



MORRISON COUNTY
SOLID WASTE
ORDINANCE

December 31, 2002

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MORRISON COUNTY SOLID WASTE ORDINANCE

AN ORDINANCE AUTHORIZING AND PROVIDING FOR COUNTY SOLID WASTE MANAGEMENT IN MORRISON COUNTY, MINNESOTA AND REPEALING MORRISON COUNTY SOLID WASTE ORDINANCE.

THE COUNTY BOARD OF MORRISON COUNTY ORDAINS:

SECTION 1. STATUTORY AUTHORIZATION AND PURPOSE

- 1.1 Statutory Authorization. This Ordinance is adopted pursuant to Minnesota Statutes, Section 375.51; Minnesota Statutes, Section 375.18; Minnesota Statutes, Chapter 115A; Minnesota Statutes, Chapter 116 Minnesota Statutes, Sections 145A.01 through 145.07; Minnesota Statutes, Chapter 400; or successor statutes.
- 1.2 Purpose. The purpose of this Ordinance is to promote and protect the health, welfare, and safety of the public and protect Morrison County's water, land and air resources by establishing standards for and regulating solid waste management operations within the County. This Ordinance will also establish authority for a Morrison County Solid Waste Service Fee to fund qualifying environmental programs.

SECTION 2. DEFINITIONS

Words or phrases used in this Ordinance shall be interpreted in a manner consistent with Minnesota Statutes or Rules that have been or hereafter may be adopted. Words or phrases not specifically defined in this Ordinance, Minnesota Laws, or Rules shall be interpreted so as to give them the same meaning as in common usage.

- 2.1 "Agency" means the Minnesota Pollution Control Agency.
- 2.2 "Board" means the Morrison County Board of Commissioners.
- 2.3 "County" means any department or representative of Morrison County authorized by the Ordinance or otherwise by the Morrison County Board of Commissioners to represent the County of Morrison in the enforcement or administration of this Ordinance.
- 2.4 "Cover Material" means granular material, generally soil, which is used to cover compacted Solid Waste in a Solid Waste Landfill, is generally free of large objects that would hinder compaction, and is free of organic content that would be conducive to vector harborage, feeding or breeding.
- 2.5 "Demolition Debris" means inert material including earthen fill, boulders, rock and other materials commonly used in the construction of buildings; this does not include Solid Waste, Industrial Solid Waste, Recyclable Materials, asbestos, ash or other Hazardous or Toxic materials.
- 2.6 "Demolition Facility Type I" A Demolition Debris disposal facility which is designed to hold, and does hold less than 500 cubic yards of Demolition Debris.
- 2.7 "Demolition Facility Type II" A Demolition Debris disposal facility which is designed to hold, or does hold 500 or more cubic yards of Demolition Debris.

2.8 "Director" means the Morrison County Director of Public Works.

2.9 "Dispose" means the delivery, deposit or dumping of Solid Waste.

2.10 "Final Disposal" means the terminal disposal of Solid Waste at a Solid Waste Landfill.

2.11 "Generate" means the act or process of producing Solid Waste, including the production or aggregation of waste occurring at an Intermediate Disposal Facility.

2.12 "Generator" means any person who generates Solid Waste.

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

2.14 "Illegal Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any Solid Waste into or on any land or water at any place other than a permitted Solid Waste disposal facility and in a manner which allows the waste or any constituent thereof to enter the environment or be emitted into the air, or discharged into any waters, including ground water.

2.15 "Incineration" means the process by which Solid Wastes are burned for the purpose of volume and weight reduction in facilities designed for such use prior to Final Disposal.

2.16 "Industrial Solid Waste" means Solid Waste resulting from an industrial, manufacturing, service or commercial activity.

2.17 "Intermediate Disposal Facility" means a Solid Waste Management Facility for the reduction or processing of Solid Waste prior to Final Disposal.

2.18 "Mixed Municipal Solid Waste (MSW)" means Garbage, Rubbish, Refuse, and other Solid Waste from residential, commercial, industrial, and community activities that the Generator of the waste aggregates for collection. MSW does not include auto hulks, street sweepings, ash, construction debris, mining waste, sludges, tree and agricultural wastes, tires, lead acid batteries, motor and vehicle fluids and filters, and other materials collected, processed, and disposed of as separate waste streams, and source-separated compostable materials.

2.19 "Operation" means any site, facility, or activity related to the business of Solid Waste Management.

2.20 "Party" means the owner of any premises, business establishment or industry.

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

2.22 "Putrescible Material" means Solid Waste that is capable of becoming rotten or which may reach a foul state of decay or decomposition.

2.23 "Recyclables" or "Recyclable Material" means materials that are separated from 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.

2.24 "Recycling Facility" means a facility at which materials are prepared for reuse in their original form or for use in manufacturing processes that do not cause the destruction of the materials in a manner that precludes further use.

2.25 "Recycling Hauler" means any person in the business of the collection and transportation of Recyclable Material.

2.26 "Refuse" means Putrescible and non-Putrescible Solid Wastes, including Garbage, Rubbish, ashes, incinerator ash, incinerator residue, street cleanings, market and Industrial Solid Wastes, and sewage treatment wastes which are in a dry form.

2.27 "Rubbish" means non-Putrescible Solid Wastes, including ashes, consisting of both combustible and non-combustible wastes, such as paper, cardboard, tin cans, yard clippings, glass, bedding, crockery, or litter of any kind.

