

SOLID WASTE DISPOSAL ORDINANCE

(Ordinance Number 4)

POPE COUNTY

ADOPTED BY THE

POPE COUNTY BOARD OF COMMISSIONERS

POPE COUNTY, MINNESOTA

December 7, 1933

ORDINANCE NUMBER 4
SOLID WASTE DISPOSAL ORDINANCE
FOR POPE COUNTY

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An ordinance pursuant to M.S. Chapter 400 establishing standards for and regulating solid waste disposal, and the operation of waste facilities in Pope County, Minnesota; requiring a license for the establishment and operation of a waste facility; requiring a license for the collection and transportation of solid waste; providing for license fees, performance bonds and penalties for lack of compliance with these provisions; promoting the health, welfare, and safety of the public.

The County Board of Pope County, Minnesota, does ordain:

SECTION I - DEFINITIONS. The following words and phrases, when used in this ordinance, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section.

Subsection 1. "Agency" means the Minnesota Pollution Control Agency, its agents or representatives.

Subsection 2. "Collection", when referring to solid waste, means the aggregation of solid waste from the place at which it is generated and includes all activities up to the time the waste is delivered to a waste facility.

Subsection 3. "County Board" is defined as the Pope County Board of Commissioners.

Subsection 4. "Cover Material" is material that is used to cover compacted solid waste in a land disposal site. Important general characteristics of good cover material are low permeability, uniform texture, cohesiveness and compactibility. Suitable cover materials include, but are not limited to, sandy loam, loam, silt loam, sandy clay loam, silty clay loam, sandy clay, and loamy sand.

Subsection 5. "Demolition Landfill" is defined as an area of land used for the disposal of demolition waste without creating nuisances or hazards to the environment, public health and safety, and is opened in compliance with the provisions of this ordinance.

Subsection 6. "Demolition Waste" is defined as material normally found in buildings to be demolished, such as, but not necessarily limited to, bricks, stone facing, concrete, cement blocks, stucco, plaster, wall boards, glass, pipe, wire, metal, plastic, asbestos, shingles and any inert materials as may be approved by the Planning and Zoning Department.

Subsection 7. "Planning and Zoning Department" is defined as the Pope County Planning and Zoning Department. Reference to solid waste officer also means Planning and Zoning Department.

Subsection 8. "Garbage" is defined as discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.

Subsection 9. "Hazardous Wastes" means any refuse or discarded material or combination of refuse or discarded material in solid, semi-solid, liquid or gaseous form which cannot be handled by routine waste management techniques because they pose a substantial present or potential hazard to human health or other living organisms because of their chemical, biological, or physical properties. Categories of hazardous waste materials include but are not limited to: explosives, flammables, oxidizers, poisons, irritants and corrosives.

Subsection 10. "Licensee" is defined as the person who has been given authority by the County Board to establish, operate and maintain a waste facility or a solid waste collection and transportation business.

Subsection 11. "Person" is defined as any entity, individual, partnership, corporation or organization of a private or public nature, and any representative thereof.

Subsection 12. "Processing", when referring to solid waste, means the treatment of solid waste after collection, and includes all activities after the time the waste is delivered to a waste facility. Processing includes but is not limited to disposal, storage, containment, separation, exchange, resource recovery, physical or chemical modification, and transfer from one waste facility to another.

Subsection 13. Putrescible materials is defined as solid waste which is capable of becoming rotten and which may reach a foul state of decay or decomposition.

Subsection 14. "Refuse" is defined as putrescible and nonputrescible solid wastes, except body wastes, and including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, and market and industrial solid wastes.

Subsection 15. "Sanitary Landfill" is defined as a method of disposing of solid waste on land in accordance with a preconceived plan and without creating nuisances or hazards to public health or safety and utilizing the principles of environmental planning and engineering to confine solid waste to the property and smallest practical area, to reduce it to the smallest volume, and to cover it with an adequate layer of earth at the conclusion of each day's operation, or at such more frequent intervals as may be required.

Subsection 16. "Shoreland" is defined as land located with the following distances from the ordinary high water elevation of public waters: (a) land within 1,000 feet from the normal high water mark of a lake, pond, reservoir, impoundment, or flowage; and (b) land within 500 feet of a river or stream or the landward side of flood plain delineated by ordinance on such a river or stream, whichever is greater.

Subsection 17. "Sludge Waste" is defined as inorganic waste in a semi-liquid state, excluding toxic and hazardous waste, but including waste from automobile wash racks and steam cleaning products, ceramic, pottery and glass wastes, muddied water from laundries, and similar non-noxious materials resulting from industrial, commercial, agricultural, and water treatment operations.

Subsection 18. "Solid Waste" means garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded waste materials and sludges, in solid, semi-solid, liquid or contained gaseous form, resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include hazardous waste; animal waste used as fertilizer, earthen fill, boulders, rock; sewage sludge; solid or dissolved material in domestic sewage or other common pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents or discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended; dissolved materials in irrigation return flows; or source material, special nuclear, or by-product material as defined by The Atomic Energy Act of 1954, as amended.

Subsection 19. "Transfer Station" is defined as an intermediate waste facility in which solid waste collected from any source is temporarily deposited to await transportation to the final disposal site or facility.

Subsection 20. "Waste Facility" means all property real or personal including negative and positive easements and water and air rights which is or may be needed or useful for processing of solid waste, except property for the collection of the waste and facilities used primarily for the manufacture of scrap metal or paper. Waste facility includes but is not limited to transfer stations, disposal sites and facilities, and resource recovery sites and facilities.

SECTION II - GENERAL PROVISIONS

Subsection 1. A person shall be in violation of this ordinance if he makes intermediate or final disposal of any solid waste at a facility for which a license has not been issued by the County Board. A person shall be in violation of this ordinance if he allows property or land under his control to be used for intermediate or final disposal of any solid waste unless a license for such purpose has been granted by the County Board. This subsection applicable only to waste disposal within Pope County.

Subsection 2. Any facility to be used for any method of waste processing not otherwise specifically provided for in this ordinance must be licensed by the County Board before operation may commence. The license application shall include two sets of complete plans, specifications, design data, ultimate land use plan if applicable, proposed operating procedures and such other information as may be required by the County Board, all as prepared by a registered professional engineer of Minnesota. The license fee shall be determined by the County Board. The applicant shall procure and provide with the application a proper zoning permit as required by existing applicable zoning ordinances.

Subsection 3. After receiving a fully complete application for the operation of a facility, the County Board shall determine the review procedure for the application. If an applicant is not granted a license, he shall be notified in writing the reasons therefore by the County Board. A denial shall be without prejudice to the applicant's right to an appearance before the County Board or for filing a further application after revisions are made to satisfy objections specified as reasons for the denial.

Subsection 4. Unless otherwise provided by the County Board, issuance of any license pursuant to the provisions of this ordinance shall be contingent upon the applicant furnishing the County a bond in the amount to be set by the Board and naming the County as obligee with sufficient sureties duly licensed and authorized to transact corporate surety business in the State of Minnesota as sureties. The conditions of such bond shall be that if the principal fails to obey any of the requirements or do any of the acts required by this ordinance in the operation of the waste facility, or if, for any reason, ceases to operate or abandons the waste facility, and the County is required to expend any monies or expend any labor or material to restore the facility to the conditions and requirements as provided by the ordinance, the obligor and the sureties on its bond shall reimburse the County for any and all expenses incurred to remedy the failure of the principal to comply with the terms of the ordinance, and the obligor and its sureties will indemnify and save the County harmless from all losses, costs and charges that may occur to the County because of any default of the obligor under the terms of his license to operate and the terms of the County ordinance. The performance bond shall be non-cancellable without the County's written consent. The performance bond shall be for the design lifetime of the facility and an additional ten (10) years following closure.

In addition to the bond to be furnished, the licensee shall furnish to the County certificates of insurance issued by insurers duly licensed within the State of Minnesota covering public liability insurance, including, but not limited to, general liability, motor vehicle liability, loading and unloading operations, bodily injury liability in an amount of at least \$250,000.00 for injury or death of any one person in any one occurrence and bodily injury liability in an amount of at least \$750,000.00 for injuries or death arising out of any one occurrence. Property damage liability shall be furnished in the amount of at least \$500,000.00 for any one occurrence and in the unencumbered aggregate amount of at least \$500,000.00.

Subsection 5. Unless otherwise provided by the County Board, each license granted pursuant to the provisions of this ordinance shall expire on the last day of December of each year unless previously revoked. Applications for license renewal shall be made in writing to the County Board by December 15 of each year. Application 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 grounds for revocation or for not granting renewal of the license by the County Board. If there are no changes, it shall be so stated in the renewal application. If a renewal applicant is not granted a license, said applicant shall be notified in writing of the reason therefore by the County Board.

The license fee, required insurance and appropriate bond shall be submitted to Pope County by December 15 of the renewal license year. Failure to apply for a license renewal by December 15 of each license year shall serve as intent not to renew the license and intent to terminate the facility at the end of the current license year. The Planning and Zoning Department shall mail an annual license renewal notice to all licensees by December 1 of each year.

Subsection 6. Any license obtained under this ordinance may not be transferred without written approval of the County Board. In the case of a transfer of ownership, the licensee shall notify the Planning and Zoning Department sixty (60) days in advance of the date of effective transfer of ownership.

Subsection 7. An individual property owner not located within the corporate limits of any municipality may dispose of solid waste on his own property provided the following conditions are met:

- A) The solid waste is not putrescible material.
- B) The solid waste is generated on the property.
- C) The solid waste is not commercial or industrial generated.

D) The solid waste is generated from no more than one residential unit on the premises.

E) The disposal occurs in a manner that is nuisance free, pollution free and does not occur in a highly visible location.

F) The waste does not include hazardous waste.

G) The property is at least five acres in size.

Subsection 8. Collection and Transportation of Solid Waste.

A) The collection and transportation of solid waste shall be performed in accordance with State rules administered by the Agency.

B) Toxic or hazardous wastes shall be transported in a manner consistent with State rules administered by the Agency.

C) No person may collect or transport solid waste for hire without first obtaining a license from the County Board. The County Board shall not issue a license until the application complies with all of the following requirements:

1) The applicant shall submit a completed application form provided by the County for a solid waste collection and transportation license.

2) The applicant shall submit to the County specifications of all vehicles to be used for solid waste collection and transportation. Such vehicles shall have leak-proof bodies of easily cleanable construction, completely covered with metal, heavy canvas or other suitable covering, and shall be subject to approval and periodic inspection by the Solid Waste Officer.

3) The applicant shall submit a description of the route(s) to be followed by all solid waste collection and transportation vehicles between the area of collection and the solid waste disposal operation.

4) The applicant shall meet all of the applicable requirements for obtaining a license which are specified in this ordinance.

5) The applicant shall be financially and operationally capable, as determined by the County Board, to properly collect, transport, and dispose of all solid waste.

Subsection 9. Solid Waste Storage

A) Solid waste shall be stored in a manner which complies with State rules administered by the Agency.

B) Toxic or hazardous wastes shall be stored in accordance with State rules administered by the Agency.

C) Transfer stations and canister sites may be established and shall meet all requirements listed in this ordinance as well as any additional requirements imposed by the County Board.

D) Solid wastes shall not be stored on public or private property for more than two (2) weeks without the written approval of the Solid Waste Officer. Nonputrescible wastes suitable for recycling shall not be stored on public or private property in a manner which creates a nuisance, blight, or health hazard.

Subsection 10. Termination of Solid Waste Operations

A) All land disposal operations licensed by the County shall be terminated in accordance with State rules administered by the Agency.

B) The license of any operation in A) which has water monitoring wells or lysimeters which are reviewed by the County or the Agency to be sampled shall establish with the County an escrow account no later than one year from the effective date of this ordinance or five years prior to termination of the operation, whichever occurs sooner.

- C) The County shall perform all long-term monitoring required by the County or the Agency following termination or abandonment of all solid waste operations.
- D) The licensee of each solid waste operation shall inform the County Board in writing of a licensee's intent to abandon or terminate the operation. Such notice shall be provided in advance of the abandonment or termination date by the following amounts of time:

Land disposal operation	three years
Transfer station	one year
Incineration facility	three years
Collection/transportation service	one year
All other solid waste operations	one year

Failure of a licensee to comply, for any reason, with the above advance notice shall constitute a failure of the licensee to comply with the terms of this ordinance. The County Board may elect to pay all public and private higher-than-normal solid waste management costs which result from the premature cessation of a solid waste operation. The County may recover these costs through the provisions of Section II, Subsection 4.

SECTION III- SOLID WASTE DISPOSAL BY SANITARY LANDFILL

Subsection 1. It is a violation of this ordinance for any person to dispose of solid waste or to establish or operate or maintain a sanitary landfill without first being licensed to do so by the County Board. The County Board may, at its discretion, issue a license for the operation of a sanitary landfill when the following materials prepared by a registered professional engineer of Minnesota are submitted to the County Board for consideration. The following information shall be submitted as a part of the application.

- A) A statement indicating that the applicant desires to operate either a Type I sanitary landfill or a Type II sanitary landfill, both defined in Subsection 2 of this section. If the applicant desires to establish, operate and maintain a Type II sanitary landfill, the statement shall indicate persons limited to the use thereof.
- B) A current map or aerial photograph of the area showing land use and zoning within $\frac{1}{4}$ mile of the solid waste disposal site. The map or aerial photograph shall be of sufficient scale to show all homes, buildings, lakes, ponds, water courses, wetlands, dry runs, rock outcroppings, roads, and other applicable details and drainage patterns. Wells shall be identified on the map or aerial photograph, U.S.G.S. datum shall be indicated, and a north arrow drawn. A location insert map shall be included.
- C) A plot plan including legal description of the site and immediate adjacent area showing dimensions, location of soil borings present and planned pertinent features including but not limited to roads, fencing and cover stockpiles. The plan of development including any excavation, trenching and fill shall be shown progressively with time. Cross sections shall be included on the plot plan or on separate sheets showing progressively with time the original and proposed elevation of excavation, trenching and fill. The scale of the plot plan should not be greater than 200 feet per inch.
- D) An ultimate land use plan, including intermediate stages, identifying the total and complete land use. The scale of the ultimate land use plan shall not be greater than 200 feet per inch. This land use plan shall describe in detail the post-closure operation, maintenance, and monitoring of the site. The post closure narrative shall also describe in detail a financing plan to assure post closure operation, maintenance and monitoring of the site.
- E) A report shall accompany the plans indicating:
- 1) Population and areas expected to be served by the proposed site.

- 2) Anticipated type, quantity and source of material to be disposed of at the site.
 - 3) Source and characteristics of cover material and method of protecting cover material for winter operation.
 - 4) Type and amount of equipment to be provided at the site for excavating, earthmoving, spreading, compacting, and other needs.
 - 5) Area of site in acres.
 - 6) Owner of site and proposed licensee.
 - 7) Individuals responsible for actual operation and maintenance of the site and intended operating procedures.
 - 8) Demonstration to the County's satisfaction the availability of revenues necessary to operate the facility in accordance with applicable state and local laws, ordinance and rules.
- F) A hydrogeological study is required setting forth the same information as required in Minnesota Pollution Control Agency Rules and Regulations SW 6.

Subsection 2. Each sanitary landfill shall be classified as one of the two following types:

- A) Type I - A Type I sanitary landfill shall be a sanitary landfill which accepts all solid waste offered for disposal which may legally and reasonably be disposed of at the site during the posted hours of operation.
- B) Type II - A Type II sanitary landfill shall be a sanitary landfill which accepts solid waste for disposal from only a specified person.

Subsection 3. License fees which shall be collected each year by Pope County, shall be set by the County Board.

Subsection 4. Any person who authorizes or permits fill and trench areas of any sanitary landfill facility within the shorelands or wetlands of land under his control as owner, leasee, or otherwise shall be in violation of this ordinance.

Subsection 5. The following shall be established, constructed, or provided for at the sanitary landfill facility. Any person who maintains or operates a sanitary landfill facility or permits the use of property for such shall maintain and operate the facility in conformance with the following practices, and shall be in violation of this ordinance if the practices are not followed:

- A) Open burning shall be prohibited.
- B) Solid waste shall not be deposited in such a manner that material or leachings therefrom may cause pollution of underground or surface water. Putrescible wastes shall not be deposited within five feet above the highest known water table at the landfill facility.
- C) Unloading of solid waste shall be confined to as small an area as practicable and surrounded with appropriate facilities to confine possible wind-blown material within the area.
- D) Solid waste shall be compacted as densely as practicable and covered after each day of operation with a compacted layer of at least six (6) inches of suitable cover material.
- E) If refuse cells will be exposed to the elements for a period of 120 days or longer, an intermediate cover totaling at least twelve (12) inches of compacted suitable cover shall be provided and maintained.

- F) There shall be an available supply of suitable cover material which, if necessary, shall be stockpiled and protected for winter operation.
- G) The sanitary landfill shall be constructed and cover material graded so as to promote surface water runoff without excessive erosion.
- H) Surface water discharge shall be diverted around the landfill operating area.
- I) A minimum separation distance of twenty (20) feet shall be maintained between the disposal operation and the adjacent property line.
- J) Control of vectors, such as rodents and flies, and of odors, dust, wind-blown material and other potential public nuisances shall be sufficient to prevent or eliminate any public nuisance. Should the Planning and Zoning Department so prescribe, the licensee, at his own expense, shall engage an exterminator or pest control agent to inspect the landfill on at least a monthly basis. A copy of each inspection report shall be sent to the Planning and Zoning Department immediately upon its receipt by the licensee.
- K) An all weather haul road to the unloading area shall be constructed and maintained. Road specifications and construction shall be inspected and approved by the County Engineer.
- L) Equipment sufficient for spreading, compacting, and cover operations to include sufficient reserve equipment or arrangements to immediately provide for equipment during period of breakdown shall be available.
- M) Scavenging shall not be allowed.
- N) Visual screening of the sanitary landfill facility, as approved by the Planning and Zoning Department, shall be provided by use of natural objects such as trees, plants, seeded soil berms, fences or other suitable means.
- O) An attendant shall be on duty at the facility at all times while it is open for public use. Unloading of refuse shall be continuously supervised at the working face of the landfill.
- P) The facility shall be fenced and a gate shall be provided at the entrance to the facility and kept locked when an attendant is not on duty.
- Q) At each entrance to the facility, the licensee shall direct and maintain a sign stating the name of the facility, the schedule of days and hours the facility is open, prices for use of the facility, and Minnesota Pollution Control Agency permit number. The sign and placement shall be subject to approval by the Planning and Zoning Department.
- R) At the County Board's discretion, a ground water and surface water monitoring system may be required at the licensee's expense.
- S) At the County Board's discretion, a liner and a leachate collection and treatment system, approved by the Planning and Zoning Department and the Agency, shall be used where required to protect underground and surface water.
- T) Decomposition gases shall not be allowed to migrate laterally from the sanitary landfill. They shall be vented into the atmosphere directly through the cover material or into cutoff trenches or into the atmosphere by forced ventilation, or by other means approved by the County Board so that the explosive concentrations are prevented.

... shall not be accepted for deposit in sanitary landfills
except in amounts normal in household waste:

- 1) Liquids
 - 2) Any of the following: digested sewage sludges, lime sludges, grit chamber cleanings, bar screenings, and other sludges unless approved by the Planning and Zoning Department. Approval will be based on consideration of such factors as chemical composition, free moisture content, and workability.
 - 3) In no case will raw sewage, sewage sludge, raw animal manure, or septic tank pumpings be acceptable.
 - 4) Hazardous waste as identified by the Planning and Zoning Department or the Agency.
 - 5) Other substances that may be deemed unacceptable by the Planning and Zoning Department.
- V) The sanitary landfill shall not accept hazardous waste.
- W) Litter control devices such as portable fences shall be provided.
- X) Salvaging shall be allowed only upon conditions approved in writing by the County Board. Animal feeding within the facility is prohibited.
- Y) Putrescible material which has reached a foul state of decay or decomposition such as spoiled food and animal carcasses shall be immediately covered and compacted.
- Z) Disposal of truck and automobile tires shall be accomplished as follows:
- 1) No tire shall be deposited within four feet of any other tire.
 - 2) Each tire shall be covered with at least four feet of solid waste or cover material. This covering shall take place the same day the tire is deposited into the landfill.
- AA) The depth of any lift of solid waste in the landfill shall not exceed eight (8) feet.
- BB) Vehicles such as automobiles and trucks shall not be accepted for disposal.
- CC) Accurate records of facility operations shall be maintained. These records shall contain information pertinent to facility operation. Intake of solid waste in tons or cubic yards shall be recorded daily in the manner acceptable to the Planning and Zoning Department. General areas in which a particular type of solid waste disposal takes place within the landfill shall be recorded. Such records shall be totaled monthly and submitted to the Planning and Zoning Department within twenty (20) days after the monthly recording period. These records shall be available at all times for review and inspection by the Planning and Zoning Department.
- DD) Within one month after termination of a facility or a major part thereof, the area shall be covered with at least two feet of compacted cover material adequately sloped to allow surface water runoff. No holes or depressions which might result in collection of surface water shall remain or exist after such covering.
- EE) The finished surface of the filled areas shall be covered with adequate top soil and seeded with native grasses or other suitable vegetation immediately upon completion or immediately in the spring on areas terminated during winter conditions. If necessary, seeded slopes shall be covered with straw of similar material to prevent erosion.

- FF) Prior to termination of operation of the facility, the Planning and Zoning Department shall be notified in order that an inspection may be conducted before personnel and equipment are removed from the property. The final conditions of the landfill must be approved by the Planning and Zoning Department and the Minnesota Pollution Control Agency before such removal may occur.
- GG) A detailed description and a plat of the completed sanitary landfill facility shall be submitted to Pope County Planning and Zoning Department and recorded with the Office of Pope County Recorder within one month of the final termination of the landfill. This description shall include the general type and location of the deposited solid waste, the type and number of lifts, original and final terrain descriptions and other pertinent characteristics of the completed landfill facility.
- HH) The County may also require installation of communication facilities, sanitation facilities, shelter, first aid and facilities necessary to control dust and fire.

SECTION IV - TRANSFER STATIONS

Subsection 1. It is a violation of this ordinance for any person to establish, operate and maintain a transfer station without first being licensed to do so by the County Board. The County Board may, at its discretion, issue a license for the operation of a transfer station when the following materials prepared by a registered professional engineer of Minnesota are submitted to the County Board for consideration. The following information shall be submitted as a part of the application.

- A) A current map or aerial photograph of the area showing land use and zoning within $\frac{1}{4}$ mile of the solid waste transfer station. A location insert map shall be included.
- B) A plot plan including legal description of the site or facility and immediate adjacent area showing dimensions; present and planned pertinent features including but not limited to roads, buildings, fencing, and other applicable details; and shall indicate the general topography. The scale of the plot plan should not be greater than 200 feet per inch.
- C) A report shall accompany the plans indicating:
- 1) Population and areas expected to be served by the proposed facility.
 - 2) Anticipated type, quantity and source of solid waste to be handled at the transfer station.
 - 3) If requested by the Planning and Zoning Administrator, geological formations and ground water elevations to a depth of at least ten (10) feet below proposed excavation and lowest elevation of the site, including the high water table. Such data shall be obtained by soil borings or other appropriate means.
 - 4) Type and amount of equipment to be provided for operations of the transfer station.
 - 5) Area of site in acres.
 - 6) Owner of the site and proposed licensee.
 - 7) Individuals responsible for actual operations and maintenance of the transfer stations and intended operating procedures.
 - 8) Sanitary landfill or other waste facility where solid waste will be hauled, the owner, hours of operation, and the Pollution Control Agency permit number.
- D) The applicant shall procure and provide with the application a proper zoning permit as required by applicable zoning ordinances.

Subsection 2. Each transfer station shall be classified as one of the two following types:

- A) Type I - A Type I transfer station shall be a transfer station which accepts all solid waste offered for disposal which may legally and reasonably be disposed of at the facility during the posted hours of operation.
- B) Type II - A Type II transfer station shall be a transfer station which accepts solid waste for disposal from only a specified person.

Subsection 3. License fees shall be set and collected by the County Board annually.

Subsection 4. The following shall be established and maintained at the transfer station. Any person who maintains or operates a transfer station or permits the use of property for such, shall maintain and operate the facility in conformance with the following practices, and shall be in violation of this ordinance if the practices are not followed.

- A) The transfer station facility shall be kept locked by utilizing fencing and gates, or by other accepted means when an attendant is not on duty.
- B) Roads on the premises shall be all-weather surfaced. The premises shall be constructed and landscaped in such a manner as to be aesthetically pleasing in appearance.
- C) Equipment sufficient for loading and unloading operations to include sufficient reserve equipment or arrangements to immediately provide for equipment during periods of breakdown.
- D) At each entrance to the site, the licensee shall erect and maintain a sign stating the name of the facility, the schedule of days and hours the facility is open, prices for use of the facility and Minnesota Pollution Control Agency permit number.
- E) At the County Board's discretion, a ground water and surface water monitoring system may be required, at the licensee's expense.
- F) Visual screening of the transfer station facility, as approved by the Planning and Zoning Department, shall be provided by uses of natural objects, trees, plants, seeded soil berms, fences, or other suitable means.
- G) The transfer station shall be so situated, equipped, operated and maintained as to minimize interference with other activities in the area.

Subsection 5. It shall be a violation of this ordinance if a transfer station licensee does not comply with the following regulations:

- A) Solid waste left in the station at the end of the working day shall be confined to the smallest possible area and shall be the first material removed from the station when the operations are resumed. The remaining areas of the station shall be thoroughly cleaned in such a manner whereby the only waste remaining is that which is in the pile to be disposed of.
- B) Solid waste shall not remain in the station longer than 48 hours, and no solid waste shall remain in the station during a day in which the transfer station is not open to the public.
- C) Areas to be open to the public view shall be maintained in a clean and acceptable aesthetic condition at all times. The area where the transfer vehicles are loaded shall be cleaned up on a regular schedule to insure a minimum amount of litter at any time.
- D) Subsequent or ultimate disposal must be at a waste facility for which a permit has been issued by the Minnesota Pollution Control Agency and the appropriate municipal and county governments.

- E) No alterations or additions to the disposal system will be made without the written consent of the Planning and Zoning Department.
- F) The use of the transfer station shall be in accordance with and limited to the disposal of waste described in the plans and/or license application and associated material on file with the Planning and Zoning Department.
- G) Records approved by the Planning and Zoning Department shall be maintained indicating the type and quantity of waste passing through the transfer station. Each month, or as otherwise arranged, the licensee shall submit reports indicating the type and quantity of waste passing through the transfer station to the Planning and Zoning Department.
- H) The transfer station shall be operated at all times in accordance with any applicable rules and regulations or ordinances of the Minnesota Pollution Control Agency and the County of Pope.
- I) Control of vectors, such as rodents and flies, and of fire, odors, dust, wind-blown materials and other potential public nuisances shall be sufficient to prevent or eliminate any public nuisances. Should the Planning and Zoning Department so prescribe, the licensee at his own expense shall engage an exterminator or pest control agent to inspect the transfer station on at least a monthly basis. A copy of each inspection report shall be sent to the Planning and Zoning Department immediately upon its receipt by the licensee.
- J) An attendant shall be on duty at the facility at all times while it is open for public use. Unloading of waste shall be continuously supervised.
- K) When stated in and so required by the license, the licensee shall take away all solid waste, wash, clean and disinfect the station at the end of each day of use, or as otherwise stipulated.

SECTION V - SOLID WASTE DISPOSAL BY DEMOLITION LANDFILL

A demolition landfill shall comply with the provisions of Section III Solid Waste Disposal by Sanitary Landfill. Provisions of Section III may be waived by the County Board if the health, safety, and welfare of the public will not be endangered. A limited permit for a demolition landfill may be issued by the Planning and Zoning Department if the demolition landfill will be completed with final cover within ten (10) consecutive days and will not consist of more than one hundred cubic yards of demolition waste. The Planning and Zoning Department may waive provisions of Section III for a limited permit for a demolition landfill if the health, safety, and welfare of the public will not be endangered.

Disposal of trees and other wood wastes may be carried out in a demolition landfill subject to approval by the County Board or the Planning and Zoning Department.

SECTION VI - INCINERATION AND ENERGY RECOVERY

All incinerators having a capacity greater than 6,000 pounds per hour shall meet the requirements of State rules administered by the Agency. Additionally, the following requirements shall apply to all incinerators of any size which process solid waste from more than a single household.

Subsection 1. No person shall install or operate an incinerator without first obtaining a license from the County Board.

Subsection 2. The applicant shall meet all requirements for obtaining a license as specified in this ordinance. Furthermore, the County Board shall not issue a license until the applicant and facility comply with the following requirements:

- A) All of the same criteria for incinerator construction, operation and maintenance contained in State rules administered by the Agency which presently apply only to incinerators with capacities greater than 6,000 pounds per hour.

- B) Upon completion of the facility and prior to initial operation, the County Solid Waste Officer shall be notified to allow personnel of the County to inspect the facility both prior to and during the performance tests.
- C) The application for a County license shall include, but not be limited to, the following:
- 1) An operating schedule and a schedule of fees to be levied at the incinerator.
 - 2) A notarized affidavit stating that the applicable local governments have been given at least thirty (30) days written notification of the pending application for a license.
 - 3) A certificate from the Zoning Administrator that the use proposed is in accordance with the established County zoning ordinance or other applicable ordinances.
 - 4) Sufficient documentation to enable the County Board to determine whether the applicant is financially and operationally capable to properly process and dispose of all solid waste.
 - 5) All of the same information required for review by the State rules administered by the Agency which presently apply only in incinerators with capacities greater than 6,000 pounds per hour.
 - 6) Such additional data and information as may be required by the Solid Waste Officer.
- D) During normal operation, the facility shall comply with the following requirements:
- 1) Permanent records shall be maintained for County inspection as to the quantity of material incinerated, the total quantity of resulting residue and total hours of plant operation.
 - 2) Any discharge to the air, or to surface or ground waters of the State shall meet all applicable State rules for air and water quality or effluent standards now or hereafter adopted.
 - 3) All unloading and processing of solid wastes at the facility shall be conducted in such a manner as to prevent or eliminate odors and litter outside the facility.

SECTION VII - VARIANCES

Upon written application by the applicant or operator, the Pope County Board of Adjustment may grant variance from the requirements of the regulations and standards prescribed by this ordinance in order to promote the effective and reasonable application and enforcement of the provisions of this ordinance. Variance procedures shall be as established within Pope County Ordinance No. 1.

SECTION VIII - ADDITIONAL REQUIREMENTS

For the purpose of protecting and providing for public health, safety and welfare, the County Board may impose additional requirements consistent with the intent of this ordinance for the operation of waste facilities.

SECTION IX - ENFORCEMENT AND INSPECTION

Subsection 1. Inspection and evaluation of waste facilities shall be made by the Planning and Zoning Department or Agency in such frequency as to insure consistent compliance by the facilities with the provisions of this ordinance. The licensee shall be provided with written and documented notice of any deficiencies, recommendations for their correction and the

Planning and Zoning Department, County Board, Agency, or to authorized representative of any other governmental agency at any time for the purpose of making such inspections as may be necessary to determine compliance with the requirements of this ordinance, or any other applicable statute, ordinance or regulation.

Subsection 2. The County shall have the right to inspect private property to determine if a waste facility is in accordance with the provisions of this ordinance.

Subsection 3. Where the conditions imposed by any provisions of this ordinance are either more restrictive or less restrictive, than comparable conditions imposed by any other provision of this ordinance or any other applicable law, ordinance, rule and regulation, the provision which establishes the higher standards for the promotion and protection of the public health, safety and general welfare shall prevail.

Subsection 4. The Planning and Zoning Department shall be responsible for the administration and enforcement of this ordinance. Its duties shall include, but not limited to the following:

- A) To review and consider all license applications submitted to the County Board for operation of waste facilities within the County, and after consideration, to recommend to the County Board that a license be granted or denied.
- B) To make on-site inspections of waste facilities as herein provided, and to investigate complaints of violations of this ordinance.
- C) To recommend, when necessary, to the County Attorney's Office that legal proceedings be initiated against a certain facility to compel compliance with the provisions of this ordinance or to abate the operations of the same.
- D) To encourage and conduct studies, investigations and research relating to aspects of waste disposal such as methodology, chemical and physical considerations, and engineering.
- E) To advise, consult, and cooperate with other governmental agencies in the furtherance of the purposes of this ordinance.

SECTION X - VIOLATIONS AND PENALTIES

Subsection 1. Misdemeanor: Any person who fails to comply with the provisions of this ordinance may be charged with a misdemeanor and upon conviction thereof shall be punished therefore as provided by law. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

Subsection 2. Equitable Relief: In the event of a violation or a threat of violation of this ordinance, the Pope County Attorney may take appropriate action to enforce this ordinance including application for injunctive relief, action to compel performance or other appropriate action in District Court, if necessary, to prevent, restrain, correct or abate such violations or threatened violations.

Subsection 3. Costs as Special Assessment: If a licensee, owner, or operator of a waste facility fails to comply with the regulations in this ordinance, Pope County may take the necessary steps to correct such violations or terminate the facility and the costs thereof may be recovered in a civil action or may be certified, at the discretion of the County Board, to the Pope County Auditor as a special assessment against real property.

Subsection 4. Suspension of License: Any license issued pursuant to this ordinance may be suspended for not longer than sixty (60) days by the County Board for violation of any provision of this ordinance. Suspension shall not occur earlier than ten (10) calendar days after written notice of suspension has been personally served on the licensee, or, if a hearing is requested, until the written decision of the Board has been served on the licensee by registered mail. Such written notice

facts which support the conclusion that a violation or violations have occurred and a statement that the licensee is entitled to a hearing provided that he request such hearing in writing by serving said request personally on the Board within ten (10) calendar days, exclusive of the day of service. If the licensee fails to request a hearing within the time prescribed, he shall forfeit any right to a public hearing. Following receipt of a request for a hearing, the County Board shall set a hearing date which will be set at a time convenient for the Board. The hearing shall be conducted pursuant to the procedures in Section X, Subsection 6, of this ordinance. If the suspension is upheld and the operator has not demonstrated within the sixty (60) day period that full compliance with the ordinance has been attained and that such compliance will be continued, the County Board may serve Notice of Suspension once again or initiate the revocation procedures in Section X, Subsection 5.

Subsection 5. Revocation of License: Any license issued pursuant to this ordinance may be revoked by the County Board for violation of any provision of this ordinance. Revocation shall not occur earlier than ten (10) calendar days after written Notice of Revocation has been personally served on the licensee, or, if a hearing is requested, until the written decision of the Board has been served on the licensee by registered mail. Such written notice shall contain the effective date of the revocation, the nature of the violation or violations constituting the basis for revocation, the facts which support the conclusions that a violation or violations have occurred, and a statement that the licensee is entitled to a hearing provided that he request such hearing in writing by personally serving said request on the Board within ten (10) calendar days, exclusive of the day of service. If the licensee fails to request a hearing within the time prescribed, he shall forfeit any right to a public hearing. Upon receipt of a written request for a hearing, the County Board shall set a hearing not earlier than ten (10) days and not later than thirty (30) days from the date of receipt of the request. The hearing shall be conducted pursuant to the procedures in Section X, Subsection 6, of this ordinance.

Subsection 6. Hearings: Whenever a hearing is request in regard to an application, renewal, suspension or revocation of a license, the hearing shall be governed by the following procedures:

- A) Hearing Officer: The Pope County Board of Commissioners shall have the power to conduct public hearings pursuant to this section. By resolution, the County Board may appoint a hearing officer to assist the County Board. If the individual conducts hearings on behalf of the County Board, he shall submit to the County Board, in writing, findings of fact, conclusions of law and recommendations, and the County Board may base its decision on this report.
- B) Notice of Decision: The County Board shall notify the applicant or licensee in writing as to its decision within five (5) working days after a decision is reached.
- C) Procedure: All hearings shall be conducted in the following manner:
 - 1) A court reporter shall be present to record the entire proceedings.
 - 2) All testimony shall be sworn under oath.
 - 3) The rules of evidence shall be informal. All relevant evidence, subject to the County Board's or hearing officer's discretion may be reviewed.
 - 4) The County shall present evidence first, including all testimony, exhibits, pictures, experts, and other types of evidence.
 - 5) The applicant or licensee, or his counsel, if represented, may cross-examine all witnesses testifying in the proceedings.
 - 6) The attorney for the County Board may cross-examine all witnesses testifying in the proceedings.
 - 7) At the conclusion of the hearing, the matter may be taken under advisement by the County Board.

- 8) The decision of the County Board shall be based on the evidence presented at the hearing before the County Board or on the Findings of Fact, Conclusions of Law and Recommendations of the hearing officer.
- 9) If the applicant or licensee fails to appear at the hearing, he shall forfeit any right to a public hearing before the County Board or the hearing officer.
- 10) Any applicant or licensee aggrieved by a decision of the County Board shall have the right to appeal to the District Court in the County of Pope on questions of law and fact within 30 days of the date of the decision.

Subsection 7. Removal of Suspension: In the case of a suspension, upon written notification from the licensee that all violations for which the suspension was invoked have been corrected, the Planning and Zoning Department shall reinspect the site or facility within five (5) working days after receipt of the notice for the licensee. If the Planning and Zoning Department finds on such reinspection that the violations constituting the grounds for suspension have been corrected, the Planning and Zoning Department shall immediately terminate the suspension by written notice to the licensee and the County Board.

SECTION XI - SEPARABILITY

It is hereby declared to be the intention of the Board of Commissioners of Pope County that the several provisions of this ordinance are separable in accordance with the following:

Subsection 1. If the court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included in said judgment.

Subsection 2. 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.

SECTION XII - PROVISIONS AND ACCUMULATIVES

The provisions in this ordinance are accumulative and additional limitations upon all other laws and ordinances heretofore passed or which may be passed hereafter, covering any subject matter in this ordinance.

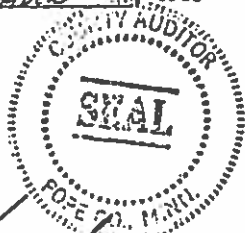
SECTION XIII - NO CONSENT

Nothing contained in this ordinance shall be deemed to be a consent, license, or a permit to locate, construct or maintain a site, facility or operation, or to carry on any activity.

SECTION XIV - EFFECTIVE DATE

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

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF POPE COUNTY THIS 7th DAY OF DECEMBER, 1983



ATTEST:

Bill Payne
County Auditor

Garrett M. Walker
Chairman - Pope
County Board of Commissioners

APPROVED AS TO FORM AND EXECUTION:

County Attorney