

WEST BOUNTIFUL CITY

ORDINANCE #438-21

AN ORDINANCE AMENDING WEST BOUNTIFUL MUNICIPAL CODE TO ADDRESS REGULATIONS FOR GARBAGE COLLECTION AND DISPOSAL

WHEREAS, Utah Code Annotated §19-6-503 et seq., grants authority to the West Bountiful City Council to supervise and regulate the collection, transportation, and disposition of solid waste generated within its jurisdiction; and

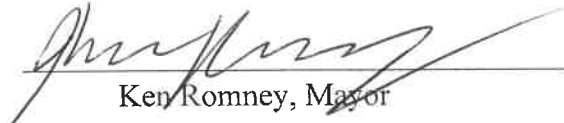
WHEREAS, the West Bountiful Council finds it necessary to update codified regulations for purposes of clarity and good governance.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF WEST BOUNTIFUL THAT WBMC CHAPTER 8.08 BE MODIFIED AS SHOWN IN ATTACHED EXHIBIT A.

This ordinance will become effective upon signing and posting.

Adopted this 16th day of February 2021.

By:


Ken Romney, Mayor

<u>Voting by the City Council:</u>	<u>Aye</u>	<u>Nay</u>
Councilmember Ahlstrom	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Bruhn	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Enquist	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Preece	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Wood	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Attest:


Cathy Brightwell, City Recorder



Chapter 8.08 GARBAGE COLLECTION AND DISPOSAL

Sections:

- 8.08.010 Definitions.
- 8.08.020 Collection of garbage.
- 8.08.030 Service charges.
- 8.08.040 Method of payment of service charges.
- 8.08.050 Processing of garbage or refuse.
- 8.08.060 Containers.
- 8.08.070 Closing of garbage containers required.
- 8.08.080 Time and place of pickup.
- 8.08.090 Limitations upon dumping.

8.08.010 Definitions.

As used in this chapter:

"**Container**" or "**approved container**" or "**regulation container**" means the approved ninety (90), three hundred (300), or four hundred (400) gallon containers furnished residential users by the city or its agent and constructed of Phillips Marlex, cross-linked, high density polyethylene, known as Roto Mold containers as defined and contained in the Solid Waste Collection Agreement dated December 29, 1989, entered into by the city, or such other container as may be periodically established approved by the city administrator.

"**Garbage**" means, except as provided below, all waste matter, including recyclable materials and waste from the preparation, handling, storing, cooking or consumption of food and food products.

"**Refuse**" means all waste matter, except garbage, attending or resulting from the occupancy of single or multifamily residences, apartments, hotels, or other places of dwelling and or from the operation of a business. Garbage includes "processable waste," as defined in Davis County ordinances. Refuse Notwithstanding the foregoing, garbage shall not be deemed to does not include sewage; industrial waste; hazardous waste or materials, as defined by applicable law; or waste matter resulting from the construction, demolition or repair of a building or other structure. (Prior code § 6-2-1)

8.08.020 Collection of garbage.

- A. Except as provided below, the city or its agent shall collect, remove and dispose of all residential garbage. Owners of residential properties may not privately contract for garbage collection and disposal. The foregoing restriction does not apply to, excluding apartment multi-family residential complexes in excess of four units; in addition, may not privately contract for their garbage disposal by agreement with the city, the city's agent for collection and recycling of recyclable materials may contract directly with residential customers. However, commercial or quasi-public establishments may privately contract for the garbage collection and disposal.

- B. Commercial establishments, multi-family residential complexes in excess of four units, and public or quasi-public institutions may either dispose of their own garbage or employ an authorized contractor to remove their garbage. To qualify as an authorized contractor, a garbage hauler must receive a city business license and written authorization from the city to collect garbage within the city. Garbage collection must be done in the manner, at such times and in such vehicles as may be approved by periodic resolution of the city council.
- C. Nothing in this section shall be construed as eliminating the charge made for municipal garbage service.

