

ORDINANCE NO. 5973

**AN ORDINANCE AMENDING PROVISIONS CONCERNING
GARBAGE AND REFUSE COLLECTION IN NEWLY ANNEXED AREAS
BY AMENDING SECTION 8.08.030 OF THE RAPID CITY MUNICIPAL CODE**

WHEREAS, the Common Council has adopted an ordinance governing garbage collection service within City limits in Rapid City Municipal Code Chapter 8.08; and

WHEREAS, Section 8.08.030 provides that newly annexed areas of the city that are serviced by private garbage collection shall be the sole responsibility of the City for garbage service within 365 days of annexation;

WHEREAS, often residents in newly-annexed areas may be parties to existing contracts with private garbage collection which extend beyond one year; and

WHEREAS, the Common Council wishes to amend the provisions in 8.08.030 to allow the City to permit residents in newly-annexed areas to continue with private garbage service on a case-by-case basis if the City and the residents agree to such private garbage service beyond 365 days of annexation; and

WHEREAS, the Common Council believes it is in the best interest and general welfare of its citizens to amend the provisions concerning City garbage service for newly-annexed areas.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Rapid City Municipal Code 8.08.030 is hereby amended 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. Newly annexed areas that are serviced by private enterprise at the time of annexation shall be the sole responsibility of the city for garbage service within 365 days of annexation, or a later date if permitted by the Common Council. All residents within the city receiving city garbage service shall pay the charges and fees 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 (35-gallon) size, medium (65-gallon) size or large (95-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 is prohibited. 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 no later than 7:00 a.m. 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. The family resident may bring their container to the Solid Waste office for exchange at no charge, or a different size container may be delivered by the city for a fee of \$15. 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.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:
Second Reading:
Published:
Effective: