

**YELLOW MEDICINE  
COUNTY**

**SOLID WASTE  
MANAGEMENT ORDINANCE**

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**THE SOLID WASTE MANAGEMENT ORDINANCE  
FOR YELLOW MEDICINE COUNTY, MINNESOTA**

**SECTION 1.0:**

**LEGAL AUTHORITY AND ABROGATION**

**An ordinance authorizing and providing for County Solid Waste Management; establishing standards and requirements for solid waste management operations within the incorporated and unincorporated areas of the County of Yellow Medicine; requiring licenses and permits for storage, collection, transportation, processing, and disposal of solid waste in accordance with the Yellow Medicine County Solid Waste Management Plan and Amendments thereto; 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 pursuant to Minnesota Statutes, Chapters 115, 115A, 116, 145A.05 and 145A.11, 375, 400, 561.01, and 609.74.**

**The County Board of Commissioners of Yellow Medicine County, Minnesota, does ordain:**

**SECTION 2.0:**

**PURPOSE**

**The Yellow Medicine County Board has determined this regulation be adopted to:**

**Subsection 1. Protect public health, prevent public nuisances, and prevent contamination of air, soil, surface water, ground water and the environment of Yellow Medicine County. This protection will be best served through control of the location and operation of waste management activities, sites and facilities.**

**Subsection 2. Assure that all individuals are both informed and responsible for their actions regarding solid waste. Assure that all individuals understand that their actions may affect the environment and the community now and in the future.**

**Subsection 3. Support activities that will promote reduction, reuse, recycling and processing of materials found in the waste stream.**

**Subsection 4. Augment, supplement and support existing state of Minnesota controls pertaining to solid waste.**

**Subsection 5. To impose penalties and fines concerning illegal disposal activities.**

## **SECTION 3.0:**

### **DEFINITIONS**

Words used in the present tense include the past and future tense; the singular number includes the plural and the plural includes the singular; the words "shall" and "must" are mandatory and the words "may" and "should" permissive.

When used in this ordinance the following terms shall have the meaning given to them or as amended in state statutes and rules.

**Subsection 1. Agency** means the Minnesota Pollution Control Agency, its agent, or representative.

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

**Subsection 3. Air Pollution** means the presence in the outdoor atmosphere of any air contaminant or combination thereof in such quantity, of such nature and duration, and under such conditions as would be injurious to human health or welfare, to animal or plant life, or to property, or to interfere unreasonably with the enjoyment of life or property.

**Subsection 4. Ash** means the incombustible material that remains after a fuel or solid waste is incinerated.

**Subsection 5. Backyard Compost Site** means a site used to compost food scraps, garden wastes, weeds, lawn cuttings, leaves, and prunings from a single family or household, apartment building, or single commercial office, a member of which is the owner, occupant, or lessee of the property.

**Subsection 6. Best Management Practices** means practices that are capable of preventing releases and minimizing degradation of the environment, considering technical feasibility, implementability, availability, effectiveness, economic factors and environmental effects.

**Subsection 7. Brush Disposal Facility** means a site used exclusively for disposal of trees and tree parts including stumps, branches, and their attached leaves. Such disposal may include open burning and burial of the resulting ash and unburned tree parts.

**Subsection 8. Clean Fill** means materials consisting of 100 percent natural soils.

**Subsection 9. Closure** means actions to prevent or minimize the threat to public health and the environment posed by a facility that no longer accepts the solid waste for which it operated or was permitted, including the removal of contaminated equipment, the removal of liners, grading, applying final cover,

seeding of final cover, installation of monitoring devices, construction of ground and surface water diversion structures, and gas control systems as necessary.

Subsection 10. Co-compost is defined as the controlled biological decomposition and management of selected organic solid waste that is mixed with a nutrient source, most commonly sewage sludge, which results in an innocuous, stable, humus product which can be used as a soil conditioner.

Subsection 11. Collection means the aggregation of waste from the place at which it is generated and includes all activities up to the time the waste is delivered to a waste facility.

Subsection 12. Commercial Hauler means any person who owns, operates, or leases vehicles for the purpose of contracting to collect or transport solid waste or source separated materials from residential, commercial or industrial property.

Subsection 13. Commission is defined as Yellow Medicine County.

Subsection 14. Compost Site means a site used to compost yard waste including all structures used to control drainage, collect and treat leachate, storage areas for incoming yard waste, and the final product.

Subsection 15. Composting means the controlled microbic degradation of organic waste to yield a humus-like product.

Subsection 16. Construction Debris means waste building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition of buildings and roads.

Subsection 17. County means any representative of Yellow Medicine County who is authorized by this ordinance or otherwise by the County Board to represent the County of Yellow Medicine in the enforcement or administration of this ordinance.

Subsection 18. County Board means the Yellow Medicine County Board of Commissioners.

Subsection 19. Cover means material approved by the Agency that is used to cover compacted solid waste in a land disposal site.

Subsection 20. Demolition Debris means solid waste resulting from the demolition of buildings, roads, and other man-made structures including concrete, brick, bituminous concrete, untreated wood, masonry, glass, trees, rock, and plastic building parts. Demolition debris does not include asbestos.

Subsection 21. Demolition Debris Land Disposal Facility means an area of land used for the disposal of demolition debris.

**Subsection 22. Disposal means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any waste into or on any land or water so that the waste or any constituent thereof may enter the environment or be emitted into the air, or discharged into any waters, including ground water.**

**Subsection 23. Disposal Facility means a waste facility permitted by the Agency that is designed or operated for the purpose of disposing of waste in or on the land, together with any appurtenant facilities needed to process waste for disposal or transfer to another waste facility.**

**Subsection 24. Dumping means the illegal placement of any solid waste anywhere other than an approved facility or container.**

**Subsection 25. Dwelling means a residential building or portion thereof intended for human occupancy but not including hotels, motels, boarding or rooming houses.**

**Subsection 26. Facility means 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.**

**Subsection 27. Financial Assurance means monetary mechanisms which are used to assure proper closure, post closure care, and contingency action at a site or facility.**

**Subsection 28. Garbage means discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.**

**Subsection 29. Generate means the act or process of producing waste, including the production or aggregation of waste occurring at an intermediate disposal facility.**

**Subsection 30. Generator means any person who generates solid waste.**

**Subsection 31. Ground Water means water contained below the surface of the earth in the saturated zone including, without limitation, all waters whether under confined, unconfined, or perched conditions, in near-surface unconsolidated sediment or regolith, or rock formations deeper under ground.**

**Subsection 32. Hazardous Waste is defined as refuse, sludge, or other waste material or combinations of refuse, sludge or other waste materials in a solid, semisolid, liquid, or contained gaseous form which because of its quantity, concentration, or chemical, physical, or infectious characteristics may (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. Categories or hazardous waste materials include, but are not limited to : explosives,**

flammables, oxidizers, poisons, irritants, and corrosives. Hazardous waste does not include source, special, nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

**Subsection 33. Household** means a single detached dwelling unit or a single unit of a multiple dwelling unit.

**Subsection 34. Household Hazardous Waste** means 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 the household.

**Subsection 35. Incineration** means the process by which solid wastes are burned for the purpose of volume and weight reduction in permitted and licensed facilities designed for such use.

**Subsection 36. Industrial Solid Waste** means all solid waste generated from an industrial or manufacturing process or 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. (MN Rules 7035.0300 subp 45: means solid waste resulting from an industrial, manufacturing, service or commercial activity that is managed as a separate waste stream).

**Subsection 37. Infectious Waste** means waste originating from diagnosis, care, or treatment of a person or animal that has been or may have been exposed to a contagious or infectious disease. Unless materials have been rendered noninfectious by procedures approved by the Minnesota Commissioner of Health, infectious waste includes:

- A. all wastes originating from persons or animals placed in isolation for control and treatment of an infectious disease;
- B. bandages, dressings, casts, catheters, tubing, and similar disposable items which have been in contact with wounds, burns, anatomical tracts, or surgical incisions and which are suspect of being or have been medically verified as in infectious;
- C. all infectious anatomical waste, including human and animal parts or tissues;
- D. infectious sharps or needles;
- E. laboratory and pathology waste of an infectious nature; or
- F. any other waste, as defined by the Minnesota Commissioner of Health, which, because of its infectious nature, requires handling and disposal in a manner prescribed for items A to E.

**Subsection 38. Junk/Salvage Yard** means a site (land or buildings), place of storage, or deposit which is maintained, operated, or used for storing, buying, or selling junk, or for the maintenance or operation of an automobile graveyard at which the waste, vehicle body, or discarded material is stored, and where wastes of all types, discarded or salvaged materials and items generated from the site or

from other sources, are brought, bought, sold, exchanged, stored, cleaned, packed, disassembled or handled, and shall include but not be limited to, vehicles of any type including but not limited to, inoperable vehicles, recreational vehicles, snowmobiles, off-road vehicles, and manufactured homes, machinery of any type and/or parts thereof, scrap metal, scrap copper, brass, rope, rags, batteries, paper, solid waste, ferrous and non ferrous material, paper, cardboard, rubber products, plastic products, glass products, lumber products, masonry products, fiber products, farm and construction machinery and/or parts thereof, and items, materials, and products resulting from the salvaging, storing, wrecking, dismantling, or crushing of vehicles or any other items.

**Subsection 39. Land Disposal Facility means any tract or parcel of land, including any constructed facility, at which solid waste is disposed of in or on the land in a safe and environmentally sound manner.**

**Subsection 40. Land Pollution means the presence in or on the land of any waste or waste by-products in such quantity, of such nature and duration, and under such condition as would negatively affect any waters of the state, create air contaminants, cause air pollution, or contaminate soils at the site making the site unacceptable for further use.**

**Subsection 41. Landspreading/Land Application means the placement of waste or waste by-products on or incorporated into the soil surface.**

**Subsection 42. Landspreading/Land Application Site means any land used for the purpose of landspreading or the land application of waste or waste by-products.**

**Subsection 43. Leachate means liquid that has percolated through solid waste and has extracted, dissolved, or suspended materials from it.**

**Subsection 44. Leachate Management System means the structures constructed and operated to contain, transport, and treat leachate, including liners, collection pipes, detection systems, holding areas, and treatment facilities.**

**Subsection 45. License means express written permission as granted by the County Board to engage in solid waste management activities.**

**Subsection 46. Licensee means the person who has been issued a license by the County Board for solid waste management purposes pursuant to this ordinance.**

**Subsection 47. Local Government Unit means cities, towns, and counties.**

**Subsection 48. Major Appliances means clothes washers and dryers, dishwashers, hot water heaters, heat pumps, furnaces, garbage disposals, trash compactors, conventional and microwave ovens, ranges and stoves, air conditioners, dehumidifiers, refrigerators, and freezers.**

**Subsection 49. Market means any person which accepts and recycles recyclable materials.**

**Subsection 50. Marketed means delivery of recyclable materials to and acceptance by a market.**

**Subsection 51. Medical Waste includes infectious waste, as defined in the Infectious Waste Control Act of 1989, Minn. Stat. section 116.76, subdivision 12(Supp. 1989), as amended, or its successor, and waste originating from the diagnosis, care or treatment of a person or animal, or waste resulting from biological research, whether or not the waste has been decontaminated.**

