



## ORDINANCE NO. 18-001

### AN ORDINANCE AMENDING TITLE 4, CHAPTER 1 GARBAGE AND REFUSE OF THE BRIAN HEAD TOWN CODE AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Brian Head Town Council has determined it necessary to amend the Town's garbage and refuse code in an effort to clarify the garbage and refuse code; and

**WHEREAS**, the Brian Head Town Council has determined that it is in the best interest of the public health, safety, and welfare of Brian Head Town to amend Title 4, Chapter 1; Garbage and Refuse and that it be incorporated into the Brian Head Town Code.

**NOW THEREFORE, BE IT ORDAINED BY THE BRIAN HEAD TOWN COUNCIL, IRON COUNTY, STATE OF UTAH AS FOLLOWS:**

**SECTION 1.** Ordinance No. 18-001, (attachment A) is hereby adopted by reference as Title 4, Chapter 1 Garbage and Refuse, into the Brian Head Town Code; and

**SECTION 2. Effective Date.** Upon this Ordinance being adopted by the Brian Head Town Council of Iron County, Utah, all provisions of this ordinance shall be incorporated into the Brian Head Town Code, Title 4, Chapter 1 Garbage and Refuse.

**SECTION 3. Repealer:** All provisions of the Brian Head Town Code that are inconsistent with the express terms of this ordinance shall be repealed. All other provisions of the Brian Head Town Code shall remain in full force and effect as codified.

**SECTION 4. Conflict.** To the extent of any conflict between other Town, County, State, or Federal ordinances or regulations, and this ordinance, the more restrictive is deemed to be controlling.

**SECTION 5. Severability Clause.** If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason, held invalid or unconstitutional by any court or competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.


**PASSED AND ADOPTED BY THE BRIAN HEAD TOWN COUNCIL OF BRIAN HEAD TOWN, IRON COUNTY, UTAH this 8<sup>th</sup> day of January 2018 with the following vote.**

***Town Council Vote:***

Mayor Clayton Calloway  
Council Member Shad Hunter  
Council Member Larry Freeberg  
Council Member Lynn Mulder  
Council Member Reece Wilson

Aye  
Aye  
Aye  
Aye  
Absent

**BRIAN HEAD TOWN**

By:   
Clayton Calloway, Mayor

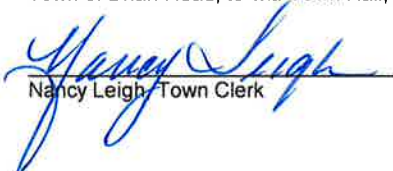
**ATTEST:**

  
Nancy Leigh, Town Clerk



**CERTIFICATE OF PASSAGE AND POSTING**

I hereby certify that the above Ordinance is a true and accurate copy, including all attachments, of the Ordinance passed by the Town Council on the 8th day of January 2018, and have posted a complete copy of the ordinance in three conspicuous places within the Town of Brian Head, to-wit: Town Hall, Post Office and the Mall.

  
Nancy Leigh, Town Clerk

# ATTACHMENT "A"

## Title 4 – Health, Sanitation & Environmental Concerns

### Chapter 1

## GARBAGE AND REFUSE

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

**4-1-2 : SERVICE PROVIDED:**

**4-1-3 : FEES, CHARGES AND DEPOSITS:**

**4-1-4 : USE REQUIRED; EXCEPTIONS:**

**4-1-5 : DISPOSAL WITHIN DESIGNATED SITES:**

**4-1-6 : RULES, REGULATIONS AND UNLAWFUL ACTIVITIES:**

**4-1-7 : BURNING PROHIBITED:**

**4-1-8 : RECEPTACLES REQUIRED:**

**4-1-9 : PENALTY:**

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

The following words and phrases used in this chapter shall have the following meanings unless a different meaning clearly appears from the context:

**COMPACTABLE TRASH:** Items of normal household or commercial use which are easily compactible within a garbage truck.

**CONSTRUCTION DEBRIS:** Refuse to result from the construction, demolition, remodel or repair of a building or other structure including, but not limited to, lumber, siding, roofing material, drywall, flooring, cabinetry, furniture, appliances, or similar material.

