

**BELTRAMI COUNTY  
SOLID WASTE  
ORDINANCE #13**

**BELTRAMI COUNTY, MINNESOTA**

Adopted by Beltrami County Board of Commissioners on

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**ARTICLE I      PURPOSE, AUTHORITY, & POLICY**

**SECTION    1      PURPOSE & AUTHORITY**

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~~welfare, and safety of the public, and to protect the environment. This Ordinance is enacted pursuant to Minn. Stat. Chapters 400, 145, 115A and 116.

Be it further ordained and enacted, by the County Board of Commissioners of the County of Beltrami State of Minnesota, that this ordinance, to wit: County Ordinance 13, adopted by this act, hereby ~~replaces~~replaces, and nullifies existing County Solid Waste Ordinance Number 13, dated September 11, ~~1979~~1979, in its entirety as well as all amendments there to. Be it further ordained and enacted, that Beltrami County Ordinance Number 25 is hereby repealed in its entirety.

**SECTION    2      POLICY**

The policy of Beltrami 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~~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.

## ARTICLE II DEFINITIONS RULES & WORD USAGE

### SECTION 1 DEFINITIONS

Unless the context clearly indicates otherwise, the following words and phrases shall have the meanings ascribed to them in this Article. Unless specifically defined herein, terms used in this Ordinance shall have the same definition as provided in the Waste Management Act, Minn. Stat. § 115A.01, and if not defined there, shall have common usage meaning. For purposes of this Ordinance, the words "must" and "shall" are mandatory and not permissive.

**Acceptable Waste:** means those Solid Wastes that are not prohibited from Processing or disposal as defined by a Solid Waste Facility pursuant to local, State and federal laws and the requirements of the Facility.

**Agency:** means the Minnesota Pollution Control Agency.

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

**Apartment:** Individual units within a multiple unit dwelling. Each Unit is considered an individual apartment.

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

**Business Office Complex:** A building in which multiple businesses are located.

**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 fee for: handling, processing, transporting, ~~recycling~~recycling, and disposal.

**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~~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 Facility.

**Commercial Accounts:** means Solid Waste Management Services provided to any Commercial Site or parcel.

**Commercial Property:** means all property that generates waste within the County that is not defined as a Residential Property as determined by the County. Residential Property that has a separate Structure used just for Business will be considered Commercial Property.

**Commercial 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.

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

**Compost or Composting:** means the controlled microbial degradation of organic waste to yield a humus-like product.

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

**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~~~~governmental~~, and political subdivision 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.

**Construction and Demolition Debris:** means Solid Waste resulting from construction, remodeling, repair, erection and demolition of buildings, ~~roads~~~~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 pumping; sludge (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:** means Beltrami County, Minnesota.

**County Board:** means the Beltrami County Board of Commissioners.

**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.

**~~Department~~~~Division~~:** means the Beltrami County Solid Waste ~~Department~~~~Division~~.

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

**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 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 Facility.

**Garbage:** means 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:** means any Refuse, sludge, or other waste ~~material or~~ combinations of Refuse, sludge or other waste materials in solid, semisolid, liquid, ~~or contained~~ contained gaseous form which because of its quantity, concentration, or chemical, physical, or infectious characteristics may:

- A. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or
- B. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or ~~Disposed~~ disposed of, or otherwise managed. Categories of Hazardous Waste materials include, but are not limited to: explosives, flammables, oxidizers, poisons, irritants, and corrosives. Hazardous Waste does not include source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

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

**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~~ 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.

**Junk/Salvage Yard:** means land or buildings where discarded or salvaged materials are brought, purchased, sold, exchanged, stored, cleaned, packed, disassembled or handled, including but not limited to, scrap metal, rags, paper, rubber products, glass products, lumber products, and products resulting from the wrecking, dismantling of automobiles, boats, snowmobiles, or other vehicles, or used motor homes, which are to be resold for used parts or old iron, metal, glass or other discarded materials, for a period in excess of Six (6) months shall be considered a junk/salvage yard, whether maintained in connection with another business or not.

**Landlord:** Property Manager

**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~~ 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~~ period, specific person, and or a specific site in the County.

**Licensee:** means the Person who has been issued a license by the County to carry out any of the activities for which a license is required under the provisions of this Ordinance.

**Low Income Disabled Person:** Any person who is officially certified as disabled by the Social Security Administration and who receives a homestead credit on their real-estate property tax statement, and whose income is below the Federal Poverty Guidelines.

**Low Income Senior Citizen:** Any person age 65 or older who receives a homestead credit on their real-estate property tax statement, and whose income is below the Federal Poverty Guidelines.

**Major Appliance:** means clothes washers and dryers, ~~dishwashers, hot dishwashers, hot water heaters~~ 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.

**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~~ whether the waste has been rendered non-infectious.

**Mixed Municipal Solid Waste (MMSW):** means,

- A. garbage, Refuse, and other Solid Waste from residential, Commercial, 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, sludge, tree and agricultural wastes, Waste Tires, lead acid batteries, motor and vehicle fluids and filters, and other materials collected, processed, and ~~Disposed~~ disposed of as separate waste streams, **but does include Source-Separated Compostable Materials.**

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

**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.

**Operating License:** means the license required by this Ordinance.

**Operator:** means the Person responsible for the operation of a Solid Waste 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, unless 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. §115B.02;
- 2) Pollution of water as defined in Minn. Stat. §115.01; 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 Facility.

**Processing:** means the treatment of Solid Waste after Collection and before Disposal. Processing includes but is not limited to reduction, separation, exchange, resource recovery, physical, chemical, or biological modification.

**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:** means Solid Waste that is capable of rotting or is in a foul state of decay or decomposition.

**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 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:** 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.

**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 Minnesota Statutes section 18B.01, subdivision 18.

**Residential Property:** means property on which 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 is located. Unless specifically designated as seasonal residential recreational, all places of residence shall be considered ~~year-round~~year-round residences, even if occupied less than 12 months per year.

**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~~townhomes, none of which are used solely for commercial purposes.

**Seasonal Residential Recreational:** Places of residence (as defined as Residential Property) which are used for recreational purposes on a seasonal basis.

**Self-Hauler:** means a Person who transports their own Residential or Commercial Solid Waste for Solid Waste Management purposes.

**Service Area:** means a geographical area within the County, established by resolution of the County Board, to receive Solid Waste Management Services.

**Sharps:** Discarded items that can induce subdermal inoculation of infectious agents, including, needles, lancets, scalpel blades, pipettes, ~~an other~~and other items derived from human or animal patient care, blood banks, laboratories, mortuaries, research facilities, and industrial operation; and discarded glass or rigid plastic vials containing infectious agents.

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

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

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

**Solid Waste ~~Department~~Division or ~~Department~~Division:** means the Beltrami County Solid Waste ~~Department~~Division.

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

**Solid Waste Committee:** means a committee comprised of two Commissioners, County Administrator, Public Works Director, and Solid Waste ~~Administrator~~Director; authorized by the County Board to accomplish a specific Solid Waste Management objectives and oversight.

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

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

**Solid Waste Management Plan:** means the County Solid Waste Management Plan developed, adopted, and approved under Minn. Stat. §115A.46 or Minn. Stat. §473.149.

**Solid Waste 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 Facility, and response, as defined in Minn. Stat. §115B.02, to Releases from a Solid Waste Facility.

**Solid Waste Ordinance or Ordinance:** means the Solid Waste Ordinance adopted by Beltrami 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.

**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~~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~~Director 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:** are nonhazardous Solid Wastes that have been prohibited from disposal with Mixed Municipal Solid Waste or have had other specific management requirements prescribed by statute.

**State:** means the State of Minnesota.

**Transfer Station:** means an intermediate Solid Waste Facility in which Solid Waste collected from any source is temporarily deposited to await Transportation to another Solid Waste Facility, Minn. Rule 7035.2870

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

**Unacceptable Waste:** means those Solid Wastes that cannot be accepted at a Solid Waste Facility pursuant to local, State and federal laws, and the practices of the Solid Waste Facility.

**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~~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 that is regulated per Minn. Rules Chapter 9220.

**Waste Tire Processing Facility:** means a licensed Solid Waste 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.

**Yard Waste:** means garden wastes, leaves, lawn cuttings, weeds, and pruning generated at Residential or Commercial Properties.

**Yard Waste Facility:** means a facility used to compost yard waste.

## **SECTION 2 RULES, WORD USAGE**

**Masculine and Feminine Gender:** The masculine gender includes the feminine and neuter genders.

**Normal ~~Work-Days~~Workdays:** The days that County ~~Department~~Divisions 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.

## ARTICLE III GENERAL PROVISIONS

### SECTION 1 ~~DEPARTMENT~~DIVISION POWERS AND DUTIES

- 1.1 The Beltrami County Solid Waste ~~Department~~DIVISION (~~Department~~DIVISION) shall be responsible for the administration of this Ordinance. The ~~Department~~DIVISION's duties shall include, but shall not be limited to, the following:
- A. To implement this Ordinance and review and consider all initial license applications submitted to the ~~Department~~DIVISION for approval by the County Board for performance of Solid Waste Management Activities within the County, and after due consideration, the ~~Department~~DIVISION shall recommend ~~in-writing~~in writing, with documentation to the County Board, that a license be granted or denied.
  - B. To review and consider renewal license applications, except as otherwise provided in this Ordinance.
  - C. To inspect Solid Waste Management Activities as herein provided, to investigate complaints, and to identify violations of this Ordinance.
  - D. To report all violations to the Solid Waste Committee. If the alleged violation is considered to be a violation of this Ordinance the Solid Waste Committee will recommend necessary corrective action for the ~~Department~~DIVISION to administer. An authorized representative of the ~~Department~~DIVISION shall have the power to issue the following: Warning Notice, Notice of Violation, Abatement Notice, Embargo Orders, Administrative Penalty Order, and Stipulations Agreement of recitations for violations of this ordinance.
  - E. To recommend, when necessary, to the County Attorney's Office, that legal proceedings be initiated against a certain Person or Solid Waste Management Activity to compel compliance with the provisions of this Ordinance or to terminate the operation of the same.
  - F. To encourage and conduct studies, investigations and research relating to aspects of Solid Waste Management such as methodology, chemical and physical considerations, and engineering.
  - G. To advise, consult, and cooperate with other governmental agencies in the furtherance of the purposes of this Ordinance.

### SECTION 2 BOUNDARIES OF SERVICE AREA

Pursuant to Minn. Stat. § 400.08, subd. 2, the County establishes one Solid Waste Management Service Area, with its boundaries being coterminous with the boundaries of the County.

### SECTION 3 HIGHEST STANDARDS PREVAIL

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

### SECTION 4 JURISDICTION OF THE SOLID WASTE MANAGEMENT PLAN

Pursuant to Minn. Stat. § 115A.46, subd. 5, a public entity within the County may not enter into a binding agreement nor develop nor undertake a Solid Waste Management Activity that is inconsistent with the County Solid Waste Management Plan without the express consent of the County Board.

