

**SOLID WASTE
ORDINANCE**

ORDINANCE NO. 08-2

COUNTY OF CHISAGO

CHISAGO COUNTY, MINNESOTA

Approved by Chisago County Board of Commissioners on 11/19/2008

Published in the Official Newspaper(s):

Chisago County Press, Lindstrom on Thursday, December 4, 2008

The STAR, Cambridge on Wednesday, December 3, 2008

TABLE OF CONTENTS

	<u>Page</u>
ARTICLE I	POLICY 3
SECTION	1.0 Policy, Purpose & Authority..... 3
ARTICLE II	DEFINITIONS, RULES & WORD USAGE 4
SECTION	1.0 Definitions 4
SECTION	2.0 Rules & Word Usage 10
ARTICLE III	GENERAL PROVISIONS..... 11
SECTION	1.0 Department Powers And Duties 11
SECTION	2.0 Boundaries of Service Area..... 11
SECTION	3.0 Highest Standards Prevail 11
SECTION	4.0 Jurisdiction of the Solid Waste Management Plan..... 11
SECTION	5.0 Planning and Zoning Approval 12
SECTION	6.0 Septage or ISTS Activity 12
SECTION	7.0 Solid Waste Management Fee 12
SECTION	8.0 Indemnification..... 12
SECTION	9.0 Financial Assurance 12
SECTION	10.0 No Consent or Waiver 13
SECTION	11.0 False Information 13
SECTION	12.0 Data Privacy..... 13
SECTION	13.0 Severability..... 13
ARTICLE IV	GENERATOR REQUIREMENTS 14
SECTION	1.0 Waste Abatement..... 14
SECTION	2.0 Storage and Collection 15
SECTION	3.0 Processing and Disposal 16
ARTICLE V	HAULER REQUIREMENTS 18
SECTION	1.0 Hauler License Required 18
SECTION	2.0 License Application Requirements..... 18
SECTION	3.0 Review Of Hauler License Application..... 19
SECTION	4.0 Term Of Hauler License and Renewals..... 19
SECTION	5.0 Hauler Insurance Requirements 20
SECTION	6.0 Equipment Standards..... 22
SECTION	7.0 Storage Standards..... 23
SECTION	8.0 Collection and Transportation Standards..... 23

SECTION	9.0 Operational Standards	25
SECTION	10.0 Solid Waste Recording Standards.....	26
SECTION	11.0 Recyclable Recording Standards.....	27
SECTION	12.0 Solid Waste Deposit Disclosure	27
ARTICLE VI	FACILITY REQUIREMENTS	28
SECTION	1.0 Facility Licenses Required	28
SECTION	2.0 Facility License Application Requirements.....	28
SECTION	3.0 Review of Facility License Application.....	29
SECTION	4.0 Term of Facility License and Renewals	30
SECTION	5.0 Facility Insurance Requirements	30
SECTION	6.0 General Facility Records.....	33
SECTION	7.0 General Facility Performance Standards	34
SECTION	8.0 General facility Requirements.....	36
SECTION	9.0 Specific Facility Requirements	38
ARTICLE VII	ENFORCEMENT	45
SECTION	1.0 Inspections	45
SECTION	2.0 Licenses.....	45
SECTION	3.0 Action Authorized	47
INDEX	49

ARTICLE I POLICY

SECTION 1.0 POLICY, PURPOSE & AUTHORITY

This Solid Waste Ordinance establishes the standards and procedures governing Solid Waste Management in Chisago County. It creates Solid Waste Management funding, programs; licensing requirements and fees; and penalties for lack of compliance.

The purpose of this Ordinance is to protect the public health, welfare and safety, and to prevent the spread of disease and the creation of nuisances, to conserve natural resources, and protect the State's water, air and land resources

This Ordinance is enacted pursuant to Minn. Stat. Chapters 400, 145, 115A and 116.

ARTICLE II DEFINITIONS, RULES & WORD USAGE

SECTION 1.0 DEFINITIONS

Unless the context clearly indicates otherwise, the following words and phrases shall have the meanings ascribed to them in this Article. Unless specifically defined herein, terms used in this Ordinance shall have the same definition as provided in the Waste Management Act, Minn. Stat. § 115A.01 *et seq.* and if not defined there, shall have common usage meaning. For purposes of this Ordinance, the words “must” and “shall” are mandatory and not permissive.

Acceptable Waste: means those Solid Wastes that are not prohibited from Processing or Disposal pursuant to local, State and federal laws and the requirements of the Facility.

Agency: means the Minnesota Pollution Control Agency.

Agricultural Site: means land used for agricultural purposes, but excludes the Residential Site on said premises.

Authorized Representative: means an employee or agent of the Chisago County Department of Environmental Services/Zoning.

Certificate of Need (CON): an issuance from the State of Minnesota to certify needed Disposal capacity.

Closure: means actions to prevent or minimize the threat to public health and the environment posed by a closed Facility including removing contaminated soil and equipment, removing liners, applying final cover, grading and seeding final cover, installing monitoring devices, constructing ground water and surface water diversion structures, and installing gas control systems, as necessary.

Collection or Collects: means the aggregation of Solid Waste from the place at which it is generated and includes all activities up to the time the Solid Waste is delivered to a Solid Waste Management Facility.

Commercial Site: means any business, commercial, industrial, institutional or governmental establishment.

Compost or Composting: means the controlled microbial degradation of organic waste.

Compost Facility: means a site used to compost Solid Waste, including all structures or Processing equipment used to control drainage, collect and treat Leachate, and storage areas for the incoming waste, the final product, and residuals resulting from the composting process.

Compostable Organic Materials: materials suitable for backyard Compost Sites including but not limited to straw, vegetable and fruit scraps, coffee grounds and filters, and eggshells.

Construction and Demolition Debris: means Solid Waste resulting from construction, remodeling, repair, erection and demolition of buildings, roads and other structures, including: concrete, brick, bituminous concrete, untreated wood, masonry, glass, trees, rock, and plastic building parts.

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 construction of buildings, roads or other improvements to real property is occurring.

County: means Chisago County, Minnesota.

County Board: means the Chisago County Board of Commissioners.

Curbside Collection: means a Mixed Municipal Solid Waste and Recyclable Materials Collection system whereby the Generators set Solid Waste containers at the curb adjacent to a roadway or in locations easily accessible for Collection by a Hauler.

Department: means the Chisago County Department of Environmental Services/Zoning.

Disposal or Dispose: means the discharge, deposit, injection, Dumping, spilling, leaking, or placing of any waste material into or on any land, air, or water.

Dumping: means the placement of any Solid Waste, including Construction and Demolition Debris, Hazardous Waste, Industrial Solid Waste, Mixed Municipal Solid Waste, or Recyclable Materials, anywhere other than in an approved container or at a Solid Waste Management Facility during hours of operation.

Electronics: means any device containing complex circuitry, circuit boards, or signal processing capabilities for processing or displaying information including but not limited to: monitors, computers, televisions, photocopiers, facsimile machines, video monitors and equipment, telephones and telecommunications equipment, cordless rechargeable appliances, and audio equipment.

Fee: means the Solid Waste Management Fee.

Financial Assurance: means a performance bond, letter of credit or other financial instrument consistent with County policy.

Generator: means any Person that produces 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.

Hazardous Waste: means any Refuse, sludge, or other waste material or combinations of, in solid, semisolid, liquid, or contained gaseous form which because of its quantity, concentration, or chemical, physical, or infectious characteristics may cause an increase in mortality or an increase in serious illness; or pose a substantial hazard to human health or the environment when improperly treated, stored, transported, Disposed of, or otherwise managed. Categories of Hazardous Waste materials include, but are not limited to: explosives, flammables, oxidizers, poisons, irritants, and corrosives.

Household Hazardous Waste (HHW): Unwanted household products that contain corrosive, toxic, ignitable, flammable, or reactive ingredients.

Household Hazardous Waste Facility: A site, authorized by the State of Minnesota, to collect HHW and to prepare it for transport to approved and licensed destinations for proper Recycling or disposal.

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 Land Disposal Facility: means a site used to Dispose of Industrial Solid Waste in or on the land.

Infectious Waste: means laboratory waste, blood, regulated body fluids, sharps, and research animal waste that have not been decontaminated.

Leachate: means liquid that has contacted or percolated through Solid Waste and has extracted, dissolved, or suspended materials from it.

Leachate Management System: means the structures constructed and operated to contain, transport, and treat Leachate, including liners, collection pipes, detection systems, holding areas, and treatment Facilities.

License: means authorization to conduct specified business services that may be limited to a specific period of time, specific person, and or a specific site in the County.

Licensee: means the Person who has been issued a license to carry out any of the activities for which a license is required under the provisions of this Ordinance.

Major Appliance: 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, garbage, Refuse, and other Solid Waste from residential, Non-Residential, business, industrial, and community activities that the Generator of the waste aggregates for Collection. Including common household materials and commercial garbage such as packaging materials, containers, food discards, plastic, paper, compostable materials.

Mixed Municipal Solid Waste Land Disposal Facility: means a Solid Waste Management Facility used for the land disposal of Mixed Municipal Solid Waste.

Multi-Unit Residential Building: means any building with four or more residential units.

Municipality: means an incorporated city or town within the County.

Non-Residential Accounts: means Solid Waste Management Services provided to any non-Residential Building or parcel.

Non-Residential Property: means all property that generates waste within the County that is not defined as a Residential Property as determined by the County.

Open Area: means areas outside of a building or structure.

Open Burning: means burning any Solid Waste whereby the resultant combustion products are emitted directly to the open atmosphere.

Operator: means the Person responsible for the operation of a Solid Waste Management Facility.

Ordinance: means the Solid Waste Ordinance adopted by Chisago County.

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

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, contributes to the release of a pollutant or contaminant on to or in the land, air or water, or creates a significant threat to the safe or efficient operation of a Solid Waste Management Facility.

Processing: means the treatment of Solid Waste after Collection. Processing includes but is not limited to reduction, separation, exchange, resource recovery, physical, chemical, or biological modification.

Public Health Nuisance: means the creation of conditions or acts that unreasonably annoy, or contributes to the injury and/or endangerment of the safety, health, comfort, or repose of members of the public.

Putrescible Material: means Solid Waste that is capable of rotting or is in a foul state of decay or decomposition.

Real Property: means land, from the center of the earth and extending above the surface indefinitely, including all inherent natural attributes and any man-made improvements of a permanent nature place thereon.

Recyclable Materials: means marketable materials that are separated from Solid Waste for the purpose of Recycling such as paper, glass, plastics and metals.

Recycling: means the process of Collecting and processing Recyclable Materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of Recyclable Materials in a manner that precludes further use.

Recycling Collector: means a person who operates a Licensed Recycling Facility that aggregates, processes, or markets Recyclable Materials.

Recycling Facility: means a facility used to aggregate, process, or market Recyclable Materials.

Recycling Opportunities: include the following: at least monthly curbside pickup of at least four broad types of Recyclable Materials, a centralized drop-off at a local Recycling center for at least four broad types of Recyclable Materials, and local recycling sites located in the County.

Refuse: means putrescible and non-putrescible Solid Wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, waste combustor ash, street cleanings, and Industrial Solid Wastes, and including municipal treatment wastes which do not contain free moisture.

