

**KANDIYOHI COUNTY
SOLID WASTE ORDINANCE**

(INTEGRATED SOLID WASTE MANAGEMENT)

REDUCE * REUSE * RECYCLE


The County Board of Kandiyohi County ordains that the Kandiyohi County Solid Waste Ordinance shall hereby be amended and restated as follows and the Solid Waste Ordinance as amended and restated shall be in full force and effect upon due passage and publication in the manner provided by law.

Passed and Approved this 18th Day of October, 2016 A.D.

Effective the 24 Day of October, 2016.



Chair, Kandiyohi Board of County Commissioners

ATTEST: 

County Auditor

Published: October 24, 2016.

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KANDIYOHI COUNTY SOLID WASTE ORDINANCE

An ordinance authorizing and providing for County Solid Waste Management, establishing powers and duties in connection therewith, establishing standards for and regulating solid waste management operations within the County of Kandiyohi, requiring a permit for the establishment and use of a solid waste management operation; establishing requirements for certain facilities on a disposal site, for control of special solid wastes; establishing solid waste fee schedules; establishing collection, transportation and disposal of solid waste and/or recyclable materials; embodying minimum standards and requirements established by regulation of the Minnesota Pollution Control Agency; providing for enforcement of said requirements; and imposing penalties for failure to comply with these provisions; in purpose and object to promote the health, welfare, and safety of the public and protect resources of water, air and land pursuant to Minnesota Statutes, Chapters 115, 115A, 116, (repealed) 400, 561.01, 609.671, and 609.74.

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

SECTION I. DEFINITIONS

Unless otherwise specifically defined herein, all words and phrases defined in Minnesota Statutes, Chapter 115, 115A, 115B, 116 and 400 and in the Regulations of the Minnesota Pollution Control Agency shall have the same meanings when used in this ordinance. Terms and abbreviations used herein which are not specifically defined by law shall be construed in accordance with the context and professional usage.

Acceptable Waste: Means materials generally referred to as household or commercial garbage or mixed municipal solid waste” (as such term is defined in Minnesota Statutes, Section 115A.03), and which are not unacceptable waste”.

Agency: Means the Minnesota Pollution Control Agency, its agent, or representative.

Back Yard Compost Site: Means a site used to compost fruit and vegetable peels, garden wastes, weeds, lawn cuttings leaves, and prunings from a single family household or a single commercial office or complex, a member of which is the owner, occupant, or lessee of the property.

Collector (Recycling): “Collector” means any person, organization, or business that collects recyclable materials exceeding the amounts specified below, in any calendar year:

- * 2,000 pounds or more of corrugated, newsprint, or office paper
- * 2,000 pounds or more of glass
- * 2,000 pounds or more of plastic
- * 500 pounds or more of aluminum

Commercial Customer: Means any person who does not qualify as a Residential Customer, and includes all industrial and commercial businesses; home-operated businesses such as day care, beauticians, or craft businesses; residential dwellings with more than four dwelling units; and

such non-residential customers such as churches, nursing homes, nonprofit associations, schools, and the like.

Commercial Hauler: “Commercial Hauler” means any person who owns, operates, or leases vehicles for the purpose of collecting or transporting mixed municipal solid waste and solid waste from residential, commercial, industrial or public property.

Composting: “Composting” means the controlled microbial degradation of organic waste to yield a humus like product.

County: Means any department, representative, or agent of the County who is authorized by this ordinance or otherwise by the County Board to represent the County of Kandiyohi in the enforcement or administration of this ordinance.

County Recycling Facility or Recycling Facility: Means the Kandiyohi County Recycling Center

Demolition Debris Waste: Means solid waste resulting from the demolition of buildings, road, and other man-made structures including concrete, brick, bituminous concrete, wood, masonry, glass, trees, rock, and plastic building parts. Demolition debris waste does not include asbestos wastes.

Demolition Landfill: Means 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 operated in compliance with the provisions of this ordinance.

Facility: Means a Solid Waste Operation owned and/or operated by the County.

Garbage: Means discarded material resulting from the handling, processing, storage, preparation, serving, and the consumption of food.

Generator or Solid Waste Generator: Means any Person that generates Solid Waste.

Hauler-Collected Service Charge: Means the charge imposed by the Kandiyohi County Solid Waste Ordinance, Section XXI, Subd. 4. Hauler-Collected Service Charges are incurred at the location Mixed Municipal Solid Waste or Solid Waste is generated and liability for the Hauler-Collected Service Charge attaches to the real property at the location incurred. Hauler-Collected Service Charges that are collected by Commercial Haulers for remittance to the County are public funds that are the property of Kandiyohi County.

Hauler Services: Means the Mixed Municipal Solid Waste Services provided by a Hauler.

Hazardous Substance: “Hazardous Substance” has the meaning given it in Minnesota Statutes, section 115B.02 subdivision 8.

Household Hazardous Waste: “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.

Incineration: Means the process of burning wastes for the purpose of volume and weight reduction in facilities designed for such use.

Kandiyohi County Sanitary Landfill: Means the Kandiyohi County Sanitary Landfill, its structures, machinery, equipment, improvements and ancillary facilities constructed and located in Kandiyohi County, Minnesota and owned by the County for the receiving and processing of solid waste.

Licensee: Means 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.

Mixed Municipal Solid Waste (MMSW or MSW): has the meaning given it in Minnesota Statutes Section 115A.03.

Mixed Municipal Solid Waste Services: Means collection, transportation, processing, or disposal of Mixed Municipal Solid Waste generated in the County, including but not limited to regularly scheduled service, on-call service, one-time service, rental and other use of equipment such as Solid Waste containers, compactors, compactor boxes, and the like, and any other service that involves or facilitates collection, transportation, processing, or disposal of Solid Waste materials as Mixed Municipal Solid Waste. It does not include the sale of equipment used for the collection, transportation, processing, or disposal of Mixed Municipal Solid Waste. It does not include collection, transportation, or management of Recyclable Materials, Yard Waste, food waste, source separated compostable materials, problem materials, or other waste materials when these materials are segregated by the Generator for the purpose of Recycling or Composting and are delivered to a Recycling facility or Compost facility, or the sale, rental, or other use of equipment necessary to facilitate collection, transportation, or management of these materials.

Open Burning: Means a fire burning in matter, whether concentrated or dispersed, which is not contained within a fully enclosed firebox, structure, or vehicle and from the products of combustion are emitted directly to the open atmosphere without passing through a stack, duct, or chimney.

Operation: Means any site, facility, or activity relating to solid waste management.

Per Parcel Service Charge: Means the per parcel Solid Waste management service charge established by Section XXI, Subd. 3.

Person: Means any individual, business, public or private corporation, partnership, joint venture, association, trust, unincorporated association, or government or any agency or political subdivision thereof including, without limitation, landfill operators, solid waste generators and Commercial Haulers in Kandiyohi County and any receiver, trustee, assignee, agent or other legal representative of any of the foregoing.

Putrescible Material: Means solid waste which is capable of becoming rotten or which may reach a foul state decay or decomposition.

Recyclable Materials: “Recyclable materials” means materials that are separated from mixed municipal solid waste for the purpose of recycling including but not limited to paper, glass, plastics, metals, automobile oil, yard waste, and batteries. Refuse derived fuel or other material that is destroyed by incineration is not a recyclable material. Unacceptable waste; Unacceptable waste” means any hazardous waste, infectious waste, lead acid batteries, waste oil, yard waste, and any other solid waste that is normally collected in a separate waste stream.

Recyclable Materials Processing Facility: Means a facility established and used for the receiving, storage, preparing, and/or processing of recyclable materials for sale or reuse.

Recycling: Means the process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes.

Refuse: Means putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, and market and industrial solid wastes, and including municipal treatment wastes which do not contain free moisture.

Residential Customer: Means any Person who pays for the Solid Waste Collection services for a building with one to four dwelling units. If the building has four or less dwelling units, but also has one or more units not used for dwelling purposes, such as a store or a restaurant, then the customer is considered a Commercial Customer.

Sanitary Landfill: Means a land disposal site employing an engineered 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 to the smallest practical volume, and applying cover material at the end of each operating day, or at intervals as may be required by the Agency.

Self-Hauler: means a Generator who transports their own Solid Waste for management purposes.

Service Area: Has the meaning given in Section XXII.

Service Charge: Means fees or charges imposed by the County for its Operations pursuant to Section XXI of this Ordinance, as authorized by Minnesota Statute Section 400.08.

Solid Waste: Means garbage, refuse, and other discarded solid materials, except animal waste used as fertilizer, including solid waste materials resulting from industrial, commercial, agricultural operations, and community activities, but does not include earthen fill, boulders, rock-and other materials normally handled in construction operations, solids or dissolved or waste-water effluent, dissolved materials, suspended solids in irrigation return flows, or other common water pollutants.

Solid Waste Collection: Means the gathering of solid waste.

Solid Waste Management Plan: Means the Solid Waste Management Plan for Kandiyohi County, Minnesota as amended or replaced from time to time.

Tipping Fee: Means the fee established pursuant to Section XXI, Subd. 2 for disposal of Solid Waste at the Kandiyohi County Sanitary Landfill.

Toxic or Hazardous Wastes: Means substances, whether in liquid, gaseous, or solid form, which when collected, stored, transported or disposed of, may be acutely toxic to humans or other animals, or plant life, or be directly damaging to property including, but no limited to pesticides, acids, caustics, pathological wastes, radioactive materials, flammable or explosive materials, and similar noxious substances.

Uncovered Loads: Means solid waste and/or demolition debris having no cover or protection during collection and transportation.

Yard Waste: “Yard Waste” means the garden waste, leaves, lawn cuttings, weeds, and prunings generated at residential or commercial properties.

SECTION II. ADMINISTRATION

Subd. 1. Solid Waste Officer

The Kandiyohi County Solid Waste Officer of Kandiyohi County shall be appointed by the Kandiyohi County Board of Commissioners.

Subd. 2. Authority

The Solid Waste Officer has been given authority by the Kandiyohi County Board of Commissioners. The Solid Waste Officer shall have the necessary authority to implement and carry out the provisions of this ordinance including, but not limited to, the following:

1. To review and consider all pre-application (Section IV) and supporting materials which are referred to the County for operations within the County, and after such review and consideration, to recommend to the County Board whether the application process should proceed. Said recommendation shall be based upon a determination whether, at least preliminarily, the application conforms to the terms and conditions of this ordinance and applicable other ordinances, Land Use Plan, Solid Waste Plan, Comprehensive Water Management Plan, as well as State and Federal law. Preliminary approval shall not in any way bind the County to issue final approval, nor shall the recommendation be used as a basis to justify or deny final approval. Preliminary approval merely allows the applicant, at their sole discretion and expense without recourse, to decide to proceed with the full and complete application process.
2. To inspect operations to determine compliance and to investigate complaints about violations of this ordinance.
3. To recommend to the County Attorney that legal proceedings be initiated against and person or group of persons to compel compliance with the provisions of this ordinance or to terminate or control an operation not in compliance with this ordinance.

