

**SOLID WASTE ORDINANCE**

SOLID WASTE ORDINANCE  
ITASCA COUNTY, MINNESOTA

COST PER COPY \$5.00

**SOLID WASTE ORDINANCE**

GRAND RAPIDS AREA LANDFILL  
POLICY STATEMENT

- A. HOURS OF OPERATION
  - 1. The hours of operation shall be 8:30 A.M. - 5:00 P.M.
  
- B. DAYS OF OPERATION
  - 1. Monday through Saturday will be the working days of the Landfill.
  
- C. HOLIDAYS CLOSED
  - 1. New Year's Day, Independence Day, President's Day, Good Friday, Thanksgiving Day, Memorial Day, Labor Day, Columbus Day, Veteran's Day, Christmas Day
  
  - 2. The Landfill will not be closed any two consecutive weekdays in a row. Therefore, the Friday after Thanksgiving Day will not be an observed holiday at the Landfill.
  
- D. AFTER HOURS ACCESS TO THE LANDFILL
  - 1. Access to the Landfill from 5:00 P.M. - 10:00 P.M. and from 6:00 A.M. - 8:30 A.M. may be only permitted on a case by case basis with prior approval from the Solid Waste Office and the Minnesota Pollution Control Agency.
  
  - 2. All access (except authorized personnel or emergency vehicles) will be restricted from 10:00 P.M. to 6:00 A.M.
  
- E. TIPPING FEE FOR SPECIAL WASTES
  - 1. Special wastes, to include asbestos, large animals and confidential materials, shall be charged a tipping fee as set by the County Board:

	GENERATED WITHIN ITASCA COUNTY	GENERATED OUTSIDE ITASCA COUNTY
ASBESTOS	\$4/PER YARD - \$4 MINIMUM	\$25.50/PER YARD \$25.50 MINIMUM
LARGE ANIMALS	\$4/PER YARD - \$4 MINIMUM	\$10.50/PER YARD \$10.50 MINIMUM
CONFIDENTIAL	\$4/PER YARD - \$4 MINIMUM	\$10.50/PER YARD \$10.50 MINIMUM

- 2. No fee will be charged for animals that would not need assistance from Solid Waste Staff to unload.

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An ordinance authorizing and providing for County Solid Waste Management establishing powers and duties in connection therewith, establishing standards and requirements for solid waste management operations within the County of Itasca, requiring a license for the establishment and use of solid waste management by rules of the Minnesota Pollution Control Agency; providing for enforcement of said requirements; requiring a performance bond and insurance; and imposing penalties for failure to comply with these provision; in purpose and object to promote health, welfare and safety of the public and protect resources of water, air and land pursuant to Minnesota Statutes, Chapters 115, 115A, 116, and 400.

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

SECTION I. DEFINITIONS. Unless specifically altered, terms and abbreviations used in this ordinance shall be interpreted in a manner consistent with Minnesota Statutes, Chapters 115, 115A, 116 and 400 and rules of the Agency, which have been or hereafter may be adopted under those provisions. Terms and abbreviations used in accordance with the context and professional usage.

Subd. 1. "Agency" means the Minnesota Pollution Control Agency.

Subd. 2. "Air Contaminant" means the presence in the outdoor atmosphere of any dust, fume, mist, smoke, vapor, gas or other gaseous fluid, or particulate substance differing in composition from or exceeding in concentration the natural components of the atmosphere.

Subd. 3. "Air Pollution" 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, or to property, or to interfere unreasonably with enjoyment of life and property.

Subd. 4. "Canister System" means one or more commercial solid waste storage containers (such as "green boxes" and "dumpsters") located to function as intermediate disposal facilities, and which are serviced on a regular basis by a public or private solid waste hauler.

Subd. 5. "Commercial Hauler" means any person, as defined

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in Section I, who owns, operates, or leases vehicles for hire for the purpose of collection and/or transportation of any type of solid waste.

Subd. 6. "County" means any department or representative of the County who is authorized by this ordinance or otherwise by the County Board to represent the County of Itasca in the enforcement or administration of this ordinance.

Subd. 7. "Composting" means the controlled biological decomposition of selected solid waste in a manner resulting in an innocuous final product.

Subd. 8. "Cover Material" is material that is used to cover compacted solid waste in a land disposal site. Important general characteristics of good cover material are low permeability, uniform texture, cohesiveness and compactibility. Suitable cover materials include, but are not limited to, sandy loam, loam, silt loam, sandy clay loam, silty clay loam, clay loam, sand clay, and loamy sand.