2.28 "Self Hauler" means a Person who hauls Solid Waste generated by that Person to a Solid Waste Management Facility in a personal or company vehicle for which a license for Solid Waste collection and transportation is not required.

2.29 "Solid Waste" means Garbage, Refuse, Rubbish, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded waste materials and sludges, in solid, semi-solid, liquid, or contained gaseous form, resulting from residential, industrial, commercial, mining, and agricultural operations, and from community activities, but does not include Hazardous Waste, wood chips, 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.

2.30 "Solid Waste Facility Licensee" means any person who has been issued a license by the County Board for Solid Waste Management purposes pursuant to this Ordinance.

2.31 "Solid Waste Hauler" means any person in the business of the collection and transportation of Solid Waste.

2.32 "Solid Waste Hauler Licensee" means a person who has been issued a license by the Director for Solid Waste collection and transportation pursuant to this Ordinance.

2.33 "Solid Waste Landfill" means an area of land, which is or could be used for the Final Disposal of Solid Waste.

2.34 “Solid Waste Management” means the Storage, collection and removal of Solid Waste from public and private property, its transportation to Recycling, Intermediate or Final Disposal Facilities and its Disposal by approved methods.

2.35 “Solid Waste Management Facility” means a facility for the collection, transportation, processing, conversion, or Disposal of Solid Waste.

2.36 “Solid Waste Management Plan” means the Solid Waste Management Plan for Morrison County, Minnesota as amended or replaced from time to time.

2.37 “Solid Waste Service Fee” means charges for services provided by the County or by others under contract with the County related to recycling, household hazardous waste, facility/hauler licensure, and other County solid waste programs.

2.38 “Toxic or Hazardous Waste” means a substance, whether in liquid, gaseous, or solid form, which when collected, stored, transported or disposed of, may be acutely toxic to humans, animals or plant life, or be directly damaging to property including, but not limited to, pesticides, acids, caustics, pathological wastes, radioactive materials, flammable or explosive materials, and similar noxious substances, which require special handling.

2.39 “Transfer Station” means a Solid Waste Management Facility in which Solid Waste collected from any source is temporarily deposited to await transportation to another recycling, intermediate or Final Disposal facility.

2.40 “Working Face” means that portion of the Solid Waste Landfill or Type II Demolition Facility where Solid Waste or Demolition Debris is discharged and is spread and compacted prior to the placement of cover material.

SECTION 3. GENERAL PROVISIONS – SOLID WASTE MANAGEMENT

3.1 No landowner or other Person shall cause, permit or allow their land or property, public or private, to be used for disposal of any Solid Waste except at an Operation that meets the following requirements:

- a) the Operation is licensed by the Morrison County Board of Commissioners,
- b) the Operation is in full compliance with Federal Law, State Statutes and Rules and this Ordinance, and
- c) the Operation conforms to the Morrison County Solid Waste Management Plan

3.2 No landowner or other Person shall cause, permit or allow open burning of Solid Waste or Demolition Debris unless otherwise allowed by State Statutes or Rules.

3.3 No landowner or other Person shall cause, permit or allow their land to be used for burial of Solid Waste or Demolition Debris except in a facility licensed by the Morrison County Board of Commissioners pursuant to this Ordinance unless otherwise allowed by State Statutes or Rules.

SECTION 4. SOLID WASTE ORDINANCE ADMINISTRATION

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

- 4.1 To review and consider all license applications and supporting materials for regulated Solid Waste activities within the County and after consideration, to recommend in writing with supporting documentation, to the Morrison County Board that a license may be granted or denied.
- 4.2 To inspect Operations to determine compliance with this Ordinance and to investigate complaints about violations of this Ordinance.
- 4.3 To recommend to the Morrison County Attorney that legal proceedings be initiated to compel compliance with the provisions of this Ordinance.
- 4.4 To encourage and conduct studies, investigations and research relating to all aspects of Solid Waste Management.
- 4.5 To advise, consult and cooperate with the public and other governmental agencies in furtherance of the purpose of this Ordinance.

SECTION 5. SOLID WASTE STORAGE

- 5.1 No Landowner shall store or allow Solid Waste to be stored on his or her property except in compliance with this Ordinance.
- 5.2 Putrescible Waste, including but not limited to Garbage shall be stored in,
 - a) 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
 - b) other types of containers that comply with Agency rules.
- 5.3 All other Solid Waste shall be stored in durable, water-tight, rodent proof containers.
- 5.4 Where Putrescible Wastes are stored in combination with non-Putrescible Wastes, all containers used for the storage of the mixture shall meet requirements for Putrescible Waste containers.
- 5.5 Solid Waste shall:
 - a) not be stored for more than thirty (30) days,
 - b) be stored in a nuisance free and pollution free manner,
 - c) be stored for recycling in an acceptable manner that avoids risk to public safety and otherwise complies with this Ordinance,
 - d) be stored and managed in compliance with all applicable State and Federal Laws if they are Toxic or Hazardous Wastes, and
 - e) be stored in a manner which is pollution-free, nuisance-free and that avoids risk to public safety and health when Solid Waste objects or materials are too large or otherwise unsuitable for storage containers

