

APPENDIX E

CITY ORDINANCE, CHAPTER 18, GARBAGE AND TRASH

Chapter 18
GARBAGE AND TRASH*

Cross references: Administration, ch. 2; food and food handlers, ch. 17; disposal of garbage and waste food by food establishments, § 17-8; health and sanitation, ch. 19; examples of nuisances, § 19-50; garbage disposal in mobile home parks, § 24-17; littering in parks, § 27-8; plumbing, ch. 33; utilities, ch. 41.

State law references: Municipal garbage disposal systems, SDCL 9-32-11.

Article I. In General

Sec. 18-1. Definitions.

Sec. 18-2. Littering prohibited– Generally.

Sec. 18-3. Same– Duty of business owners, occupants.

Sec. 18-4. Same– Duty of customer.

Sec. 18-5. Littering on premises of another.

Sec. 18-6. Removal of litter by city.

Secs. 18-7– 18-14. Reserved.

Article II. Collection Regulations

Sec. 18-15. Rubbish on sidewalk.

Sec. 18-16. Preparation for deposit.

Sec. 18-17. Garbage containers.

Sec. 18-17.1. Rental units; garbage and recyclable service.

Sec. 18-18. Maintenance of containers.

Sec. 18-19. Garbage disposal required.

Sec. 18-20. Yard waste collection.

Sec. 18-21. Residential recyclable collection and containers.

Sec. 18-22. Commercial and business recyclable collection.

Sec. 18-23. Apartment recyclables.

Secs. 18-24– 18-27. Reserved.

Article III. Sanitary Landfill

Sec. 18-28. Designation.

Sec. 18-29. Unlawful deposits.

Sec. 18-30. Rates for use.

Sec. 18-31. Reserved.

Sec. 18-32. Certain materials excluded.

Sec. 18-33. Removal restricted.

Sec. 18-34. Private landfill unlawful.

Sec. 18-35. Refusal to admit certain vehicles.

Secs. 18-36– 18-43. Reserved.

Article IV. Commercial Haulers

Sec. 18-44. License required.

Sec. 18-45. Chapter 23 applicable.

Sec. 18-46. Reserved.

Sec. 18-47. Reserved.

Sec. 18-48. Transfer.

Sec. 18-49. Expiration.

Sec. 18-50. Hauling unit permits.

Sec. 18-51. Unit inspection required.

Sec. 18-52. Display of permit.

Sec. 18-53. Minimum design and capacity requirements for vehicles and containers.

Sec. 18-54. Loading of vehicles.

Sec. 18-55. Reserved.

Sec. 18-56. Frequency of collection.

Sec. 18-57. Minimum vehicle requirements.

Sec. 18-58. Proof of insurance required for license.

Sec. 18-59. Solid waste collection rates.

Sec. 18-60. Garbage haulers licensed recyclable collectors.

Sec. 18-61. Licensed recyclable collectors.

Sec. 18-62. Reserved.

Sec. 18-63. Filing of reports.

Sec. 18-64. Recycling collection and/or processor; license required.

Sec. 18-65. Reserved.

Sec. 18-66. Filing of reports.

Sec. 18-67. Confidentiality of information.

Secs. 18-68– 18-69. Reserved.

Article V. Solid Waste, Regulated Medical Waste, Transfer and Recycling Facilities

Sec. 18-70. License required.

Sec. 18-71. Application for license.

Sec. 18-72. Transfer.

Sec. 18-73. Renewal.

Sec. 18-74. License fees.

Sec. 18-75. Denial or revocation.

Sec. 18-76. Operating requirements.

Sec. 18-77. Volume reduction permitted.

Sec. 18-78. Conduct prohibited.

Sec. 18-79. Requirements for disposal of solid waste generated from the treatment of regulated medical waste.

Article VI. Solid Waste Planning Board

Sec. 18-80. Creation.

Sec. 18-81. Composition of board.

Sec. 18-82. Purpose.

Sec. 18-83. Staff.

ARTICLE I. IN GENERAL

Sec. 18-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall mean except where the context clearly indicates a different meaning:

Animal waste means any accumulation of waste manure or straw resulting from the transportation, housing or penning of animals.

Apartment means any building with two or more rental dwelling units.

Catch basin means a formed holding area for sludges, sediments, screenings, or grit which may include the cleanout and settling tank areas.

Commercial garbage collector or commercial garbage hauler means any person who hauls or transports any garbage, rubbish or livestock waste through or upon the streets or alleys of this city for a consideration or a fee.

Corrugated cardboard means heavy paper with alternating ridges and grooves.

Garbage means all refuse, containers or accumulation of animal or vegetable matter which attends the processing, preparation, transportation, cooking, eating, sale, or storage of meat, fish, vegetables, fruit and all other food or food products found within the city which has been condemned by the health department as a nuisance or is likely to cause or transmit disease, or which may be a hazard to health.

Garbage collector or garbage hauler means any person who hauls or transports any garbage through or upon the streets or alleys of this city.

Litter means garbage, rubbish, waste material or animal waste improperly disposed of by discarding, abandoning, allowing to accumulate, scattering or depositing outside an approved

container.

Metal containers means any container made from aluminum, tin or steel which contained a product for consumption.

Newspaper means printed ground wood paper commonly referred to as newsprint, including glossy advertisements delivered with the newspaper.

Office paper means high grade office paper, newsprint, offset paper, bond paper, xerographic bond paper, mimeo paper, duplicator paper, computer paper, and envelopes.

Paper products means magazines, catalogs, advertising supplements, books and junk mail. It does not include chip board, items such as juice boxes, milk cartons, cereal boxes, mix boxes, tissue boxes, shoe boxes, soda and beer cartons, etc.

Plastic containers means any formed or molded container having a neck that is smaller than the body of the container, composed predominately of plastic resin #1 and #2.

Recyclable collector means any person who collects or receives recyclable materials from another person or persons for a consideration or a fee and/or for the purpose of resale.

Recycling collection facility means an established facility where recyclable materials are collected for shipment offsite with no processing. Fully enclosed automated self-serve aluminum collection machines are considered recycling collection facilities. Facilities which handle recyclable hazardous materials or waste petroleum products are considered recycling collection facilities.

Recycling container means a container which will securely hold recyclable materials for collection and will prevent recyclables from falling or being blown from the container.