**Subsection 52. Mixed Municipal Solid Waste (MMSW) means 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 auto hulks, street sweepings, ash, construction debris, mining waste, sludges, tree and agricultural wastes, tires, lead acid batteries, used oil, and other materials collected, processed, and disposed of as separate waste streams.**

**Subsection 53. Mixed Municipal Solid Waste (MMSW) Compost Facility means a site used to compost or co-compost solid waste including all structures or processing equipment 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.**

**Subsection 54. Monitoring Well has the meaning given it in part 4725.0100, subpart 30a, or its successor.**

**Subsection 55. Monitoring Point means any installation used to determine the quality or physical characteristics of ground water, surface water, or water in the unsaturated zone.**

**Subsection 56. MPCA means the Minnesota Pollution Control Agency.**

**Subsection 57. Municipality means a city, village, borough, county, town, sanitary district, school district, or other governmental subdivision or public corporation, or agency created by the legislature.**

**Subsection 58. Nuisance means a thing, act, failure to act, or use which: A) annoys, injures or endangers the public health and or safety; and or B) lowers the aesthetic value of any property or adjoining lands.**

**Subsection 59. Open Burning means burning any matter whereby the resultant combustion products are emitted directly to the atmosphere without passing through an adequate stack, duct, or chimney including, but not limited to, backyard burning barrels.**

**Subsection 60. Open Dump means 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, vermin, and scavengers.**

**Subsection 61. Operations means any site, facility, or activity relating to solid waste management purposes pursuant to this ordinance.**

**Subsection 62. Operator means the person responsible for the overall operation of a facility.**

**Subsection 63. Owner means the person or persons who own a site, facility or operation or part thereof.**

**Subsection 64. Person means any human being, municipality or other governmental or political subdivision or other public agency, public or private corporation, partnership, firm, association, organization, receiver, trustee, assignee, agent or other legal representative of any of the foregoing, or any other legal entity.**

**Subsection 65. Personnel means all persons who work at or oversee the operation of a solid waste management facility, and whose actions or failure to act may result in noncompliance with the requirements of this ordinance.**

**Subsection 66. Pollutant has the meaning given it in Minnesota Statutes, Section 115.01, Subdivision 13, or its successor.**

**Subsection 67. Post Closure Care means 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 the environment posed by the closed facility.**

**Subsection 68. Problem Material means a material that, when it is processed or disposed of with mixed municipal solid waste, contribute to one or more of the following results: (1) the release of a hazardous substance, or pollutant or contaminant, as defined in section 115B.02, subdivisions 8, 13, and 15, or its successor; (2) pollution of the water as defined in section 115.01, subdivision 5, or its successor; (3) air pollution as defined in 116.06, subdivision 3, or its successor; or (4) a significant threat to the safe or efficient operation of a solid waste facility.**

**Subsection 69. Processing means the treatment of solid waste after collection and before disposal. Processing includes but is not limited to reduction, storage, separation, exchange, resource recovery, physical, chemical or biological modification.**

**Subsection 70. Processing Facility means a site used to process solid waste, including all structures, equipment used to process the waste, storage areas for the incoming waste, the final product and residuals resulting from the process, and may be designated for recyclable materials only.**

**Subsection 71. Public Health Nuisance means any activity or failure to act that adversely affects the public health.**

**Subsection 72. Putrescible material means solid waste which is capable of being rotten, or which may reach a foul state of decay or decomposition.**

**Subsection 73. Recovered Materials means materials that have been separated from the solid waste stream for reuse and that have been processed, modified, or converted to be a raw material.**

**Subsection 74. Recyclable Materials means 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.**

**Subsection 75. Recycling means the process of collecting, preparing for market, and marketing recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of the recyclable materials in a manner that precludes further use. In addition, recycling means yard waste composting, and recycling that occurs through hand separation of materials that are then delivered for reuse in their original form or for use in manufacturing processes that do not cause the destruction of the recyclable materials in a manner that precludes further use.**

**Subsection 76. Recycling Facility means a site used to collect, process, and repair recyclable materials for markets where they will be reused in their original form or using them in manufacturing processes that do not cause the destruction of the materials in a manner that precludes further use.**

**Subsection 77. Refuse means putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, street sweepings, and residential, commercial, and industrial wastes, including municipal treatment wastes which do not contain free moisture.**

**Subsection 78. Refuse Derived Fuel means the product resulting from techniques or processes used to prepare solid waste by shredding, sorting, or compacting for use as an energy source.**

**Subsection 79. Residence means any building or portion thereof used as a dwelling or sleeping area for people.**

**Subsection 80. Resource Recovery means the reclamation for sale, use, or reuse of materials, substances, energy, or other products contained within or derived from waste.**

**Subsection 81. Resource Recovery Facility is defined as a waste facility established and used primarily for resource recovery, including related and**

appurtenant facilities such as transmission facilities and transfer stations primarily serving the resource recovery facility.

Subsection 82. **Responsible Party** is the owner, operator, or successor in interest of a solid waste facility.

Subsection 83. **Rubbish** means nonputrescible solid wastes, including ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, or litter of any kind.

Subsection 84. **Sanitary Landfill** means a land disposal site employing any engineering method of disposing of solid waste on land in a manner that minimizes environmental hazards by spreading the solid waste into the smallest particle volume, and applying cover material at the end of each operating day, or at intervals as may be required by the agency.

Subsection 85. **Satellite Vehicle** means a vehicle used to collect solid waste for subsequent transfer into another, usually larger, vehicle or container for transport to a solid waste management facility.

Subsection 86. **Scavenging** means the removal of waste materials from a licensed solid waste facility or county owned or operated recycling or solid waste facility.

Subsection 87. **Septage** means the liquid and solid material removed from an individual sewage treatment system, portable toilet, Type III marine sanitation device, holding tank or any similar treatment works that receives only domestic sewage. Septage does not include industrial wastes or wastes from grease traps.

Subsection 88. **Screening** means the placement of man-made or natural barriers such as a fence, tree line, or berm so as to prevent public view of potentially unsightly or nuisance material such as junked automobiles.

Subsection 89. **Self Generated Solid Waste** is any person owning or operating a residence, business, an industry or commercial establishment which generates solid waste by its operations.

Subsection 90. **Sewage Sludge** means the solids and associated liquids in municipal waste water which are encountered and concentrated by a municipal wastewater treatment plant. Sewage sludge does not include incinerator residues and grit, scum, or screenings removed from other solids during treatment.

Subsection 91. **Shoreland** means land located within the following distances from the ordinary high water elevation of public waters: 1,000 feet from ordinary high water level of a lake, pond, or flowage: and 300 feet of a river or stream whichever is greater. The limits of shorelands may be reduced whenever waters

involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner.

**Subsection 92. Site means the spatial location of a proposed or actual solid waste management activity or facility.**

**Subsection 93. Sludge means any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial waste water treatment plant, water supply treatment plant, or air containment treatment facility, or other waste having similar characteristics and effects.**

**Subsection 94. Solid Waste means garbage, rubbish, refuse, 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; animal waste used as fertilizer; earthen fill, boulders, rock; sewage sludge; solid or dissolved material in domestic sewage or other common water resources, such as silt, dissolved and 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, or its successor, 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, or its successor.**

**Subsection 95. Solid Waste Collection means the gathering of solid waste from public and private places.**

**Subsection 96. Solid Waste Land Disposal Facility means a facility used to dispose of solid waste in or on the land.**

**Subsection 97. Solid Waste Management Facility means all real or personal property which is or may be needed for the processing or disposal of waste. It includes but is not limited to the storage, collection, transportation, processing or reuse, conversion, or disposal of solid waste in an environmentally sound manner.**

**Subsection 98. Solid Waste Management Plan means the Solid Waste Management Plan for Yellow Medicine County Minnesota.**

**Subsection 99. Solid Waste Administrator means the Solid Waste Administrator of Yellow Medicine County.**

**Subsection 100. Solid Waste Storage means the holding of solid waste near the point of generation.**

**Subsection 101. Solid Waste Transportation means the conveying of solid waste from one place to another, by means of vehicle, rail car, water, vessel, conveyer, or other means.**

**Subsection 102. Source Separated Materials means materials that are separated from solid waste by the generator and recovered for reuse in their original form or for use in the manufacturing process.**

**Subsection 103. Source Separation means the separation of recyclable materials from waste by the generator prior to collection for recycling.**

**Subsection 104. State means the State of Minnesota.**

**Subsection 105. Tire means a pneumatic tire or solid tire for motor vehicles as defined in section 169.01. MN Stat 115A.90 Subd. 7, or its successor.**

**Subsection 106. Tire Collector means a person who owns or operates a permitted site, or a site exempted from permit, used for the storage, collection, or deposit of waste tires.**

**Subsection 107. Tire Dump means an establishment, site, or place of business without a required tire collector or tire processor permit that is maintained, operated, used or allowed to be used for storing, keeping, or depositing unprocessed waste tires.**

**Subsection 108. Tire Processing means producing or manufacturing useable materials, including fuel, from waste tires including necessary incidental storage activity and permitted by the Agency.**

**subsection 109. Tire Processor means a person permitted by the Agency to engage in the processing of waste tires.**

**Subsection 110. Tire Transporter means a person provided with a tire transporter number from the Agency who removes waste tires from the source of generation, a tire dump, or a waste tire facility.**

**Subsection 111. Toxic Waste means substances, whether liquid, gaseous or solid form, which when collected, stored, transported or disposed of, may be acutely toxic to humans or other 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.**

**Subsection 112. Transfer Station means an intermediate waste facility in which waste collected from any source is temporarily deposited to await transportation to another waste facility.**

**Subsection 113. Transportation is defined as the conveying of solid waste from one place to another.**

**Subsection 114. Waste Reduction means an activity that prevents generation of waste including reusing a product in its original form, increasing the life span of**

the product, reducing material used in production and packaging, or changing procurement, consumption, or waste generation habits to result in smaller quantities of waste generated.

**Subsection 115. Waste Tire** means a tire that is no longer suitable for its original intended purposes because of wear, damage or defect.

**Subsection 116. Waste Tire Facility** means an area where more than 50 waste tires or an equivalent amount of tire derived products are collected, deposited, stored, or processed. The incidental storage of tire derived products at the site of final use does not make the site a waste tire facility.

**Subsection 117. Waste Tire Collection Site** means a licensed waste facility used for the storage of waste tires prior to their transport to a waste tire processing facility.

**Subsection 118. Waste Tire Processing Facility** means an area where waste tires, or tire derived products are processed. A waste tire processing facility must meet the qualifications in Minn. Rules part 9220.0470.

**Subsection 119. Waste Tire Storage Facility** means an area where waste tires, or tire derived products, are collected, deposited, or stored. A waste tire storage facility is a facility that does not meet the qualifications for regulation as a waste tire transfer facility or a waste tire processing facility.

**Subsection 120. Waste Tire Transfer Facility** means an area where waste tires are concentrated for transport to waste tire processing facilities. A waste tire transfer facility must meet the qualifications in Minn. Rules part 9220.0460.

**Subsection 121. 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 harmful or detrimental or injurious to public health, safety or welfare, to domestic commercial or industrial use, or to animals, birds, fish or aquatic life.

**Subsection 122. Water Table** means the surface of the ground water at which the pressure is atmospheric. Generally this is the top of the saturated zone.

**Subsection 123. Waters of the State** means all streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage 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. Waters of the state are not necessarily public waters.

