

CASS COUNTY SOLID WASTE ORDINANCE

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SOLID WASTE ORDINANCE

The Solid Waste Management Ordinance for Cass County

An ordinance authorizing and providing for County Solid Waste Management; establishing powers and duties in connection therewith; establishing standards and requirements for solid waste management within the incorporated and unincorporated areas of the County of Cass; requiring licenses and permits for storage, collection, transportation, processing and disposal of solid waste in accordance with the Cass County Solid Waste Management Plan; embodying and supplementing the minimum standards and providing for enforcement of said requirements; imposing penalties for failure to comply with these provisions; requiring certificates of insurance; and promoting the health, safety, and welfare of the public pursuant to Minnesota Statutes, Chapters 115, 115A, 116, 145.22, 145.23, 375, 400, 561.01, and 609.74.

The County Board of Commissioners of Cass County Minnesota, does ordain:

SECTION 1: PURPOSE

The County Board of Commissioners has determined that this regulation should be adopted to:

- 1.01 Protect the public's health, prevent public nuisances, and prevent contamination of ground water and other resources of Cass County from the improper disposal and handling of solid waste.
- 1.02 Assure that all individuals are informed and responsible for their actions regarding solid waste that may affect the environment and the community now and in the future.
- 1.03 Support activities that will promote use and reuse of materials found in solid waste that would otherwise be disposed in ways that would not recapture the useful characteristics of its components.
- 1.04 Augment, supplement and support existing State of Minnesota controls of solid waste.

SECTION 2: DEFINITIONS

When used in this regulation the following terms shall have the meaning given to them.

- 2.01 Agency means the Minnesota Pollution Control Agency, its agent, or representative.
- 2.02 Air Contaminant means the presence in the outdoor atmosphere of any dust, fume, mist, smoke, vapor, gas or other gaseous fluid, or particulate substance differing in composition from or exceeding in concentration the natural components of the atmosphere.
- 2.03 Air Pollution means the presence in the outdoor atmosphere of any air contaminant or combination thereof in such quantity, of such nature and duration, and under such conditions as would be injurious to human health or welfare, to animal or plant life, or to property, or to interfere unreasonably with enjoyment of life or property.
- 2.04 Backyard Compost Site means a site used to compost food scraps, garden wastes, weeds, lawn cuttings, leaves, and prunings from a single family or household, apartment building, or single commercial office, a member of which is the owner, occupant, or lessee of the property.
- 2.05 Brush disposal Facility means a site used exclusively for disposal in or on the land of trees and tree parts including stumps, branches, and their attached leaves. Such disposal may include open burning and burial of the resulting ash and unburned tree parts.
- 2.06 Cannister System means a facility where solid waste is deposited in mechanically serviced containers as an intermediate step of congregating solid waste from several properties for periodic removal of the accumulated waste by commercial hauler.
- 2.07 ~ means actions to prevent or minimize the threat to public health and the environment posed by a facility that no longer accepts the solid waste for which it operated or was permitted, including the removal of contaminated equipment, the removal of liners, grading, applying final cover, seeding of final cover, installation of monitoring devices, construction of ground and surface water diversion structures, and gas control systems as necessary.

- 2.08 Commercial Hauler means any person who owns, operates, or leases vehicles for the purpose of contracting to collect or transport solid waste or source separated materials from residential, commercial or industrial property.
- 2.09 compost Facility means a site used to compost solid waste including all structures used to control drainage, collect and treat leachate, storage areas for the incoming waste, and the final product.
- 2.10 Composting means the controlled microbic degradation of organic waste to yield a humus-like product.
- 2.11 county means any department or representative of Cass County who is authorized by this ordinance or the County Board of Commissioners to represent the County of Cass in the administration and enforcement of this ordinance.
- 2.12 county Board means the elected officers comprising the Cass County Board of Commissioners.
- 2.13 Cover means material that is periodically spread and compacted on the top and side slopes of compacted solid waste to control fire, infiltration, and erosion.
- 2.14 Demolition Debris means 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, and plastic building parts. Demolition debris does not include asbestos debris.
- 2.15 Demolition Debris Landfill means an area of land used for the disposal of demolition debris.
- 2.16 ~ 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 waters, including ground water.
- 2.17 ~ means the illegal placement of any solid waste anywhere other than an approved facility or container.
- 2.18 Dwelling means a residential building or portion thereof intended for human occupancy but not including hotels, motels, boarding or rooming houses.
- 2.19 Y~ means all contiguous land, structures, monitoring devices, and other improvements on the land used for monitoring, treating, storing, or disposing of solid waste, leachate or residuals from solid waste processing.
- 2.20 Floodplain means the areas adjoining a watercourse or water basin which has been or hereafter may be covered by a regional flood.
- 2.21 Q~ means discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.
- 2.22 Ground Water means the supply of freshwater under the surface in an aquifer or soil that forms the natural reservoir for potable water.
- 2.23 Hazardous Waste means any refuse, sludge, or other waste material or combination in solid, semisolid, liquid, or contained gaseous form which because of its quantity or concentration, and 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.

2.24 Household means a single detached dwelling unit or a single unit of a multiple dwelling unit.

2.25 Household Hazardous Waste means waste generated from household activity that exhibits the characteristics of or that is listed as hazardous waste under Agency rules, but does not include waste from commercial activities that is generated, stored, or present in a household.

2.26 Industrial Solid Waste means all solid waste generated from an industrial or manufacturing process or solid waste generated from non-manufacturing activities such as service and commercial establishments. Industrial solid waste does not include office materials, restaurant and food preparation waste, discarded machinery, demolition debris, or household refuse.

2.27 Infectious waste means waste originating from the diagnosis, care, or treatment of a person or animal that has been or may have been exposed to a contagious or infectious disease. Unless materials have been rendered noninfectious by procedures approved by the Minnesota Commissioner of Health, infectious waste includes:

- A. all wastes originating from persons or animals placed in isolation for control and treatment of an infectious disease: B. bandages, dressings, casts, catheters, tubing, and similar disposable items which have been in contact with wounds, burns, anatomical tracts, or surgical incisions and which are suspect of being or have been medically verified as infectious;
- C. all infectious anatomical waste, including human and animal parts or tissues;
- D. infectious sharps or needles;
- E. laboratory and pathology waste of an infectious nature; or
- F. any other waste, as defined by the Minnesota Commissioner of Health, which, because of its infectious nature, requires handling and disposal in a manner prescribed for items A to E.

2.28 Intermediate Solid Waste Disposal Facility means a facility for the preliminary disposal of solid waste including, but not limited to transfer stations, cannister sites, incineration facilities, compost sites, recovery or recycling facilities, reduction facilities and shredding facilities.

2.29 Junk means scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, ferrous material, nonferrous material, inoperable automobiles, farm and construction machinery and parts thereof.

2.30 j-- means an establishment or place of storage and deposit which is maintained, operated, or used for storing, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, at which the waste, vehicle body, or discarded material stored is equal in bulk to five (5) or more motor vehicles.

2.31 Land Disposal Facility means any tract or parcel of land, including any constructed facility, at which solid waste is disposed of in or on the land in a safe and environmentally sound manner.

2.32 Leachate means liquid that has percolated through refuse and may have extracted, dissolved or suspended materials from it.

2.33 /~ means express written permission as granted by the County Board to engage in solid waste management

activities.

- 2.34 Licensee means a person who has been issued a license by the County Board for solid waste management purposes pursuant to this ordinance.
- 2.35 Mixed Municipal Solid Waste means garbage, refuse, and other solid waste from residential, commercial, industrial, and community activities which is generated and collected in aggregate, but does not include auto hulks, street sweepings, ash, construction debris, mining waste, sludges, tree and agricultural waste, tires, lead acid batteries, used oil, white goods and other materials collected, processed, and disposed of as separate waste streams.
- 2.36 Monitoring Point means any installation used to determine the quality or physical characteristics of ground water, surface water, or water in the unsaturated zone.
- 2.37 Municipality means a city, village, borough, county, town, sanitary district, school district, or other governmental subdivision or public corporation, or agency created by the legislature.
- 2.38 ~ means a thing, act, failure to act, or use which: A. annoys, injures or endangers the public health and or safety; and or
B. lowers the aesthetic value of any property or adjoining lands.
- 2.39 Open burning means burning any matter whereby the resultant combustion products are emitted directly to the open atmosphere without passing through an adequate stack, duct, or chimney.
- 2.40 Open Dump means a land disposal site at which solid waste is disposed of in a manner that does not protect the environment,
is susceptible to open burning, and is exposed to the elements, vermin, and scavengers.
- 2.41 operations means any site, facility, or activity relating to solid waste management purposes pursuant to this ordinance.
- 2.42 Operator means the person responsible for the overall operation of a facility.
- 2.43 Owner means the person or persons who own a facility or part of a facility.
- 2.44 ~ means any human being, municipality or other governmental or political subdivision or other public agency, public or private corporation, partnership, firm, association, organization, receiver, trustee, assignee, agent or other legal representative of any of the foregoing, or any other legal entity.
- 2.45 Personnel means all persons who work at or oversee the operation of a solid waste management facility, and whose actions or failure to act may result in noncompliance with the requirements of this ordinance.
- 2.46 Post Closure care means actions taken for the care, maintenance, and monitoring of a facility after closure that will prevent, mitigate, or minimize the threat to public health and the environment posed by the closed facility.
- 2.47 Processing means the treatment of solid waste after collection and before disposal. Processing includes but is not limited to volume reduction, recycling, storage, separation, exchange, resource recovery, chemical, physical, chemical, or biological modifications.
- 2.48 Processing Facility is a building or enclosed space used for the collection and processing of solid waste and may be designated for recyclable materials only.
- 2.49 Putrescible Material means solid waste which is capable of being rotten, or which may reach a foul state of decay

or
decomposition.

- 2.50 Recovered Materials are materials that have been separated from solid waste and that have been processed, modified, or converted to be a raw material.
- 2.51 Recyclable Materials are materials that are separated from mixed municipal solid waste for the purpose of recycling. Refuse derived material or other material that is destroyed by incineration is not a recyclable material.
- 2.52 Recycling Facility means a site used to separate, process, modify, convert, or otherwise prepare solid waste so that component materials may be beneficially used as raw materials.
- 2.53 Refuse means putrescible and non-putrescible solid wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, street sweepings, and market and industrial solid wastes and including municipal treatment wastes that do not contain free moisture.

2.54 Residence means any building or portion thereof used as a dwelling or sleeping area for people.

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2.55 Responsible Party is the owner, operator, or successor in interest of a solid waste facility.

2.56 ~ means non-putrescible solid wastes, including ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, or litter of any kind.

2.57 Sanitary Landfill means a 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 in thin layers, compacting 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.

2.58 Scavenging means all unauthorized removal of waste materials from a solid waste disposal facility or container.

2.59 Screening means the placement of man-made or natural barriers such as a fence, tree line, or berm so as to prevent public view of potentially unsightly or nuisance material such as junked automobiles.

2.60 Self-Generated Solid Waste is that solid waste produced by any person or firm or corporation owning or operating a residence, business, industry or commercial establishment which generates solid waste by its operations.

2.61 Shoreland means land located within the following distances from the ordinary high water elevation of public waters:

A. within one thousand three hundred twenty (1,320) feet of a lake, pond, reservoir, impoundment or flowage; and

B. within three hundred (300) feet of a river or stream or the landward extent of a floodplain designated by ordinance on such a river or stream, whichever is greater.

2.62 ~ means any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial waste water treatment plant, or air contaminant treatment facility, or any other waste having similar characteristics and effects.

2.63 Solid Waste means garbage, refuse, demolition debris, sludge from a water treatment plant or air contaminant treatment facility, and other discarded waste materials and sludges, in solid, semisolid, liquid, or contained gaseous form resulting from industrial, commercial, mining, agricultural operations and community activities. It does not include hazardous waste, animal waste used as fertilizer, earthen fill, boulders, rock, sewage sludge, solids, or dissolved materials in irrigation return flows or other common pollutants in water resources, such as silt. It does not include dissolved or suspended solids in

industrial wastewater effluents or which are point sources subject to permits under Section 402 of the United States Pollution Control Act, as amended. It also does not include source, special nuclear, or by-product materials as defined by the Atomic Energy Act of 1954, as amended.

2.64 Solid Waste Collection means the gathering of solid waste from public or private places.

2.65 Solid Waste Facility means all real or personal property which is or may be needed for the processing or disposal of waste. It includes but is not limited to the storage, collection, transportation, processing and reuse, conversion, or disposal of solid waste in a safe environmentally sound manner.

2.66 Solid Waste Management means activities which provide for or control the collection, transportation, processing, and disposal of solid waste.

2.67 Solid Waste Management Plan means the Solid Waste Management Plan for Cass County Minnesota.

2.68 Solid Waste Storage means the holding of solid waste near the point of generation.

2.69 Solid Waste Transportation means the conveying of solid waste from one place to another, by means of vehicle, rail car, water vessel, conveyor, or other means.

