

ORDINANCE NO. 5509

AN ORDINANCE TO PROVIDE AN EXEMPTION TO TRASH COLLECTION REQUIREMENTS FOR CERTAIN MULTI-FAMILY DWELLING UNITS BY AMENDING SECTION 8.08.030 OF THE RAPID CITY MUNICIPAL CODE

WHEREAS, the City of Rapid City has enacted an ordinance providing for the collection of residential trash for single-family and multi-family dwellings; and

WHEREAS, the City of Rapid City currently requires all multi-family residences from duplexes up to and including 4-plexes to have an account and collection unit for each family unit; and

WHEREAS the Common Council believes it is in the best interests of the City of Rapid City to provide an exception for such requirement in limited instances where numerous 4-plexes are constructed in a planned development.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Section 8.08.030 of the Rapid City Municipal Code be amended to read in its entirety as follows:

8.08.030 Collection and containers–Family domestic units.

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 § 8.08.070 and shall comply with the following rules and regulations pertaining to the collection of trash and garbage:

A. *Single-family residences.*

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

a. All existing single-family residents of the city who are subject to this article upon the effective date of the ordinance codified in this section, shall be issued 1 automated collection container from the city, in either a small (about 30-gallon) size, medium (about 60-gallon) size or large (about 90-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 1 container for recyclables.

b. All new single-family residents of the city who become subject to this section after the effective date of the ordinance codified in this section shall be issued 1 automated collection container for garbage and 1 for recyclables from the city.

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

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

e. If the container is stored outside, it shall be kept so as to protect the container and its content 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 § 8.12.100. Recyclables shall be placed loose in the automated recycling container provided.

f. 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 24 hours after emptied. Containers shall not be stored at a location closer to the curb than the front of the residence.

2. Family residents of the city subject to this article who have been issued an automated collection container from the city under subsection 1. 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.

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

4. 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.

B. *Multifamily residence.*

1. 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 1 automated collection container depending upon need and at the discretion of the city's Public Works Department.

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

3. Notwithstanding the requirements of this Section, an exception may be granted by the Director of Public Works or his designee upon application to single story, residential apartment structures, comprised of a minimum of four dwelling units each (4-plexes), which are the sole residential building components of an approved Planned Residential Development (PRD) having a total of at least 40 dwelling units (e.g. ten 4-plex structures) and which are addressed on private streets.

4. Denial of an exception pursuant to 8.08.030(B)(3) by the Director of Public Works or his designee may be appealed to the Common Council.

THE CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:
Second Reading:
Published:
Effective: