

TITLE 3 SOLID WASTE MANAGEMENT SYSTEM

**THE SOLID WASTE MANAGEMENT ORDINANCE
BROWN COUNTY, SOUTH DAKOTA**

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CHAPTER 3.01 GENERAL PROVISIONS AND DEFINITIONS

3.0101 Rules and Regulations Pertain To: The rules and regulations which relate and pertain to the implementation of solid waste disposition in Brown County shall effect all persons, partnerships, firms or corporations within the coverage of the rules and regulations by reason of being in Brown County, doing business in Brown County, or otherwise coming within the coverage of said regulation for any reason.

3.0102 Title: This portion of the Second Revision of the Brown County Ordinances shall be now, cited and referred to as Title 3 - Brown County Solid Waste Management.

3.0103 Intent and Purpose: This Ordinance is adopted for the purpose of:

1) Protecting natural resources and improving Brown County's environment, including minimizing surface and ground water contamination.

2) Preventing public nuisances.

3) Assuring that all individuals are informed and responsible for their actions regarding solid waste that may affect the environment and the community now and in the future.

4) Encouraging the use and reuse of recyclable materials.

5) Augmenting, supplementing and supporting state and federal regulations on solid waste issues including the regulatory management hierarchy of reduction, prevention, reuse, recycling, processing and finally landfilling.

3.0104 Definitions: The following words and phrases, when used in this Ordinance, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section.

3.01041 Generally: For the purposes of this Ordinance, certain terms or words used herein shall be interpreted as follows:

(a) The word "shall" is mandatory, and not discretionary; the word "may" is permissive.

(b) Words used in the present tense shall include the future; words used in the singular shall include the plural; and plural words shall include the singular.

(c) Words shall be given their common usage if not defined.

3.01042 Board: The Brown County Board of Commissioners.

3.01043 Corrugated Cardboard: Heavy paper with alternating ridges and grooves.

3.01044 County: Brown County, South Dakota

3.01045 Hazardous Waste: A solid waste and/or combination of solid wastes which because of quantity, concentration, or physical, chemical or infectious characteristics, may cause, or significantly contribute to an increase in mortality or an increase in serious, irreversible or incapacitating reversible illness, or pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, managed, transported or disposed of, but hazardous waste does not include radioactive materials or mining wastes which are exempt pursuant to federal or state law.

3.01046 Litter: Refuse, rubbish, waste material or animal waste improperly disposed of by discarding, abandoning, allowing to accumulate, scattering or depositing outside an approved container.

3.01047 Metal Containers: Any container made from aluminum, tin or steel which contained a product for consumption.

3.01048 Paper & Paper Products: Paper items including paper napkins, towels, corrugated and other cardboard, toilet tissue, high grade office paper, newsprint, offset paper, bond paper, xerographic bond paper, memo paper and duplicator paper.

3.01049 Person: Any individual, partnership, firm, association, municipality, public or private corporation, state, tribe, nation, political subdivision, trust, estate or any other legal entity, including any employee, officer or governing or managing body thereof.

3.01050 Plastic Containers: Any formed or molded container having a neck that is smaller than the body of the container, composed predominately of plastic resin.

3.01051 Processing: The treatment of solid waste and recyclables after collection and before disposal. Processing includes, but is not limited to, packaging, volume reduction, storage, separation, exchange, physical, chemical or biological modification and transfer from one waste facility to another.

- 3.01052 Recyclable Collector: Any person who collects or receives recyclable material from another person or persons for a consideration or a fee and/or for the purpose of resale.
- 3.01053 Recycling Collection Facility: An established facility where recyclable materials are collected.
- 3.01054 Recyclable Material: Material 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, paper, plastic, tin, cardboard, glass and steel.
- 3.01055 Refuse: All refuse, containers or accumulation of animal or vegetable matter which attends the processing, preparation, transportation, cooking, eating, sale, or storage of meat, fish, vegetables and fruit.
- 3.01056 Rubble Materials: Solid waste resulting from the demolition of buildings, roads, and other structures. This is limited to concrete, brick, asphalt, lumber, masonry, glass, trees, rock, shingles, sheet rock, couches, mattresses and carpet or such other materials approved by the Landfill Manager or his designee.
- 3.01057 Rural Container Sites: Collection points throughout Brown County established for Brown County residents to dispose of Residential household garbage and other recyclable material.
- 3.01058 Salvaging: The controlled removal of solid waste materials from a solid waste disposal facility or collection point for reuse.
- 3.01059 Scavenging: Uncontrolled removal of solid waste materials from a solid waste disposal facility or collection point.
- 3.01060 Solid Waste: 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, semisolid or contained gaseous material resulting from industrial, commercial and agricultural operations, and from community activities.
- 3.01061 Special Waste: Pesticide or herbicide containers, Petroleum contaminated soils, Asbestos, Dead animals, Appliances, Ash, Sludge and other waste requiring special handling under any state, federal, or county ordinance.
- 3.01062 Solid Waste Management Authority: The County is hereby authorized to make all necessary and reasonable rules and regulations covering refuse and garbage accumulations, refuse storage containers, the collection and transportation of refuse, refuse collection vehicles, for the effective and reasonable administration of the Title, and shall similarly establish by resolution a solid waste fee schedule for the purpose of funding the obligations and responsibilities of the County.
- 3.01063 Yard Waste: Leaves, grass clippings and other similar waste vegetative material.

CHAPTER 3.02 REFUSE FROM INSIDE AND OUTSIDE THE COUNTY

3.0201 Refuse from Outside the County: Every person, firm, or corporation engaged in refuse operations, who transports refuse from outside the County, shall first obtain permission from the Board of Commissioners of Brown County and shall not be entitled to do so either on an isolated basis or regular basis without having a contractual arrangement with the County duly executed in writing by the Board, provided, however, that casual users may bring refuse from outside of the County provided that such refuse is brought to the Landfill site owned and operated by the County and shall pay for such refuse disposition at a tonnage rate that shall be established by resolution at the time of the establishment of the solid waste fee schedule.

3.0202 Refusal to Admit Certain Vehicles: The Landfill Manager or his designee shall have the authority to refuse the admittance or the unloading at the sanitary landfill of the following vehicles:

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

(2) Those not having a contract as previously required in this title; provided, however, that refuse may be brought to the landfill site for disposition at a tonnage basis cost.

(3) Those containing special wastes not having received prior approval of the landfill manager or his designee or not having provided the landfill a minimum of 24 hours notice of intent to deliver said special wastes.

3.0203 Transporting Refuse to Landfill or Rural Container Sites:

ALL VEHICLES OR TRAILERS SHALL BE TARPED AND SECURE:

Vehicles used for transporting rubble, compost, tree limbs (less than eight inches in diameter), household garbage, and other waste material shall be transported in an enclosed, covered vehicle having appropriate side and rear gates to prevent its load from dropping, sifting, leaking, or otherwise escaping from the vehicle.

3.0204 Untarped or Nonsecured Loads: Applicable fees will be set by resolution at the time landfill charges are set.

Tarping Exceptions: Large rocks, concrete, large trees (over eight inches in diameter and less than six feet in length), appliances and other heavy material determined by the Landfill Manager or his designee not to blow from said vehicle.

Items in the exception category still require appropriate end and side gates and additional restraints (ropes, chains, straps, etc.) as necessary.

CHAPTER 3.03 PROHIBITED WASTES AND PROHIBITED SCAVENGING

The County landfill will not accept certain wastes that have been identified by the State or Federal Government as not being appropriate for disposal in a municipal landfill.

(A) The County landfill shall not accept the following materials.

- (1) Hazardous Wastes
- (2) Liquid Wastes
- (3) Lead acid batteries
- (4) Motor oil
- (5) White Good Appliances containing freon
- (6)* All office and computer paper, Effective July 1, 1996
- (7)* All printed paper products and corrugated paper or other cardboard paper, Effective January 1, 1997
- (8)* All containers made from glass, plastic, aluminum or steel, Effective July 1, 1997

* Refer to section 3.09 for materials that have been opted out of. If materials have been opted out of they can be disposed of at the County landfill or if there are other recycling alternatives available these materials may go through this system.

(B) The County Landfill shall accept the following waste material for alternative disposal provided they are separated and handled according to Federal, State, and County rules and regulations.

- (1) Tires
- (2) White Good Appliances (Certified freon removal required)
- (3) Yard Waste
- (4) Trees
- (5) Asbestos (Notification required)
- (6) Rubble Material
- (7) Scrap Metals
- (8) Petroleum Contaminated Soils (Notification required)
- (9) Other special waste material as so designated by the landfill manager or his designee.

(C) The County operated rural container sites shall not accept the following waste material unless alternative containers are available for waste materials not accepted.

- (1) Tires
- (2) Major Appliances
- (3) * Yard Waste
- (4) Trees
- (5) Asbestos
- (6) Rubble Material
- (7) Dead Animals
- (8) Hazardous Waste
- (9) Liquid Waste
- (10) Lead Acid Batteries
- (11) Motor Oil

- (12)** All office & computer paper (Effective July 1, 1996)
- (13)** All printed paper products & corrugated cardboard (Effective January 1, 1997)
- (14)** All containers made from glass, plastic, aluminum or steel (Effective July 1, 1997)
- (15) Other special waste material as so designated by the landfill manager or his designee.

* Alternative containers are available at designated sites to recycle yard waste.

** Refer to section 3.09 for materials opted out of. If materials have been opted out of they can be disposed of at the rural container sites or if other recycling alternatives are available these materials may go through this system.

Any person bringing material for deposit at the Landfill, upon entry onto the Landfill premises, authorizes the landfill manager or his designee to inspect the material before deposit.

3.0301 Scavenging Prohibited: Scavenging is prohibited at all rural container sites and at the sanitary landfill.

CHAPTER 3.04 DISPOSAL SITES, UNIT INSPECTIONS AND LITTERING

- 3.0401 Refuse Disposal Sites: Hours at the waste disposal site or sites that are open to the public shall be those that are posted at such sites or as may be published in one of the official County newspapers. No person other than an authorized waste disposal site operator or authorized government employee shall trespass or be on a waste disposal site area during the hours of closure as designated on signs posted at the site. **NO DUMPING** at the site shall be permitted without obtaining written permission from the Landfill Manager or one of his designated agents.
- 3.0402 Unit Inspection Required: All hauling units using the Brown County Sanitary Landfill under this chapter shall be subject to random inspections to be performed by the Brown County Sanitary Landfill Manager or his designee. Random inspections include inspections of vehicles, equipment, and contents delivered to the landfill for deposit.
- 3.0403 Littering: No person, persons, firm, partnership, or corporation shall dispose of any of the materials as set forth in Chapter 3.01 anywhere in the County except at the landfill or at the Rural Container disposal sites. Anyone littering at the collection site or any other sites in the County shall be subject to the penalty or penalties provided.

CHAPTER 3.05 AUTHORIZED DUMPING SITES

3.0501 Dumping where Waste Disposal Operator Designates: No person, firm, or corporation, or their representatives, shall place or dump any waste at a place within the waste disposal site other than where the waste disposal operator shall so designate.

Waste Separation Required - Landfill: Waste must be separated according to material type and disposed of in the correct designated area.

CHAPTER 3.06 SALVAGEABLE MATERIAL

3.0601 Disposition of Salvageable Material: The Board shall be authorized in accordance with law to call for bids for salvageable, saleable, or recyclable material and shall be permitted and allowed to enter into contracts on fixed basis with the successful bidder for sale and disposition of salvageable, saleable, and recyclable material, and shall be entitled to make subsequent re-sales under said contract without re-bidding, provided, however, that such contract as entered into with successful bidder or bidders shall be subject to a termination clause by either party on sixty (60) days written notice. The bidding procedure as herein provided shall conform to the standard bidding procedure as undertaken by the County in accordance with all other of its standard and normal bidding procedures.

CHAPTER 3.07 LANDFILL FEES AND SPECIAL ASSESSMENTS

3.0701 Fees: The Board of County Commissioners shall set all fees associated with collection & disposal of solid waste.

3.07010 Landfill Charges: The Charges for the use of the landfill shall be established by resolution of the Brown County Board of Commissioners.

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3.07011 Solid Waste Special Assessment: For rural container site maintenance and transportation of waste material deposited in the rural container sites to an approved facility.

The Board of County Commissioners shall prior to the second Tuesday in September of each year set the fee for the following year. Notice of any change in fee, together with dates for equalization, shall be published in all official designated county legal publications during the last week of September following the establishment of the fee.

The Board of County Commissioners shall sit in equalization on said fee from October 15 to November 1 of the year prior to the year when such fee is due.

Said fee shall be billed with the tax notices or such other billing procedure as may be established by the board of County Commission. Omitted fees may be billed up to but no later than November 1 in the year the fee is due.

In the event any fee becomes delinquent, it shall be certified to the County Treasurer and shall be collected by the County Treasurer including penalty established by the same formula as prescribed for delinquent real estate tax (SDCL 10-21-23) in the following year as a condition precedent to payment of the real property tax on the lot or parcel of land with respect to which the fee was levied.

3.0702 General Penalty Clause: Any person violating any provision of this ordinance shall be assessed a civil assessment to be set by the Brown County Commission, Any person violating a provision of this ordinance shall also be guilty of a Class 2 Misdemeanor and shall be punished pursuant to SDCL 7-18A-2. In addition, a person that violates any provision of this ordinance may be subject to any civil penalty pursuant to SDCL 34A-1, 34A-2, 34A-6, 34A-11 or 34A-12.

Any notice of assessment posed under this ordinance or applicable resolution shall be mailed to the last known address of the owner registered to the vehicle discovered at the location where the infraction or violation is determined to have occurred. Any assessment not paid within the time frame for payment may be enforced as a violation of this county ordinance, which is enforceable also as a criminal offense. Cumulative violations within the same day may be assessed a higher administrative fee, with the total of any infractions within a single day not to exceed an amount set by the Brown County Commission.

CHAPTER 3.08 INQUIRIES AND COMPLAINTS

3.0801 Office for Inquiries and Complaints: All persons covered shall make an inquiry deemed necessary or file such complaint as they may have with the Office of the County Auditor of Brown County, South Dakota, during the hours of 8:00 A.M. to 5:00 P.M. of each day, except Saturdays, Sundays, and Holidays. All persons feeling aggrieved shall be entitled to a hearing before said Board.

CHAPTER 3.09 WASTE REDUCTION TARGET - ITEMS OPTED OUT OF

- 3.0901 All Printed paper products & corrugated cardboard. Brown County having reviewed and documented that the cost of recycling of all printed paper products and corrugated cardboard will cost more than the true and total cost of recycling of unsubsidized landfilling of all printed paper products and corrugated cardboard and having followed the designated opt out procedure will be opting out of the waste reduction target scheduled to go into effect January 1, 1997. The County of Brown will review its determination for this specific waste reduction target at least once every two years starting with the effective date of this ordinance.
- 3.0902 All containers made of glass and all containers made of plastic, except #1 & #2 plastics. Brown County having reviewed and documented that the cost of recycling of all containers made of glass and all containers made of plastic, except #1 and #2 plastics will cost more than the true and total cost of recycling of unsubsidized landfilling of all containers made of glass and all containers made of plastic, except #1 and #2 plastics and having followed the designated opt out procedure will be opting out of the waste reduction target scheduled to go into effect July 1, 1997. The County of Brown will review its determination for this specific waste reduction target at least once every two years starting with the effective date of June 25, 1997.