

## ~ CHAPTER 10-A ~

### **MUNICIPAL SOLID WASTE**

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#### **10-A.01. Definitions.**

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1. **Asbestos Material, Regulated** - Regulated Asbestos Material must contain greater than one percent (1%) asbestos by weight and is:

- a. Friable asbestos material.
- b. Category I non-friable ACM that has become friable.

- c. Category I non-friable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading, or
  - d. Category II non-friable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations.
- 2. **Bulky Waste** - shall mean metal, upholstered furniture, appliances or 'white goods', tires, automobile frames or parts, mattresses and box springs, and other bulky materials.
- 3. **Construction and Demolition Waste (CDW)** - shall mean material waste, grubbing waste, and rubble from construction, remodeling, repair or demolition of buildings, bridges, and other structures, to include lumber, plaster, shingles (wood or asphalt), tar paper, and other non-hazardous waste ordinarily associated with construction or demolition. CDW will also include rubble which includes earth or dirt, brick, cement blocks, broken asphalt or concrete, sand or gravel, and rocks.
- 4. **Container, Municipal Solid Waste** - shall mean a solid waste container that is of the size and type approved and provided by the City of Hot Springs or the municipal solid waste collector, and is constructed to prevent the blowing or unintentional discharge of garbage or trash.
- 5. **Green Waste** - shall mean large brush, stumps, and large dead trees.
- 6. **Infectious Waste** - shall be deemed to include material containing pathogens of sufficient virulence and quantity that exposure to such material by a susceptible host could result in an infectious disease. Such materials include, but are not limited to the following:
  - a. Isolation waste, material generated by contact with hospitalized patients who are isolated to protect others from communicable diseases as defined by the centers for disease control.
  - b. Cultures and stocks of infectious agents and associated biologicals, specimen cultures from medical or pathological laboratories, cultures and stocks of infectious agents from research or industrial laboratories, waste from the production of biologicals, and discarded live and attenuated vaccines, together with any culture dishes and devices used to transfer, inoculate, or mix cultures or other such agents.

- c. Human blood and blood products, all waste human blood and blood products such as serum, plasma, and other blood components.
- d. Pathological waste consisting of tissue, organs, body parts, or body fluids that are removed during surgery or autopsy.
- e. Contaminated sharps, including hypodermic needles, syringes, Pasteur pipettes, broken glass, scalpel blades, and other similar items which have come in contact with infectious agents during use in patient care, medical research, or pathological investigations.
- f. Contaminated animal carcasses, body parts, and bedding, including all such materials exposed to pathogens in research and the production of biologicals.
- g. Miscellaneous contaminated waste including materials contaminated by contact with pathogens during surgery, autopsy, laboratory testing or experimentation, materials which were in contact with the blood of patients, and all other materials contaminated by contact with pathogens.

**Exception:** Infectious waste shall not include material which has been rendered noninfectious by autoclaving, incineration, or other processes recognized and accepted by the medical profession, or material determined to be not accepted by the medical profession, or material determined to be not infectious by a responsible, authorized licensed practitioner at the facility at which such wastes were generated, provided, however, that the City Council shall have final authority, with sound discretion, to determine what is and what is not infectious waste.

- 7. **Liquid Waste** - shall be deemed to be liquids or waste containing free moisture.
- 8. **Multi-Family Residence and Mobile Home Park Patron** - A multiple-family residence shall include duplexes, fourplexes, apartment buildings with less than 50 residential units located in one building, and any structure or series of structures that contain multiple residential units that are served by a common water meter. Apartment buildings with more than 50 residential units in a single building shall be considered as "commercial" for purposes of this contract. Mobile home parks are defined as two or more mobile homes collectively served by a common water meter.

9. **Municipal Solid Waste (MSW)** - shall mean the non-hazardous waste normally generated in households or commercial retail businesses, but excludes bulky waste, green waste, construction and demolition wastes, automobiles, ashes, street sweepings, and sewage sludge. The term garbage may be used interchangeably with MSW and shall carry the same definition as MSW. MSW will include kitchen refuse, cans, glass bottles or jars, paper, cardboard, and other materials ordinarily generated in households and retail businesses.
10. **Municipal Solid Waste Hauler** - shall mean any person, firm, company, or corporation that is in the business of contracting for the picking up and disposal of Municipal Solid Waste as defined in this Chapter.
11. **Municipal Solid Waste Transfer Station Facility** - shall mean the City of Hot Springs Municipal Solid Waste Transfer Station Facility as permitted by the South Dakota Department of Environment and Natural Resources, also referred to as the MRF (Municipal Recovery Facility).
12. **Single-Family Residential Patron** - shall mean a person or persons residing as a single family unit in a single family dwelling unit where each individual dwelling unit is serviced by an individual City water meter.
13. **Special Wastes** - shall be deemed to include all hazardous wastes, regulated asbestos materials, liquid wastes, infectious wastes and other wastes requiring special handling under any state, federal, or city law or regulations.
14. **Toxic Waste** - shall be deemed to be any waste which is defined as toxic by state, federal or local law or regulation, or which is deemed by the City Council as posing a toxic hazard to the landfill, human health, or the environment.
15. **Yard Waste** - shall mean grass, leaves, shrubs, brush, tree limbs, small trees, vegetable/flower/garden waste. The diameter of any tree limb, brush, etc., shall not exceed two inches.

**10-A.02. Municipal Solid Waste.**

10-A.02.01. Municipal Solid Waste Collection.

- A. Municipal solid waste (MSW) shall be collected from single-family residential patrons within the corporate limits of the City of Hot Springs. Such collection shall be done either by City employees or by a solid waste collector under contract with the City of Hot Springs. The frequency of such collection shall be as determined by the Common Council.
- B. All cost associated with the collection and disposal of MSW shall be paid by the collector of MSW.
- C. Participation in such collection is mandatory except in those locations where the municipal solid waste collection truck cannot adequately provide service to the dwelling.
- D. All municipal solid waste will be deposited in waste material containers as provided in 10-A.02.02.
- E. It shall be unlawful for any person or establishment to allow municipal solid waste or refuse to accumulate and collect in the City of Hot Springs beyond the period of one (1) week.

10-A.02.02. Municipal Solid Waste Containers, Use of.

- A. All single-family residential patrons within the City of Hot Springs shall dispose of their municipal solid waste only in special containers provided by the City of Hot Springs or its contractor.
- B. Municipal solid waste containers shall be constructed and maintained in such a manner as to prevent the blowing or accidental discharge of garbage or trash.
- C. No person or company shall place any hazardous, infectious, or special waste into any container for the collection by the City or its contractor.
- D. No person shall deposit, throw, or place any municipal solid waste in or upon any street, alley, park, or other public place. No person shall place any municipal solid waste upon any private property, whether owned or occupied by such person or not, unless such shall be deposited in a municipal solid waste container.

10-A.02.03. Collection of Garbage and Refuse.

- A. The collection of municipal solid waste from single family residents shall be by the City, or by contract with the City, to perform such services.
- B. All residential municipal solid waste collected within the City of Hot Springs, with the exception of recyclable materials, shall be delivered to the Custer/Fall River Regional Waste Facility.

**10-A.03. Vehicles for the Collection and Hauling of Municipal Solid Waste.**

10-A.03.01. Maintenance and Disinfection.

- A. Collectors of municipal solid waste shall provide themselves with suitable vehicles which shall be watertight and shall have a suitable cover to prevent the escape of odors or contents. Such vehicles when collecting and hauling municipal solid waste, shall be so loaded and covered as not to spill any of their contents on any street, alley, or highway.
- B. All vehicles used by the City for the collection of municipal solid waste, or by any municipal solid waste collection hauler, shall be washed and sanitized on a regular schedule and as necessary to prevent odors and sanitation issues
- C. All commercial or municipal patrons who are hauling their own municipal solid waste must insure that their vehicle is so loaded or covered so as not to spill any of their contents on any street, alley, or highway.

