

**HUBBARD COUNTY
SOLID WASTE ORDINANCE #18**

Amended on April 1, 1994
Amended on July 7, 2004
Amended on July 6, 2011

AN ORDINANCE ESTABLISHING STANDARDS FOR AND REGULATING THE OPERATION OF SOLID WASTE DISPOSAL WITHIN THE COUNTY OF HUBBARD, MINNESOTA; REQUIRING A LICENSE FOR ESTABLISHING AND OPERATING A SOLID WASTE FACILITY; ESTABLISHING REQUIREMENTS FOR CONTROL OF SPECIAL SOLID WASTES AND FOR FIRE PROTECTION; PROVIDING FOR AN ENFORCEMENT AGENCY, AND IMPOSING PENALTIES FOR FAILURE TO COMPLY WITH THESE PROVISIONS; AND REQUIRING A LICENSE AND REQUIREMENTS OF A PERFORMANCE BOND FOR PERSONS WHO PROVIDE A SERVICE OF COLLECTING AND TRANSPORTING MIXED MUNICIPAL SOLID WASTE AND RECYCLABLES IN ORDER TO PROMOTE THE HEALTH, WELFARE AND SAFETY OF THE PUBLIC PURSUANT TO LAWS OF MINNESOTA 1984, CHAPTERS 115, 115a, 116, AND 400.

Be it ordained and enacted by the County Board of Commissioners of the County of Hubbard, State of Minnesota, that this Ordinance, to wit: County Ordinance Number 18, adopted by this act, hereby replaces and nullifies existing County Solid Waste Ordinance Number 7 in its entirety as well as all amendments there to. Be it further ordained and enacted, that Hubbard County Ordinance Number 1 is hereby repealed in its entirety.

SECTION I. DEFINITIONS

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give the Ordinance its most reasonable application. For the purpose of this Ordinance, the words "must" and "shall" are mandatory; the word "may" and "should" is permissive. Words used in the present tense shall include the future, and words used in the singular number shall include the plural number as well.

ACCEPTABLE WASTE: means waste which is acceptable at the designated facility. Acceptable waste shall include garbage, refuse and municipal solid waste from residential commercial, industrial and community activities which is generated and collected in aggregate, and which is not otherwise defined herein as unacceptable waste. No amount of hazardous or infectious waste that is regulated by law is acceptable at the designated facility.

AGENCY: means the Minnesota Pollution Control Agency, its agents or representatives.

AGRICULTURAL SITE: means land zoned and/or operated for agricultural purposes but excludes the residential site on said premises.

BODY/REPAIR SHOP: means a person, partnership or corporation whose main business is repairing motorized vehicles, and who keeps all such vehicles in a licensed and upright condition.

CATHODE-RAY TUBE OR CRT: means a vacuum tube or picture tube used to convert an electronic signal into a visual image.

COLLECTOR: means any person, persons or corporation who collects, stores, junk; automobiles; boats; snowmobiles; motor homes; recreational vehicles or mobile homes equal in bulk to five (5) or more motor vehicles for three (3) months or more where no wrecking, dismantling, of parts for resale is conducted or intended.

COLLECTOR VEHICLE: means a motor vehicle of at least 20 years old which is in a licensed and upright condition.

COMMISSIONER: means the Commissioner of the Minnesota Pollution Control Agency.

COMPOSTING: means the controlled microbial degradation of organic waste to yield a humus-like product.

CONSTRUCTION AND DEMOLITION DEBRIS: means solid waste resulting from construction, remodeling, repair, erection and demolition of buildings and roads and other artificial structures, including: concrete, brick, bituminous concrete, untreated wood, masonry, glass, trees, rock, plastic building parts, plumbing fixtures, roofing materials, wallboard, and built-in cabinetry. Construction and Demolition Debris does not include: asbestos waste; auto glass; wood treated with chemical preservatives; furniture; lighting equipment; vermiculite; contaminated soil; firebrick; food waste; machinery; engine parts; liquid paints; paint thinners or solvents; varnishes; street sweepings; tar; carpet/padding if not affixed to a structure; mattresses; adhesives, caulking, sealants and applicators, brushes, containers, tubes, filters contaminated with these materials; sandblasting materials; agricultural chemicals or containers (including empty pesticide, herbicide, and insecticide containers); chemical containers; animal carcasses, parts, or rendering and slaughterhouse wastes; major appliances, electronics, ashes or hot wastes that could spontaneously combust or ignite other wastes due to high temperatures; ash from incinerators, resource recovery facilities and power plants; batteries; carbon filters; fluorescent tubes and ballasts; high-intensity discharge lamps; foundry wastes; Hazardous Waste; household Refuse or garbage; infectious waste; liquids (any type), liquid non-hazardous materials; medical waste; mercury containing wastes (thermostats, switches); PCB contaminated wastes; petroleum products and their containers or filters (including oil, grease or fuel); radioactive waste (unless natural materials at normal background levels); septic tank pumping; sludge's (including ink, lime, wood, sewage or paper); live coal tar (including applicators, containers, and tubes); Waste Tires; vehicles; Yard Waste; and packaging materials, including cardboard, paper, shrink-wrap and Styrofoam. Mixtures of Construction and Demolition Debris with other Solid Waste is not Construction and Demolition Debris.

