

SOLID WASTE MANAGE ORDINANCE

Koochiching County, Minnesota

Adopted: February 11, 2014

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Koochiching County Solid Waste Ordinance

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The County Board of Commissioners, Koochiching County, Minnesota does ordain:

I. General Provisions

A. Title

This Ordinance shall be entitled: Solid Waste Management Ordinance, Koochiching County, Minnesota.

B. Purpose and Compliance

The purpose of this Ordinance is to authorize and provide for Solid Waste Management for Koochiching County, Minnesota, establish powers and duties in connection therewith, establish standards for and regulations of management operation; establish requirements for certain facilities on a disposal site; require a license for the establishment and use of a solid waste management operation, for control of special solid wastes; embodying minimum standards and requirements established by regulation of the Minnesota Pollution Control Agency; provide for enforcement of said requirements; require a performance bond; and impose penalties for failure to comply with these provisions. The purpose and object thereof to promote the health, welfare and safety of the public and

protect resources of land, water and air. This Ordinance shall be administered to achieve the following objectives:

1. Regulate solid waste facilities to protect the public's health and well-being.
2. Protect natural resources within Koochiching County and prevent surface and ground water contamination.
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.
4. Encourage the use and reuse of recyclable materials through the use of the county-wide recycling program and the provision of facilities to support those activities.
5. Support state and federal regulations on solid waste issues including regulatory management, hierarchy of reduction, reuse, recycling, processing and land disposal.

C. Legal Authority

This ordinance is enacted pursuant to Minnesota Statutes, Chapters 115, 115A, 116 and 400, Section 400.01 to 400.17.

D. Abrogation and Greater Restrictions

1. This Ordinance supersedes all provisions of any County Solid Waste Management Ordinance that relates to control and collection of solid waste.
2. The governing body of any town (township or city) may continue to exercise the authority to plan solid waste management, but after the adoption of official controls for the county by the County Board of Commissioners, no town shall enact official controls inconsistent with the standards prescribed in this Ordinance. Nothing in this section will limit any town's power to exercise a more restrictive ordinance than provided in the controls adopted by the County except all solid waste shall be disposed of only as allowed in this Ordinance.

3. It is not otherwise intended by this Ordinance to repeal, abrogate or impair any existing deed restrictions or ordinances other than solid waste ordinances to the extent specified above. However, if this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail.

E. Definitions

For the purpose of this Ordinance certain words and terms used herein are defined below:

The word "shall" is mandatory and not discretionary.

Words used in the present tense shall include the future, and words used in the singular number shall include the plural number.

Acceptable Waste – means waste which is acceptable at the designated facility and designated location. Acceptable waste shall include garbage, refuse, municipal solid waste, and demolition from residential, commercial, industrial and community

activities which is generated and collected in aggregate and which is not otherwise defined as unacceptable waste.

Agency - means the Minnesota Pollution Control Agency.

Agricultural Operation - means any agricultural activity that produces enough income to pay family and farm operating expenses, pay debts and maintain the property.

Agriculture Waste - means all waste generated exclusively from a single Agricultural Operation, including household waste, manure, silage, hay, containers and other wastes resulting from the agricultural operation. Agricultural waste does not include waste from any other premise, business establishment or industry.

Appliance - means washers, dryers, electric and gas ranges or stoves, refrigerators, freezers, dehumidifiers, water heaters, residential furnaces, dishwashers, garbage disposal, trash compactors, microwave ovens, air conditioners and other appliances as defined by Minnesota Statute.

Backyard Compost Site - means a site used to compost food scraps, garden wastes, weeds, lawn cuttings, leaves and pruning from a single family or household, apartment building, or a single commercial office, a member of which is the owner, occupant, or lessee of the property.

Collection - means the aggregation of solid waste from the places where it is generated, including all activities up to the time the waste is delivered to a waste disposal facility.

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

County Board – means the Koochiching County Board of Commissioners.

Cover Material - means granular material, generally soil, which is used to cover the compacted solid waste in a sanitary landfill, which is free of large objects

that would hinder compaction, and free of organic content that would be conducive to vector harborage, feed and breeding.

Demolition Debris -means solid waste resulting from the demolition of buildings, roads, and other structures including concrete, brick, bituminous concrete, untreated wood, masonry, glass, trees, rock, and plastic building parts and roofing materials. Demolition debris does not include asbestos waste.

Disposal Facility – means a facility permitted by the agency that is designed or operated for the purpose of disposing of waste, together with any appurtenant facilities needed to process waste for disposal or transfer to another facility.

E-waste – means discarded electronic or electrical device or their parts. Computers, televisions, VCRs, stereos, printers and fax machines are common e-waste

ESD – means Koochiching County Environmental Services Department.

Farm – see agricultural operation.

Garbage - means materials resulting from handling, processing, storage, preparation, serving and consumption of food and various food by-products.

Hauler - means any person that owns, operates or leases vehicles for the purpose of collection and transportation of any type of solid waste.

Hazardous Waste/Hazardous Substance – has the meaning as defined in Minnesota Statute, Section 115B.02, Subdivision 8 and 9.

HHW – means Household Hazardous Waste.

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

Industrial Waste - means solid waste resulting from an industrial, manufacturing, service or commercial activity that is managed as a separate waste stream.

Intermediate Solid Waste Disposal Facility - means a facility for the storage, reduction, or processing of solid waste prior to final disposal.

Junk – means scrap copper, aluminum, steel, brass, rope, rags, batteries, trash, ferrous and non-ferrous material, inoperable and/or unlicensed motor vehicles, recreational vehicles, agricultural or construction equipment or parts thereof.

Junkyard – means land or buildings where solid waste, discarded or salvaged material are brought, purchased, sold, exchanged, stored, cleaned, packed, disassembled or handled, including but not limited to scrap metal, rags, paper, rubber products, glass products, lumber products, and products resulting from the wrecking and/or dismantling of automobiles, boats, snowmobiles and other vehicles

Land Disposal Facility - means any tract or parcel of land, including any constructed facility, at which solid waste is disposed of in or on the land.

License - means that permit issued by

the County Board for a solid waste management operation.

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

MSW or Mixed Municipal Solid Waste - means garbage, refuse and rubbish from residential, commercial, industrial and community activities generated and collected in aggregate but does not include materials collected, processed and disposed of as a separate waste stream.

MPCA- means the Minnesota Pollution Control Agency.

Municipal Solid Waste Landfill - means a site used for the disposal of municipal solid waste in or on the land.

Operation - means a site, facility or activity related to solid waste management.

Nuisance – means anything which is injurious to health, or indecent or offensive to the senses, or an

obstruction to the free use of property,

so as to interfere with the comfortable enjoyment of life or property, personal, is a nuisance.

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

Putrescible Material - means a solid waste which is capable of becoming rotten or which may reach a foul state of decay or decomposition.

Open Burning - means burning in any manner where the resultant combustion products are emitted directly to the open atmosphere without passing through a stack, duct or chimney which meets Minnesota Pollution Control Agency standards for incinerators.

Recyclable Materials – means materials that are separated from mixed municipal solid waste for the purpose of recycling, including but not limited to paper, corrugate, glass, plastic, tin, aluminum, cloth, motor oil, lead acid batteries, tires, e-waste, scrap metal and white goods.

Recycling Facility - means a facility used for processing and/or storage of post-consumer products prior to sale, trade or remanufacture.

Refuse - means putrescible material and non-putrescible solid waste, including, but not limited to garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleaning, market and industrial solid wastes and sewage treatment wastes which are in dry form. Excluded are hazardous wastes and substances as defined by federal and state statute and rules.

Scavenging – means the removal of waste materials from a licensed solid waste facility, which has not been authorized by the office.

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Scrap Dealers – means a person,

partnership, or corporation that buys and sells marketable metals.

Self Hauler – means a resident or business who does not have garbage service and who delivers waste or recyclables to a proper facility themselves.

