

RED LAKE COUNTY

SOLID WASTE ORDINANCE

TABLE OF CONTENTS

	Page
Section 1000. Definitions	1
1010. Acceptable Waste	1
1020. Agency	1
1030. Board	1
1040. Composting	1
1050. Compost Pile	1
1060. Collection	1
1070. Commercial Hauler	2
1080. County	2
1090. Cover Material	2
1100. Demolition Land Fill	2
1110. Demolition Waste	2
1120. Disposal	2
1130. Environmental Officer	2
1140. Garbage	2
1150. Hazardous Waste	2
1160. Land Disposal Facility	3
1170. Licensee	3
1180. Misdemeanor	3
1190. Nuisance	3
1200. Open Dump	3
1210. Person	3
1220. Polystyrene	3
1230. Processing	3
1240. Putrescible Material	3
1250. Recycling and Resource Recovery	3
1260. Service Area	3
1270. Solid Waste	4
1280. Special Solid Waste	4
1290. Solid Waste Facility	4
1300. Solid Waste Management Plan	4
1310. Solid Waste Management Services	4
1320. Tire	5
1330. Transfer Station	5
1340. Unacceptable Waste	5
1350. Waste Tire	5
1360. White Goods	5
1370. Yard Waste	5
Section 2000. License Required	6
Section 3000. Solid Waste Regulations	6
3100. Regulations Primarily Relating to Activities for Which a License or Temporary Permit is Required.	6
3110. Collection and Transportation	6

3111.	State Rule Adopted	6
3112.	Equipment Requirements	6
3113.	Maintenance	6
3114.	Labeling	6
3115.	Storage in Vehicles	6
3116.	Protecting Private Property	7
3117.	Smoking, Smoldering or Burning Waste	7
3118.	Emergency Dumping	7
3119.	County Contracts	7
3200.	Demolition Landfills	7
3201.	Construction	7
3202.	Controlled Access	7
3203.	All-Weather Access	7
3204.	Screening	7
3205.	Compliance with Local Land Use Rules	7
3300.	Operation and Maintenance	7
3301.	Separating Distance	7
3302.	Wind-Blown Material	8
3303.	Compaction	8
3304.	Nuisance Control	8
3305.	Pest Eradication	8
3306.	Refuse Prohibited	8
3307.	Termination	8
3308.	Termination Cover	8
3309.	Termination Topsoil and Vegetation	8
3310.	Pretermination Notice and Investigation	8
3311.	Operating Records	9
3400.	Regulations Primarily of Interest to the Public	9
3401.	Storage	9
3402.	State Rule Adopted	9
3403.	Owner and Occupant Duty	9
3404.	Putrescible Material and Garbage	9
3405.	Containers	9
3406.	Oversize Waste	10
3407.	Time Limit	10
3408.	Recyclables	10
3409.	Open Burning	10
3410.	White Goods	10
3411.	Yard Waste	10
3412.	Waste Tire Disposal	10
Section 4000.	General and Administrative Provisions	10
4100.	Environmental Officer	10
4110.	Application and Review and Recommendation	10
4120.	Inspection	10
4130.	Investigation	11
4140.	Enforcement Actions	11
4150.	Studies	11

4160.	Liaison	11
4200.	Demolition Landfills	11
4210.	Permit-by-rule	11
4220.	Facilities other than Permit-by-rule	11
4300.	Nonconforming Sites and Facilities	11
4400.	Enforcement	11
4410.	Violation of a Misdemeanor	11
4420.	Equitable Relief	12
4430.	Citations	12
4431.	Form of Citation	12
4432.	Citation	12
4433.	Issuance	12
4440.	Civil Action	12
4500.	Rules of Construction	12
4510.	Indemnification	12
4520.	Severability	12
4530.	Ordinance Remedies & Provisions Cumulative	13
4540.	No Consent	13
4550.	Meanings	13
Section 5000.	Service Areas	13
5100.	Service Areas	13
5200.	Township Service	13
Section 6000.	Effective Date	13

RED LAKE COUNTY
SOLID WASTE ORDINANCE

AN ORDINANCE AUTHORIZING, PROVIDING STANDARDS FOR, AND REGULATING SOLID WASTE MANAGEMENT IN RED LAKE COUNTY, MINNESOTA; REQUIRING A LICENSE FOR ACTIVITIES RELATING TO SOLID WASTE MANAGEMENT; REQUIRING PERFORMANCE ASSURANCE AND INSURANCE; ADOPTING THE STANDARDS AND REQUIREMENTS ESTABLISHED BY REGULATIONS OF THE MINNESOTA POLLUTION CONTROL AGENCY FOR THE MANAGEMENT OF SOLID WASTE; CONTINUING SOLID WASTE MANAGEMENT SERVICE AREAS IN THE COUNTY; PROVIDING FOR ENFORCEMENT OF AND PENALTIES FOR LACK OF COMPLIANCE WITH SOLID WASTE MANAGEMENT REGULATIONS; AND PROMOTING THE HEALTH, WELFARE AND SAFETY OF THE PUBLIC AND PROTECTING NATURAL RESOURCES PURSUANT TO CHAPTERS 115A, 116 AND 400 OF MINNESOTA STATUTES.

The County Board of Red Lake County, Minnesota ordains:

SECTION 1000. DEFINITIONS

Unless the context clearly indicates otherwise, the following words and phrases, when used in this Ordinance, have the meanings given to them in this section. Terms not specifically defined shall be construed according to the context and professional usage.

1010. "Acceptable Waste" - Solid waste which is acceptable at a solid waste facility. Acceptable waste includes garbage, refuse, and other municipal solid waste from residential, commercial, industrial and community activities which is generated and collected in aggregate and which is not otherwise defined herein as unacceptable waste. No amounts of hazardous waste that is regulated by law is acceptable at a solid waste facility.

1020. "Agency" - Minnesota Pollution Control Agency.

1030. "Board" - Red Lake County Board of Commissioners.

1040. "Composting" - The controlled microbial degradation of organic solid waste to yield to a humus-like product.

1050. "Compost Pile" - The aggregation of organic solid waste for purposes of composting.

1060. "Collection" - The aggregation of solid waste from the place at which it is generated, including all activities up to the time the solid waste is delivered to a solid waste facility.

1070. "Commercial Hauler" - Any person who operates a vehicle or vehicles for a fee, for hire or as part of a commercial transaction for the purpose of collection and transportation of solid waste. The term commercial hauler includes municipal, governmental and political subdivisions which operate a vehicle or vehicles for the purpose of collection and transportation of solid waste not generated solely on property of the municipal, governmental or political subdivision.

1080. "County" - The County of Red Lake, State of Minnesota.

1090. "Cover Material" - Earth material that is free of putrescible materials and can be compacted to provide a seal over waste materials to inhibit blowing of debris and to reduce the potential for leachate generation.

1100. "Demolition Landfill" - A land disposal site at which the disposal of demolition waste occurs in a manner approved by the Agency.

1110. "Demolition Waste" - Solid waste which consists of concrete, asphalt chunks, bricks, blocks, structural metal, lumber, wall board, wall plaster and wood from demolished buildings, and other inert waste materials as may be designated by the environmental officer as demolition waste.

1120. "Disposal" - The discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the waste or any constituent thereof may enter the environment or be emitted into the air, or discharged into any waters, including ground waters.

1130. "Environmental Officer" - The person, persons or department appointment by the Board to carry out and enforce the provisions of this Ordinance.

1140. "Garbage" - All discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.

1150. "Hazardous Waste" - Any refuse, sludge, or other waste material or combinations of refuse, sludge or other waste materials in solid, semi-solid, liquids, or contained gaseous form which because of its quantity, concentration, or chemical, physical or infectious characteristics may: (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness, or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

Categories of hazardous waste materials include, but are not limited to, explosives, flammables, oxidizers, poisons, irritants and corrosives. Hazardous waste includes all materials designated as hazardous and regulated by State or Federal laws and regulations.

1160. "Land Disposal Facility" - Any tract or parcel of land, including any constructed facility, at which solid waste is disposed of in or on the land.

1170. "Licensee" - A person who has been given authority by the Board to carry out any of the activities for which a license is required under the provisions of this ordinance.

1180. "Misdemeanor" - As defined by Minnesota Statutes, Section 609.033 as amended.

1190. "Nuisance" - A condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort, or repose of any considerable number of members of the public.

1200. "Open Dump" - A land disposal site at which the disposal of solid waste occurs in a manner that the solid waste is susceptible to open burning and is exposed to the elements, flies, rodents and scavengers.

1210. "Person" - Any individual, corporation, partnership, joint venture, association, trust, unincorporated association, municipality, governmental or political subdivision, other public agency, or any other legal entity except the County, the Agency, and the Minnesota Office of Waste Management.

1220. "Polystyrene" - A light, resilient thermoplastic polymer commonly used in disposable food and beverage containers.

1230. "Processing" - The treatment of solid waste after collection and before disposal. Processing includes, but is not limited to, volume reduction, storage, separation, exchange, resource recovery, physical, chemical, or biological modification, and transfer from one solid waste facility to another.

1240. "Putrescible Material" - Solid waste which is capable of becoming rotten or which may reach a state of decay or decomposition.

1250. "Recycling" and "Resource Recovery" - The reclamation for sale or reuse of materials, substances, energy, or other products contained within or derived from solid waste.

1260. "Service Area" - A solid waste management service area established by the Board pursuant to Minnesota Statutes,

Section 400.08, Subd. 2, as amended.

1270. "Solid Waste" - Garbage, refuse, sludge from a water supply treatment plant, or air contaminant treatment facility, and other discarded waste materials and sludges, in solid, semi-solid, liquid or contained gaseous form, resulting from industrial, commercial, mining and agricultural operations, and from community activities, but solid waste does not include any of the following: hazardous waste, animal waste used as fertilizers, earthen fill, boulders, rock, sewage sludge, solid or dissolved material in domestic sewage or other pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents or discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Acts, as amended, dissolved materials in irrigation return flows, or source specific nuclear, or bi-product material as defined by the Atomic Energy Act of 1954, as amended.

1280. "Special Solid Waste" - Waste materials having potential for harm to ground water supplies and public health, which are not otherwise classified as hazardous waste.

1290. "Solid Waste Facility" - All property used for the handling, processing or disposal of solid waste, except property used solely for the collection and transportation of solid waste. A solid waste facility includes, but is not limited to, transfer stations, processing facilities, incinerators, land disposal sites, demolition landfills, and disposal sites and facilities but does not include backyard compost sites.

1300. "Solid Waste Management Plan" - The Plan, adopted by the County, pursuant to Minnesota Statutes, Chapter 115A, providing for the management of solid waste generated within the County.

1310. "Solid Waste Management Services" - Activities intended to affect or control the generations of solid waste, and activities which provide for or control the collection, processing, and disposal of solid waste. Solid waste management services include, but are not limited to, any of the following: (1) collection or transportation of solid waste; (2) construction or operation of a land disposal facility; (3) construction or operation of a demolition landfill (4) construction or operation of an incinerator; (5) construction or operation of a transfer station; (6) construction or operation of a waste processing facility; (7) waste tire storage, collection or processing; (8) installation, establishment or operation of a compost pile other than composting conducted at a backyard compost site; (9) demolition and transportation of asbestos materials to a County solid waste facility; and (10) disposal of asbestos materials from a single source at a County solid waste facility. Solid waste management services do not include: (a) the nuisance-free

storage, disposal and/or composting of solid waste generated from only a single family or household upon property owned, occupied or leased by a member of the family or household; (b) the nuisance-free storage, collection, and removal of solid waste generated by a person upon property owned, occupied, or leased by that person; (c) the establishment, operation and maintenance of an incinerator for the disposal of other than toxic or hazardous waste with a capacity less than 500 pounds per hour; (d) the storage, collection and processing of not more than 500 waste tires at a time by a retail tire seller upon his retail selling site; (e) storage and the collection and processing of not more than 3,000 waste tires at a time by an owner or operator of a tire retreading business upon his business premises; (f) the storage, collection and processing of not more than 500 waste tires at a time by an owner or operator of a business who, in the ordinary course of business, removes tires from motor vehicles provided such storage, collection and processing occurs on his premises; and (g) the storage, collection and processing of waste tires by a person using waste tires for agricultural purposes if the waste tires are kept on the site of use.

1320. "Tire" - A pneumatic tire or solid tire for motor vehicles as defined in Minnesota Statutes Section 169.01.

1330. "Transfer Station" - An intermediate solid waste facility at which solid waste is temporarily deposited to await transportation to another solid waste facility.

1340. "Unacceptable Waste" - Solid waste which is not acceptable at a solid waste facility. Unacceptable waste includes waste which would pose a threat to health or safety, or which may cause damage to or materially adversely affect the operation of a solid waste facility including, but not limited to, explosives, pathological waste, commercial, industrial and community hazardous waste, radioactive materials, oil sludges, cesspool, domestic sewage or other sewage sludge, human or animal remains, waste in a liquid state, hazardous refuse of any kind, used crank case oils, cutting oils, paints, poisons, and any other materials which the environmental officer may determine to be harmful, of a toxic or dangerous nature or unsuitable for processing and disposal at a solid waste facility.

1350. "Waste Tire" - A tire that is no longer suitable for its original intended purpose because of wear, damage, or defect.

1360. "White Goods" - Large household appliances such as refrigerators, stoves, air conditioners and washing machines.

1370. "Yard Waste" - All organic matter resulting from collection of waste from yards, gardens and such.

SECTION 2000. LICENSE REQUIRED.

A person must have a license or temporary permit from the County to engage in solid waste management services or to cause, permit or allow any property under his control to be used for solid waste management services.

SECTION 3000. SOLID WASTE REGULATIONS.

All persons shall comply with the regulations set forth below. The Board may by resolution adopt additional regulations consistent with the intent of this ordinance. Licensees shall comply with the regulations set forth in or adopted pursuant to this section during the entire period for which the license is issued.

3100. Regulations Primarily Relating to Activities for Which a License or Temporary Permit is Required.

3110. Collection and Transportation.

3111. State Rule Adopted. The collection and transportation of solid waste by commercial haulers shall be performed in accordance with Minnesota Rule 7035.0800, as amended, which is hereby adopted by reference as a part of this ordinance.

3112. Equipment Requirements. All vehicles used by a licensee for the collection and transportation of solid waste shall be easily cleanable, leak-proof, and covered with metal, canvas, or fishnet type material to prevent their contents from escaping.

3113. Maintenance. The licensee shall maintain all vehicles used for the collection and transportation of solid waste in a safe and sanitary manner, and shall provide brooms and shovels on each vehicle for the purpose of cleaning spilled material. (All trucks shall meet the safety requirements of MN DOT and be certified as required by the Minnesota Truck Safety Division.

3114. Labeling. The licensee shall display a decal provided by the County on each vehicle used for the collection and transportation of solid waste. In addition, the licensee shall display the capacity of each vehicle, and the name, address, and telephone number of the collector on each side of the vehicle. Letters and numbers shall be at least three (3) inches high.

3115. Storage in Vehicles. The licensee shall not allow solid waste to remain or be stored in any collection or transportation vehicle in excess of 24 hours, except in the event of an emergency such as inclement weather, equipment breakdown or accident.

3116. Protecting Private Property. The licensee shall take reasonable care to protect the property of customers being served. The licensee shall be responsible for any damage or spillage of solid waste as a result of his actions or those of his employees or agents.

3117. Smoking, Smoldering or Burning Waste. The licensee shall not collect and transport solid waste materials that are smoking, smoldering or burning.

3118. Emergency Dumping The licensee shall be responsible for the cleanup of any solid waste that must be dumped in an emergency. The operator of the vehicle shall immediately notify the environmental officer and the appropriate law enforcement agency and emergency service of such dumping and clean the area within a time limit set by the environmental officer.

3119. County Contracts The County may contract with commercial haulers for the provision of collection and transportation services in the County. Such contracts may designate disposal at a certain solid waste facility as a requirement of the license. The contract must stipulate volume based fees for collection and transportation where feasible.

3200. Demolition Landfills.

3201. Construction. The following shall be established, constructed or provided for at a demolition landfill site when stated in and as a part of the license:

3202. Controlled Access. The site shall be fenced and a gate shall be provided at the entrance to the site and kept locked when an attendant is not on duty.

3203. All-Weather Access. An all-weather haul road to the unloading area.

3204. Screening. Visual screening of the site, as approved by the solid waste officer, shall be provided by use of natural objects, trees, plants, seeded soil berms, fences or other suitable means.

3205. Compliance with Local Land Use Rules. The demolition landfill shall comply with state, County and local land use and zoning regulations.

3300. Operation and Maintenance.

3301. Separating Distance. A minimum separating distance of twenty (20) feet shall be maintained between the disposal operation and the adjacent property line.

3302. Wind-Blown Material. Unloading of demolition waste shall be confined to as small an area as practicable and the area shall be surrounded with appropriate facilities to confine possible wind-blown material resulting from the operation shall be collected and returned to the area by the owner or operator.

3303. Compaction. Demolition waste shall be compacted as densely as practicable and covered monthly with a compacted layer of at least six (6) inches of suitable cover material.

3304. Nuisance Control. Control of odors, dust, wind-blown material and other potential nuisances shall be sufficient to prevent or eliminate any nuisance.

3305. Pest Eradication. Before any materials from demolished structures may be deposited, the licensee must submit proof acceptable to the County that the demolished structure has been subjected to satisfactory pest eradication prior to demolition. Should the environmental officer so prescribe, the licensee at his own expense shall engage an exterminator or pest control agent to inspect the landfill on at least a monthly basis. A copy of each inspection report shall be sent to the County immediately upon its receipt by the licensee.

3306. Refuse Prohibited. No garbage, loose paper, plastic, cardboard, cans, bottles, tires, appliances, vehicles, materials containing asbestos, or other materials not specifically permitted by this ordinance shall be deposited.

3307. Termination. A site shall be considered finished or terminated, and require terminal covering, when the site can no longer reasonably be used for the disposal of demolition waste, the site must be terminated under section 4.5 and/or a current license is not in effect.

3308. Termination Cover. Within one month after final termination of all or a major part of, a site, the area shall be covered with at least two (2) feet of compacted cover material adequately sloped to allow surface water runoff. No holes or depressions which might result in collection of surface water shall remain or exist after such covering.

3309. Termination Topsoil and Vegetation. The finished surface of the filled area shall be covered with adequate topsoil and seeded with native grasses or other suitable vegetation immediately upon completion, or immediately in the spring on areas terminated during winter conditions. If necessary, seeded slopes shall be covered with straw or similar material to prevent erosion.

3310. Pretermination Notice and Investigation. Prior to termination of operation of the site, the Agency and the County

shall be notified in order that site investigations may be conducted before personnel and equipment are removed from the property. The final condition of the landfill must be approved by the County and the agency before such removal may occur.

3311. Operating Records. Accurate records containing all significant information relating to site operations shall be maintained and an accurate copy or the original of such records shall be furnished to the solid waste officer. Intake of ~~demolition waste in tons or cubic yards~~ shall be recorded in a manner acceptable to the County.

3400. Regulations Primarily of Interest to the Public.

3401. Storage.

3402. State Rule Adopted. Solid waste shall be stored in accordance with Minnesota Rule 7035.0700 and 7035.2855, as amended. Minnesota Statute 609.68, as amended, is hereby adopted by reference as a part of the ordinance. Violations of this section shall be charged, enforced, and prosecuted according to the provisions of this ordinance.

3403. Owner and Occupant Duty. The owner, lessee, and occupant of any property, premises, business establishment or industry are responsible for the satisfactory storage, collection and removal of all solid waste accumulated at that property, premises, business establishment or industry. No building, structure, area, or premises shall be constructed or maintained for human occupancy, used, or assembly without adequate facilities for sanitary and safe storage, collection, transportation of disposal of all solid wastes.

3404. Putrescible Material and Garbage. Putrescible material, including, but not limited to, garbage, shall be stored in: (a) durable, rust-resistant, nonabsorbent, 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 containers approved by the County. The size and allowable weight of the containers may be determined by the County.

3405. Containers. Solid waste shall be stored in durable containers or as otherwise provided in this ordinance. Where putrescible material is stored in combination with nonputrescible material, containers for the storage of the mixture shall meet the requirements for putrescible solid waste containers. All containers for the storage of solid waste shall be maintained in such a manner as to prevent the creation of a nuisance or unsanitary condition. Containers that are broken or otherwise fail to meet the requirements of this section shall be replaced with acceptable containers.

3406. Oversize Waste. Solid Waste objects or materials too large or otherwise unsuitable for storage containers shall be stored in a pollution-free and nuisance-free manner and in compliance with federal and state regulations and the requirements of this ordinance.

3407. Time Limit. It is unlawful for any person to store solid waste on public or private property for more than two (2) weeks without the written approval of the County.

3408. Recyclables. It is unlawful for any person to store materials which have been separated for the purpose of recycling on public or private property in a manner which creates a nuisance.

3409. Open Burning. It is unlawful for any person to burn garbage, tires, or other waste in violation of Minnesota Rules 7005.0700 to 7005.820 as amended.

3410. White Goods. All white goods are to be disposed of at a designated County location (Permit-by-Rule) for transfer to recycling outlet.

3411. Yard Waste. It is unlawful to place yard waste in any solid waste container for collection and transportation to a sanitary landfill. It must be composted on private property or at a designated facility in a nuisance free manner.

3412. Waste Tire Disposal. It is unlawful to dispose of waste tires in or on the land according to Minnesota Statute 115A.904. All waste tires must be disposed of with a waste tire collector as defined by Minnesota Statute 115A.90, Subd. 8.

SECTION 4000. GENERAL AND ADMINISTRATIVE PROVISIONS.

4100. Environmental Officer. The Board shall appoint a environmental officer. The environmental officer has the duties and authority as established by the Board to implement and carry out the provisions of this ordinance, including, but not limited to, the following:

4110. Application Review and Recommendation. Reviewing all license applications, applications for license renewals or transfers or variances, and supporting materials and recommending with supporting documentation to the Board whether a license should be granted, conditionally granted, renewed, or denied or whether a transfer or variance should be allowed.

4120. Inspection. Inspecting all solid waste management services and solid waste facilities located in the County to determine compliance with this ordinance.

4130. Investigation. Investigating possible violations of this ordinance.

4140. Enforcement Actions. The issuance of citations and recommending to the County Attorney the commencement of legal proceedings against any person to compel compliance with the provisions of this ordinance or to terminate, abate or control the provision of solid waste management services not in compliance with this ordinance.

4150. Studies. Encouraging and conducting studies and research relating to solid waste management, including but not limited to, methodology, chemical and physical considerations, and engineering.

4160. Liaison. Advising, consulting, and cooperating with the public and other governmental agencies in furtherance of the purposes of this ordinance.

4200. Demolition Landfills

4210. Permit-by-rules facilities must comply with Minnesota Rules 7001.3050 and 7035.2825 as amended. The County and the Agency must be notified of the intent to site the facility and a temporary permit must be issued by the County before development and use of the site may occur.

4220. Facilities which are not considered to have a permit-by-rule must comply with Minnesota Rules 7035.2825 as amended.

4300. Nonconforming Sites and Facilities. Any solid waste facility in existence on the effective date of this ordinance and the operation of such solid waste facility shall conform to the provisions of this ordinance no later than one hundred twenty (120) days after the adoption of the ordinance or shall terminate operation no later than that date. The rules, regulations and requirements of the County and the Agency shall govern the termination and abandonment of each nonconforming solid waste facility. The owners and operators of the nonconforming solid waste facility, or any part thereof, shall be responsible for satisfactorily performing required termination and abandonment procedures.

4400. Enforcement.

4410. Violation a Misdemeanor. When any person performs an act prohibited or declared unlawful, fails to act when such failure is prohibited or declared unlawful, fails to take action when such action is required, or fails to take action to abate the existence of a violation within the specified time period when ordered or notified to do so by the County, he violates the section, subdivision, paragraph, or provision of this ordinance

within which such act or action is prohibited, declared unlawful, or required, and upon conviction thereof, shall be punished for a misdemeanor. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues. All violations of this ordinance shall be prosecuted by the County Attorney.

4420. Equitable Relief. In the event of a violation or a threat of violation of this ordinance, the County Attorney may take appropriate action to enforce this ordinance, including application for injunctive relief, action to compel performance or other appropriate action in court, if necessary, to prevent, restrain, correct or abate such violations or threatened violations.

4430. Citations. The County may issue citations for violations of this ordinance.

4431. Form of Citations. Citations shall be in a form designated by the County and approved by the County Attorney.

4432. Citation. Whenever the County determines that there is probable cause to believe that a violation of this ordinance has been committed by any person, a citation may be issued to the person alleged to have committed the violation.

4433. Issuance. The citation shall be issued to the person to be charged with the violation, or in the case of a corporation or municipality, to any officer or agent expressly or impliedly authorized to accept such issuance.

4440 Civil Action. If a person fails to comply with the provisions of this ordinance, the County may recover costs incurred for corrective action, including reasonable attorney's fees, in a civil action in any court of competent jurisdiction.

4500. Rules of Construction In construing this ordinance, the following rules of construction are to govern, unless their observance would be inconsistent with the obvious intent of the County, or contrary to the context of the ordinance:

4510. Indemnification. This ordinance shall not be construed to hold the County or any officer or employee of the County, responsible for any damage to persons or property by reason of inspections or re-inspections authorized by the provisions of this ordinance, or by reason of the approval or disapproval of equipment or licensing herein, nor for any action in connection with the inspection or control of solid waste or refuse or in connection with any other official duties.

4520. Severability. It is hereby declared to be the intention of the Board that the several provisions of this ordinance be

severable in accordance with the following:

4521. If any court of competent jurisdiction shall adjudge any provisions of this ordinance to be invalid, such judgment shall not affect any other provisions of the ordinance not specifically included in said judgment.

4522. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular structure, site, facility or operation, such judgment shall not affect the application of said provision to any other structure, site, facility, or operation not specifically included in said judgment.

4530. Ordinance Remedies and Provisions Cumulative. Each right or remedy conferred on or reserved to the County under this ordinance is cumulative in and in addition to every other right or remedy provided for in this ordinance. The provisions in this ordinance are in addition to all other laws and ordinances passed, or which may be passed hereafter, covering any subject matter in this ordinance.

4540. No Consent. Nothing contained in this ordinance shall be deemed to consent to, license, or permit any person to locate, construct, or maintain a site, solid waste facility, or operation, or to carry on any solid waste management services or activities.

4550. Meanings. Words of male gender shall include the female and nueter, the singular shall include the plural and the plural shall include the singular.

SECTION 5000. SERVICE AREAS

5100. Service Areas. The County has, by adoption of this ordinance, established and has determined the boundaries of solid waste management service areas to be all land within the County under Minnesota Statutes, Section 400.08, Subd. 2. The Board may, by resolution, terminate, re-establish, enlarge, revise, or alter the service areas so established following the procedures specified in Minnesota Statutes, Section 400.08, Subd. 2.

5200. Township Service. All townships shall provide at least a minimum of a one and one-half yard ($1\frac{1}{2}$) disposal container for use by the residents of that township for disposal of mixed municipal solid waste by July 1, 1991. The container shall be located in the respective township or an adjoining township and provide convenient access for the hauler.

SECTION 6000. EFFECTIVE DATE.

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