

POLK COUNTY SOLID WASTE ORDINANCE

2015 UPDATE

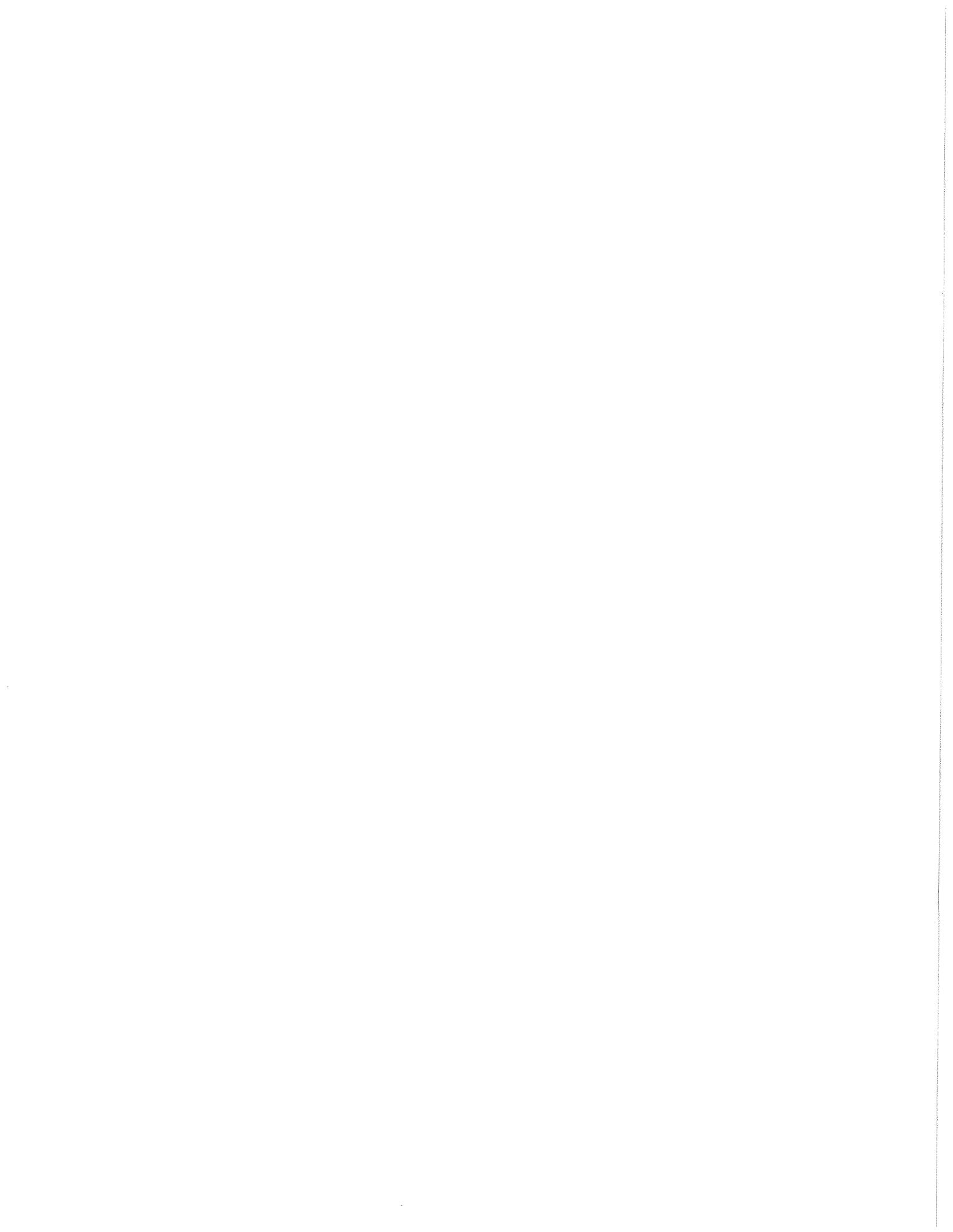


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POLK COUNTY
SOLID WASTE ORDINANCE

An Ordinance establishing standards and procedures governing Solid Waste Management; establishing Solid Waste Management Charges and programs; requiring licenses and license fees; establishing penalties for lack of compliance; all in order to promote the health, welfare and safety of the public, and to protect the environment. This Ordinance is enacted pursuant to Minn. Stat. Chapters 115A, 116, 145 and 400.

The policy of Polk County is to provide for the management of Solid Waste in a manner that will protect the public health, welfare and safety, prevent the spread of disease, prevent the creation of nuisances, conserve natural resources, and protect the State's water, air and land resources. It is also the policy of the County to conform to the purposes outlined in Minn. Stat. § 115A. 02 and to establish and implement a County Solid Waste Management Plan pursuant to Minn. Stat. §115A.46.

Polk County recognizes that solid waste, in whatever form, is both a material to be managed and a resource to be utilized. It is the intent of this Ordinance to set those regulations, guidelines and policies to promote an efficient and effective integrated solid waste management system to serve both Polk County Solid Waste District #2 and those partnering communities essential to maintaining and sustaining the physical and financial health of that system.

The County Board of Polk County, Minnesota ordains:

SECTION 1. DEFINITIONS, WORD USAGE AND RULES

Unless the context clearly indicates otherwise, the following words and phrases, when used in this Ordinance, have the meanings given to them in this section. Terms not specifically defined shall be construed according to the context and professional usage.

Masculine and Feminine Gender: The masculine gender includes the feminine and neuter genders. **Normal Work Days:** The days that a County Department(s) are open to the public for business. **Singular and Plural:** Words used in the singular include the plural, and the plural includes the singular. **Tenses:** Words used in the present tense include the future.

Acceptable Waste: Solid waste which is acceptable at a solid waste facility. Acceptable waste includes, garbage, refuse, and other municipal solid waste from residential, commercial, industrial and community activities which is generated and collected in aggregate and which is not otherwise defined herein as unacceptable waste. No amount of hazardous waste that is regulated by law is acceptable at a solid waste facility.

Agency: Minnesota Pollution Control Agency

Agricultural Site: means land zoned and/or operated for agricultural purposes, but excludes the Residential Site on said premises.

Area Hauler License: means a license to a person to collect, transport or provide solid waste services in a County outside Polk County Solid Waste District #2 for which a License is required to deliver waste to the Polk County Landfill.

Authorized Representative: means an employee or agent of the County Solid Waste Department.

Beneficial Reuse: A State approved reuse of a specific type of solid waste for a specific defined purpose. Terms "Case Specific Beneficial Use Determination" (CSBUD), "Beneficial Use Determination" (BUD), "Demonstration Research Project" (DRP) are used interchangeably, and describe the stage or level of the Beneficial Reuse in the State's approval process.

Board: Polk County Board of Commissioners

Burnable Mixed Municipal Solid Waste (also referred to as Burnable MSW or Burnable): means that portion of the Mixed Municipal Solid Waste stream that does not contain materials that are oversized, bulky, or otherwise unsuitable for processing at a materials recovery facility or combustion at a waste to energy facility.

Certificate of Need (CON): an issuance from the State of Minnesota to certify needed Disposal capacity.

City: a statutory or home rule charter City or town located within the County.

Charge: means a Solid Waste Management Charge.

Closure: means actions to prevent or minimize the threat to public health and the environment posed by a closed Facility including removing contaminated soil and equipment, removing liners, applying final cover, grading and seeding final cover, installing monitoring devices, constructing ground water and surface water diversion structures, and installing gas control systems, as necessary.

Collection or Collects: means the aggregation of Solid Waste from the place at which it is generated and includes all activities up to the time the Solid Waste is delivered to a Solid Waste Management Facility.

Combination Hauler License: means a license to a person whom collects, transports or provides solid waste services that meets the definition of the Area Hauler License and Local Hauler License.

Commercial Site: means any business, commercial, industrial, institutional or governmental establishment. These include home-operated businesses, industries, commercial and institutional enterprises, and such non-residential institutions as churches, nursing homes, nonprofit associations, schools, and the like. If a Site has 2 dwelling units, but also has one or more units not used for dwelling purposes, such as a store or a restaurant, then it is considered a Commercial Site.

Composting: The controlled microbial degradation of organic solid waste to yield a humus-like product.

Compost Pile: The aggregation of organic solid waste for purposes of composting.

Compost Facility: means a site used to compost or co-compost Solid Waste, including all structures or Processing equipment used to control drainage, collect and treat Leachate, and storage areas for the incoming waste, the final product, and residuals resulting from the composting process.

Collection: The aggregation of solid waste from the place at which it is generated, including all activities up to the time to solid waste is delivered to a solid waste facility.

Commercial Hauler: Any person who operates a vehicle or vehicles for a fee, for hire or as part of a commercial transaction for the purpose of collection and transportation of solid waste. The term commercial hauler includes municipal, governmental and political subdivisions which operate a vehicle or vehicles for the purpose of collection and transportation of solid waste not generated solely on property of the municipal, governmental or political subdivisions. *A Commercial Hauler does not include a Self-Hauler.*

Construction and Demolition Debris: means Solid Waste resulting from construction, remodeling, repair, erection and demolition of buildings, roads and other artificial structures, including: concrete, brick, bituminous concrete, untreated wood, masonry, glass, trees, rock, plastic building parts, plumbing fixtures, roofing materials, wallboard, and built-in cabinetry. Construction and Demolition Debris does not include: asbestos waste; auto glass; wood treated with chemical preservatives; furniture; lighting equipment; vermiculite; contaminated soil; firebrick; food waste; machinery; engine parts; liquid paints; paint thinners or solvents; varnishes; street sweepings; tar; carpet/padding if not affixed to a structure; mattresses; adhesives, caulking, sealants and applicators, brushes, containers, tubes, filters contaminated with these materials; sandblasting materials; agricultural chemicals or containers (including empty pesticide, herbicide, and insecticide containers); chemical containers; animal carcasses, parts, or rendering and slaughterhouse wastes; appliances (including white goods and brown goods); ashes or hot wastes that could spontaneously combust or ignite other wastes due to high temperatures; ash from incinerators, resource recovery facilities and power plants; batteries; carbon filters; fluorescent tubes and ballasts; high-intensity discharge lamps; foundry wastes; Hazardous Waste; household Refuse or garbage; infectious waste; liquids (any type), liquid non-hazardous materials; medical waste; mercury containing wastes (thermostats, switches); PCB contaminated wastes; petroleum products and their containers or filters (including oil, grease or fuel); radioactive waste (unless natural materials at normal background levels); septic tank pumpings; sludges (including ink, lime, wood, sewage or paper); live coal tar (including applicators, containers, and tubes); Waste Tires; vehicles; Yard Waste; and packaging materials, including cardboard, paper, shrink-wrap and styrofoam. Mixtures of Construction and Demolition Debris with other Solid Waste is not Construction and Demolition Debris.

Construction and Demolition Debris Land Disposal Facility: means a site used to Dispose of Construction and Demolition Debris.

Construction Site: means a place where the erection of buildings, roads or other improvements to real property is occurring.

County: The County of Polk, State of Minnesota.

County Board: means the County Board of Commissioners.

Cover Material: Earth material that is free of putrescible materials and can be compacted to provide a seal over waste materials to inhibit blowing of debris and to reduce the potential for leachate generation.

Curbside Collection: means a Mixed Municipal Solid Waste, Yard Waste, and/or Recyclable Materials Collection system whereby the Generators set Solid Waste containers at the curb adjacent to a roadway or, where this is not practical, in locations easily accessible for Collection by a Hauler.

Demolition Landfill: A land disposal site at which the disposal of demolition waste occurs in a manner approved by the Agency.

Demolition Waste: Solid waste which consists of concrete, asphalt chunks, bricks, blocks, structural metal, lumber, wall board, wall plaster and wood from demolished buildings, and other inert waste materials as may be designated by the solid waste officer as demolition waste.

Department: means the Polk County Solid Waste and/or Environmental Services Department.

Designated Hauler: means a Licensed Hauler whom is designated by the County(ies) they serve in to deliver burnable municipal solid waste to the Polk County Resource Recovery Facility or Municipal Solid Waste Landfill on their behalf. The charges for processing and disposal of that material are incurred by that County(ies).

Disposal: The discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water so that the waste or constituent thereof may enter the environment or be emitted into the air, or discharged into any waters, including ground waters.

District No. 1: As established by County Board Resolution in accordance with Minnesota Statutes, Section 400.08, Subd. 2, the service area which includes the corporate limits of the City of East Grand Forks.

District No. 2: As established by County Board Resolution in accordance with Minnesota Statutes 400.08, Subd. 2, the service area which includes all of Polk County except for the corporate limits of the City of East Grand Forks.

Dumping: means the illegal placement of any Solid Waste, including Construction and Demolition Debris, Hazardous Waste, Industrial Solid Waste, Mixed Municipal Solid Waste, or Recyclable Materials, anywhere other than in an approved container or at a Solid Waste Management Facility during hours of operation.

Financial Assurance: means monetary mechanisms that are used to assure proper Closure, post Closure care, and contingency action at a Site or Solid Waste Management Facility.

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

Generator: means any Person who generates or aggregates Solid Waste.

Hauler: means any Person who Collects or Transports Solid Waste, Recyclable Materials or Yard Waste, but does not include a Self-Hauler.

Hauler Services: means the Mixed Municipal Solid Waste Services provided by a Hauler or Self-Hauler.

Hazardous Waste: Any refuse, sludge, or other waste material or combinations of refuse, sludge or other waster materials in solid, semi-solid, liquid, or contained gaseous from which because of its quantity, concentration, or chemical, physical or infectious characteristics may:
cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness, or
pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise manage.
Categories of hazardous materials include, but are not limited to explosives, flammables, oxidizers, poisons, irritants, and corrosives. Hazardous waste includes all materials designated as hazardous and regulated by State or Federal laws and regulations.

Imminent Hazard: means an actual or potential immediate threat to the health, safety, or well being of humans or livestock, or that may cause environmental degradation.

Incinerator: A solid waste facility in which solid wastes are burned for the purpose of volume and weight reduction.

Industrial Solid Waste: means Solid Waste generated from an industrial or manufacturing process and Solid Waste generated from non-manufacturing activities that is Collected, Processed, or Disposed of as a separate waste stream. Industrial Solid Waste does not include office materials, restaurant and food preparation waste, discarded machinery, Construction and Demolition Debris, Mixed Municipal Solid Waste, or Mixed Municipal Solid Waste combustor ash.

Industrial Solid Waste Land Disposal Facility: means a site used to Dispose of Industrial Solid Waste in or on the land.

