

CHAPTER 3

**GARBAGE AND REFUSE**

SECTION:

- 4-3-1: Definitions
- 4-3-2: Collection and Pickup of Garbage
- 4-3-3: Service Charges
- 4-3-4: Regulations
- 4-3-5: Vehicles and Equipment
- 4-3-6: Inspections
- 4-3-7: Violations
- 4-3-8: Hearings
- 4-3-9: Emergency Provisions

4-3-1: **DEFINITIONS:**

**COMMERCIAL GARBAGE:** Refers to garbage produced in commercial establishments, public or quasi-public institutions or establishments, including restaurants, hotels, motels and similar establishments.

**COMMUNITY WASTE:** Lawn cuttings, clippings from bushes and shrubs, leaves and trees and tree branches.

**CONTAINER OR REGULATION CONTAINER:** A type of garbage or trash container as provided by the contracted garbage collector and having a tight-fitting lid or properly and sufficiently treated weather resistant bag manufactured specifically for use in garbage and refuse collection.

**GARBAGE:** Waste from the preparation, handling, storing, cooking or consumption of food and food products.

**REFUSE:** All waste matter, except garbage, attending, or resulting from the occupancy of residences, apartments, hotels, or other places of dwelling and from the operation of a business. Refuse shall not be deemed to include industrial waste or waste matter resulting from the construction, demolition or repair of a building or other structure.

RESIDENTIAL  
GARBAGE: Garbage produced in places of private residence and dining halls not open to the public. (1977 Code § 10-411; 1998 Code)

4-3-2: **COLLECTION AND PICKUP OF GARBAGE:**

- A. Permit Required: It shall be unlawful for any person who does not possess a valid permit from the Cache County Service Area, in addition to any business license required by the City, to engage in the business of refuse collection or refuse disposal for compensation within the City. The Cache County Service Area shall issue permits for such applicants; provided, that such permits shall be limited to persons having proper equipment and personnel to collect and dispose of refuse in accordance with the provisions of this Chapter; and that no permit shall be required of any agency acting under contract within the City. (1977 Code § 10-424)
- B. Collection:
1. The City, or its agent, shall collect, remove and dispose of all residential and commercial garbage, the removal of which is not otherwise provided for by the establishment or institution as herein provided. All garbage and refuse shall be collected, removed and disposed of with such frequency and in such manner as the City Council may from time to time establish by regulation.
  2. Except as otherwise expressly permitted by this Chapter, no garbage or refuse shall be moved or hauled away or transported upon the streets or public ways of the City, except by the City, or its agent, and except by authorized persons hauling commercial garbage or refuse as hereinafter provided. It is hereby declared to be unlawful for any person, except as permitted in this Chapter, to haul or remove garbage or refuse in the City.
  3. Commercial establishments, public or quasi-public, institutions and establishments creating commercial garbage themselves may employ the services of authorized contractors to remove commercial garbage. Authorized garbage haulers must apply for and receive permission to do so from the City Recorder. Haulage of refuse must be done in the manner, and during 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.

4. Nothing contained in this subsection shall preclude persons from hauling their own garbage, trash or community waste over the streets and alleys of the City in vehicles and containers approved by a sanitary inspector or such other personnel of the City as the City Council may authorize.
5. Nothing in this subsection shall be construed as eliminating the charge made for garbage service. (1977 Code § 10-412)
- C. Garbage to be Placed at Pickup Point: All garbage and refuse subject to garbage collection by the City Council shall be placed at a pickup point at or near the premises designated from time to time by regulations adopted by the City Council and at such time or times as shall be designated by regulations of the City Council.
- D. Garbage Not Set Out Prior to Collection: Until otherwise provided by regulation, garbage and refuse must not be set out upon the street for collection prior to forty eight (48) hours before collection and must be set out on the day of collection before the hour of collection designated by regulations of the City Council.
- E. Removal of Receptacles: All empty receptacles 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. Receptacles shall not be permitted to remain on any street longer than may be necessary for the removal of the contents. (1977 Code § 10-418; 1998 Code)

4-3-3: **SERVICE CHARGES:**

- A. Established: The service charge for garbage collection shall be established by resolution from time to time by the City Council and shall be in an amount consistent with the amounts set forth in the contract between the City and the Cache County Service area.
- B. Applicability: Charges shall apply to all residences and business establishments, whether or not they have also elected to haul their own garbage or employ the services of authorized garbage haulers.
- C. Combined Billing; Exception:
1. The garbage service charges above imposed by this Section 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.

