

MILLE LACS COUNTY SOLID WASTE ORDINANCE

ARTICLE ONE: PURPOSE AND AUTHORITY

- 101 STATUTORY AUTHORIZATION. This ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes §400, Minnesota Statutes §145, Minnesota Statutes §115A, Minnesota Statutes §116, Minnesota Administrative Rule Chapter 7035, and Minnesota Administrative Rule Chapter 9220. All statutory references contained herein assume that they may be amended from time to time and such amendments are adopted by reference.
- 102 PURPOSE. The purpose of this ordinance is to govern solid waste management; establish solid waste management charges and programs; require licenses and license fees; and establish penalties for lack of compliance; all in order to promote the health, welfare and safety of the public.
- 103 INTENT. It is intended by Mille Lacs County that this Ordinance will provide for the management of solid waste in a manner that will protect the public health, welfare and safety, prevent the spread of disease, prevent the creation of nuisances, conserve natural resources, and protect the State's water, air and land resources. It is also the intent of the County to conform to the purposes outlined in Minnesota Statutes §115A.02.
- 104 EFFECTIVE DATE. The provisions set forth in this ordinance shall become effective on September 1, 2019.

ARTICLE TWO: GENERAL PROVISIONS

- 201 DEFINITIONS. Unless specifically defined, words or phrases used in this ordinance shall be interpreted to give them the same meaning they have as defined in Minnesota Statutes and give this ordinance it's most reasonable application. For the purpose of this ordinance, the words "must" and "shall" are mandatory and not permissive. All distances, unless otherwise specified, are measured horizontally.

ACCEPTABLE WASTE: Those Solid Wastes that are not prohibited from Processing or Disposal as defined by a Solid Waste Management Facility pursuant to local, State and federal laws and the requirements of the Facility.

CHARGE: A Solid Waste Management Charge.

COLLECTION: The aggregation of waste from the place at which it is generated and includes all activities up to the time the waste is delivered to a waste facility.

COMPOST or COMPOSTING: The controlled microbial degradation of organic waste to yield a humus like product.

CONSTRUCTION DEBRIS: Waste building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition of buildings and roads.

COUNTY: Mille Lacs County, Minnesota.

COUNTY BOARD: The Mille Lacs County Board of Commissioners.

CURBSIDE COLLECTION: A Mixed Municipal Solid Waste, Source-Separated Compostable Materials and/or Yard Waste, and/or Recyclable Materials Collection system whereby the Generators set Solid Waste containers at the curb adjacent to a roadway or, where this is not practical, in locations easily accessible for Collection by a Hauler.

DEPARTMENT: Mille Lacs County Administrative Services Office or subsequent department responsible for the County's Solid Waste program.

DEMOLITION DEBRIS: Solid Waste resulting from the demolition of buildings, roads, and other structures including concrete, brick, bituminous concrete, untreated wood, masonry, glass, trees, rock, and plastic building parts. Demolition debris does not include asbestos wastes.

DISPOSAL or DISPOSE: The discharge, deposit, injection, dumping, spilling, leaking, or placing of any waste into or on any land or water so that the waste or any constituent thereof may enter the environment or be emitted into the air, or discharged into any waters, including groundwater.

DUMPING: The illegal placement of any Solid Waste, including Construction and Demolition Debris, Hazardous Waste, Industrial Solid Waste, Mixed Municipal Solid Waste, or Recyclable Materials, anywhere other than in an approved solid waste storage container or at a Solid Waste Management Facility during hours of operation.

GENERATOR: Any person who generates waste.

GARBAGE: Discarded material resulting from the handling, processing, storage, preparation, serving, and consumption of food.

HAULER: Any Person who Collects or Transports Solid Waste, Recyclable Materials, Source-Separated Compostable Materials, or Yard Waste, but does not include a Self-Hauler.

HAZARDOUS WASTE: Any refuse, sludge, or other waste material or combinations of refuse, sludge or other waste materials in solid, semisolid, liquid, or contained gaseous form which because of it quantity, concentration, or chemical, physical, or infectious characteristics may

- (1) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitation reversible illness; or
- (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed. Categories of hazardous waste materials include; source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

INDUSTRIAL SOLID WASTE: All solid waste generated from an industrial or manufacturing process and solid waste generated from nonmanufacturing activities such as service and commercial establishments. Industrial solid waste does not include office materials, restaurant and food preparation waste, discarded machinery, demolition debris, municipal solid waste combustor ash, or household refuse.

LICENSE: Authorization by the County Board to conduct business services that may be limited to a specific period of time, specific person, and or a specific site in the County.

MAJOR APPLIANCE: clothes washers and dryers, dishwashers, hot water heaters, heat pumps, furnaces, garbage disposals, trash compactors, conventional and microwave ovens, ranges and stoves, air conditioners, dehumidifiers, refrigerators, freezers and other appliances designated by State law or this Ordinance.

MIXED MUNICIPAL SOLID WASTE: garbage, refuse, and other solid waste from residential, commercial, industrial, and community activities that the generator of the waste aggregates for collection. Mixed municipal solid waste does not include auto hulks, street sweepings, ash, construction debris, mining waste, sludges, tree and agricultural wastes, tires, lead acid batteries, motor and vehicle fluids and filters, and other materials collected, processed, and disposed of as separate waste streams.

MPCA: Minnesota Pollution Control Agency.

PERSON: Any human being, any municipality or other governmental or political subdivision or other public agency, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing, or any other legal entity, but does not include the Pollution Control Agency.

