

**CITY OF WENDOVER, UTAH
ORDINANCE NO. 2014-03**

AN ORDINANCE ADOPTING COMPREHENSIVE REGULATIONS FOR THE
COLLECTION AND DISPOSITION OF GARBAGE AND SOLID WASTE IN THE CITY OF
WENDOVER, TOOELE COUNTY, UTAH

Be it enacted and ordained by the City Council of Wendover City, Utah as follows:

SECTION ONE: PURPOSE.

The City of Wendover, Tooele County, Utah is authorized by Utah Code Annotated Title 10, Chapter 8, and by other provisions of law, to enact ordinances, rules and regulations governing the collection and disposition of garbage and solid waste within the City. The City is authorized to enact ordinances and rules, and to make regulations, necessary for carrying into effect the powers and duties conferred upon the City by law, and as are necessary for the safety, health, prosperity, good order, comfort and convenience of the City and its inhabitants, and for the protection of property in the City. The City has made a significant investment in equipment used for the collection of garbage and solid waste in the City, all for the safety, health, prosperity, good order, comfort and convenience of the City and its inhabitants, and for the protection of property in the City. The City desires to, and deems it necessary and appropriate to adopt an ordinance setting forth rules and regulations governing the collection and disposition of solid waste in the City.

**SECTION TWO: ENACTMENT OF GARBAGE AND SOLID WASTE MANAGEMENT
REGULATIONS.**

Wendover City hereby adopts this ordinance entitled, Garbage and Solid Waste Management Collection and Disposal which Title, Chapter and Sections are hereby adopted and enacted as a part of the Wendover City Code. Title 5, Utilities, Chapter 3: Garbage and Solid Waste Management as enacted by this ordinance is attached hereto and by reference is made a part hereof, as though fully set forth:

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Title 3: Utilities and Public Services

Chapter 3: Garbage and Solid Waste Management

Sections:

- 3-3-1 Definitions.
- 3-3-2 Collection of Garbage.
- 3-3-3 Collection of Bulky Waste
- 3-3-4 Service Charge.
- 3-3-5 Method of Payment of Service Charges.
- 3-3-6 No Accumulation.
- 3-3-7 Containers.
- 3-3-8 Time and Place of Pickup.
- 3-3-9 Burning Prohibited.
- 3-3-10 Dumping Prohibited.
- 3-3-11 Limitations Upon Dumping.
- 3-3-12 Prohibited Waste.
- 3-3-13 Establishment of Rules and Regulations.
- 3-3-14 Duty to Keep Property Clean.
- 3-3-15 Commercial, Business, School and Multiple Residential Litter
- 3-3-16 Garbage Storage and Disposal Facility—New Buildings.
- 3-3-17 Penalties.

Section 3-3-1 Definitions.

- (1) Approved Garbage Containers. Approved Garbage Containers consist of those containers that are provided by and approved by the City. These containers are designed specifically for automated collection, and are equipped with wheels for easy movement by residents and other City users. All containers have permanently attached, tight-fitting lids.
- (2) 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.
- (3) City. The word "City" means the City of Wendover, Utah or its authorized contractor.
- (4) Commercial Solid Waste. Garbage, rubbish, trash, food wastes, etc., resulting from the normal activities of commercial users, institutions or industries.
- (5) 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., including include multi-family dwellings like apartments and condominiums, where there are more than two dwellings at the same location.

- (6) Disposal Facility. "Disposal Facility" refers to an authorized land fill approved by the City.
- (7) Garbage. Garbage refers to residential solid waste and means all wastes, rubbish, trash and other objects or substances ordinarily or usually discarded by persons at private residence(s) except non-processible waste.
- (8) Hazardous Materials. Materials and wastes that are hazardous by reason of their pathological, explosive, radiological or toxic character.
- (9) Health Officer. The words "Health Officer" mean the City Administrator for the City of Wendover, or such other person designated in writing by the Mayor and approved by the City Council.
- (10) Person. Means and includes individuals, companies, firms, corporations, partnerships, trusts, associations, or combinations thereof.
- (11) Prohibited Waste. Goods and materials which are prohibited by the Disposal Facility or otherwise prohibited for disposal by law, to include, without limitation, the following:
- a. Hazardous materials or hazardous waste of any kind.
 - b. Explosives.
 - c. Medical or pathological wastes.
 - d. Animal or human waste, body parts or remains.
 - e. Any material that is on fire.
- (12) Residence. An occupied dwelling unit such as a home, trailer, or multi-family dwelling of two 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 90 continuous days, or are absent for 30 continuous days after notice to the City, whichever period is shorter. All multi-family dwellings of three or more units shall be deemed commercial users.
- (13) Residential Solid Waste. Means garbage.
- (14) Rubbish and Trash. Combustibles such as paper, wood, yard trimmings, etc., and non-combustibles such as metal, glass, stone, etc.

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Section 3-3-2 Collection of Garbage.