Shoreland - is defined by the Koochiching County Shoreland Management Ordinance and other relevant Koochiching County land-use ordinances.

Solid Waste - means garbage, refuse and other discarded solid materials, including solid waste materials resulting from industrial, commercial and community activities, but does not include earthen fill, boulders, rock and other natural materials normally handled in construction operations, solids or dissolved materials in domestic sewage, significant pollutants in water resource such as silt, dissolved materials, suspended solids in irrigation return flows, or other common water pollutants.

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Solid Waste Administrator – means

the person or his/her authorized representative(s) duly appointed by the Koochiching County Board of Commissioners to enforce and implement this ordinance.

Solid Waste Advisory Committee – means a committee of residents and business owners appointed by the Koochiching County Board of Commissioners to review solid waste management programs and make recommendations regarding changes to existing programs or implementation of new ones.

State - means the State of Minnesota.

Toxic or Hazardous Waste - means substances, whether in liquid, gaseous or solid form, which may be acutely toxic to humans, animals, or plant life, or be directly damaging to property.

Transfer Station - means an intermediate solid waste facility, whether fixed or mobile, in which solid waste collected from any source is temporarily deposited to await transportation to the final disposal site or facility.

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Unacceptable Waste - means solid

waste which Koochiching County does not have collection, processing or disposal capabilities. Such wastes include but are not limited to; explosives; hospital pathological and biological waste; commercial and industrial hazardous waste, as regulated by federal, state and local law; and radioactive materials.

Waste Tire - means a pneumatic or solid tire that has been discarded or that can no longer be used for its original purpose because of wear, damage or defect.

Water Pollution - means the contamination of any waters of the State so as to create a nuisance or render such waters as 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.

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Waters of the State - means all lakes,

streams, ponds, marshes, water courses, water ways, 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.

White Goods – means major appliances, including but not limited to clothes washers and dryers, dish washers, water heaters, trash compactors garbage disposals, ranges, stoves, refrigerators, freezers, air conditioners and furnaces.

Yard Waste - means garden waste, leaves, lawn cuttings, pruning, shrubs, and tree waste generated on residential or public properties.

- A. No person shall cause, permit or allow his or her land or property under his or her control to be used for solid waste management purposes, except at an operation for which a license has been granted by the County, unless otherwise provided by this Ordinance. No solid waste license will be issued without a valid Koochiching County Conditional-use Permit. Further, licenses shall require each operation to have a valid Agency permit when required by Statute or rules.

This Ordinance does not apply to industrial waste or agricultural waste.

- B. Any operation to be used for any method of solid waste management not otherwise provided for in this Ordinance must be licensed by the County before operation may commence. The license application shall include two sets of complete plans, specifications, design data, ultimate land use plan, if applicable, and proposed operating procedures prepared under the supervision of a registered engineer of Minnesota. Where applicable, the applicant shall procure and accompany the application with a proper zoning permit if required by county zoning ordinances.

C. After receiving an application for an operation, the County Solid Waste Administrator shall refer such application to the Solid Waste Advisory Committee, which shall give a recommendation to the County Board concerning whether it should issue or deny the license. If an applicant is denied a license, he/she shall be notified of the reasons therefore by the County Board. A denial shall be without prejudice to the applicants right of an appearance before the County Board or his/her right to file a future application after revisions are made to satisfy objections specified as reasons for the denial.

1. The County Board shall refuse to issue a license for any operation which does not comply with this Ordinance, Agency regulations and the County Solid Waste Management Plan.

D. 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 the amount to be established by the County Board and naming the County as obligee with

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sufficient sureties duly licensed and

authorized to transact business in the State of Minnesota as sureties. The condition of such bond shall be that if the principal fails to comply with any of the requirements or fails to perform any of the actions required of an operation or ceases to operate or abandons the operation, and the County is required to expend any monies or expend any labor or material to restore the operation to a condition in compliance with this Ordinance, the obligor and the sureties on its bond shall reimburse the County for any and all expenses incurred to remedy failure of the principal to comply with the terms of this Ordinance, and the obligor and the 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 in compliance with the terms of this Ordinance (see Schedule Number 1).