Integrated Waste Management System: means the sum of those various facilities and programs designed to manage solid waste, when utilized for a common purpose function as a comprehensive network to uphold the goals and intentions of the Waste Management Hierarchy.

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

Leachate: means liquid that has contacted or percolated through Solid Waste and has extracted, dissolved, or suspended materials from it.

Leachate Management System: means the structures constructed and operated to contain, transport, and treat Leachate, including liners, collection pipes, detection systems, holding areas, and treatment Facilities.

License: means authorization by the County Board to conduct business services that may be limited to a specific period of time, specific person, and or a specific site in the County.

Licensee: A person who has been given authority by the Board to carry out any of the activities for which a license is required under the provisions of this ordinance.

Local Hauler License: means a license to a person to collect, transport or provide solid waste services within Polk County Solid Waste District #2 for which a License is required to deliver waste to the Polk County Landfill, Transfer Station or other legal disposal facility outside Polk County as allowed by law.

Major Appliance: means clothes washers and dryers, dishwashers, hot water heaters, heat pumps, furnaces, garbage disposals, trash compactors, conventional and microwave ovens, ranges and stoves, air conditioners, dehumidifiers, refrigerators, freezers and other appliances designated by State law or this Ordinance.

Materials Removal Facility (or also referred to as a MRF): means a facility designed and operated to separate, extract, or divert select materials from a burnable municipal solid waste or source separated recyclable material stream through manual, mechanical, chemical or pneumatic means.

Medical Waste: means biological waste originating from the diagnosis, care, or treatment of a Person or animal, or waste resulting from biological research, whether or not the waste has been rendered non-infectious.

Misdemeanor: A crime for which a sentence of not more than ninety (90) days, or a fine of not more than \$1,000.00, or both may be imposed.

Mixed Municipal Solid Waste (also referred to as MSW) : means,

- A. garbage, Refuse, and other Solid Waste from residential, Non-Residential, industrial, and community activities that the Generator of the waste aggregates for Collection, except as provided in paragraph B.
- B. Mixed Municipal Solid Waste does not include auto hulks, street sweepings, ash, Construction and Demolition Debris, mining waste, sludges, tree and agricultural wastes, Waste Tires, lead acid batteries, motor and vehicle fluids and filters, and other materials collected, processed, and Disposed of as separate waste streams, but does include Source-Separated Compostable Materials.

Mixed Municipal Solid Waste Fee: means a fee established by the County Board and paid by Generators to the County for Solid Waste Management Services.

Mixed Municipal Solid Waste Land Disposal Facility: means a Solid Waste Disposal Facility used for Mixed Municipal Solid Waste.

Mixed Municipal Solid Waste Services: means Collection, Transportation, Processing, or Disposal of Mixed Municipal Solid Waste Generated in the County, including but not limited to regularly scheduled service, on-call service, one-time service, rental and other use of equipment such as Solid Waste containers, compactors, compactor boxes, and the like, and any other service that involves or facilitates Collection, Transportation, Processing, or Disposal of Solid Waste materials as Mixed Municipal Solid Waste. It does not include the sale of equipment used for the Collection, Transportation, Processing, or Disposal of Mixed Municipal Solid Waste. It does not include Collection, Transportation, or management of Recyclable Materials, Yard Waste, food waste, source separated compostable materials, problem materials, or other waste materials when these materials are segregated by the Generator for the purpose of Recycling or composting and are delivered to a Recycling Facility or Compost Facility, or the sale, rental, or other use of equipment necessary to facilitate Collection, transportation, or management of these materials.

Multi-Unit Residential Building: means any building with four or more residential units.

Municipality: means an incorporated city or town within the County.

Non-burnable Mixed Municipal Solid Waste (also referred to as Non-burnable MSW or Bypass MSW): means that portion of the Mixed Municipal Solid Waste stream that contains materials that are oversized, bulky, or otherwise unsuitable for processing at a materials recovery facility or combustion at a waste to energy facility.

Non-Residential Accounts: means Solid Waste Management Services provided to any non-Residential Building or parcel.

Non-Residential Property: means all property that generates waste within the County that is not defined as a Residential Property as determined by the County.

Non-Residential Rate: means the rate of the Fee imposed on any Person who pays for Mixed Municipal Solid Waste Services for Mixed Municipal Solid Waste Generated from any source in the County other than a Residential Building.

Nuisance: A condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort, or repose of any considerable number of members of the public.

Open Area: means areas outside of a building or structure.

Open Burning: means burning any Solid Waste whereby the resultant combustion products are emitted directly to the open atmosphere.

Open Dump: A land disposal site at which the disposal of solid waste occurs in a manner that the solid waste is susceptible to open burning and is exposed to the elements, flies, rodents, and scavengers.

Operating License: means the license required by this Ordinance.

Operator: means the Person responsible for the operation of a Solid Waste Management Facility.

Owner: means any person or persons having a legal interest in real or personal property or any persons in possession or control of real or personal property including, but not limited to, mortgages, contract for deed vendees, and contract for deed vendors.

Person: means any human being, any municipality or other governmental or political subdivision or other public agency, 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, except the County, the Agency or unless otherwise exempted by statute or rule.

Problem Material: means a material that, when processed or disposed of with Mixed Municipal Solid Waste, contributes to one of the following results:

- 1) the release of a hazardous substance, or pollutant or contaminant as defined in Minn. Stat. § 116B.02;
- 2) pollution of water as defined in Minn. Stat. §116.01;
- 3) air pollution as defined in Minn. Stat. §116.06; or
- 4) a significant threat to the safe or efficient operation of a Solid Waste Management Facility.

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

Public Health Nuisance: means the creation of conditions or acts that unreasonably annoy, injure, or endanger the safety, health, comfort, or repose of any number of members of the public.

Putrescible Material: Solid waste which is capable of becoming rotten or which may reach a state of decay or decomposition.

Radioactive Waste Management Facility: means a geographic site, including buildings, structures, and equipment in or upon which radioactive waste is retrievably or irretrievably Disposed by burial in soil or permanently stored. An independent spent-fuel storage installation located on the site of a Minnesota nuclear Generation Facility for dry cask storage of spent nuclear fuel Generated solely by that Facility is not a Radioactive Waste Management Facility.

Real Property:

A. For the purposes of taxation, "Real Property" includes the land itself, rails, ties, and other track materials annexed to the land, and all buildings, structures, and improvements or other fixtures on it, bridges of bridge companies, and all rights and privileges belonging or appertaining to the land, and all mines, iron ore and taconite minerals not otherwise exempt, quarries, fossils, and trees on or under it.

B. A building or structure shall include the building or structure itself, together with all improvements or fixtures annexed to the building or structure, which are integrated with and of permanent benefit to the building or structure, regardless of the present use of the building, and which cannot be removed without substantial damage to itself or to the building or structure.

C. Real Property does not include;

(i) Tools, implements, machinery, and equipment attached to or installed in Real Property for use in the business or production activity conducted thereon, regardless of size, weight or method of attachment, and mine shafts, tunnels, and other underground openings used to extract ores and minerals taxed under chapter 298 together with steel, concrete, and other materials used to support such openings.

(ii) The exclusion provided in clause (i) shall not apply to machinery and equipment includable as real estate by paragraphs (a) and (b) even though such machinery and equipment is used in the business or production activity conducted on the Real Property if and to the extent such business or production activity consists of furnishing services or products to other buildings or structures which are subject to taxation under this chapter.

(iii)The exclusion provided in clause (i) does not apply to the exterior shell of a structure, which constitutes walls, ceilings, roofs, or floors if the shell of the structure has structural, insulation, or temperature control functions or provides protection from the elements. Such an exterior shell is included in the definition of Real Property even if it also has special functions distinct from that of a building.

D. The term Real Property does not include tools, implements, machinery, equipment, poles, lines, cables, wires, conduit, and station connections which are part of a telephone communications system, regardless of attachment to or installation in Real Property and regardless of size, weight, or method of attachment or installation. (Minn. Statute § 272.03, subdivision 1)

Recycling: means the process of Collecting and preparing Recyclable Materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of Recyclable Materials in a manner that precludes further use.

Resource Recovery: The reclamation for sale or reuse of materials, substances, energy, or other products contained within or derived from solid waste.

Recycling Facility: means a facility used to aggregate, process, or market Recyclable Materials. Recycling Facility does not include an individual generator of Recyclable Materials, such as a homeowner or business and it does not include a manufacturer using Recyclable Materials as feedstock.

Recyclable Materials: means marketable materials that are separated from Solid Waste for the purpose of Recycling, including paper, glass, plastics, metals, automobile oil, and batteries. Refuse-derived fuel or other material that is destroyed by incineration is not a Recyclable Material. Recyclable Materials also refers to marketable materials separated from Industrial Solid Wastes and Construction and Demolition Debris for the purpose of recycling.

Recycling Opportunities: An opportunity to recycle must include:

- A. A local Recycling center in the County and sites for collecting Recyclable Materials that are located in areas convenient for Persons to use them;
- B. Curbside pickup, centralized drop-off, or a local Recycling center for at least four broad types of Recyclable Materials in cities with a population of 5,000 or more Persons; or
- C. Monthly pickup of at least four broad types of Recyclable Materials in cities of the first and second class and cities with 5,000 or more population in the metropolitan area.

Refuse: means putrescible and non-putrescible Solid Wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, waste combustor ash, street cleanings, and Industrial Solid Wastes, and including municipal treatment wastes which do not contain free moisture.

Release: means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, Dumping, or Disposing into the environment which occurred at a point in time or which continues to occur. Release does not include:

- A. Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, watercraft, or pipeline pumping station engine;
- B. Release of source, by-product, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, under United States Code, title 42, section 2014, if the Release is subject to requirements with respect to financial protection established by the federal Nuclear Regulatory Commission under United States Code, title 42, section 2210;
- C. Release of source, by-product or special nuclear material from any Processing site designated pursuant to the Uranium Mill Tailings Radiation Control Act of 1978, under United States Code, title 42, section 7912(a)(I) or 7942(a); or
- D. Any Release resulting from the application of fertilizer or agricultural or silvicultural chemicals, or Disposal of emptied pesticide containers or residues from a pesticide as defined in section 18B.01, subdivision 18.

Residential Building: means a single family home, a duplex, a tri-plex, a four-plex, an apartment building, a mobile home, a condominium, a townhouse, a cooperative housing unit, or any other Residential Building as determined by the County.

Residential Property: means property on which a single family home, a duplex, a triplex, a four-plex, an apartment building, a mobile home, a condominium, a townhouse, a cooperative housing unit, or any other Residential Building as determined by the County is located.

Residential Rate: means the rate of the Fee imposed on a Person who pays for Mixed Municipal Solid Waste Services for Mixed Municipal Solid Waste Generated from a Residential Property.

Residential Site: means any dwelling unit including: (a) detached single family residences, and (b) buildings or sites containing multiple residences including apartment buildings, condominiums, manufactured home parks, or town-homes, none of which are used solely for commercial purposes.

Resource Recovery Facility (also referred to as RRF): means a permitted facility which is comprised of a materials removal facility and waste to energy facility for the management of mixed municipal solid waste as part of a comprehensive integrated waste management system.

Self-Hauler: means a Person who transports their own Solid Waste for Solid Waste Management purposes. Waste materials generated by a contractor during the commission of a project may be hauled by that contractor under the allowances made for a Self Hauler.

Service Area: A Solid Waste Management service area established by the Board pursuant to Minnesota Statutes, Section 400.08, Subd. , as amended.

Site: means the spatial location of a proposed or actual Solid Waste Management Activity or Solid Waste Management Facility.

Solid Waste: Garbage, refuse, source separated organic materials, sludge from a water supply treatment plant, or air containment 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 solid waste does not include any of the following: hazardous waste, animal waste used as fertilizers, earthen fill, boulders, rock, sewage sludge, solid or dissolved 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 specific nuclear, or bi-product material as defined by the Atomic Energy Act of 1954, as amended.

Solid Waste Administrator: means the individual assigned by the County to oversee and direct Solid Waste Management Activities.

Solid Waste Department or Department: means the Polk County Solid Waste Department.

Solid Waste Management Activity: means an activity related to the Generation, storage, Collection, Transportation, Processing or reuse, conversion, or Disposal of Solid Waste.

Solid Waste Management Facility: means a Solid Waste Land Disposal Facility, a Construction and Demolition Debris Land Disposal Facility, an Industrial Solid Waste Land Disposal Facility, a Compost Facility, a Transfer Station, a Solid Waste Processing Facility, a Waste Tire Facility, a Waste Tire Collection Site, a Waste Tire Facility, a Waste Tire Processing Facility, or a Recycling Facility.

Solid Waste Land Disposal Facility: means a Solid Waste Land Disposal Facility permitted by the Agency that is designed or operated for the purpose of disposing of Solid Waste on or in the land, together with any appurtenant facilities.

Solid Waste Management: means activities that are intended to affect or control the Generation of Solid Waste and activities which provide for or control the Collection, Transportation, Processing, treatment, and Disposal of waste.

Solid Waste Management Service Charge: means a service charge imposed pursuant to Minn. Stat. § 400.08 or § 437.811, subd. 3a.

Solid Waste Facility: All property used for the handling, processing or disposal of solid waste, except property used solely for the collection and transportation of solid waste. A solid waste facility includes, but is not limited to, transfer stations, processing facilities, incinerators, land disposal sites, demolition landfills, and disposal sites and facilities but does not include backyard compost sites.

Solid Waste Management Facility Fee: means the fee imposed on a Person who pays for Mixed Municipal Solid Waste Services of a Solid Waste Management Facility.

Solid Waste Management Plan: means the County Solid Waste Management Plan (Plan) which was developed, adopted, and approved under Minn. Stat. §11SA.46 or Minn. Stat. §473.149.

Solid Waste Management Services: means all activities provided by the County, by Persons under contract with the County, or by other Persons that support the waste management responsibilities described in Minn. Stat. Chapters 115A, 116, 400 and 473, including, but not limited to, waste reduction and reuse; waste recycling; composting of Yard Waste and food waste; Resource Recovery through Mixed Municipal Solid Waste

composting or incineration; land disposal; management of problem materials and household hazardous waste; Collection, Processing, and Disposal of Solid Waste, Closure and post-closure care of a Solid Waste Management Facility, and response, as defined in Minn. Stat. § 115B. 02, to Releases from a Solid Waste Management Facility.

Solid Waste Officer: The person, persons or department appointed by the Board to carry out and enforce the provisions of this ordinance.

Solid Waste Ordinance or Ordinance: means the Solid Waste Ordinance adopted by Polk County.

Solid Waste Processing Facility: means a facility for the Processing of Solid Waste.

Solid Waste Reduction; Source Reduction: means an activity that reduces Generation of Solid Waste or the inclusion of toxic materials in Solid Waste, including:

- A. Reusing a product in its original form,
- B. Increasing the life span of a product,
- C. Reducing material or the toxicity of material used in production or packaging; or
- D. Changing procurement, consumption, or Solid Waste Generation habits to result in smaller quantities or lower toxicity of Solid Waste Generated.

Solid Waste Subcommittee: means a group of County Board members, authorized by the County Board to accomplish a specific Solid Waste Management objective.

Source-Separated Compostable Material: means Mixed Municipal Solid Waste that:

- A. Is separated at the source by Solid Waste generators for the purpose of preparing it for use as Compost;
- B. Collected separately from other Mixed Municipal Solid Wastes;
- C. Is comprised of food wastes, fish and animal waste, plant materials, diapers, sanitary products, and paper that is not recyclable because the Solid Waste Administrator has determined that no other person is willing to accept the paper for recycling; and
- D. Is delivered to a Facility to undergo controlled microbial degradation to yield a humus-like product meeting the Agency's class I or class II, or equivalent, Compost standards and where process residues do not exceed 15 percent by weight of the total material delivered to the Facility.

Source-Separated Recyclable Material: means Recyclable Materials separated by the Generator prior to Collection for Recycling.

Special Wastes or Special Solid Wastes: are Solid Wastes that have been prohibited from disposal with Mixed Municipal Solid Waste or have had other specific management requirements prescribed by statute, which are not otherwise classified as hazardous waste.

State: means the State of Minnesota.

Tire: A pneumatic tire or solid tire for motor vehicles as defined in Minnesota Statutes Section 169.01.

Transfer Station: means an intermediate Solid Waste Management Facility in which Solid Waste collected from any source is temporarily deposited to await Transportation to another Solid Waste Management Facility.

Transportation or Transports: means the conveying of Solid Waste from one place to another.

Unacceptable Waste: means those Solid Wastes that cannot be accepted for management at a Solid Waste Management Facility pursuant to local, State and federal laws, or that are unsuitable for processing and disposal at a Solid Waste Management Facility.

Waste Management Hierarchy: means the deliberate prioritization of the most environmentally sound strategies for managing solid waste, placing emphasis on reduction, reuse and recycling and minimizing treatment and disposal. The waste management hierarchy is defined in MS 115B.02.

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

Waste Tire Collection Site: means a County-licensed and Agency permitted site or a site exempt from such license or permit, used for the Collection and storage of Waste Tires.

Waste Tire Dump: means an unlicensed, unpermitted Site being maintained, operated, used, or allowed to be used for the Collection, storage, keeping, or depositing of unprocessed Waste Tires.

Waste Tire Facility: means a Site where more than fifty (50) Waste Tires or an equivalent amount of tire derived products are Collected, deposited, stored, or Processed. The incidental storage of tire-derived products at the site of final use does not make the site a Waste Tire Facility.

Waste Tire Processing Facility: means a licensed Solid Waste Management Facility used for the shredding, slicing, producing, or manufacturing of usable materials, including fuel, from Waste Tires including incidental temporary storage activity. Processing does not include the retreading of Waste Tires.

Waste-To-Energy Facility (or referred to as WTE): means a permitted facility which utilizes mixed municipal solid waste which has been processed by a material removal facility to generate a fuel that is combusted in an incinerator, the heat from which is captured to generate energy.

Yard Waste: means garden wastes, leaves, lawn cuttings, weeds, and prunings generated at Residential or Non-Residential Properties.

Yard Waste Facility: means a facility used to compost Yard Waste.

SECTION 2. HAULERS LICENSE AND TEMPORARY PERMIT PROVISIONS

SECTION 2.0000 HAULERS LICENSE REQUIRED

2.0100 POLK COUNTY LOCAL HAULERS LICENSE. No person may collect, transport or dispose of solid waste generated within the County except in full compliance with this Ordinance after having obtained a Hauler License or Temporary Hauler Permit to do so by the Department as specified in this Section. This Section does not apply to Self Haulers or to the transportation of solid waste through the County.

- A. Polk County may designate persons with a Local Haulers License to collect Burnable Mixed Municipal Solid Waste and deliver such waste to the Polk County Resource Recovery Facility, or the Polk County Transfer Station for aggregation prior to delivery to the Polk County Resource Recovery Facility.
- B. A Designated Hauler shall delivered Burnable Mixed Municipal Solid Waste under the County's account, with no fee charged to the Licensee.
- C. No other person with a Local Haulers License shall deliver Burnable Mixed Municipal Solid Waste to the aforementioned facilities under the County's account.

2.0200 POLK COUNTY AREA HAULERS LICENSE. No person may transport or dispose of solid waste generated outside of the County at a Polk County disposal facility except in full compliance with this Ordinance after having obtained an Area Haulers License or Temporary Hauler Permit to do so by the Department as specified in this section. This section does not apply to Self Haulers or to the transportation of solid waste through the County.

- A. The County in which Burnable Mixed Municipal Solid Waste is generated may designate persons with a Local Haulers License to collect Burnable Mixed Municipal Solid Waste and deliver such waste to the Polk County Resource Recovery Facility, or the Polk County Transfer Station for aggregation prior to delivery to the Polk County Resource Recovery Facility.
- B. A Designated Hauler shall delivered Burnable Mixed Municipal Solid Waste under that County's account, with no fee charged to the Licensee. Billing for those Burnable Mixed Municipal Solid Waste loads delivered shall be to the County under which the Designated Hauler was granted such status.
- C. Burnable Mixed Municipal Solid Waste shall not be mixed with the same materials from one or more other Counties.
- D. No other person with a Local Haulers License shall deliver Burnable Mixed Municipal Solid Waste to the aforementioned facilities under the County's account.

2.0300 TEMPORARY HAULER PERMIT

2.0310 POLK COUNTY TEMPORARY HAULER PERMIT REQUIRED. A Temporary Hauler Permit may be issued by the Department to a person for the purpose of providing waste transportation or disposal services in conjunction with a short-term project. The term of the Temporary Hauler Permit shall be limited to 45 days or timeline for the duration of that single project, whichever is less. A temporary permit shall only allow the person to haul waste materials from that identified project to the disposal facilities located at the Polk County Landfill.

- A. A person holding a Temporary License shall not deliver Burnable Mixed Municipal Solid Waste from any County to the Resource Recovery Facility or Polk County Transfer Station without prior written approval from the County in which that waste was generated, and only after receiving approval from Polk County.

2.0400 ASBESTOS HAULING. A Haulers License for the transportation of solid waste, including any asbestos containing materials project, is required without regard of the location of the solid waste facility to be utilized.

- A. A person who holds a valid Hauler License may haul asbestos containing materials to the Polk County Landfill in compliance with this ordinance without additional licensure, provided they possess the equipment necessary to comply with applicable local, state and federal regulations.
- B. A project specific Temporary Hauler Permit may be obtained by any unlicensed person in order to provide solid waste service. The Temporary Hauler Permit for transportation of solid waste, including asbestos containing materials to a County solid waste facility shall be valid for the term stipulated in the license.

2.0410 ADVANCE NOTICE OF ASBESTOS DELIVERY. A 72 hour notice shall be provided to any County disposal facility prior to any asbestos containing material load being accepted. The notice shall be provided by the person responsible for the disposition of the asbestos material, shall include the quantity and character of the asbestos load to be disposed of, origin of the material load, and upon completion of the financial arrangements being made with the County disposal facility.

2.0500 MATERIALS SUBJECT TO HAULERS LICENSE OR TEMPORARY HAULER PERMIT

2.0510 Solid Wastes for which collection, transportation or disposal shall require a Hauler License or Temporary Hauler Permit include:

- A. Mixed Municipal Solid Waste

- B. Industrial Solid Waste
- C. Construction and Demolition Materials
- D. Source-Separated Compostable Materials
- E. Asbestos-Containing Materials
- F. Contaminated Soils

2.0520 Specific materials exempted from Hauler License or Temporary Hauler Permits include:

- A. Industrial Byproduct for Land Application
- B. Special Waste Materials (Appliances, E-Waste, Tires, HHW, Fluorescent Bulbs, etc.)
- C. Special Burns (Pharmaceuticals, Controlled Substance, Special Burns)
- D. Yard Waste, Trees, Brush, Stumps.
- E. Agricultural Commodities
- F. Uncontaminated Earthen Materials
- G. Other specific materials exempted by the Administrator

SECTION 2.1000 HAULER LICENSE AND TEMPORARY HAULER PERMIT REQUIREMENTS

Haulers shall comply with the following License or Permit requirements.

2.1100 License and Permit Application. The Hauler shall submit a completed application to the County on a form provided by the Department.

2.1200 License and Permit Fees. The Hauler shall pay all license fees to the County with the License application and the license renewal application. The amounts of such license fees and late fees for submittal of a late application is established by the County Board, and listed in Exhibit A. No license fee shall be prorated for a portion of a year and no License fee shall be refunded.

2.1300 Incomplete or Non-Conforming Application. An application will be deemed incomplete if information is omitted, incomplete, inaccurate, or does not comply with the application requirements, or if the required fees do not accompany the application. If an application is incomplete or otherwise does not conform to the requirements set forth in this Ordinance, the Department shall advise the applicant of the reasons for non-acceptance and may request that the applicant re-submit, modify, or otherwise alter the application.

2.1400 Temporary Hauler Permit Term and Renewal.

- A. Unless otherwise provided by the Administrator, the term of a Temporary Hauler Permit granted pursuant to the provisions of this Ordinance shall not exceed 45 calendar days from start date listed on the application.

- B. The Permit shall be for a single project, hauling waste generated from a single location specified in the application.
- C. The Applicant may apply for a Permit for more than one project, regardless of whether the project is consecutive or concurrent.
- D. The Permit shall not be transferred, conveyed or provide coverage to any other entity other than the applicant named in the Application – including any subcontractor employed.
- E. If the term of a Permit extends into the next calendar year, the Permit shall be valid for the term stated in the application.

2.1500 Hauler License Term and Renewal

- A. Unless otherwise provided by the County Board, the term of any Hauler License granted pursuant to the provisions of this Ordinance shall be up to one year but shall expire on December 31 of the year the license is granted, unless sooner renewed, suspended or revoked.
- B. License renewal applications must be submitted to the Department by December 1st of each year, unless otherwise specified by the Administrator in writing. License renewal applications received after that date shall be subject to a late fee.
- C. The County Board may continue a License for a period of time which extends beyond the normal expiration date upon written notice. A License may only be continued if the Hauler is in compliance with the terms and conditions of their license at the time the continuance is granted, and maintains that compliance throughout the extension term.
- D. The County shall provide a reasonable period of time for an applicant to submit a completed application for License renewal prior to the expiration of the continued Haulers License.

2.1600 License Non-Transferable. Licenses granted by the Department under this Section are not transferable to other Persons.

2.1700 Vehicles Licensed. All vehicles used for the collection and transportation of Solid Waste in the County shall be listed on the application. The applicant shall specify the make, model, year, and capacity, in cubic yards, as well as the tare weight of each vehicle. If a vehicle is put into service during the license year, the Hauler shall submit the required information for the vehicle to the Department and shall not use the vehicle until the Department has issued a decal and the decal has been affixed to the vehicle.

2.1800 Mixing Prohibition of Burnable Mixed Municipal Solid Waste. No load of mixed municipal solid waste which is hauled to either the Polk County Transfer Station or Resource Recovery Facility may contain any amount of material which was not generated and collected from Polk County Solid

Waste District #2. Failure to comply shall constitute a violation of the License and may result in license revocation.

SECTION 2.2000 INSURANCE REQUIREMENTS. The Hauler shall obtain, maintain, and submit with the application certificates of insurance issued by insurers duly licensed by the State of Minnesota providing the following coverage, or a self-insurance plan certified by the Department of Commerce providing equivalent coverage:

2.2100 Worker's Compensation Insurance

- A. Worker's compensation insurance shall be in compliance with all applicable State Statutes. Such policy shall include Employer's liability coverage in at least such amount(s) as are customarily issued in Minnesota and an All States or Universal Endorsement, if applicable.
- B. In the event a Licensee is a sole proprietor and has elected not to provide workers' compensation insurance, the Licensee shall be required to execute and submit to the Department an affidavit of sole proprietorship in a form acceptable to the Department.

2.2200 General Liability

- A. Commercial General Liability Coverage, providing coverage on an "occurrence", rather than on a "claims made" basis, which policy shall include, but shall not be limited to, coverage for bodily injury, property damage, personal injury, contractual liability (applying to this contract), independent Licensees, "XC&U" and products-completed operations liability (if applicable). Such coverage may be provided under an equivalent policy form (or forms), so long as such equivalent form (or forms) affords coverage that is at least as broad. An Insurance Services Office Comprehensive General Liability" policy that includes a "Broad Form Endorsement", shall be considered to be an acceptable equivalent policy form.
- B. The Licensee shall maintain at all times during the period of the license a total combined general liability policy limit of at least \$1,000,000 for each occurrence and \$2,000,000 aggregate, applying to liability for bodily injury, personal injury, and property damage, which total limit may be satisfied by the limit afforded under its "Commercial General Liability" policy, or equivalent policy, or by such policy in combination with the limits afforded by an "Umbrella" or "Excess Liability" policy (or policies), provided, that the coverage afforded under any such "Umbrella" or "Excess Liability" policy is at least as broad as that afforded by the underlying "Commercial General Liability" policy (or equivalent underlying policy).
- C. Such commercial general liability policy and "Umbrella" or "Excess Liability" policy (or policies) may provide aggregate limits for some or all of the coverage afforded there under, so long as such aggregate limits have not, as of the beginning of the term or at any time during the term, been reduced to less than the total required limits stated above, and further, that the "Umbrella" or "Excess Liability" policy provides coverage from the point that such aggregate limits in the

underlying comprehensive general liability policy become reduced or exhausted.

- 2.2300 Automobile Liability. Business Automobile liability insurance shall be obtained and shall cover liability for bodily injury and property damage arising out of the ownership, use, maintenance, or operation of all owned, non-owned and hired automobiles and other motor vehicles utilized by the Licensee in connection with performance under this license agreement. Such policy shall provide total liability limits for combined bodily injury and/or property damage in the amount of at least \$1,000,000 per accident, which total limits may be satisfied by the limits afforded under such policy, or by such policy in combination with the limits afforded by an "Umbrella" or "Excess Liability" policy(ies), provided, that the coverage afforded under any such "Umbrella" or "Excess Liability" policy(ies) shall be at least as broad with respect to such business automobile liability insurance as that afforded by the underlying policy. Unless included within the scope of the Licensee's commercial general liability policy, such business automobile liability policy shall also include coverage for motor vehicle liability assumed under contract.
- 2.2400 Additional Insurance. The County may require a Licensee to undertake an annual insurance evaluation, conducted by an independent evaluator selected by the County, which evaluator shall be reasonably acceptable to Licensee. The County may, at any time during the period of the license, require that Licensee secure any additional insurance, or additional feature to existing insurance, as is recommended by such evaluation as reasonably required for the protection of the County's interests or those of the public.
- 2.2500 Evidence of Insurance. A Licensee shall promptly provide the Department with evidence that the insurance coverage required hereunder is in full force and effect at least twenty (20) days prior to the granting of a license by the County Board. At least thirty (30) days prior to termination of any such coverage, Licensee shall provide the Department with evidence that such coverage will be renewed or replaced upon termination with insurance that complies with these provisions. Such evidence of insurance shall be in the form of a "Certificate of Insurance", or in such other form as the Department may reasonably request, and shall contain sufficient information to allow the Department to determine whether there is compliance with these provisions. At the request of the Department, the Licensee shall, in addition to providing such evidence of insurance, promptly furnish the Department with a complete (and if so requested, insurer-certified) copy of each insurance policy intended to provide coverage required hereunder. All such policies shall be endorsed to require that the insurer provide at least a sixty (60) day notice to the Department prior to the effective date of policy cancellation, non-renewal, or material adverse change in coverage terms. The Licensee's insurance agent shall certify on the certificate of insurance, that he/she has error and omissions coverage.
- 2.2600 Insurer Policies. All policies of insurance required by this Ordinance shall be issued by financially responsible insurers licensed to do business in the State of Minnesota, and all such insurers must be acceptable to the Department. Such acceptance shall not be unreasonably withheld or delayed. An insurer with a current AM. Best Company rating of at least A: VII shall be conclusively deemed to be acceptable. In all other instances, the Department shall have twenty (20) business days from the date of receipt of a Licensee's evidence of insurance to advise the Licensee in writing of any insurer that is not acceptable to the County. If the Department does not respond in writing within such twenty (20) day period, the Licensee's insurer(s) shall be deemed to be acceptable to the County.
- 2.2700 Loss Information. At the request of the Department, the Licensee shall promptly furnish loss information concerning all liability claims brought against a Licensee (or any other Insured under Licensee's required policies) that may affect the amount of liability insurance available for the benefit and protection of the County under this Ordinance. Such loss information shall include such specifics and be in such form as the Department may reasonably require.

2.2800 Compliance Misrepresentation. The Licensee is expected to maintain compliance with all license requirements, and maintain all required insurance, bond(s) and vehicle(s) in the amount or condition required as a condition of the license. No Licensee shall provide false, misleading or inaccurate documentation, statements or representations related to the terms or conditions required as a condition of the license. In the event of such non-compliant actions by the Licensee, immediate sanctions against the license may be required. Sanctions may include suspension, revocation or termination of the license, and will constitute justification for future denial of any license sought.

SECTION 2.3000 EQUIPMENT & OPERATIONS REQUIREMENTS

2.3100 Equipment Requirements. All solid waste collection and transportation vehicles, containers or trailers used for hauling waste shall be easily cleanable, leak-proof, and be covered with metal, canvas, or a fishnet type material while in transit.

2.3200 Maintenance. The licensee shall maintain all solid waste collection and transportation vehicles, containers or trailers used for hauling waste in a safe and sanitary manner, and provide brooms and shovels on each vehicle for the purpose of cleaning up spilled material. All safety equipment including, but not limited to, horns, lights, and reflectors shall be operable on said vehicles, containers or trailers.

2.3300 Labeling. Each vehicle used by a Hauler for the collection or transportation of solid waste shall be identified by a license decal issued by the Department for that vehicle for the current license year. The Hauler must permanently affix the decal in a conspicuous place on the left side of the cab of the vehicle for which it was issued. The Hauler must maintain the license decal so that it is readily visible and legible at all times. Any vehicle not bearing the required decal shall be considered unlicensed. Vehicles used exclusively for collecting Source Separated Organic Materials need not have a license decal, but the Hauler must be licensed or permitted by the Department.

The Hauler shall also print or paint in legible characters the capacity of each vehicle, and the name, address, and telephone number of the Hauler on each side of all vehicles or containers used by the Hauler to store, collect or transport solid waste in the County. Letters and numbers shall be at least three (3) inches high for all vehicles and at least two (2) inches high for all containers. This provision shall not apply to containers owned and maintained by a Solid Waste Generator.

2.3400 Inspection. The Department may inspect and approve all Solid Waste collection and transportation vehicles, equipment and containers utilized to provide service in the County.

2.3500 Storage. The Licensee or Permittee shall not allow solid waste to remain or be stored in any collection or transportation vehicle, trailer or container, including roll-offs and other detachable containers once removed from the point of generation, in excess of forty-eight (48) hours, except in the event of an emergency such as inclement weather, equipment breakdown or accident. Any storage of solid waste in containers must be done with a water impermeable cover.

2.3600 Protecting Private Property. The Licensee or Permittee shall take reasonable care to protect the property of customers being served. The Licensee or Permittee shall be responsible for any damage or spillage of solid waste as a result of the Licensee or the Licensee's employees or agent's actions.

2.3700 Smoking, Smoldering or Burning Solid Waste. The Licensee or Permittee may not collect or transport solid waste that are smoking, smoldering, or burning.

2.3800 Dumping in an Emergency. The Licensee or Permittee shall be responsible for the cleanup of any solid waste that must be dumped in an emergency. The operator of the vehicle shall immediately notify the Department and the appropriate law enforcement agency and emergency service of such emergency dumping and clean up the area within a time limit set by the Department.

SECTION 2.4000 SPECIAL MATERIAL HANDLING REQUIREMENTS

2.4100 Yard Waste Collection. Haulers shall only accept for collection Yard Waste that meets the following criteria:

- A. Has been placed in paper bags or other containers that will decompose within the time period it takes to produce a finished Compost product out of the material held by the container; or
- B. Is in a container that is not collected with the Yard Waste.

2.4200 Prohibited Wastes. Haulers shall not accept for Collection in the County any Mixed Municipal Solid Waste that contains Yard Waste, Christmas trees, dry cell batteries (as prohibited by Minn. Stat. § 115A.9 155), Solid Wastes containing mercury (as prohibited by Minn. Stat. § 115A.932), motor vehicle fluids and filters (as prohibited in Minn. Stat. § 115A.916), or any material that has been banned from Solid Waste or Mixed Municipal Solid Waste by any State statute. Banned items include, but are not limited to, Waste Tires, Major Appliances, Video Display Devices, telephone directories, and Medical Waste.

2.4300 Mixing of Mixed Municipal Solid Waste and Recyclables Prohibited. Haulers shall not mix Source Separated Recyclable Materials with Mixed Municipal Solid Waste or handle Source-Separated Recyclable Materials in any way that reduces the reusability or marketability of the Source Separated Recyclable Materials.

2.4400 Providing Recycling Opportunities. At least once each year licensed Haulers shall provide specific information concerning Recycling Opportunities available to their customers.

2.4500 Hauler-Imposed Collection Fees

- A. Hauler-imposed fees for the collection of Mixed Municipal Solid Waste in the County shall increase with the volume or weight of the waste collected.
- B. Haulers of Mixed Municipal Solid Waste in the County are prohibited from imposing a greater collection fee on residents who recycle than on residents, who do not recycle.
- C. Haulers of Mixed Municipal Solid Waste in the County may charge additional fees for the collection of bulky items.
- D. If collection of Yard Waste is provided, the Hauler-imposed fee for such collection must be indicated as a separate line item on a customer's bill.
- E. If collection of Source Separated Organic Material is provided, the Hauler-imposed fee for such collection must be indicated as a separate line item on a customers' bill. The fees charged shall increase with the volume or weight of the waste collected.

- F. If collection of Special Solid Wastes is provided, the Hauler-imposed fee for such collection must be indicated as a separate line item on a customer's bill.

SECTION 2.5000 REPORTING REQUIRED. A Hauler must keep records and report to the Department information relating to the collection, processing and disposal of Solid Waste collected by the Hauler. The information shall be reported to the Department (no later than 45 days after any Departmental request on a form provided by the Department). At a minimum, said report shall be submitted annually as part of the Haulers License application.

2.5100 Temporary Permittee Reporting

2.5110 Reporting. Permittee shall report within 15 calendar days upon completion or expiration of a Temporary Permit, whichever occurs first, the following information:

- A. Location at which the waste was generated
- B. Type(s) of materials hauled
- C. Location(s) of disposal facilities in which materials from project were hauled
- D. Physical address and permit number of each disposal facility used
- E. Quantity of material(s) hauled to each disposal facility

2.5200 Local Hauler Licensee Reporting

2.5210 Residential Reporting. For waste collection routes, the Licensee shall report annually the following information related to their Residential & Multi-Residential Accounts on forms provided by the Department:

- A. Map showing the residential/multi-residential area serviced by each collection vehicle
- B. The day each vehicle services each route
- C. Copy of the most recent Residential Bill sent out to all customers in compliance with the waste deposit disclosure
- D. The disposal destination of each vehicle
- E. Upon request, the address, volume and contact information for any Residential or Multi-residential Account.

2.5220 Non-residential Reporting. For waste collection routes, the Licensee shall report annually the following information related to their Non-residential Accounts on forms provided by the Department:

- A. Map showing the non-residential area serviced by each collection vehicle
- B. The day each vehicle services each route

- C. Copy of the most recent Non-residential Bill sent out to all customers in compliance with the waste deposit disclosure
- D. The disposal destination of each vehicle
- E. The physical location of each account
- F. The size of the container serviced
- G. The frequency of service provided
- H. The average volume of waste per week collected

2.5225 Changes. For waste collection routes, the Licensee shall immediately report to the Department any change in status of a non-residential account, including:

- A. New account
- B. Discontinuation of Account
- C. Change (increase or decrease) in Account activity
- D. Account change in physical location

2.5300 On-call Service Reporting. For waste collection service that is on-call, by project or on-demand, the Licensee shall report to the department the following information:

- A. For waste disposed of at a Polk County waste disposal facility (Transfer Station, Landfill or Resource Recovery Facility), the Licensee shall report annually the following:
 - 1. the account name and physical address of each Account Served
 - 2. the total annual waste volume, by type, of each Account
- B. For waste disposed of at a Non-Polk County waste disposal facilities, the Licensee shall report to the Department within 15 days of the end of each month the following information:
 - 1. the name, physical address from which service was provided and contact information for the account served
 - 2. dates of service and waste disposal destination for each load
 - 3. total monthly volume, by type, of waste hauled for each account
 - 4. copy of an invoice for each customer which complies with the waste deposit disclosure
 - 5. copy of an invoice which shows the appropriate MN State tax or surcharge for both service and disposal has been collected

6. statement on monthly report that Licensee has remitted the appropriate MN State tax or surcharge collected from the customer to the MN Department of Revenue

2.5400 Area Hauler Licensee Reporting.

2.5410 Reporting. For waste collection routes, which occur entirely outside Polk County District #2, or service which is on-call, by project or on-demand outside Polk County, the Licensee shall report the following:

- A. The service area(s) covered by the Licensee
- B. Upon request, copy of the Solid Waste License in the County(ies) served outside of Polk County.

2.5500 Combination of Area & Local Hauler Licensee Reporting

2.5550 Reporting. Any Hauler that provides services which is subject to both the Area Haulers License and Local Haulers License shall be required to provide reporting under Sections 2.5200 - 2.5400.

2.5600 Solid Waste Records. A Hauler shall keep records of the following information for at least Five (5) years. For purposes of this Ordinance, "origin" means a general geographic description that at a minimum names the local governmental unit within the County. "Type" means a best estimate of the percentage of each truckload that consists of residential, commercial, industrial, construction and demolition debris or any other general type of Solid Waste.

- A. Types and Quantities of Solid Waste
 1. Hauler shall maintain records regarding the volume or weight, type(s) and origin(es) of Solid Waste collected. For each vehicle, the Hauler shall keep a daily record of the origin(es), type(s), and weight of the waste collected that day, and the identity of the Solid Waste Management Facility at which collected waste is deposited. If the waste is measured by volume at the Solid Waste Facility at which it is deposited, the record may indicate the volume rather than the weight of the waste.
- B. Number of Residential and Non-Residential Accounts
 1. The Hauler shall maintain a record of the number of Residential and Non-Residential accounts serviced in each geographic origin. For reporting purposes, units in Multi-Unit Residential Buildings shall be considered residential accounts, and each individual unit shall be reported as a separate account.
- C. Total Weight of Solid Waste
 1. The Hauler shall maintain a record of the total weight of all Solid Waste collected from Residential accounts and Non-Residential accounts for each geographic region. The

weight of the Solid Waste collected shall be reported and documented by scale or other County approved documentation method.

D. Management of Solid Waste

1. The Hauler shall maintain a record of the location(s) where Solid Waste was delivered, deposited, processed, or marketed and the total amount of waste delivered to each Solid Waste Management Facility or other location.

SECTION 2.6000 ADDITIONAL RECYCLABLE MATERIALS REPORTING REQUIREMENTS. In addition to the Solid Waste reporting requirements in Section 2.5000, the Collection of Recyclable Materials are subject to the following requirements.

2.6100 Weight of Individual Recyclable Materials. The Hauler shall maintain a record of the weight or volume of Recyclable Materials collected from residential and nonresidential accounts, for each of the following Recyclable Materials: newsprint, corrugated cardboard, mixed paper, magazines, metal cans, glass containers, plastic containers, boxboard, Major Appliances, scrap metal, telephone books, and additional materials as from time to time mandated by the County Board. The weight or volume of each type of Recyclable Material collected may be estimated based upon the percentage of each material type recorded in previously documented Collections. The amount of Recyclable Materials collected from residential and non-residential sources may be estimated based on the proportion of accounts in each community.

2.6200 Market Identification of Recyclable Materials. The Hauler shall maintain a record of the destination of all recyclable materials managed for each account annually as part of the Hauler's License application. The Hauler shall report the weight or volume of recyclables collected, by material type and by account served, and indicate which market was used for each material type. Recyclable material destinations shall be reported using the markets legal trade name, physical address materials were transported to, and market contact information.