SECTION 6. COLLECTION AND TRANSPORTATION OF SOLID WASTE

- 6.1 No Person shall collect, transport or Dispose of Solid Waste generated in the County, except in compliance with this Ordinance and the Morrison County Solid Waste Management Plan.
- 6.2 This Section does not restrict or prevent:
 - a) the transportation through this County of Solid Waste that is not generated in the County, or
 - b) the transportation and Disposal and/or Final Disposal outside of the State of Minnesota of Solid Waste generated within Morrison County.
- 6.3 No Person shall collect, transport, or Dispose and /or Final Dispose of Solid Waste generated or accumulated in Morrison County at any location other than:
 - a) the Morrison County Solid Waste Management Facility, Permit Number SW-15, or
 - b) a Disposal or Final Disposal facility outside the State of Minnesota.
- 6.4 No Person shall use a vehicle or container for the collection or transportation of Solid Waste or Demolition Debris unless the vehicle:
 - a) is covered with metal, canvas, or a fish net type of material made for this purpose,
 - b) is leak proof, durable and easily cleanable,
 - c) is regularly cleaned to prevent nuisances, pollution or insect breeding,
 - d) is maintained in good repair, and
 - e) is loaded and moved in such a manner that the contents will not fall, leak, spill or blow therefrom.
- 6.5 A Solid Waste Hauler doing business in Morrison County must:
 - a) be licensed as a Solid Waste Hauler by Morrison County,
 - b) certify that he/she is managing Solid Waste in compliance with the Ordinance and the Morrison County Solid Waste Management Plan,
 - c) certify that billing for Solid Waste Hauler services is based on volume,
 - d) certify that recycling is offered or otherwise available to the hauler's customers,
 - e) provide annual data on the materials, volumes and types of recycled items hauled,
 - f) provide documentation that all vehicles used for Solid Waste collection, transportation, and Disposal have been State certified or are exempt from such certification,
 - g) disclose all locations for Disposal and/or Final Disposal of Solid Waste,
 - h) pay all Solid Waste Service Fees in compliance with this Ordinance either in cash or on a monthly basis by arrangement with the Morrison County Public Works Department,
 - i) provide proof of insurance in amounts set by resolution of the Morrison County Board, and
 - j) complete and comply with all requirements of the State's Waste Haulers Exemption Certificate, Form SWMT-10.
- 6.6 No Solid Waste Hauler may operate a vehicle or conveyance in the business of collection and transportation of Solid Waste unless:
 - a) a decal issued by the Department for each licensed vehicle is displayed in a conspicuous place on the right passenger door of the cab,
 - b) all decals, labeling and license plates are readily visible and legible at all times.

- 6.7 If a Solid Waste Hauler finds it necessary to use a vehicle other than the vehicles identified in its original or amended license application, the hauler must notify the Department by telephone or by writing on the first business day after the vehicle is put into use.
- 6.8 A Solid Waste Hauler shall:
 - a) clean up any Solid Waste dumped in an emergency,
 - b) clean up any litter or Solid Waste discharged onto roadways or ditches during transit
- 6.9 If the Solid Waste Hauler fails to clean up Solid Waste dumped in an emergency or discharged onto roadways or ditches, the County may clean up the discharge and charge such Solid Waste Hauler the entire cost of the removal and Disposal of the Solid Waste.
- 6.10 No Person shall dump Solid Waste on the Working Face of a Solid Waste Landfill within Morrison County unless the Person has complied with the Morrison County Solid Waste Management Facility policies regarding Working Face deliveries.

SECTION 7. COLLECTION AND TRANSPORTATION OF RECYCLABLES

- 7.1 No Person shall be engaged in the business of collecting and transporting recyclable material in Morrison County except in compliance with this Ordinance.
- 7.2 A Recycling Hauler doing business in Morrison County shall:
 - a) be licensed as a Recycling Hauler by Morrison County,
 - b) provide documentation that all vehicles used for recyclable collection and transporation have been State certified or are exempt from such certification,
 - c) provide proof of insurance in amounts set by resolution of the Morrison County Board,
 - d) provide annual data as to types and weights of recycled materials hauled in compliance with the following:
 - 1) the weight of recyclable materials collected in Morrison County from residential and/or commercial accounts for each of the following recyclable materials: newsprint, corrugated cardboard, mixed paper, magazines, metal cans, glass containers, plastic containers, yard waste, major appliances, scrap metal, telephone books and additional materials as from time to time may be requested by the County Board,
 - 2) the location(s) where each type of recyclable material was delivered, deposited, processed or marketed, and
 - 3) other information as requested by the Department.

SECTION 8. SOLID WASTE SERVICE FEE

- 8.1 A Solid Waste Service Fee shall be imposed on all Solid Waste generated within the County.
- 8.2 The County Board shall establish or amend the amount of the Solid Waste Service Fee by resolution. The resolution shall state the effective date for the imposition of or subsequent amendments to the Solid Waste Service Fee.

8.3 Each Solid Waste Hauler shall bill and collect the Solid Waste Service Fee from the Generators for whom they haul Solid Waste.

8.4 The Solid Waste Service Fee shall be collected by the County as specified below:

- a) Solid Waste Haulers delivering Solid Waste to the Morrison County Solid Waste Management Facility shall pay the Solid Waste Service Fee when they pay their landfill account.
- b) Self Haulers shall pay the Solid Waste Service Fee when they make payment for Final Disposal of their Solid Waste at the Morrison County Solid Waste Management Facility.
- c) Solid Waste Haulers who Dispose and/or Final Dispose of Solid Waste outside of Minnesota shall remit the Solid Waste Service Fee by the tenth day of the month following the month in which the Solid Waste was collected. The payment shall be accompanied by a Solid Waste Service Fee report completed in accordance with instructions and on forms provided by the County which include, but are not limited to:
 - 1) total gross billings and receipts for all collections and Disposal and/or Final Disposal services performed within the County,
 - 2) the number of residential and non-residential Generators serviced within the County,
 - 3) the number of tons collected within the County and Disposed and/ or Final Disposed of outside the State,
 - 4) other information as requested by the County

8.5 The Director may calculate the Solid Waste Hauler's Solid Waste Service Fee under the following conditions:

- a) if a Solid Waste Service Fee report is not submitted,
- b) if the Solid Waste Hauler has not supplied the appropriate information on the Solid Waste Service Fee report, or
- c) if the Solid Waste Service Fee report is inaccurate, incomplete or understated

8.6 If the Director calculates the Solid Waste Hauler's Solid Waste Service Fee, the Director shall:

- a) send a notice by US Mail to the Solid Waste Hauler setting forth the Solid Waste Service Fee amount, and
- b) notify the Solid Waste Hauler of the manner by which the Solid Waste Service Fee has been calculated

8.7 A late payment penalty in the amount of one and one-half percent (1.5%) per month, or the maximum interest rate allowed by law, shall be imposed upon Solid Waste Service Fees and tip fees not remitted by the Solid Waste Hauler to the County by tenth day of the month following collection of the Solid Waste. The Solid Waste Hauler is responsible for payment of the fee whether or not the fee was collected from the Generator. The late payment penalty shall be calculated from the date the Solid Waste Service Fee should have been paid.

8.8 Morrison County shall exercise all remedies within its means, including license revocation, to collect delinquent or underpaid Solid Waste Service Fees.

SECTION 9. GENERAL PROVISIONS – SOLID WASTE MANAGEMENT FACILITIES

- 9.1 No Person may construct, maintain or operate a Solid Waste Management Facility without first obtaining a license from Morrison County.
- 9.2 The Solid Waste Management Facility license application shall include:
 - a) the location, size and ownership of land upon which the Operation will be situated,
 - b) a minimum of three (3) sets of construction plans and specifications, prepared by a registered engineer of Minnesota to serve as a basis for construction of facilities adequate of complying with this Ordinance and Agency Rules. The construction plans and specifications shall include a plot plan showing land use, zoning and the location, type and height of all buildings within 1200 feet of the proposed installation,
 - c) written proof that the applicable unit of local government has been given at least six (6) month's notice of the pendency of the application for a license,
 - d) a plan outlining how compliance with applicable air, water and odor standards as established by the Environmental Protection Agency and the Minnesota Pollution Control Agency will be monitored, evaluated and maintained,
 - e) the names of persons responsible for actual operation and maintenance of the Operation, intended operating procedures and provisions proposed to be made for periodic training and re-training of operating and maintenance personnel,
 - f) submission of the fee charged for the review of an application of a Solid Waste Management Facility in an amount to be set by the Morrison County Board of Commissioners, and
 - g) additional information as requested by the County.
- 9.3 Solid Waste Management Facilities established and in operation prior to the adoption of this Ordinance shall be exempt from the fee charged for the review of the license application.
- 9.4 After reviewing an application for a license, the Public Works Department shall make a recommendation to the Morrison County Board to grant or deny the license. If the recommendation is to deny the license, the applicant shall be notified in writing of the reasons for the denial. A denial does not prejudice the applicant's right to appear before the Morrison County Board or the right to file further applications after revisions are made to satisfy objections specified as reasons for the denial.
- 9.5 An applicant for a Solid Waste Management Facility license must:
 - a) be current on all State and County fees and taxes,
 - b) provide a household hazardous waste abatement plan approved by the Department,
 - c) provide a mercury abatement plan approved by the Department,
 - d) provide a leachate management plan approved by the Department,
- 9.6 A licensee shall follow, at a minimum, the following operational procedures:
 - a) provide on-site sanitary facilities for employees,
 - b) provide on-site shelter facilities for employees, maintenance and storage for equipment,
 - c) provide on-site electrical service for operations and repairs,
 - d) provide on-site fire-fighting facilities to ensure the safety of employees and adjacent property owners,

- e) provide on-site emergency first aid equipment adequate to provide treatment for persons injured in accidents while at the Operation,
- f) provide a potable water supply for employees,
- g) provide communication facilities for employees,
- h) provide litter control devices,
- i) provide an all weather haul road to the unloading area at the site,
- j) provide a suitable delivery area for individuals who wish to self-haul their Solid Waste,
- k) prohibit open burning of solid waste,
- l) control flies, rodents, insects and other vermin,
- m) arrange with the local fire protection agency to provide fire-fighting forces in an emergency,
- n) maintain the premises, entrances and exits in a clean, neat and orderly manner at all times,
- o) provide for orderly and safe ingress and egress and control all incoming and outgoing traffic, and
- p) conduct all unloading of Solid Waste from contributing vehicles in such a manner as to eliminate odor and litter outside the Operation,
- q) post a sign at each entrance of the Operation stating the name of the Licensee, the schedule of days and hours upon which the Operation is open to the public, the procedures for use of the Operation, the Agency permit number, and the penalty for violation of this Ordinance,
- r) fence the property and provide a gate which is kept locked when an attendant is not on duty,
- s) submit monthly reports to the Public Works Department describing the types and quantities of all wastes which are Disposed or Final Disposed of at or passing through the Operation, and
- t) have an attendant on duty at all times when the Operation is open for public use.

