

**FILLMORE COUNTY
SOLID WASTE
ORDINANCE**

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FILLMORE 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 Fillmore, requiring a license for the establishment and use of a Solid Waste Management operation or Solid Waste Collection Service; 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 for certain facilities; and imposing penalties for failure to comply with these provisions; to promote the health, welfare and safety of the public and protect resources of water, air and land pursuant to Minnesota Statutes 1971, chapters 115, 116, and 400.

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

SECTION 1. DEFINITIONS.

Unless otherwise specifically defined herein, all words and phrases defined in Minnesota Statutes, Chapters 115, 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 of this Ordinance and common and professional usage. For the purpose of this ordinance, the following definitions shall apply.

- a. **AGENCY.** The Minnesota Pollution Control Agency.
- b. **BAGS.** Plastic or paper sacks designed for refuse with sufficient wall strength to maintain physical integrity when lifted by the top; securely fastened at the top for collection, with a capacity not to exceed 30 gallons and loaded weight not to exceed 35 lbs.
- c. **BOND PAPER.** Any high grade white paper used in copy machines or for typing purposes.
- d. **BULKY WASTE.** A appliance, piece of furniture or waste material from a residential source other than Construction Debris or Hazardous Waste, with a weight or volume greater than that allowed for containers.
- e. **BUNDLE.** Newspapers and magazines securely tied together forming an easily handled package not exceeding 3 feet in length or 35 lbs. in weight.
- f. **MUNICIPALITY.** Refers to a municipal authority (e.g. city, town, county, etc.) empowered under state law to solicit and award contracts for the collection of residential refuse. Will also refer to the appropriate employee or office of the municipality authorized to act as its agent in handling the pertinent matter of the Contract.
- g. **COMPOSTABLE MATERIALS.** That portion of the waste stream that does not contain recyclable materials or landfill items.

- h. **CONSTRUCTION DEBRIS.** Waste building materials, resulting from construction, remodeling, repair or demolition operations.
- i. **CONTAINERS.** (a.) Reusable Containers. A receptacle made of plastic, metal, or fiberglass with a capacity not to exceed 30 gallons, a loaded weight of no more than 35 lbs., a tight-filling lid, and handles of adequate strength for lifting.
(b.) Non-reusable Containers. See definition of Bags.
- j. **CONTRACTOR.** The individual, firm, partnership, joint venture, corporation, or association performing refuses collection and disposal under a Contract with a Municipality.
- k. **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 Fillmore, in the enforcement or administration of this Ordinance.
- l. **DISPOSAL SITE.** A refuse depository for the processing or final disposal or refuse including but not limited to sanitary landfills, transfer stations, incinerators, and waste processing separation center, licensed, permitted or approved by all governmental bodies and agencies having jurisdiction.
- m. **GARBAGE.** Putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, serving or consumption of food.
- n. **HAULER.** A commercial collector or transporter of mixed solid waste and/or recyclable materials.
- o. **HAZARDOUS WASTE.** Waste designed as hazardous by the United States Environmental Protection Agency or appropriate state agency.
- p. **OPERATION.** Means any site, facility, or activity, relating to Solid Waste Management.
- q. **PUTRESCIBLE MATERIAL.** Means Solid Waste which is capable of becoming rotten or which may reach a foul state of decay or decomposition.
- r. **RECYCLING CENTER.** A facility for receiving, processing and marketing recyclable materials. It may be the Fillmore County Resource Recovery Center or a privately operated facility performing the same functions.
- s. **REFUSE.** Discarded waste materials in a solid or semi-liquid state, consisting of garbage, rubbish or combination thereof.
- t. **RUBBISH.** Non-putrescible solid wastes consisting of combustible and noncombustible materials.
- u. **SOLID WASTE MANAGEMENT FACILITY.** The Fillmore County Resource Recovery Center or any landfill or waste-to-energy facility that receives waste from Fillmore County.
- v. **YARD WASTE.** Organic plant materials collected from yards or gardens. These would include

leaves, grass clippings, vines and stalks.

SECTION 2. GENERAL PROVISIONS

Subd. 1. A license must be obtained from Fillmore County for conducting a Solid Waste operation either as a hauler, sorter, or a processor whether an incinerator, composter, or a landfill.

