

ORDINANCE #11, Regulating Waste Tires and Used Tires

Subdivision 1. Purpose. This ordinance regulates waste tires and used tires, the establishment, construction, modification, ownership, or operation of waste tire facilities, and the storage, use, processing and disposal of waste tires and waste tire products in Kanabec County; and further regulates used tires, and the establishment, construction, modification, ownership, or operation of sites in which used tires are stored, collected, kept, or deposited in Kanabec County.

Subdivision 2. Definitions.

- 2.1 "County Board" means the Kanabec County Board of Commissioners.
- 2.2 "Zoning Administrator" means the Kanabec County Zoning Administrator.
- 2.3 Unless otherwise denoted, all other terms shall have the definitions given by Minnesota Agency Rules 9220.0210 and other sources incorporated therein by reference.
- 2.4 "Tire" means a pneumatic tire or solid tire.
- 2.5 "Waste Tire" means a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect.
- 2.6 "Tire-derived products" means the usable materials produced from the chemical or physical processing of a waste tire, including tire shreds and tire crumbs. "Tire-derived products" does not include manufactured consumer products including but not limited to, cow mats, door mats and mulch rings.
- 2.7 "Used Tire" means any tire that is no longer mounted on a vehicle or airplane, is suitable for its original intended purpose, and is not a "waste tire," as defined in 2.5.
- 2.8 "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.
- 2.9 "Tire retailer" means any business registered with the Minnesota Secretary of State which is actively engaged in the retail sale of new or used tires for use on vehicles or airplanes, operating out of a permanent structure open for and catering to the general public.
- 2.10 "Agricultural Use" means the use of land for the growing and/or storage of field crops.

Subdivision 3. Waste Tire Facility Permit Required.

- 3.1 Except as provided in 3.2, no person may do any of the following within Kanabec County without obtaining and possessing a valid Waste Tire Facility Permit from the Minnesota Pollution Control Agency and the Kanabec County Board of Commissioners:
 - 3.1.1 Store, process or dispose of waste tires or tire-derived products;
or
 - 3.1.2 Establish, construct, modify, own or operate a waste tire facility.
- 3.2 Exclusions. The following persons are not required to obtain a Waste Tire Facility Permit:
 - 3.2.1 A registered and trademarked retail tire seller who is located in Kanabec County for the retail selling site if no more than 500 waste tires are kept on the business premises;
 - 3.2.2 A permitted landfill operator with less than 500 waste tires stored above ground at the permitted site for 90 days or less.
 - 3.2.3 A person using waste tires for agricultural purposes, in connection with property being put to an agricultural use, as that term is defined in this Ordinance, if the waste tires are kept on the site of use and are cut and split, or, if not split, no more than 100 tires on site and if said property changes to a non-agricultural use, then waste tires must be removed within 120 days; or
 - 3.2.4 A person conducting abatement activities under an abatement order or stipulation agreement entered into under part 7035.8020 of Minnesota Agency Rules. This exemption does not exempt the person from the duty to obtain a waste tire facility permit for activities other than the abatement action.
 - 3.2.5 A person storing 12 waste tires or less, on property owned or occupied by the person.

Subdivision 4. Issuance of Waste Tire Facility Permit.

- 4.1 A Waste Tire Facility Permit may be issued to an applicant who does all of the following:
 - 4.1.1 Submits an application to the Zoning Administrator on an approved form accompanied by an application fee, which shall be established by the County Board by resolution.

- 4.1.2 Files with the Zoning Administrator a copy of the permit issued by the Minnesota Pollution Control Agency, or properly and adequately demonstrates that the applicant has Permit by Rule status with the Minnesota Pollution Control Agency.
- 4.1.3 Demonstrates compliance with all applicable zoning and use ordinance.
- 4.2 All facilities shall have an approved fire plan on record with the Kanabec County Environmental Services from the local fire official.

Subdivision 5. Terms and Conditions of Waste Tire Facility Permit. Permits shall be valid for one year from the date of issuance or until the license From Minnesota Pollution Control becomes invalid, whichever occurs first.

Subdivision 6. Tire Shreds.

- 6.1 The use of tire-derived products as lightweight fill or for other engineering benefits for Township and County projects and Township, County or State Roads/Highways is permitted only when used in compliance with MN DOT standards and Minn. Stat §115A.912, Subd. 4.
- 6.2 A tire shred permit may be issued to an applicant who files with the Zoning Administrator a copy of the permit issued by the Minnesota Pollution Control Agency, or properly and adequately demonstrates that the applicant has Standing Beneficial Use status with the Minnesota Pollution Control Agency.
- 6.3 A permit or inspection verification from the Minnesota Pollution Control Agency and a Kanabec County permit is required for all tire shred projects.
- 6.4 The use of tire-derived products for an aggregate substitute or as light weight fill on driveways and field roads will be allowed if it is an engineered design and the data shows a need for their use. The use of tire shreds for any other purposes, such as retaining wall backfill, soil stabilization, foundation insulation, and storm water storage is not allowed unless approved by the Kanabec County Board of Commissioners and a permit is issued.
- 6.5 Under no circumstances will shredded tires be permitted to be placed below the normal groundwater elevation.

