



**Olmsted County**

**CHAPTER 3500 – SOLID WASTE MANAGEMENT ORDINANCE**

(Updated October 17, 2017; Effective January 1, 2018)

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# OLMSTED COUNTY

## SOLID WASTE MANAGEMENT ORDINANCE

(Effective as Amended on January 1, 2018)

### SECTION 3501: DECLARATION OF INTENT

It is the intent of Olmsted County to benefit, protect and ensure the public health, safety and welfare of its residents through sound management of Solid Waste generated in and existing within the County. Minnesota Statutes and Rules grant the County the authority to provide for, establish, conduct and regulate Solid Waste management programs and services that protect the water, air and land resources of the county, thereby promoting the public health, safety and welfare of its residents. It is the County's intent to remove and abate actual or potential threats to public health such as Public Health Nuisances, sources of filth or causes of sickness found on any property.

Olmsted County has adopted a Solid Waste Management Plan (hereafter "Plan") pursuant to Minnesota Statutes and seeks to implement this Plan in a manner fully consistent with the Solid Waste management hierarchy prescribed by the State and incorporated into the Plan. The following Solid Waste management practices constitute the State hierarchy, in order of preference: waste reduction and reuse, waste recycling, composting of yard and food waste, resource recovery through Mixed Municipal Solid Waste composting or incineration, and land disposal. The County wishes to insure the full and public participation of its residents in the implementation of the Plan with its goals of landfill abatement, coordination of waste management, and energy recovery.

The County wishes to improve its management of Mixed Municipal Solid Waste by providing for collection, transportation, processing, and disposal services. One aspect of Olmsted County's management role shall be to provide information and education to obtain compliance with this Ordinance. The County shall relieve Generators of title to their non-hazardous Mixed Municipal Solid Waste accepted by the County at its solid waste management facilities. Through this action, Olmsted County will offer its citizens an opportunity to reduce or otherwise manage the risk of potential long-term financial and environmental liability associated with the non-hazardous Mixed Municipal Solid Waste which they produce.

Authority for this Ordinance is based in part on Minnesota Statutes (Chapters 115A, 116, 145A, 375, 400, 561, and 609) and Rules (Parts 7001, 7011 and 7035), as amended from time to time.

### SECTION 3502: DEFINITIONS

When used in this Ordinance, the following terms shall have the meanings given to them:

3502.01. "Acceptable Waste" means Solid Waste that meets the requirements of the Facilities as determined by the County and consistent with County Solid Waste Ordinances.

3502.02. "Agricultural Site" means land zoned and operated for agricultural purposes, but excludes the Residential Site on said premises.

3502.03. "Collection" or "Collect" means the pickup and transport of Solid Waste from the place at which it is generated and includes all activities up to the time the Solid Waste is delivered to a Solid Waste Management Facility.

3502.04. "Commercial Hauler" means any Person who owns, operates, or leases vehicles and contracts with a Generator to collect and/or transport Solid Waste. It includes both "Licensed Haulers" and "Registered Haulers" as defined below.

3502.05. "Commercial Site" means any business, commercial, industrial, institutional or governmental establishment. These include home-operated businesses, industries, commercial and institutional enterprises, and churches, nursing homes, nonprofit associations, schools, and the like that are not Residential Sites.

3502.06. "Construction Debris" means Solid Waste resulting from construction, remodeling, repair, or erection of buildings, roads and other artificial structures.

3502.07. "County" means Olmsted County, a political subdivision of the State of Minnesota.

3502.08. "County's Agent" means the director(s) of the departments of Olmsted County government and their designees operating under authority of the County Board of Commissioners.

3502.09. "County Board" means the elected officials' comprising the Olmsted County Board of Commissioners.

3502.10. "Curbside Collection" means a Mixed Municipal Solid Waste, Yard Waste, and/or Recyclable Materials Collection system whereby the Generators set waste containers at the curb adjacent to a roadway or, where this is not practical, in locations easily accessible for Collection by a Commercial Hauler.

3502.11. "Demolition Debris" means Solid Waste resulting from demolition of buildings, roads and other artificial structures.

3502.12. "Designated Points of Delivery" - are as follows, or as set by resolution of the Olmsted County Board:

1. Olmsted Waste-to-Energy Facility  
301 Silver Creek Road NE  
Rochester, Minnesota

2. Olmsted County Kalmar Landfill  
7401 19<sup>th</sup> Street NW  
Rochester, Minnesota
3. Olmsted County Recycling Center Plus  
305 Silver Creek Road NE  
Rochester, Minnesota

3502.13. "Designated Waste" shall mean all Acceptable Waste generated within the geographic boundaries of Olmsted County which is not exempt or excepted from designation in County Solid Waste ordinances or Minnesota Statutes Section 115A.83, Subd.2 or any other equivalent state or federal law. Designated Waste includes the following wastes:

1. Mixed Municipal Solid Waste (MMSW); and,
2. Other Solid Waste that prior to final processing or disposal:
  - a) Is not managed as a Separate Waste Stream – (if a Separate Waste Stream is co-mingled with other Separate Waste Streams or MMSW, the combined waste becomes Designated Waste);
  - b) Is managed as a Separate Waste Stream that is ranked lower on the list of waste management practices in Minnesota Statutes Section 115A.02 paragraph (b), than the primary waste management practice that would be used on the waste at the designated Facility. For example a corrugated cardboard source-separated waste stream that goes to a recycling facility would not be Designated Waste; however, that same material going to a landfill would be Designated Waste.

3502.14. "Designation Plan" shall mean that document entitled "Olmsted County Designation Plan" as adopted by the Olmsted County Board of Commissioners which details the County's proposal for the designation of waste, and which was approved by the Minnesota Pollution Control Agency on June 16, 2011, pursuant to the statutory designation procedures contained in Minnesota Statutes Section 115A.80 to 115A.893 and the further authority of Minnesota Statute 115A.94.

3502.15. "Effective Date" shall mean the date from and after which Designated Waste must be delivered to the Designated Points of Delivery.

3502.16. "Facility" shall mean the Olmsted Waste-to-Energy Facility (OWEF), structures, machinery, equipment, improvements and ancillary facilities for the receiving and processing of solid waste, constructed and operated in Olmsted County, Minnesota.

3502.17. "Facilities" means the Facility, the Olmsted County Kalmar Landfill, and ancillary facilities owned and/or operated by the County and located within the County for the receiving and processing of Solid Waste.

3502.18. "Fire Marshal" means the Minnesota State Fire Marshal or the Chief of the Fire Department in a Municipality that has adopted the Uniform Fire Code of the State of Minnesota.

3502.19. "Generator" means any Person who produces Solid Waste.

3502.20. "Gross Receipts" are defined as all pre-tax charges, including but not limited to, fuel surcharges and container rental fees, placed on the invoice, bill, statement, or any other means employed by the Commercial Hauler to collect revenue from the customer for Hauler Services. Excluded from Gross Receipts are charges billed to Commercial Sites directly related to the Collection, transportation, and delivery of Recyclable Materials for Recycling or Source-Separated Organic Materials. Also excluded from Gross Receipts are charges billed for collection, transportation, and delivery of Construction Debris, Demolition Debris and Infectious Waste.

3502.21. "Hauler Services" means Solid Waste Collection, transportation and delivery or disposal services, including the provision of containers, all as provided by Commercial Haulers and Self-Haulers.

3502.22. "Hazardous Waste" shall have the meaning as defined in Minnesota Statutes, Section 116.06, subd. 11, and/or administrative rules now or hereafter promulgated by the Minnesota Pollution Control Agency or a successor to its functions, as the same may be amended or supplemented from time to time.

3502.23. "Industrial Solid Waste" means "Industrial Waste" as defined herein.

3502.24. "Industrial Waste" means Solid Waste generated from an industrial or manufacturing process and Solid Waste generated from non-manufacturing activities such as service and commercial establishments, that is managed as a Separate Waste Stream. Industrial Solid Waste does not include office materials, restaurant and food preparation waste, discarded machinery, Demolition Debris, Mixed Municipal Solid Waste, combustor ash, or household refuse.

3502.25. "Infectious Waste" means laboratory waste, blood, regulated body fluids, sharps, and research animal waste that have not been decontaminated; and pathological waste including human tissues and detached body parts.

3502.26. "Licensee" or "Licensed Hauler" means a Commercial Hauler licensed by Olmsted County for the Collection and transportation of Solid Waste generated in Olmsted County.



