

RICH COUNTY REFUSE ORDINANCE

AN ORDINANCE PROVIDING FOR THE SERVICE OF COLLECTION AND DISPOSAL OF REFUSE IN RICH COUNTY, UTAH AND ALLOWING THE COUNTY TO CONTRACT WITH INCORPORATED MUNICIPALITIES IN RICH COUNTY FOR THE COLLECTION AND DISPOSAL OF REFUSE.

BE IT ORDAINED by the Board of County Commissioners of Rich County, Utah:

Section 1: Health, Welfare, Convenience and Necessity. The public health, welfare, convenience and necessity require that Rich County (County) establish a service for the collection and disposal of garbage and refuse in the County and require that the County contract with incorporated municipalities in the County for the collection and disposal of refuse.

Section 2: Fees. For the purpose of financing the establishment and operation of a refuse collection system and refuse disposal methods and sites, a refuse service fee may be established by resolution of the Board of County Commissioners.

Section 3: Liability for fees. The owner and occupant of land located in the County are hereby determined to be liable for the payment of said service fee.

Section 4: Definitions. For the purpose of this Ordinance, the following words and phrases shall have meaning ascribed to them in this section:

- a. **Person** shall mean any institution, public or private corporation, individual, partnership or entity.
- b. **Premises** shall mean land, buildings, or other structures, vehicles, or parts thereof, upon which refuse is stored.
- c. **Refuse** shall mean wastes of the community, including garbage, ashes, rubbish, dead animals, street cleanings, and industrial wastes. Refuse does not include bodily waste.
- d. **Board** shall mean the Board of County Commissioners.
- e. **Department** shall mean the Rich County Sanitation Department established herein.
- f. **Residential Container** – 100 gallon black plastic container.
- g. **Commercial Container** – 300 gallon black plastic container.
- h. **Commercial Dumpster** – 2.5 to 6 yard metal containers

Section 5: Functions of the Department. The Department, in order to protect the health and safety of the people in this County, is authorized and directed, by implementing and enforcing the provisions of this ordinance, to control the storage, collection, and disposal of refuse within the County, to provide a public refuse collection and refuse disposal service from premises within the County, so

that the usual quantity of refuse can be safely and expeditiously handled by such public refuse collection and disposal services, and to approve and regulate the establishment, maintenance and operation of private refuse disposal methods.

Sections 6: Department Established. For the purpose of administration and enforcement of this ordinance there is hereby established the Rich County Sanitation Department (Department) with the duties and powers specified herein.

Section 7: Permits. It shall be unlawful for any person who does not possess an unrevoked permit from the Department in addition to any business license required by the County to engage in refuse collection or refuse disposal for the County. The Department 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 Ordinance.

Section 8: Keeping Property Clean; Persons Responsible. It shall be the duty of the owner, occupant, lessee, or such person's agent to keep exterior private property free of refuse and other hazardous or unsanitary materials. It is unlawful for any person to store or allow refuse to accumulate on exterior property under the person's control except in proper containers as provided in this ordinance.

Section 9: Enforcement, Service of Notices and Orders, Hearings.

- a. Whenever the Department has determined that there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance, it shall give notice of such alleged violation to the person or persons responsible therefore, as hereinafter provided.

Such Notice shall:

1. Be in writing;
2. Include a statement of the violation.
3. Allow a reasonable time for the performance of any act required.
4. Be served upon any person responsible for the alleged violation, including but not limited to the owner or his agent or the occupant of any premises within the County; provided, that such Notice shall be deemed properly served when a copy thereof has been served personally or posted on premises or in accordance with any other method authorized or required under the laws of this State for the commencement of civil actions.

Such Notice may:

5. Contain an outline of remedial action which, if taken, will effect compliance with provisions of this Ordinance;
6. State that unless conditions or practices described in such Notice which violate this Ordinance are corrected within a

reasonable time specified in such Notice, the violator may be punished in accordance with the provisions of this Ordinance, or a permit which has been issued pursuant to this Ordinance may be suspended or revoked.