8.08.030 Service charges.

- A. All residents within the city shall pay monthly garbage service charges in the amount established periodically by resolution of the city council.
- B. If a dwelling ~~unit or a place of business~~ has remained vacant for an entire month, the owner or possessor of the site may make arrangements with the city recorder ~~for not to withhold~~ garbage collection charges during the continued vacancy of the premises.
- C. The mayor, with the consent of the city council, may excuse needy or elderly persons who are not reasonably capable of paying the monthly charge for residential collection of garbage from the payment of the residential rate for such period of time as may be deemed proper or necessary.

8.08.040 Method of payment of service charges.

- A. The garbage service charges imposed ~~above~~ under 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.
- B. In the event the obligee for water service charges and the obligee for garbage service charges do not coincide, or in the event 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 determine, by ~~regulation~~ resolution, ~~provide~~.

8.08.050 Processing of garbage or refuse.

A county health officer may permit the feeding or processing of garbage ~~or refuse~~ upon premises properly equipped and maintained for this purpose. The health officer may grant to any person permission for sorting, baling, and marketing trade waste upon premises properly equipped and maintained.

8.08.060 Containers.

- A. All garbage ~~and refuse~~ to be collected by the city from residential users shall be placed only in approved containers. All other garbage ~~and refuse~~ shall be placed in suitable and sufficient

garbage receptacles. These receptacles shall have tight-fitting lids, properly and sufficiently treated water resistant paper bags manufactured specifically for use in garbage ~~and refuse~~ collections, or plastic bags manufactured specifically for use in garbage ~~and refuse~~ collection. Garbage ~~and refuse~~ shall be placed by residential users only in containers issued to them, and use of containers issued to others for garbage ~~disposition-disposal~~ is prohibited.

- B. Title to containers furnished by the city to residential users, shall be retained by the city, and payment for the use thereof shall be rental.
- C. Users renting containers furnished by the city, or having custody thereof, shall keep the containers free from destructive or decorative markings; shall maintain the original color thereof; shall keep the inside of the containers clean and free from buildup 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 or deface such containers.
- D. Residential users shall report to the city, or authorized garbage hauler, any damage to or malfunctioning of containers which limits their usefulness for receipt of garbage or refuse. Upon such notification the city may return the container to the supplier for repair or replacement pursuant to the supplier's warranty.
- 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.
- F. Containers furnished by the city are issued to specific users by number and are nontransferable. Containers shall be returned to the city upon discontinuance of use by a resident.

8.08.070 Closing of garbage containers required.

Approved containers shall not be overfilled to the point where the lid thereon cannot completely close and cover the contents thereof. Nor shall they be filled to the extent that their contents may be spilled during the process of pickup and dumping into the garbage collection vehicle. All garbage ~~and refuse or market waste~~ not deposited for pickup by the city shall be placed in rain-proof and fly-proof receptacles of the type herein required, and the receptacle shall be tightly closed in such a manner as to prevent offensive odors or flies.

8.08.080 Time and place of pickup.

- A. All garbage ~~and refuse~~ subject to garbage collection by the city shall be placed on the edge of the street next to the driveway on the opposite side thereof from the mailbox, but in no event within ten (10) feet of a mailbox. The wheels of the containers shall be placed as close to the curb as reasonably possible, with the hinge thereof to curb side and the lid opening toward the street. When snow or street construction prevent placing of the container against the curb, the container shall be placed not over two feet from the edge of the snow or the construction and in a manner that will not obstruct traffic or unduly impede the snow plowing activities of the city.

- B. Containers shall not be placed or permitted to block driveways or through traffic.
 - C. 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 five a.m. on the day for collection.
 - D. All empty containers or garbage receptacles must be removed from the street as soon as possible after being emptied, and in every case, must be removed from the street the same day they are emptied.
- ~~Containers or receptacles shall not be permitted to remain on the street longer than may be necessary for the removal of the contents.~~
- E. Those persons physically unable to wheel containers to curb side may arrange with the city recorder for proper pickup.
 - F. It is unlawful to park a vehicle upon a public street within the city during the hours of garbage pickup within twenty (20) feet of a container or in a manner that interferes with access thereto by the garbage collection vehicle.

8.08.090 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.

~~Until changed by ordinance, all processible waste generated within the city shall be delivered to the Davis County solid waste management and energy recovery special service district "burn plant," or to NARD, as the district shall direct.~~