3502.27. "Mixed Municipal Solid Waste" means garbage, refuse, and other Solid Waste from residential, commercial, industrial and community activities that the Generator aggregates for Collection, but excludes auto hulks, street sweepings, ash, Construction Debris, mining waste, sludges, tree and agricultural wastes, tires, lead acid batteries, motor and vehicle fluids and filters and other materials collected, processed and disposed of as a Separate Waste Stream.

3502.28. "Open Area" means any lands excluding enclosed structures.

3502.29. "Permitted Site" means a Solid Waste storage, transfer, processing or disposal facility which has obtained a required permit from a local, State or federal agency in order to operate.

3502.30. "Person" means any individual, business, public or private corporation, partnership, joint venture, association, trust, unincorporated association, or government or any agency or political subdivision thereof, including, without limitation, landfill or Solid Waste Management Facility operators, Solid Waste Generators and Commercial Haulers in Olmsted County; and any receiver, trustee, assignee, agent or other legal representative of any of the foregoing.

3502.31. "Problem Material" means a material that, when processed or disposed of with Mixed Municipal Solid Waste, contributes to one of the following results: 1) the release of a hazardous substance, or pollutant or contaminant; 2) pollution of water; 3) air pollution; or 4) a significant threat to the safe or efficient operation of a Solid Waste Management Facility.

3502.32. "Public Health Nuisance" means any activity or failure to act that adversely affects the public health.

3502.33. "Recyclable Materials" are materials separated from Mixed Municipal Solid Waste and aggregated by Generators for the purpose of Recycling, including, at a minimum, newsprint, glass containers, aluminum containers and aluminum scrap, and corrugated cardboard; and additionally, for Commercial Sites, mixed paper.

3502.34. "Recycling" means the process by which materials otherwise landfilled, composted, or incinerated are reused or used in the manufacture of new products.

3502.35. "Recycling Center" means a facility for receiving, processing, and/or marketing of Recyclable Materials.

3502.36. "Registered Hauler" means a person who provides "Registered Hauler Services"

3502.37. "Registered Hauler Services" means those services provided by:

1. Persons who haul their own Solid Waste from Commercial Sites (but excluding persons who haul their own waste from Agricultural Sites);
2. Persons that collect and transport Solid Waste as an adjunct secondary service to their primary service of providing labor for general site cleanup services in return for compensation; or
3. Persons that provide collection and transportation services for Yard Waste, Construction Debris, Demolition Debris, Source-Separated Animal-Feed Materials, contaminated soils or asbestos; or any combination of the above in return for compensation, but does not include Mixed Municipal Solid Waste, Industrial Solid Waste, or Source Separated Compostable Materials;
4. Persons that provide collection and transportation services for Recyclable Materials from a Commercial Site, but this does not include transportation of Recyclable Materials which have been prepared for sale as a commodity.

3502.38. "Residential Site" means any dwelling unit including: (a) detached single family residences, and (b) buildings or sites containing multiple residences including apartment buildings, condominiums, common interest communities, manufactured home parks, or townhomes.

3502.39. "Self-Hauler" means a Generator who does not contract with a Commercial Hauler, but instead collects and transports its own Solid Waste from a noncommercial or agricultural site. A Self-Hauler shall not provide Collection and transportation services to someone else for compensation. A Commercial Hauler with two or less customers shall be considered a Self-Hauler only for all purposes related to the Service Charge under Section 3507.

3502.40. "Separate Waste Stream" means materials that are collected, stored, transported and processed or disposed with materials of similar physical and chemical characteristics.

Separate Waste Streams include, but are not limited to:

1. Industrial Waste
2. Infectious Waste
3. Recyclable Materials
4. Special Wastes

3502.41. "Solid Waste" means Yard Waste, Recyclable Materials, Source Separated Organic Materials, Mixed Municipal Solid Waste, Industrial Waste (including infectious

waste), Construction Debris, Demolition Debris, food waste which has not been source separated, and other materials aggregated for collection and reuse, recycling, composting, energy recovery or disposal.

3502.42. "Solid Waste Management Facility" means any facility, public or private, permitted for the storage, Collection, transportation, processing or reuse, conversion or disposal of Solid Waste.

3502.43. "Solid Waste Management Service Charge" or "Service Charge" means a solid waste management service charge imposed by the County pursuant to Minn. Stat. § 400.08.

3502.44. "Solid Waste Ordinance" means the Olmsted County Solid Waste Management Ordinance(s), adopted by the County Board and as amended or supplemented from time to time.

3502.45. "Source-Separated Organic Materials" means Source-Separated Compostable Materials and Source-Separated Animal-Feed Materials.

3502.46. "Source-Separated Animal-Feed Materials" means materials that:

1. are separated at the source by waste generators for the purpose of preparing them for use as food for animals;
2. are collected separately from mixed municipal solid waste, and are governed by the licensing provisions of this ordinance;
3. are comprised of food wastes and plant materials;
4. are delivered to a location for use in feeding livestock and where the residues do not exceed 15 percent by weight of the total material delivered; and
5. may be delivered to a transfer station, mixed municipal solid waste processing facility, or recycling facility only for the purposes of transfer to a location for feeding livestock or for processing into animal feed.

3502.47. "Source-Separated Compostable Materials" means materials that:

1. are separated at the source by waste generators for the purpose of preparing them for use as compost;
2. are collected separately from mixed municipal solid waste, and are governed by the licensing provisions of this ordinance;

3. are comprised of food wastes, compostable utensils, and paper that is not recyclable because it is contaminated with food waste;
4. are delivered to a Minnesota Pollution Control Agency permitted facility to undergo controlled microbial degradation to yield a humus-like product meeting the Minnesota Pollution Control Agency's class I or class II, or equivalent, compost standards and where process residues do not exceed 15 percent by weight of the total material delivered to the facility; and
5. may be delivered to a transfer station, mixed municipal solid waste processing facility, or recycling facility only for the purposes of composting or transfer to a composting facility, unless the commissioner determines that no other person is willing to accept the materials.

3502.48. "Special Wastes" are nonhazardous Solid Wastes that have been prohibited from disposal with Mixed Municipal Solid Waste or have had other specific management requirements prescribed by statute. They include, but may not be limited to tires, lead acid batteries, major appliances, used oil and Yard Waste.

3502.49. "State" means the State of Minnesota.

3502.50. "Tipping Fee" as used in the Solid Waste Designation Plan is the "County Facility Fees" as defined in Section 3507.01.

3502.51. "Transfer Station" means an intermediate waste facility in which waste collected from any source is temporarily deposited to await transportation to another waste facility.

3502.52. "Unacceptable Waste" means those Solid Wastes which cannot be accepted for processing or disposal as defined at each of the Facilities pursuant to local, State and federal laws or permits.

3502.53. "Yard Waste" means garden wastes, leaves, and lawn cuttings.

3502.54. "Yard Waste Composting" means the controlled aerobic, microbial degradation of organic waste to yield a humus-like product.

3502.55. "Yard Waste Compost Site" means the location and equipment used to process garden wastes, leaves, and lawn cuttings into mature compost.

## **SECTION 3503: WASTE ABATEMENT**

**3503.01. Purpose.** The purpose of this section is to support Minnesota statutes related to the source-separation of distinct Solid Waste streams from Mixed Municipal

Solid Waste to abate the need for land disposal of Solid Waste. This includes, but is not limited to, promoting the source-separation of Yard Waste to create a beneficial compost product and providing for the recovery and the reuse of Recyclable Materials to conserve natural resources and to meet the State-mandated Recycling goal. This section shall also require the delivery of Recyclable Materials to a Recycling Center and Yard Waste to a Yard Waste Compost Site, when on-site composting is not practiced.

**3503.02. Prohibition of Yard Waste and Recyclable Materials from the Mixed Municipal Solid Waste Stream.** Yard Waste and Recyclable Materials, as defined in this Ordinance, shall be excluded from Mixed Municipal Solid Waste. When aggregated for Collection, Yard Waste and Recyclable Materials shall be placed in storage containers that are easily distinguishable from Mixed Municipal Solid Waste storage containers. Once said materials have been source-separated, they shall not be recombined with Mixed Municipal Solid Waste for any reason.