- 2.70 source Separated Materials means materials that are separated from solid waste by the generator and recovered for reuse in their original form or for use in the manufacturing processes.
- 2.71 State means the State of Minnesota.
- 2.72 Tire means a pneumatic tire or solid tire for vehicles.
- 2.73 Tire Collector means a person who owns or operates a site used for storage, collection, or deposit of waste tires.
- 2.74 Tire Dump means an establishment, site, or place of business without a required tire collector or tire processor permit that is maintained, operated, used or allowed to be used for storage, keeping, or depositing of waste tires.
- 2.75 Tire Processing means producing or manufacturing usable materials', including fuel, from waste tires including necessary incidental temporary storage activity.
- 2.76 Transfer Facility means a facility in which solid waste from collection vehicles is concentrated for subsequent transport. A transfer facility may be fixed or mobile.
- 2.77 Waste Tire means a tire that is no longer suitable for its intended purpose because of wear, damage, or defect.
- 2.78 Waste Tire Collection Site means a licensed waste facility used for the storage of waste tires prior to their transport to a waste tire processing facility.
- 2.79 Waste Tire Processing Facility means a licensed waste facility used for the shredding, slicing, producing or manufacturing of usable materials from waste tires, and may include temporary storage activity at the facility. Processing does not include the retreading of waste tires.
- 2.80 Water Pollution means the discharge of any pollutant or contaminant into any waters of Minnesota so as to create a nuisance or render such water unclean, toxic, or impure so as to be injurious to public health, safety or welfare, to domestic, agricultural, commercial, industrial, recreational or other legitimate uses, or to livestock, animals, birds, fish or other aquatic life; or the man-made or man induced alteration of the chemical, physical, biological or radiological integrity of the waters of Minnesota.
- 2.81 Water Table means the surface of the ground water at which the pressure is atmospheric. Generally this is the top of the saturated zone.
- 2.82 Waters of the state means any waters, surface or underground, except those surface waters which are not confined but are spread and diffused over the land and includes all boundary and inland waters.
- 2.83 ~ means a natural marsh where water stands near, at, or above the soil surface during a significant portion of most years, and which is eligible for classification as an inland fresh water wetland type 3, 4, or 5 under the United States Department of the Interior classification.
- 2.84 White Good means an abandoned, discarded, or inoperable refrigerator, freezer, washer, dryer, dishwasher, water heater, trash compactor, air conditioner, oven, range, stove, microwave oven, dehumidifier, residential furnace, or related household appliance.
- 2.85 Yard Waste means garden waste, leaves, lawn cuttings, weeds, and prunings generated at residential and commercial properties.

SECTION 3: GENERAL PROVISIONS AND RESPONSIBILITIES

- 3.01 The Cass County Board, the Director of Environmental Services and the Solid Waste Officer shall be responsible for the administration and enforcement of this ordinance.
- 3.02 Solid Waste Officer: The Solid Waste Officer shall have all necessary authority to implement the provisions of this ordinance including, but not limited to, the following:
- A. to review and consider all license applications for operations within Cass County and to recommend to the County Board whether a license should be granted or denied;
 - B. to inspect solid waste operations and to investigate complaints and violations in order to ensure compliance to this ordinance including recommendation to the County Attorney that legal proceedings be initiated to compel compliance with this ordinance or to terminate or control an operation not in compliance with this ordinance;
 - C. 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;
 - D. to assure implementation and periodic revision of the Cass County Solid Waste Management Plan; and
 - E. to advise, consult, and cooperate with the public and other governmental agencies in the promotion of the purposes of this ordinance.
- 3.03 License Required: No person shall use, cause, permit, or allow land or property under their control to be used for solid waste management purposes except at an operation for which a license has been granted by the Cass County Board. The County of Cass can participate in solid waste management pursuant to this ordinance without having to obtain a license.
- 3.04 Unauthorized Disposal: It shall be a violation of this ordinance for any person to dispose of solid waste within Cass County, including incorporated areas, except at a site or facility authorized and licensed by Cass County except for individual farm household disposal as provided by Minnesota Statute. (Appendix A)
- 3.05 Open Dumps: It shall be a violation of this ordinance for any person to operate an open dump. The owner of any dump in existence at the time this ordinance is enacted shall cease such disposal and remove refuse that may threaten public health and safety to a permitted solid waste facility.
- 3.06 Solid Waste Burning: The burning of solid waste shall be prohibited except as allowed at a permitted solid waste facility. Specific materials and waste classifications may be burned as permitted under the terms and exemptions of the MPCA "Open Burning Restrictions and Permitting Regulations" and the DNR "Burning Permit Regulations". (Appendix B and C)
- 3.07 Scavenging: The scavenging or removal of recoverable or recyclable materials from any facility or container in Cass County without the written consent of the owner or operator shall be prohibited.
- 3.08 Where conditions imposed by any provision of this ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this ordinance, or any other applicable law, ordinance, or rule, that provision which establishes the higher standards for the promotion of the public health, safety, and general welfare shall prevail.
- 3.09 Pursuant to Minnesota Statutes, Chapter 115A.94 the County may mandate that all municipalities and townships participate in solid waste management activities by:
- A. providing the residents of the political subdivision with a solid waste collection alternative; (i.e. contracted collection services, cannister sites, and joint cannister sites and collection services); or
 - B. providing the residents of the political subdivision with a

recycling alternative through drop-off sites or other collection methods.

SECTION 4: SOLID WASTE ASSESSMENT

- 4.01 This section is enacted pursuant to Minnesota Statute 400.08 which grants Cass County the authority to impose reasonable charges for solid waste management and disposal. The purpose of section is to establish a system of collection for such charges.
- 4.02 The charges shall be billed and collected as a fee on the applicable Cass County tax statements as determined by the rate schedule.
- 4.03 The County Board by resolution may establish or revise the rate schedule for solid waste management services. All rates and charges shall be uniform in their application to use and service of the same character and quantity. A copy of the current rate schedule shall be kept on file in the Office of County Auditor. If no new rate schedule for solid waste management is adopted in any year, the rate schedule for the previous year shall remain in effect. In establishing or revising the rate schedule, the County Board may take into account all factors relevant to solid waste management and disposal. Such factors include, but are not limited to the character, kind and quality of service and of solid waste, the method of disposition, the number of people served at each place of collection, and all other factors that enter into the cost of service, including but not limited to depreciation any payment of principal and interest on money borrowed by the county for the acquisition or improvement of facilities.
- 4.04 On or before October 15 of each year, the County Board shall certify to the County Auditor all unpaid outstanding charges and a legal description of the parcel against which the charges are applied. It shall be the duty of the County Auditor, upon order of the County Board, to extend the assessments with interest rate provided for in Minnesota Statutes, upon the tax rolls of the County for taxes of the year in which the assessment is filed. For each year ending October 15, 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 provisions of the laws of the State. The charges, if not paid, shall become delinquent and be subject to the same penalties and the same rate of interest as the taxes under the general laws of the State.
- 4.05 Any property owner who believes that the service charge imposed upon their property is incorrect, may appeal the charge. An appeal form may be obtained from the Solid Waste Officer, and shall be filed within thirty (30) days of the mailing of the service charge statement by Cass County. The Cass County Solid Waste Officer shall within thirty (30) days of receipt of the appeal, review the appeal based on:
- A. classification of parcel in question; and
 - B. assessment placed on parcel in question.

The Solid Waste Officer shall notify the appellant by mail whether an adjustment is due or whether the appeal is denied.

- 4.06 This section is enacted pursuant to Minnesota Statute 400.08 which grants Cass County the authority to establish and determine the boundaries of the solid waste management service areas in the County. The boundaries of Cass County shall constitute the boundaries of the solid waste management service area.

SECTION 5: SOLID WASTE STORAGE AND TRANSFER REQUIREMENTS

- 5.01 Solid Waste Accumulation: Except as otherwise allowed by this ordinance, owners and managers of every property shall be responsible for maintaining all open areas free of improperly stored solid waste accumulation. Except for normal operation on farms, this includes removal of:
- A. animal feces, brush piles, inoperable machines, appliances, fixtures, and equipment of damaged, deteriorated or obsolete condition as to have no substantial value and can be reasonably considered solid waste;
 - B. lumber piles and building materials unless being actively used by a business or construction requiring the use of such

- lumber and materials;
- C. cans, broken glass, broken furniture, boxes, crates, and other debris; and
- D. any other form of mixed municipal solid waste.

Nothing in this subsection shall unreasonably restrict commonly accepted activities of farms and duly established automobile, scrap iron, metal recyclers, or salvage operations that maintain such operations in an orderly and nuisance free manner.

- 5.02 Storage Facilities and Containers Required: Every property shall be supplied with adequate solid waste storage facilities or containers. Such facilities or containers shall be supplied by the owner of the property or by contract with a commercial hauler and shall have the following capacity restrictions per container:
- A. residential - fifty (50) gallons maximum;

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B. commercial - eight (8) cubic yards; and C. industrial - eight (8) cubic yards.

- 5.03 Provided Facilities Required To Be Used: Property owners shall cause occupants and employees to store solid waste for removal in the solid waste storage facilities or containers provided. The property owner 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.

- 5.04 Frequency of Container Service: Every property owner shall cause container contents to be removed and deposited at a permitted disposal facility at a frequency so as to not create a nuisance. Solid wastes suitable and stored for recycling may be contained if stored in an acceptable manner that avoids risk to public safety and otherwise complies with this ordinance.

- 5.05 Storage Construction: All solid waste storage containers shall be constructed of rust and impact resistant materials with covers that deter rodent and insect entry.

- 5.06 Storage Maintenance: Solid waste containers shall be maintained in a nuisance free condition by the owner. When supplied by a property owner or commercial hauler, the containers shall be maintained in good repair.

- 5.07 Transfer of Solid Waste: Solid waste shall not be transferred to another property or solid waste container except with the written consent of the owner.

SECTION 6: SOLID WASTE COLLECTION AND TRANSPORTATION LICENSE REQUIREMENT~

- 6.01 Solid Waste Transportation Vehicle License. Any person, firm, or corporation that transports solid waste or source separated materials via the highways and roads of Cass County under the provisions of this section must annually obtain a Solid Waste Collection and Transportation License for each vehicle used. Applications for such license shall be made upon forms provided by the Solid Waste officer and shall be filed with the appropriate fee with the Solid Waste Officer. Such application to the Solid waste Officer and subsequent annual renewal shall contain the following information:
- A. the name and address of the applicant;
 - B. a description of each vehicle to be used for the collection of solid waste which shall include:
 1. make of truck;
 2. make of compactor; and
 3. capacity of compactor in cubic yards.

- C. the location and address where applicant equipment will be stored;
- D. a current copy of certificate of insurance indicating the proper insurance coverage for the period of the license, including the name of the insurance carrier, its agent, policy number, and effective dates; and
- E. a map of the applicant service area which shall include the

number of residential customers served (seasonal and permanent) and the number of commercial customers served (seasonal and permanent).

6.02 Volume Based Pricing: Licensed haulers and collectors shall

base collection rates to reflect the volume or weight of solid waste generated. Such rates shall be based on a per container unit collected in order to encourage rate equity and reduction of the volume or weight of solid waste disposed.

6.03 Vehicles and containers used for solid waste transportation

shall be constructed, loaded, transported, and unloaded in a safe, sanitary, and nuisance free manner. They shall be cleaned to prevent nuisance, pollution, and insect breeding, and shall be maintained in good repair. The container inspection doors

shall be securely closed except when the vehicle or container is being inspected, cleaned or stored in a clean and empty

condition. In the event of a leak or spill while in transit, the transporter shall notify the Solid Waste Officer and the appropriate law enforcement agency and shall be responsible for the restoration of the leak or spill site.

6.04 No smoking, smoldering, or burning solid waste shall be collected or transported, except in a container designed for such purpose and that has been approved by the Solid Waste Officer.

6.05 Solid waste shall not be allowed to remain or be stored in any collection or transportation vehicle in excess of forty-eight (48) hours, except in the event of an emergency.

6.06 Insurance Requirements: An applicant shall obtain all required

insurance before commencing any commercial operation. All insurance coverage is subject to approval by the Solid Waste Officer and shall be maintained by the licensee for the term of the license period. All insurance shall be on an occurrence basis form only. Insurance coverage shall include the following: A. Workers' Compensation: the licensee shall obtain and

maintain the statutory Worker's Compensation Insurance and Employer's Liability Insurance as required by the State; B. Comprehensive General Liability; the licensee shall obtain

and maintain the following minimum insurance coverage through the license period:

1. Bodily Injury and Property Damage (Combined Limit): five hundred thousand (\$500,000) per occurrence and five hundred thousand (\$500,000) aggregate;
2. Personal Injury: five hundred thousand (\$500,000) per occurrence and five hundred thousand (\$500,000) aggregate; and
3. Comprehensive Vehicle Liability (owned, non-owned, hired)- five hundred thousand (\$500,000) per occurrence and aggregate.

Insurance certificates evidencing that the above insurance is in force in the amounts required shall be submitted to the Solid

Waste Officer for review and shall be retained on file.

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Solid Waste Officer's failure to require or insist upon certificates or other evidence of insurance or the Solid Waste Officer's acceptance of a certificate or other evidence of insurance showing a difference from the specified coverage shall not change the licensee's responsibility to comply with the insurance specifications. The terms used to specify the required insurance coverage are to be interpreted according to the ordinary usage of the insurance industry.

6.07 License Suspension and Revocation: Any license granted by the

County Board under provision of this ordinance may be conditionally suspended or revoked for non-compliance with the provisions of the license, ordinances or applicable Minnesota Statutes and Rules, or upon written notification to the licensee and the County Board by the Solid Waste Officer that the continued operation by the licensee may endanger the health, welfare and safety of the public or that the continued use may cause air pollution, water pollution, or impairment of the environment. In the event of emergency health, safety or welfare danger, the County Board, Environmental Services Department Director, or Solid Waste Officer may conditionally suspend the license immediately pending a hearing before the County Board.

The notice of conditional suspension or revocation shall be deemed served whenever it is delivered upon the licensee personally or by certified mail to the licensed premises with the person in charge thereof. The County Board shall only withdraw the license suspension when the situation in question has been fully corrected. A conditional suspension or revocation suspension shall become final unless within ten (10) days of service the licensee requests a hearing before the Cass County Board. Except as herein provided, a license may be finally suspended or revoked only after the County Board has held a hearing at which the licensee and other interested persons are heard concerning the operation in question.

