



***City of Sioux Falls Solid Waste
Planning Board Minutes
Sioux Falls Carnegie Hall – Council Chambers
235 W. 10th St.
September 28th, 2010; 4pm***

Roll Call

Board Members Present:

Jake Anderson
Sarah Campbell
Greg Dix
Bob Kappel
Nancy Korkow
Aimee House Ladonski
Dave McElroy
Ryan Streff
Heath VonEye
Merle Wollman

Board Members Absent:

Craig Ellerbroek
Dale Long
John Overby
Deb Reinicke/Roger Hageman
April Schave

Guests Present:

Drew Price
Al Veldkamp
Gerald Cressman
Laurie Cressman
Johnn Cressman
Perry Schemp
Todd Sandman
Lynne Keller Forbes
Tom Wilford
Bobbi Nelson

Ken Harmdierks
Thomas Hanf
Troy Ogan
Dan Neuroth
Cindy Neuroth

McElroy- Motion to move Lynne Keller Forbes from SECOG to the beginning of the agenda

- 2nd by Kappel
- Voted; all in favor, none opposed

Dix- Motion to move 18-81 to the front of the agenda

- 2nd by Korkow
- Voted; all in favor, none opposed

Ladonski- Recommending a motion to delay points 6 & 7 of the agenda to another SWPB meeting

- Kappel made the motion to delay points 6&7 of the agenda to another SWPB meeting
- 2nd by McElroy
- Voted; all in favor, none opposed

Approval of Minutes

- VonEye made a motion to approve minutes from the last two meetings
- 2nd by McElroy
- Voted; all in favor, none opposed

Agenda

1. SECOG & Executive Director of the SE Development Foundation Loan Program (including Clay, Lincoln, McCook, Minnehaha, Turner and Union Counties; does not include Lake County)- *Lynne Keller Forbes*

- State DENR loans allow haulers to borrow @ 2.25% for 7 years
- Awarded SECOG \$600,000 grant for haulers to use toward activities such as land, buildings, permanent fixtures, equipment and machinery, working capital, limited refinancing per ARSD
- Need a 20% match, including loans from others (including your own funds)
- SECOG & SE Development Foundation meet monthly, and accept applications on a rolling basis (unlike the State's October 1st deadline.)
- Contact information on sheet
- Public comment- None

2. 18-81- *Dix*

- Presented information on his proposed changes to 18-81
- Anderson made a motion to refer to Admin Rules Committee

- 2nd by McElroy
- Dix was asked to present his proposed changes:
 - 15 member board
 - 1.
 - A. 2 City employees, LF Superintendent and Sustainability Coordinator (currently 3)
 - B. 4 members (currently 1) from the collection industry
 - C. 1 member from the recycling industry
 - D. 2 members (currently 3) citizens of the City of Sioux Falls who have no financial interest in the garbage/recycling industry
 - E. One member form each of the governing bodies (No change)
 - 2.- No change
 - 3.- No change
- Voted; all in favor, none opposed to refer to ARO Committee

3. LF Superintendent Report- *McElroy*

- Went over fact sheet provided at last meeting

4. Sustainability Coordinator- *Ladonski*

- Recycla-BALE project is taking place around Sioux Falls. Visit siouxfalls.org/green for more information.

5. Review of Ch 23 proposed changes- *McElroy*

- Explanation of tiered system: Transfer fee should be dropped in the event that an existing hauler purchases another haulers account, they are already licensed and have an account, therefore should not be subject to the fee. If a new business purchases a haulers account, they will be treated as a new hauler and will be subject to the transfer fee.
- Kappel recommends chair of ARO committee to make a motion to the board
 - VonEye made a motion for the board to consider what the committee discussed
 - 2nd by Kappel
- Kappel- based on comments and feedback from individuals at the hauler meeting on 9/27/2010, I make a motion to amend the fee amounts (see Kappel's attachment)
 - Drop transfer fee because if a hauler is buying another hauler's accounts, they should be treated as a new hauler rather than transferring
 - 2nd by McElroy
 - Anderson- Not comfortable with this structure at this time; if we are going this route, rather than based on tons, base it on who is meeting the recycling

- requirement and who isn't following it. I recommend we take some of the suggestions from last night's hauler meeting (9/27/2010) before we pass this
- Kappel- appreciate discussing his proposal, because the proposed fees are not feasible for small haulers specifically; would like consideration of the amendment to prove to the hauling committee we are showing concern
 - Anderson- I understand that but I think we are moving too soon on this amendment at this time
 - Kappel- To those not present last night- it was pretty much unanimous that the hauling industry did not support this fee structure; most of the debate was on the renewal fees, and so I have proposed a new structure for the board to consider; the original motion will not pass and it's back to the drawing board again
 - Perry Schempf- not clear on the intent looking at either the original or the newly proposed fee structure; understanding that it encourages people to take it seriously, I don't think this will truly deter people from going into the hauling industry; It seems like a tax basically
 - McElroy- Stemmed from complaints from the public on the number of haulers; another idea was to cap
 - Anderson- Another intent was to level the playing field; other means of achieving this standard down the road
 - Kappel- too burdensome to have a \$5000 for everyone on an annual basis. The city has other means of bringing haulers into compliance; if this fails, we will lose the opportunity to place a professional licensing fee on new people coming into the business
 - Bobbi Nelson - I understand where you're coming from with limiting the number of trucks; I think everyone is almost on the same playing field now, so we need to go the direction of pushing recycling to put the number of haulers back down. The fee will get passed along to citizens one way or another; \$5000 isn't much for big haulers, but for small haulers, it's a lot to raise licenses AND increase landfill fees; pushing recycling is going to serve both purposes in the best manner
 - McElroy- This will make new haulers think seriously about starting up
 - Wollman- How many new haulers started in 2010, 2009?
 - McElroy- 4-5 (actual number: 3)
 - Anderson- We need to have a thorough discussion of issues brought about from the hauler meeting
 - VonEye appreciate the comments; Madison has a cap of one private, one public; if Madison changes it's cap, is it a fair assessment for them coming in at such a high

rate; is it right to access this high fee on a new hauler?; not the best conduit to make them abide by the rules and prolong the life of the landfill

- Kappel- Intent of the amendment is to meet the needs of both parties- City administration and hauling community
- VonEye- Administration needs assistance on how to implement these regulations and rules; staffing issues or monetary issue?; from the viewpoint of another government employee, they need more teeth, and that was the goal of this fee structure so it would help enforce and clarify rules
- Voted; 3 in favor; 6 opposed; motion fails ₁
- Discussion on original motion
 - Kappel- I cannot support this because of how high of a burden these fees are on smaller haulers; recommends board immediately vote down this measure to protect those haulers who can
- Voted regarding original motion (attachment Ch 23); none in favor, all opposed ₂
 - Motion by Anderson to take this up in next ARO Committee as first agenda item
 - 2nd by Kappel
 - Anderson would like to discuss some of the ideas mentioned last night with the ARO committee
 - VonEye- Clarification: this agenda point would not be only regarding Ch 23 but ideas in general to ARO Committee
 - Voted; all in favor, none opposed₃

6. Review of Ch 18 Proposed Changes

- Kappel- Motion that 18-25 as written be approved by the Board
 - 2nd by VonEye
 - McElroy- Clarification: This would force businesses to report their recyclables they self-haul
 - Anderson- Clarification question: At the ARO Committee we talked about voting on these separately and tied? What do we do now? Do we have to vote on these individually? (No)
 - VonEye- 18-25 was to take the burden off the hauler and put it on the City
 - Wollman- What is the likelihood of that happening?
 - McElroy believes it is likely. He had a conversation with WalMart and they are willing to do it
 - Korkow- What will happen if they do not?
 - They will be in violation of ordinance like any other violator

- McElroy- This stemmed from hauler concerns and is meant to assist haulers with acquiring these numbers
- Ladonski- That letter will be available by Friday of next week
- Campbell- How much work is this for businesses?
- McElroy- They already should have reports from recycling companies
- VonEye- Some may not want to release it publically because it could affect them on a national scale with other communities then wanting their numbers
- Laurie Cressman - Concerns about the reporting- a lot of businesses do keep track of this, but some companies are so large they lose the information; also, concerned about potential confidentiality of information and having a hauler report these volumes; could be detrimental to her company because of potential targets from competitor
- VonEye- Would you feel compromised if the hauler went to the business and not to you (the recycling company) for the information?
- Laurie Cressman- It depends on how much that information gets out; what keeps the hauler from passing that information along? Will the City collect the information or will the hauler?
 - McElroy- It can be reported to either the City or the hauler. Could change wording to read report to City rather than the hauler
- Kappel- This is to help the licensees; I think the haulers have just as much right to know those numbers as the City does
- Laurie- I feel it is confidential information coming from my company that you are mandating I give up
- Kappel- Does it meet state guidelines and definitions for confidential? If so, it should remain confidential
- Tom Wilford- Is proprietary information the same as confidential? (clarification: no) Current form says it's verifiable, so would tickets be required etc?
 - McElroy- Manifests or tickets would be required; businesses want to be seen as green so they are usually willing to share information
 - Tom- Want to make sure it's verifiable, correct?
 - McElroy- Yes in the form of scale tickets
- Voted; all in favor, none opposed₄
- 18-26 shall not collect visible required recyclables; must leave a note of why it was left
 - McElroy- This is to further the education of customers; an attempt to level the playing field; City will provide the note to haulers
 - Kappel made a motion to approve as written, by the board

- 2nd by Campbell
- Anderson- The word "visible" is subjective; believes it can be better if visible is left out and leave 18-75 as the mechanism to encourage better recycling
- McElroy- Haulers would have to use their best judgment on what is visible; City employees cannot be out in the city watching haulers, but it is another mechanism to further educate
- Kappel- Encouraged the word visible to remain in the language because if an item is contained in a black bag, for example, he does not believe if the bag breaks open in a truck, the hauler should not be penalized; laws take into consideration the reasonableness of words and this would pertain to that; it is a necessity to have a reasonable term
- McElroy- Administration does support this; Mayor, Mark Cotter and others have said they have been left notes by their haulers to further educate them, and found them useful
- Anderson made a motion to amend to strike "visible" from 1st sentence and strike "those" in the last sentence.
 - 2nd VonEye
 - Kappel- For further clarification, looking at a dictionary, "visible" is defined as "capable of being seen to the naked eye." Attorney will use dictionary. For clarification, I do support removing all recyclables, but having worked with enforcing ordinances, I believe the more descriptive, the better
 - Korkow- I support the word "visible" because it is impossible to know what is in bags
 - Anderson- I understand it is impossible to go through all bags/loads
 - Voted; 1 in favor, 8 opposed_s
 - *Note: Sarah Campbell left at 5:20 pm
- Tom Wilford- I believe the hauler has a role to educate the public, but not the only one; regarding notes discussed earlier- the notes addressed garbage in the recycling, not recycling in the garbage; his company does address garbage in recycling but not recycling in the garbage
- McElroy- Perhaps a mirrored ordinance should be created then, stating no garbage should be in the recycling or it will be left
- Tom Wilford- Does any hauler currently do this (leave garbage if it contains recycling)?
 - McElroy- Yes, we have heard that some do

- Tom Wilford- What about a company that uses an automated arm to dump loads and does not necessarily check the individual loads? I don't believe that hauler would be able to meet this requirement; this would be almost impossible to enforce, and is there a good way to enforce it?
 - McElroy- It could be done similar to a sting, where a tracked recyclable could be placed in a container
 - Tom- Is this on the same level of seriousness as alcohol, that we need to develop stings?
 - McElroy- Yes because it, too, could put people out of business for not meeting ordinance; livelihoods are at stake
 - Tom- At what point do you give up on a member of the public as a potential recycler? It seems really extreme to do stings; I don't believe administration is ready or willing;
 - McElroy- I believe it is up to the hauler to see how long they'll let them go; similar to how long do you let a bill go unpaid
 - McElroy- How often are automated arms used?
 - Tom- Not very often
- Anderson- We already have a mechanism that meets this idea of encouraging recycling (18-75); this seems redundant
 - McElroy- It's just another tool, and it is a different tool
 - Kappel- 18-75 percentage is community based and hauler based but this is user based so it is another tool; I do understand Anderson's comments though
- Korkow- You say user based but now we're talking about stinging; it was presented as an education tool but stings are not really educational tools
- Kappel- Most ordinances are first used as education tools, and I do believe this would be a tool for education
- Perry Schempf- I see a problem with dumpsters; emptying dumpsters in the dark, lids aren't open until the container is being dumped, etc. I would need a string of lights to look into my dumpsters before dumping.
- Kappel- I appreciate Perry Schempf's comment, but I believe that "visible" addresses if it's too dark; additionally with the rarity of how much automated arms are used, I don't think it is sufficient enough to make an argument; I think this is more of a beneficial tool to help educate your customers
- Anderson- I still believe 18-75 is a better tool
- Voted; 4 in favor, 4 opposed; chair votes yes; motion passes₆

- 18-27
 - Motion by Kappel for the board to approve as written
 - 2nd by McElroy
 - Anderson- I would like to hear what the City attorney says about this before we propose this
 - McElroy- It is common for landfills to have this and has been tried in the Supreme Court; is it meant to protect the landfill's financial interests; this will ease the burden of verifying tonnages; all recommendations do go through the attorney before council
 - Wollman- Is this occurring?
 - McElroy- Yes, with C&D that we know of; unsure of MSW right now
 - Wollman- Does this address recyclables?
 - McElroy- This only addresses MSW
 - VonEye- For clarification, MSW is the same as garbage
 - Kappel- I don't foresee a big issue with this, but there are companies that do have small containers they handle on their own
 - Kappel- For clarification, MSW/garbage defined in beginning of Ch 18; in the instance Kappel mentioned, I believe an exception would have to be made here
 - McElroy- The state is aware of this practice and has approved it. The instance Kappel is referring to would not be a waste but similar to a recyclable
 - Kappel- I support the ordinance; I feel it is necessary for our landfill, but we will have to make sure the South Dakota Codified Law allows for City authority.
 - Anderson-I would like to hear what he attorney says before I vote
 - McElroy- It has been upheld in other courts and our attorney would look into it
 - Voted; 6 in favor, none opposed, 2 abstained; motion passes₇
- 18-59
 - Motion by VonEye to approve as written
 - 2nd by McElroy
 - McElroy- Clarification on PAYT; meant to support 18-59 current rate structure;
 - Examples of other communities given where this has been successful; proportional communities are per bag, so a factor of 2; we are only looking at a factor of 1.25
 - Right now, Sioux Falls' haulers with a three can system are typically at a 1.13 rate. We are looking to go up by .12.
 - Kappel- Are there haulers who do not have at least a two-level service?

- McElroy- Yes one, but most are offering at least two levels
- Streff- My personal service is about 1.5 for two cans of MSW, but only one size for recycling; in the future it might be interesting to address the size of recycling container as well
- Anderson- What prevents a resident from using the smallest can size, but then having multiple bags sitting outside of the can?
- VonEye- Nothing is collected outside of the can in City of Madison
- Anderson- That system is unique to Madison
- McElroy- Many haulers in Sioux Falls follow this because it is in their best business interest; they have to pay by unit weight so taking more bags outside the container doesn't make sense. For example, during a birthday party, I left an extra bag out and it was left by my hauler; they charge by size so they'll leave it;
- Wollman- Does this include multi-family housing units?
 - McElroy- This isn't specific to residential and business so in my opinion this would apply to both
- Korkow- Isn't it written that garbage has to be removed weekly? If you leave that garbage at the house, aren't you in violation of that ordinance?
 - McElroy- 18-56 says it shall be collected at least once each week for residential, and once in each week for commercial;
 - Kappel would like to hear from the haulers if most use a two size system
- Ken Harmdierks- How many units would determine size of containers, so you automatically address that usually when setting up the account. In Madison, the private hauler is called for what the City doesn't pick up, and vice versa
- Anderson- Dix, do you have any input? (Dix has none)
- Perry Schempf- I haul commercial and residential; there are more factors beyond size for price setting (length of trip getting there); I have a problem with price fixing; they can set their lowest price but are forced into the price of the next size. If buying a large can only costs a few dollars more, why should he have to charge more when he thinks it works for him to haul a larger can? I am just below the 1.25 and I don't need to increase but I would with this ordinance change.
- Anderson- The objective is to stimulate additional recycling, correct?
- McElroy- Yes, and this practice is widely used
- Anderson- Do they have similar infrastructure issues like Sioux Falls
- McElroy- I'm not sure; I have seen cities require the actual prices before and are allowed to do so.

- Wollman- Is the idea to get the consumer to start thinking what else they can start recycling to start saving money
 - McElroy- Yes
- Kappel- Is there a need to consider this only for residential customers?
 - McElroy- I think unit pricing (what this is) is fairly common in both residential and commercial rates anyway
- Tom Hanf- I think this should be residential only. Commercial is more difficult and usually it focuses on weight among other things for setting a price. It is much easier to “dumpster dive” with a commercial account as well; I see the value in this, but everyone will go to the smallest size and set out extra bags, forcing the hauler to then charge for those bags; I think it’s hard to compare us to other communities, but I do see the value in setting a base increase in sizes and prices, but I’m not sure you’ll see an increase in recycling; what about industrial customers who are charged by weight for example, not volume?
 - VonEye- Do many haulers have a program in place where if they have outside bags, they charge extra per piece? (Many haulers agreed with this statement)
- Kappel- Motion to amend “haulers must provide at least two levels of service to residential customers based on volume or weight” and leave the rest.
 - 2nd by VonEye
 - Wollman- Should we add “single family”?
 - Kappel- To clarify motion, amend to include “single family” in front of residential
- Anderson asked Chair to get one final input from public
- Bobbi Nelson- Based on what we’ve seen, the cost of cart size makes a big difference. We have customers who have gone from 96 gallon carts to 35 or 48 and the cost drop does make a big difference for some customers. I support it because it makes a larger push for recycling because it affects customers pocketbooks; we have seen it first hand
 - McElroy- And you are around a factor of 1.4 between sizes, correct?
 - Nelson- Yes
- Tom Wilford - About a 25% variation; we get customers who drop from two cans to one, larger to smaller, etc. It is the driver’s discretion to accept the extra bags, but if they typically put out extra bags, they can put a sticker on the bag each time they want to have it taken, or it won’t be taken. They are then billed for the sheet of stickers to use. It has been for the most part a successful policy

- Wollman- Does it help them recycle more?
 - Tom- They are switching because they recycle more
 - Anderson- Do you see an issue with this system, Tom?
 - Tom- No
- Kappel- A lot of discussion on creating an issue of more bags sitting out; technically, according to 18-17, I cannot have a smaller containers and occasionally set an extra bag out. 18-59 could work with this ordinance, and although it does not change my viewpoint, we need to be aware that we may have to address this in the future
- Streff- At a previous residence outside of Sioux Falls, in my townhome, we had a common place for disposal; how does that work with this?
- Ladonski proposed we move forward with the motion and use a committee to further discuss definitions of single family/multifamily
- Kappel- Recommends we talk to Planning & Building Services to get a proper definition and then address it at a staff level or director level
- Anderson-Residential is defined in the beginning of Ch 18 already
 - Voted on motion to amend original motion; all in favor, none opposed₈
 - Voted on original motion as amended; 5 in favor, 2 opposed₉
- For clarification: 18-81 (3) has already been voted upon by the board
- Kappel- The board originally proposed to take all changes to the Council; because they were denied, we must vote on them again as a whole; Motion to vote to approve all
 - McElroy 2nd
 - *Greg Dix and Nancy Korkow left at 6:28; Quorum not present
 - Due to vacancies, we will delay for vote on this

7. Administrative rules will also be deferred due to a lack of quorum

Closing statement from Kappel- I appreciate those on the board for committing to the topics here, and how professional the board is while reaching decisions through legitimate debate

Meeting is adjourned

Chapter 23

LICENSES*

Article I. In General

- Sec. 23-1. Required.
- Sec. 23-2. Payment of fee.
- Sec. 23-3. Application for license.
- Sec. 23-4. Issuance.
- Sec. 23-5. Approval of bonds.
- Sec. 23-6. Term.
- Sec. 23-7. Display required.
- Sec. 23-8. Displaying license unlawfully.
- Sec. 23-9. Suspension, revocation.
- Sec. 23-10. Change of name.
- Secs. 23-11C23-20. Reserved.

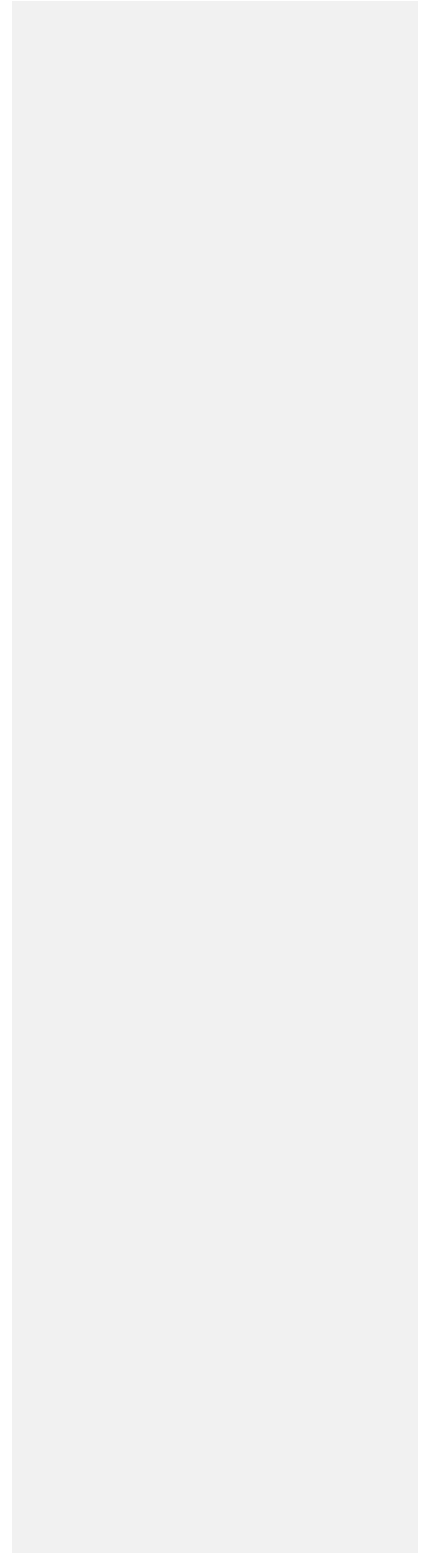
Article II. Fee Schedule

- Sec. 23-21. Levied generally.
- Sec. 23-22. Licenses issued by city attorney=s office.
- Sec. 23-23. Licenses issued by parks, recreation and forestry department.
- Sec. 23-24. Licenses issued by planning and building services.
- Sec. 23-25. Licenses issued by public health director.
- Sec. 23-25.1. Health department follow-up inspection fee.
- Sec. 23-25.2. Health department temporary event fee.
- Sec. 23-26. Licenses issued by police department.
- Sec. 23-27. Annual licenses issued by fire department.
- Sec. 23-28. One-time permits issued by fire department.
- Sec. 23-29. Fire department inspection for licenses issued by other city departments.
- Sec. 23-30. Licenses issued by the public works department.
- Sec. 23-31. Reserved.
- Sec. 23-32. Health department inspections for licenses issued by other city departments.

***Cross references**CRevenues and special funds, ' 2-16; advertising vehicles, ' 3-34 et seq.; airports, ch. 4; alcoholic beverages, ch. 5; amusements, ch. 6; animals and fowl, ch. 7; licensing of certain animals, ' 7-60 et seq.; registration of bicycles, ' 10-14 et seq.; classes of electrical licenses, ' 15-6; food and food handlers, ch. 17; junk and secondhand dealers, ch. 22; massages, massage establishments, massagists and escort services, ch. 23 2; mobile home park license, ' 24-5 et seq.; pawnbrokers and dealers in precious metals and gems, ch. 28; peddlers and vendors, ch. 29; peddler's permit, ' 29-17 et seq.; license for pest control, ' 31-20 et seq.; plumbing, ch. 33; sales, ch. 36; sign and outdoor advertising licenses, ' 37-14 et seq.; courtesy benches, ' 38-113 et seq.; taxation, ch. 39; retail sales and service tax, ' 39-16 et seq.; use tax, ' 39-47 et seq.; arborist's license, ' 42-65 et seq.; vehicles for hire, ch. 43; surface ambulance services, ' 43-60 et seq.