**Subs.1. Yard Waste Management.** To avoid disposal, Generators must insure that Yard Waste is managed by one of three ways:

1. by mulching it and spreading it on the ground,
2. by composting it on-site (i.e., at a “backyard” compost site), or
3. by source-separating it and transporting it to a permitted Yard Waste Compost Site, either by Self-Hauling or by contract with a Commercial Hauler.

**Subs.2. General Recycling Requirements.** Recyclable Materials defined in this Ordinance represent the minimum responsibility of Generators and does not limit the source-separation of additional Recyclable Materials for which an outlet is provided by Recycling Centers and Commercial Haulers. Generators are encouraged to recycle additional items to achieve and surpass the Recycling goal set forth by State statute. Olmsted County shall adopt volume or weight-based pricing for Mixed Municipal Solid Waste Collection in this Ordinance to promote Recycling. Commercial Haulers may not impose a greater charge on residents or businesses that recycle than on residents or businesses that do not recycle.

**Subs.3. Residential Recycling.** Residential Generators must ensure the segregation and delivery of, at a minimum, newsprint, glass containers, corrugated cardboard, aluminum cans and aluminum scrap to a Recycling Center, either by Self-Hauling or by contract with a Licensed Hauler. Where owners and/or managers of multi-unit residential buildings provide for Collection of Mixed Municipal Solid Waste, central Collection locations for Recyclable Materials generated on its premises must also be provided.

**Subs.4. Commercial Recycling.** Commercial Site owners and/or managers must provide central Collection locations for Recyclable Materials generated on its premises and provide for the segregation and Collection of, at a minimum, newsprint, glass containers, corrugated cardboard, aluminum cans and aluminum scrap, and mixed paper and ensure delivery to a Recycling Center, either by Self-Hauling or by contract with a Commercial Hauler. However, for Source Separated Compostable Materials, these must be Self-Hauled or hauled by contract with a Licensed Hauler.

**Subs.5. Ownership of Yard Waste and Recyclable Materials.** All Yard Waste and Recyclable Materials aggregated and offered for Collection shall remain the property and responsibility of the generator until said materials are collected by a Commercial Hauler or Self-Hauled to a Yard Waste Compost Site or Recycling Center, at which time they become the property of the Commercial Hauler or Recycling Center owner, respectively. It shall be unlawful and an offense for any Person, other than the generator or the contracted Commercial Hauler, to take said materials aggregated for Collection for his/her own use.

## **SECTION 3504: HAULER LICENSING AND REGISTRATION**

**3504.01 Purpose.** This section governs the licensing or registration of Commercial Haulers engaged in the Collection and transportation of Solid Waste. One subset of Commercial Haulers is Licensed Haulers that are engaged in the Collection and transportation of Mixed Municipal Solid Waste, Industrial Waste, Recyclable Materials, Source-Separated Organic Materials, Construction Debris, Demolition Debris, and/or Infectious Waste. The other subset of Commercial Haulers is Registered Haulers that are engaged in the Collection and transportation of Source-Separated Animal-Feed Materials, Construction Debris, Demolition Debris, and/or Infectious Waste.

**3504.02 License Required: Limitation on Number of Licenses Issued to Haul MSW.** If a Person has a license they can provide Hauler Services for: Mixed Municipal Solid Waste, Industrial Waste, Source-Separated Organic Materials in Olmsted County must obtain a license from the County prior to initiating services and must maintain said license at all times in providing said services.

In the event the Licensed Hauler intends to subcontract some portion of the Hauler Services to another Person then the Licensed Hauler shall be legally responsible for all the activities of the subcontractor and the following additional requirements will apply:

Any Person who provides any part of the Hauler Services by contract with a Licensed Hauler shall provide the County with:

1. A copy of the agreement between the Licensed Hauler and the subcontractor;

2. Proof of insurance between the Licensed Hauler and the subcontractor which meets the County's insurance requirements as set by the County, and names the County as an additional insured;
3. Billing and collection of fees owed by the Generator shall be performed by the Licensed Hauler, not the subcontractor, as part of the Licensed Hauler accounting records for Haulers Services.
4. The records generated by the subcontractor shall be made available to the County upon request.
5. Subcontractors are required to submit annual certification that all waste collected and delivered, was delivered to Olmsted County;
6. Must meet all Federal, State, and local regulations pertaining to trucks and equipment used by the subcontractor in providing Hauler Services, and subcontractor trucks shall prominently display the name of the Licensed Hauler.
7. If changes occur in the agreement between the Licensed Hauler and the subcontractor, or if the agreement is terminated, the Licensed Hauler shall notify the County within 15 calendar days.

In order to protect the environment, and the health, safety, and welfare of the residents and businesses and institutions in the County, the County, effective June 1, 2015, limits the number of licenses to nine (9). In issuing licenses after June 1, 2015, preference shall be given to existing Licensees, so long as such Licensees satisfy the licensing requirements herein, as determined in the sole discretion of the County Board.

A Licensee shall provide written notice to the County thirty (30) days prior to terminating Collection and transportation services. Such notice shall indicate whether the Licensee is transferring its hauling business to another Licensee or a new, yet to be licensed, Commercial Hauler. Upon receipt of such notice, the County shall terminate the license of the terminating Licensee and such license will be available for the Commercial Hauler that proposes acquisition of the terminating Licensee if such acquiring Commercial Hauler demonstrates to the satisfaction of the County Board that it meets the licensing requirements herein. If the terminating Licensee is terminating its business and not transferring it to another Commercial Hauler, the maximum number of Licensees shall automatically be decreased by one. In the event the County revokes the license of an existing Licensee, the maximum number of licenses shall automatically be decreased by one.

To become licensed, a Commercial Hauler must either hold a current license, or acquire a business from a current Licensee to provide the opportunity to become licensed, file an application for a license with the County Environmental Resources Department, and

display, in a County approved location, a County provided label or identification device for each vehicle and/or container used to transport the waste or debris. The County or its Agent, in its sole discretion, may issue or renew a license upon submission of an application. Preference will be given to existing Licensees that remain eligible pursuant to the licensing requirements of this Ordinance. The initial application and subsequent applications for a license shall contain the following information:

1. the name, address, phone number, and fax number of the applicant and business owners;
2. a description of each vehicle to be used for Collection, including the vehicle identification and license numbers, vehicle make and model, and capacity of the body. In the case of roll-off containers, the type, capacity and identification number of each roll-off container must be included;
3. the location and address describing the place where the applicant is storing its equipment/vehicle(s);
4. the type(s) of eligible Solid Waste to be Collected and transported;
5. a map of the Commercial Hauler's proposed service area and description of the days each part of the service area will be served;
6. other information which the County may reasonably require from time to time including, but not limited to, the applicant's declaration and signature, and appropriate fees for the license; and
7. proof of insurance coverage shall be provided for the entire license period for the types of insurance and in the amounts set by resolution of the County Board, using a certificate of insurance, to be provided as part of the license application.
8. If an existing Licensee's business is being acquired, the applicant shall sign a County-approved novation agreement to ensure the applicant will be bound by all obligations to the County held by the existing Licensee.

If any of the above information changes during the term of the license, the Environmental Resources Department must be notified as soon as the change occurs. Furthermore, each Licensee must obtain appropriate insurance coverage as required by law and utilize vehicles that meet Minnesota Department of Public Safety standards. Each Licensee must allow the County to place identification number stickers on each collection vehicle and/or container.



**3504.03. Persons Ineligible for License.** The County Board may choose not to license or renew the license of:

1. an applicant who has had a license revoked by the County within five years of license application; or
2. an applicant who has had violations of contracts with Olmsted County or the County's Solid Waste Ordinances within five years of license application; or
3. an applicant who has been convicted of any crime or crimes which are, within the meaning of Minnesota Statutes Chapter 364, directly related to the applicant's fitness to operate as a Licensee and to the collection and remittance of public funds that such a license requires, or of any willful violation of Federal or State law or local ordinance governing the storage, transportation, Collection, or disposal of Solid Waste in any form.

For purposes of this section, an "applicant" includes:

1. in the case of a corporation: the corporation itself, its officers, directors, majority and controlling shareholders, and any managerial level employee with control over or responsibility for the hauling operation;
2. in the case of a partnership: the partnership itself, all partners and any managerial level employee with control over or responsibility for the hauling operations; and
3. a sole proprietor.

**3504.04. Registration Required.** Persons providing Registered Hauler Services must be registered in Olmsted County and must maintain said registration at all times while providing Registered Hauler Services. To become registered, interested parties must complete and file a registration form with the County's Environmental Resources Department and display a County supplied registration sticker or identification device in a County designated location on each vehicle used to transport Solid Waste. The registration form shall include the following information:

1. the name, address, phone number, email address, and website address (if applicable) of the applicant;
2. a description of each vehicle to be used for Collection, including the vehicle identification and license numbers, vehicle make and model, and capacity of the body. In the case of roll-off containers, the type,

capacity and identification number of each roll-off container must be included;

3. the location and address describing the place where the applicant is storing the equipment/vehicle(s);
4. the type(s) of eligible Solid Waste to be Collected and transported; and
5. other information which the County may reasonably require from time to time including, but not limited to, the applicant's declaration and signature.

If any of the above information changes during the registration term, the County's Environmental Resources Department must be notified as soon as the change occurs.

The Registered Hauler is required to provide insurance coverage, in accordance with Minnesota State law, for the entire registration period for all vehicles used in providing Registered Hauler Services and utilize vehicles that meet Minnesota Department of Public Safety standards. Registered Haulers may be required to provide proof of insurance coverage upon request by the County.

**3504.05. Investigation of Complaints by a Registered Hauler or Licensee.**

Each Registered Hauler or Licensee shall investigate any complaints about its employees, equipment, and/or service. Whenever a complaint is referred to a Licensee or Registered Hauler by the County, a written response shall be made to the County within ten working days, setting forth their investigation findings and action taken on such complaint.

**3504.06. Registration and License Period and Transfers.**

**Subs.1. Registration and License Period.** Each registration and license granted by the County under this section shall expire on the month and day established by resolution of the County Board following its issuance. The County Board in its discretion may issue, renew or extend a registration or license for a period of time shorter than one year. Licenses and registrations may be denied, terminated, revoked or suspended under conditions outlined in the County Administrative Enforcement and Appeals Procedure Ordinance.

**Subs.2. Registration and License Renewal.** Application to renew licenses or registrations shall be presented to the County's Agent no later than thirty days prior to license expiration date, or sooner, as determined by the County.

**Subs.3. Non-Transferable.** Licenses and registrations granted by the County under this section are not transferable to other Persons.

**Subs.4. Dissolution or Change of Ownership of Licensee.** In the event a Licensee dissolves or transfers ownership of the assets and/or liabilities to another Person that is currently or can become licensed, the following requirements apply:

1. All monies due the County including, but not limited to, County Facility Fees, and Solid Waste Management Service Charges must be paid to the County within 30 calendar days of the last day the Licensee provides Hauler Services;
2. Liability for improper waste handling/disposal practices

#### **3504.07. License and Registration Fees.**

**Subs.1. Establishment.** Fees for registrations, licenses and vehicle permits shall be set from time to time by resolution of the Olmsted County Board.

**Subs.2. Payment.** Fees shall be paid with the initial application and annually thereafter by the applicant as a condition for license or registration renewal. Non-payment of the fees shall be grounds for denial or suspension of initial licenses or registrations or renewal of licenses or registrations.

### **SECTION 3505: STORAGE, COLLECTION AND TRANSPORTATION**

**3505.01. Purpose.** This Section shall govern the Storage, Collection, and transportation of Solid Waste generated within the County, including but not limited to Mixed Municipal Solid Waste, Industrial Waste, Construction Debris, Demolition Debris, Yard Waste and Recyclable Materials, such that protection of the environment and public health, safety and welfare results. It shall also provide for Curbside Collection and govern all Persons collecting and transporting Solid Waste within the County.

**3505.02. Storage.** Property owners and managers shall maintain their Open Areas free of Solid Waste accumulations not stored in an acceptable container as specified in this Ordinance or unless otherwise specified by this Ordinance or other statutory references. Solid Waste shall be stored in a manner to prevent the loss of Solid Waste to the environment and to preclude the development of vector, odor, and Public Health Nuisance problems.

**Subs.1. Residential Sites.** The storage requirement shall include the removal of dead and down trees and brush; the removal of collections of inoperable motor vehicles, machinery, appliances, fixtures or equipment so damaged, deteriorated or obsolete such that there is no substantial potential further use consistent with its usual function or reasonable reuse; the removal of lumber piles and building materials not being used in actual construction on the premises; and the removal of Mixed Municipal Solid Waste including, but not limited to, Recyclable Materials, broken furniture, tires and other debris.

**Subs.2. Commercial Sites.** No Person shall place or store upon the Open Areas of any premises any collection of inoperable motor vehicles, machinery, appliances, fixtures or equipment so damaged, deteriorated or obsolete such that there is no substantial potential further use consistent with its usual function or reasonable reuse. Nothing in this section is designed to restrict activities of automobile, scrap iron, and metal recycling or salvage businesses operating in accordance with State, Olmsted County, and municipal or township laws, rules and regulations.

**Subs.3. Agricultural Sites.** No Person shall place or store upon the Open Areas of any Agricultural Site any collection of inoperable motor vehicles, machinery, appliances, fixtures or equipment so damaged, deteriorated or obsolete such that there is no substantial potential further use consistent with its usual function or reasonable reuse but it may serve as a source of replacement parts for agricultural activities. Nothing in this section is designed to restrict the use of Agricultural Sites for commercial automobile, scrap iron, metal recycling or salvage activities otherwise permitted by law.

**Subs.4. Construction and/or Demolition Sites.** Generators of Solid Waste at construction and/or demolition sites must ensure the separation of Mixed Municipal Solid Waste and Recyclable Materials either on-site or through the use of a service provider offering such separation. Waste transported off site that has not been separated is Mixed Municipal Solid Waste and must be hauled by a Licensed Hauler or Self-Hauled by the Generator. Separated Construction Debris or Demolition Debris may be hauled by a Registered Hauler or Self-Hauled by the Generator. Disposal of Construction Debris and Demolition Debris must be in accordance with a Solid Waste Management Facility's approved Industrial Solid Waste Management Plan. Any Solid Waste generated at construction sites shall be placed in acceptable containers as specified in this Ordinance. No burning, burying or dumping of Solid Waste generated at construction sites shall occur at locations other than permitted facilities. However, only with respect to brush and tree waste which has been cleared or grubbed as part of construction activities on the site, this waste may be burned and disposed of on site in conformance with the requirements of a burn permit from a city or township authorized to issue permits for the site.

**Subs.5. Solid Waste Storage Containers.** While being accumulated and stored for Collection and transportation, Solid Waste shall be stored in reusable, covered containers (e.g., cans, dumpsters, compactors, roll-off containers, etc.) that are rust, impact, vermin, and leak resistant. When aggregated for Collection, Yard Waste and Recyclable Materials shall be placed in storage containers that are easily distinguishable from Mixed Municipal Solid Waste storage containers. Plastic bags designed for containing manageable quantities of Solid Waste shall only be used for temporary storage and may only be placed

outdoors for Collection no sooner than the evening prior to the scheduled Collection day.

**Subs.6. Mixed Municipal Solid Waste Storage in Vehicles.** Mixed Municipal Solid Waste shall be removed from Collection or transportation vehicles at least every forty-eight hours, except when allowed by the County's Agent.

**3505.03. Collection.** Every Commercial and Residential Site in Olmsted County, excluding Agricultural Sites, shall engage a Commercial Hauler for the Collection of Designated Waste or act as a Self-Hauler. Commercial Sites that are Self-Haulers must be Registered Haulers pursuant to section 3504.04. Persons acting as Self-Haulers must transport Designated Waste to a Designated Point of Delivery and retain the receipts of disposal for two years.

**Subs.1. Collection Fees.** Fees for the Collection of Mixed Municipal Solid Waste shall be established by Commercial Haulers on a volume or weight basis to provide Generators the financial incentive to reduce their production of Mixed Municipal Solid Waste.

**Subs.2. Curbside Collection.** Commercial Haulers must provide same-day, curbside services for the Collection and transportation of Mixed Municipal Solid Waste, Industrial Waste, and Recyclable Materials to those Generators wishing to contract for such services. Generators utilizing the services of a Commercial Hauler may place acceptable containers of Mixed Municipal Solid Waste, Recyclable Materials or Yard Waste at the curb or Collection site no sooner than the evening prior to scheduled Collection and they must remove the empty containers the same day as Collection. Municipalities with organized waste collection may deviate from the same-day collection requirement.