4. 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.
5. To inform, advise, consult, and cooperate with the public and other governmental agencies in furtherance of the purpose of this ordinance.
6. To require applicants to post bonds and proof of insurance at rates to be set by the Board of Kandiyohi County Commissioners.
7. To plan, implement and administer all County operated waste abatement facilities.
8. To implement all programs established under the County Solid Waste Plan.
9. To maintain schedules of current fees, charges, and rates pursuant to this ordinance.
10. To license Commercial Haulers under this ordinance.

SECTION III. WASTE FACILITY AND ACTIVITY PERMIT REQUIREMENTS

Unless otherwise provided by this ordinance, no person shall cause, permit or allow real or personal property under his or her control to be used for solid waste management purposes, except under a permit, granted in accordance with this ordinance. For the purposes of this ordinance, solid waste management includes the following specific activities. In addition to other requirements listed herein, permit applicants must meet all requirements of the rules and statutes noted below and all other applicable State and Federal statutes and regulations and to the satisfaction of the County:

1. Operation of MMSW Land Disposal Facilities Minn. Rules Ch. 7035.
2. Operation of Demolition Waste Disposal Facilities Minn. Rules Ch. 7035.
3. Operation of MMSW Incinerator Facilities Minn. Rules Ch. 7005 and 7035.
4. Operation of Compost and Co-Composting Facilities Minn. Rules Ch. 7035.
5. Operation of Recycling Facilities Minn. Rules Ch. 7035.
6. Operation of Transfer Station Facilities Minn. Rules Ch. 7035.
7. Solid Waste Storage Minn. Rules Ch. 7035.
8. Waste Tires Minn. Rules Ch. 7035, 9220, and Minn. Stat. 115A
9. Collection and Transportation of Solid Waste Minn. Rules Ch. 7035.

SECTION IV. PRE-APPLICATION REQUIREMENTS

Prior to the County Board's consideration of the initial application for a waste facility or activity permit governed by this ordinance, the applicant shall submit a needs assessment showing:

- a. The name and address of the owners and operators of the proposed site and facility.
- b. Proposed location of the facility or activity.
- c. Geographical areas expected to be served by the proposed facility or activity.
- d. The expected life of the facility
- e. Current and projected population of the area(s) to be served for expected life of the facility.
- f. The proposed operating hours and number of employees of the facility.
- g. A description of the type of vehicles and number vehicles using the facility.
- h. The anticipated type, quantity and source of waste to be handled at the facility.
- i. The type and amount of equipment to be provided for operation of the facility.
- j. A description of the intended operating procedures.

SECTION V. PERMIT APPLICATIONS

Following pre-application approval, any person applying for a permit to operate a waste management facility or activity in the County shall submit a complete application on a form provided by the County. The application shall not be considered complete until the County receives all applicable fees and materials by this ordinance.

SECTION VI. PLANS, SPECIFICATIONS, AND REPORTS

Depending on the complexity and size of the facility or activity and the type of the waste to be managed, the applicant may be requested to submit complete sets of plans, specifications and reports prepared by a professional engineer and/or architect licensed in Minnesota for evaluation by the County.

SECTION VII. STANDARDS OF MINNESOTA POLLUTION CONTROL AGENCY, SOLID WASTE MANAGEMENT RULES SHALL GUIDE PERMIT

The sections and the MPCA Solid Waste Management Rules adopted as part of this ordinance shall guide the applicant in:

- 1. Their plan and specification preparations and review by the County.
- 2. The construction and operation of the waste management facility.

3. The conditions for closure and post-closure of the waste management facility and activity.

Applicant and permittee shall abide by all specifications and requirements of applicable MPCA Solid Waste Management Rules, and this ordinance.

SECTION VIII. ADDITIONAL INFORMATION REQUIRED BY THE COUNTY

The applicant shall submit additional data requested by the County, including, but not limited to, scientific studies and reports. All expenses incurred in providing the additional data shall be borne by the applicant. The County may waive a requirement for submitting certain information if the waiver will not endanger the health or safety of the public.

SECTION IX. STATE PERMITTING INFORMATION

All documents submitted to the State during the State permitting and/or licensing process for waste management facilities shall also be submitted to the County. Copies of all State and Federal permits and licenses shall also be submitted to the County Solid Waste Officer.

SECTION X. PERMIT REVIEW PROCESS

Upon receipt of a favorable pre-application recommendation, the applicant shall have up to ninety (90) days to meet all application requirements and submit required information.

1. Time limits may be extended for ninety (90) day periods upon request of an applicant if request is made prior to expiration.
2. If time limits or extension(s) thereof expire without compliance with this ordinance, the application shall be deemed denied unless continued at the sole discretion of, and by formal resolution of, the County Board.

SECTION XI. PERMIT ISSUANCE

A waste management facility or activity permit shall not be effective until:

1. The permittee complies with all other requirements of this ordinance and any other ordinance that may be affected.
2. The permittee receives Agency approval and permit if necessary.
3. The permittee provides to the County proof of adequate performance bonding (see SECTION XIII) and a closure, post-closure and contingency action plan (see SECTION XV).

A person applying for a permit shall not commence any construction or operation activities until the permit has been approved by the County Board. The issuance or renewal of a permit shall be at the sole discretion of the County Board.

Once issued, a permit shall be valid as long as the permittee is in compliance with the terms of the permit, County and Local ordinances, Agency rules and State and Federal law. In the event of violation, the permit shall be immediately suspended until the violation has been remedied. If not remedied within thirty (30) days of the initial violation, the County Board may revoke the permit after ten (10) days' notice to the permittee.

The permit is not transferable.

SECTION XII. PERMIT, VARIANCE AND APPEAL PROCEEDINGS

Unless otherwise stated herein, the following procedures shall apply to all permit applications, variance applications, and appeals.

A. Once all application materials are received, the County Board shall have up to ninety (90) days to render a decision.

1. The County may refer the application to the Agency, and the municipality or township affected within fifteen (15) days for their recommendations.
2. The County Board may, at its discretion, hold a public hearing on a permit application, appeal, and/or variance request. Notice of public hearing shall be posted in a public location in the Kandiyohi County Courthouse and published at least once in the County's legal newspaper at least ten (10) days prior to the hearing.
3. Any meetings or hearings of the County Board shall be held under the rules and procedures as the County Board shall establish to ensure the presentation of evidence, discussions and deliberations in an orderly manner.
4. County Board decisions shall be by resolution with findings of fact that support the decision.
5. For good cause, or upon agreement with the applicant, the County Board may extend the time limitations herein by resolution.
6. As part of its deliberations, at its discretion the County Board may request additional information from the applicant. All time periods herein shall be tolled from the date of the request until it is complied with by the applicant, subject to dismissal of the application if applicant does not, without good cause, comply within ninety (90) days.

B. Decisions by the County Board for permits, variances and appeals shall be based upon the following considerations:

1. Compliance with this ordinance and approved variances.
2. Compliance with other applicable County ordinances and plans, including but not limited to, the Zoning Ordinance, Subdivision Ordinance, Solid Waste Plan,

Shoreland Management Ordinance, and the Comprehensive Water Management Plan.

3. Compliance with Agency rules, Local, State and Federal law.
4. Recommendations of Local Government.
5. Recommendations of persons affected by the proposal as conveyed at a public hearing, if held.
6. Determination of need for facility or activity.
7. Consideration of the adequacy of existing public services and additional services necessary for the facility or activity.
8. Whether the activity or facility requested is beneficial to the County and its citizens.
9. The hazards, including potential risks and hazards, to persons, property, soil, water, animal and plant life the proposed activity or facility presents, both presently and in the foreseeable future.

No permit, variance or appeal shall be issued without strict compliance of parts 1, 2, and 3 above. The remaining considerations shall be considered weighed by the County Board in determining whether the proposed activity or facility's necessity, benefits and safety justify any hazards it may present.

C. In connection with the issuance of any permit, variance or appeal herein, the County Board may impose conditions, restrictions or specifications that it determines are necessary to ensure compliance with this ordinance and the safety of persons, property, water, soil, animal and plant life.

D. In all proceedings herein, the applicant is deemed to have the burden of proof with regards to any issue.

SECTION XIII. PERFORMANCE BOND REQUIREMENTS

Unless otherwise provided by the County Board, issuance of any permit pursuant to the provisions of this ordinance shall be contingent upon the applicant furnishing to the County a performance bond, in an amount to be set by the County Board, and naming the County as obligee with sufficient sureties duly licensed and authorized to transact business in the State of Minnesota as sureties.

The condition of such bond shall be that if the principal fails to obey any of the requirements or do any of the acts required by this ordinance in the operation of the waste facility or activity, or if, for any reason, cease to operate or abandons the waste facility or activity, and the County is required to expend any monies, labor or material to restore the facility to the condition and requirements as provided by this ordinance, the obligor and the sureties on its bond shall reimburse the County for any and all expenses, including legal fees and costs, incurred to remedy the failure of the principal to comply with the terms of this ordinance. 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 or her permit to operate and the ordinances of the County.

The performance bond shall be subject to cancellation by the surety at any time upon giving one hundred twenty (120) days prior written notice of cancellation to the County. In lieu of part or all of said bond, the permittee may provide evidence of financial assurance in a form acceptable to the County Board to be used to bring the facility or activity into compliance with said requirements.

SECTION XIV. CERTIFICATES OF INSURANCE

The permittee shall furnish to the County certificates of insurance issued by insurers duly licensed within the State of Minnesota covering public liability insurance, general liability, automobile liability, completed operations liability, and bodily injury liability in the amount set by the County Board. For facilities which generate toxic emissions or leachate, liability insurance may be required depending on the availability and cost. If toxic emissions or leachate liability insurance is not available or determined by the County Board to be cost prohibitive, the permittee may be ordered to provide additional financial assurance funds for liability that may arise from leachate and/or toxic emissions upon terms as determined by the County. In addition, the permittee shall provide evidence of worker's compensation coverage in the required statutory amounts.

SECTION XV. FINANCIAL ASSURANCE

Unless otherwise provided by the County, issuance or renewal of any permit shall be contingent upon the owner of the site or facility or the operator of both providing financial assurance for the closure, post-closure maintenance and monitoring, and contingency action of the site or facility.