## SECTION 5 PLANNING & ZONING APPROVAL

Any use of land for Solid Waste Activities within the County shall comply with the applicable Local/City Zoning ordinances.

## SECTION 6 WAIVERS OR MODIFICATIONS

Due to the great variability in the types of Solid Waste and their existing and potential management methods, the Solid Waste ~~Administrator~~Director may in a written approval waive or modify the strict application of the provisions of this Ordinance by reducing or waiving certain requirements when, in the discretion of the Solid Waste ~~Administrator~~Director, such requirements are unnecessary or impractical, provided such a waiver or modification will not endanger the health, safety, and welfare of the public, or the environment. The ~~Department~~Division may impose additional requirements through specific license conditions on a Solid Waste Management Activity when deemed necessary to protect the health, safety, and welfare of the public, or the environment.

## SECTION 7 AGENCY APPROVAL

No modification or waiver may be granted if it would result in noncompliance with state and federal laws, unless such modification or waiver has been granted a variance by the Minnesota Pollution Control Agency.

## SECTION 8 ~~INDEMNIFICATION~~INDEMNIFICATION

To the fullest extent permitted by law, a Licensee shall indemnify the County, its officers, employees, agents, and others acting on their behalf, to hold them harmless, and to defend and protect them, from and against any and all loss, damage, liability, cost and expense (specifically including attorneys' fees and other costs and expenses of defense), of any sort whatsoever, based upon, resulting from, or otherwise arising in connection with any actions, claims or proceedings (of any sort and from any source whatsoever) brought, or any loss, damage or injury of any type whatsoever sustained, by reason of any act or omission of a Licensee, its officers, employees or agents, or any other Person(s) or entity(ies) for whose acts or omissions a Licensee may be legally responsible, in the performance of any of a Licensee's obligations (whether expressed or implied) under this Ordinance.

## SECTION 9 FINANCIAL ASSURANCE

A performance bond, letter of credit or other financial assurance consistent with county policy shall be required prior to issuances of any Licenses to engage in solid waste management activity.

## SECTION 10 NO CONSENT

Nothing contained in this Ordinance shall be deemed to be a consent, license, or permit to locate, construct, operate, or maintain any Solid Waste Management Activity, or to carry on any activity prior to issuance of a license, when a license is required hereunder.

## SECTION 11 FALSE INFORMATION

Intentional submission of false information shall be deemed a violation of this Ordinance.

## SECTION 12 DATA PRIVACY

The ~~Department~~Division shall ~~require that~~require that any data received by the ~~Department~~Division or any entity acting on behalf of the ~~Department~~Division shall be maintained in accordance with the provisions of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13.

## SECTION 13 SEVERABILITY

It is hereby declared to be the intention of the County Board that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional, invalid or unenforceable, such unconstitutionality, invalidity or

unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

## **ARTICLE IV WASTE ABATEMENT, STORAGE, COLLECTION, PROCESSING, & DISPOSAL**

### **SECTION 1 WASTE ABATEMENT**

#### **1.1 Purpose**

The purpose of this section is to abate the need for land disposal of solid waste by requiring the source-separation of yard waste to create a beneficial compost product and for recovery of recyclable materials to conserve natural resources and meet the state-mandated recycling goal. This section also requires the delivery of recyclable materials to a recycling facility and yard waste to a yard waste facility when on-site composting is not practiced.

#### **1.2 Prohibition of Yard Waste from the Mixed Municipal Solid Waste Stream; Management of Yard Waste and Recyclable Materials**

Yard waste shall not be placed in Mixed Municipal Solid Waste (MMSW). When aggregated for Collection, Yard Waste shall be placed in storage containers that are easily distinguishable from Mixed Municipal Solid Waste storage containers. Once source-separated, Yard Waste and Recyclable Materials shall not be recombined with Mixed Municipal Solid Waste.

##### **A. Yard Waste Management:**

Generators must manage Yard Waste by one of the following methods:

1. Mulching it and spreading it on the ground,
2. Composting it on-site; or
3. Transporting it to a permitted yard waste facility, either by self-hauling or by contract with a licensed Hauler.

##### **B. Recycling:** The recycling requirements of this Ordinance represent the minimum responsibility of Generators and do not limit the type or quantity of recyclable materials accepted by recycling facilities and haulers. Generators are encouraged to recycle additional items to achieve and surpass the recycling goal that is established by the County or State.

1. Residential Recycling: All residents are encouraged to recycle, either by self-hauling or by contract with a licensed hauler: newsprint, glass containers, organics, corrugated cardboard, aluminum cans and scrap metal. Owners and/or managers of multi-unit residential buildings who provide for collection of Mixed Municipal Solid Waste are encouraged to provide central collection locations for recyclable materials generated on their premises.
2. Commercial Site Recycling: Owners and/or managers are encouraged to recycle, either by self-hauling or by contract with a licensed hauler: newsprint, glass containers, organics, corrugated cardboard, aluminum cans and scrap metal.

##### **C. Ownership of Yard Waste and Recyclable Materials:** All Yard Waste and Recyclable Materials aggregated and offered for Collection shall remain the property and responsibility of the Generator until collected by a licensed Hauler or self-hauled to a Yard Waste Facility or Recycling Facility within Beltrami County, at which time they shall become the property of the licensed Hauler, Yard Waste Facility or Recycling Facility, respectively. No Person, other than the Generator or the designated licensed Hauler, shall take said materials after aggregated for collection.

### **SECTION 2 DEMOLITION DEBRIS MANAGEMENT**



- 2.1 All structures will ~~be have~~ have a pre-demolition inspection for problem materials prior to demolition per Minn. Rule 7035.0805. Reference the Beltrami County Website/Solid Waste for checklist.
- 2.2 Minnesota Pollutions Control Agency (MPCA) and National Emission Standards or Hazardous Air Pollutants (NESHAP) require a pre-renovation or demolition inspection to include an asbestos inspection for any institutional, commercial, public, industrial or residential structure, installation or building (This includes any structure or building containing condominiums or individual dwellings operated as a residential cooperative, but excluding residential buildings having four or fewer dwelling units). Refer to the MPCA website for the most updated information.
- 2.3 Common wastes that must be removed before demolition: Appliances, Asbestos, Electronics, Environmental and safety controls, Hazardous Waste, Lead-containing items, Lighting Components, Oils, Refrigerants and halons, Solid Waste, Submersible well pumps.
- 2.4 All demolition Debris must be brought to a permitted facility.
- 2.5 Burnt Demolition Debris must be brought to a permitted Lined Landfill or a MPCA Permit by Rule Demolition Disposal Facility Application must be filled out and approved by local and state agencies. (Land used as Permit for Rule Demolition Facility needs to be recorded on the Property's Deed).

### SECTION 3 STORAGE & COLLECTION

#### 3.1 Purpose

This section governs the storage, collection, and transportation of solid waste generated within the County, including but not limited to mixed municipal solid waste, yard waste and recyclable materials. This section also governs curbside collection and all persons collecting and transporting solid waste within the County.

#### 3.2 Storage

Property owners and managers shall maintain their open areas free of Solid Waste accumulations unless the solid waste is stored in an acceptable container as specified in this Ordinance, to preclude the development of vectors, a n d odors, or become Public Health Nuisance. Ref: Minn. Rules 7035.0700, and 7035.2855.

- A. The owner, lessee and occupant of any premises, business establishment or industry shall be responsible for the satisfactory storage of all solid waste accumulated at that premise, business establishment, or industry. No building, structure, area, or premise shall be constructed or maintained for human occupancy, use, or assembly without adequate facilities for sanitary and safe storage, collection, transportation, and disposal of all solid wastes.
- B. Putrescible waste, including but not limited to garbage, shall be stored in:
  1. durable, rust-resistant, non-absorbent, water-tight, rodent-proof, easily cleanable containers with close-fitting, fly-tight covers, and having adequate handles to facilitate handling, or
  2. Other types of containers acceptable to the solid waste collection service, in compliance with pertinent statutes, Agency regulations, and approved by the Solid Waste ~~Administrator~~Director. The size and allowable weight of the containers may be determined by the solid waste collection service as approved by the Solid Waste ~~Administrator~~Director.
  3. Solid waste shall be stored in durable containers or as otherwise provided in this ordinance. Where putrescible wastes are stored in combination with non-putrescible wastes, containers for the storage of the mixture shall meet the requirements for putrescible waste containers.
  4. Toxic or hazardous wastes shall be stored in durable, leak-proof containers which are labeled with a description of the chemical composition of them substance stored therein. Such wastes shall be stored in a safe location and in compliance with the requirements of pertinent statutes, Agency regulations, and this ordinance.

5. Solid waste objects or materials too large or otherwise unsuitable for storage containers shall be stored in a manner which is pollution-free, nuisance-free, and satisfactory to the Solid Waste ~~Administrator~~Director.
  6. All storage of solid waste shall conform to all pertinent statutes and Agency regulations. Nothing in this section shall be construed to permit non-compliance with those statutes and regulations.
- C. Construction Sites: Any solid waste generated at construction sites shall be placed in acceptable containers as specified in this Ordinance. No burning, burying or dumping of solid waste generated at construction sites shall occur at locations other than licensed solid waste management facilities. Generators of solid waste at construction sites over 10,000 square feet (SF) will ensure source separation is done on site. Construction sites under 10,000 SF are strongly encouraged to source separate material to be recycled or reused.
1. Source Separation means the following materials will be separated on site and stored in separate containers at construction sites over 10,000 SF:
    - a. Cardboard/Fiber/Type 1 and 2 Plastic
    - b. Shingles
    - c. Concrete
    - d. Wood/Demolition Debris
    - e. Scrap Metal/Wire
    - f. Special and Hazardous Waste
    - g. MSW
- D. Motor vehicles batteries must be recycled and are considered a hazardous waste.
- Motor vehicle batteries must be stored upright in a plastic leak proof containers to prevent damage and leaking of acid.
- E. Used Oil and filters:
- A person may not knowingly in accordance ~~to~~with Minnesota Statute §115A.916, place motor oil, brake fluid, power steering fluid, transmission fluid, motor oil filters and motor vehicle antifreeze:
1. in solid waste or in a solid waste facility other than a recycling facility or a household hazardous waste collection facility;
  2. in or on the land, unless approved by the agency;
  3. in or on the waters of the State, in a subsurface sewage treatment system or in a storm water or ~~waste water~~wastewater collection or treatment system
- F. Electronics:
1. A person may not knowingly place in mixed municipal solid waste an electronic product (E-Waste) containing a circuit board or cathode-ray tube (CRT)
  2. Electronics may not be stored for more than one year at a facility.
  3. Electronics must be stored to keep out precipitation and prevent damage and the release of hazardous components.
- G. Medical Waste:

1. Must be separated into 3 categories (Infectious, Non-Infectious, Hazardous).
  - a. Infectious Waste is considered Regulated Waste and is prohibited from entering the Beltrami County Solid Waste System.
  - b. Infectious Waste disposal requires a ~~Bio-Hazard~~Biohazard permitted facility and hauler.