9.7 The Morrison County Board shall not issue a license for any Operation that does not follow the Morrison County Solid Waste Management Plan, comply with local Ordinances, State Laws and Federal laws, or Agency Rules.

9.8 All licensees 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, bodily injury liability, property damage liability. The limits of insurance coverage shall be set by resolution of the Morrison County Board of Commissioners. Solid Waste Management Facilities owned and operated by the County, Federal or State government shall be exempt from this provision.

9.9 Routine inspection and evaluation of an Operation may be made by the Public Works Department at such frequency as necessary to insure consistent compliance by the Operation with the provisions of this Ordinance. The licensee shall:

- a) be provided with a written inspection report containing a description of any deficiencies, recommendations for the correction(s) and the date by which the correction(s) shall be accomplished, and

- b) allow free access to authorized representatives of the County, the Agency, or to the authorized representatives of any other governmental agency at any reasonable 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 rule.

9.10 The Morrison County Board may establish a Solid Waste Volume Fee, in an amount set by resolution. This fee shall apply to volumes of Solid Waste generated outside Morrison County that is accepted at Operations established within the County. The revenue from this fee shall be credited to the Solid Waste Fund and shall be used for landfill abatement purposes, costs of closure, post-closure care and response actions or for purposes of mitigating and compensation for the local risks, costs and other adverse effects of facilities and Solid Waste administration.

SECTION 10. SOLID WASTE LANDFILLS

- 10.1 The licensee shall establish financial assurance for closure, post closure care and corrective action through the use of a trust fund and shall follow the mechanisms for establishing a trust fund in accordance with Minnesota Rule 7035.2705. Solid Waste Landfills owned and operated by the County, Federal or State government shall be exempt from this provision.
- 10.2 A Solid Waste Landfill Licensee shall comply with the following requirements in addition to the requirements of Section 9:
 - a) equipment sufficient for spreading, compacting and covering operations including sufficient reserve equipment or arrangements to immediately provide cover during periods of breakdown shall be provided at the site,
 - b) a groundwater and surface water monitoring system acceptable to the Agency shall be provided at the expense of the Licensee and a report shall be submitted to the Public Works Department and the Agency on a form and at a frequency prescribed by the Agency,
 - c) visual screening of the Solid Waste Landfill operations, as approved by the Department, shall be provided by use of natural objects, trees, plants, seeded soil berms, fences or other suitable means,
 - d) Solid Waste shall be deposited in such a manner as to prevent the pollution of ground or surface waters,
 - e) dumping of Solid Waste shall be confined to as small an area as practicable and surrounded with appropriate facilities to confine possible wind-blown material within the area,
 - f) surface water drainage shall be diverted around the landfill operating area,
 - g) the Operation and adjacent property line shall be separated by a minimum distance of 50 feet and for each foot or fraction thereof that the finished surface of said Operation raises above adjacent property line, said distance shall be increased by four feet,
 - h) within one month after final termination of a Solid Waste Landfill Operation, or a major part thereof, the area upon which Final Disposal was so terminated shall be covered with at least two feet of compacted earth material and adequately graded to allow surface runoff,
 - i) the finished surface of the filled area shall be covered with adequate top soil and seeded with native grasses or other suitable vegetation immediately

upon completion, or immediately in the spring on areas terminated during winter conditions,

- j) no Toxic and/or Hazardous Waste shall be deposited in a Solid Waste Landfill located in Morrison County,
- k) a Solid Waste Landfill shall be closed in a manner so as to prevent the creation of air, water or land pollution, a public nuisance, or a threat to the public health, welfare and safety.

10.4 Any Industrial Solid Waste Landfill within Morrison County shall meet all the requirements of this section and Section 9.

SECTION 11. INCINERATORS

- 11.1 No Person shall construct, establish, maintain or operate an Incinerator having a capacity greater than 2,000 pounds per hour without first obtaining a license from the County Board.
- 11.2 The licensee shall establish a bond in an amount set by resolution of the Morrison County Board. The condition of such bond shall be that if the principal fails to comply with any of the requirements or fails to perform any of the acts required of any Operation or ceases to operate or abandons the Operation, and the County is required to expend any monies or expend any labor or material to restore the Operation to a condition in compliance with this Ordinance, the obligor and the sureties on its bond shall reimburse the County for any and all expenses incurred to remedy failure to 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 default of the obligor under the terms of their license to operate in compliance with the terms of the ordinances of the County. Incinerators owned and operated by County, Federal or State government shall be exempt from this provision.
- 11.3 The following information shall be submitted as part of the license application in addition to items outlined in Section 9:
 - a) an engineering report including furnace design criteria and expected performance data, the present and future population and area to be served by the incinerator, and the characteristics, quantities and sources of Solid Waste to the incinerated.
 - b) plans for the Final Disposal of incinerator residue, and emergency Disposal and/or Final Disposal of Solid Waste in the event of major Incinerator plant breakdown, and
 - c) such additional information as may be requested by the Public Works Department.
- 11.4 An Incinerator Licensee shall comply with the following requirements in addition to the requirements of Section 9:
 - a) the Incinerator plant shall be so situated, equipped, operated and maintained as to minimize interference with other activities in the area,
 - b) all incoming Solid Waste to be incinerated at the Operation shall be confined to the unloading area. Adequate holding bin-capacity shall be provided to accommodate all incoming Solid Waste,

