

**ORDINANCE #2018-2, REGIONAL MIXED MUNICIPAL SOLID WASTE HAULER
LICENSING ORDINANCE**

SECTION 1 AUTHORITY, PURPOSE, AND TITLE

- 1.1 Authority. This ordinance is adopted pursuant to Minnesota Statutes, Chapters 115A.93, 375.51, 400.08, and 473.811.
- 1.2 Purpose. The purpose of this ordinance is to establish rules, regulations, and standards for the regional licensing of mixed municipal solid waste haulers in the seven metropolitan Counties.
- 1.3 Title. This ordinance may be referred to as the regional Mixed Municipal Solid Waste Hauler Licensing Ordinance.

SECTION 2 DEFINITIONS

- 2.1 General. Unless specifically defined herein, terms used in this ordinance shall have common usage meaning. For purposes of this ordinance, the words "must" and "shall" are mandatory and not permissive. Terms, which are defined in the Waste Management Act, Minnesota Statute 115A.01 et seq., shall have the same definition in this ordinance.
- 2.2 "Base County" shall mean the metropolitan county in which a Hauler's office, records, and vehicles are primarily located. If differing parts of the Hauler's business are located in more than one metropolitan county, the Base County shall be the metropolitan county in which most of the Hauler's vehicles are kept, as determined by the Department at the time of licensing. The Base County for Haulers based in a county not participating in the regional Hauler Licensing Program shall be an adjacent metropolitan county as determined by the Department.
- 2.3 "Base License" shall mean the license obtained by the Hauler from the Base County as a precondition to obtaining an Operating License from the County or other Counties.
- 2.4 "Counties" shall mean Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties or, if one or more of said Counties withdraws from the Regional Hauler Licensing Program, the remaining counties.
- 2.5 "County" shall mean Anoka County.
- 2.6 "County Board" shall mean the Anoka County Board of Commissioners.
- 2.7 "Department" shall mean the County agency assigned the responsibility to administer the Regional Hauler Licensing Program in the County, as set forth in Section 8.01.
- 2.8 "Hauler" shall mean any person, firm, corporation, association, partnership, or other entity, other than an individual resident hauling his or her household waste, who collects or transports mixed municipal solid waste that is generated in the Counties.
- 2.9 "Operating County" shall mean any of the Counties, including the Base County, in which the Hauler collects or transports mixed municipal solid waste.
- 2.10 "Operating License" shall mean the license issued by an Operating County to operate within each Operating County, including in the Base County, in which the Hauler collects or transports mixed municipal solid waste and which may contain specific conditions imposed by the issuing County.

- 2.11 “Regional Hauler Licensing Program” shall mean the cooperative Hauler licensing program established by joint powers agreement of January 1, 2018 by and between Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington Counties.
- 2.12 “Regional Hauler Licensing Board” shall mean the joint powers board established by agreement of the Counties to coordinate the licensing of haulers collecting solid waste, so as to retain licensing efficiencies for haulers and county staff.

SECTION 3 LICENSING GENERAL

- 3.1 State Rule Adopted: The collection and transportation of Solid Waste shall be performed in accordance with Solid Waste Rule 7035.0800 which is hereby adopted by reference as part of this ordinance.
- 3.2 License Required: No Hauler shall collect or transport mixed municipal solid waste generated in Anoka County unless the Hauler has a valid Base License from the Base County and a valid Anoka County Operating License. On the expiration date of the current License, any activity for which the License is required shall cease.
- 3.3 General Licensing Requirements. The following information shall be submitted to the Department as part of the application process for obtaining a Base and/or Operating License.
- 3.4 License Application for Base and Operating Licenses. The Hauler shall submit a completed application to the Base County on forms provided by the Base County. The Hauler shall submit to the Base County all License application information necessary to obtain a Base License and all Operating Licenses. Information necessary to obtain Base and Operating Licenses shall be set forth on the application forms as determined by the Department. Applications which are not complete may be returned to the Hauler. An application will be deemed incomplete if information is omitted, incomplete, inaccurate, non-conforming or non-compliant, or if the required fees do not accompany the application.
- 3.5 Incomplete or Non-Conforming Application. If an application for a Base or Operating License is not complete or otherwise does not conform to the requirements set forth in this ordinance, the Department shall notify the applicant, in writing, of the reasons for nonacceptance and may request that the applicant resubmit, modify or otherwise alter the application. The notification required in this section shall be served upon the applicant by first class mail sent to the address provided on the application form.
- 3.6 License Fees. The Hauler shall pay to the Base County all license fees for a Base License and all Operating Licenses issued pursuant to the Regional Hauler Licensing Program. Such license fees and term shall be established by the Regional Hauler Licensing Board. No License fee shall be prorated for a portion of a license term and no License fee shall be refunded.
- 3.7 Late Fee. Complete applications received after the due dates specified in Section 3.09 shall be subject to the following late fee:
- One to seven days late - twenty-five percent (25%) late fee;
 - Eight to thirty days late - fifty percent (50%) late fee;
 - Thirty-one or more days late - one hundred percent (100%) late fee;
- 3.8 No Bar to Enforcement Action. Payment of the License fee together with payment of any late fees shall not bar other enforcement action by the County.

- 3.9 Application Due. Hauler License renewal applications must be submitted to the Base County by April 30 of the renewal year. A Hauler license renewal application received after April 30 shall be considered late and subject to a late fee.
- 3.10 Failure to Act on License Application. If the Base County does not act on a License renewal application, which is complete and submitted by June 30, the current Base License and Operating Licenses shall continue in force until the Base County takes action on the application. A reapplication for a license that has expired shall be deemed an initial application except that the application shall also be accompanied by the late fees imposed pursuant to Section 3.07. If the Department fails to act within sixty (60) days of receipt of a properly completed initial application or renewal application that is received after the due date, the applicant may request a hearing on the application. The request for a hearing shall be governed by the Anoka County Administrative Procedures Ordinance.
- 3.11 Notice of Denial. If the Department denies a license to an applicant, the applicant shall be notified of such denial in writing.
- 3.12 License Transfer. All Base Licenses and Operating Licenses are non-transferable.
- 3.13 License Term. The license period shall be the period of July 1 of the issuing year through June 30 of the second year, or as otherwise established by the Regional Hauler Licensing Program Board.
- 3.14 License Issuance. Base and Operating Licenses shall be issued by the Department consistent with this ordinance.
- 3.15 False Information. Submission of false information shall be deemed a violation of this ordinance.

SECTION 4 BASE LICENSE

- 4.1 Base License Required: A Hauler which collects or transports mixed municipal solid waste generated in the County shall obtain and maintain a Base License from the Base County. A Hauler which collects or transports mixed municipal solid waste generated in any of the other Counties shall obtain and maintain a Base License from the County, if the County is the Hauler's Base County.
- 4.2 Vehicles Licensed. All vehicles used by the Hauler for the collection or transportation of mixed municipal solid waste generated within the Counties shall be included in the Hauler's Base License application.
- 4.3 Decalomania. Each vehicle used by a Hauler for the collection or transportation of mixed municipal solid waste generated within the Counties shall be identified by a license decal issued by the Base County for that vehicle for the current license term. The Hauler must affix the decal in a conspicuous place on the left side of the cab of the vehicle for which it was issued as directed by the Department. The Hauler must maintain the license decal so that it is readily visible and legible at all times. Any vehicle not bearing the required decal shall be considered unlicensed. If a vehicle is put into service during the license year term, the Hauler shall submit the required information for this vehicle to the Base County and shall not use the vehicle to collect or transport mixed municipal solid waste within the Counties until a decal has been issued and affixed to the new vehicle.

- 4.4 Insurance. The Hauler shall obtain and submit certificates of insurance issued by insurers duly Licensed by the State of Minnesota providing the following coverage, or a self-insurance plan certified by the Department of Commerce for providing equivalent coverages:
- 4.4.1 Commercial General Liability/Professional Liability coverage with contractual liability coverage in the amount of the Counties' tort liability limits set forth in Minnesota Statute 466.04 and as amended from time to time. The County, its agents, officers, and employees shall be listed as an additional insured as it relates to these liabilities; and
 - 4.4.2 Automobile liability coverage in the amount of the Counties' tort liability limits set forth in Minnesota Statute 466.04 and as amended from time to time; and
 - 4.4.3 Workers Compensation insurance in statutory amounts (if applicable).