CONSTRUCTION AND DEMOLITION DEBRIS LAND DISPOSAL FACILITY: means a site used to dispose of construction and demolition debris.

CONSTRUCTION SITE: means a place where the erection of buildings, roads or other improvements to real property is occurring

COUNTY BOARD: means the Hubbard County Board of Commissioners.

COVER MATERIAL: means material approved by the agency that is used to cover compacted solid waste in a land disposal site. Important characteristics of good cover material are generally uniform texture, low permeability, cohesiveness and compactibility.

DISMANTLE/SALVAGE: means remove useable or repairable parts from a vehicle and sell them for reuse.

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 water, including ground waters.

DISPOSAL FACILITY: means a waste facility permitted by the agency that is designed or operated for the purpose of disposing of waste on or in the land, together with any appurtenant facilities needed to process waste for disposal or transfer to another waste facility.

DURABLE CONTAINER: means something designed to have capacity for receiving and holding solid waste and not likely to wear out or decay for a long time i.e. more than three (3) years.

EFFECTIVELY CONCEAL: means to remove from sight by relocation or by the erection of a man-made or natural barrier(s) such as fencing, trees or berm so as to prevent public view of potentially unsightly or nuisance material from public road.

ELECTRONICS: means any waste that has a circuit board or a cathode-ray tube (CRT) this includes but not limited to computers and their peripheral, televisions, telephones and fax machines.

FACILITY OR SITE: means all contiguous land, structures, monitoring devices, and other improvements on the land used for monitoring, treating, processing, storing or disposing of solid waste, leachate, or residuals from solid waste processing.

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

GENERATOR: means any person who generates or aggregates solid waste.

HAULER: means any person who collects or transports solid waste, recyclable materials or yard waste but does not include a self hauler.

HAULER SERVICE: means the mixed municipal solid waste service provided by a hauler.

HAZARDOUS AND TOXIC WASTE: means any refuse or discarded material or combinations of refuse or discarded materials in solid, semi-solid, liquid, or gaseous form which cannot be handled by

routine waste management techniques because they pose a substantial present or potential hazard to human health or other living organisms because of their chemical, biological, or physical properties. Categories of hazardous waste materials include, but are not limited to, explosives, flammables, oxidizers, poisons, irritants and corrosives.

IMMINENT HAZARD: means an actual or potential immediate threat to health, safety or well being of humans or livestock that may cause environmental degradation.

INCINERATION: means the process by which solid wastes are burned for the purpose of volume or weight reduction or energy recovery in facilities designed, permitted, and licensed for such use.

INDUSTRIAL SOLID WASTE: means Solid Waste generated from an industrial or manufacturing process and Solid Waste generated from non-manufacturing activities that is Collected, Processed, or Disposed of as a separate waste stream. Industrial Solid Waste does not include office materials, restaurant and food preparation waste, discarded machinery, Construction and Demolition Debris, Mixed Municipal Solid Waste, or Mixed Municipal Solid Waste combustor ash.

INTERMEDIATE DISPOSAL FACILITY: means a preliminary or incomplete disposal of solid waste including, but not limited to, transfer station operation, open burning, incomplete land disposal, incineration, composting, reduction, shredding, compression, recycling, processing, resources recovery, and any other means or handling of waste short of final disposal.

INOPERABLE/INOPERATIVE: Any piece of equipment not currently awaiting repairs that is not capable of functioning and/or operating for the purpose in which it was manufactured or intended.

JUNK: means scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, ferrous material, non ferrous material, inoperable and/or inoperative and/or unlicensed motor vehicles, recreational vehicles, agricultural, or construction machinery and parts thereof, that may be used again in some form, second hand. Something of poor quality, worn or discarded articles, clutter, something of little meaning, worth or significance, worthless.

JUNK MOTOR VEHICLE: A motor vehicle that is partially damaged dismantled or wrecked or cannot be self propelled or moved in a manner in which it originally was intended to move or does not display current license plate.

JUNKYARD: means land or buildings where solid waste, discarded or salvaged materials are brought, purchased, sold, exchanged, stored, cleaned, packed, disassembled or handled, including but not limited to, scrap metal, rags, paper, rubber products, glass products, lumber products, and products resulting from the wrecking, dismantling of automobiles, boats, snowmobiles, or other vehicles, or used motor homes provided further that the storage of junk equal in bulk to five (5) or more inoperative and/or unlicensed motor vehicles, which are to be resold for used parts or old iron, metal, glass or other discarded materials, for a period in excess of three (3) months shall be considered a junkyard, whether maintained in connection with another business or not.

