

BIG STONE COUNTY

SOLID WASTE MANAGEMENT ORDINANCE, 1994

BIG STONE COUNTY SOLID WASTE MANAGEMENT ORDINANCE, 1994
ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS MAY 17, 1994

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**BIG STONE COUNTY
SOLID WASTE MANAGEMENT ORDINANCE**

The Board of County Commissioners of Big Stone County, Minnesota, does ordain:

1. TITLE

This Ordinance shall be known and cited as the "Big Stone County Solid Waste Management Ordinance"; when referred to herein, it shall be known as the "Ordinance".

2. PURPOSE AND COMPLIANCE

The purpose of this Ordinance is to authorize and provide for solid waste management for Big Stone County, Minnesota, establish powers and duties in connection therewith, establish standards for regulations of management operation, establish requirements for certain facilities on a disposal site, require a license for the establishment and use of a solid waste management operation(s), for control of special solid waste, embodying minimum standards and requirements established by regulation of the Minnesota Pollution Control Agency, providing for enforcement of said requirements, requiring bond and imposing penalties for failure to comply with these provisions. Further, the purpose and object thereof is to promote health, welfare and safety of the public and protect resources of land, water and air.

3. LEGAL AUTHORITY

This Ordinance is enacted pursuant to Minnesota Statutes, Chapters 115, 115A, 115B, 116, 400 and 375.181, Subdivision 14.

- 3.1. This Ordinance supersedes all provisions of any Big Stone County ordinance that relates to control and collection of solid and hazardous waste.
- 3.2. The governing body of any town or local unit of government may continue to exercise the authority to plan solid waste management, but after the adoption of official controls for a county by the County Board of Commissioners, no local unit of government shall enact official controls inconsistent with the standards prescribed in this Ordinance. Nothing in this Section will limit any local governmental unit to exercise a more restrictive ordinance than provided in the controls adopted by the County.
- 3.3. It is not otherwise intended by this Ordinance to repeal, abrogate or impair any existing restrictions or ordinances other than solid waste ordinances to the extent specified above. Where the conditions imposed by any provisions of this Ordinance are either more restrictive than comparable conditions imposed by any other provision of this Ordinance or any other applicable law, ordinance, rule and regulation, the provision which established the higher standards for the promotion and protection of the public health, safety and general welfare shall prevail.

ESTABLISHMENT OF ORDINANCE

4. JURISDICTION

Jurisdiction of this Ordinance shall apply to all areas of Big Stone County. The County may from time to time venture into a joint powers agreement or joint zoning board as permitted by statute, or relinquish its zoning jurisdiction, but only to the extent as permitted by Minnesota state law, as ultimately determined pursuant to the provisions and action taken by the Planning Commission and the Board of County Commissioners.

5. INTERPRETATION

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by Minnesota Statutes.

6. REPEAL OF CONFLICTING ORDINANCE

The Big Stone County Solid Waste Ordinance passed February 7, 1973, all amendments thereof and supplemental thereto, are hereby repealed.

RULES AND DEFINITIONS

7. RULES AND DEFINITIONS

7.1. Rules

For the purpose of this Ordinance, words used in the present tense shall include the future; words in the singular shall include the plural, and the plural singular.

7.1.1. "**Building**" shall include structures of every kind, regardless of similarity to buildings.

7.1.2. "**Lot**" shall include the word "plot", "piece" and "parcel".

7.1.3. "**May**" is permissive.

7.1.4. "**Person**" shall include a firm, association, organization, partnership, trust, company or corporation, as well as an individual.

7.1.5. "**Shall**" is mandatory and not discretionary.

7.2. Definitions

The following words and phrases used in this Ordinance, unless the context clearly indicates otherwise, shall have the meaning ascribed to them in this Section.

7.2.1. "**Air contaminant**" means the presence in the outdoor atmosphere of any dust, fumes, mist, vapor, gas or gaseous fluid or particular substance differing in composition from or exceeding in concentration, the natural components of the atmosphere.

7.2.2. "**Air pollutant**" means the presence in the outdoor atmosphere of any air contaminant or combination thereof, in such quantity, of such nature and duration and under such conditions as would be injurious to human health or welfare, to animal or plant life, to property or to interfere unreasonable with the enjoyment of life and property.

7.2.3. "**County**" means any department or representative of Big Stone County who is authorized by the Ordinance, or otherwise by the County Board of Commissioners, to represent Big Stone County in the enforcement and administration of this Ordinance.

7.2.4. "**County Board**" is the Big Stone County Board of Commissioners.

7.2.5. "**Cover material**" is granular material, generally soil, which is used to cover compacted solid waste in a sanitary landfill, is generally free of large objects that would hinder compaction and is free of organic content that would be conducive to vector harborage, feeding or breeding.

7.2.6. "**Cubic yard**" is defined as a cubic yard of solid waste as received at the entrance of a waste facility. Waste facilities and haulers weighing and reporting tons of solid waste received at the entrance shall use the conversion factor of 3.33 yd³ per ton of solid waste when required or authorized by this Ordinance.

