

CHAPTER 7A-02. GARBAGE COLLECTION AND DISPOSAL

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7A-02-010. Definitions.

For purposes of this Chapter:

(a) **APPROVED GARBAGE CONTAINERS:** Approved garbage containers shall consist of those containers designated by the City from time to time which may utilize a "rotationally molded" process or other containers approved by the City council. Approved garbage containers for residential and approved limited nonresidential use are designed specifically for automated collection and are equipped with wheels for easy movement by residential users.

(b) **BULKY WASTES:** Wastes that are not capable of being stored in the approved garbage containers and cannot be picked up by normally used collection vehicles, including items such as appliances, furniture, large tree branches, lawn sod and trees, etc.

(c) **COMMERCIAL SOLID WASTE:** Garbage, rubbish, trash, food wastes, etc., resulting from the normal activities of commercial users, institutions or industries.

(d) **COMMERCIAL USER:** An enterprise, not a residence, such as a business, association, corporation, manufacturer, hotel, motel, resort, commercial entity, institution, governmental or public entity, church, etc. However, some limited nonresidential collection may be approved by the City at the sole option of the City, provided said nonresidential user does not generate more weekly garbage than would be typically generated from a single-family dwelling (2 containers).

(e) **GARBAGE:** Refers to residential solid waste and means all wastes and other objects or substances ordinarily or usually discharged by persons at private residence(s), except non-processable waste. Includes lawn cuttings, clippings from bushes and shrubs, leaves and branches from trees or any other "green" or biological waste.

(f) **HAZARDOUS MATERIALS:** Materials and wastes that are hazardous by reason of their pathological, explosive, radiological or toxic character.

(g) **NON-PROCESSABLE WASTE:** A. Goods and materials which are not residential and/or are prohibited by the disposal facility which items include the following:

- (1) Any loads, the majority of which consists of noncombustible material.
- (2) Hazardous materials or waste of any kind.
- (3) Any material that when incinerated clearly conducts electricity.
- (4) Explosives.

- (5) Medical or pathological wastes.
- (6) Animal or human waste, body parts or remains.
- (7) Any materials, the majority of which is liquid.
- (8) White goods or appliances.
- (9) Construction debris of non-processable proportions.
- (10) Large metal objects of any kind.
- (11) Large sealed containers of any kind.
- (12) Motor vehicles or related parts.
- (13) Any item exceeding two feet by two feet by five feet (2' x 2' x 5') in dimensions.
- (14) Wood having a cross section exceeding nine inches (9") or five feet (5') in length.
- (15) Any vehicle containing material that is on fire ("hot load").
- (16) Non-processable waste shall include all of the foregoing and bulky wastes.

(h) **PERSON:** Means and includes individuals, companies, firms, corporations, associations or combinations thereof.

(i) **RESIDENCE:** An occupied dwelling unit, such as a home, trailer or multi-family dwelling of four (4) or less units, not including hotels, motels, mobile home parks, hospitals or other institutional, commercial or industrial establishments. Each unit of a multi-family dwelling shall be considered a separate residence for purpose of billing. A dwelling unit is not occupied if persons living there are absent for over ninety (90) continuous days, or are absent for thirty (30) continuous days after notice to the City, whichever period is shorter. All multi-family dwellings of five (5) or more units shall be deemed commercial users.

(j) **RESIDENTIAL SOLID WASTE:** Garbage.

(k) **RUBBISH AND TRASH:** Combustibles such as paper, wood, yard trimmings, etc., and non-combustibles such as metal, glass, stone, etc.

7A-02-020. Collection Of Garbage.

(a) **Requirements:** The City, or a contractor authorized by the City, shall collect, remove and dispose of all residential solid waste by providing once a week collection at all residences and at some limited approved nonresidential sites within the City on a scheduled route to be determined by the City and its contractor. The City, or a contractor authorized by the City, shall also collect, remove and dispose of recyclable trash and/or rubbish on a schedule and in a manner as set forth in the regulations of the City. Collections shall be made during the daytime hours set forth in the approved schedule subject to modifications enacted from time to time by the City. The City and its contractor shall not be required to provide collection or disposal of non-processable wastes unless approved in advance in writing by the City and its contractor. All residence and limited approved nonresidential solid waste shall be hauled by the City or its contractor unless prior arrangements satisfactory with the City are made with the City in writing by any person not desiring the City's garbage collection and disposal services.

(b) **Complex, Multiple Dwellings:** Where complex and multiple dwellings, not each exceeding a fourplex in size, achieves vehicular access from a private road, the City will determine, at its discretion,

whether the complex's garbage shall be deemed residential solid waste or commercial solid waste. Commercial and residential solid waste shall not be mixed in the same vehicle and transported to the point of disposal. Generally commercial garbage disposal shall not be provided by the City except on a limited basis where such collection is on a residential route and where the type of waste collected is in compliance with garbage collection rules not to exceed two (2) containers.

(c) Hauling Requires Authorized Persons: Except as otherwise expressly permitted herein, no garbage shall be moved or hauled away or transported upon the streets or public ways of the City, except by the City or its contractor and except by authorized persons hauling commercial solid waste or garbage as hereinafter provided.

