

Chapter 9

GARBAGE AND TRASH*

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ARTICLE I. IN GENERAL

Sec. 9-1. Definitions

1. "Bulky items," large items such as white goods or furniture;
2. "Composting," the controlled biological decomposition of the organic portion of solid waste in a manner resulting in an innocuous final product that may be applied to land for the purposes of soil conditioning;
3. "Construction and demolition debris," waste building materials resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings, and other structures;
4. "Disposal," the discharge, deposit, injection, dumping, spilling, leaking, or placing of solid waste into or on the land so that the solid waste or any of its constituents may enter the environment, be discharged to any waters, including groundwater, or be emitted into the air;
5. "Garbage," solid and semi-solid putrescible animal and vegetable wastes resulting from the handling, preparing, cooking, storing, serving and consuming of food or of material intended for use as food, and all offal, excluding useful industrial by-products, from all public and private establishments and from all residences;
6. "Household waste," solid waste derived from households, including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day use recreation areas, but not waste from commercial activities that is generated, stored, or present in a household;
7. "Processing," an operation designed to transfer, shred, grind, bale, compact, salvage, separate, incinerate, reclaim or provide other treatment of solid waste;

***Cross references**-Nuisance abatement, Ch. 12; litter in parks, 14-21; water, sewers and sewage disposal, Ch.22.

State law references-Power of City to prohibit deposits of refuse in streets, streams, etc., SDCL 1967, 9-32-10; power of City to provide for and regulate refuse collection and disposal, SDCL 1967, 9-32-11.

8. "Residential Dwelling," Any single independent family unit, irrespective of the number of persons constituting such family, but shall not include a situation where one (1) or more independent families may be living together in any single residence or abode, but in such situation, each of such independent families shall be deemed and regarded as a separate and distinct family domestic unit. Each independent family unit living in multiple dwelling residences, apartment houses or any type of residence, including mobile homes, shall each be deemed a family domestic unit for the purpose of this chapter. A rooming-house that supplies lodging for hire and which does not serve meals shall be deemed a family domestic unit for the purpose of this chapter. Each dwelling unit contains one (1) and only one (1) set of kitchen facilities;
9. "Refuse," all bulky items, construction and demolition debris, garbage, household waste, rubbish, rubble, sludge, trees, waste tires, yard waste;
10. "Restricted use facility," a permitted solid waste disposal site that receives certain non-potrescribable waste limited to rubble, trees, construction/demolition debris, wood products and similar type wastes and furthermore permits the temporary storage of white goods and waste tires. Construction/ demolition debris shall be limited to waste building materials resulting from construction activities, remodeling work and demolition operations on roadway and driveway pavements, houses, buildings and other similar type structures.
11. "Rubbish," all combustible inorganic refuse matter, such as papers, rags, originating from the ordinary household;
12. "Rubble," stone, brick, concrete, or similar inorganic material, excluding ash, waste tires, and asbestos containing waste materials;
13. "Sludge," the accumulated semi-solid mixture of solid wastes and water, oils or other liquids;
14. "Trees," trunks, limbs, stumps, shavings or branches from trees or shrubs;
15. "Waste tires," tires that are no longer suitable for their original intended purpose because of wear, damage or defect;
16. "White goods," discarded refrigerators, ranges, washers, water heaters and other similar domestic and commercial appliances;
17. "Yard waste," yard clippings, leaves and garden waste.
18. "Large electronics" means desktop and laptop 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.
19. "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 electronic cameras.

20. "Recreational Fire," any fire other than the fire described as a rubbish fire or incinerator including but not limited to fire places, grills, fire pits, other burning apparatus approved by underwriter's laboratory and fueled by wood, wood pellets, grain, newspaper, natural or propane gas or any other combustible material used in the preparation of food or enjoyment of an open flame.

(Ord. No. 1141, 10-26-92; Ord. No. 1356, 7-26-04, Ord. No. 1382, 7-25-05)

Sec. 9-2. Deposits or storage generally.

- (a) It shall be unlawful for any person to deposit or cause to be deposited any refuse material in or upon any park, street, alley, gutter or in or upon any other private or public property within the City or upon any property on the route between the City and sanitary landfill.

- (b) It shall be unlawful to store, deposit or keep such material where rats could breed or have access thereto or feed thereon.

(Ord. No. 1141, 10-26-92)

Sec. 9-3. Containers generally.

The occupant, owner, or manager of every dwelling, house, apartment, or construction site and of every place of business and building shall provide a suitable, watertight container provided with bails, ties or handles to receive all refuse which may accumulate between the times of collection. Said containers shall have a capacity of not less than ten (10) gallons or more than thirty (30) gallons. All such containers shall be so constructed that they can be easily emptied completely and easily cleaned thoroughly.

(Ord. No. 1141, 10-26-92)

Sec. 9-4. Placement of containers.

- (a) All refuse containers placed for collection shall be placed at a distance of three (3) feet from the curb or alley adjacent to the premises. Where there is no through alley available, they shall be placed on the parkway adjoining the premises on the day of collection, and at a distance of three (3) feet from the curb.

- (b) In any event the containers shall be located at ground level, except as otherwise provided.

- (c) The covers of the containers shall be fastened to the rack or stake so that they can be easily removed from the area in which they are kept.

- (d) The containers shall, upon direction of the City health officer and the Board of Commissioners, be buried in the parkway adjacent to the premises in regulation vaults for that purpose.

(Ord. No. 1141, 10-26-92)

Sec. 9-5. Fastening containers down.

All refuse containers shall be fastened so that animals cannot upset them or tip them over.

(Ord. No. 1141, 10-26-92)

Sec. 9-6. Collection and disposal generally.

The City shall provide for the collection and disposal of garbage, rubbish, household waste from residential dwelling units. Brush and garden waste, yard waste, rubble and construction demolition debris, white goods and waste tires will not be collected by the City except as hereinafter designated but may be deposited in the restricted use facility or designated location upon the payment of the required fee.
(Ord. No. 1141, 10-26-92)

Sec. 9-7. Preparation of refuse for collection.

All garbage, rubbish and household waste material placed for City collection shall be well drained and wrapped before placing in garbage containers. Rubbish and waste materials shall be placed in plastic bags so as to be easily collected and disposed of, except newspapers and magazines, which must be made up in bundles and tied with cord. Cardboard boxes and like material shall be flattened and tied in bundles for easy collection and disposal.
(Ord. No. 1141, 10-26-92)

Sec. 9-8. Frequency of collection.

The collection and disposal of garbage, rubbish and household waste from residential dwelling units by the City shall be once weekly.
(Ord. No. 1141, 10-26-92)

Sec. 9-9. Enforcement, rules and regulations.

The operation and enforcement of this chapter shall be vested in the Board of Commissioners. It shall have the right to promulgate rules and regulations for the carrying out of the intents and purposes of this chapter. Any such rules and regulations so adopted shall be filed with the City Finance Office prior to the effective date thereof.
(Ord. No. 1141, 10-26-92)

Sec. 9-10. Where material collected may be disposed of.

No refuse collected for disposal shall be deposited in any place except such as shall be designated by the Board of Commissioners.
(Ord. No. 1141, 10-26-92)

Sec. 9-11. Burning.

- A) The burning of any material is prohibited within the City of Madison, unless authorized by ordinance.
- B) The burning of refuse, as defined in Section 9-1, is hereby specifically prohibited.
- C) Controlled, enclosed incinerators, for the burning of waste materials that are approved by the State pollution control agency are hereby authorized provided approval is in writing and a copy thereof is on file with the City.
- D) Recreational Fires, as defined in Section 9-1, are permitted within the City of Madison provided the following requirements are met:
 - 1. If the recreational fire is contained within a structure, equipment or apparatus approved by underwriter's laboratory as safe for the conduction of said activity or by the Fire Chief, such recreational fire may be within ten (10') feet of a structure and upon a deck or patio.

2. Shovels, garden hose, or fire extinguisher with a minimum of a 4-A rating shall be readily available for use of fire extinguisher equipment required by this Section above. Such attendant shall supervise the recreational fire until such fire has been extinguished.
3. The fire chief is authorized to require a recreational fire be immediately extinguished if in the opinion of the Fire Chief the fire constitutes a hazardous condition.

(Ord. No. 1141, 10-26-92, Ord. No. 1381, 7-25-05)

Sec. 9-12. Monthly fee for residential dwelling units.

The cost of collection and disposal of refuse for residential dwelling units shall become a charge against the occupant of each dwelling and shall be payable monthly, together with other public service charges as defined by this City. The charge for the collection of the contents of not more than two (2) 30-gallon cans at each regular collection time from each residential dwelling unit shall be Sixteen Dollars and 25/100 (\$16.25) per month.

The charge for the collection of the contents of a 65-gallon CITY garbage cart from each residential dwelling unit shall be Thirteen Dollars (\$13.00) per month. The charge for the collection of the contents of a 95-gallon CITY garbage cart from each residential unit shall be Sixteen Dollars and 25/100 (\$16.25) per month.

The 65-gallon and 95-gallon garbage cart(s) shall be furnished by and remain the property of the CITY. The customer shall be responsible for the loss, damage or destruction of the cart(s) or failure to return the cart(s) upon termination of service to the City. The customer's utility account will be assessed for the loss, damage or destruction or failure to return the cart(s).

(Ord. No. 1141, 10-26-92; Ord. No. 1354, 7-26-04, Ord. No. 1373, 5-2-05; Ord. No. 1417, 12-4-06; Ord. No. 1471, 11-24-09; Ord. No. 1501, 11-21-10; Ord. No. 1522, 12-5-11; Ord. No. 1526, 1-30-12)

Sec. 9-13. Garbage pickup required.

Any and person(s), firm(s), corporation(s), institution(s), or facility(ies) are required to employ the services of a licensed garbage hauler to pick up and dispose of garbage, rubbish, or waste materials. Any person or party violating any of the provisions of this article shall be subject to both criminal and civil sanctions. The City, at its election, may either proceed criminally for a violation of this article with a maximum punishment as provided by ordinance for each day the violation exists, and the City may, at its option, cause the garbage, rubbish, or waste material to be collected and disposed of by the City and to bill the cost and expense of such pick up and disposal to the property owner at such cost or rates as may be established from time to time by the City by resolution.

(Ord. No. 1141, 10-26-92; Ord. No. 1327, 12-30-02)

Sec. 9-14. Collection of fees.

The monthly fees for garbage and trash collection by the City shall be incorporated and made a part of the monthly billing for utility services furnished by the City.

(Ord. No. 1141, 10-26-92)

Sec. 9-15. Collection of fees, disposal of motor vehicle tires.

The City of Madison shall collect a fee of \$1.50 for each passenger car tire, \$2.50 for each light truck tire and \$6.50 for each semi-truck tire, \$10.50 for each 15.5 tractor tire, \$15.50 for each

16.9 tractor tire and \$20.50 for each 18.4 tractor tire picked up by the City of Madison or delivered to the sanitary landfill by commercial haulers, private haulers or persons, resident or non-resident alike. This fee shall be in addition to any other fees charged pursuant to City Ordinance establishing fees for use of the sanitary landfill.
(Ord. No. 1141, 10-26-92)

Sec. 9-16.

It shall be unlawful to combine or mix any tree, brush and garden waste, yard waste, rubble and construction debris or white goods within garbage or rubbish.
(Ord. No. 1141, 10-26-92)

Sec. 9-17.

All trees, brush and garden waste, yard waste, rubble, construction debris and white goods shall be disposed at sites approved by the City of Madison for the disposal of particular materials.
(Ord. No. 1141, 10-26-92)

Sec. 9-18. Yard waste collection.

- A. Yard waste shall be collected by the City of Madison on an optional subscription basis, with the collection to take place on the Wednesday of each week for the period of April through November of each year as determined by the weather.
- B. Customers of record of the City garbage disposal services desiring to use the City for yard waste collection and disposal shall be required to package yard waste in approved disposal containers approved by the City of Madison.
- C. The yard waste containers shall be placed on the parkway/boulevard adjoining the premises on the day of collection at a distance of three feet (3') from the street.
- D. The fee for such service shall consist of two elements. Each resident requiring or desiring to make use of this service shall pay an annual subscription fee. In addition thereto, each subscriber shall pay a fee per bag which shall be collected through the purchase of the bags which shall assist covering the cost of the bag, collection and disposal service. By resolution the City shall establish the subscription fee and fee per bag; the rate of such fee may be changed by the City from time to time as needed by Resolution.
- E. Residents of Madison may purchase the approved bags either from the City of Madison or from retail outlets which are carrying the bags. Retail outlets may purchase the bags in bulk at the rates established from time to time by Resolution of the City and resell the same at the rate, term and conditions as established from time to time by Resolution of the City.
- F. Residents of the City of Madison may deliver their own yard wastes for disposal to the restricted use site operated by the City of Madison. Any and all yard wastes delivered to the restricted used site shall be delivered in a covered vehicle, or tarped vehicle or bagged in the approved bags. Failure to deliver the load in an approved manner as set forth in the previous sentence will result in a mandatory cover fee, charged at the rate of \$5.00 per vehicle. Each customer or resident availing him or herself of the disposal site shall deliver and empty the bags to a restricted use site as designated and pay the fee as established, from time to time by Resolution of the City.