RULES AND DEFINITIONS

- 7.2.7. "**Demolition landfill**" is defined as an area of land used for the disposal of demolition waste without creating nuisances or hazards to the environment, public health and safety and is operated in compliance with the provisions of this Ordinance.
- 7.2.8. "**Demolition waste**" is defined as material normally found in buildings to be demolished such as, but not limited to, bricks, stone facing, concrete, cement blocks, stucco, plaster, wall boards, glass, pipe, wire, metal, plastic and any inert materials as may be approved by the Environmental Officer.
- 7.2.9. "**Environmental Office**" is the Big Stone County Environmental Services.
- 7.2.10. "**Garbage**" means materials resulting from handling, processing, storage, preparation, serving and consumption of food and various food by-products.
- 7.2.11. "**Hauler**" means any person who owns, operates or leases vehicles for the purpose of collection and transportation of any type of solid waste, including recyclables.
- 7.2.12. "**Household hazardous waste**" means any waste generated from household activity that exhibits the characteristics of, or that is listed as, hazardous waste under MPCA rules, but does not include waste from commercial activities that is generated, stored or present in a household. Household hazardous waste includes, but is not limited to paints, solvents, cleaners, pesticides, herbicides, paint thinner, drain openers, varnishes, stains and adhesives.
- 7.2.13. "**Incineration**" means the process by which solid waste is burned for the purpose of volume and weight reduction in facilities designed for such use.
- 7.2.14. "**Land disposal facility**" means any tract or parcel of land, including any constructed facility, at which solid waste is disposed of in or on the land.
- 7.2.15. "**Land pollution**" means the presence in or on the land of any solid waste in such quantity, nature or duration, and under such conditions as would affect injuriously any waters of the state, create air contaminants or cause air pollution.
- 7.2.16. "**Mixed municipal solid waste**" [MMSW] is defined as garbage, refuse and other solid waste from residential, commercial, industrial and community activities which is generated and collected in aggregate, but does not include auto hulks, street sweepings, ash demolition waste, mining debris, sludges, tree and agricultural waste, tires, pesticides, hazardous waste and other materials collected, processed and disposed of as separate waste streams.
- 7.2.17. "**MPCA**" means the Minnesota Pollution Control Agency.
- 7.2.18. "**Open burning**" is burning any matter whereby the resultant combustion products are emitted directly to open atmosphere without passing through an adequate stack, duct or chimney.
- 7.2.19. "**Open dump**" is a land disposal site at which solid waste is disposed of in a manner that does not protect the environment, is susceptible to open burning and is exposed to the elements, insects, rodents and scavengers.

RULES AND DEFINITIONS

- 7.2.20. "**Operation**" means any site, facility or activity relating to solid waste management.
- 7.2.21. "**Packer truck**" means a truck with a solid waste container that compacts refuse by hydraulic method or other mechanical means.
- 7.2.22. "**Person**" means any human being; municipality, public subdivision or other governmental or public agency; public or private corporation; partnership, firm or association; other organization; receiver, trustee, assignee, agent; other legal representative of any of the foregoing; or other legal entity.
- 7.2.23. "**Putrescible material or garbage**" means solid waste which is capable of becoming rotten or which may reach a foul state of decay or decomposition.
- 7.2.24. "**Recyclables**" means those materials found within MMSW that have been designated by the Environmental Office as subject to source separation and recycling.
- 7.2.25. "**Recycler**" means any business established to collect, transport, process, store, redeem or dispose of recyclables.
- 7.2.26. "**Recycling**" means the process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of recyclable materials in a manner that precludes further use.
- 7.2.27. "**Shoreland**" is defined as land located within the following distances from the ordinary high water mark of public waters: (a) land within 1,000 feet from the normal high water mark of a lake, pond, reservoir impoundment or flowage; and (b) land within 300 feet of a river or stream or the landward side of a flood plain delineated by ordinance on such a river or stream, whichever is greater.
- 7.2.28. "**Site or facility**" is defined as all real or personal property which is, or may be, used for the utilization, processing or final disposal of solid waste and which requires a license for disposal therein under the provision of this Ordinance.
- 7.2.29. "**Solid waste**" is defined as garbage, refuse, demolition waste, sludge from a water supply treatment plant or air contaminant treatment facility and other discarded solid waste materials and sludges in solid, semi-solid, liquid or contained gaseous form, but does not include hazardous waste, animal waste used as fertilizer, earthen fill, boulders, rock, sewage sludge, solids or dissolved material in domestic sewage or other pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents or discharges, which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended, dissolved materials in irrigation return flows or source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended.
- 7.2.30. "**Source separation**" means the separation by the generator of any material for the purposes of preventing its introduction into the MMSW stream.

RULES AND DEFINITIONS

- 7.2.31. "**Solid waste collection service**" means a hired collection and/or transportation service of solid waste within Big Stone County, operated by any person under contract or other agreement with the solid waste generator.
- 7.2.32. "**Solid waste management**" means the storage, collection and removal of solid waste from public and private property, its transportation to intermediate or final disposal facilities and its disposal by approved methods; the management of a recycling program, solid waste education and other solid waste operations or services.
- 7.2.33. "**State**" means the State of Minnesota.
- 7.2.34. "**Toxic and hazardous waste/hazardous substance**" shall have meanings given it in Minnesota Statutes 115B.02, Subdivisions 8 and 9.
- 7.2.35. "**Transfer station**" is defined as an intermediate solid waste facility in which solid waste collected from any source is temporarily deposited to await transportation to the final disposal site or facility.
- 7.2.36. "**Waste tire**" is defined as solid waste which consists of the rubber or other resilient material product which is used on a vehicle or other equipment wheel to provide tread which is discarded or which cannot be used for its original purpose because it is used, damaged or defective.
- 7.2.37. "**Water pollution**" means the contamination of any waters of the State so as to create a nuisance or enter such waters as unclean or impure; and 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.
- 7.2.38. "**Waters of the State**" means all lakes, streams, ponds, marshes, water courses, water ways, 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.
- 7.2.39. "**White Goods**" means major appliances. Major appliances include, but are not limited to, clothes washers and dryers, dishwashers, hot water heaters, garbage disposals, microwave ovens, trash compactors, conventional ovens, ranges and stoves, humidifiers and dehumidifiers, air conditioners, refrigerators, freezers, furnances and other as defined in Minnesota Statutes 115A.03, Subdivision 17a.
- 7.2.40. "**Yard waste**" means garden waste, leaves, lawn cuttings, weeds and prunings generated on residential or commercial properties. For this definition, prunings are defined as the green stemmed portion of plants and does not include tree trimmings.

ADMINISTRATION

8. ADMINISTRATION

8.1. Environmental Officer

There shall be appointed by the Big Stone County Board of Commissioners an Environmental Officer who shall be responsible for the administration of this Ordinance.

8.2. Duties

The Environmental Officer shall have all necessary authority to implement and carry out the provisions of this Ordinance including, but not limited, to the following:

- 8.2.1. To review and consider all applications and supporting materials which are referred to the Environmental Office for operations within the County, and after such review and consideration, to recommend in writing, with documentation, to the County Board whether a license should be granted or denied.
- 8.2.2. To enter upon premises and into buildings to inspect operations to determine compliance and to investigate complaints about violations of this Ordinance, subject to the specific authority granted and limitations thereof set forth hereinafter.
- 8.2.3. To recommend to the County Attorney that legal proceedings be initiated against a person or group of persons to compel compliance with the provisions of this Ordinance or to terminate or control an operation not in compliance with this Ordinance.
- 8.2.4. 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.
- 8.2.5. To advise, consult and cooperate with the public and other governmental agencies in furtherance of the purpose of this Ordinance.
- 8.2.6. To plan, implement and administer all county operated solid waste management facilities.

SOLID WASTE HAULER REQUIREMENTS

9. SOLID WASTE HAULER REQUIREMENTS

9.1. Solid Waste Hauling

It shall be unlawful for any hired solid waste hauler to haul solid waste within Big Stone County without securing a license to do so from the Board of Commissioners.

9.2. Solid Waste Hauling Licenses

The County Board may in its discretion, issue a license for the hired hauling of solid waste only upon compliance with the following requirements:

- 9.2.1. Filing of an application for a solid waste hauling license upon a form provided by the County Board and available at the Environmental Office.
- 9.2.2. Filing proof of comprehensive general liability insurance covering bodily injury and property damage (combined limit) in the amount of \$200,000 per person and \$600,000 per occurrence and personal injury in the amount of \$200,000 per person and \$600,000 per occurrence.
- 9.2.3. Filing proof of comprehensive automobile liability insurance including owned, non-owned and hired automobiles in the amount of \$200,000 per person and \$600,000 per occurrence.
- 9.2.4. The type, number and capacity of solid waste hauling vehicles, and other containers or collection equipment used in Big Stone County for solid waste. Such vehicles 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 Environmental Officer.
- 9.2.5. Submission of a description of the route to be followed by all solid waste hauling vehicles between the area(s) of collection and the solid waste disposal facility. This need not include information about specific customers. The route shall be subject to approval by the Environmental Officer.
- 9.2.6. Payment of an annual license fee set by resolution by the County Board. Payment of the license fee may be waived by the County Board if the applicant is a governmental agency.
- 9.2.7. Haulers of solid waste from residential customers must charge for collection on the basis of the volume or weight of waste collected. For single family customers, the hauler must offer a minimum 1 can/bag/tag rate. Non-offering of volume/weight rates shall be grounds for license termination or denial of license renewal. A brief description of how the solid waste hauler will comply with this rule shall be submitted with the license application.

9.3. Compliance

The solid waste hauler and the vehicles used in collecting and transporting solid waste/designated recyclable materials within Big Stone County must comply with all state and local laws.

SOLID WASTE HAULER REQUIREMENTS

9.4. Pickup Schedules

The solid waste hauler must specify the day of collection that their customers are to place their solid waste out on their property for collection. The solid waste hauler shall provide customers with an annual collection schedule. The collection location must be on the customer's property in a location at, or near, the regular solid waste collection site or such other location mutually agreeable to the hauler and the customer.

9.5. Licensed Hauler Requirement

Municipalities or townships within Big Stone County that contract with solid waste/recyclables haulers must contract with a hauler who is licensed by Big Stone County. Contracts shall be consistent with the provisions in this Subsection.