Subd. 9. "Demolition" means stumps, rocks, discarded building material, trees, wood & wood products and cement, old bituminous surfacing, plaster, metal, glass, plastic building parts, and other materials as designated by the Solid Waste Department.

Subd. 10. "Garbage" means discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.

Subd. 11. "Hazardous Waste" means any refuse or discarded material or combinations of refuse or discarded materials in solid, semi-solid, liquid, or gaseous form which cannot be handled by routine waste management techniques because they pose a substantial presence of potential hazard to human health or other living organisms because of their chemical, biological, or physical properties. Categories of hazardous waste materials include, but are not limited to, explosives, flammables, oxidizers, poisons, irritants, and corrosives. Hazardous waste does not include sewage sludge and source material, special nuclear material or by-product material as defined by the Atomic Energy Act of 1954, as amended.

Subd. 12. "Illegal Dumping" means dumping of any garbage including, littering, demolition, white goods, used oil, batteries, rubbish, tires, or solid waste or hazardous waste anywhere other than an approved site or container.

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Subd. 13. "Incineration" means the process by which solid wastes are burned for the purpose of volume or weight reduction or energy recovery in facilities designed for such use.

Subd. 14. "Intermediate Waste Disposal Facility" is a facility or the preliminary or incomplete disposal of solid waste including, but not limited to, transfer station, canister site or system open burning site, incineration, composting, recovery of recyclable materials, reduction, shredding, and compression.

Subd. 15. "Junk Yards" means land or structures where waste, discarded or salvaged materials are brought, sold, exchanged, stored, cleaned, packed, disassembled, or handled, including but not limited to scrap metal, rags, paper, rubber products, lumber products, glass products, and products resulting from the wrecking of automobiles or other vehicles, provided further that the storage of three (3) or more inoperative or not currently licensed motor vehicles or any combination thereof for a period in excess of three (3) months shall also be considered a junk yard.

Subd. 16. "Land Pollution" means the presence in or on the land of any waste in such quantity, of such nature and duration, and under such condition as would affect injuriously any waters of the State, or any land, soils, or minerals or which would create air contaminants or cause air pollution.

Subd. 17. "Licensee" means a person who has been issued a license by the Board for solid waste management purposes pursuant to this ordinance.

Subd. 18. "Operation" means any site, facility, or activity relating to solid waste management.

Subd. 19. "Person" means any human being, any municipality or other governmental or political subdivision or other public association, or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing, or any other legal entity.

Subd. 20. "Putrescible Material" means a solid waste which is capable of being rotten, or which may reach a foul state of decay or decomposition.

Subd. 21. "Refuse" means putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleaning, market and industrial solid wastes, and municipal treatment wastes which do not

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contain free moisture.

Subd. 22. "Rubbish" means nonputrescible solid wastes, including, but not limited to, ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, furniture, wood, glass, bedding, crockery, or litter of any kind.

Subd. 23. "Sanitary Landfill" means a land disposal site employing an engineered method of disposing of solid waste on land in a manner that minimizes environmental hazards by spreading the solid waste in thin layers, compacting the solid waste to the smallest practical volume, and applying cover material at the end of each operating day, or at intervals as may be required by the Agency.

Subd. 24. "Grand Rapids Area Landfill" means a landfill located in section 26, T56N - R26W, currently owned and operated by Itasca County. The hours of operation, days of operation, holidays closed, and after hours access to the landfill will be determined by County Board action and set forth in an attached Policy Statement. This statement may be amended time to time as deemed necessary by the Itasca County Board of Commissioners.

Subd. 24. "Scavenging" means collection and removal of salvagable materials by searching through landfills, canisters, or demolition sites.

Subd. 25. "Shoreland" means land located within the following distances from public water: a) 1,000 feet from the ordinary high water mark of a lake, pond, or flowage; and b) 300 feet from a river or stream or the landward extent of a flood plain designated by ordinance on such a river or stream whichever is greater.

Subd. 26. "Solid Waste" means garbage, refuse, junkyard, white goods, sludge from a water supply treatment plant or air contaminant treatment facility or other discarded waste materials and sludges, in solid, semisolid, liquid or contained gaseous form, resulting from community activities, but does not include hazardous waste; animal waste used as fertilizer; earthen fill, demolition material; sewage sludge, solid or dissolved material in domestic sewage or other common pollutants in water resources, such as silt, dissolved or suspended 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 material, special nuclear material, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

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Subd. 27. "Solid Waste Management Facility" means a sanitary landfill, or an intermediate disposal facility.

