

Clearwater County

Office of Environmental Services

**Solid Waste Management Ordinance**

July 2001

The County Board of Commissioners, Clearwater County does ordain:

**I. General Provisions**

A. Title

This Ordinance shall be entitled: Solid Waste Management Ordinance, Clearwater County, Minnesota.

B. Purpose and Compliance

The purpose of this ordinance is to authorize and provide for Solid Waste Management for Clearwater County, Minnesota, establishing powers and duties in connection therewith, establishing standards for and regulations of management operation; establishing requirements for certain facilities on a disposal site; requiring a license for the establishment and use of a solid waste management operation, for control of special solid wastes; embodying minimum standards and requirements established by regulation of the Minnesota Pollution Control Agency; providing for enforcement of said requirements; requiring a performance bond; and imposing penalties for failure to comply with these provisions. The purpose and object thereof to promote the health, welfare and safety of the public and protect resources of land, water and air.

C. Legal Authority

This ordinance is enacted pursuant to Minnesota Statutes, Chapter 400, Section 400.01 to 400.17.

D. Abrogation and Greater Restrictions

1. This Ordinance supersedes all provisions of any County Solid Waste Management Ordinance that relates to control and collection of solid waste.
2. The governing body of any town (township or city) may continue to exercise the authority to plan solid waste management, but after the adoption of official controls for the county by the County Board of Commissioners, no town shall enact official controls inconsistent with the standards prescribed in this Ordinance. Nothing in this section will limit any town's power to exercise a more restrictive ordinance than provided in the controls adopted by the county except all solid waste shall be disposed of only as allowed in this ordinance.
3. It is not otherwise intended by this Ordinance to repeal, abrogate or impair any existing deed restrictions or ordinances other than solid waste ordinances to the extent specified above. However, if this ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail.

E. Definitions

For the purpose of this Ordinance certain words and terms used herein are defined below:

- a. The word “shall” is mandatory and not discretionary.
- b. Words used in the present tense shall include the future, and words used in the singular number shall include the plural number.
- c. “Agency” means the Minnesota Pollution Control Agency.
- d. “Air Contaminant” means the presence in the outdoor atmosphere of any dust, fumes, mist, vapor, gas or gaseous fluid or particular substance differing in composition from or exceeding in concentration the natural components of the atmosphere.
- e. “Air Pollution” means the presence in the outdoor atmosphere of any air contaminant or combination thereof in such quantity, of such nature and duration, and under such conditions as would be injurious to human health or welfare, to animal or plant life or property, or to interfere unreasonably with the enjoyment of life and property.
- f. “Backyard Compost Site” means a sites used to compost food scraps, garden wastes, weeds, lawn cuttings, leaves and pruning from a single family or household, apartment building, or a single commercial office, a member of which is the owner, occupant, or lessee of the property.
- g. “County” means any department or representative of Clearwater County who is authorized by this ordinance or otherwise by the County Board to represent Clearwater County in the enforcement and administration of this Ordinance.
- h. “Cover Material” means a granular material, generally soil, which is used to cover the compacted solid waste in a sanitary landfill, is generally free of large objects that would hinder compaction, and is free of organic content that would be conducive to vector harborage, feed and breeding.
- i. “Demolition Debris” means solid waste resulting from the demolition of buildings, roads, and other human constructed facilities including concrete, brick, bituminous concrete, untreated wood, masonry, glass, trees, rock, and plastic building parts. Demolition debris does not include asbestos waste.
- j. “Garbage” means materials resulting from handling, processing, storage, preparation, serving and consumption of food and various food by-products.