2. In the event the obligee for the water service charges and the obligee for the garbage service charges do not coincide, or in the event that practical economic and administrative reasons do not make combined billing and collection feasible in the opinion of the City Council, the garbage service charges may be collected with such frequency and in such manner as the City Council shall by regulation provide. (1977 Code § 10-414)

#### 4-3-4           **REGULATIONS:**

- A.    **No Accumulation of Garbage:** It shall be unlawful for any person to accumulate garbage or refuse or cause garbage or refuse to be deposited upon any street or upon any premises in the City without express permission from the Nuisance Officer. The Nuisance Officer may permit the feeding or processing of garbage or refuse upon premises properly equipped and maintained so as to prevent the creation of a nuisance or a hazard to health, or permit the depositing of ashes and other dry material for filling purposes at such places as the Nuisance Officer may designate and under such restrictions as the City Council may designate and under such restrictions as the City Council may by regulation impose. Additionally, the Nuisance Officer may grant to any person permission for sorting, bailing and marketing trade waste upon premises properly equipped and maintained. (1977 Code § 10-415; 1998 Code)
- B.    **Closing of Containers Required:** All garbage and market waste must be placed in rainproof and fly-proof receptacles of the type herein required, and the receptacle shall be tightly closed in such manner as to prevent offensive odors or flies. (1977 Code § 10-417)
- C.    **Community Waste:**
1. Community waste may be disposed of by residents and business establishments in vehicles provided by them, subject to regulation by the City Council as to the places of disposal and as to the type of vehicle used to avoid spillage upon the public ways of the City, hazards to safety and the prevention of nuisances.
  2. The City Council from time to time may provide for the collection and disposal of such types of community waste as it may decide to collect and haul in connection with its regular garbage, waste collection and disposal service. In the event community waste disposal service should require a charge to be made by the City, the determination of the charge will be made by negotiation with the residents or business enterprises and the residents or business enterprises will be given an opportunity to choose from among services offered by persons other than the City. (1977 Code § 10-419)

- D. **Dumping Refuse Prohibited:** It shall be unlawful for any person to place, deposit, or dump garbage, ashes, market waste, proper boxes, cartons, trade waste, 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 such refuse is the owner, tenant, occupant or lessor thereof or has the same under his jurisdiction and control. (1977 Code §10-421)
- E. **Limitations upon Dumping:** Dumping waste and 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. (1977 Code § 10-422)
- F. **Regulation by City Council:** The City Council may adopt such regulations as in its opinion are necessary to implement this Chapter and its objectives. (1977 Code § 10-423)

4-3-5:       **VEHICLES AND EQUIPMENT:**

- A. **Public or Private Vehicles:** All public or private vehicles used for the collection or disposal of refuse shall have enclosed bodies or suitable provision for covering the body. Provision and use of tarpaulin or canvas cover to enclose open bodies of collection vehicles may be permitted when specifically approved by the Cache County Service Area.
- B. **Collection And Disposal Vehicles:** Vehicles used for the collection or disposal of garbage, or of refuse containing garbage, shall have watertight, metal bodies of easily cleanable construction, shall be cleaned at sufficient frequency to prevent nuisance or insect breeding and shall be maintained in good repair. (1977 Code § 10-427)

4-3-6:       **INSPECTIONS:** Any authorized employee or agent of the City, after identifying himself, shall have the power to enter at reasonable times, upon private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of the provisions of this Chapter and where necessary, shall obtain a search warrant from a court having jurisdiction. (1977 Code § 10-426; 1998 Code)