The date of the hearing for license suspension or revocation shall be set by the County Board and shall not be earlier than ten (10), or later than thirty (30) days after notice of the hearing was mailed or served to the licensee. Evidence may be introduced in a manner consistent with the rules of evidence applied in civil cases. Supplemental information and data may be submitted within ten (10) days of adjournment of the public hearing. A transcript of the hearing shall be made by recording or other suitable technique. If, pursuant to the hearing, the County Board determines that the operation has been conducted in violation of the provisions of the license or the regulations of Cass County or Minnesota, the County Board may revoke the license, or continue the suspension in effect until the licensee has demonstrated that full compliance has been attained and that such compliance will be continued. If the County Board revokes an operator's license, the operator may apply for another license.

6.08 License Renewal: Unless otherwise provided by the County Board, each license granted pursuant to the provisions of this ordinance shall expire on December 31 of each year, unless sooner suspended or revoked pursuant to Section 6.07.

Application for license renewal shall be made by a form provided by the Solid Waste Officer. Applications for renewal shall contain a statement of any changes in the information submitted in the last approved license application. Failure to submit such information shall result in the denial of the license by the County Board. If there are no changes, it shall be stated as such in the application for renewal.

6.09 License Modification: The Board may modify existing licensing requirements due to information indicating that the original license provisions were based on inadequate or erroneous information. Such change in license requirements can only be made after notification to the licensee.

6.10 All solid waste collected and removed from every premises, business, or industry shall be transported to an appropriate facility licensed and designated for that purpose, pursuant to the laws of Minnesota and Cass County.

6.11 Nothing in this ordinance shall prevent a municipality or township from establishing solid waste collection services that are in compliance with the County Solid Waste Plan and the regulations of Minnesota and Cass County. The cost of such services shall be visible as a specific item of any billing or notification method.

SECTION 7: SOLID WASTE FACILITY LICENSE REQUIREMENTS

7.01 Minnesota Rules: Minnesota Pollution Control Agency Rules shall apply in the granting of a license for the facilities listed in Section 7.02 in addition to the provisions provided for in this ordinance. The county Board shall

refuse to issue a license for any operation which does not comply with Agency rules and the County Solid Waste Management Plan as provided for in Minnesota Statutes.

7.02 License Required: Unless otherwise provided by this ordinance, no person shall cause, permit, or allow real or personal property under their control to be used for the following solid waste management operations unless a license for that purpose has been granted by Cass County. Licenses shall be required for the construction and operation of the following:

- A. cannister or transfer facility;
- B. mixed municipal solid waste disposal site;
- C. incinerators;
- D. waste tire processing or collection facilities;
- E. ash and demolition debris landfills;
- F. recycling facilities; and
- G. other activities and facilities required to be licensed by ordinance.

7.03 Application Requirements: Any operation to be used for any method of solid waste management provided for in County ordinances must be licensed by the County Board before operation commences. The license application shall contain three complete sets of plans, specifications and reports prepared by a registered engineer of Minnesota. All maps and plans shall use a scale of not greater than two hundred (200) feet per inch and shall include:

- A. a map and aerial photograph of the area showing land use within one-half (1/2) mile of the proposed site or facility which displays all natural and man-made details and other applicable requirements as determined by the Solid Waste Officer;
- B. a plat plan including a legal description of the site and adjacent area showing dimensions, locations of soil borings, and present and planned features including, but not limited to, roads, fencing, screening, cover stockpiles and monitoring points;
- C. an ultimate land use plan of the site with finished contour lines and elevations;
- D. a report indicating:
 - 1. the geographical areas expected to be served by the facility, current population of the areas, and projected population figures for the period of the expected life of the facility;
 - 2. the anticipated type, quantity and source of material to be disposed of at the site;
 - 3. the type and amount of equipment to be provided at the site for solid waste handling;
 - 4. the area of the site in acres;
 - 5. the name and address of the owner of the site or facility, and the name and address of the individuals responsible for the actual operation and maintenance of the site;
 - 6. the intended operating procedures;
 - 7. the expected schedule of fee charges to be imposed at the the facility; and
 - 8. an estimate of the number of vehicles using the facility each day and the volume of solid waste deposited daily.
- E. a notarized document stating that the applicable local governments have been given at least thirty (30) days of written notification of the pending application for a license;
- F. documentation of the availability of the revenues necessary to operate the facility in accordance with the

applicable statutes, ordinances, and rules; and
G. such additional information and data as may be required by
the Solid Waste Officer.

7.04 License Application Review: After receiving an application for an operation, the County Board shall refer such applications to the Solid Waste Officer who shall submit a recommendation to the County Board whether to issue or deny the license. A public hearing shall be conducted before the County Board prior the issuance of a license for a solid waste management facility. Notice of the time, place and project to be considered shall be given publication in the official newspaper of Cass County at least ten (10) days before the public hearing, written notice shall be sent by certified mail to property owners of record within one-quarter (1/4) mile of the existing or proposed project, or to the ten (10) properties nearest to the project, whichever would provide notification to the greatest number of owners. Written notice shall also be given to the affected board of township supervisors and the municipal council of any municipality within one (1) mile of the existing or proposed project. The applicant and all Other interested parties shall be afforded an opportunity to be heard at the public hearing. Evidence may be introduced in a manner consistent with the rules of evidence applied in civil cases. Supplemental information and data may be submitted within ten (10) days of adjournment of the public hearing. A transcript of the hearing shall be made by recording or other suitable technique. All books, records, files and correspondence of the County Board pertaining to said application shall be available for public inspection. The County Board shall review the testimony and evidence provided and deliver a determination within thirty (30) days of adjournment of the public hearing.

If an applicant is denied a license, the applicant shall be notified in writing of the reasons therefore by the County Board. A denial shall be without prejudice to the applicant's right to file further application after revisions are made in order to satisfy objections specified in the denial.

7.05 Facility Bond: Issuance of any license pursuant to the provisions of this ordinance shall be contingent upon the applicant furnishing a bond to Cass County in the amount to be set by the County Board. The bond shall name Cass County as obligee with sufficient sureties duly licensed and authorized to transact business in Minnesota. The condition of such bond shall be that if the licensee fails to comply with any of the acts required of an operation or ceases to operate, and Cass County is required to expend any funds, or expend any labor or material to restore the operation to a condition in compliance with this ordinance, the bond holder and the sureties on its bond shall reimburse Cass County to remedy failure of the licensee to comply with the terms of the ordinance, and the bond holder and its sureties shall indemnify and hold Cass county harmless from all losses, costs and charges that may occur to the bond holder or its sureties because of any default under the terms of the license to operate in compliance with the terms of Cass County Ordinances and Minnesota Statutes.

7.06 Insurance: Issuance of any license pursuant to the provisions of this ordinance shall also be contingent upon the applicant securing and furnishing certificates of general liability and workers' compensation insurance in the amounts to be set by the County Board and shall include but not be limited to bodily injury, property damage, motor vehicle loading and unloading, completed operations, and explosion.

7.07 License Suspension and Revocation: Any license granted by the County Board under provision of this ordinance may be conditionally suspended or revoked for non-compliance with the provisions of the license, ordinances or applicable Minnesota Statutes and Rules, or upon written notification to the licensee and the County Board by the Solid Waste Officer or by an authorized representative of the Agency that the continued use of the operation may endanger the health, welfare and safety of the public or that the continued use may cause air pollution, water pollution, or impairment of the environment. In the event of emergency health, safety or welfare dangers, the county Board, Environmental Services Department Director, or Solid Waste Officer may conditionally suspend the license immediately pending a hearing before the County Board.

The notice of conditional suspension or revocation shall be deemed served whenever it is delivered upon the licensee personally or by certified mail to the licensed premises with the person in charge thereof. The County Board shall only withdraw the license suspension

when the situation in question has been fully corrected. A conditional suspension or revocation shall become final unless within ten (10) days of service the licensee requests a hearing before the County Board. Except as herein provided, a license may be finally suspended or revoked only after the County Board has held a hearing at which the licensee and other interested persons are heard concerning the operation in question.

The date of the hearing for license suspension or revocation shall be set by the County Board and shall not be earlier than ten (10), or later thirty (30), days after notice of the hearing was mailed or served to the licensee. Evidence may be introduced in a manner consistent with the rules of evidence applied in civil cases. Supplemental information and data may be submitted within ten (10) days of adjournment of the public hearing. A transcript of the hearing shall be made by recording or other suitable technique. If, pursuant to the hearing, the County Board determines that the operation has been conducted in violation of the provisions of the license or the regulations of Cass County or Minnesota, the County Board may revoke the license, or continue the suspension in effect until the licensee has demonstrated that full compliance has been attained and that such compliance will be continued. If the County Board revokes an operator's license, the operator may apply for a another license.

7.08 License Renewal: Unless otherwise provided by the County Board, each license granted pursuant to the provisions of this ordinance shall expire on December 31 of each year, unless sooner revoked pursuant to Section 7.07. Application for license renewal shall be made by a form provided by the Solid Waste Officer. Applications for renewal shall contain a statement of any changes in the information submitted in the last approved license application. Failure to submit such information shall result in the denial of the license by the County Board. If there are no changes, it shall be stated as such in the application for renewal.

7.09 License Modification: The Board may modify existing licensing requirements due to information indicating that the original license provisions were based on inadequate or erroneous information. Such change in license requirements can only be made after notification to the licensee.

7.10 Household Waste Composting: A yard waste compost site for an individual household may be allowed on a land parcel without a license provided the site is properly managed and maintained to prevent any potential nuisance problems. Such a compost site may utilize household food waste, grass clippings, leaves, and brush limbs not to exceed one-half (1/2) inch in diameter.

SECTION 8: SPECIAL WASTES

8.01 It shall be prohibited to dispose of any solid waste classified as special in a landfill facility. Special wastes shall only be disposed of in a manner defined by this ordinance and the laws and rules of Minnesota. Such special wastes include but are not limited to:

- A. motor vehicle batteries;
- B. used oil;
- C. waste tires;
- D. white goods;
- E. junked vehicles and machinery; and
- F. animal carcasses.

8.02 Waste Tires Waste tire collectors and processors shall meet all requirements of Minnesota Laws and Rules administered by the Agency and be in conformity with the Cass County Solid Waste Management Plan and the following conditions:

- A. a tire collector or tire processor with more than one hundred (100) waste tires shall obtain a permit as required in Section 7 unless entitled to an exemption under the criteria set forth in this section. Such exemptions include:
 - 1. a retail tire seller for the retail selling site if no more that five hundred (500) waste tires are stored at the business premises;
 - 2. an owner or operator of a tire retreading business for the business site if no more than three thousand (3,000) waste tires are stored on the business premises; or
 - 3. a permitted landfill operator with less than five thousand (5,000) waste tires stored above ground at the permitted site.
- B. the disposal of waste tires in the land is prohibited, but the storage of unprocessed waste tires at a collection or processing facility shall be permitted;

- C. waste tires shall be stored in a manner which will not create a nuisance, blight, or hazard to public health and safety
- D. no more than ten (10) waste tires may be stored within the boundaries of any residential lot;
- E. no more than one hundred (100) waste tires may be stored on any nonresidential lot except at a permitted solid waste facility;
- F. exceptions to Subsection (D) or (E) 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 other applicable laws or sections of this ordinance;
- G. waste tires within one thousand (1,000) feet of a residence shall be stored or utilized in a manner that prevents water from being retained in the tires; and
- H. waste tires shall not be placed, stored, or permitted to remain in any lake, stream, wetland, sinkhole, gully, waterway, floodplain, or shoreland.

- 8.03 White Goods White goods collectors and processors shall meet requirements of Minnesota Laws and Rules administered by the Agency and be in conformity with the Cass County Solid Waste Management Plan and the following conditions:
- A. a white goods collector or processor with more than ten (10) white goods shall obtain a permit as required in Section 7 of this ordinance;
 - B. a retail appliance seller is not required to obtain a white goods permit unless more than fifty (50) white goods are stored at the retail premises;
 - C. the disposal of white goods in the land is prohibited, but the storage at a collection or processing facility is permitted;
 - D. 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;
 - E. no more than ten (10) white goods may be stored at any nonresidential parcel except at a permitted collection or processing facility; and
 - F. no more than two (2) white goods may be stored within the boundaries of any residential lot.

- 8.04 Junked Vehicles and Machinery Junked vehicle and machinery collectors and processors shall meet all requirements of Minnesota Laws and Rules administered by the Agency and the following conditions:
- A. all collectible vehicles, junked vehicles and machinery shall be stored and screened in an aesthetically pleasing manner which will not create a nuisance, blight, or hazard to the public health and safety; and
 - B. all collectors and processors shall utilize proper methods

to manage oil, coolant, batteries, gasoline, and refrigerant gas from all vehicles stored and/or processed within thirty (30) days of delivery to the storage and or processing site and also maintain records to verify transport and disposal of such materials to the Solid waste Officer upon request.

- 8.05 Animal Carcasses Disposal of animal carcasses shall be in accordance with procedures permitted by the Agency to prevent contamination of the air and waters of the State. The disposal of animal carcasses shall meet the following requirements: A. animal carcasses shall not be buried in soils that have severe limitations for sanitary facilities. Where suitable soil conditions exist, there shall be at least five (5) feet of soil thickness separating the carcass from the ground water table, mottled soils, or bedrock. The carcass shall be covered to a minimum depth of three (3) feet of soil;
- B. whenever more that five thousand (5,000) pounds of animal carcasses will be buried, the owner shall obtain a permit from the Solid Waste Officer. The proposed procedure for disposal shall be reviewed by the Solid

- Waste Officer and carcass and soil testing may be requested prior to issuance of a permit;
- C. carcasses shall be disposed of in a proper manner within seventy-two (72) hours of discovery;
 - D. removal of animal carcasses found on public property shall be the responsibility of the owner of the animals. If no owner is determined, proper disposal shall be the responsibility of the Solid Waste Officer; and
 - E. carcasses may be removed from private property for proper disposal by Cass County when the owner of the animal has not complied with the provisions of this ordinance. All expenses incurred by Cass County of notice, removal, and disposal shall be assessed to the owner.

SECTION 9 DEMOLITION DEBRIS DISPOSAL REQUIREMENTS

- 9.01 permit Required: A permit shall be required for any demolition project that results in the generation of more than fifty (50) cubic yards of demolition debris. All demolition debris shall be disposed of in an approved and permitted demolition debris landfill except as provided for in this section. Information shall be provided on a form provided by the Solid Waste Officer and shall include:
- A. the legal description of the demolition debris generation site;
 - B. the type and amount of demolition debris for disposal; and
 - C. the name and location of the Agency permitted or permit-by-rule demolition debris disposal site.
- 9.02 Disposal of Selected Demolition Waste: Placement of selected demolition waste as fill for a specific land project may be allowed provided that a permit is issued by the Solid Waste Officer. Such disposal shall be inspected and approved by the Solid Waste Officer or Environmental Services Department staff before placement of any final cover and a record of the area

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filled shall be filed by the permittee at the Office of the County Recorder. The permittee shall provide information on a form provided by the Solid Waste Officer and shall include:

- A. the legal description and owner of the property where the demolition debris will be generated;
- B. a site map describing the type and amount of fill, fill depth, site acreage, and the type of land improvement project; and
- C. a schedule describing the commencement, length, and completion of the project.

Such selected demolition waste shall be restricted to concrete, brick, and building rock only. No such material may be placed in a lake, river, stream, or wetland.

- 9.03 Disposal of Demolition Waste Generated On-Site. Demolition waste generated on-site by construction or demolition of structures on an individual property may be buried on site provided that a permit is issued by the Solid Waste Officer. Such disposal shall be inspected and approved by the Solid Waste Officer or Environmental Services Department staff before placement of any final cover and a record of such disposal shall be filed by the permittee at the Office of the County Recorder. The permittee shall provide information on a form provided by the Solid Waste Officer and shall include:
- A. the legal description and owner of the property where the demolition debris will be generated;
 - B. a site map describing the type and amount of fill, fill depth, site acreage; and
 - C. a schedule describing the commencement, length, and completion of the project.

Permits for disposal under Section 9.02 and 9.03 shall be valid for ninety (90) days. Extensions shall be considered by the Solid Waste Officer on an individual basis.

SECTION 10: VARIANCE

- 10.01 Upon written application by the applicant or operator, the Cass County Board may grant a variance from the provisions of this ordinance in order to promote the effective and reasonable application and enforcement of the provisions of this ordinance. If such variance would result in noncompliance with Agency rules, a variance must be obtained with the Agency.
- 10.02 A variance may be granted by the County Board after a public hearing where the County Board determines that the enforcement of this ordinance would cause the applicant undue hardship due to technological impossibility. Such a variance shall not be granted for a period of more than two (2) years, but may be renewed upon application and after a public hearing is conducted. A variance may be revoked prior to expiration by the County Board after a public hearing. An application for a variance may be obtained from the Solid Waste Officer and shall be accompanied by a plan and schedule for achieving compliance with the ordinance. Prior to any public hearing held by the County Board under this provision, persons who may be adversely affected by the granting of the proposed variance shall be given at least ten (10) days notice to said public hearing. Notice of the time, place and the variance to be considered shall be published in the official newspaper of Cass County at least ten (10) days before the public hearing. Written notice shall be sent by certified mail to property owners of record within one-quarter (1/4) mile of the proposed variance, or to the ten (10) properties nearest to the proposed variance, whichever would provide notification to the greatest number of owners. Written notice shall also be given to the affected board of township supervisors and the municipal council of any municipality within two (2) miles of the proposed variance. The applicant and all other interested parties shall be afforded an opportunity to be heard at the public hearing. Evidence may be introduced in a manner consistent with the rules of evidence applied in civil cases. Supplemental information and data may be submitted within ten (10) days of adjournment of the public hearing. A transcript of the public hearing shall be made by recording or other suitable technique. All books, records, files and correspondence of the County Board pertaining to said variance shall be available for public inspection. The County Board shall review testimony and evidence provided in regard to the application and deliver a determination within thirty (30) days of adjournment of the public hearing.

SECTION 11: ENFORCEMENT

- 11.01 Provisions of this ordinance relating to licensing, licensed facilities, and ordinance violations shall be enforced by the Solid Waste Officer and the Cass County Environmental Services Department and associated staff.
- 11.02 Misdemeanor: any person within Cass County who violates this ordinance, or permits a violation to exist on property under their control, or fails to take action to abate the existence of the violation as ordered or notified by Cass County shall be guilty of a misdemeanor. Such misdemeanor shall be punishable by the fine and/or imprisonment guidelines established by resolution assigned in section 13. (Appendix F)
- 11.03 Equitable Relief: in the event a violation exists or there is a threat of violation of this ordinance, the Solid Waste Officer may take appropriate action to enforce this 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.
- 11.04 Citation: the Solid Waste Officer and the Environmental Services Department staff may issue citations for violations of this ordinance. The citation shall be issued to the person charged

with the violation, or in the case of a corporation or municipality, to the supervisor at the site of the violation or any officer or agency expressly implied authorized to accept such issuance. Citations shall contain the following information:

- A. the name and address of the person charged with the violation or the owner or supervisor of the premises at which the violation occurs;
- B. the date, time, and place of the violation;
- C. the section of the Cass County Solid Waste Ordinance violated;
- D. the date and place at which the person receiving the citation shall appear and a notice that if such person does not respond, a warrant may be issued for such person's arrest; and
- E. such information as the court may specify.

11.05 Inspection: all property affected by this ordinance shall be subject to inspection by the Solid Waste Officer and Environmental Services Department staff in accordance with Minnesota Statutes. After presentation of credentials the Solid Waste Officer and Environmental Services Department staff may collect samples for evidence or laboratory examination as deemed necessary for the enforcement of this ordinance. No person shall refuse to permit the County's officers to inspect any premises or interfere with or resist the County's officers in the discharge of their duty to protect the public health and safety.

11.06 Abatement: the Cass County Board, upon recommendation of the Solid Waste Officer, may declare a violation of this ordinance to be a public nuisance and order abatement to be made at County expense. The Solid Waste Officer 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 costs may be certified to the County Auditor as a special assessment against the real property as provided by law.

Each year the County Board shall certify to the County Auditor all unpaid outstanding charges for such abatement and a statement describing the type of abatement and the property where the abatement was provided and against which charges arose. It shall be the duty of the County Auditor, upon order of the County Board, to extend the assessment with interest upon the tax rolls of the County for the taxes of the year in which the assessment is filed. The assessment 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 Minnesota. The charges, if not paid, shall become delinquent and be subject to the same penalties and the same rate of interest as the taxes under the general laws of Minnesota.

SECTION 12: AMENDMENT

12.01 The Cass County Board of Commissioners may amend or revise the ordinance by majority vote in order to reflect changes in technology, statute, rule, or the Cass County Solid waste Management Plan.

SECTION 13: FEE SCHEDULE

13.01 The Cass County Board of Commissioners shall adopt by resolution a schedule for fine guidelines, licenses, transfer charges, disposal charges, and services as established in this ordinance. The Solid Waste Officer shall review the schedules annually and make recommendation to the County Board for revision, if necessary, to reflect changes in expense for solid waste management projects, programs, and administration for Cass County.

SECTION 14: SEVERABILITY

14.01 The provisions of this ordinance are severable. Should any action, paragraph, sentence, clause, phrase, or portion of the ordinance be declared invalid for any reason, the remainder this ordinance shall not be affected.

SECTION 15: ~FFECTIVE DATE

15.01 This ordinance shall be in full force and effect upon adoption and publication pursuant to Minnesota Statute 375.51.

SECTION 16: FINANCIAL ASSURANCE

16.01 The Cass County Board of Commissioners shall be responsible to provide financial assurance as required by Minnesota Statutes Section 116.07 and Minnesota Rules Part 7035.2695 for the Walker/Hackensack Landfill (SW-179) and the Longville/Remer (SW-169).

The Cass County Board of Commissioners, in order to provide such financial assurance shall dedicate a portion of the legal bonding authority of Cass County in order to respond to events or circumstances that might have the potential to harm the citizens or the environment of Cass County and Minnesota.

Funds raised by the sale of bonds shall be used in addition to funds reserved in dedicated accounts, funds dedicated by other financial assurance mechanisms, and funds budgeted by the Cass County Environmental Services Department.

APPENDIX

APPENDIX A: 17.135 FARM DISPOSAL OF SOLID WASTE

A permit is not required from a state agency, except under sections 88.16, 88.17, and 88.22 for a person who owns or operates land used for farming that buries, or burns and buries solid waste generated from the person's household or as part of the person's farming operation if the burying is done in a nuisance free, pollution free, and aesthetic manner on the land used for farming. This exception does not apply if regularly scheduled pickup of solid waste is reasonably available at the person's farm, as determined by resolution of the county board of the county where the person's farm is located.

APPENDIX B: DNR BURNING PERMIT REGULATIONS

Open burning of trees and brush in the Clearing of land, right-of way burning, and agricultural burning is allowed under permit with the following restrictions:

1. The location of burning must not be within six hundred (600) feet an occupied residence, other than those located on the property on which the burning is conducted.
2. The prevailing winds at the time of burning must be away from any municipality, other residential property and public roadways.
3. Oil, rubber, or other similar materials which produce an unreasonable amount of air contaminants or smoke may not be burned.
4. Burning must not be conducted within one (1) mile of any military, commercial, county, municipal or private airport or landing strip.

Open burning permits may be issued for:

1. Trees
2. Brush
3. Branches and logging residue
4. Dry grass, weeds, leaves, and similar vegetation (leaves may not be burned in the Metro Counties)
5. Crop residue
6. Paper, cardboard, and similar dry material generated from homes within a township where no refuse collection service is available.
7. Recreational fires, such as cooking; camp or ceremonial.
(A permit is not required if the fire is less than three (3) feet in diameter, has all combustible material cleared from within five (5) feet, and is attended at all times.).
8. Forest and wildlife management activities recommended by the Department of Natural Resources or other governmental agencies.

Open burning permits may not be issued for the following:

1. Rubber tires, plastics, tar, or asphalt
2. Garbage, dump grounds
3. Automobile bodies and salvage parts
4. Railroad ties
5. Animal wastes
6. Animal carcasses

APPENDIX C: SOLID WASTE ASSESSMENT SCHEDULE

In addition to the requirements established by the Cass County Solid Waste Ordinance, the following Solid Waste Management Assessment rates are

established by the Cass County Board of Commissioners:

A. Residential	-	\$48.00	
B. Seasonal		-	\$32.00
C. Commercial			
1. Small (less than \$100,000)		-	\$80.00
2. Medium (\$100,000 to \$500,000)		-	\$160.00
3. Large (greater than \$500,000)		-	#300.00
D. Commercial/Residential (per unit)		-	\$18.00
E. Public			
1. Small		-	\$20.00
			(township hall, library, etc.)
2. Large			
3. School			
4. Nursing Home			

APPENDIX D: LICENSE FEE SCHEDULE

In Ordinance, the following license

- A. Commercial Hauler
 - 1. 1st Vehicle
 - 2. Additional Vehicles
- B. Recyclers
 - 1. Mobile Collection Unit
 - 2. Processing Facility
- C. Compost Facilities
 - 1. Yard Waste
 - 2. Mixed Municipal
 - 3. Co-Compost
- D. Incineration Facilities
 - 1. Mixed Municipal
 - 2. Infectious Waste
 - 3. Hazardous Waste
- E. Demolition Debris Facilities 1. One time or single use 2. Commercial use
- F. White Goods Facility 1. Collector 2. Processor
- G. Tire Facility 1. Collector 2. Processor
- H. Junked Vehicles and Machinery
 - 1. Collector
 - 2. Processor
- I. Landfill Facility 1. Mixed Municipal 2. Ash 3. Hazardous Waste
- J. Transfer Facility
 - 1. Dumpster (less than 30 c.y.) 2. Commercial

Cass

County Solid Waste

-	\$25.00
-	\$1,000.00

- \$2,500.00
- \$5,000.00
- \$10,000.00
- **\$10,000.00**

- **\$10.00**
- **\$100.00**
-
-
\$100.00 \$250.00

\$500.00 \$1,500.00

- \$50.00
- \$250.00

- \$2,500.00
- \$5,000.00
- **\$10,000.00**

- \$25.00
- \$250.00

\$25.00 \$100.00

\$25.00 \$15.00
\$75.00
\$1.50/student
\$3.00/bed

addition to the requirements established by the fees shall apply.

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APPENDIX E: FINE AND INCARCERATION GUIDELINES SCHEDULE~

In addition to the requirements established by the Cass County solid Waste Ordinance, the following fine guidelines, not to exceed seven hundred dollars (\$700) or ninety (90) days imprisonment, shall be applied for violations of this ordinance:

- A. First Violation - \$50.00
- B. Additional Violations - \$50.00 to \$700.00 and/or 1-90 days incarceration

APPENDIX F: TRANSFER AND DISPOSAL FEE SCHEDULE~

In addition to the requirements established by the Cass County Solid Waste Ordinance, the following transfer and disposal rates are established.

- A. Compacted Solid Waste
 - 1. Cass County (per ton) -\$30.00
 - 2. Out-of-County (per ton) -\$90.00
- B. Uncompacted Solid Waste
 - 1. Bags - **\$4.00**
 - 2. Barrels - \$10.00
 - 3. Appliances (Cass County resident) - no charge
maximum 3 per load
 - 4. Tires (Cass County resident) - no charge
maximum 10 per load
 - 5. Pickup Truck or Trailer - \$40.00

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