

Otter Tail County Solid Waste Ordinance

The Solid Waste Management Ordinance for Otter Tail County

An ordinance authorizing and providing for County Solid Waste Management; establishing powers and duties in connection therewith; establishing standards and requirements for solid waste management operations within the incorporated and unincorporated areas of the County of Otter Tail; requiring licenses for storage, collection, transportation, processing and disposal of solid waste in accordance with the Otter Tail County Solid Waste Management Plan; embodying and supplementing the minimum standards and requirements established by rules of the State of Minnesota; providing for enforcement of said requirements; imposing penalties for failure to comply with these provisions; requiring performance bonds and insurance; and promoting the health, safety, and welfare of the public pursuant to Minnesota Statutes, Chapters 115, 115A, 116, 375, 400 and Sections 145A.04, 145A.08, 561.01 and 609.74.

The County Board of Otter Tail County, Minnesota, does ordain:

Section 1: Purpose:

1. The Otter Tail County Board has determined that this regulation should be adopted to:

Protect the public's health, and prevent contamination of the groundwater and other environments of Otter Tail County from solid waste.

- 1.02 Preserve and protect our air, land and water resources.
- 1.03 Assure that all individuals are informed and responsible for their actions regarding solid waste that may affect the environment and the community now and in the future.
- 1.04 Support activities that will promote use and reuse of materials found in solid waste that would otherwise be disposed in ways that would not recapture the useful characteristics of its components.
- 1.05 Augment, supplement and support existing State of Minnesota controls of solid waste.
- 1.06 Provide for an orderly implementation of solid waste management practices and services to ensure that residents have access to waste management services and to ensure that waste management services are consistent with county and state plans and policies.
- 1.07 Embody the purpose found in Minnesota State Laws and Rules on Solid Waste.

Section 2: Definitions:

- 2.0 When used in this regulation the following terms shall have the meaning given to them.
- 2.01 “**Adequate Turf**” means a living ground cover of native perennial grasses or other suitable vegetation free of noxious weeds which provides sufficient ground cover to effectively prevent loss of final cover by wind or water erosion.
- 2.02 “**Agency**” means the Minnesota Pollution Control Agency, its agent, or representatives.
- 2.03 “**Air Contaminant**” means that the presence in the outdoor atmosphere of any dust, fume, mist, smoke, vapor, gas or other gaseous fluid, or particulate substance differing in composition from or exceeding in concentration the natural components of the atmosphere.
- 2.04 “**Air Pollution**” means the presence in the outdoor atmosphere of any air contaminant or combination thereof in such quantity, of such nature and duration, and under such conditions as would be injurious to human health or welfare, to animal or plant life, or to property, or to interfere unreasonably with the enjoyment of life or property.
- 2.05 “**Brush Disposal Facility**” means a site used exclusively for disposal in or on the land of trees and treeparts including stumps, branches, and their attached leaves. Such disposal may include open burning and burial of the resulting ash and unburned tree parts.
- 2.06 “**Business**” means an operation, location or property where an activity other than residential or an activity in conjunction with a residence takes place for the purpose of selling a product, service, commodity or recreational activity in which the sale of the product, service, commodity or recreational activity is either advertised or known to be for sale.
- 2.07 “**Business Parcel**” means any parcel of property in Otter Tail County whereupon an activity takes place that is business or commercial in nature and may generate solid waste. Such parcel would not include property used entirely for residential or residential agricultural purposes.
- 2.08 “**Canister System**” means a facility, usually to serve the public, where solid waste is deposited in mechanically serviced containers as an intermediate step of congregating solid waste or recyclable materials from several properties for periodic removal of the accumulated materials by a license hauler.
- 2.09 “**Closure**” means actions to prevent or minimize the threat to public health and the environment posed by a facility that no longer accepts the solid waste for which it operated or was permitted, including the removal of contaminated equipment, the removal of liners, applying final cover, grading and seeding final

cover, installation of monitoring devices, construction of ground and surface water diversion structures, and gas control systems as necessary.

- 2.10 “**Commercial Hauler**” means any person who owns, operates, or leases vehicles for the purpose of collection or transporting solid waste or source separated materials from residential, commercial, or industrial property.
- 2.11 “**Community Clean-Up**” means the organized clean-up of towns, highway, ditches, stream banks and river banks by members of the community at large. A community clean-up does not include the pick-up or drop-off of solid waste directly from households. A Community Clean-Up must have as its major purpose the benefit of the community-at-large, not the benefit of individuals who are households.
- 2.12 “**Compost Facility**” means a site used to compost or co-compost vegetative matter or solid waste including all structures used to control drainage, collect and treat leachate, and storage areas for the incoming waste, and the final product.
- 2.13 “**Composting**” means the controlled microbial degradation of organic waste to yield a humus-like product.
- 2.14 “**Construction Debris**” means waste building materials, and rubble resulting from construction, remodeling, repair and demolition of buildings and roads.
- 2.15 “**County**” means any department or representative of the county who is authorized by this ordinance or otherwise by the County Board to represent the County of Otter Tail in the administration or enforcement of this ordinance.
- 2.16 “**Contingency Action**” means a course of action to be followed in case of a fire, explosion, or release of solid waste, waste by-products, or leachate that could threaten human health or the environment.
- 2.17 “**County Board**” means the elected officers composing the Otter Tail County Board of Commissioners.
- 2.18 “**Cover**” means cover material that is periodically spread and compacted on the top and side slopes of compacted solid waste to control fire, infiltration, and erosion.
- 2.19 “**Cover Material**” means material approved by the Agency and Solid Waste Department that is used to cover compacted solid waste in a land disposal site.
- 2.20 “**Demolition Landfill**” means an area of land approved for the disposal of demolition waste and construction debris.
- 2.21 “**Demolition Waste**” means non-putrescible solid waste from the construction, remodeling, repair or demolition of structures including buildings and paved roads. It includes waste building materials, the rubble such as concrete, brick, bituminous concrete, wood, masonry, glass, structural metals, insulation, roofing

materials, and plastic building parts. It may also include other waste material accepted by the Solid Waste Department. It does not include uncontaminated earth or rock.

- 2.22 **“Disposal”** *“disposal”* **“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 discharge into any waters, including ground water.
- 2.23 **“Dump”** *“Dumping”* means the intentional or accidental discharge, deposit, injection, spilling, leaking, or placing of any Solid Waste into or on any land or water so that the waste or any constituent thereof may enter the environment or be emitted into the air, or discharged into any water, including ground water.
- 2.24 **“Facility”** means all contiguous land, structures, monitoring devices, and other improvements on the land used for monitoring, treating, storing, or disposing of solid waste, leachate, or residuals from solid waste processing.
- 2.25 **“Fire Marshall”** means the State Fire Marshall or the Chief of the Fire Department in a municipality that has adopted the Uniform Fire Code of the State of Minnesota.
- 2.26 **“Flood Fringes”** means the portion of a flood plain outside of the floodway.
- 2.27 **“Flood Plain”** means the area adjoining a water course or water basin that has been or may be covered by a regional flood, as defined in Minnesota Statutes Chapter 103F.
- 2.28 **“Flood Way”** means the channel of the water course or water basins, and those portions of the adjoining flood plains that are reasonably required to carry and discharge flood water and provide water storage during a regional flood.
- 2.29 **“Garbage”** means discarded material resulting from the handling, processing, storage, preparation, serving, and consumption of food.
- 2.30 **“Ground Water”** has the meaning given for “underground water” in Minnesota Rules.
- 2.31 **“Hazardous Waste”** means any refuse, sludge, or other waste material or combinations or refuse, sludge, or other waste materials in solid, semi-solid, liquid, or 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 of, or otherwise managed. Categories of hazardous waste materials include, but are not limited to: explosives, flammable, oxidizers, poisons, irritants, and corrosives.

- 2.32 **“Household”** means one or more individuals related by blood, marriage or adoption, including foster children, and excluding servants, or a group of persons, some or all of whom are not related by blood, marriage or adoption, occupying a single dwelling unit, apartment unit, or manufactured home.
- 2.33 **“Incineration”** means the process of burning wastes for the purpose of volume and weight reduction or energy recovery in facilities designed for such use.
- 2.34 **“Intermediate Waste Disposal Facility”** means a facility for the preliminary or incomplete disposal of solid waste including, but not limited to transfer stations, canister sites, incineration facilities, composting sites, recovery or recycling facilities, reduction facilities and shredding and densifying facilities.
- 2.35 **“Land Disposal Facility”** means any tract or parcel of land, including any constructed facility, at which solid waste is disposed of in or on the land.
- 2.36 **“Land Pollution”** means the presence in or on the land of any waste in such quantity, or such nature and duration, and under such condition as would affect injuriously the waters of the state, create air contaminants or cause air pollution.
- 2.37 **“Leachate”** means liquid that has percolated through refuse, ash or other solid waste and may have extracted, dissolved or suspended materials from it.
- 2.38 **“Leakproof”** means a container or enclosure that is constructed in such a manner that it will not allow its contents to spill out without being opened and physically discharging the contents.
- 2.39 **“License”** means express written permission as granted by the county board to engage in solid waste management activities. License may be used interchangeably with the word “Permit.”
- 2.40 **“Licensee”** means a person who has been issued a license by the county board for solid waste management purposes pursuant to this ordinance.
- 2.41 **“Mixed Municipal Solid Waste”** means garbage, refuse, and other solid waste from residential, commercial, industrial, and community activities that the generator of the waste aggregates for collection, but does not include auto hulks, street sweepings, ash, construction debris, mining waste, sludge, tree, tires, lead acid batteries, motor and vehicle fluids and filters; or uncontaminated soil or rock.
- 2.42 **“Mixed Municipal Solid Waste Land Disposal Facility”** means a site used for the disposal of mixed municipal solid waste in or on the land.
- 2.43 **“Monitoring Point”** means any installation used to determine the quality or physical characteristics of ground water, surface water, water in the unsaturated zone, or presence of air contaminants.
- 2.44 **“Municipality”** means a city, village, borough, county, town, sanitary district, school district or other governmental subdivision or public corporation, or agency created by the legislature.

- 2.45 **“Nonprofit Organization”** means a group organized for the purpose other than generating profit such as charitable, scientific, or literary organizations, cities, townships, villages, counties, and other political subdivisions do not qualify as a nonprofit organization.
- 2.46 **“Non-Recyclable Materials”** means solid waste, refuse, construction debris, and materials for which there are no environmentally and economically appropriate existing markets that will accept these materials for recycling.
- 2.47 **“Open Burning”** means burning any matter whereby the resultant combustion products are emitted directly to the open atmosphere without passing through an stack, duct, or chimney which is designed to remove certain pollutants and which is approved for such purposes.
- 2.48 **“Open Dump”** or **“dump”** means a land disposal site at which solid waste is disposed of in a manner that does not protect the environment, is susceptible to open burning, and is exposed to the elements, flies, rodents, scavengers, and for which no engineering and operational plans exist.
- 2.49 **“Operation”** means any site, facility, or activity relating to solid waste management.
- 2.50 **“Operations”** means any site, facility, or activity relating to solid waste management purposes pursuant to this ordinance.
- 2.51 **“Operator”** means the person responsible for the overall operation of a solid waste facility.
- 2.52 **“Owner”** means the person or persons who own a facility, part of a facility, or the property.
- 2.53 **“Person”** means a 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.
- 2.54 **“Personnel”** or **“facility personnel”** means all persons who work at or oversees the operation of a solid waste management facility, and whose actions or failure to act may result in noncompliance with the requirements of this ordinance.
- 2.55 **“Post Closure”** and **“Post Closure Care”** means action taken for the care, maintenance, and monitoring of a facility after closure that will prevent, mitigate, or minimize the threat to public health and environment posed by the closed facility.
- 2.56 **“Processing”** means the treatment of solid waste after collection and before final disposal. Processing includes but is not limited to volume reduction, storage,

separation, exchange, resource recovery, physical, chemical, or biological modifications.

- 2.57 **“Putrescible Material”** means solid waste which is capable of being rotten, or which may reach a foul state of decay or decomposition.
- 2.58 **“Recovered Materials”** are materials that have been separated from solid waste and stored so that the material is properly protected from environmental degradation and is not a source of odor, harborage for animals, or insects and is being processed, modified, or converted to be a raw material that may be beneficially used.
- 2.59 **“Recyclable Materials”** means materials such as corrugated cardboard, office paper, newsprint, glass containers, tin containers, aluminum containers, polyethylene terephthalate and high density polyethylene plastic, that are separated from solid waste for the purpose of recycling. These materials are considered to be recyclable materials if environmentally and economically appropriate markets exist that will accept these recyclable materials. Refuse derived fuel or other material that is destroyed by incineration is not a recyclable material.
- 2.60 **“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.
- 2.61 **“Recycling Facility”** means a site used to separate, process, modify, convert, or otherwise prepare solid waste so that component materials or substances may be beneficially used or reused as raw materials.
- 2.62 **“Refuse”** means putrescible and nonputrescible solid waste, including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, and commercial and industrial solid waste, and including municipal treatment wastes which do not contain free moisture.
- 2.63 **“Residence”** means any building or portion thereof used as a dwelling or sleeping area for people.
- 2.64 **“Residential Lot”** is any lot in a residential area.
- 2.65 **“Responsible Party”** means the owner, operator, or successor in interest of a solid waste facility, business, residence or parcel of property.
- 2.66 **“Rubbish”** means nonputrescible solid waste, including ashes, consisting of both combustible and noncombustible waste, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, or litter of any kind.
- 2.67 **“Run-Off”** means any liquid that drains over land from any part of a facility.
- 2.68 **“Run-On”** means any liquid that drains over land onto any part of a facility.

- 2.69 **“Sanitary Landfill”** means a land disposal site employing an engineering method of disposing of solid waste in or on the land in a manner that minimizes environmental hazards by spreading the solid waste in thin layers, compacting solid waste into the smallest particle volume, and applying cover material at the end of each operating day, or at intervals as may be required by the Agency.
- 2.70 **“Scavenging”** means all unauthorized removal of waste and separated materials from a solid waste facility.
- 2.71 **“Self Generated Solid Waste”** means waste produced by any person, firm, or corporation owning or operating a residence, business, an industry or commercial establishment which generates solid waste by its operations.
- 2.72 **“Sewage Sludge”** means the solids and associated liquids in municipal wastewater which are encountered and concentrated by a municipal wastewater treatment plant. Sewage sludge does not include incinerator residues and grit, scum, or screenings removed from other solids during treatment.
- 2.73 **“Sewage Sludge Disposal Facility”** means property owned or leased by a political subdivision and used for interim or final disposal or land spreading of sewage sludge.
- 2.74 **“Shoreland”** means land located within the following distances from the ordinary high water elevation of public waters: (a) land within one thousand (1,000) feet of lake, pond, reservoir, impoundment or flowage; and (b) land within three hundred (300) feet of a river or stream or the landward extent of a flood plain designated by ordinance on such river or stream, whichever is greater.
- 2.75 **“Sludge”** means any solid, semi-solid, or liquid waste generated from a municipal, commercial or industrial waste water treatment plant, water supply treatment plant, or air contaminant treatment facility, or any other waste having similar characteristics and effects.
- 2.76 **“Solid Waste”** means garbage, refuse, demolition waste, sludge from a water supply treatment plant or air contaminant treatment facility and other discarded waste materials and sludge, in solid, semi-solid, liquid, or contained gaseous form, resulting from industrial, commercial, mining and agricultural operations, and from community activities. It does not include hazardous waste, animal waste used as fertilizer, earthen fill, boulders, rock, sewage sludge, solids or dissolved material in domestic sewage or dissolved materials in irrigation return flows or other common pollutants in waste resources, such as silt. It does not include 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. It also does not include source, special nuclear, or by-product materials as defined by the Atomic Energy Act of 1954, as amended.
- 2.77 **“Solid Waste Collection”** means the gathering of solid waste from public or private places.

- 2.78 **“Solid Waste Facility”** means all property real or personal, including negative and positive easements and water and air rights, which is or may be needed or useful for the processing or disposal of waste. It includes but is not limited to the storage, collection, transportation, processing and reuse, conversion, or disposal of solid waste in a safe environmentally sound manner; but does not include collection vehicles.
- 2.79 **“Solid Waste Land Disposal Facility”** means a facility used to dispose of solid waste in or on the land.
- 2.80 **“Solid Waste Management”** means activities which provide for or control the collection, transportation, processing, and disposal of waste.
- 2.81 **“Solid Waste Storage”** means the holding of solid waste near the point of generation.
- 2.82 **“Solid Waste Transportation”** means the conveying of solid waste from one place to another, by means of vehicle, rail car, water vessel, conveyor, or other means.
- 2.83 **“Source Separated Recyclable Materials”** means materials that are separated from solid waste by the generator and recovered for reuse in their original form or for use in manufacturing processes.
- 2.84 **“State”** means the State of Minnesota.
- 2.85 **“Tire”** means a pneumatic tire or solid tire for motor vehicles or other vehicle as defined in Minnesota Statutes.
- 2.86 **“Tire Collector”** means a person who owns or operates a site used for storage, collection, or deposit of more than 50 waste tires.
- 2.87 **“Tire Dump”** means an establishment, site, or place of business without a required tire collector or tire processor permit that is maintained, operated, used or allowed to be used for storage, keeping, depositing, or temporary storage activity.
- 2.88 **“Tire Processing”** means producing or manufacturing usable materials, including fuel, from waste tires including necessary incidental temporary storage activity.
- 2.89 **“Tire Processor”** means a person engaged in the processing of waste tires.
- 2.90 **“Transfer Facility”** or **“Transfer Station”** means a facility at which solid waste is concentrated for subsequent transport. A transfer facility may be fixed or mobile.
- 2.91 **“Waste Processing”** means the treatment of solid waste after collection and before disposal. Processing includes but is not limited to volume reduction, storage, separation, exchange, resource recovery, physical, chemical, or biological modification and the operations of a metal recycling or salvage facility.

- 2.92 **“Waste Tire:** means a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect.
- 2.93 **“Waste Tire Collection Site”** means a licensed waste facility used for the storage of waste tires prior to their transport to a waste tire processing facility.
- 2.94 **“Waste Tire Processing Facility”** means a licensed waste facility used for the shredding, slicing, producing or manufacturing of usable materials from waste tires, and may include temporary storage activity at the facility. Processing does not include the retreading of tires.
- 2.95 **“Water Pollution”** means (a) the discharge of any pollutant into any waters of the state or the contamination of any waters of the state so as to create a nuisance or render such water unclean, toxic, or impure so as to be actually or potentially harmful or detrimental or injurious to public health, safety or welfare to domestic, agricultural, commercial, industrial, recreational or other legitimate uses, or to livestock, animals, birds, fish or other aquatic life; or (b) the man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of waters of the state.
- 2.96 **“Water Table”** means the surface of the ground water at which the pressure is atmospheric. Generally this is the top of the saturated zone.
- 2.97 **“Waters of the State”** means any waters, surface or underground. Waters of the State includes all boundary and inland waters.
- 2.98 **“Wetland”** means a natural marsh where water stands near, at, or above the soil surface during a significant portion of most years, and which is eligible for classification as a inland fresh water wetland type 3, 4 or 5 under United States Department of Interior classification.
- 2.99 **“Working Face”** means that portion of the land disposal facility where waste is discharged and is spread and compacted prior to the placement of cover material.
- 2.100 **“Yard Waste”** means the garden wastes, leaves, lawn cuttings, weeds and prunings generated at residential or commercial properties.

Section 3: Responsibilities

- 3.01 The Otter Tail County Board and its Solid Waste Department shall be responsible for general administration and enforcement of this ordinance.
- 3.02 The Solid Waste Department shall inspect operations to determine compliance, issue licenses and permits, notices of violation, and notice of suspension or revocation of licenses and permits; make required reports, investigate complaints about violations, and make the County Attorney aware of such violations; and keep proper records of all transactions conducted under this ordinance.

- 3.03 Pursuant to Minnesota Statutes Chapter 115A.94 the County may mandate that all cities and towns participate in solid waste management activities by:
1. Providing the residents of the political subdivision with a solid waste collection alternative. (i.e. contracted collection services, canister site sites and joint canister sites and collection services).
 2. Provide the residents of the political subdivision with a recycling alternative through a redemption center, drop-off center or other collection methods.
- 3.04 Pursuant to Minnesota Statutes Chapters 115A, 116 and 400 and it's Comprehensive Solid Waste Management Plan, Otter Tail County has implemented a system of solid waste management that includes readily assessable solid waste collection and disposal services. Such services are available county-wide through a system of licensed private and municipal haulers as well as through readily accessible solid waste transfer facilities.

Section 4: Service Charges

- 4.01 ***Service Charge: Purpose and Authority:*** This section is enacted pursuant to Minnesota Statutes 400.08 granting Otter Tail County the authority to impose a service charge for solid waste management services provided by the county or by those under contract with the county.
1. ***Revision and Collection:*** The County Board by resolution may revise the rates and charges established herein, when deemed advisable.
 2. ***Factors in Establishing Rates and Charges:*** Rates and charges payable the service; the such as the number of waste service, principal and acquisition or establishment of a reserve fund processing and disposal service, providing waste management may take into account the character, kind, and quality of method of disposition including but not limited to activities recycling, composting, co-composting, resource recovery, people served at each place of collection; the volume of generated; and all other factors that enter into the cost of including but not limited to depreciation and payment of interest on money borrowed by the County for the betterment of solid waste facilities, the for payments of fees for transportation, and administrative costs associated with services to county residents.
 3. ***Rates and Charges Payable:*** The County may require owners of real property to pay a volume or tonnage-based fee for waste management services provided by the County or by persons under contract with the County.
 4. ***Collection:***

- A. Rates and charges shall be billed in a manner determined by the County Board.
 - B. Taxable Properties: Unpaid charges on taxable property may be assessed upon t the tax rolls as provided in paragraph 17.06, below.
 - C. Tax-Exempt Properties: 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.
5. Review: Any property owner who believes that the service charge upon his property is too high may ask to have that charge reviewed by the Solid Waste Department. The property owner must file a request with the Solid Waste Department within thirty (30) days of the date of mailing of the notice of the service charge, upon a form provided by the department. The Solid Waste Director or his or her designee shall have ten (10) working days following receipt of the request for review to notify the property owner of the final decision on whether or not to adjust the service fee.

Appeals: Any property owner may appeal the final decision of the Solid Waste Department by filing an appeal within thirty (30) days of the date of mailing of the notice of final decision on whether to adjust the service charge. An appeal must be filed on a form provided by the department. The appeal shall be submitted for recommendation to the Otter Tail County Solid Waste Advisory Committee at their next schedule meeting. The property owners shall be provided at least ten (10) days prior notice of the date and time of the committee meeting and shall be given an opportunity to appear and be heard before the committee. The recommendation of the Solid Waste Advisory Committee shall be presented to the County Board at their next regularly scheduled meeting for final action.

Section 5: General Provisions:

- 5.01 No person shall use, cause, permit, or allow land or property under their control to be used for solid waste management purposes, except at an operation for which a permit has been granted by the County Board, unless otherwise provided by this ordinance. The County of Otter Tail can participate in solid waste management pursuant to this ordinance without having to obtain a license. Any incorporated city may continue or expand existing solid waste facilities and operations without obtaining a permit if the facility or operation existed prior to November 1988.
- 5.02 Any operation to be used for any method of solid waste management which includes but is not limited to land disposal, resource recovery, composting/co-composting, recycling and transfer stations must be permitted by the County Board before operation may commence. The permit application shall contain two complete sets of plans, specifications and reports prepared by a registered professional engineer of Minnesota. Those shall include:

1. A current map or aerial photograph of the area showing land use and zoning, if applicable, within one-fourth (1/4) mile of the site or facility. The map or aerial photograph shall be of sufficient scale to show all homes, buildings, lakes, ponds, watercourses, wetlands, roads and other applicable details as determined by the Solid Waste Director, and shall include the general topography with contours and drainage patterns. The States Geological Survey data shall be included and a north arrow drawn. A location insert map shall be included.
2. A plot plan including a legal description of the site and adjacent area showing dimensions, location of soil borings, present and planned pertinent features including, but not limited to, roads, fencing, screening, cover stockpiles and monitoring points if planned for. The scale of the plot plan shall not be greater than 200 feet per inch.
3. An ultimate land plan of the site including stages identifying the total and complete land use, and showing finished contour lines and elevations. The Scale of the ultimate land use plan shall not be greater than 200 feet per inch.
4. A report indicating:
 - A. The geographical areas expected to be served by the facility, current population of the area, and projected population figures for the period of the expected life of the facility.
 - B. The anticipated type, quantity and source of material to be disposed of at the site.
 - C. The type and amount of equipment to be provided at the site for waste handling.
 - D. The area of the site in acres.
 - E. The name and address of the owner of the site or facility, and the name and address of the individuals responsible for the actual operation and maintenance of the site.
 - F. The intended operating procedures.
 - G. The expected schedule of fees to be imposed at the facility.
 - H. An estimate of the number of vehicles using the facility each day and the volume of wastes deposited daily.
 - I. The layout and construction of the facility.
5. A notarized affidavit stating that the applicable local governments have been given at least thirty (30) days of written notification of the pending application for a license.

6. Documentation of the availability of revenues necessary to operate the facility in accordance with applicable state and local laws, ordinances and rules.
 7. Such additional information as may be required by the Solid Waste Director.
 8. A written discussion regarding how the facility is consistent with Otter Tail County's Solid Waste Management Plan.
- 5.03 After receiving an application for an operation, the County Board shall refer such application to the County Solid Waste Director who shall give their non-binding recommendation to the County Board concerning whether it should issue or deny the permit.
- If an applicant is denied a permit, such applicant shall be notified in writing of the reasons therefore by the County Board. A denial shall be without prejudice to the applicant's right to an appearance before the County Board or to the applicant's right to file a further application after revisions are made to satisfy objections specified as reasons for the denial.
- 5.04 Except as otherwise provided, a public hearing before the County Board is required prior to the issuance of a permit for a solid waste management facility.
- Notice of the time, place and project to be considered shall be given by publication in the official newspaper for the County at least ten (10) days before the hearing.
- Written notice shall be sent to property owners of record within one-quarter mile of the existing or proposed project, or to the ten properties nearest to the project, whichever would provide notice to the greatest number of owners.
- Written notice shall also be given to the affected board of town supervisors and the municipal council of any municipality within which the existing or proposed project is located.
- The applicant and all other interested parties shall be afforded an opportunity to be heard at the hearing.
- Evidence may be adduced in a manner consistent with rules of evidence applied in civil cases. A transcript thereof shall be made by tape recording or other suitable technique. All books, records, files and correspondence of the County Board pertaining to said application shall be available for public inspection.
- 5.05 The County Board shall refuse to issue a permit for any operation which does not comply with county ordinance, Agency laws and rules and the County's Solid Waste Management Plan as provided for in Minnesota Statutes.
- 5.06 Issuance of any permit pursuant to the provisions of this ordinance shall be contingent upon the applicant furnishing to the County a bond in the amount to be set by the County Board. The bond shall name the County as obligee with

sufficient sureties duly permitted and authorized to transact business in the State of Minnesota as sureties. The condition of such bond shall be that if the licensee fails to comply with any of the requirements of county ordinances, or fails to perform any of the acts required to an operation or ceases to operate, and the County is required to expend any moneys, or expend any labor or material to restore the operation to a condition in compliance with this ordinance, the bond holder and the sureties on its bond shall reimburse the County for any and all the expenses incurred by the County to remedy failure of the permittee to comply with the terms of county ordinances, and the bond holder and its sureties shall indemnify and hold the County harmless from all losses, costs and charges that may occur to the bond holder or its sureties because of any default of the licensee under the terms of his permit to operate in compliance with the terms of the ordinances of the County.

