

ORDINANCE NO. 3796

AN ORDINANCE AMENDING SECTION 8.08.030, SECTION 8.08.070, SECTION 8.08.090, 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 8.08.030 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 8.08.070 and shall comply with the following rules and regulations as set forth in this chapter pertaining to the collection of trash and garbage:

1. Single-family residences.

A. Single-family residents of the city, subject to this article, shall comply with automated collection approved by the city in the manner which follows:

1. All existing single-family residents of the city who are subject to this article upon the effective date of this ordinance, shall be issued one (1) automated collection container from the city, in either a small (about thirty-gallon) size, medium (about sixty-gallon) size or large (about ninety-gallon) size. Single-family residents shall be provided a medium size container unless they otherwise notify the city. Single family residents shall also be provided one container for recyclables.

2. All new single-family residents of the city who become subject to this article after the effective date of this ordinance, shall be issued one (1) automated collection container for garbage and one for recyclables from the city.

3. Each family unit (single through 4-plex) shall have one (1) automated collection container for garbage and one (1) automated collection container for recyclables. Charges for garbage service shall be based on the garbage container size.

4. Only city provided automated collection containers shall be allowed for use as garbage and recyclables containers.

5. If the container is stored outside, it shall be kept so as to protect the container and its contents from animals. Garbage placed in the containers shall be bagged and tied to prevent blowing during collection. Loose garbage placed in the container will not be allowed and violators may be penalized as per section 8.12.100. Recyclables shall be placed loose in the automated recycling container provided.

6. Family residents shall place the automated collection containers in a location suitable and readily accessible for collection by the automated collection truck on the scheduled collection day. Containers shall be removed from the curb within twenty-four (24) hours after emptied. Containers shall not be stored at a location closer to the curb than the front of the residence.

B. Family residents of the city subject to this article who have been issued an automated collection container from the city under subsection A above may trade their container in to the city for a different size container. Each family resident must be cognizant of the state mandated solid waste reduction laws and comply with the recycling program to reduce volume.

C. Residents of the city are responsible for picking up trash and garbage from tipped containers.

D. If an automated collection container issued by the city becomes unusable because of damages resulting from the automated collection truck, the city will replace the container at no cost to the single-family resident. However, if an automated collection container becomes unusable due to damages resulting from causes other than the automated collection truck, the single-family resident shall be responsible to purchase a new container from the city.

2. Multifamily residence.

A. A multifamily residence shall utilize automated collection containers. A multifamily residence shall have an account (duplex through 4-plex) for each family unit and may be issued more than one automated collection container depending upon need and at the discretion of the city public works department.

B. A multifamily residence shall make space available for garbage and recycling containers for use by its residents.

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	\$8.30 per month <u>Small - \$6.25 per month</u> <u>Medium - \$7.75 per month</u> <u>Large - \$9.25 per month</u>
2. Recycling	\$3.13 per month
3. Disposal	\$1.71 per month

E. The rates established by subsection D of this section 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.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 8.08.090 of Chapter 8.08 of the Rapid City Municipal Code be amended as follows:

8.08.090 Unlawful deposits.

No person shall deposit, place or throw any refuse in or upon any street, alley or other public place. No person shall place any refuse upon any private property, whether owned by such person or not, unless such garbage shall be enclosed in a ~~garbage can or in a suitable~~ an automated collection container meeting the requirements of this chapter.

THE CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:
Second Reading:
Published:
Effective:

Prepared By: CITY ATTORNEY'S OFFICE