Release: means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, Dumping, or Disposing into the environment which occurred at a point in time or which continues to occur.

Residential Site: means any dwelling unit or property on which a single family home, a duplex, a tri-plex, a four-plex, an apartment building, a mobile home, a condominium, a townhouse, a cooperative housing unit, or any other residential building, (none of which are used solely for commercial purposes) is located.

Self-Hauler: means a Person who transports their own generated Solid Waste.

Service Area: means the geographical area of the County which receives Solid Waste Management Services.

Site: means a spatial location.

Solid Waste: means garbage, Refuse, Construction and Demolition Debris, sludge from a water supply treatment plant or air contaminant treatment Facility, and other discarded waste materials and sludges, in solid, semisolid, liquid, or contained gaseous form, resulting from industrial, mining, and agricultural operations and from Non-Residential Property, and from community activities.

Solid Waste does not include Hazardous Waste; animal waste, earthen fill and rock; sewage sludge, industrial waste water effluents, dissolved materials in irrigation return flows, or nuclear material.

Solid Waste Administrator: means the individual assigned by the County to oversee and direct Solid Waste Management Activities.

Solid Waste Land Disposal Facility: means a Solid Waste Land Disposal Facility permitted by the Agency that is designed or operated for the purpose of disposing of Solid Waste on or in the land, together with any appurtenant facilities.

Solid Waste Management: means activities that are intended to affect or control the Collection, Transportation, Processing, treatment, and Disposal of waste.

Solid Waste Management Activity: means an activity related to the storage, Collection, Transportation, Processing or reuse, conversion, or Disposal of Solid Waste.

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, or a Recycling Facility.

Solid Waste Management Fee: means a fee imposed on a parcel in order to pay for Solid Waste Management Services of the County and imposed pursuant to Minn. Stat. §400.08.

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 Processing Facility: means a facility for the treatment of Solid Waste after collection.

Source-Separated: means Mixed Municipal Solid Waste that is separated at the source by Solid Waste generators for the purpose of preparing it for later Collection. It is then collected separately from other Mixed Municipal Solid Wastes, and can consist of either Recyclable or Compostable materials.

Special Wastes: means non-hazardous Solid Waste that has been prohibited from disposal with Mixed Municipal Solid Waste or has had other specific management requirements prescribed by statute.

State: means the State of Minnesota.

Transfer Station: means a Facility in which Solid Waste collected from any source is temporarily deposited to await Transportation to another Solid Waste Management Facility.

Transportation or Transports: means the conveying of Solid Waste from one place to another.

Unacceptable Waste: means those Solid Wastes that cannot be accepted for management at a Solid Waste Management Facility pursuant to local, State and federal laws, and the practices of the Solid Waste Management Facility.

Waste: means Solid Waste, sewage sludge, and Hazardous Waste.

Waste Tire: means a pneumatic tire or solid tire for motor vehicles that has been discarded or that can no longer be used for its original intended purpose because of wear, damage, or defect.

Waste Tire Facility: means a Site where Waste Tires or tire derived products are collected, deposited, stored, or Processed.

Yard Waste: means garden wastes, leaves, lawn cuttings, weeds, and prunings generated at Residential or Non-Residential Properties.

Yard Waste Facility: means a facility used to compost Yard Waste, including but not limited to grass and leaves.

SECTION 2.0 RULES & WORD USAGE

Masculine and Feminine Gender: The masculine gender includes the feminine and neuter genders.

Normal Work Days: The days that County Departments are open to the public for business.

Singular and Plural: Words used in the singular include the plural, and the plural includes the singular.

Tenses: Words used in the present tense include the future.

ARTICLE III GENERAL PROVISIONS

SECTION 1.0 DEPARTMENT POWERS AND DUTIES

The Chisago County Department of Environmental Services/Zoning (Department) shall be responsible for the administration of this Ordinance. The Department's duties shall include, but shall not be limited to, the following:

- 1.01** Review and consider all license applications and renewals submitted to the Department for performance of Solid Waste Management Activities within the County, and after due consideration, the Department shall issue or deny a license.
- 1.02** To inspect Solid Waste Management Activities as herein provided, to investigate complaints, and to identify violations of this Ordinance.
- 1.03** To enforce the provisions of this Ordinance. A violation of any part of this ordinance is a misdemeanor punishable by law.
- 1.04** To encourage and conduct studies, investigations and research relating to aspects of Solid Waste Management such as methodology, chemical and physical considerations, and engineering.
- 1.05** To advise, consult, and cooperate with other governmental agencies in the furtherance of the purposes of this Ordinance.

SECTION 2.0 BOUNDARIES OF SERVICE AREA

Pursuant to Minn. Stat. § 400.08, subd. 2, the County establishes one Solid Waste Management Service Area, with its boundaries being coterminous with the boundaries of the County.

SECTION 3.0 HIGHEST STANDARDS PREVAIL

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, rule and regulation, the provision that establishes the higher standard for the promotion and protection of the public health, safety and general welfare shall prevail.

SECTION 4.0 JURISDICTION OF THE SOLID WASTE MANAGEMENT PLAN

Pursuant to Minn. Stat. §115A.46, subd. 5, a public entity within the County may not enter into a binding agreement nor develop nor undertake a Solid Waste Management

Activity that is inconsistent with the County Solid Waste Management Plan without the express written consent of the County.

SECTION 5.0 PLANNING & ZONING APPROVAL

Any use of real property for Solid Waste Management Activities within the County shall comply with the applicable Zoning requirements of the County Zoning Ordinance, or the requirements of applicable municipal land use ordinances.

SECTION 6.0 SEPTAGE OR ISTS ACTIVITY

Any use of real property for Septage or ISTS activities within the County shall comply with the applicable statutes, rules, and Ordinances.

SECTION 7.0 SOLID WASTE MANAGEMENT FEE

The Solid Waste Management Service Fee Ordinance establishes the collection method for this fee within the Service Area of Chisago County in order to fund certain Solid Waste Management Services intended to protect the public health and welfare and the environment pursuant to State mandates governing Solid Waste Management.

SECTION 8.0 INDEMNIFICATION

To the fullest extent permitted by law, a Licensee shall indemnify the County, its officers, employees, agents, and others acting on their behalf, to hold them harmless, and to defend and protect them, from and against any and all loss, damage, liability, cost and expense (specifically including attorneys' fees and other costs and expenses of defense), of any sort whatsoever, based upon, resulting from, or otherwise arising in connection with any actions, claims or proceedings (of any sort and from any source whatsoever) brought, or any loss, damage or injury of any type whatsoever sustained, by reason of any act or omission of a Licensee, its officers, employees or agents, or any other Person(s) or entity(ies) for whose acts or omissions a Licensee may be legally responsible, in the performance of any of a Licensee's obligations (whether expressed or implied) under this Ordinance.

SECTION 9.0 FINANCIAL ASSURANCE

A performance bond, letter of credit or other financial instrument consistent with County policy shall be required prior to issuances of any Licenses to engage in Solid Waste Management Activity.

SECTION 10.0 NO CONSENT OR WAIVER

Nothing contained in this Ordinance shall be deemed to be a consent or waiver to locate, construct, operate, or maintain any Solid Waste Management Activity, or to carry on any Activity prior to issuance of a license or permit, when a license or permit is required.

SECTION 11.0 FALSE INFORMATION

Intentional submission of false information shall be deemed a violation of this Ordinance.

SECTION 12.0 DATA PRIVACY

Any data received by the Department or any entity acting on behalf of the Department shall be maintained in accordance with the provisions of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13.

SECTION 13.0 SEVERABILITY

Sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional, invalid or unenforceable, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

ARTICLE IV GENERATOR REQUIREMENTS

SECTION 1.0 WASTE ABATEMENT

The purpose of this section is to abate the need for land disposal of Solid Waste by requiring source-separation of Yard Waste for Compost creation, and to encouraging the recovery of Recyclable Materials in order to conserve natural resources and meet State-mandated Recycling goals.

1.01 Management of Yard Waste

Yard Waste has been prohibited from placement in Mixed Municipal Solid Waste in Minnesota since 1992. Therefore Generators shall manage Yard Waste by any of the following methods.

A. Composting

Yard Waste can be managed by on-site mulching and spreading, or composting. Composting of Yard Waste and/or Compostable Organic Materials by Generators on-site is an allowable method if managed properly and in such a manner as to prevent annoying odors, Public Health Nuisances, or unsafe conditions.

B. Hauler

Yard Waste can be managed by transporting to a permitted Yard Waste Facility by either Self-Hauling or by Hauler. Generators shall offer Yard Waste for Collection only if it has not been placed in plastic bags, but put in containers that will decompose within the time period it takes to produce a finished Compost product out of the material held by the container. Or Yard Waste that is offered for collection that is contained in a separate container that is easily distinguishable from Mixed Municipal Solid Waste storage containers.

1.02 Management of Recyclables

The recycling requirements of this Ordinance represent the minimum responsibility of Generators. Generators are encouraged to recycle additional items in order to achieve and surpass the minimum Recycling goal and discouraged from placing recyclables in Mixed Municipal Solid Waste.

A. Residential Site Recycling

Generators in Residential Buildings are encouraged to segregate and deliver at a minimum, the following Recyclable Materials to a Recycling Facility, either by hauler or by Self-Hauling: office paper, newsprint, glass containers, corrugated cardboard, aluminum cans, #1 & #2 plastic bottles, and steel and tin containers.

Owners and/or managers of multi-unit Residential Buildings who provide for collection of Mixed Municipal Solid Waste shall provide central collection

locations for Recyclable Materials generated on their premises and shall deliver the above listed Recyclable Materials to a Recycling Facility either by Self-Hauling or by Hauler.

B. Non-Residential Property Recycling

Owners and/or managers of Non-Residential Property shall provide central collection locations for, at a minimum, the following Recyclable Materials generated on their premises: office paper, newsprint, glass containers, corrugated cardboard, aluminum cans scrap, steel and tin containers; and shall ensure delivery of these Recyclable Materials to a Recycling Facility, either by Self-Hauling or by Hauler.

SECTION 2.0 STORAGE AND COLLECTION

This section governs the storage, Collection, and Transportation of Solid Waste generated within the County, including but not limited to Mixed Municipal Solid Waste, Yard Waste and Recyclable Materials. This section also governs Curbside Collection and all Persons collecting and transporting Solid Waste within the County.

2.01 Storage

Solid Waste shall be stored in proper storage containers and in a manner as to prevent the loss of Solid Waste to the environment and to preclude the development of vector, odor, and Public Health Nuisance problems.

When aggregated for Collection by Generators, Yard Waste and Recyclable Materials shall be placed in storage containers that are easily distinguishable from Mixed Municipal Solid Waste storage containers.

No Person shall place or store in Open Areas of any Residential Site, Commercial Site, or Agricultural Site: inoperable motor vehicles, machinery, appliances, fixtures or equipment so damaged, deteriorated or obsolete such that there is no substantial potential further use consistent with usual function or reasonable reuse; lumber piles and building materials not being used in actual construction on the premises; and Mixed Municipal Solid Waste including, but not limited to, Recyclable Materials, broken furniture, Tires and other debris.

