

ORDINANCE NO. 2023-04

AN ORDINANCE REPEALING GAYVILLE ORDINANCE 75A AND ESTABLISHING CONTROL AND ENFORCEMENT OF THE USE OF YARD WASTE/COMPOST SITE OF GAYVILLE, SOUTH DAKOTA, AND PENALTY FOR VIOLATION THEREOF.

CONTROL OF YARD WASTE / COMPOST SITE

BE IT ORDAINED by the trustees of the Town of Gayville, County of Yankton, State of South Dakota that:

For the purposes of this Ordinance, the following terms are hereby defined:

"Restricted use facility" shall mean any facility which has received authorization under the general permit for restricted use solid waste disposal, as defined and issued by the State of South Dakota.

"Restricted use waste" shall mean any materials which are allowed by the State of South Dakota to be disposed, temporarily stored or composted at a site which is operating under the general permit for restricted use solid waste disposal.

The City of Gayville is hereby authorized to maintain a site outside the city limits for the operation of a restricted use facility.

The city's restricted use facility may be used only for the following purposes:

- a. Disposal of trees, tree branches, brush;
- b. Periodic burning, under direction of the city, of trees, tree branches, brush; and
- c. Disposal and composting of yard waste, including leaves, grass clippings, and similar vegetation.

No other refuse, garbage, waste, or any other material may be dumped or left at the city's restricted use facility. Using the restricted use facility for any other purpose other than as herein prescribed, and dumping or leaving any materials other than those identified herein is considered a violation of this ordinance.

No person living outside the city and no entity located outside of the city, shall use the restricted use facility, unless a permit to do so is secured in advance from the city maintenance worker. The unpermitted use of the restricted use facility by any non-resident is considered a violation of this ordinance.

Yard waste delivered to the restricted use facility shall be delivered in a covered or tarped vehicle or bagged in biodegradable bags designated for yard waste, or in plastic bags however, all plastic bags must be emptied and removed from the site. Trees, branches delivered to the restricted use facility shall be delivered in a covered or tarped vehicle, or be secured so as not to allow material to fall or be blown off the vehicle while in transit. Delivery of restricted use waste other than as herein prescribed is considered a violation of this ordinance.

A rate schedule for use of the restricted use facility may be established resolution of the Board of Trustees and kept on file with the finance officer.

Hours of operation may be established by resolution of the Board of Trustees. The City is authorized to close the restricted use facility at any time, with or without notice. Entering the restricted use facility other than through the main gate and entering after hours or when closed is considered a violation of this ordinance.


The City shall maintain adequate signage stating the types of acceptable restricted use waste and directing where restricted use waste shall be deposited and the manner in which it shall be deposited.

The City is authorized to monitor and record usage of the restricted use facility by means of video surveillance and may use such video surveillance in the identification and prosecution of any violations of this ordinance.

Any violation of this ordinance shall be considered a Class 2 misdemeanor and a public nuisance. The penalty for violation of this ordinance shall be a fine of \$200. Any fine not paid to the Finance Officer within 15 days after service of a citation shall automatically increase to include court costs.

In addition to fines, the City may institute civil proceedings for damages incurred for abatement and reclamation of the restricted use site caused by the violation of any provision of this ordinance.

Attest:


LeAnne Cutts, Finance Officer


Nick Huber, President

First Reading: 10-17-23
Second Reading: 11-21-23
Published: 12-1-23