**Subsection 124. Wetland** means a surface water feature classified as a wetland in the publication entitled "Classification of Wetlands and Deep Water Habitats of the United States," written and published by the United States Fish and Wildlife Service Biological Services Program, FWS 035-71/31, December 1979, or its

successor, which is incorporated by reference. The publication is not subject to frequent change. In addition, the Solid Waste Officer will utilize the January 1989, or its successor, Federal Manual for Identifying and Delineating Jurisdictional Wetlands to identify wetlands. Wetland does not include public water wetlands and public waters that are designated on the DNR public waters inventory maps prepared under Minnesota Statutes, section 103G.201.

Subsection 125. White Good means an abandoned, discarded, or inoperable refrigerator, freezer, washer, dryer, dishwasher, water heater, trash compactor, air conditioner, oven, range, stove, microwave oven, dehumidifier, residential furnace, or related household appliance.

Subsection 126. Yard Waste means garden wastes, leaves, lawn cuttings, weeds, shrub and tree waste, and prunings.

#### **SECTION 4.0:**

#### **GENERAL PROVISIONS AND RESPONSIBILITIES**

Subsection 1. This ordinance shall apply to all existing permits, licenses, and conditional use permits presently in existence and hereafter granted. All existing permits, licenses and conditional use permits presently in existence and hereafter granted shall be in compliance with all other county ordinances, local, state, and federal guidelines, statutes, rules and regulation, and in compliance with the Yellow Medicine County Solid Waste Management Plan.

Subsection 2. The Solid Waste Officer shall have the right and duty to administer and enforce this ordinance. Rights and duties of the Solid Waste Officer shall include, but shall not be limited to those described in this section.

Subsection 3. The Solid Waste Officer shall have the right and duty to investigate complaints of violations of this ordinance.

Subsection 4. The Solid Waste Officer shall have the right and duty to inspect private property to determine if the property owner is in compliance with the provisions of this ordinance.

Subsection 5. Routine inspection and evaluation of solid waste management activities, sites, or facilities shall be made by the Solid Waste Officer in such frequency to ensure consistent compliance by the operation with the provisions of this ordinance. An applicant for a license and any licensee shall allow free access to the Solid Waste Officer; provided that the entrance and activity is undertaken after reasonable notice and during normal business hours, except as provided in Minnesota Statutes Chapter 115A.882 RECORDS; INSPECTION; for the purpose of making such inspections as may be necessary to determine compliance with the requirements of this ordinance, any other applicable statute, or for the purpose of making written and documented notice of any deficiencies,

recommendations for their correction, and the date by which corrections shall be accomplished.

**Subsection 6.** The Solid Waste Officer shall have the right and duty to review and consider all license applications submitted to the Solid Waste Officer for operation of all solid waste management activities, sites, or facilities within the County.

**Subsection 7.** The Solid Waste Officer shall have the right and duty to make recommendations to the County Board regarding imposing solid waste management activity, site, or facility specific conditions on licenses.

**Subsection 8.** The Solid Waste Officer may make recommendations to the County Board concerning agreements with responsible parties to address the operation, closure and post closure requirements for licensed and unlicensed solid waste facilities.

**Subsection 9.** The Solid Waste Officer shall have the right and duty to recommend, when necessary, to the County Board, that a solid waste license be issued, denied, revoked, or suspended.

**Subsection 10.** The Solid Waste Officer shall have the right and duty to recommend, when necessary, to the County Attorney's Office, that legal proceedings be initiated against a certain solid waste management activity, site or facility.

**Subsection 11.** The Solid Waste Officer shall have the right and duty to recommend to the County Board identified solid waste management needs of the county, and the development and implementation of plans to meet those needs.

**Subsection 12.** The Solid Waste Officer shall have the right and duty to encourage and conduct studies, investigations, and research relating to solid waste management, such as methodology, chemical and physical considerations, and engineering.

**Subsection 13.** The Solid Waste Officer shall have the right and duty to advise, consult, and cooperate with other governmental agencies in the furtherance of the purposes of this ordinance.

## **SECTION 5.0 - : GENERAL SOLID WASTE STORAGE AND DISPOSAL REQUIREMENTS**

### **SECTION 5.0:**

#### **SOLID WASTE STORAGE**

**Subsection 1. Solid Waste Accumulation.** The owner, lessee or occupant of any property, premises, business establishment, or industry shall be responsible for the satisfactory storage of all solid waste accumulated at that premise, business establishment or industry. The owner, lesee or occupant of any property, premises, business establishment or industry shall be responsible for maintaining the property and any structures on the property free of improperly stored solid waste accumulations. The owner, lesee or occupant of any property, premises, business establishment or industry shall be responsible for maintaining the same in a nuisance free, pollution free and aesthetic manner. This includes removal of: animal feces; animal carcasses; inoperable machines; inoperable vehicles; appliances; fixtures; and equipment of damaged, deteriorated or obsolete condition; broken furniture, boxes, crates, pallets, salvage, and other debris; and any other form of solid waste. No building, structure, property 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.

All solid waste storage shall be in compliance with the regulations of local, state and federal ordinances. statutes, rules, regulations, and guidelines.

Nothing in this section shall unreasonably restrict commonly accepted activities of farms and duly established automobile, scrap iron, metal recyclers, or salvage operations that maintain such operations in an orderly, pollution free and nuisance free manner and in compliance with other County ordinances and the regulations of federal, state, and local governments and their regulatory agencies.

**Subsection 2. Storage Containers Required.** Every property shall be supplied with adequate solid waste storage containers. The containers shall be provided by the owner of the property or by contract with a Commercial Hauler. The owner of the property shall use the containers for solid waste storage. If the property owner does not occupy the property, the property owner will cause the occupant or tenant to use the containers for solid waste storage. The property owner shall not permit solid waste to be placed in locations or in a manner that the solid waste may be scattered by wind, water, animals, or insects.

**Subsection 3. Container Construction.** Solid waste storage containers shall be of sound construction and resistant to animal and insect entry. Containers shall be constructed of rust and impact resistant materials and shall be equipped with tight-fitting covers. The property owner is responsible for maintaining containers in a neat, clean, sanitary, and leak-resistant condition. If the container is supplied by a Commercial Hauler, the Commercial Hauler shall ensure that the container is leak resistant.

**Subsection 4. Frequency of Container Service.** Every property owner shall cause container contents to be removed and deposited at a licensed waste management facility at such frequency so as to not create a nuisance, public health nuisance, safety, or pollution hazard. Solid waste stored on public or private property for collection or removal shall not be stored more than two (2)

weeks without the written approval of the Solid Waste Officer. Source separated recyclables materials suitable for recycling may be stored for a longer period of time if stored in an acceptable manner that does not cause a nuisance, public health nuisance, safety, or pollution hazard.

**Subsection 5. Waste Materials too Large for Containers.** Waste objects too large or otherwise unsuitable for storage containers shall be stored in a manner that does not cause a nuisance, public health nuisance, safety, or pollution hazard.

**Subsection 6. Recyclables Storage.** Recyclables materials shall be placed indoors, or in side or rear yards if they are fully screened from neighboring properties and public streets. Recyclable storage shall be in a nuisance free, pollution free and aesthetic manner. The County Board may, by resolution, establish other container standards.

**Subsection 7. Hazardous Waste Storage.** Hazardous wastes shall be stored in leakproof containers which are adequately labeled, in a safe location and in compliance with the regulations of Federal, State (Minn. Rules Ch. 7045) and Local Governments, and their regulatory agencies.

## **SECTION 6.0:**

### **SOLID WASTE DISPOSAL**

**Subsection 1. License Required.** No person shall use, cause, permit or allow land or property under his/her ownership or control to be used for solid waste disposal or management purposes except at an operation for which a license has been granted by the County Board. Individual farm households may use land under the farm households control for solid waste disposal if the disposal meets the requirements of Minnesota Statute 17.135 (Appendix A). No such disposal shall be located closer than 100 feet from the normal high water mark of waters of the state or less than five feet above the groundwater table. No solid waste disposed of at such site shall be visible from public roads or other adjacent properties, public or private.

Solid waste disposal license requirements are provided for in Section 27 of this ordinance.

**Subsection 2. General Powers.** As provided for in Minnesota Statute 375.18, Yellow Medicine County hereby prohibits the deposit of solid waste within the county not otherwise allowed by law. The County may require the owners or occupants of property to remove unauthorized deposit of solid waste. If the solid waste is not removed, the County may provide for removal of the solid waste at the owner's or occupant's expense, and provide for the expense to be a lien on the property to be collected as a special assessment. The County may also seek civil penalties and damages from persons responsible for unauthorized deposit of solid waste under section 115A.99, which if unpaid, may be imposed as a lien on property owned by the responsible persons to be collected as a special assessment.

**Subsection 3. Transfer of Solid Waste.** Solid waste shall not be transferred to another property or solid waste container except for the transfer of solid wastes to a licensed solid waste management facility.

**Subsection 4. Scavenging of Solid Waste and Recyclables.** It shall be a violation of this ordinance for any person to scavenge, collect, or otherwise remove recyclable or solid waste materials from County owned or privately owned recycling sheds, containers, or facilities, or from any container located on any private or public property.

**Subsection 5. Dumping of Solid Waste or Recyclables in Recycling Facilities.** It shall be a violation of this ordinance for any person to dump, place, or otherwise deposit solid waste in County owned or privately owned recycling sheds, containers, or facilities, or mix source separated recyclables with solid waste in any manner. Any commercial hauler or recycler is prohibited from using County owned recycling sheds, containers, or facilities, to dump solid waste or recyclables unless so authorized by the County.

**Subsection 6. Unauthorized Disposal.** Pursuant to Minnesota Statutes 115A.99, 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 of not less than twice nor more than five times the costs incurred by a state agency or political subdivision to remove, process, and dispose of the waste. A state agency or political subdivision that incurs costs as described in this section may bring 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. Civil penalties and damages collected must be collected and distributed as required in Minnesota Statute 487.33. A private person may join an action by the state or political subdivision to recover a civil penalty under subdivision 1 to allow the person to recover damages for waste unlawfully placed on the person's property.

**Subsection 7. Open Dumps.** It shall be a violation of this ordinance for any person to maintain an open dump. The owner of any open dump in existence at the time this ordinance is enacted shall cease disposal, remove solid wastes, and cause the solid wastes to be disposed at a licensed solid waste management facility.

**Subsection 8. Abatement.** Waste placed in open dumps or illegally disposed of shall be collected and transported to a licensed waste facility for proper disposal by the property owner. The property owner shall notify the Solid Waste Officer at least 48 hours prior to commencement of excavation/removal activity. A receipt or other documentation approved by the Solid Waste Officer which provides evidence to satisfactory and legal disposal of the solid waste shall be submitted to the Solid Waste Officer.

The owner of the property on which an open dump is located may be required to place on record, with the Yellow Medicine County Recorder, a form provided by

the Solid Waste Officer that provides the public notice of the existence and location of the open dump and of the obligations placed upon parties holding an interest in the property and any restrictions which may affect the use of the property.

**Subsection 9. Littering.** Consistent with Minnesota Statute 169.42 and civil liability for littering in Minnesota Statute 169.421, no person shall throw, deposit, place or dump, or cause to be thrown, deposited, placed or dumped in water, upon any street or highway, or upon any public or privately owned land adjacent thereto any snow, ice, glass, nails, tacks, wire, cans, garbage, swill, papers, ashes, refuse, carcass of any dead animal, offal, trash or rubbish or any other form of offensive matter or any other substance likely to injure any person, animal or vehicle upon any such street or highway.

**Subsection 10. Burning Prohibited.** The burning of solid waste shall be prohibited except as allowed at a permitted solid waste facility. Specific materials and waste classifications may be burned as permitted under the terms and exemptions of the DNR "Burning Permit Regulations" (Appendix B).

## ***SECTIONS 7.0 - 22.0 : SPECIAL WASTE AND PROBLEM MATERIALS MANAGEMENT AND PROHIBITIONS***

### **SECTION 7.0:**

#### **HOUSEHOLD HAZARDOUS WASTE**

**Subsection 1. County Management Guideline.** Household Hazardous Waste must be separated from other household wastes and managed according to the Household Hazardous Waste Management Program of Yellow Medicine County.

**Subsection 2. Agency Rule.** Household Hazardous Waste collection, storage, transportation, and management activities must be in accordance with applicable Agency rules. The owner of a MMSW processing or disposal facility must provide a management plan to the Agency prior to the granting or renewal of an Agency permit.

### **SECTION 8.0:**

#### **LEAD ACID BATTERIES**

**Subsection 1. Prohibition.** A person may not place a lead acid battery in mixed municipal solid waste or otherwise dispose of a lead acid battery.

**Subsection 2. Agency Rules.** All storage, handling, recycling, and disposal of lead acid batteries shall be in accordance with Minnesota Rules and Statutes, according to Minnesota Statute 115A.915, or as amended.

**Subsection 3. Retail Requirements.** Any person selling lead acid batteries at retail or offering lead acid batteries for retail sale shall comply with the surcharge, collection, notice, purchase and return requirements in Minnesota Statute 325E.115 and 325E.1151

**Subsection 4. Transportation.** A person who transports used lead acid batteries from a retailer must deliver the batteries to a recycling facility. The failure to deliver each used lead acid battery is a separate violation, according to Minnesota Statute 115A.9152, or as amended.

#### **SECTION 9.0:**

##### **DRY CELL BATTERIES**

**Subsection 1. Prohibition.** A person may not place a dry cell battery containing mercuric oxide electrode, silver oxide electrode, nickel-cadmium, or sealed lead acid in mixed municipal solid waste that was purchased for use or used by a government agency, or an industrial, communications, or medical facility.

**Subsection 2. Manufacturer Responsibility.** A manufacturer of dry cell batteries must comply with Minnesota Statute 115A.9155.

#### **SECTION 10.0:**

##### **RECHARGEABLE BATTERIES AND PRODUCTS**

**Subsection 1. Prohibition.** A person may not place in mixed municipal solid waste a rechargeable battery, a rechargeable battery pack, a product with a nonremovable rechargeable battery, or a product powered by rechargeable batteries or rechargeable battery pack, from which all batteries or battery packs have not been removed.

**Subsection 2. Manufacturer Responsibility.** A manufacturer of dry cell batteries must comply with Minnesota Statute 115A.9157.

#### **SECTION 11.0:**

##### **MOTOR VEHICLE FLUIDS AND FILTERS**

**Subsection 1. Prohibition.** It shall be a violation of this ordinance for a person to knowingly place gasoline, diesel fuel, motor oil, brake fluid, power steering fluid, transmission fluid, motor oil filters, or antifreeze in solid waste or in a solid waste management facility other than a recycling collection facility or a household hazardous waste facility, in or on the land unless approved by the Agency, in or on the waters of the state, or in a storm water or waste water collection or treatment system, unless an exception is provided for in Minnesota Rules and Statutes, and Minnesota Statute 115A.916, or as amended.

**Subsection 2. Retail Requirements.** Any person selling at retail or offering motor oil for retail sale shall comply with the posting and collection requirements in Minnesota Statute 325E.11.

**SECTION 12.0:**

**MERCURY PROHIBITION**

**Subsection 1. Prohibition.** A person may not place mercury or a thermostat, thermometer, electric switch, appliance, or medical or scientific instrument from which the mercury has not been removed for reuse, recycling, or otherwise managed, in solid waste or in a waste water disposal system. A person may not knowingly place mercury or a thermostat, thermometer, electric switch, appliance, or medical or scientific instrument from which the mercury has not been removed for reuse, recycling or otherwise managed, in a solid waste processing facility or in a solid waste disposal facility. A person may not knowingly place a fluorescent or high intensity discharge lamp in solid waste or in a solid waste facility, except at a household hazardous waste collection or lamp recycling facility. A person may not operate a lamp recycling facility without obtaining a permit or license for the facility from the Agency, according to Minnesota Statute 115A.932, or as amended.

**Subsection 2. Mercury Management.** Mercury shall be managed in accordance with Minnesota Statutes 116.92, 116.93, and other applicable state statutes and rules.

**SECTION 13.0:**

**RECYCLABLE MATERIALS PROHIBITION**

**Subsection 1. Prohibition.** A disposal facility or a recycling facility that is composting waste, burning waste, or converting waste to energy or materials for combustion, may not accept source separated recyclable materials, and a solid waste collector or transporter may not deliver source separated recyclable material to such a facility, except for recycling or transfer to a recycler, unless the county has determined that no other person is willing to accept the recyclable material, according to Minnesota Statute 115A.95, or as amended.

**SECTION 14.0:**

**TELEPHONE DIRECTORIES**

**Subsection 1. Prohibition.** A person may not place a telephone directory as defined in Minnesota Statute 115A.951, in solid waste, in a disposal facility, or in a resource recovery facility.

**Subsection 2. Recycling Responsibility. Persons responsible for the printing, binding, and collection of telephone books must provide for the recyclability and recycling in accordance with Minnesota Statute 115A.91.**

**SECTION 15.0:**

**LEAD PAINT WASTE**

**Subsection 1. Disposal. Notwithstanding any other law, a person who disposes of residential lead waste paint in the state may dispose of the waste at a land disposal facility that meets the requirements of Minnesota Rules 7045, a facility that meets the requirements for a new mixed municipal solid waste land disposal facility under Minnesota Rules 7035, that began operation after January 1, 1989, a demolition debris land disposal facility equipped with a clay or artificial liner and leachate collection system, or a solid waste incinerator ash landfill if disposal is approved by the Agency, according to Minnesota Statute 116.875, or as amended.**

**Subsection 2. Responsibility. A person whose activities produce residential lead paint waste is responsible for the management and proper disposal of the waste. When residential lead paint waste is produced by activities of a person other than the occupant of the residence from which the waste is removed, the person shall not leave the residential lead paint waste at that residence and shall not transfer responsibility for managing or disposing of the waste to the occupant. Residential lead paint waste produced by activities of the occupant of the residence from which the waste is removed must be managed as provided by law or guidelines for household hazardous waste.**

**Subsection 3. Demolition Debris. Residential lead paint waste attached to woodwork walls or other elements removed from the structure of a residence that constitute demolition debris may be disposed of at a licensed demolition debris land disposal facility.**

**Subsection 4. Disposal Prohibition. No person shall dispose of residential lead paint waste at an unlined land disposal facility. No person shall send or accept residential lead paint waste for incineration by a mixed municipal solid waste incinerator.**

**SECTION 16.0:**

**DEMOLITION DEBRIS**

**Subsection 1. Licensing Required. Demolition debris disposal facilities designed for greater than 15,000 cubic yards total capacity and operating more than a total of 12 consecutive months shall be licensed by the County in accordance with Section 27 and Section 30 of this ordinance.**

**Subsection 2. Permit-by-Rule. Demolition debris disposal facilities designed for less than 15,000 cubic yards total capacity and operating less than 12 consecutive months, not located adjacent to another demolition debris permit by**

rule facility and in compliance with Minnesota Pollution Control Agency rules parts 7035.2525 to 7035.2655, 7035.2825, and 7035.2855, may be permitted by the county provided that the following requirements are met:

- A. The permittee shall obtain a demolition debris land disposal facility permit-by-rule notification form from the Minnesota Pollution Control Agency.
- B. The permittee shall provide detailed information on the notification form and submit one copy to the Agency and one copy to the Solid Waste Officer.
- C. The permittee shall provide to the Solid Waste Officer sufficient documentation to enable the County Board to determine whether the applicant is financially and operationally capable of properly operating, maintaining, and closing the permit-by-rule facility.
- D. The permittee shall provide to the Solid Waste Officer such additional information as may be required by the Solid Waste Officer.

**Subsection 3. Recommendation for Approval or Denial.** After the applicant has complied with and completed the requirements of Section 16, Subsection 2, the Solid Waste Officer shall review the information and give a recommendation to the County Board concerning whether the application should be approved or denied. If a negative recommendation is made, the applicant and the Agency shall be notified in writing of the reasons why the County Board denied the application. Such denial shall be without prejudice to the applicant's right to an appearance before the County Board or to the applicant's right to file a further application after revisions are made to satisfied objections specified as reasons for denial.

**Subsection 4. Closure and Recording of Permit-by-Rule.** The permit-by-rule facility shall be inspected and approved for cover by the Solid Waste Officer before any placement of final cover. A record of the area containing all information submitted throughout the application and approval process and any other information submitted prior to closure shall be filed by the permittee at the Office of the County Recorder.

**Subsection 5. Reuse or Recycling of Demolition Debris.** Yellow Medicine County will authorize the stockpiling of concrete or other recyclable or reusable demolition debris for the purpose of reuse or recycling on a case-by-case basis. Authorization to stockpile demolition debris for the purpose of reuse or recycling will be for a period no greater than one (1) year. Extensions may be considered, provided that compliance with local and state regulations has been demonstrated. The authorization for an extension to store or stockpile recyclable or reusable demolition debris is fully contingent upon the applicant meeting or exceeding all applicable County and MPCA solid waste storage standards. The authorization may be contingent upon the applicant furnishing to the County a bond as specified in Section 27, Subsection 10. The applicant shall meet the requirements of Section 16, Subsection 2, as applicable. Approval or denial of an application shall be conducted consistent with Section 16, Subsections 3, and 4.

Any site used for stockpiling demolition debris for reuse or recycling as authorized in this section shall be returned to its original condition thirty (30) days prior to the termination of such authorization.

Bituminous may be stockpiled according to the provisions of this subsection provided that a conditional use permit for gravel operations has been obtained or by authorization provided in this subsection.

#### **SECTION 17.0:**

#### **CONSTRUCTION DEBRIS**

**Subsection 1. Applicability.** All construction debris shall be disposed of in a land disposal facility that is approved and permitted by the Agency for the disposal of construction debris, except construction debris that is reused or recycled. Construction debris is prohibited from disposal in or on the land at any construction site.

**Subsection 2. Construction sites.** Construction debris shall be contained at construction sites in a manner that will ensure against littering, nuisance, public health nuisance, pollution or safety hazards.

#### **SECTION 18.0:**

#### **WASTE TIRE MANAGEMENT**

**Subsection 1. Prohibition.** The disposal of waste tires in the land is prohibited according to Minnesota Statute 115A.904, or as amended.

**Subsection 2. Applicability.** The requirements of this section shall apply to any person who disposes of, transports, stores, processes, or otherwise possesses waste tires within the County of Yellow Medicine.

**Subsection 3. Definitions.** The terms in this section shall have the meanings as defined in Minnesota Statute 115A.90 and Minnesota Rules parts 9220.0110 and .0210.

**Subsection 4. Disposal.** Any person who disposes of waste tires within the County of Yellow Medicine shall: 1) deliver the waste tires to a person who possesses a valid Waste Tire Transporter Identification number as required by Minnesota Rules part 9220.0530; 2) deliver the waste tires directly to a permitted or exempt waste tire storage, transfer or processing facility; or 3) obtain a permit from the Agency to store or process the waste tires as required in Minnesota Rules parts 9220.0230 and .0240. Such storage or processing shall be in accordance with all conditions of the state permit.

**Subsection 5. Disposal Exemptions.** A person may store or process waste tires without a state permit if: 1) such storage or processing is pursuant to an exemption under Minnesota Rules parts 9220.0230, subpart 2: 2) fewer than 50

waste tires are stored at any one time; or 3) fewer than 50 waste tires are processed during any 30 days.

**Subsection 6. Transportation.** Any person who transports waste tires for hire in the County of Yellow Medicine shall first obtain a Waste Tire Transporter Identification Number from the Agency as required by Minnesota Rules part 9220.0530.

**Subsection 7. Transportation Exemptions.** A person may transport waste tires without a Waste Tire Transporter Identification Number if such transportation is pursuant to an exemption under Minnesota Rules part 9220.0530, subpart 2.

**Subsection 8. Transportation Conditions.** A person who transports waste tires for hire shall: 1) deliver the waste tires to a waste tire processing, storage, or transfer facility that has a state permit or is exempt from the requirement to obtain a state permit; and 2) transport the waste tires in accordance with all conditions of the applicable Waste Tire Transporter Identification Number.

**Subsection 9. Abatement of Waste Tire Dumps.** Waste tire dumps shall be promptly terminated and properly closed. All waste tires shall be removed from the premises and shall be processed for reuse, recycling, incineration or final disposal in compliance with Agency rules.

**Subsection 10. Retail Requirement.** A person who sells automotive tires must accept waste tires from customers for collection and recycling. The person must accept as many waste tires from each customer as tires are bought by the customer.

**SECTION 19.0:**  
**WHITE GOODS**

**Subsection 1. Prohibition.** A person may not place major appliances in mixed municipal solid waste or dispose of major appliances in or on the land or in a solid waste processing or disposal facility, according to Minnesota Statute 115A.9561, or as amended.

**Subsection 2. Recycling or Reuse Required.** Major appliances must be recycled or reused. For the purposes of this section, recycling includes: removal of capacitors that may contain PCB's; removal of ballasts that may contain PCB's; the removal of chlorofluorocarbon refrigerant gas; and the recycling or reuse of metals, including mercury, according to Minnesota Statute 115A.9561, or as amended.

**Subsection 3. Collector and Processor Requirements.** White goods collectors and processors shall meet requirements of Minnesota Laws, Rules and guidelines administered by the Agency and be in conformance with the Yellow Medicine County Solid Waste Management Plan.

**Subsection 4. County Specific Storage Requirements. White goods shall be stored in a manner which will not create a nuisance, blight, or hazard to public health, safety or the environment and shall have all latches disabled, doors removed or chained shut, capacitors removed and refrigerant gas evacuated before storage or processing. No more than one (1) white good may be stored at any nonresidential parcel or within the boundaries of any residential lot except at an Agency permitted collection or processing facility.**

**SECTION 20.0:**

**SOLID WASTE FROM STREET CLEANINGS, STORM SEWERS, AND DRAINAGE SYSTEMS**

**Subsection 1. Minnesota Rules and Guidelines. Soils, grits and other inert granular residue resulting from snow removal, street cleaning, drainage basins or systems that remove sediments from storm sewer discharges shall be stored, recycled, re-used and disposed of in accordance with Minnesota Statutes, Rules and Agency guidelines.**

**SECTION 21.0:**

**INFECTIOUS WASTE**

**Subsection 1. Waste Control Act. Infectious waste shall be segregated, packaged, contained, transported, and managed in accordance with the Infectious Waste Control Act, Minnesota Statute Sections 116.76 to 116.82.**

***SECTIONS 22.0 - 32.0 : LICENSING***

**SECTION 22.0:**

**LICENSING**

**Subsection 1. License Required. Unless otherwise provided by this ordinance, no person shall cause, permit or allow real or personal property under his/her control to be used for solid waste management purposes, except at an operation for which a license has been granted by the County Board. The procedures for license issuance, denial, variance, revocation, suspension, renewal, administration, and fees shall be governed by this ordinance. Potential and current licensees shall be in compliance with all town, city, county, state, and federal regulations and the Yellow Medicine County Solid Waste Management Plan.**

**A license is required for the following solid waste management purposes:**

- 1. Collection and transportation of solid waste and recyclables;**

2. Mixed municipal solid waste land disposal facilities;
3. Demolition debris land disposal facilities;
4. Mixed municipal solid waste composting facilities;
5. RDF resource recovery facilities;
6. Mass burn and RDF incinerators;
7. Recycling facility;
8. Yard waste composting facilities; and
9. Transfer stations.

**Subsection 2. Other Waste Facilities.** Any other solid waste management site, facility, or activity not otherwise provided for in this ordinance must be licensed by the County Board. Application and license requirements shall be established by resolution of the County Board. License will not be required for:

- A. MPCA - Permit -by-Rule Facilities, however, subject to approval by the County Solid Waste Office and to insure consistency with the County Solid Waste Management Plan and the Zoning Administrator to insure consistency with Zoning Ordinances.

**Subsection 3. Application Procedure.** The required sequence for a person wishing to obtain a Solid Waste Management Facility License from the County Board is: a) local zoning approval, b) preliminary County approval c) Agency approval, d) final County approval. All Agency technical standards will apply for Yellow Medicine County licensing review and approval except where requirements in this ordinance are more restrictive.

**Subsection 4. Preliminary Application.** Any person wishing to submit an application for license of a Solid Waste Management Facility in Yellow Medicine County must first submit the following information as a preliminary application:

- name and address if the project proposer, and site selected for the proposed project;
- geographic area and population to be served by the proposed project;
- a description of the process and expected life of the facility;
- the anticipated type, quantity and source of materials to be handled in the proposed facility;
- a description of the residues or waste discharges from the proposed facility and the environmental safeguards which will be incorporated into the project;
- the anticipated hours of operation of the proposed facility and the resulting traffic;
- a description of the adequacy of existing roadways to support the proposed facility;
- a description of the availability (or lack thereof) of similar facilities in the County or region and how the proposed facility and its operation is in compliance with the County Solid Waste Management Plan; and
- an operating schedule;
- a schedule of fees to be charged at the facility;
- a notarized affidavit, signed by the applicant, stating the municipal or township governing body in which said solid waste management facility is

to be located has considered the establishment of the solid waste management facility with respect to zoning, impact on roads, and other applicable regulations;

a notarized affidavit, signed by the applicant, stating that the applicable local governments have been given at least thirty (30) days notice of the application for a facility license;

a certificate from the County Zoning Administrator or relevant City Administrator that the proposed facility land use is in accordance with the established County or City Zoning Ordinance;

sufficient documentation to enable the County Board to determine whether the applicant is financially and operationally capable to properly process the proposed waste types and amounts in the proposed facility; and

such additional information as may be required by the Solid Waste Officer.

**Subsection 5. Preliminary Recommendation.** After receipt of a preliminary application, the Solid Waste Officer shall review the information and give a non-binding recommendation to the County Board concerning whether a final application should be made. Preliminary approval shall be provided in the form of a County Board resolution which states that the applicant has received local Zoning approval and is in compliance with any other applicable local ordinances, and that the proposed facility and its operation is in compliance with the County Solid Waste Management Plan.

If a negative recommendation is made, the applicant shall be notified in writing of the reasons why the County Board denied approval of the preliminary application. Such denial shall be without prejudice to the applicant's right to an appearance before the County Board or to the Applicant's right to file a further preliminary application after revisions are made to satisfy objections specified as reasons for denial.

**Subsection 6. Final Application.** Once a proposed project has received preliminary approval through the preliminary application process described in Section 27, Subsection 3, 4, and 5, and has received approval from the Agency, the applicant for licensure of a solid waste management facility must submit three (3) copies of the solid waste management facility permit application documents prepared for the Agency permit or permit-by-rule process to the Solid Waste Officer and such additional information as may be required by the Solid Waste Officer.

**Subsection 7. Signatures.** A license application must be signed as follows: by the solid waste management activity or facility owner, landowner, and operator; and by the Minnesota registered engineer of the firm that prepares the necessary reports and plans for a solid waste management activity or facility license.

**Subsection 8. Certification.** A person who signs a license application shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or

persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.

**Subsection 9. Final Application Review Process.** Within 30 days of receipt by the Solid Waste Officer of the final license application for a solid waste facility or activity, the Solid Waste Officer shall notify the applicant in writing whether the application is complete and if not, what items are needed to make it complete. Submission of false information may constitute grounds for denying a license or license renewal, or suspension by revocation of an issued license. A completed application, as determined by the Solid Waste Officer, shall be submitted to the County Board with a recommendation for approval or denial. A public hearing may be conducted before the County Board prior to the issuance of a license for a solid waste management activity or facility. Notice of the time, place and activity or facility to be considered shall be sent by certified mail to property owners within one-quarter (1/4) mile of the existing or proposed waste management activity or facility, or to the ten (10) property owners nearest to the waste management activity or facility, whichever would provide the greatest number of property owners. Written notice shall be given to the affected board of township supervisors and the municipal council of any municipality within one (1) mile of the existing or proposed waste management activity or facility. The applicant and all other interested parties shall be afforded the opportunity to be heard at the public hearing. Evidence may be introduced in a manner consistent with the rules of evidence applied in civil cases. Supplemental information and data may be submitted within ten (10) days of adjournment of the public hearing. A transcript of the hearing shall be made by recording or other suitable technique. All books, records, files and correspondence of the county board pertaining to said application shall be made available for public inspection. The County Board shall review the testimony and evidence provided and deliver a determination within thirty (30) days of adjournment of the public hearing.

The County Board shall refuse to issue any license for any purpose which does not comply with local ordinances, state laws and rules, federal regulations, and the County Solid Waste Management Plan as provided for in Minnesota Statutes.

If an applicant is denied a license, the applicant shall be notified in writing of the reasons therefore by the County Board. A denial shall be without prejudice to the applicant's right to file further application after revisions are made in order to satisfy objections specified in the denial.

**Subsection 10. Bond.** Issuance or renewal of any license pursuant to the provisions of this ordinance may be contingent upon the applicant furnishing to the County a bond in an amount to be set by the County Board. This bond shall name Yellow Medicine County as obligee with sufficient sureties duly licensed and authorized to transact business in the State of Minnesota as sureties. The condition of such bond shall be that, if the licensee fails to comply with any requirements or fails to perform any of the acts required of the facility or ceases to operate a facility, and the County must expend any monies or expend any labor or material to restore the operation or facility to a condition in compliance

with this ordinance, the bond holder and the sureties on its bond shall reimburse the County for any and all expenses incurred by the County to remedy failure of the licensee to comply with the terms of this ordinance, and the bond holder and its sureties shall indemnify and save the County harmless from all losses, costs, and charges that may occur to the bond holder or its sureties because of any default of the licensee under the terms of the bond to operate in compliance with the terms of the ordinances of the County.

**Subsection 11. Letter of Credit.** The County Board may accept in lieu of the bond described in Section 27, Subsection 10, a letter of credit provided that the letter of credit names the County as obligee with sufficient sureties duly licensed and authorized to transact business in the State of Minnesota as sureties, and that all of the conditions of the bond are met as described in Section 27, Subsection 10. An updated letter of credit shall be required upon renewal of any license granted pursuant to the provisions of this ordinance.

**Subsection 12. Insurance.** Issuance or renewal of a license pursuant to the provisions of this ordinance shall be contingent upon the applicant securing insurance, and furnishing to the County a copy of a certificate therefor, the following types of insurance issued to the licensee and naming the County as insured, by insurers duly licensed within the State of Minnesota and in amounts set by the County Board: general liability including, but not limited to, bodily injury, property damage, motor vehicle, workers compensation, or other insurance required by State or County law. The licensee shall provide 30 days written notice to the Solid Waste Officer should any insurance policy be canceled before the expiration date of said policy.

**Subsection 12. Fees.** Issuance or renewal of any license pursuant to the provision of this ordinance shall be contingent upon the applicant paying the annual renewal fee for that license in an amount set by County Board resolution, or as listed in Appendix C.

**Subsection 14. License Term.** Unless otherwise provided by the County Board, each license granted pursuant to the provisions of this ordinance shall be for a period of not more than one (1) year, unless earlier suspended or revoked. The license period for solid waste management activities or facilities shall be from the date of issuance until December 31 for initial licenses and from January 1 - December 31, a period of one (1) year, for license renewals.

**Subsection 15. Annual Report.** Licensed solid waste management activities or facilities shall submit an annual report, to be submitted no later than March 1 of each year for the previous year that the license was issued, that contains information, data, plans, and reports as required by the Agency.

**Subsection 16. Change in Facility Construction or Operation.** No change within the parameters of the facility's license and permit shall be made in the construction or operation of a solid waste management activity or facility unless such change is first approved by the Solid Waste Officer and the Agency.

**Subsection 17. License Modification.** The County Board may modify existing licensing requirements due to information indicating that the original license provisions were based on inadequate or erroneous information. Such changes in license requirements can only be made after notification in writing to the licensee.

**Subsection 18. Renewal Requirement.** Renewal of any license pursuant to the provisions of this ordinance shall be contingent upon the applicant submitting information required in the license application that has changed since the previous submittal, such additional information as may be required by the Solid Waste Officer, and information, data, plans, and reports as required by the Agency.

**Subsection 19. Inspection.** Routine inspection and evaluation of an operation shall be made by the Solid Waste Officer at such frequency as to ensure consistent compliance by the licensee with the provisions of this ordinance. The licensee shall be provided with a written inspection report containing the precise description of any deficiencies, recommendations for the correction thereof and the date when the corrections shall be accomplished. Copies of said report(s) shall be furnished to the Agency. The licensee shall allow to authorized representatives of the County or the Agency access to the facility at any time for the purpose of making such inspection as may be necessary to determine compliance with the requirements of the ordinance, and any other applicable statute, ordinance, or rule.

**Subsection 20. Continuation Of Expired License.** A person who holds an expired license and who has submitted a timely and complete application for reissuance of the license may continue to conduct the licensed solid waste management activity until the County Board takes final action on the application if the Solid Waste Officer determines that both of the following are true:

A. The licensee is in compliance with the terms and conditions of the expired license, the Yellow Medicine County Solid Waste Management Ordinance, and the Yellow Medicine County Solid Waste Management Plan; and,

B. the Solid Waste Officer, through no fault of the licensee, has not taken final action of the application on or before the expiration date of the license.

**Subsection 21. Revocation and Suspension.** Any license granted by the County Board under the provision of this ordinance may be suspended by the County Board at any time for noncompliance with the provisions of the license, this ordinance or applicable state laws or rules, or upon written notification to the licensee and the County Board by the Solid Waste Officer or by an authorized representative of the Agency that continued operation may endanger the health, welfare or safety of the public or that the continued operation may cause pollution or impairment of the environment. In the event of an emergency health, safety, or welfare danger, the County Board or Solid Waste Officer may suspend the license immediately pending a hearing before the County Board.

The notice of suspension shall be deemed served whenever it is served upon the licensee personally or by certified mail to the licensed premises with the person in charge thereof. A copy of the notice of suspension shall be provided to the County Board. A license may be revoked only after the County Board has held a public hearing at which the licensee and other persons wishing to be heard concerning use of the operation shall have the right to be heard. The date of the hearing for the license revocation shall be set by the County Board and shall not be held earlier than ten (10), or later than thirty (30) calendar days after the notice of said hearing was mailed to the licensee. Evidence may be adduced in a manner consistent with the rules of evidence applied in civil cases. Supplemental information and data may be submitted within ten (10) calendar days of adjournment of the public hearing. A transcript thereof shall be made by tape recording or other suitable technique. If, pursuant to said hearing, the County Board shall determine that the operation has been conducted in violation of the provisions of the license, this ordinance, the regulations of Yellow Medicine County, the Yellow Medicine County Solid Waste Management Plan, state laws or state rules, or that the operation may endanger the health, welfare or safety of the public or may cause pollution or impairment of the environment, the County Board may revoke the license or continue a suspension in effect until the operator has demonstrated that full compliance with the provisions of the license, this ordinance, the County Solid Waste Management Plan, the regulations of Yellow Medicine County, state laws and state rules has been attained and that such compliance will continue in the future and that the operation will not endanger the health, welfare or safety of the public and will not cause pollution or impairment of the environment.

#### **SECTION 23.0:**

#### **COLLECTION AND TRANSPORTATION OF SOLID WASTE AND RECYCLABLES**

Subsection 1. **Mandatory Collection.** Pursuant to Minnesota Statutes 115A. 941, (a) Except as provided in paragraph (b), each city, and town described in section 368.01, with a population of 1,000 or more, and any other town with a population of 5,000 or more shall ensure that every residential household and business in the city or town has solid waste collection service. To comply with this section, a city or town may organize collection, provide collection or require by ordinance that every household and business has a contract for collection services. An ordinance adopted under this section must provide for enforcement. (b) A city or town described in paragraph (a) may exempt a residential household or business in the city or town from the requirement to have solid waste collection service if the household or business ensures that an environmentally sound alternative is used. (c) To the extent practicable, the costs incurred by a city or town under this section must be incorporated into the collection system or the enforcement mechanisms adopted under this section by the city or town.

Subsection 2. **Visible Costs.** Any political subdivision that pays for the cost of collection or disposal of solid waste shall, through a billing or other system, make the prorated share of those costs for each solid waste generator visible and obvious to the generator.

**Subsection 3. License Required.** Any person, firm or corporation that transports solid waste or source separated recyclable materials via the roads and highways of Yellow Medicine County for hire must annually obtain a Solid Waste and Recyclables Collection and Transportation License and provide an opportunity to recycle as provided for in Section 29 of this ordinance.

**Subsection 4. Applicability.** The provisions of this section shall apply to all persons seeking a license to collect and transport mixed municipal solid waste and source separated recyclables for hire. Persons who haul their own solid waste or source separated recyclables generated at their household or business to a County owned or operated solid waste management facility, or a County licensed facility, are exempt from the licensing requirements of this section. Persons who haul, store, collect, and transport their own waste and source separated recyclable materials shall do so in a nuisance free and pollution free manner consistent with this Section and this ordinance.

**Subsection 5 Specific Licensing Requirements.** Application for a license shall be made on forms approved by the County Board and shall be submitted with the appropriate fee to the Solid Waste Officer. Failure to submit the information requested on the application form may result in denial of the license by the County Board. An application to the Solid Waste Officer and subsequent annual renewal shall contain the following information, as applicable:

**Subsection 6. Equipment and Operation Requirements.**

**A.** Each vehicle or other conveyance used by a hauler for the collection or transportation of solid waste or source separated recyclables shall be easily cleaned, leak-proof, and be covered with metal, canvas, or fish-net type material made for this purpose. Vehicles and containers for solid waste and source separated recyclable collection and transportation shall be constructed, loaded, transported, and unloaded, in a safe, sanitary, nuisance free, and pollution free manner. Vehicles and containers shall be cleaned to prevent nuisance, pollution, insect breeding, and shall be maintained in good repair. Container inspection doors shall be securely closed except when the vehicle or container is being inspected, cleaned, or stored in clean and empty condition. In the event of a leak or spill, the transporter shall notify the Solid Waste Officer and the appropriate law enforcement agency and shall be responsible for the cleaning and restoration of the leak or spill site.

**B.** The licensee shall be responsible for the cleanup of any solid waste or source separated recyclable material that must be dumped in an emergency. In addition, a licensed hauler shall be responsible cleaning up any litter, solid waste, and recyclables discharged onto roadways while in transit. Should the responsible hauler fail to clean up litter, solid waste and recyclables dumped in an emergency or discharged onto roadways while in transit, the County may charge such hauler the entire cost of the removal and disposal of the dumped material.

**C. No smoking, smoldering, or burning solid waste or source separated recyclables shall be collected or transported.**

**D. Decals may be issued by the Solid Waste Officer for each licensed vehicle or conveyance; these shall be displayed in a conspicuous place on the left side of the vehicle. Facility numbers, when applicable, shall be displayed as directed by the Solid Waste Officer. The licensee must maintain all decals, labeling, and license plates so that they are readily visible and legible at all times. The licensed hauler shall contact the Solid Waste Officer by telephone or in writing if it is necessary to use a vehicle other than one included in its original, renewed, or amended license application.**

**E. The business name and telephone number of the licensee shall be easily visible and be printed or painted in legible characters on both sides of all vehicles, containers, and conveyances used by the hauler to store, collect, or transport solid waste or source separated recyclable material.**

**F. The Solid Waste Officer may inspect and approve all solid waste and source separated recyclable material storage, collection, and transportation containers, vehicles, and conveyances if deemed necessary by the Solid Waste Officer to protect public health, safety, or the environment.**

**G. The licensee shall not allow solid waste to remain or be stored in any collection or transportation vehicle in excess of 48 hours, except in the event of an emergency such as inclement weather, equipment breakdown, or accident. The Solid Waste Officer may approve storage for greater than 48 hours, on a case-by-case basis, for reasons other than emergencies, provided such storage will not adversely affect public health, safety, or the environment.**

**Subsection 7. Volume or Weight Based Pricing. Licensed collectors and transporters of solid waste shall impose charges for collection service that increase with the volume or weight of the waste collected. The licensee must establish a multiple pricing system that ensures that amounts of waste generated in excess of the base unit amount, which is hereby established as either thirty gallons or twenty pounds collected once per week, are priced higher than the base amount price. The licensee shall provide a fee schedule demonstrating compliance with this provision to the Solid Waste Officer at the time of license application or renewal.**

**Subsection 8. Recycling Charges. The licensee shall not impose a greater charge on residents, businesses, or institutions who recycle than on residents who do not recycle.**

**Subsection 9. Scavenging Prohibited. The scavenging or removal of recoverable or recyclable materials from any facility or container in Yellow Medicine County without the written consent of the owner or operator of the facility or container shall be prohibited.**

**Subsection 10. Ownership of Recyclables.** Ownership of source separated recyclables shall be given to the County at the point in time as follows. 1) when recyclables are delivered to County owned recycling sheds or facilities; and 2) after recyclables are placed out for collection by a licensed commercial hauler and up to the time collected by the licensed commercial hauler.

