers which are labeled with a description of the chemical composition of the substance stored therein. Such waste shall be stored in a safe location and in compliance with Agency regulations and this Ordinance.

E. Solid waste shall not be stored on public or private property for more than two [2] weeks, or forty-eight [48] hours if in quantities equal to or greater than ten [10] cubic yards, without written approval from the Solid Waste Administrator or his authorized agent or representative.

F. Solid waste suitable for recycling or reuse or restoration shall not be stored on public or private property in a manner which creates a nuisance, blight or health hazard.

G. Solid waste too large or otherwise unsuitable for storage containers shall be stored in a manner which is pollution-free and nuisance-free.

SECTION 8. COLLECTION AND TRANSPORTATION OF SOLID WASTE

No person shall provide a service for the collection and transportation of solid waste for hire in the county without first obtaining a license from the County Board.

A. Vehicles or containers used for the collection and transportation of solid waste shall be covered, leakproof, durable and of easily cleanable construction and shall be cleaned to prevent nuisances, pollution or insect breeding and shall be maintained in good repair.

B. 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.

C. The County Board shall not issue a license until the applicant complies with all the following requirements:

1. The applicant shall submit a completed application on a form provided by the County for a Solid Waste Hauling License along with the required license fee established by the County Board.
2. The applicant shall submit a performance bond of sufficient sureties, naming Becker County as Obligee, in the penal sum of Two Thousand Five Hundred Dollars \$2,500.00, with sufficient documentation to enable the County Board to determine whether the applicant is financially and otherwise capable to properly dispose of all waste in accordance with this Ordinance. Said bond to be subject to the approval of the County Board and the Becker County Attorney.
3. The applicant shall submit the specifications as to type, number and capacity of refuse hauling vehicles, containers and other collection equipment to be used in Becker County for solid waste and recyclables. Vehicles used in the collection of solid waste must comply with all State and local laws and regulations.
4. Each vehicle used in the collection and transportation of solid waste for hire, shall legibly display on the upper portion of the cab doors, the Becker County License number of the licensee in letters at least three [3] inches high, beginning with "BEK" followed by the license number.
5. The Commercial Solid Waste hauler must submit by January 31st of each year an annual report for the previous calendar year, identifying in volume the solid waste collected and disposed from Becker County businesses and industries.
6. Commercial Haulers/Collectors shall refuse to knowingly accept any mixed municipal waste containing waste deemed unacceptable by Agency Rules, this Ordinance, Minnesota Statute or by the County Board.
7. The applicant shall submit a description of the service area. The information about specific commercial customers shall contain data identifying the volume the solid waste collected and disposed from Becker County businesses and industries. Specific information of residential customers is not needed.
8. The applicant must demonstrate to the County at the time of license application and at the time of annual renewal as to how they will provide education to reduce waste generated, education to increase recycling and an incentive to do the same. 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 caused by increased recycling or waste reduction methods.

D. Any license granted under the provisions of this Ordinance, unless otherwise provided by the County Board, shall expire on December 31st of each year unless revoked earlier. Any license may be suspended or revoked at any time for any failure to pay license fee or for noncompliance with the provisions of this Ordinance. A license may be revoked only after the County Board has held a public hearing at which the licensee and other persons interested 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] days after the notice of said hearing was received by the licensee.

E. Requirements for license renewal

Application for license renewal shall be made in writing on forms mailed by the Environmental Services Department by November 1st in each year as specified in Section 5, subdivision 2. Application for license renewal shall contain a written statement of any changes in information submitted in the last approved license application. The application shall be accompanied by the required license fee and bond continuation certificate and any other information requested by the county. If there are no changes, it shall be so stated in the renewal application.

SECTION 9. SOLID WASTE FACILITIES

Subdivision 1. Facilities - license Requirements.

Solid Waste Facilities, including but not limited to, Sanitary Landfills, modified landfills, special landfills [ash monocells], transfer stations, demolition landfills, recycling facilities, waste-to-energy facilities and incinerators shall not be operated or maintained in Becker County without first obtaining a license from the County Board. All such facilities shall comply with all Minnesota rules administered by the Agency, the Becker County Solid Waste Plan, this Ordinance and Minnesota State Statutes.

Subdivision 2. License Applications.

