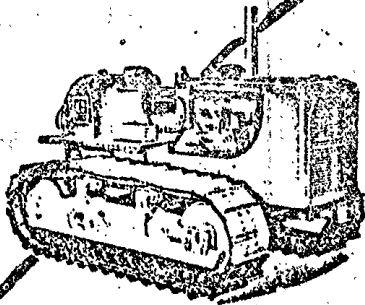


LAKE COUNTY,  
MINNESOTA

ORDINANCE NUMBER 4

SOLID  
WASTE  
ORDINANCE



LAKE COUNTY ORDINANCE NUMBER 4

ENTITLED

"THE PUBLIC HEALTH CODE OF LAKE COUNTY, MINNESOTA 1975"

FOR THE

REGULATION OF SOLID WASTE DISPOSAL

An ordinance authorizing and providing for County Solid Waste Management, establishing powers and duties in connection therewith, establishing standards for and regulating solid waste management operations within the County of Lake, requiring approval of the Board of County Commissioners for the establishment and use of a solid waste management operation including commercial collection services, providing minimum requirements for collection vehicles and the licensing thereof, establishing requirements for certain facilities on a disposal site, for control of special solid wastes, embodying minimum standards and requirements established by regulations of the Minnesota Pollution Control Agency; providing for enforcement of said requirements; requiring a performance bond; and imposing penalties for failure to comply with these provisions; in purpose and object to promote the health, welfare and safety of the public and protect resources of water, air and land pursuant to Minnesota Statutes 1971, Chapters 115, 116 and 400.

The County Board of Commissioners of the County of Lake, hereinafter referred to as the County Board, does ordain:

SECTION I. DEFINITIONS

Unless specifically altered, terms and abbreviations used in this ordinance shall be interpreted in a manner consistent with Minnesota Statutes, 1971, Chapters 115, 116 and 400 and regulations of the Pollution Control Agency, which have or hereafter may be adopted under these provisions. Terms not specifically defined by law shall be construed in accordance with the context and professional usage.

Subd. 1. "Agency" The Minnesota Pollution Control Agency, its agent or representative.

Subd. 2. "Class I" solid waste disposal site shall mean a disposal area for which a Pollution Control Agency permit and County Board approval have been given and which is covered after each day's operation and meets the other requirements specified in the definition of "sanitary landfill."

Subd. 3. "Class II" solid waste disposal site shall mean a disposal area for which a Pollution Control Agency permit and County Board approval have been given, which is intended to service a population of not more than 5,000 people and which is covered twice weekly from May 1 through October 30 and once weekly during the remainder of the year.

- Subd. 4. "Class III" solid waste disposal site shall mean a disposal area for which a Pollution Control Agency permit and County Board approval have been given, which is intended to serve a population of not more than 1,500 people and which is covered once a week from May 1 through October 30 and twice monthly during the remainder of the year.
- Subd. 5. "Cover material" is a granular material, generally soil, which is used to cover compacted solid waste in a sanitary landfill, is generally free of large objects that would hinder compaction, and is free of organic content that would be conducive to vector harborage, feeding or breeding.
- Subd. 6. "Garbage" means material resulting from the handling, processing, storage, preparation, serving and consumption of food.
- Subd. 7. "Land Pollution" means that presence in or on the land of any solid waste in such quantity, of such nature or duration, and under such conditions as would affect injuriously any waters of the state, create air contaminants or cause air pollution.
- Subd. 8. "Licensee" means a person who has been issued a license by the County Board for solid waste management purpose pursuant to this ordinance.
- Subd. 9. "Operation" means any site, facility, or a activity relating to solid waste management.
- Subd. 10. "Open Burning" shall mean burning any matter which the resultant combustion products are emitted directly to the open atmosphere without passing through an adequate stack, duct or chimney.
- Subd. 11. "Person" means any human being, any municipality or any other governmental or political subdivision or 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.
- Subd. 12. "Putrescible Material" means solid waste which is capable of becoming rotten or which may reach a foul state of decay or decomposition.
- Subd. 13. "Refuse" means putrescible and non-putrescible solid wastes including, but not limited to, garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, market and industrial solid wastes, and sewage treatment wastes which are in a dry form.

- Subd. 14. "Sanitary Landfill" means an area of land which is or could be used for the disposal of solid waste without creating pollution of land, water or air, hazards to the public health or safety, or public nuisance, by utilizing the principles of engineering to confine the solid waste to the smallest practical volume, and to cover it with at least six inches of cover material at the conclusion of each day's operation, or at more frequent intervals as may be necessary.
- Subd. 15. "Shoreland" means land located within the following distances from the ordinary high water elevation of public waters: (a) land within 1,000 feet from the normal high water mark of a lake, pond, or flowage; and (b) land within 300 feet of a river or stream or the landward side of flood plain delineated by ordinance on such a river or stream, whichever is greater.
- Subd. 16. "Solid Waste" means garbage, refuse, and other discarded solid materials, except animal waste used as fertilizer, including solid waste materials resulting from industrial, commercial, agricultural operations, and community activities, but does not include earthen fill, boulders and rocks, solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or wastewater effluent, dissolved materials, suspended solids in irrigation return flows, or other common water pollutants.
- Subd. 17. "Solid Waste Management" means the storage, collection and removal of solid waste from public and private property, its transportation to intermediate or final disposal facilities and its disposal by approved methods.
- Subd. 18. "Toxic or Hazardous Wastes" means substances, whether in liquid, gaseous or solid form, which when collected, stored, transported or disposed of, may be acutely toxic to humans or other animals, or plant life, or be directly damaging to property including, but not limited to, pesticides, acids, caustics, pathological wastes, radioactive materials, flammable or explosive materials, and similar noxious substances.
- Subd. 19. "Water Pollution" means the contamination of any waters of the state so as to create a nuisance or render such waters unclean, obnoxious or impure, so as to be actually or potentially harmful or detrimental or injurious to public health, safety or welfare, to domestic, commercial or industrial use, or to animals, birds, fish or other aquatic life.
- Subd. 20. "Waters of the State" means all streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.

SECTION II. SOLID WASTE OFFICER

The duties and responsibilities of the Solid Waste Officer under this ordinance are hereby delegated to the County Planning and Zoning Officer. The Solid Waste Officer shall have all necessary authority to implement and carry out the provisions of this ordinance, including, but not limited to, the following:

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

## SECTION III. SOLID WASTE STORAGE

- Subd. 1. The owner, lessee and occupant of any premises, business establishment or industry shall be responsible for the satisfactory storage of all solid waste accumulated at that 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.
- Subd. 2. Putrescible waste, including, but not limited to, garbage, shall be stored in: (a) No larger than forty gallon durable, rust-resistant, non-absorbent, water-tight, rodent-proof, and easily cleanable containers, with close fitting, fly-tight covers having adequate handles to facilitate handling; or (b) other types of containers acceptable to the solid waste collection service, comply with Agency regulations, and approved by the Solid Waste Officer.
- Subd. 3. Solid Waste shall be stored in durable containers or as otherwise provided in this ordinance. Where putrescible wastes are stored in combination with non-putrescible wastes, containers for the storage of the mixture shall meet requirements for putrescible waste containers.
- Subd. 4. Toxic or hazardous wastes shall be stored in durable, leak proof containers which are labeled with a description of the chemical composition of the substance stored therein. Such wastes shall be stored in a safe location and in compliance with the requirements of Agency regulations and this ordinance.
- Subd. 5. All containers for the storage of solid waste shall be maintained in such a manner as to prevent the creation of a nuisance or unsanitary condition.
- Subd. 6. Solid Waste objects or materials too large or otherwise unsuitable for storage containers shall be stored in a manner which is pollution-free, nuisance free and satisfactory to the Solid Waste Officer.
- Subd. 7. Solid Wastes shall not be stored on public or private property for more than two (2) weeks without the written approval of the Solid Waste Officer.

