

TABLE IV.

KANDIYOHI COUNTY MSW VOLUMES

KANDIYOHI COUNTY LANDFILL MSW VOLUMES (TONS) (COMMERCIAL & PRIVATE, & OFC)

MONTH	1990	1991	1992	1993	1994	1995	1996	1997
JANUARY	1574.3	1556.1	1552.0	1438.5	1510.0	1710.0	970.4	1030.7
FEBRUARY	1391.3	1365.0	1402.9	1322.0	1523.4	1492.0	980.1	1006.1
MARCH	1788.9	1504.3	1644.8	1656.3	1976.0	1898.0	1129.0	1115.6
APRIL	1945.3	1791.9	1821.5	1910.8	2251.0	1801.9	1393.4	1481.2
MAY	2018.8	1939.3	1795.3	1777.5	2340.0	2245.6	1282.6	1512.9
JUNE	2271.2	1778.2	1932.6	2093.6	2486.6	2302.2	1167.3	1455.0
JULY	2067.7	1996.9	2050.9	2031.0	2206.3	2035.7	1407.4	1454.7
AUGUST	2144.9	2103.8	966.2	2202.0	2386.0	2259.1	1381.1	1444.9
SEPTEMBER	1800.7	1802.7	1883.1	2031.2	2146.1	1699.1	1246.0	1385.7
OCTOBER	1950.6	1837.6	1830.4	1768.4	2026.5	1374.0	1419.5	1585.9
NOVEMBER	1713.4	1443.2	1597.9	1864.0	1740.3	1297.6	1153.7	1258.2
DECEMBER	1473.1	1485.8	1589.8	1684.6	1870.6	998.3	956.7	1399.6
TOTAL TONS	22140.2	20604.8	21067.4	21779.9	24462.8	21425.0	14487.2	16129.8

KANDIYOHI COUNTY MSW VOLUMES (TONS) (COMMERCIAL, PRIVATE, & OFC)

MONTH	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
JANUARY	1293.5	729.3	1489.1	1622.8	1818.9	1819.7	1939.7	1946.4	2847.5	2,914.3	2,217.6
FEBRUARY	1131.3	1168.2	1291.6	1402.0	1452.1	1599.2	1955.7	1877.0	2393.7	2,024.9	1,768.2
MARCH	1417.0	1513.0	1702.1	1401.7	1661.1	2003.9	2260.6	2301.7	3132.4	2,435.6	2,012.6
APRIL	1615.9	1833.5	1537.0	2245.4	2477.5	2219.6	2662.6	2847.9	3384.0	2,761.5	2,883.2
MAY	1708.1	1700.8	2044.7	2712.0	2745.2	2794.4	2710.1	3137.4	3926.3	3,228.8	3,811.0
JUNE	1726.3	1640.9	2011.9	* 2262.9	2284.3	2891.7	3199.4	3491.8	3590.3	2,917.3	3,541.1
JULY	1830.4	1550.9	2030.6	* 2006.1	2754.4	3115.7	2851.5	3198.9	3224.0	3,340.6	3,922.3
AUGUST	1720.3	1596.3	1923.5	* 2280.9	2772.3	2894.4	2707.6	3488.9	3660.6	3,175.7	3,688.2
SEPTEMBER	1717.9	1739.4	1838.1	2065.6	2719.3	2747.7	2739.7	3450.0	3405.5	2,514.4	3,731.1
OCTOBER	1694.8	1659.2	1857.3	2170.9	2899.9	2815.2	2782.1	3290.7	3311.1	2,683.3	3,640.7
NOVEMBER	1388.0	1773.6	1903.0	2078.0	2172.8	2109.8	2606.6	3212.1	3162.5	2,509.5	2,913.8
DECEMBER	1489.5	1504.7	1580.8	1796.0	1935.7	2134.3	2334.7	2766.0	2765.1	2,319.7	2,799.4
TOTAL TONS	18,733.1	18,409.8	21,209.7	24,044.3	27,693.5	29,145.6	30,750.3	35008.8	38,803.0	32,825.6	36,929.2

Note: * Converted yards to tons, scale was replaced due to storm damage (Lightning).

TABLE II.

DEMOLITION VOLUMES

KANDIYOHI COUNTY DEMOLITION VOLUMES (TONS)

MONTH	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
JANUARY	-0-	81.9	214.0	203.8	127.0	248.0	128.9	247.8	279.7	160.8	229.2
FEBRUARY	-0-	68.5	214.7	364.6	177.0	1,994	209.6	383.3	275.8	342.8	327.8
MARCH	-0-	135.3	339.6	437.2	869.0	1,040	321.0	275.5	324.7	624.9	527.0
APRIL	-0-	267.5	506.5	677.9	384.0	435.6	910.2	1129.4	680.3	811.3	584.7
MAY	28.0	510.7	523.7	722.9	836.0	513.8	932.7	862.1	855.3	815.7	621.6
JUNE	436.1	349.5	607.7	640.5	1,082	520.3	843.9	905.9	1098.3	949.6	1022.8
JULY	306.2	422.9	586.8	904.3	980.0	438.4	833.0	1165.7	1370.5	938.6	731.3
AUGUST	126.3	444.4	574.9	1,075	521.0	573.5	872.6	948.2	1244.9	1079.7	802.0
SEPTEMBER	225.9	570.8	802.2	654.7	588.0	650.3	552.0	1921.7	1622.0	1065.2	964.9
OCTOBER	302.1	844.1	973.7	702.9	656.0	741.3	566.5	3162.4	1135.6	1497.1	829.7
NOVEMBER	194.1	174.7	619.7	395.0	742.5	390.0	552.8	2608.7	606.0	1051.7	386.5
DECEMBER	97.8	337.4	232.0	214.0	434.0	218.5	160.4	388.4	719.0	443.8	197.6
TOTAL	1716.5	4207.7	6195.5	6992.8	7396.5	7763.7	6883.6	13999.1	10212.1	9781.2	7225.1

KANDIYOHI COUNTY DEMOLITION VOLUMES (TONS)

Month	2000	2001	2002	2003	2004	2005	2006	2007	2008
January	229.2	244.7	275.2	291.6	271.6	304.1	341.8	257.6	267.0
February	327.8	174.5	307.3	309.6	344.8	327.8	206.4	174.4	372.4
March	527.0	415.4	333.3	513.2	561.9	592.1	346.6	241.9	245.4
April	584.7	937.3	904.1	1117.0	1133.3	859.2	609.1	758.3	526.9
May	621.6	878.8	1214.4	1070.5	1116.7	929.3	1553.1	923.8	836.0
June	1022.8	*1457.9	1063.0	1366.7	985.2	982.6	944.7	997.7	734.8
July	731.3	*1428.7	1101.5	1271.3	1137.1	821.2	846.8	820.4	1318.9
August	802.0	*1750.7	1359.7	1603.6	925.6	1047.8	893.4	911.0	752.1
September	964.9	1314.6	1735.1	1954.7	808.4	762.5	1010.0	831.7	854.6
October	829.7	2069.5	1061.0	1695.0	707.9	913.7	762.4	862.0	1076.8
November	386.5	828.8	632.6	658.2	679.1	460.0	810.7	593.2	467.1
December	197.6	430.5	747.6	478.0	430.9	542.4	359.3	577.1	198.4
TOTALS	7225.1	11931.4	10734.8	12329.4	9102.5	8542.7	8684.3	7,949.1	7,650.4

Note: * Converted yards to tons, scale was replaced due to storm damage.

KANDIYOHI COUNTY DEMOLITION VOLUMES (TONS)

Month	2009	2010	2011	2012	2013	2014	2015	2016	2017
January	171.0	173.9	227.0						
February	178.5	162.9	224.0						
March	238.5	914.6	280.6						
April	454.9	721.3	839.4						
May	932.3	718.3	738.9						
June	805.4	643.2	895.2						
July	868.0	1018.0	663.8						
August	894.0	1149.4	1493.2						
September	760.1	880.6	973.8						
October	558.7	873.9	759.2						
November	499.2	728.6	517.9						
December	272.1	445.5	406.0						
TOTAL	6,632.7	8,430.2	8,019.0						
OFC (Included in total)	412.2	528.6	705.4						

TABLE III.

KANDIYOHI COUNTY RECYCLUING VOLUMES

KANDIYOHI COUNTY RECYCLING CENTER VOLUMES (KANDIYOHI COUNTY ONLY)

RECYCLABLE MATERIALS	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Paper:										
Corrugated Paper	1554	1501	1704	1858	1470	1479	1845	2101.4	1771.0	1543.2
Newsprint	471	623	650	665	549	606	737	818.4	904.1	908.4
Magazines	-0-	38	143	144	155	201	240	287.1	315.3	296.4
Office Paper	-0-	-0-	275	257	381	340	245	245.9	273.4	301.0
Mixed Grades	201	200	18	41	197	47	228	272.9	253.3	211.4
Phone Books	-0-	-0-	4	-0-	-0-	-0-	-0-	-0-	-0-	-0-
Other Paper	-0-	-0-	-0-	-0-	-0-	161	90	112.8	102.0	115.9
Metal:										
Aluminum	186	203	167	193	188	169	178	158.9	163.3	169.9
Steel/Tin	20	110	132	107	111	111	134	115.9	150.2	99.9
Other Scrap	2	-0-	1	1	1	1	1	1	1	1
Glass:										
Food & Beverage	207	300	359	266	247	173	346	311.4	297.4	247.8
Plastics:										
PET	-0-	6	24	37	36	37	31	36.1	39.1	40.7
HDPE	34	70	53	84	38	64	61	66.7	51.3	75.8
TOTAL TONS KANDIYOHI COUNTY (Only)	2675	3051	3530	3653	3373	3389	4136	4528.5	4321.4	4010.4
TOTAL TONS				3902.8	3565.6	3541.8	4341.5	4797.5	4543.4	4295.6

KANDIYOHI COUNTY RECYCLING CENTER VOLUMES (KANDIYOHI COUNTY ONLY)

RECYCLABLE MATERIALS	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Paper:										
Corrugated Paper	1543.2	1634.6	1634.2	1704.0	1729.3	1760.0	1710.0	1908.9	1812.	1707.4
Newsprint	908.4	849.6	833.8	855.7	841.7	826.0	747.1	812.4	757	692.6
Magazines	296.4	298.1	296.5	321.4	297.8	316.6	344.9	388.1	342	309.0
Office Paper	301.0	280.5	229.6	152.3	114.4	92.6	109.6	116.9	68	91.2
Mixed Grades	211.4	270.7	255.1	200.7	195.9	295.4	254.8	269.4	345	529.0
Phone Books	-0-	10.0	5.7	12.0	10.1	15.0	14.0	17.3	18	31.2
Other Paper	115.9	112.6	115.2	91.6	93.7	116.3	116.5	162.1	162	207.5
Metal:										
Aluminum	169.9	151.9	144.3	150.4	163.7	151.3	182.3	170.9	180	133.9
Steel/Tin	99.9	120.5	124.3	117.2	114.1	84.8	89.7	86.8	101	71.6
Other Scrap	1	1	.5	.5	.3	.8	.3	4.3	8	2.8
Glass:										
Food & Beverage	247.8	336.5	316.2	323.1	291.7	284.4	344.2	280.1	293	434
Plastics:										
PET	40.7	39.1	60.2	41.1	60.7	63.9	67.3	66.8	90	98.4
HDPE	75.8	56.6	61.4	60.5	82.2	66.3	64.3	84.6	81	85.0
TOTAL TONS KANDIYOHI COUNTY (Only)	4010.4	4161.7	4077.0	4030.5	3,995.6	4073.4	4045.0	4368.6	4257	4393.6
TOTAL TONS (OFC)	4295.6	4374.9	4214.0	4077.8	4095.8	4213.1	4096.8	4368.6	4257	4393.6

TABLE I.

KANDIYOHI COUNTY LANDFILL TIP FEE

KANDIYOHI COUNTY LANDFILL 2012 LANDFILL RATES

BULK GARBAGE	\$53.00 Per Ton / \$15.92 CY effective Sept. 9/1/11
NON-COUNTY GARBAGE	\$75.60 Per Ton / \$22.70 CY
MINIMUM DISPOSAL (MSW)	\$6.00 (<225#) effective 9/21/11
DEMOLITION MATERIALS	\$30.00 Per Ton
NON-COUNTY DEMOLITION	\$35.00 Per Ton
MINIMUM DEMOLITION CHARGE	\$15.00 Per Ton (<1,000#)
UNCOVERED LOADS	\$5.00

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ADDITIONAL STATE & COUNTY FEES (on certain items listed above)

COUNTY WASTE MANAGEMENT SERVICE FEE (MSW, KANDIYOHI COUNTY ONLY)	\$8.50 Per Ton/\$2.55 CY (effective 2/1/2000)
MINIMUM WASTE MANAGEMENT SERVICE FEE	\$.50 (<158#)
GM LANDFILL CLEANUP FEE (MSW ONLY)	\$6.66 Per Ton / \$2.00 CY
MINIMUM GM LANDFILL CLEANUP FEE	\$2.00 Per Ton
MN SOLID WASTE MANAGEMENT TAX (MSW)	17% of Tip Fee/\$2.58 CY
MINIMUM SWMT	\$.68 (<158#)
MN SOLID WASTE MANAGEMENT TAX (DEMO.)	\$2.00 Per Ton/ \$.60 per CY
MINIMUM SWMT	\$.60 (<600#)

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WHITE GOODS (Appliances)	\$10.00 Each
FLORESCENT TUBES	\$.50 Each
MERCURY LAMPS	\$2.50 Each
CATHODE RAY TUBE (i.e. TV'S, MONITORS)	\$10.00 Each
YARD WASTE & BRUSH	FREE
USED OIL & OIL FILTERS	FREE
SCRAP METAL	FREE
HOUSEHOLD HAZARDOUS WASTE	FREE (Other Counties in Regional Program Only)
RECYALABLE MATERIALS	FREE
Tires: Car & Light Truck	\$1.50 Each
Truck Tire	\$5.00 Each
Tractor Tire	\$16.00 Each
Off Road Equipment	\$300.00 Each

APPENDIX II.

PAST SOLID WASTE HISTORY

PAST SOLID WASTE PLANNING ACTIVITIES IN KANDIYOHI COUNTY

Past Solid Waste Planning activities in Kandiyohi County consist primarily of writing of Kandiyohi County's Solid Waste Plan. In November of 1985, the Solid Waste Task Force was formed in response to a growing concern to manage solid waste in a more comprehensive manner.

On June 3, 1970 Kandiyohi County entered into a lease agreement with the City of Willmar to lease an 80 acre tract of land for landfill purposes. The lease agreement shall be for a term of five years effective August 1, 1970 for \$560.00 per year.

On June 17, 1970 Kandiyohi County submitted an application to MPCA for Sanitary Landfill Site Approval.

On July 10, 1972 MPCA issued Permit No. SW79 approving the construction and operation of a solid waste disposal system.

February 1, 1984 MPCA amended MPCA Permit SW-79.

In February of 1986, a joint powers agreement was signed between the following counties: Chippewa, Kandiyohi, Lac Qui Parle, Meeker, Redwood, Renville, Swift, and Yellow Medicine. This agreement created the West Central Solid Waste Planning Commission which was pursuant to Minnesota Statute, Section 471.59.

On February 14, 1986, the commission met to interview three consultants to draft a solid waste plan. The three consultants were: Pope-Reid and Associates, Eugene A. Hickok and Associates, Inc., and RCM. The commission voted to contract out to Eugene A. Hickok and Associates, Inc.

On February 26, 1986, Hickok and Associates drafted a contract for the referenced work. The commission met and approved the contract on March 14, 1986. In the agreement between the commission and Hickok and Associates, each county was to receive a separate plan.

January 13, 1987, the County accepted the deed from the City of Willmar for the Landfill in consideration of \$1.00.

On March 17, 1987, Denise Erickson, Zoning Administrator, appeared and presented the Solid Waste Management Plan to the County Board. The plan and the options available were discussed.

On June 16, 1987, the Kandiyohi County Board of Commissioners met and approved the preliminary draft of the plan. The Board then sent the draft of the solid waste plan to the Minnesota Office of Waste Management (OWM) for approval.

On October 6, 1987, Eugene A. Hickok and Associates met with Waste Management Board staff to discuss requested additions and revisions to the draft plan.

October 20, 1987, County Board authorized Mary Catherwood to make an application to the MPCA for a Regional Household Hazardous Waste Transfer and Storage Facility.

On February 5, 1988, Kandiyohi County received a comment letter from the Waste Management Board on the County Solid Waste Plan.

March 1, 1988, the County Board supported a resolution on the Comprehensive Waste Reduction and Recycling Act of 1988.

June 7, 1988, Kandiyohi County entered into a joint powers agreement for the Household Hazardous Waste Program with Chippewa County.

July 5, 1988, County Board approved a contract with MPCA for the operation of a Permanent Household Hazardous Waste Collection Site and education program.

November 8, 1988, County Board set license fee for garbage haulers and required all haulers to have a performance bond.

December 6, 1988, County Board adopted the Solid Waste Ordinance. Barr Engineering was also hired by the County for the re-permitting of the landfill.

December 13, 1988, County Board mandated that all Department Heads direct their staff to start collecting white office paper for recycling.

April 18, 1989, the County hired DPRA Inc. as the consultants for the recycling facility for Phase 1, the feasibility study, and Phase 2, the grant application.

June 20, 1989, County accepted the feasibility study as prepared by DPRA Inc. for developing a countywide recycling program. The County Board approved to submit an application to MPCA for the CAP grant.

August 15, 1989, County Board adopted a resolution Establishing a Long-Term Care Trust Fund for the landfill.

September 5, 1989, County Board adopted a resolution renewing the contract with MPCA on the permanent household hazardous waste program. The County awarded the bid for the 1989 Final Cover for 5 acres at the Landfill to Duinink Bros., Inc..

November 7, 1989, County Board accepted the bid from Kennedy Scales, Inc. for the purchase of a 35 foot truck scale at the landfill.

November 14, 1989, County Board adopted an Amendment to The Kandiyohi County Solid Waste Ordinance that gives the County the authority to impose reasonable charges for a service fee to cover the cost of solid waste management (Minnesota Statute Chapter 400.8)..

January 16, 1990, County Board adopted new rates at landfill, converted cubic yards to per ton rate.

January 30, 1990, Kandiyohi County was awarded a grant from the Office of Waste Management for the purchase and installation of two storage tanks for used oil.

In March of 1990, Kandiyohi County received a draft copy of the Solid Waste Management Plan from Hickok and Associates.

April 5, 1990, Kandiyohi County entered into a used oil storage tank grant with the OWM.

May 8, 1990, County Board adopted recycling recommendations for the Solid Waste Management Plan.

May 15, 1990, established a demolition site at landfill and set a rate at \$5.00 per ton. Revised recycling plan for Solid Waste Management Plan.

June 19, 1990, County Board adopted a resolution that the County intends to make application to the OWM for grant funds under the OWM Solid Waste Processing Facility Capital Assistance Program (CAP) and enter an agreement with the OWM to secure the grant funds.

July 11, 1990, County Board adopted a resolution that the County pledges to use all funds made available by the Waste Management Board exclusively for the capital cost of the County Recycling Program.

July 17, 1990, the County hired DPRA as consultants to write the SCORE amendments to the Solid Waste Management Plan to meet the SCORE requirements. County approved an agreement with ARCA-Minnesota, Inc. for appliance collection and recycling.

July 20, 1990, County presented the CAP application to the OWM for final review and recommendation. The OWM Council recommended that the Director of the OWM award the County a grant in an amount not to exceed \$721,524.00.

July 30, 1990, the Director of the OWM awarded the CAP recycling grant to the County.

September 4, 1990, awarded the bid for the 1990 Landfill Capping to Prentice Trucking and Excavating.

September 18, 1990, Kandiyohi County entered into a contract with Meeker County for the operation of a Local Household Hazardous Waste Management Program.

October 9, 1990, County Board adopted an amendment to the Solid Waste Ordinance that governs the landspreading of petroleum contaminated soil.

October 16, 1990, County Board approved a contract with Kandiyohi County and Swift County to operate a Household Hazardous Waste Management Program.

January 7, 1991, Kandiyohi County hired a full-time program coordinator for the recycling and household hazardous waste programs. This person is supervised by the solid waste officer.

January 8, 1991, County Board banned all yard waste and brush from being mixed with municipal solid waste at the landfill.

March 5, 1991, County Board approved an amendment to the Solid Waste Ordinance in Section V, Subd. 7.

March 25, 1991, Kandiyohi County enter into a SOLID WASTE RECOVERY AGREEMENT with West Central Industries (WCI) for processing and marketing of recyclable materials at the County Recycling Center.

April 9, 1991, County Board approved and increase in tipping fees for MSW and Demo., from \$40.00 and \$5.00 per/ton, to \$50.60 and \$10.00 per/ton respectively.

August 7, 1991, County Board approved and adopted the Kandiyohi County Solid Waste Plan.

November 1, 1991, County officially opens up new HHW facility.

November 20, 1991, County Board adopts surcharge on out-of-county garbage (pursuant to Minn. Statute 115A.919).

September 2, 1992, County Board awards bid for Phase II Liner Construction to Blombeck Construction for \$588,533.70

September 16, 1992, County Board adopts amendments to Solid Waste Ordinance which include: SECTION XXVI PERMIT BY RULE FOR DEMOLITION MATERIALS, SECTION XXVII. VIOLATIONS AND PENALTIES, SECTION XXVIII. VALIDITY, and an addition to SECTION 6, subdivision 7 volume base pricing system.