- b. If the corrective action ordered by the Department under this Ordinance has not been taken within ten (10) days after such order thereof, the Department shall give Notice that the Board of County Commissioners shall hear the matter. Notice of the hearing shall be given by any method described in subsection (a) (4).
- c. Hearing by the Board. At the time set for the hearing by the Department, the Board shall hear the matter and receive evidence and determine what corrective action is required, if any. The decision of the Board shall be in writing and a copy mailed to the person not complying.
- d. Any person who does not comply with the decision of the Board shall be guilty of a class c misdemeanor and punished as provided in Section 21. The Board may order the Department 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 County.
- e. Whenever the Department finds that an emergency exists involving a serious health hazard, which requires immediate action to protect public health, it may without notice or hearing issue a written order reciting the existence of such an emergency and the conditions violating this Ordinance, which require corrective action to remove such health hazard. The Department may take the action including the abatement of any nuisance as may be necessary to protect the public health. Notwithstanding other provisions of this Ordinance, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Board shall be afforded a hearing as soon as possible, but in any case not later than three (3) days after the petition is filed. After such a hearing, depending upon the findings of the Board as to whether or not the provisions of this Ordinance and of the regulations adopted pursuant thereto have been complied with the Board shall continue such order in effect, or modify it, or revoke it.

Section 10: Entry. The Department, after identifying itself, shall have power to enter at reasonable times upon private or public property for the purpose of inspecting and remedying conditions relating to the enforcement of the provisions of this Ordinance. Where necessary, the department shall obtain a search warrant from a Court having jurisdiction.

Section 11: Refuse acceptable for collection by the responsible authority. The following refuse shall be considered to be acceptable for collection by the Department:

- a. Garbage. Petrescible animal and vegetable wastes resulting from the handling, preparation, cooking and/or consumption of foods.
- b. Ashes. The residue from the burning of wood, coal, coke or other combustible materials, which are not hot or live.
- c. Rubbish. Nonpetrescible solid wastes, consisting of paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, metals, and similar materials.
- d. Dead animals. Small, dead animals not exceeding twenty-five (25) pounds in weight, which die in the normal course of community activity excluding condemned animals, animals from a slaughterhouse, or other animals normally considered industrial refuse.

Section 12: Refuse not acceptable for collection by the responsible authority. The following refuse shall be considered to be not acceptable for the collection by the Department.

- a. Dangerous materials or substances, such as poisons, acids, caustics syringes, infected materials, corrosive materials, radioactive waste, asbestos, explosives, or any other hazardous material.
- b. Building materials such as roofing material, lumber, cement, sheet rock, and metal.
- c. Materials, which have not been prepared for collection in accordance with these regulations.
- d. The solid wastes resulting from industrial processes.
- e. Earth, rocks, or soil.
- f. Household hazardous wastes such as paint, chemicals, oil, pesticides.
- g. Ashes containing hot embers shall not be placed in containers for collection.
- h. Tires or automobile batteries.
- i. Large bulky items, such as, appliances, mattresses, furniture, or any item that is not feasible for placement in the Department's vehicles.

Section 13: Refuse collection places to be served by the Department. The Department shall collect all refuse acceptable for collection as provided in Section 11 of this ordinance from all family or apartment dwellings, subdivisions and institutions, business and industrial establishments.

Section 14: Frequency of Collection.

- a. All residential and commercial containers shall be collected at least once per week.
- b. All commercial dumpsters will be collected as needed to avoid undue accumulations of refuse, to prevent nuisance and/or to control insect and/or rodent breeding and harborages.
- c. Collections shall not be made on holidays specified by the Department.

Section 15: Place of Collection.

- a. All residential containers, to be collected by the Department shall be placed on the curb in front of the residence or at a road side designated by the Department according to schedule as established by the Department. All empty containers must be removed from the street as soon as practicable after being emptied. Empty containers must be removed from the street the same day they are emptied.
 1. Containers shall not be placed under overhead wires or trees.
 2. The container shall be placed so it faces the street.
 3. The container shall be placed at least six (6) feet from other containers, mailboxes, cars and other objects.
 4. The container shall be placed in a straight line with other containers along the street, not in circles, around telephone poles or behind other containers.
 5. The container shall be placed within two (2) feet of the blacktop or public roadway.
 6. Containers must be placed for collection no later than 7:00 a.m. on your day of collection, however collection times may vary.
 7. During the wintertime the container must not be placed for collection prior to 6:30 a.m. in order to provide for snowplows clearing the streets.
- b. Each subdivision, as filed with the County Recorder's Office, shall be provided with dumpsters, which shall be collected as provided by the Ordinance. This is in lieu of residential containers, which shall not be provided to subdivision owners.
- c. The Department must place all commercial containers or dumpsters, to be collected by the Department in an area easily accessible.
 1. There must be adequate clearance from power lines.
 2. Access roads must be kept clear of snow, parked vehicles, and any other obstacle which would obstruct the Department's collection vehicles from reaching the container. Any low hanging tree branches must be removed.

Section 16: Refuse Disposal.

- a. All disposal of refuse shall be by a method or methods in accordance with requirements of State and Local law and shall include the maximum practicable rodent, insect and nuisance control at the place or places of disposal.
- b. It shall be unlawful for any person, except those authorized by the County, to regularly haul or transport refuse upon the streets and public ways of the County.
- c. It shall be unlawful for any person intentionally or carelessly to throw, cast, put into, drop or permit to fall from a vehicle and remain in any street, gutter, sidewalk or public places any stones, gravel, sand, coal, garbage, leaves, lawn or hedge clippings or refuse of any kind

or any other substance which shall render such highway unsafe or unsightly or shall interfere with travel thereon.

- d. It shall be unlawful for any person to burn papers, boxes, dry rubbish, or similar materials except as permitted by the Department and controlled so as to not create smoke or odor nuisance. The responsible authority will regulate hours of burning.

Section 17: Vehicles; Covering of Contents. It is unlawful for any person to haul, convey, or transport through or upon any of the public streets any refuse or solid waste in open trucks, open trailers, or other open conveyances, unless such waste is covered completely with a heavy tarp, canvas, or other acceptable material subject to the approval of the Department. Each vehicle must be so covered at all times when the vehicle is being used for the collection of, or carrying, transporting, or hauling of solid waste and is being driven for a distance of five (5) blocks or more without making a planned stop.

Section 18: Residential Containers. The containers are numbered and assigned to specific addresses. If the assigned container is stolen, damaged, or otherwise leaves the premises, the property owner will be held responsible for the cost of replacement.

Section 19: Construction and Demolition Materials. The Department will not pick up construction and demolition Materials. Any materials resulting from the construction or demolition of any building, public or private, must be taken directly to the Landfill.

- a. Any person who possesses a building permit within Rich County must have on the construction site a truck, trailer or roll-off dumpster to be used to transport construction waste to the Landfill.
- b. It is unlawful to place any construction or demolition material in any container or dumpster to be collected by the Department.

Section 20: Loading Containers.

- a. All refuse must be placed inside containers. Refuse on the outside of containers will not be collected.
- b. All household garbage must be placed in garbage bags.
- c. Containers must not be overfilled. Any refuse that will not fit inside the Container must be taken to the Landfill.

Section 21: Penalties. Any person who shall violate any provision of this Ordinance, upon conviction shall be punished by a fine of not more than \$1000.00 or by imprisonment for not more than thirty (30) days. Each day's failure to comply with any such provisions shall constitute a separate violation.

Section 22: Conflicting Ordinances. All other Ordinances of Rich County that are in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 23: Severability Clause. If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining part of this Ordinance.

Section 24: Effective Date. This Ordinance shall be effective fifteen (15) days after publication.

7-1-15

Date:

Rebecca Peort

Attest

By the Rich County Commission

William E. Co
Chairman

Thomas J. Weston
Commissioner

Norman A. Weston
Commissioner