An application for a county license for a solid waste facility shall provide information to the county on a form provided by the county that has:

A. The name of the facility;

- B. Location, size, ownership and zoning of land upon which the operation will be situated and general description of the land use in the immediate vicinity of the operation;
- C. Detailed, complete construction plans and specifications, and proposed operating procedures including the hours of operation;
- D. An affidavit that all applicable units of local government have been given written notification of the pending application for a license;
- E. Such additional information and data as may be required by the Solid Waste Administrator and the County Board.

Subdivision 3. Records.

Records shall be maintained indicating the type of waste managed and shall be reported to the Solid Waste Administrator no later than January 15th for the previous calendar year.

Subdivision 4. Additional requirements - Transfer Stations.

Any person who maintains or operates a transfer station or permits the use of property for such, shall maintain and operate the facility in conformance with the following practices:

- A. The transfer station facility shall be kept locked by utilizing fencing and gates, or other accepted means when an attendant is not on duty.
- B. Roads on the premises shall be all-weather surfaced.
- C. Equipment present shall be sufficient for loading and unloading operations and to include sufficient reserve equipment during periods of breakdown.
- D. At each entrance to the site the licensee shall erect and maintain a sign stating the name of the facility, the schedule of days and hours of operation when open to the public, fees for the use of the facility and the Minnesota Pollution Control Agency Permit Number. The sign and placement shall be in compliance with the Becker County Zoning Ordinance.
- E. All incoming and outgoing traffic shall be controlled by the licensee in such a manner as to provide orderly and safe ingress and egress.
- F. The operation of the facility shall be so situated, equipped, operated and maintained so as to minimize interference with other activities in the area.

G. Solid waste left in the transfer station at the end of the working day shall be confined to the smallest possible area and shall be the first removed from the transfer station when operations are resumed. The remaining areas of the transfer station shall be thoroughly cleaned at the end of the workday.

H. Solid waste shall not remain in the transfer station longer than forty-eight [48] hours and no solid waste shall remain in the station during a day in which the transfer station is not open to the public except in an approved covered transfer trailer.

I. Areas open to the public shall be maintained in a clean and orderly condition at all times. The areas where transfer vehicles are loaded shall be cleaned on a regular schedule to insure a minimum amount of litter at any one time.

J. Subsequent or ultimate disposal of solid waste must be at a permitted solid waste facility.

K. No changes, alterations or additions to the operations shall be made without written consent of the County Board

L. Records shall be submitted to the Environmental Services Department indicating the type and quantity of waste managed at the transfer station. Each month the records are to be submitted to the Environmental Services Department no later than the tenth [10th] of the month for the previous month.

M. The transfer station shall be operated at all times in accordance with Minnesota State Statutes, Agency rules and regulations, this Ordinance and any other applicable laws, ordinances, rules or regulations.

N. Control of vectors, such as rodents and flies, odors, dust, windblown materials, litter and other potential public nuisances shall be sufficient to prevent or eliminate any public nuisance.

O. An attendant shall be on duty at the facility at all times while it is open for public use. Unloading of waste shall be continuously supervised.

Subdivision 5. Intermediate Solid Waste Disposal Facility [Recycling Centers].

An intermediate solid waste disposal facility shall be constructed, operated and maintained in compliance with the following requirements:

A. A sign shall be posted on the premises indicating the name of the operation, the days and hours which the facility is open to the public and user charges if any. The sign shall be in compliance with the Becker County Zoning Ordinance.

- B. Roads on the premises shall be bituminous, concrete or other impervious material acceptable to the Solid Waste Administrator.
- C. Sanitary facilities and shelter adequate for employment shall be provided on the premises.
- D. Records shall be maintained indicating the type of waste managed and shall be reported to the Solid Waste Administrator no later than January 15th for the previous calendar year.
- E. The operation of the facility shall be so situated, equipped, operated and maintained so as to minimize interference with other activities in the area.
- F. The premises, entrances and exits shall be maintained in a neat, clean, orderly and safe manner at all times.
- G. All incoming and outgoing traffic shall be controlled by the licensee in such a manner as to provide orderly and safe ingress and egress.
- H. All unloading of solid waste from contributing vehicles shall be conducted in such a manner as to eliminate odor and litter outside the facility.

Subdivision 6. Additional requirements – Permit-by-Rule Demolition Landfills.

Notwithstanding the provisions of this Ordinance, Special Permit-by-Rule Demolition Landfills are exempt from licensing requirements, but require an Agency permit and approval of the Solid Waste Administrator. Demolition waste generated on-site by construction or demolition of structures on an individual property may be buried on-site provided a permit has been issued by the Agency and approved by the Solid Waste Administrator. Further record of such burial of demolition waste shall be filed at the Office of the County Recorder for the affected property.

- A. Placement of select demolition waste as fill for a specific land improvement project may be allowed provided a permit has been issued by the Agency and approved by the Administrator of Environmental Services. Further record of such burial of demolition waste shall be filed at the Office of the County Recorder for the affected property.

SECTION 10. SPECIAL WASTES

Special wastes are those solid wastes requiring special management as mandated by Federal Law, Minnesota Statute, the Agency rules and regulations or other regulatory agencies.

Subdivision 1. Tires.

The disposal of waste tires in or on any land is prohibited after July 1, 1985, by Minnesota Statutes 115A.90 and by rules administrated by the Agency. Unprocessed waste tires shall be stored at a collection or processing facility permitted by the Agency or exempted by Minnesota Statutes Chapter 115A.904 unless otherwise prohibited by local authority. Becker County shall provide a collection facility for waste tires. The fee for disposal shall be set by the County Board as part of the fee schedule of the Becker County Transfer Station.

Subdivision 2. White Goods.

The disposal of major appliances, i.e. white goods, in or on any land is prohibited after July 1, 1990, by Minnesota Statutes 115A.9561 and rules administrated by the Agency. White goods may be stored at a licensed facility for the purpose of recycling. No person shall accumulate more that six [6] major appliances on their property. These appliances can be stored for a period of time not exceeding six [6] months before they must be recycled or disposed of in a manner in accordance with rules of the Agency. Becker County shall provide a collection facility for waste appliances. The fee for disposal shall be set by the County Board as part of the fee schedule of the Becker County Transfer Station.

Subdivision 3. Yard Waste.

Disposal of yard waste in mixed municipal solid waste where such material may be landfilled or incinerated is prohibited after January 1, 1992, by Minnesota Statute 115A.931 and rules administrated by the Agency. Yard waste may be composted or co-composted. Becker County shall maintain a facility where the collection and composting of yard waste is allowed. The fee for disposal shall be set by the County Board as part of the fee schedule of the Becker County Transfer Station.

Subdivision 4. Batteries

A. Motor vehicle batteries [lead acid] disposal in mixed municipal solid waste is prohibited after January 1, 1998, by Minnesota Statute 115A.915 and rules administrated by the Agency. Recycling of motor vehicle batteries is provided for by Minnesota Statute 325E.115 and following.

B. Batteries other than motor vehicle batteries including rechargeable batteries have restrictions on disposal as outlined in Minnesota Statute 115A.9155 and 115A.9157. Batteries containing heavy metal elements must be recycled. Becker County will assist residents in battery recycling through the Household Hazardous Waste Program.

Subdivision 5. Waste motor oil, waste motor oil filters and motor vehicle fluids.

Disposal of waste motor oil, waste motor oil filters, brake fluid, power steering fluid, transmission fluid or antifreeze in mixed municipal solid waste, on or in any land, is prohibited by Minnesota Statute 115A.916 and rules administrated by the Agency. Becker County shall maintain a collection facility for waste motor oil. The fee for disposal shall be set by the County Board as part of the fee schedule of the Becker County Transfer Station.

Subdivision 6. Other wastes

Disposal of wastes as mandated by federal law, state statute or other regulatory body shall be managed by Becker County in accordance to such law, statute, ordinance, order or mandate. Appropriate fees for disposal shall be set by the County Board as part of the fee schedule of the Becker County Transfer Station.

SECTION 11. HOUSEHOLD HAZARDOUS WASTE PROGRAM

Becker County shall participate in the Household Hazardous Waste Program as defined in Minnesota Statute 115A.96 and outlined by Agency rules. The purpose of the Household Hazardous Waste Program is to reduce the toxicity of solid waste before final disposal in a landfill, an incineration facility, Waste to Energy facility or composting facility. The Regional Household Hazardous Waste Program shall be operated under a contract from the Agency. Co-sponsoring counties shall be under contract with Becker County. Monies from the Agency shall be managed in a separate section of the Environmental Affairs Budget [Solid Waste Budget] to properly identify and keep separate pass-through money to co-sponsoring counties. The Regional Household Hazardous Waste Coordinator shall be an employee of Becker County.