Subd. 28. "Solid Waste Management" means the storage, collection, or removal of solid waste from or on public or private property, its transportation to intermediate or final disposal facilities or its final disposal by methods approved by the Agency.

Subd. 29. "Transfer Station" means an intermediate solid waste disposal facility in which solid waste collected from any source is temporarily deposited to await transportation to another solid waste management facility.

Subd. 30. "Vandalism" means willfull or malicious defacement or damage to county property including; damage to gates, canisters, attendants building, signs or any other county property or buildings either at the main landfill or any of the outlying canister sites or demolition areas.

Subd. 31. "Waste Management Board" means that definition as described in Minnesota Statutes, Chapter 115A, Section 115.04.

Subd. 32. "Water Pollution" means a) the discharge of any pollutant into any waters of the state or the contamination of any waters of the state so as to create a nuisance or render such waters unclean, or noxious, or impure so as to be actually or potentially harmful or detrimental or injurious to public health, safety or welfare, to domestic, agricultural, commercial, industrial, recreational or other legitimate uses, or to livestock, animals, birds, fish or other aquatic life; or b) the man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of waters of the state.

Subd. 33. "Waters of the State" means any waters, surface or underground, except those surface waters which are not confined but are spread and diffused over the land. "Waters of the State" includes all boundary and inland waters.

Subd. 34. "White Goods" means refrigerators, stoves, washers, dryers, freezers, and water heaters.

### SECTION II. GENERAL PROVISION.

Subd. 1. No person shall cause, permit, or allow land or property under his control to be used for solid waste management

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purposes, except at an operation for which a license has been granted by the County Board, or a permit/license has been issued by the Agency, unless otherwise provided by this ordinance.

Subd. 2. Any operation to be used for any method of solid waste management not otherwise provided for in this ordinance must be licensed by the County Board before operation may commence. The license application shall include three sets of complete plans, specifications, design data and ultimate land use plans. Proposed operating procedures for a solid waste disposal facility must be prepared by a professional engineer registered in Minnesota. The applicant shall procure a proper zoning permit to accompany the application if required by the County Zoning Ordinance. No license shall be issued for a solid waste facility in accordance with applicable state and local laws, ordinances and rules.

Subd. 3. After receiving an application for an operation, the County Board shall refer such applications to the County Solid Waste Committee who shall conduct a public hearing and give recommendations to the County Board concerning whether it should issue or deny the license. If an applicant is denied a license, such applicant shall be notified in writing of the reasons therefore by the County Board. A denial shall be without prejudice to the applicant's right to an appearance before the County Board or to the applicant's right to file a further application after revisions are made to satisfy objections specified as reasons for the denial.

Subd. 4. The County Board shall refuse to issue a license for any operation which does not comply with this ordinance, Agency rules and the County's Solid Waste Management Plan.

Subd. 5. Issuance of any license pursuant to the provisions of this ordinance shall be contingent upon the applicant furnishing to the County a bond in an amount to be set by the County Board. This bond shall name the County as obligee with sufficient sureties duly licensed and authorized to transact business in the State of Minnesota as sureties. The condition of such bond shall be that if the licensee fails to comply with any of the requirements or fails to perform any of the acts required of an operation or ceases to operate or abandons the operation, and the County is required to expend monies to expend any labor or material to restore the operation to a condition in compliance with this ordinance, the bond holder and the sureties on its bond shall reimburse the County for any and all the expenses incurred by the County to remedy failure of the licensee to comply with the terms of this ordinance, and the bond holder and its sureties shall indemnify



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and save the County harmless from all losses, costs, and changes that may occur to the bond holder or its sureties because of any default of the licensee under the terms of his license to operate in compliance with the terms of the ordinances of the County.

Subd. 6. In addition to the bond referred to in Subd. 5, issuance of any license pursuant to the provisions of this ordinance shall be contingent upon the applicant securing, and furnishing to the County a copy of a certificate therefore, the following types of insurance issued to the licensee by insurers duly licensed within general liability including, but not limited to, bodily injury, property damage, motor vehicle, loading and unloading and gradual pollution insurance.