Nothing in this provision shall prohibit a Hauler from providing insurance with limits higher than the limits provided herein. All such required policies shall name the Regional Hauler Licensing Board, Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington Counties as additional insureds. All policies and certificates shall be endorsed to require that the insurer provide at least a sixty (60) day written notice to the County prior to the effective date of policy cancellation, non-renewal, or material adverse change in coverage terms. The Hauler shall maintain insurance in compliance with this paragraph throughout the term of the Base License.

SECTION 5 OPERATING LICENSE

- 5.1 Operating License Required: Any Hauler, which collects or transports Mixed Municipal Solid Waste in the County must obtain and maintain an Operating License from the County. A Hauler shall obtain and maintain a Base License from the Base County in order to be eligible for an Operating License. License Suspension or Revocation: The Department may suspend or revoke any Hauler's Base License issued by the County for violation of any of the requirements set forth in 8.03 of this Ordinance or violation of any Base License conditions.
- 5.2 Vehicles Licensed. All vehicles used by the Hauler for the collection or transportation of Mixed Municipal Solid Waste within the County shall be included in the Hauler's Base License application to the Base County.
- 5.3 Vehicle Decals. The Hauler must affix the decal as required by the Base County in a conspicuous place on the left side of the cab of the vehicle for which it was issued as directed by the Base County. The Hauler must maintain the license decal so that it is readily visible and legible at all times. Any vehicle not bearing the required decal shall be considered unlicensed.
- 5.4 License Suspension or Revocation. The Department may suspend or revoke any Hauler's Operating License issued by the County for violation of any of the requirements set forth in Section 8.00 of this Ordinance or violation of any Operating License conditions. Suspension or revocation of a Hauler's Base License by the Base County shall constitute sufficient basis for the summary suspension or revocation of the Hauler's Operating License issued by the County.
- 5.5 Route Description. The Department may require that the applicant submit a detailed description of the daily route(s) to be followed by each of the applicant's vehicles during the collection or transportation of Solid Waste. Route information received by the Department pursuant to this section is nonpublic data as defined in Minnesota Statutes Sections 13.37 and 13.02, Subdivision 9.

- 5.6 Additional Data. The applicant shall submit additional data requested by the Department regarding the applicant, the business and/or the License application.
- 5.7 Standards. The issuance of an Operating License shall be subject to the provisions of Anoka County ordinances and any conditions established by the County Board.

