

**ARTHUR TOWNSHIP
KANABEC COUNTY, MINNESOTA**

ORDINANCE AMENDING THE ARTHUR TOWNSHIP ZONING ORDINANCE

Ordinance No. 2010 – 110810

The Board of Supervisors of the Town of Arthur ordains:

ARTICLE I. Section 3, subd. 1 of the Arthur Township Zoning Ordinance is amended by adding the double underlined material and deleting the ~~stricken~~ material as follows:

Subd. 1. Establishment of Districts. The following zoning districts are hereby established within the Town:

A-R	Agricultural-Residential District
RR	Rural Residential District
B-1	Retail and Service Business District
B-2	General Business District
A-T	Agricultural-Transitional District
S	Shoreland District
<u>SL</u>	<u>Sanitary Landfill District</u>

Doc# 237817

OFFICE OF COUNTY RECORDER
KANABEC COUNTY, MN
November 10, 2010 8:00 AM
Rhonda Olson, Recorder
Well Certificate [] Received
Fee: \$46.00
Pages: 11

ARTICLE II. Section 4, Subd. 5 of the Arthur Township Zoning Ordinance is amended by deleting paragraph B, referring to “Sanitary landfills and solid waste processing and recovery facilities” in its entirety and re-lettering paragraphs C through H accordingly.

ARTICLE III. The Arthur Township Zoning Ordinance is amended by adding a new section, Section 9.5, which shall read as follows:

SECTION 9.5

(SL) SANITARY LANDFILL DISTRICT

Subd. 1. Purpose. The Sanitary Landfill District is established to identify an area exclusively established to accommodate the use of land for the development and operation of sanitary landfills and solid waste processing and recovery facilities. Since these types of land uses are unique in the demands they place on public infrastructure from associated transportation issues such as hauling activities, and the potential impacts such uses can have on surrounding properties, the community, and the environment, the delineation of a special district within the Town for these uses is appropriate.

Subd. 2. Interim Uses. Within the Sanitary Landfill District, landfills and solid waste processing and recovery facilities (collectively hereinafter referred to as a “sanitary landfill” or “landfill”) are allowed as interim uses upon issuance of an interim use permit from the Town.

Existing landfills currently operating within the District pursuant to a conditional use permit issued by the Town shall be allowed to continue to operate pursuant to the terms and conditions of that permit. However, any change in the operation including, but not limited to, any enlargement, intensification of use, to be defined as not more than 95,000 tons per year beginning from the date the interim use permit is approved, also any change in hours of operation, requested amendment to any provision or condition of the conditional use permit, or any other similar type of change, as reasonably determined by the Town Board, shall require the owner to apply for an interim use permit from the Town. Any such interim use permit issued by the Town shall supersede and replace all conditional use permits previously issued to the property and such previous permits shall be rendered null and void. Furthermore, if a conditional use permit is revoked for any reason, all landfill related uses shall cease and no such activities may be resumed except upon application for, and issuance of, an interim use permit by the Town. Any landfill operation seeking an interim use permit from the Town shall provide the information required in this section with its application and, if issued, the operation shall comply with the use restrictions set out in this section and the other applicable provisions of this Ordinance. Change in ownership shall constitute an event causing the termination of an interim use permit and requiring the new owner to seek an interim use permit from the Town.

Subd. 3. Accessory Uses. The following uses are permitted accessory uses:

- A. Office buildings.
- B. Guard and monitoring buildings.
- C. Maintenance buildings.
- D. Transfer stations.
- E. Truck scales.
- F. Temporary methane and electric producing generator.

Subd. 4. Information Required. The following information shall be provided by the person requesting an interim use permit for this District:

- A. Names and addresses of the person requesting the permit and the property owner.
- B. The exact legal property description and acreage of area to be used.
- C. The following maps of the entire site and to include all areas within five hundred (500) feet of the site. All maps shall be drawn at a scale of one (1) inch to one hundred (100) feet unless otherwise stated below:

- 1. Map A – Existing conditions to include:

- Contour lines at five (5) foot intervals.
- Existing vegetation.
- Existing drainage and permanent water areas.
- Existing structures.
- Existing wells.
- Existing roadways and easements.

- 2. Map B – Proposed operations to include:

Structures to be erected.

Location of earthwork and fill operation to be mined showing depth of proposed excavation.

Location of refuse disposal deposits showing maximum height of deposits.

Location of machinery to be used in the mining operation.

Location of storage of mined materials, showing height of storage deposits.

Location of vehicle parking.

Erosion and sediment control structures.

Location of proposed roadways and easements.

Type and capacity of equipment to be used.

Traffic estimate of loads per day not to exceed the original proposal.

3. Map C – End use plan to include:

Final grade of proposed site showing elevations and contour lines at five (5) foot intervals.

Location and species of vegetation to be replanted.

Location and nature of any structures to be erected in relation to the end use plan.

Proposed end use date

4. A soil erosion and sediment control plan.
5. A plan for dust and noise control.
6. A lighting plan to ensure lights are placed and directed to avoid interfering with surrounding properties or public roadways.
7. A full and adequate description of all phases of the proposed operation to include an estimate of duration of the operation.
8. A plan for fire nuisance and vermin control.
9. Any other information requested by the zoning administrator, planning commission, or Town Board.
10. Estimated daily or weekly volume of garbage and other waste.
11. A plan or the submittal of assurances to the Town from private or public sources satisfactorily addressing the issue of long term liability after landfill closure for the monitoring and protection of environmental quality.
12. A plan or submittal of assurances to the Town from private or public sources satisfactorily addressing the issue of long term roadway maintenance during the operations tenure on those routes providing primary landfill site access.

Subd. 5. Permit Renewal. All property owners and residents within one thousand (1,000) feet of the operation shall be notified of a request for an interim use permit or a renewal of an interim use permit at least ten (10) days before the hearing on the requested permit. However, failure to give the notice, or defects in the notice, shall not invalidate the proceedings provided a bona fide attempt to provide the notice was made.

Subd. 6. Use Restrictions. The following regulations shall be observed by any person to

whom an interim use permit is issued by the Town for the operation of a sanitary landfill. These regulations shall govern the operation of all Town approved sanitary landfills and any failure to observe these regulations shall be sufficient grounds for the revocation of the permit by the Town Board. These restrictions are in addition to any other federal, state, or local restrictions, requirements, regulations, laws, rules, or ordinances which may apply. To the extent any of the following restrictions are less strict than any other applicable restriction, the stricter provision or requirement shall prevail. Furthermore, if any of the following directly conflicts with a requirement of any federal or state law, rule, or regulation, such that a permittee's compliance with the restriction contained herein would directly result in noncompliance with such federal or state requirement, the conflicting restriction contained herein shall not be applicable to the extent of such conflict.

- A. All garbage and other refuse accepted by the landfill shall be thoroughly compacted by equipment of a size and weight capable of producing a downward or ground pressure of at least five (5) pounds per square inch. Such equipment shall have sufficient weight and capacity to carry out all necessary operations to the satisfaction of the enforcement officer. Sufficient auxiliary equipment shall be maintained on the site or otherwise available to permit operation in case of a breakdown.
- B. Mixed refuse material shall be spread out on the working face of the landfill so that the depth does not exceed a maximum depth of two feet (2') prior to its compaction.
- C. The areas shall be continually policed to prevent fire and the blowing of papers. The landfill shall be neat and sanitary at all times, and shall be covered at the end of each day's operation, as well as when wind conditions warrant it through the day, with sufficient material to prevent blowing papers and unsightly conditions. The size of the active face on which refuse is being currently deposited shall be kept to a minimum. An agent of the township shall be able to monitor with a 12 hour notice.
- D. Cover material will consist of earth, loam, clay, sand or a mixture of at least fifty percent (50%) earth and other inert materials, such as ashes, cinders or gravel. A minimum depth of twelve inches (12") of compacted cover and final spread cover material shall be kept on all inactive faces of the landfill at all times. The active faces of the landfills should be covered at the end of each day's operation, or as otherwise directed by the Zoning Administrator.
- E. When the landfill has been brought up to two feet (2') below the desired finished grade, it shall be covered with at least twenty-four inches (24") of compacted cover material graded and seeded in such a manner as to prevent erosion.
- F. Where the "trench system" of sanitary landfill is used, successive parallel trenches must be at least two feet (2') apart.
- G. All garbage and refuse material existing on the site at the time the permit is issued either in the form of an open dump or any other form, shall be collected, compacted, and covered with cover material at least one foot (1') in depth if below the desired finished grade, or with inert material at least two feet (2') in depth at the finished grade. This cover operation shall be completed within fifteen (15) working days after the issuance of an interim use permit for the sanitary landfill.
- H. The permittee or operator shall erect such temporary or permanent fences or take other measures as may be necessary to reasonably control blowing of paper and other materials from the landfill.

