

ORDINANCE # 24

Solid Waste Management
Charge Ordinance

DOC. NO.
Office of COUNTY RECORDER
STATE OF MINNESOTA } ss.
County of Carlton

I hereby certify that the within instrument was filed in this office for record February 25 19 97 at 3:30 P M and was duly recorded.

Karen O'Leary
County Recorder
By Robert H. Schuler
Deputy

ORDINANCE #24

COUNTY OF CARLTON
Carlton, Minnesota

CARLTON COUNTY SOLID WASTE MANAGEMENT CHARGE ORDINANCE

The Carlton County Board of Commissioners does ordain:

1.00 PURPOSE

1.01 Purpose. The purpose of this ordinance is to establish solid waste management charges to fund environmental programs which protect the health and welfare of Carlton County citizens pursuant to State mandates governing solid waste management. The ordinance includes: the establishment of solid waste management charges for the County of Carlton, procedures for setting and modifying the amounts of the solid waste management charges, payment and collection methods, and establishment of an appeals process.

1.02 Authority. This ordinance is adopted pursuant to Minnesota Statutes, Subsections 375.51 and 400.08.

2.00 DEFINITIONS

2.01 Definitions. For the purpose of this ordinance, the terms defined in this section shall have the meanings given them, unless the context clearly indicates otherwise.

- A. "County Assessor" is the person appointed to the Office of the County Assessor for Carlton County.
- B. "County Auditor" is the person elected or appointed to the Office of the County Auditor for Carlton County.
- C. "County Board" is the Carlton County Board of Commissioners.
- D. "Dwelling Unit" is a single unit of housing, whether free-standing or within a building containing other dwelling units, providing independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- E. "Non-residential Property" is all improved real property in Carlton County containing improvements other than a dwelling unit and classified by the County Assessor as commercial, industrial, nursing home, service station, utility, railroad or tax exempt property.

- F. "Ordinance" is Carlton County Ordinance #24, Solid Waste Management Charge Ordinance, as amended from time to time.
- G. "Person" includes, but is not limited to: an individual business, public or private corporation, partnership, joint venture, association, trust, unincorporated association, government or agency or political subdivision thereof, any other legal entity, and any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing.
- H. "Residential Property" is all improved real property in Carlton County that contains one or more dwelling units or mobile home pads.
- I. "Solid Waste Management Charge" or "Solid Waste Management Charges" are the charges established by the County Board, payable by persons who own improved real property in Carlton County for solid waste management services available to the property.
- J. "Solid Waste Management Services" include all activities provided by the County or by persons under contract with the County which support the County's solid waste management programs and responsibilities, described in Minnesota Statutes, Subsection 115A.01 et seq. and 400.08 including but not limited to recycling and waste reduction services, collection, processing and disposal of solid waste, closure and postclosure care of a solid waste facility, and response to releases from a solid waste facility or closed solid waste facility.

3.00 GENERAL PROVISIONS

3.01 Administration. This ordinance shall be administered by the Carlton County Solid Waste Administrator, with the assistance of the Carlton County Auditor.

4.00 SOLID WASTE MANAGEMENT CHARGE - ESTABLISHMENTS AND AMOUNTS

4.01 Establishment of Solid Waste Management Charge. The County hereby imposes solid waste management charges on persons who own improved real property in Carlton County. The solid waste management charges shall be for solid waste management services available to the property. The owner of the property shall be responsible for payment of the solid waste management charge imposed in the manner set forth by the County Board.

4.02 Rates for Solid Waste Management Charges. The solid waste management charges payable in 1997 and in each subsequent year, shall be set by resolution of the County Board. The categories for solid waste management charges, unless revised by resolution of the County Board, shall be as follows:

A. Amounts for Residential Properties. Owners of residential property shall pay solid waste management charges for each dwelling unit and each mobile home pad located on the residential property. The solid waste management charges for residential properties are as follows:

1. Category I Residences. Residential category shall include each dwelling unit within single family homes, duplexes, triplexes, quad homes, and other residential property with one to three dwelling units, including tax exempt units.

2. Category II Residences. Seasonal recreational category shall include improved seasonal properties as described by the County Assessor.