H. Sharps:

1. A person shall not place sharps with recyclable materials.
2. Check with your local medical facility to see if they have a program to accept public sharps.
3. Sharps, except those generated from a household or from a farm operation or agricultural business:
  - a. Must be placed in puncture-resistant containers
  - b. May not be compacted or mixed with other waste material ~~whether or not~~whether the sharps are decontaminated unless it is part of an infectious waste decontamination process approved by the commissioner of the Pollution Control Agency that will prevent exposure during transportation and disposal
  - c. May not be disposed at a refuse-derived fuel facilities or at other facilities where waste is hand sorted.

**3.3 Solid Waste Storage Containers**

While being accumulated and stored for collection and transportation to a licensed solid waste management facility, solid waste shall be stored in reusable, covered containers (e.g., cans, dumpsters, compactors, roll-off containers, etc.) that are rust, impact, vermin, and leak resistant. When aggregated for collection, yard waste and recyclable materials shall be placed in storage containers that are easily distinguishable from mixed municipal solid waste storage containers. Plastic bags designed for collection of manageable quantities of solid waste shall only be used for temporary storage and may only be placed outdoors for collection no sooner than the evening prior to the scheduled collection day.

**3.4 Mixed Municipal Solid Waste Storage in Vehicles**

Mixed municipal solid waste shall be removed from hauler collection or transportation vehicles at least every forty-eight (48) hours, except when allowed by the Solid Waste ~~Administrator~~Director.

**3.5 Collection**

Every construction, commercial and residential Site in the County, except self-haulers, shall engage a licensed hauler for the collection of solid waste per Minn. Rule 7035.0800.

A. Collection Charges:

Haulers shall establish charges for the collection of mixed municipal solid waste on a volume or weight basis to provide generators the financial incentive to reduce their production of mixed municipal solid waste.

B. Curbside Collection:

Haulers must provide curbside services for the collection and transportation of mixed municipal solid waste, recyclables and yard waste to those generators wishing to contract for such services. Generators utilizing the services of a hauler may place acceptable ~~containers—of~~containers of mixed municipal solid waste,

recyclable materials or yard waste at the curb or collection site no sooner than the evening prior to scheduled collection and generators must remove the empty containers the same day as collection.

C. Secure all Loads:

A person who collects or transports solid waste must do so in a safe and sanitary manner and must secure all loads ~~so as to~~ prevent escape of any waste material during transportation.

D. Collection Frequency:

Solid waste aggregated for collection must be collected regularly to preclude the development of odor, ~~vector~~vector, and public health nuisance problems. Putrescible materials must be collected, at a minimum, every two weeks.

E. Title to Non-Hazardous Mixed Municipal Solid Waste:

Title to non-hazardous mixed municipal solid waste shall remain with the generator until released to a licensed hauler or by self-hauling to a licensed Facility. In cases where a generator chooses not to utilize a licensed solid waste management facility, title to the non-hazardous mixed municipal solid waste and its associated environmental liability shall remain with the generator.

## SECTION 4 PROCESSING & DISPOSAL

### 4.1 Purpose

This section governs the processing and disposal of solid waste and regulates solid waste accumulations within the County.

### 4.2 Yard Waste

A. On-Site Yard Waste Composting

On-site compost sites are allowed if the site is managed in such a manner to prevent annoying odors, public health nuisances, or unsafe conditions. Compostable organic materials suitable for backyard compost sites include: yard waste, straw, vegetable and fruit scraps, coffee grounds and filters, and eggshells. The County accepts the methods and guidelines published by the University of Minnesota Extension Service as suitable for on-site composting. On-site composting that does not comply with these methods and guidelines is not permitted.

B. Permitted Yard Waste Facilities

Yard Waste Facilities located in the County, except on-site compost sites, shall comply with the license requirements in this Ordinance.

### 4.3 Recyclable Materials

Recycling Facilities must comply with the requirements of Minnesota Rules Part 7035.2845, as amended from time to time, and a license for recycling facilities is required by this Ordinance. Recycling facilities must operate in accordance with the provisions outlined in this Ordinance and Minnesota statutes and regulations.

### 4.4 Mixed Municipal Solid Waste (MMSW)

Generators shall dispose of mixed municipal solid waste at a permitted solid waste facility and if the facility is within the County, licensed by the County. Generators shall either utilize the collection services of a licensed hauler or self-

haul their own mixed municipal solid waste to a licensed and permitted solid waste facility. Commercial and residential MMSW can't be comingled unless the volume of the commercial waste is tracked and reported to the ~~Department~~Division.

#### 4.5 Industrial Solid Waste

Generators ~~must have~~ are responsible for identifying, ~~characterizing~~characterizing, and properly managing the Industrial Solid Waste that they produce. Commercial Sites must complete a generator questionnaire and send it to the Beltrami County Solid Waste.

#### 4.6 Unacceptable Waste, Problem Materials and Special Waste

- A. State and federal laws or regulations prohibit the processing and/or disposal of some types of solid waste. Regulations also restrict the processing of other materials or waste types because they may present an operational hazard to a solid waste management facility. Each solid waste facility shall identify its own list of unacceptable wastes, problem materials and special wastes. This list shall identify which waste types cannot be accepted under any circumstances, as well as those waste types that may require special handling and/or need approval prior to delivery.
- B. This list shall be posted at the Facility and a copy provided to the County. Generators are responsible for identifying any unacceptable waste, problem materials, and/or special wastes, that they produce and for adhering to facility-specific requirements for disposal.
- C. Unacceptable Waste that is left/discarded at a Public Solid Waste Facility without the approval of the ~~Department~~Division will be subject to a Minimum of \$250.00, and no more than five times the costs incurred by the County or political subdivision to remove, process, and dispose of the waste.

#### 4.7 Delivery of Acceptable Waste

Each person shall deliver only acceptable waste to a solid waste facility. A facility shall not be required to accept any solid waste that constitutes unacceptable waste and may, at its discretion, inspect all vehicles delivering solid waste to determine ~~whether or not~~whether the solid waste contains unacceptable waste. The obligation of each person not to deliver unacceptable waste to a facility shall not be removed or in any way limited by an inspection of such Person's solid waste. Notwithstanding any prior acceptance of such solid waste as acceptable waste by a facility, if the facility, in the exercise of its reasonable judgment, identifies the presence of unacceptable wastes, problem materials, and/or special wastes, the facility may reject the solid waste and the person shall remove the rejected materials for proper management and disposal at a permitted facility. All costs of such removal, management, and disposal shall be borne by the Person. Furthermore, if the presence of unacceptable wastes, problem materials and/or special wastes poses immediate operational difficulties for a facility or if the person fails to respond to a removal request, the facility may remove and dispose of the unacceptable wastes, problem materials, and/or special wastes and charge the costs of such removal, disposal and special handling to the person.

#### 4.8 Prohibitions

- A. Solid Waste Burning: Open burning of solid waste is prohibited by this Ordinance, except as the site, date and time of the fire is specifically authorized by the U.S. Forest Service or pursuant to Minnesota Statute Chapter 88.
- B. On-site disposal of solid waste: It is a violation of this Ordinance for any person to dispose of solid waste, excluding residential yard waste, on their property without a permit. The owner of any such site shall prevent disposal of solid waste at the site and if ~~necessary~~necessary, take corrective actions to appropriately close and clean-up the site, as determined by the County and/or the Agency. The existence of an unlicensed solid waste site shall be reported to the Solid Waste ~~Administrator~~Director upon discovery.

C. Unauthorized Container Use:

It shall be illegal to use another Person's solid waste storage container, inspect its contents, or remove its contents unless provided prior authorization by the owner or lawful custodian of the container.

D. Littering:

1. It is a violation of this ordinance for a person who unlawfully places any portion of solid waste in or on public or private lands, shore lands, roadways, solid waste transfer sites, or waters without cleaning or picking it back up is subject to a civil penalty of not less \$250 and no more than five times the costs incurred by the County or political subdivision to remove, process, and dispose of the waste.
2. A state agency or political subdivision that incurs costs as described in this section may bring an action to recover the civil penalty, related legal, administrative, and court costs, and damages for injury to or pollution of the lands, shore lands, roadways, infrastructure, or waters where the waste was placed if owned or managed by the entity bringing the action.

## **ARTICLE V SOLID WASTE MANAGEMENT SERVICE CHARGES**

The following provisions are enacted pursuant to Minn. Stat. §400.08, which authorizes the County to create and to impose service charges within the County's jurisdiction for solid waste management services. All service charge payees shall pay a service charge for solid waste management services. Said service charge shall be in an amount set forth in the County Fee Schedule.

### **SECTION 1 PURPOSE AND AUTHORITY**

The purpose of this Article is to establish methods of collection of service charges to fund certain solid waste management services intended to protect the public health and welfare and the environment pursuant to State mandates governing solid waste management.

### **SECTION 2 GENERAL SERVICE CHARGE PROVISIONS**

#### **2.1 Solid Waste Management Service Charge**

A solid waste management service charge may be imposed for solid waste management services provided within the service area. Generators shall pay the solid waste management service charge imposed in the manners set forth herein in amounts as established by the County Board. Solid waste management service charge rates shall be just and reasonable. A copy of the current rate schedule shall be kept on file in the ~~Department~~Division. In establishing or revising the rate schedule, the County Board may ~~take into account~~consider all factors relevant to solid waste management. Such factors include, but are not limited to: the character, kind and quality of service required to handle solid waste; the method of disposition; the number of people served at each place of collection; and all other factors that enter into the cost of providing service including, but not limited to depreciation and payment of principal and interest on money borrowed by the County for the acquisition and betterment of solid waste management facilities; public education; recycling programs; household hazardous waste management; and solid waste management facility operating costs.

#### **2.2 Procedures for Establishing the Amount of Solid Waste Management Service Charge**

The County Board shall act to impose and establish the amount of the solid waste management service charge, as well as the method or methods of collection, by ordinance following a public hearing, and shall state the effective date of the solid waste management service charge.

#### **2.3 Procedures for Adjusting the Amount of Solid Waste Management Service Charge**

The Board may adjust the amount and method or methods of collecting the solid waste management service charge by ordinance following a public ~~hearing, and~~hearing and shall state the effective date of the adjusted solid waste management service charge. There shall be a minimum thirty (30) day period prior to the effective date of such adjustment. The Beltrami County Board may, by resolution, revise the solid waste management service charge when deemed advisable, after public hearing, upon 10 day's published notice.

#### **2.4 Methods of Billing and Collection**

The County may use one or both of the following methods of billing and collecting the solid waste management service charge:

- A. A per parcel Service Charge collected through an assessment payable with the real estate taxes;
- B. A service charge collected by Beltrami County Solid Waste that is based on the amount of solid waste generated.

