

## ORDINANCE #9603-02

### AN ORDINANCE OF LINCOLN COUNTY, SOUTH DAKOTA ESTABLISHING LICENSING REQUIREMENTS FOR GARBAGE HAULERS/RECYCLER COLLECTORS OPERATING IN LINCOLN COUNTY.

BE IT ORDAINED BY THE COUNTY OF LINCOLN, SOUTH DAKOTA that all haulers who collect garbage or recycling materials within the boundaries of Lincoln County must have a license to operate in Lincoln County, except City of Sioux Falls, Lincoln County.

**Purpose:** In order to protect the public health and welfare, to protect the natural resource base and in accordance with the solid waste agreement entered into with the City of Sioux Falls regarding the use of the Runge Landfill, Lincoln County established these rules and regulations to provide minimum standards for licensing of hauler/or collectors.

#### 1.1 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicated a different meaning:

Animal waste means any accumulation of waste, manure or straw resulting from the transportation, housing or penning of animals.

Commercial garbage collector or commercial garbage hauler means any person who hauls or transports any garbage, rubbish or livestock wastes through or upon the roads of this country for consideration or a fee.

Corrugated cardboard means heavy paper with alternating ridges and grooves.

Garbage means all refuse.

Garbage collector or garbage hauler means any person who hauls or transports any garbage through upon the roads of this country.

Litter means garbage, rubbish, waste material or animal waste improperly disposed of by discarding, abandoning, allowing to accumulate, scattering or depositing.

Paper and paper products mean paper items including high grade office paper, newsprint, offset paper, bond paper, xerographic bond paper, mimeo paper, duplicator paper, computer paper, magazines, catalogs, advertising supplements, books, junk mail and envelopes. 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 container means any formed or molded container having a neck that is smaller than the body of the 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 that handle recyclable hazardous materials or waste petroleum products are considered recycling collection facilities.

Recyclable materials mean 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, tin 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.

Source separation in clear plastic bags by:

1. Newspapers
2. Corrugated cardboard
3. Plastic containers, metal containers and aluminum
4. All other paper & paper products

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.

Tree, brush and garden waste mean tree branches, brush, wood, wood shavings and garden waste.

Yard waste means grass clippings and leaves.

**2.1 Rates for use at Lincoln County Transfer Station will be set by the County Board of Commissioners and be reviewed each year.**

**3.1 The following materials shall be excluded from the solid wastes deposited at the transfer station but will be accepted at the recycling center –**

1. Paper and paper products.
2. Corrugated cardboard
3. Plastic containers
4. Metal containers

**4.1 The following materials are excluded from either facility:**

1. Oils, gasoline and other petroleum products.
2. Hazardous materials
3. Yard waste
4. Lead acid batteries
5. Waste tires
6. White good appliances
7. Fence wire

Any person bringing materials for deposit at the transfer station upon entry onto the premises authorizes the manager or his designee to inspect the material before deposit. If excluded materials are discovered during the inspection, the manager or his designee may refuse the entire load and charge the person attempting to deposit the materials the cost of the inspection. All hauling units will be subject to random load inspections. This becomes effective upon adoption of this ordinance.

**5.1 No persons, entities, or organizations shall operate a private landfill without prior approval of the County Board of Commissioners.**

No person shall operate or permit the operation of a disposal site in the county for the disposal of garbage, litter, rubbish or animal waste.

**6.1 Refusal to admit certain vehicles.**

The transfer station manager or his designee shall have the authority to refuse the admittance or the unloading at the transfer station of the following vehicles.

Those so loaded or uncovered so that material may fall or be blown off the vehicle while in transit.

**7.1 License required**

It shall be unlawful for a commercial garbage hauler or recyclable collector to use the roads for the collection, removal or disposal of any garbage, waste or rubbish and recyclable materials without first having obtained a license from the county.

**8.1 Minimum design and capacity requirements for vehicles and containers.**

All 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 that 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 and/or collection of recyclables. Open-framed boxes and wood-framed trucks are prohibited. 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.

Loosely loaded vehicles with open boxes must be tarped.

**9.1 Proof of insurance required for license.**

**10.1 Licensed garbage haulers shall be licensed recyclable collectors.** On July 1, 1996, haulers shall offer to their residential customers a minimum of once a month recyclable collection and at least once a week garbage pickup in order to promote waste reduction and recycling.

**11.1 It shall be unlawful to purchase recycled materials or operate a recycling collection's facility or a recycling processing facility without first obtaining a Recycling Collection and/or Processing Facility License.**

**12.1 The application for garbage hauler/recycler/recycling or processing facility license required by the provisions of this article shall be filed at the County on a form provided by the department.**

**14.1 Application for license.**

A written application for a license required by this chapter, if not provided for otherwise, may be obtained at the transfer station or County Auditors office and shall be filed at the County Auditor office and shall set forth the following information:

- 1.) The true name and address of the owner or operator and business name.
- 2.) Proof of liability insurance.
- 3.) A written emergency operational plan to provide for an alternative waste-handling system during periods of inoperation, if applicable.
- 4.) A statement of the proposed days and hours of operation.

5.) Every license issued under the provisions of this article, unless renewed, shall expire on December 31 following date of issuance.

**15.1 Transfer**

Licenses issued pursuant to this article are not transferable, without the prior approval of the Lincoln County Board of Commissioners.

**16.1 Denial or revocation.**

The license required by this article may be denied or revoked by the county if one or more of the following facts or circumstances are found to exist:

- 1.) The applicant is not able to obtain the necessary insurance.
- 2.) The transfer facility is permitted to operate in such a manner as to create air, land or water pollution, public health hazards or nuisances.
- 3.) Violation by the licensee of applicable noise and fire ordinances.
- 4.) Violation by the licensee of any applicable provision of this code or state law.
- 5.) The Lincoln County Board of Commissioners will determine issuance of each license and that it is in the best interest of Lincoln County to issue such license.

**17.1 Penalty**

Violators of any of the provisions of this ordinance shall be warned of the violation and if the violation is not corrected within thirty days after notification, violators shall be subject to a fine not to exceed two hundred dollars and imprisonment not to exceed 30 days for each violation.

**18.1 The Lincoln County Board of Commissioners by resolution shall set fees and number of licenses issued each year.**

Date adopted: March 26, 1996

John Frislie, Chairman  
Lincoln County Board of Commissioners

ATTEST:

Helen Nelson  
Lincoln County Auditor