State law referencesC Municipal trade regulation and licenses, SDCL ch. 9-34; professions and occupations, SDCL tit. 36; trade regulation, SDCL tit. 37.

SIOUX FALLS CODE



ARTICLE I. IN GENERAL

Sec. 23-1. Required.

No person shall engage in any activity for which a license is required without first having obtained a license therefor as required by this Code or city ordinance. (1957 Rev. Ords., ' 8.108)

Sec. 23-2. Payment of fee.

Except as may be otherwise provided, an applicant for license shall pay the amount of the license fee to the city department issuing the license. (1957 Rev. Ords., ' 8.101)

Sec. 23-3. Application for license.

(a) Except as may be otherwise provided, an applicant for a license shall make and file application in writing with the city department responsible for issuing the license on the form prescribed. Such application shall contain such information as required by the department or as provided by this Code or city ordinance and must show that the applicant is eligible for the license for which application is made. If required, the applicant shall verify the application.

(b) Unless otherwise provided, an application for license shall state the following:

- (1) The name and address of applicant.
- (2) Trade name if any under which license is to be exercised.
- (3) If a partnership, the name and address of each partner.
- (4) If a corporation, the names and addresses of the officers.
- (5) Place of business or location where the license is to be exercised.
- (6) Description of the activity to be carried on under the license.
- (7) Such information as required by this Code, city ordinance, or by the commission

showing the applicant is entitled to the license and that he is a proper person, and the proper place for the exercise thereof will be licensed.

- (8) Such information as required by this Code or city ordinance as may be necessary for determination of the amount of the license fee.
- (9) If the application is for the license described in section 23-22(e), the application shall contain in addition:
 - a. Written proof that the applicant is over the age of 21 years.
 - b. One photograph of the applicant at least two inches by two inches and a complete set of the applicant's fingerprints shall be taken by the police chief or his agent.
 - c. All previous addresses during the past five years immediately prior to the present address of the applicant.

(10) The local address and telephone number where the applicant may be reached while doing business within the city.

(1957 Rev. Ords., ' 8.102; Ord. No. 19-78, ' 1, 2-27-78; Ord. No. 21-78, ' 1, 3-6-78; Ord. No. 69-93, ' 2, 9-7-93)

Sec. 23-4. Issuance.

Licenses shall be issued by the responsible city department if the applicant has complied with all requirements for issuance of the license. All licenses shall be signed by the responsible department. If a license is denied by the responsible city department, the applicant may appeal, pursuant to the Revised Ordinances of Sioux Falls, SD, Chapter 2, Article VI, Section 2-60 et sequence of this code. (1957 Rev. Ords., ' 8.103; Ord. No. 112-96, ' 1, 10-7-96; Ord. No. 43-07, ' 4, 3-5-07)

Sec. 23-5. Approval of bonds.

Any bond, liability insurance, or deposit required in the condition prerequisite to the issuance of any license shall be subject to the approval of the

city finance director. If the finance director deems the security inadequate, additional security may be required. (1957 Rev. Ords., ' 8.104)

Sec. 23-6. Term.

Unless otherwise provided, all licenses shall take effect when issued and shall terminate on December 31 in the year for which issued. Except as otherwise provided, the license fee or charge shall be paid on the basis of a full year. (1957 Rev. Ords., ' 8.105)

Sec. 23-7. Display required.

Every person to whom a license is issued shall keep the license posted in a conspicuous place in the licensed place of business or vehicle. If there is no place of business or vehicle, the license shall be displayed on request by any interested person. (1957 Rev. Ords., ' 8.106)

Sec. 23-8. Displaying license unlawfully.

No person shall carry or display any city license or permit which has been terminated or revoked or which has not been lawfully procured and issued. (1957 Rev. Ords., ' 9.907)

Sec. 23-22. Licenses issued by city attorney=s office.

The following licenses will be issued by the city attorney=s office:

- (1) Auctioneers.
Per year \$ 25.00
- (2) Bowling alley.
Per year, per establishment 100.00
- (3) Circuses, carnivals, shows. A circus, menagerie, combined circus and menagerie, Wild West show, carnival, or other exhibition given under canvas.
Per continuous engagement 100.00
- (4) Fortuneteller, clairvoyant, other related. Any fortuneteller, clairvoyant, palmist, astrologer, or any person practicing mesmerism, phrenology, necromancy, divination, mediumship, magic, or life or character reading or any person practicing hypnotism who is neither a licensed practitioner of the healing arts as defined in SDCL 36-2-1(6) and 36-2-2 nor under the direct supervision of such a licensed practitioner, who demands or receives a fee for exhibition or exercise of his art or profession.

Annual fee 35.00

Sec. 23-9. Suspension, revocation.

The city official issuing a license may suspend or revoke any license issued under the provisions of this Code or city ordinance for the violation by the licensee of any applicable provision of this Code, city ordinance, rule or regulation or state law. (1957 Rev. Ords., ' 8.107; Ord. No. 38-95, ' 1, 3-6-95)

Sec. 23-10. Change of name.

If the licensee changes its business name or form of organization, the license may be so changed by the city without payment of an additional fee except as otherwise provided by law. (1957 Rev. Ords., ' 8.109)

Secs. 23-11C23-20. Reserved.

ARTICLE II. FEE SCHEDULE

Sec. 23-21. Levied generally.

A license fee is hereby levied in the amounts specified on the trades, occupations, business and professions listed in this article and conducted or pursued within this city.

LICENSES

' 23-22

(5) Pawnbroker.	
Annual fee	50.00
(6) Ice or roller skating rinks.	
Annual fee	50.00
(7) Shooting galleries.	
Per week	15.00
Per year	50.00
(8) Motion picture theaters. Seats or seating capacity (per theater or total for theater complex)	
500 or under	50.00
501 to 1,000	75.00
1,001 to 1,500.....	100.00
1,501 to 1,750.....	175.00
1,751 to 2,000.....	200.00
Over 2,000	225.00
(9) Vehicles for hire. A bus, motorbus, limousine, taxicab or wheelchair transport.	
First vehicle, per year	50.00
Each additional vehicle	25.00
(10) Livery vehicles.	
First vehicle, per year	25.00
Additional vehicles	10.00
(11) Escort service.	
Annual fee	100.00
(12) Escort.	
Annual fee	50.00
(13) Escort runner.	
Annual fee	50.00
(14) Dealer in precious metals and precious gems.	
Annual fee	25.00

(Ord. No. 96-94, ' 1, 10-31-94; Ord. No. 77-98, ' 19, 8-3-98; Ord. No. 140-06, ' 1, 10-16-06; Ord. No. 161-06, ' 2, 12-11-06; Ord. No. 3-10, ' 2, 2-8-10)

Cross references Amusements, ch. 6; shooting gallery location, ' 6-2; massages, massage establishments, massagists and escort services, ch. 23 2; pawnbrokers, ' 28-1 et seq.; dealers in precious metals and gems, ' 28-5 et seq.; sidewalk vendors, ' 29-26 et seq.; auctions and auctioneers, ' 36-17 et seq.; license required for vehicle for hire, ' 43-21.

Sec. 23-23. Licenses issued by parks, recreation and forestry department.

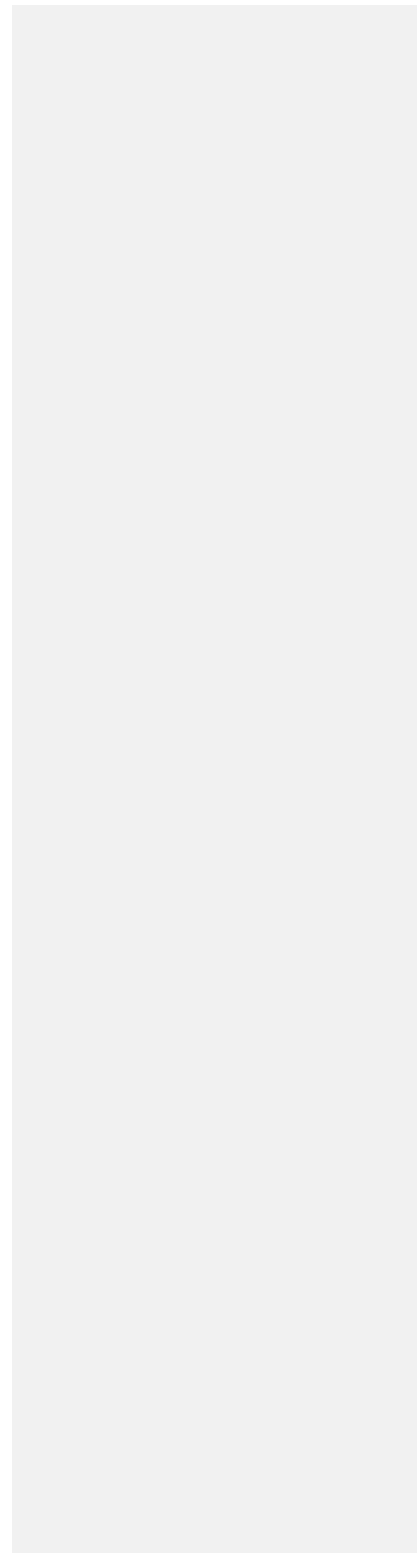
The following licenses shall be issued by the parks, recreation and forestry department:

- (1) Arborist.
 - Application fee. Such fee shall be used to defray the cost of examination and shall not be refunded to an unsuccessful applicant \$ 35.00
 - Annual license fee..... 17.50
- Cross reference:** Parks and recreation, ch. 27.

Sec. 23-24. Licenses issued by planning and building services.

The following licenses shall be issued by the chief building services official:

- (1) *Electricians.* The biennial license fee for the various classes of electricians licensed by the city shall be as follows:
 - a. Electrical contractor \$200.00
 - Renewal 100.00
 - b. Inactive electrical contractor 10.00
 - c. Class B electrician, new 200.00
 - Renewal 100.00
 - d. Journeyman electrician 40.00
 - Renewal 40.00
 - e. Sign wiring contractor, new 200.00
 - Renewal 100.00
 - f. Class I maintenance, new 200.00
 - Renewal 100.00
 - g. Class II maintenance, new 200.00
 - Renewal 100.00
 - h. Fire alarm contractor, new 200.00
 - Renewal 100.00
 - i. Apprentice electrician 20.00
 - Renewal 20.00



(2) *Mechanical contractors.* The biennial license fee for various classes of mechanics licensed by the city shall be as follows:

a. Mechanical contractor, new	200.00
Renewal	100.00
b. Master mechanic	100.00
Renewal	50.00
c. Refrigeration contractor, new.....	200.00
Renewal	100.00
d. Fireplace contractor, new	200.00
Renewal	100.00
e. Inactive master mechanic	10.00
Renewal	10.00

(3) *Plumbers.* The biennial license fee for various classes of plumbers licensed by the city shall be as follows:

Master plumber.	
Biennial license	200.00
Biennial renewal	100.00
Journeyman plumber.	
Biennial license	40.00
Biennial renewal	40.00
Apprentice biennial registration	20.00
Landscape irrigation contractor.	
Biennial license	200.00
Biennial renewal	100.00

(4) *Residential building contractors.* The triennial license fee for various classes of residential building contractors licensed by the city shall be as follows:

a. Residential building contractor, new	300.00
b. Renewal	150.00
c. Inactive construction supervisor	25.00

The following licenses shall be issued by the zoning enforcement manager:

(1) <i>Manufactured home park.</i>	
Annual fee	100.00
(2) <i>Advertising signs.</i> Includes engaging in the commercial billboard or advertising board business by erecting or maintaining ground, roof, wall, or other signs.	
Annual fee	200.00

The following license shall be issued by the senior planner:

Vendor.

Annual fee 35.00
 (Ord. No. 93-93, ' 1, 12-6-93; Ord. No. 113-94, ' 1, 12-19-94; Ord. No. 81-95, ' 1, 6-5-95; Ord. No. 93-95, ' 30, 7-3-95; Ord. No. 73-00, ' 6, 8-14-00; Ord. No. 115-01, ' 2, 12-10-01; Ord. No. 123-01, ' 1, 12-10-01; Ord. No. 22-04, ' 3, 3-1-04; Ord. No. 24-04, ' 5, 3-1-04; Ord. No. 25-04, ' 5, 3-1-04; Ord. No. 43-05, ' 1, 4-18-05; Ord. No. 37-06, ' 1, 3-20-06; Ord. No. 30-07, ' 55, 2-20-07; Ord. No. 105-08, ' 55, 8-18-08)
 Cross reference Building, ch. 11.