- 5.07 In addition to the bond issuance of any permit pursuant to the provisions of this ordinance shall be contingent upon the applicant securing and furnishing to the County certificates of insurance which may include but not be limited to the following types of insurance issued to the permittee by insurers duly permitted within the State of Minnesota and in amounts to be set by the County Board; general liability, including, but not limited to, bodily injury, property damage, motor vehicle, loading and unloading, completed operations, explosion and collapses of underground operations insurance.
- 5.08 Any permit or license granted by the County Board under the provisions of this ordinance may be conditionally revoked or suspended by the County Board for non-compliance with the provisions of the permit, county ordinance or applicable state laws or rules, or upon written notification to the permittee and the County Board by the Solid Waste Director or by an authorized representative of the Agency that the continued use of the operation may endanger the health, welfare and safety of the public or that the continued use may cause pollution or impairment of the environment. In the event of emergency health, safety or welfare dangers, the County Board or the Solid Waste Director may conditionally suspend the permit immediately pending a hearing before the County Board as hereinafter provided.
- 5.09 The notice of conditional revocation or suspension shall be deemed served whenever it is served upon the permittee personally or by leaving the same at the permitted premises with the person in charge thereof. A copy of the notice of conditional revocation or suspension shall be provided to the County Board. The County Board shall remove the permit suspension when the situation has been fully corrected. The conditional revocation or suspension shall become final unless within ten (10) days of service the permittee requests a hearing before the County Board. Except as herein provided, a permit may be finally revoked or suspended only after the County Board has held a hearing at which the permittee and other persons wishing to be heard concerning the operation shall have the right to be heard. The date of said hearing for permit revocation or suspension shall be set by the County Board and shall not be held earlier than ten (10) days, nor later than thirty (30) calendar days after notice of said hearing was mailed to or served on the permittee. Evidence may be adduced in a manner consistent with the rules of evidence applied in civil cases. A transcript thereof shall be

made by tape recording or other suitable technique. If, pursuant to said hearing, the County Board shall determine that the operation has been conducted in violation of the provisions of the permit, county ordinance, state law or state rules, the County Board may finally revoke the permit, or the County Board may continue such suspension in effect until the permittee has demonstrated that full compliance with the provisions of the permit, county ordinance, state laws and state rules has been attained and that such compliance will be continued in the foreseeable future. If the County Board revokes the operator's permit, the operator may apply for a new permit.

- 5.10 Unless otherwise provided by the County Board, each permit granted pursuant to the provisions of this ordinance shall expire on December 31st of the year specified by the County Board, unless sooner revoked pursuant to Section 5.08 of this ordinance. Application for permit renewal shall be made in writing to the County 180 days prior to the date of expiration. Application for renewal shall contain a statement of any changes in the information submitted in the last approved permit application. Failure to submit such information shall result in the denial of the permit by the County Board. If there are no changes, it shall be so stated in the renewal application.
- 5.11 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, or rule, that provision which establishes the higher standards for the promotion of the public health, safety and general welfare shall prevail.
- 5.12 Every permit issued for a solid waste operation in the County shall be registered with the office of the County Solid Waste Director.

Section 6: Solid Waste Storage:

- 6.01 Solid Waste Accumulations: Except as otherwise allowed by this ordinance, owners, occupants or managers of every property shall be responsible for maintaining all open areas free of improperly stored solid waste accumulations. Except for normal operation on farms, solid waste accumulations includes but may not be limited (a) appliances and fixtures damaged, deteriorated or in obsolete condition as to have no substantial value and can be reasonably considered to be solid waste; (b) tin cans, broken glass, old furniture, boxes, crates, and other debris, (c) any other form of solid waste or mixed municipal solid waste which is in a condition of disrepair such as to have no immediate useful purpose.
- 6.01 Storage Facilities and Containers Required: Every property shall have supplied with adequate solid waste storage facilities or containers. Such facilities or containers shall be provided by the owner of the property or by contract with a commercial hauler.
- 6.02 Provided Facilities Required to be Used: Property owners or occupants shall store waste for removal in the solid waste storage facilities or containers

provided. The property owner or occupant shall not permit solid waste to be placed in locations or in a manner that the solid waste can be scattered by water, wind, animals or insects.

- 6.03 *Frequency of Container Service:* Every property owner or occupant shall cause the solid waste to be removed and deposited at a place allowed by this ordinance, at least twice each month. Non-putrescible wastes suitable and sorted for recycling may be retained if they are stored in an aesthetically acceptable manner that avoids unacceptable health risk or nuisances, and otherwise complies with this ordinance.
- 6.04 *Storage Container Construction:* All solid waste storage containers shall be constructed resistant to rodent, insect, and vermin entry. Materials used shall be rust and impact resistant. The containers shall be equipped with tight-fitting covers that shield the container from the entrance of animals or insects.
- 6.05 *Storage Container Maintenance:* Solid waste containers shall be maintained and kept in a neat, clean, sanitary, and leak-resistant condition by the container's owners so as to prevent insect breeding, nuisances, and unsightly conditions.
- 6.07 *Container Location:* No containers shall be placed out for collection more than 12 hours prior to the normal collection route time, unless said container is constructed resistant to rodent, insect or small animal entry. Containers shall be secured so as to minimize or eliminate spillage. No hauler shall provide collection service that encourages its customers to place containers out at any collection point except at times corresponding to 12 hours prior to the normal route services.
- 6.08 Commercial waste haulers that provide a collection service that does not allow the hauler continual identification of customers that purchase such services (i.e. the sale of prepaid bags that include both the cost of collection and disposal) are responsible for the immediate collection and cleanup of all bags and the area surrounding the bags location whether or not the bag is located on a normal collection route or not.
- 6.09 *Container Compliance: Subsection 1.* Any Commercial Hauler finding solid waste containers in use that appear not to be in compliance with this ordinance shall report the container's location to the Solid Waste Department.
- Subsection 2.* The Solid Waste Department shall investigate complaints about solid waste containers and if the container is found not in compliance a notice shall be attached to the container as provided in this section. If the Solid Waste Department can not investigate the complaint it shall mail to the containers owner a notice that the complaint was received regarding the container.
- 6.10 *Unauthorized Transfer of Solid Waste:* Except as permitted by this ordinance, Solid Waste shall not be transferred to another property or another property's waste storage facility except with the consent of the property owner.
- 6.11 *Solid Waste Burning Prohibited:* Burning of Solid Waste shall be prohibited except (a) as allowed at a licensed Solid Waste Facility (b) as allowed under the

terms of the “Permit for Open Burning” issued by authority of the Minnesota Pollution Control Agency or the Minnesota Department of Natural Resources or (c) as allowed by Agency Rules.

Section 7: Carcasses, Tires, Yardwaste, Composting, Street Cleanings, and Unacceptable Waste:

7.01 Animal Carcasses:

Subsection 1. Persons that are disposing of animal carcasses by burial or by incineration as provided by Minnesota Law shall do so in accordance with procedures allowed by the State of Minnesota to prevent contamination of the air or waters of the state.

- A. Animal carcasses shall not be buried in soils that have severe limitations for sanitary facilities. Where there are suitable soil conditions, there shall be at least five (5) feet of soil thickness separating the source of contamination (carcass) from the ground water table, mottled soils or bedrock.
- B. Incineration of carcasses shall not be permitted except as allowed by the State of Minnesota.

Subsection 2. Within seventy two (72) hours after discovery of death of a domestic animal, the carcass shall be properly disposed of.

Subsection 3. Removal of animal carcasses found on public property shall be the responsibility of the owner of the animals. If the owner cannot be determined, the carcass may be removed by the appropriate government agency. The appropriate agency shall be selected from time to time by the County Board.

Subsection 4. Animal carcasses may be removed from private property for proper disposal by the County when the owner of the animal has not complied with the provisions of this ordinance. The expense of notice, removal and disposal shall be paid by the owner in the manner provided by law.

7.02 Waste Tires

Subsection 1. Waste tire collectors and processors shall meet all the requirements of state laws and rules administered by the Agency.

Subsection 2. A tire collector or tire processor with more than 500 waste tires shall obtain a permit from the State of Minnesota unless exempted.

Subsection 3. Exemptions: A license is not required for:

- A. A retail tire seller for the retail selling site if no more than 500 waste tires are kept on the business premises;
- B. An owner or operator of a tire retreading business for the business site if no more than 3,000 waste tires are kept on the business premises;
- C. An owner or operator of a business who, in the ordinary course of business, removes tires from motor vehicles if no more than 500 waste tires are kept on the business premises;
- D. A landfill operating under state permit with less than 10,000 waste tires stored at the permitted site; or
- E. A person using waste tires for agricultural purposes if the waste tires are kept on the site of use.

Subsection 4. The disposal of waste tires in the land as prohibited after July 1, 1985 does not prohibit storage of unprocessed waste tires at a collection or processing facility.

Subsection 5. Waste tires shall be stored in a manner which will not create a nuisance, blight, health hazard or fire hazard.

Subsection 6. No more than ten (10) waste tires may be stored within the boundaries of any residential lot.

Subsection 7. No more than one hundred (100) waste tires may be stored on any non-residential lot except at a properly licensed Solid Waste Facility.

Subsection 8. Exceptions to Subsection 6 and 7 may be allowed when waste tires are utilized outside of a building for agricultural purposes where they comply with the requirements of other applicable laws or sections of this ordinance.

Subsection 9. Waste tires within one thousand (1000) feet of a residence shall be stored or utilized in a manner that prevents water from being retained in the tires.

Subsection 10. Waste tires shall not be placed, stored, left, or permitted to remain in any lake, stream, wetland, sinkhole, gully, waterway, floodplain or shoreland.

Subsection 11. The owner or occupant of the land or premises upon which waste tires are located in violation of this ordinance shall be obligated to remove them to a licensed Solid Waste Facility, or obtain the license required by this ordinance.

7.03 Yardwaste Composting: A yardwaste compost site not exceeding two hundred (200) cubic feet in size may be allowed on a land parcel without a permit or license under this ordinance if the site is properly managed to prevent nuisance

or health and safety problems. Such compost site may utilize grass clippings, leaves, and brush limbs not exceeding one-half (1/2) inch in diameter.

- 7.04 *Unacceptable Waste*: A Solid Waste Facility rejecting waste as “unacceptable waste” shall be provided with information regarding the nearest suitable facilities where that waste can be disposed or received from the public. Such waste shall be transported only to Solid Waste or Hazardous Waste Facilities operating with an appropriate license for disposal, treatment, processing or recycling.

Section 8: Standards for Collection and Transportation of Solid Waste

- 8.01 The owner or leasee of any premises, business or industry may transport self-generated solid waste or contract with a licensed commercial hauler to collect and transport solid waste.
- 8.02 All solid waste collected and removed from every premises, business or industry shall be transported to the appropriate facility licensed and designated for that purpose, pursuant to the laws of the State and Otter Tail County Solid Waste Ordinance.
- 8.03 Vehicles and containers for solid waste transportation shall be enclosed, covered, leakproof, durable, and of easily cleanable construction. Suitable equipment shall be provided on each vehicle for the purpose of collecting spilled materials.
- 8.04 All solid waste shall be loaded and moved in such a manner that it will not escape from its container. Where spillage does occur, the material shall be picked up immediately by the hauler or solid waste transporter and returned to the vehicle or container, and the area properly cleaned.
- 8.05 The transporter shall notify the Solid Waste Department and the appropriate law enforcement agency if a load or partial load of Solid Waste is dumped or unloaded except where allowed by this ordinance. Transporter is responsible for cleaning the area as instructed by the authorities.
- 8.06 No one shall collect or transport solid waste that is smoking, smoldering, or burning except in a container designed and approved by the State Fire Marshall and County Solid Waste Department for that purpose.
- 8.07 Solid waste shall not be allowed to remain or be stored in any collection or transportation vehicle in excess of forty eight (48) hours, except in the event of an emergency.
- 8.08 Vehicles and containers for solid waste transportation shall be constructed, loaded, transported, and unloaded in a safe, sanitary and nuisance-free manner. They shall be cleaned to prevent nuisance, pollution or insect breeding, and shall be maintained in good repair. The container inspection doors and hoppers shall be securely closed and empty of waste except when the vehicle or container is being inspected, cleaned or stored in a clean empty condition.

- 8.09 Solid Waste transported in Otter Tail County in a vehicle or container that does not properly protect such solid waste from spillage may be charged a disposal rate equaling two times the posted rate for disposal as well as being subject to possible violations of this ordinance.

Section 9: Routes, Districts, and Time for Solid Waste Collection & Transportation

9.01 The County Board, by resolution, may adopt a designated route for transporting solid waste to the county's designated disposal sites. Vehicles transporting solid waste must use the designated routes.

9.02 Nothing in this section shall prevent any municipality from establishing solid waste collection districts or routes in their jurisdiction except that such districts shall not interfere with the county's solid waste plan.

Section 10: Permits and Licenses for Solid Waste Collection or Transportation

10.01 *State Rules:* The collection, transportation, and disposal of solid waste shall be performed in accordance with the requirements of this Ordinance, the Otter Tail County Solid Waste Management Plan, and all applicable state laws and rules.

10.02 *Licenses and Vehicle Permits Required:* Any person, firm, corporation or commercial hauler that collects or disposes of solid waste or source separated recyclable materials in Otter Tail County must annually obtain a solid waste collection, transportation, and disposal license and a permit for each vehicle used.

Subsection 1. The following vehicles are exempt from this license and vehicle permit requirements:

- A. Vehicles transporting solid waste from only one single household or from only the vehicle owner's property.
- B. Vehicles owned and operated by a municipality in Otter Tail County are not required to obtain a license or vehicle permits but are required to follow all of the requirements of this ordinance.
- C. Vehicles transporting waste from another Minnesota county that has executed a current joint powers agreement with Otter Tail County for solid waste processing and disposal, provided the following conditions are met:
 - 1. The vehicles are properly licensed, bonded and insured in the county from which they originate.

2. The vehicles are only hauling waste covered by the joint powers agreement.
3. The vehicles and operators comply with all other requirements of this Ordinance.

Subsection 2. Applications for licenses and vehicle permits shall be made upon forms provided by the Solid Waste Department and shall be filed with the appropriate fee at the Solid Waste Department. The applicant shall have in force at all times and furnish with his application for license proof of comprehensive automobile liability insurance (owned, non-owned, hired) for bodily injury and property damage (combined limited) as described in Section 10.03.

Subsection 3. Each vehicle permit issued shall be maintained in or on the vehicle and displayed as required by the County. Any license or vehicle permit may be suspended or revoked by the Solid Waste Department or Otter Tail County Board for a violation of this Ordinance or other applicable state, county or local law or rules, in accordance with the procedures identified in Section 5.08, above. All licenses and vehicle permits shall expire immediately upon transfer of ownership of the vehicle or on the 31st day of December following issuance.

A. ***Insurance Requirements:*** No licensee or any contractor operating under contract or agreement with a licensee shall commence operation until the licensee or contractor has obtained, at their own cost and expense, all insurance required herein. All insurance coverage is subject to the approval of Otter Tail County and shall be maintained by the licensee for the term of the license. All insurance shall be on an occurrence basis only. The amounts provided below may be changed by resolution of the County Board. Any solid waste collection and transportation license and vehicle permit issued hereunder are immediately suspended or revoked upon cancellation of the insurance coverage of the licensee.

Subsection 1. Minimum Insurance Limits of Coverage

A. **Auto Liability**

1. Bodily Injury: \$1,000,000 each person/\$1,000,000 each occurrence
2. Property Damage \$1,000,000 each occurrence
3. Or a Combined Single Limit of \$1,000,000
4. The auto coverage must also include the following: any auto, hired and non-owned auto

B. **Commercial General Liability**

Minimum Limits:

1. \$2,000,000 Aggregate
2. \$2,000,000 Products and Complete Operations Aggregate
3. \$1,000,000 Personal Injury & Advertising Injury
4. \$1,000,000 Each Occurrence
5. \$ 100,000 Fire Damage Limit

6. \$ 5,000 Medical Expense

C. Workers' Compensation

1. The policy must include Employer's Liability Insurance
2. The limit must be statutory per applicable State and Federal law with minimum limits of:
 - a) Bodily Injury by Accident: \$100,000 each accident
 - b) Bodily Injury by Disease: \$100,000 each Employee
 - c) Bodily Injury by Disease: \$500,000 Policy Limit

Subsection 2. Proof of Insurance: Insurance certificates evidencing that the above insurance is in force with companies acceptable to Otter Tail County and in the amounts required shall be submitted to the Department of Solid Waste for examination along with an application for license and vehicle permits. The County of Otter Tail shall be listed as an additional insured. The insurance certificates shall specifically provide that a certificate will not be modified except upon thirty (30) days prior written notice to the Otter Tail County Department of Solid Waste. Neither the Department of Solid Waste's failure to require or insist upon certificates or other evidence of insurance, nor the department's acceptance of a certificate or other coverage changes the licensee's responsibility to comply with the insurance specifications.

Subsection 3. All terms used above to specify the required insurance are to be interpreted according to the ordinary usage of the insurance industry.

10:04 ***Application Requirements:*** All applications for a solid waste collection, transportation, and disposal license and vehicle permits and subsequent annual renewals submitted to the Solid Waste Department shall include the following:

1. The name and address of the applicant.
2. A description of each vehicle to be used for solid waste collection.
3. The location and address describing the place where the applicant is storing his equipment/vehicles.
4. Current copy of certificate of insurance, indicating proper insurance coverage for the period of the license, including the name of the insurance carrier, its agent, policy number and effective dates.
5. A map of the area of each city, township and county served.
6. A bond in an amount to be specified by the County Board listed in favor of Otter Tail County.
7. A license fee to be established by resolution of the County Board.
8. Other information the County may reasonably require including but not limited to applicant's signature, and appropriate fees for the license and permits.

10:05 ***Implied Consent:***

Subsection 1. The application for an acceptance of a solid waste collection and transportation license in Otter Tail County is evidence of the licensee's intent to comply with all state, county, and federal regulations applicable to the collection,

transportation and disposal of solid waste and source separated recyclable materials and the licensee's intent to comply with Otter Tail County's Solid Waste Management Plan as well as all of the provisions of this Ordinance.

Subsection 2. By the application for and acceptance of a solid waste collection and transportation license, the licensee consents to allow Otter Tail County access to all equipment used for collection and transportation for the purpose of inspections for compliance with this Ordinance, without prior notice to the licensee.

10.06 Additional Requirements:

Subsection 1. All solid waste collection and transportation license holders are responsible for the collection of only acceptable waste in a timely manner consistent with this Ordinance and for the proper transportation and disposal of the solid waste at a properly licensed facility. The licensee is responsible for the service provided pursuant to a contract between the licensee and the purchaser of the service.

Subsection 2. All solid waste collection and transportation license holder collecting solid waste in Otter Tail County shall charge for the collection of solid waste so that the charges shall vary with the volume or weight of the solid waste collected and will annually provide the Otter Tail County Solid Waste Department written proof of the variable charge rates utilized.

Subsection 3. No later than July 1st of each year, each solid waste collection and transportation license holder must submit to the Department of Solid Waste, on forms supplied by the Department, an accurate and current listing of all business and commercial accounts and waste volumes generated by those accounts. Failure to supply this information or the supplying of intentionally misleading information shall be reason for immediate license revocation.

Section 11: Permits & Licenses for Solid Waste Facilities:

11.01 Storage of Recovered Materials from Demolition: Segregated Demolition Waste Materials may be stockpiled for construction, or recycling provided the Solid Waste Department and the Agency has authorized such storage. Use of such materials shall comply with other applicable County or State Laws and Rules.

For materials stored more than 6 months a permit from the State of Minnesota is required.

11.02 Permit for Disposal of Selected Demolition Waste:

Subsection 1. Demolition waste generated on-site by construction or demolition of structures on an individual property may be buried on-site provided a permit is

issued by the State of Minnesota. A record of such burial of waste shall be filed at the office of the County Recorder.

Subsection 2. Placement of Select Demolition Waste as fill for a specific land improvement projects may be allowed provided a permit for that waste at that site is obtained from the State of Minnesota. Type and area filled shall be filed at the office of the County Recorder.

11.03 License Required: Unless otherwise provided by this ordinance, no person shall cause, permit, or allow real or personal property under their control to be used for the following solid waste management operations unless a permit for that purpose has been granted by Otter Tail County, the Minnesota Pollution Control Agency, or both. A license will not be granted for facilities which are not consistent with Otter Tail County's Solid Waste Management Plan. Licenses shall be required for construction and operation of:

1. Canister or transfer facility
2. Mixed municipal solid waste land disposal site
3. Ash and demolition landfills
4. Incinerators with a capacity equal to or greater than five hundred pounds per hour
5. Waste tire processing or storage facilities
6. Recovered materials and Solid Waste processing facilities (including but not limited to battery, composting and recycling)
7. Other activities and facilities required to be permitted by this ordinance

11.04 License Modification:

Subsection 1. The Board may modify existing licensing requirements due to information indicating that the original permit provisions were based on inadequate or erroneous information. Such change in the provision can only be made after advance notification of the licensee.

