

ORDINANCE 9402-10

BE IT RESOLVED THAT THE FOLLOWING ORDINANCE SHALL BE ADOPTED BY LINCOLN COUNTY ON MOTION BY FRISLIE AND SECONDED BY FOSSUM. ALL COMMISSIONERS VOTED "AYE".

"BE IT ORDAINED BY THE COUNTY OF LINCOLN, SOUTH DAKOTA THAT ALL COMMERCIAL HAULERS WHO COLLECT GARBAGE AND/OR RECYCLABLES WITHIN THE BOUNDARIES OF RURAL LINCOLN COUNTY, AND WITHIN THE MUNICIPALITIES OF BERESFORD, CANTON, FAIRVIEW, LENNOX, HARRISBURG, HUDSON, TEA, AND WORTHING SHALL BE SUBJECT TO LICENSING REGULATIONS, TO WIT:

SECTION 1. IT SHALL BE UNLAWFUL FOR A COMMERCIAL GARBAGE HAULER/RECYCLABLE HAULER TO OPERATE WITHIN RURAL LINCOLN COUNTY, OR WITHIN THE MUNICIPALITIES OF BERESFORD, CANTON, FAIRVIEW, LENNOX, HARRISBURG, HUDSON, TEA AND WORTHING WITHOUT FIRST HAVING OBTAINED A LICENSE TO OPERATE FROM LINCOLN COUNTY.

SECTION 2. APPLICATION FOR THE LICENSE REQUIRED SHALL BE OBTAINED AT THE LINCOLN COUNTY TRANSFER STATION, AND SHALL BE FILED AT THE OFFICE OF THE LINCOLN COUNTY AUDITOR.

SECTION 3. BEFORE ANY LICENSE SHALL BE ISSUED OR TRANSFERRED, THE LICENSE SHALL BE FIRST APPROVED BY THE LINCOLN COUNTY BOARD OF COMMISSIONERS.

SECTION 4. LICENSES ISSUED UNDER THE PROVISIONS OF THIS ORDINANCE SHALL EXPIRE ON DECEMBER 31 FOLLOWING THE DATE OF ITS ISSUANCE.

SECTION 5. A LICENSE FEE SHALL BE ESTABLISHED AND REVISED BY RESOLUTION AT LEAST ANNUALLY BY THE BOARD OF COUNTY COMMISSIONERS.

SECTION 6. ALL GARBAGE HAULING UNITS ARE REQUIRED TO HAVE WATER TIGHT METAL VEHICLES OR CONTAINERS WHICH WILL BE PERMANENTLY COVERED. WITH NO OPENINGS THAT WOULD ALLOW THE CONTENTS TO ESCAPE. THE UNITS MUST BE MANUFACTURED OR DESIGNED FOR HAULING GARBAGE. GARBAGE SHALL BE SO LOADED THAT ALL MATERIALS ARE CARRIED WITHIN THE CONTAINERS.

SECTION 7. ALL HAULING UNITS SHALL BE SUBJECT TO RANDOM INSPECTIONS PERFORMED BY LINCOLN COUNTY TRANSFER STATION PERSONNEL.

SECTION 8. EVERY LICENSED GARBAGE HAULER SHALL OFFER GARBAGE SERVICE AT LEAST ONCE EACH WEEK TO ITS CUSTOMERS.

SECTION 9. NO LICENSE SHALL BE ISSUED UNTIL PROOF OF INSURANCE IS FURNISHED AND FILED AT THE OFFICE OF THE LINCOLN COUNTY AUDITOR, SUCH INSURANCE TO BE IN FULL FORCE AND EFFECT DURING THE ENTIRE TERM OF THE LICENSE. THE LICENSEE SHALL FURNISH PROOF OF LIABILITY INSURANCE FOR LIABILITY AND PROPERTY DAMAGE AND FOR BODILY INJURY/DEATH GROWING OUT OF ANY ONE ACCIDENT OR ANY OTHER CAUSE IN THE MINIMUM SUM OF \$100,000.00 FOR ONE PERSON, WITH AN ANNUAL AGGREGATE LIMIT OF \$300,000.00 FOR TWO OR MORE PERSONS; AND IN ADDITION SHALL PROVIDE DAMAGE LIABILITY INSURANCE IN THE MINIMUM OF \$100,000.00 FOR PROPERTY DAMAGE GROWING OUT OF ANY ONE ACCIDENT OR OTHER CAUSE, OR AS AN ALTERNATIVE, PROVIDE COMBINED LIMIT FOR BODILY INJURY/DEATH OR PROPERTY DAMAGE IN THE SUM OF \$500,000.00. SUCH LIABILITY AND PROPERTY DAMAGE INSURANCE PROTECT AGAINST LOSS FROM LIABILITY IMPOSED BY LAW FOR DAMAGES ON ACCOUNT OF BODILY INJURY,

INCLUDING DEATH RESULTING THEREFROM, SUFFERED OR ALLEGED TO HAVE BEEN SUFFERED BY A PERSON RESULTING DIRECTLY OR INDIRECTLY FROM ANY ACT OR ACTIVITY OF THE LICENSEE, OR UNDER THE LICENSEE'S CONTROL OR DIRECTION, AND ALSO TO PROTECT AGAINST LOSS FROM LIABILITY IMPOSED BY LAW FOR DAMAGES TO PROPERTY OF ANY PERSON CAUSED DIRECTLY OR INDIRECTLY BY ACTS OR ACTIVITIES OF THE LICENSEE OR ANY PERSON ACTING UNDER THE LICENSEE'S CONTROL OR DIRECTION.

SECTION 10. PENALTY. VIOLATORS OF ANY OF THE PROVISIONS OF THIS ORDINANCE SHALL BE WARNED OF THE VIOLATION, AND IF THE VIOLATION IS NOT CORRECTED WITHIN THIRTY (30) DAYS AFTER NOTIFICATION, VIOLATORS SHALL BE SUBJECT TO A FINE NOT TO EXCEED TWO HUNDRED (200.00) DOLLARS, AND IMPRISONMENT NOT TO EXCEED THIRTY (30) DAYS FOR EACH VIOLATION.

DATED THIS 22ND DAY OF FEBRUARY, 1994.

LINCOLN COUNTY BOARD OF COMMISSIONERS

STEVE LARSGAARD, CHAIRMAN

ATTEST:

HELEN NELSON, AUDITOR