Sec. 23-25. Licenses issued by public health director.

The following licenses shall be issued by the public health director:

- (1) Convalescent homes.
 - Annual fee \$10.00
- (2) Food processing and sales.
 - a. Grocery store. An establishment selling prepackaged food other than food eaten upon the premises or in the establishment without further preparation.
 - Annual fee for area greater than 250 square feet 126.00
 - Annual fee for area equal to or less than 250 square feet 64.00
 - b. Food processing. Manufacturing, cutting, cleaning, packaging, bottling, canning, preserving, mixing, or processing food in any way to be offered for sale, whether wholesale or retail.
 - Annual fee 126.00
 - c. Additional fee based on square footage.
 - 1. Area less than 1,000 square feet No additional fee
 - 2. 1,000 to 5,000 square feet 64.00
 - 3. Over 5,000 square feet 126.00
 - d. Annual review of grocery store and food processing applications received after December 31 of each year shall be charged a late fee of \$50.00.
- (3) Food service establishments.
 - a. Plan review fee for new or remodeled food service establishments.
 - Size (square feet)*
 - 0-2,500 36.00
 - 2,501 to 5,000 145.00
 - 5,001 and above 210.00
 - b. Annual license fee.
 - Size (square feet)*
 - 0-2,500 126.00
 - 2,501 to 5,000 188.00
 - 5,001 and above 252.00

The fee for food services that are part of a grocery store complex shall be based on the actual square footage of the kitchen and eating area.

LICENSES

' 23-25.2

The annual license fee charged for an establishment of 5,001 square feet or more includes one full service food preparation area. Additional food preparation areas shall be charged an additional \$64.00 each.

A \$30.00 discount will be offered on the yearly invoice as a discount to an establishment that qualifies with an average of 94 percent or above compliance level for the preceding year's routine inspections and the annual permit application is received prior to January 1 of each year.

- c. Annual renewal of food service establishment applications received after December 31 of each year shall be charged a late fee of \$50.00.

(4) *[Reserved.]*

(5) Hospital.
Annual fee 10.00

(6) Pest control, extermination, fumigation.
Annual fee to engage in pest control, extermination or fumigation 10.00

(7) *[Reserved.]*

(8) *[Reserved.]*

(9) Tattoo establishment.
Annual fee 120.00

(10) Tattoo artist.
Annual fee 42.00

(11)C(14) *[Reserved.]*

(Ord. No. 66-93, 8-16-93; Ord. No. 77-93, ' 1, 10-25-93; Ord. No. 96-94, ' ' 2, 4, 10-31-94; Ord. No. 142-95, ' 1, 11-20-95; Ord. No. 75-01, ' 16, 8-6-01; Ord. No. 15-03, ' 21, 2-10-03; Ord. No. 124-08, ' ' 1-4, 10-14-08; Ord. No. 57-09, ' 3, 6-15-09)

Cross referencesCLicense to engage in the processing and selling of food, ' 17-14; commercial garbage hauler required to have license, ' 18-44; health and sanitation, ch. 19; hospital license required, ' 20-13; convalescent home license generally, ' 20-40 et seq.; pest control license required, ' 31-20.

Sec. 23-25.1. Health department follow-up inspection fee.

The following fees shall be paid by the owner of a food service, grocery, food processor, or other permitted establishment for health department follow-up inspections to be conducted as follows:

Follow-up inspection \$64.00
(Ord. No. 57-09, ' 4, 6-15-09)

Sec. 23-25.2. Health department temporary event fee.

The following fee shall be paid by a food service establishment that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration.

Temporary event fee \$22.00
(Ord. No. 57-09, ' 5, 6-15-09)

Sec. 23-26. Licenses issued by police department.

The following licenses shall be issued by the police department:

- (1) Vehicle for hire driver (city transit drivers are exempt from this requirement).
Annual fee (to be collected every 12 months following the original date of purchase) \$ 35.00
- (2) Airport authority security officer.
Annual fee 50.00

(Ord. No. 103-00, ' 2, 12-4-00)

Cross referencesCPolice, ch. 34; license required for driver of vehicle for hire, ' 43-49.

Sec. 23-27. Annual licenses issued by fire department.

The following licenses as defined by the fire code shall be issued by the fire department. An annual inspection is included in the license fee. If the actual time for a fire department inspection exceeds the cost covered by the fee, the fee will be increased to cover the additional time at a rate of \$35.00 per hour.

	Annual Fee
Aircraft repair hangars	\$50.00
Dry cleaning operation	50.00
Dust producing operations	50.00
Explosives	50.00
Fireworks wholesaler	50.00
Flammable and combustible finishes, spraying and dipping	50.00
Flammable and combustible liquid bulk storage.	
Total storage capacity:	
1,000 to 5,000	40.00
5,001 to 10,000	50.00
10,001 to 20,000	60.00
20,001 to 40,000	70.00
40,001 to 100,000	80.00
100,001 to 500,000	105.00
500,001 and over	135.00
Flammable and combustible liquids--retail dealers.	
Service station up to four dispensing devices	40.00
Service station over four dispensing devices	50.00
Fruit ripening	50.00
Garages for repair of motor vehicles.	
Up to four bays	40.00
Over four bays	50.00

LICENSES

' 23-28

Heliport/helistop	50.00
LPG bulk storage.	
Total storage capacity:	
1,000 to 5,000	40.00
5,001 to 10,000	50.00
10,001 to 20,000	60.00
20,001 to 40,000	70.00
40,001 to 100,000	80.00
100,001 to 500,000	105.00
500,001 and over	135.00
Liquefied petroleum retail dealer.	
Service station.	
Up to four dispensing devices	40.00
Over four dispensing devices	50.00
Lumberyard	50.00
Tire recapping	50.00
Any other occupancy or operation requiring a license by the fire chief because of its threat to the general public, or any city license that requires fire department approval	50.00

(Ord. No. 82-95, ' 4, 6-5-95; Ord. No. 80-02, ' 1, 10-15-02; Ord. No. 34-07, ' 1, 2-20-07)

Cross reference Fire protection and prevention, ch. 16.

Sec. 23-28. One-time permits issued by fire department.

One-time permits shall be issued by the fire department for installations and special activities as defined by the fire code. Permit fees shall provide for initial plan review, rough-in, final inspection, and one reinspection. Plan review and inspection fee increases shall be applicable as follows:

Plan review-Increased fees: Where a permit required item fails initial plan review, a second plan review will not require increased fees. Increased fees shall apply for reviews necessary beyond a second plan review. A minimum plan check review fee of \$125, or 50 percent of the original permit fee, whichever is greater, shall be assessed *and paid* prior to issuance of a permit. Plan review fee increases shall apply for expedited review requests. Expedited plan check review fees shall be charged at a rate equal to 50 percent of the calculated permit fees.

Inspection-Increased fees: Where a permitted item fails initial *and* reinspection, a subsequent reinspection fee of \$150.00 for each additional inspection shall be assessed *and paid* prior to said reinspection occurring. After-hours inspection fees shall be based upon current inspector overtime rates with a two-hour minimum.

Fees shall be as set forth in the following fee schedule:

Bowling alley or pin refinishing and commercial floor finishing using flammable liquids	\$40.00
Fire alarm remote monitoring:	
Leased line, digital communicator, or other NFPA type.....	30.00

Fire alarms systems, new and existing equipment installation and/or modification:	
Conventional control panel.....	20.00
Addressable/intelligent control panel	30.00
Signal expanders/power supplies (each).....	20.00
Plus;	
For each initiation or alarm device	2.00
Plus, each additional floor.....	30.00
Minimum fee for a fire detection system	75.00
Flammable or combustible liquids tank or appurtenances, new installations.	
Per storage tank	50.00
Plus, per foot of liquid containing pipe.....	0.35
Minimum fee for any work	75.00
Flammable or combustible liquids tank or appurtenances, alterations or repairs.	
Cathodic protection, per tank installation	15.00
Replace liquid containing pipe, per foot.....	0.35
Overfill protection, per tank installation.....	15.00
Leak detection, per tank installation	15.00
Diking update or repair.....	25.00
Minimum fee for any work	75.00
Flammable or combustible liquids tank removal.	
Per tank	35.00
Plus, review of site assessment	30.00
Minimum fee for any work	75.00
Additional time due to site contamination or site assessment need, charge per hour (billed to property owner).....	35.00
LPG tank or appurtenances, new installations.	
Per storage tank	35.00
Plus, per vaporizer	30.00
Minimum fee for any work	75.00
LPG tank removal.	
Per storage tank	35.00
Nonsprinkler extinguishing system.	
Dry or wet chemical system (per coverage area)	75.00
Clean agent system (per coverage area/room)	75.00
Open burning.	
Minimum fee	40.00
Plus;	
Costs associated with fire rescue equipment and personnel standby when required.	
Pyrotechnic or open flame use, on stage	
Plus;	
Costs associated with required standby personnel.	
Pyrotechnic or fireworks use, outside displays.....	
Plus;	
Costs associated with fire rescue equipment and personnel standby when required.	

LICENSES

' 23-29

Sprinkler systems.	
Per head	1.00
Plus;	
For dry, pre-action, deluge and other types	50.00
Or;	
Wet types	45.00
Minimum fee	75.00
Plus, each additional floor	50.00
Standpipes.	
Each standpipe riser	20.00
Minimum fee	75.00
Tent or air-supported structure	40.00
Use of explosives such as dynamite (not to exceed one year)	40.00
Any other operation requiring a permit not covered by this schedule	40.00
(Ord. No. 82-95, ' 4, 6-5-95; Ord. No. 80-02, ' 1, 10-15-02; Ord. No. 34-07, ' 2, 2-20-07)	
Cross reference: Fire protection and prevention, ch. 16.	

Sec. 23-29. Fire department inspection for licenses issued by other city departments.

The following fees shall be paid to the fire department for inspections involved with licenses issued by other city departments:

Alcoholic beverage licenses (off-sale)	\$ 20.00
Alcoholic beverage licenses (on-sale)	35.00
Auction stores	24.00
Bowling alleys	24.00
Circuses, carnivals, shows	29.00
Convalescent homes	44.00
Daycare centers (state licenses)	24.00
Group homes (state licenses)	24.00
Hospitals	130.00
Manufactured home parks	30.00
Plus, per unit	0.50
Restaurants (no beverage license)	24.00
Skating rinks	24.00

Shooting galleries.....	24.00
Tattoo establishment	24.00
Theaters.....	24.00
The fee for any other establishment requiring a fire department inspection not included in the above list	24.00

(Ord. No. 96-94, ' 5, 10-31-94; Ord. No. 82-95, ' 4, 6-5-95; Ord. No. 93-95, ' 31, 7-3-95; Ord. No. 80-02, ' 1, 10-15-02; Ord. No. 161-06, ' 3, 12-11-06; Ord. No. 34-07, ' 3, 2-20-07; Ord. No. 3-10, ' 3, 2-8-10)
Cross reference: Fire protection and prevention, ch. 16.

Sec. 23-30. Licenses issued by the public works department.

(1) Liquid waste haulers. Annual fee to engage in the pumping, hauling, or disposing of liquid waste	\$ 50.00
(2) Liquid waste coupon. Fee charged to the generator of the liquid waste for a coupon for each discrete liquid waste discharge.....	15.00
(3) Wastewater discharge permit application fee.	
a. Part I	50.00
b. Part II	100.00
(4) Wastewater discharge permit development fee.	
a. Industrial user.....	300.00
b. Significant industrial user.....	400.00
c. Categorical process (each)	200.00
d. Liquid waste generator	100.00
(5) Wastewater discharge permit modification fee	100.00
(6) Wastewater discharge permit reissuance fee.....	100.00
(7) Wastewater discharge permit annual maintenance fee:	
a. Industrial user.....	100.00
b. Significant industrial user.....	200.00
c. Categorical process (each)	100.00
d. Liquid waste generator	20.00
(8) Wastewater discharge permit inspection fees.	
a. Compliance inspection:	
1. Industrial user	50.00
2. Significant industrial user	75.00
3. Categorical process (each)	25.00
4. Liquid waste generator	20.00
b. Site inspections:	
1. Industrial user.....	25.00
2. Significant industrial user	40.00
3. Liquid waste generator	10.00

LICENSES

23-30

c. Compliance monitoring inspections 50.00
 This will cover a one-day event per sample point. Specific analytical expenses will be added to fee.