- I. Any material salvaged from the landfill must be handled and stored in such a manner as to prevent rodent harborage and permit proper operation of the landfill. Such salvaged material must be removed to a location at least two hundred feet (200') from the working surface so as not to interfere with the compacting and covering. All salvaged material must be completely removed from the site every twenty-four (24) hours unless provision is made for temporary storage within an enclosed, roofed and rodent-proof structure approved by the Town Board.
- J. Burning of any materials deposited in a landfill is expressly prohibited.
- K. Adequate fire control measures shall be employed including, but not limited, the development of a fire response plan or pre-plan with the fire department providing services to the landfill and the furnishing of any special fighting equipment that may be required to address any firefighting issues unique to addressing landfill fires.
- L. No fill shall be placed in streambeds or other areas where streams would be obstructed or where erosion by the stream would remove cover material. There shall be no seepage or drainage of any material from the fill of such a nature as would constitute an odor nuisance, or health hazard, or pollute any water course.
- M. The permit holder shall provide an access road, approved by the Town Board that is passable in all types of weather conditions to the dumping site.
- N. The permit holder shall also provide an auxiliary fill site available and ready for use during periods of heavy rain or snowfall, and when the area being filled and covered may not be reached because of said weather conditions. The permit holder shall also take precautions to eliminate excess dust in dry weather.
- O. Insects and rodents on the site shall be controlled and exterminated as the Zoning Administrator may reasonably determine is necessary to avoid public health concerns or the creation of a nuisance.
- P. The permit holder shall cease operations and close the landfill between the hours of seven o'clock (7:00) p.m. and six o'clock (6:00) a.m. and on Sundays and holidays.
- Q. Reclamation of the property shall occur in stages as portions of the landfill become inactive.
- R. Height restrictions, no higher than the highest natural point within one mile of the center of the original 221 acre parcel. Not to exceed 1050 feet above sea level.
- S. When putting a liner in a new cell, the Town has the authority to hire an engineer to inspect the liner at the expense of the landfill owner.

Subd. 7. Compliance with Law. Landfills shall at all times be operated in compliance with all applicable federal, state, and local laws, rules, regulations, and ordinances. Failure to comply with any applicable legal requirements shall constitute a sufficient basis for the Town to revoke a conditional use permit or interim use permit.

Subd. 8. Total Area Limitation. Notwithstanding anything to the contrary contained in this Section, no permit shall be issued and no rezoning applications shall be approved for the construction or operation of sanitary landfills or the expansion or modification of such facilities if the amount of land comprising the proposed, expanded or modified landfill when added to land comprising all other existing and closed landfills, whether or not operated under permit from the Town, shall exceed two hundred twenty-six and one-half (226.5) acres. In calculating the amount of land in such landfills, all of the following shall be included:

- A. All land which has actually been used for sanitary landfill purposes whether or not zoned for such use, and
- B. All land either currently or previously zoned sanitary landfill (SL) including all wetlands, buffer acres, setback acres, internal roads and any other land in the SL zone, but not actually used for the placement of refuse.