LICENSEE: means the landowner, owner, operator or other person or persons who has been issued a license by the County Board for solid waste management purposes pursuant to this Ordinance.

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

MIXED MUNICIPAL SOLID WASTE: means

A. garbage, Refuse, and other Solid Waste from residential, Non-Residential, industrial, and community activities that the Generator of the waste aggregates for Collection, except as provided in paragraph B.

B. Mixed Municipal Solid Waste does not include auto hulks, street sweepings, ash, Construction and Demolition Debris, mining waste, sludge's, tree and agricultural wastes, Waste Tires, lead acid batteries, motor and vehicle fluids and filters, and other materials collected, processed, and Disposed of as separate waste streams, but does include Source-Separated Compostable Materials.

MOTOR VEHICLE: Any machine designed or intended to travel on or over land or on or under water by self-propulsion or while attached to a self propelled vehicle

MPCA: means the MN Pollution Control Agency.

MUNICIPALITY: means an incorporated city or town within the County

NOTICE OF VIOLATION: is a formal written notice issued by County staff to notify a party that he or she is in violation of a County Ordinance. This notice will inform the party of the alleged violation, the nature and extent of violation(s) and the required corrective actions.

OFFICE: means the Hubbard County Solid Waste Management Office.

OPEN BURNING: means burning any solid waste whereby the resultant combustion products are emitted to the open atmosphere.

OPERATOR: means the person responsible for the operation of the solid waste management facility.

OWNER: means any person or persons having a legal interest in or personal property or any person in possession or control of real or personal property including but not limited to, mortgages, contract for deed vendees and contract for deed vendor.

PERIPHERAL: means keyboard, printer, or any other devise sold exclusively for external use with a computer that provides input or output into or from a computer.

PERSON: means any human being, any municipality or other governmental or political subdivision or other public agency, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing, or any other legal entity unless exempted by statute or rule.

PROBLEM MATERIAL: means a material that, when processed or disposed of with Mixed Municipal Solid Waste, contributes to one of the following results: 1) the release of a hazardous substance, or pollutant or contaminant as defined in Minn. Stat. §115B.02; 2) pollution of water as defined in Minn. Stat. §115.01; 3) air pollution as defined in Minn. Stat. §116.06; or 4) a significant threat to the safe or efficient operation of a Solid Waste Management Facility.

PROCESSING: means the treatment of waste after collection and before disposal. Processing includes but is not limited to reduction, storage, separation, exchange, resource recovery, physical, chemical or biological modification, and transfer from one waste facility to another.

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

PUBLIC VIEW: View from a passenger vehicle driven along any public road maintained by the state or local unit of government for public travel or along any private road that provides access to ten or more residence or a commercial establishment.

PUTRESCIBLE MATERIAL: means solid waste which is capable of being rotten, or which may reach fowl state of decay or decomposition

RECYCLABLE MATERIAL: means materials that are separated from mixed municipal solid waste for the purpose of recycling or composting including but not limited to paper, corrugate, glass, plastic, tin, aluminum, cloth, motor oil, lead acid batteries, tires, scrap metal, white goods and source separated compostable materials. Recyclable materials also refers to marketable materials separated from Industrial Solid waste and construction and demolition debris for the purpose of recycling.

RECYCLING: means the process of collecting and preparing recyclable materials and reusing the material in their original form or using them in manufacturing process that does not cause destruction of recyclable materials in a manner that precludes further use.

RECYCLING FACILITY: means a facility where recyclable materials are collected, processed for marketing or loaded into vehicles for transport to market.

REFUSE: means putrescible and non-putrescible solid waste, including garbage, rubbish, ashes, incinerator ash, incinerator residues, street cleanings and market and industrial solid wastes, and including municipal treatment wastes which do not contain free moisture.

SANITARY LANDFILL: means 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.

SCAVENGING: means the removal of waste materials from a licensed solid waste facility, which has not been authorized by the office.

SCRAP DEALER: means a person, partnership, or corporation that buys and sells marketable metals.

SCREENING: means the placement of man-made or natural barriers such as fencing, trees, shrubs, or earth berm so as to prevent public view of potentially unsightly or nuisance material.

SELF HAULER: means a person who transports their own solid waste for solid waste management purposes.

SHORELAND: is defined as land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond or flowage and 500 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater.

SOLID WASTE: means garbage, 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 industrial, commercial, mining and agricultural operations, and from community activities, but does not include hazardous waste; animal waste used as fertilizer; earthen fill, boulders, rock, sewage sludge, solid or dissolved material in domestic sewage or other common pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents or discharges which are point sources subject to permits under Section #402 of the Federal Water Pollution Control Act, as amended, dissolved materials in irrigation return flows; or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended or its successor.

