

ORDINANCE NO. 70

AN ORDINANCE REGULATING LITTERING, GARBAGE, GARBAGE COLLECTION AND COMMERCIAL GARBAGE HAULERS WITHIN THE CITY OF CROOKS, SOUTH DAKOTA.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CROOKS, SOUTH DAKOTA:

Section 1. Definitions.

Terms used in this ordinance shall have the following meanings:

- (1) "Litter" - any discarded, used or unconsumed substance or waste, including but not limited to, any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspaper, magazines, glass, metal, plastic or paper containers or other packaging construction material, abandoned motor vehicle, as defined in SDCL 32-36-2, motor vehicle parts, furniture, oil, carcass of a dead animal, any nauseous or offensive matter of any kind, any object likely to injure any person or create a traffic hazard, or anything else of an unsightly or unsanitary nature, which has been discarded, abandoned or otherwise disposed of improperly.
- (2) "Solid waste" - any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded materials, including solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial and agricultural operations, and from community activities, but does not include mining waste in connection with a mine permitted under Title 45, hazardous waste as defined under SDCL Chapter 34A-11, solid or dissolved materials in domestic sewage or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as amended to January 1, 1989, or source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended to January 1, 1989.
- (3) "Garbage" shall be synonymous with the term "solid waste".

All other terms whose definitions may be reasonably questioned shall have the same meanings as prescribed by applicable South Dakota statutes.

Section 2. Littering prohibited.

No person may dump, deposit, drop, throw, discard, leave, cause or permit the dumping, depositing, dropping, throwing, discarding or leaving of litter upon any public or private property in this city, or upon or into any river, lake, pond, or other stream or body of water in this city, unless:

- (1) The property has been designated by the city or any of its authorized employees or agents for the disposal of litter;
- (2) The litter is placed into a receptacle or other container intended by the owner or tenant in lawful possession of that property for the deposit of litter;
- (3) The person is the owner or tenant in lawful possession of the property or has first obtained the consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant and does not create a public health or safety hazard, a public nuisance, or a fire hazard;
- (4) The person is acting under the direction of proper public officials during special cleanup days; or
- (5) The person is lawfully acting in or reacting to an emergency situation where health and safety is threatened, and removes and properly disposes of such litter when the emergency situation no longer exists.

Section 3. Littering from motor vehicle prohibited. Transporting litter to highway or street receptacles prohibited.

No person shall dump, deposit, drop, throw, discard or otherwise dispose of litter from any motor vehicle upon any public highway, upon any public or private property or upon or into any river, lake, pond, stream or body of water in the city except as permitted by law, nor shall any person transport by any means garbage or refuse from any dwelling, residence, place of business, farm or other site to and deposit such material in, around or on top of trash barrels or other receptacles placed along public highways or streets. A person convicted of violating this section while operating a motor vehicle shall be considered to have been convicted of a moving traffic violation, and a report of such conviction may be forwarded to the appropriate state authorities.

Section 4. Commercial Garbage Hauler License.

It shall be unlawful for a commercial garbage hauler to use the streets or roads within the City of Crooks for the collection, removal or disposal of any solid waste, without first having obtained a Commercial Garbage Hauler License from the City Council.

Section 5. Application.

The application for a Commercial Garbage Hauler License, and renewal thereof, shall be obtained from the Municipal Finance Office, and upon completion, shall be returned to such Office. The application shall include:

- (1) Applicant's name and address;
- (2) Trade or Business name, if other than applicant's name;
- (3) If a partnership, the names and addresses of all partners;
- (4) If a corporation, the names and addresses of all officers and directors;
- (5) Business address, if other than applicant's address;
- (6) Description of collection operations including trade area, frequency of collection, routes of travel and hours of operation;
- (7) Such other information as may be required by applicable state statute or city ordinance;
- (8) Such other information as may be required by the City Council;
- (9) The following supplemental information and fee(s):
 - a) Proof of registration with the Sioux Falls Health Department that the applicant will be allowed to deposit solid waste collected from Crooks in the Runge Landfill;
 - b) Proof of insurance coverage, as described in Section 10;
 - c) Proposed rate structure, as described in Section 11; and
 - d) A license fee of \$ 75.

Section 6. Transfer.

No license issued under the provisions of this ordinance shall be transferrable.

Section 7. Expiration.

Every license issued under the provisions of this ordinance shall expire at the end of the calendar year for which it was issued.

Section 8. Renewal.

The holder of a current valid license may apply to renew the same in the same manner as original application therefore.

Section 9. Revocation.

Any license issued under the provisions of this ordinance may be revoked by the city council for the violation by the licensee of any applicable provision of federal law, state law, city ordinance, or other lawful authority.

Section 10. Insurance Requirement.

Every licensed garbage hauler shall have and continually maintain liability insurance coverage for property damage, injury or death, with minimum coverage of \$250,000.00 per occurrence, and an annual minimum aggregate limit of \$500,000.00.

Section 11. Rate Structure.

Beginning with applications for licenses for the year 1995, each applicant for a Commercial Garbage Hauler License shall provide a schedule of the rates which the applicant is proposing to charge its customers. The rate structure shall demonstrate that the applicant's proposed rates are volume based, meaning that the rates charged to customers shall be related to the volumes collected from those customers. The rate structure should provide financial incentives to encourage source reduction, re-use and recycling. If applicable, charges shall be categorized as to residential, commercial, and any other special charges. A license holder may change the rate structure during the term of the license, but any change will require a filing of the new rates with the City.

Section 12. Random Load Inspections.

No holder of a Commercial Garbage Hauler License shall violate any rule or policy established by the City of Sioux Falls for the Runge Landfill. All vehicles transporting solid waste to the Runge Landfill shall be subject to random load inspections performed by the Sioux Falls Health Department.

Section 13. Frequency of Collection.

Each holder of a Commercial Garbage Hauler License shall collect solid waste from its customers at least twice per week. In cases where a customer produces a type or quantity of solid waste which requires more frequent collection to protect public health, sanitation or safety, the City Council may direct the license holder to collect solid waste from that particular customer on a more frequent basis.

Section 14. Recyclable Materials.

Beginning January 1, 1995, every licensed garbage hauler shall provide recycling opportunities as a part of their regular pickup. Recyclables shall be presorted into the kinds or categories specified by the garbage hauler and bagged, boxed or otherwise packaged as the garbage hauler shall require.

Section 15. Prohibited Material/Effective Dates.

The following materials and items shall be prohibited from being deposited in any landfill, collected by any licensed garbage hauler, or otherwise placed in the "waste stream" by any person, from and after the following dates:

- A. Yard waste.....January 1, 1995.
- B. Tires, whole or processed.....July 1, 1995.
- C. Lead acid batteries.....July 1, 1995.
- D. Waste motor oil.....July 1, 1995.
- E. White good appliances.....January 1, 1996.
- F. Office and computer paper.....July 1, 1996.
- G. Printed paper products, corrugated paper, and cardboard paper.....January 1, 1997.
- H. Glass, plastic, aluminum and steel containers.....July 1, 1997.

In addition, should any of said items be banned from the Sioux Falls Runge Landfill prior to the date(s) specified above, the date of prohibition for the Runge Landfill shall be the applicable date.

Section 16. Vehicle/Equipment Requirements.

All solid waste collection or transportation equipment operated by license holders are required to meet the following standards:

- (1) Vehicles shall be water tight;
- (2) Vehicles shall be covered, with no openings which would allow the contents or odors to escape or allow the contents to be seen;
- (3) Vehicle boxes shall be of all metal construction, and shall have metal doors which

shall be in a closed position whenever the vehicle is in motion;

- (4) Containers must be attached or bolted to the frame when in transport;
- (5) All vehicles and containers must be manufactured or designed for hauling solid waste;
- (6) Vehicles and containers shall be thoroughly washed at such times as may be necessary to keep the same in proper sanitary condition or as otherwise directed by the City Council, Sioux Falls Health Department or other proper governmental authority.
- (7) Vehicles shall be loaded so that solid waste does not spill out, fall out, blow out or otherwise leave the vehicle or container while it is collecting or transporting solid waste.

Section 17. Repeal.

Article II. of Ordinance No. 30 is hereby repealed.

Adopted this 5th day of December, 1994.

First Reading:	July 11, 1994
Second Reading:	December 5, 1994
Passage and Adoption:	December 5, 1994
Publication:	December 14, 1994

R. E. BARNEY BERNARDS
Mayor

R. E. Barney Bernards

ATTEST:

Shirley Larson

SHIRLEY LARSON
Municipal Finance Officer

(MUNICIPAL SEAL)