Subd. 9. Fee. Applications for an interim use permit or a renewed interim use permit shall be accompanied by the application fee established by the Town Board for such permits together with the required administrative fee. Pursuant to Minnesota Statutes, section 115A.921, subdivision 1, the Town also imposes a fee of one dollar (\$1) per cubic yard of waste, or its equivalent, on the operators of landfills in the Town. The revenue derived from the fee shall be placed in the Town's general fund. Twenty-five cents (25¢) of the fee shall be used only for purposes of landfill abatement or for purpose of mitigating and compensating for the local risks, costs, and other adverse effect of landfill facilities. The Town may use the balance of the fee for any general fund purpose. The Town also imposes, pursuant to Minnesota Statutes, section 115A.921, subdivision 2, a fee of fifty cents (50¢) per cubic yard of waste, or its equivalent, on operators of facilities for the disposal of construction debris located in the Town. The revenue from the fees shall be credited to the Town's general fund. Two-thirds (2/3) of the revenue shall be used only for purposes of landfill abatement or for purposes of mitigating and compensating for the local risks, costs, and other adverse effects resulting from the facilities. A facility permitted for the disposal of construction debris is exempt from twenty-five percent (25%) of the construction debris fee if the facility has implemented a recycling program that has been approved by the county and twenty-five percent (25%) if the facility contains a liner and leachate collection system approved by the state. Two-thirds (2/3) of the revenue from fees collected for construction debris waste shall offset any financial assurances required by the Town for a construction debris facility. The maximum revenue that may be collected for construction debris waste shall be determined by multiplying the total permitted capacity of a facility by fifteen cents (15¢) per cubic yard. Once the maximum revenue has been collected for a facility, the construction debris waste fees shall no longer be imposed.

Subd. 10. Time Limitation. Interim use permits issued for a sanitary landfill shall be granted on a case by case basis for a period not to exceed 5 years. The owner may apply for a new interim use permit prior to the expiration of the then current permit to take effect upon the expiration of the existing permit. The conditions imposed on new or any subsequent interim use permits shall not be limited by the terms of the previous permit.

Subd. 11. Severability. The paragraphs, sentences, clauses and phrases of this section are severable, and if any phrase, clause, sentence, paragraph or section of this section shall be declared invalid, unenforceable or unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such invalidity, unenforceability or unconstitutionality shall not effect any of the remaining phrases, clauses, sentences, paragraphs or sections.

ARTICLE IV . Section 17, subd. 10 of the Arthur Township Zoning Ordinance is amended by adding the double underlined material and deleting the ~~stricken~~ material as follows:

Subd. 1. Signs in the "B-1" and "B-2" Business Districts and the "SL" District. The following signs are permitted in the B-1, ~~and~~ B-2, and SL zoning districts:

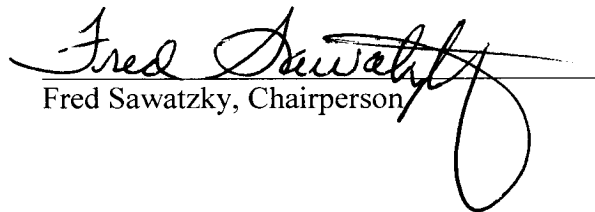
ARTICLE V. The Zoning Administrator is hereby authorized and directed to amend the Zoning Map to show the Sanitary Landfill District, which shall be comprised of the approximately 226.5 acres of land currently being operated for landfill and landfill related purposes within the Town. The amended Zoning Map shall be filed in the office of the Town Clerk.

ARTICLE VI. The Zoning Administrator and Town Attorney are hereby authorized and directed to make such other changes, in the nature of scrivener corrections and additions, to the language of the Arthur Township Zoning Ordinance as may be needed to add or correct references as needed to the new Sanitary Landfill District.

ARTICLE VII. This Ordinance shall be effect on the first day of publication after adoption.

Adopted on the 27th day of October, 2010.

BY THE TOWN BOARD


Fred Sawatzky, Chairperson

Attest: 
Kay Pierson, Clerk

Southeast Quarter (SE1/4), Section 20, Township 39,
Range 24.

And

Northwest Quarter of Southwest Quarter
NW $\frac{1}{4}$ of SW $\frac{1}{4}$) AND
Northeast Quarter of Southwest Quarter (NE $\frac{1}{4}$ of SW
 $\frac{1}{4}$) lying West of Hwy, except the East 46 rods
thereof,
AND the South 165' of North 360' of the West 264'
AND the South 330' of North 965' of West 264' of
the Southwest Quarter of Southwest Quarter (SW $\frac{1}{4}$ of
SW $\frac{1}{4}$) Section 21, Township 39, Range 24.