(Ord. No. 1152, 4-12-93)

Sec. 9-19. License Fee.

- (1) No person shall use the streets or alleys of the City of Madison for the collection, removal or disposal of any refuse without first having obtained a license to perform such services from the City Commission.
- (2) The City shall participate actively in the collection of refuse within the City and in addition shall issue and have in effect no more than one (1) private license for the collection, removal or disposal of any refuse within the City of Madison. The license holder must actively be using its license by having at least 30 customers being served on a weekly basis. Failure to use such license for 60 consecutive calendar days shall result in automatic revocation of the license.
- (3) The fee for a license under this Ordinance shall be \$25.00.
(Ord. No. 1141, 10-26-92)

Sec. 9-20.

- (1) The sanitary landfill operated by the City of Madison is hereby closed effective November 15, 1992.
- (2) The City of Madison shall operate a restricted use facility as defined by this Ordinance. The hours of operation shall be determined by resolution of the City Commission.
- (3) Disposal at the restricted use facility shall be limited to those items and under the terms and conditions as set forth in the definition for restricted use facility.
- (4) The fee for use of the restricted use facility shall be established by the City Commission by resolution and changed from time to time as determined by resolution of the City.
(Ord. No. 1141, 10-26-92)

Sec. 9-21. Electronics.

It shall be unlawful to combine, mix or dispose of any large electronics and hand-held electronics within garbage or rubbish either through the solid waste collection system or at the restricted use site.
(Ord. No. 1356, 7-26-04)

ARTICLE II. LITTER.

Sec. 9-23. Prohibited generally.

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

Sec. 9-24. Duty of business owner, 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 said premises by its customers, and to take reasonable measures to prevent same drifting or blowing to adjoining premises.

- (b) *Receptacles.* Receptacles of sufficient size and number shall be placed on the premises accessible to the customer of such business where the above referred to articles of waste may be disposed of.
- (c) *Signs.* Each and every business establishment shall place upon its premises in conspicuous places in close proximity to the receptacles above referred signs which shall, in essence, convey to its customers a request that they use such receptacles for the disposal of waste material.

Sec. 9-25. Duty of customer.

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

Secs. 9-26-9-36. Reserved.

ARTICLE III. RESTRICTED USE SITE

Sec. 9-37. Private transportation generally.

Any family domestic unit may haul refuse originating on the premises of such units between regular collection periods to the restricted use site and shall pay the required fee. All other establishments may haul refuse to the restricted use site and shall pay the required fee. (Ord. No. 751, 6, 6-18-73, Ord. No. 1301, 08-14-00)

Sec. 9-38. Removal of material.

It shall be unlawful for any person to remove or cause to be removed from the restricted use site any article or material of any kind after the same has been deposited there. (Ord. No. 751, 10, 6-18-73, Ord. No. 1301, 08-14-00)

Sec. 9-39. Villages and towns authorized to use.

For the health, welfare and safety of the residents of the county, relative to the rules and regulations now in effect from the state pollution control agency the following South Dakota villages and towns shall have use of the restricted use site: Nunda, Wentworth, Junius, Chester, Howard, Winfred, Ramona and Rutland, providing all the provisions of this article are strictly adhered to and that a fair and reasonable charge be made to each village or town separately by the Board of Commissioners. (Ord. No. 751, 12, 6-18-73, Ord. No. 1301, 08-14-00)

Sec. 9-40. Fees.

