
Solid Waste Ordinance

Ordinance #19
1993 Revision

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COTTONWOOD COUNTY
SOLID WASTE ORDINANCE

An ordinance authorizing and providing for County Solid Waste Management, establishing powers and duties in connection therewith, establishing standards for and regulating solid waste management operations within the County of Cottonwood, requiring a license for the establishment and use of a solid waste management operation; establishing requirement for certain facilities on a disposal site, for control of special solid wastes, and those waste abatement programs as defined by SCORE legislation; determine embodying minimum standards and requirements established by regulation of the Minnesota Pollution Control Agency; providing for enforcement of said requirements; requiring a performance bond for solid waste disposal facilities; and imposing penalties for failure to comply with these provisions; in purpose and object to promote the health, welfare and safety of the public and protect resources of water, air and land pursuant to Minnesota Statutes, Chapter 115, 115A, 116, 375, 400, 561.01, and 609.74.

Board of Commissioners of the County of Cottonwood hereinafter referred to as County Board, does ordain:

SECTION I. DEFINITIONS

Unless specifically altered, terms and abbreviations used in this ordinance shall be interpreted in a manner consistent with Minnesota Statutes, Chapter 115, 116, and 400, and regulations of the Agency which have been or hereafter may be adopted under those provisions. Terms and abbreviations used herein which are not specifically defined by law shall be construed in accordance with the context and professional usage.

Subd. 1 “Agency” is the Minnesota Pollution Control Agency.

Subd. 2 “Air Contaminant” is the presence in the outdoor atmosphere of any dust, fumes, mist, vapor, gas or gaseous, fluid or particulate substance differing in composition form, or exceeding in concentration, the nature components of the atmosphere.

Subd. 3 “Air Pollution” is the presence in the outdoor atmosphere of any air contaminants 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.

Subd. 4 “Appliance” (See “Whitegoods”)

Subd. 5 “Appliance Storage Facility” is a facility for the storage of three or more inoperable appliances.

Subd. 6 “Backyard Composting” is the composting of household putrescible and yard wastes generated by a residential dwelling or adjoining property.

Subd. 7 “Board” is the Cottonwood County Board of Commissioners.

Subd. 8 “Canister System” is one or more commercial solid waste storage containers (such as “dumpsters”) located to function as an intermediate disposal facility, and which is serviced on a regular basis by a public or private hauler.

Subd. 9 “Cell” is compacted solid wastes that are enclosed by cover material in a land disposal site by a public or private hauler.

Subd. 10 “Closure” is the period after which solid waste are no longer accepted during which time the permittee completes the required procedures as regulated by the Minnesota Pollution Control Agency.

Subd. 11 “Collection” is the aggregation of solid waste from the place at which it is generated which includes all activities up to the time the waste is delivered to a waste facility.

Subd. 12 “Collector/Commercial Hauler” is any person who owns, operates, or leases vehicles for the purpose of collection and transport of any type of solid waste.

Subd. 13 Commercial Hauler” is an individual, partnership or corporation that for a fee transports recyclables, mixed municipal solid waste or other waste. Also called a collector.

Subd. 14 “Construction Debris” is waste building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition of building and roads.

Subd. 15 “County” is any department or representative of the County who is authorized by this ordinance, or otherwise by the County Board, to represent the County of Cottonwood in the enforcement or administration of this ordinance.

Subd. 16 “Cover Material” is the material that is used to cover compacted solid waste in a land disposal site. Important general characteristics of good cover material are low permeability, uniform texture, cohesiveness and compatibility. Suitable cover materials include, but are not limited to, sandy loam, loam, sandy clay loam, silty clay loam, clay loam, sandy clay, and loamy sand.

Subd. 17 “Daily Cover” is the cover that spread and compacted on the top and side slopes of compacted solid waste at least at the end of each operating day in order to control vectors, fire infiltration and erosion in addition to assure an aesthetic appearance.

Subd. 18 “Demolition Waste” is inert material that includes earthen fill, boulders, rock and other materials normally handled in construction operations but does not include solid waste, hazardous or toxic waste, recyclables or materials possessing usual or anticipated chemical or biological action.

Subd. 19 “Designation” is a requirement by the county that all or any portion of the mixed municipal solid waste that is generated within its boundaries, or any service area thereof, be delivered to a processing or disposal facility identified by the county.

Subd. 20 “Department” is the Cottonwood County Waste Management Department.

Subd. 21 “Dump” is an unpermitted 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, and scavengers.

Subd. 22 “Facility” is the land, structure monitoring devices and other improvements on the land use for monitoring, treating, processing, storing or disposing of solid waste, leachate or residual from solid waste processing or the processing of compostables, recyclables or household hazardous waste.

Subd. 23 “Farm” is a parcel of land located in an Agricultural Zoning District as defined by the Cottonwood County Zoning Ordinance used for the production, keeping or maintenance, for sale, lease or personal use, of plants and animals useful to people, including but not limited to: forages and sod crops, grains and seed crops, dairy products, poultry products, livestock including beef cattle, sheep, seine, horses, ponies, mules, goats or any mutations or hybrids thereof including the breeding and grazing of any of such animals, bees and apiary products, fur animals, trees and forest products.

Subd. 24 “Garbage” is discarded material resulting from the handling, processing, storage, preparation, serving, and consumption of food.

Subd. 25 “Ground Water” is the water contained below the surface of the earth in the saturated zone including, without limitation, all waters whether under confined, unconfined or perched conditions in near surface unconsolidated sediment or regolith, or in rock formations deeper underground. The terms ground waste shall by synonymous underground water.

Subd. 26 “Hauler” is any person who owns, operates or leases vehicles for the purpose of collection and transportation of any type of solid waste.

Subd. 27 “Hazardous Waste” is any refuse or discarded materials or combinations of refuse or discarded materials in solid, semi-solid, liquid, or gaseous form which cannot be handled in a routine waste management technique because they pose a substantial present or potential hazard to human health or other living organisms because of their chemical, biological or physical properties. Categories of hazardous waste materials includes, but not limited to, explosives, flammables, oxidizers, poisons, irritants, and corrosives. Hazardous waste does not include sewage sludge, and source materials, special nuclear waste or by-product material as defined by the Atomic Energy Act of 1954, as amended.

Subd. 28 “Household Hazardous Waste” is any waste generated from household activity that exhibits the characteristics of, or that is listed as, hazardous waste under agency rules, but does not include waste from commercial activities that is listed as generated, stored, or present in a household. Household Hazardous Waste include, but not limited to, paints, solvents, cleaners, pesticides, herbicides, paint thinner, drain opener, varnishes, stains, and adhesives.

Subd. 29 “Incineration” is the process by which solid wastes are burned for the purpose of energy recovery or volume and weight reduction in facilities designed for such use.

Subd. 30 “Industrial Waste” is all solid waste generated from an industrial or manufacturing process and solid waste generated from non-manufacturing activities such as service and commercial establishments. Industrial waste does not include office materials, restaurant and food preparation waste, discarded machinery, demolition debris waste or household refuse.

Subd. 31 “Intermediate Disposal Facility” is a facility for the temporary collection, storage, reduction, recycling, or processing of solid waste prior to final disposal.

Subd. 32 “Junk Yard” is land or buildings where solid waste, 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 of automobiles or other vehicles provided further that the storage of three (3) or more inoperative and/or unlicensed motor vehicles for a period in excess of three (3) months shall also be considered a junk yard. This shall exclude recycling facilities.

Subd. 33 “Land Disposal Site” is any tract or parcel of land including any construction facility at which solid waste is disposed of in or on the land.

Subd. 34 “Land Pollution” is the presence in or on the land of any solid waste in such quantity, of such nature or duration, and under such conditions as would affect injuriously any waters of the state, create air contaminants or cause air pollution.

Subd. 35 “Licensee” is a person who has been issued a license by the County Board for solid waste management purposes pursuant to this ordinance.

Subd. 36 “Littering” is the unlawful placing of any portion of solid waste in or on public or private lands, shore lands, roadways, or waters.

Subd. 37 “Mixed Municipal” is garbage refuse and rubbish from residential, commercial, industrial and community activities which is generated and collected in aggregate, but does not include materials collected, processed and disposed of as separate waste streams.

Subd. 38 “Monitoring Point” is any installation or location used to determine the quality or physical characteristic of ground water, surface water or water in either the unsaturated or saturated zone.

Subd. 39 “Multi-County Mixed Waste” is solid waste that is collected outside the County and then transported to this County and mixed with solid waste from the County. Excluded from this definition is one (1) cubic yard per vehicle per load, or, ten (10) percent of the vehicles solid waste load, whichever is less.

Subd. 40 “Nonconforming Solid Waste Disposal Site or Facility” is a public or private solid waste disposal site or facility that was lawfully in existence before August 8, 1975.

Subd. 41 “Nonputrescible” is solid waste other than garbage, hazardous waste, industrial waste, mixed municipal, mixed municipal solid waste, sludge or other special wastes.

Subd. 42 “Non-recyclable Materials” is solid waste, refuse, construction debris, and materials for which there is no appropriate market that will accept these materials for recycling.

Subd. 43 “Office” is the Office of Waste Management.

Subd. 44 “Open Burning” is burning any matter whereby the resultant combustion products are emitted directly to open atmosphere without passing through a stack, duct or chimney which meets Minnesota Pollution Control Agency standards.

Subd. 45 “Operation” is any site, facility, or activity relating to solid waste management.

Subd. 46 “Operator” is the person responsible for the overall operation of a facility.

Subd. 47 “Organized Collection” is a system for collecting solid waste in which a specified collector, or member of an organization of collectors, is authorized to collect from a defined geographic service area and areas some or all of the solid waste that is released by generators for collection.

Subd. 48 “Owner” is the person or persons who own a facility or part of a facility.

Subd. 49 “Permittee” is the person, firm, corporation or origination who has been given authority by the County Board of the Department to carry out any of the activities for which a permit is required under the provisions of this Ordinance.

Subd. 50 “Person” is any human being, any municipality or any other governmental or political subdivision or public agency, any public or private corporation, any partnership, firm, association, or other business organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing, or any other legal entity.

Subd. 51 “Pollutant” has the meaning given in Minnesota Statutes, Chapter 115A.

Subd. 52 “Post Closure” is the period after closure during which the long term care, maintenance, and monitoring of a site or facility takes place.

Subd. 53 “Processing” is the treatment of solid waste, household hazardous waste and recyclables after collection and before disposal. Processing includes, but not limited to, packaging, volume reduction, storage, separation, exchange, physical, chemical or biological modification and transfer from one waste facility to another.

Subd. 54 “Putrescible Material” is solid waste which is capable of becoming rotten or which may reach foul state of decay or decomposition.

Subd. 55 “Recycling Materials” is materials such as non-residential corrugated cardboard, non-residential office paper, newsprint, glass containers, tin containers, polyethylene terephthalate and high density polyethylene plastic, aluminum containers, that are separated from solid waste for the purpose of recycling. These materials and other materials are considered to be recyclable materials if 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.

Subd. 56 “Recycler” is any commercial or business established to collect, transport, process, store, redeem, or dispose of recyclables.

Subd. 57 “Recycling” is 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.

Subd. 58 “Recycling Facility” is any facility, permanent or mobile, which recycles or accepts waste for the purpose of recycling.

Subd. 59 “Refuse” is Putrescible and non-putrescible solid waste, including, but not limited to, garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, market and industrial solid wastes, and sewage treatment wastes which are in a dry form.

Subd. 60 “Resource Recovery” is the reclamation for sale or reuse of materials, substances, energy, or other products contained within or derived from waste.

Subd. 61 “Rubbish” is nonputrescible solid waste, including, but not limited to ashes and combustible and non-combustible waste, such as paper, cardboard, tin cans, yard clippings, wood, glass bedding, crockery, or litter of any kind.

Subd. 62 “Runoff” is the portion of precipitation that drains from an area as surface flow.

Subd. 63 “Sanitary Landfill” is an area of land which is, or could be, used for the disposal of solid waste without creating pollution of land, water, or air, hazardous to public health or safety, or public nuisance by utilizing the principles of engineering to confine the solid waste to the smallest practical volume and to cover it with at least six inches of cover material at the conclusion of each day’s operation, or at more frequent intervals as may be necessary.

Subd. 64 “Scavenging” is the uncontrolled removal of solid waste or recyclables from the solid waste system.

Subd. 65 “Service Area” is a solid waste management service area established by the County Board pursuant to Minnesota Statutes Section 400.08, Subd. 2, as needed.

Subd. 66 “Shoreland” is land located within the following distances from the ordinary high water elevation of public waters: (a) land within 1,000 feet from the normal high watermark of a lake, pond, or flowage; and (b) land within 300 feet of a river or stream or the landward side of a floodplain delineated by ordinance on such river or stream, whichever is greater.

Subd. 67 “Solid Waste” is garbage, refuse, and other discarded solid waste materials, including solid waste materials resulting from industrial, commercial, agricultural operations, residential uses, and community activities, but does not include earthen fill, boulders, rock and other materials normally handled in construction operations, animal waste used as fertilizer, any permitted material disposed of as soil amendment, solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, wastewater effluent, dissolved materials, suspended solids in irrigation return flows or other water pollutants.

Subd. 68 “Solid Waste Collection Services” is the collection and transportation of solid waste generated in Cottonwood County by any of the following:

- 1) a hauling contracted by the generator
- 2) a demolition debris hauling service that transports solid waste, separated or mixed with demolition debris, or
- 3) a service that hauls recyclables.

The self collection and transportation of solid waste by a single family resident (1 unit) is exempt from this definition. However, collection from multiple family residences is included in this ordinance.

Subd. 69 “Solid Waste Disposal Facility” means any intermediate or final site, equipment or building operated as a sanitary landfill, incinerator, transfer station, composter and other operations as defined by this ordinance, the agency, and the County.

Subd. 70 “Solid Waste Management Facility” means a sanitary landfill, or intermediate disposal facility.

Subd. 71 “Solid Waste Management System” means the storage, collection and removal of solid waste from public and private property; its transportation to intermediate or final disposal facilities and other solid waste operations or services.

Subd. 72 “Source Separated 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 process.

Subd. 73 “Special Wastes” means nonhazardous solid waste requiring management other than that normally used for mixed municipal solid waste.

Subd. 74 “State” is the State of Minnesota.

Subd. 75 “Tipping Fee” means the fee charged to collectors and citizens for waste delivered to the facility.

Subd. 76 “Toxic or Hazardous Waste” means substances, whether in liquid, gaseous or solid form, which when collected, stored, transported, or disposed of, may be acutely toxic to humans, or other animals, or plant life, or be directly damaging to property including, but not limited to, pesticides, acids, caustics, pathological waste, radioactive materials, flammable or explosive materials, and similar noxious substances.

Subd. 77 “Transfer Station” means an intermediate solid waste transfer facility in which solid waste is collected from any source and is temporarily deposited to await transportation to another solid waste transfer management facility.

Subd. 78 “Unacceptable Waste” is solid waste which does not have collection, processing or disposal capabilities within Cottonwood County. Such waste includes, but not limited to, explosives, hospital, pathological and biological waste, commercial and industrial hazardous waste, as regulated by federal, state and local laws and chemicals and radioactive materials.

Subd. 79 “Waste Monitoring System” is a system of wells, lysimeters or other mechanisms used to obtain representative samples of both underground water and surface water where required in the vicinity of a lead disposal site.

Subd. 80 “Waste Tire” means a pneumatic tire or solid tire for motor vehicles that has been discarded or no longer used for its original intended purpose because of wear, damage, or defect.

Subd. 81 “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.

Subd. 82 “Waste Tire Processing Facility” means a licensed waste facility used for the shredding, slicing, processing or manufacturing of useable materials for waste tires, and may include temporary storage activity. Processing does not include the retreading of waste tires.

Subd. 83 “Water Pollution” means the contamination of any waters of the state so as to create a nuisance or render such waters unclean, noxious or impure, so as to be actually or potentially harmful or detrimental or injurious to public health, safety or welfare, to domestic, commercial or industrial use, or to animals, birds, fish, or other aquatic life.

Subd. 84 “Water Table” is the surface of the ground water at which the pressure is atmospheric. Generally, this is the top of the saturated zone.

Subd. 85 “Waters of the State” means all streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, and all other bodies or accumulations of water, surface or underground, natural or artificial public or private, which are contained within, flow through, or border upon the state or any portion thereof.

Subd. 86 “Wetcell” is a lead acid battery.

Subd. 87 “White Goods” means major appliances. Major appliances include, but not limited to, clothes washers and dryers, dishwashers, hot water heater, garbage disposer, microwave ovens, trash compactors, conventional ovens, ranges and stoves, humidifiers and dehumidifiers, air conditioners, refrigerators, and freezers.

Subd. 88 “Yard Waste” means organic plant material collected from yards. These materials include leaves, grass, clippings, weeds, vines, and stalks.

SECTION II ADMINISTRATION

Subd. 1. Solid Waste Officer. The Cottonwood County Solid Waste Officer is appointed by the County Board.

