

CHAPTER 2-6 SANITATION AND DUMPING GROUNDS

2-6-1 DEFINITIONS

For the purposes of this chapter, the words below are defined as follows:

1. "Garbage" is all solid and semi-solid, putrescible and vegetable wastes, resulting from the handling, preparing, cooking, storing, serving and consuming of food or of material intended for use as food, and all offal, excluding useful industrial by-products, and shall include all such substances from all public and private establishments and from all residences.
2. "Refuse" is all putrescible and non-putrescible wastes, including but not limited to garbage, rubbish, ashes, incinerator ash, incinerator residues, street cleaning, market and industrial solid wastes and sewage treatment wastes in dry or semi-solid form.
3. "Rubbish" is non-putrescible solid waste consisting of combustible and non-combustible wastes, such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, or litter of any kind.
4. "Rubble" is stone, brick or similar inorganic materials.
5. "Solid Waste" is garbage, refuse or other discarded materials resulting from industrial, commercial, agricultural and community or residential activities, but does not include solids or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluent, dissolved materials in irrigation return flows or other common water pollutants.
6. "Person" is any individual, partnership, firm, association, municipality, public or private corporation, subdivision or agency of the state, U.S. Government, trust, estate or any other legal entity.
7. "Disposal Site" is any area, location, tract of land, building, structure or premises at which solid wastes are accepted, disposed of by land filling, incineration, composting or any other method.
8. "Solid Waste Management System" is the entire process of storage, collection, transportation, processing and disposal of solid wastes, by any person engaging in such process as a business or by any municipality, authority, county or any combination thereof.
9. "Garbage Container" is a non-absorbent, water tight can, rodent proof, approved by the contractor, which must be kept in a sanitary condition at all times, with the outside thereof free and clean of grease or decomposed matter, secured in such a manner that it cannot be tipped over or spilled by dogs or marauders.
10. "Rubbish Container" is a box, crate or can of such character that it can be readily handled and emptied by the city rubbish collectors and sufficiently tight so as to prevent the rubbish therein contained from being blown or strewn about.

11. "Contract Garbage Collector or Hauler" is any person who hauls or transports and garbage or rubbish through or upon the streets or alleys of the city for a consideration or a fee pursuant to a contract with the city.
12. "City Dump Grounds" is a disposal facility where garbage, rubble, rubbish and solid waste are disposed of in a manner which minimizes environmental hazards. The operation for disposing of garbage, rubbish or rubble by the city or its contractor hauler.

Ordinance 341, 9/17/73; Authority: SDCL 9-32-11

2-6-2 DEPOSIT OF GARBAGE AND RUBBISH IN CONTAINER

The occupant of every private home or dwelling place, and the operator of every place of business in the city is hereby required to deposit and keep the garbage that accumulates each day upon his premises in a garbage container as defined above, and to each day deposit and keep the rubbish that accumulates upon his premises in a rubbish container herein defined, provided that grass, leaves or other material to be used as compost for fertilizer may be kept in a pit or closed container, until such time as it may be used.

Ordinance 341, 9/17/73; Authority: SDCL 9-32-11

2-6-3 COLLECTION OF GARBAGE AND RUBBISH

The contract garbage collector or hauler shall collect garbage and rubbish from the residence district at least once in each week and from the business district as determined by the contract garbage collector. The collections in the business district shall be made as early in the day as is convenient.

Authority: SDCL 9-32-11

2-6-4 CONTAINERS

All garbage shall be placed in sealed water tight bags, inside garbage containers, and set out to the curb or accessible alley on days of pickup.

Ordinance 341, 9/17/73; Authority: SDCL 9-32-11

2-6-5 RUBBISH TO BE COMPACTED

Before being deposited in a rubbish container all rubbish shall be broken or cut up and compacted so as to occupy as little cubic space as possible and so that it may easily be handled and loaded.

Ordinance 341, 9/17/73; Authority: SDCL 9-32-11

2-6-6 CONTAINERS TO BE ACCESSIBLE

Whenever the premises in which garbage and rubbish accumulates are adjacent to a street or alley, the garbage and rubbish containers shall be kept on the premises in such

a location that they will be readily accessible to the nearest street or alley without being unsightly.

Ordinance 341, 9/17/73; Authority: SDCL 9-32-11

2-6-7 CONTAINERS FOR MULTIPLE FAMILY DWELLINGS

The proprietor or operator of each duplex, apartment house, or similar multiple family dwelling shall furnish and maintain for the use of the tenants therein a sufficient number of garbage containers and rubbish containers to hold all garbage and rubbish that accumulates upon such premises in the course of a week, or he shall require the tenants upon said premises to furnish such containers. The place where the garbage and rubbish containers are located shall be kept in a clean and sanitary condition at all times.

Ordinance 341, 9/17/73; Authority: SDCL 9-32-11

2-6-8 CONTAINERS FOR BUSINESS

Every owner or person in charge of any restaurant, hotel, grocery store, wholesale or food processing establishment or any other business or commercial place having garbage or rubbish as defined by this title shall furnish and provide for use in connection therewith, a constructed of metal and shall have metal covers for all opening, and shall be emptied often enough to prevent the same from giving off any odor or stench.

Ordinance 341, 9/17/73; Authority: SDCL 9-32-11

2-6-9 GENERAL RESTRICTIONS

1. No person shall place, throw or deposit or cause, suffer, or permit to be placed, thrown or deposited any garbage or rubbish as herein defined, in any street, alley, or public ground in the city, except in containers approved by this chapter.
2. No person shall move any article over any street or alley within the city unless such article is entirely supported on wheels, except when such operation is specifically authorized by the Street Foreman.
3. The Contractor shall dispose of all garbage and waste in a landfill approved and licensed by the United State Environmental Protection Agency and the South Dakota Department of Environment and Natural Resources.

Authority: SDCL 9-32-11

2-6-10 CONTRACT FOR GARBAGE COLLECTION

It shall be unlawful for any person to use the streets for the collection, removal or disposal of any garbage or rubbish for a fee or charge without having first entered into a contract with the city to perform such services. Any contract entered into for such services shall be approved by the City Council before it is issued and shall be for such term and consideration and subject to such conditions as the City Council shall from time to time determine in accordance with the provisions of this Ordinance.

Authority: SDCL 9-32-11

2-6-11 GARBAGE COLLECTION VEHICLES

Contract garbage collectors shall provide themselves with suitable vehicles which shall be water tight, leak proof and permanently covered on top which will not permit blowing refuse or leakage onto the roadway leading to the disposal site. Such vehicles shall be kept in a clean and sanitary condition and shall be thoroughly washed at least each week or more often as may be necessary to keep the vehicles in proper sanitary condition. Such vehicles, when conveying garbage shall be so loaded and unloaded that the contents shall not fall or spill upon the ground. No article or item shall be carried on such vehicles so as to drag upon the street. All vehicles used for the collection of garbage shall be equipped with an all metal box which shall otherwise comply with the requirements hereof. Only one ton trucks shall be allowed to travel on city streets for waste pickup.

Authority: SDCL 9-32-11

2-6-12 LOADING OF GARBAGE VEHICLES

Any vehicles used for transporting rubbish and waste material shall be loaded that no material shall fall off or be blown off the vehicle while in transit. It shall be unlawful for any person to load a vehicle contrary to the provisions hereof.

Authority: SDCL 9-32-11

2-6-13 YARD WASTE COMPOST AREA LOCATION AND REGULATIONS

The Department of Environment and Natural Resources granted the City of Howard to operate the yard waste compost facility under the general permit: GPCF 98-05-001.

1. The site will be located northwest of the City of Howard, Miner County, SD (NE ¼ of Section 3, T106N, R56W).
2. This site is permitted to accept the following: yard waste for composting; and trees, tree branches, and untreated/unpainted wood for burning.

Authority: SDCL 34A-6-74 through 34A-6-78

2-6-14 MANDATORY FEE

There is hereby established the following schedule of fees which shall be charged monthly by the Finance Officer, together with charges for other utilities, to each occupant or family or commercial establishment with the city.

1. Residential: For the occupant of every dwelling house, apartment or building used or occupied for residential purposes, a monthly fee of \$16.47 per family.
2. Commercial: For every commercial business a minimum fee of \$17.48 per month, provided however, that any commercial establishment requiring collection more frequently than once each week shall pay an additional charge commensurate with the frequency of pickup and quantity of garbage and

rubbish required to be collected, which said additional fee shall be established from time to time by the contract garbage collector, subject to the approval by the City Council.

3. The City will retain and earn \$1.00 of billed account per month for the account management, billing and collection responsibilities it retains.

Ordinance 341, 9/17/73, 668, 8/8/11; Authority: SDCL 9-32-11

2-6-15 PAYMENTS AND DELINQUENT FEES

The person residing in or on the premises served shall be liable for the payment of the charges herein provided, but to facilitate collection thereof, the person in whose name the electric service is charged shall be billed therefore and shall pay it with the electric bill and payment shall be made at the office of the Finance Officer. If not paid within fifteen days after the same has become due as provided in this chapter, they shall become delinquent and the person liable for payment shall be subject to the penalties prescribed by this Ordinance.

Ordinance 341, 9/17/73, 643, 4/9/07; Authority: SDCL 9-32-11

2-6-16 NUISANCE AND PENALTY

Every accumulation of garbage or rubbish which is deposited, kept, burned or transported any place in the city in violation of the provisions of this ordinance is hereby declared to be a public nuisance, and any person who maintains or permits the maintenance of such nuisance shall be guilty of a misdemeanor and, upon conviction thereof shall be subject to a fine of not exceeding One Hundred Dollars (\$100.00).

Ordinance 341, 9/17/73; Authority: SDCL 9-32-11