

ORDINANCE NO. 22

AN ORDINANCE RELATING TO AND REGULATING AND CONTROLLING THE DISPOSAL AND DUMPING OF GARBAGE, REFUSE, AND OTHER TRASH IN THE TOWN OF WHITE BEAR, RAMSEY COUNTY, MINNESOTA AND PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF.

THE TOWN BOARD OF THE TOWN OF WHITE BEAR DOES ORDAIN:

SECTION 1. The Town Board of the Town of White Bear finds, determines, and declares that it is necessary and conducive for the protection of the public health, safety and welfare of the people of the Town to provide regulations for the dumping and disposal of garbage, refuse and other trash within the Town of White Bear. The purpose of this Ordinance is to regulate and control the dumping and disposal of garbage, refuse and other trash in the Town to the end that the public health, safety and welfare of the people of the Town will be protected and enhanced and to prevent and prohibit an indiscriminate and uncontrolled use of property for dumping purposes in violation of zoning and health regulations and recognized public health standards, to prevent and prohibit open dumping on land in the Town and to require that disposal and dumping of garbage, refuse and other trash be authorized and permitted only in Town licensed and approved dumps and sanitary landfills. It is not the purpose of this Ordinance to prohibit any person owning or operating a farm from disposing of garbage from his own household to swine upon said farm, or from collecting and disposing of garbage for the feeding of swine upon said farm where such disposal shall not violate the health regulations and the laws of the State of Minnesota.

SECTION 2. For the purpose of this Ordinance certain words and terms are defined as follows:

a. **COUNTY** shall mean that portion of Ramsey County outside incorporated cities and villages.

b. **PERSON** includes an individual, a firm, a corporation or other legal entity, a partnership, any unincorporated association, and any combination of the same and includes the plural.

c. **PRIVATE DUMP** shall mean all land or parcels of land on which nonputrescible refuse is accepted or deposit or permitted to be deposited regardless of whether a charge is made therefor.

d. **GARBAGE** shall mean all animal and vegetable waste and all putrescible matter.

e. **REFUSE** shall mean all waste substances excluding garbage as well as combustible and non-combustible wastes.

f. **COMBUSTIBLE WASTE** shall mean all waste substances capable of incineration or burning, but excluding explosives or highly inflammable material.

g. **NON-COMBUSTIBLE WASTE** shall mean all other waste substance not capable of incineration or burning, including ashes, glass, metal, earthenware and the like.

h. **SANITARY LANDFILL** shall mean a type of operation in which refuse is deposited by plan on a specified portion of open land, and is covered by a layer of earth, ashes or suitable covering material to a depth of at least two (2) feet when the fill is completed.

i. **ENFORCEMENT OFFICER** shall mean any Inspector or any other representative duly appointed by the Town Board of the Town of White Bear.

j. **STREET SWEEPINGS** shall mean any and all materials which are made up of items which have been swept from streets or roads.

SECTION 3. It shall be unlawful for any person to use any land, premises or property within the Town for dumping or disposal of any garbage. It shall be unlawful for any person to use any land, premises or property within the Town for the dumping or disposal of any refuse or other waste materials of any kind, without first making application for and securing a license so to do. The issuance of such license shall be subject to and governed by the following provisions:

1. The application for a license to operate a private dump or sanitary landfill shall be filed with the Town Clerk and shall contain a description and plat of the land on which the disposal of refuse is proposed, a description of the sequence and plan of operation, availability of and equipment for water supply, type and capacity of equipment to be used for operations, plans for fire, nuisance and vermin control, existing and proposed roadways and easements, existing topography and water courses, together with a diagram and written statement explaining the proposed location and extent of earthwork and fill operations, proposed equipment and estimated daily or weekly volume of refuse, facts which show that public convenience and necessity and the public health and general welfare of the people of the Town require the granting of a license to the applicant, and such other information as may be required by the Town Board.

In determining whether public convenience and necessity require the issuance of a license to the applicant, the Town Board shall consider such matters as:

1. The number of dumps and sanitary landfills necessary for the entire Town.
2. The locations best suited to serve the entire Town.
3. The length of time that a proposed location can be expected to be used as a dump or sanitary landfill for the best interests of the people of the Town.
4. The possible effect on the area in the vicinity of the proposed dump or sanitary landfill.