- 6.6 All projects shall have an approved fire plan provided by the local fire official included with their permit application.

Subdivision 7. Tire Shreds Driveway/Field Road Specifications and Inspection.

7.1 Specifications:

- Maximum finished top width: 20 feet
- Maximum bottom width of shredded tire fill: 26 feet
- Maximum thickness of shredded tires: 3 feet
- Minimum cover over tire shreds: 1.5 feet granular fill and 0.5 feet of Class 5 aggregate
- Finished side slopes: 3:1
- Tire fill side slopes: 1:1
- Shredded tires must be encapsulated in an approved geotextile fabric and placed above the normal ground water elevation

7.2 Shredded tires must:

- 80% by weight pass a 6" screen
- Be free of oil, grease, and other contaminants
- Have metal fragments firmly attached and 98% embedded to the tire material
- Have at least one (1) sidewall severed from the face of the tire

7.3 Project must be engineer designed and prepared by an engineer licensed by the State of Minnesota.

7.4 Project must show that there is an engineering need for the use of waste tire material.

7.5 Inspections:

7.5.1 Inspection will be conducted by the Kanabec County Engineer or representative. Inspections will require a 24 hour advance notice from the installer.

7.5.2 The following inspections are required:

7.5.2.1 Review and approval of plan.

7.5.2.2 Inspection of trench prior to placement of geotextile.

7.5.2.3 Inspection of geotextile and tire shreds prior to placement of cover material.

7.5.2.4 Inspection of finished project.

Subdivision 8. Used Tires.

- 8.1 Except as provided in 8.4 and 8.5, no person may store, process, sell, or dispose of used tires, or establish, construct, modify, own, or operate a used tire business or facility, without obtaining a used tire permit from the County.
- 8.2 Used tires shall be collected, stored, kept, or deposited on a site only in accordance with this ordinance.
- 8.3 Used tires must be inventoried and marketed in substantially the same fashion as a new tire is inventoried and marketed. Any permitted used tire business, facility, or site must be able to provide satisfactory evidence that a used tire market exists, and that the used tires stored or maintained at the permitted premises are in fact being marketed.
- 8.4 A used tire permit is required for any business, facility, or site on which more than 500 used tires are collected, stored, kept, processed, or deposited, unless exempt from permitting under 8.5.
- 8.5 Notwithstanding 8.4 a used tire permit is not required for any tire retailer that collects, stores, keeps, processes, or deposits less than 5,000 used tires on site (see 2.9 for reference).
- 8.6 A used tire permit may be issued to an applicant who submits all of the following information to Kanabec County Environmental Services:
 - 8.6.1 An application to the Zoning Administrator on an approved form accompanied by an application fee, which shall be established by the County Board by resolution.
 - 8.6.2 A map depicting the site and location of the used tires to be collected, stored, or deposited.
 - 8.6.3 An approved fire plan from the local fire official.
 - 8.6.4 The name and contact information for the owner of the site.
 - 8.6.5 The applicant must demonstrate compliance with all applicable requirements in the zoning and use ordinance.
- 8.7 Used tire permits shall be valid for one year from the date of issuance by Kanabec County Environmental Services.

Subdivision 9. Applicability to existing facilities.

9.1 All waste and used tire businesses, facilities and sites in existence on the effective date of this ordinance are required to apply for and obtain County permits as required under the provisions of this ordinance within 6 months of the effective date of this ordinance.

Subdivision 10. Penalties.

10.1 In addition to any civil remedy available, the violation of any provision of this ordinance shall constitute a misdemeanor, punishable by a maximum penalty of a \$1,000.00 fine or 90 days imprisonment, or both.

10.2 After notification and failure to terminate and abate the operation, each day of operation subsequent to the initial charge shall constitute a separate offense.

Subdivision 11. Effective Date.

Adopted on July 13th, 1988 with an effective date of September 1st, 1988.

A one-year interim waste tire ordinance approved on December 8th, 2010.

Amended on September 28th, 2011 with an effective date of November 1st, 2011.

Amended on December 21st, 2021 with an effective date of January 1st, 2022.

Signed _____ Date: _____

Commissioner Dennis McNally
Vice Chair of the Kanabec County Board of Commissioners
Kanabec County, Minnesota

Attest: _____ Date: _____

Kris McNally
Kanabec County Coordinator