

ORDINANCE NUMBER 116

RECYCLING AND SOLID WASTE ABATEMENT FEE

An ordinance: imposing a recycling and solid waste abatement fee for solid waste management services provided by the County or by those under contract with the County.

The County Board of Dakota County, Minnesota, does ordain:

SECTION 100 - DEFINITIONS

101. Collection - Collection means the aggregation of waste from the place at which it is generated and includes all activities up to the time the waste is delivered to a waste facility.
102. County Auditor - The Dakota County Auditor and her authorized representatives.
103. County Board - The Dakota County Board of Commissioners and their authorized representatives.
104. Disposal - Disposal is defined as discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or any constituent thereof that may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.
105. Processing - Processing, when referring to solid waste, means the treatment of solid waste after collection, and includes all activities after the time the waste is delivered to a waste facility. Processing includes but is not limited to disposal, storage, containment, separation, exchange, resource recovery, physical or chemical modification, and transfer from one waste facility to another. Waste tire processing means the projection or manufacture of usable materials, including fuel from waste tires, including, necessary incidental temporary storage activity, but excludes disposal.
106. Solid Waste Facility - Solid Waste Facility means all property, real or personal, including negative and positive easements and water and air rights, which is or may be needed or useful for the processing or disposal of solid waste, except property for the collection of the solid waste and property used primarily for the manufacture of scrap metal or paper. Solid waste facility includes but is not limited to transfer stations, processing facilities, and disposal sites and facilities.

107. Solid Waste Management Services - The collection, processing, and disposal of solid waste, closure and postclosure care of a solid waste facility, and response, as defined in Minn. Stat. § 115B.02, to releases from a solid waste facility or closed solid waste facility.

SECTION 200 - FEES PAYABLE

Owners of real property shall pay fees for access to solid waste management services provided by the County or by those under contract with the County.

SECTION 300 - ESTABLISHMENT, REVISION AND COLLECTION OF FEES

The County Board by resolution may establish and revise the fees when deemed advisable. No fees shall be adopted or collected in any year unless first certified by the County Board to the County Auditor for the following year.

SECTION 400 - FACTORS IN ESTABLISHING FEES

Fees payable may take into account the character, kind and quality of the service and of the solid waste; the method of disposition, including but not limited to activities such as recycling, composting, co-composting, resource recovery; the number of people served at each place of collection; and all other factors that enter into the cost of the service, including but not limited to depreciation and payment of principal and interest on money borrowed by the County for the acquisition or betterment of solid waste facilities; the establishment or maintenance of a reserve fund for payments of fees to a resource recovery facility vendor; and administrative costs associated with providing solid waste management services.

SECTION 500 - BILLING

Fees shall be billed in a manner determined by the County Board.

SECTION 600 - UNPAID FEES

601. Taxable Properties. On or before October 15 in each year, the County Board shall certify to the County Auditor all unpaid outstanding fees billed hereunder and a description of the lands against which the fees arose. It shall be the duty of the County Auditor, upon order of the County Board, to extend the assessments, with interest, not to exceed the interest rate established pursuant to Minn. Stat. § 549.09, upon the tax rolls of the County for the taxes of the year in which the assessment is filed. For each year ending October 15 the assessment with interest shall be carried into the tax becoming due and payable in January of the following year and shall be enforced and collected in the manner provided for the enforcement and collection of real property taxes in accordance with the provisions of the laws of the state. The

fees, if not paid, shall become delinquent and be subject to the same penalties and the same rate of interest as the taxes under the general laws of the state.

602. Tax-Exempt Properties. Unpaid fees may be collected as otherwise provided by law.

SECTION 700 - SEPARABILITY

The several provisions of this Ordinance are separable. If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provision of this Ordinance not specifically included in said judgment.

SECTION 800 - PROVISIONS ARE CUMULATIVE

The provisions in this Ordinance are cumulative to all other laws, ordinances and regulations now in force or hereinafter adopted, covering any subject matter in this Ordinance.

SECTION 900 - EFFECTIVE DATE

This Ordinance shall be effective upon passage by the County Board and publication according to law.

ATTEST:

COUNTY OF DAKOTA, STATE OF MINNESOTA



Norma Marsh
Dakota County Auditor

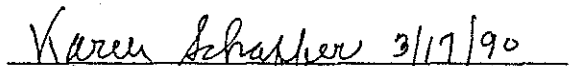
Date: 3-22-90



Joseph Harris, Chairman
Dakota County Board of Commissioners

Date: March 21, 1990

Approved:


Assistant County Attorney/Date