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TITLE 16. HEALTH AND SANITATION (Ordinance 544)

Chapter 16.1 Garbage and Refuse

Section 16.1.1. Definitions.

- a. *“City”* – The elected and/or designated official, authorized agent, or employee of the City of Flandreau, lying within the County of Moody, State of South Dakota, assigned to carry out the enforcement of this ordinance.
- b. *“Construction and Demolition Debris”* – Shall mean waste building materials resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings, and other structures.
- c. *“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.
- d. *“Electronic Devices”* – Shall mean and include, but not be exclusively limited to, such items as desktop and laptop computers, monitors, mainframe computers, battery backup uninterruptible power supplies, printers, scanners, copy machines, fax machines, televisions, microwaves, toasters, video cassette recorders, laser disc players, digital video disc players, stereo receivers, video game consoles, MP3 players, cellular phones, radios, and digital and electronic cameras.
- e. *“Family Domestic Unit”* – Shall be deemed to be and mean any single independent family unit, irrespective of the number of persons constituting such family, but shall not include a situation where more than one family lives together in any single residence or abode, but in such situation, each of the independent families shall be deemed and regarded as a separate and distinct family domestic unit. Each independent family unit living in a multiple dwelling residence, apartment house or any type of residence, including trailer houses, shall each be deemed a family domestic unit for the purposes of this Title. A roominghouse that supplies lodging only for hire and which does not serve meals to any lodgers and does not permit cooking and eating on the premises shall be deemed a family domestic unit for the purposes of this title.
- f. *“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.
- g. *“Hazardous Materials”*- Shall mean solid waste, and/or combination of solid waste 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 material or mining wastes which are exempt pursuant to federal or state law.

- h. *“Household Garbage”* – Shall mean and include such items as refuse, sweepings, cleanings, trash, litter and domestic solid waste. Household refuse shall not include any household hazardous waste, as defined by state or federal regulations.
 - i. *“Litter”* – Shall mean garbage, rubbish, waste material or animal waste improperly disposed of by discarding, abandoning, allowing to accumulate, scattering or depositing the same outside an approved container.
 - j. *“Plastic”* – Shall mean any synthetic material made of polymeric organic compounds and additives that can be shaped by flow.
 - k. *“Recreational Fire”* – Shall mean any fire, other than the fire described as a refuse fire or incinerator fire, but not limited to fire places, grills, fire pits, other burning apparatus approved by the 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.
 - l. *“Refuse”* – Shall be deemed putrescible and nonputrescible wastes, including, but not limited to, garbage, rubbish, ashes, incinerator ash, incinerator residues, street cleanings, market and industrial solid wastes, and sewage treatment wastes in dry or semisolid form.
 - m. *“Restricted Use Landfill”*- Shall be a permitted solid waste disposal site that receives certain non-putrescible waste limited to yard debris, garden vines, trees, scrap lumber, untreated wood products and similar type wastes, and permits the temporary storage of white goods and waste tires.
 - n. *“Rubble”* – Shall include such items as stone, brick, concrete, or similar inorganic material.
 - o. *“Trees”* – Shall mean trunks, limbs, stumps, shavings or branches from trees or shrubs.
 - p. *“White Goods”*- Shall mean and include such major residential and commercial appliances as air conditioners, clothes dryers, clothes washers, dishwashers, freezers, kitchen ranges, refrigerators, and water heaters.
 - q. *“Waste Oil”* – Shall mean any oil after use that is contaminated through storage or handling before the oil is recycled.
 - r. *“Waste Tires”* – Shall mean tires that are no longer suitable for their original intended purpose because of wear, damage, or defect.
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- s. “*Yard Debris*” – Shall include such items as grass, lawn clippings, and leaves.

Section 16.1.2. Litter.

Article 16.1.2.1. Littering Prohibited. 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.

Article 16.1.2.2. Duty of Business Owners, Occupants. The owner or occupant of any store or other place of business situated within the City of Flandreau shall exercise reasonable diligence at all times to keep their premises clean of wastepaper, wrapping paper, paper napkins, cartons, package containers, and other used or waste materials thrown or left on said premises by any person and shall also take reasonable measure to prevent the same from drifting or blowing onto adjoining properties.

Section 16.1.3. Burning.

Article 16.1.3.1. Burning Prohibited. It shall be unlawful, unless authorized by ordinance, to burn refuse, garbage, hazardous materials, plastics, electronic devices, waste oil, waste tires, trees, and yard debris within the City of Flandreau.

Article 16.1.3.2. Recreational Fire Permitted. Recreational fires, as defined in Section 16.1.1., are permitted within the City of Flandreau provided the following requirements are met:

- a. If the recreational fire is contained within a structure, the equipment or apparatus shall be approved by either the underwriter’s laboratory or by the Fire Chief as safe for the conduction of said activity.
- b. Such recreational fire may be within ten feet (10’) of a structure and located upon either a deck or patio.
- c. Shovels, garden hose, or fire extinguisher with a minimum of a 4-A rating shall be readily available for use. Such attendant shall supervise the recreational fire until the fire has been extinguished.
- d. 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.

Section 16.1.4. Restricted Use Landfill.

Article 16.1.4.1. Designation. The City Council shall from time to time designate an area or areas to be known as a restricted use landfill for the receipt and deposit of trees, scrap lumber, untreated wood, and yard debris, and in some cases, the temporary storage of white goods and waste tires.

Article 16.1.4.2. Rules and Regulations. The City Council may promulgate rules and regulations to carry out the intent of this Section, and any such rules and regulations so adopted shall be filed with the Finance Officer prior to the effective date thereof and published in accordance with Article 16.1.4.3 of this Section.

Article 16.1.4.3. Publication of Rules and Regulations. The publication of rules and regulations for the use of the restricted use landfill shall consist of approval by the City Council and filing with the City Finance Officer.

Article 16.1.4.4. Disposal Fees. Each individual, firm, or business desiring to make use of any restricted land fill shall pay to the City, or its authorized agent, the appropriate fee according to the rate schedule adopted by the City Council.

Article 16.1.4.5. Certain Materials Excluded. At the discretion of the Mayor, City Council, City Administrator, or landfill caretaker, certain materials may be excluded from the landfill. All such prohibited materials shall be so indicated in the City's rules and regulations as established under this Section.

Article 16.1.4.6. Unlawful Dumping. It shall be unlawful to dump or deposit any materials not so permitted by the City's rules and regulations as established under this Section. For each act of unlawful dumping, a fine shall be imposed, and depending upon the severity of the act, the party may be banned from further use of the restricted use landfill.

Article 16.1.4.7. Removal of Material. It shall be unlawful for any person to remove or cause to be removed from the restricted use landfill any article or material of any kind that has been lawfully deposited there.

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