**Subsection 11. Marketing Requirement.** A collector or generator of source separated materials may take recyclable materials to a recycling facility of the collector's or generator's choice. Any materials separated for recycling shall be taken to markets for sale or to recyclable material processing centers. Recyclable material collectors shall keep records of delivery to markets or processing centers. Records of delivery shall be required to be submitted to the county at the time of license renewal. Failure to submit such records may be grounds for suspension, revocation, or non-renewal of a license.

**Subsection 12. Waste Deposit Disclosure.** A person that collects construction debris, industrial waste, or mixed municipal waste for transportation to a waste facility shall disclose to each generator from who the waste is collected the name, location, type of, and the number of the permit issued by the Agency, or its counterpart in another state, if applicable, for the processing or disposal facility or facilities, excluding a transfer station, at which the waste is deposited. The collector shall provide notice of both the generator and the primary facility at which the collector most often deposits wastes and any alternative facilities regularly used by the collector.

**Subsection 13. Form of Disclosure.** A collector shall make the disclosure to the waste generator in writing at least once per year or on any written contract for collection services in that year. If an additional facility becomes either a primary facility or an alternative facility during the year, the collector shall make the disclosure set forth in Section 28, subsections 12, 13, and 14 within thirty days. Evidence of such disclosure shall be provided to the Solid Waste Officer at the time of application for a license or renewal of a license.

**Subsection 14. Transfer Stations.** If the collector deposits waste at a transfer station, the collector need not disclose the name and location of the transfer station but must disclose the destination of the waste when it leaves the transfer station.

**Subsection 15. Insurance Requirements.** Issuance or renewal of a license pursuant to the provisions of this ordinance shall be contingent upon the applicant securing insurance, and furnishing to the County a copy of a certificate therefor, the following types of insurance issued to the licensee and naming the County as insured, by insurers duly licensed within the State of Minnesota and in amounts set by the County Board: general liability including, but not limited to, bodily injury, property damage, motor vehicle, workers compensation, or other insurance required by State or County law. The licensee shall provide 30 days written notice to the Solid Waste Officer should any insurance policy be canceled before the expiration date of said policy.

**Subsection 16. License Suspension and Revocation.** A license may be suspended or revoked at any time by the County Board according to the procedures in Section 27, Subsection 21 of this ordinance. If the Licensee contracts with facilities owned or operated by the County and a commercial hauler fails in any material way to comply with the contract, the license may be suspended or revoked by the County Board according to the procedures in Section 27 Subsection 21.

**Subsection 17. License Modification.** The County Board may modify existing licensing requirements due to information indicating that the original license provisions were based on inadequate or erroneous information. Such changes in license requirements can only be made after notification in writing to the licensee.

**Subsection 18. License Renewal.** Unless otherwise provided by the County Board, each license granted pursuant to the provisions of this ordinance shall expire on December 31 of each year, unless sooner suspended or revoked pursuant to Section 2, Subsection 10. Application for license renewal shall be made pursuant this Section (28) and all other applicable portions of this ordinance.

**Subsection 19. Town or Municipal Service.** Nothing in this ordinance shall prevent a municipality or township from establishing solid waste collection services that are in compliance with the County Solid Waste Plan and the regulations of the State and Yellow Medicine County. Pursuant to Minnesota Statute 115A.945 the costs of collection or disposal of solid waste shall, through a billing or other system, make the prorated share of those costs for each solid waste generator visible and obvious to the generator.

## **SECTION 24.0**

### **OPPORTUNITY TO RECYCLE**

**Subdivision 1. Purpose.** It is the intent of the County Board of Yellow Medicine County by means of Section 24 of this ordinance to establish a standards whereby the maximum amount of recyclables feasible shall be recovered from solid waste generated in Yellow Medicine County to capture the value of recyclables in terms of recovered resources, marketable commodities, and saved landfill space.

**Subdivision 2. Opportunity to Recycle.** All persons in Yellow Medicine County shall be provided the opportunity to recycle. Yellow Medicine County has established a program that provides either curb side collection or drop off location for the collection of recyclables. Commencing Jan. 1, 1999, licensed commercial haulers must offer recycling collection services for the collection of a minimum of four broad categories of recyclable materials and yard wastes from all residential, multi-family dwellings, commercial, institutional, and industrial customers within Yellow Medicine County at least once per month. Paper and corrugated fiberboard recycling must be offered to customers of commercial,

institutional, and industrial establishments. Additional recyclable materials may be added by resolution of the County Board.

**Subdivision 3. Recyclables Storage.** Recyclables materials shall be place indoors, or in side or rear yards if they are fully screened from neighboring properties and public streets. Recyclable storage shall be in a nuisance free, pollution free and aesthetic manner. The County Board may, by resolution, establish other container standards.

**Subdivision 4. Ownership of Recyclables.** Ownership of source separated recyclables shall be given to the County at the point in time as follows. 1) when recyclables are delivered to County owned recycling sheds or facilities; and 2) after recyclables are placed out for collection by a licensed commercial hauler and up to the time collected by the licensed commercial hauler.

**Subdivision 5. Scavenging Prohibited.** It shall be a violation of this ordinance for any person to scavenge, collect, or otherwise remove recyclable or solid waste materials from recycling sheds, containers, or facilities, or from any container located on any private or public property.

**Subdivision 6. Contamination of Recyclables Prohibited.** It shall be a violation of this ordinance for any person to dump, place or otherwise dispose of solid waste in any recycling sheds, containers, or facilities, or mix source separated recyclables with solid waste in any other manner.

**Subsection 7. Dumping of Solid Waste or Recyclables in Recycling Facilities.** It shall be a violation of this ordinance for any person to dump, place, or otherwise deposit solid waste in recycling sheds, containers, or facilities, or mix source separated recyclables with solid waste in any manner.

## **SECTION 25.0:**

### **MIXED MUNICIPAL SOLID WASTE LANDFILLS**

**Subsection 1. Applicability.** This section shall apply to all persons seeking a license to operate a landfill for the disposal of solid waste. It is unlawful to operate a mixed municipal solid waste landfill without a license from the County Board.

**Subsection 2. License Requirements.** The license requirements in Section 22 of this ordinance shall apply to this Section.

**Subsection 3. State Rule.** Mixed municipal solid waste facilities shall meet all of the requirements of Minnesota Rules, Chapter 7001 and 7035.

**Subsection 4. State and County Fees.** All Mixed municipal solid waste landfills shall be current on all state and county fees according to Minnesota Statutes 115A.919 and 115A.923 prior to renewal of County license.

## **SECTION 26.0:**

### **DEMOLITION LANDFILLS**

**Subsection 1. Applicability.** This section shall apply to all persons seeking a permit to operate a landfill for the disposal of demolition waste. It is unlawful to operate a demolition landfill without a license from the County Board.

**Subsection 2. License Requirements.** The license requirements in Section 22 of this ordinance shall apply to this Section.

**Subsection 3. State Rule.** Demolition Waste facilities shall meet all of the requirements of Minnesota Rules, Chapter 7001 and 7035.

**Subsection 4. State and County Fees.** All demolition landfills shall be current on state and county fees according to Minnesota Statutes 115A.919 and 115A.923 prior to renewal of County license.

## **SECTION 27.0:**

### **MIXED MUNICIPAL SOLID WASTE COMPOSTING FACILITIES**

**Subsection 1. Applicability.** This section shall apply to all persons seeking a permit and license to operate a MMSW composting facility for processing of solid waste. It is unlawful to operate a mixed municipal solid waste composting facility without a license from the County Board.

**Subsection 2. License Requirements.** The license requirements in Section 22 of this ordinance shall apply to this Section. In addition to the requirements of Section 27, materials resulting from MMSW Composting or similar processes and offered for sale shall contain no pathogenic organisms, shall not reheat upon standing, shall be innocuous, and shall contain no sharp particles which would cause injury to persons handling the compost. A license application shall also include the sanitary landfill or other waste facility where rejects, non-processible waste and residue will be transferred, the sanitary landfill or other waste facility owner, hours of operation, MPCA Permit Number, and any other information deemed necessary by the Solid Waste Officer.

**Subsection 3. State Rule.** Mixed Municipal Solid Waste Composting facilities shall meet all of the requirements of Minnesota Rules, Chapter 7001 and 7035.

**Subsection 4. State and County Fees.** All mixed municipal solid waste composting facilities shall be current on state and county fees according to Minnesota Statutes 115A.919 and 115A.923 prior to renewal of County license.

## **SECTION 28.0:**

### **RDF RESOURCE RECOVERY FACILITIES**

**Subsection 1. Applicability.** This section shall apply to all persons seeking a permit and license to operate a RDF resource recovery facility for processing of solid waste without a license from the County Board.

**Subsection 2. License Requirements.** The license requirements in Section 22 of this ordinance shall apply to this Section. In addition the requirements of Section 27 of this ordinance, a license application shall include the sanitary landfill or other waste facility where rejects, non-processible waste and residue will be transferred, the sanitary landfill owner, hours of operation, MPCA Permit Number, and any other information deemed necessary by the Solid Waste Officer.

**Subsection 3. State Rule.** RDF Resource Recovery facilities shall meet all of the requirements of Minnesota Rules, Chapter 7001 and 7035.

**Subsection 4. State and County Fees.** All RDF Resource Recovery Facilities shall be current on state and county fees according to Minnesota Statutes 115A.919 and 115A.923 prior to renewal of County license.

#### **SECTION 29.0:**

##### **MASS BURN AND RDF INCINERATION**

**Subsection 1. Applicability.** It is unlawful to operate a solid waste Mass Burn or RDF incineration facility without a license from the County Board.

**Subsection 2. License Requirements.** The license requirements in Section 22 of this ordinance shall apply to this Section. In addition to the requirements of Section 27, all incinerators shall be designed and operated in a manner to conform to emission standards of Federal, State and Local air pollution control regulations. A license application shall include the sanitary landfill or other waste facility where rejects, non-processible waste and residue will be transferred, the sanitary landfill owner, hours of operation, MPCA Permit Number, and any other information deemed necessary by the Solid Waste Officer.

**Subsection 3. State Rule.** Incinerator facilities shall meet all of the requirements of Minnesota Statutes and Agency Rules, Chapters 7001 and 7035.

**Subsection 4. State and County Fees.** All Mass Burn and RDF Incineration facilities shall be current on state and county fees according to Minnesota Statutes 115A.919 and 115A.923 prior to renewal of County license.

