

SIBLEY COUNTY

Article 730 “Solid Waste Ordinance” of the Code of Ordinances of the County of Sibley

ARTICLE 730. SOLID WASTE ORDINANCE

SECTION 730.1 HISTORY

SUBD. 730.1.1 The Sibley County Solid Waste Management Service Fee Ordinance (now Article 720) was originally established in 1983; the Waste Management Act and Related Acts and Laws as amended through the 1992 Legislative Session made requirements pertaining to volume or weight based pricing; and these provisions were not included in the existing Sibley County Solid Waste Management Service Fee Ordinance.

SECTION 730.2 OVERVIEW

SUBD. 730.2.1 An ordinance authorizing and providing for County Solid Waste Management, establishing powers and duties in connection therewith, establishing standards and requirements for solid waste management operations within the County of Sibley, requiring a license for the establishment and use of a solid waste management operation; embodying minimum standards and requirements established by rules of the Minnesota Pollution Control Agency; providing for enforcement of said requirements; requiring a performance bond and insurance; and imposing penalties for failure to comply with these provisions; in purpose and object to promote health, welfare and safety of the public and protect resources of water, air and land pursuant to Minnesota Statutes, Chapters 115, 115A, 116, and 400.

SECTION 730.3 DEFINITIONS

Unless specifically altered, terms and abbreviations used in this ordinance shall be interpreted in a manner consistent with Minnesota Statutes, Chapters 115, 115A, 116 and 400 and rules of the Agency, which have been or hereafter may be adopted under those provisions. Terms and abbreviations used herein which are not specifically defined by law shall be construed in accordance with the context and professional usage.

SUBD. 730.3.1 “Agency” means the Minnesota Pollution Control Agency.

SUBD 730.3.2 “Air Contaminant” means the presence in the outdoor atmosphere of any dust, fume, mist, smoke, vapor, gas or other gaseous fluid, or particulate substance differing in composition from or exceeding in concentration the natural components of the atmosphere.

SUBD. 730.3.3 “Air Pollution” means the presence in the outdoor atmosphere of any air contaminant or combination thereof in such quantity, of such nature and duration, and under such conditions as would be injurious to human health or welfare, to animal or

plant life, or to property, or to interfere unreasonably with the enjoyment of life or property.

SUBD. 730.3.4 “Canister System” means one or more commercial solid waste storage containers (such as “green boxes” and “dumpsters”) located to function as intermediate disposal facilities, and which are serviced on a regular basis by a public or private solid waste hauler.

SUBD. 730.3.5 “Commercial Hauler” means any person, as defined in Section I, who owns, operates, or leases vehicles for hire for the purpose of collection and/or transportation of any type of solid waste.

SUBD. 730.3.6 “County” means any department or representative of the county who is authorized by this ordinance or otherwise by the County Board to represent the County of Sibley in the enforcement or administration of this ordinance.

SUBD. 730.3.7 “Composting” means the controlled biological decomposition of selected solid waste in a manner resulting in an innocuous final product.

SUBD. 730.3.8 “Cover Materials” is material that is used to cover compacted solid waste in a land disposal site. Important general characteristics of good cover material are low permeability, uniform texture, cohesiveness and compatibility. Suitable cover materials include, but are not limited to, sandy loam, loam, silt loam, sandy clay loam, silty clay loam, clay loam, sand clay, and loamy sand.

SUBD. 730.3.9 “Garbage” means discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.

SUBD. 730.3.10 “Hazardous Waste” means any refuse or discarded material or combinations of refuse or discarded materials in solid, semi-solid, liquid, or gaseous form which cannot be handled by routine waste management techniques because they pose a substantial present or potential hazard to human health or other living organisms because of their chemical, biological, or physical properties. Categories of hazardous waste materials include, but are not limited to, explosives, flammables, oxidizers, poisons, irritants, and corrosives. Hazardous waste does not include sewage sludge and source material, special nuclear material or by-product material as defined by the Atomic Energy Act of 1954, as amended.

SUBD. 730.3.11 “Incineration” means the process by which solid wastes are burned for the purpose of volume or weight reduction or energy recovery in facilities designed for such use.

SUBD. 730.3.12 “Intermediate Waste Disposal Facility” is a facility for the preliminary or incomplete disposal of solid waste including, but not limited to, transfer station, canister site or system, open burning site, incineration, composting, recovery of recyclable materials, reduction, shredding and compression.

SUBD. 730.3.13 “Land Pollution” means the presence in or on the land of any waste in such quantity, of such nature and duration, and under such condition as would affect injuriously any waters of the state, create air contaminants or cause air pollution.

SUBD. 730.3.14 “Licensee” means a person who has been issued a license by the Board for solid waste management purposes pursuant to this ordinance.

SUBD. 730.3.15 “Operation” means any site, facility, or activity relating to solid waste management.

SUBD. 730.3.16 “Person” means any human being, any municipality or other governmental or political subdivision or other public agency, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing, or any other legal entity.

SUBD. 730.3.17 “Putrescible Material” means solid waste which is capable of being rotten, or which may reach a foul state of decay or decomposition.

SUBD. 730.3.18 “Refuse” means putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, market and industrial solid wastes, and municipal treatment wastes which do not contain free moisture.

SUBD. 730.3.19 “Rubbish” means nonputrescible solid wastes, including, but not limited to, ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, or litter of any kind.

SUBD. 730.3.20 “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.

SUBD. 730.3.21 “Shoreland” means land located within the following distances from public water: a) 1,000 feet from the ordinary high water mark of a lake, pond, or

flowage; and b) 300 feet from a river or stream, or the landward extent of a flood plain designated by ordinance on such a river or stream, whichever is greater.

SUBD. 730.3.22 “Solid Waste” means garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility, or other discarded waste materials and sludges, in solid, semi-solid liquid or contained gaseous form, resulting from industrial, commercial, mining, or agricultural operations, or from community activities, but does not include hazardous waste; animal waste used as fertilizer; earthen fill, boulders, rock; sewage sludge, solid or dissolved material in domestic sewage or other common pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents or discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended; dissolved materials in irrigation return flows; or source material, special nuclear material, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

SUBD. 730.3.23 “Solid Waste Management Facility” means a sanitary landfill, or an intermediate disposal facility.

SUBD. 730.3.24 “Solid Waste Management” means the storage, collection, or removal of solid waste from or on public or private property, its transportation to intermediate or final disposal facilities or its final disposal by methods approved by the Agency.

SUBD. 730.3.25 “Transfer Station” means an intermediate solid waste disposal facility in which solid waste collected from any source is temporarily deposited to await transportation to another solid waste management facility.

SUBD. 730.3.26 “Water Pollution” means a) the discharge of any pollutant into any waters of the state or the contamination of any waters of the state so as to create a nuisance or render such waters unclean, or noxious, or impure so as to be actually or potentially harmful or detrimental or injurious to public health, safety or welfare, to domestic, agricultural, commercial, industrial, recreational or other legitimate uses, or to livestock, animals, birds, fish or other aquatic life; or b) the man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of waters of the state.

SUBD. 730.3.27 “Waters of the State” means any waters, surface or underground, except those surface waters which are not confined but are spread and diffused over the land. “Waters of the State” includes all boundary and inland waters.

SECTION 730.4 GENERAL PROVISIONS

SUBD. 730.4.1 No person shall cause, permit, or allow 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. A license shall not be required under this ordinance for any site used for the disposal of solid waste from only a single family household, a member of which is the owner, occupant or leasee of the property, but such site shall be operated and maintained in a nuisance-free and aesthetic manner consistent with this ordinance.

SUBD. 730.4.2 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. The license application shall include three sets of complete plans, specifications, design data and ultimate land use plans. Proposed operating procedures for a solid waste disposal facility must be prepared by a professional engineer registered in Minnesota. The applicant shall procure a proper zoning permit to accompany the application if required by the County Zoning Ordinance. No license shall be issued for a solid waste facility unless the applicant has demonstrated to the satisfaction of the County Board the availability of revenues necessary to operate the facility in accordance with applicable state and local laws, ordinances and rules.

SUBD. 730.4.3 After receiving an application for an operation, the County Board shall refer such applications to the County Solid Waste Officer who shall give his recommendation to the County Board concerning whether it should issue or deny the license. If an applicant is denied a license, such applicant shall be notified in writing of the reasons therefore by the County Board. A denial shall be without prejudice to the applicant's right to an appearance before the County Board or to the applicant's right to file a further application after revisions are made to satisfy objections specified as reasons for denial.

SUBD. 730.4.4 The County Board shall refuse to issue a license for any operation which does not comply with this ordinance, Agency rules and the County's solid waste management plan.

SUBD. 730.4.5 Issuance of any license pursuant to the provisions of this ordinance shall be contingent upon the applicant furnishing to the County a bond in an amount to be set by the County Board. This bond shall name 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 licensee fails to comply with any of the requirements or fails to perform any of the acts required of an operation or ceases to operate any monies or expend any labor or material to restore the operation to a condition in compliance with this ordinance, the bond holder and the sureties on its bond shall reimburse the County for any and all the expenses incurred by the County to remedy failure of the licensee to comply with the terms of this ordinance, and the bond holder and its sureties shall indemnify and save the County harmless from all losses, costs, and charges that may occur to the bond holder or its sureties because of any default of the

licensee under the terms of his license to operate in compliance with the terms of the ordinances of the County.

SUBD. 730.4.6 In addition to the bond referred to in SUBD. 730.4.5, issuance of any license pursuant to the provisions of this ordinance shall be contingent upon the applicant securing, and furnishing to the County a copy of a certificate therefore, the following types of insurance issued to the licensee by insurers duly licensed within the State of Minnesota and in amounts to be set by the County Board; general liability including, but no limited to, bodily injury, property damage, motor vehicle, loading and unloading and gradual pollution insurance.

SUBD. 730.4.7 Any license granted by the County Board under the provisions of this ordinance may be suspended by the County Board at any time for noncompliance with the provisions of the license, this ordinance or applicable state laws or rules, or upon written notification to the licensee and the County Board by the Solid Waste Officer or by an authorized representative of the Agency that the continued use of the operation may endanger the health, welfare or safety of the public or that the continued use may cause pollution or impairment of the environment.

The notice of suspension shall be deemed adequately served whenever it is served upon the licensee personally or by leaving the same at the licensed premises with the person in charge thereof. A copy of the notice of suspension shall be provided to the County Board. The County Board shall remove the license suspension only upon presentation of evidence acceptable to the County Board that the conditions which were cited as cause for suspension have been fully corrected. A license may be revoked only after the County Board has held a public hearing at which the licensee and other persons wishing to be heard concerning the operation shall have the right to be heard. The date of the hearing for license revocation shall be set by the County Board and shall not be held earlier than ten calendar days after notice of said hearing was mailed to the licensee. Evidence may be adduced in a manner consistent with the rules of evidence applied in civil cases. A transcript thereof shall be made by tape recording or other suitable technique. If, pursuant to said hearing, the County Board shall determine that the operation has been conducted in violation of the provisions of the license, this ordinance, State laws or State rules, the County Board may revoke the license or continue such suspension in effect until the operation has demonstrated that full compliance with the provisions of the license, this ordinance, State laws and the State rules has been attained and that such compliance will be continued in the foreseeable future.

SUBD. 730.4.8 Routine inspection and evaluation of an operation shall be made by the Solid Waste Officer at such frequency as to ensure consistent compliance by the operation with the provisions of this ordinance. The licensee shall be provided with a written inspection report containing a precise description of any deficiencies, recommendations for the correction thereof and the date when the corrections shall be

accomplished. Copies of said report(s) shall be furnished to the Agency. The licensee shall allow to authorized representatives of the County or the Agency access to the facility at any time for the purpose of making such inspections as may be necessary to determine compliance with the requirements of this ordinance, and any other applicable statute, ordinance, or rule.

SUBD. 730.4.9 Where the conditions imposed by any provision of this ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this ordinance, or any other applicable law, ordinance or rule the provision which establishes the higher standards for the promotion of the public health, safety, and general welfare shall prevail.

SUBD. 730.4.10 Every license issued for a solid waste operation shall be registered with the Office of the County Auditor.

SECTION 730.5 SOLID WASTE OFFICER

SUBD. 730.5.1 The Solid Waste Officer shall have all necessary authority to implement and carry out the provisions of this ordinance including, but not limited to, the following:

- 730.5.1.1 To review and consider all license applications and supporting materials which are referred to the Solid Waste Officer for operations within the County, and after such review and consideration, to recommend in writing with documentation to the County Board whether a license should be granted or denied.
- 730.5.1.2 To inspect operations to determine compliance and to investigate complaints about violations of this ordinance.
- 730.5.1.3 To recommend to the County Attorney that legal proceedings be initiated against a 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.
- 730.5.1.4 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.
- 730.5.1.5 To advise, consult, and cooperate with the public and other governmental agencies in furtherance of the purpose of this ordinance.

SECTION 730.6 SOLID WASTE STORAGE

SUBD. 730.6.1 Solid wastes shall be stored in a manner which complies with state rules administered by the Agency.

SUBD. 730.6.2 Toxic or hazardous wastes shall be stored in accordance with the State rules administered by the Agency.

SUBD. 730.6.3 Transfer stations and canister sites may be established and shall be licensed annually according to SECTION 730.10 and shall meet all requirements listed in SECTION 730.6 as well as any additional requirements imposed by the County Board.

SUBD. 730.6.4 Solid wastes shall not be stored on public or private property for more than two (2) weeks without the written approval of the Solid Waste Officer. Nonputrescible wastes suitable for recycling shall not be stored on public or private property in a manner which creates a nuisance, blight, or health hazard.

SECTION 730.7 COLLECTION AND TRANSPORTATION OF SOLID WASTE

SUBD. 730.7.1 The collection and transportation of solid waste shall be performed in accordance with State rules administered by the Agency.

SUBD. 730.7.2 Toxic or hazardous wastes shall be transported in a manner consistent with State rules administered by the Agency.

SUBD. 730.7.3 No person may collect or transport solid waste for hire without first obtaining a license from the County Board. The County Board shall not issue a license until the applicant complies with all of the following requirements:

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

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

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

730.7.3.4 The applicant shall meet all of the applicable requirements for obtaining a license which are specified in SECTION 730.4 of this ordinance.

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

730.7.3.6 In accordance with Minnesota Statutes §115A.93, all fees for the collection of mixed municipal solid waste assessed by collectors operating within Sibley County shall be based on either a volume or weight based system. For volume or weight based fees, the fee shall increase with the volume or weight of the waste collected. These fees shall be implemented no later than January 1, 1993 in municipalities.

SUBD. 730.7.4 A local government unit that collects charges for solid waste collection directly from waste generators shall implement charges that increase as the volume or weight of the waste collected on-site from each generator's residence or place of business increases.

SUBD. 730.7.5 If a local government unit implements a pricing system based on volume instead of weight under SUBD. 730.7.4, it shall determine a base unit size for an average small quantity household generator and establish a multiple unit pricing system that ensures that amounts of waste generated in excess of the base unit amount are priced higher than the base unit price.

SECTION 730.8 SOLID WASTE LAND DISPOSAL FACILITIES

SUBD. 730.8.1 Land disposal facilities, including, but not limited to, sanitary landfills, modified landfills and demolition landfills, shall meet all the requirements of State rules administered by the Agency which govern these facilities.

Additionally, no person shall establish, operate or maintain a land disposal facility without first obtaining a license from the County Board in accordance with SECTION 730.4.

SUBD. 730.8.2 An application for a county license shall include, but not be limited to, the following:

730.8.2.1 An operating schedule and a schedule of fees to be levied at the land disposal facility.

730.8.2.2 A notarized affidavit stating that the applicable local governments have been given at least thirty (30) days notification of the pending application for a license.

730.8.2.3 A certificate from the County Zoning Administrator that the use proposed is in accordance with the established County Zoning Ordinance.

730.8.2.4 Sufficient documentation to enable the County Board to determine whether the applicant is financially and operationally capable to properly dispose of all solid waste.

SECTION 730.9 INCINERATION AND ENERGY RECOVERY

SUBD. 730.9.1 All incinerators having a capacity greater than 6,000 pounds per hour shall meet the requirements of State rules administered by the Agency. Additionally, the following requirements shall apply to all incinerators of any size which process solid waste from more than a single household.

SUBD. 730.9.2 No person shall install or operate an incinerator without first obtaining a license from the County Board.