SOLID WASTE ADMINISTRATOR: means the duly appointed person or his authorized representative(s), by the Hubbard County Board responsible for enforcement and implementation of this Ordinance.

SOLID WASTE COLLECTION: means the gathering of solid waste from public or private places.

SOLID WASTE DEPARTMENT OR DEPARTMENT: means the Hubbard County Solid Waste Management Department.

SOLID WASTE MANAGEMENT FACILITY: means a Solid Waste Land Disposal Facility, a Construction and Demolition Debris Land Disposal Facility, an Industrial Solid Waste Land Disposal Facility, a Compost Facility, a Transfer Station, a Solid Waste Processing Facility, a Waste Tire Facility, a Waste Tire Collection Site, a Waste Tire Processing Facility, or a Recycling Facility

SOLID WASTE MANAGEMENT PLAN: means the County Solid Waste Management Plan developed, adopted, and approved under Minn. Stat. §115A.46 or Minn. Stat. §473.149.

SOLID WASTE MANAGEMENT SERVICES: means all activities provided by the County, by Persons under contract with the County, or by other Persons that support the waste management responsibilities described in Minn. Stat. Chapters 115A, 116, 400 and 473, including, but not limited to, waste reduction and reuse; waste recycling; composting of Yard Waste and food waste; Resource Recovery through Mixed Municipal Solid Waste composting or incineration; land disposal; management of problem materials and household hazardous waste; Collection, Processing, and Disposal of Solid Waste, Closure and post-closure care of a Solid Waste Management Facility, and response, as defined in Minn. Stat. §115B.02, to Releases from a Solid Waste Management Facility.

SOLID WASTE SPECIAL ASSESSMENT: means a service charge imposed pursuant to MN Stat. § 400 or §437.811 subd, 3a.

SOLID WASTE STORAGE: means the holding of solid waste for more than two weeks in quantities equal to or greater than two (2) cubic yards or 48 hours if stored in hauler vehicle.

SOURCE SEPARATION: means the separation, by the generator, of any material for the purpose of preventing its introduction into the mixed municipal solid waste stream.

SPECIAL WASTES: are non-hazardous Solid Wastes that have been prohibited from disposal with Mixed Municipal Solid Waste or have had other specific management requirements prescribed by statute.

STATE: means the State of Minnesota

TRANSFER STATION: means an intermediate solid waste disposal facility in which solid waste collected from any source is temporarily deposited to await transportation to another solid waste management facility.

VIDEO DISPLAY DEVICE (VDD): means television, computer monitor, laptop computers and other electronic devices with a screen size greater than 9 inches diagonally

VISIBLE: capable of being seen by a person of normal acuity.

WASTE: means solid waste, sewage sludge and hazardous waste.

WASTE REDUCTION: means an activity that prevents generation of waste including reusing a product in it's 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.

WASTE TIRE: means solid waste which consists of rubber or other resilient material product which is used on a vehicle or other equipment wheel to provide tread which is discarded or which cannot be used for its original intended purpose because it is used, damaged or defective.

WORKING FACE: means that portion of the land disposal facility where waste is discharged, spread and compacted prior to the placement of cover material

YARD WASTE: means the garden wastes, leaves, lawn cuttings, weeds, and pruning generated at residential or commercial properties.

SECTION II. GENERAL PROVISIONS AND RESPONSIBILITIES.

Sub section 1 - Provisions

- a. No person shall dispose of solid waste, nor allow his land or property under his control to be used for intermediate or final disposal of any solid waste in the County
- b. Any operation to be used for any method of solid waste management must comply with all applicable Minnesota Pollution Control Agency Solid Waste Management Rules, Hubbard County Solid Waste Plan, this Ordinance, and approved and licensed by the County Board before operation may commence.

Sub section 2 - Responsibilities

- a. The Solid Waste Administrator shall have the right and duty to administer this ordinance. The Solid Waste Administrator shall have the necessary authority to implement and carry out the provisions of this ordinance, but shall not be limited to those described in this section.
- b. The Solid Waste Administrator shall have the right and duty to inspect private property to determine if the property owner is in compliance with the provision of this ordinance. For the purpose of inspecting the Solid Waste Administrator shall have the right to entry upon all lands within the County for the purpose of determining compliance with this ordinance. Routine inspection and evaluation of solid waste management activities, sites, or facilities shall be made by the Solid Waste Administrator in such frequency to ensure consistent compliance by the operation with the provisions of this ordinance. Inspections shall be made in a reasonable manner during the usual and customary hours for the conduct of business.
- c. Solid Waste Administrator shall have the right and duty to review and consider all license applications submitted to the Solid Waste Office for operation of all solid waste management activities, sites, licenses or facilities within the County for approval by the County Board and after due consideration , shall recommend to County Board that license be granted or denied.
- d. Solid Waste Administrator shall review and consider renewal license applications for Solid waste hauler/Recyclable collector and junk yard operator licenses and to impose specific conditions on such licenses.
- e. Solid Waste Administrator shall have the right and duty to investigate complaints of violations of this ordinance.
- f. Solid Waste Administrator shall have the right and duty to recommend, when necessary to the County Attorney's Office, that legal proceeding be initiated against a person, group of persons

or a certain site or facility to compel compliance with the provisions of this ordinance or to terminate the operation of the same.

- g. Solid Waste Administrator shall have the right and duty to employ qualified personnel, supervise and inspect the day to day operations of the facilities, facility staff both county employed and privately contracted.
- h. Solid Waste Administrator shall have the right and duty to identify the solid waste management need of the county; developing and implementing plans to meet those needs.
- i. Solid Waste Administrator shall have the right and duty to encourage and conduct studies, investigations, and research relating to aspects of solid waste management, including, but not limited to, methodology, chemical and physical consideration, and engineering.
- j. Solid Waste Administrator shall have the right and duty to advise, consult and cooperate with other governmental agencies in the furtherance of the purposes of this ordinance.
- k. Solid Waste Administrator shall have the right and duty to provide and maintain a public information and education bureau relative to solid waste, reduction, reuse, recycling and other matters arising out of this ordinance.

SECTION III SOLID WASTE STORAGE.

The owner, manager, lessee, occupant of every property, premises, business establishment or industry shall be responsible for the satisfactory storage of all solid waste accumulated at the property, premise, business establishment or industry. No building, structure, area, or premise shall be constructed or maintained for human occupancy, use or assembly without adequate facilities for sanitary and safe storage, collection, transportation and disposal of all solid wastes. Further, no person shall cause, allow or permit garbage, trash, refuse, cans, paper ashes, junk, construction/demolition waste, hazardous waste, tires, white goods, electronic waste, furniture or other solid waste to be dumped, thrown, buried, scattered, deposited or Burned upon any public or private land or waterways within the County.

- a. All solid waste shall be stored in a pollution and nuisance free manner and in compliance with the regulation of Federal, State and local government and their regulatory Agencies.
- b. Property owners shall store solid waste in a manner to prevent loss of solid waste to the environment and to preclude the development of vector, odor and public nuisance problems.
- c. Property owners shall cause solid waste to be removed and deposited at a permitted disposal facility at a frequency so as to not create a nuisance. Solid waste shall not be stored on public or private property in quantities equal to 2 cubic yards for more than two (2) weeks or not to exceed 48 hours if stored in a hauler collection or transportation vehicle without written approval of the Solid Waste Administrator.

- d. Solid waste suitable for recycling or recyclable materials must be stored in an acceptable manner that avoids risk to public safety and otherwise complies with this ordinance.
 - 1. Recyclable materials must be delivered to the appropriate materials processing facility as outlined in rules by the Agency or any other facility permitted to recycle or compost the materials.
- e. Solid waste objects or materials too large or otherwise unsuitable for storage containers shall be stored in a pollution and nuisance-free manner and in compliance with this ordinance.
- f. Solid waste shall be stored in durable, rust resistant, nonabsorbent, water tight, rodent proof, easily cleanable containers, with close fitting, fly tight covers and have adequate handles or bails to facilitate handling. Other types of containers may be acceptable provided they conform to the intent of this section and close to resist entrance of water, loaded no more than fifty (50) pounds and are strong enough to allow collection and loading by hand.
- g. Solid waste containers must be maintained to prevent the creation of a nuisance or menace to public health. Containers shall be maintained in good repair. Containers that are broken or otherwise fail to meet this section must be replaced with acceptable containers.

SECTION IV COLLECTION AND TRANSPORTATION OF SOLID WASTE AND RECYCLABLES.

This section shall apply to all persons seeking a license to collect and transport mixed municipal solid waste, at the point of generation or that transfer or otherwise transport solid waste to a disposal or processing facility. Persons hauling solid waste, self haulers, in vehicles bearing passenger license plates are exempt from the licensing requirements but solid waste shall be collected and transported in a nuisance and litter free manner and must be secured so as to prevent escape of any waste material.

- A. Pursuant to Minn. Stat. 115A.93, sub div. 1, a person may not collect solid waste for hire without a license from the jurisdiction where the waste is collected.
- B. An applicant shall submit a completed form provided by the County for Solid Waste Hauler/recyclable Collector and Transportation license along with the required license fee established by the County Board.
- C. Applicant shall submit a list of all vehicles, including satellite vehicles, to be used for solid waste collection and transportation, specifying make, model, and year for each vehicle; each vehicles rated capacity and license plate number.
- D. The total number and list of commercial accounts in the County and their annual volume generated, the total number of residential accounts in the County, the days of the week solid waste is collected for each city and township in the County and description of route to be followed between collection and the facility delivered to.

- E. A description of the company's volume based pricing, recycling, program and any other waste abatement activities.
- F. A certificate of insurance and bond in the amount established by the County Board and naming the County as obligee shall be submitted with the application.
- G. Any additional information pertaining to Solid Waste management requested by the Solid Waste administrator shall be submitted with the application.
- H. Application for license renewal shall be made on forms furnished by the County and submitted to the Solid Waste office by November 1st of each year. Applications shall be accompanied by the required information in this section along with a written statement of any changes in operation since last approved application.
- I. Any license granted under the provisions of this ordinance, unless otherwise provided of this herein, shall expire December 31st of each year unless sooner revoked. Any license may be suspended or revoked at any time for failure to comply with the provisions of this ordinance.
- J. Haulers and Recyclable collectors shall submit an annual report to the Solid Waste Office, summarizing the previous Calendar year, identifying the weight in tons of each respective recyclable and all other solid waste collected in the County.

SECTION V SOLID WASTE FACILITIES.

Privately owned/operated Solid Waste Facilities, including but not limited to mixed municipal Sanitary Landfills, modified landfills, transfer stations, demolition debris landfills, recycling facilities, incinerators, or refuse derived fuel facilities must comply with all applicable Minnesota Pollution Control Agency Solid Waste Management Rules, Hubbard County Solid Waste Plan, this Ordinance and must be approved and licensed by the County Board before operation may commence.

- A. Burn barrels are considered a non-approved disposal facility and use of such system by any person or persons for the disposal of solid waste is considered a violation of this Ordinance and subject to the provisions of this Ordinance.

SECTION VII ANTI-SCAVENGING

The scavenging or removal of recoverable or recyclable materials from any facility or container in Hubbard County without written consent of the owner or operator shall be prohibited.

- A. Ownership of the separated recyclable materials set out by a customer shall be vested in the collector serving the person or facility who is recycling. It shall be unlawful and offense against this ordinance for any person other than the owner, lessee, or occupant of a residential dwelling or commercial/industrial business to pick up said separated recyclable

materials for any purpose

- B. Person or organizations other than a licensed or contracted collector may not collect recyclables unless they obtain written permission from the Solid Waste Administrator. Permission will be granted within the policy established by the County Board.

SECTION VIII JUNKYARD

Any person, persons, partnership or corporation seeking to establish, maintain or operate a junk yard in Hubbard County must first obtain a license from the Hubbard County Board of Commissioners to carry on such operation.

- A. Application for a junkyard operator's license shall be on forms furnished by the County, and submitted to the Solid Waste Office by November 1st of each year.
- B. Application shall include license fee, certificate of insurance and bond in the amount established by the County Board and naming the County as obligee
- C. Any junkyard operation must receive township board approval in those townships that have adopted land use regulations within Hubbard County. No applications will be considered for action by the Hubbard County Board of Commissioners unless local authorities with land use regulations have given approval and signed the application provided by the County.
- D. Application for a junkyard operator's license shall include the following
 1. Name and address of all owners, partnerships and operators.
 2. An operation plan which identifies handling and storage procedures for all waste including special waste.
 3. A safety plan which identifies emergency procedures and staff training.
 4. A security plan of the property.
 5. A plan specifying type and time line for achieving the screening of the site from view.
 6. An approved MNPCA Industrial storm water plan.
 7. Any other information the County may deem pertinent in making the determination to grant or deny the license.
- E. No person, partnership or corporation shall operate or cause to be operated or locate any junkyard on a site, after the date of enactment:
 1. within wetland areas
 2. within a flood plain
 3. within shore land areas
 4. with a water table within five (5) feet of the lowest elevation of the site
 5. Within 1,000 feet of an existing neighboring adjacent dwelling unit at the time of initial licensing
 6. without effective year around screening of the junkyard operation so as to effectively conceal it from public view. Planting which will effectively conceal the junkyard from view may be acceptable provided it is predominantly evergreen and used in conjunction with other temporary barriers to effectively conceal the site until the plantings provide adequate

screening

F. All materials shall be handled, transported and processed pursuant to applicable state and federal rule, regulations and best management practices for disposal of all solid or hazardous wastes or substances.

G. Hubbard County Solid Waste Management Office shall be notified ten (10) days prior to commencing any crushing operations.

H. Temporary crushing operations within Hubbard County are considered a junkyard operation and must comply with all requirements of a permanent operation if not operating within the boundaries of a licensed junkyard.

I A person, that has unlicensed and/or inoperable motor vehicles, and does not qualify as a junkyard, may store up to five (5) such vehicles provided they are stored upright and in a manner which will not create a nuisance or a hazard to the public health and safety. Storage of more than five (5) unlicensed/inoperable motor vehicles must be effectively screened from public view.

J. A body/repair shop or collector that does not qualify as a junkyard. Shall maintain the site in a neat orderly, non distracting fashion in areas visible by the public.

K. Any person, partnership or corporation that by definition has a junkyard upon notification by the Solid Waste management Office shall have ninety (90) days to effectively conceal the junk or otherwise bring the property into compliance with applicable rules and regulations or be subject to legal action under this ordinance.

L. Owner of land used primarily for farm/agricultural use are allowed to store farm type machinery outside. Machinery shall be stored in a manner which will not create a hazard to the public health and safety.

M. Unoccupied, non-habitable, non-livable, discarded, mobile homes, trailers or campers. One such unit is equal to five (5) abandoned motor vehicles.

SECTION IX SPECIAL WASTES.

Sub Section 1. **Waste tires.** The disposal of waste tires in or on the land is prohibited by Minnesota waste tire permitting rules Chapter 7002 and 9220.

- A. No more than ten (10) tires may be stored within the boundary of any residential parcel.
- B. No more than fifty (50) waste tires may be stored on any non-residential parcel except at a licensed Solid Waste facility.
- C. Exception to A & B may be allowed when waste tires are utilized outside of a building for decorative, recreational, structural, construction, or agricultural purposed where they comply

with the requirements of this ordinance

- D. Waste tires shall be confined to as small an area as practicable with individual piles not more than 20 feet high and a minimum of 12 feet separation between piles of tires.
- E. Waste tires shall be piled so as to minimize the accumulation of stagnant water
- F. Waste tires shall be stored a minimum of fifty (50) feet from the adjacent property line.
- G. The owner of the land or premises upon which waste tires are located in violation of this ordinance shall be obligated to remove them to a licensed solid waste facility upon notification from the Solid Waste Office
- H. A person, who in the ordinary course of a business, which removes tires from motor vehicles, may store no more than 100 waste tire on the premises.
- I. A person using waste tires for agricultural purposes may store no more than fifty (50) waste tires on the site of use.

Sub Section 2. **Major Appliances/White Goods.** A person may not dispose of major appliances in or on the land by Minnesota Statutes 115A: 9561 and rules administrated by the Agency.

- A. White goods may be stored at a licensed facility for the purpose of processing and recycling
- B. White goods shall be stored in a manner which will not create a nuisance, blight or hazard to public health and safety and shall have all non-magnetic latches disabled, capacitors removed and refrigerant gas evacuated before storage and or processing.
- C. No more than two (2) white goods may be stored outside within the boundaries of any residential parcel for more than ninety (90) days before they must be properly disposed of at a licensed facility.
- D. A retail appliance seller may store no more than ten (10) white goods outside within the boundaries of any non-residential parcel.

Sub Section 3. **Yard Waste.** Yard waste may not be disposed of in mixed municipal solid waste facility.

- A. Generators must manage yard waste by one of the following methods:
 - 1. Mulching it and spreading it on the ground
 - 2. Composting it on site; or
 - 3. Transport it to a permitted yard waste facility

Sub Section 4. **Motor Vehicle Batteries.**

- A. Motor vehicle batteries must not be disposed of in or on the land in accordance with Minnesota Statutes 115A.915 and rules administrated by the Agency.
- B. Motor vehicles batteries must be recycled and are considered a hazardous waste.
- C. Motor vehicle batteries must be stored upright in a plastic leak proof containers to prevent damage and leaking of acid.

Sub Section 5. **Used Oil** and filters

- A. A person may not knowingly in accordance to Minnesota Statute §115A:916, place motor oil, brake fluid, power steering fluid, transmission fluid, motor oil filters and motor vehicle antifreeze:
 - 1. in solid waste or in a solid waste management facility other than a recycling facility or a household hazardous waste collection facility;
 - 2. in or on the land, unless approved by the agency;
 - 3. in or on the waters of the State, in a subsurface sewage treatment system or in a storm water or waste water collection or treatment system

Sub Section 6 **Electronics'**

- A. A person may not knowingly place in mixed municipal solid waste an electronic product (E-waste) containing a circuit board or cathode-ray tube (CRT)
 - 1. Electronics may not be stored for more that one year at a facility.
 - 2. Electronics must be stored to keep out precipitation and prevent damage and the release of hazardous components.

SECTION X SOLID WASTE MANAGEMENT FUND.

- 1. Solid Waste Management Fund for operations provided by the County, a special account on the official books of the County is hereby created. All receipts from rates, fees, charges, special assessments collected pursuant to this ordinance, receipts from the sale of real or personal property pertaining to solid waste management systems, and the proceeds of all gifts, loans, grants in aids and issuance of bonds for the purpose of the system shall be credited to the Solid Waste Management Fund as authorized in Minnesota Statute § 400.08. ALL costs of acquisition, construction, enlargement, improvement repair, supervision, control, maintenance, and operation of the solid waste management system and facilities which are owned and operated by the County shall be charged to the Solid Waste Management Fund.
- 2. Owners, lessees, and occupants of property situated within the County shall pay for solid waste management services provided by the County or through its contractors, according to a schedule set by the County Board.
- 3. Owners, lessees and occupants of property shall be billed annually on their property tax statement, as a special assessment for solid waste management. The County Treasurer shall collect such charges as part of the property tax payment.

