

KITTSOON COUNTY SOLID WASTE ORDINANCE

TABLE OF CONTENTS

<u>Section</u>		<u>Page</u>
1.	DEFINITIONS	1
1.1	Acceptable Waste	1
1.2	Agency	1
1.3	Board	1
1.4	Composting	1
1.5	Compost Pile	1
1.6	Collection	1
1.7	Commercial Hauler	1
1.8	County	2
1.9	Cover Material	2
1.10	Demolition Landfill	2
1.11	Demolition Waste	2
1.12	Disposal	2
1.13	Garbage	2
1.14	Hazardous Waste	2
1.15	Land Disposal Facility	2
1.16	Licensee	2
1.17	Misdemeanor	2
1.18	Nuisance	2
1.19	Open Dump	3
1.20	Person	3
1.21	Polystyrene	3
1.22	Processing	3
1.23	Putrescent Material	3
1.24	Recycling & Resource Recovery	3
1.25	Service Area	3
1.26	Solid Waste	3
1.27	Special Solid Waste	3
1.28	Solid Waste Facility	4
1.29	Solid Waste Management Plan	4
1.30	Solid Waste Management Services	4
1.31	Solid Waste Officer	4
1.32	Tire	5
1.33	Transfer Station	5
1.34	Unacceptable Waste	5
1.35	Waste Tire	5
1.36	Major Appliances	5
1.37	Trees, Agricultural and Yard Waste	5
2.	LICENSE REQUIRED	5
2.1	License/permit fees	5

Section

Page

3.	SOLID WASTE REGULATIONS	6
3.1	Regulations Primarily Relating To Activities For Which a License or Temporary Permit is Required	6
3.1.1	Collection and Transportation	6
3.1.1.1	State Rule Adopted	6
3.1.1.2	Equipment Requirements	7
3.1.1.3	Maintenance	7
3.1.1.4	Labeling	7
3.1.1.5	Storage in Vehicles	7
3.1.1.6	Protecting Private Property	7
3.1.1.7	Smoking, Smoldering or Burning Waste	7
3.1.1.8	Emergency Dumping	7
3.1.1.9	Licensing Procedure	7
3.1.1.10	County Contracts	8
3.1.2	Demolition Landfills	8
3.1.3	Contaminated Soil Disposal	8
3.2	Regulation Primarily Of Interest To The Public	8
3.2.1	Storage	8
3.2.1.1	State Rule Adopted	8
3.2.1.2	Owner and Occupant Duty	9
3.2.1.3	Putrescible Material and Garbage	9
3.2.1.4	Containers	9
3.2.1.5	Oversize Waste	9
3.2.1.6	Time Limit	9
3.2.1.7	Recyclables	9
3.2.1.8	Open Burning	9
3.2.1.9	Major Appliances	9
3.2.1.10	Trees, Agricultural and Yard Waste	10
3.2.1.11	Waste Tire Disposal	10
3.2.1.12	Other Restricted Materials	10
3.2.1.13	Dumping Prohibited	10
3.2.2	Farm Disposal of Solid Waste	10
4.	GENERAL AND ADMINISTRATIVE PROVISIONS	10
4.1	Solid Waste Officer	10
4.1.1	Application Review and Recommendation	10
4.1.2	Inspection	11
4.1.3	Investigation	11
4.1.4	Enforcement Actions	11
4.1.5	Studies	11
4.1.6	Liaison	11
4.2	Noncomforming Sites and Facilities	11

4.3	Enforcement	11
4.3.1	Violation a Misdemeanor	11
4.3.2	Unlawful Disposal Petty Misdemeanor	11
4.3.3	Citations	12
4.3.3.1	Form of Citations	12
4.3.3.2	Citation	12
4.3.3.3	Issuance	12
4.3.4	Equitable Relief	12
4.3.5	Civil Action	12
4.4	Rules of Construction	12
4.4.1	Indemnification	12
4.4.2	Severability	12
4.4.2.1	Ordinance Provisions	12
4.4.2.2	Sites, Facilities and Operations	13
4.4.3	Ordinance Remedies and Provisions Cumulative	13
4.4.4	No Consent	13
4.4.5	Meanings	13
4.5	Fees and Assessments	13
4.5.1	Billing Procedure	13
4.5.2	Delinquent Account Assessment Lien Procedure	13
4.5.2.1	Statement Requirements	13
4.5.2.2	Notice of Delinquency	14
4.5.2.3	Certification of Delinquent Accounts	14
4.5.2.4	Assessment of Delinquency	15
5.	SERVICE AREAS	15
6.	EFFECTIVE DATE	16