SECTION 6 EQUIPMENT AND OPERATION REQUIREMENTS

- 6.1 Equipment Requirements. All mixed municipal solid waste collection and transportation vehicles and containers shall be easily cleanable, leak-proof, durable, and be covered with metal, canvas, or fishnet type material made for this purpose.
- 6.2 Maintenance. All Mixed Municipal Solid Waste Collection and Transportation Vehicles shall be maintained in a safe and sanitary manner. Brooms, shovels, and spill absorbent material shall be provided on each vehicle for the purpose of cleaning spilled material. All safety equipment including but not limited to horns, lights, and reflectors shall be operable. All decals, labeling and License plates shall be maintained so that they remain readily visible and legible at all times.
- 6.3 Identification. The business name and telephone number of the Hauler shall be printed or painted in legible characters on both sides of all vehicles and at a minimum the front and back of all containers, regardless of size, used by the Hauler to store, collect or transport Mixed Municipal Solid Waste generated within the County. Characters used in said labeling shall be at least four (4) inches in height for all vehicles and at least two (2) inches in height for all containers. This provision shall not apply to containers owned and maintained by a Mixed Municipal Solid Waste Generator.
- 6.4 Inspection. The Department may inspect and approve all solid waste collection and transportation vehicles and containers.
- 6.5 Storage in Vehicles. The Hauler shall not allow mixed municipal solid waste to remain or be stored in any collection or transportation vehicle or container, following collection, in excess of 24 hours, except over a Sunday or holiday when the Facility is closed or in the event of an emergency such as inclement weather, equipment breakdown or accident.
- 6.6 Protecting Private Property. The Hauler shall take reasonable care to protect the property of customers being served. The Hauler shall be responsible for any damage or spillage of mixed municipal solid waste as a result of operational activity.
- 6.7 Smoking, Smoldering or Burning Solid Waste. The Hauler shall not collect and transport Mixed Municipal Solid Waste materials that are smoking, smoldering or burning.
- 6.8 Dumping in an Emergency. The Hauler shall be responsible for the cleanup of any Mixed Municipal Solid Waste that must be dumped in an emergency. The Operator of the vehicle shall immediately notify the Department, the local municipality, the appropriate law enforcement agency, the MPCA, and the Minnesota Duty Officer of such a dumping and clean the area within a time limit set by the Department.
- 6.9 Discharge of Liquid Waste. The Hauler shall not discharge nor allow the discharge of liquid waste from Mixed Municipal Solid Waste Collection and Transportation Vehicles or containers at any location, except at the Facility or another designated Solid Waste Facility as part of a load.
- 6.10 Volume or Weight Based Rates and Charges. The Hauler shall impose charges on residential and commercial customers for the collection of Mixed Municipal Solid Waste that increase

with the volume or weight of the waste collected. The Hauler shall provide to new residential customers, and twice per year to all residential customers, written notice of the volume or weight based structure. The Hauler shall provide, upon request of a residential customer, a schedule of the Hauler's charges.

- 6.11 Charges for Recycling. The Hauler shall not impose a greater charge for the collection of mixed municipal solid waste on residential customers that recycle than on residential customers that do not recycle.
- 6.12 Collection Records. The Hauler shall maintain records regarding the volume or weight, type, and origin of Solid Waste collected. Each day, a record of the origin, type, and weight of the Solid Waste collected that day and the identity of the Solid Waste Facility at which that day's collected Solid Waste is deposited must be kept on the Solid Waste collection vehicle. If the Solid Waste is measured by volume at the Solid Waste Facility at which it is deposited, the record may show the volume rather than the weight of the Solid Waste. For the purposes of this section "origin" means a general geographical description that at a minimum names the local government unit within the County, and "type" means a best estimate of the percentage of each truck load that consists of residential, commercial, industrial, Demolition debris or any other general type of Solid Waste.
- 6.13 Volume Requirement. A Hauler that charges residential customers for the collection of Mixed Municipal Solid Waste based on volume instead of weight shall establish a multiple unit pricing system with a base unit volume determined by the County and prices which ensure that amounts of waste generated in excess of the base unit volume are priced higher than the base unit volume price. The base unit volume shall be established by resolution by the County Board after consultation with Licensed collectors.

SECTION 7 ENFORCEMENT

- 7.1 Misdemeanor. Any Hauler who fails to comply with the provisions of the ordinance is guilty of a misdemeanor. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.
- 7.2 Injunctive Relief. In the event of a violation or a threat of violation of this ordinance, the County may institute appropriate actions or proceedings, including action to compel performance or other appropriate action requesting injunctive relief to prevent, restrain, correct or abate any violation or threatened violation of this ordinance.
- 7.3 Civil Action. If the Hauler fails to comply with the provision of this ordinance, the County may recover costs, including staff costs and reasonable attorneys' fees, incurred for corrective action in a civil action in any court of competent jurisdiction.
- 7.4 License Suspension or Revocation. The Department may suspend or revoke any Hauler's Base License issued by the County for violation of any of the requirements set forth in Sections 3.06, .07, 4.01-4.04, and 3.15 of this ordinance or violation of any Base License conditions. The Department may suspend or revoke any Hauler's Operating License issued by the County for violation of any of the requirements set forth in this ordinance or violation of any Operating License condition. Suspension or revocation of a Hauler's Base License by the Base County shall result in the summary suspension of the Hauler's Operating Licenses.

SECTION 8 GENERAL PROVISIONS

- 8.1 Administration. The Department assigned the responsibility for the administration of this ordinance shall be the Anoka County Community Health & Environmental Services Department.
- 8.2 Administrative Procedures. Except to the extent superseded by this ordinance, all of the provisions of the Anoka County Administrative Procedures Ordinance shall apply as though fully set forth herein.
- 8.3 Conditions. Violation of any condition imposed by the County on a license or variance shall be deemed a violation of this ordinance and subject to the enforcement provisions set forth in this ordinance.
- 8.4 Interpretation. In their interpretation, the provisions of this ordinance shall be held to be minimum requirements and shall not be deemed a limitation or repeal of any other powers or authority granted by Minnesota Statutes or Rules or other ordinance.
- 8.5 Abrogation and Greater Restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing ordinance, except as specifically stated herein. Where this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.
- 8.6 Severability. It is hereby declared to be the intention of the County Board that the provisions of this ordinance are separable. If any court of competent jurisdiction shall rule that any provision of this ordinance is invalid, other provisions not specifically included in said judgement shall not be affected.
- 8.7 Provisions Cumulative. The provisions in this ordinance are cumulative and are additional limitations upon all other laws and ordinances covering any subject matter in this ordinance.

SECTION 9 ADMINISTRATIVE PROCEDURES

- 9.1 Suspension or Revocation of License. Any license required under this ordinance may be suspended or revoked for violation of any provision of this ordinance. Suspensions shall be for a period up to sixty (60) days or until the violation is corrected. Written notice of a suspension or revocation shall be served personally or by registered or certified mail upon the licensee at least five (5) County working days prior to the effective date of the suspension or revocation. The written notices shall contain the effective date of the suspension or revocation; the facts which support the conclusion that a violation or violations have occurred; a statement that if the licensee desires to appeal, a written request for a hearing must be received by the Department within five (5) County working days following service of the notice, exclusive of the day of service; and that the request for a hearing must state the grounds for appeal. If a hearing is requested, the suspension or revocation shall be stayed pending outcome of the hearing. Upon receipt of request for hearing, the Department shall set a date, time and place for the hearing. The hearing shall be conducted pursuant to the procedures set forth in the Anoka County Administrative Procedures Ordinance.
- 9.2 Summary Suspension of License. If the Department finds that the public health, safety, or welfare requires emergency action, summary suspension of a license may be ordered. Written notice of a summary suspension shall be by personal service upon the licensee, certified mail, or posting notice of the summary suspension of the license at Anoka County designated solid waste facility. The Department shall also take reasonable steps to notify the licensee by telephone prior to the summary suspension. The written notice shall state the effective date of the summary suspension; the violation requiring emergency action; the facts which support the

conclusion that a violation has occurred; a statement that if the licensee desires to appeal, a written request for hearing must be received by the Department within five (5) County working days following service of the notice, exclusive of the day of service; and that the request must state the grounds for appeal. Upon receipt of the request for hearing, the Department shall set a date, time and place for the hearing. The hearing shall be conducted pursuant to the procedures in the Anoka County Administrative Procedures Ordinance. The summary suspension shall not be stayed pending an appeal.

- 9.3 Reinspection by Department. Upon written notification from the licensee that all violations for which a suspension or summary suspension was invoked have been corrected, the Department may reinspect the vehicle or activity. If the Department determines that all violations have been corrected, the Department may, in its discretion, dismiss, modify, or stay the suspension or summary suspension. Written notice shall be provided to the licensee.
- 9.4 Hearing. Hearings required pursuant to this ordinance shall be conducted in accordance with the Anoka County Administrative Procedures Ordinance.

SECTION 10 EFFECTIVE DATE AND DURATION

- 10.1 Effective Date. This ordinance shall be effective immediately upon passage by the County Board of Commissioners and publication as required by law and shall apply to the license term commencing July 1, 2018.
- 10.2 Termination or Cancellation of Regional Hauler Licensing Program: Upon termination of the Regional Hauler Licensing Program or the withdrawal of the County, any Hauler Licenses in effect at that time, shall continue in force until the end of the current license term, unless otherwise suspended or revoked.