Recyclable materials means materials or products that may be readily separated from the solid waste stream and may be used or reused as a substitute for raw materials or other items, including but not limited to aluminum, glass, paper, plastic, tin and steel.

Recycling processing facility means an established facility where recyclable materials are collected and/or processed by sorting, volume reduction, containment or other preparation for shipment offsite.

Regulated medical waste means medical waste as defined by section 15.03.020(533).

Residential means a dwelling having accommodation for and occupied by one or more families.

Residential recyclables means separation at the source of the following materials into separate recycling containers for collection:

- (1) Office paper other than junk mail.
- (2) Corrugated cardboard.

(3) Plastic and metal containers.

(4) Newspaper.

Rubbish means all combustible refuse matter such as paper, sweepings, rags, magazines, cardboard and similar materials.

Salvaging means the controlled removal of waste materials for reuse.

Sanitary landfill means the area provided by the city for the dumping or depositing of garbage, rubbish, animal waste, litter and waste materials not prohibited by city ordinance.

Scavenging means the uncontrolled and unauthorized removal of waste materials.

Sludges means any solid, semisolid, or liquid waste encountered, 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.

Solid waste means garbage, rubbish, waste materials, special wastes, tree branches and garden waste, yard waste, and sludges as defined in this section.

Solid waste generated from the treatment of regulated medical waste means waste generated from the treatment of regulated medical waste in conformance with city, state, and federal rules and regulations so it no longer poses a threat to public health.

Solid waste transfer facility means a fixed facility where solid waste from collection vehicles is consolidated and temporarily stored for subsequent transport to a permanent disposal site.

Special waste means asbestos; gasoline, fuel oil or waste oil, contaminated soils, materials, sediments, etc.; co-mingled gasoline and fuel oil and/or waste oil contaminated soils, materials, sediments, etc.; and anti-freeze contaminated soils, materials, sediments, etc.

Tree, brush and garden waste means trees, tree branches, brush, wood, wood shavings and garden waste.

Waste material means all noncombustible inorganic matter such as ashes, glass, sand, earth, stones, concrete, mortar, metals, tin cans, and similar material.

Yard waste means grass clippings and leaves.

(1957 Rev. Ords., § 7.901; Ord. No. 2308, 12-14-64; Ord. No. 73-75, § 1, 11-17-75; Ord. No. 88-81, § 1, 11-2-81; Ord. No. 93-88, § 1, 10-24-88; Ord. No. 60-92, § 1, 6-22-92; Ord. No. 43-93, § 1, 5-17-93; Ord. No. 149-95, § 1, 11-20-95; Ord. No. 43-97, § 1, 8, 6-2-97; Ord. No. 75-01, § 1, 8-6-01)

Cross references: Definitions and rules of construction generally, § 1-2; distributing handbills in public places, § 3-19.

Sec. 18-2. Littering prohibited– Generally.

It shall be unlawful for any person to throw, drop, cast or deposit upon any street, alley, sidewalk, lake, stream, river, pond, body of water or any yard or premises, public or private, any filth of any kind, or cans, paper, trash, paper containers, rubbish, bottles, or any form of litter or waste matter.

(1957 Rev. Ords., §§ 9.802, 9.809; Ord. No. 149-95, § 1, 11-20-95)

State law references: Refuse in public places and streams, SDCL 9-32-10; littering prohibited, SDCL 34A-7-6 et seq.; ordinances to regulate litter, SDCL 34A-7-14.

Sec. 18-3. Same– Duty of business owners, occupants.

(a) Generally. The owner or occupant of any store or other place of business situated within the city shall exercise reasonable diligence at all times to keep his premises clean of wastepaper, wrapping paper, paper napkins, cartons, package containers, and other used or waste materials thrown or left on such premises by his customers, and to take reasonable measures to prevent the materials from drifting or blowing to adjoining premises.

(b) Receptacles. Receptacles of sufficient size and number shall be placed on the premises accessible to the customers of such business where such articles of waste may be disposed of.

(c) Signs. Each and every business establishment shall place upon its premises in a conspicuous place, in close proximity to the receptacle referred to in subsection (b) of this section, a sign which shall, in essence, convey to its customers a request that they use such receptacles for the disposal of waste material.

(Ord. No. 149-95, § 1, 11-20-95)

Sec. 18-4. Same– Duty of customer.

It shall be unlawful for any customer going upon the premises of another to in any manner dispose of wastepaper, wrapping paper, paper napkins, cartons, package containers, and other used or waste materials except in receptacles provided for such purposes.

Sec. 18-5. Littering on premises of another.

It shall be unlawful for any person going upon the premises of another to in any manner dispose of litter except in receptacles provided for such purposes and except with the permission of the person in possession of the premises.

(Ord. No. 73-75, § 2, 11-17-75; Ord. No. 149-95, § 1, 11-20-95)

Sec. 18-6. Removal of litter by city.

If the occupant, person in charge or owner of any real property fails to remove litter from real property after notice from the city, the city may cause such litter to be removed and for such

purpose may enter upon any such real property.

(Ord. No. 73-75, § 3, 11-17-75; Ord. No. 149-95, § 1, 11-20-95; Ord. No. 15-03, § 1, 2-10-03)

Secs. 18-7– 18-14. Reserved.

ARTICLE II. COLLECTION REGULATIONS

Sec. 18-15. Rubbish on sidewalk.

The owner or occupant of any lot or private ground abutting upon any public sidewalk shall not allow rubbish, debris or obstruction of any kind to be or remain on such sidewalk along such abutting property.

(1957 Rev. Ords., § 7.907; Ord. No. 2308, 12-14-64; Ord. No. 19-72, 4-10-72; Ord. No. 35-73, § 1, 4-30-73; Ord. No. 149-95, § 1, 11-20-95)

Sec. 18-16. Preparation for deposit.

All household and commercially generated garbage, animal waste, rubbish, and other materials shall be placed in a securely tied bag. Recyclable materials shall be separated into their respective categories. Animal waste from commercial operations may be transported and deposited in covered leakproof hauling units.

(Ord. No. 73-75, § 4, 11-17-75; Ord. No. 88-81, § 3, 11-2-81; Ord. No. 149-95, § 1, 11-20-95)

Sec. 18-17. Garbage containers.

