

CHAPTER 403—S.F.No.1203

[Coded]

An act authorizing county solid waste management programs and the financing thereof and establishing the powers and duties of certain counties in connection therewith; repealing Laws 1969, Chapters 132, 466, and 860, and any special laws enacted at the 1971 session of the legislature relating to single county solid waste management programs.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **[400.01] COUNTIES; SOLID WASTE MANAGEMENT; POLICY AND AUTHORIZATION.** In order to protect the state's water, air and land resources so as to promote the public safety, health, welfare and productive capacity of its population, it is in the public interest that counties conduct solid waste management programs.

Sec. 2. **[400.02] APPLICABILITY.** This act applies to all counties other than the counties of Hennepin, Ramsey, Washington, Anoka, Dakota, Scott, and Carver.

Sec. 3. **[400.03] DEFINITIONS.** Subdivision 1. For the purposes of this act the terms defined in this section have the meaning given them. The terms defined in Minnesota Statutes 1969, Chapter 116 also apply to the terms used in this act.

Subd. 2. "Solid waste management" means the collection, removal and storage of solid waste from public and private property, its transportation to intermediate or final disposal facilities and its ultimate disposal by approved methods.

Subd. 3. "Facilities" means all or any vehicles, equipment, machinery, incinerators, plants, structures, public or private grounds, however acquired and whether temporarily or permanently acquired, used or useful for solid waste collection, transportation and storage or disposal, both intermediate and final, or for other solid waste management purposes.

Subd. 4. "State agency" means the Minnesota pollution control agency.

Subd. 5. "County board" or "board" means the board of county commissioners.

Sec. 4. **[400.04] SOLID WASTE DISPOSAL FACILITIES.** Subdivision 1. **GENERAL.** Any county may conduct a solid waste management program which may include activities authorized by this act and such other activities as are necessary and convenient to effectively carry out the purposes of this act.

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Subd. 2. **ACQUISITION OF PROPERTY.** A county may acquire by gift, lease, purchase or eminent domain as provided by law any land or interest in land upon such terms and conditions as it shall determine, including the use of contracts for deed, within or outside of the county, which the board deems suitable for these purposes; provided that no such land or interest in land situated in any other county shall be acquired without the approval by resolution of the county board thereof.

Subd. 3. **CONSTRUCTION AND OPERATION OF FACILITIES.** A county may construct, enlarge, improve, repair, supervise, control, maintain, and operate any and all facilities needed for a solid waste management program, and may purchase and lease materials, equipment, machinery and such other personal property as is necessary for such purposes upon terms and conditions determined by the board including the use of conditional sales contracts and lease-purchase agreements. A county may employ such personnel as are reasonably necessary for the care, maintenance and operation of such facilities.

Subd. 4. **MANAGEMENT AND SERVICE CONTRACTS.** A county may enter into contracts for the construction, installation, maintenance and operation of facilities on private or public lands and may contract for the furnishing of solid waste management services.

Subd. 5. **PLANS.** The county may provide for surveys and plans to determine locations available, appropriate, and suitable for facilities needed for the program, and plans for the improvement of sites and facilities.

Subd. 6. **EXPENDITURE OF FUNDS.** A county is authorized to expend funds for the purposes enumerated in this section and for any other activities necessary to an efficient solid waste program.

Sec. 5. **[400.05] SERVICE AREAS; ESTABLISHMENT AND ENLARGEMENT.** Without diminishing the county's authority and responsibility as provided in this act and in order to provide solid waste management services in those areas needing such services, the county board by resolution may establish and determine the boundaries of solid waste management service areas in the county. Before the adoption of the resolution the county board shall hold a public hearing on the question. If a service area is established, the county board may impose service charges for solid waste management services against the users of such services within the area and may levy a tax on all the property in the area, or any combination of charges and taxes. The county board on its own motion may enlarge any existing service area following the procedures specified in this section. Upon the petition of a land owner, his land may be added to the service area without a public hearing on the enlargement.

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Sec. 6. [400.06] INSPECTION; COOPERATION WITH AGENCY. All counties shall provide for the periodic inspection of solid waste collection, storage, transportation and disposal facilities located and being operated within their respective boundaries to determine whether such facilities are being maintained and operated in compliance with applicable county ordinances and rules, regulations, standards, orders, permits, and requirements of the agency. In the event that such facilities are not so in compliance, the county board shall take such actions as are necessary to assure future compliance with all applicable ordinances, rules, regulations, standards and requirements, according to law, and shall cooperate with the agency in obtaining and maintaining such compliance.

