

ORDINANCE NO. 3714

AN ORDINANCE AMENDING SECTION 8.08.020, SECTION 8.08.030, SECTION 8.08.070, SECTION 8.08.170, SECTION 8.08.240, OF CHAPTER 8.08 OF THE RAPID CITY MUNICIPAL CODE RELATING TO GARBAGE AND REFUSE.

BE IT ORDAINED by the City of Rapid City that Section 8.08.020 of Chapter 8.08 of the Rapid City Municipal Code be amended as follows:

Article I. General Provisions

8.08.020 Service district established.

There is established a garbage service district within the city consisting of all of that area ~~shown on the map which is made a part of this section and is attached hereto as Appendix A*, dated December 18, 1995, and filed in the office of the finance officer.~~ presently within and as annexed into the city corporate limits.

~~* Appendix A is not set out herein, but is on file and available for inspection in the finance office of the city.~~

BE IT FURTHER ORDAINED by the City of Rapid City that Section 8.08.030 of Chapter 8.08 of the Rapid City Municipal Code be amended as follows:

8.08.030 Collection and containers—Family domestic units.

A. All family domestic units within the garbage service district shall dispose of their refuse in the following manner: all refuse shall be placed in metal or plastic garbage cans equipped with tightly fitted covers or in plastic bags suitably designed and sufficiently strong to hold and confine the materials placed therein. Garbage cans shall be not more than thirty gallon capacity. Materials placed into a garbage can shall be drained and wrapped in paper to avoid odor and to prevent freezing to the can. No hot ashes shall be placed into any garbage container. The director of public works may require that the use of plastic bags be discontinued at any location if a persistent problem exists with animals breaking plastic bags.

B. Garbage cans and waste material containers required by this section shall be kept on the premises adjacent to an alley bordering on the premises and so as to be accessible from the alley adjoining the premises. Where no alley is available, garbage cans and waste material containers shall be placed on the parkway or parking adjoining the premises, on the day of the garbage collection only during such hours as is practically necessary to permit scheduled collection, and in no event more than twenty-four hours before or twenty-four hours after the scheduled collection time. Garbage cans and waste material containers shall be so placed that the collectors of garbage do not have to carry such cans or containers for a distance of more than ten feet to reach the collection vehicle. No garbage truck shall be required to use any private driveway in collecting refuse under the provisions of this article.

The City shall be solely responsible for all residential garbage and trash collection within new subdivisions of the City (including single-family or multi-family, up to and including 4-plex units). Garbage collection of all residential areas within the City limits not presently serviced by

private enterprise shall be the sole responsibility of the City. Newly annexed areas that were not serviced by private enterprise at the time of annexation shall also be the sole responsibility of the City. All residents within the City receiving City garbage service shall pay the rates specified in Section 8.08.060 and shall comply with the rules and regulations as set forth in this chapter.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 8.08.070 of Chapter 8.08 of the Rapid City Municipal Code be amended as follows:

8.08.070 Collection—Charges.

A. The city shall make a charge for each month for the collection of refuse from each family domestic unit within the garbage service district as established by this chapter. In addition to, and separate from, the charge for collection of refuse, the city shall make a charge for each month for disposal of refuse from each family domestic unit within the garbage service district as established by this chapter. Such charges for collection and disposal of refuse shall be payable by, and chargeable to, either the owner or occupant of each dwelling unit occupied by a family domestic unit. Such charge shall be billed on the monthly water bill to each such family domestic unit and shall be immediately due and payable upon such billing date and shall be payable with, and in addition to, such water bill. In the event of nonpayment of the refuse collection and disposal charges, water service and refuse collection service to the dwelling unit may be forthwith discontinued by the city.

B. In the event refuse collection and disposal service shall be provided by the city under the provisions of this chapter from any family domestic unit within the garbage service district, not independently served by the city water service and billed therefor, the owner and occupant of the dwelling unit occupied by such family domestic unit shall be billed for each month at the same rate that water users are billed. Such refuse collection and disposal service charge shall be forthwith payable to the city by either the owner or occupant of such dwelling unit. In the event of failure of payment of such charges, refuse collection and disposal service to such dwelling unit may be forthwith discontinued.

C. In addition to the foregoing methods of billing and collecting the charges for refuse collection and disposal, the finance officer, with the approval of the mayor, may from time to time adopt, use and enforce such other methods of billing and collection of such charges as may be reasonably efficient, feasible, and appropriate, to the end that in every case all collection and disposal charges provided by this section shall be paid.

D. The following rates are established for charges to be made by the City for collection, recycling and disposal of refuse under this section. These rates will be increased on April 1 each year based upon the annual percentage change in the consumer price index for urban wage earners and clerical workers as computed by the Bureau of Labor Statistics, United States Department of Labor, for the prior year.

	Rate
	(per month)
1. Collection	\$6.00 per month after 1994
	<u>\$8.30 per month</u>

- | | | |
|----|-----------|---|
| 2. | Recycling | \$3.20 per month after 1995
\$3.03 after December 1, 2000
<u>\$3.13 per month</u> |
| 3. | Disposal | \$1.65 per month after 1995
<u>\$1.71 per month</u> |

E. The rates established by subsection D of this section ~~for calendar years 1989 and following~~ shall be reduced by twenty percent for family domestic units in which the head of household is not less than sixty-five years of age, or is totally disabled for Social Security purposes, and has established such fact by certification submitted to the finance officer on forms provided by him. The public works director, subject to council approval, may adopt policies and fees for excess garbage, loose garbage placed in containers, collection by request of automobiles, appliances, trees, branches, and rubbish of an extraordinary character. The public works director may amend and modify the same with council approval.

F. Whereas the state has imposed a tax denominated as an environmental fee on the disposal of solid waste, there is imposed a surcharge of eight cents, in addition to the charges for disposal established by subsection D of this section, which surcharge shall be billed and collected monthly together with the established rate.

Article II Commercial Refuse Collectors

BE IT FURTHER ORDAINED by the City of Rapid City that Section 8.08.170 of Chapter 8.08 of the Rapid City Municipal Code be amended as follows:

8.08.170 Customer containers.

No person shall deposit any refuse for collection by a licensed commercial contractor, except in a suitable watertight metal or plastic container, which is provided with a tightly fitted cover. ~~provided, that leaves, grass and twigs may be placed in suitable and sufficiently strong plastic bags to adequately hold and confine such materials.~~ All paper, pasteboard boxes, building material waste, and similar rubbish and waste shall be deposited for collection in a box or bin provided with a lid which shall be kept closed.

Article IV. City Landfill

BE IT FURTHER ORDAINED by the City of Rapid City that Section 8.08.240 of Chapter 8.08 of the Rapid City Municipal Code be amended as follows:

8.08.240 Charges.

A. No person, firm, corporation or other entity shall place or cause to be placed any refuse, of any type or source, upon the landfill without having first paid the fee prescribed by this section.

B. The following rates are established for the disposal of refuse at the landfill:

By automobile	\$ 1.00
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By pickup or single-axle trailer \$10.00

As an alternative to the above rates, a person may request that his pickup or single-axle trailer be charged based on weight, but in no event shall the disposal fee be less than five dollars (\$5.00).

The landfill manager or his designee may require that any vehicle or trailer or combination be weighed and disposal fees be charged according to the per ton fee schedule.

Per ton

Recycling \$32.00 after 1995
\$30.00 after December 1, 2000

plus

Disposal \$14.00 after 1995

Per cubic yard

Recycling \$12.00 after 1995
\$11.50 after December 1, 2000

plus

Disposal \$5.15 after 1995

The cubic yard rate shall be employed only during such time as the scale is not operating.

C. In lieu of the foregoing charges there is imposed a special charge for the disposal of certain materials as follows:

~~Cut~~ Tires not greater than 16 inches
inside diameter \$ ~~2.00~~ \$2.25

~~Cut~~ Tires greater than 16 inches
inside diameter \$ ~~5.00~~ \$7.00

~~Cut~~ Tires, per ton \$ 185.00

Asbestos-containing materials:

Per ton \$ 46.00
Minimum charge \$ 150.00

Dead animals under 200 pounds \$1.00

Dead animals over
200 pounds 2 times the per ton rate

Other items requiring special
handling 1.5 times the per ton rate

D. The applicability of any charge shall be determined by the landfill site manager in the exercise of his discretion. The charge shall be twice the scheduled charge if the site manager is not informed of the presence of special materials at the time of entry upon the landfill.

E. Whereas the state has imposed a tax denominated as an environmental fee on the disposal of solid waste, there is imposed a surcharge of one dollar, in addition to the charges for disposal established by subsection B of this section, which charge shall be paid along with the established rate for disposal of solid waste.

F. The public works director is authorized to negotiate contracts for terms not exceeding ten years for the disposal of yard waste at the Rapid City landfill. Such contracts may include a fixed charge per ton for the life of the contract, maximum and minimum tonnages, provisions for changes in rates, or any other appropriate provisions. Such contracts shall not be effective until approved by the council.

THE CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:
Second Reading:
Published:
Effective:

Prepared By: CITY ATTORNEY'S OFFICE