- c) facilities shall be designed to provide for dust control in the unloading and charging areas, and dust control measures shall be employed throughout the Operation to prevent avoidable amounts of particulate from becoming airborne,
- d) the Incinerator Operation shall have weighing facilities available,
- e) permanent records shall be maintained and submitted monthly to the Public Works Department and the Agency on a form prescribed by the Agency and shall including the following information:
 - 1) the total weight of material incinerated,
 - 2) the total quantity or resulting residue,
 - 3) the total hours of incinerator operation, and
 - 4) the means employed for Final Disposal of residue.
- d) equipment shall be provided in the storage and charging areas and elsewhere as necessary to allow cleaning after each day of operation and to maintain the Operation in a sanitary condition,
- e) a continuously recording pyrometer shall be provided in order to maintain continuous records of temperature in the combustion chambers and such records shall be submitted to the Public Works Department on a monthly basis,
- f) all residue removed from the Incinerator Operation shall be Final Disposed of in a Solid Waste Landfill permitted to accept ash. Residue containing Toxic or Hazardous Wastes shall be analyzed to determine its chemical composition, identified to the satisfaction of the Public Works Department and Final Disposed of in accord with all applicable State and Federal hazardous waste laws and rules,
- g) A report covering the results of any required performance tests shall be prepared by the design engineer of the project and submitted to the Public Works Department with a copy of all supporting data, and
- h) upon construction completion of the plant and prior to initial operation, the Public Works Department and the Agency shall be notified to allow their personnel to inspect the plant both prior to and during the performance tests.

11.5 Any Industrial Waste Incinerators within Morrison County shall meet all the requirements of this section and Section 9.

SECTION 12. INTERMEDIATE SOLID WASTE DISPOSAL FACILITIES

- 12.1 No Person shall construct, establish, maintain or operate an Intermediate Solid Waste Disposal Facility without first obtaining a license from the County Board.
- 12.2 The licensee shall establish a bond in an amount set by resolution of the Morrison County Board. The condition of such bond shall be that if the principal fails to comply with any of the requirements or fails to perform any of the acts required of any Operation or ceases to operate or abandons the Operation, and the County is required to expend any monies or expend any labor or material to restore the Operation to a condition in compliance with this Ordinance, the obligor and the sureties on its bond shall reimburse the County for any and all expenses incurred to remedy failure to 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 default of the obligor under the terms of their license to operate in compliance with the terms of the ordinances of the County. Federal and State Intermediate Solid Waste Disposal Facilities shall be exempt from this provision. Intermediate Solid Waste Disposal Facilities owned and operated by County, Federal or State government shall be exempt from this provision.
- 12.3 Any Industrial Solid Waste Intermediate Disposal Facility within Morrison County shall meet all the requirements of this section and Section 9.

SECTION 13. TRANSFER STATIONS

- 13.1 No Person shall construct, establish, maintain or operate a Transfer Station without first obtaining a license from the County Board.
- 13.2 The licensee shall establish a bond in an amount to be set by resolution of the Morrison County Board. The condition of such bond shall be that if the principal fails to comply with any of the requirements or fails to perform any of the acts required of any Operation or ceases to operate or abandons the Operation, and the County is required to expend any monies or expend any labor or material to restore the Operation to a condition in compliance with this Ordinance, the obligor and the sureties on its bond shall reimburse the County for any and all expenses incurred to remedy failure to 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 default of the obligor under the terms of their license to operate in compliance with the terms of the ordinances of the County. Federal and State Transfer Stations shall be exempt from this provision.
- 13.3 In addition to the requirements of Section 9, when stated in and as a part of the license, the licensee shall take away all Solid Waste, wash, clean and disinfect the station at the end of each day of use.
- 13.4 Any Industrial Solid Waste Transfer Station within Morrison County shall meet all the requirements of this section and Section 9.

SECTION 14. RECYCLING FACILITIES

- 14.1 No Person shall construct, maintain or operate a Recycling Facility without first obtaining a license from the Morrison County Board of Commissioners.
- 14.2 The following information shall be submitted as part of the license application:
 - a) materials to be accepted,
 - b) description of the operation and procedures to be followed,
 - c) storage capacity on site,
 - d) litter management plan, and
 - e) written proof that the applicable local unit of government has been given at least six (6) months notification of the pendency of the application for a license,
- 14.3 All Recycling Facilities established within Morrison County shall:
 - a) submit annually information to the Department including types of material accepted at the facility, weight of each material, end markets for materials and additional information as requested by the Department,
 - b) post a sign at each entrance of the Operation stating the name of the licensee, the schedule of days and hours upon which the Operation is open to the public, the procedures for use of the Operation, and any applicable Agency permit number,
 - c) provide a gate which is kept locked when an attendant is not on duty, and
 - d) have an attendant on duty at all times when the Operation is open for public use.
- 14.4 Routine inspection and evaluation of a Recycling Facility may be made by the Public Works Department at such frequency as necessary to insure consistent compliance by the facility with the provisions of this Ordinance. The licensee shall:
 - a) be provided with a written inspection report containing a description of any deficiencies, recommendations for the correction(s) and the date by which the correction(s) shall be accomplished, and
 - b) allow free access to authorized representatives of the County, the Agency, or to the authorized representatives of any other governmental agency at any reasonable 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 rule.
- 14.5 If the Recycling Facility is providing pick up of recyclable material within Morrison County, the Recycling Facility shall be subject to the requirements set forth in Section 7 of this Ordinance.