Documentation submitted with the application for County approval shall include funding procedures, a description of the funding method, the value of the funding, and an inflation adjusted cost estimate which assures that the closure, post-closure and possible contingency action activities at the site or facility take place.

The method of financial assurance shall provide that the County shall have the right to draw upon the funds or that part or all of the funds shall be paid to the County in the event that the owner or any successor in interest or operator fails to perform any required closure or post-closure activities or duties.

Amounts paid to the County shall be used by the County to carry out closure and post-closure activities. Use of the financial assurance monies shall be limited to the site or facility for which it was approved.

The County may change the amount of the financial assurance required if the County determines that the funds necessary to complete the closure, post-closure monitoring and maintenance have changed.

SECTION XVI. OPERATIONAL REPORTING

During the life of the permit or license, the licensee and/or permittee shall annually report on forms provided by the County, information requested relative to operations. In addition, copies of all correspondence with the Agency, as well as other governmental units involved in monitoring the facility or activity relating to operations shall be provide to the County in a timely mariner, not later than ninety (90) days after receipt.

SECTION XVII. PERMIT PERIOD

Unless otherwise provided by the County, each permit granted or renewed pursuant to the provisions of this ordinance shall be for a maximum period of one year. Any permit granted or renewed by the County under this ordinance shall expire at 12 midnight on the 31st day of December following the date the permit was granted or renewed during the year.

SECTION XVIII. PERMIT RENEWALS

1. Application for the renewal of a permit shall be made no later than ninety (90) days prior to the expiration of the permit.
2. If the facility has been maintained in compliance with this ordinance and other applicable laws, and proper renewal application has been made with the appropriate fees paid, the County may, at its discretion, issue the renewal permit.
3. The County may temporarily extend a permit pending determination of the renewal application.

SECTION XIX. PERMIT FEES

The County Board shall, by resolution, establish fees, including fees for the initial permit, renewal of permit, and other fees as may be necessary for the administration of this ordinance. The County Board may waive fees for any political subdivision applying for a solid waste permit.

SECTION XX. WASTE ACTIVITIES WHICH DO NOT REQUIRE A PERMIT

A. A permit shall not be required for disposal of waste characterized as municipal solid waste on farms, provided that 1) the waste is generated on the farm where disposal takes place 2) the disposal practices are consistent with Minnesota Statutes 17.135, and 3) that the farm does not have regularly scheduled collection service reasonably available as determined by the Solid Waste Officer.

B. A permit shall not be required for the disposal of yard waste by composting from a single family household or single commercial office or complex, a member of which is the owner, occupant, or lessee of the property may compost vegetable and fruit peelings, garden waste, weeds, lawn cuttings, leaves, and prunings in a back yard compost site provided the disposal area shall not contaminate the air, water, or cause rodent problems and shall be maintained in an aesthetic manner consistent with the intent of this ordinance.

C. Generators of recyclable solid waste shall not need a permit for any materials delivered to a permitted recycling facility.

D. A permit shall not be required for waste management activities involving organic waste arising from agricultural production or the keeping of animals.

E. The County Board may, after consideration of the purpose and intent of this ordinance and the Solid Waste Management Plan, at its sole discretion, waive the permit requirement for any waste management.

SECTION XXI. SERVICE CHARGES

Subd. 1. Purpose and Authority.

This Section XXI is enacted pursuant to Minnesota Statute Section 400.08 which grants Kandiyohi County the authority to impose reasonable charges to cover the costs of solid waste management programs, including but not limited to financial assurance, capping, construction of monitoring wells at the Kandiyohi County Sanitary Landfill and operations of the Kandiyohi County recycling and household hazardous waste programs. The purpose of such charges and such solid waste management programs is to protect the public health and welfare and the environment pursuant to State of Minnesota mandates governing Solid Waste management.

Subd. 2. Tipping Fee.

The County Board may by resolution establish and from time to time revise the Tipping Fees paid by Commercial Haulers and Self-Haulers at the Kandiyohi County Sanitary Landfill. A copy of current Tipping Fees shall be kept on file by the County. The Minnesota Solid Waste Management Tax, Greater Minnesota Landfill Cleanup Fee, and any Service Charges collected by the County are in addition to the Tipping Fees.

Subd. 3. Service Charges

A Service Charge may be imposed for solid waste management services provided within the Service Area. Generators shall pay the Service Charges imposed in the manners set forth herein in amounts as established by the County Board. Service Charge rates shall be just and reasonable. A copy of the current rate schedule shall be kept on file by the County. In establishing or revising the rate schedule, the County Board may take into account all factors relevant to Solid Waste management. 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 providing service including, but not limited to depreciation and payment of principal and interest on money borrowed by the County for the acquisition and betterment of Solid Waste management facilities; public education; recycling programs; household hazardous waste management; and Solid Waste management facility operating costs. The County Board shall act to impose Service Charges by ordinance following a public hearing and shall state the effective date of the Service Charges. The Board may adjust the amount of Service Charges by Board resolution, following a

public hearing, and shall state the effective date of the adjusted Service Charge. The County may any or all of the following methods of billing and collecting Service Charges:

- A. A Service Charge collected from Generators by Commercial Haulers that is based on the amount of Solid Waste generated;
- B. A Service Charge collected by the County from Self-Haulers at the Kandiyohi County Sanitary Landfill;
- C. A per parcel Service Charge collected through an assessment payable with the real estate taxes.

Subd. 4. Hauler-Collected Service Charge

4.01 Collection by Haulers

- A. As a condition of maintaining its license, each Commercial Hauler shall bill and collect the Hauler-Collected Service Charge from all Generators to whom the Commercial Hauler provides Hauler Services, according to the rates and provisions established herein. Each Commercial Hauler shall make reasonable efforts to collect the Hauler-Collected Service Charge.
- B. The Hauler-Collected Service Charge is imposed on the amount of Mixed Municipal Solid Waste generated and shall be collected by the Commercial Hauler on the sales price of Hauler Services as incurred by any Generator paying for Hauler Services. Effective January 1, 2017, the Hauler-Collected Service Charge shall be Twenty-Four Percent (24%) of the sales price of Hauler Services. If the sales price does not represent the fair market value of the Hauler Services, the Service Charge shall be calculated on the fair market value of those Hauler Services. Any sales tax or other tax or Service Charge imposed by a unit of government is not subject to the Hauler-Collected Service Charge.

4.02 Remittance

- A. The Hauler-Collected Service Charge collected by Commercial Haulers must be remitted to the County or its designee. Failure to remit the Hauler-Collected Service Charge collected may result in the revocation of the Commercial Hauler's license by the County.
- B. If a Generator makes partial payment to a Commercial Hauler, the Commercial Hauler shall then apply payment to the Hauler-Collected Service Charge proportionally.
- C. Each Commercial Hauler shall remit the Hauler-Collected Service Charge by the last day of the month following the month in which the Hauler-Collected Service Charge was collected by the Commercial Hauler. The County, if requested in writing by a Commercial Hauler, may grant a variance from this 30-day payment requirement due to Commercial Hauler billing practices. The duration of the variance will be determined by the County.
- D. In the event a Commercial Hauler does not receive the full amount billed on a statement or invoice when the statement or invoice includes the Hauler-Collected Service Charge, all payments the Commercial Hauler actually receives shall be divided on a pro rata basis between the amount

owed the Commercial Hauler and the Hauler-Collected Service Charge owed the County. The Commercial Hauler must remit the pro rata amount of the Hauler-Collected Service Charge to the County.

4.03 Hauler-Collected Service Charge Itemized on Statements

A. Each Commercial Hauler shall separately itemize the Hauler-Collected Service Charge on any statement or invoice issued to a Generator for payment of Hauler Services. The Hauler-Collected Service Charge must be identified as “County Solid Waste Service Charge” and no other name or description. Failure to separately itemize the Hauler-Collected Service Charge or to properly identify the Hauler-Collected Service Charge is a violation of this ordinance.

B. Each Commercial Hauler is required to provide notification of the Hauler-Collected Service Charge to all Generators that are billed for Hauler Services. This notification is required through a communication developed by the County. For any Generator billed for Hauler Services that has not received such notification, each Commercial Hauler is required to provide a notification of the Hauler-Collected Service Charge at the time the Generator receives the first statement or invoice on which the Hauler-Collected Service Charge is billed.

4.04 Solid Waste Management Service Charge Reports

Each Commercial Hauler shall complete a “Solid Waste Management Service Charge Report” in accordance with instructions from and on forms provided by the County. The Solid Waste Management Service Charge Report must accompany remittance of the Hauler-Collected Service Charge. The Solid Waste Management Service Charge Report must include, but not be limited to, total gross billings and receipts for all collection and disposal services performed within the Service Area, the number of Generators within the Service Area, the number of tons collected within the Service Area and disposed of within and outside of the Service Area, and such other information as requested by the County.

4.05 Recalculation of the Hauler-Collected Service Charge

If the County determines, after review of the Solid Waste Management Service Charge Report, or upon failure of a Commercial Hauler to submit the Solid Waste Management Service Charge Report, that the Commercial Hauler has not supplied appropriate information, the County may recalculate the Hauler-Collected Service Charge in accordance with this subsection. If the County finds that the information supplied by the Commercial Hauler is inaccurate, incomplete or understated, the County may determine an appropriate amount for the Hauler-Collected Service Charge due from the Commercial Hauler. The County shall send the Commercial Hauler a notice, by Certified Mail, setting forth the recalculated Hauler-Collected Service Charge amount. The notice shall include a statement of reasons why the Hauler-Collected Service Charge has been recalculated. The County may base the recalculation on information in County records or on any data currently or previously supplied by the Commercial Hauler.

4.06 Examination of Records

The County or its duly authorized agents shall have the right to examine records, including access to computer records, maintained by a Commercial Hauler. The term “record” shall include, but is not limited to, all accounts of a Commercial Hauler. The County shall be allowed access at all reasonable times to inspect and copy at reasonable cost all business records related to a Commercial Hauler’s collection, transportation, and/or disposal of Solid Waste to the extent necessary to ensure that all Hauler-Collected Service Charges required to be collected or paid have been remitted to the County. Such records shall be maintained by the Commercial Hauler for no less than six (6) years.