### **SECTION 3 RESIDENTIAL SERVICE CHARGE**

#### **3.1 Per Parcel Charges for Residents**

- A. The County Auditor shall each year assess a solid waste management service charge per parcel payable with real estate taxes. The service charge shall be per the amount listed in County Fee Schedule for residential parcels with a livable structure location on the property.
- B. On or before October 15th of each year, the County Board shall certify to the County Auditor all unpaid outstanding per parcel charges and a description of the lands against which the charges arose. It shall be the duty of the County Auditor, upon order of the County Board, to extend the assessments with interest rate provided for in Minn. Stat. § 279.03, subd. 1, upon the tax rolls of the County for the taxes of the year in which the assessment is filed. For each year ending October 15th, the assessment with interest shall be carried into the tax becoming due and payable in January of the following ~~year, and year and~~ shall be enforced and collected in the manner provided for the enforcement and collection of real property taxes in accordance with the provisions of the State of Minnesota. The charges, if not paid, shall become delinquent and be subject to the same penalties and the same rate of interest as the taxes under the general laws of the state. Unpaid charges on tax exempt properties may be collected in small claims court or through such other means as may be approved by the County Attorney.
- C. The residential service charge for seasonal homes, cabins, hunting shacks, and all low-income senior citizens and low-income disabled, as defined in this Ordinance, shall be reduced to the rates set forth in the County Fee Schedule.

### **SECTION 4 COMMERCIAL SITE SERVICE CHARGE**

#### **4.1 Commercial Site Service Charge Collection by Beltrami County Solid Waste**

- A. The County Auditor shall each year assess all residential or non-residential properties with a commercial site located on the property a commercial solid waste management Tier 1 service charge per parcel payable with real estate taxes.
- B. On or before October 15th of each year, the County Board shall certify to the County Auditor all unpaid outstanding per parcel charges and a description of the lands against which the charges arose. It shall be the duty of the County Auditor, upon order of the County Board, to extend the assessments with interest rate provided for in Minn. Stat. §279.03, subd. 1, upon the tax rolls of the County for the taxes of the year in which the assessment is filed. For each year ending October 15th, the assessment with interest shall be carried into the tax becoming due and payable in January of the following ~~year, and year and~~ shall be enforced and collected in the manner provided for the enforcement and collection of real property taxes in accordance with the provisions of the State of Minnesota. The charges, if not paid, shall become delinquent and be subject to the same penalties and the same



rate of interest as the taxes under the general laws of the state. Unpaid charges on tax exempt properties may be collected in small claims court or through such other means as may be approved by the County Attorney.

- C. As a condition of maintaining a commercial hauling license, each Hauler shall report each month solid waste volumes (Weight and/or Yards) hauled for all commercial sites to whom they provide hauler services, to Beltrami County Solid Waste according to the provisions established herein.
- D. The service charge is imposed on the amount of solid waste generated annually, in the previous year, and shall be collected by Beltrami County Solid Waste according to County Fee Schedule.
- E. If a commercial site does not pay the service charge directly to Beltrami County Solid Waste, Beltrami County Solid Waste may directly bill the owner of the property on which the Solid Waste was generated.
- F. All non-residential or commercial sites that claim they generate zero Solid Waste will still be subject to the minimum Solid Waste (Tier 1) fee as indicated on the County Fee Schedule and all other provisions of this Ordinance, unless they can prove they generate zero waste to the Solid Waste ~~Department~~Division.

#### **4.2 Recalculation of Service Charge**

If the County determines, after review of the commercial hauler reports, or upon failure of a hauler to submit the commercial hauler reports, or that the hauler has not supplied the appropriate information, the County may recalculate the service charges in accordance with this subsection. If the County finds that the information supplied by the hauler is inaccurate, ~~incomplete~~incomplete, or understated, the County may determine an appropriate amount for the service charge and make the service charge due from the hauler. The County shall send the hauler a notice, by U.S. Mail, setting forth the recalculated service charge amount. The notice shall include a statement of reasons why the service charge has been recalculated. The County may base the recalculation on information in County records or on any data currently or previously supplied by the hauler. The written notice shall be deemed received by the hauler three (3) days after the date of mailing.

#### **4.3 Examination of Records**

The County or its duly authorized agents shall have the right to examine records, including access to computer records, maintained by a Hauler. The term "record" shall include, but is not limited to, all accounts of a Hauler. The County shall be allowed access at all reasonable times to inspect and copy at reasonable cost all business records related to a hauler's collection, transportation, and/or disposal of solid waste to the extent necessary to ensure that all service charges required to be collected from solid waste generators have been remitted to the County. Such records shall be maintained by the hauler for no less than six (6) years.

#### **4.4 Late Payment**

A late payment penalty in the amount of one and one-half of one percent (1.5%) per month, or the maximum interest rate allowed by law, shall be imposed upon service charges not collected from the generator by the solid waste ~~department~~Division. If Beltrami County solid waste fails to collect the service charge from the generator, the property owner shall pay the generator's service charge plus the late payment penalty. The late payment shall be calculated from the date the service charge should have been due.

#### **4.5 Collection Actions**

- A. Exercise of any remedy under this subsection does not preclude exercise of other remedies.
  - 1. If a generator of solid waste, hazardous waste fails to pay the service charge to Beltrami County Solid Waste in a timely manner, the County may use any available legal remedies to collect the overdue, unpaid service charges from the generator, including, but not limited to, the process to collect the service charge via the property tax pursuant to 3.1.B, above.

2. If a self-hauler fails to pay the service charge to the County in a timely manner, the County may use any available legal remedies to collect the service charge from the self-hauler.
3. Unpaid service charges may be collected from tax-exempt properties as otherwise provided in this Ordinance.
4. Legal action including, but not limited to, conciliation court may be used to collect debts owed by parties not residents of Beltrami County.

#### 4.6 Right of Appeal

Any person or generator aggrieved by a decision of the County in accordance with the provisions of this Article shall have the right to appeal the decision by serving the County Board with a request for hearing. The request for hearing must be received within thirty (30) days after the person or generator receives written notice of the decision. If the person or generator fails to request a hearing within the time prescribed, the person or generator shall forfeit any right to a public hearing. Upon receipt of a written request for a hearing, the Board shall follow the hearing procedures set forth in Article VIII, Section 3.

#### 4.7 Returned Check/ACH Policy

If a payment instrument used to pay a debt to Beltrami County Solid Waste is returned for any reason by the Payer's financial institution, the following steps will be taken:

- A. The Beltrami County Solid Waste ~~Department~~Division will attempt to reach the customer by phone to arrange payment of the debt.
- B. If the check writer confirms funds are now available, the check will be presented to the bank for processing a second time.
- C. If the check is returned a second time, a certified demand for payment letter will be sent, requiring payment of the debt, certified fees, and a \$30.00 returned check fee.
- D. If payment by cash or bank money order is still not received, the debtor will be sued in Conciliation Court.

### SECTION 5 SOLID WASTE REGISTRATION

#### 5.1 Commercial Site Registration

- A. All commercial sites are assumed to produce waste. Service charge payees shall, within 30 days of the establishment of this Ordinance, or the establishment of a commercial site, whichever is later, register with the Solid Waste ~~Department~~Division. (Forms can be found on the County Website/Solid Waste or picked up at the Solid Waste ~~Department~~Division)
- B. Upon the filing of the registration form, and Generator Questionnaire, the Solid Waste ~~Administrator~~Director may establish the appropriate classification for such payee, or the payee shall be direct invoiced monthly until the proper classification can be determined. Once determined, the appropriate classification will be set in accordance with the County Fee Schedule. The payee may be billed quarterly, or monthly, depending on the classification as contained in the County Fee Schedule.
- C. ~~In the event that~~If a commercial site fails to register as required by this section, the Solid Waste ~~Administrator~~Director shall register and assign a classification from the County Fee Schedule to the business/commercial site. Classification assignment may be by comparisons of like businesses, records of weights at the transfer station, or commercial hauler records. Notification of the regulations and the classifications assigned shall be given to the establishment in writing.

- D. The classification may be changed if, in the opinion of the Solid Waste ~~Administrator~~Director, the current classification is inconsistent with the amount of solid waste ~~actually-beingbeing~~ generated by the establishment. A commercial site service fee Payee may request a change if he/she believes that the current classification is inconsistent with the actual amount of solid waste being generated for the affected property. A commercial site service fee Payee must submit documentation of collection dates and recorded weights of solid waste collected along with a request for change.
- E. If a commercial site/business is operated from a structure or building separate from the primary residence at a property classified primarily as residential, that business will be required to register as a commercial site/business entity.
- F. If your commercial site is a service business where your customers are producing solid waste, you, as the business owner, will be responsible for providing commercial solid waste collection service for those customers.

## 5.2 Complex, or Multi-Tenant Building, Registration

- A. Where there are multiple business offices located in one building, the landlord must register as a Business Office Complex on such forms as provided by the Solid Waste ~~Department~~Division. At the time of registration, and annually thereafter, the landlord of a complex will be required to notify the Solid Waste ~~Department~~Division of all non-residential tenants in the multi-unit building and the corresponding percentage of total building trash generated by each individual business using a shared dumpster.
- B. The Complex must have commercial licensed solid waste collection service to provide dates, time and weight of solid waste collection from the business complex.
- C. The Complex may also require each tenant in their building to hire their own commercial licensed solid waste collection service.
- D. If waste generated by the Complex exceeds the combined classifications assigned to all building tenants, the classifications shall be adjusted according to the County Fee Schedule.
- E. All offices located in the multi-tenant building are required to submit a Commercial Site Solid Waste Registration Form.
- F. Once all offices in a multi-tenant complex have registered with the Solid Waste ~~Administrator~~Director, classifications will be assigned to each individual business based on the percentage of total building waste generated by each individual tenant, in accordance with the County Fee Schedule.
- G. The business office complex has the option of paying the solid waste fees for all tenants in the building, or, having each business invoiced directly for their percentage of waste.

## 5.3 Out of Business

In the event of the transfer of ownership, or the cessation of the operation of a non-residential entity, the Service Charge Payee shall notify the Solid Waste ~~Department~~Division in writing within 30 days of the transfer of ownership or cessation of said operation. The service charge shall continue until such notification is received.

**ARTICLE VI                    HAULER LICENSING PROVISIONS**

**SECTION 1                    LICENSE REQUIRED**

**1.1        General**

- A. 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 license to do so by the DepartmentDivision as specified in this Article, per Minn. Statute 115A.93. This Article does not apply to Residential Self-Haulers providing the solid waste is not comingled with Commercial Site; or to the transportation of solid waste through the County.
- B. A designated hauler shall deliver burnable and non-burnable mixed municipal solid waste to a Polk County Permitted Disposal Facility under that County's account, with no fee charged to the Licensee.
- C. Burnable Mixed Municipal Solid Waste shall not be mixed with the same materials from one or more other Counties, unless the MSW is weighed separately before it becomes mixed.
- D. All waste must be delivered to an MPCA Permitted Facility and approved by this departmentDivision.
- E. No other person with a Local Haulers License shall deliver burnable mixed municipal solid waste to the aforementioned facilitiesfacilities under the County's account.

