

CARLTON COUNTY SOLID WASTE ORDINANCE  
ORDINANCE #17

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

The County Board of Commissioners of the County of Carlton herein-after referred to as the County Board, does ordain:

SECTION I. DEFINITIONS. Unless specifically altered, terms and abbreviations used in this ordinance shall be interpreted in a manner consistent with Minnesota Statutes, Chapters 115, 115A, 116 and 400 and rules of the Agency, which have been or hereafter may be adopted under those provisions. Terms and abbreviations used herein which are not specifically defined by law shall be construed in accordance with the context and professional usage.

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

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

Subdivision 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.

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

Subdivision 5. "Board" means the Carlton County Board of Commissioners.

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Subdivision 6. "Canister System" means one or more commercial solid waste storage containers (such as "green boxes" and "dumpsters") located to function as intermediate disposal facilities, and which are serviced on a regular basis by a public or private solid waste hauler.

Subdivision 7. "Collector" means the person or entity specifically licensed by the County under this ordinance to collect garbage, rubbish, or other mixed municipal solid waste and recyclable materials and to dispose of the same.

Subdivision 8. "Container" means a container for solid waste which meets the requirements set forth in Section IV.

Subdivision 9. "County" means any department or representative of the County who is authorized by this ordinance or otherwise by the County Board to represent the County of Carlton in the enforcement or administration of this ordinance.

Subdivision 10. "Composting" means the controlled microbial degradation of organic waste to yield a humus-like product.

Subdivision 11. "Cover Material" means material approved by the Agency that is used to cover compacted solid waste in a land disposal site. Important general characteristics of good cover material are low permeability, uniform texture, cohesiveness and compactibility.

Subdivision 12. "Demolition Debris" means inert material that includes concrete, brick, bituminous, untreated wood, masonry, glass, rock and plastic parts resulting from the demolition of buildings, roads, and other man-made structures. Demolition debris does not include solid waste or asbestos waste.

Subdivision 13. "Demolition Debris Land Disposal Facility" means a site used only to dispose of demolition debris.

Subdivision 14. "District" means Western Lake Superior Sanitary District.

Subdivision 15. "Garbage" means discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.

Subdivision 16. "Hazardous Substance" means:

- (a) Any commercial chemical designated pursuant to the Federal Water Pollution Control Act, under United States Code, title 33, section 1321(b)(2)(A);
- (b) Any hazardous air pollutant listed pursuant to the Clean Air Act, under United States Code, title 42, section 7412; and

- (c) Any other substance which constitutes a hazardous waste under Minnesota law or federal law.

Hazardous Substance does not include natural gas, natural gas liquids, liquefied natural gas, synthetic gas usable for fuel, or mixtures of such synthetic gas and natural gas, nor does it include petroleum, including crude oil or any fraction thereof which is not otherwise a hazardous waste. Hazardous substance does not include Household Hazardous Waste.

Subdivision 17. "Hospital Waste" means all Solid Waste generated by a hospital except Infectious Waste and Pathological Waste.

Subdivision 18. "Household Hazardous Waste" means those waste chemicals and compounds which would be considered Hazardous Substances and are generated by residential dwelling units.

Subdivision 19. "Illegal Dumping" means dumping of any garbage including littering, demolition, white goods, batteries, rubbish, tires, or solid or hazardous waste other than approved site or container.

Subdivision 20. "Industrial Solid Waste" means all Solid Waste generated from an industrial or manufacturing process and Solid Waste generated from nonmanufacturing 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.

Subdivision 21. "Infectious Waste" means laboratory waste, blood, regulated body fluids, medical sharps, and research animal waste that have not been decontaminated. For purposes of this definition, laboratory waste means waste cultures and stocks of agents that are generated from a laboratory and are infectious to humans; discarded contaminated items used to inoculate, transfer, or otherwise manipulate cultures or stocks of agents that are infectious to humans; wastes from the production of biological agents that are infectious to humans; and discarded live or attenuated vaccines that are infectious to humans. For purposes of this definition, regulated body human fluids means cerebrospinal fluid, synovial fluid, pleural fluid, peritoneal fluid, pericardial fluid, and amniotic fluid that are in containers or that drip freely from body fluid soaked solid waste items. For purposes of this definition, research animal waste means carcasses, body parts, and blood derived from animals knowingly and intentionally exposed to agents that are infectious to humans for the purpose of research, production of biologicals, or testing of pharmaceuticals.

Subdivision 22. "Incineration" means the process by which solid wastes are burned for the purpose of volume or weight reduction or energy recovery in facilities designed for such use.

Subdivision 23. "Land Pollution" means the presence in or on the land of any waste in such quantity, of such nature and duration, and under such condition as would affect injuriously any waters of the State, create air contaminants or cause air pollution.

Subdivision 24. "Licensee" means a person who has been issued a license by the Board for solid waste management purposes pursuant to this ordinance.

Subdivision 25. "Major Appliances" means clothes washers, dryers, dishwashers, garbage disposals, trash compactors, conventional ovens, ranges and stoves, air conditioners, refrigerators, freezers, residential furnaces, water heaters, microwave ovens, and dehumidifiers.

Subdivision 26. "Medical Sharps" means:

- (a) Discarded items that can cause subdermal inoculation of infectious agents, including needles, scalpel blades, pipettes, and other items derived from human or animal patient care, blood banks, laboratories, mortuaries, research facilities, and industrial operations; and
- (b) Discarded glass or rigid plastic vials containing infectious agents.

Subdivision 27. "Mixed Municipal Solid Waste" means garbage, refuse, and other solid waste from residential, commercial, industrial, and community activities which is generated and collected in aggregate, but does not include auto hulks, street sweepings, ash, construction debris, mining waste sludge, tree and agricultural wastes, tires, lead acid batteries, used oil, and other materials collected, processed, and disposed of as separate waste streams.