(9) Industrial users located in areas controlled by an interjurisdictional agreement or located outside of the city limits shall be assessed a fee rate that is 1.5 times the fees listed above.

(10) Garbage hauler, business, commercial.

Initial year or part of year	100.00	5000.00	Formatted: Highlight
Annual fee, before expiration	50.00	2500.00	Formatted: Highlight
Annual fee, within 30 days after expiration. Thirty days after expiration, the license will be automatically revoked	100.00	5000.00	Formatted: Highlight
Transfer fee for transfer of the business license.....	100.00	5000.00	Formatted: Highlight
Reissuance fee for return of a business to the previous owner.....	50.00	2500.00	Formatted: Highlight

Hauling unit, per unit, in addition to the business license fee..... 25.00

(11) Recyclable collector.
 Annual fee 25.00

(12) Recycling collection facility.
 Annual fee 50.00

(13) Recycling processing facility.
 Annual fee 50.00

(14) Solid waste or regulated medical waste transfer or treatment facility or a solid waste transfer site..... 250.00

(15) Private landfill operation.
 Annual fee 30.00

(16) Building mover.
 Annual fee 200.00

(17) Medical waste hauler.
 Initial year or part of year 200.00
 Hauling unit, per unit, in addition to the business license fee..... 50.00
 Annual fee, before expiration 100.00
 Annual fee, within 30 days after expiration. Thirty days after expiration, the license will be automatically revoked 200.00
 Transfer fee for the business license 100.00

(18) Backflow prevention assembly technician.

Biennial registration40.00
(Ord. No. 96-94, ' 3, 10-31-94; Ord. No. 141-95, ' 1, 11-6-95; Ord. No. 15-03, ' ' 22, 24, 2-10-03; Ord. No. 43-05, ' 2, 4-18-05)

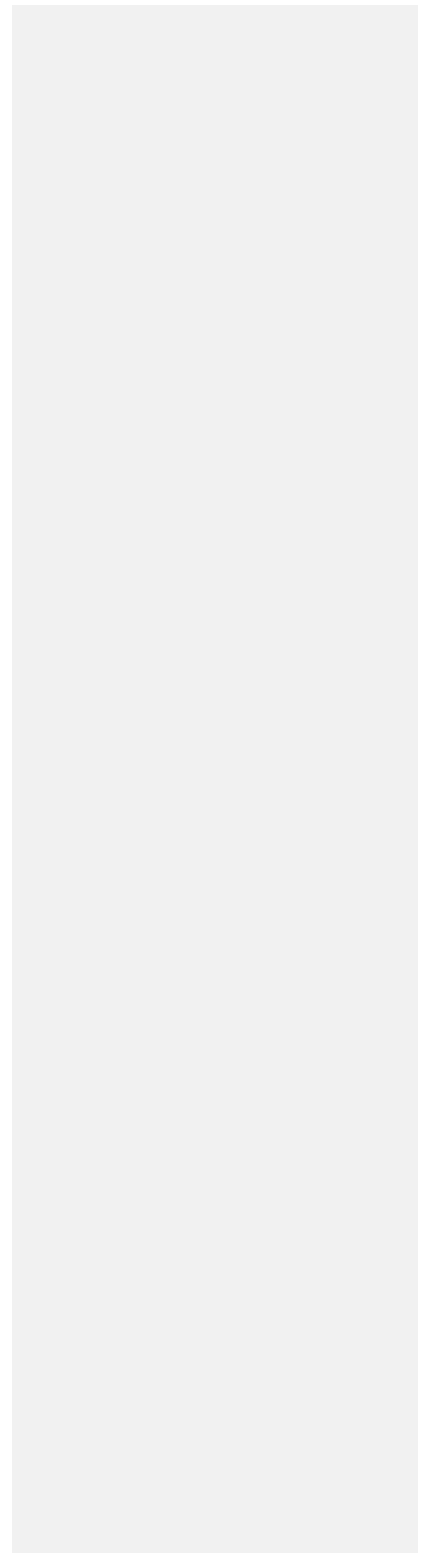
Sec. 23-31. Reserved.

Editor's note Ord. No. 15-03, ' 23, adopted Feb. 10, 2003, repealed ' 23-31, which pertained to licenses issued by the city engineer. See the Code Comparative Table.

Sec. 23-32. Health department inspections for licenses issued by other city departments.

The following additional fees shall be paid to the health department for inspections involved with licenses issued by other city departments:

Manufactured home parks:
a. Annual fee\$ 25.00
b. Additional fee per manufactured home0.50
(Ord. No. 96-94, ' 6, 10-31-94; Ord. No. 93-95, ' 32, 7-3-95; Ord. No. 161-06, ' 4, 12-11-06)



Chapter 18

GARBAGE AND RECYCLING*

Article I. In General

- Sec. 18-1. Definitions.
- Sec. 18-2. Littering prohibited Generally.
- Sec. 18-3. SameBDuty of business owners, occupants.
- Sec. 18-4. SameBDuty of person.
- Sec. 18-5. Littering on premises of another.
- Sec. 18-6. Removal of litter by city.
- Sec 18-7. Violation of rules, regulations.
- Secs. 18-7B18-14. Reserved.

Article II. Collection Regulations

- Sec. 18-15. Litter on sidewalk.
- Sec. 18-16. Preparation for deposit.
- Sec. 18-17. Garbage containers.
- Sec. 18-17.1. Rental units; garbage and recycling service.
- Sec. 18-18. Maintenance of containers.
- Sec. 18-19. Garbage service required.
- Sec. 18-20. Yard waste collection.
- Sec. 18-21. Residential recycling collection and containers.
- Sec. 18-22. Non-residential recyclable collection.
- Sec. 18-23. Apartment garbage and recycling service.
- Sec. 18-24. Residential recyclablesRequired recyclables.
- Sec 18-25. Business reporting of recyclable materials.
- Sec 18-26. Solid waste containing recyclable materials.
- Sec 18-27. Waste disposal site. Secs. 18-256-18-27. Reserved.

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Article III. Sanitary Landfill

- Sec. 18-28. Designation.
- Sec. 18-29. Unlawful deposits.
- Sec. 18-30. Rates for use.
- Sec. 18-31. Drop-off site for large electronics and hand-held electronics; fees; etc.
- 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-B18-43. Reserved.

Article IV. Commercial Haulers

- Sec. 18-44. License required.
- Sec. 18-45. Chapter 23 applicable.
- Sec. 18-46. Identifying name
- 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.

* **Cross references**CAdministration, 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 referencesCmunicipal garbage disposal systems, SDCL 9-32-11.

SIOUX FALLS CODE

- 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. Collection conditions.
- 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.
- Sec. 18-68. Customer information.
- Sec. 18-69. Reserved.

Article V. Solid Waste, Regulated Medical Waste, Transfer in 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 manure or straw which has been used for the transportation, housing or penning of animals.

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

Chip Board means a type of paperboard generally made from reclaimed paper stock such as cereal boxes.

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 transports any garbage, rubbish, or livestock waste to the City of Sioux Falls Sanitary Landfill for a consideration or a fee.

Contaminated means impure, unclean, dirty, grimy, or infectious.

Construction and demolition debris means carpet, wood, construction plastic, shingles, glass, metals, wiring, insulation, tile, drywall, furniture, concrete, and mattresses.

Curbside means on the public right-of-way, generally between the sidewalk and the paved portion of the street.

Corrugated cardboard means heavy paper with alternating ridges and grooves.

Garbage or municipal solid waste 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. This definition excludes all items defined in section 18-32.

Garbage collector or garbage hauler means any person who hauls or transports any garbage to the City of Sioux Falls Sanitary Landfill.

Hand-held electronics means cell phones, pagers, personal digital assistants, handheld video games, calculators, small MP3 players, small compact disc players, small cassette players, small radios, small walkie talkies and digital and 2006 S-1

electronic cameras.

Hauling unit means the container in which garbage or materials listed in section 18-32 is transported. It may be permanently affixed to a chassis or may be temporarily attached, such as a roll-off unit.

Hazardous material is any material that has a hazardous characteristic, such as being ignitable, corrosive, reactive, or toxic.

Hazardous waste is any waste that is on the Environmental Protection Agency's hazardous waste list in 40 CFR 261 or which is known to have a hazardous characteristic, such as being ignitable, corrosive, reactive, or toxic.

Large electronics means desktop and laptop personal computers, monitors, mainframe computers, battery backup uninterruptible power supplies, printers, scanners, copy machines, fax machines, televisions, video cassette recorders, laser disc players, digital video disc players and stereo receivers.

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

Magazines means multi-page publications, whether published periodically or not, of coated paper.

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, 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 composed predominately of plastic resin.

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. Scrap metal/junk yards are excluded from this definition.

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, 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. Electronics recycling facilities are included.

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/Required recyclables means:

- (1) Office paper.
- (2) Corrugated cardboard and chip board
- (3) Plastics #1 and #2 and metal containers.
- (4) Newspaper.
- (5) Electronics.
- (6) Magazines.
- (7) Bulk-rate mail.

Rubbish means all combustible refuse matter, such as contaminated or nonrecyclable paper, sweepings, rags, contaminated 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, 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.

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

Wood waste means trees, any size diameter tree branches, brush, wood, wood shavings and wood pallets.

Yard waste means grass clippings, garden waste, 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; Ord. No. 38-04, ' 1, 4-5-04; Ord. No. 74-04, ' ' 1, 2, 7-12-04; Ord. No. 63-06, 5-15-06)

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; Ord. No. 63-06, 5-15-06)

State law references CRefuse 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, and to take reasonable measures to prevent the materials from drifting or blowing to adjoining premises.

(b) *Receptacles.* Separate garbage and recycling receptacles of sufficient size and number shall be kept accessible to all persons on the premises where such articles may be placed.

(c) *Signs.* Every business establishment shall place upon its premises in a conspicuous place, in close proximity to the receptacles referred to in subsection (b) of this section, a sign which shall, in essence, convey to all persons a request that they use such receptacles for the separate disposal of garbage and recyclable materials. (Ord. No. 149-95, ' 1, 11-20-95; Ord. No. 63-06, 5-15-06)

Sec. 18-4. Same Duty of person.

It shall be unlawful for any person 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. It shall be unlawful for any person going upon the premises of another to dispose of recyclables in a garbage receptacle or to dispose of garbage in a recycling receptacle which may cause or permit recyclables to become contaminated or otherwise unfit or more difficult to recycle. (Ord. No. 63-06, 5-15-06)

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; Ord. No. 63-06, 5-15-06)

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

If the occupant, person in charge or owner of any real property within 14 days fails to remove litter from real property after notice from the city to do so, the city may cause such litter to be removed and for such purpose may enter upon any such real property. The cost of such removal may be assessed against the 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; Ord. No. 63-06, 2006 S-1

5-15-06)

18-7 Violation of rules, regulations.

It is unlawful to violate any promulgated rule or regulation of the Sioux Falls Regional Sanitary Landfill established by the city. The Director is authorized to adopt any rules or regulations as may be necessary to ensure its oversight. A copy of such rules or regulations shall be filed with the city clerk, with public notice thereof to be provided by the clerk by publishing the notice of rules change in a newspaper of general circulation within the city's jurisdiction. The proposed rules or regulations shall be posted on the city's website. This public notice and posting shall occur at least 30 days before the effective date of such rules or regulations.

Secs. 18-8 – 18-14. Reserved.

ARTICLE II. COLLECTION REGULATIONS

Sec. 18-15. Litter 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; Ord. No. 63-06, 5-15-06)

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 from the waste stream. Animal waste from commercial operations shall 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; Ord. No. 63-06, 5-15-06)

Sec. 18-17. Garbage and Recycling containers.

The occupant, owner, or manager of every dwelling, house, apartment, or construction site and of every place of business and building shall provide suitable, rigid watertight containers in which the occupants shall cause to be deposited all garbage, animal waste, ~~and~~ rubbish and recyclable materials. except yard waste, accumulating upon the premises. The garbage and recycling containers shall be kept in an inconspicuous place beside or behind the structure which is reasonably accessible to the licensed commercial garbage hauler. There shall be provided a tightly-fitted cover for each container which shall be removed only for the purpose of cleaning or depositing or removing recyclable materials, garbage, rubbish, and 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; Ord. No. 63-06, 5-15-06)

Sec. 18-17.1. Rental units: Garbage and recycling 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 for garbage removal and recycling service as required by ordinance. For single-family dwelling units and duplexes, such services may be provided by the tenant, if a written lease so provides.
(Ord. No. 71-99, ' 1, 7-6-99; Ord. No. 63-06, 5-15-06)

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; Ord. No. 63-06, 5-15-06)

Sec. 18-19. Garbage service required.

Every dwelling unit and every other occupied building within the city shall have commercial garbage service. The occupant, owner, or manager of such dwelling or other occupied building shall each be responsible for securing such service at least once each week for each occupied building within the city.
(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; Ord. No. 74-04, ' 3, 7-12-04; Ord. No. 63-06, 5-15-06)

Sec. 18-20. Yard waste collection.

Yard waste shall be collected by licensed commercial 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 a location, other than curbside, designated for collection by the licensed commercial garbage 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; Ord. No. 63-06, 5-15-06)

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

~~Residential recyclables~~Required recyclables shall be collected at least ~~once~~twice each 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, 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~~Required recyclables collected shall not be deposited at the sanitary landfill. The separation of glass 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; Ord. No. 63-06, 5-15-06)

Sec. 18-22. Non-residential recyclable collection.

Commercial and business establishments, governmental facilities, entertainment facilities, and schools, shall separate from the waste stream all items excluded from disposal at the Landfill as specified in section 18-32 generated by or accruing to such establishments, prior to removal from the subject premises. Such recyclable materials shall not be deposited at the sanitary landfill. Such recyclables shall be removed from the premises at a minimum of ~~once~~twice a month. .

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

Sec. 18-23. Apartment garbage and recycling service.

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 recycling service along with garbage service.
- (3) Distribute written information to the building tenants at the time of leasing and at least annually thereafter regarding the established recycling program. If the landlord changes the garbage/recycling service provider, the landlord shall promptly provide tenants with recycling information relative to the new provider.
- (4) Annually post a copy of the recycling information in a conspicuous place available to all residents, unless the physical structure of the premises does not allow for a common area which is available to all tenants. Any time the information is not easily legible, it shall be reposted.
- (5) Provide notification to the City ~~Recycling-Coordinator-Sustainability Coordinator~~ by April 30 of each year of the following:

- a. Written information given to tenants about established recycling programs;
- b. That recycling information has been posted in a conspicuous place on the premises;
- c. The identity of the garbage hauler hired to provide the service to each apartment building, by address; and
- d. The information being provided to his or its tenants, i.e., City of Sioux Falls recycling brochure, garbage hauler's letter, or landlord-drafted letter.

It shall be unlawful for any person to deposit or cause to be deposited any garbage, rubbish, animal waste or

Information not received by the ~~Recycling Coordinator~~Sustainability Coordinator by May 1 shall be considered delinquent. Failure to provide information shall be punished as any other violation of ordinance. (Ord. No. 149-95, ' 1, 11-20-95; Ord. No. 43-97, ' 5, 6-2-97; Ord. No. 15-03, ' 2, 2-10-03; Ord. No. 63-06, 5-15-06)

Sec. 18-24. ~~Residential recyclables~~Required recyclables.

~~Residential-recyclables~~Required recyclables shall be stored separately from garbage while awaiting collection. (Ord. No. 63-06, 5-15-06)

Sec. 18-25. Business reporting of recyclable materials.

Businesses are required to report the weight of any recyclable materials hauled, transferred or recycled by self or others to their garbage hauler for use by the garbage hauler to account for recyclable materials.

Sec. 18-26. Solid waste containing recyclable materials.

Garbage haulers shall not collect solid waste containing visible required recyclable materials for disposal. Garbage haulers must leave a note explaining why solid waste was not collected. Residents and businesses must remove those required recyclable materials before the garbage hauler can collect solid waste that has been rejected for this reason.

Sec. 18-27. Waste disposal site.

All garbage generated within the City of Sioux Falls must be disposed at the Sioux Falls Regional Sanitary Landfill.

~~Secs. 18-25C18-27. Reserved.~~

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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 deposit of municipal solid waste, construction and demolition debris, asbestos, and other 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; Ord. No. 74-04, ' 4, 7-12-04; Ord. No. 63-06, 5-15-06)

Sec. 18-29. Unlawful deposits.

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; Ord. No. 63-06, 5-15-06)

Sec. 18-30. Rates for use.

(a) Municipal solid waste, sludges, or solid waste generated from the treatment of regulated medical waste, and other solid waste material not defined within this section generated in Minnehaha, McCook, Lincoln, Turner, and Lake Counties, South Dakota, deposited at Sioux Falls landfill:

- (1) Passenger car: \$8.00 to include surcharge.
- (2) Pickup trucks, panel trucks, and two-wheel trailers not to exceed three cubic yards: \$16.00 to include surcharge.
- (3) Four-wheel trailers and trucks: \$32.00 per ton, plus surcharge, with a minimum charge of \$16.00 per load.
- (4) Municipal solid waste, sludges, or solid waste generated from the treatment of regulated medical waste, and other solid waste material

not defined within this section generated outside of Minnehaha, McCook, Lincoln, Turner, and Lake Counties, South Dakota: \$96.50 per ton, with a minimum charge of \$16.00 per load.

(b) Construction and demolition debris waste, wood waste, and appliances generated in Minnehaha, McCook, Lincoln, Turner, and Lake Counties, South Dakota, deposited at Sioux Falls landfill:

- (1) Passenger car: \$8.00 to include surcharge.
- (2) Pickup trucks, panel trucks, and two-wheel trailers not to exceed three cubic yards: \$16.00 to include surcharge.
- (3) Four-wheel trailers and trucks: \$30.00 per ton, plus surcharge, with a minimum charge of \$16.00 per load.
- (4) Trailer houses shall be charged at \$7.00 per cubic yard, utilizing 3 feet times length times width, and converting to cubic yards.
- (5) Construction and demolition debris waste, wood waste, and appliances generated outside of Minnehaha, McCook, Lincoln, Turner,

and Lake Counties, South Dakota: \$96.50 per ton, with a minimum charge of \$16.00 per load.

(c) Yard waste:

- (1) Passenger car: \$2.00 to include surcharge.
- (2) Pickup trucks, panel trucks, and two-wheel trailers not to exceed three cubic yards: \$5.00 to include surcharge.
- (3) Commercial haulers, four-wheel trailers, and trucks: \$10.00 per ton, with a minimum charge of \$2.00 per load.
- (4) Yard waste generated outside Minnehaha, McCook, Lincoln, Turner, and Lake Counties, South Dakota: \$22.00 per ton or \$3.00 per bag.
- (5) Leaves generated in the City of Sioux Falls and unloaded at city-designated leaf drop-off sites by individuals (no commercial vehicles): \$2.00 per passenger car, pickup truck, or two-wheel trailer.

(d) Tires:

- (1) All tires 17 inches in diameter or smaller: \$2.00 each or \$135.00 per ton.
- (2) All tires larger than 17 inches in diameter: \$7.00 each or \$135.00 per ton.

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

- (1) Asbestos: \$15.00 per cubic yard based on the manufacturer's box rating or on box capacity as determined through measurement by the city.
- (2) Contaminated soils, materials, sediments containing petroleum constituents or antifreeze: \$15.00 per ton.
- (3) The minimum charge under this section is a three cubic yard or three ton charge.

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

- (1) Asbestos: \$70.00 per cubic yard based on the manufacturer's box rating or on box capacity as determined through measurement by the city.
- (2) Contaminated soils, materials, sediments containing petroleum constituents or antifreeze: \$70.00 per ton.
- (3) The minimum charge under this section is a three cubic yard or three ton charge.

(g) Large electronics: \$10.00 per unit up to three

units, \$1.00 per pound for over three units.

(h) Hand-held electronics: No charge for up to ten units, \$1.00 per pound for over ten units.

(i) In addition to the above rates for solid waste, there will be added thereto a solid waste management fee of \$1.00 per ton pursuant to SDCL 34A-6-81.

(j) Loads that are not properly tarped or secured: \$25.00.

Exceptions: asphalt, concrete, contaminated soil, steel, white goods, and tires if loaded in a manner such that the items are not likely to fall or be blown from the vehicle.

(k) 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.

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

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

(n) Licensed garbage haulers that exceed the recycling goal, as set forth in section 18-75 by 50% shall receive a \$1.00 per municipal solid waste ton rebate that will be credited by March 31st of the following year. The first rebates will be awarded by March 31st of 2011 based on garbage hauler recycling rates in 2010. Garbage haulers that receive this rebate are strongly encouraged to use this rebate to enhance their recycling efforts and/or reward their customers.

(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; Ord. No. 38-04, ' 2, 4-5-04; Ord. No. 74-04, ' 5, 7-12-04; Ord. No. 12-05, ' 1, 2-14-05; Ord. No. 63-06, 5-15-06; Ord. No. 89-06, ' 1, 7-17-06; Ord. No. 93-07, ' 1, 6-18-07; Ord. No. 76-08, ' 1, 6-16-08)

Sec. 18-31. Drop-off site for large electronics and hand-held electronics; fees; etc.

The city shall provide a drop-off site for large electronics and hand-held electronics at least twice each year upon dates and at locations that are approved by the city council. Any fees authorized by section 18-30 of this code of ordinances shall be waived for any citizen of the counties served by the City of Sioux Falls Sanitary Landfill bringing large electronics or hand-held electronics to the designated drop-off site for disposal.

(Ord. No. 38-04, ' 4, 4-5-04; Ord. No. 63-06, 5-15-06)

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 and chip board
- (3) Plastic containers #1 and #2.
- (4) Metal containers.
- (5) Automobile bodies or other bulky articles.
- (6) Wood waste, unless hauled by a licensed commercial garbage hauler as municipal solid waste.
- (7) Oils, gasoline and other petroleum products.
- (8) Hazardous materials.
- (9) Hazardous waste.

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| <ul style="list-style-type: none"> (10) Yard waste. (11) Lead acid batteries. (12) Waste tires. (13) White good appliances. (14) Regulated medical waste. (15) Radioactive materials. (16) Large and hand-held electronics. (17) Magazines. (18) Newspaper. (19) Bulk-rate mail. | <ul style="list-style-type: none"> (4) The city reserves the right to recover materials for use at city facilities.
(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; Ord. No. 63-06, 5-15-06) <p>Sec. 18-34. Private landfill unlawful.</p> <p>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; Ord. No. 63-06, 5-15-06)</p> <p>Sec. 18-35. Refusal to admit certain vehicles.</p> <p>The city may refuse the admittance or the unloading at the sanitary landfill of the following vehicles:</p> |
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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; Ord. No. 38-04, ' 3, 4-5-04; Ord. No. 63-06, 5-15-06)

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:

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| <ul style="list-style-type: none"> (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 the wood waste area; provided, that persons cutting and removing firewood must wear protective clothing and abide by the safety regulations posted at the site. (3) The city reserves the right to allow removal of finished compost and wood chips. | <ul style="list-style-type: none"> (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. (6) Those belonging to or operated by an entity having an unpaid balance on account with the City of Sioux Falls Sanitary Landfill that is 60 days or more past due.
(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; Ord. No. 63-06, 5-15-06) <p>Cross references Traffic, ch. 40.</p> <p>Secs. 18-36 18-43. Reserved.</p> |
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ARTICLE IV. COMMERCIAL HAULERS

Sec. 18-44. License required.

No commercial garbage hauler shall use the streets or the City of Sioux Falls Sanitary Landfill for the collection, removal or disposal of any garbage, animal waste, rubbish, or recyclable materials without first having obtained a garbage hauler's 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; Ord. No. 63-06, 5-15-06)

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; Ord. No. 63-06, 5-15-06)

Sec. 18-46. Identifying name.

Each vehicle having a permit under this article shall permanently display the licensed commercial garbage hauler's name in easily-legible letters at least three inches high or identifying logo. Any container belonging to a licensed commercial garbage hauler shall bear the hauler's name or identifying logo. Recyclables containers shall also be labeled for specific materials to be placed therein.
(Ord. No. 63-06, 5-15-06)

Sec. 18-47. Reserved.

Sec. 18-48. Transfer.

A 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 person meeting the minimum start-up requirements for garbage hauling. Any person having a controlling interest in an existing garbage hauling operation cannot have a monetary interest in other licensed garbage hauling operations in the city. 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; Ord. No. 63-06, 5-15-06)

Sec. 18-49. Expiration.

Every 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 transfer of responsibility for conducting or managing operations.
(Ord. No. 111-89, ' 1, 10-16-89; Ord. No. 149-95, ' 1, 11-20-95; Ord. No. 15-03, ' 7, 2-10-03; Ord. No. 63-06, 5-15-06)

Sec. 18-50. Hauling unit permits.

A permit fee as set out in section 23-30(10) 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; Ord. No. 63-06, 5-15-06)

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; Ord. No. 63-06, 5-15-06)

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; Ord. No. 63-06, 5-15-06)

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

All licensed commercial 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; Ord. No. 63-06, 5-15-06)

Cross referencesCMotor 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; Ord. No. 63-06, 5-15-06)

Sec. 18-55. Reserved.**Sec. 18-56. Collection conditions.**

Every licensed garbage collector or hauler shall collect the garbage, rubbish, and animal waste from residential customers at least once each week and from business customers at least once 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, unless the City of Sioux Falls Sanitary Landfill has been closed for more than 24 consecutive hours.

(Ord. No. 111-89, ' 1, 10-16-89; Ord. No. 43-93, ' 3, 5-17-93; Ord. No. 149-95, ' 1, 11-20-95; Ord. No. 63-06, 5-15-06)

Sec. 18-57. Minimum vehicle requirements.

Persons 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 persons using roll-off containers exclusively.

(Ord. No. 111-89, ' 1, 10-16-89; Ord. No. 149-95, ' 1, 11-20-95; Ord. No. 63-06, passed 5-15-06)

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 the following insurance to be in full force and effect during the entire term of the 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 2006 S-1

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; Ord. No. 63-06, 5-15-06)

Sec. 18-59. Solid waste collection rates.

All licensed garbage haulers shall file, as a part of their application for a 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 **Pay As You Throw (PAYT)** rate to reward people who reduce their level of solid waste collection service based either upon volume or weight. **Haulers must provide at least two levels of service based on volume or weight and each higher level of service must be at least 1.25 times the next lower level of service.**
- (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; Ord. No. 63-06, 5-15-06)

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

A license under section 18-44 permits and requires the holder to collect recyclables, as well as the items listed in that section.

(Ord. No. 43-93, ' 7, 5-17-93; Ord. No. 149-95, ' 1, 11-20-95; Ord. No. 63-06, 5-15-06)

Sec. 18-61. Licensed recyclable collectors.

It shall be unlawful to purchase recyclables in the city or use the streets for the collection of recyclables without first having obtained a recyclable collectors' license from the city. Only persons with a license under section 18-44 may collect **residential-recyclables-required recyclables.**

(Ord. No. 149-95, ' 1, 11-20-95; Ord. No. 63-06, 5-15-06)

Sec. 18-62. Reserved.

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SIOUX FALLS CODE

Sec. 18-63. Filing of reports.

Every licensed recyclable collector shall file with the ~~Recycling Coordinator~~Sustainability Coordinator a monthly report of their recycling tonnages on forms provided by the city showing the total weight by type of recyclables collected and those 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; Ord. No. 63-06, 5-15-06)

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; Ord. No. 63-06, 5-15-06)

Sec. 18-65. Reserved.

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 previous month's reporting period. The report shall also include the total tonnage of waste or recycling materials accepted by the facility and the tonnage of that portion of the collected materials that were returned to the waste stream. Every licensed recycling hauler shall file a monthly report before the end of the following month with the city on forms provided by the city, showing the total weight by type of recyclables collected and deposited at a processing facility during the previous month's 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; Ord. No. 63-06, 5-15-06)

Sec. 18-67. Confidentiality of information.

The information disclosed under sections 18-59 and 18-63 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; Ord. No. 63-06, 5-15-06)

Sec. 18-68. Customer information.

All licensed garbage collectors/haulers shall at least annually provide customers with written information regarding volume of base-rate structure and garbage, recycling, and yard waste service.
(Ord. No. 63-06, 5-15-06)

Sec. 18-69. Reserved.

ARTICLE V. SOLID WASTE, REGULATED MEDICAL WASTE, TRANSFER IN RECYCLING FACILITIES

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; Ord. No. 63-06, 5-15-06)

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.

- (3) Any agency, body, commission, or legal

- (6) An estimate of the design capacity and current daily capacity of the facility in tons. discharge occurring at the transfer, collection or processing facility or during transport from the facility to a permanent disposal site.
- (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.
- (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
- (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; Ord. No. 63-06, 5-15-06)

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; Ord. No. 63-06, 5-15-06)

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; Ord. No. 63-06, 5-15-06)

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; Ord. No. 63-06, 5-15-06)

Sec. 18-75. Denial or revocation.

A 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.
- (6) Failure to pay or keep current any account with the Sanitary Landfill as required by section 18-35(6).
- (7) Failure to meet the recycling goal for the previous year. The recycling goal for 2006 is eight percent by weight. The recycling goal for each subsequent year shall be the ~~average (the mean) ratio~~ recycled by all licensed commercial garbage haulers during the immediately prior year. Licensed commercial garbage haulers will be informed of the recycling goal for the current year by March 31.

(Ord. No. 93-88, ' 2, 10-24-88; Ord. No. 149-95, ' 1, 11-20-95; Ord. No. 15-03, ' 17, 2-10-03; Ord. No. 63-06, 5-15-06)

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 Sioux Falls Sanitary Landfill. 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 Sioux Falls Sanitary Landfill.

(Ord. No. 93-88, ' 2, 10-24-88; Ord. No. 149-95, ' 1, 11-20-95; Ord. No. 15-03, ' 18, 2-10-03; Ord. No. 63-06, 5-15-06)

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 Sioux Falls Sanitary Landfill. Volume reduction activities shall not interfere with other aspects of facility 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; Ord. No. 63-06, 5-15-06)

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; Ord. No. 63-06, 5-15-06)

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; Ord. No. 63-06, 5-15-06)

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; Ord. No. 63-06, 5-15-06)

Sec. 18-81. Composition of board.

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

- (1) ~~Ten~~ Fifteen members shall be selected as follows:
 - a. Three members shall be city employees, the Landfill Manager, the Recycling-Sustainability Coordinator, and the Environmental Manager, each of whom shall serve at the pleasure of the mayor.
 - b. Two members shall be representatives of the garbage hauling/recycling industry.
 - c. One member shall be from the Minnehaha County Planning Office.
 - d. Three members shall be citizens of the City of Sioux Falls who have no financial interest in the garbage/recycling industry.
 - e. One member shall be selected by each of the governing bodies of: ~~Five members shall be selected by the governing bodies of:~~
 - Lake County,
 - Lincoln County,

McCook County,
Turner County,
The City of Madison.

f. A member of the South Dakota Multi-housing Association.

(2) The terms of members, except the city employees, Minnehaha County Planning Office representative and the five members of the governing bodies of Lake County, Lincoln County, McCook County, Turner County and the City of Madison shall be for a period of three years, and members may serve an unlimited number of terms.

(3) Members of the solid waste planning board are not required to be citizens of the City of Sioux Falls, with the exception of those indicated in (1) d. of this section.

(Ord. No. 61-98, ' 1, 6-15-98; Ord. No. 63-06, 5-15-06)

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; Ord. No. 63-06, 5-15-06)

Sec. 18-83. Staff.

The city Recycling-Sustainability Coordinator shall serve as chairman 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; Ord. No. 63-06, 5-15-06)

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**CITY OF SIOUX FALLS
ADMINISTRATIVE RULES**

**Chapter 66
Public Works / Landfill**

**Article 66:01
GARBAGE & RECYCLING**

ADOPTED: TBD

REVISED: TBD

66:01:A01 - Exemption to Denial or Revocation of Chapter 18 License

The Director of Public Works may grant a temporary exemption to the requirements of Sioux Falls Ordinance Section 18-75 (7) for up to 12 months. This exemption is intended to allow a Licensee that is in good faith performing necessary requirements established in Section 66:01:B01 of these administrative rules to be allowed to operate as long as all other requirements are being met. A signed letter will be issued to the licensee allowing the temporary exemption. The licensee must continue to meet the requirements of Section 66:01:B01 for the exemption to remain in effect.

66:01:B01 - Licensee Requirements Necessary for Exemption from Denial or Revocation of License

The licensee must comply with one of the following options to continue to operate and to prevent their license from being denied or revoked.

- a. Hire a qualified independent third party to evaluate its recycling procedures. Third party must submit a written report to the Sustainability Coordinator on whether it feels licensee can meet Section 18-75 requirements for the current year.
- b. Continue to make good faith efforts to improve recycling.
- c. Hauler must submit a corrective action plan to the Sustainability Coordinator indicating how they will improve their recycling percentage.
- d. Ensure that the Recycling Goal for the remainder of the current year will be met.

If the above conditions are met the Director of Public Works may issue an exemption letter as established in Section 66:01:A01 of these rules. The exemption will be temporary in nature and is intended to allow time for the licensee to implement its proposed corrective actions.



**CITY OF SIOUX FALLS
OFFICE OF PUBLIC WORKS
LANDFILL DIVISION
STANDARD OPERATING PROCEDURE**

SUBJECT: ADOPTION AND MODIFICATION OF ADMINISTRATIVE RULES

The following procedures are followed when adopting and modifying administrative rules to more clearly define the implementation, administration and execution of Chapter 18 of Revised Ordinances of Sioux Falls South Dakota.

Administrative Rules Process:

1. Rules are recommended for implementation by the Solid Waste Planning Board or the Office of Public Works;
2. Rules are drafted by the Office of Public Works;
3. Draft rules are reviewed by Public Works (PW) and City Attorney Office (CAO) management staff;
4. Draft rules are submitted to the Mayor to determine the necessity to adopt such rules through the executive and administrative authority vested in the mayor.
5. Draft rules are reviewed by the Solid Waste Planning Board and voted on whether to recommend adoption of rules;
6. Draft rules shall be submitted to the City Attorney, City Clerk, and the Public Service Committee of the City Council for review. Rules may be referred back to Mayor and Director of Public Works (DPW) for reconsideration if it is determined that:
 - a. Council has not granted administrative rule-making authority in accordance with Section 2.12 of Article I. of City Charter. or
 - b. Draft rules exceed authority of Chapter 18 of City ordinance. or
 - c. Draft rules are in conflict with existing city ordinance. or
 - d. Determine that draft rules or a specific component of rules is legislative in nature and would be more suited to be adopted as a City ordinance.
7. Mayor and DPW shall address any comment or concern made by the City Attorney, City Clerk, or the Public Service Committee of the City Council and finalize proposed draft rules.
8. Proposed draft rules filed with the City Clerk and are Public Noticed in the Argus Leader;
9. Formal public comment must be returned to the DPW during 30 day Public Notice period;
10. Administrative Rules are adopted by mayoral executive order at the end of the public comment period if no comment or appeal is formally received by the DPW;
11. Processing any formal public comment or appeal:
 - a. Any public comment received during 30 day Public Notice period is evaluated by the Landfill Division;
 - b. Recommended rule revision or response to comment is generated by Landfill Division and submitted to and reviewed by DPW;
 - c. The DPW acts as an arbitrator between the Landfill Division and the aggrieved party who made public comment or appeal;
 - d. If public comment cannot be resolved by a revision to the rule or response to the comment within 30 days of comment or appeal, only the specific section addressed by comment is stayed. Other portions of the Administrative Rules not contested may be adopted and implemented;
 - e. The DPW shall request participation and assistance of the CAO for any unresolved conflicts with the rule;
 - f. CAO will have final review and decision to resolve comment or appeal of rule on behalf of the Mayor;

- g. Aggrieved party making public comment who has been harmed by final rule may appeal decision in accordance with Section 2-60 of Article VI. (Administrative Appeals) of City ordinance;
 - h. Contested rule shall be finalized and adopted by mayoral executive order based upon the findings of this appeal process;
 - i. Aggrieved party may pursue judicial review on any properly appealed rule;
12. Copy of final rule is maintained and administered by the Landfill Division and the CAO;
 13. Copy of Administrative Rule is distributed to regulated community. (i.e. Rule is submitted to Garbage Haulers and Recycling Facilities at next scheduled training session or at time when license or permit is issued or reissued);
 14. Final rule shall be implemented with the same general provisions and administration as a standard City ordinance.

	<u>XX/XX/XXXX</u>	<u>XX/XX/XXXX</u>
Dave McElroy Landfill Superintendent	Adopted	Revised

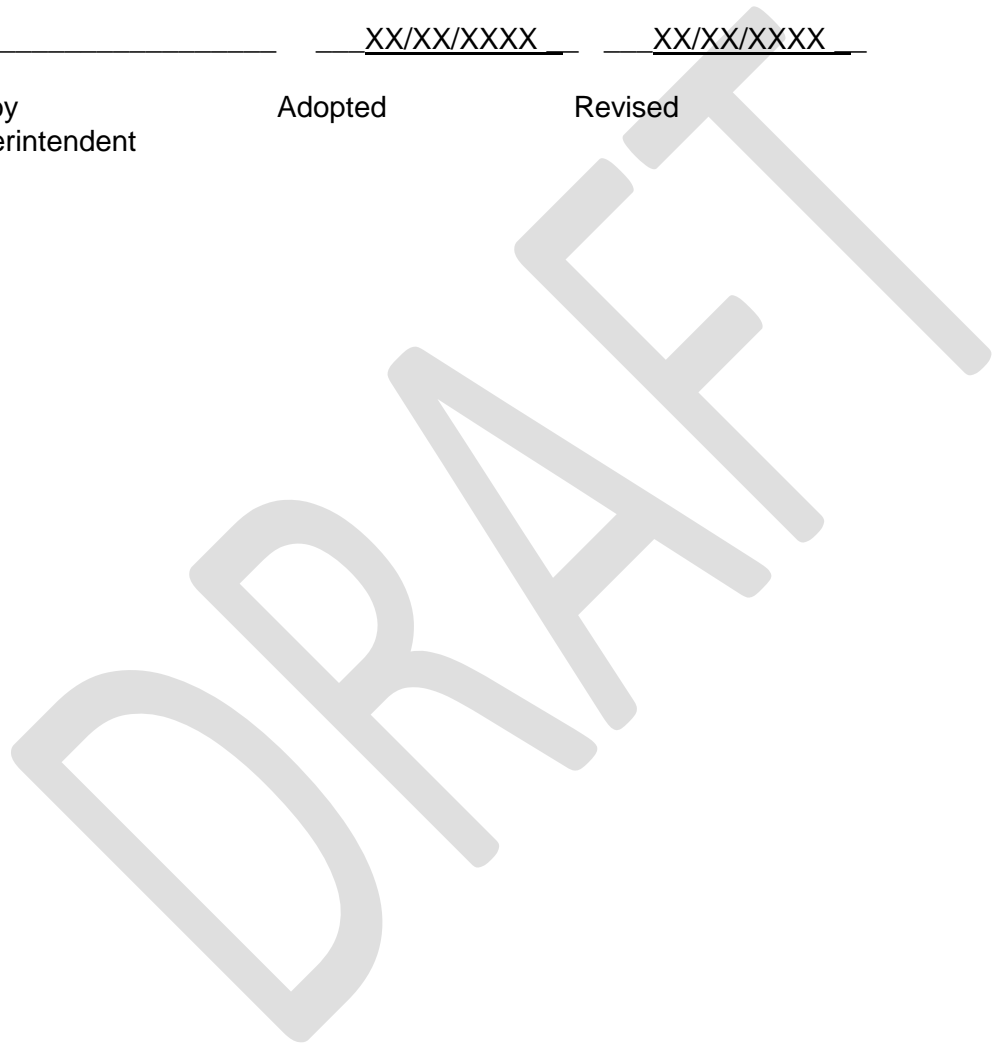
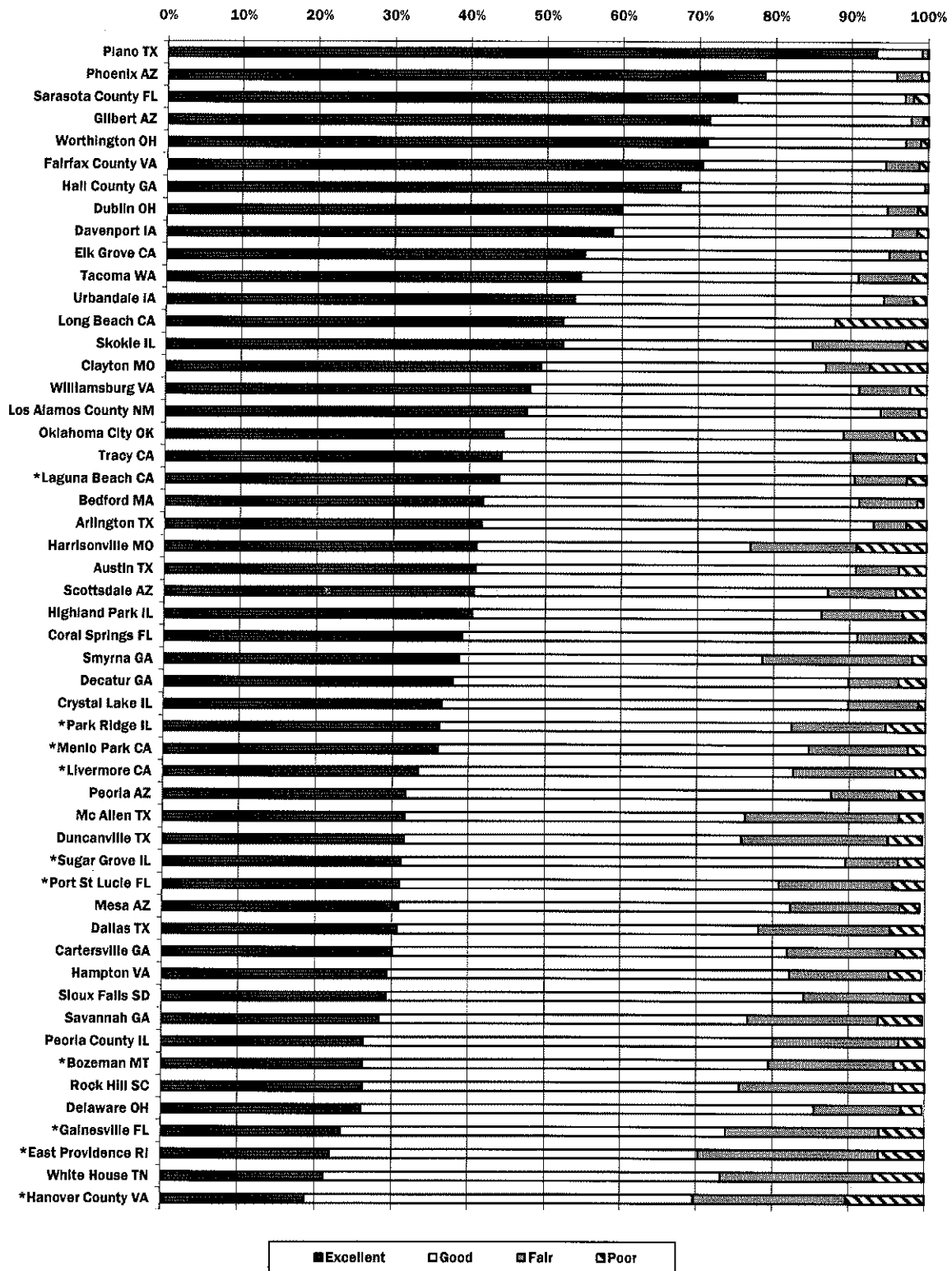
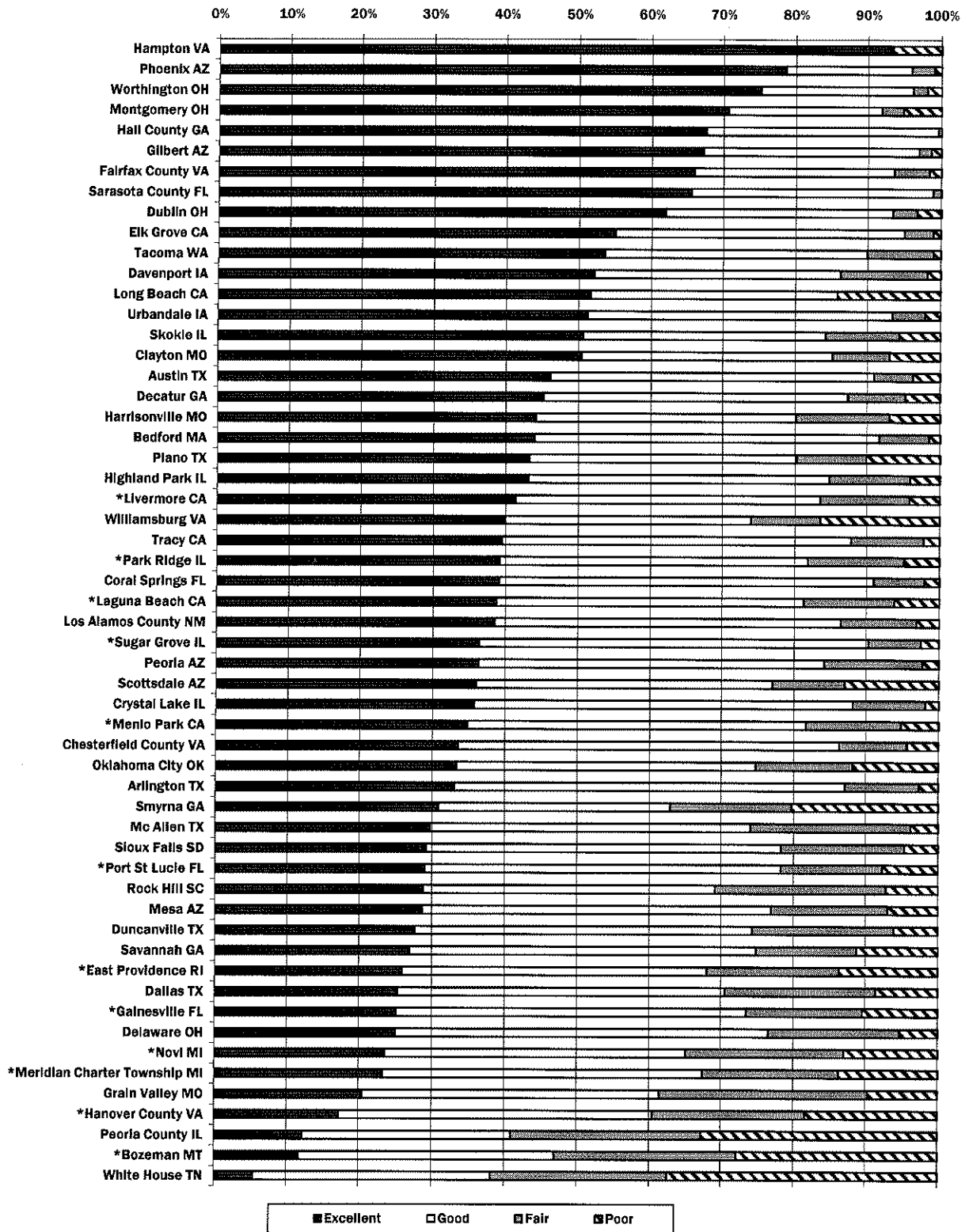


Figure 18-8. Outcome Measure: Citizen Ratings of Residential Refuse Collection Services (page 2 of 2)



Complete data sets, comments, and chapter PDFs are available only to CPM participants at <http://icma.org/cpm>.
 For information about CPM, please visit <http://icma.org/performance>.

Figure 18-9. Outcome Measure: Citizen Ratings of Residential Recycling Collection Services (page 2 of 2)



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