

JACKSON COUNTY SOLID WASTE ORDINANCE

ADOPTED, FEBRUARY 10, 1992

JACKSON COUNTY SOLID WASTE ORDINANCE
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“ORDINACNE NUMBER 101”
COUNTY OF JACKSON, STATE OF MINNESOTA

SOLID WASTE ORDINANCE

The Solid Waste Management Ordinance for Jackson County is 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 incorporated and unincorporated areas of the County of Jackson; requiring a license for storage, collection, transportation, processing, and disposal of solid waste, embodying and supplementing the minimum standards and requirements established by rules of the Minnesota Pollution Control Agency; providing for enforcement of said requirements; imposing penalties for failure to comply with these provisions; requiring performance bonds and insurance; and promoting the health, safety, and welfare of the public along with protecting resources of water, air and land.

The County Board of Commissioners of the County of Jackson under the authority provided in chapter 115, 115A, 116, 145.22, 145.23, 375, 400, 561.01 and 609.74 of the MN State Statutes, 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, Chapter 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 herein which are not specifically defined by law shall be construed 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, fumes, 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 condition as would be injurious to human health or welfare, to animal or plant life, or to property, or to interfere unreasonably with the enjoyment of life or property.

Subd. 4. “Backyard Compost Site” means a site used to compost food scraps or yard waste generated by a single family or household, apartment building, or commercial office building.

Subd. 5. “Brush Disposal Facility” a site used exclusively for disposal in or on the land of trees and tree parts including stumps, branches, and their attached leaves. Such disposal may include open burning and burial of the resulting ash or unburned tree parts.

Subd. 6. “Board” means the Jackson County Board of Commissioners.

Subd. 7. “Canister System” means one or more commercial solid waste storage containers (such as “dumpsters”) located to function as an intermediate disposal facilities, and which are serviced on a regular basis by a public or private hauler.

Subd. 8. “Collection” the aggregation of solid 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.

Subd. 9. “Collector(s)” any person(s) or entity specifically licensed by the County under this Ordinance, who owns, operates, or leases vehicles for the purpose of collection and transportation of garbage, rubbish, or other mixed municipal solid waste and recyclable materials and to dispose of the same.

Subd. 10. “Co-Composting” the composting of mixed municipal solid waste with a nutrient source or a bulking agent.

Subd. 11. “Compost Facility” a site used to compost or co-compost solid waste. This includes all structures used to control drainage, collect and treat leachate, and storage areas for the incoming waste, the final product, and residuals resulting from the composting process.

Subd. 12. “Composting” is the controlled microbial degradation of organic waste to yield a humus-like product.

Subd. 13. “Container” a container for solid waste which meets the requirements set forth in Section.

Subd. 14. “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 Jackson in the enforcement or administration of this ordinance.

Subd. 15. “Cover Material” is granular material approved by the Agency that is used to cover compacted solid waste and demo-debris in a land disposal site. Important general characteristics of good cover are low permeability, uniform texture, cohesiveness and compactibility.

Subd. 16. “Demolition Debris” inert material that includes concrete, brick, bituminous, untreated wood, masonry, glass, rock, and plastic parts resulting from the demolition of buildings, roads, and other man-made structures. Demolition debris does not include solid waste or asbestos waste.

Subd. 17. “Demolition Debris Land Disposal Facility” means a site used only to dispose of demolition debris.

Subd. 18. “Disposal” has the meaning given it in MN Statutes Section 115A.03, Subd. 10.

Subd. 19. “Dumping” the discharge, deposit, injection, 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 ground water.

Subd. 20. “Facility” all contiguous land, structures, monitoring devices, and other improvements on the land used for monitoring, treating, storing, or disposing of solid waste, leachate, or residuals from solid waste processing.

Subd. 21. “Farm” is a tract of land, ten (10) acres or more in size, which is principally used for agricultural activities such as the production of cash crops, livestock or poultry farming. Such farm may include agricultural dwelling and accessory buildings and structures necessary to the operation of the farm.

Subd. 22. “Garbage” means material resulting from the handling, processing, storage, preparation, serving and consumption of food.

Subd. 23. “Hazardous Waste or Toxic Waste” is any refuse or discarded materials or combinations of refuse or discarded materials in solid, semi-solid, liquid, or gaseous form which cannot be handled in a routine waste management techniques because they pose a substantial present or potential hazard to human health or other living organisms because of their chemical, biological or physical properties. Categories of hazardous waste material includes, but are not limited to, explosives, flammables, oxidizers, poisons, irritants, and corrosives. Hazardous waste does not include sewage sludge, and source materials, special nuclear waste or by product material as defined by the “Atomic Energy Act of 1954”, as amended.

Subd. 24. “Household Hazardous Waste” any waste generated from household activity that exhibits the characteristics of or that is listed as hazardous waste under agency rules, but does not include waste from commercial activities that is generated, stored, or present in a household. Household hazardous waste include, bat are not limited to paints, solvents, cleaners, pesticides, herbicides, paint thinner, drain opener, varnishes, stains, and adhesives.

Subd. 25. “Illegal Dumping” means dumping of any garbage including littering, demolition, white goods, batteries, rubbish, tires, or solid or hazardous waste other than approved site or container.

Subd. 26. “Incineration” means the process by which solid wastes are burned for the purpose of energy recovery or volume and weight reduction in facilities designed for such use.

Subd. 27. “Industrial Solid Waste” all solid waste generated from an industrial or manufacturing process and solid waste generated from non-manufacturing activities such as service and commercial establishments. Industrial solid waste does not include office materials, restaurant and food preparation waste, discarded machinery, demolition debris, or household refuse.

Subd. 28. “Intermediate disposal facility” means a facility for the temporary collection, storage, reduction, recycling, or processing of solid waste prior to final disposal.

Subd. 29. “Land Pollution” means the presence in or on the land of any solid waste in such quantity, or such nature or duration, and under such conditions as would affect injuriously any waters of the state, create air contaminants or cause air pollution.

Subd. 30. “Licensee” means a person who has been authorized by issuance of a license by the County Board for solid waste management purposes pursuant to this ordinance.

Subd. 31. “Local Government Unit” means, cities, towns and counties.

Subd. 32. “Major Appliances” means clothes washers, dryers, dishwashers, garbage disposals, trash compactors, conventional and microwave ovens, ranges and stoves, air conditioners, refrigerators, freezers, residential furnaces, hot water heaters, and dehumidifiers.

Subd. 33. “Mixed Municipal Solid Waste” has the meaning given it in MN Statues, Section 115A.03, subd. 21. Garbage, refuse, and other solid waste from residential, commercial,

industrial, and community activities that the generator of the waste aggregates for collection, but does not include hulks, street sweepings, ash, construction debris, mining waste, sludge, tree and agriculture wastes, tires, lead acid batteries, used oil, and other materials collected, processed, and disposed of as separate waste streams.

Subd. 34. “Municipality” a city, village, borough, county, town, sanitary district, school district or other governmental subdivision or public corporation or agency created by the legislature.

Subd. 35. “Office” means the Office of Waste Management.

Subd. 36. “Open Burning” burning any matter whereby the resultant combustion products are emitted directly to the open atmosphere without passing through an adequate stack, duct, or chimney.

Subd. 37. “Open Dump or “Dump” a land disposal site at which solid waste is disposed of in a manner that does not protect the environment, is susceptible to open burning, and is exposed to the elements, flies, rodents and scavengers.

Subd. 38. “Operation” means any site, facility, or activity relating to solid waste management.

Subd. 39. “Operator” person responsible for the overall operations of a facility.

Subd. 40. “Owner and Occupant” the person(s) or entity(ies) which hold legal or beneficial title to a property and the person(s) or entity(ies) which have or exercise possession or occupancy of a property respectively.

Subd. 41. “Person” means any human being, any municipality or any other governmental or political subdivision or public agency, any public or private corporation, any partnership, firm, association, or other business organization, any receiver, trustee, assignee, agent, or other legal representative or any of the foregoing, or any other legal entity.

Subd. 42. “Pollutant” has the meaning given it in MN Statutes, Section 115.01, Subd. 13.

Subd. 43. “Post Closure & Post-Closure Care” actions taken for the care, maintenance, and monitoring of a facility after closure that will prevent, mitigate, or minimize the threat to public health and environment posed by the closed facility.

Subd. 44. “Processing” the treatment of solid waste after collection and before disposal. Processing includes but is not limited to volume reduction, storage, separation, exchange, resource recovery, physical, chemical, or biological modification, and transfer from one waste facility to another.

Subd. 45. “Putrescible Material” means solid waste which is capable of becoming rotten or which may reach a foul state of decay or decomposition.

Subd. 46. “Recovered Materials” materials that have been separated from solid waste and stored so that the material is properly protected from environmental degradation and is not a source of odor, harborage for skunks, rodents or mosquitoes and is being processed, modified, or converted to be a raw material that may be beneficially used.

Subd. 47. “Recycling” is 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.

Subd. 48. “Recycling Center” is either a county facility for receiving, processing and marketing recyclable materials or a privately operated facility performing the same functions.

Subd. 49. “Recyclable Materials” materials that are separated from mixed municipal solid waste for the purpose of recycling, including paper, glass, plastics, metals, automobile oil, and batteries. Refuse derived fuel or other material that is destroyed by incineration is not a recyclable material.

Subd. 50. “Refuse” means putrescible and non-putrescible solid wastes, including, but not limited to, garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, market and industrial solid wastes, and sewage treatment wastes which are in a dry form.

Subd. 51. “Rubbish” non-putrescible solid wastes, including but not limited to ashes and combustible and non-combustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass bedding, crockery, or litter of any kind.

Subd. 52. “Sanitary District” a sanitary district with the authority to regulate solid waste.

Subd. 53. “Sanitary Landfill” means a land disposal site, permitted by the Agency, 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 operation day, or at intervals as may be required by the Agency.

Subd. 54. “Scavenging” all unauthorized removal of solid waste materials from a solid waste disposal facility.

Subd. 55. “Service Area” is enacted pursuant to Minnesota Statute 400.08 which grants Jackson County the authority to establish and determine the boundaries of the solid waste management areas in the County. The County Board may impose service charges for the area. The Jackson County Solid Waste Ordinance may require mandatory solid waste collection and mandatory recycling separation in the service area.

Subd. 56. “Shoreland” means land located within the following distances from the ordinary high water elevation of public waters:

- (a) land within 1,000 feet from the normal high watermark of a lake, pond or flowage
- (b) land within 300 feet of a river or stream of the landward side of flood plain delineated by ordinance on such a river or stream, whichever is greater.

Subd. 57. “Solid Waste” means garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded solid 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; 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 waste water effluents or discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as amended, dissolved materials in irrigation return flows; or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

Subd. 58. “Solid Waste Collection Service” the collection and transportation of solid waste generated by any person, residential, business, commercial, governmental, or industrial unit in Jackson County by a hauling service for hire by the generator, or a demolition debris hauling service that transports solid waste separated or mixed with demolition debris, or a service hauls recyclables.

Subd. 59. “Solid Waste Facility” all property real or personal, including negative and positive easements and water and air rights, which is or may be needed or useful for the processing or disposal of waste. It includes but is not limited to the storage, collection, transportation, processing and reuse, conversion, or disposal of solid waste in a safe environmentally sound manner.

Subd. 60. “Solid Waste Management” means the storage, collection and removal of solid waste from public or private property, its transportation to intermediate or final disposal facilities and its disposal by approved methods, the management of a recycling program, solid waste education and other solid waste operations or services.

Subd. 61. “Source Separated Materials” materials that are separated from solid waste by the generator and recovered for reuse in their original form or for use in manufacturing processes.

Subd. 62. “State” means the State of Minnesota.

Subd. 63. “Transfer Station” means an intermediate waste facility in which solid waste collected from any source is temporarily deposited to await transportation to another waste facility.

Subd. 64. “Waste” means solid waste, sewage sludge and hazardous waste.

Subd. 65. “Waste Reduction” an activity that prevents generation of waste including reusing a product in its original form, increasing the life span of a product, reducing material used in production or packaging, or changing procurement, consumption, or waste generation habits to result in smaller quantities of waste generated.

Subd. 66. “Waste Tire” is a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect.

Subd. 67. “Waste Tire Collection Site” a licensed waste facility used for the storage of waste tires prior to their transport to a waste tire processing facility.

Subd. 68. “Water Pollution” means the contamination of any waters of the state so as to create a nuisance or render such waters unclean, obnoxious or impure, so as to be actually or potentially harmful or detrimental or injurious to public health, safety or welfare, to domestic, commercial or industrial use, or to animals, birds, fish or other aquatic life.

Subd. 69. “Water of the State” means all streams, lakes ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.

Subd. 70. “Yard Waste” means the garden wastes, leaves, lawn cuttings, weeds and prunings generated at residential or commercial properties.

Subd. 71. “Yard Waste Compost Facility” a site used for the composting of yard waste which is (a) operated by the county or the municipality or; (b) operated by a private person or entity and permitted by the Minnesota Pollution Control Agency to accept yard waste.

SECTION II. PURPOSE AND GOALS

The Jackson County Board of Commissioners has determined this Ordinance be adopted to:

Subd. 1. Protect the public's health, prevent public nuisances, and prevent contamination of the groundwater and other environments of Jackson County from solid waste through the control of number, location and operation of such facilities.

Subd. 2. Preserve and protect our land and water resources.

Subd. 3. Assure that all individuals are informed and responsible for their actions regarding solid waste that may affect the environment and the community now and in the future.

Subd. 4. Support activities that will promote use and reuse of materials found in solid waste that would otherwise be disposed in ways that would not recapture the useful characteristics of its components.

Subd. 5. Augment, supplement and support existing Jackson County and State of Minnesota controls on solid waste.

Subd. 6. Embody the purposes found in Minnesota State Laws and Rules on solid waste.

Subd. 7. The Jackson County Solid Waste Ordinance shall follow Minnesota Statutes, including but not limited to Chapters 17.135, 115, 115A, 116, 145.22, 145.23, 375, 400, 561.01, 609.671, 609.68 and 609.74.

SECTION III. GENERAL PROVISIONS - SOLID WASTE OFFICER RESPONSIBILITIES

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

Subd. 1. The Environmental Services Officer shall be certified with Minnesota Pollution Control Agency for Waste Disposal Facilities Inspector Type II, in accordance with the provisions of Minnesota Statutes, Section 116.41, Subd. 2.

Subd. 2. To review and consider all license applications and supporting materials which are required to him/her for operations within the County, and after consideration, to recommend in writing with documentation to the County Board that a license may be granted or denied.

Subd. 3. To inspect operations to determine compliance with this Ordinance and to investigate complaints which violate this Ordinance.

Subd. 4. To recommend, after first consulting with and obtaining approval from the County Board of Commissioners, to the County Attorney that legal proceedings be initiated against a person to compel compliance with the provisions of this Ordinance or to abate or control an operation not in compliance with this Ordinance.

Subd. 5. To encourage and conduct studies, investigations and research relating aspects of solid waste management, including, but not limited to, methodology, chemical and physical considerations, and engineering.

Subd. 6. To advise, consult, and cooperate with the public and other governmental agencies in furtherance of the purpose of the Ordinance.

Subd. 7. To plan, implement and administer all County operated waste abatement measures.

SECTION IV. SOLID WASTE DISPOSAL FACILITIES

Subd. 1. No person shall operate a solid waste disposal facility nor allow, permit, or cause his land to be used as a solid waste disposal facility without a valid license issued by Jackson County.

Subd. 2. In order to obtain a license to operate a solid waste facility an individual must first complete an application and provide all of the following information:

- A. Two sets of complete plans, specifications, design data, ultimate land use plan, if applicable, and proposed operating procedures prepared by a registered professional engineer of Minnesota.
- B. Evidence that the property is properly zoned for the solid waste disposal facility and that the owner has obtained the necessary building permits.
- C. A bond in an amount to be set by the County Board naming the County as an obligee with sufficient sureties duly licensed and authorized to transact corporate surety business in the State of Minnesota as sureties. The condition of such bond shall be that if the principal fails to obey any of the requirements or do any of the acts required by this Ordinance in the operation of the waste facility, or if, for any reason ceases to operate or abandons the waste facility, and the County is required to expend any monies or expend any labor or material to restore the facility to the condition and requirements as provided by this Ordinance, the obligor and the sureties on its bond shall reimburse the county for any and all expenses incurred to remedy the failure of the principal to comply with the terms of the Ordinance, and the obligor and its sureties will indemnify and save the County harmless from all losses, costs and charges that may occur to the County because of any fault of the obligor under the terms of his license to operate and the Ordinances of the County.
- D. In lieu of part, or all, of said bond, the licensee may provide financial assurance in an amount and form acceptable to the County Board to be used to bring the facility into compliance with said requirements. The performance bond shall be subject to cancellation by the surety at any time only upon giving one hundred twenty (120) days prior written notice of cancellation to the Environmental Services Officer.
- E. The licensee shall furnish to the County certificates of insurance issued by insurers duly licensed within the State of Minnesota covering public liability insurance, including general liability, automobile liability, loading and unloading, completed operations liability, explosion and collapse of underground operations liability and bodily injury liability in amounts described in F. In addition, the licensee shall provide evidence of workers compensation coverage in the required statutory amounts.

- F. A certificate of insurance issued by a company duly licensed to operate within the State of Minnesota covering public liability, automobile liability, operations liability, with bodily injury limits in an amount no less than \$500,000 for injury or death on any one person and aggregate limits of not less than \$1,000,000 for injuries or deaths arising out of any one occurrence. Property damage limits shall be not less than \$1,000,000 per occurrence and in the unencumbered aggregate amount of at least \$1,000,000. The Board reserves the right in its discretion to set such other limits as it deems necessary.
- G. Evidence of compliance with all State and Federal laws including necessary permits and licenses for operation of a solid waste disposal facility.

Subd. 3. License applications will be reviewed by the Environmental Services Officer to determine compliance with the requirements of Subd. 2 and the Jackson County Solid Waste Plan. The applicant will be notified of any deficiencies in the application. Within 45 days after receipt of a completed application the Environmental Health Officer will present the application to the Jackson County Board of Commissioners with a recommendation for approval or denial of license.

Subd. 4. The Jackson County Board of Commissioners will make final determination whether to grant the license. Any license granted by the Board will be valid for one (1) year unless surrendered, suspended, or revoked prior to that time.

Subd. 5. No person shall construct or operate in Jackson county a landfill, incinerator, transfer station, or compost facility for the disposal of solid waste without first obtaining a permit from the County and meeting all local, state and federal regulations relating to such facility.

Subd. 6. The following items are banned from final disposal at solid waste disposal facilities in Jackson County and Dickinson County Sanitary Landfill, Iowa:

- dry cell batteries containing mercury, silver, or nickel-cadmium, or sealed lead acid batteries that were purchased for use by a government agency or an industrial, communication, or medical facility.
- Household Hazardous Waste (see Sect. II for definition)
- Lead Acid Batteries (vehicle batteries)
- Use oil
- Major Appliances/White Goods (see Sect. II for definition)
- Recyclable Material (see Sect. II for definition)
- Waste Tires
- Yard Waste
- Plastic grocery bags or trash bags (IA Chapter 455D)

Jackson County Board of Commissioners will by resolution ban additional materials as dictated by State and Iowa State regulations.

SECTION V. SOLID WASTE STORAGE

Subd. 1. The owner, lessee and occupant of any single or multi-family dwelling, business establishment, industry and all other premises, shall be responsible for the satisfactory storage of all solid waste accumulated at that premise, business establishment or industry. No building, structure, area, or premise shall be constructed or maintained for human occupancy, use or assembly without adequate facilities for sanitary and safe storage, collection, transportation, and disposal of all solid wastes.

Subd. 2. The owner, lessee and occupant of any single or multi-family dwelling, business establishment, industry and all other premises shall be responsible for maintaining all areas free of improperly stored solid waste accumulations. Except for accepted normal operation on farms, this includes removal of: (a) animal feces, brush piles, inoperable machines, major appliances, fixtures, and equipment so damaged, deteriorated or obsolete as to have not substantial value and can be reasonably considered solid waste; (b) lumber piles and building materials unless being actively used by a business or construction requiring the use of such lumber and materials; (c) tin cans, broken glass, broken furniture, boxes, crates, and other debris; (d) any other form of mixed municipal solid waste. Nothing in this section is designed to restrict the commonly accepted activities of farms and duly established and licensed automobile, scrap iron, and metal recyclers and salvage operations.

Subd. 3. Putrescible waste, including, but not limited to, garbage shall be stored in durable, rust-resistant, non-absorbent, water-tight, rodent-proof, and easily cleanable containers, with close-fitting, fly tight covers having adequate handles to facilitate handling; or other types of containers acceptable to the solid waste collection service which comply with Agency regulations, this Ordinance, and approved by the Environmental Services Officer. The size and allowable weight of the containers may be determined by the solid waste collection service as approved by the Environmental Services Officer.

Subd. 4. Solid Waste shall be stored in durable containers or as otherwise provided in this Ordinance. Where putrescible wastes are stored in combination with non-putrescible wastes, containers for the storage of the mixture shall meet requirements for putrescible waste containers.

Subd. 5. No person shall place the following items into a container for collection and disposal at a solid waste disposal facility:

- Household Hazardous Waste. All household hazardous wastes shall be disposed of through the Lyon County Regional Household Hazardous Waste Facility.
- Dry cell batteries containing mercury, silver, or nickel-cadmium, or sealed lead-acid batteries.
- Lead Acid Batteries (vehicle batteries)
- Used oil
- Major Appliances
- Waste Tires
- Yard Waste
- Recyclable Material

-Plastic grocery bags or trash bags (IA Chapter 455D)

Jackson County Board of Commissioners will by resolution ban additional materials as directed by MN State regulations and Iowa Department of Natural Resources regulations.

Subd. 6. Toxic or Hazardous Wastes shall be stored in durable, leak-proof containers and shall be “printed or marked” so as to easily identify the container as a toxic or hazardous waste, (e.g. a yellow ban that encircles, at a minimum the center one-third (1/3) of the container) consistent with federal and state regulations. All previous lettering and numbering will be obliterated from the container. The container will be marked within the yellow band, or other easily identified area, using a permanent marker as follows: The chemical name of the waste, the UN or NA number the contaminates present by percentages, the start date, the generators name and address and the generators EPA or Agency identification number. Such wastes shall be stored in a safe location, accompanied with a description of the chemical composition of the substance stored within the container and be in compliance with the storage and transportation requirements of Agency regulations, federal and state regulations and this Ordinance. Vehicles shall be properly placarded and be accompanied with a proper shipping manifest. In any case a generator of hazardous waste must comply with all federal and state laws and regulations applicable to the generation, storage, transportation, processing and disposal of hazardous waste (whichever laws and regulations are more stringent).

Subd. 7. All containers for the storage of solid waste shall be maintained in such a manner as to prevent the creation of a nuisance or unsanitary condition.

Subd. 8. Solid Waste objects or materials too large or otherwise unsuitable for storage containers shall be stored in a manner which is pollution-free, nuisance-free and satisfactory to the Environmental Services Officer.