(d) Commercial Waste: Commercial businesses or establishments, institutions and industries creating commercial solid waste or similar garbage, may remove the commercial solid waste or garbage themselves or may employ the services of authorized contractors to remove the same. Authorized garbage contractors must apply for and receive a business license to operate within the City, together with written authorization from the City to provide services within the City. Haulage of garbage must be done in the manner, at such times and in such vehicles as may be approved for such purposes as the City council may from time to time by regulation provide.

(e) Persons Hauling Own Waste: Nothing contained in this Section shall preclude persons from hauling their own garbage or commercial solid wastes over the streets and alleys of the City as the City council may authorize and pursuant to rules and regulations governing the same.

(f) Charges Not Eliminated: Nothing in this Section shall be construed as eliminating the charge made by the City for residential garbage service unless authorized by the City.

7A-02-030. Service Charge.

(a) Imposed: There is hereby levied and imposed upon the owner or owners of each residence served by the City (or its contractor) in accordance with the preceding Sections, a monthly service charge for each such residence. The City may include said service charge on a bill for other services.

(b) Late Charges: The City may also impose late charges and interest on any past due service charges or unpaid part thereof. Collection of said late charges may be effected through such action as the City may deem necessary, including, but not limited to, termination and disconnection of garbage and/or water service to delinquent residences, litigation in a court of competent jurisdiction for collection of penalties and charges provided for, and/or other methods as the City may deem appropriate from time to time.

(c) Payment By Owner: The owner or owners of the residence serviced are responsible for payment of the service charge and any other charges levied and imposed hereunder. An occupant or person in possession or control of a residence or property unit other than the owner may pay the service charge and thereby cause a credit on the corresponding property of the owner, provided nothing herein shall relieve the property owner from responsibility for payment of any unpaid charges imposed hereunder.

(d) Amount: The amount of the monthly service charge and all associated late charges and interest may be set and modified from time to time by resolution of the City council.

7A-02-040. Method Of Payment Of Service Charges.

(a) Billing: The garbage service charges above imposed pursuant to this Chapter shall be added to the charge made for water furnished through the water system of the City and shall be billed and collected in the same manner as water service charges are billed and collected by the City.

(b) Other Methods: In the event that the obligee for the water service charges and the obligee for the garbage service charges do not coincide, or in the event the practical, economic and administrative

receptacles shall be tightly closed in such a manner as to prevent offensive odors or flies and unsightly conditions.

(h) Temporary Discontinuance: Any resident who desires to temporarily discontinue garbage collection service may request the City pick up the approved garbage container issued to that residence. Such a request for temporary discontinuance shall be made in writing, stating the residence address, the name of the person making the request, the estimated period of discontinuance, which shall be not less than sixty (60) days, and shall be accompanied by the required administrative fee as set forth in the City's consolidated fee schedule.

7A-02-070. Time And Place Of Pick Up.

(a) Placement: All garbage subject to garbage collection by the City or its contractor shall be placed on the edge of the street next to the driveway on the opposite side of the driveway approach from the mailbox, but in no event within ten feet (10') of a mailbox, and with the container's wheels as close to the curb as reasonably possible, with the hinge thereof to curbside and the lid opening facing toward the street. When snow or street construction prevents placing of the approved garbage container against the curb, the container shall be placed not over two feet (2') from the edge of said snow or construction and in a manner that will not obstruct traffic or unduly impede the snowplowing activities of the City.

(b) Blocking Driveway Or Traffic: Approved garbage containers shall not be placed or permitted to block driveways or through traffic.

(c) Set For Collection: Until otherwise provided by regulation, garbage and refuse must not be set out upon the street for collection prior to the evening of the day before collection and must be set out prior to six o'clock (6:00) A.M. on the day of collection.

(d) Removal Of Empty Container: All empty approved garbage containers must be removed from the street as soon as practicable after being emptied, and in every case, must be removed from the street the same day they are emptied.

(e) Assistance May Be Requested: Those physically unable to wheel approved garbage containers to curbside may contact the City to arrange for pick up assistance.

(f) Prohibited Parking: It shall be unlawful to park a vehicle upon a public street within the City during the hours of garbage pick up on said street in a manner that interferes with access thereto by the garbage collection vehicle.

7A-02-080. Burning Prohibited.

It shall be unlawful for any person to burn garbage, commercial solid waste, manure or other refuse, rubbish or trash in the open air or in any furnace or stove within the City unless expressly allowed by state regulations or Davis County health and burning ordinances.

7A-02-090. Dumping Prohibited.

It shall be unlawful for any person to place, deposit or dump garbage, ashes, commercial solid waste, rubbish, trash, paper boxes, cartons, manure or night soil, or any other refuse, upon any lot within the City, whether such lot is occupied or vacant and whether such person so placing, depositing or dumping any of the foregoing is the owner, tenant, occupant or lessor or has the same under his jurisdiction and control.

7A-02-100. Limitations Upon Dumping.

Dumping garbage shall be permitted only in such places as are designated by the City council. Dumping shall be subject to such rules and regulations as may be formulated by the City council. Until

changed by City ordinance, all garbage generated with the City shall be delivered to the Davis County solid waste management and energy recovery special service district or to NARD, as said district shall direct.

7A-02-110. Establishment Of Rules And Regulations.

The City council may establish and amend rules and regulations governing the disposal and collection of garbage and fixing rates for the collection of the same.

7A-02-120. Penalties.

Any person violating any provision of this Chapter shall be guilty of a class C misdemeanor.