

ORDINANCE NO. 5842**AN ORDINANCE REGULATING GARBAGE AND REFUSE
WITHIN THE CITY OF RAPID CITY BY AMENDING CHAPTER 8.08
OF THE RAPID CITY MUNICIPAL CODE.**

WHEREAS, the City of Rapid City currently has ordinances regulating garbage and refuse within the City; and

WHEREAS, the Common Council of the City of Rapid City desires to update the current ordinances regulating garbage and refuse, in order to make certain changes; and

WHEREAS, the changes include amending and adding certain definitions to Chapter 8.08 of the Rapid City Municipal Code; and

WHEREAS, the changes include removing the garbage and refuse fees and rates from the ordinances, in order to establish garbage and refuse fees and rates by resolution; and

WHEREAS, the changes include providing a private refuse service phase-out period of three hundred sixty-five (365) days for areas newly annexed into the City; and

WHEREAS, the Common Council of the City of Rapid City deems it in the best interests of the City, and deems it protection of the public health, safety and welfare of the community to amend Chapter 8.08 of the Rapid City Municipal Code, which relates to garbage and refuse.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Chapter 8.08 of the Rapid City Municipal Code is hereby amended to read as follows:

~~ARTICLE I. GENERAL PROVISIONS~~**~~8.08.010 Definitions.~~**

~~—For the purposes of this chapter:~~

~~—A. **ACCEPTABLE BIODEGRADABLE YARD WASTE BAGS.** For the purposes of this chapter, shall be defined as those bags which are durable, manufactured of 100% paper, and are readily decomposed over a period of 1 year in a biologically active compost. The public works director reserves the right to specify the use of biodegradable bags of particular type and manufacture in order to manage the municipal yard waste composting program in the most efficient and convenient manner.~~

~~—B.— **ASBESTOS.** Includes any material containing more than one percent asbestos by area, and subject to any state, federal or city law or regulations.~~

~~—C.— **BIOLOGICALLY ACTIVE COMPOST.** For the purposes of this chapter, shall mean an environment of a managed compost project containing the elements of heat, moisture and oxygen sufficient to support accelerated decomposition of organic vegetable matter by aerobic microorganisms.~~

~~—D.— **FAMILY DOMESTIC UNIT.** Shall be deemed to be and mean any single independent family unit, irrespective of the number of persons constituting the family, but shall not include a situation where more than 1 family lives together in any single residence or abode, but in such situation, each of the independent families shall be deemed and regarded as a separate and distinct family domestic unit. Each independent family unit living in a multiple dwelling residence, apartment house or any type of residence (including mobile homes other than mobile homes in a licensed mobile home court) shall each be deemed a family domestic unit for the purposes of this chapter. A roominghouse that supplies lodging only for hire and which does not serve meals to any lodgers and does not permit cooking and eating on the premises shall be deemed a family domestic unit for the purposes of this chapter.~~

~~—E.— **GARBAGE.** Shall be deemed solid and semisolid putrescible animal and vegetable wastes resulting from the handling, preparing, cooking, storing, serving or consuming of food or of material intended for use as food, and all offal, excluding useful industrial byproducts, from all public and private establishments and from all residences.~~

~~—F.— **HAZARDOUS WASTE.** Shall be deemed to be any waste which is defined as hazardous by state, federal or local laws or regulations, or which is deemed by the sanitation superintendent as posing a hazard to the landfill, human health or the environment.~~

~~—G.— 1.— **INFECTIOUS WASTE.** Shall be deemed to include material containing pathogens of sufficient virulence and quantity that exposure to the material by a susceptible host could result in an infectious disease. The materials, include, but are not limited to the following:~~

~~———— a.— Isolation waste, material generated by contact with hospitalized patients who are isolated to protect others from communicable diseases as defined by the Centers for Disease Control (see Guidelines for Isolation Precautions in Hospitals, July, 1983);~~

~~———— b.— Cultures and stocks of infectious agents and associated biologicals, specimen cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the productions of biologicals, and discarded live and attenuated vaccines, together with any culture dishes and devices used to transfer, inoculate or mix cultures or other such agents;~~

~~———— c.— Human blood and blood products, all waste human blood and blood products such as serum, plasma and other blood components;~~

~~———— d. — Pathological waste, consisting of tissue, organs, body parts or body fluids that are removed during surgery or autopsy;~~

~~———— e. — Contaminated sharps, including hypodermic needles, syringes, pasteur pipettes, broken glass, scalpel blades and other similar items which have come into contact with infectious agents during use in patient care or in medical research;~~

~~———— f. — Contaminated animal carcasses, body parts and bedding, including all such materials exposed to pathogens in research, and the production of biologicals, or in the in vivo testing of pharmaceuticals;~~

~~———— g. — Miscellaneous contaminated waste, including materials contaminated by contact with pathogens during surgery or autopsy, laboratory testing or experimentation, materials which were in contact with the blood of patients undergoing hemodialysis, and all other materials contaminated by contact with pathogens.~~

~~———— 2. — **INFECTIOUS WASTE.** Shall not include material which has been rendered noninfectious by autoclaving, incineration, or other process recognized and accepted by the medical profession or material determined to be not infectious by a responsible, authorized, licensed practitioner at the facility at which such waste was generated; provided, however, the sanitation superintendent shall have final authority, within his or her sound discretion, to determine what is and what is not infectious waste.~~

~~— H. — **LIQUID WASTE.** Shall be deemed to be liquids or waste containing free moisture.~~

~~— I. — **REFUSE.** Shall be deemed putrescible and nonputrescible wastes, including, but not limited to garbage, rubbish, ashes, incinerator ash, incinerator residues, street cleanings, market and industrial solid wastes, and sewage treatment wastes in dry or semisolid form.~~

~~— J. — **RUBBISH.** Is deemed nonputrescible solid waste consisting of combustible and noncombustible wastes, such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, trees or portions of trees, or other litter with similar properties.~~

~~— K. — **SPECIAL WASTE.** Is deemed to include all hazardous waste, liquid waste, infectious waste, and other waste requiring special handling under any state, federal, or city law or regulation.~~

~~— L. — **TOXIC WASTE.** Is deemed to be any waste which is defined as toxic by state, federal or local laws or regulations, or which is deemed to by the sanitation superintendent as posing a toxic hazard to the landfill, human health or the environment.~~

~~— M. — **UNSHREDDED TIRE.** Is deemed any tire which has not been shredded or otherwise cut apart in such a manner as the landfill site manager shall determine sufficient to prevent movement of the tire after burial thereof.~~

~~—N.— **YARD WASTE.** For the purposes of this chapter, shall be defined as natural, nonputrescible solid vegetation waste produced by commercial or private residential landscaping activities. The waste shall include lawn cuttings, lawn rakings, branches, trees and garden waste, free of other debris or rubbish.~~

~~**8.08.020 Service district established.**~~

~~—There is established a garbage service district within the city consisting of all of that area presently within and as annexed into the city corporate limits.~~

~~**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 multi family 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.~~

~~8.08.040 Collection containers Hazardous or special waste prohibited.~~

~~—No person shall place any hazardous or special waste into any container for collection by the city or any commercial refuse collector licensed by the city pursuant to this chapter.~~

~~8.08.050 Collection Family domestic units.~~

~~—The city shall collect refuse from residential properties occupied by family domestic units only within the garbage service district. The refuse shall be deposited by the family domestic unit in garbage cans or waste material containers as provided by § 8.08.030. The Director of Public Works may, at his or her discretion and from time to time, allow collection of other refuse as he or she may reasonably determine.~~

~~8.08.060 Collection Commercial establishments.~~

~~—All commercial establishments, including, but not limited to hotels, motels, food or beverage service establishments and retail, wholesale, service, industrial and warehousing establishments, shall arrange for disposal of refuse generated by or accruing to the establishment either by a licensed commercial garbage hauler or by personnel and vehicles of the establishments.~~

~~8.08.065 Collection Yard waste.~~

~~—From and after January 1, 1994, no yard waste shall be placed for collection or delivered to the city landfill or yard waste recycling centers for disposal unless contained in acceptable biodegradable yard waste bags. The foregoing notwithstanding, yard waste may be delivered without any container to the landfill or to yard waste recycling centers. No yard waste shall be commingled with any trash, rubbish, infectious or hazardous waste, or other nonyard waste materials. The landfill is authorized to refuse acceptance for collection or disposal of any yard waste not in conformity with this section.~~

~~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. The 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. The charge shall be billed on the monthly water bill to each such family domestic unit and shall be immediately due and payable upon the billing date and shall be payable with, and addition to, the 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 therefore, the owner and occupant of the dwelling unit occupied by the family domestic unit shall be billed for each month at the same~~

rate that the water users are billed. The refuse collection and disposal service charge shall be forthwith payable to the city by either the owner or occupant of the dwelling unit. In the event of failure of payment of the charges, refuse collection and disposal service to the 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 the 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 effective December 19, 2007, and then increased on April 1 each year based on the following table.

Year*	2007	2008	2009	2010	2011	2012	2013
Collection 35	\$7.87	\$7.87	\$7.87	\$7.87	\$7.87	\$7.87	\$7.87
Collection 65	9.76	9.76	9.76	9.76	9.76	9.76	9.76
Collection 95	11.65	11.65	11.65	11.65	11.65	11.65	11.65
Recycling	3.97	4.13	4.29	4.44	4.60	4.60	4.60
Disposal	2.43	2.53	2.63	2.72	2.82	2.82	2.82

—*Rate per month

—E.— The rates established by subsection D. of this section shall be reduced by 20% for family domestic units in which the head of household is not less than 65 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 or her. 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 \$.08, 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.

8.08.080 Washing and sanitizing city collection vehicles.

—A.— All vehicles used by the city for the collection and hauling garbage shall be washed and sanitized according to the following schedule:

~~1. May through September: weekly; and~~

~~2. October through April: biweekly.~~

~~B. The washing and sanitizing may be done at any acceptable place approved by the Sanitation Department, and records of the same shall be maintained in the Sanitation Department.~~

~~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 the person or not, unless the garbage shall be enclosed in an automated collection container meeting the requirements of this chapter.~~

~~8.08.100 Burning.~~

~~No garbage, tires, creosote or other matter from which dense smoke or offensive odors emanate during combustion shall be burned outside of any building, or inside any building in a fireplace, wood stove or other wood fired appliance.~~

~~ARTICLE II. COMMERCIAL REFUSE COLLECTORS~~

~~8.08.110 License Required Fee Term.~~

~~No person shall use the streets or alleys of the city for the collection or removal of any refuse for hire, without first having obtained a license to perform the services from the city under this article and having paid a license fee of \$25 per year for each vehicle so engaged. Licensees under this article shall not be required to be licensed separately under Article III of this chapter in order to utilize the landfill. The fee provided for herein is payable for each vehicle utilized during a calendar year or any fraction thereof. Each license issued under this article shall be renewed on or before December 31 of each year.~~

~~8.08.120 License Revocation, suspension or denial.~~

~~The Common Council may revoke, suspend, refuse to issue or transfer any license under this article to any licensee or applicant who fails to comply with the requirements of this article or engages in unfair business practices. The Council shall give 15 days' written notice prior to hearing.~~

~~8.08.130 Vehicles General requirements.~~

~~A. Licensed collectors of refuse shall provide themselves with suitable vehicles so as to prevent the escape of the contents thereof.~~

~~—B.— It is prohibited for any licensed refuse collector to collect or haul wet refuse or material subject to rot, decay or putrefaction, or material or liquids emitting strong or noxious odors, in any type vehicle except in an all metal, packer type vehicle which has been approved by the sanitation superintendent.~~

~~—C.— It is prohibited for any licensed commercial refuse hauler to operate a refuse collection vehicle except in conformity with this chapter and any other applicable ordinances.~~

~~**8.08.140 Vehicles Painting and identification.**~~

~~—Refuse hauling vehicles used by haulers licensed under this article shall be painted at regular intervals so as to be kept in a sanitary condition, or as directed by the Sanitation Superintendent. Each vehicle shall identify the name of the hauler in a manner acceptable to the hauler and the Sanitation Superintendent. In addition, the box capacity shall be displayed on the left side of all compact vehicles in such a manner that the capacity numbering is visible from 25 feet. The tare weight shall be shown in like manner and shall be certified annually at time of licensing.~~

~~**8.08.150 Vehicles Washing and sanitizing.**~~

~~—All vehicles used for the collection and hauling of refuse by licensed refuse collectors shall be washed and sanitized in accordance with the provisions of § 8.08.080.~~

~~**8.08.160 Vehicles Premises where parked or serviced Condition.**~~

~~—The premises on which commercial refuse vehicles under this article are parked or serviced shall be kept free from rubble, trash, debris or garbage.~~

~~**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. 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 III. COMMERCIAL REFUSE DISPOSAL**~~

~~**8.08.180 Permit Required Fee Term.**~~

~~—No person, firm, corporation or other entity engaged in the hauling of refuse for hire shall use the Rapid City landfill for disposal of refuse without first having obtained a permit for the disposal from the Finance Officer and having paid the permit fee of \$5 for each vehicle so engaged. The permit issued hereunder shall expire the end of the calendar year for which it is issued. This permit shall not be required of commercial refuse collectors licensed under Article II of this chapter.~~

~~8.08.190 Permit Revocation, suspension or denial Appeal.~~

~~—The Finance Officer may suspend, revoke or refuse to issue a permit under this article to any permit holder or applicant who is not in compliance or has not complied with the requirements of this article. Any person aggrieved by this action of the city's Finance Officer may appeal his or her decision by filing a written appeal within 10 days with the Common Council.~~

~~8.08.200 Vehicle General requirements.~~

~~—A. Any person operating a vehicle for which a permit has been issued under § 8.08.180 who disposes of refuse at the Rapid City landfill or which travels through the city while carrying refuse, from whatever source, shall provide such with suitable equipment so as to prevent the escape of the contents thereof.~~

~~—B. It is prohibited for any permit holder hereunder to haul refuse or materials subject to rot, decay or putrefaction, or material or liquids emitting strong or noxious odors, in any type of vehicle except in an all metal, packer type vehicle which has been approved by the Health Officer or the Health Department.~~

~~—C. It is prohibited for any permit holder under this article to collect refuse within the city without first having obtained a license under Article II of this chapter.~~

~~8.08.210 Vehicles Painting and identification.~~

~~—All persons holding a permit under this article shall paint their vehicles at regular intervals as necessary or as directed by the city's Sanitation Superintendent. Each vehicle shall identify the name of the hauler in a manner acceptable to the hauler and the Sanitation Superintendent. In addition, the box capacity shall be displayed on the left side of all compaction vehicles in such manner that the capacity numbering is visible from 25 feet. The tare weight shall be shown in like manner and shall be certified annually at time of licensing.~~

~~8.08.220 Vehicles Washing and sanitizing.~~

~~—All vehicles for which a permit has been issued under this article shall be washed and sanitized in accordance with the provisions of § 8.08.080.~~

~~ARTICLE IV. CITY LANDFILL~~**~~8.08.230 Continuation Supervision and operation.~~**

~~—The Rapid City landfill, heretofore established and operated by the city, is continued. The Director of Public Works, through the division of sanitation, shall be responsible for the supervision and hiring of landfill site manager and for the supervision and operation of the landfill.~~

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.— 1.— The following rates are established for the disposal of refuse at the landfill:~~

~~———— a.— By automobile: 2007— \$1.50, 2010— \$2.00; and~~

~~———— b.— By pickup or single axle trailer: 2007— \$15.00, 2010— \$20.00.~~

~~———— 2.— As an alternative to the above rates, a person may request that his or her pickup or single axle trailer be charged based on weight, but in no event shall the disposal fee be less than \$5.~~

~~———— 3.— The landfill manager or his or her designee may require that any vehicle or trailer or combination be weighed and disposal fees be charged according to the per ton fee schedule.~~

~~———— a.— The schedule is as follows:~~

Year	2007	2008*	2009*	2010*	2011*
Collection 35	\$50.00	\$52.00	\$54.00	\$56.00	\$58.00

~~*Effective rate as of April 1 of each year.~~

~~———— b.— The per ton revenue shall be divided between the MRF and the landfill as follows:~~

Year	Tip fee/ton	Landfill	MRF
2007	\$50.00	\$19.84	\$30.17
2008	52.00	20.63	31.37
2009	54.00	21.42	32.58
2010	56.00	22.22	33.78
2011	58.00	23.01	34.99

~~———— 4.— Per cubic yard.~~

~~———— a.— The schedule is as follows:~~

Year	Tip	Landfill	MRF
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	fee/ton		
2007	\$18.38	\$7.29	\$11.09
2008	19.12	7.59	11.53
2009	19.85	7.87	11.98
2010	20.59	8.17	12.42
2011	21.32	8.46	12.86

~~_____ b. 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:~~

Tires not greater than 16 inches inside diameter	\$2.55
Tires greater than 16 inches inside diameter	\$7.95
Tires, per ton	\$210.00
Asbestos-containing materials:	-
—Per ton	Same as tip fee
—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 or her 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 \$1, 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 10 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.~~

~~8.08.250 Free use days.~~

~~—Section 8.08.240 notwithstanding, the public works director may, at his or her discretion, declare free days for the disposal of refuse at the landfill in furtherance of cleanup days and other civic purposes upon the terms and conditions as he or she may reasonably direct. The Common Council may direct or limit the discretion as it may, from time to time, deem appropriate.~~