And

East One-half of Northeast Quarter (E $\frac{1}{2}$ of NE 1/4),
lying North of Hwy. 23, Section 29, Township 39,
Section 24. Subject to .88 Acre Hwy Easement

Vol 10487 PAGEFIVE

that should
value of the
power lines

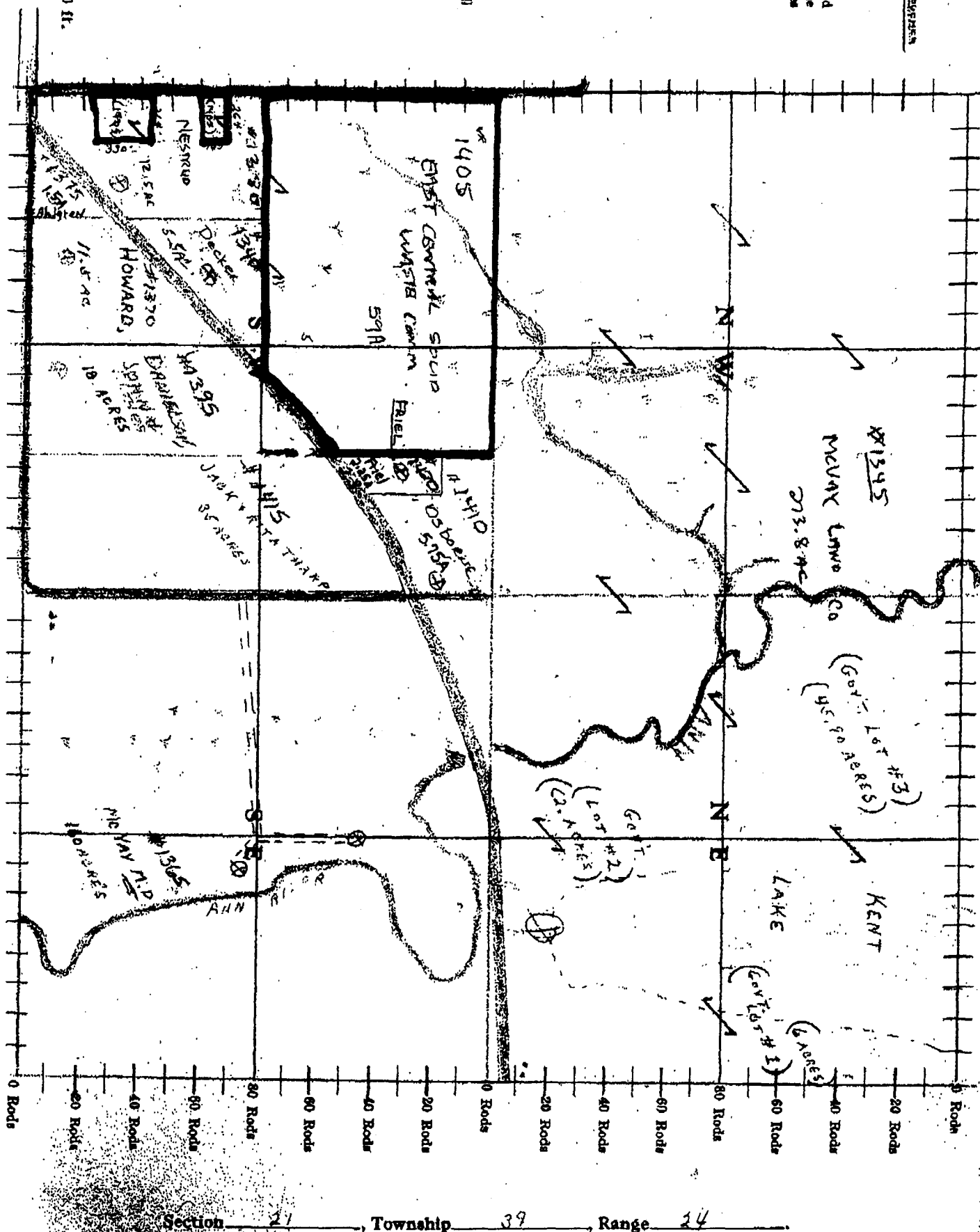
History

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