KITTSON COUNTY
SOLID WASTE ORDINANCE

AN ORDINANCE AUTHORIZING, PROVIDING STANDARDS FOR, AND REGULATING SOLID WASTE MANAGEMENT IN KITTSON COUNTY, MINNESOTA; REQUIRING A LICENSE FOR ACTIVITIES RELATING TO SOLID WASTE MANAGEMENT; REQUIRING PERFORMANCE ASSURANCE AND INSURANCE; ADOPTING THE STANDARDS AND REQUIREMENTS ESTABLISHED BY REGULATIONS OF THE MINNESOTA POLLUTION CONTROL AGENCY FOR THE MANAGEMENT OF SOLID WASTE; CONTINUING SOLID WASTE MANAGEMENT SERVICE AREAS IN THE COUNTY; PROVIDING FOR ENFORCEMENT OF AND PENALTIES FOR LACK OF COMPLIANCE WITH SOLID WASTE MANAGEMENT REGULATIONS; AND PROMOTING THE HEALTH, WELFARE AND SAFETY OF THE PUBLIC AND PROTECTING NATURAL RESOURCES PURSUANT TO CHAPTERS 115A, 116 AND 400 OF MINNESOTA STATUTES.

The County Board of Kittson County, Minnesota ordains:

SECTION 1. DEFINITIONS.

Unless the context clearly indicates otherwise, the following words and phrases, when used in this Ordinance, have the meanings given to them in this section. Terms not specifically defined shall be construed according to the context and professional usage.

1.1 "Acceptable Waste" - Solid waste which is acceptable at a solid waste facility. Acceptable waste includes garbage, refuse, and other 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 amounts of hazardous waste that is regulated by law is acceptable at a solid waste facility.

1.2 "Agency" - Minnesota Pollution Control Agency.

1.3 "Board" - Kittson County Board of Commissioners.

1.4 "Composting" - The controlled microbial degradation of organic solid waste to yield a humus-like product.

1.5 "Compost Pile" - The aggregation of organic solid waste for purposes of composting.

1.6 "Collection" - The aggregation of solid waste from the place at which it is generated, including all activities up to the time the solid waste is delivered to a solid waste facility.

1.7 "Commercial Hauler" - Any person who operates a vehicle or vehicles for a fee, for hire or as part of a commercial transaction for the purpose of collection and transportation of solid waste. The term commercial hauler includes municipal, governmental and political subdivisions which operate a vehicle or vehicles for the purpose of collection and transportation of solid waste not generated solely on property of same.

1.8 "County" - The County of Kittson, State of Minnesota.

1.9 "Cover Material" - Earth material that is free of putrescible materials and can be compacted to provide a seal over waste materials to inhibit blowing of debris and to reduce the potential for leachate generation.

1.10 "Demolition Landfill" - A land disposal site at which the disposal of demolition waste occurs in a manner approved by the Agency.

1.11 "Demolition Waste" - Solid waste which consists of concrete, asphalt chunks, bricks, blocks, structural metal, lumber, wall board, wall plaster and wood from demolished buildings, and other inert waste materials as may be designated by the Solid Waste Officer as demolition waste.

1.12 "Disposal" - The discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid 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 waters, including ground waters.

1.13 "Garbage" - All discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.

1.14 "Hazardous Waste" - Any refuse, sludge, or other waste material or combination of refuse, sludge, or other waste materials in solid, semi-solid, liquid, or contained gaseous form which because of its quantity, concentration, or chemical, physical or infectious characteristics may: (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness, or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. Categories of hazardous waste materials include, but are not limited to, explosives, flammables, oxidizers, poisons, irritants and corrosives. Hazardous waste includes all materials designated as hazardous and regulated by State or Federal laws and regulations.

1.15 "Land Disposal Facility" - Any tract or parcel of land, including any constructed facility, at which solid waste is disposed of in or on the land.