Subd. 9. Solid wastes shall not be stored outside a private residence, in a residential or urban rural setting, for more than one (1) month without the written approval of the Environmental Services Officer. Solid Waste shall not be stored on public, commercial or business property for more than two (2) weeks, without the written approval of the Environmental Services Officer. Non-putrescible wastes suitable for recycling shall not be stored on public or private property in a manner which creates a nuisance, blight, or health hazard. Compostables shall not be stored on public or private property in a manner which creates a nuisance, blight, or health hazard.

Subd. 10. Solid Waste shall not be stored or disposed of in containers specifically designated for the collection or deposit of recyclables.

Sub.d 11. Burning of solid waste shall be prohibited except (a) as allowed at a licensed solid waste facility; (b) as allowed under the terms of a “Permit For Open Burning”, Agency Rules 7005.

Subd. 12. Burying of solid wastes shall be prohibited except as allowed by 17: Department of Agriculture; 17.135.

Subd. 13. All major appliances shall be disposed of with an Agency approved major used appliance processor. No major appliance shall be stored, or disposed of at an unapproved facility.

SECTION VI. COLLECTION AND TRANSPORTATION OF SOLID WASTE

Subd. 1. Unless otherwise provided in these regulations; the owner, lessee and occupant of any premises, business establishment or industry is responsible for the collection and transportation of solid waste from the premises, establishment or industry, and shall collect and remove all solid waste accumulated at the premise, business establishment or industry and transport it to an operation for which permit has been issued by the Agency or IDNR and/or a contract signed by the County. A solid waste collection service shall be responsible for the collection and transportation of all solid waste for which it has been contracted to collect and remove and will transport it to an operation for which a permit has been issued by the Agency, IDNR, and/or a contract signed by the County, at which disposal occurs, or at the solid waste disposal facility that is designated through resolution by the Jackson County Board of Commissioners.

Subd. 2. Vehicles or containers used for the collection and transportation of garbage and other putrescible wastes, or solid waste containing such materials, shall be covered, leak-proof, durable and of easily cleanable construction. These shall be cleaned to prevent nuisances, pollution or insect breeding, and shall be maintained in good repair.

Subd. 3. Vehicles or containers used for the collection and transportation of any solid waste shall be loaded, moved and unloaded in such a manner that the content will not fall, leak or spill therefrom, and shall be covered to prevent blowing of material. Where spillage does occur, the material shall be picked up immediately by the solid waste collector or transporter and returned to the vehicle or container and the area properly cleaned. When the material cannot be immediately picked up or the area cleaned the Environmental Services Officer shall be notified as described.

Subd. 4. Vehicles and containers used for the collection and transportation of toxic or hazardous wastes shall be durable, enclosed, and leak-proof in a safe, sanitary and nuisance free manner. Vehicles shall be properly marked and labeled and be accompanied with a proper shipping manifest, as required by federal and state regulations and statutes.

Subd. 5. Any person, firm or corporation intending to collect and haul mixed municipal solid waste for hire is required to obtain a license before starting business. Any firm, corporation or business collecting and hauling its own waste is required to obtain a license. Vehicles that are transporting only Recovered Materials, concrete, brick, bituminous, trees, or structural metals are excluded from this requirement, unless these materials are being hauled to a County contracted Solid Waste Facility.

Subd. 6. The collection and transportation of solid waste shall be performed in accordance with State rules administered by the Agency and the County.

Subd. 7. A collector or hauler shall refuse to knowingly accept for collection any mixed municipal solid waste within Jackson County Municipalities or service areas which contains:

- A. Any yard waste

- B. Any materials which has been designated by the County Board of Commissioners as subject to mandatory recycling, pursuant to Section IV.
- C. Household hazardous wastes. All household hazardous wastes shall be disposed of through the Lyon County Regional Household Hazardous Waste Facility.
- D. Dry cell batteries containing mercury, silver, or nickel-cadmium, or sealed lead acid batteries.
- E. Lead acid batteries (vehicle batteries)
- F. Used oil
- G. Major appliances
- H. Waste tires
- I. Plastic grocery bags or trash bags

Subd. 8. Jackson County may by Ordinance require cities and towns to organize collection as pursuant to Minnesota State Statute 115A.94, Subd. 5.

Subd. 9. The collection and transportation of solid waste shall be performed in accordance with agency rules in addition to the rules provided by this Ordinance.

Subd. 10. Solid Waste must be disposed of at a MPCA permitted facility or IDNR permitted facility. The County reserves the right to designate which agency approved solid waste facility solid waste produced in the County is to be disposed at through resolution by the County Board of Commissioners. A license will not be issued to those hauling to undesignated sites.

SECTION VII. SOLID WASTE DISPOSAL BY SANITARY LANDFILL

A sanitary landfill shall comply with all Agency (MN Rules Chapters 7001 and 7035) and County permit requirements, and the Jackson County Solid Waste Management Plan. The County will not issue a license to a site out of compliance. All other methods of solid waste landfills are prohibited.

See Section IV of this Ordinance for further regulations.

SECTION VIII. SOLID WASTE DISPOSAL BY INCINERATION

A solid waste incinerator shall comply with all Agency and County permit requirements and the Jackson County Solid Waste Plan. The County will not issue a permit to a site out of compliance.

See Section IV of this Ordinance for further regulations.

SECTION IX. SOLID WASTE DISPOSAL BY COMPOSTING

A solid waste composting facility shall comply with all Agency and County permit requirements and the Jackson County Solid Waste Plan. The County will not issue a permit to a site out of compliance.

See Section IV of this Ordinance for further regulations.

SECTION X. TRANSFER STATIONS

A solid waste transfer station shall comply with all Agency and County permit requirements and the Jackson County Solid Waste Plan. The County will not issue a permit to a site out of compliance.

See Section IV of this Ordinance for further regulations.

SECTION XI. DEMOLITION DEBRIS DISPOSAL

Demolition debris disposal shall comply with all Agency permit requirements, local zoning ordinance and the Jackson County Solid Waste Plan. All demolition debris disposed of in Jackson County must be disposed at an Agency permitted site. Demolition waste generated on-site by construction or demolition of structures on an individual property may be buried on-site. Placement of demolition for land improvement projects may be allowed provided a permit for that waste is obtained from the Agency. A record of on-site or land improvement burial shall be filed at the Office of the County Recorder. Permit application forms may be obtained from the Minnesota Pollution Control Agency.

SECTION XII. WASTE TIRES

Subd. 1. Chapters 7001 and 9220 of the Minnesota Waste Tire Permitting Rules are hereby incorporated by reference.

Subd. 2. No more than ten (10) waste-tires may be stored within the boundaries of any residential lot.

Subd. 3. No more than one hundred (100) waste tires may be stored on any non-residential lot except at a properly licensed solid waste facility.

Subd. 4. Exceptions to Subd. 1 and 2 may be allowed when waste tires are utilized outside the building for decorative, recreational, structural, constructual or agricultural purposes where they comply with the requirements of other applicable laws or sections of this Ordinance.

Subd. 5. Waste tires within one thousand (1000) feet of a residence shall be stored or utilized in a manner that prevents water from being retained in the tires.

Subd. 6. Waste tires shall not be placed, stored, left, or permitted to remain in a lake, stream, wetland, sinkhole, gully, waterway, floodplain, or shoreland.

Subd. 7. The owner of the land or premises upon which waste tires are located in violation of this Ordinance shall be obligated to remove them to a licensed solid waste facility, obtain the license required by the Ordinance within one (1) year of the effective date of this ordinance, or such later date approved by the Jackson County Environmental Service Officer.

Subd. 8. The disposal of waste tires in the land is prohibited after July 1, 1985. This does not prohibit the storage of unprocessed waste tires at a collection or processing facility. (115A.904)

Subd. 9. Transfer and Collection of waste tires must meet Agency rules and regulations.