#### **SECTION 30.0:**

##### **RECYCLING CENTERS**

**Subsection 1. Applicability.** It is unlawful to operate a Recycling Center without a license from the County Board.

**Subsection 2. License Requirements.** The license requirements in Section 22 of this ordinance shall apply to this Section. In addition to the requirements of

**Section 27, the licensee shall indicate the Sanitary landfill or other waste facility where any residue will be transferred, the owner, hours of operation and the Minnesota Pollution Control Agency permit number, and proposed marketing plan for materials.**

**Subsection 3. State Rule. Recycling facilities shall be in compliance with MPCA Solid Waste Management Rules parts 7035.2845 and 7035.2855.**

## **SECTION 31.0**

### **YARD WASTE**

**Subsection 1. Statutory Prohibition. Except as authorized by the Agency, it shall be a violation of this ordinance for a person to place yard waste in mixed municipal solid waste, in a disposal facility, in the Waters of the State, or in a resource recovery facility except for the purposes of reuse, composting, or co-composting.**

**Subsection 2. Definition. Yard waste subject to this section includes garden wastes, leaves, lawn cuttings, weeds, shrub and tree waste, and prunings.**

**Subsection 3. On-site Composting. Yard waste composting sites maintained by individual residents or businesses for yard wastes generated at the residence or business occupying the property need not be licensed by the County. However, the compost sites must be maintained in a manner that does not cause a nuisance, public health nuisance, safety, or pollution hazard. The compost pile may not be located less than five feet from a property line and may not be located closer to the primary residential structure on a neighboring property than it is to the primary residential structure on the property upon which the compost pile is located.**

**Subsection 4. Agency Permit. A person who owns or operates a compost site, other than a backyard compost site, must comply with the Agency design and operating requirements established in Minnesota Rules 7035.2835.**

**Subsection 5. Yard Waste Landspreading. The landspreading of yard waste or yard waste compost is permitted provided that the land spreading of yard waste is conducted in a manner which does not create a nuisance, public health nuisance, safety, or pollution hazard, and is conducted in compliance with the regulations of federal, state and local government rules and regulations.**

**Subsection 6. Brush and Tree Management. The management of brush and tree waste is permitted provided that the management is conducted in a manner which does not create a nuisance, public health nuisance, safety, or pollution hazard, and is conducted in compliance with the regulations of federal, state and local government rules and regulations.**

## **SECTION 32.0**

## **TRANSFER STATIONS**

**Subsection 1. Applicability.** It is unlawful to operate a Transfer Station without a license from the County Board.

**Subsection 2. Agency Rule.** Transfer stations shall be in compliance with Agency requirements as established in Minnesota Rules 7035.2865.

**Subsection 3. License Requirements.** The license requirements in Section 22 of this ordinance shall apply to this Section. In addition to the requirements of Section 22, a transfer station permittee shall comply with the following regulations:

**A.** The operator of the facility shall implement an inventory system and segregation procedure sufficient to enable identification of the sources of all containers in storage at any time.

**B.** When stated in the license, the licensee shall take away all solid waste, and wash, clean and disinfect the station at the end of each day of use.

**C.** Records shall be maintained indicating the type and quantity of solid waste and recyclables passing through the transfer station and its final disposition. These records shall be made available to the Solid Waste Officer at the request of the Solid Waste Officer. Accurate and detailed records shall be kept at the facility at all times.

**D.** Solid wastes shall not remain in the transfer station longer than 72 hours.

## ***SECTIONS 33.0 - 41.0 : ENFORCEMENT***

### **SECTION 33.0:**

#### **EXISTING NON-CONFORMING SITES OR FACILITIES**

**Subsection 1.** Non-licensed facilities in existence on the effective date of this ordinance shall be reported to the Solid Waste Officer and conform to the provisions of this ordinance. A record, including a mapped location of any area used for land disposal, shall be filed at the office of the County Recorder and the Solid Waste Officer.

**Subsection 2.** Non-licensed operations shall be terminated within one year of the effective date of this ordinance except as authorized by the Solid Waste Officer, or brought into compliance with this ordinance.

### **SECTION 34.0:**

#### **VIOLATIONS AND PENALTIES**

**Subsection 1. Right and Duty to Enforce.** The Solid Waste Officer shall have the right and duty to administer and enforce this ordinance.

**Subsection 2. Misdemeanor.** Except as separately provided for in this ordinance or in State Statutes, any person who fails to comply with the provisions of this Ordinance is guilty of a misdemeanor. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

**Subsection 3. Civil Action and Injunctive Relief.** In the event of a violation or a threat of a violation of this Ordinance, the County may institute appropriate actions or proceedings, including injunctive relief to prevent, restrain, correct or abate such violations or threatened violations. The County may recover costs incurred for corrective action in a civil action in any court of competent jurisdiction or, at the discretion of the County Board, the costs may be certified to the County Auditor as a special tax against the real property.

**Subsection 4. State of Minnesota Enforcement Action.** The Solid Waste Officer shall have the authority to forward violations to the Minnesota Pollution Control Agency for an Administrative Penalty Order or written citation, and to the Minnesota Department of Natural Resources for a written citation.

#### **SECTION 35.0:**

##### **INSPECTION**

**Subsection 1. Inspection.** All property affected by this ordinance shall be subject to inspection by the County, Agency or their designees in accordance with Minnesota Statutes and this ordinance. After presentation of credentials, the County, Agency or their designees may collect samples for evidence or laboratory examination as deemed necessary for the enforcement of this ordinance. No person shall refuse to permit the County, Agency or their designees to inspect any premises or interfere with or resist the County, Agency or their designees in the discharge of their duty to protect the public health, safety, or welfare.

#### **SECTION 36.0:**

##### **FEES, RATES, AND SERVICE CHARGES/AREAS**

**Subsection 1. Setting Fees.** Fees for licenses shall be set from time to time by resolution of the Yellow Medicine County Board of Commissioners (see Appendix C).

**Subsection 2. Payment of Fees.** Fees shall be paid at the time of license application and annually thereafter as a condition of license renewal. Non-payment of fees shall be grounds for denial of a license application or renewal.

**Subsection 3. County Fees Waived.** Any solid waste facilities, transportation vehicles, or commercial hauler vehicles owned and operated by Yellow Medicine

County or its incorporated cities or townships shall fulfill all requirements of this ordinance with the exception of the license fee requirements.

**Subsection 4. Local Fee Authority.** The County or municipality may impose fees or licenses pursuant to MN Statute 115 A - 918 - 923.

**Subsection 5. Service Charge.**

**A. Purpose and Authority.** This subsection is enacted pursuant to Minnesota Statute 400.08 which grants Yellow Medicine County the authority to impose reasonable charges for a service fee to cover the cost of solid waste management. The purpose of this section is to establish a method of collection for such charges.

**B. Method of Billing and Collecting Service Charge.** The charges will be billed and collected as a fee on the applicable Yellow Medicine County tax statements as determined by the fee schedule.

**C. Collection.** On or before the date provided for in M.S. Section 400.08, Subdivision 4, in each year, the County Board shall certify to the County Auditor all charges and a description of the parcels against which the charges arose for the following year. It shall be the duty of the County Auditor upon order of the County Board, to extent the charges upon the folls of the County for the taxes of the year in which the fee is filed. For each year the charge shall be carried into the tax becoming due and payable in January of the following year, and shall be enforced and collected in the manner provided for the enforcement and collection of real property taxes in accordance with the provisions of the laws of the State. The charges, if not paid, shall become delinquent and be subject to the same penalties and the same rate of interest as the taxes under the general laws of the State.

**D. Rates and Charges.** The County Board, by resolution, may establish or revise the fee schedule for solid waste management services. All fees and charges shall be uniform in their application. A copy of the current fee schedule shall be kept on file in the Office of the County Auditor. If no new fee schedule for solid waste management services is adopted in any year, the fee schedule for the previous year shall remain in effect. To insure the required financial surveillance, the County Coordinator shall annually review the cash flows associated with the Yellow Medicine County Sanitary Landfill, and shall report the findings to the Yellow Medicine County Board of Commissioners each year. Any inequities and/or shortages of revenue caused by unforeseen changes in the cost-revenue pattern of the landfill facility may be remedied by adjusting the unit cost figures. In establishing or revising the fee 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, the method of disposition, and all other factors that enter into the cots of service, including but not limited to depreciation and payment of principal and interest on money borrowed by the County for the acquisition or betterment of facilities.

**Subsection 6. Service Area.** This subsection is enacted pursuant to M.S. 400.08 which grants Yellow Medicine County the authority to establish and determine the boundaries of solid waste management service areas in the County. The

boundaries of Yellow Medicine County shall constitute the boundaries of the solid waste management service area.

**SECTION 37.0:**

**MODIFICATION OF REQUIREMENTS**

**Subsection 1. Waivers or Modifications.** The County Board may waive or modify the strict application of the provisions of the ordinance by reducing or waiving certain requirements when such requirements are unnecessary or impractical, or by imposing additional requirements when such requirements are necessary to reduce risk of harm to persons, property, or the environment.

**Subsection 2. Agency Approval.** No modification or waiver may be granted if it would result in noncompliance with Minnesota Rules applicable to the operation of the facility or activity, unless such modification or waiver has been approved or granted by the Agency.

**SECTION 38.0:**

**PROMOTION OF PUBLIC HEALTH, SAFETY AND WELFARE**

**Subsection 1. Promotion of Public Health, Safety and Welfare.** Where the conditions imposed by any provision of this ordinance are less restrictive than comparable conditions imposed by any other provision of this ordinance, or any other applicable law, ordinance, rule and regulation, the provision which establishes the higher standards for the promotion and protection of the public health, safety, and welfare shall prevail.

**SECTION 39.0:**

**SEVERABILITY**

**Subsection 1. Severability.** It is hereby declared to be the intention of the County Board that the provisions of this ordinance shall be severable in accordance with the following:

**A. Validity of Provisions.** If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgement shall not affect any other provisions of this ordinance not specifically included in said judgement.

**B. Application to Site or Facility.** 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 judgement shall not effect the application of said provision to any other structure, site, facility, or operation not specifically included in said judgement.

**SECTION 40.0:**

**EFFECTIVE DATE**

**Subsection 1. Effective Date.** This ordinance shall be effective immediately upon passage by the County Board of Commissioners and publication as required by law and shall apply to the license year commencing 8-11, 1999.

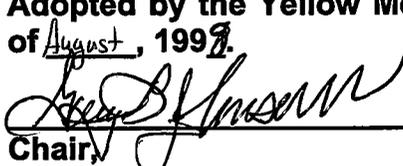
**Subsection 2. Parties Responsible.** This ordinance shall not be construed to hold the Solid Waste Officer or the County of Yellow Medicine or any officer or employee thereof responsible for any damage to persons or property by reason of the inspection or re-inspection authorized herein provided; or by reason of approval or disapproval of equipment or licensing herein; nor for any action in connection with the inspection or control of solid waste or on connection with any other official duties.

**SECTION 41.0:**

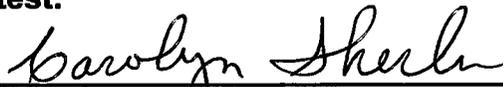
**PROVISIONS ARE CUMULATIVE**

**Subsection 1. Provisions are Cumulative.** The provisions of this ordinance are cumulative to all other laws, ordinance and regulations heretofore passed or which may be passed hereafter, covering any subject matter in this ordinance.

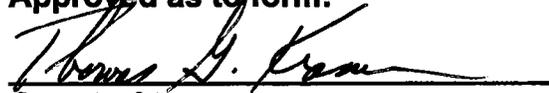
Adopted by the Yellow Medicine County Board of Commissioners this 11<sup>th</sup> day of August, 1999.

  
\_\_\_\_\_  
Chair,  
Board of Commissioners

**Attest:**

  
\_\_\_\_\_  
County Auditor

**Approved as to form:**

  
\_\_\_\_\_  
County Attorney