ORDINANCE NO. 18

AN ORDINANCE TO REGULATE AND CONTROL THE DISPOSAL AND DUMPING OF GARBAGE, REFUSE AND OTHER TRASH IN THE TOWN OF STILLWATER AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

THE TOWN BOARD OF THE TOWN OF STILLWATER, WASHINGTON COUNTY, MINNESOTA ORDAINS:

SECTION 1: For the purpose of this ordinance certain words and terms are defined as follows:

(a) **Dump**—Shall mean all land or parcels of land on which solid and non-garbage refuse is accepted for deposit or permitted to be deposited regardless of whether a charge is made therefore.

(b) **Garbage**—Shall mean all animal and vegetable waste and all putrescible matter.

(c) **Refuse** — Shall mean all waste substances, including garbage.

(d) **Sanitary Landfill** — Shall mean a type of operation in which refuse is deposited by plan on a specified portion of open land or is compacted by forces applied by mechanical equipment, and then is covered by a layer of earth, ashes or suitable covering material to the depth of at least two (2) feet.

(e) **Governing Unit**—Shall mean the Town of Stillwater, Washington County, Minnesota.

(f) **Governing Body**—Shall mean the Town Board.

(g) **Enforcement Officer** — Shall mean any inspector or any other representative duly appointed by the governing body of the governing unit.

SECTION 2: The owner of a farm collecting refuse entirely from the premises so owned and disposing of such on premises so owned and the owner or occupant of any dwelling unit disposing of table scraps, garbage or other refuse from his own premises on those premises shall be exempted from the provisions of this ordinance, except that the same shall not be disposed of in such a manner as to become odiferous, unsightly or a nuisance. This exemption shall not relieve such owners from obligations created by statue or other ordinances regulating sanitation nuisance and pollution control pertaining to such disposal, or permit the dumping of material on the shores of any lake which can flow, drain, dissolve into, be carried by wind, or other forces, natural or created by man, into lakes, streams drainageway or waterway.

SECTION 3: It shall be unlawful for any person, firm, association or corporation or any combination or combinations of the same, to use any land, premises or property within the governing unit for a dump or sanitary landfill without first making application for and securing a license to do so. The issuance of such license shall be subject to and governed by the following provisions:

(a) The application for a license to operate a dump or sanitary landfill shall be filed with the clerk of the governing unit and shall contain a legal description and plat map of the land on which the disposal of refuse is proposed, a descripion of the sequence and plan of operation, availability of and equipment for water supply, type and capacity of equipment to be used for operation, plans for fire, nuisance and rodent control, existing and proposed roadways and easements, existing topography and water courses, together with a diagram and written statement explaining the proposed location and extent of earth work and fill operations, a finished topography map, estimated daily or weekly volume of garbage and other waste, facts which show that public convenience, necessity, public health and general welfare of the people of the governing unit, granting the license to the applicant will be served, and such other information as may be required by the governing body. Copies of the application shall be forwarded to the Planning Commission and Town Engineer for their study and recomendations; a deposit for the estimated cost of service for the Town Engineer shall be deposited with the Town Treasurer by the applicant.

(b) The Planning Commission shall make a report within thirty days to the governing body as to whether or not the granting of the permit in the location described in the application would be a violation of the zoning regulations. The Planning Commission shall also report to the governing body as to the effect of such proposed use upon the character of the neighborhood, the traffic conditions, public utility facilities and other matters pertaining to the general welfare, and shall advise the governing body as to whether public conveniences and necessity require the granting of a permit to the applicant. The Planning Commission shall make findings relative to the application based on the following minimum standards hereby adopted to govern the location of sanitary landfills and private dumps.

(1) Sanitary landfills shall be located at least 100 yards from any industrial or commercial building and at least 200 yards from any dwelling place. Dumps may be located less than 100 yards from an existing building subject to: a) control of type of fill, b) control of operational hours, and c) control of access routes.

(2) The area shall be accessible to an all-weather road.

(3) The soil type in the area proposed for a sanitary landfill or dump shall have good drainage characteristics and shall be generally free from rock formations within 4 feet of the maximum proposed cut or excavation.

(4) Sanitary landfills and dumps shall not be located in ravines or low areas unless satisfactory drainage controls are provided.

(5) If the proposed location is in close proximity to a river or stream a sanitary landfill shall not be considered appropriate unless there is a showing that proper precautions will be taken to safeguard the stream against contamination by careless handling of refuse or poor drainage. However, no sanitary landfill shall be within 100 feet of a major stream or lake. The applicant may be required to submit hydrologic and soils data demonstrating compliance with the standards set forth in this subsection.

(c) The Planning Commission shall submit its report and recommendations stating reasons why it recommends approval that the application be amended and granted, or denied and shall send a copy to the applicant and to any person who has requested in writing a hearing on the application.