SECTION XIII. SPECIAL WASTES

MAJOR APPLIANCES (WHITE GOODS)

Subd. 1. No person may place major appliances in mixed municipal solid waste or dispose of major appliances in a solid waste processing or disposal facility after July 1, 1990.

Subd. 2. Major appliances must be recycled or reused. Recycling includes:

- A. the removal of capacitors that may contain PCB's
- B. the removal of ballasts that my contain PCB's
- C. the removal of chlorofluorocarbon refrigerant gas; and
- D. the recycling or reuse of the metals.

Subd. 3. All doors, lids, hinges or latches must be removed from major appliances or provide locks to prevent access by the public.

Subd. 4. No more than two (2) discarded appliances may be stored on a residential property for more then 1 year without the written approval of the Environmental Service Officer.

Subd. 5. All major appliances shall be disposed of with an Agency approved major used appliance processor. No major appliance shall be stored, or disposed of on an unapproved facility.

HOUSEHOLD BATTERIES

Subd. 1. Household batteries may not be placed in the mixed municipal solid waste. (e.g. disposable or rechargeable dry cells commonly used as power sources for household or consumer products including, but not limited to, nickel-cadmium, alkaline, mercuric oxide, silver oxide, zinc oxide, lithium, and carbon-zinc batteries, but excluding lead acid batteries).

MOTOR VEHICLE BATTERIES

Subd. 1. No person shall place in mixed municipal solid waste any motor vehicle battery or dispose of after January 1, 1988.

Subd. 2. All batteries must be recycled.

Subd. 3. Any person who transports used lead acid batteries from a retailer must deliver the batteries to a recycling facility.

INFECTIOUS WASTE

Subd. 1. No person shall place in mixed municipal solid waste any infectious waste.

Subd. 2. All Minnesota State Statute 116.75 rules and regulations will be followed.

USED OIL

Subd. 1. A person may not place used oil in mixed municipal solid waste or place oil in or on the land, unless approved by the Agency (115A.916)

Subd. 2. Any person, firm or corporation intending to collect used oil must meet Agency regulations.

YARD WASTE

Subd. 1. A person may not place yard waste in or for collection with mixed municipal solid waste.

Subd. 2. Yard waste shall be disposed of at municipal yard waste compost sites, backyard composting or by agricultural burning.

SECTION XIV. RECYCLING FACILITY/RECYCLING COLLECTION LICENSE

Subd. 1. Recycling facilities/Recycling Collection Services shall fulfill the requirements established by this Ordinance, provide the annual reports required, be permitted, and shall be exempt from a permit fee.

Subd. 2. Vehicles operated by recyclers must meet the requirements of Section VI.

Subd. 3. No person shall operate a recycling facility nor allow, permit or cause his land to be used as a recycling facility without a valid license issued by Jackson County.

Subd. 4. To obtain a license to operate a solid waste recycling facility the individual must first complete an application available from the Jackson County Environmental Service Office and provide the following:

- A. Plans, specifications, and proposed operating procedures.
- B. Evidence that the property is properly zoned for a recycling facility and that the owner has obtained the necessary building permits.
- C. Evidence of knowledge and compliance with all State and Federal laws including necessary permits or license for operation as a recycler.
- D. Provide a list of recyclable materials accepted at said facility.

Subd. 5. Civic or non-profit organizations, school groups, service clubs or others who collect recyclable materials to support their organization will not need to obtain a license/permit, except as required by the Agency. All submittals, as required by an agency license/permit, shall be submitted to the Environmental Services Office.

Subd. 6. All recyclable materials collected as part of an recycling collection program shall not be disposed in a manner which precludes its reuse, as defined in the recycling definition in Minnesota Statute 115.03., Subd. 25a, and 25b.

Subd. 7. Recyclable materials collected and processed at part of an organized recycling collection program for municipalities, service areas and townships within Jackson County, at a minimum, shall be as outlined below:

- A. Aluminum food and beverage containers, and foil
- B. Tin food cans
- C. Glass bottles and jars (food and beverage)
- D. Plastic bottles and jugs (1-5, plus 7)
- E. Newsprint
- F. Corrugated cardboard
- G. Office paper
- H. Metal pots and pans
- I. Brass fitting and copper tubing

- J. Such other materials which may be designated by the County Board of Commissioners.

Subd. 8. All civic or non-profit organizations, school groups, service clubs, commercial/industrial establishments or others who collect and dispose of recyclable material shall to the extent possible, submit a report to the Environmental Service Office of the type and quantity of material collected. This report shall be submitted by July 15 of each year and account for all material collected and recycled from July 1 of the previous year to June 30 of the reporting year.

SECTION XV. MANDATORY SOLID WASTE COLLECTION/RECYCLABLE MATERIAL SEPARATION

Subd. 1. Municipal Collection/Service Areas: By January 1, 1993, all corporate municipalities in Jackson County shall pass an Ordinance requiring each residential unit and all commercial businesses to have solid waste collection and recyclable separation for collection.

Jackson County through resolution will form service areas. The service areas will be required to have solid waste collection at each residential unit, and require commercial business to have solid waste collection. The service area will have mandatory recycling collection, or alternative recyclable material disposal through drop-off sites. The service area will be required to have recyclable separation for collection. The service areas will be required to have environmentally safe alternative solid waste disposal practices, such as burning or burial as set by Agency rules 7005 and as allowed by 17; Department of Agriculture 17.135.

Subd. 2. Mandatory residential recycling. It shall be unlawful for any owner or occupant of a residential or multi-unit residential building within a Jackson County municipality or service area to generate and deposit for collection mixed municipal solid waste which contains any of the following recyclable materials:

- A. Aluminum food and beverage containers, and foil
- B. Tin food cans
- C. Glass food and beverage containers
- D. Plastic bottles and jugs (1-5, plus 7)
- E. Newsprint
- F. Corrugated cardboard
- G. Office paper
- H. Metal pots and pans
- I. Brass fitting and copper tubing
- J. Such other materials which may be designated by the County Board of Commissioners unless such waste is directly delivered or collected for direct delivery to a facility which has been approved by the County for separation of recyclables.

Subd. 3. Mandatory Commercial Recycling: It shall be unlawful for any owner or occupant of a commercial building within Jackson County municipality or service area to generate or deposit for collection mixed municipal solid waste which contains any of the following recyclable materials:

- A. Aluminum food and beverage containers, and foil
- B. Tin food cans
- C. Glass food and beverage containers
- D. Plastic bottles and jugs (1-5, plus 7)
- E. Newsprint
- F. Corrugated cardboard
- G. Office paper

- H. Metal pots and pans
- I. Brass fitting and copper tubing

Such other materials which may be designated by the County Board of Commissioners unless such waste is directly delivered or collected for direct delivery to a facility which has been approved by the County for separation of recyclables.

Subd. 4. Haulers: A collector or hauler shall refuse to knowingly accept for collection any mixed municipal solid waste within a Jackson County Municipality or service area which contains:

- A. Any yard waste
- B. Any materials which has been designated by the County Board of Commissioners as subject to mandatory recycling, pursuant to this Section.
- C. Household hazardous wastes. All household hazardous wastes shall be disposed of through the Lyon County Regional Household Hazardous Waste Facility.
- D. Dry cell batteries containing mercury, silver, or nickel-cadmium, or sealed lead acid batteries.
- E. Lead acid batteries (vehicle batteries)
- F. Used oil
- G. Waste tires
- H. Plastic grocery bags or trash bags

Subd. 5. Anti-Scavenging Clause: Ownership of the designated recyclable materials set out for curbside collection or deposited at the drop off sites shall be vested in the collector and transporter of recyclable materials designated by the County Board of Commissioners, or by contract through the municipalities. It shall be unlawful and an offense against this Section for any person, firm, or corporation other than the owner, lessee, or occupant of a residential dwelling to pick up said materials for his or her own use.