Subd. 7. Any license granted by the County Board under the provisions of this ordinance may be suspended by the County Board at any time for noncompliance with the provisions of the license, this ordinance or applicable state laws or rules, or upon written notification to the licensee and the County Board by the Solid Waste Officer or by an authorized representative of the Agency that the continued use of the operation may endanger the health, welfare, or safety of the public or that the continued use may cause pollution or impairment of the environment. The notice of suspension shall be deemed adequately served whenever it is served upon the licensee personally or by leaving the same at the licensed premises with the person in charge thereof. A copy of the notice of suspension shall be provided to the County Board. The County Board shall remove the license suspension only upon presentation of evidence acceptable to the County Board that the conditions which were cited as cause for suspension have been fully corrected. A license may be revoked only after the County Board has held a public hearing at which the licensee and other persons wishing to be heard concerning the operation shall have the right to be heard. The date of the hearing for license revocation shall be set by the County Board and shall not be held earlier than ten calendar days after notice of said hearing was mailed to the licensee. Evidence may be adduced in a manner consistent with the rules of evidence applied in civil cases. A transcript thereof shall be made by tape recording or other suitable technique. If, pursuant to said hearing, the County Board shall determine that the operation has been conducted in violation of the provisions of the license, this ordinance, State laws or State rules, the County Board may revoke the license or continue such suspension in effect until the operation has demonstrated that full compliance with the provisions of the license, this ordinance, State laws and State rules has been attained and that such compliance will be

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continued in the foreseeable future.

Subd. 8. Routine inspection and evaluation of an operation shall be made by the Solid Waste Officer at such frequency as to ensure consistent compliance by the operation with the provisions of this ordinance. The licensee shall be provided with a written inspection report containing a precise description of any deficiencies, recommendations for the correction thereof and the date when the corrections shall be accomplished. Copies of said report(s) shall be furnished to the Agency. The licensee shall allow authorized representatives of the County or the Agency access to the facility at any time for the purpose of making such inspections as may be necessary to determine compliance with the requirements of this ordinance, and any other applicable statute, ordinance, or rule. Nothing in this Subdivision shall excuse the licensee from complying with this Ordinance, applicable State laws and rules, or license terms and conditions.

Subd. 9. Where the conditions imposed by any provision of this ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this ordinance, or any other applicable law, ordinance or rule the provision which established the higher standards for the promotion of the public health, safety, and general welfare shall prevail.

Subd. 9A. Notwithstanding Section 2, Subd. 9 of the Solid Waste Ordinance, all provisions of both the Itasca County Zoning Ordinance and the Itasca County Solid Waste Ordinance shall be given effect to the fullest extent possible, and all requirements of each respective Ordinance shall be given effect and shall be complied with to the fullest extent possible. In the event of irreconcilable conflict between the provisions and requirements of these respective Ordinances, the provision of the Ordinance imposing the more restrictive standard shall be complied with.

Subd. 10. Every license issued for a solid waste operation shall be registered with the office of the County Solid Waste Department.

Subd. 11. Sanitary landfills (to include demolition sites), reclamation centers, transfer stations, and canister sites shall be permitted, permitted by conditional use, or restricted in the following zoning districts:

PERMITTED: Farm Residential, Heavy Industrial, Public &  
Open

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PERMITTED BY CONDITIONAL USE: Recreational Commercial &  
Light Industrial Commercial

RESTRICTED: Residential, Seasonal Residential, Waterfront  
Public, Rural Residential &  
Residential/Municipal-1

Subd. 12. Except as provided by Section II, Subdivision 14 of this Ordinance, scavenging shall be prohibited at all landfills, canister sites, and demolition sites in Itasca County.

Subd. 13. The County Board, in the exercise of its authority under any provision of this Ordinance, may, in its sole discretion, determine that a disputed matter shall be heard and determined by an administrative law judge pursuant to the contested case procedures of Minnesota Law. The decision of the administrative law judge shall be made available to the parties for at least ten (10) days before the County Board convenes a public hearing to make its final determination. Each party that would be adversely affected by the decision of the administrative law judge shall be afforded the opportunity to file exceptions and to present argument to the County Board. The County Board shall make the final determination. All fees and expenses including but not limited to attorney fees, expert fees, mileage expenses, witnesses expenses and the like, incurred by any party in the contested hearing shall be born by that party. The costs for the services of the administrative law judge and reporters for administrative proceedings or informal dispute resolution shall be born by the County Board.

Subd. 14. Upon application pursuant to this subdivision, the Itasca County Board of Commissioners, in its exclusive and sole discretion may authorize and direct the Solid Waste Department to issue a scavenging permit.