PROBLEM MATERIAL: A material that, when processed or disposed of with mixed municipal solid waste, contributes to one or more of the following results:

- (1) The release of a hazardous substance, or pollutant or contaminant, as defined in section 115B.02, subdivisions 8, 13, and 15;

- (2) Pollution of water as defined in section 115.01, subdivision 13.
- (3) Air pollution as defined in section 116.06, subdivision 4.
- (4) A significant threat to the safe or efficient operation of a solid waste facility.

PUBLIC HEALTH NUISANCE: The creation of conditions or acts that unreasonably annoy, injure, or endanger the safety, health, comfort, or repose of any number of members of the public.

PUTRESCIBLE MATERIAL: Solid Waste that is capable of rotting or is in a foul state of decay or decomposition.

RECYCLABLE MATERIALS: Materials that are separated from mixed municipal solid waste for the purpose of recycling or composting, including paper, glass, plastics, metals, automobile oil, batteries, source-separated compostable materials, and sole source food waste streams that are managed through biodegradative processes. Refuse-derived fuel or other material that is destroyed by incineration is not a recyclable material.

RECYLING: 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.

REFUSE: Putrescible and nonputrescible Solid Wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, waste combustor ash, street cleanings, and Industrial Solid Wastes, and including municipal treatment wastes which do not contain free moisture.

RESIDENTIAL BUILDING: A single family home, a duplex, a tri-plex, a four-plex, an apartment building, a mobile home, a condominium, a townhouse, a cooperative housing unit, or any other Residential Building as determined by the County.

SELF HAULER: A Person who transports their own Solid Waste for Solid Waste Management purposes.

SERVICE AREA: A geographical area within the County, established by resolution of the County Board that receives Solid Waste Management Services.

SOLID WASTE: Garbage, Refuse, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded waste materials and sludges, in solid, semisolid, liquid, or contained gaseous form, resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but

does not include hazardous waste; animal waste used as fertilizer; earthen fill, boulders, rock; concrete diamond grinding and saw slurry associated with the construction, improvement, or repair of a road when deposited on the road project site in a manner that is in compliance with best management practices and rules of the agency; sewage sludge; solid or dissolved material in domestic sewage or other common pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater 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.

SOLID WASTE MANAGEMENT: Activities that are intended to affect or control the Generation of Solid Waste and activities which provide for or control the collection, transportation, processing, treatment, and Disposal of waste.

SOLID WASTE MANAGEMENT ACTIVITY: An activity related to the Generation, storage, Collection, Transportation, Processing or reuse, conversion, or Disposal of Solid Waste.

SOLID WASTE MANAGEMENT FACILITY: A facility for the storage, collection, transportation, processing or reuse, conversion, or disposal of solid waste.

SOLID WASTE MANAGEMENT SERVICE CHARGE: A service charge imposed pursuant to Minnesota Statue §400.08.

SOLID WASTE OFFICER: The individual assigned by the County to oversee and direct Solid Waste Management Activities.

SOURCE-SEPARATED COMPOSTABLE MATERIALS: “Source-separated compostable materials” means materials that:

- (1) are separated at the source by waste generators for the purpose of preparing them for use as compost;
- (2) are collected separately from mixed municipal solid waste, and are governed by the licensing provisions of section 115A.93;
- (3) are comprised of food wastes, fish and animal waste, plant materials, diapers, sanitary products, and paper that is not recyclable because the commissioner has determined that no other person is willing to accept the paper for recycling;
- (4) are delivered to a facility to undergo controlled microbial degradation to yield a humus-like product meeting the agency’s class I or class II, or equivalent, compost standards and where process rejects do not exceed 15 percent by weight of the total material delivered to the facility; and

(5) may be delivered to a transfer station, mixed municipal solid waste processing facility, or recycling facility only for the purposes of composting or transfer to a composting facility, unless the commissioner determines that no other person is willing to accept the materials.

SOURCE-SEPARATED RECYCLABLE MATERIAL: Recyclable Materials separated by the Generator prior to Collection for Recycling.

202 **JURISDICTION.** The regulations herein shall apply to all areas of the County, except those held in trust by the United States on behalf of the Mille Lacs Band of Ojibwe and cities/townships that have adopted and enforce solid waste regulations on their own behalf.

203 **SERVICE AREA.** Pursuant to Minnesota Statutes §400.08 Subdivision 2, the County established one solid waste management service area, with its boundaries being coterminous with the boundaries of the County, by Resolution titled Establishment Of A Solid Waste Management Service Area, effective February 1, 2000. This resolution is incorporated by reference.

204 **ADMINISTRATION.**

(1) County

The County's Solid Waste Officer shall administer the solid waste program and all provisions of this ordinance. The Solid Waste Officer shall review, revise and update this ordinance as necessary.

(2) Cities and Townships

Any jurisdiction within the County that regulates solid waste must, at a minimum, comply with the standards and requirements of this ordinance.

205 **INDEMNIFICATION.** To the fullest extent permitted by law, a licensee shall indemnify the County, its officers, employees, agents, and others acting on their behalf, to hold them harmless, and to defend and protect them, from and against any and all loss, damage, liability, cost and expense (specifically including attorneys' fees and other costs and expenses of defense), of any sort whatsoever, based upon, resulting from, or otherwise arising in connection with any actions, claims or proceedings (of any sort and from any source whatsoever) brought, or any loss, damage or injury of any type whatsoever sustained, by reason of any act or omission of a licensee, its officers, employees or agents, or any other person(s) or entity(ies) for whose acts or omissions a licensee may be legally responsible, in the performance of any of a licensee's obligations (whether expressed or implied) under this Ordinance.

206 LAND USE. Any use of land for solid waste management activities within the County shall comply with the applicable land use requirements of the Mille Lacs County Development Ordinance, or the requirements of applicable municipal land use ordinances.

ARTICLE THREE: WASTE ABATEMENT, STORAGE, COLLECTION, PROCESSING,
AND DISPOSAL

301 SOLID WASTE STORAGE CONTAINERS. While being accumulated and stored for collection and transportation to a licensed solid waste management facility, solid waste or mixed municipal solid waste shall be stored in reusable, covered containers (e.g., cans, dumpsters, compactors, roll-off containers, etc.) that are rust, impact, vermin, and leak resistant. Plastic bags designed for containing manageable quantities of solid waste or mixed municipal solid waste shall only be used for temporary storage and may only be placed outdoors for collection no sooner than the evening prior to the scheduled collection day.

302 SOLID WASTE COLLECTION CHARGES. Haulers shall establish charges for the collection of solid waste or mixed municipal solid waste on a volume or weight basis. If collection of source-separated compostable material and/or yard waste is provided, the hauler-imposed fee for such collection must be indicated as a separate line item on a customer's bill.

303 SOLID WASTE CURBSIDE COLLECTION. Generators utilizing the services of a hauler may place acceptable containers of solid waste or mixed municipal solid waste and/or recyclable materials at the curb or collection site no sooner than the evening prior of scheduled collection. Generators must remove the empty containers from the curb or collection site the same day as collection.

304 SOLID WASTE COLLECTION FREQUENCY. Solid waste or mixed municipal solid waste aggregated for collection must be collected or self-hauled regularly to preclude the development of odor, vector and public health nuisance problems. Putrescible materials must be collected or self-hauled, at a minimum, every two weeks, unless collection services aren't provided weekly, in which the putrescible materials shall be collected or self-hauled at least monthly.

305 SOLID WASTE DISPOSAL. Generators shall dispose of solid waste or mixed municipal solid waste at a permitted solid waste management facility. Generators shall either utilize the collection services of a licensed hauler or self-haul their own solid waste or mixed municipal solid waste to a licensed and permitted solid waste management facility.

Generators are responsible for identifying, characterizing and properly managing the solid waste, mixed municipal solid waste, and industrial solid waste that they produce.

State and federal laws or regulations prohibit the processing and/or disposal of some types of solid waste or mixed municipal solid waste. Regulations also restrict the processing of other materials or waste types because they may present an operational hazard to a solid waste management facility. Each solid waste management facility shall identify its own list of unacceptable wastes, problem materials and special wastes. This list shall identify which waste types cannot be required special handling and/or need approval prior to delivery. Generators are responsible for identifying any unacceptable waste, problem materials, and/or special wastes, that they produce and for adhering to facility-specific requirements for disposal.

Each person shall deliver only acceptable waste to a solid waste management facility. A facility shall not be required to accept any solid waste or mixed municipal solid waste that constitutes unacceptable waste and may, at its discretion, inspect all vehicles delivering solid waste or mixed municipal solid waste to determine whether or not the solid waste or mixed municipal solid waste contains unacceptable waste. The obligation of each person not to deliver unacceptable waste to a facility shall not be removed or in any way limited by an inspection of such person's solid waste or mixed municipal solid waste.

Notwithstanding any prior acceptance of such solid waste or mixed municipal solid waste as acceptable waste by a facility, if the facility, in the exercise of its reasonable judgment, identifies the presence of unacceptable wastes, problem materials, and/or special wastes, the facility may reject the solid waste or mixed municipal solid waste and the person shall remove the rejected materials for proper management, and disposal shall be borne by the person. Furthermore, if the presence of unacceptable wastes, problem materials and/or special wastes, the facility may reject the solid waste or mixed municipal solid waste and the person shall remove the rejected materials for proper management, and disposal shall be borne by the person. Furthermore, if the presence of unacceptable wastes, problem materials and/or special wastes poses immediate operational difficulties for a facility or if the person fails to respond to a removal request, the facility may remove and dispose of the unacceptable wastes, problem materials, and/or special wastes and charge the costs of such removal, disposal and special handling to the person.

306 PROHIBITIONS. It is a violation of this Ordinance for any person to dispose of solid waste, mixed municipal solid waste, demolition debris, industrial or hazardous waste, excluding residential yard and food waste used for backyard composting or a small compost site, on their property without a permit from the MPCA. The owner of any such site shall prevent disposal at the site, and if necessary take corrective actions to

appropriately close and clean-up the site, as determined by the Solid Waste Officer and/or the MPCA. The existence of an unpermitted site shall be reported to the Solid Waste Officer upon discovery.

- 307 COMPOSTING. The utilization of backyard compost and small compost sites is allowed without a compost facility permit from the MPCA. The backyard compost and small compost sites must be managed in such a manner to prevent annoying odors, public health nuisances, or unsafe conditions. Small compost sites are limited to 120 cubic yards of material; a compost site over 120 cubic yards of material requires a permit from the MPCA.

ARTICLE FOUR: SOLID WASTE MANAGEMENT SERVICE CHARGES

- 401 PURPOSE AND AUTHORITY. The purpose of this article is to establish methods of collection of service charges to fund certain solid waste management services intended to protect the public health and welfare and the environment pursuant to Minnesota Statute §400.08.

- 402 PARCEL CHARGES. The County Auditor-Treasurer shall each year assess a solid waste management service charge. The service charge shall be fifteen (15) dollars per unit.

Residential and commercial parcels shall be assessed one (1) unit on all improved parcels with a building value over \$5,000. Multi-family dwellings, apartment buildings, and mobile or manufactured home parks shall be assessed one (1) unit per dwelling unit.

Parcels owned by the County, the State of Minnesota, the Federal government, cities, and townships are exempt from these charges.

On or before October 15th of each year, the County Board shall certify to the County Auditor-Treasurer all unpaid outstanding per parcel charges and a description of the lands against which the charges arose. It shall be the duty of the County Auditor, upon order of the County Board, to extend the assessments with the interest rate provided for in Minnesota Statute §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 carried into the tax becoming due and payable in January of 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 provisions of the State of Minnesota.

403 RATES AND CHARGES. The County Board, by resolution, may establish or revise the rate schedule for solid waste management services. All rates and charges shall be uniform in their application to use and charges shall be 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 rate schedule for solid waste management services is adopted in any year, the rate schedule for the previous year shall remain in effect.

In establishing or revising the rate schedule, the County 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 and of solid waste, the method of disposition, the number of people served at each place of collection, and all other factors that enter into the cost of providing service, including but not limited to public education, recycling programs, solid waste management facilities operating and debt service cost.

404 APPEALS. Any property owner who believes that the service charge imposed upon their property is incorrect, may appeal the charge. An appeal form may be obtained at the office of the County Solid Waste Officer, and shall be filed within 30 days of mailing the service charge statement by the County. The County Solid Waste Officer shall, within 30 days of receipt of the appeal, review the appeal and notify the appellant by U.S. mail whether an adjustment is due and how much or whether the appeal is denied.

ARTICLE FIVE: HAULER LICENSING PROVISIONS

501 LICENSE AUTHORIZATION. Licenses for authorized uses described in this article shall be issued by the Solid Waste Officer, pursuant to guidelines established by the County Board and additional conditions deemed necessary by the Solid Waste Officer to promote the health, welfare and safety of the public.

502 LICENSE REQUIRED. No person may collect, transport or dispose of solid waste, mixed municipal solid waste, compost or compostable materials, or recyclable materials generated within the County except in full compliance with this Ordinance after having obtained a license to do so by the Solid Waste Officer as specified in this article. This article does not apply to self-haulers, or to the transportation of solid waste, mixed municipal solid waste, or recyclable materials through the County, when that waste was not collected in the County.

503 LICENSE REQUIREMENTS. Haulers shall comply with the following license requirements.

- (1) Haulers shall submit a completed application to the Solid Waste Officer on a form provided by the Solid Waste Officer. An application will be deemed incomplete if information is omitted, incomplete, inaccurate, or does not comply with the application requirements, or if the required fees do not accompany the application. If a license application is incomplete or otherwise does not conform to the requirements set forth in this Ordinance, the Solid Waste Officer shall advise the applicant of the reasons for non-acceptance and may request that the applicant resubmit, modify, or otherwise alter the application.
- (2) Licenses granted by the County are not transferable to other persons.
- (3) The term of licensure granted pursuant to the provisions of this Ordinance shall be up to one year but shall expire on February 15th of each year, unless sooner renewed, suspended, or revoked.
- (4) Applications for licensure shall include the following:
 - a. Application and License Fee. The amounts of the fee(s) shall be established each year by the County Board in the County's Fee Schedule, incorporated herein by reference. License fees shall not be prorated for a portion of a year, and no license fee shall be refunded.
 - b. Performance Bond. A performance bond in the amount set by the County Board of Commissioners, with Mille Lacs County named as the obligee.
 - c. Insurance. Certificates of insurance issued by insurers duly licensed by the State of Minnesota to provide coverage, or a self-insurance plan certified by the Department of Commerce providing equivalent coverage, as identified in the license application.
 - d. Pricing Structure. Documentation of the hauler's pricing structure and service charges.
 - e. Collection Vehicles. A list of all vehicles used for the collection and transportation of solid waste, mixed municipal solid waste, and/or recyclable materials in the County. The applicant shall specify the make, model, year, and capacity, in cubic yards, as well as the tare weight of each vehicle. If a vehicle is put into service during the license year, the hauler shall submit the required information for the vehicle to the Solid Waste Officer.
 - f. Collection and Disposal Records. All haulers shall provide the following for the previous calendar year:

- i. The volume or weight of solid waste, and mixed municipal solid waste, and recyclable materials collected, processed, and disposed of, including but not limited to, newsprint, corrugated cardboard, mixed paper, magazines, metals, glass, plastics, boxboard, major appliances, scrap metal, telephone books, and additional materials that were collected from residential and commercial customers.
 - i. An estimate of the percentage of material collected by generator (i.e. residential, industrial, commercial, etc.).
 - ii. A map identifying the service area for solid waste, and mixed municipal solid waste, and recyclable materials collection.
- g. Additional information as necessary at the discretion of the Solid Waste Officer.

507 EQUIPMENT AND OPERATIONS REQUIREMENTS. All collection and transportation vehicles shall be easily cleanable, leak-proof, and be covered with metals, canvas, or a fishnet type material while in transit. Collected solid waste, mixed municipal solid waste, and/ or recyclable materials shall be kept inside the transportation equipment until the waste is dumped at a permitted solid waste management facility.

508 STORAGE. The hauler shall not allow solid waste to remain or be stored in any collection of transportation vehicle in excess of 48 hours for mixed municipal solid waste, and 72 hours for any other type of solid waste, except in the event of an emergency such as inclement weather, equipment breakdown, or accident. The Solid Waste Officer may approve storage if it is determined that it will not adversely affect public health, safety, or the environment. Best efforts shall be provided by haulers to ensure that storage of solid waste in containers is done with water impermeable covers.

509 DUMPING IN AN EMERGENCY. The hauler shall be responsible for cleanup of any solid waste, mixed municipal solid waste, or recyclables that were dumped in an emergency. In addition, haulers shall be responsible for cleaning up any solid waste, mixed municipal solid waste, and/ or recyclable materials knowingly discharged onto roadways and or properties while in transit. Should the responsible hauler fail to clean up solid waste, mixed municipal solid waste, and/or recyclables that was knowingly dumped in an emergency or knowingly discharged onto roadways and or properties while in transit, the County may charge such hauler the entire cost incurred of the removal and disposal of the solid waste, mixed municipal solid waste, and/or recyclables.