SECTION IV. COLLECTION AND TRANSPORTATION OF SOLID WASTES

- Subd. 1. Unless otherwise provided in these regulations, the owner, lessee and occupant of any premises, business establishment or industry and the solid waste collection service which is responsible for the collection and transportation of solid waste from the premises, establishment or industry, shall collect and remove all solid waste accumulated at the premise, business establishment or industry and transport it to a solid waste disposal site for which a permit has been issued by the Agency and approval has been given by the County.
- Subd. 2. Vehicles or containers used for the collection and transportation of garbage and other putrescible wastes, or solid waste containing such materials, shall be covered, leakproof, durable and of an easily cleanable steel construction. These shall be cleaned regularly to prevent nuisances, pollution or insect breeding, and shall be maintained in good repair.
- Subd. 3. Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak or spill therefrom, and shall be covered to prevent blowing of material. Where spillage does occur, the material shall be picked up immediately by the solid waste collector or transporter and returned to the vehicle or container and the area properly cleaned.
- Subd. 4. Vehicles and containers used for the collection and transportation of toxic or hazardous wastes shall be durable, enclosed and leak-proof and shall be constructed, loaded, transported and unloaded in a safe, sanitary and nuisance-free manner.
- Subd. 5. The County Board shall issue licenses for the collecting and hauling of solid waste for hire, upon compliance with the following requirements:
- (a) Solid waste must be disposed of at a solid waste disposal site having a permit from the Agency and approval from the County.
  - (b) Filing of an application for a solid waste collection and transportation license upon a form provided by the County Board.
  - (c) Submission of specifications of all vehicles to be used for solid waste collection and transportation. Such vehicles shall have leak-proof bodies of easily cleanable steel construction, completely covered with metal or heavy canvas, and shall be subject to approval and periodic inspection by the Solid Waste Officer.

- (d) Submission of a description of the route to be followed by all solid waste collection and transportation vehicles between the area of collection and the solid waste operation, which route shall be subject to approval by the Solid Waste Officer.
- (e) Submission to the County Board for approval of a schedule of charges for the hauling of solid waste.
- (f) Approval of an application for a collection license shall rest solely in the discretion of the Lake County Board of Commissioners. Said Board shall first determine that the issuance of the license shall be in the best interest of Lake County and further contingent on the payment of a fee as outlined in Section XI, Subd. I, of this ordinance.

Subd. 6. The County shall refuse to issue a license for any collection or transportation operation which does not comply with this ordinance, Agency regulations and the County's solid waste management plan.

Subd. 7. Any contract with the County Board or a Lake County Department for the collection, transportation or disposal of solid waste shall be contingent upon the applicant furnishing to the County a bond in an amount to be set by the County Board and naming the County as obligee with sufficient sureties duly licensed and authorized to transact business in the State of Minnesota, as sureties. The condition of such bond shall be that if the principal fails to comply with any of the requirements or fails to perform any of the acts required of an operation or ceases to operate or abandons the collection and transportation operation, and the County is required to expend any monies and expend any labor or material to restore the operation to a condition in compliance with this ordinance, the obligor and the sureties on its bond shall reimburse the County for any and all expenses incurred to remedy failure to comply with the terms of the ordinance, and the obligor and its sureties will indemnify and save the County harmless from all losses, costs and charges that may occur to the County because of any default of the obligor under the terms of his license to operate according to the terms of the ordinances of the County.

Subd. 8. The licensee shall furnish to the County certificates of insurance issued by insurers duly licensed within the State of Minnesota covering public liability insurance, including general liability, automobile liability, loading and unloading, completed operations liability, bodily injury liability in an amount of at least One Hundred Thousand Dollars (\$100,000.00) for injury or death of any one person in any one occurrence and aggregate bodily liability in an amount of at least Two Hundred Thousand Dollars (\$200,000.00) for injuries or death arising out of any one occurrence. Property damage liability shall be furnished in an amount of at least Twenty Thousand Dollars (\$20,000.00) for any one occurrence and in the unnumbered aggregate amount of at least Fifty Thousand Dollars (\$50,000.00).



Subd. 9. Any license granted by the County Board under the provisions of this ordinance may be suspended at any time for non-compliance with the provisions of this ordinance or applicable state laws and regulations, or upon written notification by the Solid Waste Officer, that the continued use of the operation may endanger the health, welfare or safety of the public or may cause pollution or impairment of the environment. The notice of suspension may be served upon the licensee personally or by leaving the same at the licensed premises with the person in charge thereof. A copy thereof shall be provided to the County Board. A license may be revoked only after the County Board has held a public hearing at which the licensee and other persons wishing to be heard concerning use of the operation shall have the right to be heard. The date of the hearing for license revocation shall be set by the County Board and shall not be held earlier than ten calendar days after notice of said hearing was mailed to the licensee. Evidence may be adduced in a manner consistent with the rules of evidence applied in civil cases. A transcript thereof shall be made by tape recording or other suitable technique. If, pursuant to said hearing, the County Board shall determine that the operation has been conducted in violation of this ordinance, the Board may revoke the license or continue such suspension in effect until the operator has demonstrated that full compliance with the ordinance has been attained and that such compliance will be continued in the foreseeable future.

Subd. 10. Routine inspection and evaluation of a collection and transportation operation shall be made by the Solid Waste Officer at such frequency as to insure consistent compliance by the operator with the provisions of this ordinance. The licensee shall be provided with a written inspection report containing a precise description of any deficiencies, recommendations for the correction and the date when the corrections shall be accomplished. The licensee shall be required to allow free access to authorized representatives of the County, the County Board, the Minnesota Pollution Control Agency, or to the authorized representatives of any other governmental agency at any time for the purpose of making such inspections as may be necessary to determine compliance with the requirements of this ordinance, or any other applicable statute, ordinance, or regulations.

Subd. 11. A license identification number shall be displayed on the collection vehicles at least 6 inches in size and of a contrasting color. The number shall be painted or affixed on the front and rear and both sides of the collection vehicles(s) so that they are easily visible from all directions. Said license and identification numbers shall be issued by the Solid Waste Officer.

## SECTION V. GENERAL REGULATIONS FOR SOLID WASTE DISPOSAL SITES

- Subd. 1. No site for solid waste disposal shall be established, operated or maintained without first obtaining a permit from the Pollution Control Agency and approval of the County Board.
- Subd. 2. No permit shall be issued or approval granted for establishment, operation or maintenance of a solid waste disposal site unless said site is in accordance with the County Solid Waste Management System Plan adopted by the Lake County Board of Commissioners.
- Subd. 3. No permit shall be issued or approval granted for establishment, operation or maintenance of a solid waste disposal site unless said site and use is in accordance with the Zoning Ordinance adopted by the Lake County Board of Commissioners.
- Subd. 4. No permit or approval shall be required for a solid waste disposal site to be used only for the solid waste of a single family or household, a member of which is the owner, occupant or lessee of the property, and the solid waste disposal site is located at least 1,000 feet from any occupied building or public roadway. Said solid waste disposal site for a single family or household shall be operated and maintained in a nuisance-free, pollution-free and aesthetic manner consistent with the intent of these regulations.
- Subd. 5. Approval of the Lake County Board of Commissioners shall be given prior to the application for a permit of the Pollution Control Agency for establishment, operation or maintenance of a solid waste disposal site.
- Subd. 6. Approval of the Lake County Board of Commissioners for the establishment, operation or maintenance of a Class I solid waste disposal site, or sanitary landfill, shall be conditioned on the preparation, by a registered professional engineer of Minnesota of plans and specifications in accordance with the requirements of SW 6 of the Pollution Control Agency. The County Solid Waste Officer shall maintain in his files at least two copies of the plans and specifications required for application to the Pollution Control Agency under SW 6.
- Subd. 7. Approval of the Lake County Board of Commissioners for the establishment, operation or maintenance of a Class III solid waste disposal site, or modified landfill, shall be conditional on the preparation, by the Solid Waste Officer or other official or person designated by the County Board, of a report to be submitted to the Pollution Control Agency in support of the application for a permit, or variance, for the establishment, operation or maintenance of said site. The County Solid Waste Officer shall maintain in his files at least two copies of the report which shall contain the following information:

- a. Site identification
  - b. Owner of record
  - c. Governmental considerations
    - (1) Jurisdictional requirements
    - (2) Zoning
  - d. Land characteristics
    - (1) General description
    - (2) Ground cover
    - (3) Soil borings (At least one to a depth of at least ten (10) feet below proposed excavation).
  - e. Cover material
  - f. Proximities
    - (1) Lakes, ponds, water courses
    - (2) Highways, roads, parks
    - (3) Wells
  - g. Operational support
    - (1) Fire department responsible
    - (2) Water source for fire fighting
    - (3) Wash water for vehicles
    - (4) Utilities
  - h. Site access
    - (1) Haul distances
    - (2) Haul route characteristics
    - (3) Roads - type, jurisdiction, bridges, etc.
  - i. Capacities
    - (1) Maximum finished elevation
    - (2) Site capacity
    - (3) Special amounts and kinds of refuse
- Subd. 8. The establishment, operation and maintenance of all solid waste disposal sites shall conform to the following general requirements:
- a. Open burning is prohibited.
  - b. The fill and trench areas of a solid waste disposal operation are prohibited within the following areas:
    - (1) Within "shoreland" as defined by State Law
    - (2) Within 1,000 feet at the time of announcement of the operation, of the nearest edge of any state, federal, or interstate highway or the bordering of a public park or of an occupied dwelling. Notwithstanding said distance requirements, an operation shall be considered to comply with this provision, if it is screened by natural objects, plantings fences or other appropriate means so that it is not readily visible from such a highway or park.

- (3) Within one mile of a municipal well or one mile of a municipal water intake.
- (4) Within ½ mile of any neighboring private or public well.

- c. Salvaging is prohibited on the operating area.
- d. Solid waste shall not be deposited in such a manner that material or leachings therefrom may cause pollution of ground or surface waters. All solid waste shall be placed at least five (5) feet above the highest known ground water level unless a suitable barrier is constructed to prevent the flow of ground water into the deposited solid waste. Any barrier or liner shall be designed for uplift pressures if it is constructed below the anticipated high ground water level.
- e. Dumping of solid waste shall be confined to as small an area as practicable and surrounded with appropriate facilities to confine possible wind-blown material within the area.
- f. Solid waste shall be compacted as densely as practicable and covered according to the requirements for Class I and Class III sites as specified elsewhere in these regulations.
- g. Surface water drainage shall be diverted around the disposal site operating area. Direct rainfall shall be drained from the disposal site by proper sloping of the surface and placement of a relatively impervious surface layer.
- h. A minimum separating distance of 20 feet shall be maintained between the disposal operation and the adjacent property line.
- i. Effective means shall be taken to control flies, rodents, and other insects or vermin.
- j. The approach road to the disposal site shall be of all-weather construction and maintained in good condition.
- k. Equipment shall be provided to control accidental fires or arrangements made with the local fire protection agency to immediately acquire their services when needed.
- l. A permanent sign, identifying the operation and showing the permit number of the site and indicating the hours and days the site is open to public use. The penalty for non-conforming dumping shall also be posted at the site entrance.

SECTION VI. SPECIFIC REQUIREMENTS FOR CLASS I, AND CLASS III  
SOLID WASTE DISPOSAL SITES

- Subd. 1. All Class I, or sanitary landfill, solid waste disposal sites shall conform to the following requirements in addition to those specified in Section V., Subd. 8.
- a. All solid waste shall be compacted as densely as practicable and covered after each day of operation, or as specified by the Solid Waste Officer and/or Pollution Control Agency, with a compacted layer of at least six inches of suitable cover material.
  - b. An attendant shall be on duty at all times while the Class I site is open for public use.
  - c. At the conclusion of each day of operation, all windblown material resulting from the operation shall be collected and returned to the area by the operator.
  - d. The operation shall be fenced and a gate shall be provided at its entrance which shall be kept locked when an attendant is not on duty.
  - e. Equipment sufficient for spreading, compacting and covering operations, including sufficient reserve equipment to provide cover during periods of breakdown, shall be provided at the site.
  - f. A ground water and surface water monitoring system, acceptable to the Solid Waste Officer and the Pollution Control Agency, shall be provided and a quarterly report, on a form to be prescribed by the Pollution Control Agency, shall be submitted to the Solid Waste Officer to be transmitted to the Pollution Control Agency.
  - g. Sanitary facilities adequate for employees shall be available at the site.
  - h. Shelter facilities adequate for employees and maintenance and storage of equipment shall be available at the site.
  - i. Fire fighting facilities adequate to insure the safety of employees and adjacent property owners shall be available at the site.
  - j. Emergency first-aid equipment adequate to provide treatment for persons injured at the site shall be provided.
  - k. A potable water supply adequate for employees shall be available at the site.
  - l. Communications facilities adequate for emergency purposes shall be available at the site.

Subd. 2. All Class III, or modified landfill, solid waste disposal sites shall conform to the following requirements in addition to those specified in Section V., Subd. 8.

- a. All solid waste shall be compacted as densely as practicable and covered at least once a week during the period of May 15th through October 30th, and at least twice monthly during the period of November 1 through May 15th, with at least eight inches of suitable cover material.
- b. No Class III site shall be located within twenty road miles of an existing Class I sanitary landfill, within six road miles of another Class III site or within an existing or proposed service area of more than 1,500 persons.
- c. No industrial wastes shall be disposed of in a Class III site.
- d. No animal carcass shall be disposed of on site unless special provisions are made with the Solid Waste Officer to cover within 48 hours.
- e. Proper directional devices, including signs, fencing, barricades or barrels shall be placed on site to direct traffic to and from the operational working face of the Class III disposal site and to minimize the area for actual disposal.

SECTION VII. TOXIC AND HAZARDOUS WASTES

Subd. 1. Toxic and hazardous wastes shall be stored only in a Class I, or sanitary landfill, solid waste disposal site in accordance with the following procedures or as otherwise designated by the Solid Waste Officer.

- a. A separate storage area shall be designated for the disposal of these materials. A permanent sign shall be posted in the area, indicating its designated use and precautions which shall be taken during disposal.
- b. No toxic and hazardous waste materials shall be accepted for storage in a Class I disposal site under this ordinance unless the material is identified to the satisfaction of the Solid Waste Officer.
- c. Where necessary to prevent land pollution, water pollution, a public nuisance or threat to public health, welfare or safety, the Solid Waste Officer may impose conditions for the storage of toxic and hazardous wastes within a disposal facility in addition to those specifically established in this ordinance.
- d. The site location for toxic and hazardous wastes shall be filed, identified and registered with the County Register of Deeds.

Subd. 2. No toxic or hazardous wastes shall be disposed of in Class II or Class III disposal sites.

SECTION VIII. SITE CLOSING

- Subd. 1. Within one month after final termination of a solid waste disposal operation, or a major part thereof, the area upon which disposal was so terminated shall be covered with at least two feet of compacted earth material and adequately graded to allow surface runoff.
- Subd. 2. The finished surface of the filled area shall be covered with adequate top soil and seeded with native grasses or other suitable vegetation immediately upon completion, or immediately in the spring on areas terminated during winter conditions. If necessary, seeded slopes shall be covered with straw or similar material to prevent erosion.
- Subd. 3. Prior to completion of a solid waste disposal operation, the Solid Waste Officer and the Pollution Control Agency shall be notified in order that an investigation of the operation may be conducted by each before earth moving equipment is removed from the property.
- Subd. 4. Prior to completion of a solid waste disposal, a sign shall be posted and maintained for at least one year indicating the date of closure, the penalty for unauthorized dumping and the location of the nearest available solid waste disposal site.

SECTION IX. NON-CONFORMING SITES AND FACILITIES

- Subd. 1. Existing solid waste disposal sites and facilities not in conformance with the requirements set forth in these regulations shall undertake a program and schedule for achieving compliance or for closure according to the Solid Waste Management Plan as adopted by the Lake County Board of Commissioners.

SECTION X. OTHER METHODS OF SOLID WASTE HANDLING, PROCESSING AND DISPOSAL.

- Subd. 1. Before any solid waste disposal site or facility or any method of solid waste handling, processing and disposal, not otherwise provided for in these regulations or in the Solid Waste Management Plan adopted by the Lake County Board of Commissioners, is practiced or placed into operation, the proposed site, facility or method shall be reviewed by the Solid Waste Officer and approved by the Lake County Board of Commissioners.



SECTION XI. LICENSE FEES, RATES AND CHARGES.

Subd. 1. Approval of an application to the County Board for a license for the collection, transportation or operation of a cannister system for solid waste shall be contingent upon the payment to the County of a license fee in the amount specified below. Such license fees are hereby found to be equal to the cost to the county of processing the license applications and administering and enforcing this ordinance with respect to said licenses. The fees prescribed shall be paid by a license applicant with respect to each facility maintained by him. Solid Waste collectors' fees shall be paid annually as a condition for license renewal. Non-payment of the annual solid waste collectors' fee shall be grounds for denial of license renewal. Fees shall be paid to the Lake County Planning and Zoning Officer prior to issuance of licenses. The schedule of license fees shall be as follows:

TYPES OF LICENSE:

LICENSE FEE:

Solid Waste Collection and transportation (annual)

\$120.00 per calendar year for the first two (2) trucks. \$40.00 per calendar year for each additional truck.

Fees may be prorated for the first year operation of less than six (6) months at the discretion of the Lake County Board of Commissioners. License fees or any part thereof are not refundable. All license fees shall become due and payable on January 2.

Subd. 2. Owners, lessees and occupants of property. Owners, lessees, and occupants of property situated within the county shall pay for solid waste disposal services including cannister systems to their properties provided by the County or through its contractor, according to the rates and charges established by the Lake County Board of Commissioners.

Subd. 3. Users of facilities. Users of solid waste management facilities provided by the County, by and through its contractor, who are not owners, lessess, or occupants of property situated within the county shall pay charges for the use of said facilities according to the rates and charges established by the Lake County Board of Commissioners.

Subd. 4. Solid Waste Management Fund for Operations Provided by the County. A special account on the official books of the County is hereby created which shall be known as the Solid Waste Management Fund. All receipts from the rates and charges collected pursuant to this ordinance and all receipts from the sale of real or personal property, pertaining to solid waste management systems and the proceeds of all gifts, loans 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, super-

(subd. 4. cont.) vision, control, maintenance, and operation of the solid waste management system and facilities which are owned and operated by the County, but not those owned and operated by its contractor, shall be charged to the Solid Waste Management Fund.

Subd. 5. The number of county collectors licenses shall be limited by a resolution of and at the discretion of the Lake County Board of Commissioners.

SECTION XII. VARIANCES

- Subd. 1. The Board of County Commissioners may grant individual variances from this ordinance where it is determined that no substantial health hazard is likely to occur therefrom and where unnecessary hardship might result from strict compliance with this ordinance.
- Subd. 2. An application for variance shall be filed in writing with the Solid Waste Officer who should make a written report and recommendation to the Board of County Commissioners.
- Subd. 3. The Board of County Commissioners shall, after notice and a duly advertised public hearing, grant, or deny the application for a variance. The Board of County Commissioners may attach such terms and conditions on the approval of the variance as it deems necessary to insure compliance with the intent of this ordinance.
- Subd. 4. A variance shall not be granted for a period in excess of two years, but may be renewed upon application of the applicant and after a public hearing. The Board of County Commissioners may revoke any variance, if the terms and conditions are not complied with after a public hearing.

SECTION XIII. SEVERABILITY

- Subd. 1. Should any section, subsection, sentence, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this regulation in its entirety or any part thereof other than that so declared to be involved.

SECTION XIV. ENFORCEMENT, VIOLATIONS AND PENALTIES

- Subd. 1. The County Solid Waste Officer shall be responsible for the enforcement of this ordinance. Whenever the Solid Waste Officer has reason to believe that a violation of any provisions of this ordinance has occurred, he may cause written notice to be served upon the alleged violator or violators. The notice shall specify the provisions of this ordinance alleged to be violated and the facts alleged to constitute a violation thereof, and may order that the necessary corrective action be taken within a specified time. Any such notice shall become final unless, no later than five days after the date such notice is served, the person or persons named therein request in writing a hearing before the Board of County Commissioners.
- Subd. 2. Any person who shall violate this ordinance shall, upon conviction, be guilty of a misdemeanor. Each day that a violation continues shall constitute a separate offense.

Subd. 3. The ordinance, in addition to other remedies, may be enforced by injunction, action to compel performance or other appropriate action to prevent, restrain, correct or abate violations.

SECTION XV. EFFECTIVE DATA

Subd. 1. This ordinance shall be in full force and effect from and after its passage and publication according to law.

Dated at Two Harbors, Minnesota, this 6th day of May, 1975.

Public Hearing held by Lake County Board of County Commissioners: May 6, 1975

Adopted: May 6, 1975

Effective Date: July 1, 1975

*Lowell H. Hovde*  
Chairman, Lake County Board  
of County Commissioners

Attest:  
*Melroy Peterson*  
Lake County Auditor



DOC. NO. 96983

Office of Register of Deeds  
State of Minnesota ) ss  
County of Lake )

I hereby certify that the within instrument was filed in this office for record on the 17<sup>th</sup> day of June A.D. 1975 at 10<sup>35</sup> o'clock A. M., and was duly recorded in Book 3 of

registras page 735  
Robert D. Miller  
Register of Deeds

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

DOC. NO. 12,503

OFFICE OF REGISTRAR OF TITLES  
STATE OF MINNESOTA, } ss.  
County of Lake }

I hereby certify that the within instrument was filed in this office the 17<sup>th</sup> day of June 1975 at 10<sup>35</sup> A. M. and was duly registered in Book \_\_\_\_\_ of Registrar of Titles page \_\_\_\_\_

Robert D. Miller  
Registrar of Titles  
Deputy

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