Subd. 2. After receiving an application for a license, the County Board shall refer such application to the Manager of the Fillmore County Resource Recovery Center, or designee, 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, the applicant shall be notified in writing of the reasons therefore by the County Board. A denial shall not preclude an appearance by the applicant before the County Board or a further application after revisions are made to satisfy objections specified as reasons for the denial.

Subd. 3. All licenses issued pursuant to this Ordinance shall be valid for one year. Before renewing any license, the County Board shall request a recommendation from the Manager of the Fillmore County Resource Recovery Center, or designee, as to whether the license should be renewed.

Subd. 4. The County Board shall refuse to issue and/or renew a license for any operation which does not comply with this Ordinance, pertinent Minnesota or Federal statutes, Regulations and/or the County's Solid Waste Management Plan, or existing County Zoning Ordinances.

Subd. 5. In the case of an incinerator, landfill or other Mixed Solid Waste facility; 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 an amount to be set by the 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 acts required of an operation or ceases to operate or abandons the operation and the County is required to expend any monies or expend any labor or materials to restore the operation to a condition in compliance with this ordinance, the obligor and the sureties on the 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 his sureties will indemnify and hold 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 the Ordinances of the County.

Subd. 6. In addition to the Bond to be furnished, the licensee shall furnish to the County, certificates of insurance issued by the insurers duly licensed within the State of Minnesota covering public liability insurance, including general liability, automobile liability, loading and unloading, completed operation liability, and bodily injury liability in an amount of at least \$300,000.00 dollars for injury or death of any one person in any one occurrence and aggregate bodily liability in an amount of at least \$1,000,000.00 dollars for injuries or death arising out of any occurrence and in the unencumbered aggregate amount of at least \$1,000,000.00 dollars.

Subd. 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 provision of this Ordinance or applicable State and Federal Laws and Regulations, or upon written notification to the County Board by the Manager of the Fillmore County Resource Recovery Center, or designee, 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 shall be served upon the licensee personally, or by leaving the same at the licensed premises with the person in charge thereof. A Copy therefore shall be provided to the County Board.

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 use of 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.

At the Hearing the County Board may admit and rely on evidence which possesses probative value commonly accepted by reasonable persons. Any person testifying shall be subject to cross examination. Proposed evidence which is incompetent, irrelevant, immaterial, or repetitious may be excluded. The County Board shall give effect to the rules of privilege recognized by Law. A record the Hearing shall be made by tape recording or other suitable technique. If, subsequent to the Hearing, the County Board shall determine that the operation has been conducted in violation of these Ordinance, or that the operation may endanger the health, welfare, or safety of the public or may cause pollution or impairment of the environment, the County Board may revoke the license or continue the suspension in effect until the operator has demonstrated that full compliance with the ordinance has been attained, that such compliance will be continued in the foreseeable future and that the operation will not endanger the health, welfare and safety of the public and will not cause pollution or impairment of the environment.

Subd. 8. Routine inspection and evaluation of all operations shall be made by the Manager of the Fillmore County Resource Recovery Center, or designee, at such frequency **as** to insure compliance by the operation with the provisions of this ordinance. Any licensee so inspected shall be provided with a written inspection report containing a precise description of any deficiencies or recommendations for the correction and the date by which the correction shall be accomplished. As a condition of all licenses issued under this ordinance, the Manager of the Fillmore County Resource Recovery Center, or designee, and other authorized representatives or agents of the County and the agency may enter upon the licensed premises wherever the Solid Waste Officer or manager of the Fillmore County Resource Recovery Center shall deem it necessary for obtaining the necessary information and conduction surveys and investigations necessary for the enforcement of the Ordinance.

SECTION 3. SOLID WASTE OFFICER OR MANAGER OF THE FILLMORE COUNTY RESOURCE RECOVERY CENTER.

The County Board by resolution shall appoint the Manager of the Resource Recovery Center, the Manager of the Resource Recovery Center, or designee, shall have all necessary authority to implement and carry out the provisions of this Ordinance, including but not limited to, the following:

Subd. 1. To review and consider all license applications and supporting materials for operations within the county which are referred to him and to recommend in writing, with supporting documentation to the County Board whether a license shall be granted or denied.

Subd. 2. To inspect operations to determine compliance with this Ordinance and to investigate complaints about violations of this Ordinance.

Subd. 3. To recommend to the County Attorney that legal proceedings be initiated against a person or

corporation to compel compliance with the provisions of this Ordinance or to terminate, abate or control an operation not in compliance with this Ordinance.

Subd. 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.

Subd. 5. To advise, consult, and cooperate with the public and other governmental Agencies in furtherance of the purpose of this Ordinance.

SECTION 4. SOLID WASTE STORAGE

The owner, lessee and occupant of any business establishment or industry shall be responsible for the storage of all solid waste accumulated at the premises, business establishment or industry. No building, structure, area, or premises 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 Waste.

Subd. 1. Putrescible waste shall be stored in: (a) durable, rust resistant, non absorbent, water tight, rodent proof, and easily cleanable containers, with close-fitting, fly tight covers having adequate handles to facilitate handling; or (b) other types of appropriate containers acceptable to the Solid Waste Collection Service, in compliance with pertinent statutes and Agency Regulation, and approved by the Manager of the Fillmore County Resource Recovery Center, or designee. The size and allowable weight of the containers may be determined by the Solid Waste Collection Service.

Subd. 2. 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.

Subd. 3. Hazardous or toxic wastes shall be stored in durable, leak-proof containers which are 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 pertinent statutes, regulations and this Ordinance.

Subd. 4. 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, as defined by Law or the Manager of the Resource Recovery Center, or designee.

Subd. 5. Solid Waste objects or materials too large or otherwise unsuitable for storage containers shall be stored in a manner which is pollution-free, and nuisance-free.

Subd. 6. Putrescible materials shall not be stored on public or private property for more than two (2) weeks.

Subd. 7. All storage of Solid Waste shall conform to all pertinent statutes and Regulations. Nothing in this section shall be construed to permit noncompliance with those statutes and regulations.

SECTION 5. COLLECTION AND TRANSPORTATION OF SOLID WASTES.

Subd. 1. Unless otherwise provided in this Ordinance, the owner, lessee and occupant of any premises, 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 which has been approved by the County which is included in the County Solid Waste Management Plan.

Subd. 2. The collection, disposal, or transportation of Solid Wastes and toxic or Hazardous Wastes shall be in accordance with all pertinent statutes and Regulations.

Subd. 3. No person shall collect or transport Solid Waste for hire unless the person has first obtained a license to do so from the County Board.

Subd. 4. Unless the County provides for exclusive service for the collection and transportation of Solid Waste to be performed either by itself or pursuant to a contract, let by competitive bidding, with a private party, the County Board shall issue licenses for the collection and transportation of Solid Waste for hire, upon compliance with the following requirements:

- (a) Disposal of all Solid Waste collected must be at an operation having a Permit from the Agency and a license from the County.
- (b) Filing for an Application for a Solid Waste collection and transportation license upon a form provided by the County Board.
- (c) Submission of specifications of all vehicles to be used for Solid Waste collection and transportation. 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 Manager of the Fillmore County Resource Recovery Center, or designee.
- (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 disposal operation; said route shall be subject to approval by the Manager of the Fillmore County Resource Recovery Center, or designee.

SECTION 6. SOLID WASTE DISPOSAL BY SANITARY LANDFILL

Subd. 1. All Solid Waste generated within the County shall be disposed of at a Sanitary Landfill having a license from the County and Permit from the Agency, except as otherwise approved by the Manager of the Resource Recovery Center, or designee.

Subd. 2. 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. Where the location of the proposed operation is consistent with the County Solid Waste Management Plan, the County Board shall issue a permit for the operation of a Sanitary Landfill upon its approval of the construction plans and specifications describing the Sanitary Landfill so proposed. Plans, including reports and drawings shall be prepared by a registered engineer of Minnesota. Three complete sets of the plans shall be submitted to the Agency and shall include everything required by Agency Regulations.

Subd. 3. The fill and trench areas of the Sanitary Landfill shall not be in areas prohibited by pertinent statutes or Regulation.

- (a) Any person who maintains or operates a Sanitary Landfill site or permits the use of property

for such, shall maintain and operate the site in conformance with pertinent statutes and regulations.

- (b) In addition to other substances forbidden to be deposited by this Ordinance, Statutes or Agency Regulations, to be deposited in a Sanitary Landfill, any substance deemed unacceptable by the County Board shall not be acceptable for deposit in a Sanitary Landfill.

Subd. 4.

- (a) Any substance defined as hazardous or toxic by any Governmental body or Agency of the State of Minnesota, the United States Government, or any other State shall be forbidden to be deposited in a Sanitary Landfill.
- (b) The licensee shall properly complete and submit a monthly operational report and any other report required by the Manager of the Resource Recovery Center, or designee.