- 510 SOURCE-SEPARATED COMPOSTABLE MATERIALS AND YARD WASTE COLLECTION. Haulers shall only accept for collection source-separated compostable materials and yard waste that meets the following criteria:
- (1) Source-separated compostable materials and yard waste that has been placed in paper bags or other containers that will decompose within the time period it takes to produce a finished compost product out of the material held by the container; or
 - (2) Source-separated compostable materials and yard waste in a container that is not collected with the organics or yard waste.
- 511 PROHIBITED WASTES. Haulers shall not accept for collection in the County any solid waste or mixed municipal solid waste that contains yard waste, christmas trees, dry cell batteries (as prohibited by Minnesota Statue 115A.915), solid wastes or mixed municipal solid waste containing mercury (as prohibited in Minnesota Statue 115A.932), motor vehicle fluids and filters (as prohibited in Minnesota Statue 115A.916), or any material that has been banned from solid waste or mixed municipal solid waste by any State Statute. Banned items include, but are not limited to, waste tires, major appliances, telephone directories, and medical waste.
- 512 SMOKING, SMOLDERING, OR BURNING WASTE. Haulers may not collect or transport solid waste that is smoking, smoldering, or burning.
- 513 MIXING OF MIXED MUNICIPAL SOLID WASTE AND RECYCLABLES. Haulers shall not mix source separated recyclable materials with solid waste or mixed municipal solid waste or handle source separated recyclable materials in any way that reduces the reusability or marketability of the source separated recyclable materials.

ARTICLE SIX: FACILITY PERMIT

- 601 DISPOSAL OF SOLID WASTE. No person shall make nor allow land or property under their control to be used for disposal of any solid waste or mixed municipal solid waste unless it is a solid waste management facility for which a permit has been issued by the MPCA, unless otherwise provided by this Ordinance. No person shall dispose of any solid waste or mixed municipal solid waste on any land or property, unless the MPCA has issued a solid waste management facility permit for that land or property.
- 602 MPCA FACILITY PERMIT. All solid waste management facilities must complete the MPCA's permit application, permitting process, and must comply with all State rules and regulations.

Solid waste management facilities include, but are not limited to:

- (1) Solid Waste Land Disposal Facilities.
- (2) Construction and Demolition Debris Land Disposal Facilities (including Demolition Debris Disposal Facility Permit-By Rule).
- (3) Industrial Solid Waste Land Disposal Facilities.
- (4) Transfer Stations.
- (5) Solid Waste Processing Facilities.
- (6) SSOM Compost Facilities.
- (7) Yard Waste Compost Facilities.
- (8) Waste Tire Facilities.

603 COUNTY APPROVAL. All solid waste management facilities must comply with all County land use requirements established by the Mille Lacs County Development Ordinance.

MPCA solid waste facility permit applications must be approved by the Solid Waste Officer prior to deliverance of the application to the agency.

One copy of all forms including but not limited to, applications, engineer reports, facility design, and operational procedures required by the agency must also be submitted to the Solid Waste Officer within 30 working days from the day the facility receives a permit from the MPCA. In addition, one copy of all forms submitted to the MPCA for facility permit renewal shall be submitted to the County within 30 working days from the day the forms were submitted to the MPCA.

604 REPORTS. All solid waste facilities must report to the Solid Waste Officer types of material that were handled and/or processed, in tonnages or in units including but not limited to solid waste, mixed municipal solid waste, demolition debris, paper, metal, glass, plastics, waste tires, major appliances, electronics, mattresses, source separated organic material, yard waste, hazardous waste including fluorescent light bulbs, latex paint, antifreeze, vehicle, used oil, oil filters to the department by January 20th of each year on a form provided by the Solid Waste Officer.

ARTICLE SEVEN: INSPECTIONS, VIOLATIONS, AND ENFORCEMENT

701 INSPECTIONS. Routine Inspection of solid waste management activities, and/or a licensee's premises shall be made by the Solid Waste Officer in such frequency as to ensure consistent compliance by the licensee or resident with this ordinance.

- (1) The licensee or resident shall allow free access to the Solid Waste Officer at any reasonable time for the purpose of making such inspections as may be necessary to determine compliance with the requirements of this Ordinance.
- (2) Upon failure of the licensee or resident to grant such inspection, the licensee or resident shall be provided with written documentation of any deficiencies that were reported, corrective actions, and a date to complete the corrective actions.
- (3) Whenever necessary to enforce any provision of this Ordinance, or whenever the Solid Waste Officer has reasonable cause to believe that a violation of this Ordinance exists, the Solid Waste Officer may enter premises or vehicles to inspect the same or to perform any duty incumbent upon the Solid Waste Officer, provided that if such premises or vehicles be occupied, the Solid Waste Officer shall first present proper credentials and request entry; and if such premises or vehicles be unoccupied, the Solid Waste Officer shall first make a reasonable effort to locate the operator or other persons having charge or control of the premises or vehicle and request entry. If such entry is refused, the Solid Waste Officer may suspend or revoke a license and shall have recourse to other remedies provided by law.
- (4) Whenever the Solid Waste Officer shall find in any building, vehicle, or on any premises any material, condition or activity endangering the health, welfare or safety of the public, the Solid Waste Officer shall issue such orders as may be necessary for the enforcement of this Ordinance.
- (5) Repeated violations of this Ordinance or failure to comply with any order of the Solid Waste Officer, shall be grounds for the suspension or revocation of a license.
- (6) Any order or notice issued or served by the Solid Waste Officer shall be complied with by the owner, operator or other person responsible for the condition or violation to which the order or notice pertains. Every order or notice shall set forth a time limit for compliance depending on the nature of and the danger created by the violation. In cases of extreme danger to health, welfare and safety of the public, immediate compliance shall be required.
- (7) If a building, premises or vehicle is owned by one person and occupied or operated by another, under lease or otherwise, and the order or notice requires immediate compliance for the health, welfare and safety of the public, such order or notice shall be served on the owner, operator, or occupant and the owner. The operator or occupant shall ensure compliance with the order or notice.