Subdivision 28. "Operation" means any site, facility, or activity relating to solid waste management.

Subdivision 29. "Owner" and "Occupant" means the person(s) or entity(s) which hold legal or beneficial title to a property and the person(s) or entity(s) which have or exercise possession or occupancy of a property, respectively.

Subdivision 30. "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.

Subdivision 31. "Putrescible Material" means solid waste which is capable of being rotten, or which may reach a foul state of decay or decomposition.

Subdivision 32. "Recyclable Materials" means paper, plastic, glass, metals, automobile oil and batteries.

Subdivision 33. "Recycling Facility" means a site permitted by the Minnesota Pollution Control Agency, used to collect, process, and repair recyclable materials and reuse them in their original form or use them in manufacturing processes.

Subdivision 34. "Refuse" means putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, market and industrial solid wastes, and municipal treatment wastes which do not contain free moisture.

Subdivision 35. "Rubbish" means nonputrescible solid wastes, including, but not limited to, ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, wood, glass, bedding, crockery or litter of any kind. Rubbish does not, however, include recyclable materials.

Subdivision 36. "Sanitary Landfill" means a land disposal site, permitted by the Agency, employing an engineered method of disposing of solid waste on land in a manner that minimizes environmental hazards by spreading the solid waste in thin layers, compacting the solid waste to the smallest practical volume, and applying cover material at the end of each operating day, or at intervals as may be required by the Agency.

Subdivision 37. "Shoreland" means land located within the following distances from public water: a) 1,000 feet from the ordinary high water mark of a lake, pond, or flowage; and b) 300 feet from a river or stream, or the landward extent of a flood plain designated by ordinance on such a river or stream, whichever is greater.

Subdivision 38. "Solid Waste" means all garbage, rubbish and other discarded solid materials including solid materials resulting from industrial, commercial, agricultural and residential uses, but does not include recyclable materials, demolition debris, animal waste used as fertilizer, solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, waste water effluent, dissolved materials, suspended solids in irrigation return flows, or other water pollutants.

Subdivision 39. "Solid Waste Management Facility" means a sanitary landfill, or an intermediate disposal facility.

Subdivision 40. "Solid Waste Management" means the storage, collection, or removal of solid waste from or on public or private property, its transportation to intermediate or final disposal facilities or its final disposal by methods approved by the Agency.

Subdivision 41. "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.

Subdivision 42. "Waste Tire" means a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect.

Subdivision 43. "Water Pollution" means:

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

Subdivision 44. "Waters of the State" means water, surface or underground, except those surface waters which are not confined but are spread and diffused over the land. "Waters of the State" includes all boundary and inland waters.

Subdivision 45. "Unacceptable Waste" means solid waste designated as unacceptable waste by regulation of the County.

Subdivision 46. "Yard Waste" means the garden wastes, leaves, lawn cuttings, weeds and prunings generated at residential or commercial properties.

Subdivision 47. "Yard Waste Compost Facility" means a site used for the composting of yard waste which is (a) operated by the County or the Municipality or (2) operated by a private person or entity and permitted by the Minnesota Pollution Control Agency to accept yard waste.

## SECTION II. GENERAL PROVISIONS

Subdivision 1. No person shall cause, permit, or allow land or property under his control to be used for solid waste management purposes, except at an operation for which a license has been granted by the County Board, unless otherwise provided by this ordinance.

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

Subdivision 3. After receiving an application for an operation, the Solid Waste Officer shall evaluate the application and shall give his recommendations to the County Board concerning whether it should issue or deny the license. If an applicant is denied a license, such applicant shall be notified in writing of the reasons therefor by the County Board. A denial shall be without prejudice to the applicant's right to file a further application after revisions are made to satisfy objections specified as reasons for the denial.

Subdivision 4. The County Board shall refuse to issue a license for any operation which does not comply with this ordinance, Agency rules and the County's solid waste management plan.

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

Subdivision 6. In addition to the bond referred to in Subdivision 5, issuance of any license pursuant to the provisions of this ordinance shall be contingent upon the applicant securing, and furnishing to the County a copy of a certificate therefor, the following types of insurance issued to the licensee by insurers duly licensed within the State of Minnesota and in amounts to be set by the County Board: general liability including, but not limited to, bodily injury, property damage, motor vehicle, loading and unloading and gradual pollution insurance. Transfer stations and recycling facilities are exempt from the gradual pollution insurance.

Subdivision 7. Any license granted by the County Board under the provisions of this ordinance may be suspended by the County Board at any time for noncompliance with the provisions of the license, this ordinance or applicable state laws or rules, or upon written notification to the licensee and the County Board by the Solid Waste Officer or by an authorized representative of the Agency that the continued use of the operation may endanger the health, welfare or safety of the public or that the continued use may cause pollution or impairment of the environment.

The notice of suspension shall be deemed adequately served whenever it is served upon the licensee personally or by leaving the same at the licensed premises with the person in charge thereof. A copy of the notice of suspension shall be provided to the County Board. The County Board shall remove the license suspension only upon presentation of evidence acceptable to the County Board that the conditions which were cited as cause for suspension have been fully corrected. A license may be revoked only after the County Board has held a public hearing at which the licensee and other persons wishing to be heard concerning the operation shall have the right to be heard. The date of the hearing for license revocation shall be set by the County Board and shall not be held earlier than ten calendar days after notice of said hearing was mailed to the licensee. Evidence may be adduced in a manner consistent with the rules of evidence applied in civil cases. A transcript thereof shall be made by tape recording or other suitable technique. If, pursuant to said hearing, the County Board shall determine that the operation has been conducted in violation of the provisions of the license, this ordinance, State laws or State rules, the County Board may revoke the license or continue such suspension in effect until the operation has demonstrated that full compliance with the provisions of the license, this ordinance, State laws and State rules has been attained and that such compliance will be continued in the foreseeable future.