~~8.08.260 Disposal locations.~~

~~—No person shall deposit any refuse of any kind in or upon the landfill except in a location for such deposit indicated in some suitable manner by the landfill site manager.~~

~~8.08.270 Prohibited wastes.~~

~~—A.— No person, firm, corporation or other entity shall place any liquid waste, hazardous waste or infectious waste upon the landfill. In the event any person, firm, corporation or other entity shall place any such material upon the landfill he or she shall forthwith pay to the city a fee equal to 1½ times the actual cost to the city to correct the situation created thereby, including, but not limited to the costs of isolating the area, removing the material, rehabilitating the disposal site, opening a new disposal site on the landfill as necessitated by the presence of the material, and technical and professional costs including, but not limited to testing, engineering, investigation and legal fees and charges. The city shall not be responsible for the proper disposal of such materials; however, if the city shall arrange for the disposal, the costs thereof shall be included in the preceding costs.~~

~~—B.— Infectious waste which has been treated in a manner acceptable to the sanitation superintendent to remove its infectious potential may be placed for disposal provided the site manager is informed of its presence at the time of entry upon the landfill.~~

~~—C.— From and after January 1, 1994, no yard waste shall be placed for collection or disposal at the city landfill unless the yard waste is separate from other refuse. All yard waste shall be deposited in a separate location at the landfill, as designated by the Director of Public Works.~~

~~—D.— Placement of any material other than yard waste in an area or container designated for yard waste only shall be a violation of this section, punishable by a fine of not more than \$200, by 30 days in jail, or both. Further, any person violating this section shall be liable to a civil action for the recovery of any damages occurring as the result of the violation.~~

~~8.08.275 Exemptions from certain waste reduction targets.~~

~~—The city is exempted from the waste reduction targets for office and computer paper, printed paper products and corrugated cardboard, and plastic containers as set forth in SDCL § 34A-6-67.~~

~~8.08.280 Loads to be secured.~~

~~—A. No vehicle carrying refuse shall be admitted to the landfill unless the refuse is appropriately secured and contained as to prevent the escape of the material in being transported to the landfill on the public streets and highways.~~

~~—B. Paper, plastic and other materials subject to being blown about by the wind shall be enclosed in appropriate containers or baled to prevent its relocation by the wind.~~

ARTICLE I. GENERAL PROVISIONS**8.08.010 Definitions.**

For the purposes of this chapter:

- A. **ACCEPTABLE BIODEGRADABLE YARD WASTE BAGS** means those bags which are durable, manufactured of 100% paper, and are readily decomposed over a period of 1 year in a biologically active compost. The Director of Public Works or his or her designee reserves the right to specify the use of biodegradable bags of particular type and manufacture in order to manage the municipal yard waste composting program in the most efficient and convenient manner.
- B. **ALTERNATIVE DAILY COVER** means any material that when placed in sufficient thickness will act to control disease vectors, odors, blowing litter, and scavenging. Material must be nonflammable and have a consistency similar to dirt or sand. All alternative daily cover material must be approved by the Secretary of the South Dakota Department of Environment and Natural Resources, and the Director of Public Works or his or her designee.
- C. **APPLIANCE** means any residential or commercial appliance including, but are limited to any gas or electric stove, washer, gas or electric clothes dryer, refrigerator, air conditioner, dehumidifier, gas or electric water heater, or gas or electric furnace. See also “Freon Containing Appliances.” Major Appliances may also be referred to as “White Goods,” which is defined in the Administrative Rules of South Dakota as discarded refrigerators, ranges, washers, water heaters, and other similar domestic and commercial appliances.
- D. **ASBESTOS** means any material containing more than one percent asbestos by area, and subject to any state, federal or city law or regulation.

- E. **ASH** means any material or residue that is the byproduct of combustion.
- F. **ASPHALT** means a mixture of mineral aggregates and bitumen used in the construction of road and parking surfaces. Acceptable asphalt shall contain no greater than twenty percent (20%) dirt, rock, or other inert material.
- G. **ASPHALT SHINGLE** means a roofing material manufactured by coating a reinforcing material (felt or fibrous glass mat) with asphalt and having mineral granules on the side exposed to the elements. Asphalt shingles include felt paper used as a primary layer before installing shingles.
- H. **BIOLOGICALLY ACTIVE COMPOST** means an environment of a managed compost project containing the elements of heat, moisture and oxygen sufficient to support accelerated decomposition of organic vegetable matter by aerobic microorganisms.
- I. **CAR** means a totally enclosed vehicle having no more than two axles containing seats for the transportation of people.
- J. **CO-MINGLED RECYCLABLES** means household recyclable materials accepted by the Material Recovery Facility, including but not limited to plastic and glass bottles, aluminum cans, and steel food cans.
- K. **CONCRETE** means waste material from roadways, sidewalks, and other construction projects that contains portland cement as a binder. Acceptable concrete may include rebar, steel fence posts, and rock that is less than eighteen inches (18") in diameter.
- L. **CONSTRUCTION DEBRIS** includes, but is not limited to, carpet, wood, construction plastic, shingles, glass, metals, wiring, insulation, tile, drywall, furniture, concrete, and mattresses.
- M. **CORRUGATED CARDBOARD** means paper-based material consisting of a fluted corrugated sheet and one or two flat linerboards. Acceptable corrugated cardboard consists of shipping boxes and moving boxes and must be dry and free of contamination (meaning free from soiled food or other wet materials).
- N. **COVER MATERIAL** means soil or other suitable material that is approved by the Secretary of the South Dakota Department of Environment and Natural Resources and the Director of Public Works or his or her designee, and that is used to cover compacted solid wastes.
- O. **DEAD ANIMAL** means any whole animal or carcass of wild or domestic origin.
- P. **DIRT** means material containing soil, humus, and stone or rock not exceeding eight inches (8") in diameter.