**10-A.04. Municipal Solid Waste Charges and Fees**

10-A.04.01. Charges and Fees.

- A. The City shall make a charge each month for the collection and disposal of municipal solid waste from each municipal solid waste patron within the City of Hot Springs.
- B. The Common Council shall adopt and revise by resolution a fee schedule or schedules for collection and disposal of municipal solid waste.

10-A.04.02. Municipal Recovery Facility (MRF) Debt Retirement.

- A. In addition to, and separate from the municipal solid waste collection charge, the City shall make a MRF Debt Retirement charge each month for the Municipal Recovery Facility. Such charges shall be chargeable to either the property owner or occupant.
- B. The Common Council shall adopt and revise by resolution a fee schedule or schedules for the debt retirement of the MRF.
- C. The MRF Debt Retirement charge shall be billed on the monthly utility bill to each and shall be immediately due and payable upon such billing date and shall be payable with, and in addition to, said utility bill.
- D. In the event of nonpayment of said municipal solid waste collection or debt retirement charge, water service may be disconnected and municipal solid waste collection service discontinued to said patron until such time as any outstanding utility charges are paid and the required deposit(s) are again secured.

10-A.04.03. Disposition of Fees and Charges Collected for Debt Retirement of the Municipal Recovery Facility (MRF).

- A. When the MRF retirement debt is paid in full and retired, and the MRF is closed to the standards and acceptance of the South Dakota Department of Environment and Natural Resources (SD-DENR) these fees and charges shall discontinue.

**10-A.05. Municipal Solid Waste Haulers**

10-A.05.01. License Required; Application.

- A. Any person, firm, company, or corporation collecting municipal solid waste in the City of Hot Springs is required to have a valid City of Hot Springs' Solid Waste Haulers License.
- B. Application shall be made on a form provided by the City of Hot Springs.
- C. The license fee shall be twenty-five dollars (\$25.00) per year.
- D. Each new license shall be reviewed and approved by the Common Council.

10-A.05.02. Renewal of Licenses.

Solid Waste Haulers licenses may be renewed each year between January 1<sup>st</sup> and March 1<sup>st</sup> by paying the twenty-five dollar (\$25.00) fee and meeting the insurance requirements of this chapter.

- A. Any license which has not been renewed by March 1<sup>st</sup> will be considered a new license and subject to the application requirements of this chapter.
- B. All licenses shall expire on December 31<sup>st</sup> of each year. A renewal notice will be sent to current license holders.

10-A.05.03. Revocation of License.

- A. The Common Council may revoke any Municipal Solid Waste Haulers license upon finding that the holder of such license has willfully violated any statute, ordinance, rule, or regulation pertaining to such license or has aided or abetted any unlicensed person in performing work which requires a Municipal Solid Waste Haulers license or has demonstrated an inability or unfitness to perform the work, or has failed to renew, or has lost the minimum bonding and insurance requirements specified herein.

10-A.05.04. Insurance Required for Contractors.

- A. A certificate of insurance showing that the applicant has in effect:
  - 1. A statutory worker's compensation insurance policy, including employer's liability coverage in the amount of One Hundred Thousand Dollars (\$100,000.00), and
  - 2. A liability policy covering business operations, including coverage for owned and non-owned vehicles with limits of not less than Three Hundred Thousand Dollars (\$300,000.00) bodily injury for any one individual, and Three Hundred Thousand Dollars (\$300,000.00) for injury or destruction of the property of others.
  - 3. Such certificate shall contain a statement to the effect that the policy cannot be canceled or substantially altered without notice to the City of Hot Spring.
  - 4. South Dakota Sales Tax license number.

[Ord. 1098, Eff. 1/11/11]