The Town Board shall consider the application, and if it finds that public convenience and necessity, as well as the public health and general welfare of the people of the Town, so require, it may issue a license to the applicant; otherwise the application for a license shall be denied. Such license shall be issued by the Town Board upon the payment of an annual fee of One Hundred Fifty Dollars (\$150.00) payable to the Town of White Bear and said licensee shall deliver a corporate bond in the amount of Ten Thousand Dollars \$10,000.00. Said corporate bond shall run to the Town of White Bear and shall be conditioned as follows:

- a. That the licensee, his agents and servants, will comply with all of the terms, conditions, provisions, requirements and specifications contained in this Ordinance.
- b. That the licensee, his agents and servants, will faithfully operate the dump or landfill for which the license is issued in accordance with the proposes of this Ordinance.
- c. That licensee, his agents and servants, will save harmless the Town of White Bear from any expense incurred through the failure of the licensee, his agents and servants, to operate and maintain the dump or landfill as required by this Ordinance including any expense the Town may be put to for correcting any condition or violation of this Ordinance by the Town's own labor and equipment, whenever the Inspector determined it is necessary to correct any unhealthy condition or conditions violative of this Ordinance or from any damages growing out of the negligence of the licensee or his agents or servants.
- d. Before acceptance, all bonds shall be approved by the Town Board. A corporate bond shall be executed by a surety or guaranty company qualified to transact business in the State of Minnesota.

No license granted under the terms stated herein shall become effective until the licensee shall have filed with and have approved by the Clerk of the Town a

policy of public liability insurance naming the Town of White Bear as an additional insured which shall remain and be in force and effect during the entire term of said license and which shall contain a provision that it shall not be canceled without ten days written notice to the Town Clerk. Such public liability insurance shall be in an amount of not less than Twenty-Five Thousand Dollars (\$25,000.00) for injuries, including death, to any one person, and subject to the limit for each person, in an amount of not less than Fifty Thousand Dollars (\$50,000.00) on account of any one accident and of not less than Twenty-Five Thousand Dollars (\$25,000.00) for property damage on account of any one accident.

SECTION 4. No person shall permit the disposing of any refuse on any land in the Town of White Bear unless the same is operated as a licensed dump or sanitary landfill in accordance with this Ordinance.

a. No street sweepings shall be placed on any land in the Town of White Bear without prior Town Board approval.

b. Street sweepings obtained by the Town of White Bear Public Works Department shall be exempt from this Ordinance unless such street sweepings are to be placed on private property.

SECTION 5. The dumping of combustible material on private dumps is prohibited unless operated as a sanitary landfill in accordance with this Ordinance.

SECTION 6. The following regulations shall be observed by any person to whom a license is issued by the Town for the operation of a sanitary landfill. These regulations shall govern the operation of all Town approved sanitary landfills, and any failure to observe these regulations shall be sufficient grounds for the revocation of the license by the Town Board.

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

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

c. The areas shall be continually policed to prevent fire and the blowing of papers; shall be neat and sanitary at all times, and shall be covered at the end of

each day's operation, as well as when wind conditions warrant it through the day, with sufficient material to prevent blowing papers and unsightly conditions. The size of the active face on which refuse is being currently deposited shall be kept to a minimum.

d. Cover material will consist of earth, loam, clay, sand, etc., or a mixture of at least 50 percent earth and other inert materials, such as ashes, cinders or gravel. A minimum depth of 12 inches of compacted cover and final spread cover material shall be kept on all inactive faces of the landfill at all times. The active faces of the landfills should be covered at the end of each day's operation as provided in subsection c. or as otherwise directed by the Inspector.

e. When the fill has been brought up to two (2) feet below the desired finished grade, it shall be covered with at least twenty-four (24) inches of compacted cover material graded and seeded in such a manner as to prevent erosion.

f. Where the "trench system" of sanitary landfill is used, successive parallel trenches must be at least two (2) feet apart.

g. All garbage and refuse existing on the site at the time the license is used either in the form of an open dump or any other form, shall be collected, compacted, and covered with cover material at least one (1) foot in depth if below the desired finished grade, or with inert material at least two (2) feet in depth at the finished grade. This cover operation shall be completed within thirty (30) working days after the issuance of a license for a sanitary landfill.