- Q. FAMILY DOMESTIC UNIT** means any single independent family unit, irrespective of the number of persons constituting the family, but shall not include a situation where more than 1 family lives together in any single residence or abode, but in such situation, each of the independent families shall be deemed and regarded as a separate and distinct family domestic unit. Each independent family unit living in a multiple dwelling residence, apartment house or any type of residence (including mobile homes other than mobile homes in a licensed mobile home court) shall each be deemed a family domestic unit for the purposes of this chapter. A roominghouse that supplies lodging only for hire and which does not serve meals to any lodgers and does not permit cooking and eating on the premises shall be deemed a family domestic unit for the purposes of this chapter.
- R. GARBAGE** means solid and semisolid putrescible animal and vegetable wastes resulting from the handling, preparing, cooking, storing, serving or consuming of food or of material intended for use as food, and all offal, excluding useful industrial byproducts, from all public and private establishments and from all residences.
- S. FREON CONTAINING APPLIANCE** means household and commercial machines containing Freon for refrigeration or cooling. These appliances may include window and whole house air conditioners, refrigerators, freezers, chilled water coolers, and dehumidifiers.
- T. GLASS** means acceptable recyclable glass including but not limited to any bottles, jars, or containers previously used for food or other materials. Recyclable glass does not include plate glass.
- U. GRIT AND SCREENINGS** means any materials containing inorganic sand and/or organic materials from such areas as stormwater catch basins, sanitary sewers, or wastewater treatment plant screenings. Grit and screenings shall not contain any free liquids.
- V. HAZARDOUS WASTE** means any waste which is defined as hazardous by state, federal or local laws or regulations, or which is deemed by the Director of Public Works or his or her designee as posing a hazard to the landfill, human health, or the environment.
- W. INFECTIOUS WASTE** means material containing pathogens of sufficient virulence and quantity that exposure to the material by a susceptible host could result in an infectious disease. Infectious waste materials, include, but are not limited to the following:
1. Isolation waste, material generated by contact with hospitalized patients who are isolated to protect others from communicable diseases as defined by the Centers for Disease Control (See 2007 Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings);
 2. Cultures and stocks of infectious agents and associated biologicals, specimen cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the productions

of biologicals, and discarded live and attenuated vaccines, together with any culture dishes and devices used to transfer, inoculate or mix cultures or other such agents;

3. Human blood and blood products, all waste human blood and blood products such as serum, plasma and other blood components;

4. Pathological waste, consisting of tissue, organs, body parts or body fluids that are removed during surgery or autopsy;

5. Contaminated sharps, including hypodermic needles, syringes, pasteur pipettes, broken glass, scalpel blades and other similar items which have come into contact with infectious agents during use in patient care or in medical research;

6. Contaminated animal carcasses, body parts and bedding, including all such materials exposed to pathogens in research, and the production of biologicals, or in the in vivo testing of pharmaceuticals;

7. Miscellaneous contaminated waste, including materials contaminated by contact with pathogens during surgery or autopsy, laboratory testing or experimentation, materials which were in contact with the blood of patients undergoing hemodialysis, and all other materials contaminated by contact with pathogens.

Infectious waste shall not include material which has been rendered noninfectious by autoclaving, incineration, or other process recognized and accepted by the medical profession or material determined to be not infectious by a responsible, authorized, licensed practitioner at the facility at which such waste was generated; provided, however, the Director of Public Works or his or her designee shall have final authority, within his or her sound discretion, to determine what is and what is not infectious waste.

X. **LIQUID WASTE** means liquid or waste containing free moisture.

Y. **MANURE** means waste from animal sources and may include, but not be limited to, hay or other organic bedding material.

Z. **MATERIAL RECOVERY FACILITY** means a solid waste management facility that provides for the extraction from solid waste of recyclable materials, materials suitable for use as a fuel or soil amendment, or any combination of those materials.

AA. **METALS** means any container or material consisting primarily of aluminum, tin, steel, cast iron, brass, and copper. Other metals may be disposed of or recycled at the discretion of the Director of Public Works or his or her designee.

BB. **MULTI-FAMILY UNIT** means a residential duplex to four-plex unit for the purpose of City garbage and recycling collection.

- CC. **NEWSPAPER** means printed ground wood paper commonly referred to as newsprint, including glossy advertisements delivered with the newspaper.
- DD. **NON-PROFIT RESALE STORE** means an established non-profit organization, located within the service area of the Rapid City Landfill, with its primary business being the resale of donated materials.
- EE. **ROCK** means a naturally occurring solid aggregate of minerals.
- FF. **PETROLEUM CONTAMINATED SOIL** means a soil containing products consisting of hydrocarbon based or mixed hydrocarbon base as defined by the State of South Dakota Department of Environment and Natural Resources. Petroleum products may include but are not limited to oils, fuel oils, diesel, or gasoline based products.
- GG. **PETROLEUM CONTAMINATED WATER** means a water containing product consisting of hydrocarbon based or mixed hydrocarbon base as defined by the State of South Dakota Department of Environment and Natural Resources. Petroleum products may include but are not limited to oils, fuel oils, diesel, or gasoline based products. Petroleum contaminated water is only accepted by sites that have delivered Petroleum Contaminated Soils and is limited in quantity by the State issued Solid Waste Permit.
- HH. **PICK UP TRUCK** means a vehicle with two axels and a bed or compartment designed for hauling supplies and materials.
- II. **PLASTIC- HDPE, PETE** means any form or mold made of polymeric organic compounds and additives that can be shaped by flow which displays the American Plastic Council's Recycling Code 1 or 2, which is a molded imprint or raised symbol on or near the bottom of a plastic product.
- JJ. **REFUSE** means putrescible and nonputrescible wastes, including, but not limited to garbage, rubbish, ashes, incinerator ash, incinerator residues, street cleanings, market and industrial solid wastes, and sewage treatment wastes in dry or semisolid form.
- KK. **RUBBISH** means nonputrescible solid waste consisting of combustible and noncombustible wastes, such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, trees or portions of trees, or other litter with similar properties.
- LL. **SCAVENGING** means the unauthorized removal of an item(s) from a City-owned garbage can, recycling can, rolloff container, or Solid Waste property, including the landfill and material recovery facility.
- MM. **SINGLE AXLE TRAILER** means a trailer pulled by a car or pickup truck that has only one axle and designed for the purpose of hauling material.

- NN. **SPECIAL WASTE** includes but is not limited to all hazardous waste, liquid waste, infectious waste, and other waste requiring special handling under any state, federal, or city law or regulation.
- OO. **SLUDGE** means any solid, semisolid, or liquid residue collected, and/or concentrated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, catch basins, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.
- PP. **TARE WEIGHT** means the weight of a vehicle or container, less the weight of the material contained in the vehicle or container.
- QQ. **TOXIC WASTE** means any waste which is defined as toxic by state, federal or local laws or regulations, or which is deemed by the Director of Public Works or his or her designee as posing a toxic hazard to the landfill, human health or the environment.
- RR. **UNIVERSAL RECYCLING SYMBOL** means an equilateral triangle formed by three arrows with the apex of each point of the triangle at the midpoint of each arrow, rounded with a short radius. The arrowhead of each arrow shall be at the midpoint of each side of the triangle with a short gap separating the pointer from the base of the adjacent arrow. The triangle, formed by the three arrows curved at their midpoints, shall depict a clockwise path.
- SS. **UNSHREDDED TIRE** means any tire which has not been shredded or otherwise cut apart in such a manner as the Director of Public Works or his or her designee shall determine sufficient to prevent movement of the tire after burial thereof.
- TT. **WASTE REQUIRING SPECIAL HANDLING** means waste material requiring additional handling by landfill personnel utilizing landfill equipment, including but not limited to equipment used for spreading, loading, or mixing.
- UU. **WOOD** means any material comprised solely of trees and free of contamination that restricts the material from being used to make yard waste.
- VV. **WOOD PALLETS** means shipping parcels made of wood and held together by nails and/or staples.
- WW. **YARD WASTE** means natural, non-putrescible solid vegetation waste produced by commercial or private residential landscaping activities. The waste shall include lawn cuttings, lawn rakings, branches, trees, garden waste, and other similar waste vegetative material, all free of other debris or rubbish.

8.08.020 Service district established.

There is established a garbage service district within the city consisting of all of that area presently within and as annexed into the city corporate limits.

8.08.025 Reference to Division of Sanitation.

Whenever in this code, or any ordinance of the city, a reference is made to the Division of Sanitation or to any portion thereof, such reference shall be replaced with and in effect shall be a reference to the Division of Solid Waste.

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 three hundred sixty-five (365) days of annexation. 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 \$15.00. 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 their 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.

8.08.040 Collection containers–Hazardous or special waste prohibited.

No person shall place any hazardous, special waste, including but not limited to tires or yardwaste, into any container for collection by the city or any commercial refuse collector licensed by the city pursuant to this chapter.

8.08.050 Collection–Family domestic units.

The city shall collect refuse from residential properties occupied by family domestic units only within the garbage service district. The refuse shall be deposited by the family domestic unit in garbage cans or waste material containers as provided by § 8.08.030. The Director of Public Works, or his or her designee may, at his or her discretion and from time to time, allow collection of other refuse as he or she may reasonably determine.

8.08.060 Collection–Commercial establishments.

All commercial establishments, including, but not limited to hotels, motels, food or beverage service establishments and retail, wholesale, service, industrial, and warehousing establishments, shall arrange for disposal of refuse generated by or accruing to the establishment either by a licensed commercial garbage hauler or by personnel and vehicles of the establishments.

8.08.065 Collection–Yard waste.

Curbside yard waste will not be collected for disposal unless contained in acceptable biodegradable yard waste bags. The foregoing notwithstanding, yard waste may be delivered without any container to the yard waste disposal site at the landfill or to any city yard waste recycling center. No yard waste shall be commingled with any trash, rubbish, infectious or hazardous waste, or other non-yard waste materials. The landfill is authorized to refuse acceptance for collection or disposal of any yard waste not in conformity with this section.

8.08.070 Collection–Charges.

As required by Title 13 of this Code, a non-refundable one-time new account fee shall be paid to the City. The new account fee covers water, sewer, and/or garbage service account(s); meaning a single new account fee shall be charged for the opening of a single account type or any combination of accounts thereof.

Further as required by Title 13, an advanced payment shall be charged for each account and shall be included in the first month's billing, to be applied as a credit against the final bill.

- 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. The 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. The charge shall be billed on the monthly water bill to each such family domestic unit and shall be immediately due and payable upon the billing date and shall be payable with, and addition to, the water bill.
- 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 therefore, the owner and occupant of the dwelling unit occupied by the family domestic unit shall be billed for each month at the same rate that the water users are billed. The refuse collection and disposal service charge shall be forthwith payable to the city by either the owner or occupant of the dwelling unit.
- C. Bills shall be payable at the City Finance office or at an authorized bank depository by automatic withdrawal upon a written agreement with the city. Net monthly utility bills are due and payable when received. Any garbage bills unpaid 23 days after the billing date shall be considered delinquent. A late payment charge of 1-1/2% or a flat rate charge of \$5, whichever is the greater amount, can be assessed on the current unpaid balance of a delinquent account. Payment for garbage services on landfill charge accounts may be extended up to 30 days in the commercial hauler permit for landfill disposal from the Finance Officer and having paid the permit fee. In the event of failure of payment of the charges, refuse collection and disposal service to the dwelling unit may be forthwith discontinued.

- D. The rates for any and all charges the City shall make under this provision shall be prescribed by resolution of the Common Council.
- E. 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 the 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.

8.08.080 Washing and sanitizing city collection vehicles.

A. All vehicles used by the city for the collection and hauling garbage shall be washed and sanitized according to the following schedule:

1. Weekly May through September; and
2. Biweekly October through April.

B. The washing and sanitizing may be done at any acceptable place approved by the Solid Waste Department, and records of the same shall be maintained in the Solid Waste Division.

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 the person or not, unless the garbage shall be enclosed in an automated collection container meeting the requirements of this chapter.

8.08.095 Scavenging.

It is unlawful for any person to scavenge or salvage any trash or recyclables at the curb, alley, right-of-way, or any City drop off recycling location from containers provided by the City. Materials so placed shall be removed only by the City.

Further, it shall be unlawful for any person to remove or cause to be removed from the landfill, material recovery facility, or compost sites of this City any articles or material of any kind after the articles or materials have been deposited there, with the exception of the following:

1. The City reserves the right to allow removal of finished yard waste, co-compost, and wood chips per applicable fees;
2. The City reserves the right to recover materials for use at City facilities; and
3. The City reserves the right to recover and divert materials in the discretion of the Public Works Director, or his or her designee.

8.08.100 Burning.

No garbage, tires, creosote or other matter from which dense smoke or offensive odors emanate during combustion shall be burned outside of any building, or inside any building in a fireplace, wood stove or other wood-fired appliance.

8.08.105 Penalties.

Any person violating this chapter shall be subject to the general penalty provision of § 1.12.010.

Further, any person violating this chapter shall be subject to a civil action for the recovery of any damages occurring as the result of the violation(s).

ARTICLE II. COMMERCIAL REFUSE COLLECTORS**8.08.110 License–Required–Fee–Term.**

No person shall use the streets or alleys of the city for the collection or removal of any refuse for hire, without first having obtained a license to perform the services from the city under this article and having paid a license fee of \$25 per year for each vehicle so engaged. Licensees under this article shall not be required to be licensed separately under Article III of this chapter in order to utilize the landfill. The fee provided for herein is payable for each vehicle utilized during a calendar year or any fraction thereof. Each license issued under this article shall be renewed on or before December 31 of each year.

8.08.120 License–Revocation, suspension or denial.

A. The Common Council, in its discretion, may revoke, suspend, or refuse to issue or transfer any license for reasons including, but not limited to the following: performance of work without a license; engagement in unfair business practices; violation of any applicable federal, state or local statute, ordinance, rule or regulation; violation of any provision of this chapter; or demonstrated inability or unfitness to perform the work for which he or she has been licensed.

1. The penalty of license revocation shall continue for a period of 1 year from the date the revocation became effective. Once the period of revocation has ended a licensee upon which the penalty of revocation has been imposed may apply for a new license.

2. The penalty of license suspension shall continue for a period not to exceed 30 days from the date the suspension became effective.

B. The penalties of license revocation and suspension shall be imposed only after licensee has had notice and an opportunity to be heard.

1. The notice of intent to impose penalty shall be sent by first class mail to the licensee's address of record on file with the City Finance Office. The notice of intent to impose penalty shall be mailed no later than 14 days prior to the hearing date.

2. The penalty hearing will take place at a regular or special Council meeting, at the discretion of the Council, provided the notice of intent is mailed no later than 14 days prior to the meeting date. A vote of a majority of Council members present shall be required to impose penalty. All decisions of the Council shall be final.

3. The effective date of any penalty imposed shall be 14 days from the date of the Council's decision made at the hearing.

C. Any licensee subject to investigation under this section shall cooperate fully with the investigation. Failure to cooperate fully is a basis for license revocation or suspension.

8.08.130 Vehicles–General requirements.

A. Licensed collectors of refuse shall provide themselves with suitable vehicles so as to prevent the escape of the contents thereof.

B. It is prohibited for any licensed refuse collector to collect or haul wet refuse or material subject to rot, decay or putrefaction, or material or liquids emitting strong or noxious odors, in any type vehicle except in an all metal, packer type vehicle which has been approved by the Director of Public Works or his or her designee.

C. It is prohibited for any licensed commercial refuse hauler to operate a refuse collection vehicle except in conformity with this chapter and any other applicable ordinances.

8.08.140 Vehicles–Painting and identification.

Refuse hauling vehicles used by haulers licensed under this article shall be painted at regular intervals so as to be kept in a sanitary condition, or as directed by the Director of Public Works or his or her designee. Each vehicle shall identify the name of the hauler in a manner acceptable to the hauler and the Director of Public Works or his or her designee. In addition, the box capacity shall be displayed on the left side of all compact vehicles in such a manner that the capacity numbering is visible from 25 feet. The truck number shall be shown in like manner and the tare weight shall be certified at time of licensing and re-certified a minimum of semi-annually following the initial licensing including one tare weight recertification for annual City permit renewal, or as requested by the hauler or the City.

8.08.150 Vehicles–Washing and sanitizing.

All vehicles used for the collection and hauling of refuse by licensed refuse collectors shall be washed and sanitized in accordance with the provisions of § 8.08.080.

8.08.160 Vehicles–Premises where parked or serviced–Condition.

The premises on which commercial refuse vehicles under this article are parked or serviced shall be kept free from rubble, trash, debris or garbage.

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, which shall be kept closed.

ARTICLE III. COMMERCIAL REFUSE DISPOSAL

8.08.180 Permit–Required–Fee–Term.

No person, firm, corporation or other entity engaged in the hauling of refuse for hire shall use the Rapid City landfill for disposal of refuse without first having obtained a permit for the disposal from the Finance Officer and having paid the permit fee of \$5 for each vehicle so engaged. The permit issued hereunder shall expire the end of the calendar year for which it is issued. This permit shall not be required of commercial refuse collectors licensed under Article II of this chapter.

8.08.190 Permit–Revocation, suspension or denial–Appeal.

A. The Common Council, in its discretion, may revoke, suspend, or refuse to issue a permit under this article to any permit holder or applicant for reasons including, but not limited to the following: performance of work without a permit; performance of consistently substandard work; past or present non-compliance with the provisions of this article; violation of any applicable federal, state or local statute, ordinance, rule or regulation; violation of any provision of this chapter; or demonstrated inability or unfitness to perform the work for which he or she has been permitted.

1. The penalty of permit revocation shall continue for a period of 1 year from the date the revocation became effective. Once the period of permit revocation has ended, application may be made for a new permit.

2. The penalty of permit suspension shall continue for a period not to exceed 30 days from the date the suspension became effective.

B. The penalties of permit revocation and suspension shall be imposed only after the permittee has had notice and an opportunity to be heard.

1. The notice of intent to impose penalty shall be sent by first class mail to the permittee's address of record on file with the Finance Office. The Finance Office shall mail the notice of intent to impose penalty no later than 14 days prior to the hearing date.

2. The penalty hearing will take place at a regular or special Common Council meeting, at the discretion of the Council, provided the notice of intent is mailed no later than 14 days prior to the meeting date. A vote of a majority of Common Council members present shall be required to impose penalty. All decisions of the Council shall be final.

3. The effective date of any penalty imposed shall be 14 days from the date of the Council's decision made at the hearing.

C. Any permittee subject to investigation under this section shall cooperate fully with the investigation. Failure to cooperate fully is a basis for permit revocation or suspension.

8.08.200 Vehicle–General requirements.

A. Any person operating a vehicle for which a permit has been issued under § 8.08.180 who disposes of refuse at the Rapid City landfill or which travels through the city while carrying refuse, from whatever source, shall provide such with suitable equipment so as to prevent the escape of the contents thereof.

B. It is prohibited for any permit holder hereunder to haul refuse or materials subject to rot, decay or putrefaction, or material or liquids emitting strong or noxious odors, in any type of vehicle except in an all metal, packer-type vehicle which has been approved by the Director of Public Works or his or her designee.

C. It is prohibited for any permit holder under this article to collect refuse within the city without first having obtained a license under Article II of this chapter.

8.08.210 Vehicles–Painting and identification.

All persons holding a permit under this article shall paint their vehicles at regular intervals as necessary or as directed by the city's Director of Public Works or his or her designee. Each vehicle shall identify the name of the hauler in a manner acceptable to the hauler and the Director of Public Works or his or her designee. In addition, the box capacity shall be displayed on the left side of all compaction vehicles in such manner that the capacity numbering is visible from 25 feet. The truck number shall be shown in like manner and the tare weight shall be certified at time of licensing and re-certified a minimum of semi-annually following the initial licensing, including one tare weight recertification for annual City permit renewal, or as requested by the hauler or City.

8.08.220 Vehicles–Washing and sanitizing.

All vehicles for which a permit has been issued under this article shall be washed and sanitized in accordance with the provisions of § 8.08.080.

ARTICLE IV. CITY LANDFILL

8.08.230 Continuation–Supervision and operation.

The Rapid City landfill, heretofore established and operated by the city, is continued. The Director of Public Works, through the Division of Solid Waste, shall be responsible for the supervision and operation of the landfill.

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 resolution of the Common Council.

B. The Common Council may from time to time approve donations or reduced rates for material available for purchase or being disposed of or received by the Solid Waste Division.

8.08.250 Rate exceptions.

Section 8.08.240 notwithstanding, the Director of Public Works or his or her designee may, at his or her discretion, declare free days for the disposal of refuse at the landfill in furtherance of cleanup days and other civic purposes upon the terms and conditions as he or she may reasonably direct. The Common Council may direct or limit the discretion as it may, from time to time, deem appropriate.

8.08.260 Disposal locations.

No person shall deposit any refuse of any kind in or upon the landfill except in a location for such deposit indicated in some suitable manner by the Director of Public Works or his or her designee.

8.08.270 Prohibited wastes.

A. No person, firm, corporation or other entity shall place any liquid waste, hazardous waste or infectious waste upon the landfill. In the event any person, firm, corporation or other entity shall place any such material upon the landfill he or she shall forthwith pay to the city a fee equal to 1½ times the actual cost to the city to correct the situation created thereby, including, but not limited to the costs of isolating the area, removing the material, rehabilitating the disposal site, opening a new disposal site on the landfill as necessitated by the presence of the material, and technical and professional costs including, but not limited to testing, engineering, investigation and legal fees and charges. The city shall not be responsible for the proper disposal of such materials; however, if the city shall arrange for the disposal, the costs thereof shall be included in the preceding costs.

B. Infectious waste which has been treated in a manner acceptable to the Director of Public Works or his or her designee to remove its infectious potential may be placed for disposal provided the Director of Public Works or his or her designee is informed of its presence at the time of entry upon the landfill.

C. No yard waste shall be placed for collection or disposal at the city landfill unless the yard waste is separate from other refuse. All yard waste shall be deposited in a separate location at the landfill, as designated by the Director of Public Works.

D. No appliances, including Freon bearing appliances, may be accepted for disposal in the landfill. All appliances accepted shall be recycled. Freon bearing appliances shall not be accepted for recycling unless a written certification of compliance accompanies the appliance. Any person or hauler disposing of appliances in the landfill will be responsible for removing the item at their expense.

E. Placement of any material other than yard waste in an area or container designated for yard waste only shall be a violation of this section.

8.08.275 Exemptions from certain waste reduction targets.

The city is exempted from the waste reduction targets for office and computer paper, printed paper products and corrugated cardboard, and plastic containers as set forth in SDCL § 34A-6-67.

8.08.280 Loads to be secured.

A. No vehicle carrying refuse shall be admitted to the landfill unless the refuse is appropriately secured and contained as to prevent the escape of the material in being transported to the landfill on the public streets and highways.

B. Paper, plastic and other materials subject to being blown about by the wind shall be enclosed in appropriate containers or baled to prevent its relocation by the wind.

8.08.290 Sale of Recyclable Material.

Disposal of recyclable material, including but not limited to paper, cardboard, glass, plastic, metals, aluminum, steel, or any other recyclable materials, shall be in accordance with contracts for the sale of these materials.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:

Second Reading:

Published:

Effective: