

Chapter 1
General Provisions

(Ch. 1 was adopted 5-19-2010 by Ord. No. 2010-09)

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Section 10-1-1. Definitions.

- A. Approved garbage containers: Approved garbage containers are those containers specifically provided by the City for residential uses, which containers are designated specifically for automated collection and have permanently attached, tight fitting lids.
- B. Commercial solid waste: Solid waste resulting from the normal activities of commercial users.
- C. Commercial user: An enterprise, not a residence, such as a business, association, corporation, manufacturer, hotel, motel, resort, multi-family dwelling shall be considered a separate residence for purpose of billing.
- D. Residence: An occupied dwelling unit such as a home, trailer, or multi-family dwelling of two or less units, not including hotels, motels, or mobile home parks or subdivisions. Each unit of a two unit multi-family dwelling shall be considered a separate residence for purposes of billing.
- E. Residential solid waste: Solid waste resulting from the normal activities of households and residential use.
- F. Solid waste: All putrescible and non-putrescible materials or substances discarded or rejected as being spent, useless, worthless, or in excess to the owner's needs at the time of discard or rejection, including garbage, refuse, industrial and commercial waste, and waste which constitutes solid waste as defined in 40 C.F.R. Part 258, the Criteria for Municipal Solid Waste Landfills ("Part 285") which is household waste, commercial solid waste or industrial solid waste (as such terms are defined in Part 285), or other types of waste governed by subtitle D of the Resource Conservation and Recover Act, and

Solid waste within the meaning of the Solid Waste Management Act, Title 19, Chapter 6, Part 5, Utah Code Annotated 1953, as amended, including demolition and construction debris.

Section 10-1-2. Creation of solid waste collection department.

There is hereby created the Grantsville City Solid Waste Collection Department and System, directed and controlled by the Mayor and City Council.

Section 10-1-3. Residential collection.

A. All occupied residences within Grantsville City shall be provided with mandatory solid waste collection, removal and disposal services and approved garbage containers by the City or its designated agent.

B. Except as otherwise expressly permitted by this Section, no residential solid waste shall be moved, hauled away or transported upon the streets or public ways of the City except by the municipality or its designated agents. It is hereby declared to be unlawful for any person, except as permitted in this Section, to haul or removed residential solid waste within or from the City. Nothing contained in this Section shall however preclude persons from hauling their own residential solid waste over the streets or public waste of the City to Tooele County's designated solid waste disposal facility provided said person is regularly paying the City for collection services and container fees.

Section 10-1-4. Commercial Collection.

Commercial users shall collect and remove their own commercial solid waste that is generated within the City, either directly or by employing the services of a City licensed contractor. All commercial solid waste generated within the City shall be transported and delivered to Tooele County's designated solid waste disposal facility.

Section 10-1-5. Residential collection contract.

The City may grant a contract to an independent contractor to operate a residential solid waste collection and sanitary disposal pickup service within the City upon the terms and conditions as the City Council shall require by contract. The holder of such contract shall be answerable to the Mayor and City Council for the conduct and operation of solid waste collection and disposal.

Section 10-1-6. Residential solid waste collection fees.

A. All residents, within the City shall pay monthly solid waste service charges in the amount set forth by resolution of the City Council. Charges for collection, removal and disposal services for residential solid waste and fees for City provided garbage containers shall be paid for by the owner, lessee or occupant of the residence on the regular water and sewer utility bill or by direct billing, if sewer and water services are not provided by the City. Each resident establishing a new utility account with the City shall pay a \$35.00 setup fee. All solid waste shall be collected, removed and disposed of with such frequency and in such manner as the City Council may from time to time determine appropriate.

B. Every residential user shall be issued at least one approved garbage container by the City. Title to containers furnished by the City to residential users shall be retained by the City and the payment made by the residents therefor shall be pursuant to a rental fee for the use thereof. After September 30, 1995, a one-time delivery and administration fee shall be charged for each new container issued by the City. The delivery and administration fee for new containers is hereby established at \$65.00. The delivery and administration fee may be amended by Resolution of the City Council. Monthly rental fees for containers shall be established and amended by Resolution of the City Council. Rental fees for the first container shall be incurred for a minimum of one (1) month or for each month or part thereof that a residence is occupied. Garbage container delivery and administration fees and rental fees shall be charged and collected in the same manner as the service charge for solid waste collection services.