SECTION 2.7000 WASTE DEPOSIT DISCLOSURE

2.7100 Disclosure Required

- A. At least annually between January 1 and March 31, a Hauler who collects Construction and Demolition Debris, Industrial Solid Waste, or Mixed Municipal Solid Waste Generated in the County for transportation to a Solid Waste Management Facility shall disclose in writing to each Generator from whom such waste is collected the name, location, and type of, and the number of the permit issued by the Minnesota Pollution Control Agency, or its counterpart in another State, if applicable, for the Solid Waste Management Facility, excluding Transfer Stations, at which the waste will be deposited. The Hauler shall state the approximate percentage of waste deposited at each of the two primary facilities used for the type of Solid Waste collected from the Generator in the County and any alternative Solid Waste Management Facility regularly used by the Hauler for the type of Solid Waste collected from the Generator in the County.
- B. All disclosures must include the following statement: "You may be responsible for any liability that results from contamination at a facility where your waste has been deposited. Minnesota believes that its waste management system provides substantially more financial and environmental protection than depositing waste in

landfills in other states. Managing your waste in Minnesota may minimize your potential liability."

2.7200 Form of Disclosure

- A. A Hauler shall make the disclosure to the Generator in writing at least once a year between January 1 and March 31 and on any written contract for Collection services for that year. The written disclosure must include all of the information described in Section 2.7100.
- B. If an additional facility becomes either a primary facility or an alternative facility during the year, the Hauler shall make the disclosure set forth in Section 2.7100B within thirty (30) days. A Municipality that collects Solid Waste without direct charges to Generators shall make the disclosure on any statement that includes a Solid Waste Management Charge for Solid Waste Management Services, provided that, at a minimum, disclosure to Generators must be made at least once annually in writing.

2.7300 Hauling to Transfer Stations. If a Hauler deposits Solid Waste at a Transfer Station, the Hauler need not disclose the name and location of the Transfer Station to the Generator but must disclose the disposal site that receives the waste when it leaves the Transfer Station.

SECTION 2.9000 COUNTY OR MUNICIPAL HAULER CONTRACTS

2.9100 County Contracts. The County may contract with commercial haulers for the provision of collection and transportation services in the County. Such contracts may designate disposal at certain solid waste facility as a requirement of the license.

SECTION 3. SOLID WASTE REGULATIONS

3.0000 Regulations Primarily Relating to Activities for which a License or Temporary Permit is Required.

3.1000 Solid Waste Service Requirements. All persons must have a license or temporary permit from the County to engage in solid waste management services or to cause, permit or allow any property under his control to be used for solid waste management services.

- A. All persons shall comply with the regulations set forth below.
- B. The Board may, by resolution, adopt additional regulations consistent with the intent of this ordinance.
- C. No License or Temporary Permit shall be issued for any activity or facility listed below that is in conflict with, or does not support the goals of, the Polk County Solid Waste Plan.
- D. Licensees or Permittees shall comply with the regulations set forth in or adopted pursuant to this section during the entire period for which the license or permit is issued.

3.1200 Transfer Station. Transfer stations shall be constructed, established, maintained and operated in accordance with the following provisions:

3.1210 Construction

- A. Road Construction and General Landscape. Roads on and around the transfer station premises shall be all-weather surfaced. The premises shall

be constructed and landscaped in such a manner as to be pleasing in appearance.

- B. Sanitary Facilities. When stated in and as a part of the license, adequate sanitary facilities and shelter for personnel shall be provided on the premises.
- C. Minimal Interference with Other Activities. The transfer station shall be so situated and equipped as to minimize interference with other activities in the area
- D. Compliance with Local Land Use Rules. The transfer station shall comply with state, county and local land use and zoning regulations.

3.1220 Operation and Maintenance

- A. Information Display. A sign, subject to the approval of the solid waste officer, shall be posed on the premises indicating the station name, the schedule of days and hours it is open to the public, and prices for use.
- B. Record Keeping. Records shall be maintained indicating the type and quantity of solid waste passing through the transfer station. All records must be submitted to the solid waste officer on a quarterly record.
- C. Minimal Interference with Other Activities. The transfer station shall be so operated and maintained as to minimize interference with other activities in the area.
- D. Waste Removal and Clean-up. When stated in and as part of the license the licensee shall take away all solid waste and clean the station at the end of each day of use.
- E. Orderly Maintenance. The premises, entrances, and exits shall be maintained in a clean, neat and orderly manner at all times.
- F. Traffic Control. All incoming and outgoing traffic shall controlled by the licensee in such a manner as to provide orderly and safe entrance and exit.
- G. Unloading. All unloading of solid waste from contributing vehicles shall be conducted in such a manner as to minimize odor and litter outside the station.

3.1300 Land Disposal Facilities. The maintenance and operation of a land disposal facility must comply with Minnesota Rules 7035.2525 to 7035.2815, as amended, which are hereby adopted by reference as part of this ordinance.

3.1310 Demolition Landfills

3.1311 Construction The following shall be established, constructed or provided for at a demolition landfill site when stated in and as a part of the license:

- A. Sanitary Facilities. and Shelter Adequate sanitary facilities and shelter shall be available for site personnel.
- B. Litter Control. Litter control devices such as portable fences.
- C. Electrical Service. Electrical service for operations and repairs.
- D. Equipment Storage. Shelter for maintenance and storage of site equipment.

- E. Controlled Access. The site shall be fenced and a gate shall be provided at the entrance to the site and kept locked when an attendant is not on duty.
- F. All Weather Access. An all-weather haul road to the unloading area.
- G. Screening. Visual screening of the site, as approved by the solid waste officer, shall be provided by use of natural objects, trees, plants, seeded soil berms, fences or other suitable means.
- H. Compliance with Local Land Use Rules. The demolition landfill shall comply with state, County and local land use and zoning regulations.

3.1312 Operation and Maintenance

- A. Separating Distance. A minimum separating distance of twenty (20) feet shall be maintained between the disposal operation and the property line.
- B. Wind-Blown Material. Unloading of demolition waste shall be confined to as small an area as practicable and the area shall be surrounded with appropriate facilities to confine possible wind-blown material within the area. At the conclusion of each day of operation, all wind-blown material resulting from the operation shall be collected and returned to the area by the owner or operator.
- C. Compaction. Demolition waste shall be compacted as densely as practicable and covered monthly with a compacted layer of at least six (6) inches of suitable cover material.
- D. Nuisance Control. Control of odors, dust, wind-blown material and other potential nuisances shall be sufficient to prevent or eliminate any nuisance.
- E. Pest Eradication. Before any materials from demolished structures may be deposited, the licensee must submit proof acceptable to the solid waste officer that the demolished structure has been subjected to satisfactory pest eradication prior to demolition. Should the solid waste officer so prescribe, the licensee at his own expense shall engage an exterminator or pest control agent to inspect the landfill on at least a monthly basis. A copy of each inspection report shall be sent to the solid waste officer immediately upon its receipt by the licensee.
- F. Refuse Prohibited. No garbage, loose paper, plastic, cardboard, cans, bottles, tires, appliance, vehicles, materials containing asbestos, or other materials not specifically permitted by this Ordinance shall be deposited.
- G. Termination. A site shall be considered finished or terminated, and require terminal covering, when the site can no longer reasonably be used for the disposal of demolition waste, the site must be terminated under Section 4.2200 if a current license is not in effect.

- H. Termination Cover. Within one month after final termination of all or a major part of, a site, the area shall be covered with at least two (2) feet of compacted cover material adequately sloped to allow surface water runoff. No holes or depressions which might result in collection of surface water shall remain or exist after such covering
- I. Termination Topsoil and Vegetation. The finished surface of the filled area shall be covered with adequate topsoil and seeded with native grasses or other suitable vegetation immediately upon completion, or immediately in the spring on areas terminated during winter conditions. If necessary, seeded slopes shall be covered with straw or similar material to prevent erosion.
- J. Predetermination Notice and Investigation. Prior to termination of operation of the site, the Agency and the solid waste officer shall be notified in order that site investigations may be conducted before personnel and equipment are removed from the property. The final condition of the landfill must be approved by the solid waste officer and the Agency before such removal may occur.
- K. Operating Records. Accurate records containing all significant information relating to site operations shall be maintained and an accurate copy or the original of such records shall be furnished to the solid waste officer. Intake of demolition waste in tons or cubic yards shall be recorded in a manner acceptable to the solid waste officer.

3.1400 Incinerators. Maintenance and operation of an incinerator must comply with applicable sections of Minnesota Rules, Chapter 7035, as amended, which are hereby adopted by reference as a part of this ordinance.

3.1500 Compost Facilities. Compost Facilities shall be constructed, established, maintained and operated in accordance with the following provisions:

3.1510 Yard Waste Compost Facilities. The maintenance and operation of a compost pile must comply with Minnesota Rule 7035.2835, as amended, which is hereby adopted by reference as a part of this ordinance.

3.1520 Source Separated Organic Material Compost Facilities. The maintenance and operation of a Source Separated Organic Material Compost Facility must comply with Minnesota Rules 7035.2836, as amended, which is hereby adopted by reference as part of this ordinance.

- A. Back yard compost piles which incorporate those limited materials allowed under Minnesota Rules 7035.0300 Subp. 99a shall not require a County permit or license and are exempt from this section provided they are not maintained or operated in a manner that constitutes a nuisance.
- B. Source Separated Organic Material Compost Facilities which are less than 120 cubic yards in size shall require a County permit, but are exempt from the Source Separated

Organic Material Compost Facility requirements section provided they meet that exemption allowed under Minnesota Rules 7035.0300 Subp. 99a unless they are not maintained or operated in a manner that constitutes a nuisance.

3.1600 Recyclable Material Facilities. A solid waste facility for the handling, processing, or preparation for marketing of select portions of solid waste. Any recyclable material facility in the County shall comply with all conditions of this Ordinance.

- A. Any facility shall comply with the intent of the Polk County Solid Waste Plan, and compliment the existing integrated solid waste management system.
- B. Any facility shall comply with applicable State and Local regulations.
- C. Any facility shall have on file an approved operational plan approved by the County.
- D. Any facility shall report to the County the material volume(s) managed by generator and destination of material(s) managed upon request.

3.1700 Special Solid Wastes. A solid waste facility for the handling, processing or disposal of solid waste not otherwise provided for in this section must comply with all conditions stated in the facility license or permit therefor.

3.1750 Temporary permits for handling or managing special solid waste may be issued in accordance with Section 2.0310.

3.1800 Waste Tires. Waste tire storage, collection, and processing requiring a license from the County must comply with Minnesota Rules 7035.8050 to 7035.8060 and 9220.0680, as amended, which are hereby adopted by reference as part of this ordinance.

3.1900 Asbestos. Demolition and disposal of asbestos must comply with Minnesota Rules 7005.1580, as amended, which is hereby adopted as part of this ordinance.

3.2000 Regulations Primarily of Interest to the Public.

3.2100 Storage

3.2110 State Rule Adopted. Solid waste shall be stored in accordance with Minnesota Rule 7035.0700 and 7035.2855, as amended. Minnesota Statute 609.68 as amended, is hereby adopted by reference as a part of this ordinance. Violations of this section shall be charged, enforced, and prosecuted according to the provisions of this ordinance.

3.2120 Owner and Occupant Duty. The owner, lessee, and occupant of any property, premises, business establishment or industry are responsible for the satisfactory storage, collection and removal of all solid waste generated and/or accumulated at that property, premises, business establishment or industry. No building, structure, area or premises shall be constructed or maintained for human occupancy, use, or assembly without adequate

facilities for sanitary and safe storage and collection of those solid wastes. The owner, lessee or occupant shall be responsible to ensure that the transportation of all solid wastes generated and/or accumulated shall be provided by a licensed commercial hauler. If the owner, lessee or occupant shall self-haul that solid waste generated and/or accumulated, they shall be responsible to ensure that disposal of all solid wastes occurs at a properly licensed solid waste facility.

- A. The owner and occupant, as defined above, shall be require to separate the Burnable Mixed Municipal Solid Waste from the Non-burnable Mixed Municipal Solid Waste at the point of generation.
- B. Solid Waste Fee Assessment shall be based upon the volume of Burnable Mixed Municipal Solid Waste generated at any location, not upon the volume disposed of from that location. In the event the owner and occupant, as defined above, should choose not to separate the Burnable fraction from the Non-burnable Mixed Municipal Solid Waste, the Solid Waste Fee Assessment shall be based upon the total volume of Solid Waste generated. The Administrator may estimate the volume used to calculate the Solid Waste Fee Assessment as an alternative to using the total Solid Waste volume.
- C. The owner and occupant, as defined above, shall be responsible to ensure that the transportation of all solid wastes generated and/or accumulated shall be provided by a licensed commercial hauler.
- D. If any owner and occupant, as defined above, shall self-haul that solid waste generated and/or accumulated, they shall be responsible to ensure that disposal of all solid wastes occurs at a properly licensed solid waste facility.

3.2130 Putrescible Material and Garbage. Putrescible material, including, but not limited to, garbage, shall be stored in: (a) durable, rust-resistant, nonabsorbent, water-tight, rodent-proof, and easily cleanable containers, with close-fitting, fly-tight covers having adequate handles to facilitate handling; or (b) other types of containers approved by the solid waste officer. The size and allowable weight of the containers may be determined by the solid waste officer.

3.2140 Containers. Solid waste shall be stored in durable containers or as otherwise provided in this ordinance. Where putrescible material is stored in combination with nonputrescible material, containers for the storage of the mixture shall meet the requirements for putrescible solid waste containers. 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. Containers that are broken or otherwise fail to meet the requirements of this section shall be replaced with acceptable containers.

3.2150 Oversize Waste. Solid waste objects or materials too large or otherwise unsuitable for storage containers shall be stored in a pollution-free and nuisance-free manner and in compliance with federal and state regulations and the requirements of this ordinance.

3.2160 Time Limit. It is unlawful for any person to store solid waste on public or private property for more than two (2) weeks without the written approval of the solid waste officer.

3.2170 Recyclables. It is unlawful for any person to store materials which have been separated for the purpose of recycling on public or private property in a manner which creates a nuisance.

3.2200 Solid waste facilities are reserved for use by those counties who are signatories to the cooperative agreement for solid waste management during the term of the agreements.

- A. Solid waste facilities may be used by other entities if deemed appropriate by the Administrator and to the benefit of the County and/or those subject to the cooperative agreement.
- B. No benefit provided to those Counties subject to the cooperative agreement shall be required to be extended to other entities.