Subd. 6. Municipalities, Service Areas or Townships within Jackson County that contract with refuse hauler(s)/recyclable collector must contract only with a refuse hauler/recyclable collector who is licensed by Jackson County. A recycling collector(s)/facility(ies) contracted by a municipality or township for collection or processing of recyclable material must accept, at a minimum, recyclables as stated in Section XIV, Subd. 7 of this Ordinance. Contracts must also be consistent with the provision of this subsection.

SECTION XVI. PERMITS AND LICENSE FOR SOLID WASTE COLLECTION AND TRANSPORTATION

All commercial haulers must obtain an annual license. Any firm, corporation or business collecting and hauling its own waste must obtain an annual license. Each vehicle used by Commercial haulers to haul solid waste or any vehicle owned by a firm, corporation or business used to collect and haul its own waste shall be operated only after a Commercial haulers Vehicle Permit has been initially issued by the County Board as provided herein. However, any firm, corporation or business may apply to the Environmental Service Office for an exemption from the above requirements. Exemptions may be granted upon a showing of: 1) the nature of the material being hauled; 2) the frequency of the hauling of the material; and 3) the amount of material to be hauled.

Subd. 1. No licensee or any contractor operating under contract or agreement with the licensee shall commence operations until he/she has obtained at his/her own cost and expense all insurance required herein. All insurance coverage is subject to approval of the County board of Commissioners and shall be maintained by the licensee for the term of the license period. All insurance shall be on occurrence basis form only. A certificate of insurance issued by a company duly licensed to operate within the State of Minnesota.

- A. The licensee shall obtain and maintain for the duration of this license statutory Worker's Compensation Insurance and Employer's Liability Insurance as required under the laws of the State of Minnesota.
 - a. State: Minnesota – Statutory
 - b. Employer's Liability
 - c. Benefits required by Union labor contracts: as applicable.

- B. Comprehensive General Liability (including Premises-Operations; independent Contractor's Protective; Productors and Completed Operations; Broad Form Property Damage). The licensee shall obtain the following minimum insurance coverage and maintain it at all times throughout the life of the license.
 - a. Personal Injury; an amount not less than \$500,000 and aggregate limits of not less than \$1,000,000.
 - b. Property damage liability insurance; an amount not less than \$1,000,000 per occurrence and in the unencumbered aggregate amount of at least \$1,000,000 and shall include coverages for the following hazards:
 - i. X (Explosion)
 - ii. C (Collapse)
 - iii. U (Underground)

- C. A Comprehensive Automobile Liability (owned, non-owned, hired). Bodily Injury and Property Damage (combined limit) amount not less than \$500,000 on any person and aggregate limits of not less than \$1,000,000 for injuries or deaths arising out of any one occurrence.

- D. Insurance certification evidencing that the above insurance is in force with companies acceptable to the County Board of Commissioners and in amounts required shall be submitted to the Environmental Services Officer for examination with which they shall be filed with the permit at the Environmental Services Office. The insurance certificates shall specifically provide that a certificate will not be modified except upon thirty (30) days prior written notice to the environmental Service Officer. Neither the County Board of Commissioner's failure to require or insist upon certificates or other evidence of insurance, nor the County Board of Commissioner's acceptance of the certificate or other evidence of insurance showing a variance from the specified coverage changes the licensees responsibility to comply with the insurance specifications.
- E. The terms used in Subd. 1 to specify the required insurance are to be interpreted according to the ordinary usage of the insurance industry.

Subd. 2. Persons intending to engage in the business of being a Commercial Hauler for hire and any firm, corporation or business, except as exempted collecting and hauling its own waste must file an application with the County Board of Commissioners for initial issuance of a license and vehicle permits, using forms provided by the Environmental Services Office. Such application to the County Board of Commissioners and subsequent annual renewals to the County Board shall contain the following information.

- A. The name and address of the applicant.
- B. A description of each vehicle to be used for solid waste collection, including the vehicle identification, make, model, the capacity of the body or the capacity and number of rollofs.
- C. The date of the last State of Minnesota safety inspection of the vehicle.
- D. The location and address describing the place where the applicant is storing his equipment/vehicle.
- E. Current copy of certificate of insurance, indicating proper insurance coverage for the period of the license, including the name of the insurance carrier, its agent, policy number, and effective dates.
- F. Map of the area of each City, Township and County served.
- G. The type and number of locations served and the estimated weekly weight or volume of solid waste collected.
- H. A copy of approvals if required by the governing body of any municipality to be served, or
- I. A statement by the applicant that shows that he/she:
 - a. Utilizes County designated routes;
 - b. That vehicle operators possess proper Minnesota drivers license
- J. Other information the County may reasonably require, including applicants signature, and appropriate fees for the license and permit(s).

Subd. 3. All vehicles used for collecting and transporting solid waste shall be inspected annually by the Minnesota Department of Transportation and the vehicle shall not be permitted or operated unless it has a current safety sticker affixed by the Minnesota Department of Transportation. Each vehicle, its body or rolloff, may be inspected by the County at least annually to determine compliance with this Ordinance.

Subd. 4. Collectors of solid waste from residential customers must by January 1, 1993, charge for collection on the basis of the volume or weight of waste collected. For single family customers, the collector must offer a minimum 1 can or bag rate. The can, or bag, shall be no larger than 30 gallons in accordance with Minnesota Statute 115A.93.

Subd. 5. License required. No person may collect mixed municipal solid waste for hire without a license from Jackson County where the mixed municipal solid waste is collected. No firm, corporation, or business, except as exempted may collect and haul its own waste without a license from Jackson County.

Subd. 6. The solid waste collection service for hire, and any firm, corporation, or business, except as exempted collecting its own solid waste will provide annually to the Jackson County Environmental Services Officer a report of the following:

- A. Quantities hauled for recyclables and solid waste; (quantities will be reported in cubic yards or tonnages. Recyclables will be reported in cubic yards or tonnages separated by type (e.g.) newsprint, paper, plastic, ferrous and nonferrous metals, glass corrugated, white goods, etc.)
- B. The site where the load(s) of solid waste was disposed;

Omission of the annual report shall be grounds for the termination of the license or denial of license renewal.

Subd. 7. The Solid Waste Officer shall determine that the solid waste transportation vehicles used are properly constructed to be in compliance with the intentions of this Ordinance.

Subd. 8. All permits expire when the vehicle ownership is transferred or on the 31st day of December following issuance. Each permit issued shall be maintained in or on the vehicle and displayed as required by the County. Any such permit may be suspended or revoked by the County Board of Commissioners for good cause.

Subd. 9. The Solid Waste collection service will indemnify, defend and save harmless the Commission, the County, their agents, elected officials and employees from all claims, damages, losses, liabilities, omission on the part of the hauler or its contractors, agents, servants or employees in the performance of or in relation to any of the work or services to be performed or furnished by the hauler under the terms of this Contract.

SECTION XVII. LICENSE FEES

Subd. 1. Approval of an application to the County Board of Commissioners 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 specified by the County Board of Commissioners. Such license fees are hereby found to be equal to the cost to the county of processing the license applications and administering and enforcing this Ordinance with respect to said license including periodic inspections.

Subd. 2. The fees prescribed shall be paid by a license applicant with respect to each facility maintained by him/her. All license fees shall be paid annually as a condition for license renewal. Nonpayment of the annual solid waste license fee shall be grounds for denial to issuance of licenses.

Subd. 3. The fees prescribed by the County Board of Commissioners shall be paid by a license applicant with respect to each vehicle collecting and transporting solid waste. All license fees shall be paid annually as a condition for license renewal. Such license fees are hereby found to be equal to the cost to the County of processing the license applications and administering and enforcing this Ordinance with respect to said license including periodic inspections. Nonpayment of the annual solid waste collection and transportation license fee shall be grounds for denial for issuance of licenses.

SECTION XVIII. RATES AND CHARGES FOR SOLID WASTE MANAGEMENT
WHEN PROVIDED BY THE COUNTY

Subd. 1. This subdivision is enacted pursuant to Minnesota Statute 400.08 which grants Jackson County the authority to impose reasonable charges for solid waste management and disposal. The purpose of this section is to establish a method of collection for such charges. Owners, lessees, and occupants of property situated within Jackson County shall pay for solid waste management services to their properties provided by the County or through its contractor, according to a schedule of charges approved from time to time by resolution of the Board of Commissioners.

- A. Landfill fees are determined annually by Sanifill Inc., owner/operator of the Dickinson County Sanitary Landfill, and as per contract agreed upon by the County Board of Commissioners.
- B. Service fees may be established by the County Board of Commissioners by resolution for solid waste management services provided to the various parcels of land in the County, and such charges may result in an assessment levy payable with real estate taxes. All rates 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 will remain in effect. In establishing or revising the rate schedule, the 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, method of deposition, the number of people served at each place of collection, and all other factors that enter into the cost of providing the service including, but not limited to, public education, recycling programs, solid waste management facilities operating and debt.
- C. Surcharges can be determined by the County Board of Commissioners by resolution. Solid Waste collection services hauling within Jackson County, shall pay a surcharge fee based on total cubic yards/tonnage of solid waste collected in Jackson County.
- D. All service fees and surcharges may be billed by the County pursuant to resolution by the County Board of Commissioners.

Subd. 2. Users of facilities. Users of solid waste management facilities provided by the county, (or the solid waste management facility that is designated by resolution by the County Board of Commissioners) by and through its contractor or by facilities licensed in the County or by those who collect solid waste from sites, premises, owners, lessees, or occupants of property situated within or outside the County shall pay charges for the use of said facilities according to resolutions established by the County Board of Commissioners; and, the fee rates will be according to the definition of this Ordinance for "Multi-county mixed waste," and, for

solid waste generated within the County. Established tipping fees are adopted in resolution by the County Board of Commissioners and kept on file in the office of the County Auditor. All fees charged for solid waste disposal shall be paid on a monthly basis according to the billing schedule at the facility.

Subd. 3. Service Area. This section is enacted pursuant to Minnesota Statute 400.08 which grants Jackson County the authority to establish and determine the boundaries of the solid waste management areas in the County. The boundaries of the County shall constitute the boundaries of the solid waste management service area.

Subd. 4. Solid Waste Fund for operations provided by the County. A special account on the official books of the County is hereby created which shall be known as the Solid Waste Fund. Monies collected pursuant to this Ordinance and all receipts from the sale of real or personal property pertaining to solid waste management systems and the proceeds of all gifts, loans, and issuance of bonds for the purpose of the system shall be credited to the Solid Waste Fund. All costs of acquisition, construction, enlargement, improvement, repair, supervision, control, maintenance, post closure care and maintenance and operations of the solid waste management system, and facilities which are owned and operated by the County, but not those owned and operated by its licensee or contractor, shall be charged to the Solid Waste Fund.

SECTION XIX. LITTER

Subd. 1. A person who unlawfully places any portion of solid waste in or on public or private lands, shorelands, roadways, or waters is subject to a civil penalty.

Subd. 2. A State, political subdivision or private person that incurs costs as described in Minnesota State Statute 115A.99 may bring an action to recover the civil penalty, related legal, administrative, and court costs, and damages for injury to or pollution of the lands, shorelands, roadways, or waters where the waste was placed if owned or managed by the entity bringing the action.

SECTION XX. ENFORCEMENT AND INSPECTIONS

Subd. 1. Inspection and evaluation of waste facilities shall be made by the Environmental Services Office or Agency in such frequency as to insure consistent compliance by the facilities with the provisions of this Ordinance. Each licensee shall be provided with written and documented notice of any deficiencies, recommendations for their correction and the date when the corrections shall be accomplished. Each licensee shall be required to allow free access to authorized representatives of the Solid Waste Department, County Board, Agency, or to authorized representative of any other governmental agency at any time for the purpose of making such inspections as may be necessary to determine compliance with the requirements of this Ordinance, or any other applicable statute, Ordinance or regulation.

Subd. 2. The County shall have the right to inspect private property to determine if a waste facility is in accordance with the provisions of this Ordinance.

Subd. 3. Where the conditions imposed by any provisions 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, rules and regulation, the provision which establishes the higher standards for the promotion and protection of the public health, safety and general welfare shall prevail.

Subd. 4. The Environmental Services Office shall be responsible for the administration and enforcement of this Ordinance.

SECTION XXI. VIOLATIONS AND PENALTIES

Subd. 1. Misdemeanor. Any person who shall violate 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 Law. A separate offense shall be deemed committed upon each separate day during or on which a violation occurs or continues. The county is responsible for the enforcement of this Ordinance.

Subd. 2. Equitable Relief. In the event of a violation or a threat of violation of this Ordinance, the Jackson County Attorney may take appropriate action to enforce this Ordinance, including but not limited to, application for injunctive relief, action to compel performance or other appropriate action in District Court, if necessary, to prevent, restrain, correct, or abate such violations or threatened violations.

Subd. 3. Costs as Special Assessment. If a licensee, owner, or operator of a waste facility fails to comply with the regulations in this Ordinance, Jackson County may take the necessary steps to correct such violations or terminate the facility and the costs thereof may be recovered in a civil action or may be certified, at the discretion of the County Board of Commissioners, to the Jackson County Auditor as a special assessment against real property.

Subd. 4. Suspension of License. Any license issued pursuant to this Ordinance may be suspended for not longer than sixty (60) days by the County Board of Commissioners for violation of any provision of this Ordinance. Suspension shall not occur earlier than ten (10) calendar days after written notice of suspension has been personally served on the licensee by certified mail with return receipt. Such written notice shall contain the effective date of suspension, the nature of the violation or violations constituting the bases for the suspension, the facts which support the conclusion that a violation or violations have occurred and a statement that the licensee is entitled to a hearing provided that he request such hearing in writing by serving said request personally on the Board within ten (10) calendar days, of service of such notice, exclusive of the day of service. If the licensee fails to request a hearing within the time prescribed, he/she shall forfeit any right to a public hearing. Following receipt of a request for a hearing, the County Board of Commissioners shall set a hearing date which will be set at a time convenient for the Board. The hearing shall be conducted pursuant to the procedures established in Section XII, Subd. 6, titled "hearing" of this Section. If the suspension is upheld and the operator has not demonstrated within the sixty (60) day period that full compliance with the Ordinance has been attained and that such compliance will be continued, the County Board of Commissioners may serve Notice of Suspension once again or initiate the revocation procedures in Section XXI., Subd. 5.

Subd. 5. Revocation of License. Any license issued pursuant to this Ordinance may be revoked by the County Board of Commissioners for violation of any provision of this Ordinance. Revocation shall not occur earlier than ten (10) calendar days after written notice of revocation has been personally served on the licensee, or, if a hearing is requested, until the written decision of the Board has been served on the licensee by registered mail. Such written notice shall contain the effective date of the revocation, the nature of the violation or violations constituting the basis for revocations, the facts which support the conclusions that the violation

or violations have occurred, and a statement that the licensee is entitled to a hearing provided that he request such hearing in writing by personally serving said request to the Board of Commissioners within (10) calendar days, of service of such notice, exclusive of the day of service. If the licensee fails to request a hearing within the time prescribed, he/she shall forfeit any right to a public hearing. Upon receipt of a written request for a hearing, the County Board of Commissioners shall set a hearing not earlier then ten (10) days and not later then thirty (30) days from the date of receipt of the request.

