

**HUBBARD COUNTY
SOLID WASTE ORDINANCE #18**

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

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 Be it further ordained and enacted, that Hubbard County Ordinance Number 1 is hereby repealed in its entirety.

SECTION I. DEFINITIONS

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

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

AGENCY - means the Minnesota Pollution Control Agency, it's agents or representatives.

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

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

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

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

CONSTRUCTION DEBRIS – means waste building materials, packaging and rubble resulting from construction, remodeling, repair and demolition of buildings and roads

COUNTY BOARD - means the Hubbard County Board of Commissioners.

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

DEMOLITION DEBRIS - means non-putrescible solid waste resulting from the demolition of buildings, roads and other man-made structures including concrete, brick, bituminous concrete, untreated wood, masonry, glass, trees, rock, insulation, roof materials, and plastic building parts. It does not include asbestos wastes industrial waste or major appliances.

DEMOLITION DEBRIS LAND DISPOSAL FACILITY - means a site used to dispose of demolition debris.

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

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

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

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

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

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

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

HAZARDOUS AND TOXIC WASTE - means any refuse or discarded material or combinations of refuse or discarded materials in solid, semi-solid, liquid, or gaseous form which cannot be handled by routine waste management techniques because they pose a substantial present or potential hazard to human health or other living organisms because of their chemical, biological, or physical properties. Categories of hazardous waste materials include, but are not limited to, explosives, flammables, oxidizers, poisons, irritants and corrosives.

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

INTERMEDIATE DISPOSAL FACILITY - means a preliminary or incomplete disposal of solid waste including, but not limited to, transfer station operation, open burning, incomplete land disposal, incineration,

composting, reduction, shredding, compression, recycling, processing, resources recovery, and any other means or handling of waste short of final disposal.

JUNK - means scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, ferrous material, non ferrous material, inoperable and/or inoperative and/or unlicensed motor vehicles, recreational vehicles, agricultural, or construction machinery and parts thereof.

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

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

MPCA – means the MN Pollution Control Agency.

NUISANCE – means anything which is injurious to health, or indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, is a nuisance. And action maybe brought by any person whose property is injuriously affected or whose personal enjoyment is lessened by the nuisance and by the judgment, the nuisance may be enjoined or abated as well as damages recovered

OFFICE - means the Hubbard County Solid Waste Management Office.

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.

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

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

RECYCLABLE MATERIALS - means materials that are separated from mixed municipal solid waste for the purpose of recycling including but not limited to paper, corrugate, glass, plastic, tin, aluminum, cloth, motor oil, lead acid batteries, tires, scrap metal and white goods.

RECYCLING - means the process of collecting and preparing recyclable materials and reusing the material in their original form or using them in manufacturing process.

RECYCLING FACILITY - means a facility where recyclable materials are collected, processed for

marketing or loaded into vehicles for transport to market.

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

REFUSE HAULER/RECYCLABLE COLLECTOR - means any person who provides a service (except nonprofit organizations) for the collection and transportation of mixed municipal solid waste and/or those recyclable waste materials designated by Hubbard County as required recyclable materials.

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

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

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

SCREENING – means the placement of man-made or natural barriers such as fence, tree line, or berm so as to prevent public view of potentially unsightly or nuisance material.

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

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

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

SOLID WASTE HAULER – means any person or persons who collects or transports any solid waste; except an individual resident hauling his or her own household waste is not a solid waste hauler.

SOLID WASTE MANAGEMENT FACILITY - means a facility for the storage, collection, transportation, processing or reuse, conversion, or disposal of solid waste.

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

SOLID WASTE STORAGE - means the holding of solid waste for more than 48 hours in quantities equal to

or greater than ten (10) cubic yards.

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

TRANSFER STATION - means an intermediate solid waste disposal facility in which solid waste collected from any source is temporarily deposited to await transportation to the final disposal site or facility.

WASTE – is defined as solid waste, which has the meaning given to it in MN Statutes section 116/06, sub. Div. 10, or its successor.

WASTE REDUCTION - means an activity that prevents generation of waste including reusing a product in its original form, increasing the life span of the product, reducing material used in production and packaging, or changing procurement, consumption, or waste generation habits to result in smaller quantities of waste generated.

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

WHITE GOODS - means major appliances, including but not limited to clothes washers and dryers, dishwashers, hot water heaters, garbage disposals, trash compactors, ranges, stoves, refrigerators, freezers, and air conditioners.

WORKING FACE – meant that portion of the land disposal facility where waste is discharged and compacted prior to the placement of cover material

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

SECTION II. GENERAL PROVISIONS AND RESPONSIBILITIES.

Sub section 1 - Provisions

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

Sub section 2 - Responsibilities

- a. The Solid Waste Administrator shall have the right and duty to administer this ordinance. The Solid Waste Administrator shall have the necessary authority to implement and carry out the provisions of this ordinance, but shall not be limited to those described in this section.

- b. The Solid Waste Administrator shall have the right and duty to inspect private property to determine if the property owner is in compliance with the provision of this ordinance. For the purpose of inspecting the Solid Waste Administrator shall have the right to entry upon all lands within the County for the purpose of determining compliance with this ordinance. Routine inspection and evaluation of solid waste management activities, sites, or facilities shall be made by the Solid Waste Administrator in such frequency to ensure consistent compliance by the operation with the provisions of this ordinance. Inspections shall be made in a reasonable manner during the usual and customary hours for the conduct of business.
- c. Solid Waste Administrator shall have the right and duty to review and consider all license applications submitted to the Solid Waste Office for operation of all solid waste management activities, sites, licenses or facilities within the County.
- d. Solid Waste Administrator shall have the right and duty to issue or deny solid waste hauler/Recyclable collector and junk yard operator licenses and to impose specific conditions on such licenses.
- e. Solid Waste Administrator shall have the right and duty to investigate complaints of violations of this ordinance.
- f. Solid Waste Administrator shall have the right and duty to recommend, when necessary to the County Attorney's Office, that legal proceeding be initiated against a person, group of persons or a certain site or facility to compel compliance with the provisions of this ordinance.
- g. Solid Waste Administrator shall have the right and duty to employ qualified personnel, supervise and inspect the day to day operations of the facilities, facility staff both county employed and privately contracted
- h. Solid Waste Administrator shall have the right and duty to identify the solid waste management need of the county; developing and implementing plans to meet those needs.
- i. Solid Waste Administrator shall have the right and duty to encourage and conduct studies, investigations, and research relating to aspects of solid waste management, including, but not limited to, methodology, chemical and physical consideration, and engineering.
- j. Solid Waste Administrator shall have the right and duty to advise, consult and cooperate with other governmental agencies in the furtherance of the purposes of this ordinance.
- k. Solid Waste Administrator shall have the right and duty to provide and maintain a public information and education bureau relative to solid waste, recycling, reuse, reduction and other matters arising out of this ordinance.

SECTION III SOLID WASTE STORAGE.

The owner, manager, lessee, occupant of every property, premises, business establishment or industry shall be responsible for the satisfactory storage of all solid waste accumulated at the property, premise, business establishment or industry. No building, structure, area, or premise shall be constructed or maintained for human occupancy, use or assembly without adequate facilities for sanitary and safe storage, collection, transportation and disposal of all solid wastes.

- a. All solid waste shall be stored in a pollution and nuisance free manner and in compliance with the regulation of Federal, State and local government and their regulatory Agencies.
- b. Property owners shall not permit solid waste to be placed in locations or in a manner that the solid waste may be scattered by wind, water, animals or insects.
- c. Property owners shall cause solid waste to be removed and deposited at a permitted disposal facility at a frequency so as to not create a nuisance. Solid waste shall not be stored on public or private property for more than two (2) weeks or not to exceed 48 hours if in quantities equal to 10 cubic yards without written approval of the Solid Waste Administrator.
- d. Solid waste suitable for recycling or recyclable materials must be stored in an acceptable manner that avoids risk to public safety and otherwise complies with this ordinance.
- e. Solid waste objects or materials too large or otherwise unsuitable for storage containers shall be stored in a pollution and nuisance-free manner and in compliance with this ordinance.
- f. Solid waste shall be stored in durable, rust resistant, nonabsorbent, water tight, rodent proof, easily cleanable containers, with close fitting, fly tight covers and have adequate handles or bails to facilitate handling. Other types of containers may be acceptable provided they conform to the intent of this section and close to resist entrance of water, loaded no more than fifty (50) pounds and are strong enough to allow collection and loading by hand.
- g. Solid waste containers must be maintained to prevent the creation of a nuisance or menace to public health. Containers shall be maintained in good repair. Containers that are broken or otherwise fail to meet this section must be replaced with acceptable containers.

SECTION IV COLLECTION AND TRANSPORTATION OF SOLID WASTE AND RECYCLABLES.

This section shall apply to all persons seeking a license to collect and transport mixed municipal solid waste, at the point of generation or that transfer or otherwise transport solid waste to a disposal or processing facility. Persons hauling solid waste they generate in vehicles bearing passenger license plates are exempt from the licensing requirements but solid waste shall be collected and transport in a nuisance and litter free manner consistent with the intent of this section

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

the total number of residential accounts in the County, the days of the week solid waste is collected for each city and township in the County and description of route to be followed between collection and the facility delivered to.

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

SECTION V SOLID WASTE FACILITIES.

Privately owned/operated Solid Waste Facilities, including but not limited to mixed municipal Sanitary Landfills, modified landfills, transfer stations, demolition debris landfills, recycling facilities, incinerators, or refuse derived fuel facilities shall not be constructed, established, operated or maintained in Hubbard County.

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

SECTION VII ANTI-SCAVENGING

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

- A. Ownership of the separated recyclable materials set out by a customer shall be vested in the collector serving the person or facility who is recycling. It shall be unlawful and offense against this ordinance for any person other than the owner, lessee, or occupant of a residential dwelling or commercial/industrial business to pick up said separated recyclable materials for any purpose
- B. Person or organizations other than a licensed or contracted collector may not collect recyclables

unless they obtain written permission from the Solid Waste Administrator. Permission will be granted within the policy established by the County Board.

SECTION VIII JUNKYARD

No person, persons, partnership or corporation shall engage in the business of construction, establish, maintain or operate a junk yard in Hubbard County without first obtaining a license from the Hubbard County Board of Commissioners to carry on such operation.

Application for a junkyard operator's license shall be on forms supplied by the County, along with required insurance, bonding and license fee to the Solid Waste Administrator.

- A. Application for a junkyard operator's license shall include the following
 1. Name and address of all owners, partnerships and operators.
 2. An operation plan which identifies handling and storage procedures for all waste including special waste.
 3. A safety plan which identifies emergency procedures and staff training.
 4. A security plan of the property.
 5. A plan specifying type and time line for achieving the screening of the site from view.
 6. Any other information the County may deem pertinent in making the determination to grant or deny the license.

- B. No person, partnership or corporation shall operate or cause to be operated or locate any junkyard on a site, after the date of enactment:
 1. within wetland areas
 2. within a flood plain
 3. within shore land areas
 4. with a water table within five (5) feet of the lowest elevation of the site
 5. within 1,000 feet of an existing neighboring adjacent dwelling unit at the time of initial licensing
 6. Without effective year around screening of the junkyard operation so as to effectively conceal it from public view. Planting which will effectively conceal the junkyard from view may be acceptable provided it is predominantly evergreen and used in conjunction with other temporary barriers to effectively conceal the site until the plantings provide adequate screening

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

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

- E. Any junkyard operation must receive township board approval in those townships that have adopted land use regulations within Hubbard County. No applications will be considered for action by the Hubbard County Board of Commissioners unless local authorities with land use regulations have given approval and signed the application provided by the County.

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

of a licensed junkyard.

- G. A person, partnership or corporation that has collector vehicles may maintain up to ten (10) vehicles without a license provided they are effectively concealed from public view.
- H. A body/repair shop, that does not qualify as a junkyard, shall maintain the site in a neat orderly, non-distracting fashion in areas visible by the public.
- I. Any person, partnership or corporation that by definition has a junkyard upon notification by the Solid Waste management Office shall have ninety (90) days to effectively conceal the junk or otherwise bring the property into compliance with applicable rules and regulations or be subject to legal action under this ordinance.
- J. Owner of land used primarily for farm/agricultural use are allowed to store farm type machinery outside. Machinery shall be stored in a manner which will not create a hazard to the public health and safety.
- K. All land owners shall be allowed to store no more than five (5) unlicensed and or inoperable vehicles outside. Vehicles shall be stored upright and in a manner which will not create nuisance or a hazard to the public health and safety.
- L. Unoccupied, non-habitable, non-livable, disguard, mobile homes, trailers or campers. One such unit is equal to five (5) abandoned motor vehicles.

SECTION VIII SPECIAL WASTES.

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

- A. No more than ten (10) tires may be stored within the boundary of any residential parcel.
- B. No more than fifty (50) waste tires may be stored on any non-residential parcel except at a licensed Solid Waste facility.
- C. Exception to A & B may be allowed when waste tires are utilized outside of a building for decorative, recreational, structural, construction, or agricultural purposes where they comply with the requirements of this ordinance
- D. Waste tires shall be confined to as small an area as practicable
- E. Waste tires shall not constitute a fire hazard.
- F. Waste tires shall be piled so as to minimize the accumulation of stagnant water
- G. Waste tires shall be stored a minimum of fifty (50) feet from the adjacent property line.
- H. The owner of the land or premises upon which waste tires are located in violation of this ordinance shall be obligated to remove them to a licensed solid waste facility

I. A person, who in the ordinary course of a business, which removes tires from motor vehicles may store no more than 100 waste tire on the premises.

J. A person using waste tires for agricultural purposes may store no more than fifty (50) waste tires on the site of use.

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

A. White goods may be stored at a licensed facility for the purpose of processing and recycling

B. White goods shall be stored in a manner which will not create a nuisance, blight or hazard to public health and safety and shall have all non-magnetic latches disabled, capacitors removed and refrigerant gas evacuated before storage and or processing.

C. No more than two (2) white goods may be stored outside within the boundaries of any residential parcel for more than ninety (90) days before they must be properly disposed of at a licensed facility.

D. A retail appliance seller may store no more than ten (10) white goods outside within the boundaries of any non-residential parcel.

Sub Section 3. **Yard Wastes.** Yard waste may not be disposed of in mixed municipal solid waste landfills or in a resource recovery facility.

A. Yard waste should be used for composting or co-composting.

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

A. Motor vehicle batteries must not be disposed of in or on the land in accordance with Minnesota Statutes 115A and Agency.

B. Motor vehicles batteries must be recycled and are considered a hazardous waste.

C. Motor vehicle batteries must be stored in plastic leak proof containers to prevent damage and leaking of acid.

Sub Section 5. **Used Oil** Used oil is banned from disposal in a solid waste facility, in or on the land, in a land disposal facility or a resource recovery facility by Minnesota Statute 115A and Agency Rules.

A. Used oil must be recycled, reused as a fuel or reprocessed for further oil related uses.

Sub Section 6 Electronic's

SECTION IX SOLID WASTE MANAGEMENT FUND.

1. Solid Waste Management Fund for operations provided by the County, a special account on the

official books of the County is hereby created. All receipts from rates, fees, charges, special assessments collected pursuant to this ordinance, receipts from the sale of real or personal property pertaining to solid waste management systems, and the proceeds of all gifts, loans, grants in aids and issuance of bonds for the purpose of the system shall be credited to the Solid Waste Management Fund. ALL costs of acquisition, construction, enlargement, improvement repair, supervision, control, maintenance, and operation of the solid waste management system and facilities which are owned and operated by the County shall be charged to the Solid Waste Management Fund.

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

SECTION X ENFORCEMENT

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

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

Sub Section 3 If a person fails to comply with the provisions of this ordinance, the County may recover cost incurred for corrective action in a civil action in any court of competent jurisdiction or, at the discretion of the County Board, the costs may be certified to the County Auditor as a special tax against the

real property.

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

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

SECTION XI ADDITIONAL REQUIREMENTS AND PROVISIONS

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

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

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

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

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

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

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

SECTION XVI DATE OF EFFECT

This Ordinance shall be in full force and effect from and after April 1, 1994, and after its approval, passage, and publication as provided by law.

THIS ORDINANCE ORDAINED AND ENACTED by the Board of County Commissioners of the County of Hubbard, State of Minnesota, on this _____ A. D. 2004

BOARD OF COUNTY COMMISSIONERS
Hubbard County, Minnesota

By:
Floyd Frank, Chairman

Attest:
Pam Heeren Auditor

[SEAL]