SUBD. 730.9.3 The applicant shall meet all requirements for obtaining a license as specified in SECTION 730.4 of this ordinance. Furthermore, the County Board shall not issue a license until the applicant and facility comply with the following requirements:

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

730.9.3.2 Upon completion of the facility and prior to initial operation, the County Solid Waste Officer shall be notified to allow personnel of the County to inspect the facility both prior to and during the performance tests.

SUBD. 730.9.4 The application for a county license shall include, but not be limited to, the following:

730.9.4.1 An operating schedule and schedule of fees to be levied at the incinerator.

730.9.4.2 A notarized affidavit stating that the applicable local governments have been given at least thirty (30) days written notification of the pending application for a license.

730.9.4.3 A certificate from the County Zoning Administrator that the use proposed is in accordance with the established County Zoning Ordinance.

- 730.9.4.4 Sufficient documentation to enable the County Board to determine whether the applicant is financially and operationally capable to properly process and dispose of all solid waste.
- 730.9.4.5 All of the same information required for review by the State rules administered by the Agency which presently apply only to incinerators with capacities greater than 6, 000 pounds per hour.
- 730.9.4.6 Such additional data and information as may be required by the Solid Waste Officer.

SUBD. 730.9.5 During normal operation, the facility shall comply with the following requirements:

- 730.9.5.1 Permanent records shall be maintained for County inspection as to the quantity of material incinerated, the total quantity of resulting residue and total hours of plant operation.
- 730.9.5.2 Any discharges to the air, or to surface or ground waters of the state shall meet all applicable State rules for air and water quality or effluent standards now or hereafter adopted.
- 730.9.5.3 All unloading and processing of solid wastes at the facility shall be conducted in such a manner as to prevent or eliminate odors and litter outside the facility.

SECTION 730.10 INTERMEDIATE SOLID WASTE DISPOSAL FACILITIES

SUBD. 730.10.1 No intermediate solid waste disposal operation shall be constructed, established, maintained or operated unless the operator or owner thereof has first been issued therefore a license from the County Board and a permit from the Agency. The applicant shall meet all requirements for obtaining a license as specified in SECTION 730.4 of this ordinance. The application for a license shall contain the following information:

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

- 730.10.1.4 Rates and charges to be imposed at the operation.
- 730.10.1.5 A notarized affidavit stating that the applicable local governments have been given thirty (30) days written notification of the pending application for a license.
- 730.10.1.6 Such additional data and information as may be required by the Solid Waste Officer.

SUBD. 730.10.2 An intermediate solid waste disposal facility shall be constructed, operated, and maintained in compliance with the following requirements and State rules administered by the Agency.

- 730.10.2.1 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 user charges, if any. The sign shall be approved by the Solid Waste Officer.
- 730.10.2.2 The premises shall be constructed and landscaped in such manner as to be aesthetically pleasing in appearance.
- 730.10.2.3 Sanitary facilities and shelter adequate for employees shall be provided on the premises.
- 730.10.2.4 Records in a form acceptable to the Solid Waste Officer shall be maintained indicating the type and quantity of solid waste processed by the operation.
- 730.10.2.5 The operation shall be located, equipped, operated and maintained in a manner which prevents the creation of a nuisance, or unsanitary condition.
- 730.10.2.6 The premises' entrances and exists shall be maintained in a clean, neat and orderly manner at all times.
- 730.10.2.7 All unloading of solid waste from contributing vehicles shall be conducted in such a manner as to prevent or eliminate odor and litter outside the facility.

SECTION 730.11 LICENSE FEES

SUBD. 730.11.1 Approval by the County Board of an application for a license for a solid waste management facility shall be contingent upon the payment to the County of a

license fee in the amount established by the County Board. The amounts of the license fees shall be based upon the cost to the County of processing the license applications and administering and enforcing this ordinance with respect to said licenses. The fees prescribed shall be paid by a license applicant for each facility maintained. Solid waste collector's and transporter's fees shall be paid annually as a condition for license renewal. Non-payment of the annual solid waste collector's or transporter's fee shall be ground for denial of license renewal. Fees shall be paid to the County Treasurer prior to issuance of licenses.

730.12 TERMINATION OF SOLID WASTE OPERATIONS

SUBD. 730.12.1 All land disposal operations licensed by the County shall be terminated in accordance with State rules administered by the Agency.

SUBD. 730.12.2 The license of any operation in SUBD. 730.12.1 which has water monitoring wells or lysimeters which are reviewed by the county or the Agency to be sampled shall establish with the County an escrow account no later than one year from the effective date of this ordinance or five years prior to termination of the operation, whichever occurs sooner.

The purpose of the escrow account is to set aside adequate funds to continue the sampling required by the County or the Agency for a period of no less than 75 years from termination of the operation. The County Board shall specify by resolution the amount of money to be deposited in the account and the terms or payments which shall be made by the licensee to that account. Failure by the licensee to meet the escrow account conditions established by the County Board shall constitute a failure of the licensee to comply with the terms of this ordinance, thereby enabling the County to use the provisions of SUBD. 730.4.5 to make the necessary deposits to the escrow account.

SUBD. 730.12.3 The County shall perform all long term monitoring required by the County or the Agency following termination or abandonment of all solid waste operations.

SUBD. 730.12.4 The licensee of each solid waste operation shall inform the County Board in writing of a licensee's intent to abandon or terminate the operation. Such notice shall be provided in advance of the abandonment or termination date by the following amounts of time:

Land disposal operation	three (3) years
Transfer station	one (1) year
Incineration facility	three (3) years
Collection/transportation service	one (1) year
All other solid waste operations	three (3) years

Failure of a licensee to comply, for any reason, with the above advance notice requirements shall constitute a failure of the licensee to comply with the terms of this ordinance. The County Board may elect to pay all public and private higher-than-normal solid waste management costs which result from the premature cessation of a solid waste operation. The County may recover these costs through the provisions of SUBD. 730.4.5.

SECTION 730.13 VARIANCES

SUBD. 730.13.1 Upon written application by the applicant or operator, 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 rules, a variance application must be filed with the Agency.

SUBD. 730.13.2 A variance may be granted by the County Board after a public hearing where 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 a period in excess of two years, but may be renewed upon application by the applicant and after a public hearing is held. A variance may be revoked prior to expiration of the variance by the County Board at a public hearing. An application for a variance shall be accompanied by a plan and schedule for achieving compliance with the ordinance. Prior to any public hearing held by the County Board under this provision, persons who may be adversely affected by the granting of the proposed variance shall be given at least thirty (30) days notice to said public hearing. Publication of a notice of hearing in appropriate newspapers shall be considered adequate notice.

SECTION 730.14 NONCONFORMING SITES AND FACILITIES

SUBD. 730.14.1 Solid waste management facilities in existence on the effective date of this ordinance shall conform to the provisions of this ordinance or terminate operations no later than sixty (60) days from that date unless a variance application is submitted to the County Board within a sixty (60) day period following the effective date of this ordinance.

SECTION 730.15 ADDITIONAL REQUIREMENTS

SUBD. 730.15.1 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.

SECTION 730.16 SEVERABILITY

SUBD. 730.16.1 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:

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

730.16.1.2 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 said judgment.

SECTION 730.17 PROVISIONS ARE CUMULATIVE

SUBD. 730.17.1 The provisions of this ordinance are cumulative limitations upon all other laws and ordinances heretofore passed or which may be passed hereafter, covering any subject matter of this ordinance.

SECTION 730.18 NO CONSENT

SUBD. 730.18.1 Nothing contained in this ordinance shall be deemed to be a consent, license or permit to locate, construct, operate or maintain any site, facility or operation, or to carry on any activity.

SECTION 730.19 VIOLATIONS

SUBD. 730.19.1 Any person who violates 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 therefore as provided by Minnesota Statutes. A separate offense shall be deemed committed upon each separate day during or on which a violation occurs or continues.

SUBD, 730.19.2 This ordinance, in addition to other remedies, may be enforced by injunction, action or compel performance or other appropriate action in District Court to prevent, restrain, correct or abate violations.

SECTION 730.20 OTHER ORDINANCES AND REGULATIONS

SUBD. 730.20.1 Nothing in this ordinance shall preclude any local unit of government from adopting stricter regulations than this ordinance.