C. The Mayor or the Mayor's designee may waive or defer the payment of the charges for residential collection of solid waste, for needy persons who are not reasonably capable of paying these charges, for such periods of time as may be deemed proper or necessary. Any time the Mayor's designee waives or defers payments under this Section, he or she shall timely report said deferral or waiver to the Mayor.

D. All solid waste collection fees imposed by the City shall be billed each month and may be included with the water and sewer bills if said services are also provided. Each bill shall show separately the amount of the bill for each service. The portion of the bill rendered for garbage service in the case of a combined billing cannot be paid separately from the portion rendered for the other City services. Payments for garbage and other City services are due at the Grantsville City Offices on the 20th day of the month following issuance of the billing. A \$10.00 late fee shall be added to all delinquent accounts at the time the next months service billing is prepared by the City. In the event that the garbage, water, sewer charges or late fees or any portion thereof are not paid in full within thirty (30) days after the due date, water service may be discontinued. Before the water shall be turned on again, all delinquent garbage, water or sewer charges, late fees, interest charges and a \$50.00 reconnection fee to cover the expenses of restoring water service shall be paid in full to the City. In the event a deposit has been made securing the payment of charges for City service, said deposit may be forfeited to the City in the amount delinquent and due the City. The Mayor or the Mayor's designee, may waive late fees or interest, if he or she determines that there is good cause for the waiver of said charge. If any account remains delinquent over sixty (60) days after the due date, the City may in addition to discontinuing water service, initiate legal proceedings to collect the delinquent account. If a delinquent account is referred to the City Attorney in order to collect the

delinquency, the City shall also be entitled to collect reasonable attorneys fees and costs, even if a lawsuit has not been filed. In addition to the foregoing late fees and costs, the City may also charge interest on the delinquent account at the rate of 1.5 percent per month, commencing after the account is sixty (60) days delinquent.

E. Containers lost or missing through no fault of the user thereof may be replaced by the City without charge for its replacement. Users shall exercise due care to protect containers against loss through theft or misappropriation. Containers shall not be removed from the premises that they have been assigned to. The owner, lessee or occupant of each residence shall be held responsible for each container issued to that residence. No hot ashes, flammable, corrosive or explosive materials shall be deposited in a garbage container. A purchase fee based on the cost to the City at the current rate, together with a delivery and administration fee shall be charged to anyone who damages or removes a garbage container from the property that the container has been assigned to.

F. Solid waste billings shall be prorated on a daily basis during the first and last months that an account is open, if open for less than a full month. If an account is to remain open, but the residence will be vacant for more than one month, the owner, lessee, or occupant of the residence shall give prior written notice to the City so that no solid waste collection fees are charged during that month. Except for the first and last month that an account is open, solid waste collection fees shall be assessed for the entire month if the residence is occupied at any time during that month.

Section 10-1-7. Garbage containers and fees.

A. Solid waste shall be collected by the City or its agent from residential users only in containers approved and issued to them by the City. The use of any other type of containers or the use of approved containers issued to another residence is unlawful and prohibited. All other solid waste not collected by the City shall be placed in suitable and sufficient garbage receptacles, either with tight fitting lids or durable water resistant containers manufactured specifically for use in solid waste collection.

B. Every residential user shall be issued at least one approved garbage container by the City. Title to containers furnished by the City to residential users shall be retained by the City and the payment made by the residents therefore shall be rental for the use thereof. Rental fees for the first container shall be incurred for a minimum of one (1) month for each month or part thereof that a residence is occupied. Garbage container rental fees shall be charged and collected in the same manner as the service charge for solid waste collection services.

C. Users renting containers furnished by the City, or having custody thereof, shall keep the container free from destructive or decorative markings, shall maintain the original color thereof, and shall keep the inside of said containers clean and free from build-up of fungus or bacteria or any other type of contamination that causes odors or facilitates

deterioration of the inside or outside of such container. Users shall be responsible for containers and shall not be negligent in the use of the containers.