11.05 License Renewal

Subsection 1. Each license granted by the county under this section shall expire on the conclusion of the thirty first (31st) day of December following its issuance, annually on the (31st) day of December thereafter, or on the (31st) day of December for a term to be determined by the Board.

Subsection 2. If the operation has been maintained in compliance with this ordinance and other applicable laws, and proper renewal application has been made with the appropriate fees paid, the board may issue the renewal license.

Section 12: County Operated Facilities:

12.01 The provisions of this ordinance allows Otter Tail County, as an owner to operate solid waste management facilities without obtaining a permit to do so from itself.

12.02 As an operator of a solid waste management facility under the provisions of this ordinance the Otter Tail County Board may from time to time establish rates or charges for services provided. It may further utilize all of the provisions of this ordinance to enforce the payment and collection of those designated changes.

Section 13: Minnesota State Rules Regarding Solid Waste Facilities:

13.01 Minnesota Statutes regarding Waste Facilities shall apply in addition to the provisions provided in this Ordinance.

Section 14: Existing or Non-Conforming Sites and Facilities:

14.01 Solid Waste Facilities in existence on the original effective date of this Ordinance, December 21, 1988, shall be reported to the Solid Waste Department and shall be brought into compliance with the provisions of this Ordinance

Solid Waste Facilities which are not able to conform to the provisions of this ordinance shall terminate all operations immediately, unless authorized specifically by the County Board in accordance with this Ordinance.

14.02 Dumping

Subsection 1. Unauthorized Dumping: It shall be a violation of this Ordinance for any person to dispose of solid waste within the County, including its incorporated areas, except at a site or facility authorized and licensed by the County Board in accordance with this Ordinance.

Subsection 2. Open Dumping: It shall be a violation of this Ordinance for any person to operate an open dump. The owner or occupant of any property upon which a dump exists at the time this Ordinance is enacted shall:

- A. report the location to the Solid Waste Department
- B. cease operations
- C. remove refuse that may cause pollution and transport it to an appropriate state or county licensed waste facility
- D. close the dump in accordance with the provisions of this ordinance and state rules

Subsection 3. Waiver: The Board may waive any of the closure requirements of this Ordinance, provided such waiver will not violate Agency rules or endanger the health or safety of the public.

Section 15: Fees and Charges:

15.01 Fees for licenses, permits and disposal charges shall be set from time to time by resolution of the Otter Tail County Board of Commissioners.

- 15.02 Fees for licenses and permits shall be paid with the initial application and annually thereafter by the applicant as a condition for license or permit renewal. Non-payment of the fees shall be grounds for denial of application or renewal.
- 15.03 Fees for repeated return visits or investigations to the same property to determine compliance with this regulation may be established and set by resolution of the Otter Tail County Board of Commissioners. The fees established will take into account, but not be limited to the county's cost and amount of the service, date of accumulation, planning, depreciation and administration
- 15.04 Rates and charges for licenses, permits and services may be billed in a manner determined by the county and payment enforced as provided in this ordinance.
- 15.05 Permit Fee Waived: Any Solid Waste Facilities, transportation vehicles, or commercial hauler vehicles owned and operated by Otter Tail County or its incorporated cities shall fulfill all requirements of this ordinance with the following exceptions: (a) they shall not be required to pay license or permit fees authorized by this ordinance; (b) they will be exempted from the need to obtain a vehicle permit as provided in Section 10 of this ordinance.

Section 16: Additional Requirements:

- 16.01 The County Board may impose additional requirements consistent with the intent of this Ordinance.
- 16.02 The County Board of Commissioners may amend or add Appendix sections by resolution after receiving recommendations for such amendments or additions by the Department of Solid Waste.
- 16.03 Unless specifically authorized in advance by the owners of a facility, it shall be a violation of this Ordinance for any person or persons to enter upon or remain on property permitted or authorized by this Ordinance at any time during which the facility is not open, as indicated by the posed hours of operation.

Section 17: Enforcement:

- 17.01 Provisions of this ordinance shall be enforced by the Otter Tail County Department of Solid Waste.
- 17.02 All provisions of this ordinance shall be enforced according to this Subsection or other applicable State Statutes or Rules.

Subsection 1. Misdemeanor: Any person who violates this ordinance, or permits a violation to exist on property under their control, or fails to take action to abate

the existence of the violation as ordered or notified by the County shall be guilty of a misdemeanor, and upon conviction shall be punished as provided by law. A separate offense shall be deemed committed each day, during or on, which a violation occurs or continues.

Subsection 2. Equitable Relief: In the event a violation exists or there is a threat of violation of this ordinance, the Solid Waste Department may take appropriate action to enforce this ordinance. Such action may include application for injunction relief, action to compel performance, including revocation of license, action to abate the violation, or other appropriate action in court, if necessary, to prevent, restrain, correct, or abate such violations or threatened violations.

Subsection 3. Citation: The Solid Waste Department may issue citations for violations of this ordinance.

- A. Whenever any representative of the Solid Waste Department discovers a violation of this ordinance, they may issue a citation to the person alleged to have committed the violation.
- B. The citation shall be issued to the person charged with the violation, or in the case of a corporation or municipality, to the person in charge at the site of the violation or any officer or agency with expressed or implied authority to accept such issuance.

17.03 All property affected by this ordinance shall be subject to inspection by the county in accordance with Minnesota Statutes. The county may collect samples for evidence or laboratory examination as deemed necessary for enforcement of this ordinance. No person shall refuse to permit the county's officer to inspect any premises. No person shall molest or resist the county's officers in their discharge of duty for protection of the public health, air or waters of the state.

17.04 ***Civil Action or Cost as Special Tax:*** The County Board, by resolution, may specify a non-exclusive list of activities prohibited by sections of this ordinance and declare the violation of those activities to be public nuisances. Such list shall be in addition to those activities determined to be public nuisances under Minnesota Statutes 561.01 and 609.74. If a person fails to comply with the provisions of this ordinance, and such violation is deemed to be a nuisance, the county may make the corrections at county expense and recover the costs incurred for corrective action in civil action in any court of the competent jurisdiction or, at the discretion of the County Board, the costs may be certified to the County Auditor as a special tax against the real property as provided by law.

17.05 ***Unpaid Charges:*** Each year the County Board may certify to the County Auditor all unpaid outstanding charges for services hereunder, and a statement describing the type of service or the lands or persons to whom services were provided and 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 upon tax rolls of the county for the taxes of the year in which the assessment is filed. The assessment 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 laws of the state. The charges, if not paid, shall become delinquent and be subject to the same penalties and the same rate of interest as the taxes under the general laws of the state.

Section 18: Repealer:

18.01 The Otter Tail County Solid Waste Ordinance, dated November 25, 1997, is hereby replaced.

Section 19: Severability:

19.01 The provisions of this Ordinance are severable. Should any action, paragraph, sentence, clause, phrase, or portion of this regulation be declared invalid for any reason, the remainder of this regulation shall not be affected.

Section 20: Effective Date:

20.01 This regulation shall be in full force and effect upon adoption and publication pursuant to law.

Dated: _____

OTTER TAIL COUNTY

ATTEST:

By: _____
Chair

Clerk