Subd. 2 Authority. The duties and responsibilities of the Solid Waste Officer under this ordinance are hereby established and delegated by the County Board. The solid Waste Officer shall have all necessary authority to implement and carry out the provisions of this ordinance, including, but not limited to, the following:

- (a) To review and consider all license applications and supporting materials which are referred to him for operations within the County, and, after consideration, to recommend in writing, with documentation, to the County Board that a license may be granted or denied.
- (b) To inspect operations to determine compliance with this ordinance and to investigate complaints about violations of this ordinance.
- (c) To recommend to the County Attorney what legal proceedings be initiated against a person to compel compliance with the provisions of this ordinance or to abate or control an operation not in compliance with this ordinance.
- (d) To encourage and conduct studies, investigations and research relating to aspects of solid waste management, including, but not limited to, methodology, chemical and physical considerations, and engineering.
- (e) To advise, consult, and cooperate with public and other governmental agencies in furtherance of the purpose of this ordinance.
- (f) To plan, implement and administer all County operated waste abatement facilities.
- (g) To implement all programs as proposed by the approved, and as amended, County Solid Waste Plan.

SECTION III LICENSING

Subsection A – Solid Waste Disposal Facilities

Subd. 1. Unless otherwise provided by this ordinance, no person shall operate a solid waste disposal facility nor allow, permit, or cause his land to be used as a solid waste disposal facility without a valid license issued by the Solid Waste Officer. In addition to other requirements listed herein, applicants for licenses must meet all requirements stated in the rules and statues noted below to the satisfaction of the Solid Waste Officer:

1. Operation of Mixed Municipal Land Disposal Facilities – MN. Rules Ch 7035
2. Operation of Demolition Waste Disposal Facilities – MN. Rules Ch. 7035
3. Operation of Mixed Municipal Incinerator Facilities – MN. Rules Ch. 7005 and 7035
4. Operation on Composting and Co-composting Facilities – MN. Rules Ch. 7035
5. Operation of Recycling Facilities – MN. Rules Ch. 7035
6. Operation of Transfer Station Facilities – MN. Rules Ch. 7035
7. Solid Waste Storage – MN. Rules Ch. 7035

8. Waste Tires – MN. Rules 7035, 9220, and MN Stat. 115A
9. Collection and Transportation of Solid Waste – MN. Rules 7035

Subd. 2. Applicants for a license shall not commence any operation until the license application has been approved by the County Board and a license granted by the Solid Waste Officer. A waste facility operating license shall not be issued until facility construction has been completed in compliance with this ordinance, and the approved plans, and has been approved by the Solid Waste Officer. Following the review of the application by the Solid Waste Officer, the County Board shall approve or deny the license or request additional information as outlined in this ordinance.

Subd. 3. A non-transferable license issued by the Solid Waste Officer shall be required for the operation of solid waste facilities and other activities involving solid waste. A license may be waived under the provision of this ordinance.

Subd. 4. Unless otherwise provided by the Solid Waste Officer, the license year for solid waste sites, facilities, operations and activities shall be from January 1 through December 31.

Subd. 5. To obtain a license to operate a solid waste facility, an individual must first complete an application and provide all of the following information.

- A. Complete plans, specifications, design data, long-range land use plan, if applicable, and proposed operating procedures prepared by State of Minnesota registered professional engineer.
- B. The applicant shall submit proof that the municipal or township governing body, in which solid waste facilities, operations or activities are located, has considered the establishment of solid waste facilities, operations, or activities with respect to zoning and other application regulations.
- C. Unless otherwise provided by the County Board, issuance of any license pursuant to the provisions of this ordinance shall be set by the County Board, naming the County as obligor with sufficient sureties duly licensed and authorized to transact corporate surety business in the State of Minnesota as sureties. The condition of such bond shall be that if the principal fails to obey any of the requirements, or do any acts required by this ordinance, in the operation of waste facility or activity, or if, for any reason, ceases to operate or abandons the waste facility or activity, and the County is required to expend any monies or expand any labor or material to restore the facility to the condition and requirements provided by ordinance, the obligor and the sureties on its bond shall reimburse the County for any and all expenses incurred to remedy the failure of the principal to comply with the terms of the ordinance, and the obligor and its sureties will indemnify and save the County harmless from all losses, costs and changes that may occur to the County because of any default of the obligor under the terms of this license to operate and the ordinances of the County. The performance bond shall be subject to cancellation by the surety at any time only upon giving one hundred twenty (120) days prior written notice of cancellation to the County. In lieu of part of said bond, the licensee may provide evidence of financial assurance in a form acceptable to the County Board to be used to bring the facility or activity into compliance with said requirements.
- D. The licensee shall furnish the county certificates of insurance issued by a company duly licensed to operate within the State of Minnesota covering public liability, including general liability, automobile liability, completed operation liability, with bodily injury

limits in the amounts set by the County Board. In addition, the license shall provide evidence of worker's compensation coverage in the required statutory amounts.

- E. Evidence of compliance with all state and federal laws including necessary permits or licenses for operation of a solid waste disposal facility.

Subsection B – Collection and Transportation of Solid Waste

Subd. 1. Unless otherwise provided by this Ordinance, no person shall operate a solid waste collection service within the county without a valid license issued by the Solid Waste Officer. The Solid Waste Officer shall not issue a license until the applicant complies with all of the following requirements:

- A. Filing of an application for a solid waste collection and transportation license upon a form provided by the Solid Waste Officer. (Application Form-See Appendix A).
- B. The solid waste collection service will indemnify, defend and save harmless the County, their agents, elected officials and employees from all claims, damages, losses, liabilities, omission on the part of the hauler or its contractors, agents, servants or employees in the performance of, or in relation to, any of the work or services to be performed or finished by the hauler under the terms of this Contract.
- C. The solid waste collection service shall obtain and keep in force at all times during this Contract the following insurance policies:
 - 1. The licensee shall furnish the county certificates of insurance issued by a company duly licensed to operate within the State of Minnesota covering public liability, including general liability, automobile liability, completed operations liability with bodily injury limits in the amount set by the County Board. In addition, the license shall provide evidence of worker's compensation coverage in the required statutory amounts.
 - 2. A performance bond with sufficient sureties in the penal sum to be determined by the Solid Waste Officer and approved by the County Board. Cottonwood County will be named as an obligee with sufficient sureties duly licensed and authorized to transact business in the State of Minnesota as sureties. The condition of the bond shall be that if the principal fails to comply with any requirements, or fails to perform any acts required of the operation, or causes to operate or abandons the operation, the sureties will reimburse the County for any monies owed, and save and hold harmless the County from all losses, costs, and changes that may be incurred because of the operator's unwillingness or inability to operate in compliance with the terms of this ordinance. The amount of this performance bond will be determined by the Solid Waste Officer and approved by the County Board. Proof of the possession of this bond will be submitted to the Solid Waste Officer and subject to the approval of the County Attorney prior to the issuance of the license. *Under special circumstances and with approval of the Board a letter of credit from an banking institution may be accepted in lieu of a bond.*

- D. The solid waste collection service agrees to provide collection in a timely manner as described in the following:
1. The solid waste collection service will be responsible for promptly reporting actual or potential delays in its collection schedule. If a delayed collection will occur and the collection service can use alternative methods to make the collection within 24 hours, no violation will be recorded. If the service cannot provide collection within 24 hours, it must notify the Solid Waste Officer directly. From the time of notification, the solid waste collection service will have an additional 24 hours to make the collection.
 2. Customer Complaint: The solid waste collection service has 24 hours to make the collection upon notice from the Solid Waste Officer of the customer complaint.
- E. Collectors of solid waste from residential customers must change from collection on the basis of the volume or weight of the waste collected. For single family customers, the collector must offer a minimum one (1) can or one (1) bag rate. The can or bag shall be no larger than 30 gallons. Household that recycle shall not be charged a higher fee than those that do not recycle. Failure to offer volume based rates shall be grounds for license termination or denial of license renewal.
- F. Solid waste collected in the County must be disposed of at the Cottonwood County Landfill or such waste disposal facility designated through resolution by the County Board. A license will not be issued to those hauling to undesignated sites.
- G. Submission of vehicle specifications: All vehicles to be used for solid waste collection and transportation shall have leak-proof bodies of easily cleanable construction, completely covered with metal or heavy canvas, and shall be subject to approval and periodic inspection by the Solid Waste Officer.
- H. The solid waste collection service, on a form provided, will provide to the Solid Waste officer a report of quantities and final disposal sites of recyclables and solid waste hauled during the licensing year. Reports will be required twice per year, once by July 15 showing first 6 months totals and again by January 15 showing the last 6 months totals. Quantities will be reported in tonnages and tallied by type (e.g newsprint, paper, plastic, ferrous and nonferrous metals, glass, corrugated, white goods, etc.). Omission of the annual report shall be grounds for the termination of the license or denial of license renewal.
- I. Payment of all tipping fees shall be due by the 20th of the month following the month in which the fees were accumulated. Non-payment of tipping fees by this date will result in immediate suspension of the license, unless late payment has prior approval of the County Treasurer. The unpaid balance will be subject to a monthly 1.5% interest fee.
- J. Payment of an annual vehicle permit fee: A vehicle permit fee shall be established by the County Board and adopted by resolution. The vehicle permit fee shall be established for a calendar year and if no new permit fee is adopted in any given year the permit fee from the previous year shall remain in effect. A copy of the current permit fee shall be kept on file in the office of the County Auditor. Nonpayment of the annual vehicle permit fee shall be grounds for the termination of the license or denial of license renewal. The County will notify all permit holders by December 23rd of each year if there are new fee schedules.