702 RE-INSPECTIONS. Upon written notification from the licensee that all the violations for which a suspension or summary suspension has been issued have been corrected, the Solid Waste Officer shall re-inspect the solid waste management activity within 30 business days. If the Solid Waste Officer finds upon such re-inspection that the violation has been corrected, the Solid Waste Officer shall inform the licensee of reinstatement of the license.

703 ACTION AUTHORIZED. For violations of this Ordinance, the Solid Waste Officer may take the following actions: issuance of a warning notice; issuance of a notice of violation; issuance of citation(s); issuance of an abatement order; issuance of an administrative penalty order if authorized by law; suspension or revocation of a license issued under this ordinance; execution of a stipulation agreement; and/or commencement of other civil proceedings.

(1) Warning Notice. The Solid Waste Officer may issue a warning notice as defined in this Ordinance to any person alleged to have committed a violation of this Ordinance. A warning notice shall serve to place the person on notice that compliance with specified Ordinance requirements must occur to avoid additional enforcement actions. A warning notice may be served in person or by U.S. Mail.

(2) Notice of Violation (NOV). The Solid Waste Officer may issue a Notice of Violation (NOV) as defined in this Ordinance to any person alleged to have committed a violation of this Ordinance. A NOV shall serve to place the person alleged to have committed a violation on notice that compliance with specified Ordinance requirements must occur to avoid additional enforcement actions. Any NOV sent by U.S. Mail shall be deemed received three (3) business days after the letter has been deposited in the U.S. Mail.

(3) Citations. Any person who fails to comply with the provisions of this Ordinance is guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided by law. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. The Solid Waste Officer, shall have the power to issue citations for violations of this Ordinance, but shall not be permitted to physically arrest or take into custody any violator except on a warrant duly issued by the court.

a. Citations shall be issued to the person alleged to have committed the violation either by personal delivery or by certified mail. In the case of a public, private or municipal corporation, the citation shall be issued to any officer or agent with express or implied authorization to accept such issuance.

- b. Citations shall be made in triplicate. One copy shall be issued to the person alleged to have committed the violation, one copy shall be filed with the Solid Waste Officer, and one copy shall be filed with the County Attorney's Office.
- c. Citations shall be on such form(s) as approved by the Solid Waste Officer and shall contain at least the following:
 - i. The name and address of the person alleged to have committed the violation and, when known, the owner or person in charge of the premises or equipment involved in the violation.
 - ii. The date, time (if known) and place of violation.
 - iii. A short description of the violation followed by reference to the section of this Ordinance violated.
 - iv. The name of the person issuing the citation.
 - v. The date and place at which the person receiving the citation shall appear in court and a notice that if such person does not respond a warrant may be issued for such person's arrest.
 - vi. Such other information as the court may specify.
- d. The person charged with the violation shall appear at the place and on the date specified in the citation and either:
 - i. Plead guilty to the citation and meet the requirements of the sentencing order issued by the court; or
 - ii. Plead not guilty to the citation and schedule a court date for further hearing or trial on the citation.
- e. If the person charged with the violation does not appear at the place and on the date specified on the citation a bench warrant may be issued by the court.
- f. If the Person issued the citation and charged with the violation fails to appear as required by the citation, the citation may be referred to the County Attorney's Office for issuance of a summons and complaint.

(4) Abatement. In the event of an emergency abatement by the County as described in Provision 703 (4)f below, or if a property owner does not complete corrective actions within the timelines provided by in a NOV, the Solid Waste Officer may

abate the violation(s). The Solid Waste Officer shall have the authority to enter the property and perform the corrective actions and recover the costs of the same from the property owner through the following procedures:

- a. An abatement notice shall include the following:
 - i. Notice that the property owner has not completed the corrective actions within the time period required in the attached warning notice and NOV(s);
 - ii. Notice that the Solid Waste Officer or contractor intends to enter the property and commence abatement of the conditions on the property that violate this Ordinance in 30 days;
 - iii. Notice that the property owner must correct the violation(s) before thirty days to avoid any civil liability for the costs of inspection and abatement that the County may incur; and
 - iv. A statement that if the property owner desires to appeal, the property owner must file a request for an appeal hearing with the County Board that meets the requirements of Provision 703 (4)c on the County within ten (10) business days, exclusive of the day of service.
- b. The abatement notice must be served by U.S. Mail. Any abatement notice sent by U.S. Mail shall be deemed received three (3) business days after the letter has been deposited in the U.S. Mail. If the property owner is unknown or absent and has no known representative upon whom the abatement notice can be served, the Solid Waste Officer shall post the abatement notice at the property. The Solid Waste Officer must send a copy of the abatement notice to the County Attorney's Office.
- c. The property owner's request for a hearing to appeal the abatement notice must be in writing and must state the grounds for appeal and be served by U.S. Mail to the County Board, with a copy to the department by midnight of the 10th business day following service of the abatement notice. Following receipt of a request for a hearing, the County Board shall set a time and place for the hearing to be held pursuant to Provision 704.

Pending the appeal hearing and final determination by the County Board, the Solid Waste Officer shall take no further action on the abatement notice.