Nothing in this section is designed to restrict activities of automobile, scrap iron, and metal Recycling. Salvage businesses, or sculpture parks that are operating in accordance with State, County, and Municipal or township laws, rules and regulations.

2.02 Collection

Every Commercial and Residential Site in the County, except Self-Haulers, shall utilize a Hauler for the Collection of Mixed Municipal Solid Waste. Self-Haulers must transport their own Mixed Municipal Solid Waste to a licensed and permitted Solid Waste Management Facility.

A. Curbside Collection

Generators utilizing the services of a Hauler may place acceptable containers of Mixed Municipal Solid Waste, Recyclable Materials or Yard Waste at the curb or Collection site no sooner than the evening prior to scheduled Collection and Generators must remove the empty containers from the right-of-way after Collection.

B. Secure all Loads

A Person who collects or transports Solid Waste shall do so in a safe and sanitary manner and shall secure all loads so as to prevent escape of any waste.

C. Title to Non-Hazardous Mixed Municipal Solid Waste

Title to non-hazardous Mixed Municipal Solid Waste shall remain with the Generator until released to a Hauler or by Self-Hauling to a licensed Facility. In cases where a Generator chooses not to utilize a licensed Solid Waste Management Facility, title to the non-hazardous Mixed Municipal Solid Waste and its associated environmental liability shall remain with the Generator.

SECTION 3.0 PROCESSING AND DISPOSAL

This section governs the processing and disposal of Solid Waste and regulates Solid Waste accumulations within the County.

3.01 Industrial Solid Waste

Generators are responsible for identifying, characterizing, and properly processing and disposing of their Industrial Solid Waste.

3.02 Construction and Demolition Waste

Generators of Solid Waste generated through construction, remodeling, or demolition shall ensure the separation of Mixed Municipal Solid Waste, Recyclable Materials, Yard Waste, and Construction and Demolition Debris either on-site or through the use of a service provider offering such separation. Each of these waste streams shall be disposed of at a proper appropriate facility either by self-hauling or by Hauler. No burning, burying or dumping of Solid

Waste (including brush and tree waste) generated at Construction Sites shall occur at locations other than licensed Solid Waste Management Facilities.

3.03 Household Hazardous Waste

Generators shall not dispose of Household Hazardous Waste in Mixed Municipal Solid Waste. These unwanted household products contain potentially hazardous and/or toxic ingredients, and shall be disposed properly by the homeowner (or a representative) at a Household Hazardous Waste Facility.

3.04 Unacceptable Waste, Problem Materials and Special Waste

Generators are responsible for identifying and properly disposing of any Unacceptable Waste, Problem Materials, or Special Wastes that they produce, and for adhering to Hauler and Facility-specific requirements for disposal.

3.05 Prohibitions on Waste Disposal

A. Solid Waste Burning and Burying

Open Burning or Burying of Solid Waste is prohibited by this Ordinance, No person shall cause, permit or allow burying or open burning of Solid Waste in any portion of the county as the County Board has determined by resolution that regularly scheduled pickup of solid waste is reasonably available to all parts of the County, except as specifically authorized by the Minnesota Department of Natural Resources.

B. On-site Disposal of Solid Waste

No Person shall Dispose of Solid Waste, excluding their residential Compostable Organic Materials and Yard Waste, on their real property without a license. The owner of any such Site shall prevent disposal of Solid Waste at the Site and if necessary take corrective actions to appropriately close and clean-up the Site, as determined by the County and/or the Agency.

C. Unauthorized Container Use

It shall be illegal to use another Person's Solid Waste storage container, inspect its contents, or remove its contents unless provided prior authorization by the owner or lawful custodian of the container. This provision shall not be construed to prohibit law enforcement officials from inspecting the contents of said container in the course of carrying out their assigned duties.

ARTICLE V HAULER REQUIREMENTS

SECTION 1.0 HAULER LICENSE REQUIRED

No Person shall engage in any Solid Waste Collection and Transportation in Chisago County without first having obtained a Hauler License, i.e. no person may Collect through routes, roll-offs, pick-up, drop off, nor Transport or Dispose of Solid Waste generated within the County except in full compliance with this Ordinance after having been granted a license to do so by the Department as specified in this Article. This Article does not apply to Self-Haulers or to the Transportation of Solid Waste through the County.

SECTION 2.0 LICENSE APPLICATION REQUIREMENTS

Haulers and prospective haulers or applicants shall comply with the following license requirements.

2.01 Application Requirements

The Department shall require an application for a License or License renewal on forms furnished by the Department. The application shall not be considered complete until the Department has received all information, materials, Financial Assurance, certificates of insurance, and fees required under this Ordinance. If a License application is incomplete or otherwise does not conform to the requirements set forth in this Ordinance, the Department shall advise the applicant of the reasons for non- acceptance and may request that the applicant resubmit, modify, or otherwise alter the application. Each License granted pursuant to the provisions of this Ordinance shall expire annually, unless revoked earlier.

2.02 Financial Assurance

The Department shall require Financial Assurance as appropriate for any or all of the Hauler Solid Waste Management Activities, based on their number of trucks, operational practices, and types of waste accepted.

2.03 License Fees

The Hauler and prospective haulers or applicants shall pay all license fees to the County with the License application and the license renewal application. The amounts of such license fees and late fees for submittal of a late application shall be established in the fee schedule set by the County Board

2.04 Vehicles Licensed

All vehicles used for the Collection and Transportation of Solid Waste and Recyclables in the County shall be listed on the license application. The applicant shall specify the make, model, year, and capacity, in cubic yards, as well as the

tare weight of each vehicle. If a vehicle is put into service during the license year, the Hauler shall submit the required information for the vehicle to the Department and shall not use the vehicle until the Department has issued a decal and the decal has been affixed to the vehicle. (See Section 6.03)

SECTION 3.0 REVIEW OF HAULER LICENSE APPLICATION

After receiving a complete License application that includes all required information, the Department shall have 60 days to either grant or deny the License. If any applicant is denied a License, the applicant shall be notified in writing by the Department of the reasons for the denial of the License. A denial shall be without prejudice to the applicant's right to filing a further application after revisions are made to meet objections specified as reasons for the denial.

3.01 Operational Conditions

The Licensee shall comply with the operational conditions stated in the application as approved by the County. Failure of the Licensee to comply with such operational conditions is a violation of this Ordinance and the Licensee is subject to the penalties provided herein.

3.02 Contingent License/Special Conditions

A License may be granted that is contingent upon compliance with special conditions specified in the License. Such conditions, if any, shall be designed to promote the health, welfare and safety of the public pursuant to this Ordinance. Failure of the Licensee to comply with such special conditions is a violation of this Ordinance and is subject to the penalties provided herein.

SECTION 4.0 TERM OF HAULER LICENSE AND RENEWALS

The term and renewal of a Hauler Licenses are governed by this section.

4.01 Term of License

Unless otherwise provided by the Department, the term of a Hauler License granted pursuant to the provisions of this Ordinance shall be for up to one year but shall expire on December 31 of the year the License is granted, unless sooner renewed, suspended or revoked.

4.02 Renewal of License

Application for renewal of a License shall be made in writing to the Department by December 1st of the expiration year and shall be signed by an individual authorized to act on behalf of and bind the Licensee. Application for a License renewal shall contain a statement of any changes in the information submitted from the last approved License application. Application for a License renewal

shall contain reports required by the Ordinance. If applicable, the Licensee shall submit Financial Assurance information including the Financial Assurance mechanism used, the amount of bond or letter of credit, cash on deposit, amount in a depository account or trust account and other information requested on a form provided by the Department. Failure to submit such information is grounds for revocation or for not granting renewal of the License. If there are no changes in Financial Assurance, it shall be so stated in the renewal application.

4.03 License Not Transferable

Licenses granted by the Department under this Section are not transferable to other Persons.

SECTION 5.0 HAULER INSURANCE REQUIREMENTS

The Hauler shall obtain, maintain, and submit with the License application certificates of insurance issued by insurers duly licensed by the State of Minnesota providing the following coverage, or a self-insurance plan certified by the Department of Commerce providing equivalent coverage:

5.01 Worker's Compensation Insurance

- A. Worker's compensation insurance shall be in compliance with all applicable State Statutes. Such policy shall include Employer's liability coverage in at least such amount(s) as are customarily issued in Minnesota and an All States or Universal Endorsement, if applicable.
- B. In the event a Licensee is a sole proprietor and has elected not to provide workers' compensation insurance, the Licensee shall be required to execute and submit to the Department an affidavit of sole proprietorship in a form acceptable to the Department. Chisago County shall not be held responsible for any injuries incurred by a sole proprietor.

5.02 General Liability

- A. Commercial General Liability Coverage, providing coverage on an "occurrence", rather than on a "claims made" basis, which policy shall include, but shall not be limited to, coverage for bodily injury, property damage, personal injury, contractual liability (applying to this contract), independent Licensees, "XC&U" and products-completed operations liability (if applicable). Such coverage may be provided under an equivalent policy form (or forms), so long as such equivalent form (or forms) affords coverage that is at least as broad. An Insurance Services Office "Comprehensive General Liability" policy that includes a "Broad Form Endorsement" shall be considered to be an acceptable equivalent policy form.
- B. The Licensee shall maintain at all times during the period of the license a total combined general liability policy limit of at least \$1,000,000 for each

occurrence and \$2,000,000 aggregate, applying to liability for bodily injury, personal injury, and property damage, which total limit may be satisfied by the limit afforded under its “Commercial General Liability” policy, or equivalent policy, or by such policy in combination with the limits afforded by an “Umbrella” or “Excess Liability” policy (or policies), provided, that the coverage afforded under any such “Umbrella” or “Excess Liability” policy is at least as broad as that afforded by the underlying “Commercial General Liability” policy (or equivalent underlying policy).

- C. Such commercial general liability policy and “Umbrella” or “Excess Liability” policy (or policies) may provide aggregate limits for some or all of the coverage afforded there under, so long as such aggregate limits have not, as of the beginning of the term or at any time during the term, been reduced to less than the total required limits stated above, and further, that the “Umbrella” or “Excess Liability” policy provides coverage from the point that such aggregate limits in the underlying comprehensive general liability policy become reduced or exhausted.

5.03 Automobile Liability

Business Automobile liability insurance shall be obtained and shall cover liability for bodily injury and property damage arising out of the ownership, use, maintenance, or operation of all owned, non-owned and hired automobiles and other motor vehicles utilized by the Licensee in connection with performance under this license agreement. Such policy shall provide total liability limits for combined bodily injury and/or property damage in the amount of at least \$1,000,000 per accident, which total limits may be satisfied by the limits afforded under such policy, or by such policy in combination with the limits afforded by an “Umbrella” or “Excess Liability” policy(ies), provided, that the coverage afforded under any such “Umbrella” or “Excess Liability” policy(ies) shall be at least as broad with respect to such business automobile liability insurance as that afforded by the underlying policy. Unless included within the scope of the Licensee’s commercial general liability policy, such business automobile liability policy shall also include coverage for motor vehicle liability assumed under contract.