Each license fee must be paid by December 31st to receive a vehicle permit for the next calendar year.

- K. Accompanying the application for licensure each calendar year, the solid waste collection service will also submit a Minnesota State Highway Patrol vehicle inspection checklist for each registered vehicle. Omission of the annual inspection checklist shall be grounds for the termination of the license or denial of the license renewal.
- L. The applicant must demonstrate to the County Board that it has financial and operational capability to properly collect, transport, and dispose of all solid waste. Such determination shall be at the sole discretion of the County Board.
- M. A service fee for solid waste management services may be established by the County Board by resolution. The solid waste collection service will collect said fee and be responsible for payment to the County concurrently with, and in addition to, tipping fees. The amount of service charges will be established by resolution for each calendar year. If no new service fee is adopted in any given year, the service charge from the previous year shall remain in effect. A copy of the service fee shall be kept on file in the office of the County Auditor. Nonpayment of the monthly collection service charge shall be grounds for the termination of the license or denial of license renewal.

Subsection C – License Fees

Subd. 1. Approval of an application to the County Board for a solid waste management facility shall be contingent upon the payment of the County of a license fee in the amount specified by resolution and adopted by the County Board. Such license fees are hereby found to be equal to the cost to the County for processing the license applications and administering and enforcing this ordinance with respect to said license. The fees prescribed shall be paid by a license applicant with respect to each facility maintained by him. Solid waste collection service license fee shall be paid annually as a condition for license renewal. Solid waste collection service charges will be paid monthly as a condition for license renewal. Nonpayment of the required fee shall be grounds for the termination of a license or denial of a license renewal. Fees shall be paid to the County Treasurer prior to issuance or renewal of a license.

The license fee for a solid waste management facility shall be established for a calendar year and, if no new license fee is adopted in any given year; the license fee from the previous year shall remain in effect. A copy of the current license fee shall be kept on file in the office of the County Auditor.

Subd. 2. Approval of an application for a license for solid waste collection service shall be contingent upon the solid waste collection service collecting any service charges established by resolution pursuant to Section XVII of this Ordinance. In addition to collecting said fees, the solid waste collection service shall allow the Solid waste officer to inspect the collector's records of the service charge collected for the purpose of doing an audit of said records. In addition, said solid waste collector shall be required to weigh all solid waste collected in the County at a scale approved by the Solid Waste Officer to enable the Solid Waste Officer to verify that all charges required to be collected are remitted to the County. Nonpayment of the service charge collected concurrently with the tipping fees shall be grounds for termination of a license or denial of a license renewal. Also, failure to allow inspection of the records for purposes of auditing the charges collected or failure to weigh all loads at an approved scale shall also be grounds for termination of a license or denial of a license renewal.

Subd. 3. Approval of an application to the County Board for a license for solid waste collection service shall be contingent upon payment to the County of a vehicle permit fee in the amount specified by resolution and adopted by the County Board. The fees prescribed shall be paid by a licensed applicant for each vehicle operated by him. Nonpayment of the annual vehicle permit fee shall be grounds for the termination or denial of permit renewal. Fees shall be paid to the County Treasurer prior to issuance or renewal of a license. A copy of the resolution will be kept in the office of the County Auditor.

Subsection D – Additional Conditions of Licensure

Subd. 1. All submittals to the State during the State permitting and/or licensing process for solid waste facilities and operations shall also be submitted to the Solid Waste Officer.

Subd. 2. The applicant shall submit additional data requested by the Solid Waste Officer. The County Board may waive a requirement for submitting certain information under the provisions of this ordinance.

Subd. 3. Submission of false information may constitute grounds for denying a license or license renewal, or suspension by revocation of an issued license.

Subd. 4. License applications will be reviewed by the Solid Waste Officer to determine compliance with the requirements of Subd 6 and the Cottonwood County Solid Waste Plan. The applicant will be notified of any deficiencies within 30 days of the application. Within 30 days after receipt of a complete application, the Solid Waste Officer will present application to the County Board with a recommendation for approval or denial of the license.

Subd. 5. Unless otherwise provided by the Solid Waste Officer, issuance or renewal of any license shall be contingent upon the owner of the site facility, or the operator, or both, providing financial assurance for the closure, post-closure maintenance and monitoring of the site or facility. Use of the financial assurance will be limited to the site or facility for which it was provided.

Documentation submitted with the application for Solid Waste Officer approval shall include funding procedures, a description of the funding method, the value of the funding, and inflation adjusted cost estimate which assures that the closure and post-closure activities at the site of facility take place. The amount of financial assurance shall be equal to or exceed the total estimated post-closure costs specified in the approved post-closure plan.

Subd. 6. The County Board will, by resolution, establish fees, including fees for the applications, internal permit, renewal permit, and such other fees as may be necessary for the administration of this ordinance. The County Board may waive these fees for any political subdivision applying for a solid waste permit.

Subd. 7. The County Board will make final determination as to whether to grant the license. Any license granted by the County Board will be valid for one year unless surrendered, suspended or revoked prior to that time.

SECTION IV. SOLID WASTE STORAGE AND DISPOSAL

Subd. 1. The owner, lessee and the occupant of any single or multi-family dwelling, business establishment, industry and all other premises, 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 occupancy, use or assembly without adequate facilities for sanitary and safe storage, collection, transportation, and disposal of all solid waste.

Subd. 2. Putrescible waste, including, but not limited to garbage, shall be stored in durable, rust-resistant, nonabsorbent, water-tight, rodent-proof, and easily cleanable containers, with close-fitting, fly-tight covers having adequate handles to facilitate handling; or other types of containers acceptable to the solid waste collection service which comply with agency regulations, this ordinance, and approved by the

Solid Waste Officer. The size and allowable weight of the container may be determined by the solid waste collection service as approved by the Solid Waste Officer.

Subd. 3. Solid waste must be stored in durable containers or as otherwise provided in this ordinance. Where putrescible wastes are stored in combination with non-putrescibles waste, containers for the storage of the mixture shall meet requirements for putrescible waste containers.

Subd. 4. The following items are banned for final disposal at the solid waste disposal facility in Cottonwood County and therefore they shall not be placed in Mixed Municipal Solid Waste for collection but disposed of through a County or Agency approved facility:

- Dry Cell Batteries containing mercury, silver, or nickel-cadmium, or sealed lead-acid batteries that were purchased for use or used by a government agency or an industrial, communication, or medical facility.
- Household Hazardous Waste (by definition in Sec. 1)
- Lead Acid Batteries (vehicle batteries)
- All Used Oil and commercially generated oil filters
- White Goods (major appliances)(by definition in Sec.1)
- Waste Tires (by definition in Sec. 1)
- Yard Waste (by definition in Sec. 1)

The Cottonwood County Board of Commissioners will, by resolution, ban additional materials as dictated by the state regulations.

Subd. 5. Toxic or hazardous wastes shall be stored in durable, leak-proof containers and shall be “painted and marked” so as to easily identify the container as a toxic or hazardous waste, (e.g. a yellow band that encircles, at a minimum, the center one-third (1/3) of the container) consistent with federal and state regulations. All previous lettering and numbering will be obliterated from the container. The container will be marked with the yellow band, or other easily identified area, using a permanent makers as follows: The chemical name of the waste , the UN or NA Number, the contaminates present by percentages, the start date, the generators name and address and the generators EPA or agency identification number. Such wastes shall be stored in a safe location, accompanied with a description of the chemical composition of the substance stored within the container, and be in compliance with the storage and transportation requirements of agency regulations, Minnesota Department of Transportation regulations, federal and state regulations and this ordinance. Vehicles shall be properly placarded and be accompanied with a proper shipping manifest. In any case, a generator of hazardous waste must comply with all federal and state laws and regulations applicable to the generation, storage, transportation, processing and disposal of hazardous waste (whichever laws and regulations are more stringent).

Subd.6. All containers for the storage of solid waste shall be maintained in such a manner as to prevent the creation of a nuisance or unsanitary condition.

Subd. 7. 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 Officer.

Subd. 8. Solid waste shall not be stored outside a private residence, in a residential or urban rural setting, for more the one (1) month without the written approval of the Solid Waste Officer. Solid waste shall not be stored on public, commercial or business property for more than two (2) weeks without the written approval of the Solid Waste Officer. Non-putrescible waste suitable for recycling shall not be stored on public or private property in a manner which creates a nuisance, blight, or health hazard. Compostables shall not be stored on public or private property in a manner which creates a nuisance, blight, or health hazard.

Subd. 9. Solid Waste shall not be stored or disposed of in containers specifically designed for the collection or deposit of recyclables.