4. Users of facilities. Users of solid waste management facilities provided by the County, by and through its contractor, who are not owners, lessees, or occupants of property situated within the County or do not display a county taxpayer identification shall pay for the use of said facilities according to a schedule set by the County Board. Owners, lessees, occupants of property, demolition contractors or other users of the facilities, within the County, with or without a county taxpayer identification shall pay for the use of the facilities for the disposal of those special wastes for which the County has established an additional fee for the service. All such fees shall be paid for upon delivery unless other means of payment are approved by the Solid Waste Administrator prior to use of the facilities.
5. Fees. All fees and rates for licenses, permits and special assessment shall be set from time to time by the County Board. Unless otherwise specified all fees and permits are annual and are due January 1st of each year.

SECTION XI ENFORCEMENT

Sub Section 1: Any person within the County who violates this ordinance, or who shall permit such a violation to exist on the premises under their control, or who shall fail to abate the existence of the violation, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished therefore, as provided by law. A separate offence shall be deemed committed upon each day during or on which a violation occurs or continues.

Sub Section 2 In the event a violation exists or there is a threat of violation of this ordinance, the County Board or their designees may take appropriate actions to enforce the ordinance. Such action may include application for injunctive relief, action to compel performance, including revocation of license or other appropriate action in court if necessary to prevent, restrain, correct, or abate such violations or threatened violations. Such remedies are cumulative in nature.

Sub Section 3 If a person fails to comply with the provisions of this ordinance, the County may recover cost 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.

Sub Section 4 All property affected by this ordinance shall be subject to inspection by the County Board or their designees in accordance with MN Statutes and this ordinance. NO person shall refuse to permit inspection of any premise or interfere or resist the County or their designees, after presentation of credentials, in the discharge of their duty to protect the public health and safety.

Sub Section 5 The Hubbard County Board, upon recommendation of the Solid Waste Administrator, may declare a violation of this ordinance to be a public nuisance and order abatement to be made initially at County expense. The Solid Waste Administrator shall present by certified mail an itemized statement for corrective action expenses to the owner of the real property where such abatement has been conducted. Such expenses for corrective action may also be recovered in civil

action or the cost may be certified to the County Auditor as a special assessment against the real property as provided by law.

SECTION XII ADDITIONAL REQUIREMENTS AND PROVISIONS

Sub Section 1: **Waivers or Modifications.** Due to the great variability in the types of solid wastes and their existing and potential management methods, the Office may waive or modify the strict application of the provisions of this ordinance by reducing or waiving certain requirements when such requirements are unnecessary or impractical, provided such waiver or modification will not endanger the public health, safety, welfare or the environment. The Office may impose reasonable additional requirements through solid waste management activity or facility specific license conditions when deemed necessary to protect the public health, safety, welfare or the environment.

Sub Section 2: No modification or waiver may be granted if it would result in noncompliance with MN rules unless such modification or waiver has been granted by the agency.

Sub Section 3: Where conditions imposed by any provision of this ordinance are less restrictive than comparable conditions imposed by other provisions of this ordinance, or any other applicable law, ordinance, rule and regulation, the provision which established the higher standards for the promotion and protection of the public health, safety, welfare or the environment shall prevail

Sub Section 4: This ordinance shall not be constructed to hold the Office or County or any Officer or employee responsible there of for any damage to persons or property by reason of the inspection or reinspection authorized herein provided, or by reason of the approval or disapproval of equipment or licensing herein, nor for any action in connection with the inspection or control of solid waste or in connection with any other official duties.

Sub Section 5: If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, said invalidity does not affect other provisions or application, and for this purpose the provisions of this ordinance are severable.

Sub Section 6: Nothing in this Ordinance shall preclude any local unit of government from adopting stricter regulations than this Ordinance.

Sub Section 7: This ordinance shall be effective after formal adoption by the County Board and publication according to law and filed with the County Auditor.

SECTION XIII DATE OF EFFECT

This Ordinance shall be in full force and effect from and after July 27, 2011, and after its approval, passage, and publication as provided by law.

THIS ORDINANCE ORDAINED AND ENACTED by the Board of County Commissioners of the County of Hubbard, State of Minnesota, on this July 6, A. D. 2011

ATTEST: /s/ Debbie Thompson
Debbie Thompson, Coordinator

BOARD OF COUNTY COMMISSIONERS
Hubbard County, Minnesota
/s/ Gregory D. Larson
Gregory D. Larson, Chairman