SECTION 15. DEMOLITION FACILITY – TYPE I

- 15.1 No Person shall establish, operate or maintain a Type I Demolition Facility without complying with the following provisions:
 - a) material accepted at the facility must be from on-site structures,
 - b) material disposed of at the facility shall be determined by the County Board,
 - c) a Type I Demolition Facility must be established on at least a ten-acre site,
 - d) a Public Works Department evaluation must be completed prior to commencement of the facility,

- e) all applicable Agency Rules and notifications must be met prior to commencement of the facility,
- f) prior to demolition of structures to be received at a Type I Demolition Facility, an asbestos inspection conducted by a Minnesota Department of Health certified inspector must be completed,
- g) an asbestos inspection exemption may be issued by the Department if the structure to be demolished meets at least one of the following requirements:
 - 1) the structure is an outbuilding consisting only of wood,
 - 2) the structure is entirely composed of block and/or concrete, or
 - 3) the structure is entirely composed of sheet metal

SECTION 16. DEMOLITION FACILITY – TYPE II

- 16.1 No Person shall operate a Type II Demolition Facility without a license from the County Board.
- 16.2 The Type II Demolition Facility license application shall include:
 - a) the location, size and ownership of land upon which the facility will be situated,
 - b) a minimum of three (3) sets of construction plans and specifications, prepared by a registered engineer of Minnesota to serve as a basis for construction of facilities adequate of complying with this Ordinance and Agency Rules. The construction plans and specifications shall include a plot plan showing land use, zoning and the location, type and height of all buildings within 1200 feet of the proposed installation,
 - c) written proof that the applicable unit of local government has been given at least six (6) month's notice of the pendency of the application for a license,
 - d) the names of persons responsible for actual operation and maintenance of the facility, intended operating procedures and provisions proposed to be made for periodic training and re-training of operating and maintenance personnel,
 - e) submission of the fee charged for the review of an application of a Type II Demolition Facility in an amount to be set by the Morrison County Board of Commissioners, and
 - f) additional information as requested by the County.
- 16.3 Type II Demolition Facilities established and in operation prior to the adoption of this Ordinance shall be exempt from the fee charged for the review of the license application.
- 16.4 All new and existing Type II Demolition Facilities shall be designed, operated, and maintained in accordance with Federal and State Statutes and Rules and local Ordinances.
- 16.5 All Type II Demolition Facilities shall be current on State and County fees in accordance with Minnesota Statutes, Rules and this Ordinance.
- 16.6 Acceptable material shall only include Demolition Debris as determined by the County and shall exclude Industrial Waste.
- 16.7 Routine inspection and evaluation of a Type II Demolition Facility may be made by the Public Works Department at such frequency as necessary to insure consistent compliance by the facility with the provisions of this Ordinance. The licensee shall:

- a) be provided with a written inspection report containing a description of any deficiencies, recommendations for the correction(s) and the date by which the correction(s) shall be accomplished, and
- b) allow free access to authorized representatives of the County, the Agency, or to the authorized representatives of any other governmental agency at any reasonable 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 rule.

16.8 No Person shall dump Demolition Debris on the Working Face of a Type II Demolition Facility within Morrison County unless the Person has complied with facility policies regarding Working Face deliveries.

16.9 The licensee shall establish financial assurance for closure, post closure care and corrective action through the establishment of a trust fund and shall follow the mechanisms for establishing a trust fund in accordance with Minnesota Rule 7035.2705. State and Federal Type II Demolition Facilities shall be excluded from this provision.

SECTION 17. LICENSE FEES

- 17.1 Final approval of licenses under this Ordinance shall be contingent upon payment to the County of a license fee in the amount established by resolution of the Morrison County Board. The fee shall at least be equal to the County's cost of permitting, licensing, regulating and monitoring the licensee.
- 17.2 License fees shall be paid annually on or before January 1 as a condition for license renewal. Nonpayment shall be grounds for suspension of the license. Fees shall be paid to the Morrison County Treasurer.

SECTION 18. VARIANCES

- 18.1 Upon written application by the applicant or operator, the Morrison 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.
- 18.2 A variance may be granted by the Morrison County Board after,
 - a) a public hearing where the Morrison County Board determines that enforcement of this Ordinance would cause the applicant undue hardship, or
 - b) that the Ordinance cannot be complied with due to technological impossibility or economic unreasonableness.
- 18.3 Notice of the time, place, and purpose of any public hearing shall be given to the owner and by publication in a newspaper of general circulation in the town, municipality, or other area concerned, and in the official newspaper of the County, at least ten (10) days before the hearing.
- 18.4 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.

- 18.5 An application for a variance shall be accompanied by a plan and time schedule for achieving compliance with the Ordinance.
- 18.6 The Morrison County Board, prior to expiration of the variance, may revoke a variance after a public hearing if the Board determines that continuing the variance constitutes a threat to public health or safety.

SECTION 19. ADDITIONAL REQUIREMENTS

- 19.1 For the purpose of protecting public health, safety and welfare, the Morrison County Board may impose additional requirements consistent with the intent of this Ordinance for the operation of Solid Waste Management Facilities.

SECTION 20. SEVERABILITY

- 20.1 It is hereby declared to be the intention of the Morrison County Board that the several provisions of this Ordinance be severable in accordance with the following:
 - a) if any Court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.
 - b) 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 21. PROVISIONS ARE CUMULATIVE

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

SECTION 22. NO CONSENT

- 22.1 Nothing contained in this Ordinance shall be deemed to be a consent, license, or permit to locate, construct, operate or maintain any Solid Waste site, facility or Operation, or to carry on any other Solid Waste activity.

SECTION 23. ENFORCEMENT

- 23.1 Any Person, firm or corporation who violates any of the provisions of this Ordinance, or who fails, neglects or refuses to comply with the provisions of this Ordinance, or who makes any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed \$1,000.00 or by imprisonment not to exceed 90 days, or both. Each day the violation continues shall constitute a separate offence.

23.2 In the event of a violation or a threatened violation of this Ordinance, the Public Works Department, in addition to other remedies, may institute appropriate action or proceedings to prevent, prosecute, restrain or abate such violations or threatened violations, and it shall be the duty of the County Attorney to commence such action.

23.3 Pursuant to Minnesota Statute 375.18 subdivision 14, the County may remove unauthorized deposits of accumulated Solid Waste at the landowner's expense and may order the expense to be a lien on the property and be collected as a special assessment. In addition, pursuant to Minnesota Statute 115A.99, the County may seek civil penalties and damages from the landowner and/or the Persons responsible for the unauthorized deposit of Solid Waste, and if such penalties are not paid, the County may impose the amount due as a lien on property owned by the landowner and/or responsible persons and may collect the amount as a special assessment.

23.4 A license granted by the County under this Ordinance may be revoked or suspended whenever the licensee:

- f) fails to comply with a written notice requiring corrective action,
- g) violates the provisions of this ordinance, state or federal law, or
- h) operates in a manner which endangers the health, welfare or safety of the public or causes pollution or impairment of the environment.

23.5 Notice of suspension or revocation of a license shall be in writing and served on the licensee by mail or by leaving a copy of the notice at the licensed premises with the person in charge thereof.

23.6 The suspension or revocation will automatically take effect ten (10) days from the date of the notice unless, within that time, the licensee submits a written request for a hearing. The request for a hearing must contain a brief statement explaining the licensee's defense to the action.

23.7 Notwithstanding other provisions of this ordinance, if the Department determines that continued operation by the licensee constitutes a substantial hazard to public health or safety, the Department may, without notice or hearing, issue an immediate suspension of the license. Upon delivery of the Notice of Immediate Suspension to the licensee or to the person in charge of the licensed premises, the operation shall immediately cease operation and shall not operate again until authorized by the County.

23.8 A license can be revoked for repeated violations of this ordinance or state or federal laws related to the accumulation, storage or disposal of solid waste, or for acts which cause a substantial hazard to public health or safety.

23.9 Appeals of a notice of suspension or revocation shall be heard by the Morrison County Board of Commissioners. The following process shall be used for all appeals under this ordinance:

- e) a licensee must submit a written request for a hearing on the suspension or revocation of the person's license by delivering to the Department a written request for such hearing which meets the requirements of Section 23.6,
- f) the hearing shall be held not more than 14 days after the date on which the request for hearing was delivered unless postponed for good cause or upon agreement of the parties,

- g) the County shall give 5 days written notice to the licensee of the time, date, and place for the hearing. This notice shall be made by personal service or by mail to the last known address of the licensee,
- h) at the hearing the Department shall, by oral testimony explain the reason for the suspension or revocation. The licensee shall be given the opportunity to be heard and show cause why the suspension or revocation should be modified or withdrawn. All witnesses shall be subject to cross examination,
- i) within 10 days after the hearing, the County Board shall issue written findings and its decision sustaining, modifying or withdrawing the suspension or revocation. A copy of the findings and decision shall be served by mail on the licensee. Any person aggrieved by the decision of the Board may seek relief in a court of competent jurisdiction as provided by law, and
- j) the appeal proceedings shall be recorded by an audio visual recording. The findings and decisions of the County Board shall be a public record maintained by the Department.

SECTION 24. OTHER ORDINANCES AND REGULATIONS

- 24.1 Nothing in this Ordinance shall preclude any local unit of government from adopting more restrictive standards than contained in this Ordinance.
- 24.2 Where the conditions imposed by any provision of this Ordinance differ from any other provision of this Ordinance, or any other applicable law, ordinance, rule or regulation, the provision that establishes the higher standards for the promotion of the public health, safety and general welfare shall prevail.

SECTION 25. EFFECTIVE DATE

- 25.1 This Ordinance shall be in full force and effect from and after its passage.

SECTION 26. REPEAL AND ENACTMENT

That Morrison County Solid Waste Ordinance, as presently enacted, is hereby repealed.

PASSED BY THE MORRISON COUNTY BOARD OF COMMISSIONERS THIS 31
DAY OF December, 2002

ATTEST:


 Don Meyer, Chair
 Morrison County Board of Commissioners


 Timothy Houle, Administrator