September 16, 1992 County Board approved a minimum fee of \$200.00 for a permit-by-rule for demolition materials.

March 24, 1993, County Board approved a \$5.00 fee for all uncovered MSW and demolition loads received at landfill, effective May 1, 1993.

September 13, 1993, the MPCA approved the MODIFICATION OF PERMIT SW-79 FOR THE CONSTRUCTION AND OPERATION OF A SOLID WASTE DISPOSAL FACILITY for the Kandiyohi County Sanitary Landfill.

November 17, 1993, County Board approved an additional \$5.00 per vehicle or rolloff box for a total of \$10.00, effective January 1, 1994. License fee shall remain the same at \$10.00.

July 7, 1994, the MPCA approved the Kandiyohi County Industrial Solid Waste Management Plan provide minor changes be made.

Effective August 1, 1994, the Kandiyohi County Landfill and Recycling Center will accept fluorescent tubes at \$.75 each. The Recycling Center will only accept tubes from residents in the County, the landfill will accept commercial as well as residential.

August 3, 1994, County Board approved a Minn. State Solid Waste Assessment Fee of \$.12 per uncompacted yard on all MSW self hauled to landfill. Effective January 1, 1995, the cost will go up to \$.60 per uncompacted yard of MSW that is self hauled to the landfill. A \$.12 minimum charge for 600 lbs. or less.

September 21, 1994, County Board of Commissioners approved a RESOLUTION TO APPROVE AND ADOPT AN AMENDED SOLID WASTE PLAN on the alternatives section.

December 7, 1994, County Board approved banning demolition material from going into MSW lined space area, by individuals in the business of remodeling, constructing, or demolishing buildings or structures effective July 1, 1995.

Effective January 1, 1995, Minn. State Solid Waste Assessment Fee at \$.60 per cubic yard for MSW and Demolition materials.

February 1, 1995, Effective March 1, 1995, Out-of-County demolition rate is \$25.00 per ton.

February 1, 1995, County Board passed a resolution lifting the moratorium on the issuance of licenses for hauling solid waste.

February 1, 1995, County Board to continue the present license rate structure and that dropoff boxes may be licensed at the landfill.

March 1, 1995, County approved a \$10.00 license fee for the collection and transportation of recyclable materials.

March 1, 1995, County Board approved amendment to Solid Waste Ordinance, Section VII., DISPOSAL OF DEMOLITION DEBRIS WASTE.

April 5, 1995, County Board banned friable asbestos materials from being disposed of at the County Sanitary Landfill. Nonfriable asbestos materials will be accepted at the landfill.

May 17, 1995, County Board awarded contract to Duininck Bros. Inc. for the Phase III Liner and Phase I East Slope Final Cover, for \$380,541.25.

July 1, 1995, individuals in the business of remodeling, constructing, or demolishing buildings or structures are prohibited from disposing demolition material in the MSW area.

July 5, 1995, County Board of Commissioners approves SOLID WASTE RECOVERY AGREEMENT with WCI for the processing and marketing of recyclable materials at the MRF.

October 4, 1995, Public Hearing by the County Board to consider the intention to adopt a revised and updated Solid Waste Ordinance.

October 16, 1995, Notice of Adoption, amendments to the Solid Waste Ordinance become effective and in full force December 1, 1995.

October 20, 1995, Sanifill of Minnesota files a summons on Kandiyohi County, declaring the Waste Management Service Fee, together with the Facility Fee, outlined in the amended Kandiyohi County Solid Waste Ordinance unauthorized, unconstitutional and invalid in the eighth judicial district court.

December 20, 1995, County Board set insurance coverage amounts under Solid Waste Management Agreement for Commercial Haulers.

- a. Workers Compensation: Accordance with MN law.
- b. Comprehensive General Liability: Bodily injury & property damage 500,000.00 & 1,000,000 aggregate.
- c. Contractual Liability and: 500,000.00
- d. Comprehensive Automobile Liability: 1,000,000.00

February 8, 1996, Judge Seibel, eighth judicial district court, Order Granting Summary Judgment for Sanifill.

April 3, 1996, County Board of Commissioners adopted a resolution on RECYCLED PRODUCT PROCUREMENT AND SOURCE REDUCTION OF WASTE POLICIES.

May 15, 1996, County Board of Commissioners adopted the SOLID WASTE AGREEMENT. The agreement is between the County and the Commercial haulers and pertains to MSW and recyclable materials.

August 7, 1996, County Board of Commissioners approved a motion to enter into a SOLID WASTE AGREEMENT with West Central Sanitation, effective date will be August 1, 1996.

August 21, 1996, County Board of Commissioners approved a motion to apply for a demolition landfill permit from the MPCA.

August 26, 1996, Kandiyohi County filed its brief to the Minnesota Court of Appeals appealing the decision of the district court on the Sanifill case.

November 20, 1996, Minnesota Court of Appeals hears court case.

November 20, 1996 accepted quote from Beecroft Construction for the construction of the new demolition site.

December 5, 1996, Solid Waste Assessment Fee for demolition waste will be charged \$2.00 per ton or \$.001 per pound compared to \$.60 per cubic yard, with a \$.60 minimum charge.

December 9, 1996, Beecroft Construction started rough grading of the new demolition landfill.

February 11, 1997, Minnesota Court of Appeals upholds the Trial Court's ruling, in the Sanifill Vs Kandiyohi County.

May 16, 1997, Kandiyohi County was issued a Permit by Rule Notification Permit from the MPCA for the disposal of demolition material in the new site.

May 19, 1997, MPCA and the MDA are proposing to remove the Kandiyohi County Sanitary Landfill from Minnesota's Superfund List (Permanent List of Priorities).

May 16, 1997, MPCA issues a notice to the County for disposal of demolition material in the new demolition site. The County will be covered under a permit-by-rule until the demolition site has been approved by the MPCA.

June 1, 1997, started placing demolition material in the new demolition site, under the MPCA Permit-by-Rule Permit.

July 17, 1997, MPCA approved MODIFICATION OF PERMIT SW-079, FOR THE CONSTRUCTION AND OPERATION OF A SOLID WASTE DISPOSAL FACILITY.

October 14, 1997, MPCA issued a letter informing the County that the Kandiyohi County Sanitary Landfill was deleted from the Permanent List of Priorities (PLP) as proposed in the State Register published on May 19, 1997.

October 29, 1997, the County Board signed a SETTLEMENT AGREEMENT AND MUTUAL RELEASE with Sanifill Inc.. In this agreement both parties consent to the litigation being dismissed with prejudice, without fees or costs to either party.

October 29, 1997, the Kandiyohi County Board of Commissioners also approved an AMENDED SOLID WASTE AGREEMENT with West Central Sanitation. This amended agreement allows solid waste tonnage which WCS acquires from Sanifill to be disposed of other than at the County Landfill.

November 17, 1997, Effectively immediately Winter Hours at the landfill changed to 8:00 A.M. to 4:00 P.M., Monday thru Friday, 8:00 A.M. to 12:00 Noon.

December 23, 1997, OEA notified the County that their Solid Waste Management Plan Update was approved.