Sec. 7. [400.07] DEVELOPMENT OF RESOURCE RECOVERY SYSTEMS. All counties shall cooperate with the agency in the development and implementation of systems for the recovery and use of materials and energy from solid waste, and toward that end, shall modify applicable county ordinances consistent with rules, regulations and standards of the agency concerning this subject.

Sec. 8. [400.08] SERVICE CHARGES. The county may establish by ordinance, revise when deemed advisable, and collect just and reasonable rates and charges for solid waste management services provided by the county or by others under contract with the county. The ordinance may obligate the owners, lessees, or occupants of property, or any or all of them, to pay charges for solid waste management services to their properties and may obligate the user of any facility to pay a reasonable charge for the use of the facility. Rates and charges may take into account the character, kind, and quality of the service and of the solid waste, the method of disposition, 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 facilities. The rates and charges may be billed and collected in such manner as the board shall determine. All rates and charges shall be uniform in their application to use and service of the same character and quantity. A notice of intention to enact such an ordinance, published pursuant to Minnesota Statutes, Section 375.51, Subdivision 2, shall provide for a public hearing thereon to be held prior to the meeting at which the ordinance is to be considered.

Sec. 9. [400.09] REVENUE BONDS. The county may issue revenue bonds, payable solely from net revenues derived from rates and charges established as provided in section 8 in excess of current, reasonable, and necessary costs of the operation and maintenance of the county solid waste management program, for the acquisition or betterment of facilities for the program, or for refunding outstanding revenue bonds. It may irrevocably pledge and appropriate for the payment of the revenue bonds and interest thereof the net revenues

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from the operation of all or any defined portion of the solid waste management program, and by resolution of the board or by an indenture executed under its authority may make any and all covenants with the bondholders, or with a trustee for the bondholders, which are determined by it to be necessary or proper to assure the marketability of the bonds, the completion of the facilities financed thereby, the segregation of the revenues pledged in a special account in the solid waste management fund, and the establishment, maintenance, and collection of rates and charges sufficient to produce net revenues adequate to pay the bonds and interest thereon when due and to create and maintain a reserve for that purpose, and may mortgage the site and facilities to the trustee. The bonds shall be authorized, issued, and sold as provided in Minnesota Statutes, Chapter 475.

Sec. 10. [400.10] GENERAL OBLIGATION BONDS. The county may issue general obligation bonds for the acquisition or betterment of facilities for the program, or for refunding outstanding general obligation bonds issued for this purpose, in the manner and subject to the limitations provided in Minnesota Statutes, Chapter 475, except as otherwise provided in this subdivision. It may by resolution of the county board provide for the payment of such bonds and interest thereon primarily from the net revenues to be derived from rates and charges established as provided in section 8, and may irrevocably pledge and appropriate for this purpose the net revenues from the operation of all or any defined portion of the solid waste management program. If such a pledge of revenues is made, the bonds shall be designated as general obligation revenue bonds, and no election shall be required thereon, and the bonds shall not be included in the net debt of the county for the purpose of any limitation of indebtedness. Upon the issuance of any series of such bonds a reserve shall be established from revenues on hand or from the proceeds of the bonds, and the full faith and credit of the county shall be pledged for the maintenance of the reserve thereafter, in an amount equal at all times to the maximum amount of principal and interest to become due on the bonds in any subsequent year until the reserve is sufficient for the retirement of all remaining bonds of the series. While any of the bonds are outstanding the county shall establish, maintain, and collect rates and charges sufficient to produce net revenues adequate to pay the principal and interest on the bonds when due and estimated to be sufficient to maintain the reserve. The amount of any taxes which are required to be levied for the restoration of any deficiency in the reserve shall be reimbursed from the solid waste management fund to the general fund of the county whenever net revenues become available for this purpose, in excess of amounts required to pay current principal and interest and to maintain the reserve.

