

ORDINANCE 10

**WOODBURY COUNTY ORDINANCE ESTABLISHING THE SANITARY STORAGE,
COLLECTION AND DISPOSAL OF SOLID WASTES AND YARD WASTES AND
PROVIDING FOR VIOLATIONS**

Be it enacted by the Woodbury County Board of Supervisors:

Section 1. Purpose. The purpose of this ordinance is to provide for the sanitary storage, collection and disposal of solid wastes and, thereby to protect health, safety, and welfare that otherwise would result from the uncontrolled disposal of solid wastes.

Section 2. Definitions. For use in this ordinance, the following terms are defined:

A. "Solid Waste" means garbage, refuse, rubbish, and similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities.

B. "Refuse" means putrescible and nonputrescible wastes, including but not limited to garbage, rubbish, yard waste, ashes, incinerator ash, incinerator residues, street cleanings, market and industrial solid waste, and sewage treatment wastes in dry or semi-solid form.

C. "Garbage" means all solid and semisolid, putrescible animal and vegetable wastes resulting from the handling, preparing, cooking, storing, serving and consuming of food or of materials intended for use as food, and all offal, excluding useful industrial byproducts, and shall include all such substances from all public and private establishments and from all residences.

D. "Rubbish" means nonputrescible solid waste consisting of combustible and noncombustible waste, such as ashes, paper, cardboard, tin cans, wood, glass, bedding, crockery, or litter of any kind.

E. "Yard Waste" means debris such as grass clippings, leaves, garden waste, brush and trees. Yard waste does not include tree stumps.

F. "Waste Storage Container" means a container for the storage of solid waste which is:

1. Provided with a handle and tight fitting cover.
2. Substantially made of galvanized iron or other non-rusting material.
3. Watertight.
4. Of a size that may be conveniently handled by the collector.
5. Rodent and vermin proof.

G. "Commercial-sized Containers" with truck lift devices may be approved by the city in lieu of conventional cans where suitable.

H. "Construction and Demolition Waste" means waste building materials including wood, metals, and rubble, which result from construction and demolition of structures.

I. "Toxic and Hazardous Wastes" means waste materials, including but not limited to poisons, pesticides, herbicides, acids, caustics, pathologic wastes, flammable or explosive materials, and similar harmful wastes which require special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

J. "Open Burning" means any burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack.

K. "Open Dumping" means the depositing of solid wastes on the surface of the ground or into a body or stream of water.

L. "Litter" means any garbage, rubbish, trash, refuse, waste materials, or other solid waste.

M. "Owner" means in addition to the record titleholder any person residing in, renting, leasing, occupying, operating, or transacting business in any premises, and as between such parties the duties, responsibilities, liabilities, and obligations hereinafter imposed shall be joint and several.

N. "Sanitary Disposal Project" means all facilities and appurtenances including all real and personal property connected with such facilities, which are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the executive director of the state department of natural resources.

O. "Premises" means and includes every residence, household, apartment, boarding house, hospital, nursing home, hotel, restaurant, café, market and wholesale or retail store, establishment or place of business in the county which garbage, rubbish, or yard waste accumulates.

P. "Collector" means the person, persons or entity specifically authorized by the City Councils to collect garbage, rubbish and recyclable materials and to dispose of the same. Rural patrons shall constitute self-collectors.

Q. "Dwelling Unit" shall mean any room or group of rooms located within a structure and forming a single habitable unit with facilities, which are used, or are intended to be used, for living, sleeping, cooking, and eating.

R. "Single-family Dwelling" shall mean a structure containing one dwelling unit only.

S. "Multiple-family Dwelling" shall mean a structure containing more than one dwelling unit.