Subdivision 8. Routine inspection and evaluation of an operation shall be made by the Solid Waste Officer at such frequency as to ensure consistent compliance by the operation with the provisions of this ordinance. The licensee shall be provided with a written inspection report containing a precise description

of any deficiencies, recommendations for the correction thereof and the date when the corrections shall be accomplished. Copies of said report(s) shall be furnished to the Agency. The licensee shall allow authorized representatives of the County or the Agency, access to the facility at any time for the purpose of making such inspections as may be necessary to determine compliance with the requirements of this ordinance, and any other applicable statute, ordinance, or rule.

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

Subdivision 10. This section shall not pertain to industrial solid waste land disposal facilities or medical waste incinerators permitted by the Agency. However, these facilities must comply with the appropriate Zoning Ordinances.

### SECTION III. SOLID WASTE OFFICER

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

- (a) To review and consider all license applications and supporting materials which are referred to the Solid Waste Officer for operation within the County, and after such review and consideration, to recommend in writing with documentation to the County Board whether a license should be granted or denied.
- (b) To inspect operations to determine compliance and to investigate complaints about violations of this ordinance.
- (c) To recommend to the County Attorney that legal proceedings be initiated against a person or group of persons to compel compliance with the provisions of this ordinance or to terminate or control an operation not in compliance with this ordinance.
- (d) To encourage and conduct studies, investigations and research relating to aspects of solid waste management, including, but not limited to, methodology, chemical and physical considerations, and engineering.
- (e) To advise, consult, and cooperate with the public and other governmental agencies in furtherance of the purpose of this ordinance.

SECTION IV. WASTE PREPARATION, STORAGE AND DISPOSALSubdivision 1. Waste Preparation and Storage

- (a) No Owner or Occupant of private property or business property shall permit the accumulation of Solid Waste, or any similar material or mixture of material upon such property or upon adjoining property, alley, street, sidewalk, or highway, except in proper containers as described below.
- (b) Every Owner or Occupant of private property or business property shall provide in good condition water-tight and rodent-proof containers sufficient to hold the Solid Waste which accumulates on such premises during the time between collections. In the case of residential structures containing four or less dwelling units, such containers shall be of a maximum size of thirty-two (32) gallons, shall be provided with handles and a tight and securely fitted cover. All Solid Waste shall be placed in such containers which shall not be filled in a manner which prevents closure of the container and, in the case of residential structures containing four or less dwelling units, the contents shall not exceed forty-five (45) pounds in weight.
- (c) Solid waste shall not be stored on public or private property for more than two (2) weeks without the written approval of the Solid Waste Officer. Nonputrescible wastes suitable for recycling shall not be stored on public or private property in a manner which creates a nuisance, blight, or health hazard.
- (d) Every Owner or Occupant shall separate all automobile oil, motor vehicle batteries and tires from Solid Waste and shall transport the same to the facility designated by the County for the handling of such waste. Automobile oil shall be placed in an unbreakable, leak-proof receptacle by the Owner or Occupant. Motor vehicle batteries shall be transported in a manner which will not allow release or escape of their contents.
- (e) No person or entity shall place Solid Waste in any container unless specifically authorized by the Owner, Occupant or Collector which provides collection services for such container. The disposal in a roadside litter receptacle of garbage or rubbish generated within an automobile shall not violate this provision.
- (f) Every Owner or Occupant shall separate Household Hazardous Waste from other Solid Waste. Containers with Household Hazardous Waste shall be handled or transported in a manner which will not allow release or escape of the contents.

Household Hazardous Waste shall be disposed of through and in accordance with the Household Hazardous Waste Program of the District, or in such other manner as shall be specified by the District.

- (g) Hospital Waste, Pathological Waste, Infectious Waste, Medical Sharps, Hazardous Substances and other Unacceptable Wastes shall be disposed of in accordance with state law and as required by the District. Industrial Solid Waste shall be disposed of in accordance with the Industrial Solid Waste Management Plan of the County and/or District, as the same shall exist at such time.

#### Subdivision 2. Disposal of Recyclable Materials

- (a) Commencing January 1, 1992, every person or entity disposing of Solid Waste in Carlton County shall separate recyclable materials from Solid Waste. The Owner or Occupant of each residence or residential unit and the Owner or Occupant of each non-residential, commercial, or industrial premises authorized to place Solid Waste in the various waste receiving facilities of the County, including its sanitary landfill, shall separate recyclable materials prior to collection by a Collector.
- (b) Persons or entities shall place recyclable material in containers which comply with this ordinance for collection, or, in the alternative, shall deliver recyclable materials to the recycling facility of their choice. The County may establish requirements for containers for recyclable materials.
- (c) Owners of establishments which are open to the public, including, but not limited to, public buildings, hotels, motels, retail stores, theaters, college dormitories and church social halls, shall provide receptacles for recyclable materials alongside their present public receptacles for Solid Waste. The owners of these establishments shall not be required to separate items which the general public places in receptacles intended for Solid Waste.
- (d) No person or entity other than the Owner or the Occupant of a residential, commercial or industrial structure, or the licensed Collector which provides services to such structure, shall collect or gather recyclable materials (other than automobile oil, tires and motor vehicle batteries) set out for collection by a licensed Collector.

- (e) Recyclable materials will not be accepted at the waste receiving facilities of the County, including its sanitary landfill and transfer station, on or after January 1, 1993. The Solid Waste Officer in his sole discretion may waive this prohibition for Solid Waste collected under Subdivision 2,C herein.

Subdivision 3. Disposal of Yard Waste; Composting.

Effective with the passage of this ordinance, any person disposing of yard waste shall have the option of disposing of such waste by one of the following: (1) disposal in a backyard compost site; or (2) disposal in a yard waste compost facility operated by the County, a city, or town of the County; or (3) disposal in a privately operated yard waste compost facility. Yard waste shall not be placed in the waste receiving facilities of the County. Leaf burning is prohibited. Yard waste collected for the purpose of composting shall not be disposed of in any other manner.

Subdivision 4. Disposal of Demolition Debris.

A person disposing of demolition debris shall transport such waste to a site designated by the Minnesota Pollution Control Agency for receipt of said waste, or a site or sites designated by the County.

Subdivision 5. Disposal of Major Appliances

Effective upon the passage of this ordinance, any person wishing to dispose of major appliances shall have the following options: (1) contacting an appliance retailer or recycler or waste hauler for proper disposal, or (2) deliver the major appliance to a solid waste facility or recycling center.

Major appliances shall be reconditioned for reuse or recycled.

Polychlorinated byphenols (PCB's) and/or chlorofluorocarbons (CFC's) must be handled in a manner approved by the agency.

Major appliances shall not be landfilled at a solid waste disposal facility or disposed of by illegal dumping.

Subdivision 6. Disposal of Waste Tires

Effective upon the passage of this ordinance, the handling, storage and disposal of waste tires shall comply with Minnesota Pollution Control Agency Rules, Waste Tire Permit Rules 9220.0200 to 9220.0680.

Waste tires shall not be buried in a solid waste disposal facility or disposed of by illegal dumping.

SECTION V. CHARGES FOR COLLECTION AND DISPOSAL

The rates to be charged by Collectors shall be reasonable and within the rate structure for such City or Town established by the Board. Such rates shall be fixed based upon the frequency of collection, the character and volume of Solid Waste collected and removed and the distance and cost for delivery of Solid Waste to facilities of the County. The system of rates for Mixed Municipal Solid Waste collection shall be so established as to create an incentive for persons and entities within the County to reduce the amount of Mixed Municipal Solid Waste which requires disposal. The rate structure schedule of maximum rates shall require a minimum charge for collection based on a unit of volume per collection. Provided, however, that there shall be a volume based charge for additional units of the same additional volume. The minimum charge must be sufficient to pay disposal costs of the minimum volume at the maximum allowable weight for such volume. The incremental cost of additional volume above the minimum charge must increase so that an Owner or Occupant will have a financial incentive to reduce the volume of Mixed Municipal Solid Waste that requires disposal. Each rate structure shall provide additional charges for bulky items such as major appliances. These charges may not be included in the minimum charge.

No Collector or any agent thereof shall charge any rate which does not comply with the rate structure or charge rates for collection of Solid Waste which do not conform to the rules of this section. The Board shall establish the system of rates for collection of Mixed Municipal Solid Waste which shall apply to all cities or townships within the County unless an ordinance or regulation is enacted by said city or township as provided in Section 1. A copy of the rate structure shall at all times be kept on file in the offices of the Solid Waste Officer. The rate structure for collection may be reviewed and determined by the Board once each year. However, the Board may modify the rate structure at any time during a calendar year on ninety (90) days prior written notice to all Collectors. The County Board may review the rate structure for collection and the tipping fee charged at any Solid Waste Management Facility upon written request by any resident person, any entity conducting business in the County or upon its own inherent authority at any time.

Any change in the rate structure to be charged by Collectors or in the tipping fee charged at any Solid Waste Management Facility shall go into effect on the same date if changes are made concurrently.

The County Board shall give the licensed Collectors 90 days notice of any increase or decrease in tipping fees to be charged or at any Solid Waste Management Facility or of any change in maximum rates which may be charged for collection.

SECTION VI. LICENSING COLLECTORS OF SOLID WASTE & RECYCLABLE MATERIALS

For the health, safety and welfare of the residents of the County, the following regulations applicable to all Mixed Municipal Solid Waste removal and disposal and handling of recyclable materials are established:

Subdivision 1. Collector's License Required.

No person shall engage in the business of collecting or removing garbage, rubbish, other Mixed Municipal Solid Waste and recyclable materials within the County without first obtaining a license to do so. All persons obtaining a license under this section shall offer collection of or shall provide a facility for collection of recyclable materials as described by the Carlton County Solid Waste Management Plan (other than automobile oil, tires and motor vehicle batteries). Charitable, religious, fraternal and other eleemosynary organizations may collect recyclable materials without compliance with Section VI.

It is not the intent of this provision to restrict the total number of licenses issued and Collectors active in the County.

In order to implement this provision, any person or entity seeking a license under Section VI in any city or township in which this Ordinance is effective shall submit a license application in accordance with the procedures set forth in Section VI within sixty (60) days of passage of this ordinance.

