

## CHAPTER 10. SOLID WASTE MANAGEMENT

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### ARTICLE 1. GENERAL PROVISIONS

- 10-101 SCOPE AND CONTENT. These rules and regulations establish minimum standards for the storage, collection, transportation, processing, utilization and final disposal of solid waste by any person, industry, or city in Douglas County. Nothing in these regulations shall interfere with the right of incorporated areas to enact ordinances for control of solid waste management practices. (Res. 76-28, Sec. 1)

### ARTICLE 2. DEFINITIONS

- 10-201 DEFINITIONS. For the purposes of this article the following terms shall be deemed to have the meaning indicated below:
- a) Agricultural Waste -- Solid waste resulting from the production of farm or agricultural products.
  - b) Air Pollution -- The presence in the outdoor atmosphere of one or more air contaminants in such quantities and duration as is, or tends significantly to be, injurious to human health or welfare, animal or plant life, or property, or would unreasonably interfere with the enjoyment of life or property.
  - c) Board -- The Board of Commissioners of Douglas County, Kansas.
  - d) Bulky Waste -- Large items of solid waste including, but not limited to, appliances, furniture, tires, large auto parts, trees and branches.
  - e) Commercial Waste -- All solid waste emanating from establishments engaged in business. This category include, but is not limited to, solid

waste originating in stores, markets, office buildings, restaurants, shopping centers and theaters.

- f) Construction and Demolition Waste -- Waste building materials and rubble resulting from construction, remodeling, repair or demolition operations on houses, commercial buildings, other structures and pavements.
- g) Demolition Landfill -- A landfill used exclusively for the disposal of demolition wastes.
- h) Dump -- A collection or consolidation of solid waste from one or more sources at a central disposal site which has little or no management.
- i) Department -- The Kansas Department of Health and Environment.
- j) Garbage -- The animal and vegetable waste resulting from the handling, processing, storage, packaging, preparation, sale, cooking and serving of meat, produce and other foods and shall include unclean containers.
- k) Gross Weight -- The empty weight of truck or combination of truck or trucktractor and any type of trailer, plus the maximum weight of cargo which will be transported on or with the same.
- l) Ground Water -- Water in the ground that is in the zone of saturation.
- m) Hazardous Wastes -- Solid and liquid wastes which require special handling and disposal to protect and conserve the environment including pesticides, acids, caustics, pathological wastes, radioactive materials, flammable or explosive material, oils and solvents, and similar chemicals and materials and including containers and materials that have been contaminated with hazardous wastes.
- n) Incineration -- The controlled process of burning solid, liquid and gaseous combustible wastes for the purpose of volume and weight reduction in facilities designed for such use and approved by the Kansas Department of Health and Environment.
- o) Incinerator -- Any device or structure used for the destruction, or volume reduction of garbage, rubbish, or other liquid or solid waste materials by combustion pursuant to disposal or salvaging operations.
- p) Industrial Waste -- All solid waste resulting from manufacturing and industrial processes and liquid waste resulting from manufacturing or industrial processes which is not suitable for discharge to a sanitary sewer or treatment in a community sewage treatment plant.
- q) Mixed Refuse -- A mixture of solid waste containing both putrescible and nonputrescible materials.

- r) Non-Putrescible -- Substances which are not nitrogenous or organic and will not undergo bacterial decomposition or become putrid.
- s) Nuisance -- Anything which (1) is injurious to health, or is offensive to the senses or any obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property, or (2) adversely affects an entire community or neighborhood, or any substantial number of persons even though the extent to the annoyance or damage inflicted upon individuals may be unequal, and (3) is caused by or is a result of the handling or disposal of solid wastes.
- t) Processing -- Any technology applied for the purpose of reducing the bulk or hazards or solid waste materials or any technology designed to convert part or all of the solid waste materials for reuse.
- u) Putrescible -- A substance, usually nitrogenous and organic, which is liable to undergo bacterial decomposition and become putrid.
- v) Refuse -- Unwanted or discarded material resulting from commercial, industrial and agricultural operations and from normal community activities. Refuse includes in part the following: garbage; rubbish; ashes and other residue after burning; street refuse; dead animals; animal waste; motor vehicles; agricultural, commercial and industrial waste; construction and demolition waste, and sewage treatment residue; provided, however, that the term "refuse" does not include any uncontaminated earth, stone or minerals.
- w) Rubbish -- Non-putrescible solid waste consisting of both combustible and noncombustible wastes such as paper wrappings, cigarettes, cardboard, cans, yard clippings, leaves, wood, glass, rags, bedding, crockery, and similar materials.
- x) Salvaging -- The controlled removal of reusable materials.
- y) Sanitary Landfill -- A method of disposing solid wastes on land without creating nuisances or hazards to the public health or safety by confining refuse to the smallest practical area, compacting it to the smallest practical volume by employing power equipment, and covering it with a layer of compacted earth or other suitable cover material at the conclusion of each day's operation.
- z) Solid Waste Administrator -- Person appointed by the Board of County Commissioners to coordinate the county solid waste program.
- aa) Solid Waste Disposal Area -- Any area used for the disposal of refuse from more than one residential premise, or one or more commercial, industrial, manufacturing, or municipal operation.