1. In addition to the bond to be furnished, the licensee shall furnish to the County certificates of insurance issued by insurers duly licensed with the State of Minnesota covering public liability insurance, including general liability,

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automobile liability, loading and

unloading, completed operations liability, bodily injury liability in an amount that meets or exceeds limits set by the State. The County Board retains the right to set insurance limits higher than what the State requires. County limits may be adjusted via County Board motion.

E. In the event a licensee is in noncompliance with the provisions of this Ordinance or applicable state laws and regulations and the continued operation could endanger the health, safety or welfare of the public or may cause pollution or impairment of the environment, the license to operate under this Ordinance may be suspended or revoked.

1. In the event of an emergency situation, the Solid Waste Administrator may, by written order, temporarily suspend the license of the operator. In that event, the licensee may request a hearing before the Solid Waste Advisory Committee which shall meet and consider the matter within ten (10) days. The Solid Waste Advisory Committee may order reinstatement pending

recommendations. Final action shall take place within forty-five (45) days of the Solid Waste Advisory Committee meeting.

2. In non-emergency situations the licensee shall be served a notice of proposed suspension or revocation and said suspension or revocation shall occur only after a hearing and determination by the County Board. The matter may first be heard by the Solid Waste Advisory Committee which shall make a recommendation to the County Board for final action. Final action shall take place within sixty (60) days of notice.

Notification of a pending action under this paragraph may be served upon the licensee personally or by some other means permitted under the Rules of Civil Procedure. At the hearing, the licensee and all interested parties will be heard. Upon request of the licensee a recording of the hearing shall be made available.

cures the defect, the Solid Waste Administrator shall notify all parties that the hearing procedure is not necessary and the license, if temporarily suspended, shall be reinstated.

III. Solid Waste Advisory Committee

- A. The Solid Waste Advisory Committee shall serve as a standing advisory committee for the County Board. The Committee's duties shall be as follows:
1. To provide solid waste planning recommendations to the County Board.
 2. To review Solid Waste Service Fee Abatement Requests and make recommendations regarding the Abatement Requests to the County Board.
 3. To conduct hearings as required by this Ordinance.
- B. Meetings of the Solid Waste Advisory Committee shall be public and shall adhere to the provisions of the Minnesota Open Meeting Statute.

C. The Solid Waste Advisory Committee shall be comprised of the following members:

1. Representative from Commissioner District 1.
2. Representative from Commissioner District 2.
3. Representative from Commissioner District 3.
4. Representative from Commissioner District 4.
5. Representative from Commissioner District 5.
6. Representative from the Soil & Water Conservation District Board.
7. Representative from the commercial haulers.
8. Representative from the Planning Advisory Commission.
9. Representative at large.
10. County Commissioner.
11. County Commissioner.

12. Representative from Industry.
13. Representative from Contractors.

IV. Solid Waste Administrator

The Solid Waste Administrator shall have all necessary authority to implement and carry out the following:

1. To review and consider all applications for license as provided for in this Ordinance, and to review supporting materials which are referred to him/her for operations within Koochiching County, Minnesota and then follow II.C. as provided in this Ordinance.
2. To inspect operations to determine compliance with this Ordinance and to investigate complaints about violations of this Ordinance. For the purpose of inspecting private disposal areas, the Solid Waste Administrator or his/her 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.

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He/she shall give notice of his intent to

inspect the occupant, if any, and all inspections shall be made in a reasonable manner during the usual and customary hours for the conduct of business.

3. To recommend to the County Attorney that legal proceedings be initiated against a person to compel compliance with this Ordinance or to abate or control an operation not in compliance with this Ordinance.
4. 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.
5. To advise, consult and cooperate with the public and the other governmental agencies in furtherance of the purpose of this Ordinance.
6. The Solid Waste Administrator and/or his/her employees, upon direction by the courts, shall have the right at all reasonable times to enter upon premises for the purpose of removing garbage deposited or permitted to remain in violation of this

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Ordinance. The cost of said removal shall

be chargeable to the property owner. Such payment shall be due within sixty (60) days of notification from the County. If such payment is not received within the specified time, such costs shall be certified to the County Auditor and shall be added to the property taxes for the property. The Solid Waste Department and/or its employees shall have the right to enter upon said premise, at a reasonable time, for the purpose of inspecting the same in order to determine whether the provisions of this Ordinance are being complied with.

7. The Solid Waste Administrator shall develop administrative policy, as needed, to aid in administration and enforcement of this Ordinance. Proposed administrative policy shall be reviewed by the County Attorney and approved by the County Board prior to adoption.
8. The Solid Waste Administrator shall require Koochiching County solid waste collection license holders to establish a base unit size and multiple-unit pricing system that ensures waste generated in excess of the base unit amount are priced higher than the base unit price.

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V. Solid Waste Storage

- A. The owner, lessee and occupant of any property business establishment or industry shall be responsible for the satisfactory storage of all solid waste accumulated at that property, business establishment or industry.
- B. Putrescible waste, including, but not limited to, garbage, shall be stored in: (a) durable, rust-resistant, non-absorbent, water-tight, rodent-proof and easily cleanable containers, with close-fitting, fly-tight covers having adequate handles to facilitate handling; or (b) other types of containers acceptable to the solid waste collection service which comply with Agency regulations, and are approved by the Solid Waste Administrator. The size and allowable weight of the containers may be determined by the solid waste collection service as approved by the Solid Waste Administrator.
- C. 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.
- D. Toxic or hazardous wastes shall be stored

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

- E. 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.
- F. Solid waste objects or materials too large or otherwise unsuitable for storage containers shall be stored in a manner as to prevent the creation of any pollution or nuisance.

VI. Collection and Transportation of Solid Waste

Unless otherwise provided in this Ordinance, the owner, lessee or occupant of any⁷ business establishment or industry, is responsible for the removal of all solid waste accumulated at the property, business establishment or industry at least once every two weeks, or more often as necessary, as required by the Koochiching County Public Health Ordinance. The owner, lessee or occupant may contract with a licensed hauler to transport the solid waste to a facility for which a permit has been issued by the Agency and approved by the County

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- A. Vehicles and containers used for the

collection and transportation of solid waste shall be durable, enclosed and leak-proof. These shall be cleaned to prevent nuisances, pollution and insect breeding and shall be maintained in good repair. The vehicles and containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents 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. The provisions of Section A shall apply to individuals self-hauling their own solid waste.

- B. Pursuant to Minn. Stat. 115A.93, Subd. 1, a person shall not collect solid waste for hire without a license from the jurisdiction where the waste is located. The County shall issue licenses for the commercial collection and hauling of municipal solid waste, upon compliance with the following:

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- 1. Solid waste must be disposed of at

an operation having a permit from the Agency and approval from the County.

2. Filing of an application for a Solid Waste Collection and Transportation License upon a form provided by the County.
4. Submission of a list of vehicles to be utilized for the solid waste collection and transportation. Such vehicles shall have leak-proof bodies of easily cleanable construction, completely covered with metal, wood, plastic or with a heavy canvas, and shall be subject to the approval and annual inspection by the Solid Waste Administrator upon request.
5. Submission of a description of the route (if requested), shown on a county map, to be followed by all solid waste collection and transportation vehicles and also between the area of collection and the solid waste operation. Said routes shall be subject to approval of the Solid Waste Administrator and the County Engineer.

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6. Collectors/haulers shall establish

charges for collection of mixed municipal solid waste that increases with the volume or weight of the waste collected. If requested, the collector/hauler shall submit a said volume or weight based pricing schedule to the Solid Waste Administrator for approval prior to issuance of a County Solid Waste Collection License. These volume/weight based pricing requirements shall take effect upon adoption of this ordinance.

7. If requested, collectors/haulers shall provide complete customer lists, including the best available information on customer solid waste generation and collection, to the Solid Waste Administrator. As per Minnesota State Statute 115A.93, Subd. 5, this information shall be regarded as nonpublic data.

The provisions of Section B shall not apply to individuals self-hauling their own residential waste.

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VII. Solid Waste Disposal by Landfill

Landfills located and in operation in Koochiching County, Minnesota shall comply with the following provisions:

- A. No person or business shall establish, operate or maintain a demolition landfill or MSW_landfill without first obtaining a permit from the Agency, a Conditional-Use Permit from Koochiching County in accordance with the zoning ordinance and a license from the county.

VIII. Intermediate Solid Waste Disposal Facilities

Intermediate solid waste disposal facilities located and operational in Koochiching County, Minnesota shall comply with the following provisions:

- A. No person shall establish, operate or maintain an intermediate disposal facility without first obtaining a permit from the Agency, a Conditional-use Permit from Koochiching County and a license from the County if required.

IX. Incineration

Utilizing the incineration process of burning solid

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waste for the purpose of volume and weight

reduction shall be done in compliance with the standards, rules, regulations and criteria of the Agency, a Conditional-Use Permit from Koochiching County and a license from the County.

X. Solid Waste Disposal

- A. On-site burning, burying, and/or burning and burying of solid waste is prohibited; except for disposal of demolition debris with a valid permit issued by the Agency. The provisions of this Subdivision do not apply to Agricultural Operations.
- B. Tire disposal
Chapters 7001 and 9220 of the Waste Tire Permitting Rules are hereby incorporated by reference.
- C. The following disposal bans are in effect in Koochiching County:

1. Batteries (lead acid, rechargeable and dry cell)

Including lead acid, rechargeable, dry cell and other types of batteries containing hazardous materials, may not be disposed of in mixed municipal solid waste or in or on the land and waters of the state.

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2. Batteries (alkaline)

Alkaline batteries may be disposed of in mixed municipal solid waste but shall not be disposed of in or on the land and waters of the state.

3. Cathode Ray Tubes

CRT's including but not limited to TV tubes and computer monitors may not be disposed of in mixed municipal solid waste or in or on the land and waters of the state.

4. Fluorescent and HID lamps.

A person may not dispose of fluorescent or HID lamps in mixed municipal solid waste.

5. Household Hazardous Waste

Household Hazardous Waste shall not be disposed of in mixed municipal solid waste or in or on the lands and waters of the state.

6. Major appliances (also referred to as white goods)

A person may not dispose of major appliances in

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mixed municipal solid waste or dispose of

major appliances in or on the land and waters of the state.

7. Mercury

A person may not dispose of mercury or mercury containing thermostats, thermometers, electric switches, appliances or medical or scientific instrument in mixed municipal solid waste or in or on the land and waters of the state.

8. Oil and oil filters

Used oil and used oil filters may not be disposed of in mixed municipal solid waste or in or on the land and waters of the state.

9. Tires

The disposal of waste tires in or on the land or in mixed municipal solid waste is prohibited.

10. Yard waste

Yard waste may not be disposed of in mixed municipal solid waste.

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XI. License Fees

Approval of an application by the County Board of Commissioners to issue a license for solid waste management shall be contingent upon the payment to the County for a license in the form of a license fee. The fees prescribed shall be paid by a license applicant with respect to each operation maintained by him/her. Fees shall be paid annually as a condition for license renewal. Nonpayment of the annual fee shall be grounds for denial of license renewal. Fees shall be paid to the County Solid Waste Department prior to issuance of a license. The type of licenses and fees shall be:

Type of license Fees

Solid Waste Collection and Transportation

*(annual)

Intermediate Disposal Facility

* (annual)

Municipal Solid Waste Landfill

* (annual)

Other Solid Waste Management Facility

* (annual)

Demolition Landfill

* (annual)

*Fees for each license shall be determined by resolution of the Koochiching County Board of Commissioners. (See Schedule Number 2)