- (a) The landfill attendant shall collect from commercial haulers a fee of three dollars and twenty-five cents (\$3.25) per cubic yard where compressors are used. When a truck is used without a compressor, a fee of two dollars and twenty-five cents (\$2.25) per cubic yard shall be collected. When trees, branches, leaves, ashes, cinder, scrap lumber and concrete are disposed of and the vehicle used is a panel or pickup truck, a fee of five dollars (\$5.00) will be used.

- (b) The landfill attendant shall collect a fee of three dollars (\$3.00) for each auto from private haulers or persons, residents and non-residents alike. If a trailer is attached to a vehicle there shall be an additional charge of four dollars and fifty cents (\$4.50).
- (c) The landfill attendant shall collect the fee established by this Section and shall keep accurate records of all refuse hauled to the landfill when a charge is made. He shall issue pre-numbered duplicate receipts for all loads dumped and amount of fee collected and shall at the end of each week deposit with the City Finance Office the receipts and the original duplicate receipt for each load deposited.
(Ord. No. 751, 13, 6-18-73; Ord. No. 852, 7-10-78; Ord. No. 980, 1-23-84; Ord. No. 997, 2-11-85; Ord. No. 1020, 9-30-85; Ord. No. 1036, 10-14-86; Ord. No. 1061, 11-30-87)

Sec. 9-41. Hours when open.

The sanitary landfill shall be open for depositing of refuse from 1:30 p.m. until 4:00 p.m., Tuesday through Friday, and on Saturday from 9:00 a.m. until 4:00 p.m. Upon authority of the Board of Commissioners, the landfill attendant may open the sanitary landfill for the deposit of refuse for certain other periods throughout the year, providing public notice is given and published in the City's official newspaper.
(Ord. No. 751, 18, 6-18-73; Ord. No. 910, 3-10-80; Ord. No. 1092, 8-14-89)

Sec. 9-42. Use of firearms.

It shall be unlawful for any person to discharge or cause to be discharged any firearms within the confines of the sanitary landfill.
(Ord. No. 751, 16, 6-18-73)

Sec. 9-43. Fences and gates.

- (a) The sanitary landfill area shall be fenced with woven wire capable of holding loose material which can be or is liable to be carried by the wind outside the area prior to compaction and earth covering.
- (b) Proper gates shall be placed in said fence for the proper use of said grounds and said gates shall be kept locked at all times except when it is necessary to use said landfill.
(Ord. No. 751, 17, 6-18-73)

Secs. 9-44-9-54. Reserved.

ARTICLE IV. COMMERCIAL HAULERS.

Sec. 9-55. Definitions.

For the purposes of this Ordinance, the following terms shall have the meanings indicated, unless the context clearly indicates otherwise:

Chief Elected Official. The Mayor, Board of Trustees President, or Chairman of the Board of County Commissioners authorized under South Dakota Codified Laws as the chief elected or presiding official of the Governing Board of Madison.

Commercial Garbage Hauler. Any individual, corporation, organization or business that collects or transports any type of solid waste for other parties. Entities which transport their own solid waste, and entities which transport waste solely for reuse or recycling but not for disposal, are not included in this definition.

Commercial Garbage Hauler. Any individual, corporation, organization or business that collects or transports any type of solid waste for other parties. Entities which transport their own solid waste, and entities which transport waste solely for reuse or recycling but not for disposal, are not included in this definition.

Commercial Garbage Hauler License or Licenses. A license issued by the Board of Commissioners under the terms of this Ordinance.

Governing Board. The City Council, City Commission, Town Board of Trustees, or Board of County Commissioners authorized under South Dakota Codified Laws as the governing body of Madison.

License Holder or Licensee. Any commercial garbage hauler which holds a Commercial Garbage Hauler License.

Rate Structure. The structure of charges made by a Commercial Garbage Hauler to its customers. This term is not intended to include the level of the rates charges; rather, it is intended to include the overall structure of the rates charged. This term is intended to refer to the relationship between rates charged by a particular hauler (a) to different customers, and/or (b) for different volumes of waste, and/or (c) for different types of waste.

SDCL. South Dakota Codified Law.

Solid Waste (SDCL 34A-6-1.3). Any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded materials, including solid, liquid, semi-solid or contained gaseous material resulting from industrial, commercial and agricultural operations, and from community activities, but does not include mining waste in connection with a mine permitted under Title 45, hazardous waste as defined under Chapter 34A-11, solid or dissolved materials in domestic sewage or dissolved materials in irrigation return flows, or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended to January 1, 1989, or source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended to January 1, 1989.