(d) The governing body shall publish notice of the hearing on the application upon receipt of the Planning Commission report and recommendations or, in the absence of such report, at the end of forty-five days following receipt of the application. Such notice of hearing shall establish a date of hearing not less than ten days following publication and not more than 45 days following such publication.

(e) Within thirty days following such hearing the governing body shall either issue a license as applied for, as amended by agreement between the applicant and the governing body, or shall deny the application. If a license is approved it shall be issued by the governing body upon the payment of an annual fee to be determined by the Town Board, payable to the Town, and upon delivery by the applicant of a cash or corporate bond in the amount to be determined by the Town Board, said cash or corporate bond to run to the governmental unit conditioned as follows:

(1) That the licensee, his agents and servants will comply with all the terms, conditions, provisions, requirements and specifications contained in this ordinance.

(2) That the licensee, his agents and servants will save the governing body from any expense occurred through the failure of the licensee, his agents and servants, to operate or maintain the dump or landfill as required by this ordinance including any expenses the governmental unit may be put to for correcting any condition or violation of this ordinance. Whenever the enforcement officer determines it is necessary for the governmental unit to correct any unhealthy condition or conditions violating this ordinance or from any damage growing out of the negligence of the licensee or his agents or servants.

(3) Before acceptance, all bonds shall be approved by the governing body. If a corporate bond is offered, it shall be executed by a surety or guaranty company qualified to transact business in the State of Minnesota. If a cash bond is offered, it shall be deposited with the Town Clerk who shall give his official receipt therefor reciting that said cash has been deposited in compliance with and subject to the provisions of this ordinance.

SECTION 4: Except as provided in Section 2, no person shall permit the disposing of any refuse on any land in the governmental until unless the same is operated as a licensed dump or sanitary landfill in accordance with this ordinance.

SECTION 5: The dumping of garbage on dumps is prohibited unless operated as a sanitary landfill in accordance with this ordinance.

SECTION 6: The following regulations shall be observed by any person, firm or corporation to whom a license is issued by the governing body for the operation of a sanitary landfill or dump. These regulations shall govern all sanitary landfills and any failure to observe these regulations shall be sufficient grounds for the revocation of the license by the governing body:

(a) All garbage and refuse material existing on the site at the time the license is issued either in a form of an open dump or any other form, shall be collected, compacted and covered with cover material at least one (1) foot in depth if below the desired finished grade or with inert material at least two (2) feet in depth at the finished grade. This cover operation shall be completed within fifteen (15) working days after the issuance of a license for the sanitary landfill or dump.

(b) All refuse, accepted by the landfill licensee shall be thoroughly compacted by equipment of a size and weight capable of producing a downward or ground pressure of at least five (5) pounds per square inch. Such equipment shall have sufficient weight and capacity to carry out all necessary operations to the satisfaction of the enforcement officer. Sufficient auxiliary equipment shall be maintained on the site or otherwise be available to permit operation in case of a breakdown.

(c) Mixed refuse material shall be spread out on the working face of the landfill so that the depth does not exceed a maximum depth of two (2) feet prior to its compaction.

(d) The fill area shall be continually policed to prevent fire and blowing of papers: shall be neat and sanitary at all times and shall be covered at the end of each day's operation as well as when wind conditions warrant through the day, with sufficient material to prevent blowing papers and unsightly conditions, and to cover all refuse. The size of the active face on which the refuse is being currently deposited shall be kept to a minimum relative to the quantity to be added each day.

(e) Cover material shall consist of earth, loan, clay, sand, etc. or a mixture of at least 50% of earth and other inert material, such as ashes, cinders, or gravel. A minimum depth of 6 inches of compacted cover and final spread cover material shall be kept on all inactive faces of the landfill at all times. The active faces of the landfill shall be covered at the end of each day's operation or as otherwise directed by the enforcement officer. A minimum of six inches of cover may be used during winter months when temperatures are below freezing upon concurrence by the inspection. Areas so covered shall be covered to the otherwise required depth as soon as practical after thawing has commenced.

(f) When the landfill or dump has been brought up two feet below the desired finished grade it shall be covered with at least twenty-four (24) inches of compacted cover material graded and seeded in such a manner as to prevent erosion.

(g) The "trench" system of sanitary landfill will have successive parallel trenches at least two (2) feet apart.

(h) The licensee or operator shall erect such temporary or permanent fences or take other measures as may be necessary to reasonable control blowing of paper and other materials from the landfill or dump.

(i) Limited and controlled salvaging operation shall be authorized in relation to the operation of those areas of a sanitary landfill or dump in which garbage or refuse containing garbage are deposited such as will be disposed of from a household.

(j) Salvaging or scavenging may be allowed except as restricted in (i) above, but materials so collected must be handled and stored under the direct supervision of the licensee and in such manner as to prevent rodent harborage and to permit operation of the landfill or dump in conformance with the provisions of this ordinance. Salvaged material must be removed to a location at least two hundred (200) feet from the working surface so as not to interfere with the required compacting and covering. All salvaged material must be completely removed from the site every thirty (30) days. The governing body may prohibit salvaging or scavenging as a condition of licensing upon initial application or at later times if such restriction appears necessary to insure proper operation of the area compatible with surrounding uses. Said salvaging or scavenging operation shall terminate upon two weeks notice to the licensee.

(k) No burning of material shall be allowed except licensee may obtain a fire permit periodically for the burning of brush. Such permit shall only be granted when conditions are safe. Said licensee shall keep said brush piled separately with a proper enclosure and in a safe area at least 400 feet from any dwelling or public road and at least 200 feet from the trenching area. A suitable fire break shall be provided except when a suitable snow cover is on the ground.

(l) Adequate fire fighting equipment shall be available at all times on the site or the operator shall furnish the enforcement officer with proof of sufficient fire fighting agreement between the operator and the local fire district.

(m) No fill shall be placed in stream beds or other areas where streams would be obstructed or where erosion by the stream would remove cover material. There shall be no seepage or drainage of any material from the fill of such a nature as would constitute an odor nuisance, health hazard, or pollution of any water course.

(n) The licensee shall provide an access road properly maintained and approved by the Town Board that is passable in all types of weather conditions to the dumping site.

(o) The licensee shall take precautions to eliminate excess dust in dry weather and shall have the equipment to adequately control dust.

(p) Insects and rodents on the site shall be controlled and exterminated as directed by the enforcement officer.

(q) The hours of operation for said sanitary landfill shall be determined by the Town Board. An attendant must be present at all times when said sanitary landfill is open for use. A gate shall be maintained and locked at all times when the site is not in use.

(r) For good and sufficient reasons the governing body may grant exceptions to the above operating procedures and standards or may impose additional requirements subject to specific site requirements.

SECTION 7: Each sanitary landfill or dump shall display a permanent sign containing the words "Approved Sanitary Landfill operated under Permit No. —— issued by the Township of Stillwater." together with the hours of operation of said sanitary land-fill.

SECTION 8: The enforcement officer appointed under the provisions of this ordinance, members of Town Board and Planning Commission shall be authorized to enter upon and make inspections of the sanitary landfill site at his discretion. He shall notify any licensee who is violating a provision of this ordinance of the specific violation. If such violation is not corrected within 24 hours after notice in writing to the licensee by the enforcing officer, the governing body shall be notified and the governing body may suspend or revoke any permit for noncompliance or violation of any of the provisions of this ordinance. If the governing body is of the opinion that the violation constitutes an immediate hazard to public health it may authorize the inspector to take corrective action if the licensee refuses to correct such violation within 24 hours after notice in writing by the enforcing officer. The enforcing officer may utilize equipment and employees of the licensee or equipment of the governing unit or a private contractor to do such work as is necessary to correct such condition Cost of such correction shall be assessed against the licensee who shall be required to pay all cost and expenses incurred by the governing unit in correcting said conditions.

SECTION 9: Any license granted hereunder may be revoked or suspended at any time for any failure to pay the license fee or the cost of correcting hazardous conditions as hereinbefore set forth, or whenever in the opinion of the enforcement officer the continuous of the landfill or dump would endanger the health, welfare or safety of the public: provided that no such license should be revoked or suspended except for failure to pay the fee, or of correcting hazardous conditions as herein provided, except after public hearing before the governing body after notice of said hearing and the purpose thereof shall have been sent to the licensee at least ten (10) days prior to the date of said hearing at which hearing any person interested in said landfill or dump shall have the right to be heard.

SECTION 10: Said dump or landfill should not be open for the use of other than duly licensed haulers. Said haulers must apply to the Town Board of the Town of Stillwater and pay an annual permit fee as said board shall prescribe. Such a permit shall be issued for one year. The Town Board shall also prescribe such rules and regulations as they may deem necessary before said hauler is licensed. They shall also prescribe the type and kind of equipment that will be required before a hauling permit is granted. In the event any hauler violates any requisite of a permit, the same may be revoked forthwith by the Town Board. The provision of this section shall not apply to the residents of the Town of Stillwater or residents of a city of the third or fourth class, when said dump or landfill is located contiguous or adjacent to the boundaries of said city, and the operator of said dump or landfill has a contract with said City, said residents may haul their own garbage and refuse to said dump or landfill without a permit or license except that they shall have identification that they are bona fide residents of said Town or City.

SECTION 11: Any person who violates or causes to be violated any provisions of this ordinance shall upon conviction thereof be fined not less than twenty-five ($25.00) dollars nor more than one hundred ($100.00) dollars or by imprisonment for not to exceed ninety (90) days for each offense. Each day that the violation is permitted to exist shall constitute a separate offense.

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SECTION 12: This ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed by the Town Board of Supervisors of the Town of Stillwater this 26 day of September, 1967.

Seal

/s/ George L. Pydeen
Chairman

Attest:
/s/ Geraldine C. Riedesel
Clerk