RECYCLABLES REQUIREMENTS

10. RECYCLABLES HAULER REQUIREMENTS

10.1. Licenses Required

The County Board may, in its discretion, issue a license for the hired hauling of recyclables only upon compliance with the following requirements:

10.1.1. Fulfilling the requirements of Section 9.1.

10.1.2. Fulfilling the requirements of Section 9.2.1. - 9.2.6.

10.2. Term Replacement

For the purposes of this Section, in Sections 9.1. and 9.2., the term "recyclables" shall replace the term "solid waste", "recyclables processing facility" shall replace "solid waste disposal facility" and "recyclables hauler" shall replace "solid waste hauler". These terms shall have meaning as defined in Section 9.

11. RECYCLABLES CONTAINER, COLLECTION AND REPORTING REQUIREMENTS

11.1. Recyclables Container Requirements

The recyclables hauler may specify the type of container their customers must place the recyclables in. The containers must be provided by the recyclables hauler or already available to their customers at the time this Ordinance provision becomes effective.

11.2. Recyclables Preparation

The recyclables hauler may specify how a customer is to place their recyclables out for collection and how the recyclables are to be prepared. The Environmental Office reserves the right to review and modify the amount of preparation required by the recyclables hauler in consideration of local recyclable market requirements.

11.3. Frequency of Recyclables Collection

The recyclables hauler shall collect recyclables as per agreement with Big Stone County.

11.4. Quantity Reports Required

The recyclables hauler must submit a monthly report to the Environmental Office, on or before the fifth working day following the reportable month, identifying the weight in tons of all recyclables collected from Big Stone County residents. To the extent possible, the report must identify the weight of each type of recyclable material collected.

SOLID WASTE MANAGEMENT FACILITIES

12. SOLID WASTE MANAGEMENT FACILITIES

12.1. Solid Waste Management Facilities

Unless otherwise provided by this Ordinance, no person shall cause, permit or allow real or personal property under their control to be used for solid waste management purposes, except at an operation for which a license has been granted by the County Board. For the purposes of this Ordinance, solid waste management includes the following specific activities set forth herein. In addition to other requirements listed herein, applicants for licenses must meet all requirements of the stated rules and statutes:

12.1.1. Operation of MSW Land Disposal Facilities, Minnesota Rules 7035.

12.1.2. Operation of MSW Incinerator Facilities, Minnesota Rules 7005 and 7035.

12.1.3. Operation of Composting and Co-Composting Facilities, Minnesota Rules 7035.

12.1.4. Operation of Recycling Facilities, Minnesota Rules 7035.

12.1.5. Operation of Transfer Station Facilities, Minnesota Rules 7035.

12.1.6. Solid Waste Storage, Minnesota Rules 7035.

12.1.7. Waste Tires, Minnesota Rules 7035 and 9220 and Minnesota Statutes 115A.

12.1.8. Collection and Transportation of Solid Waste, Minnesota Rules 7035.

12.2. Commencement of Operations

Applicants for a license shall not commence any operation until the license application has been reviewed by the Environmental Officer and approved by the County Board. A waste facility operating license shall not be issued until the facility construction has been completed in compliance with this Ordinance and the approved plans and have been reviewed by the Environmental Officer and approved by the County Board. The County Board may, at its discretion, require additional information as outlined in this Ordinance.

12.3. License Requirement and Non -Transferability

A license issued by the County Board shall be required for any solid waste operation. This license shall not be transferable under any condition without the express approval and consent of the County Board.

12.4. Licensing Period

Unless otherwise provided by the County Board, the license year for solid waste operations shall be from July 1 through June 30.

SOLID WASTE MANAGEMENT FACILITIES

12.5. **Plans/Specifications/Reports Submittal**

For facilities requiring a MPCA permit for a solid waste operation, the applicant for a license or license renewal may, upon request, be required to submit a complete set of plans, specifications and/or reports to the Environmental Office.

12.6. **Consent of Governing Body**

The applicant must submit to the Environmental Office written proof that the municipal or township governing body, in which solid waste operations are located, has considered the establishment of solid waste operations with respect to zoning and other applicable regulations and the position, recommendation or other position of said governing body to the proposed activity.

12.7. **Submittals to the State**

All submittals to the State, during the state permitting and/or licensing process for solid waste operations, shall also be submitted to the Environmental Office.

12.8. **Waivers**

The applicant shall submit such additional data as may be requested by the Environmental Officer or the County Board. The County Board may waive a requirement for submitting certain information if such a waiver will not endanger the health or safety of the public.

12.9. **Application Response**

After receiving a completed application for the operation of a solid waste operation, the County Board shall have 30 days to either grant or deny the license or license renewal. Submission of false information may constitute grounds for denying a license or license renewal or suspension or revocation of an issued license.

12.10. **Indemnification**

Unless otherwise provided by the County Board, issuance of any license, pursuant to the provisions of this Ordinance, shall be contingent upon the applicant furnishing to the County a performance bond, in an amount to be set by the County Board, and naming the County as obligee 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 of the acts required by this Ordinance in the solid waste operation, or if, for any reason, ceases to operate or abandons the solid waste operation, and the County is required to expend any monies or expend any labor or materials to restore the operation to the condition and requirements provided by the 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 this Ordinance, and the obligor and its sureties will indemnify and save the County harmless from all losses, costs and charges that may occur to the County because of any default of the obligor under the terms of the 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 all of said bond, the

SOLID WASTE MANAGEMENT FACILITIES

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.

12.11. Insurance Requirements

The licensee shall furnish to the County certificates of insurance issued by insurers, duly licensed within the State, covering public liability insurance, including general liability, automobile liability, completed operations liability and bodily injury liability in amounts to be set by the County Board. In addition, the licensee shall provide evidence of worker's compensation coverage in the required statutory amounts.

12.12. Financial Assurance

To the extent not otherwise required by federal or state authorities and unless otherwise provided by the County, issuance or renewal of any license shall be contingent upon the owner of the operation, the operator or both, providing financial assurance for the closure, post-closure maintenance and monitoring of the site or facility. Use of this financial assurance shall be limited to the site or facility for which it was provided. Documentation submitted with the application for approval by the County Board shall include funding procedures, a description of the funding method, the value of the funding and an inflation adjusted cost estimate which assess that the closure and post-closure activities at the site or facility take place. The amount of the financial assurance shall be equal to or exceed the total estimated post-closure costs specified in the approved post-closure plan.

12.13. Fees

The County Board shall, by resolution, establish fees, including fees for the application, initial license, renewal of license and such other fees as may be necessary for the administration of this Ordinance. The County Board may waive fees for any political subdivision applying for a solid waste license.

SOLID WASTE STORAGE

13. SOLID WASTE STORAGE

13.1. Responsibility

The owner, lessee and 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 the premise, business establishment or industry. No building, structure, area or premises 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.

13.2. Solid Waste Accumulations

Owners and managers of every property shall be responsible for maintaining all open areas free of improperly stored solid waste accumulations. For purposes of this Ordinance this shall include: (a) animal feces, brush piles, inoperable machines, appliances, fixtures and equipment so damaged, deteriorated or obsolete as to have no substantial value and can be reasonably considered solid waste; (b) lumber piles and building materials, unless being actively used by a business or construction requiring use of such lumber and materials; (c) tin cans, broken glass, broken furniture, boxes, crates and other debris; and (d) and other forms of MMSW. Nothing in this Section is designed to restrict the commonly accepted activities of agricultural farms and duly established and licensed automobile, scrap iron, metal recyclers and salvage operations.

13.3. Storage Facilities and Containers Required

Every property shall be supplied with adequate solid waste storage facilities and containers. Such facilities and containers shall be supplied by the owner of the property or by contract with a commercial hauler.

13.4. Provided Facilities to be Used

Property owners shall cause occupants and employees to store waste for removal in the solid waste storage facilities and containers provided. The property owner shall not knowingly permit solid waste to be placed in locations or in a manner that the solid waste can be scattered by water, wind, animals or insects.

13.5. Frequency of Container Service

Every property owner shall cause the container contents to be removed and deposited at a place allowed by this Ordinance, at least once each calendar week, not to exceed ten (10) days between service events. Non-putrescible waste, suitable and sorted for recycling, may be contained for more than ten (10) days if they are stored in an aesthetically acceptable manner that avoids unacceptable health risk or nuisances, and otherwise complies with this Ordinance.

SOLID WASTE STORAGE

13.6. Toxic/Hazardous Waste

Toxic/hazardous waste shall be stored in durable, leak-proof containers and shall be "painted and marked" so as to easily identify the container as 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 within the yellow band, or other easily identified area, using a permanent marker as follows: The chemical name of the waste, the UN or NA number, the contaminants present by percentages, the start date, the generator's name and address and the generator's EPA or MPCA identification number. Such waste shall be stored in a safe location, accompanied by a description of the chemical composition of the substance stored within the container and be in compliance with the storage and transportation requirements of MPCA 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).

SOLID WASTE CONTAINER REQUIREMENTS/COMPLIANCE

14. SOLID WASTE CONTAINER REQUIREMENTS/COMPLIANCE

14.1. Container Construction

All solid waste containers shall be constructed resistant to rodent, insect and vermin entry. Materials used shall be rust and impact resistant. The containers shall be equipped with tight fitting covers that shield the container from the entrance of precipitation, rodents, insects and vermin.

14.1.1. Manually serviced containers shall have tapered side walls and handles, a capacity of not more than thirty-two (32) gallons and shall not be loaded more than fifty-five (55) pounds.

14.1.2. Mechanically serviced containers designed, equipped and located to be emptied or carried by mechanical means suitable for a hauler, may be used with permission of the hauler.

14.1.3. Refuse bins having an internal volume of one (1) cubic yard or greater shall be constructed or retrofitted to meet American National Institute (ANSI) Standard (Z 245.3-1077) for the Stability of Refuse Bins.

14.2. Yard Waste Plastic Bags Prohibited

Plastic bags of any type are prohibited from use to dispose of yard waste at solid waste disposal facilities or composting facilities. Plastic bags of any type may be used in the transportation of yard waste to a solid waste disposal facility or composting facility but may not be disposed of at the facility.

14.3. Container Maintenance

Solid waste containers shall be maintained and kept in a neat, clean, sanitary and leak-resistant condition by the container's owner to prevent insect breeding, nuisances and unsightly conditions. Containers shall be maintained in good repair by the property holder or by the hauler, when supplied by the hauler.

14.4. Container Compliance

Any hauler finding solid waste containers in use that appear not to be in compliance with this Ordinance shall report the noncompliance to the owner. If correction is not made within a reasonable amount of time, the hauler may refuse to empty the container(s).

COLLECTION AND TRANSPORTATION OF SOLID WASTE

15. COLLECTION AND TRANSPORTATION OF SOLID WASTE

15.1. Unauthorized Transfer of Solid Waste

Except as permitted by this Ordinance, solid waste shall not be transferred to another property or another property's waste storage facility or container, except with the written consent of the property owner.

15.2. Collection Responsibilities

Unless otherwise provided in this Ordinance, the owner, lessee and occupant of any premises, business establishment or industry is responsible, by contract or otherwise, for the collection and transportation of solid waste from the premises, business establishment or industry, and shall collect and remove all solid waste accumulated at the premises, business establishment or industry and transport it to an operation which has an appropriate license.

15.3. Spillage of Solid Waste

Vehicles or containers shall be loaded and moved in such a manner that the content will not fall, leak or spill therefrom, and shall be covered or secured to prevent blowing of material. When spillage does occur, the material shall be picked up immediately by the solid waste hauler 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 Environmental Officer shall be notified.

15.4. Hazardous Waste Collection/Transportation

Vehicles or containers used for the collection and transportation of toxic or hazardous waste shall be durable, enclosed and leak-proof, 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 statutes.

15.5. Indemnification

The solid waste collection service will indemnify, defend and save harmless the County Board, their agents, elected officials and employees from all claims, damages, losses, liabilities, costs, expenses and lawsuits, whatsoever, arising out of any act or 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 furnished by the hauler under the terms of this contract.

COLLECTION AND TRANSPORTATION OF SOLID WASTE

15.6. Anti-Scavenging Provision

Ownership of designated recyclable materials set out for curbside collection or placed at County drop-off sites shall be vested in the hauler of recyclable materials recognized by the Big Stone County Board of Commissioners. It shall be unlawful for any person other than the hauler or its contractors, agents, servants or employees to remove the materials.

15.7. Anti-Recyclable Disposal

All recyclable materials collected as part of a recycling collection program shall not be deposited in a manner which precludes its reuse, as defined in the recycling definition in Minnesota Statutes 115.03, Subdivisions 25a and 25b.

15.8. Haulers

A hauler shall refuse to knowingly accept for collection any MMSW within Big Stone County which contains:

15.8.1. Any of the recyclable materials as per agreement.

15.8.2. Any of the special regulated materials listed in Section 17.

15.9. Non-Profit Recycling Permits

Civic or non-profit organizations, school groups, service clubs or others who collect recyclable materials to support their organizations or to provide a community service will not be required to obtain a license. All submittals, as required by an MPCA permit, shall also be submitted to the Environmental Office.

15.10. Recycling Collection Quantity Reporting Requirements

All civic or non-profit organizations, school groups, service clubs, commercial/industrial establishments or others who collect and market recyclable materials shall, to the extent possible, submit a report to the Environmental Office of the type and quantity of material collected. This report should be submitted within 30 days of shipment of the recycled materials.

ILLEGAL DUMPING/LITTERING

16. ILLEGAL DUMPING/LITTERING

16.1. Violation

It shall be a violation of this Ordinance for any person to dispose of solid waste within Big Stone County at any place, except in the manner permitted by this Ordinance.

16.1.1. Whenever it is found that a violation of this Ordinance has occurred, the Environmental Officer shall issue a "Notice to Abate" to the person found to be in violation or non-compliance and specify such action as necessary with time specific to come into compliance with the provisions of this Ordinance. Said notice shall be in writing and shall be served by mail on said violator, or if a mailing address is unknown, then by posting said notice on the premises.

16.2. Unauthorized Dumping

It shall be a violation of this Ordinance for any person to operate an open dump; the owner of any dump, in existence at the time this Ordinance is enacted, shall cease operations and close the dump in accordance with the following provisions. The owner shall:

16.2.1. Close access to the site, prohibit the public from using the site post signs indicating that dumping is not allowed;

16.2.2. Remove all chemical containers, tires, batteries, appliances, motor vehicle fluids and hazardous waste;

16.2.3. Eradicate rodents;

16.2.4. Conduct, at the discretion of the County Board, a water monitoring program pursuant to: "Procedures for Ground Water Monitoring: Minnesota Pollution Control Agency Guidelines" and obtain approval of the plans to protect ground and surface water by the Environmental Office prior to implementation;

16.2.5. Divert surface water drainage around and away from the disposal area;

16.2.6. Compact the solid waste and cover it with at least two (2) feet of compacted cover material;

16.2.7. Seed the cover material so that adequate turf is present;

16.2.8. Establish and maintain a final grade sufficient to promote water runoff without excessive erosion; and

16.2.9. Place on record, at the office of the Big Stone County Recorder, an instrument, in a form prescribed by the Environmental Office, placing the public on notice of the existence and location of the dump and of the obligations placed upon parties holding an interest in the property and the restrictions which may affect the use of the property.

OR;

ILLEGAL DUMPING/LITTERING

16.2.10. Remove all refuse on the site which may cause pollution or endanger human health and the environment and transport it to an appropriate state or county licensed solid waste facility; and

16.2.11. Close the open dump in accordance with the provisions of this Ordinance and Minnesota Rules.

16.3. Litter

Pursuant to Minnesota Statutes 115A.99, any person who unlawfully places any portion of solid waste in or on public or private lands, shorelands, roadways or waters is subject to a civil penalty of not less than twice nor more than five times the amount of cost incurred by a state or political subdivision to remove, process and dispose of the waste.

16.4. Open Burning Prohibitions

16.4.1. Open burning prohibitions specified in this Section are in effect at all times of the year.

16.4.2. No person shall conduct, cause or permit open burning of oils, rubber, plastics, chemically treated materials or other materials which produce excessive or noxious smoke including, but not limited to, tires, railroad ties, chemically treated lumber, composite shingles, tar paper, insulation, composition board, sheetrock, wiring, paint or paint filters.

16.4.3. No person shall conduct, cause or permit open burning of hazardous waste as defined in Minnesota Section 116.06, Subdivision 11 and applicable Department of Natural Resources' rules.

16.4.4. No person shall conduct, cause or permit open burning of solid waste generated from an industrial or manufacturing process or from a service or commercial structure.

16.4.5. No person shall conduct, cause or permit open burning of burnable building material generated from demolition of commercial or institutional structures. A farm building is not a commercial structure.

16.4.6. No person shall conduct, cause or permit salvage operations by open burning.

16.4.7. No person shall conduct, cause or permit the processing of motor vehicles by open burning.

16.4.8. Garbage

16.4.8.1. No person shall conduct, cause, or permit open burning of discarded material resulting from the handling, processing, storage, preparation, serving or consumption of food, unless specifically allowed under Minnesota Statutes 17.135.

16.4.8.2. The County may allow a resident to conduct open burning of material described in Section 16.4.8.1. that is generated from the resident's household if the County Board by resolution determines that regularly

ILLEGAL DUMPING/LITTERING

scheduled pickup of the material is not reasonably available to the resident.

16.4.9. No person shall conduct, cause or permit open burning during a burning ban put into effect by a local authority, the County or a state department or agency.

16.4.10. Fires must not be allowed to smolder with no flame present, except when conducted for the purpose of managing forests, prairies or wildlife habitats.

16.5. Legal Action

Any cost that Big Stone County may incur as described in this Section may result in action to recover the civil penalty; related legal, administrative and court costs; and damages for injury to, or pollution of, the lands, shoreland, roadways or waters where the waste was placed, if owned or managed by Big Stone County.

COLLECTION, STORAGE AND DISPOSAL OF REGULATED SPECIAL WASTE

17. COLLECTION, STORAGE AND DISPOSAL OF REGULATED SPECIAL WASTE

17.1. Waste Tires

- 17.1.1. **State Rules.** Minnesota Waste Tire Permit Rules 7001 and 9220 are hereby incorporated by reference, as amended.
- 17.1.2. **Land Disposal Prohibition.** The disposal of waste tires by burying in land is prohibited (Minnesota Statutes 115A.904).
- 17.1.3. **MMSW Prohibition.** The disposal of waste tires in MMSW is prohibited.
- 17.1.4. **Residential Storage Limits.** No more than ten (10) waste tires may be stored within the boundaries of any residential lot.
- 17.1.5. **Non-Residential Storage Limits.** No more than one hundred (100) waste tires may be stored on any non-residential lot except at a properly licensed solid waste facility.
- 17.1.6. **Exceptions.** Exceptions to Section 17.1.4. and 17.1.5. may be allowed when waste tires are utilized outside of a building for decorative, recreational, structural, construction or agricultural purposes provided they comply with the requirements of other applicable laws or Sections of this Ordinance.
- 17.1.7. **Water Retention Prevention.** 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.
- 17.1.8. **Waste Tire Placement.** Waste tires shall not be placed, stored, left or permitted to remain in a lake, stream, wetland, sinkhole, gully, waterway, flood plain or shoreland.
- 17.1.9. **Violation.** 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 as approved by the County Board.

17.2. White Goods

- 17.2.1. **White Goods Prohibition.** Pursuant to Minnesota Statutes 115A.9561, no person shall place white goods in MMSW or dispose of them in or on the land or in a solid waste processing or disposal facility.
- 17.2.2. **Recycling Required.** White goods must be reused or recycled including; the removal of capacitors and ballasts that may contain PCBs, the removal of chloroflourocarbon (CFC) refrigerant gases, and, the recycling or reuse of the metals, including mercury, in accordance with Minnesota Statutes 115A.9561, Subdivision 2 and 116.731.
- 17.2.3 **Storage Requirements.** Loading, unloading, transporting and storing of white

COLLECTION, STORAGE AND DISPOSAL OF REGULATED SPECIAL WASTE

goods must be done in such a manner as to minimize damage to the components of the unit during handling.

17.3. Used Oil

17.3.1. Used Oil Prohibition. A person may not place motor vehicle fluids or filters in MMSW or place such fluids in or on the land, unless approved by the MPCA (Minnesota Statutes 115A.916).

17.4. Yard Waste

17.4.1. Yard Waste Prohibition

Yard waste including, but not limited to, garden waste, lawn cuttings, weeds or prunings, shall not be disposed of in MMSW in a land disposal facility or in a resource recovery facility, except for the purpose of composting or co-composting as per MPCA Rules 7035.2835, Subdivision 3, as amended (Minnesota Statutes 115A.931).

