

## CHAPTER 111: COLLECTION OF GARBAGE AND RECYCLABLES

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### **§ 111.01 LICENSE REQUIRED.**

(A) No commercial garbage hauler shall use the streets for the collection, removal or disposal of any garbage and recyclable materials without first having obtained an annual license to perform such service from the city.

(B) The city may approve no more than two commercial haulers licenses for each 1,500 city residents. A license is in effect from January 1 through December 31 of each year.

(Prior Code, § 5.05.010) Penalty, see § 10.99

### **§ 111.02 APPLICATION.**

Each application shall be on a form provided by the city and shall be filed with the Finance Officer and shall contain the following information:

- (A) True name, address and phone number of owner of business;
  - (B) Proof of insurance;
  - (C) Proof of county license;
  - (D) Proposed rate structure;
  - (E) Payment of license fee, which shall be set by resolution of the City Commission; and
  - (F) Proof of ownership of a minimum of one packer truck in good working condition.
- (Prior Code, § 5.05.020) (Ord. 1051, passed 4-16-2018)

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### **§ 111.03 IDENTIFYING NAME.**

Each vehicle having a permit under this chapter 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.

(Prior Code, § 5.05.030)

### **§ 111.04 TRANSFER.**

A license issued under the provisions of this chapter may be transferred after paying the city a transfer fee in the amount established by resolution of the City Commission. 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 in the amount established by resolution of the City Commission, compliance with the provision of this chapter and proof that ownership of the business has been transferred back to the previous owner.

(Prior Code, § 5.05.040)

### **§ 111.05 EXPIRATION.**

Every license issued under the provisions of this chapter, 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.

(Prior Code, § 5.05.050)

### **§ 111.06 HAULING UNIT PERMITS.**

A permit fee, an amount established by resolution of the City Commission, shall be paid by each licensed hauler company.

(Prior Code, § 5.05.060)

### **§ 111.07 UNIT INSPECTION REQUIRED.**

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

(Prior Code, § 5.05.070)

### **§ 111.08 DISPLAY OF PERMIT.**

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

(Prior Code, § 5.05.080)

### **§ 111.09 DENIAL OF LICENSE.**

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The Finance Officer shall have the right to deny an application if the application fails to comply all of the requirements of this chapter.

(Prior Code, § 5.05.090) (Ord. 1051, passed 4-16-2018)

### **§ 111.10 COLLECTION OF GARBAGE AND RECYCLABLE MATERIALS.**

(A) Every licensed commercial hauler shall collect the garbage at least once each week and recyclables at least twice a month. Garbage collectors shall be under no obligation to remove any garbage unless the payment for the removal of such garbage as provided by contract with the customer shall have been made.

(B) Garbage, rubbish and animal waste must be transported out of the city within 48 hours after pickup. Collections are prohibited before 7:00 a.m. and after 8:00 p.m. Collection is prohibited on Sunday.

(Prior Code, § 5.05.100)

### **§ 111.11 RATES.**

All licensed garbage haulers rates shall include the following elements:

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

(B) 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; and

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

(Prior Code, § 5.05.110)

### **§ 111.12 VEHICLES FOR COLLECTION OF GARBAGE AND RECYCLABLES.**

Licensed commercial garbage and recyclable haulers shall provide themselves with suitable vehicles which shall be water-tight and permanently covered on top so as to prevent the escape of odors and contents and so as to hide the garbage from the public view. Such vehicle shall be thoroughly washed at such times as may be necessary to keep the vehicles in proper sanitary condition. Such vehicles when conveying garbage shall be so loaded and unloaded that the contents shall not fall or spill upon the ground. No article or thing shall be carried on such vehicle so as to drag upon the highway.

(Prior Code, § 5.05.120)

### **§ 111.13 DUMPING.**

Commercial haulers shall transport the garbage and refuse and recyclables to the sites designated by the city and the county and will comply with all regulations in force at these sites.

(Prior Code, § 5.05.130)

### **§ 111.14 INSURANCE.**

Haulers shall have and maintain commercial general liability insurance in the following amounts during the entire term of the license:

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(A) \$1,000,000 per person;

(B) \$2,000,000 general aggregate; and

(C) \$100,000 property damage.

(Prior Code, § 5.05.140)

### **§ 111.15 RESIDENT COMPLIANCE.**

All residents and businesses of the city shall comply with recyclable materials separation, storage and disposal requirements established by Lincoln County Ordinance 96-03-02, including, but not limited to, proper collection of recyclable materials.

(Prior Code, § 5.05.150)

### **§ 111.16 CUSTOMER INFORMATION.**

All licensed garbage collectors/haulers shall at least annually provide customers with written information regarding volume of base-rate structure on garbage, recycling and yard waste service.

(Prior Code, § 5.05.160)

### **§ 111.17 CITY NOT LIABLE.**

The city shall not be liable for any expense incurred through the failure of a licensee or his or her agents and employees, to operate and maintain collection services in a proper and efficient manner, and for any actions that may result from or be attributed to such services performed.

(Prior Code, § 5.05.170)

### **§ 111.18 TRANSFER.**

Any transfers of the license required under this chapter shall be subject to approval by the City Commission and a request for transfer shall be submitted to the Finance Officer within 30 days of the transfer of the business.

(Prior Code, § 5.05.180) (Ord. 1051, passed 4-16-2018)

### **111.19 COMMERCIAL HAULERS RESPONSIBILITIES.**

Commercial haulers licensed by the city are responsible:

(A) To ensure the sources of waste and waste delivered;

(B) To assist the city in complying with mandated reporting requirements;

(C) To implement volume based collection rates to promote solid waste reduction and recycling;

(D) To provide recycling opportunities for their customers;

(E) To coordinate with the city in complying with environmental and statutory standards and mandates through rules or programs to provide for:

(1) Waste reduction;

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- (2) Safe handling and disposal of hazardous or unacceptable waste; and
- (3) Banned waste.

(F) To cooperate with the city in updating when necessary the local solid waste plan to ensure compliance with SDCL § 34A-6 and to assert and participate in preparing all required regional solid waste plans mandated by SDCL § 34A-6 and other regulatory directives.

(Prior Code, § 5.05.190)

### **§ 111.20 TERMINATION OF LICENSE.**

The license issued under this chapter may be revoked by the City Commission for the violation of any provision of city ordinances, state law or federal law.

(Prior Code, § 5.05.200) (Ord. 1051, passed 4-16-2018)