5.04 Additional Insurance

The County may require a Licensee to undertake an annual insurance evaluation, conducted by an independent evaluator selected by the County, which evaluator shall be reasonably acceptable to Licensee. The County may, at any time during the period of the license, require that Licensee secure any additional insurance, or additional feature to existing insurance, as is recommended by such evaluation as reasonably required for the protection of the County’s interests or those of the public.

5.05 Evidence of Insurance

A Licensee shall promptly provide the Department with evidence that the insurance coverage required hereunder is in full force and effect at least twenty

(20) days prior to the granting of a license by the Department. At least thirty (30) days prior to termination of any such coverage, Licensee shall provide the Department with evidence that such coverage will be renewed or replaced upon termination with insurance that complies with these provisions. Such evidence of insurance shall be in the form of a “Certificate of Insurance”, or in such other form as the Department may reasonably request, and shall contain sufficient information to allow the Department to determine whether there is compliance with these provisions. At the request of the Department, the Licensee shall, in addition to providing such evidence of insurance, promptly furnish the Department with a complete (and if so requested, insurer-certified) copy of each insurance policy intended to provide coverage required hereunder. All such policies shall be endorsed to require that the insurer provide at least a sixty (60) day notice to the Department prior to the effective date of policy cancellation, non-renewal, or material adverse change in coverage terms. The Licensee’s insurance agent shall certify on the certificate of insurance, that he/she has error and omissions coverage.

5.06 Insurer Policies

All policies of insurance required by this Ordinance shall be issued by financially responsible insurers licensed to do business in the State of Minnesota, and all such insurers must be acceptable to the Department. Such acceptance shall not be unreasonably withheld or delayed. An insurer with a current A.M. Best Company rating of at least A: VII shall be conclusively deemed to be acceptable. In all other instances, the Department shall have twenty (20) business days from the date of receipt of a Licensee’s evidence of insurance to advise the Licensee in writing of any insurer that is not acceptable to the County. If the Department does not respond in writing within such twenty (20) day period, the Licensee’s insurer(s) shall be deemed to be acceptable to the County.

SECTION 6.0 EQUIPMENT STANDARDS

6.01 Equipment Requirements

All Solid Waste Collection and Transportation vehicles shall be easily cleanable, leak-resistant, and be covered with metal, canvas, or a fishnet type material while in transit.

6.02 Maintenance

The Licensee shall maintain all Solid Waste Collection and Transportation vehicles in a safe and sanitary manner, and provide brooms and shovels on each vehicle for the purpose of cleaning up spilled material. All safety equipment including, but not limited to, horns, lights, and reflectors shall be operable. Said vehicles shall comply with all State and Federal Department of Transportation regulations.

6.03 Vehicle Labeling

Each vehicle used by a Hauler for the Collection or Transportation of Solid Waste and Recycling shall be identified by a license decal issued by the Department for that vehicle for the current license year. The Hauler shall permanently affix the decal in a conspicuous place on the left side of the cab of the vehicle for which it was issued. The Hauler shall maintain the license decal so that it is readily visible and legible at all times. Any vehicle not bearing the required decal shall be considered unlicensed.

The Hauler shall also print or paint in legible characters the capacity of each vehicle, and the name, address, and telephone number of the Hauler on each side of all vehicles or containers used by the Hauler to store, collect or transport Solid Waste in the County. Letters and numbers shall be at least four (4) inches high for all vehicles and at least two (2) inches high for all containers. This provision shall not apply to containers owned and maintained by a Solid Waste Generator.

6.04 Inspection

All Solid Waste Collection and Transportation vehicles shall be subject to random inspection to determine compliance with this ordinance.

SECTION 7.0 STORAGE STANDARDS

7.01 Storage in Vehicles

The Hauler shall not allow Solid Waste to remain or be stored in or on any Collection or Transportation vehicle (including roll-offs and other detachable containers on vehicles), in excess of five days, except in the event of an emergency such as inclement weather, equipment breakdown or accident. Any storage of Solid Waste in containers must be done with a water impermeable cover.

7.02 Storage Containers

Solid Waste shall be stored in the proper storage containers and in a manner as to prevent the loss of Solid Waste to the environment and to preclude the development of vector, odor, and Public Health Nuisance problems.

The supplied containers shall be reusable, covered containers (e.g., cans, dumpsters, compactors, roll-off containers, etc.) that are rust, impact, vermin, and leak resistant.

Yard Waste and/or Recyclable Materials storage containers shall be easily distinguishable from Mixed Municipal Solid Waste storage containers.

SECTION 8.0 COLLECTION AND TRANSPORTATION STANDARDS

This section governs the Collection, and Transportation of Solid Waste generated within the County, including but not limited to Mixed Municipal Solid Waste, Yard Waste and Recyclable Materials. This section also governs Curbside

Collection and all Persons collecting and transporting Solid Waste within the County.

8.01 Hauler-Imposed Collection Fees

- A. Haulers shall offer a volume based fee for Solid Waste generated at a Residential Building or at a Residential Property, by imposing charges for collection of mixed municipal solid waste that increase with the volume or weight of the waste collected, with the exception for fees charged for bulky items.
- B. Haulers of Mixed Municipal Solid Waste in the County are prohibited from placing additional charges on residential generators for the collection of recyclables. As stated in MN State Statute 115A.93, Subd.3.c, A licensing authority shall prohibit mixed municipal solid waste collectors from imposing a greater charge on residents who recycle than on residents who do not recycle.
- C. If Collection of Yard Waste is provided, the Hauler-imposed fee for such Collection shall be indicated as a separate line item on a customer's bill.

8.02 Curbside Collection

Haulers must provide curbside services for the Collection and Transportation of Mixed Municipal Solid Waste and Recyclables. Haulers may also provide services for Yard Waste collection to those Generators wishing to contract for such services.

Once Source-Separated by the Generator, Yard Waste and Recyclable Materials shall not be combined with Mixed Municipal Solid Waste by the hauler.

8.03 Collection Frequency

Solid Waste aggregated for Collection shall be collected regularly to preclude the development of odor, vector and Public Health Nuisance problems. Putrescible Materials shall be collected, at a minimum, once a month unless on-site composted, and recyclables shall be collected once a month at a minimum.

8.04 Recyclables

- A. Haulers shall not mix Source Separated Recyclable Materials with Mixed Municipal Solid Waste or handle Source-Separated Recyclable Materials in any way that reduces the reusability or marketability of the Source Separated Recyclable Materials.
- B. Haulers shall provide recycling opportunities to all their customers including both residential and commercial accounts.

C. Haulers shall at least once each year provide specific information concerning the Recycling Opportunities available to their customers.

8.05 Prohibited Wastes

Haulers shall not mix in or accept for Collection in the County any Mixed Municipal Solid Waste that contains Household Hazardous Waste, Yard Waste (as prohibited by Minn. Stat. § 115A.931), dry cell batteries (as prohibited by Minn. Stat. § 115A.9155 & 115A.9157), Solid Wastes containing mercury (as prohibited by Minn. Stat. § 115A.932), motor vehicle fluids and filters (as prohibited in Minn. Stat. § 115A.916), or any material that has been banned from Solid Waste or Mixed Municipal Solid Waste by any State statute. Banned items include, but are not limited to, Waste Tires (as prohibited by Minn. Stat. § 115A.904), Major Appliances (as prohibited by Minn. Stat. § 115A.9561), telephone directories (as prohibited by Minn. Stat. § 115A.951), Electronics (as prohibited by Minn. Stat. § 115A.9565) and Infectious Waste (sharps generated by households and farms are exempted from this prohibition) as in Minn. Stat. § 116.78.

8.06 Securing of Loads

A Person who collects or transports Solid Waste shall do so in a safe, sanitary, and litter free manner. The hauler shall pack, cover, or secure all loads between stops and before transport so as to prevent escape of any Waste. The Hauler shall be responsible for any damage, litter or spillage of Solid Waste as a result of the Hauler or the Hauler's employees or agent's actions or inaction.

SECTION 9.0 OPERATIONAL STANDARDS

9.01 Protecting Private Property

The Hauler shall take reasonable care to protect the property of customers being served. The Hauler shall be responsible for any damage or spillage of Solid Waste as a result of the Hauler or the Hauler's employees or agent's actions.

9.02 Smoking, Smoldering or Burning Solid Waste

The Hauler may not collect or transport Solid Waste that are smoking, smoldering, or burning.

9.03 Dumping in an Emergency

The Hauler shall be responsible for the cleanup of any Solid Waste that must be dumped in an emergency. The operator of the vehicle shall immediately notify the Department and the appropriate law enforcement agency and emergency service

of such emergency dumping and clean up the area within a time limit set by the Department.

9.04 Hours of Operation

The Hauler may not collect or transport Solid Waste or Recyclables from Residential Property or Residential Buildings before 5:00 a.m. or after 9:00 p.m., with out prior written approval by the Department.

SECTION 10.0 SOLID WASTE RECORDING STANDARDS

The Hauler shall keep records and report to the Department information relating to the Collection, Processing and Disposal of Solid Waste collected by the Hauler. The information shall be reported to the Department on at least a semi annual basis (no later than 45 days after the end of each period). A Hauler shall keep the following records for at least 7 years.

10.01 Solid Waste Record Requirements

A. Origins of Solid Waste

A Hauler shall maintain records regarding the origin(s) of the Solid Waste collected. For purposes of this Ordinance, “origin” means a general geographic description that at a minimum names the local governmental unit within the County.

B. Types of Solid Waste

A Hauler shall maintain records regarding the type(s) of Solid Waste collected. “Type” means a best estimate of the percentage of residential, commercial, industrial, Construction and Demolition Debris or any other general type of Solid Waste.

C. Number of Residential and Non-Residential Accounts

The Hauler shall maintain a record of the number of Residential and Non-Residential accounts serviced in each geographic region. For reporting purposes, units in Multi-Unit Residential Buildings shall be considered residential accounts, and each individual unit shall be reported as a separate account.

D. Quantities or Total Weight of Solid Waste

The Hauler shall maintain a record of the volume or total weight of all Solid Waste collected from Residential accounts and Non-Residential accounts for each geographic region. The weight of the Solid Waste collected shall be reported and documented by scale or other County approved documentation method. (If the waste is measured by volume at the Solid Waste Facility at which it is deposited, the record may indicate the volume rather than the weight of the waste.)

E. Management of Solid Waste

The Hauler shall maintain a record of the location(s) where Solid Waste was delivered, deposited, processed, or marketed and the total amount of waste delivered to each Solid Waste Management Facility or other location.

SECTION 11.0 RECYCLABLE RECORDING STANDARDS

In addition to the Solid Waste reporting requirements in the previous Section, the Collection of Recyclable Materials is subject to the following requirements. The information shall be reported to the Department on at least a semi annual basis (no later than 45 days after the end of each period).

11.01 Weight of Individual Recyclable Materials

The Hauler and/or Recycling Collector shall maintain a record of the weight of Recyclable Materials collected in the County, from residential and non-residential accounts, for each of the following Recyclable Materials: newsprint, corrugated cardboard, mixed paper, magazines, metal cans, glass containers, plastic containers, boxboard, Major Appliances, scrap metal, tires, Electronics, mattresses and additional materials from time to time - as mandated by the Department. The weight of each type of Recyclable Material collected may be estimated based upon the percentage of each material type recorded in previously documented Collections. The amount of Recyclable Materials collected from each geographic region may be estimated based on the proportion of accounts in each community.