- bb) Solid Waste Management System -- The entire process of storage, collection, transportation, processing, and disposal of solid waste by any city, authority, county or any combination thereof, or by any person engaging in such process as a business.
- cc) Solid Waste -- Garbage, refuse, and other discarded material including, but not limited to, solid and liquid waste materials resulting from industrial, commercial, agricultural and domestic activities.
- dd) Solid Waste Processing Facility -- Incinerator, compost plant, transfer station or any other location where solid wastes are consolidated, temporarily stored or salvaged prior to being transported to final disposal site.
- ee) Vector (of Disease) -- An animal or insect which transmits infectious diseases from one person or animal to another by biting the skin or mucous membrane or by depositing infective material on the skin, or on another object.
- ff) Water Pollution -- Contamination, or other alternation of the physical, chemical or biological properties of any waters of the state as will, or is likely to, create a nuisance or render such waters harmful, detrimental, or injurious to public health, safety or welfare, or to the plant, animal, or aquatic life of the state, or unsuitable for other legitimate beneficial uses.
- gg) Waters of the State -- All streams and springs, and all bodies of surface or ground water, whether natural or artificial, within the boundaries of the state. (Res. 76-28, Sec. 2)

### **ARTICLE 3. SOLID WASTE STORAGE**

10-301 GENERAL. The owner and/or occupant of any dwelling, business establishment or industrial plant shall provide sanitary storage for all solid waste produced on his or her property which meets standards set forth in this chapter or standards in the municipality in which such is located. All solid waste shall be stored so that (1) it does not attract rats, flies, mosquitoes or other vectors; (2) it does not provide shelter or a breeding place for vectors; (3) it does not create a health or safety hazard; (4) it is not unsightly; and (5) the production of offensive odors is minimized. Each premises shall be provided with a sufficient number of acceptable containers to accommodate all solid waste materials other than bulky wastes that accumulate on the premises between scheduled removal of these materials. The containers and the area surrounding them shall be maintained in a clean, neat and sanitary condition at all times. (Res. 76-28, Sec. 3.1)

- 10-302 SOLID WASTE STORAGE CONTAINERS. Solid waste from residential, commercial and industrial establishments shall be stored in approved solid waste containers. Where the quantity of waste is not large, the approved containers shall be no larger than a 32 gallon galvanized metal or other suitable container which is leakproof, waterproof, vector proof and equipped with a closefitting lid and handles or bails. On commercial and industrial premises where the quantity of waste generated is large and where the use of individual storage containers is impractical, bulk containers may be used for on-premise storage of waste. The bulk container may be equipped with compaction equipment and shall be of such size, design, and capacity as to be compatible with the collection equipment. Containers shall be constructed of durable metal or plastic material; be easily cleaned, and be equipped with tight-fitting lids or doors that can be easily opened and closed. (Res. 76-28, Sec. 3.2)
- 10-303 SPECIFIC STORAGE STANDARDS FOR GARBAGE AND PUTRESCIBLE WASTE.
- a) Garbage and putrescible wastes shall be stored in rigid containers that are durable, rust resistant, nonabsorbent, water tight and rodent proof. The container shall be easily cleanable; fitted with close fitting lids, fly tight covers; and provided with suitable handles or bails to facilitate handling; or
  - b) Stored in rigid containers equipped with disposable liners made of reinforced kraft paper or polyethylene or other similar material designed for storage of garbage; or
  - c) Stored in nonrigid disposable bags constructed of reinforced kraft paper or polyethylene designed for storage of garbage. The bag shall be provided with a wall-hung or free standing holder which supports and seals the bag; prevents insects, rodents and dogs from access to the contents; and prevents rain and snow from falling into the bag; or
  - d) Stored in other types of containers meeting the general requirements of section 10-301 and acceptable to the collection agency. (Res. 76-28, Sec. 3.3)
- 10-304 MIXED REFUSE. When garbage and putrescible wastes and nonputrescible refuse are stored together, the container shall meet the standards and requirements for garbage containers. On premises where the quantity of refuse generated is large and where the use of individual storage containers is impractical, bulk containers may be used for on-premises storage of refuse. The bulk container may be equipped with compaction equipment and shall be