**CONTAINER:** A type of garbage or trash container of galvanized metal or other approved material that has a lid and is used to contain garbage, waste, or waste matter before placement in the Town Dumpsters.

**GARBAGE:** Compactable trash that shall include, but not be limited to, kitchen and table refuse, leavings and offal, swill, and also every accumulation of animal and vegetable and other matter that

attends the preparation, consumption, decay of, or dealing in or storage of meats, fish, fowl, fruits and vegetables, or any waste that comes from the preparation, handling, storing, cooking or consumption of food and food products.

**REFUSE:** Shall include all **non-compactable** 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 also be deemed to include industrial waste or waste matter resulting from the construction, demolition or repair of a building or other structure.

**TOWN DUMPSTER:** A large receptacle designed to be hoisted into a truck provided by the Town and placed throughout the community as the main depository for garbage, waste, and waste matter (compactable trash).

**WASTE AND WASTE MATTER:** **Compactable trash** that shall include, but not be limited to, crockery, bottles, tin cans, **small** metal vessels, trimmings from lawns and gardens, pasteboard boxes, rags, paper, straw, sawdust, ashes, and similar materials. (1984 Code § 3-1-1)

#### **4-1-2 : SERVICE PROVIDED:**

- A. The town shall provide a disposal service for all garbage, ~~and waste,~~ **and waste matter** from the ~~premises of residences and commercial businesses~~ **Town Dumpsters** within the town. Such service will be at such intervals and times as the Town Council shall from time to time determine and provide for by appropriate resolutions.

The town may contract with any person, partnership or corporation to gather, collect, haul and dispose of refuse. Commercial establishments, public or quasi-public institutions and establishments creating commercial garbage, may remove commercial garbage themselves or may employ the services of authorized contractors to remove commercial garbage for them. Any authorized garbage haulers must apply for and receive permission to do so from the Town Council. Except as otherwise expressly permitted, no garbage or refuse shall be moved or hauled away or transported upon the streets or public ways of the town except by the town or its agent, and except by authorized persons hauling commercial garbage or refuse as herein provided. (1984 Code § 3-1-2)

- B. **Refuse and construction debris will not be collected or disposed of by the Town.**

#### **4-1-3 : FEES, CHARGES AND DEPOSITS:**

- A. A fee shall be charged for such service by the town and the amount shall be set from time to time by the Town Council. The fee shall be billed to residents and business occupants of the town with the regular billing for water and sewer service. The amount of the fee may be different for different classes of users of the service **and may be billed annually rather than monthly.** (1984 Code § 3-1-2)

- B. The Town Council may, by resolution, require the posting of a deposit in such amount as established in the consolidated fee schedule before restoring utility service to any person, residence or business where utility service was disconnected pursuant to this chapter. Said deposit shall be refunded only upon full payment of all utility and waste disposal service billings for a period of one year after service is reinstated after a discontinuance pursuant to this chapter. (1984 Code § 3-1-3; amd. 2010 Code)
- C. All residences and business establishments within the town limits shall pay the town a garbage service charge as may be set from time to time by resolution of the Town Council. Said charges shall apply to all residences and business establishments regardless of whether or not they have also elected to haul their own garbage or employ the services of authorized garbage haulers. The service charges shall be collected with such frequency and in such a manner as the Town Council shall by resolution provide. (1984 Code §3-1-4)

#### **4-1-4 : USE REQUIRED; EXCEPTIONS:**

- A. It shall be presumed that the occupants of all premises or dwellings in the town are utilizing the waste disposal service unless they have made application to and received a permit from the Town Council to remove their own garbage and waste matter. All persons receiving other utility services from the town shall be billed for the waste disposal service unless they have received such a permit.
- B. If any person, residence or business who is presumed to be utilizing the waste disposal service provided by the town and who has not applied for and received a permit as provided in subsection A of this section, fails or refuses to pay for the waste disposal services, the town may discontinue all other utility services to said person, resident or business. Said utility service shall, at the discretion of the Town Council, not be restored until the entire amount past due has been paid.
- C. These provisions shall not be construed as limiting any other legal remedy which the town might pursue. (1984 Code § 3-1-3)