**1.2        Temporary Hauler Permit**

A temporary hauler permit may be issued by the DepartmentDivision 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 permitted disposal facilities located with-in Beltrami County or other designated permitted site outside the County cited in on the application.

**1.3        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 a licensed disposal site without additional licensure, provided they possess the equipment necessary to comply with applicable local, ~~state~~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~~permits for transportation of solid waste, including asbestos containing materials to a permitted solid waste facility shall be valid for the term stipulated in the license.
- C. **ADVANCE NOTICE OF ASBESTOS DELIVERY:** A ~~72-hour~~72-hour notice shall be provided to any permitted 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.

#### 1.4 Materials Subject to Haulers License or Temporary Hauler

##### A. PERMIT

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

- 1. Mixed Municipal Solid Waste
  - 2. Industrial Solid Waste
  - 3. Construction and Demolition Materials
  - 4. Source-Separated Compostable Materials
  - 5. Asbestos-~~Containing Materials~~Containing Materials
  - 6. Contaminated Soils
- B. Specific materials exempted from Hauler License or Temporary Hauler Permits include:
- 1. Industrial Byproduct for Land Application
  - 2. Special Waste Materials (Appliances, E-Waste, Tires, HHW, Fluorescent Bulbs, etc.)
  - 3. Special Burns (Pharmaceuticals, Controlled Substance, Special Burns)
  - 4. Yard Waste, Trees, Brush, Stumps.
  - 5. Agricultural Commodities
  - 6. Uncontaminated Earthen Materials
  - 7. Other specific materials exempted by the ~~Administrator~~Director

## SECTION 2

## LICENSE REQUIREMENTS

### 2.1 Haulers shall comply with the following license requirements.

- A. License Application: The hauler shall submit a completed application to the County on a form provided by the ~~Department~~Division or found on the Beltrami County Website/Solid Waste.
- B. License 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 shall be established by 1 October of each year by the County Board. No license fee shall be prorated for a portion of a year and no License fee shall be refunded.
- C. 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 a license application is incomplete or otherwise does not conform to the requirements set forth in this Ordinance, the ~~Department~~Division shall advise the applicant of the reasons for not processing the application and may request that the applicant resubmit, modify, or otherwise alter the application.
- D. License Term and Renewal
  - 1. Unless otherwise provided by the County Board, the term of a 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~~suspended or revoked.
  - 2. License renewal applications must be submitted to the ~~Department~~Division by 15 December of each year. License renewal applications received after that date shall be subject to a late fee.
- E. Temporary Hauler Permit Term and Renewal
  - 1. Unless otherwise provided by the Solid Waste ~~Administrator~~Director, 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.
  - 2. The permit shall be for a single project, hauling waste generated from a single location specified in the application.
  - 3. The applicant may apply for a permit for more than one project, regardless of whether the project is consecutive or concurrent.
  - 4. The permit shall not be transferred, ~~conveyed~~conveyed, or provide coverage to any other entity other than the applicant named in the application – including any subcontractor employed.
  - 5. If the term of a permit extends into the next calendar year, the permit shall be valid for the term stated in the application.
- F. Hauler License Term and Renewal
  - 1. 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~~suspended, or revoked.
  - 2. License renewal applications must be submitted to the ~~Department~~Division by December 1st of each year, unless otherwise specified by the ~~Administrator~~Director in writing. License renewal applications received after that date shall be subject to a late fee.

3. The County Board may continue a license for ~~a period of time~~ a period which extends beyond the normal expiration date upon written notice.
4. 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~~ granted and maintains that compliance throughout the extension term.
5. The County shall provide a reasonable ~~period of time~~ period for an applicant to submit a completed application for License renewal prior to the expiration of the continued Haulers License.

G. License Non-Transferable

Licenses granted by the ~~Department~~ Division under this section are not transferable to other Persons.

H. Vehicles Licensed

All vehicles used for the collection and transportation of solid waste in the County shall be listed on the license 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~~ Division and shall not use the vehicle until the ~~Department~~ Division has issued a permit for that vehicle.

### SECTION 3 INSURANCE REQUIREMENTS

The hauler shall obtain, maintain, and submit with the license 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~~ Division of Commerce providing equivalent coverage:

#### 3.1 Worker's Compensation Insurance

- A. A worker's compensation insurance shall ~~be in compliance with~~ follow 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~~ Division an affidavit of sole proprietorship in a form acceptable to the ~~Department~~ Division.

#### 3.2 General Liability

- A. 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~~ 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.

### 3.3 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~~ 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.

### 3.4 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.

### 3.5 Evidence of Insurance

A Licensee shall promptly provide the Department/Division 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/Division 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/Division may reasonably ~~request, and~~ request and shall contain sufficient information to allow the Department/Division to determine whether there is compliance with these provisions. At the request of the Department/Division, the Licensee shall, in addition to providing such evidence of insurance, ~~promptly furnish~~ promptly furnish the Department/Division 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/Division 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.

### 3.6 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/Division. 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/Division 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/Division 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.



### 3.7 Loss Information

At the request of the ~~Department~~Division, 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~~Division may reasonably require.

## SECTION 4 EQUIPMENT & OPERATIONS REQUIREMENTS

### 4.1 Equipment Requirements

All solid waste collection and transportation vehicles shall be easily cleanable, leak-proof, and be covered with metal, canvas, or a fishnet type material while in transit.

### 4.2 Maintenance

The Licensee shall maintain all solid waste collection and transportation vehicles in a safe and sanitary ~~manner, and 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.

### 4.3 Labeling

- A. Each vehicle used by a hauler for the collection or transportation of solid waste shall be identified by a license issued by the ~~Department~~Division for that vehicle for the current license year. The hauler must permanently affix the ~~license number on the driver's decal in a conspicuous place on the left side of the vehicle door vehicle~~ for which it was issued. The hauler must maintain the license year decal so that it ~~is readily visible and legible at all times~~ is always readily visible and legible. Any vehicle not bearing the required decal shall be considered unlicensed.
- B. 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 two (2) 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.

### 4.4 Inspection

The ~~Department~~Division may inspect and approve all solid waste collection and transportation vehicles, equipment and containers utilized to provide service in the County.

### 4.5 Storage

Once collected Licensee shall not allow solid waste to remain or be stored in any collection or transportation vehicle, including roll-offs and other detachable containers, ~~in excess of more than~~ 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.

### 4.6 Protecting Private Property

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

### 4.7 Smoking, Smoldering or Burning Solid Waste

The Licensee may not collect or transport solid waste that are smoking, smoldering, or burning.

#### **4.8 Dumping in an Emergency**

The Licensee 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~~Division 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~~Division.

#### **4.9 Hours of Operation**

The Licensee may not collect or transport solid waste from residential property or residential buildings before 6:00 a.m. or after 9:00 p.m.

#### **4.10 Yard Waste Collection**

A. Haulers shall only accept yard waste that meets the following criteria:

1. 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
2. Is in a container that is not collected with the yard waste.

#### **4.11 Prohibited Wastes**

- A. 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.915), 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, E-Waste (Electronics), Waste Tires, Major Appliances, Demolition Debris, Telephone Directories, and Medical Waste.
- B. All loads of MSW brought in by anyone to the Bemidji transfer station shall be subject to inspection while unloading as well as after leaving the facility. Should unacceptable materials be discovered on the tip floor, the first time the party will receive a written warning letter which shall state date, time and what unacceptable material was found.
- C. The second time anyone hauls in unacceptable materials after having been given a written warning shall be sent a violation notice. The violation notice will state, date, time and identify unacceptable materials found in the load. The person hauling in a second load shall be held fully responsible for all expense involved in the proper handling and disposal of all identified unacceptable material items brought into the facility.
- D. The third time anyone who hauls unacceptable materials into the facility and has been given a violation notice for such shall have their load thoroughly inspected before or after dumping on the tip floor of the facility. All employee time shall be billed to the hauler to offset ~~any and all~~ cost in removal, proper handling and disposal of unacceptable materials brought into the facility for disposal. This may also result in the revoking of any future rights to haul into this facility.

#### **4.12 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.

#### **4.13 Providing Recycling Opportunities**

At least once each year licensed Haulers shall provide specific information concerning recycling opportunities available to their customers.

#### **4.14 Hauler-Imposed Collection Fees**

- A. A hauler-imposed fees for the collection of mixed municipal solid waste in the County shall increase with the volume or frequency 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~~source separated organic material (~~SSOM~~) 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 5 REPORTING REQUIRED**

A Hauler must keep records and report to the ~~Department~~Division, and Agency (per Minn. Statute 115A.93) information relating to the collection, processing and disposal of solid waste collected by the hauler. The information shall be reported to the ~~Department~~Division monthly for commercial sites volumes (NLT 5 business of the next month) and yearly totals by waste ~~type~~-type (NLT 15 February of the following year).

#### **5.1 Temporary Permit Reporting:**

- A. The permittee shall report within fifteen (15) calendar days upon completion or expiration of a temporary permit, whichever occurs first, the following information:
- B. Location at which the waste was generated
- C. Type(s) of materials hauled
- D. Location(s) of disposal facilities in which materials from project were hauled
- E. Physical address and permit number of each disposal facility used
- F. Quantity of material(s) hauled to each disposal facility

#### **5.2 Changes**

- A. Licensee shall immediately report to the ~~Department~~Division any change in status of a commercial site account, including:
  - 1. New account
  - 2. Discontinuation of account

3. Change (increase or decrease) in account activity
4. Account change in physical location

### 5.3 On-Call Service Reporting

- A. For waste collection service that is on-call, by project or on-demand, the Licensee shall report to the ~~department~~Division the following information:
  1. For waste disposed of at a Beltrami County waste disposal facility (Transfer Station, Demolition Landfill) the following shall be reported:
    - a. the account name and physical address of each Account Served
    - b. the total annual waste volume, by type, of each Account
  2. For waste disposed of at a ~~Non-Beltrami County waste disposal facilities~~Non-Beltrami County waste disposal facility, the licensee shall report to the ~~Department~~Division within 5 days of the end of each month the following information:
    - a. the name, physical address from which service was provided and contact information for the account served
    - b. dates of service and waste disposal destination for each load
    - c. total monthly volume, by type, of waste hauled for each account
    - d. copy of an invoice for each customer which complies with the waste deposit disclosure
    - e. copy of an invoice which shows the appropriate MINN. State tax or surcharge for both service and disposal has been collected
    - f. statement on monthly report that Licensee has remitted the appropriate MINN. State tax or surcharge collected from the customer to the MINN. ~~Department~~Division of Revenue

## SECTION 6 ~~ADDITIONAL RECYCLABLE~~ADDITIONAL RECYCLABLE MATERIALS REPORTING REQUIREMENTS

In addition to the Solid Waste reporting requirements in Section 5.0, the Collection of Recyclable Materials are subject to the following requirements.