4-3-7: **VIOLATIONS:**

- A. Notice: Whenever the City has determined that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter, notice of such alleged violation shall be given to the person responsible therefore, as hereinafter provided. Such notice shall:
1. Be put into writing;
  2. Include a statement of the reasons why it is being issued;
  3. Allow a reasonable time for the performance of any act it requires;
  4. Be served upon the holder of a permit issued under this Chapter or upon the owner or agent or the occupant of any premises within the City; provided, that such notice shall be deemed to have been properly served when a copy thereof has been served personally or in accordance with any other method authorized or required under the laws of this State for commencement of civil actions. (1977 Code § 10-425A; 1998 Code)
- B. Contents: Such notice may:
1. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Chapter.
  2. State that unless conditions or practices described in such notice which violate this Chapter are corrected within the reasonable time specified in such notice, the violator may be punished in accordance with the provisions of this Chapter, or a permit which has been issued pursuant to this Chapter may be suspended or revoked. (1977 Code § 10-425B)

4-3-8: **HEARINGS:**

- A. Cache County Service Area:
1. Request; Notice; Commencement: Any person who is affected by any notice issued in connection with the enforcement of any provision of this Chapter may request, and shall be granted, a hearing on the matter before the Cache County Service Area or its designee; provided, that such person shall file, in the office of the Cache County Service Area, a written request for such hearing within ten (10) days after the date the notice was served. Upon receipt of such request, the Cache

County Service Area shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard. The hearing shall be commenced not later than ten (10) days after the day on which the request was filed; provided, that upon application of the petitioner, the Cache County Service Area may postpone the date of the hearing for a reasonable time beyond such ten (10) day period when, in its judgment, the petitioner has submitted a good and sufficient reason for such postponement. (1977 Code § 10-425C; 1998 Code)

2. Findings; Order: After such hearing, the Cache County Service Area shall sustain, modify, or withdraw the notice, depending upon its findings based on such hearing as to whether or not the provisions of this Chapter and of the regulations adopted pursuant thereto have been complied with. If the Cache County Service Area sustains or modifies such notice, it shall be deemed to be an order. Any notice shall automatically become an order if a written request for a hearing has not been filed in the office of the Cache County Service Area within ten (10) days after such notice was served. In the case of any notice which states that a permit required by this Chapter may be suspended or revoked, the Cache County Service Area may suspend or revoke such permit if an order is issued and corrective action has not been taken within the time specified in the notice. (1977 Code § 10-425D; 1998 Code)

3. Records: The proceedings at such hearing, including the findings and decision of the Cache County Service Area, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the Cache County Service Area. Such record shall include, also, a copy of every notice or order issued in connection with the matter. (1977 Code § 10-425E; 1998 Code)

B. City Council:

1. Notice: If the corrective action ordered by the Cache County Service Area under this Chapter has not been taken within five (5) days after such decision or order thereof, the Cache County Service Area shall hear the matter. Notice of the hearing shall be given by personal service or by leaving a copy at the residence or place of business of the person not complying, with anyone at such address who is over the age of fourteen (14) years and by mailing a copy of the notice to the last known address of the person not complying with the order. (1977 Code § 10-425F; 1998 Code)

2. Decision: At the time set for hearing by the Cache County Service Area, the City Council shall hear the matter and receive evidence and determine what corrective action is required, if any. The decision of the City Council shall be in writing and a

copy of mailed to the person not complying. (1977 Code § 10-425G; 1998 Code)

3. Compliance; Penalty: Any person who does not comply with the decision of the City Council shall be guilty of a Class B misdemeanor and subject to penalty as provided in Section 1-4-1 of this Code. The City Council may order the Cache County Service Area to take the corrective action required if the person who does not comply fails to do so and a court action shall be commenced against such person for any costs incurred by the City. (1977 Code § 10-425H; 1998 Code)

4-3-9: **EMERGENCY PROVISIONS:** Whenever the Cache County Service Area finds that an emergency exists involving a serious health hazard which requires immediate action to protect the public health it may, without notice or hearing, issue a written order reciting the existence of such an emergency and the conditions violating this Chapter which require corrective action to remove such health hazard. If such corrective action is not taken, the Cache County Service Area may take the action, including the abatement of any nuisance as may be necessary to protect the public health. Notwithstanding other provisions of this Chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the City Council, shall be afforded a hearing as soon as possible, but in any case not later than three (3) days after the petition was filed. After such hearing, depending upon the findings of the City Council as to whether or not the provisions of this Chapter and of the regulations adopted pursuant hereto have been complied with, the City Council may continue such order in effect, modify it or revoke it. (1977 Code § 10-425I; 1998 Code)