- (1) The City shall collect, remove and dispose of residential solid waste by providing once a week collection at residences within the City on a schedule and route to be determined by 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. All residential solid waste shall be hauled by the City 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. Such arrangements shall not relieve a property owner's obligation to pay for garbage disposal service to the City.
- (2) Where complex and multiple dwellings maintain 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.
- (3) 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 and except by authorized persons hauling commercial solid waste or garbage as hereinafter provided.
- (4) 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. 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. All such haulage shall be in vehicles and containers, which are covered to ensure that garbage does not escape the vehicle while in transit to the Disposal Facility.
- (5) 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. Provided, however, that any loads containing garbage shall be covered to ensure that garbage does not escape the vehicle while in transit to the Disposal Facility.
- (6) Nothing in this Section shall be construed as eliminating the charge made by the City for residential garbage service.

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Section 3-3-3 Collection of Bulk Waste.

The City has established a program where it will collect and dispose of Bulk Waste on a periodic basis, the times and dates for collection of Bulky Waste may be established and changed from time to time by the City. All Bulk Waste subject to collection by the City shall be placed on the edge of the street next to the driveway, and with material as close to the curb (or edge of the street if there is no curb) as reasonably possible. When snow or street construction prevents placement of the Bulk Waste against the curb, the material shall be placed not more than two feet from the edge of said snow or construction, and in a manner that will not obstruct traffic or unduly impede the snow plowing activities of the City. Bulk Waste shall not be placed or permitted to block driveways or through traffic. Bulk Waste must not be set out upon the street for collection prior to two (2) days before collection and must be set out prior to 7:00 a.m. on the day of collection. It shall be unlawful to park a vehicle upon a public street within the City during the hours of garbage pickup on said street in a manner that interferes with access thereto by the garbage collection vehicle.

Section 3-3-4 Service Charge.

- (1) 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 provided by the City.
- (2) Late Charges. The City may also impose late charges, interest, and costs of collection, including attorney's fees, 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 other 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.
- (3) 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.
- (4) Amount. The amount of the monthly service charge and all associated late charges and interest has been set by resolution of the City Council, and may be modified from time to time.

Section 3-3-5 Method of Payment of Service Charges.

- (1) The garbage service charges imposed pursuant to this Ordinance may be added to the charge made for other services furnished and may be billed and collected in the same manner as other service charges are billed and collected by the City.
- (2) The garbage service charges may be collected with such frequency and in such manner as the City Council shall by regulation provide.

Section 3-3-6 No Accumulation.

It shall be unlawful for any person to accumulate garbage or commercial solid waste or cause garbage or commercial solid waste to be deposited upon any street or alley, or upon any premises in the City without express written permission from the City Health Officer. The Health Officer may permit the processing of garbage or commercial solid waste upon premises properly equipped and maintained so as to prevent the creation of a nuisance or a hazard to health. Additionally, the Health Officer may grant to any person permission for sorting, baling, and marketing commercial solid waste upon premises properly equipped and maintained.

Section 3-3-7 Containers.

- (1) All garbage is to be collected by the City from each residential user and shall be placed only in approved garbage containers issued to such residential user by the City. Use of containers other than those issued by the City for garbage disposition is prohibited. All other garbage not collected by the City shall be placed in suitable and sanitary garbage receptacles.
- (2) Title to the approved garbage containers furnished by the City shall be retained by the City.
- (3) All persons using approved garbage containers furnished by the City shall keep such containers(s) free from destructive or decorative markings, shall maintain the original color thereof, shall keep the inside of said containers clean and free from build-up of fungus or bacteria or any other type of contaminant that causes odors or facilitates deterioration of the inside or outside of such container, and shall not deposit any hot or caustic materials therein or otherwise damage, deface or abuse such containers. Any damage to containers caused by the residential user's use or abuse of such container shall be the responsibility of the user and paid upon demand to the City.
- (4) Residential users shall promptly report to the City any damage to or malfunctioning of the approved garbage containers that limit their usefulness for receipt of garbage so that the same may be repaired or replaced.

- (5) Approved garbage containers lost or missing through no fault of the user thereof shall be replaced by the City without charge, but users shall exercise due care to protect the approved garbage containers against loss through theft or misappropriation.
- (6) Approved garbage containers furnished by the City are issued to specific residential addresses by number and are non-transferrable. Upon discontinuance of use by a resident, their approved garbage container(s) shall remain at the property unless the City requests the container be delivered to the City.
- (7) Approved garbage containers shall not be overfilled to the extent that the contents may be spilled during the process of pickup and dumping into the garbage collection vehicle. All commercial solid waste shall be placed in rainproof and flyproof receptacles and the receptacles shall be tightly closed in such a manner as to prevent offensive odors or flies and unsightly conditions.

Section 3-3-8 Time and Place of Pickup.

- (1) All garbage subject to garbage collection by the City shall be placed on the edge of the street next to the driveway, and with the container's wheels as close to the curb (or edge of the street if there is no curb) as reasonably possible, with the hinge thereof to curbside and the lid opening facing toward the street. When snow or street construction prevents placement of the approved garbage containers against the curb, the container shall be placed not more than two feet from the edge of said snow or construction and in a manner that will not obstruct traffic or unduly impede the snow plowing activities of the City.
- (2) Approved garbage containers shall not be placed or permitted to block driveways or through traffic.
- (3) 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 7:00 a.m. on the day of collection.
- (4) 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.
- (5) Those physically unable to wheel approved garbage containers to curbside may contact the City to arrange for pickup assistance from the City or its contractor.
- (6) It shall be unlawful to park a vehicle upon a public street within the City during the hours of garbage pickup on said street in a manner that interferes with access thereto by the garbage collection vehicle.

Section 3-3-9 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 City Ordinance (which requires the issuance of a burn permit), State regulations and Tooele County health and burning ordinances.

Section 3-3-10 Dumping Prohibited.

It shall be unlawful for any person to place, deposit, or dump garbage, ashes, commercial solid waste, bulk 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 lesser thereof or has the same under his or her jurisdiction and control.

Section 3-3-11 Limitations Upon Dumping.

Dumping garbage shall be permitted only at the disposal facility designated and authorized by the City. 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 within the City shall be delivered to a duly licensed disposal facility or landfill.

Section 3-3-12 Prohibited Waste.

It shall be unlawful to place prohibited waste in any approved container or with any Bulky Waste which will be disposed of by the City.

Section 3-3-13 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.

Section 3-3-14 Duty to Keep Property Clean.

- (1) It shall be the duty of the owner, agent, occupant or lessee to keep exterior private property free of litter as defined herein. This requirement applies to not only to the removal of loose litter and garbage, but to materials that already are or later become trapped at such locations as fences and walls, grassy and planted areas, borders, embankments and any and all other lodging points.
- (2) Owners, agents, occupants or lessees whose property face on city sidewalks, roads or streets, and strips between streets and sidewalks shall be responsible for keeping the sidewalks and strips free from litter, and are further responsible to keep curbs and gutters facing city roads and streets free from litter.
- (3) It is unlawful to sweep or push litter from sidewalks and steps into streets. Sidewalk and step sweepings must be picked up and placed into residential or commercial solid waste containers.
- (4) Litter not removed from private property under the provisions of this ordinance may be removed by the city pursuant to the provisions of the Utah Code annotated Section 10-11-1, et. Seq., 1953 as amended, and the city may impose and collect its expenses for the same.

Section 3-3-15 Commercial, Business, School and Multiple Residential Litter.

- (1) Garbage generated or stored for collection at commercial establishments and institutions, businesses, schools, apartment houses, multiple dwelling units, and public buildings shall be kept containerized and covered or enclosed at all times, and removed at the direction of the owners of such establishments or institutions at least once each week and on such additional occasions as are necessary to prevent nuisance or adverse health conditions.
- (2) Commercial businesses or establishments, institutions, and industries creating commercial solid waste or similar garbage are required to use a minimum two (2) yard dumpster provided by the City and are prohibited to use residential containers for garbage collection.
- (3) Any home based businesses shall be required at a minimum to have a second residential can and may be required to have a dumpster as required in subsection (2) above.
- (4) It is unlawful for any owner, manager, or employee or agent of a commercial establishment or institution, business, school, apartment house, multiple dwelling unit or public building to deposit garbage from that establishment or institution in any container other than a container maintained for that premises or as otherwise approved for that purpose by the city.

Section 3-3-16 Garbage Storage and Disposal Facility—New Buildings.

- (1) Before any building permit is issued for construction of a commercial building, multiple dwelling unit, school, business, apartment house or public building, plans for the adequate location and accessibility of garbage containers and storage facilities must be approved by the city building inspector such premises facilities has.
- (2) No certificate of occupancy shall be issued for any until the building inspector's approval of these been obtained.

Section 3-3-17 Penalties.

Any person violating any provision of this Chapter shall be guilty of a Class "B" misdemeanor.

SECTION THREE: REPEALER.

Wendover City Ordinance 2013-04 is repealed in its entirety.

SECTION FOUR: SEVERABILITY.

If any section, paragraph, clause or provision of this ordinance shall be held invalid, unlawful or unenforceable, the same shall not effect the validity or enforceability of the remaining provisions of this Ordinance.

SECTION FIVE: EFFECTIVE DATE.

This ordinance, shall take effect upon the publication of a short summary in a newspaper of general circulation within Wendover City, as provided by law.

ADOPTED AND PASSED BY THE CITY COUNCIL OF WENDOVER CITY, UTAH, THIS 5th DAY OF JUNE 2014.

By Mayor Mike Crawford

ATTEST:

Mariah Murphy, City Clerk / Recorder

(S E A L)