**Subs.3. Collection Frequency.** Solid Waste aggregated for Collection must, be collected regularly to preclude the development of odor, vector, vermin, and other Public Health Nuisance problems. Putrescible loads must be collected, at a minimum, once per week.

**Subs.4. Sectioning.** Unless otherwise specified in a contract between the County and a Commercial Hauler(s), Mixed Municipal Solid Waste, Recyclable Materials, and Yard Waste shall be collected from Residential Sites on the day(s) specified by the following schedule:

- Monday        southeast and northeast quadrants
- Tuesday      southeast and northeast quadrants
- Wednesday   southwest quadrant

Thursday     northwest quadrant  
Friday        northwest quadrant

The southeast, northeast, southwest and northwest quadrants are determined by the following geographic boundaries:

1. The north-south sectioning line is delineated from the north by Broadway Avenue/Highway 63 until it crosses the South Fork of the Zumbro River just before Fourteenth Street NE. North of this point, the north-south sectioning line is delineated by the South Fork of the Zumbro River.
2. The east-west sectioning line is delineated from the east by College View Road/County Road 9 until Thirtieth (30th) Avenue SE/East Circle Drive/County Road 22. At this intersection, the boundary extends due north along County Road 22 until it reaches the railroad tracks. The boundary is then delineated to the west by the railroad tracks until Eleventh (11th) Avenue NE. At this point, the boundary turns south for one block to Center Street and continues west until Center Street meets Broadway Avenue. The boundary then follows Broadway Ave. south to Second (2nd) Street SW, at which point the boundary veers west following 2nd Street SW/County Club Road.
3. The outer perimeter of this sectioning plan is delineated by the corporate boundary of the City of Rochester. As the City of Rochester annexes additional acreage, this boundary will extend accordingly, including any new properties created by the City's expansion.

**Subs.5. Title to Non-Hazardous Mixed Municipal Solid Waste.** Title to non-hazardous Mixed Municipal Solid Waste shall remain with the Generator until released to the County through the use of a County-contracted Commercial Hauler who is required by contract to use Olmsted County Facilities or by Self-Hauling to Olmsted County Facilities.

**Subs.6. Vehicle and Container Construction.** Vehicles and roll-off containers used for Solid Waste Collection and transportation shall be enclosed or covered, vermin and leak resistant, durable, and must be easily cleaned.

**Subs.7. Maintenance of Vehicles and Roll-Off Containers.** Vehicles and roll-off containers shall be maintained in good repair and in a clean condition to prevent Public Health Nuisances, pollution or insect breeding. To reduce safety risk and Public Health Nuisance conditions, Persons shall securely close inspection doors, if present, except when the vehicle or container is being inspected, cleaned or stored in a clean, empty condition.

**3505.04. Transportation.** All Solid Waste shall be loaded and transported in a manner that will prevent escape of Solid Waste and liquids from its container and the transportation vehicle. All loads shall be covered and contained, and any Person determined to be responsible for debris or liquids on road rights-of-way shall be liable for the costs of removal thereof. Furthermore, any Solid Waste being transported to the Kalmar Landfill must utilize the designated ten-ton access route as defined by the Kalmar Township-Olmsted County Agreement of 11/14/89 (i.e., Minnesota State Highway 14 to County Road 104 North to County Road 156 West). Transportation routes to other Solid Waste Management Facilities other than in the County or to the County's Facilities shall use roads with posted weight ratings that are capable of supporting the gross weights of the transportation vehicles plus their Solid Waste load.

**Subs.1. Spilled Solid Waste.** Where spillage does occur, the material shall be promptly retrieved and transported to an appropriate, permitted Solid Waste Management Facility and the area properly cleaned. A Person transporting Solid Waste is responsible for any loss of Solid Waste or liquid during transportation within Olmsted County. It is the responsibility of said Person to promptly collect or clean up any Solid Waste or liquids lost during transport. In the event the Person transporting Solid Waste refuses to promptly collect or clean up Solid Waste lost or spilled during transport, the County may remedy the spill, dispose of the Solid Waste and charge the Person for the cost of cleanup and disposal of such Solid Waste.

**Subs.2. Notification of Spilled Waste.** The Person transporting Solid Waste shall notify the appropriate highway maintenance and law enforcement agencies if the spilled Solid Waste cannot be promptly removed or if there is a traffic or other hazard to Persons living in the vicinity or traveling in the area affected by the spill.

**Subs.3. Hot Loads.** No Person shall collect or transport Solid Waste that is smoking, smoldering, or burning. In the event of an unintentional "hot load", it is the Person's responsibility to suppress the fire at the direction of the Fire Marshal.

**Subs.4. Delivery Conditions.** Unless special arrangements have been made or pursuant to any other applicable rules or laws, all Solid Waste shall be delivered to facilities open to the public in accordance with the following items:

1. Hours and Days of Delivery. Facilities will post their receiving hours and Solid Waste shall be delivered to a Solid Waste Management Facility during the operating hours as posted at each facility, unless other facility-specific arrangements have been made.
2. Origin of Waste. The origin by county of the Solid Waste will be disclosed at time of delivery to a facility.

3. Transportation. Each Person delivering Solid Waste to the Facility or Facilities shall be solely responsible for the provision, at their own expense, of all personnel and equipment necessary to transport all Solid Waste in accordance with all applicable transportation regulations.
4. Equipment. All equipment used by a Person for Collection and transportation of Solid Waste shall be properly licensed, and shall comply with such equipment specifications as may be established by the County or other regulatory agencies.
5. Facility Rules. Each Person delivering Solid Waste will comply with all rules and regulations posted at any Solid Waste Management Facility.

**Subs.5. Waste Tracking.** The amounts of Solid Waste, by date, by waste type, and county of origin of each load delivered to Solid Waste Management Facility shall be recorded at the Solid Waste Management Facility. The amounts of Solid Waste, by waste type, whether the Solid Waste was subsequently processed, disposed on site, or transported from the Solid Waste Management Facility and the destination shall be recorded at the Solid Waste Management Facility each day. Upon request, these records shall be reported to the County within 30 days of the request. Data reported to the County is subject to the Minnesota Data Practices Act.

1. All Solid Waste that is managed by weight shall be weighed on scales certified for commerce. The tonnage of Solid Waste delivered to a Solid Waste Management Facility shall be determined by the deduction of the tare weight of the vehicle from the total loaded weight of the vehicle. The tare weight of the vehicle is determined after the contents of each vehicle load is disposed at a Solid Waste Management Facility.
2. All Solid Waste that is managed by volume will be based on the size of the truck or container, unless the Solid Waste Management Facility is notified at the time of entry that the truck or container is partially full. For loads that are partially full or heaped, the Solid Waste Management Facility will use its best efforts to estimate the actual volume and distinguish between compacted and uncompact loads.

## **SECTION 3506: PROCESSING AND DISPOSAL**

**3506.01. Purpose.** This section outlines management specifications for the processing and disposal of Solid Waste and regulates Solid Waste accumulations on all lands in Olmsted County.



## **3506.02. Yard Waste.**

**Subs.1. On-Site Yard Waste Composting.** On-site, or “backyard” compost sites, are allowed if the sites are managed in such a manner to prevent annoying odors, Public Health Nuisances, or unsafe conditions. Compostable organic materials suitable for backyard compost sites include: Yard Waste, straw, vegetable scraps, coffee grounds, and egg shells. Unless special management practices are used, sawdust, wood ash, and newspapers should not be composted. To prevent Public Health Nuisances, avoid composting human and pet feces, meat, bones, grease, whole eggs, dairy products, weeds with seeds and diseased plants. The County accepts the methods and guidelines published by the Minnesota and Olmsted County Extension services as suitable for on-site composting. On-site composting which does not comply with these methods and guidelines is not permitted.

**Subs.2. Permitted Yard Waste Compost Sites.** Yard Waste Compost Sites located in Olmsted County, excluding on-site or “backyard” compost sites, shall comply with the following Minnesota Pollution Control Agency Rules and amendments that may be adopted from time to time. Sites shall obtain a facility permit (Minnesota Rules, Part 7001.3375), provide notification (Minnesota Rules Part 7001.3410), and maintain operational compliance (Minnesota Rules Part 7035.2836 subparts 2 and 3). Yard Waste shall be separated from its container(s) at the time of delivery by the Person making the delivery.

**3506.03. Recyclable Materials.** Recycling Centers must obtain an operating permit, as required by State law (Minnesota Rules Part 7035.2845), as amended from time to time), from the Minnesota Pollution Control Agency. Recycling Centers must operate in accordance with provisions outlined in Olmsted County Ordinances and Minnesota Statutes.

**3506.04. Mixed Municipal Solid Waste.** Generators shall dispose of Designated Waste at Designated Points of Delivery. Generators shall either utilize the Collection services of a Licensed Hauler, self-haul their own Designated Waste to a Designated Point of Delivery, or, in the case of Agricultural Sites, manage their Mixed Municipal Solid Waste on site as allowed by Minnesota Statutes, Section 17.135. Self-Haulers must retain receipts from the Solid Waste Management Facility utilized for two years or as may be required by contract with the County.

**3506.05. Industrial Waste.** Solid Waste Generators are responsible for identifying and characterizing Industrial Waste which they produce. Generators shall follow the procedures for handling Industrial Waste described in a Solid Waste Management Facility’s Industrial Solid Waste Management Plan.

**3506.06. Unacceptable Waste, Problem Materials and Special Waste.** State and Federal regulations prohibit the processing and/or disposal of some types of Solid Waste. Regulations also restrict the processing of other materials or waste types

because they may present an operational hazard to a Facility. Each Solid Waste Management Facility shall identify its own list of Unacceptable Wastes, Problem Materials and Special Wastes. This list shall identify which waste types cannot be accepted under any circumstances, as well as those waste types which may require special handling and/or need approval prior to delivery. This list shall be posted at the Solid Waste Management Facility and a copy provided upon request. Generators are responsible for identifying any Unacceptable Waste, Problem Materials, and/or Special Wastes which they produce and adhering to Solid Waste Management Facility-specific requirements for their disposal.

**3506.07. Delivery of Unacceptable Waste.** A Solid Waste Management Facility shall not be required to accept any Solid Waste which constitutes Unacceptable Waste and may, at their discretion, inspect all vehicles delivering Solid Waste. The obligation of each Person not to deliver Unacceptable Wastes, Problem Materials and/or Special Wastes to a Solid Waste Management Facility shall not be limited by any inspection of such Person's Solid Waste. Notwithstanding any prior acceptance of such Solid Waste, if the Solid Waste Management Facility, in the exercise of its reasonable judgment, identifies the presence of Unacceptable Wastes, Problem Materials, and/or Special Wastes, the Solid Waste Management Facility may reject the Solid Waste and the Person shall forthwith remove the rejected materials for proper disposal elsewhere. All costs of such removal and disposal shall be borne by the Person. Furthermore, if the presence of Unacceptable Wastes, Problem Materials and/or Special Wastes poses immediate operational difficulties for a Solid Waste Management Facility or if the Person fails to respond to a removal request, the Solid Waste Management Facility may remove and dispose of the Unacceptable Wastes, Problem Materials, and/or Special Wastes and charge the costs of such removal, disposal and special handling to the Person.

**3506.08. Prohibitions.**

**Subs.1. Solid Waste Burning.** Burning of Solid Waste is prohibited by this Ordinance, except as allowed on Agricultural Sites by the residents of the Agricultural Site as per Minnesota Statutes Section 17.135. This statute states:

**FARM DISPOSAL OF SOLID WASTE.**

(a) A permit is not required from a state agency, except under sections, 88.16 88.17 and 88.22 for a person who owns or operates land used for farming that buries, or burns and buries:

(1) solid waste generated from the person's household or as part of the person's farming operation; or

(2) concrete or reinforcing bar from a building or structure located on the land used for farming.

Items in clauses (1) and (2) must be buried in a nuisance-free, pollution-free, and aesthetic manner on the land used for farming. The exception in clause (1) does not apply if regularly scheduled pickup of solid waste is reasonably available at the person's farm, as determined by resolution of the county board of the county where the person's farm is located.

(b) The exemption in paragraph (a), clause (1), does not apply to burning tires or plastics, except plastic baling twine, or to burning or burial of the following materials:

(1) household hazardous waste as defined in section [115A.96, subdivision 1](#);

(2) appliances, including but not limited to, major appliances as defined in section [115A.03, subdivision 17a](#);

(3) household batteries;

(4) used motor oil; and

(5) lead acid batteries from motor vehicles.

(c) Within 90 days after completion of the burial, an owner of land used for farming who buries material under the authority of paragraph (a), clause (2), shall record, with the county recorder or registrar of titles of the county in which the land is located, an affidavit containing a legal description of the property and a map drawn from available information showing the boundary of the property and the location of concrete or reinforcing bar buried on the property. The county recorder or registrar of titles must record an affidavit presented under this paragraph in a manner that ensures its disclosure in the ordinary course of a title search of the subject property.

**Subs.2. Non-Permitted Solid Waste Sites.** It is a violation of this Ordinance for any Person to dispose of Solid Waste, excluding backyard Yard Waste Compost Sites and Agricultural Site disposal exemptions (Minn. Stat. Section. 17.135), at locations other than Permitted Sites. The owner of any such Site shall prevent further disposal of Solid Waste at the site and take corrective actions to appropriately close the site, as determined by Olmsted County and/or the Minnesota Pollution Control Agency. Upon discovery of the existence of a non-permitted Solid Waste site a Person shall report the location to the County Environmental Resources Department.

**Subs.3. Unauthorized Container Use.** It shall be illegal to use another Person's Solid Waste storage container, inspect its contents, or remove its contents unless provided prior authorization by the owner or lawful custodian of said container.

**Subs.4. Hazardous Waste.** In the absence of a permitted Hazardous Waste disposal facility within the County, the disposal of said waste shall not be allowed anywhere in Olmsted County.

**3506.09. The Mayo Foundation.** Olmsted County recognizes that the Mayo Foundation has established a fully integrated and self-sustaining Solid Waste management system for the Collection, processing and disposal of its Solid Waste which supports the objectives of the Olmsted County Solid Waste Management Plan. Nothing in this Ordinance is designed to restrict the Mayo Foundation from taking their Mixed Municipal Solid Waste and Infectious Waste to the Mayo Medical Waste Incinerator as long as this facility operates in accordance with Minnesota State, Olmsted County, and municipal or township laws, rules and regulations. Mayo Foundation Solid Waste disposed at Mayo Medical Waste Incinerator is excluded from the Service Charge requirements in Section 3507.

## **SECTION 3507: SOLID WASTE MANAGEMENT FEES AND SERVICE CHARGES**

**3507.01. County Facility Fees.** The County Board hereby adopts fees for the use of County-owned Solid Waste Management Facilities, which fee schedule, as Addendum 1 is incorporated herein by reference, and may be amended from time to time by ordinance. However, in order to provide for stable revenue to the Waste Management Fund, the County Board reserves the right to establish separate fees related to management of out of county waste pursuant to a contract.

**3507.02. County Solid Waste Management Service Charge.** The following provisions are enacted pursuant to Minn. Stat. §400.08, which authorizes the County to establish and impose Service Charges within the County's jurisdiction for Solid Waste management services. The purpose of these provisions is to establish methods of collection of a Service Charge to fund certain Solid Waste management services intended to protect the public health and welfare and the environment pursuant to State mandates governing Solid Waste management.

**3507.03. Establishment of Service Charge.** Effective July 1, 2007, a Solid Waste Management Service Charge is imposed by the County upon Generators of Mixed Municipal Solid Waste, Industrial Waste, Recyclable Materials at Residential Sites and Yard Waste in the County for solid waste management services provided by the County or others under contract to the County. Generators of Mixed Municipal Solid Waste, Industrial Waste that meets the requirements of the facilities' industrial solid waste management plan, Recyclable Materials at Residential Sites or Yard Waste in the

County shall pay the Service Charge in the manner set forth herein in amounts as established by the County. In establishing the Service Charge, the County has taken into account all factors relevant to provision of Solid Waste management services in the County. Such factors include, but are not limited to: the character, kind and quality of service of Solid Waste; the method of disposition; the number of people served at each place of collection; and all other factors that enter into the cost of providing service including, but not limited to depreciation and payment of principal and interest on money borrowed by the County for the acquisition and betterment of Solid Waste Management Facilities; public education; Recycling programs; Hazardous Waste management; and Solid Waste Management Facility operating costs.

**3507.04. Procedures for Adjusting the Amount of Solid Waste Management Service Charge.** The Board may adjust the amount of the Solid Waste Management Service Charge by ordinance following a public hearing, and shall state the effective date of the adjusted Service Charge. There shall be a minimum One Hundred Twenty-day (120) period prior to the effective date of such adjustment.

**3507.05. Service Charge Collection.**

**Subs.1. Commercial Hauler Billing.** Each Commercial Hauler, unless otherwise exempt, shall bill the Service Charge to and collect the Service Charge from all Persons to whom they provide Hauler Services. The amount of the Service Charge shall be the Service Charge Percentage Rate multiplied by the Gross Receipts to be collected from each customer by the hauler. The Commercial Hauler shall aggregate all of the individual Service Charges from all of its customers billed within any month for remittance and reporting to the County. The Service Charge collected is to be remitted to the County based upon the act of billing or invoicing each customer, not upon any means of revenue recognition used by the Commercial Hauler. The Service Charge Percentage Rate is set in the fee schedule (Addendum 1 – Solid Waste Management Fee and Service Charge Schedule for Service Charges collected by Commercial Haulers).

A Service Charge owed to the County under a contract for any period of time immediately prior to the commencement of this section of the Ordinance, which shall be effective July 1, 2007, shall be paid to the County under the method used by the Commercial Hauler prior to the commencement of this ordinance. For example, if payment of the contract service charge was predicated upon being earned as accrued by the Commercial Hauler, the Commercial Hauler is required to remit the service charge from the prior contract period to the County when earned by the Commercial Hauler.

**Subs.2. Collection.** Each Commercial Hauler shall make reasonable efforts to collect the Service Charge. Commercial Haulers are permitted to advance Service Charges owed to the County on behalf of a customer and are entitled

to a refund if the customer does not in fact pay as required. The County will refund a Commercial Hauler for the unpaid portion of Service Charge if (a) the Commercial Hauler initially remitted that Service Charge to the County, (b) if the Commercial Hauler made a reasonable effort to collect the Service Charge, and (c) if the Service Charge was initially billed within 12 months from the date the refund was requested from Olmsted County by the Commercial Hauler. The Commercial Hauler shall complete and submit an unpaid Service Charge report in accordance with instructions given by the County and in the format and media required by the County. In the report, the Commercial Hauler, for each unpaid Service Charge amount requested, shall provide the customer name, service address, date initially billed, amount billed, amount unpaid, as well as any other information reasonably deemed necessary by the County for proper administration of the refund for unpaid Service Charge.

**Subs.3. County Billing.** Self-Haulers from Commercial Sites that are registered and approved to use Kalmar Landfill and/or the Facility tipping floor shall pay Service Charge at the rate set in the fee schedule Addendum 1 – Solid Waste Management Fee and Service Charge Schedule for Mixed Municipal Solid Waste, Industrial Waste, Recyclable Materials, and/or Yard Waste generated in Olmsted County.

Service Charge is charged to all customers for Solid Waste delivered to Olmsted County Recycling Center Plus. The amount of Service Charge is set in the fee schedule Addendum 1 – Solid Waste Management Fee and Service Charge Schedule.

Self-Haulers shall pay to the County the Service Charge, which shall be calculated and collected or added to the account of the Self-Hauler by the County, at the time the Self-Hauler delivers Solid Waste to a County Facility or Facilities

If a Person does not pay the Service Charge to a Commercial Hauler or directly to the County, the County may directly bill the Person or the owner, occupant, or lessee of the site at which the Mixed Municipal Solid Waste, Industrial Waste, Recyclable Materials or Yard Waste was generated. If the incurred Service Charge is not known, the County may establish the Service Charge based on a reasonable estimate.

In the event a municipality contracts or otherwise arranges for Hauler Services on behalf of Generators and elects to bill the Service Charge to and collect the Service Charge from such Persons who are billed for such services, and subsequently remits all Service Charges collected to the County, a Commercial Hauler is not required to bill the Service Charge to or collect the Service Charge from such Persons in such municipalities.

### **3507.06. Remittance.**

**Subs.1. Remittance to the County.** The Service Charge collected by Commercial Haulers must be remitted to the County. Failure to remit the Service Charge collected may result in the revocation of the Commercial Solid Waste Hauler License by the County. Self-Haulers shall pay the Service Charge directly to the County.

**Subs.2. Remittance Deadline.** Each Commercial Hauler shall remit the Service Charge by the last day of the month following the month in which the Service Charge was billed by a Commercial Hauler. The County, if requested in writing by a Commercial Hauler, may grant a variance from this payment requirement to accommodate a Commercial Hauler's billing practices. The duration of the variance will be determined by the County.

**Subs.3. Proceeds of Service Charge are State Funds.** The proceeds of the Service Charge are state funds, and failure to remit the proceeds to the County is subject to criminal prosecution pursuant to Minn. Stat. § 609.445, as amended.

### **3507.07. Service Charge Itemized on Statements.**

**Subs.1. County Environmental Service Charge.** Each Commercial Hauler shall separately itemize the Service Charge on any statement or invoice issued for payment of Hauler Services. The Service Charge must be identified as "Olmsted County Environmental Service Charge," or a County approved abbreviation unless otherwise required by the County. Failure to separately itemize the Service Charge or to properly identify the Service Charge is a violation of this ordinance.

**Subs.2. Notice and Timing.** Each Commercial Hauler is required to provide notification of the Service Charge to each customer prior to an initial bill for Hauler Services. This notification is required through a letter developed by the County.

**3507.08. Service Charge Reports.** Each Commercial Hauler shall complete and submit a Service Charge report in accordance with instructions given by the County and in the format and media required by the County. The Service Charge report must accompany the remittance of the Service Charge to the County. In the report, the Commercial Hauler shall provide monthly totals and summaries of customers served, amounts of waste collected, amounts invoiced, Service Charges invoiced, and gross revenues, as well as any other information reasonably deemed necessary by the County for proper administration of the Service Charge.

**3507.09. Recalculation of Service Charge.** If the County determines, after review of the Service Charge report, or upon failure of a Commercial Hauler or Self-Hauler to submit the Service Charge report, that the Commercial Hauler or Self-Hauler has not supplied appropriate information, the County may recalculate the Service Charge in accordance with this subsection. If the County finds that the information supplied by the Commercial Hauler or Self-Hauler is inaccurate, incomplete or understated, the County may determine an appropriate amount for the Service Charge due from the Commercial Hauler or Self-Hauler. The County shall send the Commercial Hauler or Self-Hauler a notice setting forth the recalculated Service Charge amount. The notice shall include a statement of reasons why the Service Charge has been recalculated. The County may base the recalculation on information in County records or on any data currently or previously supplied by the Commercial Hauler or Self-Hauler, or otherwise available. The written notice shall be deemed received by the Commercial Hauler or Self-Hauler three (3) days after the date of mailing.

The County will refund a Commercial Hauler that inadvertently charges Service Charge to an address not located in Olmsted County if (a) the Commercial Hauler remitted that Service Charge to the County, (b) if the Commercial Hauler remits the Service Charge back to that customer, and (c) if the Service Charge was initially billed within 12 months from the date the refund was requested from Olmsted County by the Commercial Hauler.

**3507.10. Examination of Records.** At the Commercial Hauler's location within the County and upon reasonable notice, the County may examine and audit or otherwise review all Commercial Hauler's information regarding customer identification and location, billing and service addresses, types and sizes of containers used, and amounts invoiced for all of its customers in the County. Promptly upon County request, the Commercial Hauler's current route lists shall be available for review by the County to assure accuracy related to the Service Charges and amount of Mixed Municipal Solid Waste collected. The County shall have the right to examine, review and audit all accounts receivable and other records of the Commercial Hauler as necessary to verify the accuracy of the Service Charges collected and the Commercial Hauler's compliance with this Ordinance. To verify Service Charges collected, the County will electronically compare customer account records on the Commercial Hauler's computer system with the County's geographic information system records at the Commercial Hauler's location in the County.

The County or its duly authorized agents shall have the right to examine records, including access to computer records, maintained by a Self-Hauler. The County shall be allowed access at all reasonable times to inspect and copy at reasonable cost all business records related to the Self-Hauler's Collection, transportation, and/or disposal of Solid Waste to the extent necessary to ensure that all Service Charges required to be paid have been remitted to the County.



Such records shall be maintained by Commercial Haulers and Self-Haulers in the County for no less than two years or as may be required by contract with the County.

**3507.11. Late Payment.** A late payment penalty in the amount of the maximum interest rate allowed by law shall be imposed upon Service Charges collected from the Generator, but not remitted by the Commercial Hauler to the County on or before the last day of the month following the billing. If a Commercial Hauler fails to bill and collect the Service Charge from the Generator, the Commercial Hauler shall pay the Generator's Service Charge plus the late payment penalty. The late payment shall be calculated from the date the Service Charge should have been billed. If a Self-Hauler fails to pay the Service Charge on or before the last day of the month in which the Service Charge was incurred, the Self-Hauler shall pay a late payment penalty in the amount of the maximum interest rate allowed by law.

**3507.12. Unpaid Service Charges.**

**Subs.1. Taxable Properties.** On or before October 15 of each year, the County Board may certify to the County Property Records and Licensing Department any unpaid outstanding Service Charges, as reported to the County by Commercial Haulers, and a statement of the description of the lands that were serviced and against which the Service Charges arose. A property owner may prepay the outstanding Service Charges before the Service Charges are extended to the tax rolls of the County by remitting to the County Property Records and Licensing Department the Service Charges, in full, plus interest at the maximum rate allowed by state law calculated from the date the Service Charges are reported to the County as unpaid to December 31 of the year in which said prepayment is made. Such prepayment must occur on or before November 15 in order to prevent the Service Charges from being extended to the tax rolls of the County.

If the Service Charges are not prepaid as provided in this section, the County Property Records and Licensing Department shall extend the Service Charges upon the tax rolls of the County with interest at the maximum rate allowed by state law calculated from the date the Service Charges are reported to the County as unpaid to December 31 of the year that the Service Charges appear. The Service Charges with interest shall be carried into the property tax becoming due and payable in 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 laws of the state. The Service Charges, if not paid on time as part of the property tax, shall become delinquent and be subject to the same penalties and the same rate of interest as real property taxes under the general laws of the state.

**Subs.2. Tax-Exempt Properties.** Unpaid Service Charges may be collected as provided in Subs. 1 of this Section.

**Subs.3. Civil Action.** In addition to each and every other remedy available to the County, unpaid Service Charges, penalties, and interest may be recovered in a civil action against a property owner, lessee, or occupant or a Generator, Commercial Hauler, or Self-Hauler.

## **SECTION 3508: VIOLATIONS, PENALTIES AND ENFORCEMENT**

### **3508.01. Administrative Enforcement and Appeals Procedure Ordinance.**

Provisions of this Ordinance shall be enforced pursuant to the Olmsted County Administrative Enforcement and Appeals Procedure Ordinance found at Chapter 4000 of the Olmsted County Code of Ordinances. Penalties for violations of this Ordinance shall be as specified in the Administrative Enforcement and Appeals Procedure Ordinance or in any resolution establishing recommended administrative penalties for violations which is subsequently approved by the County Board. At the discretion of the County's Agent, violations of this Solid Waste Ordinance by Commercial Haulers under contract to the County may be addressed pursuant to remedies provided for in the County's waste delivery contract.

**3508.02. Access.** Access to property for inspections and/or enforcement shall be with the consent of the property owner or pursuant to law. In particular, the County's Agent may access a property where a source or cause of preventable disease exists or is reasonably suspected.

**3508.03. Other Enforcement.** In addition to the remedies set forth in the Olmsted County Administrative Enforcement and Appeals Procedure Ordinance, the County may also enforce the provisions of the Solid Waste Ordinance according to this Subsection.

**Subs.1. Abatement of Public Health Nuisances.** Actual or potential threats to public health, such as Public Health Nuisances, sources of filth or causes of sickness, arising from the failure of any Person to dispose of Solid Waste at permitted Solid Waste Management Facilities, shall be removed or abated from the affected property. The County's Agent shall order the owner or occupant of the property to remove or abate the threat within a time specified in the notice but not longer than ten days. Notice for abatement or removal must be served on the owner, occupant or agent of the property in one of the following ways: 1) by registered or certified mail; 2) by an officer authorized to serve a warrant; or 3) by a person aged 18 years or older who is not reasonably believed to be a party to any action arising from the notice. If the owner of the property is unknown or absent and has no known representative upon whom notice can be served, the County's Agent may enter upon the affected property and post a written or printed notice on the property stating that, unless the threat to the public health is abated or removed within a period of not longer than ten days, the County will have the threat abated or removed at the expense of the owner pursuant to applicable State and local law. If the owner, occupant or agent fails or neglects to comply with the requirement of the notice, then the County's

Agent shall remove or abate by any reasonable means the Public Health Nuisance, source of filth or cause of sickness described in the notice.

**Subs.2. Costs and Special Assessments.** The County may recover its costs from the owner or the occupant, including attorney's fees, costs and disbursements, staff, environmental engineering or other consulting costs or contractor costs, transportation and disposal of the Solid Waste, and other related costs incurred for corrective action taken by the County to correct the violation from any Person failing to comply with the provisions of this Ordinance. At the discretion of the County Board, the costs may be certified to the County Auditor as a special assessment or lien against the real property owned by such Person and at which the corrective action occurred, as permitted in M.S. 375.18, subd. 14 and M.S. 145A.08, subd. 2. Furthermore, the County Board may also seek civil penalties and damages from Persons responsible for unauthorized deposit of Solid Waste under M.S. 115A.99, which, if unpaid, may be imposed as a lien on property owned by the responsible Persons and collected as a special assessment.

**Subs.3. Non-payment.** Failure to remit authorized disposal fees, Service Charges, or other waste management fees, as they may arise, or fines or other liquidated damages pursuant to this Ordinance or a County waste delivery agreement is a violation of this Ordinance and will result in the revocation of licenses or registrations.

**3508.04. Additional Requirements.** The County Board may impose additional requirements consistent with the intent of this Ordinance.

## **SECTION 3509: GENERAL TERMS**

**3509.01. Severability.** The provisions of this Ordinance are severable. Should any action, paragraph, sentence, clause, phrase or portion of the regulation be declared invalid for any reason, the remainder of this regulation shall not be affected.

**3509.02. Provisions Are Cumulative.** The provisions in this Ordinance are separate, distinct, and cumulative and no such provision shall be exclusive of any other provision.

**3509.03. No Consent.** Nothing contained in this Ordinance shall be deemed to be a consent, license, or permit to locate, construct or maintain a site, facility or operation, or to carry on any activity.

**3509.04. Non-Liability.** Neither the County nor any officer or employee thereof shall be held liable for any damage to Persons or property by reason of any inspection, re-inspection or failure to inspect, or by reason of the approval or disapproval of equipment or the granting, not granting, suspending or revoking of any license

hereunder, nor for any action in connection with the inspection or control of Solid Waste or in connection with any other official duties.

**3509.05. Reporting.** The County may require information from time to time gathered by Solid Waste Generators, Solid Waste Management Facility operators, Commercial Haulers, Registered Haulers and Self-Haulers regarding matters relating to this Ordinance. Solid Waste Management Facility records shall include, where applicable, customer names and locations, waste origins, waste types and amounts, and waste destinations for reuse, recycling, resource recovery, or disposal. Any such information gathered by the County will be managed subject to the Minnesota Data Practices Act or other applicable data management law or agreement as amended from time to time. Failure to provide this information will be considered a violation of this Ordinance.

### **SECTION 3510: EFFECTIVE DATE**

The changes to the Solid Waste Ordinance made on October 17, 2017, pertaining primarily to the manner in which appeals of civil notices of violations and hauler license denials, suspensions or revocations are directed to a County Hearing Officer for initial review pursuant to the County Administrative Enforcement and Appeals Procedure Ordinance, shall take effect January 1, 2018.

Dated this 17<sup>th</sup> day of October, 2017.

OLMSTED COUNTY BOARD OF COMMISSIONERS

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By: Kenneth Brown, Chairperson

ATTEST:

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Heidi Welsch, Clerk/Deputy-Administrator

**ATTACH REVISED FEE SCHEDULE**

Fluorescent Tubes (Limit ~~100~~ 50 unboxed tubes per visit)

Fees for Recyclable Materials

Major Appliances – ammonia gas type appliances    NOT ACCEPTED