Subdivision 1 Permanent Household Hazardous Waste Collection Facility

Becker County shall maintain a Permanent Household Hazardous Waste Collection Facility. Staff of the facility shall have the appropriate state certifications and training. The facility will collect appropriate, identified hazardous materials from residents for proper management and disposal. A program for reuse of collected materials will be

part of the operations of the facility. The reuse program will allow residents to take collected materials from the Permanent Household Hazardous Waste Collection Facility for personal use upon proper completion of required forms.

The Permanent Household Hazardous Waste Collection Facility will collect, store, process and prepare materials for shipment by a Certified Hazardous Transporter in accordance with Minnesota Statutes, Agency rules and regulations and this ordinance.

Subdivision 2 Mobile Household Hazardous Waste Unit.

Becker County shall participate in the Mobile Household Hazardous Waste Unit of the Becker County Household Hazardous Waste Region. Collections will be held within the county periodically. The Mobile Household Hazardous Waste Unit will be stationed in Becker County as part of the agreement with the counties participating in the Regional Household Hazardous Waste Program. Staff from Becker County will participate in other county's collection events as outlined and documented in the minutes of the Regional Household Hazardous Waste Program Meetings, contractual arrangements and other agreements with co-sponsoring counties.

SECTION 12. SERVICE CHARGE

Subdivision 1. Purpose and Authority.

This section is enacted pursuant to the Minnesota Statutes Section 400.08 granting Becker County the authority to impose a service charge for solid waste management services provided by the county or by those under contract with the county.

Subdivision 2. Rates and Charges.

Owners of real property shall pay a fee as set by the County Board for services provided by the county or by persons under contract with the county. Rates and charges payable may take into account the character, kind, and quality of service and of the solid waste, the method of disposition, including but not limited to, activities of recycling, composting, co-composting, resource recovery, the number of people served at each place of collection, volume of solid waste generated, and all other factors that enter into the cost of service, including but not limited to depreciation and payment of principal and interest on money borrowed by the county for the acquisition or improvement of solid waste facilities, the establishment of a reserve fund for future liability and administrative costs associated with providing waste management services to the county residents and businesses.

The rates and charges payable shall be adopted by resolution on the County Board and may be amended from time to time. A copy of the current rate schedule shall be kept on file in the Office of Environmental Services.

The rates and charges shall be billed on the yearly tax statement as the Solid Waste Special Assessment.

Subdivision 3. Rate Schedule of Solid Waste Management Charges Payable Commencing at the adoption of this ordinance.

Annual Solid Waste Service Charges

Resorts - Motels

- \$2.50 per resort campsite
- \$5.00 per resort rental cabin or motel room unit

Residential

- \$20.00 per seasonal recreational residential dwelling
- \$25.00 per residence
- \$25.00 per mobile home not now assessed as real estate
- \$25.00 per apartment, condo, time-share unit and mobile home in mobile home park

Commercial

- Annual Solid Waste Service Charge is assessed on volume generation based on records submitted by Hauler.

Annual Uncompacted Cubic yards	Annual Service Fee		Annual Uncompacted Cubic yards	Annual Service Fee
0 - 24	\$25.00		900 - 999	\$1,000.00
25 - 49	\$50.00		1000 - 1249	\$1,250.00
50 - 74	\$75.00		1250 - 1499	\$1,500.00
75 - 99	\$100.00		1500 - 1749	\$1,750.00
100 - 124	\$125.00		1750 - 1999	\$2,000.00
125 - 149	\$150.00		2000 - 2249	\$2,250.00
150 - 174	\$175.00		2250 - 2499	\$2,500.00
175 - 199	\$200.00		2500 - 2749	\$2,750.00
200 - 224	\$225.00		2750 - 2999	\$3,000.00
225 - 249	\$250.00		3000 - 3249	\$3,250.00
250 - 274	\$275.00		3250 - 3499	\$3,500.00
275 - 299	\$300.00		3500 - 3749	\$3,750.00
300 - 324	\$325.00		3750 - 3999	\$4,000.00
325 - 349	\$350.00		4000 - 4249	\$4,250.00
350 - 374	\$375.00		4250 - 4499	\$4,500.00

Annual Uncompacted Cubic yards	Annual Service Fee		Annual Uncompacted Cubic yards	Annual Service Fee
375 - 399	\$400.00		4500 - 4749	\$4,750.00
400 - 424	\$425.00		4750 - 4999	\$5,000.00
425 - 449	\$450.00		5000 - 5499	\$5,500.00
450 - 474	\$500.00		5500 - 5999	\$6,000.00
475 - 499	\$550.00		6000 - 6499	\$6,500.00
500 - 549	\$600.00		6500 - 6999	\$7,000.00
550 - 599	\$650.00		7000 - 7499	\$7,500.00
600 - 649	\$700.00		7500 - 7999	\$8,000.00
650 - 699	\$750.00		8000 - 8499	\$8,500.00
700 - 749	\$800.00		8500 - 8999	\$9,000.00
750 - 799	\$850.00		9000 - 9499	\$9,500.00
800 - 849	\$900.00		9500 - 9999	\$10,000.00
850 - 899	\$950.00			

Subdivision 4. Unpaid Charges.

A. TAXABLE PROPERTIES

On or before October 15, in each year, the County Board may certify to the County Auditor all unpaid outstanding 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 not to exceed the interest rate provided for in Minnesota Statutes Section 279.03, Subd. 1, upon the tax rolls of the county for the taxes in the year in which the assessment is filed. For each year ending October 15, 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 enforcement and collection of real property taxes in accordance with the provisions of the laws of this state. The charges, if not paid, shall be come delinquent and subject to the same penalties and the same rate of interest as taxes under the general laws of this state.

B. TAX - EXEMPT PROPERTIES

Unpaid charges may be collected in Conciliation Court or through such other means as may be approved by the County Attorney.

Subdivision 5. Appeals.

In the event the charges become a tax lien upon the land the property owner may appeal the tax as provided by Minnesota Statute.

SECTION 13. 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. If such variance would result in non-compliance with Agency rules, a variance application must be filed with the Agency.

A variance may be granted by the County Board after a public hearing where the County 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 to the County Board prior to expiration. Renewal shall require a public hearing. An application for a variance shall be accompanied by a plan and a time schedule for achieving compliance with the Ordinance. Prior to any public hearing held by the County 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. Publication of the notice of the public hearing in qualified newspaper shall be considered adequate notice.

SECTION 14. NONCONFORMING SITES AND FACILITIES

Solid waste management facilities in existence on the effective date of this Ordinance shall conform to the provisions of this Ordinance or terminate operations no later than sixty [60] days from that date unless a variance application is submitted to the County Board within a sixty [60] day period following the effective date of this Ordinance. If no variance is granted the non-conforming site, facility or use, it shall terminate within sixty [60] days of the denial.

SECTION 15. ADDITIONAL REQUIREMENTS

For purposes of protecting and providing for the 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 and facilities.

SECTION 16. PROVISIONS ARE CUMULATIVE

The provisions of this Ordinance are cumulative limitations upon all other laws and ordinances heretofore passed or which may be passed hereafter, covering any subject matter of this Ordinance.

SECTION 17. 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 18. VIOLATIONS AND ENFORCEMENT

Subdivision 1. Violation.

Any person who violates or who fails to comply with any provision of this ordinance or who makes any false statement in any document required to be submitted under the provisions of this ordinance is guilty of a misdemeanor and upon conviction may be sentenced to imprisonment for not more than ninety [90] days or to payment of a fine of not more than one thousand [1,000.00] dollars or both. Each day that a violation of this Ordinance continues shall constitute a separate and distinct offense and may be punishable as such.

Subdivision 2. Enforcement.

- A. This Ordinance shall be administered and enforced by the Administrator of Environmental Services, who is designated the enforcing officer.
- B. In the event of a violation or threatened violation of this Ordinance, the County Board in addition to other remedies, may institute actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations.
- C. It shall be the duty of the County Attorney and the Sheriff of Becker County to enforce this Ordinance.

SECTION 19. VALIDITY.

If any section or provision of this Ordinance is declared invalid, such decision shall not affect the validity of any other part of the Ordinance except the part declared to be invalid.

SECTION 20. EFFECTIVE DATE

This Ordinance shall be in full force and effect upon its passage and approval.
Adopted this 13th day of November 2001.

ATTEST:

BOARD OF COMMISSIONERS
BECKER COUNTY, MINNESOTA

BY _____

BY _____

Albert Roder
Administrator
Becker County

Carolyn Engebretson, Chair
Board of Commissioners
Becker County