SECTION 12.0 SOLID WASTE DEPOSIT DISCLOSURE

At least annually between January 1 and March 31, a Hauler who collects Construction and Demolition Debris, Industrial Solid Waste, or Mixed Municipal Solid Waste Generated in the County for transportation to a Solid Waste Management Facility shall disclose in writing to each Generator from whom such waste is collected the name, location, and type of, and the number of the permit issued by the Minnesota Pollution Control Agency, or its counterpart in another State, if applicable, for the Solid Waste Management Facility, excluding Transfer Stations, at which the waste will be deposited. If a Hauler deposits Solid Waste at a Transfer Station, the Hauler need not disclose the name and location of the Transfer Station to the Generator but shall disclose the disposal site that receives the waste when it leaves the Transfer Station.

ARTICLE VI FACILITY REQUIREMENTS

SECTION 1.0 FACILITY LICENSES REQUIRED

It is unlawful for any Person to establish, operate, or maintain a Solid Waste Management Facility without a license from the Department. No Person shall cause, permit, or allow real property or property under that Person's control to be used for Solid Waste Processing, Disposal or Transfer Station purposes, except at a Site that complies with all County ordinances, regulations, local, State, and federal guidelines, statutes, rules and regulations.

1.01 Types of Facility Licenses

The following types of Facilities shall obtain a Solid Waste Management Facility License from the County:

- A. Mixed Municipal Solid Waste Land Disposal Facilities
- B. Construction and Demolition Debris Land Disposal Facilities
- C. Industrial Solid Waste Land Disposal Facilities
- D. Transfer Stations
- E. Solid Waste Processing Facilities
- F. Recycling Facilities
- G. Yard Waste Facilities and Composting Facilities
- H. Waste Tire Facilities

SECTION 2.0 FACILITY LICENSE APPLICATION REQUIREMENTS

The Department shall require an application for a License or License renewal on forms furnished by the Department. The application shall not be considered complete until the Department has received all information, materials, plans, Financial Assurance, certificates of insurance, and fees required under this Ordinance. Each License granted pursuant to the provisions of this Ordinance shall expire annually, unless revoked earlier.

2.01 Application Requirements

- A. A complete copy of the permit application submitted to the MPCA.
- B. A land use permit if required by the County Zoning Ordinance or the zoning authority having jurisdiction over the proposed Site.
- C. A written statement of how the proposed facility is consistent with the County Solid Waste Management Plan and current Agency Certificate of Need (CON), if applicable.
- D. The application shall include the License fee as established by the County Board.
- E. The additional Licensing requirements as found in 9.02.

2.02 Facility License Fees

The Department shall collect License fees annually.

2.03 Financial Assurance

The Department shall require Financial Assurance as appropriate for any or all of those Solid Waste Management Facilities listed in Section 1.01, based on their size, operating life, operational practices, and types of waste accepted.

2.04 Department Approval

Any use of real property for Solid Waste Management Facilities within the County shall comply with the applicable zoning requirements of the County Zoning Ordinance. Copies of all permits and zoning approvals shall be submitted with the license application. .

2.05 Licensed Facilities

At any time the Licensee submits an application for renewal or modification of their Agency permit, a copy of that application and all supporting documentation must be submitted to the Department and the process for License renewal shall be followed.

2.06 License Holder

In each application for a Solid Waste Management Facility License, the Owner and Operator shall be named as the proposed Licensees. Co-Licensees are jointly and severally liable for Ordinance violations.

SECTION 3.0 REVIEW OF FACILITY LICENSE APPLICATION

After receiving a complete License application that includes all required information, the Department shall have 60 days to either grant or deny the License. If any applicant is denied a License, the applicant shall be notified in writing by the Department of the reasons for the denial of the License. A denial shall be without prejudice to the applicant's right to filing a further application after revisions are made to meet objections specified as reasons for the denial.

3.01 Operational Conditions

The Licensee shall comply with the operational conditions stated in the application as approved by the County. Failure of the Licensee to comply with such operational conditions is a violation of this Ordinance and the Licensee is subject to the penalties provided herein.

3.02 Contingent License/Special Conditions

A License may be granted that is contingent upon compliance with special conditions specified in the License. Such conditions, if any, shall be designed to promote the health, welfare and safety of the public pursuant to this Ordinance.

Failure of the Licensee to comply with such special conditions is a violation of this Ordinance and is subject to the penalties provided herein.

3.03 Sequencing

No License application will be considered until written proof that the local governing body, if applicable, has considered the establishment of the Facility and the results of that consideration are provided to the Department.

SECTION 4.0 TERM OF FACILITY LICENSE AND RENEWALS

The term and renewal of Solid Waste Management Facility Licenses are governed by this section.

4.01 Term of License

Unless otherwise provided by the Department, the term of a Solid Waste Management Facility License granted pursuant to the provisions of this Ordinance shall be for up to one year but shall expire on December 31 of the year the License is granted, unless sooner renewed, suspended or revoked.

4.02 Renewal of License

Application for renewal of a License shall be made in writing to the Department by November 1 of the expiration year and shall be signed by an individual authorized to act on behalf of and bind the Licensee. Application for a License renewal shall contain a statement of any changes in the information submitted from the last approved License application. Application for a License renewal shall contain reports required by the Ordinance. If applicable, the Licensee shall submit Financial Assurance information including the Financial Assurance mechanism used, the amount of bond or letter of credit, cash on deposit, amount in a depository account or trust account and other information requested on a form provided by the Department. Failure to submit such information is grounds for revocation or for not granting renewal of the License. If there are no changes in Financial Assurance, it shall be so stated in the renewal application.

4.03 License Not Transferable

Any license obtained under this Ordinance shall be nontransferable.

SECTION 5.0 FACILITY INSURANCE REQUIREMENTS

A Solid Waste Management Facility Licensee shall provide and maintain at all times during the term of the License such insurance coverage as set forth in this Section, and otherwise comply with the provisions that follow. Such policy(ies) of insurance shall apply to the extent of, but not as a limitation upon or in satisfaction of, the license indemnity provisions. The provisions of this Section shall also apply to all subcontractors, and independent contractors engaged by the Licensee with respect to the

license. The Licensee shall be entirely responsible for securing the compliance of all such Persons or parties with these provisions.

5.01 Worker's Compensation Insurance

- A. Worker's compensation insurance shall be in compliance with all applicable State Statutes. Such policy shall include employer's liability coverage in at least such amount(s) as are customarily issued in Minnesota and an All States or Universal Endorsement, if applicable.
- B. In the event a Licensee is a sole proprietor and has elected not to provide workers' compensation insurance, the Licensee shall be required to execute and submit to the Department an affidavit of sole proprietorship in a form acceptable to the Department. Chisago County is not responsible for any injuries suffered as a sole proprietorship.

5.02 General Liability

- A. Commercial General Liability Coverage (Insurance Services Office form title), providing coverage on an "occurrence", rather than on a "claims made" basis, which policy shall include, but shall not be limited to, coverage for bodily injury, property damage, personal injury, contractual liability (applying to this contract), independent Licensees, "XC&U" and products-completed operations liability (if applicable). Such coverage may be provided under an equivalent policy form (or forms), so long as such equivalent form (or forms) affords coverage that is at least as broad. An Insurance Services Office "Comprehensive General Liability" policy that includes a "Broad Form Endorsement", GL 0404 (Insurance Services Office designation) shall be considered to be an acceptable equivalent policy form.
- B. The Licensee shall maintain at all times during the period of the license a total combined general liability policy limit of at least \$1,000,000 for each occurrence and \$2,000,000 aggregate, applying to liability for bodily injury, personal injury, and property damage, which total limit may be satisfied by the limit afforded under its "Commercial General Liability" policy, or equivalent policy, or by such policy in combination with the limits afforded by an "Umbrella" or "Excess Liability" policy (or policies), provided, that the coverage afforded under any such "Umbrella" or "Excess Liability" policy is at least as broad as that afforded by the underlying "Commercial General Liability" policy (or equivalent underlying policy).
- C. Such commercial general liability policy and "Umbrella" or "Excess Liability" policy (or policies) may provide aggregate limits for some or all of the coverage afforded there under, so long as such aggregate limits have not, as of the beginning of the term or at any time during the term, been reduced to less than the total required limits stated above, and further, that the "Umbrella" or "Excess Liability" policy provides coverage from the point that such aggregate limits in the underlying comprehensive general liability policy become reduced or exhausted.

5.03 Automobile Liability

Business Automobile liability insurance shall be obtained and shall cover liability for bodily injury and property damage arising out of the ownership, use, maintenance, or operation of all owned, non-owned and hired automobiles and other motor vehicles utilized by the Licensee in connection with the operation of the licensed Solid Waste Management Facility. Such policy shall provide total liability limits for combined bodily injury and/or property damage in the amount of at least \$1,000,000 per accident, which total limits may be satisfied by the limits afforded under such policy, or by such policy in combination with the limits afforded by an “Umbrella” or “Excess Liability” policy(ies), provided, that the coverage afforded under any such “Umbrella” or “Excess Liability” policy(ies) shall be at least as broad with respect to such business automobile liability insurance as that afforded by the underlying policy. Unless included within the scope of the Licensee’s commercial general liability policy, such business automobile liability policy shall also include coverage for motor vehicle liability assumed under contract.

5.04 Additional Insurance

The County may require a Licensee to undertake an annual insurance evaluation, conducted by an independent evaluator selected by the County, which evaluator shall be reasonably acceptable to Licensee. The County may, at any time during the period of the license, require that Licensee secure any additional insurance, or additional feature to existing insurance, as is recommended by such evaluation as reasonably required for the protection of the County’s interests or those of the public.

5.05 Evidence of Insurance

A Licensee shall promptly provide the Department with evidence that the insurance coverage required hereunder is in full force and effect at least twenty (20) days prior to the granting of a license. At least thirty (30) days prior to termination of any such coverage, Licensee shall provide the Department with evidence that such coverage will be renewed or replaced upon termination with insurance that complies with these provisions. Such evidence of insurance shall be in the form of a “Certificate of Insurance”, or in such other form as the Department may reasonably request, and shall contain sufficient information to allow the Department to determine whether there is compliance with these provisions. At the request of the Department, the Licensee shall, in addition to providing such evidence of insurance, promptly furnish the Department with a complete (and if so requested, insurer-certified) copy of each insurance policy intended to provide coverage required hereunder. All such policies shall be endorsed to require that the insurer provide at least a sixty (60) day notice to the Department prior to the effective date of policy cancellation, non-renewal, or material adverse change in coverage terms. The Licensee’s insurance agent shall certify on the certificate of insurance, that he/she has error and omissions coverage.

5.06 Insurer Policies

All policies of insurance required by this Ordinance shall be issued by financially responsible insurers licensed to do business in the State of Minnesota, and all such insurers must be acceptable to the Department. Such acceptance shall not be unreasonably withheld or delayed. An insurer with a current A.M. Best Company rating of at least A: VII shall be conclusively deemed to be acceptable. In all other instances, the Department shall have twenty (20) business days from the date of receipt of a Licensee's evidence of insurance to advise the Licensee in writing of any insurer that is not acceptable to the County. If the Department does not respond in writing within such twenty (20) day period, the Licensee's insurer(s) shall be deemed to be acceptable to the County.

5.07 Loss Information

At the request of the Department, the Licensee shall promptly furnish loss information concerning all liability claims brought against a Licensee (or any other Insured under Licensee's required policies) that may affect the amount of liability insurance available for the benefit and protection of the County under this Ordinance. Such loss information shall include such specifics and be in such form as the Department may reasonably require.

SECTION 6.0 GENERAL FACILITY RECORDS

It shall be the obligation of the Operator of a Solid Waste Facility to maintain accurate operation records. To be considered for renewal the Licensee shall maintain the following records and submit reports as required by the Department.

6.01 Daily Records

Accurate daily records of Solid Waste Management Facility operations shall be maintained and made available upon request to the Department or Authorized Representative including:

- A. Receipt of Solid Waste in tons and cubic yards shall be recorded daily in a manner acceptable to the County. This information shall provide statistics on the types and quantities of Solid Waste received including, but not limited to Residential Solid Waste, Non-Residential/Institutional waste, and Industrial Solid Waste.
- B. General areas in which a particular type of Solid Waste disposal takes place within a Solid Waste Land Disposal Facility shall be recorded.
- C. Detailed information on waste composition received at the Facility derived from actual measurements. The County may require a specific waste composition analysis for any waste materials that may contain hazardous chemicals or that may pose a risk to health and safety. Once information on general or specific composition analysis is approved by the County, such information must be submitted with the annual report for a period of up to five years. If the composition of waste received by the Facility significantly

changes, then the County may require an up to date composition analysis to be performed.

- D. Information that identifies the types and quantities of waste Released from the Site or transported to other Solid Waste Management Facilities. This information includes but is not limited to Solid Waste, ash, Leachate, and residual materials derived from waste Processing.
- E. Copies of reports and data related to environmental monitoring including but not limited to groundwater testing, Leachate analysis, methane monitoring, and air emission data.
- F. Disposal of Hazardous Waste is prohibited. All Hazardous Wastes Generated by the facility operation or delivered to the facility by other Persons must be recorded, and documentation of management in accordance with State and federal regulations and as set out in the facility's operations plan must be reported.

6.02 Facility's Annual

The Licensee shall submit a copy of the Licensed facility's annual report required by the Agency to the Department by March 1 of each year.

6.03 Facility Service Area

The Licensee shall submit records of population and areas served by the Licensed facility on an annual basis to the Department.

6.04 Emergency Incidents

Within two (2) hours of an emergency incident that results in conditions that may be adverse to public or environmental health, the Licensee shall submit oral notification to the Solid Waste Administrator.

- A. This report shall be followed with written notification within 48 hours of the incident.
- B. When corrective actions are required by County, State or federal agencies, a report of the incident and actions taken shall be submitted to the Solid Waste Administrator within 15 days of completion of the action.

SECTION 7.0 GENERAL FACILITY PERFORMANCE STANDARDS

The following items shall be established, constructed, or provided for at all Solid Waste Management Facilities, unless specifically exempted by the Department:

7.01 Design and Construction Requirements

- A. Sanitary facilities and shelter shall be available at the Site for site personnel.
- B. Effective litter control devices such as portable fences shall be utilized.
- C. Electrical service, as necessary for operations and repairs.
- D. Firefighting facilities on site adequate to insure the safety of employees.
- E. Emergency first aid equipment to provide adequate treatment for all accidents.
- F. A potable water supply for Site Personnel.
- G. Shelter for maintenance and storage of Site equipment.

- H. Adequate facilities to ensure that no vehicle desiring entry into the Site may have to wait outside the perimeter of the Site.
- I. Adequate communication facilities shall be provided for emergency purposes.
- J. The Site shall be fenced or secured to prevent unauthorized entry and a gate shall be provided at the entrance to the Site and kept locked when an attendant is not on duty.
- K. An all-weather haul road to the unloading area.
- L. Visual screening of the Site, as approved by the Department, shall be provided by use of natural objects, trees, plants, seeded soil berms, fences, or other suitable means.
- M. An area shall be designated to inspect and store Solid Waste to determine whether or not Unacceptable Waste is contained in the Solid Waste deposited at the Site.

7.02 Closure Requirements

In addition to Closure procedures required by the Agency, the Licensee shall submit a detailed map to the Department upon Closure of the Licensed Solid Waste Land Disposal Facility. The map shall include the location of fill areas, buildings, roads, wells, hydro-geologic information, elevations, scales, and any other features of the site.

- A. Documents submitted shall show the nature and location of the waste disposed at the facility.
 - 1. Complete location details of any regulated wastes such as asbestos shall be submitted to the Department and recorded on the property deed.
 - 2. A complete list of Industrial Solid Waste customers and associated waste characterization data and disposal locations shall be submitted.
- B. Documents submitted shall show the property lines of the facility and all adjacent property ownership at the time of Closure.
- C. A letter from the Licensee shall be sent to all adjacent property owners notifying them of the Closure requirements and the ultimate use of the land on which the Facility is located. This letter shall be sent by certified mail within 30 days of the completion of Closure requirements with a copy sent to the Solid Waste Administrator at the same time.

7.03 Facility Fee Authorized

The County Board may establish Solid Waste Land Disposal Facility fees pursuant to Minn. Stat. § 115A.919 and may utilize fees received pursuant to Minn. Stat. §115A.923.

- A. Any Solid Waste Management Facility subject to such fees shall file a monthly fee in the following manner:
 - 1. Monthly returns shall be on a reporting form prescribed by the Department.

2. The return shall be signed by the Facility Operator or a Person authorized by the Facility Operator to do so.
 3. A check for the full amount of the fee and made out to the County Treasurer must accompany the return form.
 4. The return shall be filed with the Department on or before the last day of the month immediately following the month in which the fee was incurred.
- B. Non-payment of fees shall be grounds for denial of a license application or renewal.

SECTION 8.0 GENERAL FACILITY REQUIREMENTS

8.01 State Rule Adopted

In addition to the general requirements provided for in this Ordinance and the specific requirements of this Section, the design, construction, and operation of a Solid Waste Management Facility shall be in accordance with Agency Solid Waste Management Rules (Minn. Rules Chapter 7035 and Minn. Rules Chapter 9220), which are hereby adopted by reference as part of this Ordinance.

8.02 Licensing Requirements

The following additional information shall be submitted to the Department as part of the application process.

A. Application and Fees

An applicant shall complete and submit to the Department an application on a form provided by the Department. The application shall not be considered complete until the Department receives the signed and dated application form, all applicable fees, and all materials required by this Section, to include:

1. Location, size and ownership of the real property upon which the Facility will operate.
2. General description of real property use within 1/4 mile of the Facility.
3. Two sets of Complete plans, specifications, design data and proposed operating procedures for the Facility, and such other information as may be required by the County, all prepared by a professional engineer registered in Minnesota.

B. Existing Conditions Plan

A current map or aerial photograph of the area showing land use and zoning within 1/4 mile of the Solid Waste Land Disposal Site. The map or aerial photography shall be of sufficient scale to show all homes, buildings, lakes, ponds, watercourses, wetlands, dry runs, rock outcroppings, roads, and other applicable details and shall indicate the general topography with contours and drainage patterns. Wells shall be identified on the map or aerial photography, U.S.G.S. datum shall be indicated, and a north arrow drawn. A location insert map shall be included.

C. Plot Plan

A plot plan that includes the legal description of the Site and immediate adjacent area showing dimensions, location of soil borings, present and planned pertinent features including but not limited to roads, fencing and cover stockpiles. The plan of development including any excavation, trenching and fill shall be shown progressively with time. Cross sections shall be included on the plot plan or on separate sheets showing progressively with time the original and proposed elevation of excavation, trenching and fill. The scale of the plot plan should not be greater than 200 feet per inch.

D. Land Use Plan

An ultimate land use plan, including intermediate stages, identifying the total and complete land use. The scale of the ultimate land use plan shall not be greater than 200 feet per inch.

E. Report

A report shall accompany the plans indicating:

1. Population and areas expected to be served by the proposed Site.
2. Anticipated type, quantity and source of material to be Disposed of at the Site.
3. Geological formations and ground water elevations to a depth of at least ten (10) feet below proposed excavation and lowest elevation of the Site, including the high-water table. Such data shall be obtained by soil borings or other appropriate means.
4. Source and characteristic of cover material and method for protecting cover material for winter operation.
5. Type and amount of equipment to be provided at the Site for excavating, earth moving, spreading, compacting and other needs.
6. Area of Site in acres.
7. Owner of the Site.
8. Persons responsible for actual operation and maintenance of the Site and operating procedures.
9. Wetland delineations for the Site.
10. Restoration Plan for the Site after the facility has closed.

8.03 Design and Construction Requirements

The following shall be established, constructed, maintained, or provided for at the Site:

- A. At each entrance to the Site the Licensee shall erect and maintain a sign stating the name of the Solid Waste Management Facility, the schedule of days and hours the Facility is open to the public, prices for use of the Facility, the types of waste accepted, and Agency permit number if applicable and penalty for nonconforming dumping. Plans and specifications for the sign wordage and its proposed placement shall be submitted to the Department for

its approval prior to the sign's installation. Any changes to the sign after initial installation are also subject to approval by the Department.

8.04 Operating Procedures

Any Person who has been granted a License by the Department to operate a Solid Waste Facility shall comply with the following specific operational requirements:

A. Open Burning, Animal Feeding, Salvaging and Scavenging

Open Burning of Solid Waste is prohibited. No scavenging shall be allowed. Salvaging shall be allowed only upon conditions approved in writing by the Department. Animal feeding within the Site is prohibited. Measures must be taken to control animal scavenging.

B. Public Nuisance Control

Control of vectors, such as rodents and flies, and of odors, dust, wind-blown material and other potential Public Nuisances shall be sufficient to prevent or eliminate any Public Nuisance. Should the Department so prescribe, an exterminator or pest control agent, at the Licensee's expense, shall be engaged to inspect the Mixed Municipal Solid Waste Facility on at least a monthly basis. A copy of each inspection report shall be sent to the Department immediately upon its receipt by the Licensee.

C. Wind-Blown Material

Unloading of Solid Waste shall be confined to as small an area as practicable and surrounded with appropriate materials to prevent wind-blown material within the area. At the conclusion of each day of operation, all wind-blown material resulting from the operation shall be collected and returned to the designated area by the Owner or Operator.

D. Unacceptable Waste, Problem Materials and Special Waste

State and federal laws or regulations prohibit the Processing and/or Disposal of some types of Solid Waste. Regulations also restrict the Processing of other materials or waste types because they may present an operational hazard to a Solid Waste Management Facility. Each Solid Waste Management Facility shall identify its own list of Unacceptable Wastes, Problem Materials and Special Wastes. This list shall identify which waste types cannot be accepted under any circumstances, as well as those waste types that may require special handling and/or need approval prior to delivery. This list shall be posted at the Facility and a copy provided to the Department. A Facility may, at its discretion, inspect all vehicles delivering Solid Waste to determine whether or not the Solid Waste contains Unacceptable Waste.