### 6.1 Volume and/or Weight of Individual Recyclable Materials

- A. The Hauler shall maintain a record of the volume of recyclable materials collected in Beltrami County, from residential and Commercial accounts, for each of the following recyclable materials: single sort, newsprint, corrugated cardboard, mixed paper, magazines, metal cans, glass containers, plastic containers, boxboard, major appliances, scrap metal, telephone books, paint, florescent light bulbs & ballasts, petroleum products, and additional materials as from time to time mandated by the County Board.
- B. 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 to the Solid Waste ~~Department~~Division using the markets legal trade name, physical address materials were transported to, and market contact information.

- C. Yearly recyclable material data will be reported on a yearly report to this ~~department~~Division that is due January 31st for the preceding year's total. Example of Report is located on the Beltrami County Website.

## SECTION 7 WASTE DEPOSIT DISCLOSURE

### 7.1 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, and this ~~Department~~Division 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 facility 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 written or oral must include the following statement, per MINN. Statute 115A.9302: **"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."

### 7.2 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 8 SOLID WASTE HAULER RECORDS

### 8.1 Retention

A Hauler shall keep records of the following information for at least 5 years. For purposes of this Ordinance, "origin" means a general geographic description that at a ~~minimum names~~minimum name 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.

### 8.2 Types and Quantities of Solid Waste

A hauler shall maintain records regarding the weight, type(s) and origin(s) of solid waste collected. For each vehicle, the hauler shall keep a daily record of the origin(s), 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.

### 8.3 Number of Residential and Non-~~Residential~~Accounts~~Residential Accounts~~

The hauler shall maintain a record of the number of residential and commercial 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.

### 8.4 Total Weight and/or Volume of Solid Waste

The hauler shall maintain a record of the total weight and/or volume of all solid waste collected from residential accounts and commercial 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.

#### **8.5 Management of Solid Waste**

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 9 COUNTY OR MUNICIPAL HAULER CONTRACTS**

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 facilities as a requirement of the license.

## **ARTICLE VII FACILITY REQUIREMENTS AND LICENSES**

### **SECTION 1 LICENSES REQUIRED**

It is unlawful for any Person to establish, operate, or maintain a Solid Waste Facility without a license from the County. No Person shall cause, permit, or allow land or property under that Person's control to be used for solid waste processing, disposal or transfer station purposes, except at a site that complies with all County ordinances, regulations, local, State, and federal guidelines, statutes, rules and regulations. Reference: Minn. Rules Chapters 7001, 7035 and MINN. Statute 473.823.

#### **1.1 Disposal of Solid Waste**

No Person shall make nor allow land or property under their control to be used for disposal of any solid waste unless it is a solid waste management facility for which a license has been issued by the County Board and/or State, unless otherwise provided by this Ordinance. No Person shall dispose of any solid waste on any land or property, unless the County and/or State has issued a Solid Waste Facility license for that land or property.

### **SECTION 2 LICENSE FEES**

Facility license fee shall be determined by the [DepartmentDivision](#) and approved by the County Board. License fees if any will be located on the County Fee Schedule.

### **SECTION 3 LICENSE REQUIREMENTS**

An application for a license or license renewal shall be made to the [DepartmentDivision](#). The application shall not be considered complete until the [DepartmentDivision](#) has received all information, materials, plans, financial assurance, and certificates of insurance.

#### **3.1 Application Requirements and Process (See Exhibit A for Process Flow Chart)**

A. The application for initial License shall include:

1. ~~A—complete~~A c o m p l e t e copy of the permit application that will be sent to the MPCA; and
2. A land use permit or approval as required by the local zoning authority (Township and or Cities) having jurisdiction over the proposed site; and
3. A written statement of how the proposed facility is consistent with the County Solid Waste Management Plan and current Agency Certificate of Need (CON), if applicable; and
4. The License application shall include two sets of complete plans, specifications, design data, ultimate land use plan if applicable, proposed operating procedures ~~and—such~~and such other information as may be required by the County, all prepared by a professional engineer registered in Minnesota.

### 3.2 License Holder

In each application for a Solid Waste Facility License, the Owner and Operator shall be named as the proposed Licensees. Co-Licensees are jointly and severally liable for Ordinance violations.

## SECTION 4 REVIEW OF FACILITY LICENSE APPLICATION

After receiving a complete license application that includes all required information, the County shall have 60 days to either grant or deny the license. If any applicant is denied a license, the applicant shall be notified in writing by the County of the reasons for the denial of the license. A denial shall be without prejudice to the applicant's right to an appearance before the County Board or for filing a further application after revisions are made to meet objections specified as reasons for the denial.

### 4.1 Operational Conditions

The Licensee shall comply with the operational conditions stated in the application as approved by the County. Failure of the Licensee to comply with such operational conditions is a violation of this Ordinance and the Licensee is subject to the penalties provided herein.

### 4.2 Contingent License/Special Conditions

A License may be granted that is contingent upon compliance with special conditions specified in the License. Such conditions, if any, shall be designed to promote the health, ~~welfare~~welfare, and safety of the public pursuant to this Ordinance. Failure of the Licensee to comply with such special conditions is a violation of this Ordinance and is subject to the penalties provided herein.

### 4.3 Sequencing

No License application will be considered until written proof that the local governing body, if applicable, has considered the establishment of the Facility and the results of that consideration are provided to the ~~Department~~Division.

## SECTION 5 TERM OF FACILITY LICENSE; RENEWAL; LICENSE NOT TRANSFERABLE

The term and renewal of Solid Waste Facility Licenses are governed by this section.

### 5.1 Term of License

Unless otherwise provided by the County Board, the term of a Solid Waste Facility License granted pursuant to the provisions of this Ordinance shall be for up to ten (10) years but shall expire on December 31 of the expiration year.

## 5.2 Renewal

Application for renewal of a license shall be made in writing to the ~~Department~~Division by NLT 180 days prior to the expiration date and shall be signed by an individual authorized to act on behalf of, ~~and of~~ and bind the Licensee. Application for a license renewal shall contain a statement of any changes in the information submitted from the last approved License application. Application for a license renewal shall contain reports required by the Ordinance. If applicable, the Licensee shall submit financial assurance information including the financial assurance mechanism used. Failure to submit such information is grounds for revocation or for not granting renewal of the license by the County Board. If there are no changes in financial assurance, it shall be so stated in the renewal application.

## 5.3 License Not Transferable

Any license obtained under this Ordinance shall be nontransferable. Licenses issued to corporations, partnerships or associations shall be valid only so long as there is no change in the ownership. Corporations, ~~partnerships~~partnerships, or associations holding licenses shall submit written notice to the Solid Waste ~~Department~~Division of any such changes in ownership on or before thirty (30) days prior to the effective date of any such change. In the case of a corporation, the Licensee shall notify the ~~Department~~Division when a Person or entity not listed in the application acquires an ~~interest, and~~interest and shall give all information about such Person as is required pursuant to the provisions of this Article.

## SECTION 6 INSURANCE REQUIREMENTS

A Solid Waste Facility Licensee shall provide and ~~maintain at all times~~always maintain during the term of the license such insurance coverage as set forth in this section, and otherwise comply with the provisions that follow. Such policy(ies) of insurance shall apply to the extent of, but not as a limitation upon or in satisfaction of, the license indemnity provisions. The provisions of this Section shall also apply to all subcontractors, and independent contractors engaged by the Licensee with respect to the license. The Licensee shall be entirely responsible for securing the compliance of all such persons or parties with these provisions.

### 6.1 Worker's Compensation Insurance

- A. Worker's compensation insurance shall ~~be in compliance with~~follow 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~~Division an affidavit of sole proprietorship in a form acceptable to the ~~Department~~Division.

### 6.2 General Liability

- A. Commercial general ~~liability coverage~~liability coverage (Insurance Services Office form title), 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", GL 0404 (Insurance Services Office designation) shall ~~be considered to be~~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.

### 6.3 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 the operation of the licensed solid waste management facility. 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.

### 6.4 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.

### 6.5 Evidence of Insurance

- A. Licensee shall promptly provide the ~~Department~~Division 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~~Division with evidence that such coverage will be renewed or replaced upon termination with insurance that complies with these provisions.
- B. Such evidence of insurance shall be in the form of a "Certificate of Insurance", or in such other form as the ~~Department~~Division may reasonably request, and shall contain sufficient information to allow the ~~Department~~Division to determine whether there is compliance with these provisions. At the request of the ~~Department~~Division, the Licensee shall, in addition to providing such evidence of insurance, ~~promptly furnish~~~~promptly furnish~~ the ~~Department~~Division 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~~Division 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.

### 6.6 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~~Division. 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~~Division 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~~Division 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.

#### **6.7 Loss Information**

At the request of the ~~Department~~Division, the Licensee shall promptly furnish loss information concerning all liability claims brought against a ~~Licensee~~(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~~Division may reasonably require.

### **SECTION 7 FACILITY RECORDS**

It shall be the obligation of the operator of a solid waste facility to maintain accurate operation records per MINN. Rule 7035.2575. To be considered for renewal the Licensee must maintain the following records and submit reports as required by the ~~Department~~Division.

#### **7.1 Facility's Annual Report**

The Licensee shall submit a copy of the licensed facility's annual report required by the Agency to the Agency and this ~~Department~~Division by March 1st of each year.

#### **7.2 Emergency Incidents**

- A. Within two (2) hours of an emergency incident that results in conditions that may be ~~adverse~~adverse to public or environmental health, the Licensee shall submit oral notification to the Solid Waste ~~Department~~Division.
- B. This report shall be followed with written notification within 48 hours of the incident.
- C. When corrective actions are required by County, State or federal agencies, a report of the incident and actions taken shall be submitted to the Solid Waste ~~Administrator~~Director within 15 days of completion of the action.

### **SECTION 8 GENERAL REQUIREMENTS FOR ALL FACILITIES**

The following items shall be established, constructed, or provided for at all Solid Waste Management Facilities, unless specifically exempted by the ~~Department~~Division:

#### **8.1 Design and Construction Requirements**

- A. Sanitary facilities and shelter shall be available at the Site.
- B. Effective litter control devices such as portable fences shall be utilized.
- C. Electrical service, as necessary for operations and repairs.
- D. Firefighting facilities on site adequate to ~~insure~~ensure the safety of employees.
- E. Emergency first aid equipment to provide adequate treatment for all accidents.
- F. A potable water supply for Site Personnel.
- G. Shelter for maintenance and storage of Site equipment.

- H. Adequate facilities to ensure that no vehicle desiring entry into the Site may have to wait outside the perimeter of the Site.
- I. Adequate communication facilities shall be provided for emergency purposes.
- J. The Site shall be fenced or secured to prevent unauthorized entry and a gate shall be provided at the entrance to the Site and kept locked when an attendant is not on duty.
- K. An all-weather haul road to the unloading area.
- L. An area shall be designated to inspect and store Solid Waste to determine ~~whether or not~~whether Unacceptable Waste is contained in the Solid Waste deposited at the Site.