XII. Rates and Charges for Solid Waste Management

- A. The County Board, by motion, may revise the rates and charges established herein, when deemed advisable. No charges shall be adopted or collected in any year unless first certified by the County Board of Commissioners to the County Auditor.
- B. Within Koochiching County, owners of real property, businesses, utilities, institutions, whether public or private, and other entities responsible for the generation of solid waste shall pay a fee for waste management.
- D. Rates and charges may take into account, but are not limited to the character, kind and quality of the service and of the solid waste; the method of disposition including but not limited to activities such as recycling, composting, resource recovery, and all other factors that enter into the cost of service, also including the operating costs associated with services to be provided at solid waste processing and disposal facilities and administrative costs associated with providing a Solid Waste Management Program to this County.

- D. The rates for charges payable shall be as stated in the rate schedule for solid waste management charges adopted by the County Board by October 1, of the year preceding that year for which the adjusted rate schedule shall apply. If no new rate schedule is adopted in any given year, the rate schedule from the previous year shall remain in effect. A copy of the current rate schedule shall be kept on file in the County Auditor's Office. (See Schedule Number 3).
- E. The rates and charges shall be billed and collected in a manner determined by the County Board.
- F. Solid Waste Management Fund for operations provided by the County.

A special fund on the official books of the County shall be known as the Solid Waste Management Fund. All receipts from the rates and charges 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, grants in aids 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 operation of the solid waste management system and facilities which are owned and operated by the County, but not those owned and operated by its contractor, shall be charged to the Solid Waste Management Fund.

G. Appeals

1. Any owner of real property or any owner of a business, utility, institution, or any owner of an entity responsible for the generation of solid waste who believes that the service charge imposed upon his property, business, utility, institution or other entity by the County for the purpose stated herein is not equitable may appeal that charge. To do so, the owner must obtain an appeal document from the Solid Waste Administrator, complete said document in full, and return it to the Solid Waste Department by January 31 of the year following the year payable. Upon receipt of the completed appeal document, the Solid Waste Administrator or his/her assignee shall refer this matter to the Koochiching County Solid Waste Advisory Committee to review the appeal and recommend approval or denial to the County Board. After the County Board has made their decision the Solid

Waste Administrator shall notify the applicant by

mail, of the decision to either adjust the service charge in response to the appeal, or to deny the appeal.

XIII. Variances

Upon written application to the County Board, 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 Ordinance.

A variance may be granted by the County Board when, after a public hearing, 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 more than a two (2) year period, but may be renewed upon re-application and after another public hearing. A variance may be revoked by the County Board after 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 County Board under these provisions, a notice shall be published in the newspaper of record at least thirty (30) days prior to said hearing.

XIV. 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.

XV. Severability

- A. It is hereby declared to be the intention of the Koochiching County Board of Commissioners that the provisions of this Ordinance be severable in accordance with the following:
1. If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not effect any other provisions of this Ordinance not specifically included in said judgment .
 3. If any court of competent jurisdiction shall adjudge any application of this Ordinance invalid to a particular structure, site, facility or operation, such judgment shall not effect the application of said provision to any other structure, site, facility or operation not specifically included in said judgment.

XVII. 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.

XVIII. No Consent

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

XIX. Violations

A. 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 as provided by law. A separate offense shall be deemed committed, following verbal or written notice from the Solid Waste Administrator for each separate day during or on which a violation of this Ordinance occurs. The County is responsible for the enforcement of this Ordinance.

- B. In addition, the Court may instruct the Solid Waste Administrator to clean up a parcel in violation of this Ordinance. In the event of a Court ordered clean-up, the Solid Waste Administrator shall bill the property owner for all costs incurred in the clean-up. If this bill is not paid within ninety (90) days, the Solid Waste Administrator shall attest the unpaid amount to the County Auditor for application to the next year's payable; property taxes.
- C. This Ordinance, in addition to other remedies, may be enforced by injunction, action to compel performance or other appropriate action in District Court to prevent, restrain, correct or abate violations

XX. Other Ordinances and Regulations

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

XXI. Effective Date

This Ordinance shall be in full force and effect from and after its passage and publications, according to law.