4.07 Late Payment

A late payment penalty in the amount of one-half of one percent (0.5%) per month, or the maximum interest rate allowed by law, shall be imposed upon Hauler-Collected Service Charges collected from the Generator but not remitted by the Commercial Hauler to the County on or before the last day of the month following the collection. If a Commercial Hauler fails to bill and collect the Hauler-Collected Service Charge from the Generator, the Commercial Hauler shall pay the Generator’s Hauler-Collected Service Charge plus the late payment penalty. The late payment shall be calculated from the date the Hauler-Collected Service Charge should have been billed.

4.08 Self-Haulers

The County shall collect a Service Charge from Self-Haulers for Mixed Municipal Solid Waste delivered by Self-Haulers to the Kandiyohi County Sanitary Landfill. Effective January 1, 2017, the amount of the Service Charge shall be Thirty-Six Dollars and Sixty-Two Cents (\$36.62) per ton, with such amount prorated for amounts delivered less than a ton.

4.09 Collection Actions

Exercise of any remedy under this subsection does not preclude exercise of other remedies.

1. If a Generator fails to pay the Hauler-Collected Service Charge to a Commercial Hauler in a timely manner, the County may use any available legal remedies to collect the overdue, unpaid Hauler-Collected Service Charges from the Generator, including, but not limited to, the process to collect the Hauler-Collected Service Charge via the property tax pursuant to Subd. 4, below.
2. If a Commercial Hauler has collected Hauler-Collected Service Charges and failed to remit them to the County in a timely manner, the County may use any available legal remedies to collect the Hauler-Collected Service Charges from the Commercial Hauler.
3. If a Self-Hauler fails to pay the Service Charge to the County in a timely manner, the County may use any available legal remedies to collect the Service Charge from the Self-Hauler.
4. Unpaid Hauler-Collected Service Charges may be collected from tax-exempt properties.

Subd. 5. Per Parcel Service Charge

The County Auditor shall each year assess a Solid Waste Management Service Charge per parcel payable with real estate taxes. The Service Charge amounts for residential and nonresidential parcels shall be set by the County Board by resolution. On or before October 15th of each year, the County Board shall certify to the County Auditor all unpaid outstanding per parcel charges and a description of the lands against which the charges arose. 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 Minn. Stat. §279.03, subd. 1, upon the tax rolls of the County for the taxes of the year in which the assessment is filed. For each year ending October 15th, the assessment with interest shall be carried into the tax becoming due and payable in January of the following year, and shall be enforced and collected in the manner provided for the enforcement and collection of real property taxes in accordance with the provisions of the State 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 the State. Unpaid charges on tax exempt properties may be collected in Small Claims Court or through such other means as may be approved by the County Attorney.

SECTION XXII. SERVICE AREA

This section is enacted pursuant to M.S. 400.08 which grants Kandiyohi County the authority to establish and determine the boundaries of solid waste management service areas in the County. The boundaries of Kandiyohi County shall constitute the boundaries of the solid waste management service area.

SECTION XXIII. SOLID WASTE ACCUMULATION

Subd. 1. The owner, lessee, or occupant of any premises, business establishment or industry shall be responsible for the satisfactory storage of all solid waste accumulated at that premise, business establishment or industry to a solid waste disposal site or facility, for which a permit has been issued by the Agency. This includes the removal of: animal feces, animal carcasses, brush piles, inoperable machines, appliances, fixtures, and equipment of damaged, deteriorated or obsolete condition as to have no substantial value; lumber piles and building materials unless being actively used by the business or construction requiring the use of such materials; tin cans, broken glass, broken furniture, tires, boxes, crates, and other debris; any other form of mixed municipal solid waste. Nothing in this section is designed to restrict the commonly accepted activities of farms.

Subd. 2. No building, structure, area, or premise shall be constructed or maintained for human occupancy, use or assembly without adequate facilities for sanitary and safe storage, collection, transportation and disposal of all solid wastes.

Subd. 3. Garbage and similar putrescible waste shall be stored in:

a. durable, rust resistant, nonabsorbent, watertight, rodent proof, and easily cleanable containers with close fitting, fly-tight covers and having adequate handles or bails to facilitate handling; or

b. other types of containers acceptable to the solid waste collection service, in compliance with pertinent statutes and Agency regulations, and approved by the Solid Waste Officer. The size and allowable weight of the containers may be determined by the solid waste collection service as approved by the Solid Waste Officer.

Subd. 4. Solid waste shall be stored in durable containers or as otherwise provided in this ordinance. Where putrescible wastes are stored in combination with nonputrescible wastes, containers for the storage of the mixture shall meet requirements for garbage containers.

Subd. 5. Toxic or hazardous wastes shall be stored in accordance with state rules administered by the Agency.

Subd. 6. All containers for the storage of solid waste shall be maintained in such a manner as to prevent the creation of a nuisance or unsanitary condition. Containers that are broken or otherwise fail to meet requirements of this ordinance shall be replaced with acceptable containers.

Subd. 7. Solid waste objects or materials too large or otherwise unsuitable for storage containers shall be stored in a pollution and nuisance free manner and satisfactory to the Solid Waste Officer.

Subd. 8. Solid wastes shall not be stored on or at Recycling Drop Off Sheds, Public Accesses or Public Property without the written approval of the Solid Waste Officer. Solid wastes shall not be stored on private property for more than (2) two weeks without 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.

Subd. 9. All storage of solid waste shall conform with all pertinent statutes and Agency regulations. Nothing in this section shall be construed to permit noncompliance with those statutes and regulations.

SECTION XXIV. REPEALED

SECTION XXV. COLLECTION, TRANSPORTATION, AND DISPOSAL OF SOLID WASTES

Subd. 1. Prior to obtaining a Collection/Transportation License all Kandiyohi County Ordinance requirements shall be met.

Subd. 2. Collection/Transportation License: no Person shall collect and transport waste or hazardous waste for hire within Kandiyohi County unless the person, firm or corporation has first obtained a license to do so from the County Board.

1. Person who collects/transportes waste or hazardous waste must annually obtain a Collection/Transportation License. The Collection/Transportation License will expire on December 31 of every year.

2. Application for Collection/Transportation Licenses shall be made upon forms provided by the County.
3. Application for a License will be submitted by December 15 of each year accompanied by a performance bond/cashiers check and license fee in the amount set annually by the County Board.
4. License Not Transferable. The Collection/Transportation License are not transferable to any other Person.

Subd. 3. Labeling. The permittee shall display on each vehicle a decal provided by the County on a location specified by the County. In addition the permittee shall display name, address, and telephone number of the transporter on each side of the vehicle. Letters and numbers shall be at least three (3) inches high.

Subd. 4. Inspection. The County may inspect and approve any waste transportation vehicles prior to giving approval.

Subd. 5. Collection/Transportation License Requirement Submittals. The County Board shall issue licenses for the collection and transportation of solid waste for hire, upon compliance with the following information:

a. Disposal of all solid waste collected must be at a site having a permit from the appropriate state regulatory agency, and a license from the county, or be transported and disposed of at an appropriate permitted state regulatory site out of the county.

b. A description of each vehicle to be used for waste collection and transportation, including the vehicle identification, make, model, year, number of axles, the capacity of the body or the capacity and number of rollofs, and such other information as the County may require. Such vehicles shall have leak-proof bodies of easily cleanable construction, be completely covered with metal or heavy canvas, and shall be subject to the approval of and periodic inspection by the Solid Waste Officer.

c. Filing of a performance bond with sufficient sureties, in an amount to be determined by resolution of the County Board, which bond shall be conditioned upon the applicant's full compliance with this ordinance, said bond to be subject to the approval of the County Board, or a cashier's check or cash deposit in an amount to be determined by resolution of the County Board.

d. Submission of a description of the route to be followed by all solid waste collection and transportation vehicles between the area of collection and the solid waste operation, which route shall be subject to approval by the Solid Waste Officer.

e. A licensee shall charge for collection of mixed municipal solid waste with a pricing system based on volume and/or weight. The licensee must establish a multiple unit pricing system that ensures that amounts of waste generated in excess of the base unit volume, which shall be 30 gallons, are priced higher than the base unit volume price.

f. Each licensee will provide to the Kandiyohi County Solid Waste Officer a quarterly report (March 31, June 30, September 30, December 31) on quantities and types of waste generated in Kandiyohi County that are disposed of out of Kandiyohi County. Report forms will be provided by the County. Omission of the quarterly report shall be grounds for the termination of the license or denial of license renewal. All quarterly reports will be submitted no later than 30 days.

Subd. 6. Submission of false information may constitute grounds for denying a license or license renewal, or suspension by revocation of an issued license.

Subd. 7. The owner, lessee or occupant of any premises, business establishment or industry, and/or refuse collection service shall be responsible for the satisfactory collection and transportation of all solid waste accumulated at a premise, business establishment or industry to a solid waste disposal site or facility for which a permit has been issued by the Agency unless otherwise provided in this ordinance.

Subd. 8. Vehicles or containers used for the collection and transportation of garbage and similar putrescible wastes, or refuse containing such materials, shall be covered, leakproof, durable, and of easily cleanable construction. These shall be cleaned to prevent nuisances, pollution, or insect breeding, and shall be maintained in good repair.

Subd. 9. Vehicles not of leakproof construction may be used to collect garbage and other putrescible wastes, or solid wastes containing such materials, during the period of posted road restricted weight limits to facilitate continual collection. The vehicle shall be covered, durable and of easily cleanable construction. The waste material shall be enclosed in plastic bags or another material which is durable and leakproof.

Subd. 10. Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill therefrom, and shall be covered when necessary to prevent blowing of material. Where spillage does occur, the material shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area property cleaned.

Subd. 11. The collection and transportation of solid wastes, toxic wastes, and or hazardous wastes shall be in accordance with all pertinent statutes and Agency regulations.

Subd. 12. All Persons seeking to dispose of solid waste and/or demolition debris at the Kandiyohi County Sanitary Landfill shall pay an additional fee for uncovered loads. The County Board by resolution shall set the additional fee.

Subd. 13. Administrative Costs and Fees. Any Person who fails to correctly identify the type or source of Solid Waste disposed at the Kandiyohi County Sanitary Landfill shall be liable for costs and fees in an amount not less than triple the prescribed disposal charges for each load of solid waste improperly identified, which shall be payable immediately upon the notification by the Solid Waste Officer.

Subd. 14. A Person, in the business of remodeling, constructing, or demolishing structures or buildings are prohibited from disposing loads that are mixed Demolition debris and Municipal Solid Waste at the Kandiyohi County Sanitary Landfill.

Subd. 15. All disposal of solid waste must be in accordance with applicable Agency Rules. No Person may dispose of a waste in an area or at a facility which is not permitted for accepting that waste.

SECTION XXVI. COLLECTION AND DISPOSAL OF REGULATED-SPECIAL WASTES

Subd. 1. A collector or Hauler shall refuse to knowingly accept for collection any Mixed Municipal Solid Waste which contains:

- (a) Lead acid batteries,
- (b) Waste motor oil, used oil filters,
- (c) Waste tires,
- (d) white goods/appliances,
- (e) Yard wastes,
- (f) Fluorescent & High Intensity Discharge (HID) Lamps
- (g) Dry cell batteries containing mercuric oxide, silver oxide, nickel cadmium, or sealed lead-acid which are recyclable,
- (h) Additional items as identified by Minnesota Statute, Minn. Rule, or County Board Resolutions.

except the purposes of directly delivering such waste to a facility which has been approved by the County and/or MPCA or is allowed to accept this type of waste.

Subd. 2. No Person which generates those items in Subd. 1. shall knowingly deposit these materials for collection in Mixed Municipal Solid Waste and or dispose such materials at a MSW processing or disposal facility.

SECTION XXVII. OPEN BURNING PROHIBITIONS

Subd. 1. Open burning prohibitions specified in this section are in effect at all times of the year.

Subd. 2. [PROHIBITED MATERIALS] No Person shall conduct, cause, or permit open burning of any material, unless it is vegetative material (i.e. brush, leaves), and appropriate permits have been obtained by State and/or Local agencies.

Subd. 3. [HAZARDOUS WASTE] No Person shall conduct, cause, or permit open burning of hazardous waste as defined in Minn. Statute 116.06, subdivision 11.

Subd. 4. [INDUSTRIAL SOLID WASTE] No Person shall conduct, cause, or permit open burning of solid waste generated from an industrial or manufacturing process or from a service or commercial structure.

Subd. 5. [DEMOLITION DEBRIS] No Person shall conduct, cause, or permit open burning of burnable building material generated from demolition of commercial or institutional structures. A farm building is not a commercial building.

Subd. 6. [SALVAGE OPERATIONS] No Person shall conduct, cause, or permit salvage operations by open burning.

Subd. 7. [MOTOR VEHICLES] No Person shall conduct, cause, or permit the processing of motor vehicles by open burning.

Subd. 8. [GARBAGE] (a) No Person shall conduct, cause, or permit open burning or discarded material resulting from the handling, processing, storage, preparation, serving, or consumption of food, unless specifically allowed under Minn. Statute 17.135.

(b) The County may allow a resident to conduct open burning of material described in paragraph (a) that is generated from the resident's household if the County Board by resolution determines that regularly scheduled pickup of the material is not reasonably available to the resident.

SECTION XXVIII. RECYCLABLE MATERIALS PROCESSING FACILITY

Subd. 1. Recyclable materials processing facilities shall comply with the provisions of the Agency in accordance with the Minnesota Pollution Control Agency Solid Waste Rules.

(a) Prior to obtaining a Recycling Materials Processing Facility all Kandiyohi County Ordinance requirements shall be met.

(b) The owner or operator of a recycling facility submit an annual report on a continuing basis which will document tonnages processed and marketed, and revenues received for these materials, by December 31, of each year.

SECTION XXIX. COLLECTION, TRANSPORTATION, AND STORAGE OF RECYCLABLE MATERIALS

Purpose. The purpose of this section is to govern the collection, transportation, and storage of recyclable materials.

Subd. 1. Prior to obtaining a Collection/Transportation License and/or the storage of recyclable materials all Kandiyohi County Ordinance requirements shall be met.

Subd. 2. Responsibility for Collection and Transportation. The owner, leasee or occupant of any premises, business establishment or industry, and/or Collector of Recyclable Materials shall be responsible for the satisfactory collection and transportation of all recyclable materials accumulated at a premise, business establishment or industry.

Subd. 3. Vehicles and Containers. Vehicles and containers used for the collection and transportation of recyclable materials shall be covered, leakproof, durable, and of easily

cleanable construction. Curbside containers need not be covered. These shall be cleaned to prevent nuisances, pollution, or insect breeding, and shall be maintained in good repair.

Subd. 4. Curbside Containers and Dropoff/collection sheds provided by the County are the sole property of the County.

Subd. 5. County owned Dropoff/Collection sheds. Each Kandiyohi County Township or City shall adopt and enforce the Agreement for Acceptance, supervision and Maintenance of a Recycling Shed. The Township or City shall keep recycling sheds cleaned to prevent nuisances, pollution, or insect breeding, and shall maintain all sheds in good repair.

Subd. 6. Spillage. Vehicles or containers used for the collection and transportation of any recyclables shall be loaded and moved in a manner that the contents will not fall, leak, or spill therefrom, and shall be covered when necessary to prevent blowing of material, where spillage does occur, the material shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned.

Subd. 7. Compliance with Laws. The collection and transportation of recyclables shall be in accordance with this ordinance and all pertinent statutes and Agency regulations.

Subd. 8. Collection of Recyclable Materials. No Commercial Hauler or Collector of Recyclable Materials as defined by definition in SECTION 1, shall collect or transport recyclable materials unless the collector has first obtained a license to do so.

The Collection of Recyclable Materials license shall expire on December 31st of each year. Such license shall be renewed upon application, payment of the license fee, and certification by the Solid Waste Officer that the commercial hauler or collector has complied with the provisions of the solid waste ordinance during the preceding year. The County Board by resolution shall set the license fee.

Subd. 9. License Application. Persons intending to engage in the business of being a Commercial Hauler or Collector of Recyclable Materials must file an application with the Solid Waste Officer for initial issuance of license, using forms provided by the county. The Solid Waste Officer shall review each application and forward the same to the County Board with a recommendation for issuance or denial of license. Other information and reports, as shall be required by the County, shall be submitted to the Solid Waste Officer.

Subd. 10. License Not Transferable. The Collection of Recyclable Materials licenses are not transferable to any other Person.

Subd. 11. A Recycling Collector will provide to the Kandiyohi County Solid Waste Officer a quarterly report (March 31, June 30, September 30, December 31) on quantities and types of recyclable materials generated in Kandiyohi County that are disposed of out of Kandiyohi County. Report forms will be provided by the County. Omission of the quarterly report shall be grounds for the termination of the license or denial of license renewal.

Subd. 12. Submission of false information may constitute grounds for denying a license or license renewal, or suspension by revocation of an issued license.

Subd. 13. Investigation of Complaints. Each Commercial Hauler or Collector of recyclable materials shall investigate any complaint about Licensee's employees, equipment, and service. Whenever a complaint is referred to the Commercial Hauler or Collector by the County, a written report shall be made to the Solid Waste Officer within fifteen (15) days, setting forth detailed investigation findings and action on such complaint.

Subd. 14. Ownership of Designated Recyclable Materials. The ownership of designated recyclable materials shall be the owner, leasee or occupant of any premises, business establishment or industry until collection of materials has commenced, or until disposal of recyclable material at designated sites as approved by the County. The collector and/or transporter is responsible for recyclable materials after collection of said materials has commenced.

Subd. 15. Collection of Improperly Separated Recyclable Materials Prohibited. The owner, lessee or occupant of any premises, business establishment or industry who participates in the County Recycling Program shall separate their recyclable materials as directed by the County Recycling Coordinator a collector of recyclable materials shall leave improperly separated recyclable materials at the premises of the recyclable materials generator and promptly report the nature and location of the violation to the County Recycling Coordinator, who shall notify the generator of the violation and action necessary to correct it.

Subd. 16. Delivery of improperly Separated Recyclable Material to County Facility. The County Recycling Coordinator or a person authorized by the County shall inspect each load of recyclable material delivered to the County Facility and determine whether each such load complies with the separation requirement.

If the County Recycling coordinator or a person authorized by the County determines that any load of recyclable materials is improperly separated the entire load may be rejected. A written notice of noncompliance to the person delivering the load shall be made.

Any Person delivering improperly separated recyclable materials to the county Facility shall choose one of the following options:

1. Removal of the improperly separated recyclable materials to a solid waste facility permitted by the Agency.
2. Disposal at the County facility by paying the regular tipping fee determined by the going rates at the County Landfill plus an additional 50% thereof as a penalty.

Subd. 17. Storage of Recyclable Materials. Recyclable materials suitable for recycling shall not be stored on public or private property in a manner which creates a nuisance, blight, unsanitary condition, or health hazard.

Subd. 18. Anti-Scavenging Clause. It shall be unlawful for any Person other than the owner, or a County authorized licensed Commercial Hauler or Collector of recyclable materials to pick up, take, or remove recyclable materials from any County Facility, Curbside Container or Dropoff/Collection Shed.

SECTION XXX. SPECIAL WASTES

SECTION XXXI. SOLID WASTE DISPOSAL BY DEMOLITION LANDFILL

Subd. I. A demolition landfill shall comply with the provisions of the Agency in accordance with Minnesota Pollution Control Agency Solid Waste Rules. No demolition landfill shall be established, nor shall demolition debris waste materials be deposited in any area within the boundaries of Kandiyohi County except as provided herein.

1. Permitting, design, and operating requirements for Demolition Land Disposal Facilities are established in Section III.
2. Demolition debris waste may be deposited at the Kandiyohi County Sanitary Landfill, as provided in the applicable provisions of this ordinance and the laws and regulations of the State of Minnesota.
3. Any Person may apply to establish, operate or maintain a private demolition debris waste landfill within the boundaries of Kandiyohi County, in accordance with the provisions of SECTION XXXI PERMIT BY RULE FOR DEMOLITION MATERIALS of this ordinance.
4. All Persons seeking to dispose of any demolition debris waste at the Kandiyohi County Sanitary Landfill shall identify the same upon entering the landfill to the landfill clerk, and shall further identify the source of all such waste, including the address from which it was generated.
5. Penalty. Any Person violating this Section shall be guilty of a misdemeanor and subject to the penalties therefore as prescribed by the laws of the State of Minnesota.
6. Administrative Costs and Fees. Any Person who fails to correctly identify the presence or source of demolition debris waste disposed of at the Kandiyohi County Sanitary Landfill shall be liable for costs and fees in an amount not less than triple the prescribed disposal charges for each load of waste improperly identified, which shall be payable immediately upon notification by the Solid waste Officer.

SECTION XXXII. PERMIT BY RULE FOR DEMOLITION MATERIALS

Subd. 1. It is unlawful for any Person to establish, operate and maintain a demolition waste landfill without having a Permit By Rule acknowledgment letter of approval from the Minnesota Pollution Control Agency (MPCA), and having written approval from the Solid Waste Officer and Township official in which the proposed demolition landfill will be located.

An application form must be requested from the Kandiyohi County Environmental Service Office. A completed application must be filed 10 working days prior to proposed starting date. An application fee, in an amount set by the County Board, shall accompany the application. The following information must be prepared and submitted as part of the application:

- A. A copy of the completed Permit By Rule notification form from the Minnesota Pollution Control Agency.
- B. A site map showing the location of the proposed area to be used for disposal.
- C. A legal description of the property where the disposal site is to be located.
- D. Property owners name(s) and address(es).
- E. Name of Agency's certified operator(s) responsible for actual operation and maintenance of the site and intended operating procedures.
- F. Specific demolition material types to be disposed of at the disposal site.
- G. Starting date and completion date.
- H. Site security plan to control site usage.
- I. Only DEMOLITION materials will be allowed as defined by this ordinance.
- J. Additional information as requested by the County and/or Township.

Subd. 2. A demolition landfill shall comply with the provisions of the Agency in accordance with Minnesota Pollution Control Agency Solid Waste Rules.

Subd. 3. Approval Process. Approval shall be granted when MPCA has issued a Permit by Rule, and the Solid Waste Officer and Township have approved the application. The County and/or Township may establish additional conditions and/or restrictions for any such Permit by Rule demolition landfill.

SECTION XXXIII. WHITE GOODS/MAJOR APPLIANCES

Subd. 1. All handling, management and processing of major appliances must be in accordance with Agency rules and other provisions of this Ordinance.

Subd. 2. A Person may not place major appliances in mixed municipal solid waste or dispose of them in a MSW processing or disposal facility.

Subd. 3. No owner, lessee, and occupant of any single or multi-family dwelling, business establishment, industry, in addition to appropriate MN Statutes and Rules for solid waste storage, may store more than (1) white goods/major appliances in the open (on the outside) without written permission of the Solid Waste Officer.

SECTION XXXIV. WASTE TIRES

Subd. 1. All storage, transportation, and processing of waste tires in the County must comply with Agency requirements. License requirements for waste tire transfer, storage facilities, and processing facilities are found in Section III, LICENSES.

Subd. 2. Tires may not be disposed of at land disposal facilities.

Subd. 3. Retailers generating more than 100 waste tires per year must keep logs of number of tires generated and method used for dispose of those tires.

Subd. 4. All properties being used to store more than ten used passenger tires (or the equivalent weight of other used tires) must be permitted by the Agency with the following exemptions:

- Tire retail business which store no more than 500 waste tires on the business premises.
- Retreading businesses which store no more than 3,000 waste tires on the business premises.
- Businesses which routinely remove tires which store no more than 500 tires on the business premises.
- Agency-permitted sanitary land disposal or transfer stations at which no more than 10,000 waste tires are stored.
- A person using waste tires on an agricultural site for legitimate agricultural purposes. Any tires stored as part of an agricultural operation must be stored in an enclosed structure.

Subd. 5. Any Person who transports waste tire for hire is required to have an Agency Waste Tire Identification Number which authorizes him/her to perform this service. Such a transporter must submit quarterly reports to the Agency documenting quantity, source, and disposal point of all tire loads. The following are exempt from the requirement to have an Agency Identification Number and submit quarterly reports:

- An MSW and/or recyclable material hauler transporting incidental quantities of waste tires.
- A Person transporting ten or fewer waste tires.
- A Person transporting tire-derived products to a market.
- A Person transporting waste tires for agricultural purposes.
- A business that generates and transports its own waste tires.

Subd. 6. No more than five waste tires maybe stored on a non-farm C residential lot. These tires must be stored in an enclosed structure.

Subd. 7. A business not directly related to tire sales or tires retreading may not store more than 50 waste tires on the business premises, unless a permit has been obtained from the Agency.

Subd. 8. The owner of a property which is in violation of the terms of this section must bring the property into compliance within one year of the effective date of this ordinance.

**SECTION XXXV. SPECIFIC LICENSING REQUIREMENTS FOR WASTE TIRE
TRANSFER AND STORAGE FACILITIES**

Subd. 1. All applicable design and operating requirements as established in Minnesota Rules 9220.0440 through 9220.0510 for waste tire transfer and storage facilities must be met for County licensing approval and renewal.

Subd. 2. Proposers of waste tire transfer and storage facilities must submit documentation which indicates the ultimate disposal point(s) intended for the accumulated tires.

**SECTION XXXVI. SPECIFIC LICENSING REQUIREMENTS FOR WASTE TIRE
PROCESSING FACILITIES**

Subd. 1. All applicable design and operating requirements as established in Minnesota Rules 9220.0440 through 9220.0510 for waste tire processing facilities must be met for County licensing approval and renewal.

Subd. 2. Proposers of waste tire processing facilities must submit documentation which indicates how the facility process produce will be marketed and/or utilized.

SECTION XXXVII. ENFORCEMENT AND INSPECTION

Subd. 1. Routine inspection and evaluation of all operations shall be made by the Solid Waste Officer at such frequency as to insure compliance by the operation with the provisions of this ordinance. Any permittee/licensee so inspected shall be provided with a written inspection report containing a precise description of an deficiencies, recommendations for the correction and the date by which the corrections shall be accomplished. As a condition of all permits/licenses issued under this ordinance, the Solid Waste Officer and other authorized representatives or agents of the County and the Agency may enter upon the permittee's/licensee's premises whenever the Solid Waste Officer shall deem it necessary for the purpose of obtaining information or conducting surveys or investigations necessary for the enforcement of this Ordinance. Authorizations are to be given by the Solid Waste Officer, the County Board or the Agency.

Subd. 2. All property affected by this ordinance shall be subject to inspection by the Solid Waste Officer and other authorized representatives or agents of the County in accordance with Minnesota law. The Solid Waste Officer and other authorized representatives or agents of the County may collect samples for evidence or laboratory examination as

deemed necessary for enforcement of this ordinance. No person shall refuse to permit the Solid Waste Officer and other authorized representatives or agents of the County to inspect any premises. No person shall molest or resist the Solid Waste Officer or authorized representative or agent of the County in their discharge of duty for protection of the public health or waters of the State.

Subd. 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.

SECTION XXXVIII. NON-CONFORMING SITES AND FACILITIES

The rules, regulations and requirements of the County and the Agency shall govern the termination and abandonment of each non-conforming waste facility and activity within the County. Owners or operators, or both, of real property being used for waste disposal purposes shall be responsible for satisfactorily completing termination and abandonment procedures and shall submit to the Solid Waste Officer the disposal site closure record.

SECTION XXXIX. ILLEGAL DUMPING

It shall be a violation of this ordinance for any Person to dispose of waste in Kandiyohi County at any place except at a site or facility authorized by this ordinance.

It shall be a violation of this ordinance for any Person to operate an open dump. A site operated as described in SECTION XX will not be considered an open dump per this provision.

SECTION XL. EXISTING WASTE FACILITIES AND ACTIVITIES

Waste facilities, activities and management in existence at the time of this enactment of this ordinance, shall conform to the provisions of this ordinance no later than 6 months after the adoption of this ordinance, or terminate operations no later than that date, unless the County Board grants a variance for good cause. A request for this kind of variance shall be accompanied by a plan and time schedule for compliance with the provisions of this ordinance.

SECTION XLI. VARIANCES

Upon written application of the responsible Person or Persons, to the Solid Waste Officer, the County Board may grant variances 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's rules, a variance application must be filed with the Agency. See SECTION VII for variance proceedings.

SECTION XLII. APPEALS

The Kandiyohi County Board of Commissioners shall act as the Board of Appeals. Any Person wishing to appeal any action taken by the Solid Waste Officer pursuant to this ordinance may

request a hearing. The appeal must be received by the Solid Waste Officer within thirty (30) calendar days, exclusive of the day of receipt of notice, after the Person received notice of the action taken by the County Board. The request shall be in writing stating the grounds for appeal. If a Person fails to submit an appeal within the required time period, the Person shall forfeit any opportunity for a hearing. The County Board shall schedule a hearing within thirty (30) calendar days of receipt of the notice of appeal, and shall send to the appellant by mail notice of the hearing date, time and location. If the appellant or his or her authorized representative fails to attend the hearing, the appellant shall forfeit any right to a hearing. The Solid Waste Officer shall send to the appellant by mail notice of the decision by the County Board within thirty (30) days after the close of the hearing. Any time limitations herein may be extended thirty (30) days by resolution of the County Board and longer upon agreement between the appellant and the County Board. See SECTION XII for additional appeals proceedings.

SECTION XLIII. ADDITIONAL REQUIREMENTS

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

SECTION XLIV. SEVERABILITY

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

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

Subd. 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 XLV. NO CONSENT

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

SECTION XLVI. VIOLATIONS AND PENALTIES

Failure to comply with any provisions of this ordinance shall be subject to the following non-exclusive sanctions.

Subd. 1. Any permit or license granted by the County Board under the provisions of this ordinance may be suspended or revoked by the County Board at any time for noncompliance with the notification to the County Board by the Solid Waste Officer or by an authorized representative or by the Agency, that the continued use of the operation may endanger the health, welfare or safety of the public or may cause pollution or impairment

of the environment. The notice of suspension may be served upon the permittee/licensee personally, or by leaving the same to the permittee/licensee's premises with the person in charge thereof or if there is no person to be found on the premises during normal business hours by leaving the same in a conspicuous place on the premises.

Subd. 2. Misdemeanor. Any Person who violates this ordinance, or who shall make any false statement in any document required to be submitted under the provisions hereof, or who shall permit such a violation to exist on the premises under his or her control, or who shall fail to take action to abate the existence of the violation within the specified time period when ordered or notified to do so by the County, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine and/or by imprisonment as authorized by law for punishment of a misdemeanor. Each day that a violation continues shall constitute a separate offense.

Subd. 3. Other Relief. In the event of a violation or a threat of violation of this ordinance, the County Attorney may take appropriate action to enforce this ordinance, including application for injunctive relief, action to compel performance, or other appropriate action in court, if necessary to prevent, restrain, correct, or abate such violations or threatened violations.

Subd. 4. Civil Action or Cost as Special Tax. If a Person fails to comply with the provisions of this Ordinance, the County may recover its costs including attorney's fees, costs and disbursements, staff costs, environmental engineering, or other consulting and contractor costs, and other related costs, incurred for corrective action in a civil action in any court of competent jurisdiction. At the discretion of the County, the costs may be certified to the County Auditor as a special tax against the real property. County remedies herein are not deemed exclusive.

SECTION XLVII. PROVISIONS ARE ACCUMULATIVE

The provisions of 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 XLVIII. OTHER ORDINANCES AND REGULATIONS

Kandiyohi County does not release any of its Solid Waste Management powers under Minnesota Statutes and Agency regulation to other local units of government. If any regulations, existing or hereafter adopted by any other local unit of government, conflict with the intent of this ordinance or the Kandiyohi County Solid Waste Management Plan, this county ordinance and the plan shall prevail.

SECTION XLIX. VALIDITY

Should any section or provision of this Ordinance be declared by a court competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

SECTION L. EFFECTIVE DATE

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

88073777.5

KANDIYOHI COUNTY LANDFILL RATES 2017

Bulk MSW Disposal	\$41.00 Per Ton / \$12.31 CY
Contracted Commercial Hauler	\$30.00 Per Ton / \$9.00 CY
Non-County MSW Disposal	\$95.00 Per Ton / \$28.53 CY
Minimum Disposal (MSW)	\$12.30 (<600#)
Demolition Materials	\$30.00 Per Ton
Non-County Demolition	\$35.00 Per Ton
Minimum Demolition Charge	\$15.00 Per Ton (<1,000#)
Uncovered loads	\$5.00

Additional State and County Fees (on certain items listed above)

Kandiyohi County Service Charge: County Service Charge Collected from Generators in County on Hauler Invoices: 24% of Sales Price of Hauler Services (as defined in County Solid Waste Ordinance)

(MSW, Kandiyohi County Only)	\$36.62 Per Ton / \$11.00 CY
MN Solid Waste Management Tax (MSW)	\$6.97 Per Ton (17% of Tip Fee / \$2.09 CY)
Kandiyohi County Service Charge	
Fee Paid to State	\$1.74 Per Ton (17% of \$10.23)
GM Landfill Cleanup Fee (MSW Only)	\$6.66 Per Ton / \$2.00 CY
MN Solid Waste Management Tax (DEMO)	\$2.00 Per Ton / \$.60 CY
Minimum SWMT (DEMO.)	\$.60 (<600#)

Minimum <600# (Monday, Wednesday and Saturday)

Kandiyohi County Service Charge	\$10.98 Per Ton
MN Solid Waste Management Tax (MSW)	\$2.09 Per Ton (17% of Tip Fee / \$0.63 CY)
Kandiyohi County Service Charge	
Fee Paid to State	\$0.52 (<600# 17% of \$10.23)
Minimum GM Landfill Cleanup Fee	\$2.00 Per Ton

*** An additional \$22.63 drop fee for minimum loads delivered on days other than Monday, Wednesday or Saturday.

White Goods (Appliances)	\$10.00 Each
Fluorescent Tubes	\$.50 Each
Mercury Lamps	\$2.50 Each
Cathode Ray Tube (i.e. TV's, Monitors)	\$15.00 Each
Printers/Scanners/Faxes/ Copiers/Stereos/DVD	
VCR/Cable Boxes	\$10.00 Each
Computers and Accessories	FREE
Lead Acid Batteries	FREE
Yard Waste and Brush	FREE
Used Oil and Oil Filters	FREE
Scrap Metal	FREE
Household Hazardous Waste	FREE (Other Counties in Regional Program Only)
Recyclable Materials	FREE
Tires: Car & Light Truck	\$1.50 Each
Truck Tire	\$5.00 Each
Tractor Tire	\$16.00 Each
Off Road Equipment	\$300.00 Each

NOTE: Permit Fee (i.e. Demo. Landfill, MSW Landfill, etc.) \$1,000.00; Yearly Permit Renewal \$250.00

Asmt Code/Description	Building Value Range	Service Fee Amount
101 AGRICULTURE	3,500 to 999,999,999	50
102 EXTRA AGRICULTURE	3,500 to 999,999,999	50
105 AG NON-CONTIGUOUS	3,000 to 999,999,999	50
151 SEASONAL REC RESIDENTIAL	3,500 to 999,999,999	25
200 RESIDENTIAL VACANT LAND	3,500 to 999,999,999	50
201 RESIDENTIAL\ SINGLE UNIT	3,500 to 999,999,999	50
202 RES X-TRA FULL HOMESTEAD	3,500 to 999,999,999	50
204 1 TO 3 UNIT DWELLING	1 to 999,999,999	50
205 4 OR MORE UNITS	1 to 999,999,999	50
208 RESID FHA (4 OR MORE UNI	1 to 999,999,999	50
209 RESID TITLE II AND MHFA	1 to 999,999,999	50
217 QUALIFYING 4D LOW INCOME	1 to 999,999,999	50
218 RESID FHA (3 OR LESS)	1 to 999,999,999	50
219 RESID TITLE II AND MHFA	1 to 999,999,999	50
220 RESID 1-3 UNITS SEC 42	1 to 999,999,999	50
221 SEAS REC COMMERCIAL	1 to 999,999,999	16
222 SEAS REC COMMERCIAL	1 to 999,999,999	16
225 BED & BREAKFAST < 6 UNIT	1 to 999,999,999	50
228 NON-COMM AIRCRAFT HANGER	1 to 999,999,999	50
229 RESID TITLE II AND MHFA(1 to 999,999,999	50
230 LAND/BLD-P UTILITY	1 to 999,999,999	75
231	1 to 200,000	40
	200,001 to 400,000	80
	400,001 to 600,000	121
	600,001 to 800,000	161
	800,001 to 1,000,000	201
	1,000,001 to 2,000,000	402
	2,000,001 to 4,000,000	804
	4,000,001 to 6,000,000	1,206
	6,000,001 to 999,999,999	1,608
232 SEAS REC COMMERCIAL	1 to 999,999,999	16
233 COMM LAND/BLD	1 to 200,000	50

Asmt Code/Description	Building Value Range	Service Fee Amount
234 INDUST LAND/BUILDING	200,001 to 400,000	100
	400,001 to 600,000	151
	600,001 to 800,000	201
	800,001 to 1,000,000	251
	1,000,001 to 2,000,000	503
	2,000,001 to 4,000,000	1,005
	4,000,001 to 6,000,000	1,508
	6,000,001 to 999,999,999	2,010
	1 to 200,000	75
	200,001 to 400,000	151
240 LAND/BLD-P UTILITY	400,001 to 600,000	226
	600,001 to 800,000	301
	800,001 to 1,000,000	378
	1,000,001 to 2,000,000	754
	2,000,001 to 4,000,000	1,508
	4,000,001 to 6,000,000	2,261
	6,000,001 to 999,999,999	3,015
	1 to 999,999,999	75
	1 to 999,999,999	40
	1 to 999,999,999	50
243 COMM LAND & BLDG	200,001 to 400,000	100
	400,001 to 600,000	151
	600,001 to 800,000	201
	800,001 to 1,000,000	251
	1,000,001 to 2,000,000	503
	2,000,001 to 4,000,000	1,005
	4,000,001 to 6,000,000	1,508
	6,000,001 to 999,999,999	2,010
	1 to 200,000	75
	200,001 to 400,000	151
244 INDUST LAND/BLDGS	400,001 to 600,000	226
	600,001 to 800,000	301
	800,001 to 1,000,000	378
	1,000,001 to 2,000,000	754
	2,000,001 to 4,000,000	1,508
	4,000,001 to 6,000,000	2,261
	6,000,001 to 999,999,999	3,015
	1 to 200,000	75
	200,001 to 400,000	151
	400,001 to 600,000	226
247 MH PARK	600,001 to 800,000	301
	800,001 to 1,000,000	378
	1,000,001 to 2,000,000	754
	2,000,001 to 4,000,000	1,508
	4,000,001 to 6,000,000	2,261
	6,000,001 to 999,999,999	3,015
	1 to 999,999,999	50
	1 to 200,000	50
	200,001 to 400,000	100
	400,001 to 600,000	151
261 COMM BLD-JOBZ	600,001 to 800,000	201
	800,001 to 1,000,000	251
	1,000,001 to 2,000,000	503
	2,000,001 to 4,000,000	1,005
	4,000,001 to 6,000,000	1,508
	6,000,001 to 999,999,999	2,010
	1 to 200,000	50
	200,001 to 400,000	100
	400,001 to 600,000	151
	600,001 to 800,000	201
262 INDUST BLD-JOBZ	800,001 to 1,000,000	251
	1,000,001 to 2,000,000	503
	2,000,001 to 4,000,000	1,005
	4,000,001 to 6,000,000	1,508
	6,000,001 to 999,999,999	2,010
	1 to 200,000	50
	200,001 to 400,000	100
	400,001 to 600,000	151
	600,001 to 800,000	201
	800,001 to 1,000,000	251

Asmt Code/Description	Building Value Range	Service Fee Amount
313 NON-PROF COM SRV-DONATE	1 to 200,000	50
	200,001 to 400,000	100
	400,001 to 600,000	151
	600,001 to 800,000	201
	800,001 to 1,000,000	251
	1,000,001 to 2,000,000	303
	2,000,001 to 4,000,000	1,005
	4,000,001 to 6,000,000	1,508
	6,000,001 to 999,999,999	2,010
401 AGR ON LEASED LAND	3,000 to 999,999,999	50
402 RESID ON LEASED LAND	3,000 to 999,999,999	50
435 RESID STRUCT-LL	1 to 999,999,999	50
438 C/I STRUCT-LL	1 to 999,999,999	50
441 STRUCT-LL-URBAN	1 to 999,999,999	50
442 STRUCT-RR OPERATING	1 to 200,000	75
	200,001 to 400,000	151
	400,001 to 600,000	226
	600,001 to 999,999,999	301
445 SYST OF GAS UTILITIES	1 to 200,000	75
	200,001 to 400,000	151
	400,001 to 600,000	226
	600,001 to 999,999,999	301
451 STRUCT-PUBL LL	1 to 999,999,999	50
452 STRUCT-RR OPERATING	1 to 200,000	75
	200,001 to 400,000	151
	400,001 to 600,000	226
	600,001 to 999,999,999	301
560 HOUSING REDEV AUTHOR PRO	1 to 999,999,999	50
900	3,000 to 999,999,999	30
901 K-12 SCHOOLS - PUBLIC	1 to 200,000	43
	200,001 to 400,000	84
	400,001 to 600,000	126
	600,001 to 800,000	168
	800,001 to 1,000,000	210

Asmt Code/Description

Building Value Range

Service Fee Amount

001*YES*STD

902 K-12 SCHOOLS - PRIVATE

1,000,001 to 2,000,000 419
 2,000,001 to 4,000,000 838
 4,000,001 to 6,000,000 1,256
 6,000,001 to 999,999,999 1,675