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

i. Any material salvaged from the fill must be handled and stored in such a manner as to prevent rat harborage and permit property operation of the landfill. Such salvage material must be removed to a location at least two-hundred (200) feet from the working surface so as not to interfere with the compacting and covering. All salvaged material must be completely removed from the landfill site every two (2) weeks unless provision is made for temporary storage within an enclosed, roofed and rat-proof structure approved by the Inspector.

j. Burning of any material deposited in a dump or landfill is expressly prohibited, except that tree limbs, wooden crates or similar combustible material, which will burn readily without smoldering or producing offensive odors, may be burned in a separate place at least two hundred (200) feet away from the area where refuse is being compacted and covered, provided precautions are taken to confine the fire, and the burning is done in such a manner as not to create a nuisance condition. There shall be no burning of such materials unless a written

permit to do so shall have first been obtained from the Fire Chief of the Town of White Bear or his authorized assistants.

k. Adequate fire-fighting equipment shall be available at all times on the site or the operator of the landfill shall furnish the Town Board with proof of a fire-fighting agreement between the operator and the local fire district.

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

m. The license holder shall provide an access road, approved by the Town Board, this is passable in all types of weather conditions to the dumping site.

n. Insects and rodents on the landfill shall be controlled and exterminated as directed by the Town Board.

o. For good and sufficient reasons, the Town Board may grant exceptions to the above operating procedures and standards or may impose additional requirements subject to specific site conditions.

SECTION 7. No person, including those persons hauling or disposing of garbage or refuse, trash or other rubbish for a fee shall deposit or dispose of any garbage on any property in the Town of White Bear at any time or any place, or deposit or dispose of any refuse on any property in the Town of White Bear not operated under a license issued by the Town Board. Each sanitary fill shall display a prominent sign containing the word "Approved Sanitary Land Fill operated under License No. _____ issued by the Town of White Bear".

SECTION 8. The officer responsible for the enforcement of the provisions of this Ordinance shall be appointed by the Town Board. He shall provide adequate and frequent inspections of the private dumps or sanitary landfill sites and to this end shall be authorized to call upon the Town Board for assistance in making inspections. He shall notify any license holder who is violating the provisions of this Ordinance of the specific manner in which the Ordinance is being violated. Unless said violation is corrected within twenty-four (24) hours after notice in writing to the license holder by the Inspector, the Inspector shall notify the Town Board of any violation of the provisions of this Ordinance and the Town Board may, after a public hearing to which the violator shall have been invited, suspend or revoke any license for non-compliance or violation of any of the provisions of this Ordinance or when satisfied that the landfill constitutes a real menace and nuisance to the health, safety and welfare of the immediate residents in the neighborhood in which it is located. In the event the license holder refuses to

correct the violation within twenty-four (24) hours after notice in writing by the Inspector, the Inspector may, if he deems it necessary in the interest of public health, enter upon the premises of the dump or landfill and, either with the equipment and by employees of the license holder, or with Town owned or leased equipment and Town Employees, do such work as is necessary to correct any condition violative of the Ordinance and which in his opinion if left uncorrected may be hazardous to the public health. The cost to the Town of correcting such conditions in privately owned dumps or landfills shall be assessed against the license holder who shall be required to pay all the costs and expenses of the Town in correcting such conditions.

SECTION 9. Any license granted hereunder may be revoked or suspended at any time for any failure to pay the license fee or the cost of correcting hazardous conditions, as hereinbefore set forth, or whenever in the opinion of the Town Board the continuance of the landfill or other means of final disposal of refuse would endanger the health, welfare or safety of the public; provided that no such license shall be revoked or suspended except for failure to pay the fee, or the cost of correcting hazardous conditions as herein provided except after public hearing before the Town Board after the notice of said hearing and the purpose thereof shall have been sent to the license holder at least ten (10) days prior to the date of said hearing, at which hearing any person interested in said landfill shall have the right to be heard.

There shall be no refund of any part of the license fees paid hereunder in the event such license is suspended or revoked or in the event the licensee ceases doing business thereunder prior to the expiration date of the license.

SECTION 10. Every person convicted of a violation of any provision of this Ordinance shall be punished as provided in Ordinance No. 26.

SECTION 11. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed by the Town Board of the Town of White Bear, Minnesota, this 10th day of October, 1966.

APPROVED:

TERRANCE M. ROONEY, Chairman

ATTEST:

MARY E. POPE, Clerk-Treasurer

Board of Supervisors:
TERRANCE . ROONEY, Chair
WALTER H. KUEHNL, Supervisor
THOMAS F. MALLOY, JR., Supervisor

Published in the White Bear Press on October 20, 1966.

Historical Notes

1990

Section 2, 4, and 10 passed January 8, 1990, and effective January 17, 1990 by Weisenburger (Chair), Jungkunz and Sand; Malinen (Clerk-Treasurer).

1966

Ordinance, Title and Section 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 originally passed October 10, 1966 and effective October 20, 1966, by Rooney (Chair), Kuehnl and Malloy; Pope (Clerk-Treasurer).