SECTION 9.0 SPECIFIC FACILITY REQUIREMENTS

9.01 Mixed Municipal Solid Waste Land Disposal Facilities

This section applies to facilities designed, constructed, maintained, or operated as a Mixed Municipal Solid Waste Land Disposal Facility.

A. Design and Construction Requirements:

1. Suitable accommodations shall be provided for individuals who wish to Transport and Dispose of their own Mixed Municipal Solid Waste provided said Mixed Municipal Solid Waste has been determined by the Department to be acceptable at the Facility.
2. Equipment sufficient for spreading, compacting, and covering operations to include sufficient reserve equipment or arrangements to provide for all operations within 24 hours of equipment breakdown.

B. Operational Requirements:

1. Putrescible Material, which has reached a foul state of decay or decomposition, shall be immediately covered and compacted.

9.02 Construction and Demolition Debris Land Disposal Facilities

This section applies to all facilities designed, constructed, or operated for the land disposal of Construction and Demolition Debris, regardless of size or duration of operation.

A. Design and Construction Requirements:

1. Specific requirements regarding liner requirements and waste screening shall be determined based upon the Site conditions and the projected composition of the Demolition and Construction Debris.

B. Operational Requirements:

1. Public usage will only be allowed where specifically approved by the Facility.
2. Before any materials from demolished structures may be deposited, the Licensee shall submit proof acceptable to the Department that the demolished structure has been subjected to satisfactory pest eradication prior to demolition.
3. Types of Construction and Demolition Waste accepted at the facility shall be pursuant to the Agency's Generic Template Industrial Solid Waste Management Plan for Demolition and Construction Landfills which is available on the Agency website in the *Demolition Landfill Guidance* document.
4. Equipment sufficient for spreading, compacting, and covering operations to include sufficient reserve equipment or arrangements to provide for all operations within 24 hours of equipment breakdown.

9.03 Industrial Solid Waste Land Disposal Facilities

This section applies to all facilities designed, constructed, maintained, or operated as an Industrial Solid Waste Land Disposal Facility.

A. Design and Construction Requirements:

1. Specific requirements regarding liner requirements and waste screening shall be determined based upon the Site conditions and the projected composition of the Industrial Solid Waste.

B. Operational Requirements:

1. No public usage will be allowed at the Facility.
2. Types of Industrial Solid Waste accepted at the facility shall be pursuant to the Agency's Generic Template Industrial Solid Waste Management Plan which is available on the Agency website.
3. Equipment sufficient for spreading, compacting, and covering operations to include sufficient reserve equipment or arrangements to provide for all operations within 24 hours of equipment breakdown.

9.04 Transfer Station Facilities

This section applies to all facilities designed, constructed, established, maintained and operated as a Solid Waste Transfer Station, regardless of size or category.

A. Additional Licensing Requirements to be submitted with License application:

1. All Transfer Stations shall be categorized as to type and amount of Solid Waste transferred at the facility and this information must be supplied with the License application. The following categories are established:
 - a. Mixed Waste: This facility has an on-site storage capacity of greater than 120 cubic yards per day and handles a variety of Solid Waste types, to include Mixed Municipal Solid Waste.
 - b. Demolition Debris: This facility handles Construction and Demolition Debris only.
2. Application for a Transfer Station License shall include a statement of the ultimate Solid Waste Management Facility destination(s) of Solid Waste delivered to the Transfer Station.

B. Design and Construction Requirements:

1. Residential Disposal Facilities

For Transfer Stations open to the public, suitable facilities shall be provided for accepting Solid Waste from Self-Haulers.

2. Minimal Interference with Other Activities

The Transfer Station shall be so situated, equipped, operated, and maintained as to minimize interference with other activities in the area and not create a Public Nuisance.

C. Operational Requirements:

Any Person who has been granted a license by the Department to operate a Transfer Station shall comply with the following specific operational requirements:

1. Fee Schedule

A fee schedule shall be posted for the various uses of Transfer Station.

2. Waste Removal and Clean-up

Unless stated otherwise as a part of the License, the Licensee shall remove all Solid Waste, clean, and maintain the Transfer Station at the end of each day of use.

3. Orderly Maintenance

The premises, entrances and exits shall be maintained in a clean, neat and orderly manner at all times.

4. Traffic Control

All incoming and outgoing traffic shall be controlled by the Licensee in such a manner as to provide orderly and safe ingress and egress.

5. Unloading

All unloading of Solid Waste from contributing vehicles shall be conducted in such a manner as to eliminate odor and litter outside the Transfer Station.

6. Liquids

All liquids shall be captured, contained, and treated without discharging to the environment.

9.05 Solid Waste Processing Facilities

This section applies to all facilities designed, constructed, established, maintained and operated as Solid Waste Processing Facilities.

A. Design and Construction Requirements:

1. The Solid Waste Processing Facility shall be so situated, equipped, operated, and maintained as to minimize interference with other activities in the area.
2. Storage facilities for by-products, to include residuals and recyclables, shall be provided to prevent vector intrusion.
3. The Site shall be sized, or a separate area provided, for a location for Transportation vehicles to park while waiting to unload or load material without having to wait on a public thoroughfare.
4. A Solid Waste delivery area shall be designated and all Solid Waste delivered to the Solid Waste Processing Facility shall be confined to that area until incorporated into the Processing system.
5. If the Processing Facility is a Solid Waste Composting Facility, a Leachate Management System shall be provided for the facility and shall be designed and constructed so to be able to handle any run-off or run-on water that has made contact with the composted waste, materials stored for Composting or residual waste.

B. Operational Requirements:

1. Orderly Maintenance

The premises, entrances and exits shall be maintained in a clean, neat and orderly manner at all times.

2. Traffic Control

All incoming and outgoing traffic shall be controlled by the Licensee in such a manner as to provide orderly and safe ingress and egress.

3. Unloading

All unloading of Solid Waste from contributing vehicles shall be conducted in such a manner as to eliminate odor and litter outside the Processing Facility.

9.06 Recycling Facilities

This section applies to all facilities designed, constructed, established, maintained and operated as Recycling Facility.

A. Additional Licensing information to be submitted with License application:

1. All Recycling Facilities shall fall under two categories depending on the type of Recyclables accepted at the facility, and this information must be supplied with the License application. The following categories are established:

a. Route Recycling Facilities accepting a variety of Recyclables aggregated from Collection or drop-offs, including but not limited to: office paper, newsprint, corrugated cardboard, aluminum cans and scrap, containers consisting of glass, tin, steel or plastic.

b. Collector Recycling Facilities accepting for Recycling: tires, Major Appliances, Electronics, mattresses, and other recyclables as determined by the Department.

i. Recycling Facilities processing Major Appliances containing refrigerants must supply a copy of the EPA technician's certification for CFC removal with their license application.

B. Additional Recycling Reporting for Collector Recycling Facilities not already reporting under a Haulers License:

1. Collector Recycling Facilities shall maintain a record of the weight of Recyclable Materials collected in the County, from residential and non-residential accounts, for Recyclable Materials including Major Appliances, scrap metal, tires, Electronics, mattresses and additional materials as mandated by the Department. The weight of each type of Recyclable Material collected may be estimated based upon the percentage of each material type recorded in previously documented Collections.

C. Design and Construction Requirements:

1. The owner or operator of a Recycling Facility shall design and construct the facility to prevent surface water drainage through Recyclable and residual Materials.
2. To control dispersion of the Recyclable Materials and residuals by wind, effectively control vermin populations, remove and other nuisance conditions.
3. To contain any spills or releases that could harm human health or the environment.
4. To provide for the storage of Recyclable Materials so as to protect the recyclability of the materials

5. The owner or operator of a Recycling Facility shall secure the site as to prevent unauthorized dumping.
- D. Operational Requirements:
1. To provide for the storage and removal of residuals at least monthly.
 2. All of the Recyclable Materials that are delivered to or are stored at the Recycling Facility shall be removed from the facility within two years after the date of receipt.
 3. Recycling Facilities dismantling Appliances and Electronics for further processing or into raw materials, shall properly recycle hazardous components including but not limited to CFC's, mercury switches, and PCB's.

9.07 Yard Waste Facilities and Compost Facility

This section applies to all facilities designed, constructed, established, maintained and operated as a Yard Waste and Composting Facility.

- A. Design and Construction Requirements:
1. Provide a description of the area proposed to be used for each stage of the composting process.
 2. Provided a description of the design and physical features of the facility, including run-off, run- and Leachate control systems; and performance specifications.
 3. Describe the material to be composted.
 4. Describe the design of an odor control system.
 5. Provided an operating plan which includes a description of the composting method to be used with retention times, temperature to be achieved, number of turns needed, and the air flow design.
 6. Provide a description of the proposed uses for the finished compost.
- B. Operational Requirements:
- Provide a description of the residue and a weekly disposal method for the Residue to prevent vector problems and aesthetic degradation.

9.08 Waste Tire Facilities

All Waste Tire Collection Sites and Processing Facilities shall be designed, constructed, maintained, and operated in accordance with the following provisions.

- A. Additional Licensing information to be submitted with License application:
- License shall not be required for a retail tire seller or Owner or Operator of a business who in the ordinary course of business, removes tires from motor vehicles, if no more than 100 Waste Tires are kept on the premises, or an Owner or Operator of a tire retreading business if no more than 3,000 Waste Tires are kept on the business premises.
- B. Design and Construction Requirements:

1. The Licensee shall divert surface water drainage around and away from the Collection area, and construct piles of Waste Tires to minimize the accumulation of stagnant water.
2. The Licensee shall provide adequate visual screening to reduce visibility of above-grade operations from housing or public right-of-ways by use of natural objects, trees, plants, seeded soil berms, fences, or other means deemed suitable by the Department.
3. The Waste Tire Collection Site and/or Processing Facility shall be so situated, equipped, operated, and maintained as to minimize interference with other activities in the area.
4. The Licensee shall maintain a minimum distance of 100 feet between the Waste Tire Collection Site or Processing Facility operations and the adjacent real property line and a minimum distance of two hundred (200) feet between the Waste Tire Collection Site or Processing Facility operations and the nearest occupied dwelling.

B. Operational Requirements:

1. The Licensee shall accept only Waste Tires at the Collection Site and/or Processing Facility.
2. The Licensee shall not pile Waste Tires within 100 feet of the following regions: Shore land; Regional flood plain for a 100-year flood; and Wetlands.
3. Confine Waste Tires to as small an area as practical with individual piles not more than 2500 square feet in area and 10 feet in height, with a separation of a minimum of twelve (12) feet between the piles of Waste Tires to allow access for trucks and emergency vehicles, and provide trenching or other adequate measures to minimize the potential for fire spreading.
4. Upon cessation of Waste Tire Collection Site and/or Processing Facility operations, the Licensee, Owner, and Operator shall be responsible for removing all Waste Tires and tire products from the Site and ensure their proper management pursuant to this Ordinance and Minn. Stat. §§ 115A.90 to 115A.914, and to restore the site to the existing conditions when the facility was sited.

ARTICLE VII ENFORCEMENT

SECTION 1.0 INSPECTIONS

1.01 Inspections

Routine inspection of Solid Waste Management Activities, Facilities and/or a Licensee's premises shall be made by the Department in such frequency as to insure consistent compliance by the Licensee with this Ordinance.

