

## **ORDINANCE #11**

**Subdivision 1. Purpose.** This ordinance regulates the establishment, construction, modification, ownership, or operation of waste tire facilities, and the storage, use, processing and disposal of waste tires and waste tire products in Kanabec County.

### **Subdivision 2. Definitions.**

2.1 "County Board" means the Kanabec County Board of Commissioners.

2.2 "Zoning Administrator" means the Kanabec County Zoning Administrator.

2.3 Unless otherwise denoted, all other terms shall have the definitions given by Minnesota Agency Rules 9220.0210 and other sources incorporated therein by reference.

2.4 "Tire" means a pneumatic tire or solid tire for motor vehicles.

2.5 "Waste Tire" means a tire that is no longer suitable for its original intended purpose because of wear, damage or defect.

2.6 "Tire-derived products" means the usable materials produced from the chemical or physical processing of a waste tire, including tire shreds and tire crumbs. "Tire-derived products" does not include manufactured consumer products including but not limited to, cow mats, door mats and mulch rings.

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### **Subdivision 3. Waste Tire Facility Permit Required.**

3.1 Except as provided in 3.2, no person may do any of the following within Kanabec County without obtaining and possessing a valid Waste Tire Facility Permit from the Minnesota Pollution Control Agency and the Kanabec County Board of Commissioners:

3.1.1 Store, process or dispose of waste tires or tire-derived products; or

3.1.2 Establish, construct, modify, own or operate a waste tire facility.

3.2 Exclusions. The following persons are not required to obtain a Waste Tire Facility Permit:

3.2.1 A retail tire seller for the retail selling site if no more than 500 waste tires are kept on the business premises;

3.2.2 An owner or operator of a tire re-treading business for the business site if no more than 3,000 waste tires are kept on the business premises;

3.2.3 An owner or operator of a business who, in the ordinary course of business, removes tires from motor vehicles if no more than 500 waste tires are kept on the business premises, for example, a salvage yard;

3.2.4 A permitted landfill operator with less than 10,000 waste tires stored above ground at the permitted site;

3.2.5 A person using waste tires for agricultural purposes, if the waste tires are kept on the site of use and are cut and split, or, if unsplit, no more than 1000 tires on site; or

3.2.6 A person conducting abatement activities under an abatement order or stipulation agreement entered into under part 7035.8020 of Minnesota Agency Rules. This exemption does not exempt the person from the duty to obtain a waste tire facility permit for activities other than the abatement action.

#### **Subdivision 4. Issuance of Waste Tire Facility Permit.**

4.1 A Waste Tire Facility Permit shall be issued to an applicant who does all of the following:

4.1.1. Submits an application to the Zoning Administrator on an approved form accompanied by an application fee, which shall be established by the County Board by resolution.

4.1.2 Files with the Zoning Administrator a copy of the permit issued by the Minnesota Pollution Control Agency, or properly and adequately demonstrates that the applicant has Permit by Rule status with the Minnesota Pollution Control Agency.

4.1.3 Demonstrates compliance with all applicable zoning and use ordinance.

4.2 All facilities will be limited to no more than 1000 tires on site at any given time.

4.3 All facilities shall have an approved fire plan on record with the Kanabec County Environmental Services from the local fire official.

**Subdivision 5. Terms and Conditions of Waste Tire Facility Permit.** Permits shall be valid for one year from the date of issuance or until the license From Minnesota Pollution Control becomes invalid, whichever occurs first.

**Subdivision 6. Tire Shreds.**

6.1 The use of tire-derived products as lightweight fill or for other engineering benefits for Township and County projects and Township, County or State Roads/Highways is permitted only when used in compliance with MNDot standards and Minn. Stat §115A.912, Subd. 4.

6.2 A tire shred permit shall be issued to an applicant who files with the Zoning Administrator a copy of the permit issued by the Minnesota Pollution Control Agency, or properly and adequately demonstrates that the applicant has Standing Beneficial Use status with the Minnesota Pollution Control Agency.

6.3 A permit or inspection verification from the Minnesota Pollution Control Agency and a Kanabec County permit is required for all tire shred projects.

6.4 The use of tire-derived products for an aggregate substitute or as light weight fill on driveways and field roads will be allowed if it is an engineered design and the data shows a need for their use. The use of tire shreds for any other purposes, such as retaining wall backfill, soil stabilization, foundation insulation, and storm water storage is not allowed unless approved by the Kanabec County Board of Commissioners and a permit is issued.

6.5 Under no circumstances will shredded tires be permitted to be placed below the normal groundwater elevation.

6.6 All projects shall have an approved fire plan provided by the local fire official included with their permit application.

**Subdivision 7. Tire Shreds Driveway /Field Road Specifications and Inspection**

7.1. Specifications:

- Maximum finished top width: 20 feet
- Maximum bottom width of shredded tire fill: 26 feet
- Maximum thickness of shredded tires: 3 feet
- Minimum cover over tire shreds: 1.5 feet granular fill and 0.5 feet of Class 5 aggregate
- Finished side slopes: 3:1
- Tire fill side slopes: 1:1
- Shredded tires must be encapsulated in an approved geotextile fabric and

placed above the normal ground water elevation

7.2 Shredded tires must:

- 80% by weight pass a 6" screen
- Be free of oil, grease, and other contaminants
- Have metal fragments firmly attached and 98% embedded to the tire material
- Have at least one (1) sidewall severed from the face of the tire

7.3 Project must be engineer designed and prepared by an engineer licensed by the State of Minnesota

7.4 Project must show that there is an engineering need for the use of waste tire material.

7.5 Inspections.

7.5.1 Inspection will be conducted by the Kanabec County Engineer or representative. Inspections will require a 24 hour advance notice from the installer.

7.5.2 The following inspections are required:

7.5.2.1 Review and approval of plan

7.5.2.2 Inspection of trench prior to placement of geotextile

7.5.2.3 Inspection of geotextile and tire shreds prior to placement of cover material

7.5.2.4 Inspection of finished project

## **Subdivision 8. Penalties.**

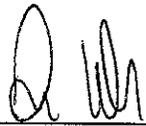
8.1 In addition to any civil remedy available, the violation of any provision of this ordinance shall constitute a misdemeanor, punishable by a maximum penalty of a \$1,000.00 fine or 90 days imprisonment, or both.

8.2 After notification and failure to terminate and abate the operation, each day of operation subsequent to the initial charge shall constitute a separate offense.

**Subdivision 9. Effective Date.** The effective date of this Ordinance shall be November 1, 2011.

Adopted this 28<sup>th</sup> day of September, 2011.

  
Chairman of the Board

Attest:   
Board Clerk

**Doc# 240709**

OFFICE OF COUNTY RECORDER

KANABEC COUNTY, MN

October 03, 2011 12:30 PM

Rhonda Olson, Recorder

Well Certificate [ ] Received

Fee: \$0

Pages: 5