of such size, design, and capacity as to be compatible with the collection equipment. Containers shall be constructed of durable metal or other nonrusting material which does not become brittle in cold weather; can be easily cleaned, and equipped with tight-fitting lids or doors that can be easily closed and opened. (Res. 76-28, Sec. 3.4)

10-305 HAZARDOUS WASTES. Hazardous wastes shall be stored in compliance with Kansas Department of Health and Environment requirements and in a manner which will prevent spillage, leakage of liquids, and/or the concentration or generation of harmful or explosive vapors or offensive odors from the stored materials. Containers for hazardous wastes shall be durable, corrosion resistant, water-tight construction and shall be provided with tight-fitting lids or covers. Containers shall be properly labeled, and kept in safe location protected from tampering by unauthorized persons. Other types of storage containers may be used when written approval of the Kansas Department of Health and Environment has been obtained for use of a container at a specific location for a specific purpose. All piping, valves and other appurtenances associated with the storage and transfer of hazardous wastes shall be constructed of corrosion - resistant materials and shall be maintained in a leak-proof condition. (Res. 76-28, Sec. 3.5)

10-306 NONPUTRESCIBLE BULKY WASTES. Nonputrescible bulky wastes shall be stored for collection in any manner that does not create a health hazard, fire hazard, rodent harborage, or permit any unsightly conditions to develop. (Res. 76-28, Sec. 3.6)

#### **ARTICLE 4. SOLID WASTE COLLECTION AND TRANSPORTATION.**

10-401 GENERAL. All solid waste generated within Douglas County shall be removed from the premises on which it was generated as often as necessary to prevent nuisance conditions from occurring as determined by the Douglas County health department. (Res. 76-28, Sec. 4.1)

10-402 RESIDENTIAL SOLID WASTE COLLECTION.

- a) Urban Areas. In the cities of Lawrence, Baldwin, Eudora and Lecompton the collection of residential solid waste shall be left to the discretion of each municipality.
- b) Rural Areas. In the unincorporated areas of the county the individual residents shall be responsible for the handling, disposal and cost of their own solid waste. Each resident shall have the option of transporting his or her solid waste to the county landfill and be responsible for gate fee, or of employing a licensed private

solid waste collector of his or her choice. Provided, however, that rubbish may be utilized on private property for control of soil erosion if such use does not constitute a health hazard to the public. (Res. 76-28, Sec. 4.2)

- 10-403 **COMMERCIAL AND INDUSTRIAL SOLID WASTE COLLECTION.** The owner and/or occupant of each commercial or industrial establishment in the county is responsible for the collection of all solid waste generated upon any such premises. All such commercial and industrial solid waste shall be collected and transported in accordance with sections 10-403(a) or (b) whichever is applicable.
- a) **Urban Areas --** In the cities of Lawrence, Baldwin, Eudora and Lecompton, the collection and transportation of commercial and industrial solid waste shall be left to the discretion of each municipality.
  - b) **Rural Areas --** In unincorporated areas of the county each commercial or industrial establishment shall have the option of transporting its own solid waste to the landfill or of employing a licensed private solid waste collectors of its choice.
  - c) **Frequency of Collection --** Garbage and putrescible materials shall be removed from commercial and industrial properties at least twice each week or as often as necessary to prevent unhealthy or nuisance conditions. Non-putrescible materials shall be removed from commercial and industrial properties at least twice each week or as often as necessary to prevent overfilling of storage facilities or creation of fire hazards. (Res. 76-28, Secs. 4.3:4.3.3)
- 10-404 **HAZARDOUS WASTES.** Hazardous materials shall be removed from commercial and industrial premises as often as is necessary to prevent explosions or fire hazards. Whenever hazardous wastes, in any quantity which could be reasonably expected to be hazardous to public health or the environment, are to be transported off the premises to a disposal site, the producer of such wastes: (1) shall render them harmless, or shall issue a bill of lading to accompany each shipment of wastes; (2) shall provide such information as is necessary to insure safe handling; (3) and shall make prior arrangements with the management of the disposal area, processing facility, or salvage company, to permit the operation of the disposal area to be altered as is necessary for safe handling. Every producer of hazardous wastes shall provide labels for all containers. (Res. 76-28, Sec. 4.3.3)
- 10-405 **COLLECTION EQUIPMENT.** All vehicles and equipment used for collection and transportation of solid waste materials shall be designed, constructed,

maintained and operated in a manner that will prevent the escape of any solid, semi-liquid, or liquid wastes from the vehicle or container onto the ground, street, or highway. No solid waste shall be transported in the loading hopper of compaction-type bodies. All vehicles used for the collection and transportation of solid waste in Douglas County shall be maintained in a safe, clean and sanitary condition.

Inspection of Collection Vehicles -- All vehicles used for solid waste collection shall be inspected and approved by a state licensed vehicle inspection agency and the solid waste administrator for compliance with this chapter and state statutes relating to mechanical safety of equipment and safe operation of motor vehicles. All vehicles used by solid waste collection shall be inspected by a state licensed vehicle inspection station and the solid waste administrator every 12 months. Any deficiencies shall be noted at the time of the inspection, and no collector shall be allowed to haul solid waste in that vehicle until such time as the deficiency has been corrected. (Res. 76-28, Sec. 4.4.1)

- 10-406 SEMIANNUAL REPORTS. All private solid waste collectors shall file a written report with the solid waste administrator on forms prescribed and furnished by him or her on April 10th, and October 10th of each year. Such report shall list the names and addresses of all customers whom the collectors serviced during the six preceding calendar months.

Semiannual reports shall cover only those customers receiving collection on a regular basis in unincorporated areas of Douglas County. No special or one time collection shall be included in the report.

Failure to comply with the provisions hereof shall be sufficient cause for cancellation of the collector's permit. (Res. 76-28, Sec. 4.5)

#### **ARTICLE 5. SOLID WASTE PROCESSING FACILITIES**

- 10-501 GENERAL. Solid wastes shall be disposed of at a processing facility or disposal site approved by solid waste administrator and complying with all requirements of the Kansas Department of Health and Environment and appropriate zoning regulations of Douglas County.

No person shall dispose of any solid waste by depositing or dumping the same in or upon any street, alley, road, highway, park or public grounds, or along the banks, or in any river, stream, drainage canal, drainage ditch, creek, or natural water course, or any other place within Douglas County



except at an approved processing facility or disposal site. Provided, however, that upon private rural property rubbish may be utilized for control of soil erosion if such use does not constitute a public health hazard. All commercial private solid waste collectors must be able to prove, through dumping receipts, continuous use of such processing facility or disposal site. (Res. 76-28, Sec. 5.1)

10-502 INCINERATORS. Combustible solid waste may be burned in incinerators that conform with the provisions of the air quality control act K.S.A. 1975 Supp. 65-3001 through 65-3020 and regulations adopted thereunder, with all local zoning regulations, and which are approved by the Kansas Department of Health and Environment. (Res. 76-28, Sec. 5.2.1)

10-503 TRANSFER STATIONS AND WASTE SHREDDING PLANTS. Solid wastes may be shredded, separated, and consolidated at shredding or separating plants or transfer stations which are approved by the Kansas Department of Health and Environment and meet appropriate zoning regulations of Douglas County. (Res. 76-28, Sec. 5.2.2)

10-504 SOLID WASTE DISPOSAL FACILITIES. All nonhazardous solid wastes and residues from solid waste processing operations shall be disposed of in registered sanitary landfills located on sites approved by the Kansas Department of Health and Environment and meeting appropriate zoning regulations of Douglas County.

No materials of a hazardous nature, including but not limited to, sewage solids, oil sludge, dye concentrates, waste chemicals, pathological and biological wastes, radioactive materials or explosives, shall be disposed of in a sanitary landfill until the locations, method of disposal, and site factors have been evaluated by the department and the specific arrangements for handling the materials have been approved.

Nonputrescible rubble and demolition waste materials such as brick, mortar, broken concrete, rock, dirt, and similar materials produced in connection with demolition of buildings, streets and other structures may be disposed of in approved demolition landfills holding valid permits from the department. (Res. 76-28, Sec. 5.3)

#### **ARTICLE 6. PERMITS.**

10-601 GENERAL. No person, excepting municipalities and the county, shall engage in the business of collecting, transporting, processing or disposing of solid

- waste within Douglas County without first obtaining a permit appropriate for this particular operation. Provided, however, that these provisions shall not be deemed to apply to the employees of the holder of any such permit. (Res. 76-28, Sec. 6.1)
- 10-602 COLLECTION AND TRANSPORTATION VEHICLE PERMITS. Any person desiring to collect and/or transport solid waste in Douglas County shall obtain an annual permit from the solid waste administrator for each vehicle to be used for said collection and/or transportation of solid waste. Provided, however, that this requirement shall not be construed to apply to vehicles operated by Douglas County or any municipality within the county. Provided further, however, that this requirement shall not be construed to apply to licensed persons, firms or corporations engaged in the occupations known as tree trimmers or surgeons, or to persons transporting their own solid waste to a processing or disposal site. However, such persons who are not required to obtain a permit hereunder shall comply with all other regulations of the county or appropriate municipality pertaining to the transportation of solid waste. (Res. 76-28, Sec. 6.2)
- 10-603 INSPECTION. Prior to the issuance of any permit, all vehicles shall be inspected in accordance with the provisions of section 10-405. (Res. 76-28, Sec. 6.2.1)
- 10-604 INSURANCE. No permit shall be issued pursuant to section 10-602 until and unless the applicant, in addition to all the other requirements set forth, shall file and maintain with the solid waste administrator evidence of a satisfactory public liability insurance policy, covering all operation of such applicant pertaining to such business and all vehicles to be operated in the conduct thereof, as follows:
- Vehicular liability coverage in the amount of not less than \$250,000 for each person and not less than \$500,000 for each occurrence of bodily injury liability and not less than \$100,000 for each occurrence of property damage liability.
- Should any such policy be cancelled or reduced, the solid waste administrator shall be notified of such cancellation or reduction by the insurance carrier in writing not less than 30 days prior to the effective date of such cancellation or reduction and provisions to that effect shall be incorporated in such policy, which shall also place upon the company writing such policy the duty to give such notice. (Res. 76-28, Sec. 6.2.2; Res. 78-8)

10-605 APPLICATION FOR PERMIT. Each person required to have a permit to collect and/or transport solid waste in Douglas County shall file with the solid waste administrator an application for such permit in such form as shall be prescribed. (Res. 76-28, Sec. 6.2.3)

10-606 TERM OF PERMIT. The term of all permits to be issued hereunder shall be for a period of one year commencing on January 1st and expiring on December 31st of the same year. (Res. 76-28, Sec. 6.2.4)

10-607 PERMIT FEES. The following fees shall be paid in advance by the applicant for a permit to collect and/or transport solid waste within the county:

Each Vehicle Fee

For a gross weight of 6,000 lbs. or less	\$ 15
For a gross weight of 6,000 lbs. and not more than 12,000 lbs. ....	\$30
For a gross weight of 12,000 lbs. and not more than 20,000 lbs. ....	\$50
For a gross weight of 20,000 lbs. and not more than 30,000 lbs. ....	\$70
For a gross weight of 30,000 lbs. and not more than 42,000 lbs. ....	\$90
For a gross weight of 42,000 lbs. or more. ....	\$125

(Res. 76-28, Sec. 6.2.5)

10-608 NEW APPLICATIONS AND REFUNDS. New applicants shall pay a prorated fee based on the number of months remaining in the permit year and the above fee schedules. Once a fee has been paid, no refunds shall be made. (Res. 76-28, Sec. 6.2.6)

10-609 DISPOSITION OF PERMIT FEE REVENUE. All revenue received from permit fees shall be credited to a fund for solid waste administration and enforcement of these regulations. (Res. 76-28, Sec. 6.2.7)

10-610 VEHICLE PERMIT NUMBERS. All motor vehicles operating under the permit required by this chapter shall display the county permit number so issued on each side of the vehicle in numerals two inches in height, in such a manner that the number shall be clearly visible at all times. (Res. 76-28, Sec. 6.2.8)

10-611 TRANSFERRING OF PERMIT. No permit issued hereunder shall be assigned or transferred by persons holding same as permit holder. Such permit holder may, however, change the registration of the vehicle operated under his or her permit upon the following conditions:

- a) Vehicle to be newly registered shall be inspected by a state licensed vehicle inspection station and approved by the solid waste administrator in the manner hereinbefore provided.
- b) The registration of the vehicle theretofore operated under such permit shall be surrendered.
- c) The sum of \$10 shall be paid by the permit holder to Douglas County as a fee for the transfer of registration of such vehicle.
- d) If the vehicle to be registered is of greater gross weight than the vehicle originally registered, the permit holder shall pay an additional sum to equal the difference between the original and new fees. (Res. 76-28, Sec. 6.2.9:6.2.9.4)

10-612 REVOCATION OF PERMIT; RIGHT OF APPEAL. In the event any permit holder shall fail to comply with written notice of a violation of any of the provisions of this article, the solid waste administrator may, upon two calendar days written notice to such permit holder, suspend or cancel such permit to collect and/or transport solid waste within the county and so notify the Board of County Commissioners of such action. The permit holder shall cease to collect and/or transport solid waste in the county upon receipt of such notice. Any permit holder feeling aggrieved at such revocation may appeal, within five working days, the action of the solid waste administrator to the board. In no event will any portion of the permit fee be refunded to the holder upon revocation of such permit. (Res. 76-28, Sec. 6.2.10)

10-613 SANITARY LANDFILL PERMIT. No sanitary landfill may be established or operated in Douglas County unless that landfill has been designed and constructed in accordance with the Kansas Department of Health and Environment's solid waste guidelines and regulations and unless a valid permit has been issued by the department, and appropriate zoning regulations of Douglas County observed. (Res. 76-28, Sec. 6.3.1)

10-614 DEMOLITION LANDFILL PERMIT. Any person may establish and operate a private landfill for the disposal of construction and demolition wastes provided he or she shall first apply for and obtain a permit from the Kansas Department of Health and Environment to operate the sites as a landfill for construction and demolition wastes and may do so as long as the permit shall remain in force and the site is operated in accordance with the provisions of this article and the specific requirements of the permit. (Res. 76-28, Sec. 6.3.2)

## **ARTICLE 7. PENALTIES**

10-701 VIOLATIONS. Any person violating any of the provisions of sections 10-101:614 or any lawful rules or regulations promulgated pursuant thereto, upon conviction, shall be punished by a fine of not less than \$5 not more than \$500; provided, that each day's violation thereof shall constitute a separate offense for the purpose hereof. (Res. 76-28, Sec. 7)

#### **ARTICLE 8. DOUGLAS COUNTY SOLID WASTE MANAGEMENT PLAN**

10-801 ADOPTION. The Douglas County Solid Waste Management Plan is hereby adopted for implementation according to law in Douglas County after such plan is duly approved by the Kansas Department of Health, Division of Environmental Health. (Res. 72-24)

#### **ARTICLE 9. REFUSE VEHICLE COVERS**

10-901 REFUSE VEHICLE COVERS; DEFINITIONS. The following words and phrases when used in this article shall have the meanings respectively ascribed to them in this section.

- a) Person means individual, partnership, firm, trust, company, association, corporation, institution, or political subdivision.
- b) Solid waste means garbage, refuse, trash, debris or other discarded materials including, but not limited to, solid, semisolid, sludges, liquid and contained gaseous waste materials resulting from industrial, commercial (including construction activities), agricultural and domestic activities. Such term shall not include agricultural products of any kind or materials used in the construction, maintenance or improvements of highways and roads.
- c) Vehicle means every device in, upon or which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.  
(Res. 86-9-10, Sec. 1)

10-902 TRANSPORTATION OF SOLID WASTE WITHOUT COVER ROHIBITED. It shall be unlawful for any person to operate or cause to be operated a vehicle containing solid waste unless the solid waste contained in such vehicle is fully covered by a metal, wood, canvas, plastic or other cover material adequate to secure such solid waste to the vehicle to prevent spilling, leaking, blowing or other loss of the solid waste from the vehicle. (Res. 86-9- 10, Sec. 2)

10-903 SAME; PENALTY. Any person convicted of violating section 10-902 shall be fined as follows:

- a) Upon a first conviction, the fine shall not be less than \$25 nor more than \$500; or
  - b) Upon a second or subsequent conviction, the fine shall not be less than \$50 nor more than \$500. (Res. 86-9-10, Sec. 3)
- 10-904 10-904. SAME; APPLICATION TO UNINCORPORATED AREAS AND CERTAIN CITIES. Article 10 shall be effective within the unincorporated areas of the county. The governing body of any city in Douglas County may consent to the operation of this article within the corporate limits of such city by adoption of a resolution. (Res. 86-9-10, Sec. 4)