- A. Failure of the applicant or Licensee to permit inspections shall be grounds for denial, suspension or revocation of a license. The Licensee shall be provided with written documentation of any deficiencies and the date by which the corrections shall be completed.
- B. Whenever the Department or its Authorized Representatives shall find in any building, vehicle, or on any premises any material, condition or activity endangering the health, welfare or safety of the public, the Department may issue such orders as may be necessary for the enforcement of this or other applicable ordinances, rules or laws governing and safeguarding the health, welfare and safety of the public.
- C. If a building, premises or vehicle is owned by one Person and occupied or operated by another, under lease or otherwise, and the order or notice requires immediate compliance for the health, welfare and safety of the public, such order or notice shall be served on the Owner, Operator or occupant and the Owner, Operator or occupant shall ensure compliance with the order or notice.

SECTION 2.0 LICENSES

2.01 License Suspensions

- A. Any license required under this Ordinance may be suspended by the Department for violation of any provision of this Ordinance. Upon written notice to the Licensee a license may be suspended for a period no longer than sixty (60) days or until the violation is corrected, whichever is shorter. If the Department finds that the public health, safety or welfare imperatively requires emergency action and incorporates a finding to that effect in its order, emergency suspension of a license may be ordered by the Department.
- B. Notice of suspension shall be served by regular mail on the Licensee at the address designated in the license application. Such written notice of suspension shall contain the effective date of the 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 has occurred. The Licensee may appeal within ten (10) County working days of the date on the suspension notice by filing a request for an appeal hearing with the Department in writing.

- C. If a suspension is upheld and the Licensee has not demonstrated within the sixty (60) day period that the provisions of the Ordinance have been complied with, the Department may serve notice of a License revocation.
- D. The Licensee may not engage in any Solid Waste Management Activity, solid waste business, or any other activity for which the license was required when the license has been suspended or revoked

2.02 License Revocation

- A. Any license granted pursuant to this Ordinance may be revoked by the Department for violation of any provision of this Ordinance.
- B. Notice of revocation shall be served by regular mail on the Licensee at the address designated in the license application. Such written notice of revocation shall contain the effective date of the revocation, the nature of the violation or violations constituting the basis for the revocation, the facts which support the conclusion that a violation or violations has occurred. The Licensee may appeal within ten (10) County working days of the date on the revocation notice by filing a request for an appeal hearing with the Department in writing.
- C. The Licensee may not engage in any Solid Waste Management Activity, solid waste business, or any other activity for which the license was required when the license has been suspended or revoked.

2.03 Status of Financial Assurance

Financial Assurance issued for the facility shall remain in full force and effect during all periods of suspension, emergency suspension and revocation of the license and is subject to claim by the County in accordance with the provisions of this Article.

2.04 Hearings

A request for hearing on a denial, suspension, emergency suspension, non-renewal, or revocation of a license shall be held before the Chisago County Board of Adjustment and shall be open to the public.

- A. Unless an extension of time is requested by the appellant in writing directed to the Chisago County Board of Adjustment, and is granted, the hearing will be held no later than forty-five (45) calendar days after the date of request for a hearing. In any event, such hearing shall be held no later than ninety (90) calendar days after the date of request for a hearing.
- B. The Department, on behalf of the Chisago County Board of Adjustment, shall mail notice of the hearing to the appellant at least fifteen (15) working days prior to the hearing.

- C. The Chisago County Board of Adjustment shall conduct the hearing and make findings of fact, conclusions and render a final decision within 30 days of the first scheduled public hearing.
- D. Any appellant aggrieved by the decision of the Chisago County Board of Adjustment may appeal that decision to any Court with appropriate jurisdiction.

SECTION 3.0 ACTION AUTHORIZED

3.01 Criminal Penalty

Any Person who fails to comply with the provisions of this Ordinance is guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided by law. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. An Authorized Representative of the Department shall have the power to issue Citations for violations of this Ordinance.

3.02 Commencement of a Civil Court Action

In the event of a violation or a threat of violation of this Ordinance, the County may also institute other appropriate civil actions or proceedings in any court of competent jurisdiction, including requesting injunctive relief, to prevent, restrain, correct or abate such violations or threatened violations. The County may recover all costs, including reasonable attorney's fees, incurred for enforcement of this Ordinance through a civil action.

3.03 Abatement

- A. The Chisago County Board, upon recommendation of the Department, may declare a violation of this ordinance to be a public nuisance and order abatement to be made initially at County expense. The Department shall present by regular mail an itemized statement for corrective action expenses to the owner of the real property where such abatement has been conducted. If the owner of the property is unknown or absent and has no known representative upon whom notice can be served, the Department may enter upon the affected property and post a written or printed notice on the property stating that, unless the threat to the public health is abated or removed within a period of not longer than ten (10) days, the County will have the threat abated or removed at the expense of the owner pursuant to applicable State and local law. If the owner, occupant or agent fails or neglects to comply with the requirement of the notice, then the Department shall remove or abate by any reasonable means the public nuisance described in the notice.
- B. The County may recover its costs from the owner or the occupant, including attorney's fees, costs and disbursements, staff, environmental engineering or other consulting costs or contractor costs, transportation and disposal of the Solid Waste, and other related costs incurred for corrective action taken by the County to correct the violation from any Person failing to comply with the provisions of this Ordinance. At the discretion of the County Board, the costs may be certified

to the County Auditor as a special assessment or lien against the real property owned by such Person and at which the corrective action occurred, as permitted in M.S. 375.18, subd. 14 and M.S. 145A.08, subd. 2. Furthermore, the County Board may also seek civil penalties and damages from Persons responsible for unauthorized deposit of Solid Waste under M.S. 115A.99, which, if unpaid, may be imposed as a lien on property owned by the responsible Persons and collected as a special assessment.

3.04 Embargo

The Department may issue a written Embargo order prohibiting the use, sale, movement, treatment or disposal of a material or item that the Department determines is used without authorization or reasonably suspects is, or will be, managed in violation of this Ordinance. The Department shall place a tag to indicate the Embargo on the suspected material. No Person shall remove the tag or remove, transport, dispose, treat, or use such embargoed material except as authorized by the Department. Such action by the Department shall not be considered to impute ownership or management responsibility upon the County.

This Ordinance shall be in force and effective immediately upon its passage and approval and publication of a summary hereof.

Index

A

Acceptable Waste, 4
Agency, 4, 7, 9, 17, 27, 28, 29, 34, 35, 36, 37, 39, 40
Agricultural Site, 4
Authorized Representative, 4, 33

C

Certificate of Need, 4, 28
Closure, 4, 9, 35
Collection, 4, 5, 7, 10, 14, 15, 18, 23, 42
Collector, 42
Collects, 4
Commercial Site, 4, 15
Compost, 4
Compost Facility, 4, 9, 43
Compostable Organic Materials, 5, 14, 17
Composting, 4, 9, 14, 28, 41
Construction and Demolition, 16, 39, 40
Construction and Demolition Debris, 5
Construction and Demolition Debris Land Disposal Facility, 5
Construction and Demolition Facilities, 28
Construction Site, 5, 17
County, 5, 11
County Board, 5, 17, 18, 28, 35, 46, 47
Curbside Collection, 5, 15, 16, 24

D

Department, 5, 11
Disposal, 5, 14, 16, 17, 28, 48
Dispose, 17, 18, 48
Dumping, 5, 16, 25, 37, 43

E

Electronics, 5, 25, 27, 42, 43

F

Fee, 5, 12, 18, 24, 28, 35, 36, 40, 47
Financial Assurance, 5, 12, 18, 20, 28, 29, 30, 46

G

Generator, 5, 14

H

Hauler, 5, 14, 15, 16, 18
Hazardous Waste, 6, 34
Household Hazardous Waste, 6, 17, 25
Household Hazardous Waste Facility, 6, 17

I

Industrial Solid Waste, 6, 16, 27, 33, 35, 39, 40
Industrial Solid Waste Land Disposal Facility, 6, 39

L

Leachate, 4, 6, 34, 43
Leachate Management System, 6, 41
License, 6, 11, 12, 13, 17, 18, 19, 23, 28, 29, 30, 36, 38, 40, 45
Licensee, 6, 12, 19, 20, 22, 29, 30, 34, 35, 37, 38, 39, 41, 45, 46

M

Major Appliance, 6, 25, 27, 42
Medical Waste, 25
Mixed Municipal Solid Waste, 7, 14, 15, 16, 17, 23, 24, 25, 27
Mixed Municipal Solid Waste Land Disposal Facility, 7, 39
Multi-Unit Residential Building, 7, 14, 26
Municipal, 15
Municipality, 7

N

Non-Residential accounts, 7, 26, 27, 42
Non-Residential Property, 7, 15

O

Open Area, 7, 15
Open Burning, 7, 17, 38
Operator, 7
Ordinance, 7, 11, 12, 13, 14, 17, 18, 19, 20, 23, 26, 28, 45
Owner, 7, 14, 15, 17, 37, 47

P

Person, 7, 12, 15, 16, 17, 18, 20, 24, 25, 28, 31, 34, 38, 40, 45, 47, 48
Problem Material, 7, 17, 38
Processing, 7, 16, 26, 28, 34, 38, 42, 43
Public Health Nuisance, 8, 14, 15, 23, 24
Putrescible Material, 8, 24, 39

R

Real Property, 8, 12, 17, 28, 29, 36, 44, 47, 48
Recyclable Materials, 8, 14, 15, 16, 23, 24, 27, 42, 43
Recycling, 8, 14, 15, 23, 24, 27, 42
Recycling Collector, 8
Recycling Facility, 8, 14, 15, 42, 43

Recycling Opportunities, 8, 25
Refuse, 8
Release, 8, 34, 42
Residential Site, 8, 14, 15, 16

S

Self-Hauler, 8, 16, 18, 40
Service Area, 8, 11, 12, 34
Site, 9, 16, 17, 27, 28, 34, 35, 37, 39
Solid Waste, 9, 14, 15, 16, 18, 23, 24, 25, 26, 27, 33, 38
Solid Waste Administrator, 9, 34, 35
Solid Waste Land Disposal Facility, 9, 33, 35
Solid Waste Management, 9, 11, 12
Solid Waste Management Activity, 9, 12, 13
Solid Waste Management Facility, 9, 16, 27, 28, 29, 30, 33, 35, 36, 37, 38
Solid Waste Management Fee, 9, 12
Solid Waste Management Plan, 9, 11, 28
Solid Waste Management Services, 9, 12
Solid Waste Processing Facility, 9, 41
Source-Separated, 10, 24
Special Waste, 10, 17, 38
State, 3, 10, 12, 14, 15, 20, 25, 27, 28, 31, 33, 34, 36, 38, 47

T

Transfer Station, 10, 27, 28, 40
Transportation, 10, 15, 18, 22, 23, 27, 41, 47
Transports, 10, 16, 25

U

Unacceptable Waste, 10, 17, 35, 38

W

Waste, 10
Waste Tire, 10, 25, 43
Waste Tire Facility, 10, 28, 43

Y

Yard Waste, 10, 14, 15, 16, 23, 24, 43
Yard Waste Facilities, 28, 43