E. *Definitions continued*

- k. “Incineration” means the process by which solid wastes are burned for the purpose of volume and weight reduction in facilities designed for such use.
- l. “Industrial Waste” means all waste generated from an industrial or manufacturing process and waste generated from non-manufacturing activities such as service and commercial establishments. Industrial waste does not include office materials, restaurant and food preparation waste, discarded machinery, demolition debris, or household refuse.
- m. “Intermediate Disposal Facility” means a facility for the storage, reduction, or processing of solid waste prior to final disposal.
- n. “Land Pollution” means the presence in or on the land of any solid waste in such quantity, or such nature or duration, and under such conditions as would affect injuriously any waters of the state, create air contaminants, cause air pollution or impact the aesthetics of the site.
- o. “License” means that permit issued by the County Board for solid waste management operation.
- p. “Licensee” means a person who has been issued a license by the County Board for solid waste management purposes pursuant to this ordinance.
- q. “Major Appliances” includes, but is not limited to: refrigerators, washers, driers, stoves, air conditioners, microwaves, televisions, radios, computers, and stereos.
- r. “Nuisance Free Manner” means dumping of solid waste shall be confined to as small an area as practical and with appropriate facilities to confine windblown material within the area; also in such a manner as to prevent materials or leaching therefrom to cause pollution of underground or surface water and keep aesthetically pleasing.
- s. “Operation” means any site, facility or activity relating to solid waste management.
- t. “Person” means any human being, any municipality or other governmental or political subdivision or public agency, any public or private corporation, any partnership, firm or association, or any other organization, any receiver, trustee, assignee, agent, or any other legal representative of any of the foregoing, or other legal entity.

*E. Definitions continued*

- u. “Putrescible Material” means a solid waste which is capable of becoming rotten or which may reach a foul state of decay or decomposition.
- v. “Recycling Facility” means a facility used for processing and/or storage of post consumer products prior to remanufacture.
- w. “Refuse” means putrescible material and non-putrescible solid waste, including, but not limited to garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, market and industrial solid wastes and sewage treatment wastes which are in dry form.
- x. “Sanitary Landfill” means an area of land which is or could be used for the disposal of solid waste without creating pollution of land, water and air, hazards to the public health or safety, or public nuisances, by utilizing the principles of engineering to confine the solid waste to the smallest practical volume, and to cover it with at least six (6) inches of cover material at the conclusion of each days operation, or at more frequent intervals as may be necessary.
- y. “Shoreland” means land located within the following distances of public waters: 1,000 feet from a lake, pond or flowage; 300 feet from a river or stream, or the landward side of a flood plain delineated by ordinance on such a river or stream, whichever is greater.
- z. “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, solid or dissolved materials in domestic sewage or other significant pollutants in water resource such as silt, dissolved or waste water effluent, dissolved materials, suspended solids in irrigation return flows, or other common water pollutants.
- aa. “Solid Waster Management” means the storage, collection, and removal of solid waste from public and private property, its transportation to intermediate or final disposal facilities and disposed of by approved methods.

E. *Definitions continued*

- bb. “Toxic or Hazardous Waste” 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 limited to, pesticides, acids, caustics, pathological wastes, radio active materials, and similar noxious substances.
- cc. “Transfer Station” means an intermediate solid waste disposal facility, whether fixed or mobile, in which solid waste collected from any source is temporarily deposited to await transportation to the final disposal site or facility.
- dd. “Water Pollution” means the contamination of any waters of the state so as to create a nuisance or render such waters as unclean, obnoxious or impure, so as to be actually or potentially harmful or detrimental or injurious to public health, safety or welfare, to domestic, commercial or industrial use, or to animals, birds, fish or other aquatic life.
- ee. “Waters of the State” means all lakes, streams, ponds, marshes, water courses, water ways, wells, springs, reservoirs, aquifers, irrigation systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.

**II. General Provisions**

- A. No person shall cause, permit or allow his land or property under his control to be used for solid waste management purposes, except at an operation for which a license has been granted by the County Board, unless otherwise provided by this Ordinance.
- B. Any operation to be used for any method of solid waste management not otherwise provided for in this Ordinance must be licensed by the County Board before operation may commence. This license application shall include sets of complete plans, specifications, design data, ultimate land use plan, if applicable, and proposed operating procedures prepared by a registered engineer of Minnesota. Where applicable, the applicant shall procure and accompany the application with a proper zoning permit if required by the county zoning ordinance.