Subdivision 2. License Application

All persons or entities applying for a Collector's license, as set forth above, shall be required to provide to the Solid Waste Officer, with the license application, the following:

- (a) A license fee as established by County Board Resolution.
- (b) A letter of certification signed by the applicant verifying that the vehicle(s) to be utilized for collection conform to the requirements of the County and State.
- (c) Certificate(s) of an insurance company authorized to do business in the State of Minnesota certifying that the applicant has in full force and effect a policy or policies of insurance (1) insuring the applicant, its agents and employees, and its vehicle(s) in an amount of not less than Four Hundred Thousand Dollars (\$400,000) for bodily injuries to any one person, not less than One Million Two Hundred Thousand Dollars (\$1,200,000) for bodily injuries in any one accident for collectors of Solid Waste and Two Hundred Thousand Dollars (\$200,000) for bodily

injuries to any one person and not less than Six Hundred Thousand Dollars (\$600,000) in any one accident for collectors of Recyclables; and (2) insuring the applicant, its agents and employees, and its vehicle(s) under a comprehensive general liability policy in the amount of not less than One Million Two Hundred Thousand Dollars (\$1,200,000) for bodily injury in any one year for collectors of Solid Waste and not less than Six Hundred Thousand Dollars (\$600,000) for collectors of Recyclables and not less than One Hundred Thousand Dollars (\$100,000) for property damage in any one year. Such insurance shall not be subject to cancellation or modification without fifteen (15) days written notice to the County.

- (d) Any other information the County may reasonably require, including the applicant's signature.

After receiving a completed application, County Board shall have thirty (30) days to either grant or deny the license. The applicant must demonstrate to the County Board that it has financial and operational capability to properly collect, transport, and dispose of Solid Waste and Recyclable Materials, and that it has proven compliance with the provisions of Section VI. Such determination shall be made at the discretion of the County Board according to reasonable business standards. If an applicant is not granted a license, he shall be notified in writing of the reasons therefor. Failure of the County Board to act on an application within thirty (30) days shall constitute a denial. A denial shall be without prejudice to the applicant's right to file a further application. Submission of false information may constitute a ground for denying a license or license renewal. If an applicant is not granted a license, the written notice shall include a statement that the applicant is entitled to a hearing provided it requests such hearing in writing by serving said request on the Solid Waste Officer within ten (10) calendar days of service of such notice, exclusive of day of service. If the applicant fails to request a hearing within the time prescribed, it shall forfeit any right to a public hearing. Following receipt of a request for a hearing, the Board shall set a hearing which will be at a time convenient for all parties. The hearing shall be conducted pursuant to the procedures established in Section VI, Subdivision 8.

### Subdivision 3. Period of License

Licenses issued under this Ordinance shall be for a one-year term running from June 1st through May 31st.

Upon expiration of the term of each such license, the Collector must re-submit an application in accordance with Section V above. No license may be transferred or sold.

Subdivision 4. Identification

Each vehicle used by such Collector to convey garbage, rubbish, other Mixed Municipal Solid Waste and recyclable materials shall be identified by company name on each side of the vehicle.

Subdivision 5. Continuing Obligations of Collector

All Collectors, in addition to any other requirements contained in this Ordinance, shall comply with the following:

- (a) Vehicles used by Collectors shall be inspected on an annual basis by the Minnesota State Patrol, Commercial Vehicle Inspection Division or the State Department of Transportation Motor Transport Division or any state certified inspector. Inspection reports shall be forwarded to the Solid Waste Officer. The Collector shall maintain such vehicles in good repair and shall comply with all laws, rules and regulations applicable to such vehicles.
- (b) Insurance specified in Section VI, Subdivision 2 (c) above shall be maintained and the Collector shall provide evidence of maintenance of insurance upon request by the Solid Waste Officer.
- (c) A Collector shall notify the Solid Waste Officer in writing within thirty (30) days of any change in ownership, name or location of business offices.
- (d) A Collector shall notify the Solid Waste Officer in writing immediately upon loss of liability insurance coverage.
- (e) A Collector shall comply with the County solid waste disposal regulations, including prompt payment of the tipping fee.

Subdivision 6. Suspension of License

Any license issued pursuant to this Ordinance may be suspended for not longer than sixty (60) days by the County Board for violation of any provision of this Ordinance. Suspension shall not occur earlier than ten (10) calendar days after written notice of suspension has been served on the Collector, or, if a hearing is requested, until the written decision of the Board has been served on the collector. Such written notice shall contain the effective date of suspension, the nature of the violation or violations constituting the basis for the suspension, the facts which support the conclusion that a violation or violations have occurred and a statement that the collector is entitled to a hearing provided that it request such hearing in writing by serving said request on the Board within ten (10) calendar days of service of such notice, exclusive of the day of service. If the collector fails to request a hearing within the time prescribed, it shall forfeit any right to

a public hearing. Following receipt of a request for a hearing, the Board shall set a hearing date which will be set at a time convenient for all parties. The hearing shall be conducted pursuant to the procedures established in Section VI, Subdivision 8 below. If the suspension is upheld and the collector has not demonstrated within the sixty (60) day period that full compliance with this Ordinance has been attained and that such compliance will be continued, the Board may serve Notice of Suspension once again or initiate the revocation procedures in Section VI, Subdivision 7 below.

Subdivision 7. Revocation of License

Any license issued pursuant to this Ordinance may be revoked by the Board if the Board finds just cause exists to revoke said license. The violation of any provision of this Ordinance shall be good cause for revocation. Without excluding other sufficient grounds for revocation, the filing of an application containing any statement of information known to the applicant to be false, the failure to comply with any rule or requirement herein, the failure to provide information under Section VII hereof or the failure to remain in compliance with federal or state laws, rules or regulations shall each be good cause for revocation. Revocation shall not occur earlier than ten (10) calendar days after written notice of revocation has been served on the collector, or, if a hearing is requested, until the written decision of the Board has been served on the collector. Such written notice shall contain the effective date of the revocation, the nature of the violation or violations constituting the basis for revocation, the facts which support the conclusions that a violation or violations have occurred, and a statement that the collector is entitled to a hearing, provided that it request such hearing in writing by serving said request on the Board within ten (10) calendar days of service of such notice, exclusive of the day of service. If the collector fails to request a hearing within the time prescribed, it shall forfeit any right to a public hearing. Upon receipt of a written request for a hearing, the Board shall set a hearing not earlier than ten (10) days and not later than thirty (30) days from the date of receipt of the request.

Subdivision 8. Hearing

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

- (a) The Board shall have the power to conduct public hearings pursuant to this Section. Upon receipt of a request for hearing the Chairman of the Board shall appoint three members of the Board ("Panel") to conduct the hearing on behalf of the Board. The Panel submit to the Board, in writing, findings of fact and recommendations, and the Board may base its decision on this report.

- (b) Notice of Decision: The Board shall notify the applicant or collector in writing as to its decision within five (5) working days after a decision is reached.
- (c) Procedure: All hearings shall be conducted in the following manner:
1. A verbatim transcript of the hearing shall be recorded and transcribed, if necessary.
  2. All testimony shall be sworn under oath.
  3. The rules of evidence shall be informal. All relevant evidence, subject to the Panel's discretion, may be reviewed.
  4. The County shall present evidence first.
  5. The applicant or collector, or its counsel, if represented, may cross-examine all witnesses testifying in the proceedings.
  6. The attorney for the Board may cross-examine all witnesses testifying in the proceedings.
  7. The decision of the Board may be based on the evidence presented at the hearing before the Panel and on the findings of fact and recommendations of the Panel.
  8. If the applicant or collector fails to appear at the hearing, it shall forfeit any right to a public hearing before the Board.
  9. Any applicant or collector aggrieved by a decision of the Board shall have the right to appeal to the District Court on questions of law and fact within thirty (30) days of the date of the decision.

Subdivision 9. Removal of Suspension

In the case of suspension, upon written notification from the collector that all violations for which the suspension was invoked have been corrected, the Solid Waste Officer shall re-inspect the licensee within five (5) working days after receipt of the notice from the collector. If the Solid Waste Officer finds on such re-inspection that the violations constituting the grounds for suspension have been corrected, the Solid Waste Officer shall immediately terminate the suspension by written notice to the collector and the Board.

Subdivision 10. Written Notice

Service of a written notice or decision by the Board under any provision of this Ordinance shall be accomplished on any person or entity by depositing the notice or decision in the United States Mail, postage pre-paid, as follows:

- (a) To a collector or applicant addressed to the address listed in the most recent application for license on file with the County.
- (b) To an Owner at the address of the person or entity designated to receive tax statements from the County Auditor of the County in which the property is located.
- (c) To an occupant at the address of the residence.

Service shall be effective upon mailing. Proper service by a collector or applicant upon the Board shall be accomplished by Certified Mail, Return Receipt Requested addressed to the Chairman Carlton County Board of Commissioners, Courthouse, Carlton, Minnesota 55718.

Service shall be effective upon the date of receipt by the Board or their designee.

SECTION VII. REPORTS Each collector or owner which provides its own collection services, yard waste compost facility, and recycling facility shall submit reports to the County of the following:

- (a) The type, tonnage and disposition of recyclable materials collected, processed and marketed.
- (b) The tonnage of yard waste collected and disposed.

Each collector shall provide the County with an opportunity to inspect current customer lists. Upon request by the County, each collector shall provide access to its books and records relating to information required above upon one (1) day's notice.

SECTION VIII. SOLID WASTE LAND DISPOSAL FACILITIES

Subdivision 1.

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

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

Permit-by-rule facilities shall notify the Solid Waste Officer of the facility, but need not obtain a license from the County Board.

Subdivision 2.

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

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

SECTION IX. INCINERATION AND ENERGY RECOVERY

All incinerators having a capacity greater than 500 pounds per hour shall meet the requirements of State rules administered by the Agency. Additionally, the following requirements shall apply to all incinerators of any size which process solid waste.

Subdivision 1.

No person shall install or operate an incinerator without first obtaining a license from the County Board.

Subdivision 2.

The applicant shall meet all requirements for obtaining a license as specified in Section II of this ordinance. Furthermore, the County Board shall not issue a license until the applicant and facility comply with the following requirements:

- (a) All of the same criteria for incinerator construction, operation and maintenance contained in State rules administered by the Agency which presently apply only to incinerators with capacities greater than 6,000 pounds per hour.
- (b) Upon completion of the facility and prior to initial operation, the County Solid Waste Officer shall be notified to allow personnel of the County to inspect the facility both prior to and during the performance tests.

Subdivision 3.

The application for a county license shall include, but not be limited to, the following:

- (a) An operating schedule and a schedule of fees to be levied at the incinerator.
- (b) A notarized affidavit stating that the applicable local governments have been given at least thirty (30) days written notification of the pending application for a license.
- (c) A certificate from the County Zoning Administrator that the use proposed is in accordance with the established County Zoning Ordinance.
- (d) Sufficient documentation to enable the County Board to determine whether the applicant is financially and operationally capable to properly process and dispose of all solid waste.
- (e) All of the same information required for review by the State rules administered by the Agency which presently apply only to incinerators with capacities greater than 6,000 pounds per hour.
- (f) Such additional data and information as may be required by the Solid Waste Officer.

Subdivision 4.

During normal operation, the facility shall comply with the following requirements:

- (a) Permanent records shall be maintained for County inspection as to the quantity of material incinerated, the total quantity of resulting residue and total hours of plant operation.
- (b) Any discharges to the air, or to surface or ground waters of the State shall meet all applicable State rules for air and water quality of effluent standards now or hereafter adopted.
- (c) All unloading and processing of solid wastes at the facility shall be conducted in such a manner as to prevent or eliminate odors and litter outside the facility.

SECTION X. INTERMEDIATE SOLID WASTE DISPOSAL FACILITIESSubdivision 1.

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

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

Subdivision 2.