SECTION V. FARM DISPOSAL OF SOLID WASTE (Dept. of Ag. – 17.35)

Subd. 1. A person who owns or operates land used for farming may bury, or burn, solid waste generated from a person's household located on the farm land or as part of the person's farming operation if the burying is done in a nuisance free, pollution free, and aesthetic manner on the land used for farming which it was generated.

Subd. 2. This exemption does not apply if regularly schedule pickup of solid waste is reasonably available at the person's farm, as determined by resolution of the County Board.

SECTION VI. ORGANIZED COLLECTION (115A.94)

Subd. 1. on or before January 1, 1992, all cities are required to organize their solid waste collection in accordance with Minnesota Statue 115A-.94 and are required to conform to the following provisions of this Organized collection Ordinance:

- A. Cities shall organize collection as municipal service or by ordinance, franchise, license, negotiated or bided contract, or other means, using one or more collectors or an organization of collectors.
- B. Recycling collection will be exempt from this organized collection ordinance.
- C. Cities shall invite and employ the assistance of interested persons, including persons licensed to operate solid waste collection services in the County, in developing plans and proposals for organized collection.
- D. All contracts will require that all solid waste collected shall be required to be disposed of at the Cottonwood County Sanitary Landfill or a County designated disposal facility.
- E. All contacts shall conform to all provisions of this ordinance, including, but not limited to: Mandatory Solid Waste Collection, Mandatory Source Separated Recycling, and Volume or Weight based fees.
- F. Cities shall give the notice required by Minnesota Statue 115A.94, Subd.4. on or before January 1, 1992.

Subd. 2. All rural designed service areas will be organized by the township or townships in which the service area is located, and are subject to the same provisions as the cities under Subd. 1.

SECTION VII COLLECTION AND TRANSPORTATION OF SOLID WASTE

Subd. 1. Unless otherwise provided in these regulations, the owner, lessee and occupant of any premises, business established or industry is responsible for the removal of solid waste from their premises, business establishment or industry, and shall collect and remove all solid waste accumulated at the premise, business establishment or industry; and transport or hire a licensed collection service to haul it to the Cottonwood County Sanitary Landfill or a County designated disposal site. The solid waste

collection service shall be responsible for the collection and transportation of all solid waste for which it has been contracted to collect and remove. All solid waste collected in the County shall be transported and deposited at the Cottonwood County Sanitary Landfill or at the solid waste disposal facility that is designated through resolution by the County Board.

Subd. 2. Vehicles or containers used for the collection and transportation of garbage, putrescible waste, or solid waste shall be covered, leak-proof, durable and easily cleanable construction. These shall be cleaned regularly to prevent nuisances, pollution or insect breeding, and shall be maintained in good repair.

Vehicle or containers shall be loaded and moved in such a manner the content will not fall, leak or spill there from, and shall be covered to prevent blowing of materials. Where spillage does occur, the material shall be picked up immediately by the solid waste collector or transporter and returned to the vehicle or container and the area properly cleaned. When the material cannot be immediately picked up or the area cleaned, the Solid Waste Officer shall be notified as described in Subd 5 (c) of this Section.

Subd. 3. Vehicle and containers used for the collection and transportation of toxic or hazardous wastes shall be durable, enclosed and leak proof and shall be constructed, loaded, transported and unloaded in a safe, sanitary and nuisance-free manner/ Vehicles shall be properly marked and labeled and be accompanied with a proper shipping manifest, as required by federal and state regulations and statues.

Subd. 4. The collection and transportation of solid waste shall be performed in accordance with state rules administrated by the agency and the County.

SECTION VIII.= SOLID WASTE DISPOSAL BY SANITARY LANDFILL

A solid waste landfill shall comply with all agency permit and county license requirements and the Cottonwood County Solid Waste Management Plan. The County will not issue a license to a site out of compliance. All other methods of solid waste landfills are prohibited.

SECTION VIX SOLID WASTE DISPOSAL BY INCINERATION

A solid waste incinerator shall comply with all agency and county license requirements and the Cottonwood County Solid Waste Management Plan. The County will not issue a license to a site out of compliance. No other types of burning solid waste are allowed.

SECTION X TRANSFER STATIONS

A solid waste transfer station shall comply with all agency and county permit requirements and the Cottonwood County Solid Waste Management Plan. The County will not issue a license to a site out of compliance.

SECTION XI SOLID WASTE DISPOSAL BY COMPOSTING

A solid waste composter shall comply with all agency and county license requirements and the Cottonwood County Solid Waste Management Plan. The County will not issue a license to a site out of compliance.

SECTION XII LITTER (Waste Management Act – 115A.99)

Subd. 1. “Litter Penalties and Damages/Civil Penalty”

- A. A person who unlawfully places any portion of solid waste in or on public property or private lands, shore lands, roadways, or water is subject to civil penalty of not less than twice, nor more than five times, the amount of the cost incurred by the County, or other political subdivision, to remove, process, and dispose of the waste.
- B. The County, or the political subdivision, that incurs the cost as described in this section may bring an action to recover the civil penalty, related legal, administrative, and court costs, and damages of injury to, or pollution of, lands, roadways, or waters where the wastes were placed if owned or managed by the entity bringing the action.

Subd. 2. Civil penalties collected under this section must be deposited in the County general fund.

Subd. 3. A private person may join an action by the county or a political subdivision to recover civil penalty to allow the person to recover damages for the waste unlawfully placed on the person’s property.

SECTION XIII SPECIAL MATERIALS

Subd. 1 Waste Tires – The following requirements are adopted to insure the proper handling of waste tires:

- A. Chapters 7001 and 9220 of the Minnesota Waste Tire Permitting Rules are hereby incorporated by reference.
- B. No more than ten (10) waste tires may be stored within the boundaries of any residential lot.
- C. No more than one hundred (100) waste tires may be stored on any non-residential lots except at a property licensed solid waste facility.
- D. Exceptions to subdivisions 1A and 2A may be allowed when waste tires are utilized outside the building for decorative, recreational, structural, construction or agricultural purposes where they comply with the requirements or other applicable laws or sections of this ordinance.
- E. 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.
- F. Waste tires shall not be placed, stored, left, or permitted to remain in a lake, stream, wetland, sinkhole, gully, waterways, floodplain, or shoreland.
- G. The disposal of waste tires in the land is prohibited. This does not prohibit the storage of unprocessed tires at a collection or processing facility. (115A.904)
- H. The owner 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 within one year of the effective date of this ordinance, or such later date approved by the Solid Waste Officer.

Subd. 2. Waste Appliances (115A.9561)

- A. A person may not place major appliances in mixed municipal solid waste; or dispose of major appliances in or on land or in solid waste processing facility or disposal facility.
- B. All waste major appliances must be recycled or reused. All major appliances will be delivered to the County appliance depot at the landfill or to a County approved appliance recycling facility. Recycling includes the removal of capacitors that may contain PCB's removal of ballasts that may contain PCB's, removal of chlorofluorocarbon refrigerant gas, and the recycling of the metals.

Subd. 3 Waste Oil

- A. A person may not place used oil in mixed solid waste or place used oil in or on the land unless approved by the agency (115A.916).
- B. All commercially generated oil filters will be disposed of, or recycled, according to agency rules and regulations.

Subd. 4. Household Hazardous Waste – All household hazardous waste shall be disposed of through the Lyon County Regional Household Hazardous Waste Facility or such other facility designated by the County Board.

Subd. 5. Yard Waste (115A.931)

- A. A person may not place yard waste;
 - (1) in mixed municipal solid waste;
 - (2) in a disposal facility; or
 - (3) in a resource recovery facility except for the purpose of composting or co-composting.
- B. Yard Waste subject to this subdivision is garden waste, leaves, lawn cuttings, weeds, and pruning.

Subd. 6. Lead Acid Batteries

- A. A person may not place a lead acid battery in a mixed municipal solid waste or dispose of a lead acid battery. Lead acid batteries are to be taken to a lead acid battery recycling facility or returned to the vender for transport to a recycling facility. (115A.915)
- B. A person who transports used lead acid batteries from a retailer must deliver the batteries to a lead acid battery recycling facility (115A.9152).

Subd. 7. All materials indentified under the provisions of Section IV Subd 4 as being banned from mixed municipal waste disposal facilities will be disposed of properly under the rules and regulations of the agency.

SECTION XIV MANDATORY SOLID WASTE COLLECTION/RECYCLABLE MATERIAL SEPERATION

Subd. 1. Mandatory Municipal/Collection Service Area Solid Waste Collection: By January 1, 1993 all corporate municipalities in Cottonwood County shall pass an ordinance requiring each residential unit and all commercial business to have solid waste collection. The County Board reserves the right that through resolution it may designate collection services areas outside incorporated waste collection at each residential unit and commercial business. The service area will have curbside recycling collection or alternative recycling material disposal through drop-off facilities provided by the county.

Subd. 2. Mandatory Recycling: It is mandatory to remove from all waste generated or disposed of in the County, regardless of the place of origin or place of final disposal, all materials that the County has identified as recyclables. These materials will be taken to a location provided by the County for collection or be redeemed by the generator at a County permitted or otherwise approved recycling facility.

Subd. 3. County Identified Recyclables: Recyclables include:

- a) Aluminum cans
- b) Tin food cans
- c) Glass bottles and jars
- d) Plastic bottles and jugs: HDPE#2 (small mouth bottles) & PETE#1
- e) Newspaper
- f) Corrugated Boxes
- g) Office paper
- h) Such other material which may be designated by the County Board unless such waste is directly delivered or collected for direct delivery to a facility which has been approved by the County for separation of recyclables.

Subd. 4. Haulers: A collector or hauler shall refuse to knowingly accept for collection any mixed municipal solid waste within a Cottonwood County municipality or service area which:

- A. Contains any yard waste or any other material listed as banned from the landfill.
- B. Contains any material which has been designated by the County Board as subject to mandatory recycling, pursuant to this section.

Subd. 5. See Section XIV SPECIAL MATERIALS, Subd. 2 Waste Appliances

Subd. 6. Nothing in this section shall preclude persons from disposing of recyclable materials with commercial recyclers and salvage yards or with non-profit organizations, school groups, service clubs or others that conduct recycling drives for purpose of community clean-up or organizational fund drives.

SECTION XV ANTSCAVENING

Subd. 1. Ownership of the designated recycling materials set out for curbside collection or deposited in the Cottonwood County drop-off sheds shall be vested in the collector and transporter of recyclable materials designated by the County Board, or by contract through the municipalities. It shall be unlawful and offense against this section for any person, firm, or corporation other than the owner, lessee, or occupant of a residential dwelling, to pick up said materials for his/her own use.

Subd. 2. Ownership of solid waste put out for collection remains the property of the generator until collected. Ownership of the solid waste, for solid waste management purposes, then becomes the property of the County. Collectors and transporters of solid waste remain liable for the safe transport to, and disposal of, collected waste at the Cottonwood County Landfill, or other County designated waste disposal facility, and are liable for all materials collected in violation of this ordinance. It shall be permission of the generator or the Solid Waste Officer.

Subd. 3. Scavenging from the Cottonwood County landfill is forbidden. It shall be unlawful for any person to remove any material without authorization from the Solid Waste Officer or the County Board. This authority may be delegated to the operator of the landfill.

SECTION XVI RATES AND CHARGES FOR SOLID WASTE MANAGEMENT

Subd. 1 Power to establish fees This subdivision is enacted pursuant to Minnesota Statue 400.08 which grants the County the authority to impose reasonable changes for solid waste management and disposal. The purpose of this section is to establish a method of collection of such change. Owners, lessees, and occupants of property situated with in the County shall pay for solid waste management services or a solid waste collection service provided by the County, through its contractors, or licensees, according to the following schedule.

(a) User's Fees: Users of solid waste management facilities provided by the County, by and through its contractor, or by facilities licensed in the County or by those who collect solid waste from sites, premises, owners, lessees, or occupants of property situated within or outside the County, shall pay charges for the use of said facilities according to resolutions established by the County Board; and, the fee rates will be according to the definition in this ordinance of "multi-county mixed waste," and for solid waste generated within the County. Established user's fees are adopted by the County Board, by resolution, and kept on file in the office of the County Auditor. All fee changed for solid waste disposal shall be paid on a monthly basis according to the billing schedule at the facility.

(b) Service Fees: The County Board, by resolution, may establish a service charge for solid waste management services provided to the various parcels of land in the County. By such resolution, the Board may determine that such charges may be collected by an assessment levy payable with real estate taxes or by requiring as a condition of licensing that a licensee collects such service charges. All rates and charges shall uniform in their application to use and service of the same character and quantity. A copy of the current rate schedule shall be kept on file in the office of the County Auditor. If no new rates schedule for solid waste management services is adopted in any year, the rate schedule for the previous year will remain in effect. In establishing or revising the rate schedule, the Board may take into account all factors relevant to solid waste management and disposal. Such factors include, but are not limited to, the character, kind and quality of service; the character, kind and quality of solid waste; method of the deposition; the number of people served at each place of collection; and all other factors that enter into the cost of providing the service including, but not limited to, public education, recycling programs, solid waste management facilities operation and debt. If the Board by resolution determines that a licensee shall collect the service charges, the charges shall be collected in accordance with Section III subsection B Subd 1 (M). If the Board by resolution determines that service charges shall be collected by assessment, then on or before October 5th of each year, the County Board shall certify to the County Auditor all unpaid outstanding charges and a description of the lands against which charges arose. It shall be duty of the County Auditor, upon the order of the County Board, to extend assessment with interest rate provided for Minnesota Statutes Section 279.03, Subdivision 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 carries into the taxes and payable in January the following year, and shall be enforced and collected in the manner provided for the enforcement and collection of real property taxes in accordance with 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. For tax exempt properties, the County may collect unpaid charges in Small Claims Court or through such other means as maybe approved by the County Attorney. Any property owner who believes that the service charge imposed upon his property is incorrect may appeal the charge. An appeal form may be obtained at the office of the County Assessor, and shall be filed within 30 days of the mailing of the service charge statement by the County. Appeals will be processed in the same manner as other applications for abatement of current year payable real estate tax.

(c) Surcharge: The County Board, by Resolution, reserves the right to impose a surcharge. If imposed, all solid waste collection services operating within the County shall required to pay surcharge fee based on total tonnage of solid waste collected in Cottonwood County.

Subd. 2. Service Area The County has, by adoption of this ordinance, established and has determined the boundaries of solid waste management service areas to be all land within the County under Minnesota Statues, Section 400.08, Subd 2. The Board may, by resolution, terminate, re-establish, enlarge, revise, or after the service areas so established following the procedures specified in Minnesota Statues, Section 400.08, Subd 2.

Subd. 3 Solid Waste Management Fund for Operations Provided by the County A special account on the official books of the County is hereby created which shall be known as the Solid Waste Management Fund. Monies collected pursuant to this ordinance and all receipts from the sale of real or personal property pertaining to solid waste management systems and the proceeds of all gifts, loans, and issuance of bonds for the purpose of the system, shall be credited to the Solid Waste Management Fund. All costs of acquisition, construction, enlargement, improvement, repair, supervision, control, maintenance, and operations of the solid waste management system, the county owned recycling system, and facilities which are owned and operated by the County, but not those owned and operated by its licensee or contractor, shall be charged to the Solid Waste Management Fund.

SECTION XVII ENFORCEMENT AND INSPECTION

Subd. 1. Inspection and evaluation of waste facilities shall be made by the Solid Waste Officer or Agency in such frequency as to insure consistent compliance by the facilities with the provisions of this ordinance. Each licensee shall be provided with written and documented notice of any deficiencies, recommendations for their correction and the date when the corrections shall be accomplished. Each licensee shall be required to allow free access to authorized representatives of the Solid Waste Department, County Board, Agency, or authorized representatives of any other governmental agency at any time for the purpose of making such inspections as may be necessary to determine compliance with the requirements of this ordinance, or any other applicable statue, ordinance or regulations.

Subd. 2. Where the conditions imposed by any provisions of this ordinance are either more restrictive or less restrictive then comparable conditions imposed by any other provision of this ordinance or any other applicable law, ordinance, rule and regulation, the provision which establishes the higher standards for the promotion and protection of the public health, safety and general welfare shall prevail.

Subd. 3. The Solid Waste Officer and County Board shall be responsible for the administration and enforcement of this ordinance.

SECTION XIII VIOLATIONS AND PENALTIES

Subd. 1. Misdemeanor When any person performs an act prohibited or declared unlawful, fails to act when such failure is prohibited or declared unlawful, fails to take action when such action is required, or fails to take action to abate the existence of a violation within the specified time period when ordered or notified to do so by the County, they violate the section, subdivision, paragraph, or provision of this

ordinance within which such act or action is prohibited, declared unlawful, or required, and upon conviction thereof, shall be punished for a misdemeanor. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues. All violations of this ordinance shall be prosecuted by the County Attorney.

Subd. 2. Equitable Relief In the event of a violation or a threat of violation of this ordinance the Cottonwood County Attorney may take appropriate action to enforce this ordinance, including but not limited to, application for injunctive relief, action to compel performance, or other appropriate action in District Court, if necessary, to prevent, restrain, correct, or abate such violations or threatened violations.

Subd. 3. Cost as special Assessment For any violation of this ordinance, the County may take necessary steps to correct such violations and the costs thereof may be recovered in a civil action or may be certified, at the discretion of the County Board, to the Cottonwood County Auditor as a special assessment against real property.

Subd. 4. Suspension of License Any license issued pursuant to this ordinance may be suspended for not longer than sixty (60) days by the County Board for violation of any provision of this ordinance. Suspension shall not occur earlier than ten (10) calendar days after written notice of suspension has been personally served on the licensee by certified mail with return receipt. Such written notice shall contain the effective date of suspension, the nature of the violation or violations have occurred, and a statement that the licensee is entitled to a hearing provided that he request such hearing in writing and serve said request personally on the Board within ten (10) calendar days of service of such notice, exclusive of the day of service. If the licensee fails to request a hearing within the time prescribed, he shall forfeit any right to a public hearing. Following receipt of a request for a hearing, the County Board shall set a hearing date which will be convenient for the Board. The hearing shall be conducted pursuant to the procedures established under this Section XIX, Subd 6, entitled "Hearing". If the suspension is upheld and the operator has not demonstrated within the sixty (60) day period that full compliance with the ordinance has been attained and that such compliance will be continued, the County Board may serve Notice of Suspension once again or initiate the revocation procedures in Section XIX Subd 5.

Subd. 5. Revocation of License Any license issued pursuant to this ordinance may be revoked by the County Board for Violation of any provision of this ordinance. Revocation shall not occur earlier than ten (10) calendar days after written notice of revocation has been personally served on the licensee or, if a hearing is requested, until the written decision of the Board has been served on the licensee by registered mail. Such written notice shall contain the effective date of the revocation, the nature of the violation or violations constituting the basis for revocation, the facts which support the conclusions that a violation or violations have occurred, and a statement that the licensee is entitled to a hearing provided the he request such hearing in writing and by personally serving said request to the Board within ten (10) calendar days of the serve of such notice, exclusive of the day of service. If the licensee fails to request a hearing within the time prescribed, he shall forfeit any right to a public hearing. Upon receipt of a written request for a hearing, the County Board shall set a hearing not earlier than ten (10) days and not later the thirty (30) days from the date of receipt of the request.

Subd. 6 Hearings Whenever a hearing is requested in regard to an application, renewal, suspension or revocation of a license, the hearing shall be governed by the following procedures:

(a) Hearing Officer: The County Board shall have the power to conduct public hearings pursuant to this section. By resolution, the County Board may appoint a hearing officer to assist the County Board. If the individual conducts hearing on the behalf of the County Board, he shall submit to the County Board, in writing, Findings of Fact, Conclusions of Law and Recommendations and the County Board may base its decision on this report.

(b) Notice of Decision: The County Board shall notify the applicant, or licensee, in writing as to decision within five (5) working days after a decision is reached.

(c) Procedure: All hearings shall be conducted in the following manner:

1. The court reporter shall record and transcribe, if necessary, a record of the hearing.
2. All testimony shall be sworn under oath.
3. The rules of evidence shall be informal. All relevant evidence, subject to the County Board's or hearing officer's discretion, may be reviewed.
4. The County shall present evidence first.
5. The applicant or licensee, or his council, if represented, may cross-examine all witnesses testifying in the proceedings.
6. The attorney for the County Board may cross-examine all witnesses testifying in the proceedings.
7. The decision of the County Board shall be based on the evidence presented at the hearing or on the Finding of Fact, Conclusion of Law and Recommendations of the hearing officer.
8. If the applicant or licensee fails to appear at the hearing, he shall forfeit any right to a public hearing before the County Board or the hearing officer.
9. Any applicant or licensee aggrieved by a decision of the County Board shall have the right to appeal to the District Court in the County of Cottonwood on questions of law and fact within thirty (30) days of the date of the decision.

Subd. 7. Removal of Suspension: In the case of a suspension, upon written notification from the licensee that all violations for which the suspension was invoked have been corrected, the Solid Waste Officer shall, within five (5) working days of receipt of the notice by the licensee, re-inspect the site, facility, or solid waste collection services. If the Solid Waste Officer finds upon such re-inspection that the violations constituting the grounds for suspension have been corrected, the Solid Waste Officer shall immediately terminate the suspension by written notice to the licensee and the County Board.

SECTION XIX VARIANCES

Upon written application by the applicant or operator, the County Board may grant variances from the provisions of this ordinance in order to promote the effective and reasonable application and enforcement of the provisions of this ordinance.

A variance may be granted by the Board after a public hearing where the Board determines that enforcement of this ordinance cannot be complied with due to a technological impossibility. Such a variance shall not be granted for a period in excess of two years, but may be renewed upon application of the applicant and after public hearing. A variance may be revoked by the County Board at the public hearing prior to expiration of the variance. An application for a variance shall be accompanied by a plan and time schedule for achieving compliance with this Ordinance. Prior to any public hearing held by the Board under this provision, persons who may be adversely affected by the granting of the proposed variance shall be given at least thirty (30) days no said public hearing.

SECTION XX NON-CONFORMING SITES, FACILITIES AND COLLECTION SERVICES

Solid waste management facilities and solid waste collection services is existence on the effective date of this Ordinance (and operation of such facilities or collection services) shall conform to the provisions of this Ordinance no later the thirty (30) days after the adoption of the Ordinance, or termination operations or services no later than that date, unless granted a variance.

SECTION XXI ADDITIONAL REQUIREMENTS/WAIVERS

For the purpose of protecting the public health, safety and welfare, the County Board may impose additional requirements consistent with the intent of the Ordinance for the operation of solid waste management sites or facilities. The County Board may waive any licensing, construction, or operation requirements based on the characteristics of the waste, the site or the proposed service, provided such waiver will not endanger the health or safety of the public.

SECTION XXII SEVERABILITY

It is hereby declared to be the intention of the County Board that provisions of this Ordinance be severable in accordance with the following:

Subd. 1. If any Court competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provision of this ordinance not specifically included in said judgment.

Subd. 2. If any Court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular structure, site, facility, operation or solid waste collection service, such judgment shall not affect the application of said provision to any other structure, site, facility or operation not specifically included in said judgment.

SECTION XXIII INTERPRETATION, PURPOSES AND CONFLICT

The provisions of this Ordinance shall be construed to be the minimum requirements for the promotion of public health, safety and welfare. In any case where provisions of any zoning, building, safety or health ordinance or code in force in Cottonwood County exists, the provisions of which establishes a higher standard for the promotion and protection of the health, safety and welfare of the people of Cottonwood County, the same shall prevail.

SECTION XXIV NO CONSENT

Nothing in this ordinance shall preclude any local unit of government from adopting sticter regulations than this ordinance.

SECTION XXVI REPEALER

Cottonwood County Ordinance # 5 – Solid Waste Ordinance is hereby repealed and replaced with the adoption of this ordinance.

SECTION XXVII INDEMNIFICATION

This Ordinance shall not be construed to hold the County, or any officer or employee of the County, responsible for damage to persons or property by reason of inspections or re-inspections authorized by the provisions of this ordinance, or by reason of approval or disapproval of waste or refuse or in connection with any other official duties.

Subd. 1. Expansion Prohibited No junk or salvage yard existing prior to November 23, 1993 shall increase the land area used for such purposes.

Subd. 2. Site Closure Requirements All junk yards or salvage yards constructed or developed after November 23, 1993 shall be subject to the following closure requirement

- A. All materials shall be handled, transported and processes pursuant to applicable State and Federal regulations for disposal of all solid or hazardous wastes or substances.
- B. The owner, operator or lessee of the site must complete a soil and ground water investigation and evaluation including action needed to remediate any contamination caused by the use of the site.

SECTION XXVIII EFFECTIVE DATE

This Ordinance shall be known, cited, and referred to as the Cottonwood County Solid Waste Ordinance – Ordinance 19.

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

Passed by the Cottonwood
County Board of Commissioners
this 21st day of December, 1993

Chairman

Date

ATTEST: _____
County Auditor

Date

APPROVED AS TO FORM AND EXECUTION:

County Attorney

2016 Solid Waste Collection and Transporter License Application

Name of Business _____

Address _____ Telephone _____

City _____ State _____ Zip Code _____

Name of Owner(s) _____

Address _____ Telephone _____

City _____ State _____ Zip Code _____

The solid waste office shall not issue a license until the application complies with all the following requirements for a waste hauler in accordance with the Solid Waste Ordinance, Section III. Subsection B, Subd 1.

- (1) Completing this application for a solid waste collection and transportation license.
- (2) The solid waste collection service will indemnify, defend and save harmless the County, their agents, elected officials and employees from all claims, damages, losses, liabilities and omissions on the part of the hauler, its contractor, agents, savants or employees in the performance of or in relation to any of the work or services to be preformed or furnished by the hauler under the terms of this Contract.
- (3) The solid waste collection service shall obtain and keep in force at all times during this Contract the following insurance policies:
 - a. The licensee shall furnish the county certificates of insurance issued by a company duly licensed to operate within the State of Minnesota covering public liability, general liability, automobile liability, and completed operations liability with bodily injury limits in an amount set by the County Board. In addition, the licensee shall provide evidence of worker's compensation coverage in the required statutory amounts.
 - b. A performance bond with sufficient sureties in the penal sum determined by the solid waste officer and approved by the County Board of Commissioners. Cottonwood County will be named as an obligee with sufficient sureties duly licensed and authorized to transact business in the State of Minnesota as sureties. The condition of the bond shall be that if the principal fails to comply with any requirements, fails to perform any acts required of the operation or ceases to operate or abandon the operation, the sureties will reimburse the County for any monies owed, save and hold harmless the county from all losses, costs and charges

that may incur because of the operator's unwillingness or inability to operate in compliance with the terms of this ordinance. Proof of possession of this bond will be submitted to the Solid Waste Officer and be subject to the approval of the County Attorney prior to the issuance of the license.

c. The Board reserves the right to approve a non-revocable letter of credit, if necessary, in lieu of the performance bond.

- (4) The solid waste collection service agrees to provide collection in a timely manner as described in the following:
 - a. The solid waste collection service will be responsible for the prompt reporting of actual or potential delays in their collection schedule. If a delayed collection is to occur and the collection service can use alternative methods to make the collection within 24 hours, no violation will be recorded. If the service cannot provide collection within 24 hours, they must notify the Solid Waste Office directly. From the time of the notification, the solid waste collection service will have an additional 24 hours to make the collection.
 - b. Customer Complaint: The solid waste collection service has 24 hours to make the collection upon notice from the Solid Waste Officer regarding the complaint.
- (5) Collectors of solid waste from residential customers must submit the approved schedule of charges for collection or hauling of solid waste from each city or area in which haulers shall operate. These charges must reflect a change based on weight or volume in a sufficient manner to encourage waste reduction. For single family customers, the collector must offer a minimum 1 can or bag rate. The can or bag shall be no larger than 30 gallons. Households that recycle shall not be charged a higher fee than those that do not recycle. Not offering of volume based rate shall be grounds for license termination or denial of license renewal. Also, submitting an example of your billing procedure which reflects itemization of collection fees, tipping fees, taxes, etc. is necessary.
- (6) In making this application and accepting a license to collect or transport waste in Cottonwood County, you are agreeing to deliver all solid waste collected to the Cottonwood County Landfill or waste disposal facility designated through resolution by the County Board of Commissioners; and deliver all problem materials to approved EPA/MPCA sites. Include the EPA/MPCA permit number of these sites with your report required under requirement number 8. A license will not be issued to this hauling to undesignated sites.
- (7) Submission of vehicle specifications: All vehicle to be used for solid waste collection and transportation shall have leak-proof bodies of easily cleanable construction completely covered with metal or heavy canvas, and shall be subject to approval and periodic inspection by the Solid Waste Officer.

- (8) The solid waste collection service, on a form provided, will submit to the Cottonwood County Solid Waste Officer a report of quantities and final disposal sites of recyclables and solid waste hauled during the licensing year. Reports will be required twice a year; one by July 15 showing the last six month's total. Solid Waste Quantities measured in cubic yards or tons will be reported by community or area collection. Recyclables will be reported in tonnages and tallied by type (e.g. totals of newsprint, paper, plastic, ferrous and nonferrous metals, glass, corrugated, Whitegoods, etc.) Omissions of the annual report shall be grounds for termination of the license or denial of license renewal.
- (9) Agree to pay all tipping fees by the 20th of the month following the month in which the fees were accumulated. Non-payment of tipping fees by this date will result in the immediate suspension of license unless late payment has prior approval by the County Treasurer. The unpaid balance will be subject to a monthly 1.5% interest fee.
- (10) Payment of the annual vehicle permit fee: A vehicle license shall be established by the Cottonwood County Board of Commissioners and adopted by resolution. The vehicle permit fee shall be established for a calendar year, and if no new permit fee is adopted in any given year, the permit fee from the previous year shall remain in effect. A copy of the current license fee shall be grounds for termination of the license or denial of license renewal. The County will notify all license holders by December 23rd of each calendar year if there are new fee schedules. Each permit fee must be paid by December 31st to receive a vehicle permit for the next calendar year.
- (11) Accompanying each calendar year license application will be a Minnesota State Highway Patrol Vehicle Inspection Checklist submitted by the solid waste collection service for each registered vehicle. Omission of the annual inspection checklist shall be grounds for termination of the license or denial of the license renewal.
- (12) The application must demonstrate to the County Board of Commissioners that it has financial and operational capability to properly collect, transport, and dispose of all solid wastes. Such determination shall be made at the sole discretion of the County Board of Commissioners.
- (13) The solid waste collection service must pay a surcharge fee for the collection and hauling of solid wastes if established by the Cottonwood County Board of Commissioners through resolution. The fee will be based on cubic yard/tonnage collected in Cottonwood County regardless of the final disposal site. The solid waste collection service will provide by the 10th of each following month the tipping receipts and the fee payment for the preceding month. The amount of surcharge will be established by the County Board Resolution for each calendar year. If no new surcharge is adopted in any given year, the surcharge from the previous year shall remain in effect. A copy of the current surcharge fee shall be kept on file in the County Auditor's office. Non-payment of the monthly collection surcharge shall be grounds for the termination of license or denial of license

renewal. In addition to the submittal of the required information, the applicant agrees to the following provisions of this license:

- a. Solid waste will be disposed of at the Cottonwood County Landfill at the direction of the operator by the instruction set forth by the Solid Waste Officer, and the County Landfill Operation Plan.
- b. Agree to obey all present and future rules, regulations, and laws regardless of origin of city, township, County, State or Federal level.
- c. Agree to place no hazardous waste or other banned materials knowingly into the Cottonwood County Landfill (See Solid Waste Ordinance).
- d. Agree to handle all industrial wastes according to the provision set forth in the Industrial Waste Plan for the Cottonwood County Landfill.
- e. Any violation by employees operating under this license is a violation by the holder of this license.
- f. In addition to the above requirements, Cottonwood County would appreciate you voluntarily encourage your customers to avoid the necessity of banning all waste containing recyclables from the landfill.



We, the undersigned, hereby request to operate a solid waste collection/transportation service in Cottonwood County.

I/We understand and acknowledge responsibility to the operation under the above mentioned terms and conditions of this license.

Signed _____ Date _____

Signed _____ Date _____

Notarized By _____ Date _____

Application received this date _____

By _____ Title _____

Bond _____

Approved by _____
(Cottonwood County Attorney)

	Truck Number	Year	License Plate Number	Capacity	Primary Service Area
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					

Add supplement sheets if more space is needed. For convenience, assign a permanent non-repetitive number to each vehicle.

The license fee has been set \$5.00 per application, plus \$2.00 per vehicle by the Cottonwood County Board of Commissioners. Be sure to attach a check payable to the Cottonwood County Treasurer, and made out in the proper amount for the number of vehicles to be licensed.

Also attach verification of the Minnesota Highway Patrol Safety Inspection.

Collection Rate Reporting Form

The Following information needs to be supplied for the communities within Cottonwood County for which service is provided by your operation; or a signed copy of the contract may be attached if it conforms with the Cottonwood County Solid Waste Ordinance. Contract must include all the provisions outlined in the organized collection section (Section 6). This contract must be for mandatory collection of the waste from all residences and the rate per household must be volume or weight based to a degree of sufficient nature to encourage waste reduction. The lowest step on the rate schedule can be no larger than for a minimum of one 30 gallon can (or bag) and not exceed 50 pounds by weight.

Community

Date of Contract

Expiration Date of Contract

Collection Rates: Base Charge _____ Unit Charge _____

1st Unit

2Nd Unit

3rd Unit

4th Unit

City Clerk Signature

Date

or Attach a copy of the signed contract application.

If a community has not enacted organized collection with the provisions of the solid waste ordinance, then attach a generic copy of your billing statement for all communities for which you do the billing. If the organized collection is implemented and you are contracted to collect and transport waste from that community, then at that time submit the requested information.

Solid Waste Reporting Form

The following is a tabulation of the solid waste collected by business from January 1, 20__ to December 31, 20__ from source outside of the Cottonwood County but delivered to the Cottonwood County Landfill.

Community/Source	Commercial/Tons	Residential/Tons	Comments
Bingham Lake			
Comfrey			
Delft			
Jeffers			
Mt. Lake			
Storden			
Westbrook			
Windom			
Rural			
Other			
Other			
Totals			

Recyclables Collection Reporting Form

The following is a tabulation of the materials collected by my business from January 1, 20__ to December 31, 20__ from source inside of the Cottonwood County that was eventually reused or delivered for recycling to a location other than a facility operated by Cottonwood County.

Materials	Quantity (Weight)	Destination – Recycling Facility or Market
Aluminum Cans		
Corrugated Cardboard		
Ferrous (Tin) Cans		
Plastic - HDPE		
Plastic – PETE		
Newspaper		
Office Paper		
Mixed Paper		
Cloth Material		
Scrap Metal		
Appliances		
Other		
Other		
Totals		