Subd. 6. Hearings. Whenever a hearing is requested in regard to an application, renewal, suspension or revocations of a license, the hearing shall be governed by the following procedures:

- A. Hearing Officer: The Jackson County Board of Commissioners shall have the power to conduct public hearings pursuant to this Section. By resolution, the County Board of Commissioners may appoint a Hearing Officer to assist the County Board. If the individual conducts hearings on behalf of the County Board he/she shall submit to the County Board of Commissioners, in writing, Findings of Fact, Conclusions of Law and recommendations, and the County Board of Commissioners may base its decision on this report.
- B. Notice of Decision: The County Board of Commissioners shall notify the applicant or licensee in writing as to its decision within five (5) working days after a decision is reached.
- C. Procedures: All hearings shall be conducted in the following manner:
 - a. The court reporter shall record and transcribe, if necessary, a record of the hearing.
 - b. All testimony shall be sworn under oath.
 - c. The rules of evidence shall be informal. All relevant evidence, subject to the County Board of Commissioner's or hearing officer's discretion may be reviewed.
 - d. The county shall present evidence first.
 - e. The applicant or licensee, or his counsel, if represented, may cross-examine all witnesses testifying in the proceedings.
 - f. The attorney for the County Board of Commissioners may cross-examine all witnesses testifying in the proceedings.
 - g. The decision of the County Board of Commissioners shall be based on the evidence presented at the hearing before the County Board or on the Findings of Act, Conclusion of Law and Recommendations of the hearing officer.
 - h. If the applicant or licensee fails to appear at the hearing, he shall forfeit any right to a public hearing before the County Board of Commissioners or hearing officer.
 - i. Any applicant or licensee aggrieved by a decision of the County Board of Commissioners shall have the right to appeal to the District Court in

the County of Jackson on questions of law and fact within thirty (30) days of the date of the decision.

Subd. 7. Removal of Suspension: In the case of a suspension, upon written notification from the licensee that all violations for which the suspension was invoked have been corrected, the Environmental Services Office shall re-inspect the site, facility, or solid waste collection service within five (5) working days after receipt of the notice for the licensee. If the Environmental Services Office finds on such re-inspection that the violations constituting the grounds for suspension have been corrected, the Environmental Services Office shall immediately terminate the suspension by written notice to the licensee and the County Board.

SECTOIN XXII. 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.

A variance may be granted by the Board of Commissioners after a public hearing where the 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 of the applicant and after public hearing. A variance may be revoked by the Board at the public hearing prior to expiration of the variance. An application for a variance shall be accompanied by a plan and time schedule for achieving compliance with the Ordinance. Prior to any public hearing held by the 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.

SECTION XXIII. NONCONFORMING SITES AND FACILITIES AND COLLECTION OF SOLID WASTE

Solid Waste management facilities, and any firm, corporation, or business collecting its own solid waste in existence on the effective date of this Ordinance and operation of such facilities shall conform to the provision of this Ordinance no later than 60 days after the adoption of the Ordinance, or terminate operations no later than the date, unless granted a variance.

Solid waste collection services for hire in existence on the effective date of this Ordinance shall conform to the provisions of this Ordinance no later than January 1, 1993, unless granted a variance.

SECTION XXIV. 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 XXV. SEVERABILITY

It is hereby declared to be the intention of the County Board of Commissioners that 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, operation or solid waste collection service, such judgment shall not affect the application of said provision to any other structure, site, facility, operation or solid waste collection service, not specifically included in said judgment.

SECTION XXVI. PROVISIONS ARE ACCUMULATIVE

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

SECTION XXVII. 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 XXVIII. OTHER ORDINANCES AND REGULATIONS

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

SECTION XXIX. EFFECTIVE DATE

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

PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF JACKSON COUNTY
THIS 10th DAY OF February, 1992.

Rossman Pahlman
Chairman, Board of Commissioners

Attest:

Robert L. Green
County Auditor

Approved as to Form and Execution:

Mark Steffen
County Attorney

RESOLUTION
TO APPROVE AND ADOPT THE
JACKSON COUNTY SOLID WASTE MANAGEMENT ORDINANCE

WHEREAS, Jackson County recognizes the need to protect the public's health, prevent public nuisances, and prevent contamination of the groundwater and other environments from solid waste through control of number, location and operation of such facilities; and

WHEREAS, to assure all individuals are informed and responsible for their actions regarding solid waste that may affect the environment and the community now and in the future; and

WHEREAS, to support activities that will promote use and reuse of materials found in solid waste that would otherwise be disposed in ways that would not recapture the useful characteristics of its components;

WHEREAS, The County Board of Commissioners of the County of Jackson under the authority provided in Chapter 115, 115A, 116, 145.22, 145.23, 375, 400, 561.01 and 609.74 of the Minnesota State Statutes and applicable rules authorizing and providing for County Solid Waste Management, does ordain;

NOW THEREFORE, BE IT RESOLVED, Jackson County Board of Commissioners hereby approves and adopts the Jackson County Solid Waste Ordinance.

BE IT FURTHER RESOLVED, Jackson County will maintain, implement and enforce this Ordinance by following Minnesota State Statutes and Rules.

Adopted this 10 day of February, 1992, by
Jackson County Board of Commissioners.


Jackson County Board of Commissioner Chairman,
Norman Pohlman

Attest by: 
Jackson County Auditor, Luther F. Glaser

JACKSON COUNTY COMMERCIAL RECYCLING RESOLUTION

WHEREAS, the 1989 Minnesota legislation mandated a statewide waste reduction and recycling program effective October 4, 1989; and

WHEREAS, Minnesota Statutes Chapter 400.09 authorizes Jackson County to impose reasonable charges for solid waste management and disposal; and

WHEREAS, it is in the opinion of the County Board that all owners or occupants of commercial buildings within Jackson County which have the potential to generate solid waste be mandated to participate in recycling. Commercial/Industrial property is described as: Property utilized for any occupation, employment or enterprise wherein merchandise is exhibited or sold, or where services are offered for compensation during normal business hours. This includes non-farm business (not meeting the definition of farm in the Jackson County Development Code), public buildings, churches, other property exempt from real estate taxes; and

WHEREAS, it shall be unlawful for any owner or occupant of a commercial building within Jackson County to generate or deposit for collection mixed municipal solid waste which contains any of the county designated recyclable material.

NOW THEREFORE BE IT RESOLVED, that the Jackson County Board of Commissioners hereby determined that Commercial Recycling be implemented in Jackson County beginning January 1, 1993; and

BE IT FURTHER RESOLVED, that each municipality within Jackson County shall be established as a separate service area subject to all the requirements of the Jackson County Solid Waste Ordinance.

BE IT FURTHER RESOLVED, that a \$3 per month (\$36 per year) Recycling Processing Assessment be placed on all commercial property through the avenue of placing on property taxes, with the exception of: empty commercial lots; radio or T.V. towers, water towers, utility substations, warehouse or storage buildings, or those exempted by the County Board of Commissioners. Recycling processing assessment fees will be remitted to the licensed or contracted recycling center which is processing the commercial recycling.

BE IT FURTHER RESOLVED, that all County licensed garbage haulers shall charge for the collection of recyclable material on their monthly garbage bill a minimum of \$8 per month/collection site or 15% of garbage rate. Recycling collection monies will be turned over to the County by a date set by the County Board. Jackson County will remit this collected money to those haulers doing the collecting and hauling of recyclable materials to a Jackson County licensed or contracted recycling center.

BE IT FURTHER RESOLVED, that commercial recycling will require all corrugated cardboard to be broken down and office paper be placed in clear plastic bags. The County will make available the designated 30 gallon yellow recycling containers for half the cost to commercial businesses.

BE IT FURTHER RESOLVED, that this Resolution supersedes the existing Jackson County Commercial Recycling Resolution passed October 26, 1998 and the Jackson County Commercial Recycling Resolution passed November 23, 1992.

BE IT FURTHER RESOLVED, that the County will review commercial recycling annually.

Passed this 28th day of December, 1998



Edward G. Yonker
Chairman, Jackson County
Board of Commissioners

ATTEST: Janice Hendrickson
Janice Hendrickson
Coordinator, Jackson County