- d. In the event a property owner does not abate the Ordinance violations or does not appeal the abatement notice within the applicable time period, the Solid Waste Officer may expend funds necessary to abate the violation(s) in accordance with applicable County policies and procedures.
- e. The Solid Waste Officer may pursue recovery of all costs incurred by the county, including enforcement costs, from the property owner for abatement, by any means allowable by law. The cost of any enforcement action may be assessed and charged against the real property on which the violations are located.

The Solid Waste Officer shall keep a record of the costs of abatements done under this Ordinance and report all work done for which assessments are to be made, stating and certifying the description of the land, lots or parcels involved and the amount assessable to each to the County Auditor by September 1st, of each year.

On or before October 1st, of each year, the County Auditor shall list the total unpaid charges for each abatement made against each separate lot or parcel to which they are attributable under this Ordinance to the County Board.

The County Board may then assess the charges or any portion thereof against the property involved as a special assessment, for certification to the County Auditor and for collection the following year along with current taxes.

- f. Notwithstanding the requirements of Provision 701 of this Article, in the event of an imminent threat to the public's health, welfare and safety, the Solid Waste Officer shall have the authority to immediately enter property and abate the violations and recover the costs as set out in Provision 703 (4). The Solid Waste Officer shall attempt to give verbal notice to the property owner immediately, if possible, and writing within ten (10) business days. The property owner shall have the right to appeal the assessment of costs to the County Board pursuant to Provision 704 of this article.
- (5) License Suspensions. Any license required under this Ordinance may be suspended by the County Board for violation of any provision of this Ordinance. Upon written notice to the licensee a license may be suspended by the County Board for a period not longer than 60 days or until the violation is corrected, whichever is shorter.

- a. Such suspension shall not occur earlier than ten (10) business days after written notice of suspension by the County Board has been served on the licensee or, if a hearing is requested, until written notice of the determination of the County Board action has been served on the Licensee. Notice to the licensee shall be served personally or by U.S. Mail at the address designated in the license application. Such written notice of suspension shall contain the effective date of the suspension, the nature of the violation or violations constituting the basis for the suspension, the facts which support the conclusion that a violation or violations has occurred, and a statement that if the Licensee desires to appeal, the Licensee must within ten (10) business days, exclusive of the day of service, file a request for an appeal hearing with the County Board. The hearing request shall be in writing stating the grounds for appeal and served personally or by U.S. Mail on the County Board, with a copy to the Solid Waste Officer by midnight of the 10th business day following service. Following receipt of a request for a hearing, the County Board shall set a time and place for the hearing to be held pursuant to Provision 704.
 - b. If said suspension is upheld and the licensee has not demonstrated within the 60 day period that the provisions of the Ordinance have been complied with, the County Board may serve notice of continued suspension for up to 60 days or initiate revocation procedures.
- (6) Emergency Suspension. If the Solid Waste Officer finds that the public health, safety or welfare imperatively requires emergency action and incorporates a finding to that effect in its order, emergency suspension of a license may be ordered by the Solid Waste Officer upon written notice to the facility, with a copy to the County Attorney's Office and the County Board. The County Board must make a determination if the emergency suspension should be ratified at its next board meeting. Written notice of such emergency suspension shall be personally served on the licensee, or shall be served by U.S. Mail to said licensee at the address designated in the license application. In addition, the Solid Waste Officer may post copies of the notice of emergency suspension of the license at the licensed facility or property being used for the licensed activity. Said posting shall constitute the notice required under this section.
- a. The written notice in such cases shall state the effective date of the emergency suspension and the nature of the violation requiring emergency action, the facts which support the conclusion that a violation or violations has occurred and a statement that if the licensee desires to appeal, the licensee must, within ten (10) business days, exclusive of the day of service, file a request for a hearing with the County Board. The hearing request shall

be in writing stating the grounds for appeal and served personally or by U.S. Mail to the County Board, with a copy to the Solid Waste Officer and the County Attorney's Office, by midnight of the 10th business day following service. Following receipt of a request for an appeal, the County Board shall set a time and a place for the hearing to be held pursuant to Provision 704.

- b. The emergency suspension shall not be stayed pending an appeal to the County Board or an informal review by the Solid Waste Officer, but shall be subject to dismissal upon a favorable re-inspection by the Solid Waste Officer or favorable appeal to the County Board.

(7) Suspension Re-Inspections. Upon written notification from the licensee that all violations for which a suspension or emergency suspension was invoked have been corrected, the Solid Waste Officer shall re-inspect the facility or activity within a reasonable length of time, but in no case more than three (3) business days after receipt of the notice from the licensee. If the Solid Waste Officer finds upon such re-inspection that the violations constituting the grounds for the suspension have been corrected, the Solid Waste Officer shall immediately dismiss the suspension subject to County Board ratification at its next meeting, by written notice to the licensee, served personally or by U.S. Mail to the Licensee at the address designated in the license application, with a copy to the County Board and the County Attorney's Office. The County Board must make a determination at its next Board meeting about whether the violations have been corrected and whether the Solid Waste Officer decision to reinstate the license should be ratified.

(8) License Revocation. Any license granted 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) business days from the time that written notice of revocation from the County Board is served on the licensee or, if an appeal hearing is requested, until written notice of the County Board's action has been served on the licensee. Notice of revocation to the licensee shall be served personally or by U.S. Mail at the address designated in the license application. Such written notice of revocation shall contain the effective date of the revocation, the nature of the violation or violations constituting the basis for the revocation, the facts which support the conclusion that a violation or violations has occurred and a statement that if the licensee desires to appeal, he must within ten (10) business days, exclusive of the day of service, file a request for a hearing with the County Board. The hearing request shall be in writing stating the grounds for appeal and served personally or by U.S. Mail on the County Board, with a copy to the Solid Waste Officer and the County Attorney's Office, by midnight of the 10th business day following service. Following receipt of a request for a hearing, the

County Board shall set a time and a place for the hearing to be held pursuant to Provision 704 below.

- (9) Status of Financial Assurance. Financial assurance issued for the facility shall remain in full force and effect during all periods of suspension, emergency suspension and revocation of the license and is subject to claim by the County in accordance with the provisions of this article.
- (10) Commencement of a Civil Court Action. In the event of a violation or a threat of violation of this Ordinance, the County Board may also institute other appropriate civil actions or proceedings in any court of competent jurisdiction, including requesting injunctive relief, to prevent, restrain, correct or abate such violations or threatened violations. The County may recover all costs, including reasonable attorney's fees, incurred for enforcement of this Ordinance through a civil action. If a property owner does not complete the corrective actions within the timelines in a court order, the Solid Waste Officer may correct the violations and the Solid Waste Officer has the authority to enter the property and perform the corrective actions. The Solid Waste Officer may recover the costs of the same from the property owner through the court process or through the process set out in Provision 703 (4)e above.

704 HEARINGS. A request for hearing on a denial, suspension, emergency suspension, non-renewal, or revocation of a license, or receipt of a notice of abatement shall be held before the County Board, or a hearing examiner as provided below, and shall be open to the public.

- (1) Timeframe for Hearing. Unless an extension of time is requested by the appellant in writing directed to the Chair of the County Board and is granted, the hearing will be held no later than 45 calendar days after the date of service of request for a hearing, exclusive of the date of such service. In any event, such hearing shall be held no later than 90 calendar days after the date of service of request for a hearing, exclusive of the date of such service.
- (2) Notice of Hearing. The County Board shall mail notice of the hearing to the appellant, with a copy to the Solid Waste Officer and the County Attorney's Office, at least 15 business days prior to the hearing. Such notice shall include:
 - a. A statement of time, place and nature of the hearing.
 - b. A statement of the legal authority and jurisdiction under which the hearing is to be held.

- c. A reference to the particular section of the Ordinance and agency rules, if any, involved.
- (3) Hearing Examiner. The County Board may by resolution appoint an individual, to be known as the hearing examiner, to conduct the hearing and to make findings of fact, conclusions and recommendations to the County Board. The hearing examiner shall submit the findings of fact, conclusions and recommendations to the County Board in a written report, and the County Board may adopt, modify or reject the report.
- (4) Conduct of the Hearing. The appellant and the Solid Waste Officer may be represented by counsel. The Solid Waste Officer, the appellant, and additional parties, as determined by the County Board or hearing examiner, in that order, shall present evidence. All testimony shall be sworn under oath. All parties shall have full opportunity to respond to and present evidence, cross-examine witnesses, and present argument. The County Board or hearing examiner may also examine witnesses.
- (5) Burden of Proof. The Solid Waste Officer shall have the burden of proving its position by a preponderance of the evidence, unless a different burden is provided by substantive law, and all findings of fact, conclusions, and decisions by the County Board shall be based on evidence presented and matters officially noticed.
- (6) Admission of Evidence. All evidence that possesses probative value, including hearsay, may be admitted if it is the type of evidence on which prudent Persons are accustomed to rely in the conduct of their serious affairs. Evidence that is incompetent, irrelevant, immaterial or unduly repetitious may be excluded. The hearing shall be confined to matters raised in the Solid Waste Officer's written notice of denial, suspension, emergency suspension, non-renewal or revocation of a license, denial of a variance, or abatement notice or in the appellant's written request for a hearing.
- (7) Pre-Hearing Conference. At the request of any party, or upon motion of the County Board or hearing examiner, a pre-hearing conference shall be held. The pre-hearing conference shall be conducted by the hearing examiner, if the County Board has chosen to use one, or by a designated representative of the County Board. The pre-hearing conference shall be held no later than five (5) business days before the hearing. The purpose of the pre-hearing conference is to:
 - a. Clarify the issues to be determined at the hearing.

- b. Provide an opportunity for discovery of all relevant documentary, photographic or other demonstrative evidence in the possession of each party. The hearing examiner or County Board's representative may require each party to supply a reasonable number of copies of relevant evidence capable of reproduction.
- c. Provide an opportunity for discovery of the full name and address of all witnesses who will be called at the hearing and a brief description of the facts and opinions to which each is expected to testify. If the names and addresses are not known, the party shall describe them thoroughly by job duties and involvement with the facts at issue.
- d. If a pre-hearing conference is held, evidence not divulged as provided above shall be excluded at the hearing unless the party advancing the evidence took all reasonable steps to divulge it to the adverse party prior to the hearing and:
 - i. The evidence was not known to the party at the time of the pre-hearing conference; or
 - ii. The evidence is in rebuttal to matters raised for the first time at or subsequent to the pre-hearing conference.

(8) Failure to Appear. If the appellant fails to appear at the hearing, they shall forfeit any right to a public hearing before the County Board or hearing examiner and their failure to appear shall be deemed their waiver of their right to appeal the decision made by the Solid Waste Officer and the decision made by the Solid Waste Officer will stand.

(9) Appeal of County Board Decision. Any appellant aggrieved by the decision of the County Board may appeal that decision to any court with appropriate jurisdiction.

ARTICLE EIGHT: 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.

ARTICLE NINE: SEVERABILITY

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.

ARTICLE TEN: ABROGATION AND GREATER RESTRICTIONS

It is not intended by this ordinance to repeal, abrogate, or impair any other existing County ordinance, easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

ARTICLE ELEVEN: REPEALER

This ordinance repeals the Mille Lacs County Solid Waste Ordinance adopted June 19, 1990, Document Number 216374, and all amendments thereto.

This ordinance repeals the Mille Lacs County Solid Waste Management Service Fee Ordinance adopted December 4, 1990, Document Number 226039, and all amendments thereto.