

PROPOSED ORDINANCE NO. 94-2

AN ORDINANCE REQUIRING COMMERCIAL SOLID WASTE COLLECTORS OPERATING WITHIN CLAY COUNTY TO BE LICENSED BY THE BOARD OF COUNTY COMMISSIONERS.

BE IT ORDAINED by the governing body of Clay County:

Section 1: Definitions. For the purposes of this ordinance, the following terms shall have the meanings indicated, unless the context clearly indicates otherwise:

Commercial Solid Waste Collector means any person who hauls or transports for other persons or another person any receivable solid waste through or upon the streets or roads of this county for a consideration or a fee.

Landfill means the area provided by the City of Vermillion and the County of Clay for the dumping or depositing of receivable solid waste.

Receivable Solid Waste means any household, business, or industrial refuse or other discarded materials not regarded as hazardous waste as defined under Chapter 34A-II of South Dakota Codified Law and not regarded as refuse otherwise restricted by federal and state laws. Because local government solid waste mandates may exceed federal and state mandates, Receivable Solid Waste shall include those materials acceptable for burial or deposit as authorized by the Vermillion/Clay County Landfill.

Section 2: License Required. It shall be unlawful for a commercial solid waste collector to use the streets or roads within Clay County for the collection, removal, or disposal of any solid waste without first having obtained a Commercial Solid Waste Collector License from the Clay County Commission.

Section 2.1: Yard Waste Collectors Exempted. Those persons who collect or haul for other persons receivable solid waste composed exclusively of yard waste and/or tree branches as authorized by the Vermillion/Clay County Landfill shall not be required to apply for a Commercial Solid Waste Collector License from the Clay County Commission.

Section 3: Application for License. The form of application for a Commercial Solid Waste Collector License and renewal thereof, as required by the provisions of this ordinance, shall be available from the Clay County Treasurer. Upon completion of the application, the applicant shall return it to the Clay County Treasurer for review. For an application to be considered complete, the applicant must also submit:

- A. A listing of all vehicles used by the hauler for the transport of solid waste

in Clay County. Vehicles shall be listed by manufacturer's make, model, and year; by license plate number; by gross vehicle weight; and by owner's title.

B. Proof of liability insurance coverage to meet the minimum standard requirement for the operation of solid waste collection vehicles as established by South Dakota law.

C. Payment of application fee in accordance with the following schedule:

New License \$50

Renewal \$25

Section 4: Approval of Application by Governing Body Required Prior to Licensure.

Before any Commercial Solid Waste Collector License shall be issued, renewed, or transferred under the provisions of this ordinance, the Clay County Commission must approve the Application for License. The Clay County Commission 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 County Treasurer shall issue a Commercial Solid Waste Collector License to the applicant. Once issued, licenses shall be conditional upon the license holder's compliance with the Performance Standards in Section 7 of this ordinance.

Section 5: Duration of License. Upon approval, a Commercial Solid Waste Collector License shall be valid until the end of the calendar year, December 31. Except in cases of renewal (Section 6), no such license shall be valid for more than one calendar year. Sale of a business holding a Commercial Solid Waste Collector License shall render such license invalid immediately upon consummation of the sale, unless said license is transferred under the provisions of Section 7 of this ordinance.

Section 6: Renewal of License. A holder of a currently valid Commercial Solid Waste Collector License may apply for renewal of such license in the same manner of application described in Section 3 of this ordinance.

Section 7: Performance Standards. For any Commercial Solid Waste Collector 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 Solid Waste Collector License shall violate any rule or policy established by the City of Vermillion for the Vermillion/Clay County Landfill. All vehicles transporting solid waste to the Vermillion/Clay County Landfill and licensed under this ordinance shall be subject to random load inspections performed by City of Vermillion personnel. License holders should be aware that the City of Vermillion will forward reports of landfill rule violations to the Clay County Commission.

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) All vehicles and containers shall be thoroughly washed as directed by the Governing Board of Clay County or the City of Vermillion, 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 is collecting or transporting solid waste.

C. Frequency of Collection. 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 Clay County Commission may direct the license holder to collect solid waste from that particular customer on a more frequent basis.

D. Duty of License Holder. License holders shall comply with all of the ordinances of Clay County and report to the Clay County Commission any violations of this ordinance which may come to their attention. Any violation of this ordinance or any nonpayment of the fees provided by this ordinance will result in the suspension or revocation of the license to collect and haul receivable solid waste.

Section 8: 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.

Section 9: Separability. All prior ordinances or parts of prior ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 10: Penalty for Violating Ordinance. Failure to comply with any of the provisions of this ordinance shall constitute a violation of said ordinance and be punishable by a fine not to exceed two hundred dollars (\$200) for each violation, or by imprisonment for a period not to exceed thirty (30) days for each violation, or both the fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

First Reading: APRIL 19, 1994

Second Reading: APRIL 26, 1994

Publication: MAY 6, 1994

Effective Date: MAY 26, 1994

Signature of Chief Elected Official: Gary Iverson
Gary Iverson, Chairman

ATTEST: Ruth Brunick, Deputy
Clay County Auditor
RUTH BRUNICK, DEPUTY