1.16 "Licensee" - A person who has been given authority by the Board to carry out any of the activities for which a license is required under the provisions of this ordinance.

1.17 "Misdemeanor" - As defined by Minnesota Statutes as amended.

1.18 "Nuisance" - A condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort, or repose of members of

the public.

1.19 "Open Dump" - A land disposal site at which the disposal of solid waste occurs in a manner that the solid waste is susceptible to open burning and is exposed to the elements, flies, rodents or scavengers.

1.20 "Person" - Any individual, corporation, partnership, joint venture, association, trust, unincorporated association, municipality, governmental or political subdivision, other public agency, or any other legal entity except the County, the Agency, and the Minnesota Office of Waste Management.

1.21 "Polystyrene" - A light, resilient thermoplastic polymer commonly used in disposable food and beverage containers.

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

1.23 "Putrescent Material" - Solid waste which is becoming rotten or which is in a state of decay or decomposition.

1.24 "Recycling" and "Resource Recovery" - The reclamation for sale or reuse of materials, substances, energy, or other products contained within or derived from solid waste, including, but not limited to, active junkyards and salvage yards.

1.25 "Service Area" - A solid waste management service area established by the Board pursuant to Minnesota Statutes, Section 400.08, Subd. 2, as amended.

1.26 "Solid Waste" - 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. Solid waste does not include any of the following: Auto-bodies; major appliances; tires; street sweepings; boulders; rock; trees; yard wastes; agricultural wastes; sewage sludge; solid or dissolved material in domestic sewage or other 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 Acts, as amended; dissolved materials in irrigation return flows; source specific nuclear or bi-product material as defined by the Atomic Energy Act of 1954, as amended; or any other materials collected, processed and disposed of as separate waste streams.

1.27 "Special Solid Waste" - Waste materials having potential for

harm to ground water supplies and public health, which are not otherwise classified as hazardous waste.

1.28 "Solid Waste Facility" - All property used for the handling, processing or disposal of solid waste, except property used solely for the collection and transportation of solid waste, such as vehicles and containers. A solid waste facility includes, but is not limited to, transfer stations, processing facilities, incinerators, land disposal sites, demolition landfills, and disposal sites and facilities but does not include compost sites.

1.29 "Solid Waste Management Plan" - The Plan, adopted by the County, pursuant to Minnesota Statutes, Chapter 115A, as amended, providing for the management of solid waste generated within the County.

1.30 "Solid Waste Management Services" - Activities intended to affect or control the generation of solid waste, and activities which provide for or control the collection, processing, and disposal of solid waste. Solid waste management services include, but are not limited to, any of the following: (1) collection or transportation of solid waste; (2) construction or operation of a solid waste disposal facility; (3) construction or operation of a demolition landfill; (4) construction or operation of an incinerator; (5) construction or operation of a transfer station; (6) construction or operation of a waste processing facility; (7) waste tire storage, collection or processing; (8) installation, establishment or operation of a compost pile other than composting conducted at a backyard compost site; (9) demolition and transportation of asbestos materials from a single source at a County solid waste facility. Solid waste management services do not include: (a) the nuisance-free storage, disposal and/or composting of solid waste generated from only a single family or household upon property owned, occupied or leased by a member of the family or household; (b) the nuisance-free storage, collection, and removal of solid waste generated by a person upon property owned, occupied, or leased by that person; (c) the establishment, operation and maintenance of an incinerator for the disposal of other than toxic or hazardous waste with a capacity less than 500 pounds per hour; (d) the storage, collection and processing of not more than 500 waste tires at a time by a retail tire seller upon his retail selling site; (e) storage and the collection and processing of not more than 3,000 waste tires at a time by an owner or operator of a tire retreading business upon his business premises; (f) the storage, collection and processing of not more than 50 waste tires at a time by an owner or operator of a business (includes farm) who, in the ordinary course of business, removes tires from motor vehicles provided such storage, collection and processing occurs on his premises; and (g) the storage, collection and processing of waste tires by a person using waste tires for legitimate agricultural purposes if the waste tires are kept on the site of use.

1.31 "Solid Waste Officer" - The person, persons or department appointed by the Board to carry out and enforce the provisions of this ordinance.

1.32 "Tire" - A pneumatic tire or solid tire for vehicles as defined in Minnesota Statutes Chapter 169, as amended.