D. Residential users shall report to the City, or authorized garbage hauler, any damage to or malfunctioning containers that limit their usefulness for receipt of garbage or refuse so that the same may be returned to the supplier for repair or replacement if they are covered by warranty or for repair or replacement by the City or its agent.

E. 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 containers against loss through theft or misappropriation. Containers shall not be removed from the premises that they have been assigned to. The owner, lessee or occupant of each residence shall be held responsible for each container issued to that residence. No hot ashes or flammable or explosive materials shall be deposited in a garbage container. A purchase fee, based on the cost to the City at the current rate, will be charged to anyone who damages or removes a garbage container from the property that the container has been assigned to.

F. Containers furnished by the City are issued to specific users by number and are non-transferable. Upon discontinuance of use by a resident, containers shall be returned to the City or its designated agent.

Section 10-1-8. Additional containers.

A. Should a residential user determine that an additional container is necessary to provide for their needs, a request may be made to the City for an additional container or containers.

B. Additional Containers will be provided to a user at an additional charge per month which charge shall be set by resolution of the City Council. Such charge shall be incurred for a minimum of four (4) months.

C. At such time the user determines the additional container or containers are no longer needed, the user shall return said container(s) to the City at which time the additional charge will be deleted from the monthly billing provided the four months minimum has been met.

D. Additional containers will be rented subject to availability of the containers to the City. Provision of initial containers to new residents will take priority over providing additional containers to residents who already have been issued one container.

Section 10-1-9. Time and place pickup.

A. All residential solid waste containers 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 of a mailbox, and with the container's wheels as close to the curb or edge as reasonably possible, with the hinge thereof to curbside and the lid opening facing toward the street. When snow or streets constructions prevents placing of the container against the curb, the container shall be placed not over 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. In the areas of the City where there is no curb and or gutter, containers shall be placed off of the traveled portion of the street, but close enough to the street that the container can be picked up without undue difficulty.

- B. Containers shall not be placed or permitted to block driveways or through traffic.
- C. Unless 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.
- D. All empty 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. It shall be unlawful to park a vehicle upon a public street with the City during the hours of garbage pickup on said street in a manner that interferes with access to garbage containers by the garbage collection vehicle.

Section 10-1-10. Closing of garbage containers required.

No garbage container shall be overfilled to the extent that the lid does not remain firmly closed at all times or to such an extent that the contents may be spilled or blown out while waiting for or during the process of pickup and dumping into the garbage collection vehicle. The property owner, responsible party or person who places a garbage container out for collection, shall be responsible for all of their garbage until such time as it is collected. If garbage leaves a container for any reason prior to it being picked up, the owner or responsible party shall be required the same calendar day to pick up said garbage and place the same into their container. Persons who violate the provisions of this Section are guilty of a Class C Misdemeanor.

Section 10-1-11. Accumulation or Disposal of Solid Waste Prohibited.

It shall be unlawful for any person to accumulate solid waste or cause solid waste to be deposited upon any street or alley or upon any premises in the City without express permission from the City or County Health Department. No person shall for the purpose of final disposal dump, place or bury any solid waste within the corporate limits of the City. No person shall for the purpose of final disposal, burn solid waste within the corporate limits of the City.

Section 10-1-12 Commercial waste prohibited in residential containers.

It shall be unlawful for commercial users to deposit commercial solid waste in residential containers. It shall be unlawful for residential users to deposit residential solid waste in any commercial users solid waste containers.

Section 10-1-13. Covering vehicles required.

It shall be unlawful for any person to haul, convey or transport through or upon any of the public streets of the City, any solid waste, in any open truck, trailer or other open conveyance, unless covered completely so that no solid waste is capable of leaving the container or conveyance within which it is enclosed or being transported in.

Section 10-1-14. Regulations.

The City Council may adopt such regulations from time to time as, in its opinion may be necessary to implement the provisions of this Chapter.

Section 10-1-15. Penalty.

Any person, firm or corporation who shall violate the terms of this Chapter by any act of omission or commission shall be deemed guilty of a Class "C" Misdemeanor.