II. *General Provisions continued*

- C. After receiving an application for an operation, the County Solid Waste Officer shall refer such application to the Solid Waste Advisory Board, which shall give a recommendation to the County Board concerning whether it should issue or deny the license. If an applicant is denied a license, he shall be notified of the reasons therefore by the County Board. A denial shall be without prejudice to the applicants right of an appearance before the County Board or his right to file a future application after revisions are made to satisfy objections specified as reasons for the denial.
1. The County Board shall refuse to issue a license for any operation which does not comply with this Ordinance, Agency regulations and the county solid waste management plan.
- D. Unless otherwise provided by the County Board, issuance of any license pursuant to the provisions of this Ordinance shall be contingent upon the applicant furnishing to the County a bond in the amount to be established by the County Board and naming the county as obligee with sufficient sureties duly licensed and authorized to transact business in the State of Minnesota as sureties. The condition of such bond shall be that if the principal fails to comply with any of the requirements or fails to perform any of the actions required of an operation or ceases to operate or abandons the operation, and the county is required to expend any monies or expand any labor or material to restore the operation to a condition in compliance with this Ordinance, the obligor and the sureties on its bond shall reimburse the county for any and all expenses incurred to remedy failure of the principal to comply with the terms of this Ordinance, and the obligor and the sureties will indemnify and save the county harmless from all losses, costs and charges that may occur to the county because of any default of the obligor under the terms of his license to operate in compliance with the terms of this ordinance (see Schedule Number 1).
1. In addition to the bond to be furnished, the licensee shall furnish to the county certificates of insurance issued by insurers duly licensed with the State of Minnesota covering public liability insurance, including general liability, automobile liability, loading and unloading, completed operations liability, bodily injury liability in an amount of at least 100,000 dollars for injury or death of any one person in any one occurrence and aggregate bodily liability in an amount of at least 300,000 dollars for injuries or death arising out of any one occurrence. Property damage liability shall be furnished in and amount of at least 50,000 dollars for any one occurrence and in the unencumbered aggregate amount of at least 50,000 dollars. The insurance amounts may be adjusted annually by resolution of the County Board.

II. *General Provisions continued*

- E. In the event a licensee is in non-compliance with the provisions of this Ordinance or applicable state laws and regulations and the continued operation could endanger the health, safety or welfare of the public or may cause pollution or impairment of the environment, the license to operate under this Ordinance may be suspended or revoked.
1. In the event of an emergency situation, the Solid Waste Officer or any authorized representative of the Agency, may be written order temporarily suspend the license of the operator. In that event, the licensee may request a hearing before the Solid Waste Advisory Board which shall meet and consider the matter within ten (10) days. The Solid Waste Advisory Board may order reinstatement pending a hearing before the County Board or refer the matter to the County Board with recommendations.
  2. The licensee shall be served a notice of proposed suspension or revocation and said suspension or revocation shall occur only after a hearing and determination by the County Board. The matter may first be heard by the Solid Waste Advisory Board which shall make a recommendation to the County Board for final action.

Notification of a pending action under this paragraph may be served upon the licensee personally or by some other means permitted under the Rules of Civil Procedure. At the hearing, the licensee and all interested parties will be heard. Upon request of the licensee a recording of the hearing shall be made available.

If, after notification, the licensee cures the defect, the Solid Waste Officer shall notify all parties that the hearing procedure is not necessary and the license, if temporarily suspended, shall be reinstated.

III. Solid Waste Officer

The duties and responsibilities of the Solid Waste Officer under this Ordinance are hereby delegated to the Clearwater County Office of Environmental Services. The Office of Environmental Services shall have all necessary authority to implement and carry out the following:

1. To review and consider all applications for license as provided for in this Ordinance, and to review supporting materials which are referred to him for operations within Clearwater County, Minnesota and then follow II. C. as provided in this Ordinance.
2. To inspect operations to determine compliance with this Ordinance and to investigate complaints about violations of this ordinance. For the purpose of



### *III. Solid Waste Officer continued*

inspecting private disposal areas, the Solid Waste Officer or his agents and authorized representatives shall have the right of entry upon all lands within the County for the purpose of determining compliance with this Ordinance. He shall give notice of his intent to inspect to the occupant, if any, and all inspections shall be made in a reasonable manner during the usual and customary hours for the conduct of business.