17.5. Batteries

17.5.1. Lead Acid Batteries

A person may not dispose of a lead acid battery in MMSW or dispose of a lead acid battery (Minnesota Statutes 115A.915) in or on the land (Minnesota Statutes 17.135).

17.5.2. Transportation of Lead Acid Batteries

A person who transports used lead acid batteries from a retailer must deliver the batteries to a recycling facility (Minnesota Statutes 115A.9152, Subdivision a).

17.5.3. Prohibition of Certain Dry Cell Batteries

A person may not place in MMSW a dry cell containing mercuric oxide electrode, silver oxide electrode, nickel-cadmium or sealed lead acid that was purchased for use or used by a governmental agency or an industrial, communications or medical facility (Minnesota Statutes 115A.9155, Subdivision 1).

17.5.4. Prohibition of Nickel-Cadmium Batteries

A person may not place in MMSW a rechargeable battery, rechargeable battery pack, product with a nonremovable rechargeable battery pack or product powered by rechargeable batteries or rechargeable battery pack, from which all batteries or battery packs have not been removed (Minnesota Statutes 115.9157, Subdivision 2).

17.6. Household Hazardous Waste

A person may not place any household hazardous waste in MMSW or dispose of in or on the land (Minnesota Statutes 17.135).

ENFORCEMENT AND PENALTIES

18. ENFORCEMENT .

18.1. Enforcement, Authority and Procedure

It shall be the duty of the County Board, through the Environmental Officer or such other person as the Board may designate, to enforce the provisions of this Ordinance.

18.2. Specific Authority

18.2.1. In addition to the other duties and authority contained elsewhere in this Ordinance, there shall be granted to the Environmental Officer the specific authority to do the following.

18.2.1.1. Upon reasonable basis to believe that a violation has occurred, the Environmental Officer may enter upon and inspect private or public premises to determine compliance with the provisions of this Ordinance. Unless consent is given by the occupant or owner of the premises, or unless otherwise authorized by law, the Environmental Officer shall be restricted from entering into any buildings unless sufficient probable cause exists of a health risk, or upon order of a Court.

18.2.1.2. The Environmental Officer may issue orders for abatement of non-complying practices.

18.2.2. It shall be a violation of this Ordinance to refuse to permit the Environmental Officer to inspect any premises when authorized by the specific authority granted to the Environmental Officer under the provisions of this Ordinance.

18.3. Failure to Terminate Illegal Practices

If after service of notice, the person fails to terminate the illegal practices and to come into compliance with the terms of this Ordinance, the Environmental Officer may take such steps as are necessary to eliminate the non-compliance and to bring the activity or practice into compliance for the term of this Ordinance. Any costs incurred may be recovered by assessing the costs of the enforcement action against the real property upon which the illegal practice or activity has occurred. The Environmental Officer shall certify the amount to the County Auditor on or before October 15 of each year for collection in the same manner as taxes and special assessments.

19. PENALTIES

19.1. Violation of Ordinance Provisions

Any person who shall violate any provision of this Ordinance or who shall fail to comply with any order made under the provisions of this Ordinance shall be guilty of a misdemeanor. A separate offense shall be deemed committed upon the separate date during or on which a violation occurs.

ADOPTION OF ORDINANCE

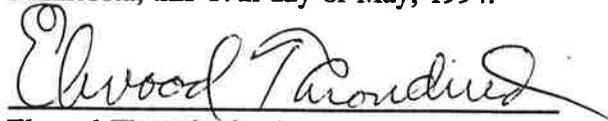
20. ADOPTION OF ORDINANCE

This Ordinance shall become effective and be in force from and after its passage, approval, publication and recording in the Office of the County Recorder.

20.1. Recommended by the Planning Commission, Big Stone County, this 8th day of March, 1994.


James Strong, Chairman
Big Stone County Planning Commission

20.2. Passed and approved by the Board of County Commissioners, Big Stone County, Minnesota, this 17th day of May, 1994.

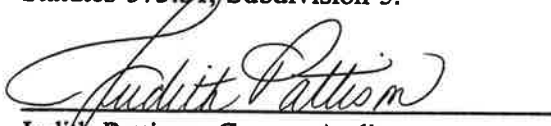

Elwood Thronrud, Chairman
Big Stone County Board of Commissioners

20.3. Attest:


Judith Pattison, County Auditor
Big Stone County

I, Judith Pattison, do hereby certify that this is a true and correct copy of the Big Stone County Solid Waste Management Ordinance as passed by the Board of County Commissioners on the 17th day of May, 1994.

I further certify that on the 17th day of May, 1994, the County Commissioners duly approved a Summary of the foregoing Ordinance to be published, pursuant to Minnesota Statutes 375.51, Subdivision 3.


Judith Pattison, County Auditor
Big Stone County

20.4. Date of publication of Summary of Ordinance: JUNE 14, 1994.

20.5. Filed in the Office of the County Recorder, Big Stone County, Minnesota, this 14 day of June, 1994.

INSTRUMENT NO. 139946
Filed June 14th, 1994 at 12:30 P.M. and recorded
in Book 49 of Misc., page(s) 107-137
GLORIA ARNDT County Recorder
Big Stone County, Minnesota By Karol Stetsberg, Deputy

*Judith Patterson,
County Auditor
Big Stone County Courthouse
Ortonville, MN 56278*

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