March 3, 1998, the Kandiyohi County Board of Commissioners approved revisions and updates to the Kandiyohi County Solid Waste Ordinance. The Solid Waste Management Fee collected by commercial haulers at \$6.50 per ton shall sunset on April 30, 2002, at which time the Commissioners will review the solid waste management fee. The \$6.50 per ton fee will be collected by commercial haulers effective May 1, 1998, and will be remitted to the County from their customers in Kandiyohi County that generate MSW, regardless of their disposal site. Kandiyohi County shall pay the Commercial Hauler 1.0% of the Haulers Waste Management Service Fee remittal to administer Kandiyohi County's' billing charges.

April 9, 1998, Kandiyohi County Board of Commissioners approve a SOLID WASTE AGREEMENT with City Sanitation Services.

April 21, 1998, Kandiyohi County Board of Commissioners approved SOLID WASTE AGREEMENT with Gopher Rolloff's.

May 5, 1998, Kandiyohi County Board of Commissioners approved A RENEWED AND REVISED SOLID WASTE RECOVERY AGREEMENT with West Central Industries (WCI), effective date of agreement is July 5, 1998 for 2 additional years.

May 18, 1998, Kandiyohi County Board of Commissioners approved SOLID WASTE AGREEMENT with City Sanitation Service.

July 7, 1998, Kandiyohi Board of Commissioners approve an amendment to the Solid Waste Agreement with Gopher Rolloffs and City Sanitation Services.

August 4, 1998. Kandiyohi County Board of Commissioners awarded Pulsifer Construction the contract to construct a new HHW Facility for \$372,000.00

August 18, 1998, Kandiyohi County Board of Commissioners awarded contract to Prentice Trucking and Excavating for \$219,006.72, for 1998 Final Cover (approximately 2.0 acres in the Phase I and II area) and (20) Deep Landfill Gas Vents.

September 1, 1998, Kandiyohi County Board of Commissioners increased the demolition tip fee from \$10.00 per ton to \$12.50 per ton effective October 1, 1998. The increase was \$2.50 per ton.

January 1, 1999 landfill switched over to Transact program (computer) for billing customers at landfill.

January 1, 1999 implemented the Minnesota State Solid Waste Management Tax (MSW 17% of tipping fee, Demo. \$2.00 per yard).

June 26, 1999 Kandiyohi County had a Grand Opening for the new Kandiyohi County Household Hazardous Waste Facility. The new facility has 4,608 square feet for the processing of HHW waste, two offices and one conference room were included to accommodate staff.

August 17, 1999 two representatives from the MPCA (John Moger & Doug Wetzstein) attended a County Board meeting to discuss the Closed Landfill Program.

October 5, 1999 County Board of Commissioners approved an \$ 7.50 increase in demolition tipping fees effective January 1, 2000. Total demolition tip fee effective 1/1/2000 will be \$20.00 per ton, with a minimum charge of \$10.00 for any demolition waste under 1,000 pounds.

October 5, 1999 County Board of Commissioners made a motion not to enter into the MPCA Closed Landfill Program.

October 16, 1999 Kandiyohi County Landfill has first waste tire collection day, approximately 15,000 tires were collected. The cost of the one day disposal for the used tires was approximately \$26,000.00. The County contracted with Greenman Tires out of Savage, MN for the waste tire disposal.

December 2, 1999 the Kandiyohi County Board of Commissioners approved a \$2.00 per ton increase in the County Waste Management Service Fee effective February 1, 2000. The current fee is \$6.50 per ton on MSW generated within Kandiyohi County, the new fee will be \$8.50 per ton, the increase was to be used for a new baler in the Recycling Center.

May 18, 2000 Kandiyohi County accepted quotes for the construction and installation of a Horizontal Gas Vent in the Phase II area of the landfill. Prentice Trucking and Excavating was awarded the job by providing the lowest quote.

May 2, 2000 the Kandiyohi County Board of Commissioners entered into a SOLID WASTE RECOVERY AGREEMENT with West Central Industries.

July 18, 2000 the Kandiyohi County Board of Commissioners approved an Amendment to the Solid Waste Agreement, Section 2.1 with West Central Sanitation (WCS). The amendment include additional language to allow WCS to dispose of MSW at other EPA approved Waste Management Disposal sites.

September 5, 2000 County Board entered into a Solid Waste Agreement with Stevens County.

October 1, 2000 Kandiyohi County Board of Commissioners entered into an Agreement for the Emergency Sharing of Landfill Disposal Space with the Renville County Landfill.

May 15, 2001 Kandiyohi County Board of Commissioners awards bid for Landfill Cap and Drainage to Swenson and Sons Construction by providing the lowest bid.

June 11, 2001 landfill scale is struck by lightning during a storm, extensive damage was done to the scale. The county will replace 35 foot scale with a 70 foot scale. Lake Country Scales from Willmar installed the new scale on the Southend of landfill.

August 7, 2001 Kandiyohi County Board of Commissioners approved a motion eliminating the sunset clause for the County Solid Waste Management Fee that was to sunset April 30, 2002.

January 22, 2002 Kandiyohi County Board of Commissioners pursuant to Minnesota Statute 400.08 which grants Kandiyohi County the authority to impose reasonable charges to cover the cost of solid waste management approved a revised fee schedule as per Kandiyohi County Solid Waste Ordinance, SECTION XXI. SERVICE CHARGE, Subd. 1 Authority. This revised fee is on the property tax statement.

February 19, 2002 The Kandiyohi County Board of Commissioners approved an amendment to the Solid Waste Agreement with WCS. The amendment states that a facility fee of \$36.00 per ton will be charged for out of county MSW with a limit of 2,000 tons per year for the duration of the Agreement.

March 7, 2002 the Kandiyohi County Board of Commissioners awarded Blombeck Construction the contract to construct the Phase IV Liner Construction, bid amount of \$407,903.93.

July 2, 2002 Kandiyohi County Board of Commissioners did not increase tipping as per Solid Waste Agreement (consumer price index) with contracted commercial haulers.

September 13, 2002 Effective October 1, 2002 customers who have a charge account with the County landfill will be charged a Service Fee for landfill receipts requested from the Auditors Office. The Service Fee shall be a \$2.00 per receipt requested, with a \$15.00 minimum charge.

November 14, 2002 requested approval from the MPCA to add an Addendum to the Kandiyohi County Industrial Solid Waste Management Plan for the disposal of deer and elk carcasses from commercial businesses.

April 1, 2003 the Kandiyohi County Board of Commissioners approved entering into a Solid Waste Agreement with West Central Sanitation for a 4 year term.

April 16, 2003 Kandiyohi County authorizes West Central Sanitation to use 6.2% instead of the previous 7.2% rate in collecting the County Solid Waste Management Fee effective

June 1, 2003.

July 15, 2003 the Kandiyohi County Board of Commissioners awarded a bid for 2003 Phase II Demo. Development and Final Capping of MSW area for \$136,497.26

August 5, 2003 the Kandiyohi County Board of Commissioners approved entering into a Recycling Agreement with West Central Sanitation for 4 year expiring when the Solid Waste Agreement expires.

October 7, 2003 Kandiyohi County Board of Commissioners passed a resolution to approve and adopt an updated solid waste management plan.

December 2, 2003 the Kandiyohi County Board of Commissioners adopted a resolution awarding Redwood County \$9,300.00 to conduct a study for the implementation of a waste to energy facility.

March 16, 2004 the Kandiyohi County Board of Commissioners awarded Recovery Systems Inc. the bid for a Harris/Selco Badger two ram baler and a Lovegreen conveyor system for \$234,725.00.