3.2300 Restrictions Applicable to Solid Waste Facilities owned by Polk County.

3.2310 Incinerator. Polk County is authorized by the Agency to operate a Solid Waste Resource Recovery Plant under Permit No. 2123-86-OT-1 and MPCA Solid Waste Permit SW-640.

- A. Eligible Users. Eligible users of the Incinerator include: residents of District No. 2; persons who own real property, or a business, utility, or institution, or who operated the same, provided that the property, business, utility, or institution is within District No.2; commercial haulers serving District No. 2; commercial haulers serving Beltrami, Clearwater, Hubbard, Mahnomen, or Norman counties who are so authorized by the respective Boards of County Commissioners of those counties; and residents of Clearwater and Mahnomen counties who are so authorized by the respective Boards of County Commissioners of those counties.
- B. Other Entities. Eligible users, other than those indicated in Section 3.2310A, may be determined by the Administrator or Waste Contract modification.

3.2320 Land Disposal Facility. Polk County is authorized by the Agency to operate a land disposal facility under Permit SW-124.

- A. Eligible Users. Eligible users of the landfill include: residents of District No. 2; persons who own real property, or a business, utility, or institution, or who operated the same, provided that the property, business, utility, or institution is within District No.2; commercial haulers serving District No. 2; commercial haulers serving Beltrami, Clearwater, Hubbard, Mahnomen, or Norman counties who are so authorized by the respective Boards of County Commissioners of those counties.

- B. Other Entities. Eligible users, other than those indicated in Section 3.2320A, may be determined by the Administrator or by Waste Contract modification.
- C. Exceptions. Exception to limitations on eligible users extends to the following materials: asbestos, contaminated soils, source separated organic materials, and demolition debris.

3.2330 Transfer Station. Polk County is authorized by the Agency to operate a transfer station under Permit SW-327.

- A. Eligible Users. Eligible users of the transfer station include: residents of District No. 2; persons who own real property, or a business, utility, or institution, or who operated the same, provided that the property, business, utility, or institution is within District No.2; commercial haulers serving District No. 2.

3.2340 Unacceptable Waste. No person shall deliver unacceptable waste to the incinerator, landfill, or transfer station.

3.2350 Registration. All persons who deliver solid waste to the Incinerator, landfill, or transfer station must present to the office upon entry proof of residence and any other information which authorizes their use of the facility and an account of the type and quantity of waste delivered; and must comply with facility regulations for weighing in, delivering waste, and hours of operation.

3.2360 Revisions. The Board may by resolution revise the lists of solid waste facilities and eligible users under Section 3.2.2 when deemed advisable.

SECTION 4.0000 GENERAL AND ADMINISTRATIVE PROVISIONS

4.1000 Solid Waste Officer. The board shall appoint a solid waste officer – also referred to in the Ordinance as the Administrator. The solid waste officer has the duties and authority as established by the Board to implement and carry out the provisions of this ordinance, including, but not limited to, the following:

4.1100 Application Review and Recommendation. Reviewing all license and permit applications, applications for renewals or transfers or variances, and supporting materials and recommending with supporting documentation to the Board whether a license or permit should be granted, conditionally granted, renewed, or denied or whether a transfer or variance should be allowed.

4.1200 Inspection. Inspecting all solid waste management services and solid waste facilities located in the County to determine compliance with this ordinance.

4.1300 Investigation. Investigating possible violations of this ordinance.

4.1310 Enforcement Actions. Recommending to the County Attorney the commencement of legal proceedings against any person to compel compliance with the provisions of this ordinance or to terminate, abate or control the provisions of solid waste management services not in compliance with this ordinance.

4.1320 Studies. Encouraging and conducting studies and research relating to solid waste management, including but not limited to, methodology, chemical and physical considerations, and engineering.

4.1330 Liaison. Advising, consulting, and cooperating with the public and other governmental agencies in furtherance of the purposes of this ordinance.

4.1340 Temporary Permits. Granting, denying, renewing and revoking temporary permits.

4.2000 Applications and Licenses

4.2100 Content, Procedure and Administration.

4.2110 Application. All applications for licenses, license renewals, transfers, and variance under this ordinance shall be made to the Board and submitted to the solid waste officer upon forms prescribed by the solid waste officer, together with such additional information as the board and the solid waste officer may reasonably request. Information required may vary with the nature of the request and the type of business organization making application. All questions asked or information required by the application forms shall be answered fully and completely by the applicant.

4.2120 False Statements. It is unlawful for any person to intentionally make a false statement or omission upon any application, or any willful omission to state any information called for on such application form may, upon discovery of such falsehood, be grounds for refusal of license, or, if already issued, shall be grounds for suspension or revocation of the license at the discretion of the Board, following the procedures set forth in Section 4.2130D.

4.2130 Action

- A. Granting. The Board may approve or approve with conditions any application. Prior to consideration of any application for a license, the applicant shall pay the license fee, and if applicable, pay the investigation fee. Failure to pay any portion of a fee when due shall be cause for denial or revocation.
- B. Denial. The Board may, in its sole discretion and for any reasonable cause including, but not limited to, failure to comply with this ordinance or applicable state and federal laws and regulations or failure to conform with the objectives and guidelines established in the solid waste management plan, deny any application. If an application is denied, the applicant shall be notified in writing by the Board within thirty (30) days of the denial of the reason or reasons for denial. A denial shall not preclude an appearance by the applicant before the Board or a further application after revisions are made to satisfy objections specified as reasons for denial.
- C. Issuing. If an application is approved, conditionally approved, or renewed the solid waste officer shall, upon payment of the license fee and the investigation fee, if applicable, issue a license in the form prescribed by the Board. For licenses issued and which are to

become effective other than on the first day of the licensed year, the Board, in its sole discretion, may reduce the license fee to a pro-rata share of the annual license fee. Unless otherwise specified in an as a part of the license, a license is valid only for one type of solid waste management service at one location and on the premises therein described.

- D. Suspension and Revocation. Any license granted by the Board under the provisions of this ordinance may be suspended by the solid waste officer at any time for non-compliance with the provisions of this ordinance or applicable state laws and regulations, or upon written notification to the Board by the solid waste officer or by the Agency, that the continued use of the solid waste facility or the provision of solid waste management services by the licensee may endanger the health, welfare, or safety of the public or may cause damage to processing or transportation equipment, ground water, contamination, air pollution, surface water pollution. The notice of suspension may be served upon the licensee personally or by leaving the same at the licensed premises with the person in charge thereof or, if there is no person to be found on the premises during normal business hours, by leaving the same in a conspicuous place on the premises. A copy thereof shall be provided to the Board. As soon as possible, but within ten (10) business days after a license has been suspended under this section, the Board will hold a special meeting to consider suspension, revocation, or modification of the license. In the event the licensee and the Board are not able to resolve the matter at the special meeting, a license may be revoked only after the Board has held a public hearing at which the licensee and all other interested persons have the right be heard. The date of the hearing for license revocation shall be set by the Board following the special meeting and notice thereof shall be provided within five (5) business days after the special meeting. The hearing for license revocation shall not be held earlier than ten (10) business days nor more than thirty (30) business days after notice of said hearing is mailed to the licensee. The time periods required for notice may be waived by agreement of the licensee and the Board. At the hearing, the Board may admit and rely on evidence which possesses probative value commonly accepted by reasonable persons. Any person testifying shall be subject to cross-examination. Proposed evidence which is incompetent, irrelevant, immaterial, or repetitious may be excluded. The Board shall give effect to the rules of privilege recognized by law. A record of the hearing shall be made by tape recording or other suitable means. If pursuant to the hearing, the Board shall determine that the licensee has violated this ordinance, or that the licensee has endangered the health, welfare, or safety of the public or has caused damage to processing or transportation equipment, groundwater contamination, air pollution or surface water pollution, the Board may revoke the license or continue the suspension in effect until the licensee has demonstrated that full compliance with the ordinance will be attained, that such compliance will be continued

in the foreseeable future and that the licensee will not endanger the health, welfare, or safety of the public and will not cause damage to processing or transportation equipment, groundwater contamination, air pollution or surface water pollution.

- E. Renewal Application for a license renewal shall be made to the Board according to a schedule setting deadlines for renewal applications adopted by the Board by resolution. Each application for renewal shall contain a statement of any changes in the information submitted in the last approved license application.
- F. Duplicate Licenses. Duplicates of all original licenses under this ordinance may be issued by the solid waste officer without action by the Board, upon the licensee's affidavit that the original has been lost, and upon payment of the duplicate license fee. All duplicate licenses shall be clearly marked DUPLICATE.
- G. Resident Agent. Before a license is issued under this ordinance to an individual who is a non-resident of the County, to more than one individual, whether or not they are residents of the County, or to a corporation, partnership, or association, the applicant or applicants shall appoint in writing a natural person who is a resident of the State of Minnesota as its manager or agent. Such resident manager or agent shall, by the terms of his written consent, serve as agent for service of notices and other process relating to the license. If such manager or agent ceases to be a resident of the State of Minnesota or ceases to act in such capacity for the licensee without appointment of a successor, the license issued pursuant to such appointment shall be subject to revocation or suspension.

4.2200 License Term and Termination. Unless otherwise provided by the Board by resolution and stated expressly in the license, each license granted under the provisions of this ordinance expires according to the Schedule of License Requirements attached as Exhibit A stating license terms and adopted by the Board by resolution. Licenses terminate only by expiration or revocation.

4.2300 Delinquent Taxes and Charges. No license under this ordinance shall be granted to any applicant who owes money to the County, or for operation from or on any premises upon which taxes, assessments, or installments thereof, are past due.

4.2400 Fees and Other Requirements. The Board may by resolution establish license fees, investigation fees, duplicate license fees and such other fees as may be necessary for the administration of this ordinance. The fees so established are set forth in the Schedule of License Requirements attached as Exhibit A. The Board may by resolution revise the Schedule of License Requirements when deemed advisable.

4.2500 License Conditions. As a condition of all licenses issued under this ordinance, the solid waste officer and other authorized representatives or agents of the County may enter upon the licensed premises, whenever the solid waste officer reasonably deems it necessary, for the purpose of obtaining information or conducting investigations necessary for the enforcement of this ordinance. Notwithstanding any provision of this ordinance to the contrary, the Board may,

upon a finding of the necessity therefore, place such special conditions and restrictions consistent with the intent of this ordinance in addition to those stated in this ordinance, upon any license as it, in its discretion, may seem reasonable and justified.

4.2600 Specific Requirements.

- A. Information. License applicants shall submit the following information with or in the application, plus such additional information as required by the Board by resolution:

4.2610 Collection and Transportation

- A. Vehicle List. A list of all vehicles to be used for the collection and transportation of solid waste, specifying the make, model and year each vehicle was built and the volume each vehicle can transport. Any change in the type of vehicle or equipment used by the licensee as part of the solid waste management service so licensed may occur only after written notification of said change to and approval by the solid waste officer.
- B. Collection Data. Information regarding schedules, customers, routes and type and quantity of solid waste collection.
- C. Inspection Reports. A satisfactory Vehicle Inspection Report for each vehicle used under the license issued by the Minnesota Department of Public Safety or an equivalent safety inspection provided by a similarly qualified public agency.

4.2620 Transfer Stations

- A. Location, size and ownership of the land upon which the transfer station will operate.
- B. General description of land use within the vicinity of the transfer station.
- C. Complete plans, specification and proposed operating procedures for the transfer station.
- D. Rates and charges for use of the transfer station
- E. Written proof that the local applicable municipal government has considered the establishment of the transfer station site and the results of that consideration.

4.2630 Demolition Landfills

- A. Permit-by-rule facilities must comply with Minnesota Rules 7001.3050 and 7035.2825 as amended. The County and the Agency must be notified of the intent to site the facility and a temporary permit must be issued by the County before development and use of the site may occur.

- B. Facilities which are not considered to have a permit-by-rule must comply with Minnesota Rules 7035.2825 as amended.

4.2640 Demolition, Transportation and Disposal of Asbestos

- A. The licensee shall notify the County seventy-two (72) hours in advance of the intent to dispose of asbestos material at a County solid waste facility.
- B. All particles or otherwise loose asbestos materials must be placed in sealed containers. Each container delivered to a County solid waste facility must be properly labeled.
- C. Asbestos materials in bulk or otherwise loose form and having a potential to generate fugitive airborne particulate matter must be dampened but not saturated with water prior to the shipment. Wetting may be suspended temporarily when the temperature is less than fifteen (15) degrees Fahrenheit.

4.2650 Additional Information. As a condition of the license, the licensee agrees to notify the solid waste officer of any significant change affecting the solid waste management service, including but not limited to any change in the type of vehicle or equipment used by the licensee as part of the solid waste management service, any change in the primary location or area affected by the solid waste management service, any change in method of operation, or any change of persons responsible for providing the solid waste management service.

4.2660 Contract. No license shall issue until any contract between the County and the applicant required by the Board by resolution as a condition to license issuance is signed and delivered.

4.2670 Bond. Unless otherwise provided by the Board by resolution, issuance of any license pursuant to the provisions of this ordinance is contingent upon the license applicant (licensee/obligor) furnishing to the County a fixed bond in an amount to be set by the Board by resolution or as provided for in the Schedule of License Requirements attached as Exhibit A. The bond shall name the County as obligee and be underwritten by a surety duly licensed and authorized to transact business in the State of Minnesota. The condition of such bond shall be that if the licensee/obligor fails to comply with any of the requirements or the terms of the license or if, for any reason, ceases to operate or abandons a solid waste facility, for ceases to provide solid waste management services (independently or under contract with the County), and the County is required to expend any monies or expend and labor or materials to restore a solid waste facility or the provision of solid waste management services to a condition in compliance with this ordinance, the licensee/obligor and the sureties on the bond shall reimburse the County for any and all expenses, including attorneys' fees, incurred to remedy failure of the licensee to comply with the terms of this ordinance, and the licensee/obligor and his sureties will indemnify and save the County harmless from all losses, costs, including attorneys' fees, and charges and expenses that the County may incur because of any default of the licensee/obligor under the terms of his license to operate in compliance with the terms of this ordinance.

- 4.3000 Variances. Upon written application by the applicant or licensee and payment of the application fee, the Board by resolution may grant variances from the requirements of this ordinance. Variances shall be governed by the following provisions:
- 4.3100 Criteria. A variance may be granted to promote the effective and reasonable application and enforcement of this ordinance if the Board by resolution determines that strict conformity with the ordinance would cause the applicant or licensee undue hardship, or would be unreasonable, impractical, or not feasible because of changed circumstances.
- 4.3200 Notice and Hearing. The Board shall hold a public hearing on the variance application. At least ten (10) days prior to the public hearing, the Board shall publish notice thereof and shall provide mailed notice to the applicant or licensee and other persons may be directly and adversely affected by the granting of the proposed variance; however, failure of any person to receive the mailed notice shall not invalidate the proceedings. The hearing shall otherwise be conducted in accordance with the procedures for hearings on license revocation in Section 4.2130D.
- 4.3300 Term. Variances shall not be granted for a period in excess of two (2) years, but may be renewed upon application therefor using the same procedures and upon paying the same application fee as required for the initial variance.
- 4.3400 Revocation of Variances. The Board may revoke a variance prior to its expiration after a public hearing conducted in accordance with the procedures for hearings in Sections 4.3000 and 4.2130 if the Board finds that, because of changed circumstance or because the criteria for granting a variance have changed, the applicant or licensee no longer meets the criteria for the initial granting of a variance.
- 4.3500 Variance Conditions. The Board may, upon a finding of necessity, place such special conditions and restrictions consistent with the intent of this ordinance upon any variance as it, in its discretion, may deem reasonable and justified.
- 4.4000 Temporary Permit. The solid waste officer may issue a temporary permit for the performance of solid waste management services when the solid waste officer determines that the performance or continuance of the services prior to the issuance of a license is in the public interest and the person requesting the permit demonstrates that the services can be accomplished in substantial compliance with the solid waste regulations in section 3. The temporary permit is subject to the conditions set forth below and, in addition, to any reasonable conditions set by the solid waste officer in each instance.
- 4.4100 Termination. Unless for good cause shown the solid waste officer specifies a different expiration time at the time of issuance, each temporary permit or renewal of a temporary permit shall expire thirty (30) days from the date of issuance.
- 4.4200 Renewal. The solid waste officer may renew a temporary permit if the solid waste officer determines at the time of a request for the renewal that the conditions for granting the initial temporary permit still exist and the person to which the renewal is to be issued has applied for has been diligently and properly pursuing a license for the solid waste management services covered by the temporary permit.
- 4.4300 No Greater Rights. The holder of a temporary permit has no greater rights to receive a license than any other applicant.

4.4400 Revocation. A temporary permit may be revoked by the solid waste officer without prior notice to the holder for a violation of any provision of this ordinance. Any person aggrieved by the revocation of a temporary permit may apply to the Board for review of the revocation.

4.5000 Nonconforming Sites and Facilities. Any solid waste facility in existence on the effective date of this ordinance and the operation of such solid waste facility shall conform to the provisions of this ordinance no later than one hundred twenty (120) days after the adoption of the ordinance or shall terminate operation no later than that date. The rules, regulations and requirements of the County and the Agency shall govern the termination and abandonment of each nonconforming solid waste facility. The owners and operators of the nonconforming solid waste facility, or any part thereof, shall be responsible for satisfactorily performing required termination and abandonment procedures.

4.6000 Enforcement. For violations of this ordinance, the County may take the following actions: issuance of a Warning Notice; issuance of a Notice of Violation; issuance of Citation(s); issuance of an Abatement Order; issuance of an Embargo Order; Suspension or Revocation of a license or permit issued under this Ordinance; execution of a Stipulation Agreement; and/or commencement of other civil or criminal proceedings.

4.6100 Warning Notice. The Department may issue a Warning Notice as defined in this Ordinance to any person alleged to have committed a violation of this Ordinance. A Warning Notice shall serve to place the person on notice that compliance with specified Ordinance requirements must occur to avoid additional enforcement actions. A Warning Notice may be in the form of an Inspection Report for a licensed facility. A Warning Notice may be served in person, by e-mail or by regular mail service.

4.6200 Notice of Violation. The Department may issue a Notice of Violation (NOV) as defined in this Ordinance to any Person alleged to have committed a violation of this Ordinance. A NOV shall serve to place the Person alleged to have committed a violation on notice that compliance with specified Ordinance requirements must occur to avoid additional enforcement actions. The NOV shall be served by certified mail or by personal service on the Person(s) alleged to have committed a violation of this Ordinance.

4.6300 Citations. The solid waste officer may issue citations for violations of this ordinance.

4.6310 Form of Citations. Citations shall be in a form designated by the solid waste officer and approved by the County Attorney.

4.6320 Citation. Whenever the solid waste officer determines that there is probable cause to believe that a violation of this ordinance has been committed by any person, he may issue a citation to the person alleged to have committed the violation.

4.6330 Issuance. The citation shall be issued to the person to be charged with the violation, or in the case of a corporation or municipality, to any officer or agent expressly or impliedly authorized to accept such issuance.

4.6400 **Abatement.** In the event of an emergency abatement by the County as described in Section 4.6400E below, or if a property owner does not complete Corrective Actions within the timelines given in a NOV, a Stipulation Agreement or a court order, the Department may abate the violations and the Department has the authority to enter the property and perform the Corrective Actions and recover the costs of the same from the property owner through the following procedures:

4.6410 Abatement Notice

- A. Contents of Abatement Notice. An Abatement Notice shall include the following:
 - 1. Notice that the property owner has not completed the Corrective Actions within the time period required in the attached NOV(s), Stipulation Agreement or court order;
 - 2. Notice that the Department or its agent intends to enter the property and commence abatement of the conditions on the property that violate this Ordinance in thirty (30) days;
 - 3. Notice that the property owner must correct the violation(s) before thirty (30) days to avoid any civil liability for the costs of inspection and abatement that the County may incur; and
 - 4. A statement that if the property owner desires to appeal, the property owner must file a request for an appeal hearing with the County Board that meets the requirements of Section 4.6420 below on the County within ten (10) County working days, exclusive of the day of service.
- B. Service. The Abatement Notice must be served on a property owner by certified mail or personal service. Service by certified mail shall be deemed complete upon mailing. If the property owner is unknown or absent and has no known representative upon whom the Abatement Notice can be served, the Department shall post the Abatement Notice at the property. The Department must send a copy of the Abatement Notice to the County Attorney's Office.

4.6420 Right to Appeal the Abatement Notice

- A. Request for Hearing. The property owner's request for a hearing must be in writing and must state the grounds for appeal and be served by certified mail on the County Board, with a copy to the Department by midnight of the 10th County working day following service of the Abatement Notice. Following receipt of a request for a hearing, the County Board shall set a time and place for the hearing to be held pursuant to Section 4.3200.
- B. Stay of Notice. Pending the appeal hearing and final determination by the County Board, the Department shall take no further action on the Abatement Notice.

4.6430 Abatement by the County. In the event a property owner does not abate the Ordinance violations or does not appeal the Abatement Notice within the applicable time period, the Department may expend funds necessary to abate the violation(s) in accordance with applicable County policies and procedures:

4.6440 Recovery of Abatement Costs

- A. The Department may pursue recovery of all costs, including enforcement costs, from the property owner for abatement incurred by the County, by any means allowable by law. The cost of any enforcement action may be assessed and charged against the Real Property on which the violations are located.

- B. The Department shall keep a record of the costs of abatements done under this Ordinance and report all work done for which assessments are to be made, stating and certifying the description of the land, lots or parcels involved and the amount assessable to each to the County Auditor by September 1 of each year.
- C. On or before October 1 of each year, the County Auditor shall list the total unpaid charges for each abatement made against each separate lot or parcel to which they are attributable under this Ordinance to the County Board.
- D. The County Board may then spread the charges or any portion thereof against the property involved as a special assessment, for certification to the County Auditor and for collection the following year along with current taxes.

4.6450 Emergency Abatement by County. Notwithstanding the requirements of Section 4.6400 of this Ordinance, in the event of an imminent threat to the public's health, welfare and safety, the Department shall have the authority to immediately enter property and abate the violations and recover the costs as set out in Section 4.6440 above. The Department shall attempt to give verbal notice to the property owner immediately, if possible, and writing within ten (10) work days. The property owner shall have the right to appeal the assessment of costs to the County Board pursuant to Section 4.6420.

4.6500 Embargo. The Department may issue a written Embargo order prohibiting the use, sale, movement, treatment or disposal of a material or item that the Department determines is used without authorization or reasonably suspects is, or will be, managed in violation of this Ordinance. The Department shall place a tag to indicate the Embargo on the suspected material. No Person shall remove the tag or remove, transport, dispose, treat, or use such embargoed material except as authorized by the Department. Such action by the Department shall not be considered to impute ownership or management responsibility upon the County.

4.6600 Stipulation Agreement. The Department and a person alleged to have violated provision(s) of this Ordinance may voluntarily enter into a Stipulation Agreement, whereby the parties to the agreement: identify conditions on the property that require Corrective Action; agree on the Corrective Actions that must be performed by the Person; and agree on the timelines in which the Corrective Actions must be completed. If the timelines have not been met as agreed in the Stipulation Agreement, the County may abate the violations in accordance with Section 4.6400C above. The parties may seek compliance with the terms of the Stipulation Agreement through a court of competent jurisdiction.

4.6700 License and Temporary Permit Suspensions.

- A. Any license required under this Ordinance may be suspended by the County Board for violation of any provision of this Ordinance. Upon written notice to the Licensee a license may be suspended by the County Board for a period not longer than sixty (60) days or until the violation is corrected, whichever is shorter.
- B. Such suspension shall not occur earlier than ten (10) County working days after written notice of suspension by the County Board has been served on the Licensee or, if a hearing is requested, until written notice of the determination of the County Board action has been served on the Licensee. Notice to the Licensee shall be served

personally or by registered or certified mail at the address designated in the license application. Such written notice of suspension shall contain the effective date of the suspension, the nature of the violation or violations constituting the basis for the suspension, the facts which support the conclusion that a violation or violations has occurred, and a statement that if the Licensee desires to appeal, he must within ten (10) County working days, exclusive of the day of service, file a request for an appeal hearing with the County Board. The hearing request shall be in writing stating the grounds for appeal and served personally or by certified mail on the County Board, with a copy to the Department by midnight of the 10th County working day following service. Following receipt of a request for a hearing, the County Board shall set a time and place for the hearing to be held pursuant to Section 4.3200.

- C. Continued Suspension. If said suspension is upheld and the Licensee has not demonstrated within the sixty (60) day period that the provisions of the Ordinance have been complied with, the County Board may serve notice of continued suspension for up to sixty (60) days or initiate revocation procedures.

4.6710 Emergency Suspension

- A. If the Department finds that the public health, safety or welfare imperatively requires emergency action and incorporates a finding to that effect in its order, emergency suspension of a license or temporary permit may be ordered by the Department upon written notice to the facility, with a copy to the County Attorney's Office and the County Board. The County Board must make a determination if the emergency suspension should be ratified at its next board meeting. Written notice of such emergency suspension shall be personally served on the Licensee or Permittee, or shall be served by certified mail to said Licensee or Permittee at the address designated in the license application. In addition, the Department may post copies of the notice of emergency suspension of the license at the licensed facility or property being used for the licensed activity. Said posting shall constitute the notice required under this Section.
- B. The written notice in such cases shall state the effective date of the emergency suspension and the nature of the violation requiring emergency action, the facts which support the conclusion that a violation or violations has occurred and a statement that if the Licensee or Permittee desires to appeal, the Licensee or Permittee must, within ten (10) County working days, exclusive of the day of service, file a request for a hearing with the County Board. The hearing request shall be in writing stating the grounds for appeal and served personally or by certified mail on the County Board, with a copy to the Department and the County Attorney's Office, by midnight of the 10th County working day following service. Following receipt of a request for an appeal, the County Board shall set a time and a place for the hearing to be held pursuant to Section 4.3200.

- C. The emergency suspension shall not be stayed pending an appeal to the County Board or an informal review by the Department Head, but shall be subject to dismissal upon a favorable re-inspection by the Department or favorable appeal to the County Board.

4.6800 License Revocation

- A. Any license or temporary permit granted pursuant to this Ordinance may be revoked by the County Board for violation of any provision of this Ordinance.
- B. Revocation shall not occur earlier than ten (10) County working days from the time that written notice of revocation from the County Board is served on the Licensee or Permittee or, if an appeal hearing is requested, until written notice of the County Board's action has been served on the Licensee or Permittee. Notice of revocation to the Licensee or Permittee shall be served personally or by certified mail at the address designated in the license application. Such written notice of revocation shall contain the effective date of the revocation, the nature of the violation or violations constituting the basis for the revocation, the facts which support the conclusion that a violation or violations has occurred and a statement that if the Licensee or Permittee desires to appeal, he must within ten (10) County working days, exclusive of the day of service, file a request for a hearing with the County Board. The hearing request shall be in writing stating the grounds for appeal and served personally or by certified mail on the County Board, with a copy to the Department and the County Attorney's Office, by midnight of the 10th County working day following service. Following receipt of a request for a hearing, the County Board shall set a time and a place for the hearing to be held pursuant to Section 4.3200 .

4.6100 Violation a Misdemeanor. When any person performs an act prohibited or declared unlawful, fails to act when such failure is prohibited or declared unlawful, fails to take action when such action is required, or fails to take action to abate the existence of a violation within the specified time period when ordered or notified to do so by the solid waste officer, he violates the section, subdivision, paragraph, or provision of this ordinance within which such act or action is prohibited, declared unlawful, or required, and upon conviction thereof, shall be punished for a misdemeanor. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues. All violations of this ordinance shall be prosecuted by the County Attorney.

4.6200 Equitable Relief. In the event of a violation or a threat of violation of this ordinance, the County Attorney may take appropriate action to enforce this ordinance, including application for injunctive relief, action to compel performance or other appropriate action in court, if necessary, to prevent, restrain, correct or abate such violations or threatened violations.

4.6400 Civil Action. If a person fails to comply with the provisions of this ordinance, the County may recover costs incurred for corrective action, including reasonable attorneys' fees, in a civil action in any court to competent jurisdiction.

4.7000 Rules of Construction. In constructing this ordinance, the following rules of construction are to govern, unless their observance would be inconsistent with the obvious intent of the County, or contrary to the context of the ordinance.

4.7100 Indemnification. This ordinance shall not be construed to hold the solid waste officer or the County or any officer or employee of the County, responsible for any damage to persons or property by reason of inspections or re-inspections authorized by the provisions of this ordinance, or by reason of the approval or disapproval of equipment or licensing herein, nor for any action in connection with the inspection or control of solid waste or refuse or in connection with any other official duties.

4.7200 Severability. It is hereby declared to be the intention of the Board that the several provisions of this ordinance be severable in accordance with the following:

4.7210 If any court of competent jurisdiction shall adjudge any provisions of this ordinance to be invalid, such judgement shall not affect any other provisions of the ordinance not specifically included in said judgement.

4.7220 If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular structure, site, facility or operation, such judgement shall not affect the application of said provision to any other structure, site, facility, or operation not specifically included in said judgement.

4.7230 Ordinance Remedies and Provisions Cumulative. Each right or remedy conferred on or reserved to the County under this ordinance is cumulative in and in addition to every other right or remedy provided for in this ordinance. The provisions in this ordinance are in addition to all other laws and ordinances passed, or which may be passed hereafter, covering any subject matter in this ordinance.

4.7240 No Consent. Nothing contained in this ordinance shall be deemed to consent to, license, or permit any person to locate, construct, or maintain a site, solid waste facility, or operation, or to carry on any solid waste management services or activities.

SECTION 5.0000 SERVICE AREAS DISTRICTS / SERVICE CHARGES

5.1000 Service Areas. The County has, by resolution adopted October 6, 1986, established and determined the boundaries of solid waste management service areas districts within the County under Minnesota Statutes, Section 400.08, Subd. 2. Solid Waste Districts are shown in Exhibit D. The Board may, by resolution, terminate, re-establish, enlarge, revise, or alter the service areas districts so established following the procedures specified in Minnesota Statutes, Section 400.08, Subd. 2.

5.2000 Service Charges.

5.2100 Establishment. The County has, by ordinance adopted October 29, 1987, imposed service charges under Minnesota Statutes, Section 400.08, Subd. 3 for solid waste management services provided by the County or by others under contract with the County within the solid waste management service areas established by the Board. The service charges so established are hereby established, re-established, continued, confirmed, and ratified (subject to revision as provided for in section 5.2.2) as set forth in the Schedule of Rates and Description of Categories attached as Exhibits A and B, respectively, incorporated herein.

5.2200 Revision. The Board by resolution may revise the solid waste management service charges (including revision(s) of rates, classes and categories) when deemed advisable.

5.2300 Factors in Setting or Revising Service Charges. Service charges may take into account the character, kind, and quality of the service and of the solid waste, the method of disposition, the number of people served at each place of collection, and all 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 betterment of solid waste facilities, the operating costs associated with solid waste facilities, and administrative costs relating to providing or making available solid waste management services to County residents.

5.2400 Rate Schedule on File. A copy of the current rate schedule for solid waste management services within the solid waste management service areas in the County shall be kept on file in the office of the County Auditor.

5.2500 Collection of Service Charges.

5.2510 Current Year Billing with Tax Statements. The Board, unless it determines by resolution to bill or collect and or all service charges in a different manner, shall annually instruct the County Auditor to include the service charges on the real estate tax statements for taxes payable in the year to which the charges apply. The service charges collected by the County Treasurer in the same manner and at the same time as real estate taxes and special assessments. The County Treasurer shall collect the total amount of taxes, special assessments, and service charges included in each tax statement. Any payment tendered for of less than the total amount or installment which is due as of the collection date shall be deemed a refusal to pay all of said taxes, special assessments, and service charges.

5.2520 Collection by Assessment. The service charges, if not paid, shall be certified when said payments become delinquent to the County Auditor to be carried into the real estate tax becoming due and payable in January of the following year, and shall be collected and enforced in the madder provided for the collection and enforcement of real property taxes and shall be subject to the same penalties and the same rate of interest as the taxes under the provisions of the laws of the State of Minnesota.

5.2600 Appeals from Assessments. Any owner of real property or any owner of a business, utility, or institution who believes that the service charge imposed upon his property, business, utility, or institution by the County for the purposes stated herein is not equitable, may appeal that charge. To do so, the owner must file a written appeal on a form provided by the Department stating the reason the service charge is incorrect, provide the required information necessary for the department to consider in its review, and submit it prior to the deadline for appeals as noted on the form. Upon receipt of a compliant application for service fee appeal, the Department shall review the appeal and any supporting documentation to make a determination on the request. The Department shall notify the owner in writing of the decision reached on the appeal of their service fee. Any appeal received after the deadline will not be effective until the next tax year.

SECTION 6.0000 SUPERSEDES PRIOR ORDINANCE.

This ordinance supersedes the original Polk County Solid Waste Ordinance passed by the Board on July 14, 1975, and all amendments thereto.

SECTION 7.0000 EFFECTIVE DATE

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

EXHIBIT A
SCHEDULE OF LICENSE REQUIREMENTS

<u>LICENSE CATEGORY</u>	<u>INITIAL FEE</u>	<u>RENEWAL FEE</u>	<u>BOND AMOUNT</u>	<u>PERMIT TERM</u>
WASTE COLLECTION:				
Temporary Hauler Permit	\$200	\$200	\$5,000	1 Year
Area Hauler License	\$200	\$200	\$5,000	1 Year
Local Hauler License	\$200	\$200	\$5,000	1 Year
DISPOSAL FACILITIES:				
Resource Recovery Facility	\$5,000	\$5,000	\$20,000	3 Year
MSW Landfill	\$2,500	\$2,500	\$20,000	5 Year
Industrial SW Landfill	\$2,500	\$2,500	\$10,000	5 Year
Demolition Debris Landfill	\$2,500	\$500	\$10,000	5 Year
Permit by Rule	\$100	\$ 0	N/A	N/A
COMPOST FACILITIES:				
Yard Waste Compost (<120 yds)	\$250	\$100	N/A	1 Year
Yard Waste Compost (> 120yds)	\$500	\$250	\$5,000	1 Year
SSOM Compost	\$1,000	\$500	\$10,000	1 Year
MATERIAL PROCESSING/STORAGE:				
Tire Storage (>500 tires)	\$100	\$25	\$500 (check)	1 Year
Tire Storage (> 2,000 tires)	\$200	\$200	\$10,000	1 Year
Appliance Storage/Processing	\$500	\$250	\$5,000	1 Year
Electronic Waste Storage	\$250	\$100	\$5,000	1 Year
Concrete Storage/Crushing	\$500	\$500	\$5,000	1 Year
Shredding/Chipping/Grinding	\$1,000	\$500	\$5,000	1 Year
Special Material Stockpiling	\$250	\$250	\$10,000	1 Year
Petroleum/Land Application	\$100	N/A	N/A	N/A

NOTES:

- (1) Where indicated, a certified check may be used to provide security.
- (2) All licenses shall expire on December 31 of the last effective year of the license. Licenses which have a maximum term of two years shall expire on December 31 of the year following the year in which the license was issued.
- (3) Conditions applicable to temporary permits shall be specified at the time of issue.

EXHIBIT C DESCRIPTION OF CATEGORIES

Residential:

A single unit dwelling that is occupied for at least one (1) month of the calendar year during which the service fee applies, or was occupied at least one (1) month within the previous calendar year. The fee is applied to each unit, and a unit is considered to be an individual dwelling. Residential structures include, but are not limited to, the following: single family homes (regardless of construction type), commercial building with residential space, mobile homes (classified as either personal or real property) or personal property modified to maintain occupancy.

Multiple Residential:

Individual units within a multiple unit dwelling which are occupied for at least one (1) month of the calendar year for which the service fee applies, or was occupied at least one (1) month within the previous calendar year. The fee is applied to each unit, and a unit is considered to be an individual dwelling. Multiple Residential structures may include, but not limited to, the following: town homes, condominiums, multiplexes, apartment buildings, assisted living buildings and other rental or multiple owner properties.

Second Residential:

A secondary single dwelling unit which is owned and occupied (regardless of the time period of occupancy per year) by an individual owning and occupying another property that is currently assessed a residential solid waste fee assessment in Polk County. Second Residential structures include, but are not limited to, the following: cabins, cottages, guest homes, lofts/living space in accessory structures, recreational shacks, mobile homes (either personal or real property), or personal property (RV's, Campers, etc.) that have been modified (including failure to maintain current licensure/tabs) to maintain occupancy or impact ability to be used for manufacturers intended use.

Disabled Residential:

A Single-family dwelling meeting the "Residential" classification above, whereas the owner of record Places of has received a Special Homestead Classification for Permanently and Totally Disabled Homeowners from the State of Minnesota which is on record at the County Assessor's office within the time allowed for mailing of notice of the service fee and the time allowed for appeal.

Multiple Disabled:

A multiple unit dwelling meeting the 'Multiple Residential' classification above, whereas the owner/tenant of each unit have met the criteria for the 'Disabled Residential' classification, or where the owner/tenant is able to demonstrate that due to disability or other circumstances related to individuals health and well-being, may not be fit to conduct waste management activities at the place of residence. Multiple Disabled Residential structures include, but are not limited to, special needs long-term boarding facilities, etc..

Non- residential:

Places, locations or uses upon a specific parcel(s) of land located in Polk County from which a volume of waste is generated which is from a commercial, industrial, institutional or other use not otherwise defined nor classified in Exhibit C – Description of Categories.

EXHIBIT D
FEE SCHEDULE – SOLID WASTE FEE ASSESSMENT
 (Approved 9-15-09)

NON-RESIDENTIAL ASSESSMENT SCHEDULE

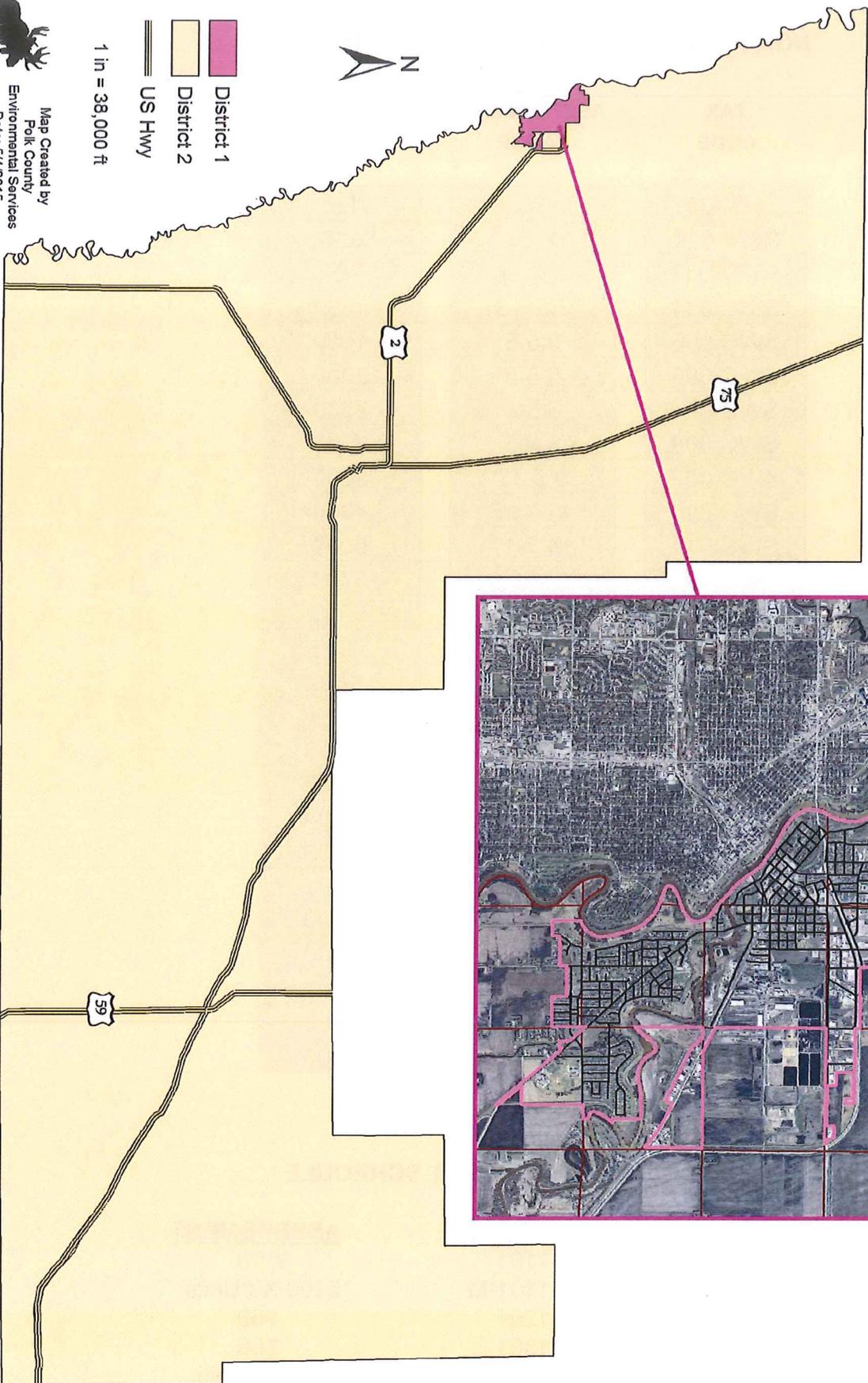
TAX CODE	ASSESSMENT RANGE	CURRENT RATE
SWC-001	0-1	120
SWC-002	1-1.5	350
SWC-003	1.5-2.5	700
SWC-004	2.5-3.5	1000
SWC-005	3.5-5	1500
SWC-006	5-6.5	2000
SWC-007	6.5-8	2500
SWC-008	8-9.5	3000
SWC-009	9.5-12	3600
SWC-010	12-14.5	4300
SWC-011	14.5-17	5000
SWC-012	17-19.5	5700
SWC-013	19.5-22	6500
SWC-014	22-25	7200
SWC-015	25-28	8200
SWC-016	28-31	9400
SWC-017	31-35	10500
SWC-018	35-40	12000
SWC-019	40-45	13500
SWC-020	45-50	15000
SWC-021	50-57.5	17500
SWC-022	57.5-65	20000
SWC-023	65-72.5	22500
SWC-024	72.5-80	25000
SWC-025	80-90	27500
SWC-026	94	30000

RESIDENTIAL ASSESSMENT SCHEDULE

<u>CATEGORY</u>	<u>CODE</u>	<u>ASSESSMENT</u>
RESIDENTIAL	61101	\$100
MULTI-RESIDENTIAL	61101-M	\$100 X #Units
2 ND RESIDENTIAL	61201	\$60
DISABLED	61301	\$60
MULTI-DISABLED	61301-M	\$60 X #Units

EXHIBIT E POLK COUNTY SOLID WASTE DISTRICT MAP

Polk County Solid Waste Districts



Map Created by
Polk County
Environmental Services
Date: 5/4/2015