A. APPLICATION. The application shall be made on a form prescribed by the Solid Waste Department which shall include the following:

1. Name and business address and phone number of applicant.
2. Proof of required insurances.
3. Designation of sites where scavenging is to be conducted.

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4. Intended storage, use, and disposition of scavenged solid waste, together with location of intended storage and disposition of such scavenged solid waste.
  5. Requested duration of license.
  6. Other data deemed relevant to the license applied for by the Solid Waste Officer or his agent.
  7. Method of salvage operation proposed.
- B. CONDITIONS OF LICENSE. A scavenging license shall be subject to the following terms and conditions.
1. A scavenging license may not be assigned or transferred by the license holder to another.
  2. A scavenging license shall be revocable at the will and in the sole discretion of the Itasca County Board at any time with or without cause upon thirty days written notice by first class mail to the licensee at the address listed upon the licensee's application for said license.
  3. Scavenging shall be conducted only at the sites designated on the license itself.
  4. Days and hours of operation are to be set by County Board Policy.
  5. The license holder shall maintain in effect continuously comprehensive general liability insurance providing coverage against liability imposed by law for bodily injury or death, in the minimum amount of \$600,000.00 for two or more persons for the same occurrence, and for damage of property in the minimum sum of \$200,000.00. The County of Itasca shall be named as a co-insured on said policy for incidents arising out of the scavenging activities of the license holder. Such policy of insurance shall provide that coverage may not be terminated or changed by the insurer except upon 10 days written notice to the County Auditor. All endorsements shall apply to both bodily injury or death and property damage coverages.
  6. The license holder shall indemnify and hold harmless the County of Itasca and its officials,

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agents, and employees from and against all claims, damages, losses, and expenses including attorney's fees which may be claimed against the County, or which the County may suffer or for which the County may be held liable, rising out of or resulting from the negligence of the license holder.

7. Nothing herein shall be construed to make the license holder the agent, employee, contractor, joint venturer nor representative of the County.
8. The license holder shall not hinder, obstruct, or otherwise interfere with the County's employees, nor shall the license holder hinder, obstruct, or interfere with use of the County's landfill(s) canister sites, or demolition sites by members of the public.
9. The license holder shall comply with all applicable state laws, state rules, and county ordinances including this ordinance.
10. Scavenging shall be allowed only in designated areas of the landfill and demolition sites. These areas shall be identified by the Solid Waste Department prior to commencing any scavenging.
11. At no time shall daily, intermediate or final cover be disturbed either through scavenging by hand or with the use of machinery.
12. The license holder shall identify the kinds of machinery to be used at each site for scavenging operations.

### SECTION III. SOLID WASTE OFFICER.

Subd. 1. The Solid Waste Officer shall have all necessary authority to implement and carry out the provisions of this ordinance including, but not limited to, the following:

- (a) To review and consider all license applications and supporting materials which are referred to the Solid Waste Officer for operations within the County, and after such review and consideration, a license should be granted or denied.
- (b) To inspect operations to determine compliance and

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to investigate complaints about violations of this ordinance.

- (c) 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.
- d) To encourage and conduct studies, investigations and research relating to aspects of solid waste management, including, but not limited to methodology, chemical and physical considerations, and engineering.
- (e) To advise, consult, and cooperate with the public and other governmental agencies in furtherance of the purpose of this ordinance.

### SECTION IV. SOLID WASTE STORAGE.

Subd. 1. Solid wastes shall be stored in a manner which complies with state rules administered by the Agency.

Subd. 2. Toxic or hazardous wastes shall be stored in accordance with State rules administered by the Agency.

Subd. 3. Transfer stations and canister sites may be established and licensed annually according to Section VIII and shall meet all requirements listed in Section IV as well as any additional requirements imposed by the County Board.

Subd. 4. Solid wastes shall not be stored on public or private property for more than two (2) weeks without the written approval of the Solid waste Officer. Nonputrescible wastes suitable for recycling shall not be stored on public or private property in a manner which creates a nuisance, blight, or health hazards.

### SECTION V. COLLECTION AND TRANSPORTATION OF SOLID WASTE.

Subd. 1. The collection and transportation of solid waste shall be performed in accordance with State rules administered by the Agency.

Subd. 2. Toxic or hazardous wastes shall be transported in

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a manner consistent with State rules administered by the Agency.

