

## **4-2-3: PERMITS AND BONDS:**

- A. **Building Permits Required:** A properly authorized building permit will be required for the construction of any facility or site. No construction building permit for a facility or site shall be issued without approval from the city.
- B. **Operational Permit Required:** No business license for the operation of a facility, site or waste contractor shall be issued except upon the presentation of a signed inspection report from the city indicating that all facilities, site and vehicles to be used in handling solid waste have been inspected and approved by the city and an operational permit has been issued to the applicant for each vehicle to be used in such handling of solid waste. No person shall operate a facility or site without a corresponding valid operational permit from the city.
- C. **Permit Exemptions:** The city may exempt a hazardous waste facility or site from the permit requirements if the facility or site is permitted under a hazardous waste program authorized by the state or the United States government, or both.
- D. **Application Requirements:** Application for approval of a building permit for construction of a facility or site or an operational permit for operating a facility or site or engaging in the business of a waste contractor shall be in writing, setting forth the plans, specifications and reports as required in the applicable sections of this chapter. The city may prescribe the form on which the information required under this chapter shall be submitted. Applications shall be made within the following time periods:
1. For approval of a building permit for construction of a new facility, site or business, at least sixty (60) calendar days prior to the start of construction.
  2. For an operational permit to operate a new facility, site or business, prior to commencement of operation of the facility, site or business, one hundred twenty (120) days prior to the commencement of work to construct the facility; or for an operational permit to operate an existing facility, site or business, no later than one hundred eighty (180) calendar days after the effective date hereof.
- E. **Issuance Of Business License:** Upon approval of the operational permit application and receipt of the bond as required in subsection K of this section, the city shall issue a business license. Such license shall expire on June 30 of each year following issuance, and be renewable within sixty (60) calendar days prior to the expiration date.

F. Operational Permit Fees: Operational permits shall be issued for two (2) year periods and may be renewed under the terms and requirements of this chapter. Each applicant shall pay a fee with the permit application of one thousand dollars (\$1,000.00) and agree to reimburse the city for all costs incurred by the city to review and consider the application as well as all costs incurred prior to the filing of the application to respond to the applicant concerning the site of the landfill.

1. Each operational permit shall require the payment of the operational permit fee no later than thirty (30) days after the end of each calendar quarter ending March 31, June 30, September 30, and December 31. The required fee shall be calculated based on the total tonnage of solid waste delivered to the facility for which the permit is issued during the calendar quarter prior to the date the fee payment is due. The fee payable shall be the amount of tonnage delivered to the permitted facility multiplied by the charges per ton as follows:

From the date construction starts and for the remainder of that municipal fiscal year in which construction starts, the fee will be ten thousand dollars(\$10,000.00).

Second municipal fiscal year, fifty cents (\$0.50).

Third municipal fiscal year, seventy five cents (\$0.75).

Fourth municipal fiscal year, one dollar (\$1.00).

After year four, an amount equal to five percent (5%) of the gross revenue from landfill operations or one dollar (\$1.00) per ton, whichever is greater.

2. For a waste contractor, the fee shall be eighty five dollars (\$85.00) per vehicle of ten (10) wheels or less; each trailer shall be considered as a vehicle.
3. A late fee of eight hundred twenty five dollars (\$825.00) shall be charged in addition to the permit fee for every business applying subsequent to the time periods specified in subsection D of this section.
4. No operational permit fee is refundable for any reason.

G. Fee Exemptions: The following exemptions shall be made to the permit fee requirement:

1. Governmental agencies applying for a permit may be exempted from paying the fee unless there is some rule or policy of that agency allowing for the payment of a fee.
2. With the approval of the city council, a volunteer special recycling collection center or resource recovery activity, including, but not limited to, paper, bottle and can drives or sites for disposal of inert wastes, may be issued a permit without cost or bond requirement, or both. Any approval provision shall not be construed as an exemption from complying with the requirements of this chapter.

### 3. Municipal solid waste originating in the city.

- H. Permit Not Transferable: No permit shall be transferable from one person to another, one site or facility to another, or one vehicle to another.
- I. Suspension Or Revocation: Construction approval of any permit issued pursuant to this chapter may be denied, suspended or revoked by the city council for any of the following reasons:
1. Failure of the reports, plans or specifications to show that the facility or site will be constructed, operated or maintained in accordance with the requirements and standards of this chapter.
  2. Submission of incorrect or false information in the application, reports, plans or specifications.
  3. Failure to construct, operate or maintain the facility, site or vehicles in accordance with the application, reports, plans and specifications approved by the city and the state.
  4. Operation of the facility, site or business in a way that causes or creates a nuisance or hazard to the public health, safety or welfare.
  5. Violation of any ordinances, restrictions or requirements adopted by the city.
  6. Violation of any condition upon which the permit was issued.
  7. Failure to pay the permit fee or post the surety bond.
  8. Failure to pay any deficiency in the required bond.
  9. Failure of the owner or operator of a facility or site to permit or allow the city to conduct inspections to determine compliance with this chapter.
- J. Hearing: If any permit is denied, suspended or revoked, the applicant may request a hearing within ten (10) calendar days of such action. The hearing shall be held before the city council within ten (10) calendar days after the request. Within ten (10) calendar days after the hearing, the city shall send written notice to all parties of the decision of the city council and the reasons therefor.
- K. Bond Required: Prior to the issuance of a permit, the applicant shall file with the city a surety bond in favor of the city to ensure operation, maintenance and closure of the facility or site in accordance with subsections 4-2-6G and H of this chapter.

1. Surety bonds submitted for sanitary landfills, land disposal sites and processing facilities shall be:

0_15 tons/day maximum design capacity	\$ 5,000 .00
16_200 tons/day maximum design capacity	10,000 .00
201_700 tons/day maximum design capacity	15,000 .00
701 or more tons/day maximum design capacity	20,000 .00

2. Each bond shall provide assurance for the operation or maintenance of a finished sanitary landfill, land disposal site or processing facility for a period of two (2) years after the landfill, disposal site or processing facility is completed or closed as provided in subsections 4-2-6G and 4-2-6H of this chapter.
3. Government operated facilities and sites are exempted from the surety bond requirement.

The city may exempt a hazardous waste facility or site from the bond requirements if the facility or site is bonded under a hazardous waste program authorized by the state or the United States government, or both. (Ord. 8-13-02, 8-13-2002, eff. 8-13-2002)