Subd. 5. A sanitary landfill shall not be opened or placed into operation until:

- (a) All pertinent Statutes and Regulations have been complied with.
- (b) A county license has been issued.
- (c) A construction certificate has been approved by the County Board.
- (d) The site is consistent with the County Solid Waste Management System Plan.

SECTION 7. INCINERATION

Subd. 1. All new and existing incinerators having a capacity greater than 2000 pounds per hour an all incinerators used for the incineration of hazardous wastes shall be designed, operated, and maintained in accordance with this Ordinance and Agency Regulations.

Subd. 2. It is unlawful for any person to construct, establish, maintain, or operate an incinerator with a capacity over 2,000 pounds per hour or an incinerator disposing of hazardous and/or toxic waste without first obtaining a license from the County Board for it. All information required by Statute or Regulation to be submitted to the Agency shall be submitted as a part of the Application together with such additional information as may be requested by the Solid Waste Officer.

Subd. 3. Incinerators shall be constructed, operated, and maintained, in accordance with pertinent statutes, Regulations and the following requirements:

- (a) The incinerator operation shall have weighing facilities available. Permanent records shall be maintained indicating the total weight of material incinerated, the total quantity of resulting residue, the total hours of incinerator operation and the means employed for disposal of residue. These records shall be submitted monthly to the Solid Waste Officer or manager of the Resource Recovery Center on a form supplied by him.
- (b) All residue removed from the incinerator operation shall be disposed of in a sanitary landfill permitted by the Agency and licensed by the County. Residue containing toxic or hazardous wastes shall be analyzed at the operator's expense, to determine its chemical compositions, identified to the satisfaction of the Agency and disposed of in a manner acceptable to the Agency.
- (c) Performance tests of the plant may be required by the Agency. A report covering the results of the performance tests in such cases shall be prepared by the design engineer of the project and submitted to the Agency and Fillmore County with a copy of all supporting data.

- (d) Upon completion of the plant and prior to initial operation, the Agency shall be notified to allow for an inspection.

SECTION 8. INTERMEDIATE SOLID WASTE DISPOSAL FACILITIES

Subd. 1. No intermediate Solid Waste Disposal Operation shall be constructed, established, maintained or operated unless a license therefore shall have been first obtained from the Agency and the County Board. Where the location of the proposed operation is consistent with the County Solid Waste Management Plan and the Agency, the County Board shall issue a license for the operation upon its approval of the construction plans and specifications describing the operation proposed to be constructed. A minimum of three sets of said plans and specifications shall be prepared and submitted to the County Board and the Agency by a registered professional engineer of Minnesota and shall include design data, ultimate land use plan and proposed operating procedures. In addition to said plans and specifications, the application for a license shall contain the following information:

- (a) Location, size and ownership of land upon which the operation will be situated.
- (b) General description of property use in the immediate vicinity of the operation.
- (c) Complete construction plans and specifications and proposed operating procedures for the operation.

Subd. 2. An intermediate Solid Waste Disposal facility shall be constructed, operated, and maintained in compliance with the following requirements:

- (a) 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 County Board.
- (b) Roads on the premises shall be bituminous, concrete or other impervious material.
- (c) The premises shall be constructed and landscaped in such a manner as to be aesthetically pleasing in appearance.
- (d) Sanitary facilities and shelter adequate for employees shall be provided on the premises.
- (e) Records in a form acceptable to the Manager of the Resource Recovery Center, or designee, shall be maintained indicating the type and quantity of Solid Waste processed by the operation.
- (f) The operation shall be so situated, equipped, operated and maintained as to minimize interference with other activities in the area.
- (g) All solid waste shall be removed from the operation at the end of each day's activities and the equipment and floor of the operation cleaned.
- (h) The premises, entrances and exits shall be maintained in a clean, neat and orderly manner at all times.
- (i) All incoming traffic shall be controlled in such a manner as to provide orderly and safe ingress and egress.
- (j) All unloading of solid waste shall be conducted in such a manner as to eliminate odor and litter outside the facility.

SECTION 9. LICENSE FEES

Approval of an Application to the County Board for a license for a Solid Waste Management operation shall be contingent upon the payment to the County of a license fee in the amount specified by the County Board. The fees prescribed shall be paid by a license applicant with respect to each operation maintained by him. Fees shall be paid annually as a condition for license renewal. Nonpayment of the annual fee shall be grounds for denial of license renewal. Fees shall be paid to the County Treasurer prior to

issuance of licenses.

SECTION 10. 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.

SECTION 11. SOLID WASTE DISPOSAL SITE ABANDONMENT

All land disposal sites including those heretofore abandoned shall be closed in accordance with pertinent statutes and regulations and in accordance with the following additional procedures:

The person or persons having the responsibility for the operation of the site shall:

- (1) Designate a substitute site or facility which has been approved by the Manager of the Resource Recovery Center, or designee, and the Agency and notify the media and the general public of the closing and of the substitute site.
- (2) Properly complete the disposal site closure record and submit it to the Manager of the Resource Recovery Center, or designee, and record it in the Office of the County Recorder.

SECTION 12. DELIVERY REQUIREMENTS

Subd. 1. No material designated a recyclable in this Ordinance shall be mixed with landfill waste when placed in containers or bags for disposal or anytime thereafter.

Subd. 2. Recyclable materials delivered to the Fillmore County Resource Recovery Center must be free of mixed refuse and must be properly prepared and delivered. Compostable materials delivered to the Fillmore County Resource Recovery Center under contract must be free of recyclables and landfill waste.

Subd. 3. All Solid Waste set out for a Solid Waste Hauler must be either bundled securely or confined to a container.

Subd 4. The Fillmore County Resource Recovery Center will accept recyclable materials compatible to a single sort system. This means recyclables previously designated as Fibers and Rigids in the dual stream system may now be commingled in the same container for recycling. Containers may be anything, except plastic bags, that will keep the recyclables clean and dry as to not decrease the value or marketing abilities of them. Recyclables include: Glass, Tin, Aluminum, plastic bottles, jugs, newspaper, magazines, corrugated cardboard, computer paper, hard and soft cover books, white and colored office paper, brochures, paper bags, phone books, cake, cereal, chip and cracker boxes. Recyclable Materials are the materials designated as recyclable by the Fillmore County Board of Commissioners.

Subd. 5. Recyclable materials will only be accepted in the following condition:

- A. ALUMINUM. Must be free of dirt and liquid and need not be crushed.
- B. TIN CANS. Rinse and flattened if possible.
- C. GLASS. Rinse and remove caps and rings. Glass must not be broken, but all colors may be place in the same container.
- D. PAPER PRODUCTS. Must be delivered dry and free of dirt or other contaminates. Paper

products must be bundled or in a paper bag so as not to blow about.

- E. PLASTIC. Need only be rinsed and flattened if possible and secured properly so as not to blow about.
- F. TEXTILES. Consists of clothing, sheets, and towels. They must be clean and dry. Unacceptable textiles include lined curtains or draperies, purses, belts, shoes and boots, leather and suede jackets and foam padding. Textiles must be delivered to the Fillmore County Resource Recovery Center to be recycled.

Subd. 6. Certain items shall not be delivered to the Fillmore County Resource Recovery Center but shall be properly disposed of by other means. This listing may be changed at any time by resolution of the Fillmore County Board of Commissioners.

Subd. 7. Proper delivery procedures will be as follows:

- A. Recyclable materials shall be hauled separately from the remainder of the refuse.
- B. Glass shall be delivered unbroken.
- C. Recyclables shall be protected from the elements so as to not lessen their value.

Subd. 8. Yard waste may not be delivered to the Fillmore County Resource Recovery Center.

Subd. 9. Construction Debris shall only be deposited in a state approved Construction Debris Landfill.

Subd. 10. Tipping Fees shall reflect the cost of operation and maintenance of the Fillmore County Resource Recovery Center and shall be set by the Fillmore County Board of Commissioners.

Subd. 11. No recyclable materials or refuse shall be brought to the Fillmore County Resource Recovery Center from outside of Fillmore County without prior written authorization from the Fillmore County Board of Commissioners.

SECTION 13. MANDATORY RECYCLING

Subd. 1. Prohibition of Recyclable material in with other categories of solid waste. No newsprint, glass containers, aluminum cans or scrap, corrugated cardboard, tin cans, HDPE or PET plastic bottles or any other material designated as recyclable by the Solid Waste Officer or manager of the Resource Recovery Center, shall be deposited in any residential or business solid waste containers that contain compostables or landfill material to be disposed of at Solid Waste Management Facilities.

Subd. 2. Preparation of Recyclables. Recyclable materials shall be prepared in a manner which insures their sale from a recycling center.

Subd. 3. Haulers shall offer curbside collection of recyclable material. Every hauler shall offer residential curbside and business site collection of recyclable materials at least once a month. Such hauler collected recyclable materials shall be delivered to a recycling center.

SECTION 14. FEES TO BE BASED ON VOLUME OR WEIGHT.

Every hauler must set solid waste collection fees on a volume or weight basis to provide the waste generator the financial incentive to reduce their quantity of solid waste.

Subd. 1. All persons who haul solid waste in Fillmore County must charge their customers a service fee based on (varying) weight or volume as specified in Minnesota Statutes 115A.93 Subd. 3 a. Recyclable materials, properly separated, shall be excluded from the definition of solid waste as that term is used in this section.

Subd. 2. All volume or weight charges must be based on a plan that effectively gives the customer a clear opportunity to save money on service charges by reducing the volume or weight of solid waste disposed of.

Subd. 3. A volume or weight based charge must be implemented by all haulers on or before April 1, 1992.

Subd. 4. A hauler need not collect and take into possession any refuse not designated as recyclable that has recyclables in it or any refuse designated as recyclables that has other categories of solid waste mixed in with it.

SECTION 15. SERVICE FEE

Subd. 1. A service charge may be imposed on all property owners in Fillmore County pursuant to Minnesota Statute 400.08.

Subd. 2. Revision and Collection. 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 to the County Auditor for the following year. The charge for each calendar year shall be placed upon the real estate tax statement for each parcel of land in Fillmore County. It shall be paid with, and at the same time, as real estate taxes.

Subd. 3. Unpaid Charges. On or before October 15 in each year, the County Board shall certify to the County Auditor all unpaid outstanding charges for services hereunder, and a statement of the description of the lands which were serviced and 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 the interest of six percent upon the tax rolls of the County for the taxes of the year in which the assessment is filed. For each year ending October 15 the assessment with interest shall be carried into the tax becoming due and payable in January of the following year, and shall be enforced and collected in the manner provided for the enforcement and collection of real property taxes in accordance with the provisions of the law of the state. The charges, if not paid, shall become delinquent and be subject to the same penalties and the same rate of interest as the taxes under the general laws of the state. Said charges may also be collected by any other legal means.

Subd. 4. Appeals. Any property owner who believes that the service charge imposed upon his property is incorrect may appeal that charge. To do so the property owner must obtain a complaint form from the Fillmore County Auditor and return it to the County Auditor within the thirty (30) calendar days to review the complaint and following review shall notify the complaining property owner by mail of the decision to either adjust the service charge in response to the complaint or to deny the complaint.

SECTION 16. UNLAWFUL DEPOSITS OF SOLID WASTE

Subd. 1. It shall be unlawful and a violation of this Ordinance to deposit garbage, rubbish, offal, the body of a dead animal, or any other solid waste upon any public lands, public waters or the ice thereon, or, without the consent of the owner, on any private land or water or ice thereon.

SECTION 17. PROVISIONS ARE ACCUMULATIVE

The provisions of this Ordinance are in addition to all other laws and ordinances heretofore passed or which may be passed hereafter, covering any subject matter in this ordinance.

SECTION 18. 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:

If any Court of competent jurisdiction shall adjudge any provision, it shall not affect the validity of any other provision of this Ordinance not specifically included in this judgment.

SECTION 19. NO CONSENT

Nothing contained in this ordinance shall be deemed to be and maintain any site, facility or operation, or to carry on any activity.

SECTION 20. PENALTIES FOR VIOLATIONS

Subd. 1. Any violation of statutes or Agency Regulations with which compliance is required by this Ordinance is also a violation of this Ordinance.

Subd. 2. Any person who shall violate or fails, neglects or refuses to comply with any provision of this Ordinance shall be guilty of a misdemeanor. A separate offense shall be deemed committed each separate day during or on which a violation occurs or continues.

Subd. 3. This Ordinance, in addition to other remedies, may be enforced by injunction, an action to compel performance or other appropriate action in District Court to prevent, restrain, correct or abate violations.

Subd. 4. A violation of this Ordinance shall be a misdemeanor for which the minimum fine shall be \$500.00.