Subd. 3. No person may collect solid waste for hire from any source, private or public, within Itasca County without first obtaining a license from the County Board. No person may transport solid waste for hire to any destination point in Itasca County such as a landfill or transfer station without first obtaining a license from the County Board. The County Board shall not issue a license until the applicant complies with all of the following requirements:

- (a) The applicant shall submit a completed application form provided by the County for solid waste collection and transportation license.
- (b) The applicant shall submit to the County specifications of all vehicles to be used for solid waste collection and transportation. Such vehicles shall have leak-proof bodies of easily cleanable construction, completely covered with metal, heavy canvas or other suitable covering, and shall be subject to approval and periodic inspection by the Solid Waste Officer.
- (c) The applicant shall submit a description of the route(s) to be followed by all solid waste collection and transportation vehicles between the area of collection and the solid waste disposal operation.
- (d) The applicant shall meet all the applicable requirements for obtaining a license which are specified in Section II of this Ordinance.
- (e) The applicant shall be financially and operationally capable, as determined by the County Board, to properly collect, transport and dispose of all solid waste.
- (f) A license fee for commercial haulers of \$50.00 shall be paid annually. In addition, a \$10.00 vehicle identification sticker shall be purchased for each unit. This vehicle identification number shall be visible on both sides of commercial collection vehicles. The identification numbers will be issued by the Solid Waste Department.
- (g) A tipping fee (service charge) of \$6.50/cubic

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yard shall be assessed on all out-of-county solid waste being brought to the Grand Rapids Area Landfill for final disposition by commercial haulers. All commercial haulers shall be required to provide a current list of out-of-county customers to the Solid Waste Department within 15 days of a demand for such lists made by an authorized agent of the Solid Waste Department. Failure on the part of the commercial hauler to report this information or to pay the tipping fee will result in loss of license, as well as, landfill privileges.

### SECTION VI. SOLID WASTE LAND DISPOSAL FACILITIES.

Subd. 1. Land disposal facilities, including, but not limited to, sanitary landfills, modified landfills and demolition landfills, shall meet all the requirements of State rules administered by the Agency which govern these facilities.

Additionally, no person shall establish, operate or maintain a land disposal facility without first obtaining a license or permit from the County Board or Agency in accordance with Section II.

Subd. 2. An application for a county license shall include, but not be limited to, the following:

- (a) An operating schedule and a schedule of fees to be levied at the land disposal facility.
- (b) A notarized affidavit stating that the applicable local governments have been given at least thirty (30) days notification of the pending application for a license.
- (c) A certificate from the County Zoning Administrator that the use proposed is in accordance with the established County Zoning Ordinance.
- (d) Sufficient documentation to enable the County Board to determine whether the applicant is financially and operationally capable to properly dispose of all solid waste.

### SECTION VII. INTERMEDIATE SOLID WASTE DISPOSAL FACILITIES.



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Subd. 1. No intermediate solid waste disposal operation shall be constructed, established, maintained or operated unless the operator or owner thereof has first been issued therefore a license from the County Board and a permit from the Agency. The applicant shall meet all requirements for obtaining a license as specified in Section II of this ordinance. The application for a license shall contain the following information:

- (a) Location, size, and ownership of land upon which the operation will be situated.
- (b) General description of property use in the immediate vicinity of the operation.
- (c) Complete construction plans and specifications and proposed operating procedures for the operation.
- (d) Rates and charges to be imposed at the operation.
- (e) A notarized affidavit stating that the applicable local governments have been given thirty (30) days written notification of the pending application for a license.
- (f) Such additional data and information as may be required by the Solid Waste Officer.

Subd. 2. An intermediate solid waste disposal facility shall be constructed, operated, and maintained in compliance with the following requirements and State rules administered by the Agency.

- (a) A sign shall be posted on the premises indicating the name of the operation, the days and hours during which it is open to the public, and user charges, if any. The sign shall be approved by the Solid Waste Officer.
- (b) The premises shall be constructed, landscaped and maintained in such a manner as to be aesthetically pleasing in appearance.
- (c) Sanitary facilities and shelter adequate for employees shall be provided on the premises.
- (d) Records in a form acceptable to the Solid Waste Officer shall be maintained indicating the type

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and quantity of solid waste processed by the operation. Such records shall be open at all reasonable times for inspection by the Solid Waste Officer or his designee. Such records shall be reproduced and provided to the Solid Waste Officer or his designee upon request, and the costs of such reproduction shall be born by the County.

- (e) The operation shall be located, equipped, operated and maintained in a manner which prevents the creation of a nuisance, or unsanitary condition.
- (f) The premises' entrances and exits shall be maintained in a clean, neat and orderly manner at all times.
- (g) All unloading of solid waste from contributing vehicles shall be conducted in such a manner as to prevent or eliminate odor and litter outside the facility.

### SECTION VIII. LICENSE FEES.

Approval by the County Board of an application for a license for a solid waste management facility shall be contingent upon the payment to the County of a license fee in the amount established by the County Board. The amounts of the license fees shall be based upon the cost to the County of processing the license applications and administering and enforcing this ordinance with respect to said licenses. The fees prescribed shall be paid by a license applicant for each facility maintained. Solid waste collector's and transporter's fees shall be paid annually as a condition for license renewal. Non-payment of the annual solid waste collector's or transporter's fee shall be ground for denial of license renewal. Fees shall be paid to the County Treasurer prior to issuance of licenses.

### SECTION IX. TERMINATION OF SOLID WASTE OPERATIONS.

Subd. 1. All land disposal operations licensed by the County shall be terminated in accordance with State rules administered by the Agency.

Subd. 2. The license of any operation in Subd. 1, which has water monitoring wells or lysimeters, which are reviewed by

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the County or the Agency to be sampled shall establish with the County an escrow account no later than one year from the effective date of this ordinance or five years prior to termination of the operation, whichever occurs sooner. Nothing herein in any way shall condition, limit or otherwise restrict the County from asserting any rights or claims against any person as may be authorized by State or Federal Statute, rule, common law or equity.

The purpose of the escrow account is to set aside adequate funds to continue the sampling required by the County or the Agency for a period of no less than 20 years from termination of the operation. The County Board shall specify by resolution the amount of money to be deposited in the account and the terms for payments which shall be made by the licensee to that account. Failure by the licensee to meet the escrow account conditions established by the County Board shall constitute a failure of the licensee to comply with the terms of this ordinance, thereby enabling the County to use the provisions of Section II, Subd. 5 to make the necessary deposits to the escrow account.

Subd. 3. The County shall draw from the above mentioned account(s) in order to perform all long term monitoring required by the County or the Agency following termination or abandonment of all solid waste operations.

Subd. 4. The licensee of each solid waste operation shall inform the County Board in writing of a licensee's intent to abandon or terminate the operation. Such notice shall be provided in advance of the abandonment or termination date by the following amounts of time:

Land disposal operation	three years
Transfer station	one year
Incineration facility	three years
Collection/transportation service	one year
All other solid waste operations	one year

Failure of a licensee to comply, for any reason, with the above advance notice requirements shall constitute a failure of the licensee to comply with the terms of this ordinance. The County Board may elect to pay all public and private higher-than-normal solid waste management costs which result from the premature cessation of a solid waste operation. The County may recover these costs through the provisions of Section II,

Subd. 5. Nothing herein in any way shall condition, limit or otherwise restrict the County from asserting any rights or

## **SOLID WASTE ORDINANCE**

claims against any person as may be authorized by State or Federal statute, rule, common law or equity.

### **SECTION X. VARIANCES.**

Upon written application by the applicant or operator, the County Board may grant variances from the provisions of this ordinance in order to promote the effective and reasonable application and enforcement of the provisions of this ordinance. If such variance would result in noncompliance with Agency rules, a variance application must be filed with the Agency.

A variance may be granted by the County Board after a public hearing where the County Board determines that enforcement of this ordinance would cause the applicant undue hardship, or that the ordinance cannot be complied with due to technological impossibility or economic unreasonableness. Such a variance shall not be granted for a period in excess of two years, but may be renewed upon application by the applicant and after a public hearing is held. A variance may be revoked prior to expiration of the variance by the County Board at a public hearing. An application for a variance shall be accompanied by a plan and schedule for achieving compliance with the ordinance. Prior to any public hearing held by the County Board under this provision, persons who may be adversely affected by the granting of the proposed variance shall be given at least thirty (30) days notice to said public hearing. Publication of a notice of hearing in appropriate newspapers shall be considered adequate notice.

### **SECTION XI. NONCONFORMING SITES AND FACILITIES**

Solid waste management facilities in existence on the effective date of this ordinance shall conform to the provisions of this ordinance or terminate operations no later than 60 days from that date unless a variance application is submitted and approved by the County Board within a sixty (60) day period following the effective date of this ordinance.

### **SECTION XII. ADDITIONAL REQUIREMENTS.**

For the purpose of protecting the public health, safety and welfare, the County Board may impose additional requirements consistent with the intent of this ordinance for the operation of solid waste management sites or facilities.

## **SOLID WASTE ORDINANCE**

### SECTION XII. ADDITIONAL REQUIREMENTS.

For the purpose of protecting the public health, safety and welfare, the County Board may impose additional requirements consistent with the intent of this ordinance for the operation of solid waste management sites or facilities.

### SECTION XIII. SEVERABILITY.

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

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

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

### SECTION XIV. PROVISIONS ARE CUMULATIVE.

The provisions of this ordinance are cumulative limitations upon all other laws and ordinances heretofore passed or which may be passed hereafter, covering any subject matter of this ordinance.

### SECTION XV. NO CONSENT.

Nothing contained in this ordinance shall be deemed to be a consent, license or permit to locate, construct, operate or maintain any site, facility or operation, or to carry on any activity.

### SECTION XVI. VIOLATIONS.

Subd. 1. Any person who violates or fails, neglects or refuses to comply with the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished therefore as provided by Minnesota Statutes. A

**SOLID WASTE ORDINANCE**

separate offense shall be deemed committed upon each separate day during or on which a violation occurs or continues.

Subd. 2. This ordinance, in addition to other remedies, may be enforced by injunction, action or compel performance or other appropriate action in District Court to prevent, restrain, correct or abate violations.

SECTION XVII. OTHER ORDINANCES AND REGULATIONS.

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

SECTION XVIII. EFFECTIVE DATE.

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

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Notice of the hearing before the County was published in the official newspaper of the County on February 28, 1988, and pursuant to such notice, the County Board officially adopted the Solid Waste Ordinance on April 12, 1988, with the effective date to be June 1, 1988. Publication of the adopted ordinance was made in the official newspaper of the County on May 4, 1988.

\_\_\_\_\_[Tom Lorenz]\_\_\_\_\_  
Tom Lorenz, Chairperson, Itasca County Board of Commissioners

\_\_\_\_\_[Robert R. Olson]\_\_\_\_\_  
Robert R. Olson, Clerk to the Itasca County Board of Commissioners

Certified as a complete and accurate copy of the Solid Waste Ordinance of Itasca County, Minnesota.

\_\_\_\_\_[Robert D. Zuehlke]\_\_\_\_\_  
Robert D. Zuehlke, Auditor, Itasca County, Minnesota

I hereby certify that the within instrument was filed in this office for record as Document number 394905 on this [14th] day of [April], at [12:00] o'clock [P.]M.

\_\_\_\_\_[Larry A. Unger \_\_\_\_\_ by Pamela Anderson deputy]\_\_\_\_\_  
Larry A. Unger, Recorder, Itasca County, Minnesota

**SOLID WASTE ORDINANCE**

Adoption of Solid Waste Ordinance: 6/1/88

Effective Date(s) of Amended Section(s): 4/19/89

Adoption of Policy Statement by  
County Board: 3/22/88

Addition to Policy Statement  
(Tipping Fee for Special Wastes: 5/1/89

Effective Date of (current) Amendment:

A public hearing was held by the Itasca County Solid Waste Advisory Committee on January 31, 1989, relative to amendments and revisions to the Solid Waste Ordinance in which the Solid Waste Advisory Committee recommended, to the County Board, adoption of the amendments to the following section:

Section II -- Subdivision 12 & Subdivision 14

Notice of the hearing before the County Board on the proposed amendment was duly published in the official newspaper of the County on February 26, 1989, and pursuant to such notice, the County Board officially adopted said amendment and revision on March 14, 1989, with the effective date to be April, 2, 1989. Publication of the adopted amendment and revision was made in the official newspaper of the County on April 2, 1989.

ATTESTED: \_\_\_\_\_ [Doug Carpenter] \_\_\_\_\_  
Doug Carpenter, Chairperson, Itasca County Board of Commissioners  
\_\_\_\_\_ [Robert R. Olson 6-28-89] \_\_\_\_\_  
Robert R. Olson, Clerk to the Itasca County Board of Commissioners

Certified as a complete and accurate copy of the Solid Waste Ordinance of Itasca County, Minnesota.

\_\_\_\_\_  
Robert D. Zuehlke, Auditor, Itasca County, Minnesota

I hereby certify that the within instrument was filed in this office for record as Document Number \_\_\_\_\_ on this \_\_\_\_\_ day of June, 1989, at \_\_\_\_\_ o'clock \_\_\_\_ .M.

\_\_\_\_\_  
Larry A. Unger, Recorder, Itasca County, Minnesota