1.33 "Transfer Station" - An intermediate solid waste facility at which solid waste is temporarily deposited to await transportation to another solid waste facility.

1.34 "Unacceptable Waste" - Solid waste which is not acceptable at a solid waste facility. Unacceptable waste includes waste which would pose a threat to health or safety, or which may cause damage to or materially adversely affect the operation of a solid waste facility including, but not limited to, explosives; pathological waste; commercial or industrial waste that has not been approved for disposal in an accepted Commercial/Industrial Solid Waste Plan; community hazardous waste; radioactive materials; oil sludges; cesspool, domestic sewage or other sewage sludge; human or animal remains; waste in a liquid state; hazardous refuse of any kind; used crank case oils; cutting oils; paints; poisons; lead-acid, mercuric oxide, silver oxide, nickel cadmium or any rechargeable batteries; white goods; and any other materials which the Solid Waste Officer may determine to be harmful, of a toxic or dangerous nature or unsuitable for processing and disposal at a solid waste facility.

1.35 "Waste Tire" - A tire that is no longer suitable for its original intended purpose because of wear, deterioration, damage, or defect.

1.36 "Major Appliances" - larger household appliances including but not limited to clothes washers and dryers, dishwashers, hotwater heaters, residential furnaces, garbage disposals, trash compactors, conventional and microwave ovens, ranges and stoves, air conditioners, dehumidifiers, refrigerators and freezers.

1.37 "Trees, agricultural and yard waste" - All plant-based organic matter resulting from collection of waste from yards, gardens farms and such.

SECTION 2. LICENSE REQUIRED.

A person must have a license or temporary permit from the County to engage in solid waste management services or to cause, permit or allow any property under that person's control to be used for solid waste management services. Fees collected for solid waste management services shall be based upon volume or weight of materials handled and a schedule shall be filed with the County Auditor by the service provider.

2.1 License/permit fees. Approval of an application to the County Board for a license/permit for a solid waste management service provider shall be contingent upon the payment to the County of a fee in the amount specified below. Such fees shall be based upon the cost to the county of processing the applications and administering and enforcing this ordinance with respect to said license or permit. The fees

prescribed shall be paid by an applicant with respect to each service provided. Nonpayment of an annual fee shall be grounds for denial of license renewal. Fees shall be paid to the County Treasurer prior to issuance of licenses. The schedule of license and permit fees (annual fees designated) shall be as follows:

<u>Type of License/Permit</u>	<u>Fee</u>
Solid waste collection and transportation (annual)	<u>\$25.00</u>
Intermediate solid waste disposal facility (annual)	<u>\$25.00</u>
Sanitary landfill (annual)	<u>\$25.00</u>
Incinerator (over 500 lbs./hr; annual)	<u>\$25.00</u>
Other solid waste facility (annual)	<u>\$25.00</u>
RDF Facility (annual)	<u>\$25.00</u>
Co-Composting Facility (annual)	<u>\$25.00</u>
Permanent Demolition Landfill (annual)	<u>\$25.00</u>
Recycling & Processing Facility (annual)	<u>\$25.00</u>
Temporary Demolition Permit (State Permit by Rule involving over 25 cubic yds)	<u>\$97.00</u>
Contaminated Soil Disposal Permit	<u>\$97.00</u>

SECTION 3. SOLID WASTE REGULATIONS.

All persons shall comply with the regulations set forth below. The Board may by resolution adopt additional regulations consistent with the intent of this ordinance. Licensees/Permitees shall comply with the regulations set forth in or adopted pursuant to this section during the entire period for which the license or permit is issued. Failure to comply shall be grounds for revocation by the Solid Waste Officer; subject to appeal to the County Board on written request delivered to the County Auditor within 30 days of receipt of notice of revocation.

3.1 Regulations Primarily Relating To Activities For Which a License Or Temporary Permit Is Required.

3.1.1 Collection and Transportation

3.1.1.1 State Rule Adopted. The collection and transportation of solid waste by commercial haulers shall be performed

in accordance with Minnesota Rule 7035.0800, as amended, which is hereby adopted by reference as a part of this ordinance.

3.1.1.2 Equipment Requirements. All vehicles used by a licensee for the collection and transportation of solid waste shall be easily cleanable, leakproof, and covered with plastic, metal, canvas, or fishnet type material to prevent their contents from escaping.

