

**PUBLIC NOTICE
NOTICE OF ADOPTION**

**THE SOLID WASTE MANAGEMENT ORDINANCE #40
ROBERTS COUNTY, SOUTH DAKOTA**

TITLE 3 SOLID WASTE MANAGEMENT SYSTEM

An Ordinance repealing and replacing any previous ordinances that may have been adopted by Roberts County on the same subject matter.

CHAPTER 3.01 - GENERAL PROVISIONS & DEFINITIONS

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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 Roberts County shall effect all persons, partnerships, firms or corporations within the coverage of the rules and regulations by reason of being in Roberts County, doing business in Roberts County, or otherwise coming within the coverage of said regulation for any reason.

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

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

- 1) Protecting natural resources and improving Roberts 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.

3.1041 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 Roberts County Board of Commissioners.

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

3.01044 County: Roberts 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 Salvaging: The controlled removal of solid waste materials from a solid waste disposal facility or collection point for reuse.

3.01058 Scavenging: Uncontrolled removal of solid waste materials from a solid waste disposal facility or collection point.

3.01059 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.

3.01060 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.

3.01061 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.

3.01062 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 Landfill Manager and shall not be entitled to do so either on an isolated basis or regular basis without having an agreement with the

County duly executed in writing by the Manager, 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

ALL VEHICLES OR TRAILERS SHALL BE TARPED or 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) Lithium batteries

(B) The County Landfill may 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
- (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

CHAPTER 3.04 AUTHORIZED DUMPING SITES

Waste Separation Required - Landfill: Waste must be separated according to material type.

CHAPTER 3.05 SALVAGEABLE MATERIAL

- 3.0501 Disposition of Salvageable Material: The Manager 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 3.06 LANDFILL FEES AND SPECIAL ASSESSMENTS

- 3.0601 Fees: The Board of County Commissioners shall set all fees associated with collection & disposal of solid waste.

3.06010 Landfill Charges: The Charges for the use of the landfill shall be established by resolution of the Roberts County Board of Commissioners.

3.06011 Solid Waste Special Assessment: 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. 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.

- 3.0602 General Penalty Clause: Any person violating any provision of this ordinance shall be assessed a civil assessment to be set by the Roberts 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 Roberts County Commission.

CHAPTER 3.07 INQUIRIES AND COMPLAINTS

- 3.0701 Office for Inquiries and Complaints: All persons covered may make an inquiry deemed necessary or file such complaint as they may have with the Office of the County Auditor of Roberts 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.

Passed and adopted this 16th day of September 2025 Chairperson- Tom Vergeldt
ATTEST: Auditor- Kristi Fritz

This ordinance shall become effective 20 days after the last publication of this notice in the official newspaper, thereby repealing and replacing any previous ordinance that may have been adopted by Roberts County on the same subject matter.

Dated this 16th day of September 2025

Kristi Fritz Auditor, Roberts County South Dakota

