

## Interim Ordinance No. \_\_\_\_\_

WHEREAS, pursuant to Chapters 400 and 115A of Minnesota Statutes, Mower County has the ability to regulate and manage waste in order to protect the State's land, air, water, and other natural resources and the public health by improving waste management in the county through such diverse things as reduction in the amount and toxicity of waste generated; separation and recovery of materials and energy from waste; reduction in indiscriminate dependence on disposal of waste; insuring the orderly and deliberate location and development of waste facilities; and insuring adequate financial security of waste facilities, including disposal facilities; and

WHEREAS, the waste management goal of the State is to foster an integrated waste management system in a manner appropriate to the characteristics of the waste stream and thereby protect the state's land, air, water and other natural resources and the public health; and

WHEREAS, the policy of Mower County is to provide for the management of solid waste in a manner that will protect the public health, welfare and safety, prevent the spread of disease, prevent the creation of nuisance, conserve natural resources, and protect the State's water, air and land resources. It is also the policy of the County to conform to the purposes outlined in Minn. Stat. § 115A.02 and to establish and implement a County Solid Waste Management Plan pursuant to Minn. Stat. § 115A.46.

WHEREAS, pursuant to Minnesota Statutes § 394.34, the Mower County Board of Commissioners has the authority to adopt an interim zoning ordinance for the purpose of classifying and regulating land uses and related matters.

WHEREAS, Mower County has initiated a study of its Official Controls insofar as they relate to waste management and regulations, a process that may result in changes to its Zoning Ordinance, Waste Management Ordinance, and Comprehensive Land Use Plan; and

WHEREAS, Mower County intends to conduct one or more public hearings relating to any proposed changes its Official Controls if recommended by and through the study referred to above; and

WHEREAS, the Mower County Board desires to protect the public health, safety and welfare by its study of the County's waste management and regulations; and

WHEREAS, the Mower County Board deems it necessary to adopt an Interim Ordinance placing a moratorium on the location and establishment of new solid waste facilities, and the expansion of existing solid waste facilities, for a period of one year from the effective date of this Interim Ordinance to permit the planning process to take place and to allow County staff, the Planning Commission and the County Board sufficient time to proceed in an orderly fashion to make any necessary changes, modifications and updates to the County's Official Controls and Comprehensive Plan.

NOW, THEREFORE, the Mower County Board of Commissioners Hereby Ordains:

- Section 1. Temporary Restrictions on Solid Waste Facility Zoning and Permitting. For a period of one year from the effective date of this Interim Ordinance, or until such earlier time as the Mower County Board of Commissioners determines by resolution that the reasons for the interim ordinance no longer exist, no application for zoning, rezoning or land use permit (including, without limitation, conditional use permits) for a solid waste facility shall be accepted, processed or approved by the County.
- Section 2. Temporary Restrictions on Solid Waste Facility Operation and Licensing. For a period of one year from the effective date of this Interim Ordinance, or until such earlier time as the Mower County Board of Commissioners determines by resolution that the reasons for the interim ordinance no longer exist, no application for the expansion or establishment of any solid waste facility shall be accepted, processed or approved by the County.
- Section 3. Definitions and Application. The term “solid waste facility” shall have the meaning given to it in Section 6.2 of the Solid Waste Management Ordinance. This Interim Ordinance shall not prohibit the re-issuance of any necessary license to operate a solid waste facility in accordance State Law and/or with the County’s Solid Waste Ordinance, so long as the license does not expand or change in any way the materials disposed of in the facility. The temporary restrictions set forth in sections 1 and 2 apply to any pending or future applications.
- Section 4. Enforcement. Mower County may enforce any provision of this Ordinance by any and all means authorized by Mower County Ordinances and State Statutes.
- Section 5. Effective Date. This Ordinance shall take effect on the date of its passage and shall be in effect for a period of one year from the date hereof, unless earlier terminated by the Mower County Board of Commissioners.
- Section 6. Severability. Every section, provision, or part of this Interim Ordinance is declared severable from every other section, provision, or part thereof to the extent that if any section, provision, or part of this ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.

Ordinance moved by \_\_\_\_\_, seconded by \_\_\_\_\_ and adopted this \_\_\_\_ day of May, 2015.

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Mike Ankeny  
Chair, Mower County Board of Commissioners

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Craig Oscarson  
Mower County Coordinator