3.1.1.3 Maintenance. The licensee shall maintain all vehicles used for the collection and transportation of solid waste in a safe and sanitary manner, and shall provide brooms and shovels on each vehicle for the purpose of cleaning spilled material. (All trucks shall meet the safety requirements of MN DOT and be certified as required by the Minnesota Truck Safety Division.)

3.1.1.4 Labeling. The licensee shall display a permit decal provided by the County on each vehicle used for the collection and transportation of solid waste. In addition, the licensee shall display the capacity of each vehicle, and the name, address, and telephone number of the collector on each side of the vehicle. Letters and numbers shall be at least three (3) inches high.

3.1.1.5 Storage in Vehicles. The licensee shall not allow solid waste to remain or be stored in any collection or transportation vehicle in excess of twenty-four (24) hours, except in the event of an emergency such as inclement weather, equipment breakdown or accident.

3.1.1.6 Protecting Private Property. The licensee shall take reasonable care to protect the property of customers being served. The licensee shall be responsible for any damage or spillage of solid waste as a result of his actions or those of his employees or agents.

3.1.1.7 Smoking, Smoldering or Burning Waste. The licensee shall not collect and transport solid waste materials that are smoking, smoldering or burning.

3.1.1.8 Emergency Dumping. The licensee 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 Solid Waste Officer and the appropriate law enforcement agency of such dumping and clean the area within the time limit set by the Solid Waste Officer.

3.1.1.9 Licensing Procedure. The County Board shall issue licenses for the collecting and hauling of solid waste for hire, upon compliance with the following requirements:

a. Filing of an application for solid waste collection and transportation license upon a form provided by the County Board.

b. Submission of specifications of all vehicles to be used for solid waste collection and transportation. Such vehicles shall be in conformance with requirements of this Ordinance and shall be subject to approval and periodic inspection by the Solid Waste Officer.

c. Submission of a description of the route and schedule 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.

3.1.1.10 County Contracts. If not otherwise provided for by another political subdivision, the County may contract with commercial haulers for the provision of collection and transportation services within any service area in the county. Effective January 1, 1993, any contract shall stipulate volume-based fees for collection and transportation.

3.1.2 Demolition Landfills. Disposal of demolition materials within the County shall be in accordance with established Minnesota laws and regulations. A county permit is required for permit-by-rule (state) sites involving disposal of more than 25 cubic yards of demolition materials. Application for the permit shall include a description of the site and shall be approved by all persons having any interest in the affected real estate. Within 30 days after site closure is completed, a notice in recordable form describing the nature of the buried materials and the actual area of the disposal site, shall be completed and certified under oath by the permittee and submitted for approval to the Solid Waste Officer. Upon approval, the Solid Waste Officer shall record the notice in the office of the Kittson County Recorder to be included in the tract index for the affected property.

3.1.3 Contaminated Soil disposal. Disposal of contaminated soils within the County shall be in accordance with established Minnesota laws and regulations and shall require a Permit issued by the Solid Waste Officer. Application for the permit shall include a description of the lands upon which the soils are to be spread and shall be approved by all persons having any interest in the affected real estate. Within 10 days after disposal is completed, a notice in recordable form describing the nature of the soil contaminants and the actual area on which contaminated soils were spread, shall be completed and certified under oath by the permittee and submitted for approval to the Solid Waste Officer. Upon approval, the Solid Waste Officer shall record the notice in the office of the Kittson County Recorder to be included in the tract index for the affected property.

3.2 Regulations Primarily Of Interest To The Public.

3.2.1 Storage.

3.2.1.1 State Rule Adopted. Solid waste shall be stored in accordance with Minnesota Rule 7035.0700 and 7035.2855, as amended. Minnesota Statute 609.68, as amended, is hereby adopted by

reference as a part of the ordinance. Violations of this section shall be charged, enforced, and prosecuted according to the provisions of this ordinance.

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

3.2.1.3 Putrescent Material and Garbage. Putrescent material, including, but not limited to, garbage, shall be stored in: (a) durable, rust-resistant, nonabsorbent, 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 approved by the County. The size and allowable weight of the containers may be determined by the County.

3.2.1.4 Containers. Solid waste shall be stored in durable containers or as otherwise provided in this ordinance. Where putrescible material is stored in combination with nonputrescible material, containers for the storage of the mixture shall meet the requirements for putrescent solid waste containers. 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. Containers that are broken or otherwise fail to meet the requirements of this section shall be replaced with acceptable containers.

3.2.1.5 Oversize Waste. Solid waste objects or materials too large or otherwise unsuitable for storage containers shall be stored in a pollution-free and nuisance-free manner and in compliance with federal and state regulations and the requirements of this ordinance.

3.2.1.6 Time Limit. It is unlawful for any person to store solid waste on public or private property for more than two (2) weeks without the written approval of the County.

3.2.1.7 Recyclables. It is unlawful for any person to store materials which have been separated for the purpose of recycling on public or private property in a manner which creates a nuisance.

3.2.1.8 Open Burning. It is unlawful for any person to burn garbage, tires, or other waste in violation of Minnesota Rules 7005.0700 to 7005.820 as amended.

3.2.1.9 Major Appliances. All major appliances shall be disposed of at a designated County location (Permit-by-Rule) for transfer to a recycling outlet, or deposited with a state approved

recycler of major appliances.

3.2.1.10 Trees, Agricultural and Yard Waste. It is unlawful to place trees, agricultural and yard waste in any solid waste container for collection and transportation to a sanitary landfill or incinerator facility. It must be composted on private property or at a designated facility in a nuisance free manner.

3.2.1.11 Waste Tire Disposal. It is unlawful to dispose of waste tires in or on the land. All waste tires must be disposed of with a waste tire collector as defined by Minnesota Statute 115A.90, Subd.8, as amended, unless otherwise provided herein.

3.2.1.12 Other Restricted Materials. It is unlawful to dispose any other materials not specifically described herein in a manner that is contrary to or prohibited by state, federal or county law.

3.2.1.13 Dumping Prohibited. No person shall cause or permit garbage, trash, refuse, cans, paper, ashes, junk, junk vehicles, yard waste, demolition waste, hazardous waste, tires, white goods or solid waste: (1) To be dumped, thrown, scattered or deposited upon any public or private land within the County except as permitted by this Ordinance and Minnesota State Law; or (2) To be deposited in one or more garbage cans, dumpsters, or other containers for waste containment, processing or removal unless said material is from a source for which the container is designated and authorized to receive such material.

3.2.2 Farm Disposal of Solid Waste. A person who owns or operates land used for farming, which land is not located within a Solid Waste Management Service Area (as defined by the County Board pursuant to Section 5 of this Ordinance), may bury, or burn and bury solid waste (excluding Unacceptable Solid Waste as defined in this Ordinance), generated from the person's household located upon the farm or as part of the person's farming operation, provided disposal is done in a nuisance free, pollution free and aesthetic manner on the land used for farming.

SECTION 4. GENERAL AND ADMINISTRATIVE PROVISIONS.

4.1 Solid Waste Officer. The Board shall appoint a Solid Waste Officer. The Solid Waste Officer has the duties and authority as established by the Board to implement and carry out the provisions of this ordinance, including, but not limited to, the following:

4.1.1 Application Review and Recommendation. Reviewing all license applications, applications for license renewals or transfers or variances, and supporting materials and recommending with supporting documentation to the Board whether a license should be granted, conditionally granted, renewed, revoked, or denied or whether a transfer or variance should be allowed.

4.1.2 Inspection. Inspecting all solid waste management services and solid waste facilities located in the County to determine compliance with this ordinance.

4.1.3 Investigation. Investigating possible violations of this ordinance.

4.1.4 Enforcement Actions. Issuing citations and recommending to the County Attorney the commencement of legal proceedings against any person to compel compliance with the provisions of this ordinance or to terminate, abate or control the provision of solid waste management services not in compliance with this ordinance.

4.1.5 Studies. Encouraging and conducting studies and research relating to solid waste management, including but not limited to methodology, chemical and physical considerations, and engineering.

4.1.6 Liaison. Advising, consulting, and cooperating with the public and other governmental agencies in furtherance of the purposes of this ordinance.

4.2 Nonconforming Sites and Facilities. The siting and operation of any solid waste facility in existence on the effective date of this ordinance shall conform to the provisions of this ordinance no later than one hundred twenty (120) days after the adoption of the ordinance or shall terminate operation no later than that date. The rules, regulations and requirements of the County and the Agency shall govern the termination and abandonment of each nonconforming solid waste facility. The owners and operators of the nonconforming solid waste facility, or any part thereof, shall be responsible for satisfactorily performing required termination and abandonment procedures.

4.3 Enforcement.

4.3.1 Violation a Misdemeanor. When any person performs an act prohibited or declared unlawful, fails to act when such failure is prohibited or declared unlawful, fails to take action when such action is required, or fails to take action to abate the existence of a violation within the specified time period when ordered or notified to do so by the County, that person violates the section, subdivision, paragraph, or provision of this ordinance within which such act or action is prohibited, declared unlawful, or required, and upon conviction thereof, shall be punished for a misdemeanor. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues. All violations of this ordinance shall be prosecuted by the County Attorney.

4.3.2 Unlawful Disposal Petty Misdemeanor. If any waste material is disposed of in Kittson County in a manner that is contrary to this ordinance or otherwise unlawful, the person producing the waste material is guilty of a petty misdemeanor. The person producing the waste material may not be fined under this subsection if another person

is subject to being convicted for unlawful disposal of the same material.

4.3.3 Citations. The County may issue citations for violations of this ordinance.

4.3.3.1 Form of Citations. Citations shall be in a form designated by the County and approved by the County Attorney.

4.3.3.2 Citation. Whenever the County determines that there is probable cause to believe that a violation of this ordinance has been committed by any person, a citation may be issued to the person alleged to have committed the violation.

4.3.3.3 Issuance. The citation shall be issued to the person to be charged with the violation, or in the case of a corporation or municipality, to any officer or agent expressly or impliedly authorized to accept such issuance.

4.3.4 Equitable Relief. In the event of a violation or a threat of violation of this ordinance, the County Attorney may take appropriate action to enforce this ordinance, including application for injunctive relief, action to compel performance or other appropriate action in court, if necessary, to prevent, restrain, correct or abate such violations or threatened violations.

4.3.5 Civil Action. If a person fails to comply with the provisions of this ordinance, the County may recover costs incurred for corrective action, including reasonable attorney's fees, in a civil action in any court of competent jurisdiction.

4.4 Rules of Construction. In construing this ordinance, the following rules of construction are to govern, unless their observance would be inconsistent with the obvious intent of the County, or contrary to the context of the ordinance.

4.4.1 Indemnification. This ordinance shall not be construed to hold the County or any officer or employee of the County, responsible for any damage to persons or property by reason of inspections or re-inspections authorized by the provisions of this ordinance, 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 refuse or in connection with any other official duties.

4.4.2 Severability. It is hereby declared to be the intention of the Board that the provisions of this ordinance be severable as follows:

4.4.2.1 Ordinance Provisions. If any court of competent jurisdiction shall adjudge any provisions of this ordinance to be invalid, such judgment shall not affect any other provisions of the ordinance not specifically included in said judgment.

4.4.2.2 Sites, Facilities and Operations. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular structure, site, facility or operation, such judgment shall not affect the application of said provision to any other structure, site, facility, or operation not specifically included in said judgment.

4.4.3 Ordinance Remedies and Provisions Cumulative. Each right or remedy conferred on or reserved to the County under this ordinance is cumulative in and in addition to every other right or remedy provided for in this ordinance. The provisions in this ordinance are in addition to all other laws and ordinances passed, or which may be passed hereafter, covering any subject matter in this ordinance.

4.4.4 No Consent. Nothing contained in this ordinance shall be deemed to consent to, license, or permit any person to locate, construct, or maintain a site, solid waste facility, or operation, or to carry on any solid waste management services or activities.

4.4.5 Meanings. Words of male gender shall include the female and neuter, the singular shall include the plural and the plural shall include the singular.

4.5 Fees and Assessments. Pursuant to and in the manner provided by Minnesota Statutes Section 400.08, as amended, the owners, lessees, or occupants of property, or any or all of them, shall be liable to pay an assessment for solid waste management services to their property or properties. The rates and charges to be billed and collected hereunder as an assessment shall be set by the County Board of Commissioners from time to time.

4.5.1 Billing procedure. Owners, lessees and occupants of property shall be billed for solid waste management services on a monthly or quarterly basis. The Service Provider, County Auditor or City Clerk and the Solid Waste Officer shall by agreement adopt procedures for collection of such charges. A schedule of all fees to be collected for solid waste management services, shall be posted with the County Auditor by each service provider.

4.5.2 One year or less delinquent account assessment lien procedure.

4.5.2.1 Statement requirements. Regular periodic statements, for which a billing agency wishes to use the assessment lien procedures of the Kittson County Solid Waste Ordinance should:

- a.) Be sent to the occupant and, if different, to the owner of the real property benefited by the solid waste management services. (Note that "owners" includes both contract for deed vendors and purchasers). If a landowner is different from the occupant and does not wish to receive periodic statements he should waive this in writing to the billing agency.

- b.) Place the following wording on each monthly statement:
"Delinquent amounts are subject to being assessed as a lien against the real property benefiting from these services."

4.5.2.2 Notice of Delinquency. For all accounts having delinquent amounts not more than one year old at the time of the last mailing of billing statements prior to July of the year in which an assessment lien is sought, the billing agency shall in addition send out an attached Notice of Delinquency to each occupant of the premises as well as all owners (even if they've previously waived billing notices). The Notice of Delinquency should state in effect:

TO: Name(s)
Address(s)

NOTICE OF DELINQUENCY AND INTENTION TO ASSESS

You are hereby notified that the attached statement of charges for solid-waste collection services is delinquent in the amount of \$_____.

If this amount is not paid or if other arrangements are not made with (name of billing agency at address or phone number) on or before September 1, _____, (name of billing agency) will certify this amount to the Kittson County Board as being delinquent and request that the delinquent amount be assessed against the real property described as follows:

(real property description)

located in Kittson County, Minnesota, which has benefited from these services.

4.5.2.3 Certification of Delinquent Accounts. After September 1st and before October 1st following mailing of the Notice of Delinquency and Intention to Assess, the billing agent shall prepare a sworn certification of delinquent accounts as follows:

CERTIFICATION OF DELINQUENT ACCOUNTS:

STATE OF MINNESOTA)
) §§
COUNTY OF)

I, (name), the undersigned representative of (billing agency), certify under oath that all Notices of Delinquency hereto attached were mailed to each occupant/landowner listed thereon and that the amounts listed in each Notice of Delinquency are valid and remain owing except for:

(statement of exceptions)

I make this certification in support of having the certified delinquencies assessed against the respective benefited real property described in each notice of delinquency;

Subscribed and sworn to
before me this _____ day of
_____, 19__.

_____ for (billing agency)

Notary Public

and submit the certification along with a copy of all unsatisfied Notices of Delinquency to the Kittson County Auditor, Kittson County Courthouse, Hallock, MN 56728. The certification shall contain a statement of exceptions clearly showing any and all portions of noticed delinquencies which have been paid prior to certification so that the amount remaining owing and subject to assessment may be readily determined.

4.5.2.4 Assessment of delinquency. It shall be the duty of the County Auditor, upon order of the County Board, to extend the assessment for properly certified delinquent solid waste management service charges with interest not to exceed 6% upon the tax rolls of the county for the taxes in the year in which the assessment is final. For each year ending October 15th the assessment with interest shall be carried into the tax becoming due and payable in January of the following year, and shall be enforced and collected in the manner provided for the enforcement and collection of real property taxes in accordance with the provisions of the laws of the State. The charges, if not paid, shall become delinquent and be subject to the same penalties at the same rate of interest as the taxes under the General Laws of the State.

SECTION 5. SERVICE AREAS.

The County has, by adoption of this ordinance, established and has determined the boundaries of solid waste management service areas under

Minnesota Statutes, Section 400.08, Subd. 2, to be all municipally incorporated areas within the County. The Board may, by resolution, terminate, re-establish, enlarge, revise, or alter the service area so established by following the procedures specified in Minnesota Statutes, Section 400.08, Subd. 2.

SECTION 6. EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its passage and publication according to law and supersedes any previously existing solid waste ordinance and amendments thereto.

Dated: Aug 18, 1992

COUNTY OF KITTSON

By: Randal Swenson
Chairman, County Board

ATTEST:

By: E. Johnson
County Auditor

