

ORDINANCE NO. 2026-5

AN ORDINANCE ENTITLED "AN ORDINANCE PROVIDING COLLECTION AND DISPOSAL OF GARBAGE, RUBBISH AND WASTE MATERIAL AND SETTING THE FEES and REPEALING ORDINANCE No 109, 125, 179, 2020-102, 2021-1, AND 2025-3."

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLOME, SOUTH DAKOTA:

Establishment of Authority

The City has the authority to contract for solid waste pickup and disposal within the corporate limits of the City of Colome.

SECTION 1. DEFINITIONS

- A. The word "garbage" used herein shall be defined and described as all organic refuse from preparation of feed and decayed or spoiled animal or vegetable food from any source.
- B. The word "rubbish" as used herein shall be defined and described as all combustible inorganic refuse matter, such as papers, sweepings, rags, wood shavings, etc., originating from ordinary household or business operations.
- C. The words "waste material" as used herein shall be defined and described as all non-combustible inorganic matter, such as glass containers and metal originating from ordinary household or business operation but shall not include body waste of human or animal origin.
- D. A "family domestic" unit for the purpose of this Ordinance shall be deemed to be, and mean any single independent family unit, irrespective of the number of people constituting such family. Each independent family unit living in multiple dwelling residences, apartment houses, or any type of residence including purposes of this Ordinance. Every family domestic unit within this City shall be required to pay the collection and disposal fee as prescribed by Section 6 hereof upon the tenth day of each month. The contractor shall notify the city of any changes in the monthly charges.
- E. The words "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, but does not include mining waste in connection with a mine permitted under Title 45, hazardous waste as defined under chapter [34A-11](#), solid or dissolved materials in domestic sewage or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as amended to January 1, 2011, or source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended to January 1, 2011;

SECTION 2. DEPOSIT OF REFUSE

It shall be unlawful for any person to deposit or cause to be deposited any garbage, rubbish or waste material in or upon any park, street, alley, gutter or in or upon any other private or public property within this city.

SECTION 3. RESIDENTIAL WASTE RECEPTACLES

- A. Every household or occupant of a family domestic unit will be provided with a 90-gallon receptacle (assigned by a number on the container to match the residence). The receptacle will stay with the dwelling in which it was assigned when the occupant moves. The residential waste receptacles shall be placed where collectors of garbage do not have to carry such containers for a distance of more than 20 feet. Where there is a through alley, the receptable may be placed to the adjoining premises.
- B. ACCEPTABLE WASTE or GARBAGE means that portion of solid waste as defined in SDCL 34A-6-1 .3(17) and as hereafter amended. In no event shall acceptable waste or solid waste including any hazardous waste or unacceptable waste as defined herein.
- C. UNACCEPTABLE WASTE means that portion of solid waste, exclusive of hazardous waste, such as, but not limited to:
1. explosives, pathological and biological waste, radioactive materials, ashes, foundry sand, cesspool and other human waste, liquid wastes, human and animal remains, sewerage, industrial process waste and sludge; motor vehicles, (including such major motor vehicle parts as automobile transmissions, rear ends, springs, and fenders), agricultural and farm machinery and equipment, marine vessels and major parts thereof, any other large type of machinery or equipment
 2. automobile tires: or that which in the reasonable judgment of the permitted, approved landfill may present a substantial endangerment to health or to safety or has a reasonable possibility of adversely affecting the operation of the permitted, approved landfill.
- D. THE FOLLOWING WILL NOT BE ACCEPTED: Grass clippings, branches, ashes, animal carcasses, tires, batteries of any type, scrap metal, propane tanks, appliances, furniture/mattresses, concrete/rock/brick, asbestos, paint, herbicides, hazardous waste liquids, grease.

SECTION 4. METHOD OF DISPOSAL – RESTRICTIONS

- A. Solid Waste shall be disposed of as follows:
1. The contractor shall dispose of all collected garbage and refuse by the sanitary fill method at a location approved by the City and State Department of Health.
 2. Disposal open burning or burning of solid waste is strictly prohibited within the city limits at all times.

SECTION 5. COMMERCIAL ESTABLISHMENTS

All commercial establishments within this city having garage, rubbish or waste mater to dispose of, which cannot be contained in a ninety (90) gallon container, shall utilize dumpsters of sufficient size to receive all refuse which may accumulate between by or provided by the commercial hauler at the establishment's expense. These containers shall be located at the rear of the building or property using the same so it can be easily accessible to by the collector.

SECTION 6. RATES FOR SERVICE

The Council shall set the rates for the collection and hauling of garbage and refuse. Payment shall be made monthly at the at the City Office by ACH Withdrawal, Cash, Check, or Credit Card. The Finance Officer will assess the monthly rates for the various sizes of the receptacles. The amount shall be included with the water and sewer charges. The garbage and refuse charge will be charged the appropriate sales tax in each billing. The amount is due on the tenth (10th) of each month with a 20% penalty if not paid by the tenth (10th) of the same month. Failure of the person responsible for the payment of the fee for family domestic units or the owner of commercial establishments to pay the collection charges when due and abide by all other provisions of this ordinance will constitute grounds for the termination of the water service.

- A. The cost of the residential 90-gallon receptacles shall be.
 - 1. Regular customers - \$24.75
 - 2. Senior customers (70 and over) - \$21.50
 - 3. Small commercial - \$36.00
- B. Two (2) Yard Dumpster
 - 1. Medium commercial - \$65.25
- C. Three (3) Yard Dumpster
 - 1. Large commercial - \$95.50

SECTION 7. COMMERCIAL GARBAGE HAULERS

- A. A commercial garbage hauler for the purposes of this Ordinance shall be defined as any person who hauls or transports any garbage, rubbish or waste material through or upon the streets or alleys of this City to a waste disposal facility, for consideration or a fee, or as part of a business activity.
- B. It shall be unlawful for a commercial garbage hauler to haul or transport any garbage, rubbish or waste material through or upon any street or alley of this City for consideration of a fee, or as a part of a business activity unless he is the holder of a license in full force and effect, authorizing him to do so as provided for herein.
- C. The City Council is hereby empowered to negotiate and from time to time change any rules and regulations necessary for the conduct of commercial garbage haulers. It shall be unlawful for the commercial garbage haulers to haul garbage or rubbish in a truck or trailer unless the truck or trailer is covered so that trash, garbage or rubbish will not be strewn along the streets of the City.
- D. Any commercial garbage hauler violating any of the terms of this Ordinance shall be subject to forfeiture of their license.
- E. The commercial garbage hauler shall be responsible for hauling all garbage collected to an approved landfill or transfer point.
- F. The commercial garbage hauler shall be responsible for paying all dumping fees. The license of any commercial garbage hauler who fails to pay the dumping fee when due shall automatically be cancelled and revoked and a new license may not again be issued until all past due dumping fees are paid.

SECTION 8. OPERATION AND ENFORCEMENT

The operation and enforcement of this Title shall be vested in the Mayor and City Council.

SECTION 9. VALIDITY OF ORDINANCE

If any section, part or provision of this Ordinance or the application thereof to any person, firm or corporation, or to any circumstances, shall be held invalid for any cause whatsoever, the remainder of this Ordinance or the application to persons, firms or corporations or circumstances other than those as to which it is held invalid shall not be affected thereby, and shall remain in force and effect as though no part thereof had been declared to be invalid.

SECTION 10. LANDLORD RESPONSIBILITIES

1. The owner of rental property, whether commercial or residential, shall be responsible for payment of any delinquent water, sewer, and/or garbage charges not promptly paid by the owner's tenant or tenants.
2. This provision applies to all rental property, including commercial property, single-family residential dwellings, apartment complexes, mobile home courts, and any other rental property. The owner shall be furnished with a copy of any notice of delinquency served upon the tenant.
3. Owners and/or landlords of rental properties must give notice of change of tenants if the utilities are being billed to the tenant

SECTION 11. DISCONTINUANCE AND RECONNECTION OF SANITATION SERVICE:

The City reserves the right to discontinue sanitation service to any or all consumers without prior notice when necessary for:

- Non-payment of any bill, including water and/or sewer utilities; or
- Violation of rules and regulations governing sanitation service.

Restoration of Service

When service has been discontinued due to non-payment or violation of applicable rules and regulations, service will not be restored until all the following conditions have been met:

1. The outstanding balance has been paid in full;
2. A penalty and interest totaling twenty percent (20%) of the outstanding amount have been paid;
3. Full compliance with all applicable regulations has been achieved; and
4. A fifty-dollar (\$50.00) reconnection fee has been paid to the City.

Past-Due Accounts and Reconnection

All balance due and/or past-due bills associated with a property must be paid in full before:

- Water, sewer, and/or sanitation services will be reconnected; or
- A new utility account may be opened for the property.

SECTION 12. NON-SUFFICIENT FUNDS (NSF) CHECK/ACH POLICY

Customers who issue checks and/or ACH that are returned to the City for insufficient funds will be subject to a \$40 service charge, immediate disconnection of utilities for non-payment, and are required to provide immediate payment of all fees and penalties by cash or money order before utilities are reconnected. No further notice of disconnect will be provided.

The handling of a returned check or ACH payment due to non-sufficient funds (NSF) is outlined below:

(A) First Offense

- All applicable NSF fees must be paid in full.
- No additional checks or ACH payments will be accepted until all outstanding balances and fees are collected.

(B) Second Offense

- Checks and ACH payments will not be accepted for a period of six (6) months from the date of the second NSF occurrence.

(C) Third Offense

1. Checks and ACH payments will not be accepted for a period of twenty-four (24) months from the date of the third NSF occurrence.
2. Any payment arrangements following a third offense will be determined at the discretion of the Finance Office, with input from the City Council.

SECTION 13. CONFLICTING ORDINANCES

That all Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

SECTION 14. EFFECTIVE DATE

This Ordinance shall be in full force and in effect twenty (20) days after its passage, approval, and publication.

Kelly Leighton, Mayor

ATTEST:

Bobbi Harter, Finance Officer

First Reading: March 3rd, 2026

Second Reading: March 19th, 2026

Passed and Approved: March 19th, 2026

Publication: March 25th, 2026

Effective Date: April 14th, 2026