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

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

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

## SECTION XI. RECYCLING FACILITIES

### Subdivision 1.

No recycling facility shall be constructed, established, maintained or operated unless the operator or owner thereof has first been issued therefor a license from the County Board. The applicant shall meet all requirements for obtaining a license as specified in Section II of this ordinance. The application for a license shall contain the following information:

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

### Subdivision 2.

A recycling facility shall be constructed, operated and maintained in compliance with the following requirements.

- (a) A sign shall be posted on the premises indicating the name of the operation and the days and hours during which it is open to the public.
- (b) Sanitary facilities and shelter adequate for employees shall be provided on the premises.

- (c) Records in a form acceptable to the Solid Waste Officer shall be maintained indicating the type and quantity of recyclable materials processed by the operation.
- (d) The operation shall be located, equipped, operated and maintained in a manner which prevents the creation of a nuisance or unsanitary condition.
- (e) The premises entrances and exits shall be maintained in a clean, neat and orderly manner at all times.

### SECTION XIII. LICENSE FEES

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

### SECTION XIII. TERMINATION OF SOLID WASTE OPERATIONS

#### Subdivision 1.

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

#### Subdivision 2.

The license of any operation in Subdivision 1 which has water monitoring wells or lysimeters which are reviewed by the County or the Agency to be sampled shall establish with the County an escrow account no later than one year from the effective date of this ordinance or five years prior to termination of the operation, whichever occurs sooner.

The purpose of the escrow account is to set aside adequate funds to continue the sampling required by the County or the Agency for a period required by the Agency. The County Board shall specify by resolution the amount of money to be deposited in the account and the terms for payments which shall be made by the licensee to that account. Failure by licensee to meet the escrow account conditions

established by the County Board shall constitute a failure of the licensee to comply with the terms of this Ordinance, thereby enabling the County to use the provisions of Section II, Subdivision 5 to make the necessary deposits to the escrow account.

### Subdivision 3.

The County shall perform all long term monitoring required by the County or the Agency following termination or abandonment of all solid waste operations.

### Subdivision 4.

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

Land Disposal Facility .....	one year
Transfer Station .....	one year
Incineration Facility .....	one year
Collection/Transportation Service .....	ninety days
Recycling Facility .....	ninety days

Failure of a licensee to comply, for any reason, with the above advance notice requirements shall constitute a failure of the licensee to comply with the terms of this ordinance. The County Board may elect to pay all public and private higher than normal solid waste management costs which result from the premature cessation of a solid waste operation. The County may recover these costs through the provisions of Section II, Subdivision 6.

## SECTION XIV. VARIANCES

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

A variance may be granted by the County Board after a public hearing where the County Board determines that enforcement of this ordinance would cause the applicant undue hardship, or that the ordinance cannot be complied with due to technological impossibility or economic unreasonableness. Such a variance shall not be granted for a period in excess of two years, but may be reviewed upon application by the applicant and after a public hearing is held. A variance may be revoked prior to expiration of the variance by the County Board at a public hearing. An application for a variance shall be accompanied by a plan and schedule for achieving

compliance with the ordinance. Prior to any public hearing held by the County Board under this provision, persons who may be adversely affected by the granting of the proposed variance shall be given at least thirty (30) days notice to said public hearing. Publication of a notice of hearing in appropriate newspapers shall be considered adequate notice.

#### SECTION XV. NONCONFORMING SITES AND FACILITIES

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

#### SECTION XVI. ADDITIONAL REQUIREMENTS

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

#### SECTION XVII. SEVERABILITY

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

##### Subdivision 1.

If any Court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgement shall not affect any other provision of this ordinance not specifically included in said judgement.

##### Subdivision 2.

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

#### SECTION XVIII. PROVISIONS ARE CUMULATIVE

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

SECTION XIX. NO CONSENT

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

SECTION XX. VIOLATIONSSubdivision 1.

Any person who violates or fails, neglects or refuses to comply with the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished therefore as provided by Minnesota Statutes. A separate offense shall be deemed committed upon each separate day during or on which a violation occurs or continues.

Subdivision 2.

In addition to other remedies, this ordinance may be enforced by any civil action in District Court to prevent, restrain, correct or abate violations or otherwise compel compliance.

SECTION XXI. OTHER ORDINANCES AND REGULATIONS

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

SECTION XXII. EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and publication according to law. All requirements shall take effect immediately upon passage of this ordinance.

SECTION XXIII. REPEAL OF EXISTING ORDINANCE

The Carlton County Solid Waste Ordinance adopted on June 27, 1972 and amended is repealed upon effectuation of this Ordinance.

Passed and approved this 24th day of June, 1991, by the Carlton County Board of Commissioners.

/s/ Ted Pihlman  
 \_\_\_\_\_  
 Ted Pihlman, Chairman

Attest: /s/ Paul G. Gassert  
 County Auditor

Published in Star Gazette July 18, 1991.

CARLTON COUNTY SOLID WASTE ORDINANCE

ORDINANCE #17

FEE SCHEDULE

Collector

Solid Waste	\$50/Company plus \$25/Vehicle
Recycler	\$25/Company plus \$10/Vehicle
Sanitary Landfill	\$250.00
Demolition Landfill	\$100.00
Solid Waste Incinerator	\$250.00
Recycler Facility	\$50.00
Transfer Station	\$50.00
Yard Waste Compost Facility	None

DOC. NO. 302488  
Office of COUNTY RECORDER  
STATE OF MINNESOTA } ss.  
County of Carlton

AMENDMENT #1

CARLTON COUNTY SOLID WASTE ORDINANCE

ORDINANCE #17

I hereby certify that the within instrument was filed in this office for record March 31 19 95 at 1:00 P. M. and was duly recorded

Robert H. Schopf  
County Recorder  
Deputy

SECTION I. DEFINITIONS

Subdivision 25. "Major Appliances" means clothes washers, dryers, dishwashers, garbage disposals, trash compactors, conventional ovens, ranges and stoves, air conditioners, refrigerators, freezers, residential and commercial furnaces, water heaters, microwave ovens, and dehumidifiers.