## 8.2 Closure Requirements

- A. In addition to Closure procedures required by the Agency, the Licensee shall submit a detailed map to the ~~Department~~Division upon closure of a licensed solid waste land disposal facility. The map shall include the location of fill areas, buildings, roads, wells, hydro-geologic information, elevations, scales, and any other features of the site.
  - 1. Documents submitted must show the nature and location of the waste disposed at the facility.
    - a. Complete location details of any regulated wastes such as asbestos shall be submitted to the ~~Department~~Division and recorded on the property deed.
    - b. A complete list of Industrial Solid Waste customers and associated waste characterization data and disposal locations shall be submitted.
    - c. Documents submitted must show the property lines of the facility and all adjacent property ownership at the time of Closure.
    - d. A letter from the Licensee shall be sent to all adjacent property owners notifying them of the closure requirements and the ultimate use of the land on which the facility is located. This letter must be sent by certified mail within 30 days of the completion of closure requirements with a copy sent to the Solid Waste ~~Administrator~~Director at the same time.

## ARTICLE VIII INSPECTIONS, WAIVERS, VIOLATIONS AND ENFORCEMENT

### SECTION 1 INSPECTIONS

#### 1.1 Inspections

- A. Routine inspection of solid waste management activities, facilities and/or a Licensee's premises shall be made by the ~~Department~~Division in such frequency as to ~~insure~~ensure consistent compliance by the Licensee with this Ordinance. Right of access is permitted provided that the entrance and activity is undertaken after reasonable notice and during normal business hours, and ~~provided that if~~ compensation is made for any damage to the property caused by the entrance and activity.
- B. The applicant or Licensee shall allow free access to Authorized Representatives of the ~~Department~~Division at any reasonable time for the purpose of making such inspections as may be necessary to determine compliance with the requirements of this Ordinance.
- C. Failure of the applicant or Licensee to permit such inspection shall be grounds for denial, ~~suspensions~~suspension, or revocation of a license. The Licensee shall be provided with written documentation of any deficiencies and the date by which the corrections shall be completed.
- D. Whenever necessary to obtain information, conduct a survey, ~~inspect~~inspect, or enforce any provision of this Ordinance, or whenever the County has reasonable cause to believe that a violation of this Ordinance exists on private property, the County shall invite a township elected official and or a law enforcement officer to assist in the site visit. The authorized Representative shall first present proper credentials and request entry; and if such

premises or vehicles be unoccupied, the DepartmentDivision shall first make a reasonable effort to locate the Operator or other Persons having charge or control of the premises or vehicle and request entry. If such entry is refused, the DepartmentDivision may suspend or revoke a license and shall have recourse to other remedies provided by law.

- E. Whenever the DepartmentDivision or its Authorized Representatives shall find in any building, vehicle, or on any premises any material, condition or activity endangering the health, environment, welfare or safety of the public, the DepartmentDivision shall issue such orders as may be necessary for the enforcement of this or other applicable County ordinances governing and safeguarding the health, welfare and safety of the public.
- F. Repeated violations of this Ordinance or failure to comply with any order of the DepartmentDivision, shall be grounds for summary suspension, suspensionsuspension, or revocation of a license.
- G. Any order or notice issued or served by the DepartmentDivision shall be complied with by the owner, operatoroperator, or other person responsible for the condition or violation to which the order or notice pertains. Every order or notice shall set forth a time limit for compliance depending on the nature of and the danger created by the violation. In cases of extreme danger to health, welfare and safety of the public, immediate compliance shall be required.
- H. If a building, premisespremises, or vehicle is owned by one person and occupied or operated by another, under lease or otherwise, and the order or notice requires immediate compliance for the health, welfare and safety of the public, such order or notice shall be served on the owner, operator or occupant and the owner, operator or occupant shall ensure compliance with the order or notice.

## 1.2 Re-inspections

- A. Upon written notification from the Licensee that all the violations for which a suspension or summary suspension has been issued have been corrected, the DepartmentDivision shall re-inspect the solid waste management Activity within Ten (10) business days. If the DepartmentDivision finds upon such re-inspection that the violation has been corrected, the DepartmentDivision shall inform the Licensee of reinstatement of the License.

## SECTION 2 WAIVERS OR MODIFICATIONS

- 2.1 Due to the great variability in the types of solid wastes and their existing and potential management methods, the DepartmentDivision may waive or modify the strict application of the provisions of this ordinance by reducing or waiving certain requirements when such requirements are unnecessary or impractical, provided such a waiver or modification will not endanger the: public health, safety, welfarewelfare, or the environment. The DepartmentDivision may impose reasonable additional requirements deemed necessary to protect the public health, safety, welfarewelfare, or the environment.

- A. No modification or waiver maybe granted if it would result in noncompliance with MINN. Rules unless such modification or waiver has been granted by the agency.

## SECTION 3 VIOLATION & ENFORCEMENT ACTION AUTHORIZED: (See Exhibit B for Process Flow Chart)

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 an Embargo Order; issuance of an Administrative Penalty Order if authorized by law; suspension or revocation of a license issued under this Ordinance; execution of a Stipulation Agreement; and/or commencement of other civil proceedings, Ref: Minn. Rules Chapter: 7035.0400, Minn. Statutes Chapters: 114C, 115, & 116.

### 3.1 Warning Notice

The ~~Department~~Division 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 or by mail.

### 3.2 Notice of Violation (NOV)

The ~~Department~~Division 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 to the Person(s) alleged to have committed a violation of this Ordinance.

### 3.3 Citations

Any person who fails to comply with the provisions of this Ordinance is guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided by law. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. An Authorized Representative of the ~~Department~~Division shall have the power to issue citations for violations of this ~~Ordinance, but~~Ordinance but shall not be permitted to physically arrest or take into custody any violator except on a warrant duly issued by the Court.

#### A. Issuance of the Citation

Citations shall be issued to the Person alleged to have committed the violation either by personal delivery or by certified mail. In the case of a public, private or municipal corporation, the citation shall be issued to any officer or agent with express or implied authorization to accept such issuance.

#### B. Notice of Citation

Citations shall be made out in quadruplicate (4). One copy shall be issued to the Person alleged to have committed the violation; one copy shall be filed with the ~~Department~~Division; one copy shall be filed with the County Attorney's Office; and one copy shall be filed with the District Court.

#### C. Form of Citation

Citations shall be on such form(s) as approved by the ~~Department~~Division and shall contain at least the following:

1. The name and address of the Person alleged to have committed the violation and, when known, the owner or Person in charge of the premises or equipment involved in the violation.
2. The date, time (if known) and place of violation.
3. A short description of the violation followed by reference to the Section of this Ordinance violated.
4. The name of the Person issuing the Citation.
5. The date and place at which the Person receiving the Citation shall appear in Court and a notice that if such Person does not respond a warrant may be issued for such Person's arrest.

6. Such other information as the Court may specify.

#### D. Court Appearance

1. The Person charged with the violation shall appear at the place and on the date specified in the Citation and either:
  - a. ~~Plead-guilty~~Plead guilty to the Citation and meet the ~~requirements-of~~requirements of the sentencing order issued by the court; or
  - b. ~~Plead-not~~Plead -guiltynot guilty to the Citation and schedule a court date for further hearing or trial on the Citation.
2. Failure to Appear on the Citation

If the Person charged with the violation does not appear at the place and on the date specified on the Citation a bench warrant may be issued by the Court.

3. Complaint

If the Person issued the Citation and charged with the violation fails to appear as required by the Citation, the Citation may be referred to the County Attorney's Office for issuance of a summons and complaint.

### 3.4 Abatement

- A. In the event of an emergency abatement by the County as described in Section 3.4.C of this article, 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~~Division may abate the violations and the ~~Department~~Division 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:

1. Abatement Notice:

- a. Contents of Abatement Notice:

- 1) An Abatement Notice shall include the following:
- 2) Notice that the property owner has not completed the corrective actions within the time period ~~required-in~~required in the attached NOV(s), stipulation agreement or court order;
- 3) Notice that the ~~Department~~Division or its agent intends to enter the property and commence abatement of the conditions on the property that violate this Ordinance in thirty days;
- 4) Notice that the property owner must correct ~~the-violation~~the violation(s) before thirty days to avoid any civil liability for the costs of inspection and abatement that the County may incur; and
- 5) 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 3.4.B of this article 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~~Division shall post the abatement notice at the

property. The DepartmentDivision must send a copy of the abatement notice to the County Attorney's Office.

c. Right to Appeal the Abatement Notice:

- 1) 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 DepartmentDivision 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 4.0 of this article.
- 2) Stay of Notice : Pending the appeal hearing and final determination by the County Board the DepartmentDivision shall take no further action on the abatement notice.

B. Abatement by the County

1. 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 DepartmentDivision may expend funds necessary to abate the violation~~(s)~~ ins) in accordance with applicable County policies and procedures:

a. Recovery of Abatement Costs

- 1) The DepartmentDivision 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.
- 2) The DepartmentDivision 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~~ 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.
- 3) On or before October 1st of each year, the County Auditor shall list the total unpaid charges ~~unpaid charges~~ for each abatement made against each separate lot or parcel to which they are attributable under this Ordinance to the County Board.
- 4) 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.

C. Emergency Abatement by County:

Notwithstanding the requirements of Section 1.0 of this Article, in the event of an imminent threat to the public's health, welfare and safety, the DepartmentDivision shall have the authority to immediately enter property and abate the violations and recover the costs as set out in Section 3.4.B of this article. The DepartmentDivision shall attempt to give verbal notice to the property owner immediately, if possible, and writing within 10 work-days ~~work days~~. The property owner shall have the right to appeal the assessment of costs to the County Board pursuant to Section 4 of this Article.

### 3.5 Embargo

The DepartmentDivision may issue a written Embargo order prohibiting the use, sale, movement, treatment or disposal of a material or item that the DepartmentDivision determines is used without authorization or reasonably suspects is, or will be, managed in violation of this Ordinance. The DepartmentDivision 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 DepartmentDivision. Such action by the DepartmentDivision shall not be considered to impute ownership or management responsibility upon the County.

### 3.6 Administrative Penalty Order



**A. Overview:**

A county board may issue orders requiring violations to be corrected and administratively assessing monetary penalties for violations of county solid waste ordinance per State Statute 116.072 which are hereby adopted by reference as part of this Ordinance.

**3.7 Stipulation Agreement**

The **DepartmentDivision** 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 3.4 of this article. The parties may seek compliance with the terms of the Stipulation Agreement through a court of competent jurisdiction.

**3.8 License 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 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 **DepartmentDivision** 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 of this article.
- 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.
- D. Emergency Suspension
1. If the **DepartmentDivision** finds that the public health, **safetysafety**, or welfare imperatively requires emergency action and incorporates a finding to that effect in its order, emergency suspension of a license may be ordered by the **DepartmentDivision** 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~~**decide** 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 Licensee or~~ shall be served by certified mail to said Licensee at the address designated in the license application. In addition, the **DepartmentDivision** 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.
  2. 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 desires to appeal, the Licensee 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 **DepartmentDivision** 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 of this article.

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

#### E. Suspension Re-Inspections

Upon written notification from the Licensee that all violations for which a suspension or emergency suspension was invoked have been corrected, the ~~Department~~Division shall re-inspect the facility or activity within a reasonable length of time, but in no case more than three (3) County working days after receipt of the notice from the Licensee. If the ~~Department~~Division finds upon such re-inspection that the violations constituting the grounds for the suspension have been corrected, the ~~Department~~Division shall immediately dismiss the suspension subject to County Board ratification at its next meeting, by written notice to the Licensee, served personally or by certified mail on the Licensee at the address designated in the license application, with a copy to the County Board and the County Attorney's Office. The County Board must ~~make a determination~~decide at its next Board meeting about whether the violations have been corrected and whether the ~~Department~~Division's decision to reinstate the license should be ratified.

#### F. License Revocation

1. Any license granted pursuant to this Ordinance may be revoked by the County Board for violation of any provision of this Ordinance.
2. 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, if an appeal hearing is requested, until written notice of the County Board's action has been served on the Licensee. Notice of revocation to the Licensee 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 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~~Division 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 of this article.

#### G. Status of Financial Assurance

Financial Assurance issued for the facility shall remain in full force and effect during all periods of suspension, emergency suspension and revocation of the license and is subject to claim by the County in accordance with the provisions of this Article.

### 3.9 Commencement of a Civil Court Action

In the event of a violation or a threat of violation of this Ordinance, the County Board may also institute other appropriate civil actions or proceedings in any court of competent jurisdiction, including requesting injunctive relief, to prevent, restrain, ~~correct~~correct, or abate such violations or threatened violations. The County may recover all costs, including reasonable attorney's fees, incurred for enforcement of this Ordinance through a civil action. If a property owner does not complete the Corrective Actions within the timelines in a court order, the ~~Department~~Division may correct the violations and the ~~Department~~Division has the authority to enter the property and perform the Corrective Actions. The ~~Department~~Division may recover the costs of the same from the property owner through the court process or through the process set out in Section 3.4.D of this article.

## SECTION 4 HEARINGS

A request for hearing on a denial, suspension, emergency suspension, non-renewal, or revocation of a license, or receipt of a Notice of Abatement shall be held before the County Board, or a hearing examiner as provided below, and shall be open to the public.

### 4.1 Timeframe for Hearing

Unless an extension of time is requested by the appellant in writing directed to the Chair of the County Board and is granted, the hearing will be held no later than forty-five (45) calendar days after the date of service of request for a hearing, exclusive of the date of such service. In any event, such hearing shall be held no later than ninety (90) calendar days after the date of service of request for a hearing, exclusive of the date of such service.

### 4.2 Notice of Hearing

The County Board shall mail notice of the hearing to the appellant, with a copy to the ~~Department~~Division and the County Attorney's Office, at least fifteen (15) working days prior to the hearing. Such notice shall include:

- A. A statement of time, ~~place~~place, and nature of the hearing.
- B. A statement of the legal authority and jurisdiction under which the hearing is to be held.
- C. A reference to the ~~particular Section~~Section of the Ordinance and Agency Rules, if any, involved.

### 4.3 Hearing Examiner

The County Board may by resolution appoint an individual, to be known as the hearing examiner, to conduct the hearing and to make findings of fact, ~~conclusions~~conclusions, and recommendations to the County Board. The hearing examiner shall submit the findings of fact, ~~conclusions~~conclusions, and recommendations to the County Board in a written report, and the County Board may adopt, modify or reject the report.

### 4.4 Conduct of the Hearing

The appellant and the ~~Department~~Division may be represented by counsel. The ~~Department~~Division, the appellant, and additional parties, as determined by the County Board or hearing examiner, in that order, shall present evidence. All testimony shall be sworn under oath. All parties shall have full opportunity to respond to and present evidence, cross-examine witnesses, and present argument. The County Board or hearing examiner may also examine witnesses.

### 4.5 Burden of Proof

The ~~Department~~Division shall have the burden of proving its position by a preponderance of the evidence, unless a different burden is provided by substantive law, and all findings of fact, conclusions, and decisions by the County Board shall be based on evidence presented and matters officially noticed.

### 4.6 Admission of Evidence

All evidence that possesses probative value, including hearsay, may be admitted if it is the type of evidence on which prudent Persons are accustomed to ~~rely~~relying in the conduct of their serious affairs. Evidence that is incompetent, irrelevant, ~~immaterial~~immaterial, or unduly repetitious may be excluded. The hearing shall be confined to matters raised in the ~~Department~~Division's written notice of denial, suspension, emergency suspension, non-renewal or revocation of a license, denial of a variance, or Abatement Notice or in the appellant's written request for a hearing.

#### 4.7 Pre-Hearing Conference

At the request of any party, or upon motion of the County Board or hearing examiner, a pre-hearing conference shall be held. The pre-hearing conference shall be conducted by the hearing examiner, if the County Board has chosen to use one, or by a designated representative of the County Board. The pre-hearing conference shall be held no later than five (5) County working days before the hearing. The purpose of the pre-hearing conference is to:

- A. Clarify the issues to be determined at the hearing.
- B. Provide an opportunity for discovery of all relevant documentary, photographic or other demonstrative evidence in the possession of each party. The hearing examiner or County Board's representative may require each party to supply a reasonable number of copies of relevant evidence capable of reproduction.
- C. Provide an opportunity for discovery of the full name and address of all witnesses who will be called at the hearing and a brief description of the facts and opinions to which each is expected to testify. If the names and addresses are not known, the party shall describe them thoroughly by job duties and involvement with the facts at issue.
- D. If a pre-hearing conference is held, evidence not divulged as provided above shall be excluded at the hearing unless the party advancing the evidence took all reasonable steps to divulge it to the adverse party prior to the hearing and:
  - 1. The evidence was not known to the ~~party-at~~party at the time of the pre-hearing conference; or
  - 2. ~~The evidence~~The evidence is in rebuttal to matters raised for the first time at or subsequent to the pre-hearing conference.

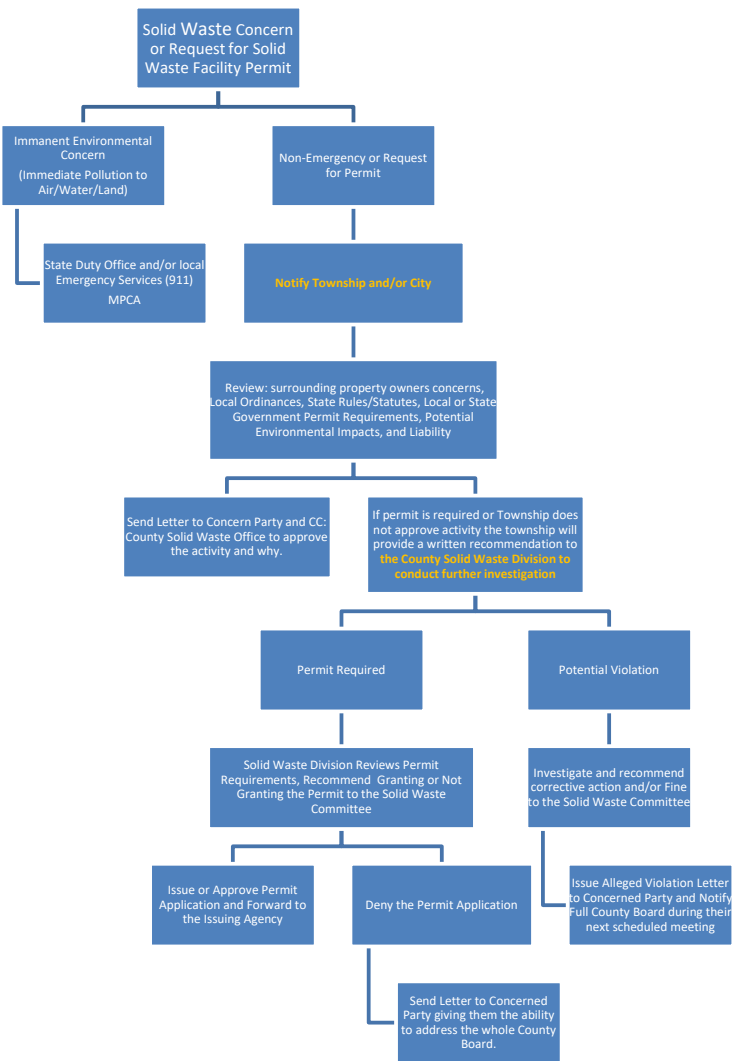
#### 4.8 Failure to Appear

If the appellant fails to appear at the hearing, they shall forfeit any right to a public hearing before the County Board or hearing examiner and their failure to appear shall be deemed their waiver of their right to appeal the decision made by the ~~Department~~Division and the decision made by the ~~Department~~Division will stand.

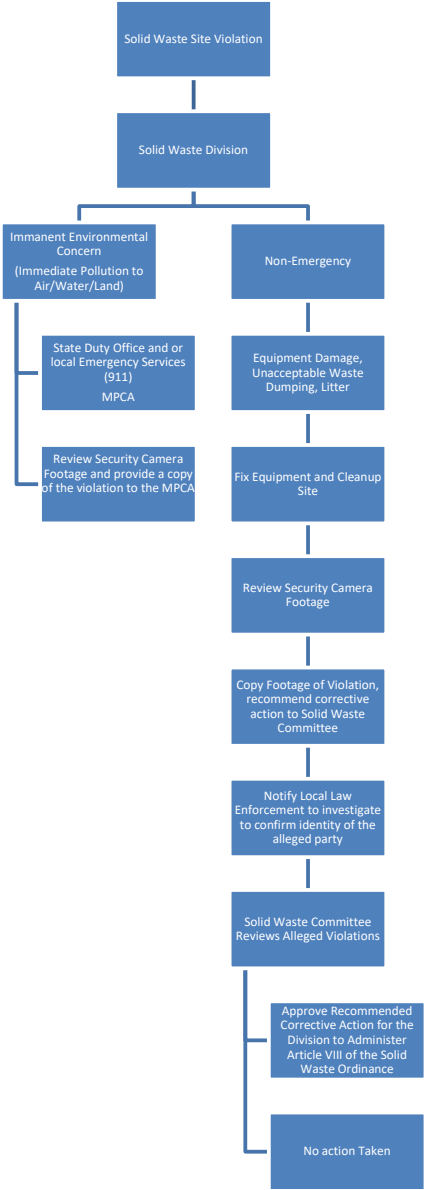
#### 4.9 Appeal of County Board Decision

Any appellant aggrieved by the decision of the County Board may appeal that decision to any Court with appropriate jurisdiction.

SOLID WASTE CONCERN OR REQUEST FOR SOLID WASTE FACILITY PERMIT FLOW CHART



SOLID WASTE SITE VIOLATION FLOW CHART



(Solid Waste Ordinance-EXHIBIT B)