3. To recommend to the County Attorney that legal proceeding be initiated against a person to compel compliance with this Ordinance or to abate 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 advise, consult and cooperate with the public and the other governmental agencies in furtherance of the purpose of this Ordinance.
6. The County Office of Environmental Services and/or its employees shall have the right at all reasonable times to enter upon premises for the purpose of removing garbage deposited or permitted to remain in violation of this Ordinance. The cost of said removal shall be chargeable to the property owner. Such payment shall be due within sixty (60) days of notification from the county. In such payment is not received within the specified time, such costs shall be certified to the County Auditor and shall be added to the property taxes for the property. The County Office of Environmental Services and/or its employees shall have the right to enter upon said premise, at a reasonable time, for the purpose of inspecting the same in order to determine whether the provisions of this Ordinance are being complied with.
7. The Director of Environmental Services shall develop administrative rules, as needed, to aid in administration and enforcement of this ordinance. Proposed administrative rules shall be reviewed by the County Attorney and approved by the County Board prior to adoption.

### **IV. Solid Waste Storage**

- A. The owner, lessee and occupant of any premises, business establishment or industry shall be responsible for the satisfactory storage of all solid waste accumulated at the premise, business establishment or industry.

*IV. Solid Waste Storage continued*

- B. Putrescible waste, including, but not limited to, garbage, shall be stored in:
  - 1. Durable, rust-resistant, non-absorbent, water-tight, rodent proof and easily cleanable containers, with close-fitting, fly-tight covers having adequate handles to facilitate handlers to facilitate handling; or
  - 2. Other types of containers acceptable to the solid waste collection service, comply with 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.
- C. Solid waste shall be stored in durable containers or as otherwise provided in this Ordinance. Where putrescible wastes are stored in combination with non-putrescible wastes, containers for the storage of the mixture shall meet requirements for putrescible waste containers.
- D. Toxic or hazardous waste shall be stored in durable, leak-proof containers which are located in a safe position and labeled with a description of the chemical composition of the substance stored therein. Such wastes shall be stored in a safe location and in compliance with the requirements of Agency regulations of this Ordinance.
- E. 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.
- F. Solid waste objects or materials too large or otherwise unsuitable for storage containers shall be stored in a manner as to prevent the creation of any pollution or nuisance.
- G. The storage and/or treatment of petroleum contaminated soil shall be accomplished in accordance with the Minnesota State Rules part 7037, which is hereby adopted by reference and declared to be a part of this Ordinance. A copy of this document is on file at the Office of Environmental Services, Clearwater County Courthouse.

**V. Collection and Transportation of Solid Waste**

Unless otherwise provided in this Ordinance, the owner, lessee or occupant of any premise, business establishment or industry, and the solid waste collection service which has responsibility for collection and transportation of the solid waste from the premise, business establishment or industry, shall collect and remove all solid waste accumulated at the premise, business establishment or industry and transport it to an operation for which a permit has been issued by the Agency and approved by the County.

V. *Collection and Transportation of Solid Waste continued*

- A. Vehicles and containers used for the collection and transportation of toxic or hazardous wastes shall be durable, enclosed and leak-proof. These shall be cleaned to prevent nuisances, pollution, and insect breeding and shall be maintained in good repair as well as the vehicles and containers used for the collection and transportation of any solid waste and shall be loaded and moved in such a manner that the content will not fall, leak or spill there from and shall be covered to prevent blowing of material. Where spillage does occur, the material shall be picked up immediately by the solid waste collector or transporter and returned to the vehicle or container and the area properly cleaned.
- B. The County Board shall issue licenses for the collection and hauling of solid waste for hire, upon compliance with the following:
  - 1. Solid waste must be disposed of at an operation having a permit from the Agency and approval from the County Board of Commissioners.
  - 2. Filing of an application for a Solid Waste Collection and Transportation License upon a form provided by the County Board.
  - 3. Filing of a performance bond with sufficient sureties, which bond shall be conditioned upon the applicant's full compliance with this Ordinance, said bond to be subject to approval of the County Board and County Attorney. Bond sum to be subject to the license applied for and amount as set by resolution of the County Board on an annual basis (see Schedule Number 1).
  - 4. Submission of specifications of all vehicles to be utilized for the solid waste collection and transportation. Such vehicles shall have leak-proof bodies of easily cleanable construction, completely covered with metal or with a heavy canvas, and shall be subject to the approval and annual inspection by the Solid Waste Officer (size, weight, capacity, make, year, etc.).
  - 5. Submission of a description of the route, shown on a County map, to be followed by all solid waste collection and transportation vehicles and also between the area of collection and the solid waste operation (Demolition Landfill and/or Incinerator located at Fosston) which route shall be subject to approval of the Solid Waste Officer and the County Engineer.
  - 6. Submission of a schedule of charges for the hauling of solid waste, household and commercial on a form approved by the County Board and provided to the haulers.

V. *Collection and Transportation of Solid Waste continued*

- C. The transportation of petroleum contaminated soil or any other toxic or hazardous waste, in excess of 10 cubic yards, for the purpose of storage or disposal within Clearwater County, is prohibited unless prior notification, in writing, is made to the Office of Environmental Services with the following information:
1. Name, business name, address, and telephone number for the following persons:
    - a. The transporter of the waste.
    - b. The generator of the waste.
    - c. The owner or operator of the approved storage and/or disposal facility.
  2. Legal description of the approved storage and/or disposal site, including quarter section, section, township, range, and town or city name.
  3. Type and total volume of the substance to be transported for storage or disposal.

**VI. Solid Waste Disposal by Sanitary Landfill**

Landfills located and in operation in Clearwater County, Minnesota shall comply with the following provisions:

- A. No person shall establish, operate or maintain a sanitary landfill without first obtaining a permit from the Agency and a license from the County Board.

**VII. Intermediate Solid Waste Disposal Facilities**

No intermediate Solid Waste Disposal Operation shall be constructed, established, maintained or, operated unless a license therefore shall have been first obtained from the County Board. Where the location of the proposed operation is consistent with the county solid waste plan, the County Board may issue a license for the operation of an intermediate site. A minimum of three sets of said plans and specifications shall be prepared and submitted to the Solid Waste Officer and Agency by a registered engineer of Minnesota where applicable and shall include design data, ultimate land use plan, and proposed operating procedures. In addition, the application for a license shall contain the following information:

1. Location, size and ownership of land upon which the operation will be situated.
2. General description of property use in the immediate vicinity.
3. Complete construction plans and specifications and proposed operating procedures for the operation.

*VII. Intermediate Solid Waste Disposal Facilities continued*

- A. Further, an intermediate solid waste disposal facility shall be constructed, operated and maintained in compliance with the following requirements:
  - 1. A sign shall be posted on the premises indicating the name of the operation, the days and hours during which it is open to the public, and the user charges, if any. The sign shall be approved by the Solid Waste Officer.
  - 2. Roads on the premises shall be constructed and landscaped in such a manner that they will be bituminous, concrete or other impervious material acceptable to the Solid Waste Officer or County Engineer where applicable.
  - 3. Sanitary facilities and shelter adequate for employees shall be provided on the premises.
  - 4. Records in a form acceptable to the County Solid Waste Officer shall be maintained indicating the type and quantity of solid waste processed by the operation.
  - 5. The operation shall be so situated, equipped, operated and maintained as to minimize interference with other activities in the area.
  - 6. The premises, entrances and exits shall be maintained in a clean, neat and orderly manner at all times.
  - 7. All incoming and outgoing traffic shall be controlled by the licensee in such manner as to provide orderly and safe ingress and egress.
  - 8. All unloading of solid waste from contributing vehicles shall be conducted in such a manner as to eliminate odor and litter outside of the facility.

**VIII. Solid Waste Disposal**

- A. On-site burying and/or burning and burying of solid waste is prohibited; except for disposal of demolition debris with a valid permit issued by the Agency.
- B. Rural Canister System
  - 1. The Rural Canister System is intended for household waste from rural Clearwater County residents only. Disposal of commercial or business waste is prohibited.

VIII. *Solid Waste Disposal continued*

2. Disposal of any of the following items at any Rural Canister Site is prohibited:
- a. Household Hazardous Waste.
  - b. Industrial Waste.
  - c. Major Appliances.
  - d. Furniture.
  - e. Animal Carcasses or Carcass parts.
  - f. Automotive or Machinery parts.
  - g. Tires.
  - h. Large Wood or Metal items, and/or
  - i. Yard Wastes.

C. Tire Disposal

Chapters 7001 and 9220 of the Waste Tire Permitting Rules are hereby incorporated by reference.

**IX. License Fees**

Approval of an application by the County Board of Commissioners to issue a license for solid waste management shall be contingent upon the payment to the County for a license in the form of a license fee. Such license fees shall be equal to the cost of the County in processing the license application and in administering and enforcing this ordinance with respect to said license. The fees prescribed shall be paid by a license applicant with respect to each facility maintained by him. Fees shall be paid annually as a condition for license renewal. Non-payment of the annual fee shall be grounds for denial of license renewal. Fees shall be paid to the County Office of Environmental Services prior to issuance of license. The type of licenses and fees shall be:

<u>Type of License</u>	<u>License Fee</u>
Solid Waste Collection and Transportation (annual)	*
Intermediate Disposal Facility (annual)	*
Sanitary Landfill (annual)	*
Other Solid Waste Management Facility (annual)	*

\* Fees for each license shall be determined by Resolution of the Clearwater County Board of Commissioners (see Schedule 2)

**X. Incineration**

Utilizing the incineration process of burning solid waste for the purpose of volume and weight reduction shall be done in compliance with the standards, rules, regulations and criteria of the Agency.

## **XI. Rates and Charges for Solid Waste Management**

- A. The County Board by resolution may revise the rates and charges established herein, when deemed advisable. No charges shall be adopted or collected in any year unless first certified by the County Board of Commissioners to the County Auditor.
- B. Within Clearwater County, owners of real property, businesses, utilities, institutions, whether public or private, and other entities responsible for the generation of Solid Waste shall pay a fee for waste management.
- C. Rates and charges may take into account, but not limited to the character, kind and quality of the service and of the solid waste; the method of disposition including but not limited to activities such as recycling, composting, co-composting, resources recovery, and all other factors that enter into the cost of service, also including the operating costs associated with services to be provided at Solid Waste processing and disposal facilities and administrative costs associated with providing a Solid Waste Management Program to this County.
- D. The rates for charges payable in 1988 shall be as stated on the 1988 rate schedule for Solid Waste management charges adopted by the County Board, a copy of which shall be kept on file in the Office of the County Auditor.

The rates for charges payable in years subsequent to 1988 shall be as stated in the rate schedule for Solid Waste Management charges adopted by the County Board by October 1, of the year preceding that year for which the adjusted rate schedule shall apply. If no new rate schedule is adopted in any given year, the rate schedule from the previous year shall remain in effect. A copy of the current rate schedule shall be kept on file in the Office of the County Auditor, (see Schedule Number 3).

- E. The rates and charges shall be billed and collected in a manner determined by the County Board.
- F. Solid Waste Management Fund for Operations Provided by the County.

A special fund on the official books of the County is hereby created which shall be known as the Solid Waste Management Fund. All receipts from the rates and charges collected pursuant to this ordinance and all receipts from the sale of real or personal property pertaining to solid waste management systems and the proceeds of all gifts, loans, grants in aids and issuance of bonds for the purpose of the system shall be credited to the solid waste management fund. All costs of acquisition, construction, enlargement, improvement repair, supervision, control, maintenance, and operation of the solid waste management system and facilities which are owned and operated by the County, but not those owned and operated by its contractor, shall be charged to the Solid Waste Management Fund.