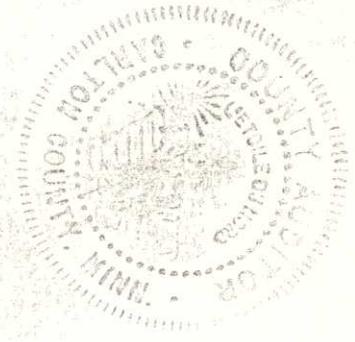
Subdivision 32. "Recyclable Material" generally has the meaning given it in MN Statute Subsection 115A.03, Subdivision 25a. The Board shall establish a list of specific Recyclable Material. The list may be revised as often as the Board deems necessary. Each list shall be effective upon publication once in the legal County newspaper.

SECTION VII. REPORTS

Each collector or owner which provides its own collection services, yard waste compost facility, and recycling facility shall submit reports at a frequency directed by the Solid Waste Officer to the County of the following:

- (a) The type, tonnage and disposition of recyclable materials collected, processed and marketed.
- (b) The tonnage of yard waste collected and disposed.

Each collector shall provide the County with an opportunity to inspect current customer lists. Upon request by the County, each collector shall provide access to its books and records relating to information required above upon one (1) day's notice.



Ted Dickman  
Vice Chairman, Board of Commissioners

Attest: Paul G. Harrel  
County Auditor

Public Hearing was held by the Carlton County Board of Commissioners on February 14, 1995 at 8:30 a.m.

The amendment was approved by the Carlton County Board of Commissioners on February 14, 1995.

The amendment was published in the Star Gazette on March 30, 1995.

zoning office

CARLTON COUNTY SOLID WASTE ORDINANCE  
ORDINANCE #17

SECTION XI, A. STORAGE AND USE OF TIRE SHREDS AS  
LIGHTWEIGHT FILL

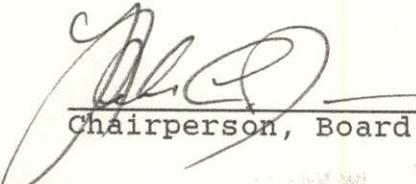
Subdivision 1. Storage of tire shreds to be used as lightweight fill shall comply with Minnesota Rule Chapter 9220 and require a County Letter of Approval, as well as the following requirements:

- a. A request for approval shall be submitted to the Solid Waste Administrator for review and presentation to the Board for consideration. The request shall include information to address the following criteria as well as other information requested by the Solid Waste Administrator.
- b. Storage shall be temporary and shall not exceed ninety (90) days at one location while waiting for delivery to the final destination.
- c. Storage shall be in a well-drained area which is not subject to ponding or flooding.
- d. Storage shall only be in commercial and industrial zoning districts or in agricultural and forestry zoning districts when outside the view of the adjacent property owners and road right-of-way.
- e. Only shredded tires, not whole tires, shall be stored at the site.
- f. Storage shall be limited to the equivalent of 500,000 passenger car tires (15,000 cubic yards loose volume).

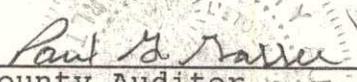
Subdivision 2. Use of tire shreds as lightweight fill shall only be permitted by approval of the Board subject to the following requirements as well as rules and policies of the MPCA:

- a. A request for approval shall be submitted to the Solid Waste Administrator for review and presentation to the County Board for consideration. The request shall include information on methods of construction, number and type of tires to be used, depth to water table and soil data. Also required are maps, diagrams, and cross-sections to show construction detail.
- b. The use shall be clearly beneficial and not merely a method of disposal. The application shall explain the reason for and beneficial use of tire shreds for each individual request.

- c. Lightweight fill shall only be used on Public Road Projects; private drives entering established, occupied, year-round residences; or private drives for established commercial or industrial uses. Lightweight fill may be considered for other projects when designed by a Professional Registered Engineer and the use is clearly beneficial.
- d. Lightweight fill shall not be used through wetlands without design by a Professional Registered Engineer.
- e. Lightweight fill shall be placed at least one foot above the highest known water table or soil mottling.
- f. The lightweight fill shall be covered with soil within thirty (30) days of delivery to the project site. Tire shreds shall be covered by low permeable soil and designed to promote surface water drainage away from the roadbed to minimize the amount of surface water seeping through the shredded tires.
- g. Only tire shreds not to exceed 12 inches in size shall be allowed as lightweight fill. Whole tires shall not be allowed.
- h. No after-the-fact permits shall be issued. Lightweight fill not authorized by permit shall be removed from the site.

  
 \_\_\_\_\_  
 Chairperson, Board of Commissioners

Attest:

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

Public Hearing held by the Carlton County Planning Commission on Wednesday, May 7, 1997.

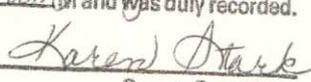
The amendment was approved by the Carlton County Board of Commissioners on Tuesday, May 13, 1997.

The amendment was published in the Cloquet Journal on June 13, 1997.

DOC. NO. **317774**  
 Office of COUNTY RECORDER  
 STATE OF MINNESOTA } ss.  
 County of Carlton

*No Change*

I hereby certify that the within instrument was filed in this office for record July 10 19 97 at 11:00 AM and was duly recorded.

  
 \_\_\_\_\_  
 County Recorder

By \_\_\_\_\_  
 Deputy

*[Handwritten mark]*