The occupant, owner or manager of every dwelling, house, apartment or construction site and of every place of business and building shall provide a suitable, rigid watertight container in which the occupants shall cause to be deposited all garbage, animal waste and rubbish, except yard waste, accumulating upon the premises. The garbage container shall be kept at the rear of the premises accessible to the garbage collector. There shall be provided a tightly-fitted cover for each container which shall be removed only for the purpose of depositing or removing garbage, rubbish, animal waste or cleaning. The vicinity of the garbage container shall be kept free from garbage, rubbish, animal waste, litter, yard waste or any putrescible matter that attracts flies and rats.

(Ord. No. 73-75, § 5, 11-17-75; Ord. No. 88-81, § 4, 11-2-81; Ord. No. 60-92, § 2, 6-22-92; Ord. No. 149-95, § 1, 11-20-95)

Sec. 18-17.1. Rental units; garbage and recyclable service.

The owner or manager of any dwelling who rents, leases, or lets dwelling unit(s) for human habitation shall provide in a location accessible to all dwelling units at least one 30-gallon receptacle for each dwelling unit, or receptacles with a capacity sufficient to prevent the

overflow of garbage and rubbish from occurring, and receptacles for recycling, into which garbage, rubbish, and recyclable materials from the dwelling units may be emptied between days of collection. The owner or manager of the units shall subscribe to and pay or provide for garbage removal and recyclable service as required by ordinance.

(Ord. No. 71-99, § 1, 7-6-99)

Sec. 18-18. Maintenance of containers.

Every container required by this article shall be maintained in as sanitary condition as possible in view of the use to which it is put, and shall be thoroughly cleansed as needed by washing, sanitizing or otherwise.

(Ord. No. 73-75, § 6, 11-17-75; Ord. No. 88-81, § 5, 11-2-81; Ord. No. 149-95, § 1, 11-20-95)

Sec. 18-19. Garbage disposal required.

The occupant, owner or manager of every dwelling, house, apartment or construction site shall remove or have removed all garbage from the premises at least once each week and deposit it in a permitted solid waste facility. The occupant, owner or manager of every place of business and building shall remove or have removed all garbage from the premises at least three times each week and deposit it in a permitted solid waste facility.

(Ord. No. 73-75, § 7, 11-17-75; Ord. No. 43-93, § 2, 5-17-93; Ord. No. 149-95, § 1, 11-20-95; Ord. No. 43-97, § 2, 6-2-97)

Sec. 18-20. Yard waste collection.

Yard waste shall be collected by licensed garbage haulers. Yard waste shall be deposited in a proper container, a Kraft-type paper bag designated for yard waste, or a 32-gallon rigid watertight container with a tightly fitted cover, and placed at the location clearly visible other than curbside, designated for collection by the licensed hauler contracted to remove the same. All yard waste and containers therefore shall be kept in an inconspicuous place except when placed for collection. Yard waste shall be collected or removed at a minimum of once a week.

(Ord. No. 60-92, § 3, 6-22-92; Ord. No. 72-92, § 1, 8-3-92; Ord. No. 43-93, § 4, 5-17-93; Ord. No. 70-93, § 1, 9-20-93; Ord. No. 149-95, § 1, 11-20-95)

Sec. 18-21. Residential recyclable collection and containers.

Residential recyclables shall be collected at least once a month by a licensed garbage hauler. Recyclables shall be separated from household garbage and rubbish and deposited in a proper recycling container and placed at a location clearly visible, other than curbside as directed by the licensed hauler contracted to remove the same. All recyclables and containers therefore shall be kept in an inconspicuous place except when placed for collection. Residential recyclables collected shall not be deposited at the sanitary landfill. The separation of glass, paper products, and other recyclable materials shall be on a voluntary basis.

(Ord. No. 43-93, § 5, 5-17-93; Ord. No. 70-93, § 2, 9-20-93; Ord. No. 149-95, § 1, 11-20-95; Ord. No. 43-97, § 3, 6-2-97)

Sec. 18-22. Commercial and business recyclable collection.

Commercial and business establishments, except apartments, shall separate recyclable materials except glass and plastics other than #1 and #2 generated by or accruing to such establishment prior to removal. Commercial and business recyclable materials shall not be deposited at the sanitary landfill. Commercial and business recyclables shall be removed from the premises at a minimum of once a month.

(Ord. No. 149-95, § 1, 11-20-95; Ord. No. 43-97, § 4, 6-2-97)

Sec. 18-23. Apartment recyclables.

Every owner of an apartment shall do the following to facilitate recycling in each such building:

- (1) Provide adequate recycling containers for recyclable material. Containers shall be stored on the premises in a screened location that is convenient for the deposit and collection of recyclables.
- (2) Provide for the separation of all residential recyclables generated by or accruing to such establishment.
- (3) Distribute written information to the building tenants at the time of leasing and at least annually thereafter regarding the established recycling program.
- (4) Post a copy of the recycling information in a conspicuous place available to all residents.
- (5) Provide a copy of the recycling information that is annually provided to the apartment tenants by filing the same before January 1 of each year with the city public works department.

(Ord. No. 149-95, § 1, 11-20-95; Ord. No. 43-97, § 5, 6-2-97; Ord. No. 15-03, § 2, 2-10-03)

Secs. 18-24– 18-27. Reserved.

**ARTICLE III.
SANITARY LANDFILL**

Sec. 18-28. Designation.

The city council shall designate an area to be known as the sanitary landfill which shall be for the depositing of garbage, litter, animal waste, rubbish and waste materials.

(Ord. No. 73-75, § 8, 11-17-75; Ord. No. 88-81, § 6, 11-2-81; Ord. No. 149-95, § 1, 11-20-95; Ord. No. 43-97, § 6, 6-2-97)

Sec. 18-29. Unlawful deposits.

It shall be unlawful for any person to deposit or cause to be deposited any garbage, rubbish, animal waste or other waste material in or upon any park, street, alley, gutter or in or upon any other private or public property within this city or upon any other property on the route between this city and the sanitary landfill area.

(1957 Rev. Ords., § 7.908; Ord. No. 2308, 12-14-64; Ord. No. 88-81, § 7, 11-2-81; Ord. No. 149-95, § 1, 11-20-95)

Sec. 18-30. Rates for use.

(a) Garbage, rubbish, or other waste material generated in Minnehaha, McCook, Lincoln, Turner, and Lake Counties, South Dakota, deposited at Sioux Falls landfill:

(1) Passenger car: \$5.00 to include surcharge.

(2) Pickup trucks, panel trucks and two-wheel trailers not to exceed three cubic yards: \$10.00 to include surcharge.

(3) Four-wheel trailers and trucks: \$12.75 per ton, plus surcharge.

(b) Garbage, rubbish, or other waste material generated outside of Minnehaha, McCook, Lincoln, Turner, and Lake Counties, South Dakota, but still generated within the borders of the state: \$63.00 per ton.

(c) Garbage, rubbish, or other waste material generated outside the state: \$135.00 per ton.

(d) In addition to the above rates for solid waste, there will be added thereto a surcharge of \$1.00 per ton collected pursuant to statute for the state.

(e) Yard waste:

(1) Commercial haulers: Yard waste generated in Minnehaha, McCook, Lincoln, Turner and Lake Counties, South Dakota: \$5.50 per ton.

(2) Individuals: Yard waste generated in Minnehaha, McCook, Lincoln, Turner and Lake Counties, South Dakota: \$5.50 per ton, or \$0.50 per bag.

(3) Yard waste generated outside Minnehaha, McCook, Lincoln, Turner and Lake Counties, South Dakota, but still generated within the borders of the state: \$11.00 per ton or \$2.20 per bag.

(4) Yard waste generated outside of the state: \$16.50 per ton.

(5) Leaves generated in the City of Sioux Falls: \$0.50 per bag, \$1.00 per passenger car, \$2.00 per pickup truck or two-wheel trailer.

(f) Tires:

(1) Motorcycle, bicycle and smaller tires not listed smaller than passenger car and light truck tires: \$0.50 each or \$110.00 per ton.

(2) Passenger car and light truck tires 16.5 inches or less in diameter: \$1.00 each or \$110.00 per ton.

(3) Semitruck, truck and bus tires larger than 16.5 inches in diameter: \$5.00 each or \$110.00 per ton.

(4) Agricultural: \$10.00 each or \$110.00 per ton.

(5) Heavy equipment tires: \$250.00 per ton.

(g) Special waste generated in Minnehaha, McCook, Lincoln, Turner and Lake Counties, South Dakota:

(1) Asbestos: \$9.00 per cubic yard based on the manufacturer's box rating or on box capacity as determined through measurement by the city.

(2) Gasoline or fuel oil contaminated soils, materials, sediments, etc.: \$8.25 per ton.

(3) Co-mingled gasoline and fuel oil and/or waste oil contaminated soils, materials, sediments, etc.: \$10.50 per ton.

(4) Anti-freeze contaminated soils, materials, sediments, etc.: \$6.25 per ton.

(5) The minimum charge under this section is a three cubic yard or three ton charge.

(h) Special waste generated outside Minnehaha, McCook, Lincoln, Turner and Lake Counties, South Dakota, but still generated within the borders of the state:

(1) Asbestos: \$45.00 per cubic yard based on the manufacturer's box rating or on box capacity as determined through measurement by the city.

(2) Gasoline or fuel oil contaminated soils, materials, sediments, etc.: \$41.00 per ton.

(3) Co-mingled gasoline and fuel oil and/or waste oil contaminated soils, materials, sediments, etc.: \$52.00 per ton.

(4) Anti-freeze contaminated soils, materials, sediments, etc.: \$30.00 per ton.

(5) The minimum charge under this section is a three cubic yard or three ton charge.

(i) Special waste generated outside the state:

(1) Asbestos: \$95.00 per cubic yard based on the manufacturer's box rating or on box capacity

as determined through measurement by the city.

(2) Gasoline or fuel oil contaminated soils, materials, sediments, etc.: \$87.00 per ton.

(3) Co-mingled gasoline and fuel oil and/or waste oil contaminated soils, materials, sediments, etc.: \$111.00 per ton.

(4) Anti-freeze contaminated soils, materials, sediments, etc.: \$66.00 per ton.

(5) The minimum charge under this section is a three cubic yard or three ton charge.

(j) Solid waste generated in Minnehaha, McCook, Lincoln, Turner, and Lake Counties, South Dakota, from the treatment of regulated medical waste: \$12.75 per ton.

(k) Solid waste generated outside Minnehaha, McCook, Lincoln, Turner, and Lake Counties, South Dakota, but still within the borders of the state, from the treatment of regulated medical waste: \$63.00 per ton.

(l) Solid waste generated outside of the state, from the treatment of regulated medical waste: \$135.00 per ton.

(m) In addition to the above rates for solid waste, generated from the treatment of regulated medical waste, there will be added thereto a surcharge of \$1.00 per ton collected pursuant to statute for the state.

(n) Untarped loads: \$10.00.

(1) Exceptions from the tarping ordinance shall include the following: asphalt, concrete, steel, white goods, or tires if loaded in a manner such that the items are not likely to fall or be blown from the vehicle.

(o) The city may charge patrons of the sanitary landfill, compost site, or the rubble site any and all costs associated with the patrons' failure to follow sanitary landfill, compost site, or rubble site rules and procedures for any class of waste.

(p) Deer or elk carcasses generated within the state: private individuals, no charge up to ten carcasses; businesses, \$50.00 per ton.

(q) Deer or elk carcasses generated outside the state: \$500.00 per ton.

(1957 Rev. Ords., § 7.909; Ord. No. 2308, 12-14-64; Ord. No. 2655, 12-8-69; Ord. No. 21-72, 4-17-72; Ord. No. 44-73, § 1, 5-14-73; Ord. No. 50-75, § 1, 9-2-75; Ord. No. 56-76, § 1, 6-28-76; Ord. No. 18-79, § 1, 3-12-79; Ord. No. 107-86, 12-8-86; Ord. No. 127-89, §§ 1, 2, 12-11-89; Ord. No. 36-90, §§ 1, 2, 4-16-90; Ord. No. 125-90, § 1, 12-24-90; Ord. No. 35-91, § 1, 4-8-91; Ord. No. 71-91, § 1, 9-23-91; Ord. No. 5-92, § 1, 1-21-92; Ord. No. 28-92, §§ 1, 2, 3-9-92; Ord. No. 60-92, § 4, 6-22-92; Ord. No. 105-92, § 1, 12-7-92; Ord. No. 70-93, § 3, 9-20-93; Ord. No. 95-93, § 1, 12-6-93; Ord. No. 73-94, §§ 1, 2, 8-15-94; Ord. No. 149-95, § 1, 11-20-95; Ord. No. 75-01, § 2, 8-6-01; Ord. No. 99-02, § 1, 11-25-02; Ord. No. 15-03, § 3, 2-10-03)

Sec. 18-31. Reserved.

Editor's note: Ord. No. 149-95, § 1, adopted Nov. 20, 1995, repealed former § 18-31, which pertained to manner of payment of charges.

Sec. 18-32. Certain materials excluded.

The following materials shall be excluded from the solid wastes deposited at the landfill site:

- (1) Office paper.
- (2) Corrugated cardboard.
- (3) Plastic containers #1 and #2.
- (4) Metal containers.
- (5) Automobile bodies or other bulky articles.
- (6) Trees and tree limbs, unless they have been cut into pieces not exceeding eight feet in length.
- (7) Oils, gasoline and other petroleum products.
- (8) Hazardous materials.
- (9) Yard waste.
- (10) Lead acid batteries.
- (11) Waste tires.
- (12) White good appliances.
- (13) Regulated medical waste.
- (14) Radioactive materials.

Any person bringing material for deposit at the landfill, upon entry onto the landfill premises, authorizes the city to inspect the material before deposit. If excluded materials are discovered during the inspection, the city may refuse the entire load and charge the person attempting to deposit the materials the cost of the inspection.

(1957 Rev. Ords., § 7.910; Ord. No. 2308, 12-14-64; Ord. No. 19-72, 4-10-72; Ord. No. 56-74, § 1, 10-21-74; Ord. No. 73-75, § 9, 11-17-75; Ord. No. 88-81, § 8, 11-2-81; Ord. No. 60-92, § 5, 6-22-92; Ord. No. 56-94, § 1, 6-20-94; Ord. No. 149-95, § 1, 11-20-95; Ord. No. 43-97, § 7, 6-2-97; Ord. No. 75-01, § 3, 8-6-01; Ord. No. 15-03, § 4, 2-10-03)

Sec. 18-33. Removal restricted.

It shall be unlawful for any person to remove or cause to be removed from the rubble sites or sanitary landfills 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 enter into a contract with a person for the right of resource recovery at rubble sites.

(2) The city reserves the right to allow the cutting and removal of firewood from city rubble sites; provided, that persons cutting and removing firewood wear protective clothing and abide by safety regulations posted at the sites.

(3) The city reserves the right to allow removal of finished compost and wood chips.

(1957 Rev. Ords., § 7.911; Ord. No. 2308, 12-14-64; Ord. No. 25-88, § 1, 4-11-88; Ord. No. 149-95, § 1, 11-20-95)

Sec. 18-34. Private landfill unlawful.

No person shall operate or permit the operation of a disposal site in the city for the disposal of garbage, litter, rubbish or animal waste.

(Ord. No. 19-72, 4-10-72; Ord. No. 73-75, § 10, 11-17-75; Ord. No. 82-79, § 1, 9-4-79; Ord. No. 149-95, § 1, 11-20-95)

Sec. 18-35. Refusal to admit certain vehicles.

The city may refuse the admittance or the unloading at the sanitary landfill of the following vehicles:

(1) Those so loaded or uncovered so that material may fall or be blown off the vehicle while in transit.

(2) Those not having a permit displayed as required by section 18-52.

(3) Those containing special wastes not having received prior approval of the director or his designee or not having provided the landfill a minimum of 24 hours notice of intent to deliver said special wastes.

(4) Those containing materials in a form which when unloaded at the landfill will blow or is prone to blow from the face of the landfill.

(5) Those containing solid waste from the treatment of regulated medical waste not having documentation of waste sources and third party testing.

(Ord. No. 55-74, § 1, 10-21-74; Ord. No. 149-95, § 1, 11-20-95; Ord. No. 75-01, § 4, 8-6-01; Ord. No. 15-03, § 5, 2-10-03)

Cross references: Traffic, ch. 40.

Secs. 18-36– 18-43. Reserved.

ARTICLE IV. COMMERCIAL HAULERS

Sec. 18-44. License required.

No commercial garbage hauler shall use the streets for the collection, removal or disposal of any garbage, animal waste, rubbish or recyclable materials without first having obtained a garbage hauler's business license from the city.

(Ord. No. 111-89, § 1, 10-16-89; Ord. No. 149-95, § 1, 11-20-95; Ord. No. 98-02, § 1, 11-18-02)

Sec. 18-45. Chapter 23 applicable.

The provisions of chapter 23, insofar as the chapter may be applicable and not in conflict, shall apply to and govern the issuance of any license under the provisions of this article.

(Ord. No. 111-89, § 1, 10-16-89; Ord. No. 149-95, § 1, 11-20-95)

Sec. 18-46. Reserved.

Editor's note: Ord. No. 15-03, § 6, adopted Feb. 10, 2003, repealed § 18-46, which pertained to application for business license. See the Code Comparative Table.

Sec. 18-47. Reserved.

Editor's note: Ord. No. 39-95, § 1, adopted Mar. 6, 1995, repealed former § 18-47, which pertained to approval required.

Sec. 18-48. Transfer.

A business license issued under the provisions of this article may be transferred after paying the city a transfer fee as set out in section 23-25(4). The transfer will be approved only to a business operation meeting the minimum start-up requirements for garbage hauling. Individuals or businesses having a controlling interest in an existing garbage hauling operation cannot have a monetary interest in other licensed garbage hauling operations in the city. Business licenses transferred upon sale of a business to a new owner may be reissued in the name of the previous owner upon payment of a reissuance fee, compliance with the provisions of this article and proof that the business has been returned.

(Ord. No. 111-89, § 1, 10-16-89; Ord. No. 149-95, § 1, 11-20-95)

Sec. 18-49. Expiration.

Every business license issued under the provisions of this article, unless renewed, shall expire on December 31 following its date of issuance. Sale of a licensed garbage hauling business to an existing licensed garbage hauling business will cause the seller's license to expire upon consummation of the sale.

(Ord. No. 111-89, § 1, 10-16-89; Ord. No. 149-95, § 1, 11-20-95; Ord. No. 15-03, § 7, 2-10-03)

Sec. 18-50. Hauling unit permits.

A permit fee as set out in section 23-25(4) shall be charged for each hauling unit used by the licensee to transport garbage.

(Ord. No. 111-89, § 1, 10-16-89; Ord. No. 149-95, § 1, 11-20-95)

Sec. 18-51. Unit inspection required.

All hauling units permitted under this article shall be subject to random inspections by the city. Random inspections include inspections of vehicles, equipment, and contents delivered to the landfill for deposit.

(Ord. No. 111-89, § 1, 10-16-89; Ord. No. 149-95, § 1, 11-20-95; Ord. No. 15-03, § 8, 2-10-03)

Sec. 18-52. Display of permit.

The permits issued for the hauling units under this article shall be permanently displayed on each unit permitted to carry garbage.

(Ord. No. 111-89, § 1, 10-16-89; Ord. No. 149-95, § 1, 11-20-95)

Sec. 18-53. Minimum design and capacity requirements for vehicles and containers.

All garbage haulers are required to have watertight vehicles or containers which shall be permanently covered with no openings on top that would allow the contents to escape. All metal boxes are required and shall be equipped with metal doors which shall be in a closed position when the truck is in motion. Containers must be attached to the frame when in transport. Vehicles and containers must be manufactured or designed for garbage hauling. Pickup trucks containing dumpsters, open-framed boxes and wood-framed trucks are prohibited. Such vehicles or containers shall be thoroughly washed at such times as may be directed by the city or as may be necessary to keep the vehicles or containers in proper sanitary condition. Such vehicles or containers transporting garbage and rubbish or animal waste shall be so loaded that all the material shall be carried within the metal containers.

(Ord. No. 111-89, § 1, 10-16-89; Ord. No. 149-95, § 1, 11-20-95; Ord. No. 15-03, § 9, 2-10-03)

Cross references: Motor vehicles, ch. 25.

Sec. 18-54. Loading of vehicles.

Vehicles used for transporting rubbish, animal waste and waste materials shall be loaded so that no materials shall fall off or be blown off the vehicle while in transit. Loosely loaded vehicles with open boxes must be tarped.

(Ord. No. 111-89, § 1, 10-16-89; Ord. No. 149-95, § 1, 11-20-95)

Sec. 18-55. Reserved.

Editor's note: Ord. No. 39-95, § 2, adopted Mar. 6, 1995, repealed former § 18-55, which pertained to revocation.

Sec. 18-56. Frequency of collection.

Every licensed and unlicensed garbage collector or hauler shall collect the garbage, rubbish and animal waste from the residential districts at least once each week and from the business districts at least three times in each week. The collections in the business district shall be made as early in the day as convenient. Garbage, rubbish and animal waste loaded in a hauling unit must be in transport to a proper disposal site within 48 hours after pickup.

(Ord. No. 111-89, § 1, 10-16-89; Ord. No. 43-93, § 3, 5-17-93; Ord. No. 149-95, § 1, 11-20-95)

Sec. 18-57. Minimum vehicle requirements.

Individuals or businesses seeking a garbage hauler's business license shall provide proof of ownership of a minimum of one packer truck in good working condition. This requirement shall not apply to businesses using roll-off containers exclusively.

(Ord. No. 111-89, § 1, 10-16-89; Ord. No. 149-95, § 1, 11-20-95)

Sec. 18-58. Proof of insurance required for license.

No license shall be issued to any garbage hauler until proof of insurance is furnished to the city, showing such insurance to be in full force and effect during the entire term of the business license. The licensee shall furnish proof of liability insurance for public liability and property damage and for bodily injury/death growing out of any one accident or any other cause in the minimum sum of \$250,000.00 for one person, with an annual aggregate limit of \$500,000.00 for two or more persons; and in addition shall provide damage liability insurance in the minimum of \$100,000.00 for property damage growing out of any one accident or other cause, or as an alternative, provide combined limit for bodily injury/death or property damage in the sum of \$500,000.00. Such public liability and property damage insurance shall protect against loss from liability imposed by law for damages on account of bodily injury, including death resulting therefrom, suffered or alleged to have been suffered by any person resulting directly or indirectly from any act or activity of the licensee or any person acting for the licensee or under the licensee or under the licensee's control or direction and also to protect against loss from liability imposed by law for damages to property of any person caused

directly or indirectly by acts or activities of the licensee or any person acting for the licensee or under the licensee's control or direction.

(Ord. No. 111-89, § 1, 10-16-89; Ord. No. 149-95, § 1, 11-20-95)

Sec. 18-59. Solid waste collection rates.

All licensed garbage haulers shall file, as a part of their application for a business license, a general statement of their use rate structures and billing systems consistent with the city's comprehensive plan of solid waste reduction and recycling program which shall include the following elements:

(1) A rate to reward people who reduce their level of solid waste collection service based either upon volume or weight.

(2) A rate to provide customers with adequate options and incentives to reduce their weekly level of solid waste collection service and the amount of solid waste collected as a result of their participation in waste reduction and recycling programs.

(3) A rate that includes the combined cost of solid waste, using the above elements, and recycling collection services.

(Ord. No. 43-93, § 6, 5-17-93; Ord. No. 149-95, § 1, 11-20-95)

Sec. 18-60. Garbage haulers licensed recyclable collectors.

Licensed garbage haulers shall be licensed recyclable collectors.

(Ord. No. 43-93, § 7, 5-17-93; Ord. No. 149-95, § 1, 11-20-95)

Sec. 18-61. Licensed recyclable collectors.

It shall be unlawful to purchase or use the streets for the collection of recyclables without first having obtained a recyclable collectors' license from the city. Only licensed garbage haulers may collect residential recyclables.

(Ord. No. 149-95, § 1, 11-20-95)

Sec. 18-62. Reserved.

Editor's note: Ord. No. 15-03, § 10, adopted Feb. 10, 2003, repealed § 18-62, which pertained to application for recyclable collectors' license; expiration. See the Code Comparative Table.

Sec. 18-63. Filing of reports.

Every licensed recyclable collector shall file an annual report before January 30 with the city on forms provided by the city showing the total weight by type of recyclables collected during the prior year and delivered to a recycling collection and/or processing facility not licensed by

the city. Records relating to recycling activities shall be kept confidential upon request, to the extent necessary, to protect proprietary information.

(Ord. No. 149-95, § 1, 11-20-95; Ord. No. 15-03, § 11, 2-10-03)

Sec. 18-64. Recycling collection and/or processor; license required.

It shall be unlawful to purchase recycled materials or operate a recycling collection facility or a recycling processing facility without first obtaining a recycling collection and/or processing facility license from the city.

(Ord. No. 149-95, § 1, 11-20-95)

Sec. 18-65. Reserved.

Editor's note: Ord. No. 15-03, § 12, adopted Feb. 10, 2003, repealed § 18-65, which pertained to application for recycling and collection and/or processors' license; expiration. See the Code Comparative Table.

Sec. 18-66. Filing of reports.

Every licensed recycling collection and/or processing facility shall file a monthly report before the 15th of the following month with the city on forms provided by the city, showing the total weight by type of recyclables purchased and/or processed during the reporting period. Records relating to recycling activities shall be kept confidential upon request, to the extent necessary, to protect proprietary information.

(Ord. No. 149-95, § 1, 11-20-95; Ord. No. 15-03, § 13, 2-10-03)

Sec. 18-67. Confidentiality of information.

The information disclosed under sections 18-59, 18-63 and 18-66 of this article may be disclosed only to the following:

- (1) The licensee who is required to submit the information to the department, or his designee appointed in writing;
- (2) Officers, employees, or legal representatives of the department for the purposes of, and only to the extent necessary in, the administration of this section;
- (3) Any agency, body, commission, or legal representative of the United States or the State of South Dakota charged with the administration of solid waste management, and only to the extent necessary in, the administration of such laws and regulations; and
- (4) To the extent required by a proper judicial or administrative order.

(Ord. No. 28-96, § 1, 3-4-96)

Secs. 18-68– 18-69. Reserved.

**ARTICLE V.
SOLID WASTE, REGULATED MEDICAL WASTE, TRANSFER AND RECYCLING
FACILITIES***

Editor's note: Ord. No. 75-01, § 5, adopted Aug. 6, 2001, amended the title of Article V to read as herein set out. See the Code Comparative Table.

Sec. 18-70. License required.

No person shall operate a solid waste or regulated medical waste, transfer or treatment facility without first having obtained a license to perform such service from the city.

(Ord. No. 93-88, § 2, 10-24-88; Ord. No. 149-95, § 1, 11-20-95; Ord. No. 75-01, § 6, 8-6-01; Ord. No. 15-03, § 14, 2-10-03)

Sec. 18-71. Application for license.

A written application for a license required by this chapter, if not provided for otherwise shall be filed with the city and shall set forth the following information:

- (1) The true name and address of the owner or operator of the facility or site.
- (2) Legal description of the place where the facility or site will be located.
- (3) A schematic drawing of buildings and other structures, showing layout and general dimensions for unloading, storage, compacting, processing, parking and loading areas.
- (4) The description of equipment including type, capacity and number of units.
- (5) A description of the fire-control equipment and additional emergency firefighting equipment that will be located at the facility or site.
- (6) An estimate of the design capacity and current daily capacity of the facility in tons.
- (7) Anticipated amount and planned method for final disposal of authorized collections.
- (8) Insurance requirements:
 - a. Workers' compensation insurance providing the statutory limits required by South Dakota law. In addition, it shall provide coverage B, employer's liability coverage, of not less than \$1,000,000.00 each accident, \$1,000,000.00 disease- Policy limits. The required limit may be met by excess liability (umbrella) coverage.
 - b. Commercial general liability insurance providing occurrence form contractual, personal

injury, bodily injury, and a property damage and liability coverage with limits of at least \$1,000,000.00 per occurrence, \$2,000,000.00 general aggregate, and \$2,000,000.00 aggregate products and completed operations. The required limit may include excess liability (umbrella) coverage. If "occurrence form" insurance is not available, "claims made" insurance will be acceptable.

c. Automobile liability insurance covering all owned, nonowned, and hired automobiles, trucks, and trailers. The coverage shall be as broad as that found in the standard comprehensive automobile liability policy with limits of not less than \$1,000,000.00 combined single limit each occurrence. The required limit may include excess liability (umbrella) coverage.

The city's approval or acceptance of certificates of insurance does not constitute city assumption of responsibility for the validity of any insurance policies nor does the city represent that the above coverages and limits are adequate to protect any individual/group or business, and assumes no liability therefor.

(9) A bond shall be filed with the city finance office in an amount of at least \$25,000.00, indemnifying the public against damages sustained because of any spill, dump or discharge occurring at the transfer, collection or processing facility or during transport from the facility to a permanent disposal site.

(10) A written emergency operational plan to provide for an alternative waste-handling system during periods of in operation, if applicable.

(11) A statement of the proposed days and hours of operation.

(Ord. No. 93-88, § 2, 10-24-88; Ord. No. 149-95, § 1, 11-20-95; Ord. No. 75-01, § 7, 8-6-01; Ord. No. 15-03, § 15, 2-10-03)

Sec. 18-72. Transfer.

Licenses issued pursuant to this chapter are not transferable.

(Ord. No. 93-88, § 2, 10-24-88; Ord. No. 149-95, § 1, 11-20-95)

Sec. 18-73. Renewal.

The city may, upon reapplication, renew a license issued under this article.

(Ord. No. 93-88, § 2, 10-24-88; Ord. No. 149-95, § 1, 11-20-95; Ord. No. 15-03, § 16, 2-10-03)

Sec. 18-74. License fees.

On filing an original application or a renewal application for a license to operate a solid waste or regulated medical waste transfer or treatment facility, or a solid waste transfer site, the applicant shall pay a fee as provided for in Chapter 23.

(Ord. No. 93-88, § 2, 10-24-88; Ord. No. 149-95, § 1, 11-20-95; Ord. No. 75-01, § 9, 8-6-01)

Sec. 18-75. Denial or revocation.

The license required by this chapter may be denied or revoked by the city if one or more of the following facts or circumstances are found to exist:

- (1) The applicant is not able to obtain the necessary bonding and insurance.
- (2) The facility is permitted to operate in such a manner as to create air, land or water pollution, public health hazards or nuisances.
- (3) The facility or site is not maintained in a clean and sanitary condition.
- (4) Violation by the licensee of applicable noise and fire ordinances.
- (5) Violation by the licensee of any applicable provision of this Code, state law, rule or regulation.

(Ord. No. 93-88, § 2, 10-24-88; Ord. No. 149-95, § 1, 11-20-95; Ord. No. 15-03, § 17, 2-10-03)

Sec. 18-76. Operating requirements.

General requirements and operation procedures for solid waste transfer facilities are listed as follows:

- (1) Storage of salvage. Salvaging and volume reduction operations shall be restricted to a specified, clearly identified area of the transfer facility. Salvage materials generated onsite or imported shall be stored away from other activity areas and be limited to a volume as approved by the health department. Stored materials salvaged from solid wastes shall be ancillary to the operation of the facility, unless such storage is planned as an integral part of the operation.
- (2) Drainage control. Surface drainage shall be handled as specified in the facility design. Storm water drainage leaving the facility shall not contain pollutants, solids, washwater or leachate emanating from solid wastes or any other process wastewater.
- (3) Housekeeping. A high standard of housekeeping is required in the maintenance of station equipment. Accumulation of fuel drums, parts, inoperable equipment, tires, scrap and similar items must be minimized unless reasonably screened from outside the station boundary.
- (4) Odor control. The facility shall not be a source of odor nuisances.
- (5) Equipment construction. All equipment used for the collection and transportation of solid wastes shall be durable, easily cleanable and designed for safe handling and constructed to prevent loss of waste from the equipment during collection or transportation. All equipment shall be maintained in a good condition and cleaned in a frequency and in a manner to prevent

the propagation or attraction of flies, mosquitoes, rodents, birds and other vectors.

(6) Frequency of removal. Waste can be stored at the transfer facility or site for no longer than 48 hours. A weekly removal of salvaged waste material is required. Other frequencies may be acceptable, so long as they do not result in health or safety problems and are authorized by the health department.

(Ord. No. 93-88, § 2, 10-24-88; Ord. No. 149-95, § 1, 11-20-95; Ord. No. 15-03, § 18, 2-10-03)

Sec. 18-77. Volume reduction permitted.

Volume reduction operations, such as baling, shredding, compacting or salvaging, are permitted at a solid waste transfer facility, provided they are conducted in a controlled manner as an integral part of the operation and in conformance with conditions established by the health department. Volume reduction activities shall not interfere with other aspects of the station operation and shall be controlled to minimize health, safety or nuisance problems.

(Ord. No. 93-88, § 2, 10-24-88; Ord. No. 149-95, § 1, 11-20-95)

Sec. 18-78. Conduct prohibited.

The following conduct is prohibited, unless the applicable permit to allow such activity has been obtained and the operation is in accordance with the appropriate federal, state and local laws, rules and regulations:

- (1) Scavenging.
- (2) Acceptance of hazardous substances.
- (3) Acceptance of regulated medical wastes.
- (4) Acceptance of liquid wastes.

(Ord. No. 93-88, § 2, 10-24-88; Ord. No. 149-95, § 1, 11-20-95; Ord. No. 75-01, § 8, 8-6-01)

Sec. 18-79. Requirements for disposal of solid waste generated from the treatment of regulated medical waste.

Any person that brings solid waste generated from the treatment of regulated medical waste to the landfill shall meet the following requirements:

- (1) Provide documentation that the waste has been properly treated. Sampling and testing of the solid waste generated from the treatment of regulated medical waste shall be performed by a method and frequency approved by the city.
- (2) Maintain waste manifests containing information regarding the waste generators and quantities of materials treated from each source.

(3) Allow the city to inspect the treatment facility and required records.

(4) The facility shall maintain all records for a minimum of three years.

(Ord. No. 75-01, § 10, 8-6-01; Ord. No. 15-03, § 19, 2-10-03)

**ARTICLE VI.
SOLID WASTE PLANNING BOARD**

Sec. 18-80. Creation.

There is hereby created a solid waste planning board.

(Ord. No. 61-98, § 1, 6-15-98)

Sec. 18-81. Composition of board.

The solid waste planning board shall be composed of 13 members appointed by the mayor with the advice and consent of the council:

(1) Eight members shall be voting members and selected as follows:

a. Three members shall be city employees who shall serve at the pleasure of the mayor.

b. One member shall be a representative of the garbage/recycling industry.

c. One member shall be from the Minnehaha County Planning Office.

d. Three members shall be citizens of Sioux Falls who have no financial interest in the garbage/recycling industry.

(2) Five members shall be nonvoting members and selected as follows:

a. One representing Lake County.

b. One representing Lincoln County.

c. One representing McCook County.

d. One representing Turner County.

e. One representing the City of Madison.

(3) The terms of members, except the three city employees, shall be for a period of three years.

(Ord. No. 61-98, § 1, 6-15-98)

Sec. 18-82. Purpose.

- (a) Review the current waste stream of the users of the Sioux Falls landfill and investigate how the waste stream may vary in the future and analyze how current and future recycling efforts may impact on the waste stream.
- (b) Assess the availability of markets and potential markets for recyclable materials on the local, regional, and national scale, including collection sites, actual recycling operations, prices, and any related matters.
- (c) Develop plans for public education programs for waste reduction and recycling.
- (d) Develop plans and pilot projects to achieve waste reduction and recycling goals and provide economic, environmental, and social cost-benefit analysis for each project.
- (e) Assess current ordinances and statutes and recommend appropriate changes.
- (f) Review and analyze alternative methods (other than landfilling) for disposal of "special wastes," i.e., hazardous wastes generated by households and small quantity generators, waste oil, tires, batteries, pesticides, and any other problem wastes.
- (g) Make ongoing reports to the mayor of its findings and recommendations.

(Ord. No. 61-98, § 1, 6-15-98)

Sec. 18-83. Staff.

The city employee member from the public works department shall act as chairman and secretary for the board. The city attorney shall appoint a staff member of the attorney's office to advise the board.

(Ord. No. 61-98, § 1, 6-15-98; Ord. No. 15-03, § 20, 2-10-03)