*XI. Rates and Charges for Solid Waste Management continued*

G. Appeals

1. Any owner of real property or any owner of a business, utility, institution, or any owner of an entity responsible for the generation of solid waste who believes that the service charge imposed upon his property, business, utility, institution or other entity by the County for the purpose stated herein is not equitable may appeal that charge. To do so the owner must obtain an appeal document from the Solid Waste Officer, complete said document in full, and return it to that officer within sixty (60) days of the date of mailing of notice of the services charge. Upon receipt of the completed appeal document, the Solid Waste Officer or his or her assignee shall refer this matter to the Clearwater County Planning Advisory Commission also known as the Solid Waste Advisory Board to review the appeal and recommend to the County Board at their next meeting.

After the County Board has made their decision the Solid Waste Officer shall notify the complaining owner by mail of the decision to either adjust the service charge in response to the appeal, or to deny the appeal.

**XII. Variances**

Upon written application to the County Board, 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 Ordinance.

A variance may be granted by the County Board when, after a public hearing, the County Board determines that enforcement of this Ordinance would cause the applicant undue hardship, or that the Ordinance cannot be complied with due to technological impossibility or economic unreasonableness. Such a variance shall not be granted for more than a two (2) year period, but may be renewed upon application and after a public hearing. A variance may be revoked by the County Board after a public hearing prior to expiration of the variance. An application for a Variance shall be accompanied by a plan and time schedule for achieving compliance with this Ordinance. Prior to any public hearing held by the County Board under these provisions, a notice shall be published in the newspaper of record at least thirty (30) days prior to said hearing.

**XIII. Non-conforming Sites and Facilities**

Solid waste management facilities in existence on the effective date of this Ordinance shall conform to the provisions of this Ordinance no later than sixty (60) days after the adoption of the Ordinance, or terminate operations no later than that date, unless granted a variance.



#### **XIV. 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 management sites or facilities.

#### **XV. Severability**

- A. It is hereby declared to the intention of the Clearwater County Board of Commissioners that the several provisions of this Ordinance be severable in accordance with the following:
1. If any court of competent jurisdiction shall adjudge any provisions of this Ordinance to be invalid, such judgment shall not effect any other provisions of this Ordinance not specifically included in said judgment.
  2. If any court of competent jurisdiction shall adjudge any application of this Ordinance invalid to a particular structure, site, facility or operation, such judgment shall not effect the application of said provision to any other structure, site, facility or operation not specifically included in said judgment.

#### **XVI. 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.

#### **XVII. 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.

#### **XVIII. Violations**

- A. Any person who shall violate or fails, neglects or refuses to comply with the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided by law. A separate offense shall be deemed committed each separate day during or on which a violation of this ordinance occurs. The County is responsible for the enforcement of this Ordinance.
- B. This Ordinance, in addition to other remedies, may be enforced by injunction, action to compel performance or other appropriate action in District Court to prevent, restrain, correct or abate violations.

**XIX. Other Ordinances and Regulations**

Nothing in this Ordinance shall preclude any local unit of government from adopting stricter regulations than this Ordinance.

**XX. Amendments**

- A. An amendment may be initiated by a property owner or the County Board of Commissioners. Property owners wishing to initiate an amendment shall fill out an application for amendment form, available from the Environmental Services Office. Such application shall be filled out and submitted to the Environmental Services Office together with the appropriate fee;
- B. The applicant shall appear before the County Board of Commissioners to answer any questions that Board members may have concerning the amendment request;
- C. A public hearing on the amendment request shall be conducted by the County Board of Commissioners within sixty (60) days following such initial meeting.
- D. The County Board of Commissioners shall consider the amendment within thirty (30) days after the public hearing is conducted.

**XXI. Effective Date**

This Ordinance shall be in full force and effect from and after its passage and publications, according to law.

The Clearwater County Solid Waste Management Ordinance shall be in full force and effect from and after the date of adoption, as provided by law. This Ordinance is hereby adopted by the Clearwater County Board of Commissioners, Clearwater County, Minnesota, this 10<sup>th</sup> day of July, 2001.

Signed \_\_\_\_\_  
Julie Oen’Kroening, Chairperson  
County Board of Commissioners

ATTEST

Signed \_\_\_\_\_  
Jeanine Brand, County Board Coordinator