B. Amounts for Non-Residential Properties. Owners of real property shall pay a solid waste management charge for each improved parcel of non-residential property. The solid waste management charges for non-residential properties are as follows:

1. Category I Business. Business category shall include businesses, industrial, manufacturing, mobile home parks, apartment buildings, utility buildings, and other related properties.

2. Category II Tax Exempt. Tax exempt category shall include schools, churches, hospitals, municipal, state, Fond Du Lac Reservation buildings, nursing homes, and other such exempt buildings.

C. Split Classifications. The owner of a parcel of real property classified as both residential and non-residential property shall pay solid waste management charges pursuant to Subdivision B.

4.03 Procedure for Revising the Solid Waste Management Charge. The County Board may revise by resolution the solid waste management charges following a public hearing, and shall state the effective date for the enactment of the revised solid waste management charges.

5.00 SOLID WASTE MANAGMENT CHARGE - BILLING AND COLLECTION

5.01 Billing and Collection. The County shall bill the solid waste management charges on the County property tax statements as a separate item and shall be due, payable and collected in the same manner as real property taxes and subject to the same penalties and interest as overdue real property taxes.

5.02 Unpaid Charges. The County may recover amounts due under this ordinance in any manner authorized by law, including but not limited to the following:

A. Certification to County Auditor. On or before October 15th of each year, the County Board may certify to the County Auditor all unpaid outstanding solid waste management charges, and a description of the lands against which the solid waste management charges 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 provided for in Minnesota Statutes 279.03, Subdivision 1, upon the tax rolls of the County for the taxes of the year in which the assessment is filed. For each year ending October 15th, 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 charges, 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.

B. Civil Action. In addition to each and every other remedy available to the County, unpaid solid waste management charges, penalties, and interest may be recovered in a civil action in the name of the County.

C. Recovery of Costs. The County may recover costs, including attorney fees, staff and other related costs, incurred to enforce compliance with the provisions of this ordinance.

6.00 APPEALS

6.01 Administrative Appeal. A person who owns real property may appeal the amount of the solid waste management charges billed by the County by submitting a written request to the County Solid Waste Administrator for adjustment before June 15th of the year in which the solid waste management charges are payable. Submission of a request for an appeal shall not relieve a property owner of the duty to pay the solid waste management charge by the due date. The County Board shall, by resolution, adopt a policy for handling all appeals.

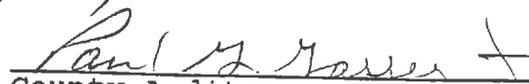
- 6.02 Procedures and Criteria for Adjustment of Solid Waste Management Charges. The County may, from time to time, adjust the amount of solid waste management charges in accordance with procedures and criteria established by the County Board by resolution.
- 7.00 SEVERABILITY
- 7.01 Severability. It is hereby declared to be the intention of the Carlton County Board of Commissioners that the provisions of this ordinance are separate in accordance with the following:
- A. Validity of Provisions. 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.
- B. Application to Particular Person or Property. If any court of competent jurisdiction shall rule that the application of any provision of this ordinance is invalid to a particular person or property, such judgement shall not affect the application of said provision to any other person or property not specifically included in the judgement.
- 8.00 PROVISIONS ARE CUMULATIVE
- 8.01 Provisions Are 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.
- 9.00 EFFECTIVE DATE
- 9.01 Effective Date. This ordinance shall be in full force and effect upon passage by the County Board.
- 10.00 REPEAL
- 10.01 Repeal. Ordinance #23, Solid Waste Management Fee for Carlton County, effective April 1, 1996, is hereby repealed.

Passed by the Board of Commissioners of Carlton County this 24th day of February, 1997.



 County Board of Commissioners, Chairman

Attest:



 County Auditor

Public Hearing held at Carlton County Courthouse at 7:00 p.m., February 19, 1997 with the Carlton County Board of Commissioners.

ORDINANCE #24

APPEAL POLICY

COUNTY SOLID WASTE MANAGEMENT CHARGE APPEAL POLICY
as adopted by the
CARLTON COUNTY BOARD OF COMMISSIONERS
on
February 24, 1997

GENERAL REQUIREMENTS

Carlton County Ordinance #24 requires that written appeals of the solid waste management charge be received or postmarked on or before June 15th of the year in which the charge is due. The deadline for submitting a written request for appeal for charges due may be extended for good cause shown as determined by the County. Written requests for appeal may be submitted by any person on behalf of the property owner.

The property owner shall provide the County with supporting facts and documentation on the appeal forms in sufficient detail to allow the County to determine whether the facts warrant granting an appeal and must be received by the County no later than June 15th of the year in which the charge is due in order to be considered. The burden is on the property owner to provide evidence demonstrating that the property qualifies for a reduction in the solid waste management charge.

THE ORDINANCE REQUIRES THAT THE PROPERTY OWNER PAY THE AMOUNT OF THE SOLID WASTE MANAGEMENT CHARGE AS IT APPEARS ON THE PROPERTY TAX STATEMENT PENDING DISPOSITION OF THE APPEAL.

GUIDELINES

The County Board has adopted the following guidelines for determining whether an appeal of a solid waste management charge (the "charge") should be granted. Appeals should be granted under the circumstances described below:

1. Residential Properties

- a. County administrative or clerical errors.
- b. The property is misclassified for purpose of calculating the charge as of January 2nd of the year in which the charge is due, e.g. the number of dwelling units or mobile home pads is inaccurate.
- c. A dwelling unit was (1) uninhabitable or (2) was destroyed or demolished as of January 2nd of the year in which the charge is due and the property owner provides convincing evidence that demonstrates to the County's satisfaction that it is likely that this condition will continue for the entire year.
- d. A mobile home pad was unlicensed or has been destroyed or demolished as of January 2nd of the year in which the charge is due and the property owner provides convincing evidence that demonstrates to the County's satisfaction that it is likely that this condition will continue for the entire year.

2. Tax Exempt Properties Owned by Cities, Townships or School Districts

- a. County administrative or clerical errors.
- b. The solid waste management charge shall be reduced to \$0.00 if the parcel neither generates any wastes nor receives any direct benefit from the County's integrated waste management programs because of the nature of the improvement located on the parcel, e.g. water towers and pump houses.
- c. A city, township or a school district shall be entitled to a 40% reduction in the remaining total charges due for tax-exempt parcels.
- d. A city, township or a school district shall be entitled an additional reduction of 20% of the total charges due for tax-exempt properties upon adoption of a resolution by its governing body agreeing to implement environmentally responsible procurement policies and to use best efforts to recycle 50% of the total solid waste generated on tax-exempt properties owned by the city, township or the school district. Said resolution shall be in the form provided by the County and shall be received by the County no later than July 1st of the year in which the charge is due.

3. All Other Non-Residential Properties

- a. County administrative or clerical errors.
- b. The property is misclassified for the purpose of calculating the charge as of January 2nd of the year in which the charge is due, e.g. a church being converted into a residence.
- c. The solid waste management charge shall be reduced to \$0.00 if:
 - i. The property neither generates any waste nor receives any direct benefit from the County's integrated waste management programs because of the nature of the improvement located on the property, e.g. an electric generating substation; or
 - ii. The improvement (1) could not be used and was condemned or (2) was destroyed or demolished as of January 2nd of the year in which the solid waste management charge is due and the property owner provides convincing evidence that demonstrates to the County's satisfaction that it is likely that this condition will continue for the entire year.

- d. After other adjustments, if any, the solid waste management charge shall be reduced by 20% if the property owner demonstrates to the County's satisfaction that the owner, occupant or lessee recycles at least 50% by weight of the solid waste generated on the parcel.
- e. For purpose of determining whether a property owner qualifies for a reduction under paragraphs 3d or 3e, the following considerations shall apply:
 - i. The total solid waste generated on a parcel shall include all solid waste that is disposed of or recycled.
 - ii. Solid waste means garbage, refuse, and other discarded waste materials resulting from industrial, commercial, or community activities. Recycling does not include things such as burning the waste (even if heat is reclaimed), composting the waste, using waste as fill, or similar situations. The property owner must submit verification from hauler(s) or other similar documentation certifying to the County's satisfaction the amounts of waste generated and recycled over the last 12 months. The amounts generated and recycled within the last 12 months will be used by the County to determine the amount of solid waste generated and recycled with respect to the property.
 - iii. Standard conversion factors determined by the County will be used for determining tons if actual tonnage figures or actual conversion factors are not available.