#### **4-1-5: DISPOSAL WITHIN DESIGNATED SITES:**

No person, firm or corporation shall, for the purpose of final disposal thereof, dump, place or bury, or cause to be dumped, placed or buried, in any lot, street, land, alley, or in any water or waterway within the town, any garbage, waste, or waste matter, construction debris or any other refuse or deleterious or offensive substances. All garbage, waste matter and said substances shall be disposed of only in at a ~~waste disposal~~ **Town Dumpster** site designated by the Town Council, or, **for any refuse or construction debris must be taken to the County landfill.** (1984 Code § 3-1-5)

#### **4-1-6: RULES, REGULATIONS AND UNLAWFUL ACTIVITIES:**



- A. **Compactible Trash Permitted:** Only compactible trash will be placed in the trash bin **Town Dumpsters**. It is the responsibility of each property owner, HOA, or commercial occupants who create refuse or construction debris to collect, contain, and dispose of any refuse or construction debris consistent with the requirements of this Title and any other applicable laws and statutes. (1984 Code § 3-1-2)
- B. **Garbage Pick Up:** All garbage, **waste, and waster matter** and refuse must be set out on **placed in Town Dumpsters** by the day of collection, before the hour of collection. ~~at a pick up point at or near the premises designated from time to time by resolution of the Town Council. All empty, manually transportable containers must be removed from the street as soon as is practicable after the garbage has been collected and in every case, must be removed from the street the same day the container is emptied.~~ (1984 Code § 3-1-6)
- C. **Spilling Garbage Unlawful:**
1. It shall be unlawful for any person engaged in hauling garbage, waste matter, manure, rubbish, or other refuse or waste material of any kind, to permit, allow, or cause any of said matter to fall and remain in the streets.
  2. It shall be unlawful for any person to suffer, permit or allow any vehicle loaded with garbage, waste matter, manure, ~~rubbish~~ **construction debris**, or other refuse or waste material of any kind, to be or remain standing upon any public street within the town any longer than is necessary for the purpose of loading and transporting the same. (1984 Code § 3- 1-7)
- D. **Accumulation of Garbage and Waste:**
1. No person owning or occupying any building, lot or premises in the town shall suffer, allow or permit to collect and remain upon said lot or premises any garbage for a period of more than one week, or any waste matter for a period of more than two (2) weeks, without the express permission from the department of public safety.
  2. ~~The department of public safety 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 public safety officer may designate and under such restrictions as the Town Council may by regulation impose.~~ (1984 Code § 3-1-8)
- E. **Liquid Garbage:** No liquid garbage shall be deposited with any other garbage or other waste matter. All kitchen garbage shall be drained of all moisture and completely wrapped in paper before being placed in the garbage container. (1984 Code § 3-1-10)

#### **4-1-7 : BURNING PROHIBITED:**

Any and all burning of said garbage and waste shall be expressly prohibited upon punishment and

fine as a misdemeanor as set forth more fully in section 4-1-9 of this chapter. (1984 Code § 3-1-2)

**4-1-8: RECEPTACLES REQUIRED:**

Every owner, lessee or occupant of any building, residence or business shall contain garbage in a suitable metal or plastic trash container with a secured lid until it is deposited in a town trash receptacle (dumpster). (2010 Code)

**4-1-9: PENALTY:**

Any person violating any provision of this chapter shall be guilty of a class B misdemeanor and, upon conviction thereof, subject to penalty as provided in section 1-4-1 of this code. (1984 Code § 3-1-13; amd. Ord. 87-008, 8-11-1987; 2010 Code)