Volume Based. The property of providing financial incentives to encourage source reduction, reuse, and recycling. Specifically, this term refers to garbage collection rate structures which provide for user fees which increase as the volume of waste collected increases.
(Ord. No. 1185, 10-20-94)

Sec. 9-56. License required.

It shall be unlawful for a commercial garbage hauler to use the streets or roads within Madison for the collection, removal or disposal of any solid waste, without first having obtained a Commercial Garbage Hauler License from the Board of Commissioners.
(Ord. No. 1185, 10-20-94)

Sec. 9-57. Application for License.

The form for application for a Commercial Garbage Hauler License and renewal thereof, as required by the provisions of this Ordinance, shall be available from the Municipal Finance Officer. Upon completion of the application, the applicant shall return it to the Municipal Finance Officer for review. For an application to be considered complete, the applicant must also submit:

- A. Proof of certification by the Sioux Falls Health Department that the applicant will be allowed to deposit solid waste collected from Madison in the Runge Landfill;
- B. Proof of insurance coverage, as described in the Performance Standards (Section 9-66, Part D);
- C. Proposal rate structure, as described in the Performance Standards (Section 9-66, Part F);
- D. Payment of an application fee in accordance with the following schedule:

New License: \$100.00

Renewal: \$25.00
(Ord. No. 1185, 10-20-94)

Sec. 9-58. Approval of application by governing body required prior to licensure.

Before any Commercial Garbage Hauler License shall be issued, renewed or transferred under the provisions of this Ordinance, the Governing Board must approve the Application for License. The Governing Board may require the applicant to furnish additional information related to the provisions of this Ordinance, prior to approval of an application. Upon approval of the application, the Municipal Finance Officer shall issue a Commercial Garbage Hauler License to the applicant. Once issued, licenses shall be conditional upon the license holder complying with the Performance Standards in Section 9-66 of this Ordinance.
(Ord. No. 1185, 10-20-94)

Sec. 9-59. Duration of license.

Upon approval, a Commercial Garbage Hauler License shall be valid until the end of the calendar year for which it has been approved. Except in cases of renewal (Section 9-64) or transfer (Section 9-65), no such license shall be valid for more than one calendar year. Sale of a business holding a Commercial Garbage Hauler License shall render such license invalid immediately upon consummation of the sale, unless said license is transferred under the provisions of Section 9-65 of this Ordinance.
(Ord. No. 1185, 10-20-94)

Sec. 9-60. Covering vehicles.

It shall be unlawful for a commercial, non-commercial or private hauler to haul refuse in a truck or trailer unless the same is covered so that the refuse will not be strewn along the streets and alleys of the City or the roadway to the sanitary landfill.
(Ord. No. 751, 8(C), 6-18-73; Ord. No. 1204, 7-8-95)

Sec. 9-61. Use of watertight container.

It shall be unlawful for any commercial hauler to haul through the streets or alleys any garbage, offal, decayed vegetable, fruit or animal matter or any slops or filth whatsoever, solid or fluid, unless contained in a watertight tank or receptacle.
(Ord. No. 751, 9, 6-18-73)

Sec. 9-62. Revocation of license.

The Board of Commissioners may, after a hearing affording due process, revoke or suspend any license issued pursuant to the provisions of this article for the violation by the licensee or his employees of any of the applicable provisions of this article.
(Ord. No. 751, 8(A)(D), 6-18-73)

Sec. 9-63. Disposal of hazardous, toxic and special wastes.

This Section restricts the disposal of hazardous, toxic and special wastes, establishes a fee schedule for the disposal of approved special waste within the landfill, and provides a fee schedule and penalty therefore.

(1) Purpose and Policy:

The purpose of these provisions is to set forth uniform requirements for the disposal of hazardous, toxic, and special wastes and to establish a fee schedule for the disposal of approved, special waste within the landfill.

(2) It shall be unlawful to dispose or store any toxic, hazardous, or special wastes within the Sanitary Landfill for the City of Madison, in violation of City Ordinance or applicable State/Federal regulations and laws.

(3) The disposal of special wastes in the City of Madison Sanitary Landfill is authorized by specific action of the City Commission provided:

a. A written permit for disposal is obtained from the City of Madison prior to disposal.

b. The party seeking a permit shall make application to the solid waste department and supply the following information:

1. Source of special waste.

2. Estimated volume of special waste.

3. Independent test data which determines if the waste is a hazardous waste.
 4. Contractor's name.
 5. Written confirmation from the South Dakota Department of Water and Natural Resources that the special waste can be legally disposed at the Madison Landfill.
 6. Any and all other information or data as requested by the City.
- c. Upon the filing of a completed application, the City Commission may issue a permit, at its sole discretion, for the disposal of the special waste, upon the deposit requirements, fee schedule, terms, and conditions it imposes, which shall include, but not be limited to:
1. The permit shall require the party disposing of the materials to be ultimately responsible for its proper disposal and shall indemnify the City for all expenses incurred, directly or indirectly, required for proper disposal.
 2. The disposing party shall pay the City of Madison the sum of \$7.50 per cubic yard for the disposal of gravel, soil or similar contaminated materials which may be treated by exposure to the air, such as petroleum/fuel contaminated soil.
 3. The disposing party shall pay the City of Madison the sum of \$7.50 per approved bag of asbestos materials which shall be buried in accordance with approved standards.
 4. The disposing party shall pay the City of Madison the sum of \$30.00 per cubic yard for the disposal of asbestos waste materials, which can not be bagged but can be disposed of properly through burial in accordance with approved standards.
 5. The contractor shall be responsible to comply with all governmental regulations, laws, and rules pertaining to inspection, reporting, removal, handling and disposal of the contaminated materials approved for disposal.
- (5) Violation of this Section shall result in criminal penalty of a fine not to exceed the sum of \$100.00 per bag or per yard of contaminated materials and/or thirty (30) days in jail for each yard or bag of contaminated materials.
- (6) In addition to the criminal penalty, the party shall be civilly liable for the cost of removal and proper disposal of any and all contaminants or related materials which must be removed or disposed of in accordance with city, state or federal law.
- (Ord. No. 1099, 5-14-90)

Sec. 9-64. Renewal of license.

A holder of a currently valid Commercial Garbage Hauler License may apply for renewal of such license in the same manner of application described in Section 9-57 of this Ordinance.
(Ord. No. 1185, 10-20-94)

Sec. 9-65. Transfer of License.

A holder of a currently valid Commercial Garbage Hauler License, in conjunction with a party wishing to receive such a license, may apply for transfer of such license in the same manner of application described in Section 9-57 of this Ordinance. In such cases, the payment of the applicable fee shall be the responsibility of the party to receive the transferred license. For an application for a transfer to be considered complete, the signatures of an authorized representative from each party must be presented on the application form.
(Ord. No. 1185, 1-20-94)

Sec. 9-66. Performance Standards.

For any Commercial Garbage Hauler License to be effective, the holder of such license shall comply with the following performance standards:

- A. Random Load Inspections. No holder of a Commercial Garbage Hauler License shall violate any rule of policy established by the City of Sioux Falls for the Runge Landfill. All vehicles transporting solid waste to the Runge Landfill and licensed under this Ordinance shall be subject to random load inspections performed by the Sioux Falls Health Department. License holders should be aware that the Sioux Falls Health Department will forward reports of landfill rule violations to the Finance Officer of Madison.
- B. Minimum Design Requirements for Equipment. All solid waste collection or transportation equipment operated by license holders are required to meet the following standards:
 - (1) Vehicles shall be water tight;
 - (2) Vehicles shall be covered, with no openings which would allow the contents to escape;
 - (3) Vehicle boxes shall be of all metal construction, and shall have metal doors which shall be in a closed position whenever the vehicle is in motion;
 - (4) Containers must be attached or bolted to the frame when in transport;
 - (5) All vehicles and containers must be manufactured or designed for hauling solid waste;
 - (6) Vehicles and containers shall be thoroughly washed as directed by the Governing Board of Madison or the Sioux Falls Health Department, as may be necessary to keep vehicles and containers in proper sanitary condition;
 - (7) Vehicles shall be loaded so that solid waste does not spill out, fall out, blow out or otherwise leave the vehicle or container while it's collecting or transporting solid waste.

- C. Frequency of Collection. Each holder of a Commercial Garbage Hauler License shall collect solid waste from its customers at least once per week. In cases where a customer of a license holder produces a type or quantity of solid waste which requires more frequent collection to protect public health, sanitation or safety, the Governing Board may direct the license holder to collect solid waste from the particular customer on a more frequent basis.
- D. Insurance Required. Proof of insurance must be provided along with the application for a Commercial Garbage Hauler License.
- (1) Such insurance shall protect against loss from the following:
- (a) Liability imposed by law for damages on account of bodily injury or death resulting therefrom, suffered or alleged to have been suffered by any person or persons whatever resulting directly or indirectly from:
 - (i) Any act or activity of the licensee; and
 - (ii) Any act or activity of any person acting for the licensee; and
 - (iii) Any act or activity of any person under the control or direction of the licensee; and
 - (b) Liability imposed by law for damages to property resulting directly or indirectly from:
 - (i) Any act or activity of the licensee; and
 - (ii) Any act or activity of any person acting for the licensee; and
 - (iii) Any act or activity of any person under the control or direction of the licensee.
- (2) The proof of insurance must show that the applicant has secured liability insurance with the following coverage:
- (a) (i) For bodily injury/death, resulting from any one accident or any other cause, in the minimum amount of \$500,000 for any occurrence and an annual aggregate limit of \$1,000,000 for two or more occurrences; and
 - (ii) For damage liability for property damage resulting from any one accident or other cause, in the minimum amount of \$250,000; or
 - (b) Combined coverage for bodily injury/ death or property damage, in the minimum amount of \$1,000,000.
- E. Duty of License Holder. License holders shall comply with the Ordinances of Madison.

F. Rate Structure. Beginning with applications for the licenses for the year 1995, each applicant for a Commercial Garbage Hauler License shall provide, as an attachment to the application, a schedule of the rates which the applicant is proposing to charge its customers. The rate structure shall demonstrate the applicant's proposed rates are volume based, as defined in Section 9-55 of this Ordinance. If applicable, charges shall be categorized as to residential, commercial, and any other special charges. If the application is approved, the rate structure identified in the application shall remain in effect during the term of the license. A license holder may change the rate structure during the term of the license only upon approval by the Governing Board. The Governing Board may approve a requested change only after a written request from the license holder, and only if the request appears to maintain the principles of volume based rates.

(Ord. No. 1185, 10-20-94)

Sec. 9-67. Saving clause.

In the event that any part of this Ordinance is declared by a duly authorized court of law to be unconstitutional, in conflict with South Dakota Codified Laws, or in conflict with the Administrative Rules of South Dakota, such part of this Ordinance shall become null and void. In the event of such a finding against a part of this Ordinance, the remainder of this Ordinance shall continue to be effective.

(Ord. No. 1185, 10-20-94)

Sec. 9-68. Separability.

All prior Ordinances or parts of prior Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

(Ord. No. 1185, 10-20-94)

ARTICLE V. CLEAN UP WEEK

Sec. 9-69. Declaration.

It is hereby declared the City of Madison, by resolution shall establish one week each May to be known as "City Cleanup Week". At that time, the City shall pick up from the boulevard those items placed there by the residents of the City of Madison.

Sec. 9-70. Placement of items.

The cleanup shall always commence on a Monday in May as designated by the Commission and it shall be unlawful to place any items for cleanup on the boulevard 48 hours prior to the Monday designated as the start of the cleanup.

Sec. 9-71. Items not allowed.

It shall be unlawful for any leaves, lawn waste, trees, white goods, tires, batteries, paint or any hazardous or noxious materials to be left on the boulevard for cleanup.

Sec. 9-72. Violation.

Anyone leaving items for disposal prior to the time designated, or items not authorized for disposal, shall be subject to a fine of \$500.00 and/or thirty (30) days in jail for each day the items are placed on the boulevard in violation of this Ordinance. The same penalty shall apply for items not authorized for disposal. In addition, the City, at its option, may elect to pick up those items placed on the boulevard in violation of this Ordinance and bill the same to the property owner at the rate or schedule established by the City. This fee shall be in addition to the fine or penalty previously specified in this Section.

(Ord. No. 1285, 05-17-99; Ord. No. 1421, 2-5-07)

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