April 19, 2004 Kandiyohi County Board of Commissioners awarded contract to D. & W. Construction of Alexandria for the Addition to the Kandiyohi County Recycling Center. The contracted amount of \$365,516.00.

April 5, 2005 Board of Commissioners approved new Solid Waste & Recycling license for Waste Management of MN.

May 17, 2005 Board of Commissioners approved a fee rate of \$15.00 per cathode ray tube (TV's) at the landfill. Effective June 1, 2005 Cathode Ray Tubes are banned from being landfilled.

June 7, 2005 County Board of Commissioners awarded bid to Swenson & Sons Construction for the 2005 CAP Construction at the landfill in the amount of \$117,328.72.

June 21, 2005 County Board of commissioners approved a resolution requiring persons under the age of 12 to remain in vehicles at the County Landfill.

June 21, 2005 County Board of Commissioners signed a Solid Waste Recovery Agreement with West Central Industries the Agreement is effective July, 5, 2005. The Agreement is for five years.

May 16, 2006 County Board of Commissioners award 2006 Phase V Lined MSW construction to Duininck Bros. Inc. for \$439,010.10

August 16, 2005 Renewed Solid Waste Agreement with Stevens County. Limited to 5,500 tons.

July 12, 2006 Landfill fire in the MSW area. Fire started on the evening of July 11th thought we had fire out, restarted about 4:00 am on the 12th, fire was extinguished. An Incident Report was submitted to the MPCA dated 7/13/06.

August 1, 2006 Kandiyohi County Board of Commissioners approved addendum to Solid Waste Recovery Agreement with West Central Industries. The addendum allows for a 1.5% increase from the annual base payment from \$215,000.00 to \$ 218,225.00.

February 6, 2007 Kandiyohi County Board of Commissioners by resolution set a SOLID WASTE FACILITY PERMIT APPLICATION initial fee of \$1,000.00 as per Kandiyohi County Solid Waste Ordinance Permit Requirements and a \$250.00 renewal of permit annually, for facilities.

April 21, 2007 The Kandiyohi County Landfill held a free of charge used tire collection day. Monitor Tire out of St. Martin was contracted for the disposal of the used tires. Car, light truck, and tractor tires were collected free of charge. Total disposal cost to Monitor tire was \$78,277.00.

November 15, 2007 provided County Landfill employees the policy on accepting checks at the landfill. The policy came from the Kandiyohi County Sheriff's Department.

May 6, 2008 Kandiyohi County Board of Commissioners changed the rate for the disposal of cathode ray tubes from \$15.00 to free, effective May 7, 2008.

May 6, 2008 the Kandiyohi County Board of Commissioners renewed their solid waste agreement for three years with Willmar City Sanitation

June 3, 2008 the Kandiyohi County Board of Commissioners approved an easement and maintenance agreement with Paul and Darcy Olson for the installation of a monitoring well on their property.

July 15, 2008 the Kandiyohi County Board of Commissioners at their regular meeting approved used a credit/debit card system at the landfill.

February 3, 2009 County Board of Commissioners entered into a 4 year Solid Waste Agreement with Miller Sanitation, LLC.

March 3, 2009 Renewed Solid Waste Agreement with Stevens County. Limited to 2,500 tons.

July 7, 2009 Kandiyohi County Board awarded contract for Phase 6 liner construction to Monson Excavating for \$527,510.69.

July 23, 2009 Received Notice of Violation (NOV) from the MPCA on alleged inadequate intermediate cover in final cover area and on stockpile prior to construction of new cell.

August 4, 2009, County board approved JMBI Solid Waste Facility Permit. County Board also gave their approval for purchasing a new 963 caterpillar dozer for the landfill in 2009 instead of 2010.

October 22, 2009 fire was noticed in SE corner of demolition landfill area. Over a 9 day period continued to excavate and saturate area looking for the source. It appears fire is out. Total cost was \$36,713.00 for foam, \$62,000.00 for 7 fire departments, \$3,121.00 cost for 832,500 gallons of water, and \$15,997.50 to Monson Excavating.

January 5, 2010 Kandiyohi County agreed to have Delta Consultants/MPCA install a new well by demolition landfill to sample groundwater for purposes of determining whether the foam and water used to extinguish the fire in the demolition area had any effect on groundwater. Mainly will be sampling PFC's used in the Foam B. All costs will be incurred by the MPCA.

March 2, 2010, County Board of Commissioners at their regular meeting approved a \$10.00 fee per TV set and Computer monitor effective April 1, 2010.

May 3, 2010 a letter was sent to WCI exercising the County's option to extend the SOLID WASTE RECOVERY AGREEMENT to June 21, 2012.

June 15, 2010 Kandiyohi County Board of Commissioners entered into a 3 year leachate hauling agreement with Fostervold Trucking.

July 15, 2010 letter received by New London Fire Department stating that mutual aid fire calls dated October 22, 2009 at the landfill are closed. (Demolition Fire).

October 5, 2010 County Board of Commissioners awarded bid to Duininck, Inc for 2010 Final Cover and Gas Vent Construction in (Demo. & MSW Area) for \$235,639.10.

October 12, 2010 Effective immediately the County landfill will no longer be accepting non-friable asbestos materials.

November 2, 2010 County Board approved increasing the Solid Waste Management Service Fee (property tax statement) by 25%, from \$40.00 per household to \$50.00, plus an increase to other properties of 25%. This will go into effect January 1, 2012.

November 2, 2010, County Board increased the demolition tip fee to \$30.00 per ton for waste generated in the county and \$35.00 per ton for out-of-county, effective January 1, 2011.

January 3, 2011 Amended Industrial Solid Waste Plan, The landfill will no longer accept any asbestos containing material, wastes containing PCB's, Foundry wastes, Petroleum or Agricultural Contaminated Soils, and Infectious wastes.

July 5, 2011, County Board approved new Solid Waste Agreements with West Central Sanitation, Miller Sanitation, and Steven County. Increase the tipping fee for MSW collected in the County to \$39.00 per ton effective September 1, 2011 with out-of-county

waste at \$39.50 per ton through December 31, 2013. Stevens County tipping fee will increase to \$39.50 effective January 1, 2012 thru December 31, 2013. All agreement will increase to \$41.50 for out-of-county effective January 1, 2014 thru December 31, 2016.

August 16, 2011, County Board of Commissioners approved a tipping fee increase for MSW. Tipping fee increased from \$50.60 per ton to \$53.00 per ton with a minimum fee increase from \$4.00 per ton to \$6.00 per ton anything less than 158 pounds, effective September 1, 2011.

August 16, 2011 County Board of Commissioners awarded bid to Blombeck Construction for the installation of underground leachate storage tanks for \$400,055.00

November 2, 2011 Due to threat of fires, burn barrels and their contents are prohibited from being disposed of at the landfill, only ash from burn barrels can be disposed, if it is approved by the landfill clerk.

December 20, 2011 County Board of Commissioners approved waving the Permit-by Rule fee and County Permit application for farm structures.

March 20, 2012 County Board of Commissioners approved a SOLID WASTE RECYCLING CENTER MANAGEMENT AGREEMENT with West Central Industries. This is a 5 year Agreement, with an option to exercise a 2 year extension after the original 5 year agreement has expired.

June 5, 2012 County Board of Commissioners awarded Phase 7A Liner Construction to Duininick Bros. for \$999,661.20.

July 24, 2012 Kandiyohi County accepted and approved a quote of \$36,926.00 from R3 Contracting Inc. out of Buffalo, MN for a Leachate Tanks Pumping System Installation. They will be installing 4 independent submersible pumps in the leachate tanks

October 2012, Creek Side Soil out of Hutchinson took over grinding brush and trees at the landfill to make compost and/or mulch. Riverdale out of Granite Falls no longer ground brush for the landfill.

November 20, 2012 Kandiyohi County Board of Commissioners approved an Addendum to the SOLID WASTE RECYCLING CENTER MANAGEMENT AGREEMENT between Kandiyohi County and WCI. The Addendum increases the percentage from 29% to 33% for sales in excess of \$150,000.00 effective January 1, 2013.

April 2, 2013 the Kandiyohi County Board of Commissioners approved a resolution adopting the (2013 - 2023) Kandiyohi County Solid Waste Plan.

May 7, 2013 the Kandiyohi County Board of Commissioners approved a permanent well easement, temporary well construction, easement and ingress/egress easement for wells 23B, 23C, 26B, and 26C. Additionally, the County Board approved a permanent well easement, temporary well construction easement, and an ingress/egress easement with Paul and Darcy Olson, and a ingress/egress easement with Donald and Jodi Jordon.

June 18, 2013 the Kandiyohi County Board of Commissioners awarded a bid to Swenson & Sons for the Phase 6 MSW Final Cover in the amount of \$414,612.00

January 21, 2014 the Kandiyohi County Board of Commissioners approved the Willmar Wastewater Discharge Permit for the disposal of leachate, the permit expires on January 1, 2017.

May 20, 2014 the Kandiyohi County Board of Commissioners awarded a bid to Swenson & Sons for the 2014 C & D Landfill Final Cover Construction in the amount of \$164,921.02.

August 22, 2014 Kandiyohi County entered into an agreement with Mark & Julie Thompson for permanent well easements, temporary well construction easement, and an ingress/egress easement.

October 7, 2014 the Kandiyohi County Board of Commissioners entered into an agreement with Apex the consulting firm for the leachate project.

July 21, 2015 the Kandiyohi County Board of Commissioners approved the Final Payment to Swenson & Sons on the 2014 C & /D Landfill Final Cover (\$16,591.36).

August 18, 2015 the Kandiyohi County Board of Commissioners approved an Addendum to the SOLID WASTE RECYCLING CENTER MANAGEMENT AGREEMENT with WCI. The Addendum increases the Lump Sum Payment from \$223,000.00 to \$250,314.00 effective January 1, 2016.

December 15, 2015 the Kandiyohi County Board of Commissioners approved the 2016 Landfill Rates. The only difference from the 2015 rates were a \$5.00 increase for TV's and computer monitors (\$15.00), plus a \$10.00 per charge for scanners, faxes, DVD's, Stereo's, cable boxes, copiers.

February 16, 2016 the Kandiyohi County Board of Commissioners awarded a bid to Viet Construction for the construction of Cell 7B in the amount of \$1,125,859.55.

APPENDIX VI.

KANDIYOHI COUNTY NUISANCE ORDINANCE

KANDIYOHI COUNTY NUISANCE ORDINANCE

Purpose:

In order to create a compatible relationship of land uses, certain standards are established to protect the public health and safety, adjacent property values and preserve aesthetic values.

Section A. Definitions.

1. **Abandoned building.** Abandoned building means any building or portion of building which has stood with an incomplete exterior shell for longer than three years or any building or portion thereof which has stood unoccupied for longer than one year and which meets one or more of the following criteria:
 - a. unsecured, or
 - b. boarded, or
 - c. having multiple exterior State Building Code violations.
2. **Abatement deadline.** Abatement deadline means the date before which the nuisance must be abated as specified in a written order.
3. **Dangerous structure.** Dangerous structure means any structure, which is potentially dangerous to persons or property including but not limited to:

- a. a structure that is in danger of partial or complete collapse.
 - b. a structure which has any exterior parts such as chimneys, eaves, porches, siding, railings, or trim which are loose or in danger of falling; or
 - c. a structure which has any parts such as porches, stairs, ramps, rails, balconies, or roofs which are accessible and which are either collapsed, in danger of collapsing, or unable to support a person.
4. **Enforcement officer.** Enforcement officer means any designated representative of the County of Kandiyohi, including, without limitation, law enforcement officers, the County Sanitarian, Solid Waste Officer or Zoning Administrator.
 5. **Extermination.** Extermination means the eradication of rodents and other vermin by any or all approved methods such as poisoning, fumigation, or trapping.
 6. **Hazardous Waste.** Hazardous waste means any waste material so defined by Minn. Stat. 116.06, Subd. 13 or described or listed as hazardous waste in Minn. Rules Chapter 7045, known as Minnesota Pollution Control and Hazardous Waste Division Hazardous Waste Rules, or other applicable State or Federal law or rules.
 7. **Interested Party.** Interested party means any owner of record, occupying tenant, or lien holder of record.
 8. **Last known address.** Last known address means the address shown on the records of the Kandiyohi County Assessors Office or a more recent address known to the enforcement officer. In the case of parties not listed in these records, the last known address shall be that address obtained by the officer after a reasonable search.
 9. **Mail.** Service by mail means depositing the item with the United States Postal Service addressed to the intended at his or her last known address with first class postage prepaid thereon.
 10. **Nuisance.** A nuisance means any substance, matter, emission, or thing that creates a dangerous or unhealthy condition or which threatens the public peace, health, safety, or sanitary condition of the county. This includes, without limitation, excessive or noxious noise, odors, vibrations, air pollution, smoke, liquid or solid wastes, heat, glare or dust. The term nuisance does not apply to normal agricultural practices being conducted in an appropriately zoned area or practices at businesses operating under a conditional use permit.

11. **Owner.** Owner means those shown to be owner or owners on the records of the Kandiyohi County Records Office.
12. **Personal service.** Personal service means service by personally handing a copy to the intended recipient or by leaving a copy at the intended recipient's residence or place of business with a person of suitable age and discretion.
13. **Property.** Property means any parcel of land whether vacant or not, whether any structure thereon is occupied or not, or whether submerged or not.
14. **Responsible party.** A responsible party means any one or more of the following:
 - a. An owner, occupant or agent,
 - b. an assignee or collector of rents,
 - c. a contract for deed vendee,
 - d. a mortgagor in possession,
 - e. a receiver, executor or trustee,
 - f. a lessee,
 - g. a mortgagee in possession,
 - h. other person, firm or corporation exercising apparent control over a property.
15. **Solid Waste.** Means garbage, refuse, and other discarded solid materials, except animal waste used as fertilizer, including solid waste materials resulting from industrial, commercial, agricultural operations or community activities.
16. **Unoccupied.** An unoccupied building is a building which is not being used for a legal occupancy or a building which has been ordered vacated by the county.

17. **Unsecured**. Unsecured means open to entry by unauthorized persons without the use of tools, ladders or other similar means.

Section B. Nuisances.

Creating, maintaining or allowing a nuisance shall not be permitted. All nuisances shall be subject to abatement as provided herein. Nuisances include but are not limited to those set forth in this Section:

1. **Solid Waste**. All debris, refuse, garbage or waste material, except crop residues, shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of the land shall not permit refuse, noxious substances, or hazardous wastes to be pooled, accumulated, left, piled, deposited, buried, discharged upon, or flowing from any property, structure, or vehicle; except for:
 - a. solid waste deposited at places designated and provided for that purpose by the Kandiyohi County Solid Waste Ordinance;
 - b. solid waste stored in accordance with provisions of the Kandiyohi County Solid Waste Ordinance or vehicle parts stored in an enclosed structure.
2. **Stagnant water**. Stagnant water found in any refuse or in a container of any type.
3. **Vermin harborage and Rodent control**. Conditions which are conducive to the harborage or breeding of vermin shall be considered a nuisance. All property shall be maintained in such a manner as not to attract or harbor rodents or other vermin in such numbers as to cause damage to property or present a health threat or nuisance to adjoining properties. Vermin infestations include, without limitation, rats, mice skunks, bats, grackles, starlings, pigeons, bees, wasps, cockroaches, or flies.

4. **Hazards.** Any thing or condition which may contribute to injury of any person present on the property, including but not limited to open holes, open foundations, open wells, dangerous trees or limbs, abandoned refrigerators, or trapping devices, shall be considered a nuisance.

5. **Miscellaneous Nuisances.**
 - a. It shall be unlawful for any person in an area zoned R1 or R2 to store or keep outside of an enclosed building any unlicensed motor vehicle, whether such vehicle is dismantled or not. In other zones no more than three (3) vehicles shall be permitted.

 - b. It shall be unlawful to create or maintain a junkyard or vehicle dismantling yard without issuance of a conditional use permit, or offer for sale more than one vehicle within sight of any road right of way, unless the responsible party has the necessary conditional use permit and is licensed as a motor vehicle dealer by the State of Minnesota.

 - c. The following are declared to be nuisances affecting public health or safety:
 1. The effluent from any septic tank, drainfield or other types of human sewage disposal system, discharging upon public waters, the surface of the ground or dumping the contents thereof at any place except as authorized.

 2. The pollution of any well, cistern, groundwater, stream, lake, canal or natural body of water by sewage, industrial waste or other substance.

6. **Statute and Common Law Nuisances.** Any thing or condition on property which is otherwise defined by law, the Statutes of Minnesota or the ordinances of Kandiyohi County as a nuisance.

Section C. Violations.

1. No person shall, directly or indirectly, by act or omission, create or permit a nuisance as defined in this ordinance.
2. No owner of any truck, trailer, railroad car or flat, or other vehicle shall leave the vehicle standing on or along any street, highway, railroad track, or other property within the County of Kandiyohi carrying or containing any refuse, noxious substance or hazardous waste, except for normal operations, and in no case for more than 24 hours.
3. No owner or responsible party shall permit a nuisance to remain upon or in any property or structure under his or her control.

Section D. Enforcement.

1. **Disclosure of responsible party.** Upon the request of an enforcement officer, a responsible party or owner shall disclose the name of any other responsible party or owner known to him. This shall include but not be limited to the persons for whom he is acting, from whom he is leasing the property, to whom he is leasing the property, with whom he shares joint ownership, or with whom he has any contractual relationship.
2. **Inspection of unoccupied buildings.** An owner or responsible party shall, upon the request of an enforcement officer, provide the officer with access to all interior portions of an unoccupied or abandoned building in order to permit the officer to make a complete inspection.
3. **Enforcement officer authorized to enter.** An enforcement officer shall be authorized to enter any premises in the county for the purpose of enforcing and assuring compliance with the provisions of this ordinance.
4. **Order to cease.** In the event that an enforcement officer observes a person creating or permitting a nuisance, the officer may, after identification, order the person to cease creating or to abate said nuisance. The written order shall contain the following:

- a. a description of the real estate sufficient for identification;
 - b. a description and the location of the nuisance and the remedial action required to abate the nuisance.
 - c. the abatement deadline, to be determined by the enforcement officer allowing a reasonable time for the performance of any act required.
5. **Service.** The enforcement officer shall order the person committing or maintaining such nuisance in writing to terminate and abate said nuisance and to remove such conditions or remedy such defects. Any one of the following methods of service shall be adequate:
- a. by personal service; or
 - b. by mail, unless it is a written order which gives three days or less for the completion of the act it requires; or
 - c. if the appropriate responsible party or owner cannot be determined or found after reasonable effort, by posting a copy of the order in a conspicuous place on the property.
6. **Appeal.** The Order shall contain a statement that it may be appealed at a hearing before the County Board obtained by filing a written request with the Department of Environmental Services before the appeal deadline which shall be the abatement deadline designated in the Order or seven (7) days after the date on the Order, whichever comes first. The order shall further require the owner or occupant of such premises, or both, to take action within a reasonable time to abate and remove the nuisance. The maximum time for the removal of said nuisance after service of the Order shall not in any event exceed 30 days. Service of the notice may be proved by affidavit of service by the enforcement officer, stating the manner and time of service.

Section E. Abatement Procedure.

1. **Abatement.** If, after service of notice, the person served fails to abate the nuisance or make the necessary repairs, alterations, or changes in accordance with the Order, the Board following a hearing may cause such nuisance to be abated and all abatement costs incurred by Kandiyohi County shall be charged against the property as a special assessment to be collected in the manner provided.
2. **Notice.** The Department of Environmental Services shall mail a notice of the date, time and place and subject of the hearing to the owner and known responsible parties.
3. **Hearing.** At the time of the hearing, the County Board may hear the enforcement officer, the owner or responsible person, and such other parties who may offer relevant testimony. After the hearing, the County Board may reverse, confirm or modify the order of the enforcement officer, or direct that the nuisance be abated, establishing a deadline for abatement.
4. **Abatement may include** but shall not be limited to the removal or cleaning of offending substances, extermination of vermin, securing or boarding unoccupied or abandoned structures, barricading or fencing, removing dangerous portions of structures, and demolition of dangerous structures or abandoned buildings.
5. **Abatement costs shall include** the cost of the abatement; investigation such as title searches, inspection, testing, notification, filing and administration.

Section F. Miscellaneous.

1. **Separability.** Every section, provision or part of this ordinance is declared separable from every other section, provision or part; and if any section, provision or part thereof shall be held invalid, it shall not affect any other section, provision or part.
2. **Effective Date.** This ordinance shall be in full force and effect from June 01, 1995.
3. **Any violation** of this ordinance shall be a misdemeanor, and subject to the penalties therefore as prescribed by M.S.609.03 (3).

Section G. Trespassing and Littering.

1. It shall be unlawful for any person to enter upon the property of another for the purpose of depositing, leaving or placing litter of any kind without the consent of the owner or person in lawful possession of said property.
2. It shall be unlawful for any person to deposit, leave or place litter of any kind on the property of another without the consent of the owner or person in lawful possession of said property.
3. **Definitions:**
Litter: For the purposes of this section litter shall include garbage, rubbish, cigarette filters, toilet paper or other paper products of any kind, and liquid or foam including, without limitation, shaving cream, paint, syrup, or other food product of any kind, or any other refuse or solid material.
4. **Penalty.** A person convicted for violation of this section is guilty of a petty misdemeanor and shall be subject to a fine not to exceed \$300.
5. **Effective Date:** This amendment shall be effective on and after the date of final publication of the ordinance (September 4, 2009).