Sec. 11. [400.11] TAX LEVIES; ADVANCE FUNDING. The county may levy taxes for solid waste management purposes upon all

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taxable property within the county, which shall not affect the amount or rate of taxes which may be levied for other county purposes. The county may levy a tax in anticipation of need for solid waste management purposes as specified in the resolution levying the tax, appropriating the proceeds of the tax to a special fund to be used only for those purposes and, until used, to be invested in securities authorized in Minnesota Statutes, Section 475.66. Any taxes levied under this section shall not exceed three mills on all taxable property within the county.

Sec. 11A. [400.12] HEARING ON LEVIES. Before the levy authorized by section 11 is made, the county board shall hold a public hearing on the question. Notice of the time and place of said hearing shall be published in one or more legal newspapers of general circulation in the county once in each week for two successive weeks prior to said hearing. The published notice shall be in a form determined by the county board, which form shall be sufficient in size and prominent in format in order to attract the attention of the reader. In any event the notice shall be of a size at least two columns in width by six inches in length. The notice shall set forth the number of mills or dollars proposed to be levied. The hearing required by this section may be consolidated with the hearing required by section 8.

Sec. 12. [400.13] SOLID WASTE MANAGEMENT FUND. Any county operating solid waste management facilities pursuant to section 4, subdivision 3, and establishing fees for the provision of services by the county pursuant to section 8, shall continuously maintain a special account on its official books and records designated as the solid waste management fund, to which it shall credit all receipts from the rates and charges authorized in section 8 and from the sale of real or personal property pertaining to the solid waste disposal system, and the proceeds of all gifts, grants, loans, and issues of bonds for the purposes of the system, and to which it shall charge all costs of the acquisition, construction, enlargement, improvement, repair, supervision, control, maintenance, and operation of the system and of all facilities included therein. Separate accounts may be established within this fund for the segregation of revenues pledged for the payment of bonds or loans, or money granted or borrowed for use for a specific purpose.

Sec. 13. [400.14] DISPOSITION OF PROPERTY. The county board may sell, lease, convey, or otherwise dispose of any real or personal property held for solid waste management purposes, upon determination that it is no longer needed for such purposes, or may provide for its use for other lawful county purposes. Real or personal property shall be sold, leased, and conveyed upon advertisement for bids in accordance with Minnesota Statutes, Section 373.01.

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Sec. 14. **[400.15] GIFTS, GRANTS, OR LOANS.** The county may by resolution of the board accept gifts, grants, or loans of other property from the United States of America, the state of Minnesota, or any agency or subdivision thereof, or from any other source, for any solid waste management purpose; may enter into any agreement required in connection therewith, for repayment or otherwise, and may hold, use, and dispose of such money or property in accordance with the terms of the gifts, grant, loan, or agreement.

Sec. 15. **[400.16] REGULATIONS.** The county may by ordinance establish and from time to time revise rules, regulations, and standards for solid waste management and land pollution, relating to (a) the location, sanitary operation, and maintenance of solid waste management facilities by the county and any municipality or other public agency and by private operators; (b) the collection, transportation, storage, and disposal of solid waste; (c) the amount and type of equipment required in relation to the amount and type of material received at any facility; (d) the control of salvage operations, water or air or land pollution, and rodents; (e) the termination or abandonment of facilities or activities; and (f) such other matters as may be determined necessary for the public health, welfare, and safety. The county may issue permits or licenses for solid waste management facilities and may require that such facilities be registered with an appropriate county office. The ordinance may require appropriate procedures for termination or abandonment of any facilities or services, and for the payment by the owners or operators thereof, or both, of any costs incurred by the county in completing such procedures. In the event the operators or owners fail to complete such procedures in accordance with the ordinance, the county may recover the costs of completion in a civil action in any court of competent jurisdiction or, in the discretion of the board, the costs may be certified to the county auditor as a special tax against the land to be collected as other taxes are collected. The ordinance may be enforced by injunction, action to compel performance, or other appropriate action in the district court. Any ordinance enacted under this section shall embody minimum standards and requirements established by rule of the agency.

Sec. 16. **[400.17] TITLE.** This act may be cited as the County Solid Waste Management Act of 1971.

Sec. 17. **REPEAL.** Laws 1969, Chapters 132, 466, and 860, and each special law enacted at the 1971 session of the legislature relating to the authority of a single county to conduct a solid waste management program are repealed.

Sec. 18. **APPLICATION AND EFFECTIVE DATE.** This act is effective on the day next following its final enactment, except that section 17 is effective July 1, 1971.

Approved May 19, 1971.

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