1 to 200,000 43
 200,001 to 400,000 84
 400,001 to 600,000 126
 600,001 to 800,000 168
 800,001 to 1,000,000 210
 1,000,001 to 2,000,000 419
 2,000,001 to 4,000,000 838
 4,000,001 to 6,000,000 1,256
 6,000,001 to 999,999,999 1,675

904 COLLEGES - PUBLIC

1 to 200,000 50
 200,001 to 400,000 100
 400,001 to 600,000 151
 600,001 to 800,000 201
 800,001 to 1,000,000 251
 1,000,001 to 2,000,000 503
 2,000,001 to 4,000,000 1,005
 4,000,001 to 6,000,000 1,508
 6,000,001 to 999,999,999 2,010

905 COLLEGES - PRIVATE

1 to 200,000 50
 200,001 to 400,000 100
 400,001 to 600,000 151
 600,001 to 800,000 201
 800,001 to 1,000,000 251
 1,000,001 to 2,000,000 503
 2,000,001 to 4,000,000 1,005
 4,000,001 to 6,000,000 1,508
 6,000,001 to 999,999,999 2,010

915 CHURCH PROP-SANC & ED FA

1 to 200,000 50
 200,001 to 400,000 100
 400,001 to 600,000 151
 600,001 to 800,000 201
 800,001 to 1,000,000 251
 1,000,001 to 2,000,000 503
 2,000,001 to 4,000,000 1,005
 4,000,001 to 6,000,000 1,508
 6,000,001 to 999,999,999 2,010

916 CHURCH PROP-RECTORY

1 to 999,999,999 50

917 CHURCH PROP OTHER RES &P

1 to 999,999,999 50

918 CHURCH PROP-SERVICE ENT

1 to 50,000 50
 50,001 to 100,000 100
 100,001 to 150,000 151
 150,001 to 200,000 201
 200,001 to 750,000 251
 750,001 to 999,999,999 503

Asmt Code/Description	Building Value Range	Service Fee Amount
920 PUBLIC HOSPITALS		
	1 to 200,000	50
	200,001 to 400,000	100
	400,001 to 600,000	151
	600,001 to 800,000	201
	800,001 to 1,000,000	251
	1,000,001 to 2,000,000	503
	2,000,001 to 4,000,000	1,005
	4,000,001 to 6,000,000	1,508
	6,000,001 to 7,000,000	2,010
	7,000,001 to 999,999,999	4,020
931 CHARITABLE INSTITUTIONS		
	1 to 200,000	50
	200,001 to 400,000	100
	400,001 to 600,000	151
	600,001 to 800,000	201
	800,001 to 1,000,000	251
	1,000,001 to 2,000,000	503
	2,000,001 to 4,000,000	1,005
	4,000,001 to 6,000,000	1,508
	6,000,001 to 999,999,999	2,010
936 REC PROP FOR VETS IN SUP		
	1 to 200,000	50
	200,001 to 400,000	100
	400,001 to 600,000	151
	600,001 to 800,000	201
	800,001 to 1,000,000	251
	1,000,001 to 2,000,000	503
	2,000,001 to 4,000,000	1,005
	4,000,001 to 6,000,000	1,508
	6,000,001 to 999,999,999	2,010
940 NON-PROFIT NURSING HOMES		
	1 to 999,999,999	50
941 FOREST, PARKS, WILDLIFE RE		
	1 to 200,000	50
	200,001 to 400,000	100
	400,001 to 600,000	151
	600,001 to 800,000	201
	800,001 to 1,000,000	251
	1,000,001 to 2,000,000	503
	2,000,001 to 4,000,000	1,005
	4,000,001 to 6,000,000	1,508
	6,000,001 to 999,999,999	2,010
952 STATE PROPERTY		
	1 to 200,000	50
	200,001 to 400,000	100
	400,001 to 600,000	151
	600,001 to 800,000	201
	800,001 to 1,000,000	251
	1,000,001 to 2,000,000	503
	2,000,001 to 4,000,000	1,005
	4,000,001 to 6,000,000	1,508
	6,000,001 to 999,999,999	2,010
953 CNTY PUBLIC SERVICE ENT		
	1 to 999,999,999	16

Asmt Code/Description	Building Value Range	Service Fee Amount
954 CNTY LAW ENF-FIRE-ADMIN	1 to 200,000	50
	200,001 to 400,000	100
	400,001 to 600,000	151
	600,001 to 800,000	201
	800,001 to 1,000,000	251
	1,000,001 to 2,000,000	503
	2,000,001 to 4,000,000	1,005
	4,000,001 to 6,000,000	1,508
	6,000,001 to 999,999,999	2,010
955 CNTY PROPERTY-ALL OTHER	1 to 200,000	50
	200,001 to 400,000	100
	400,001 to 600,000	151
	600,001 to 800,000	201
	800,001 to 1,000,000	251
	1,000,001 to 2,000,000	503
	2,000,001 to 4,000,000	1,005
	4,000,001 to 6,000,000	1,508
	6,000,001 to 999,999,999	2,010
956 MUNICIPAL PUBLIC SER ENT	1 to 200,000	50
	200,001 to 400,000	100
	400,001 to 600,000	151
	600,001 to 800,000	201
	800,001 to 1,000,000	251
	1,000,001 to 2,000,000	503
	2,000,001 to 4,000,000	1,005
	4,000,001 to 6,000,000	1,508
	6,000,001 to 999,999,999	2,010
957 MUNICIPAL LAW E-FIRE-ADM	1 to 200,000	50
	200,001 to 400,000	100
	400,001 to 600,000	151
	600,001 to 800,000	201
	800,001 to 1,000,000	251
	1,000,001 to 2,000,000	503
	2,000,001 to 4,000,000	1,005
	4,000,001 to 6,000,000	1,508
	6,000,001 to 999,999,999	2,010
958 MUNICIPAL PROP ALL OTHER	1 to 200,000	50
	200,001 to 400,000	100
	400,001 to 600,000	151
	600,001 to 800,000	201
	800,001 to 1,000,000	251
	1,000,001 to 2,000,000	503
	2,000,001 to 4,000,000	1,005
	4,000,001 to 6,000,000	1,508
	6,000,001 to 999,999,999	2,010
959 SPECIAL TAXING DISTRICTS	1 to 200,000	50
	200,001 to 400,000	100
	400,001 to 600,000	151
	600,001 to 800,000	201

Asmt Code/Description	Building Value Range	Service Fee Amount
996 MISCELLANEOUS	800,001 to 1,000,000	268
	1,000,001 to 2,000,000	503
	2,000,001 to 4,000,000	1,005
	4,000,001 to 6,000,000	1,508
	6,000,001 to 999,999,999	2,010
	1 to 200,000	50
	200,001 to 400,000	100
	400,001 to 600,000	151
	600,001 to 800,000	201
	800,001 to 1,000,000	251
	1,000,001 to 2,000,000	503
	2,000,001 to 4,000,000	1,005
	4,000,001 to 6,000,000	1,508
	6,000,001 to 999,999,999	2,010

**KANDIYOHI COUNTY BOARD OF COMMISSIONERS
RESOLUTION 2016-53**

WHEREAS, County staff have recently reviewed and analyzed the Solid Waste Program of Kandiyohi County and, based upon such review and analysis, have recommended revisions to certain elements of the County's Solid Waste Program;

WHEREAS, such recommended revisions are designed to better ensure the long-term viability of the County Solid Waste Sanitary Landfill and enhance protection of the public health, safety and welfare;

WHEREAS, such revisions include reducing the amount of solid waste generated in other counties that is managed at the County Landfill, and ensuring solid waste generated within the County is properly managed at the County's Landfill as well as through County recycling and household hazardous waste programs;

WHEREAS, such recommendations are designed to manage household and commercial solid waste as efficiently as possible while safeguarding the environment into the future;

WHEREAS, the recommendations have been discussed by the County Board and with various stakeholders, including members of the solid waste industry operating within the County;

WHEREAS, the recommended revisions include changes to the rates at the County Landfill effective January 1, 2017, under which the tipping fee for waste generated in the County will be reduced and the tipping fee for waste generated outside the County will be increased;

WHEREAS, the recommended revisions include amendments to the County Solid Waste Ordinance to further define the County's Solid Waste Service Charges including the charge collected by haulers as well as the per-parcel charge; and

WHEREAS, a public hearing on the Solid Waste Ordinance amendments was held on October 18, 2016.

NOW THEREFORE, BE IT RESOLVED that the Kandiyohi County Board of Commissioners hereby approves the amended and restated Solid Waste Ordinance that is attached;

BE IT FURTHER RESOLVED that Kandiyohi County Board of Commissioners hereby approves the attached Landfill Rates, effective January 1, 2017.

BE IT FURTHER RESOLVED, the Kandiyohi County Board of Commissioners hereby approves the current per-parcel Solid Waste Service Charge amounts for various property categories and value ranges as described in the attached document.

APPROVED:



Chair, Kandiyohi County Board of Commissioners

ATTEST:



Kandiyohi County Auditor

October 18, 2016.

TBB 46th Zone

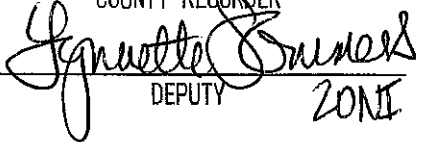
638671

OFFICE OF COUNTY RECORDER
KANDIYOHI COUNTY MINNESOTA

FILED AND/OR RECORDED ON

10/24/2016 01:50PM

JULIE KALKBRENNER
COUNTY RECORDER

BY 
DEPUTY ZONE

Adoption of (to Amend) Kandiyohi County Solid Waste Ordinance

Pursuant to Minnesota Statutes, notice is hereby given that the Kandiyohi County Board of Commissioners held a public hearing on Tuesday, October 18, 2016 at 11:15 AM in the Commissioners Room at the Kandiyohi County Health & Human Services Building located at 2200 – 23rd St NE Willmar, Minnesota.

1. Purpose: To amend certain sections of the Kandiyohi County Solid Waste Ordinance
2. Subject Matter: propose to amend and add definitions to Section I Definitions; re-write Section XXI Service Charges – involving tipping fee, service charges, hauler-collected service charge, remittance, reporting of charges, late payment penalty, self-hauler charges, collection actions, per parcel service charge, as well as grammar & editing corrections throughout.

The Kandiyohi County Board of Commissioners ordains that the Kandiyohi County Solid Waste Ordinance shall hereby be amended and restated as the Solid Waste Ordinance and shall be in full force and effect upon publication.

Publication notice of approval is hereby given and shall be effective at the time of publication of this notice. Dated this 24 day of October, 2016.