

Ordinance 2018-01

TOWN OF DUTCH JOHN GARBAGE / WASTE DISPOSAL

AN ORDINANCE ESTABLISHING REQUIREMENTS FOR DISPOSAL OF GARBAGE AND SOLID WASTE AND PROVIDING FOR THE ASSESSMENT AND COLLECTION OF FEES FOR RESIDENTIAL COLLECTION SERVICES AND PROHIBITING CERTAIN CONDUCT AND SETTING PENALTIES FOR MAINTAINING A NUISANCE.

WHEREAS, The Town Council finds that the improper disposal of garbage and solid waste and other forms of refuse within the Town of Dutch John adversely affects the health, welfare and safety of the residents and visitors of the town; and

WHEREAS, It is necessary and appropriate to determine and establish a procedure and regulations for the lawful disposal of waste within the town and for the collection of fees for services provided to town residents; and

WHEREAS, It is reasonable and necessary in the public interest that a means be established for recovering the cost of collection services and for nuisances which must be abated by the town; and

WHEREAS, The Town Council desires to prevent adverse effects and thereby protect the health, safety and welfare of its Citizens and preserve and enhance the quality of life, preserve property values and character of neighborhoods and deter the spread of litter and of garbage and conditions that are unsafe, unhealthy, unsightly or otherwise obnoxious and odious to other residents and visitors of the community; and whereas improper disposal of waste adversely affects the environment and the health safety and welfare of the community; and,

WHEREAS, The Town has contracted for and provided for residential collection of solid waste, generated by residents of the Town place town and it is reasonable and proper that all residences within the town be required to utilize said collection services and to pay fees to defray the costs of such services; and whereas violation of the regulations relating to disposal of solid waste, and improper or unlawful disposal of solid waste within the town constitutes a nuisance which should be punished as a Class C Misdemeanor.

WHEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DUTCH JOHN, STATE OF UTAH AS FOLLOWS:

DEFINITIONS

2018-01-01 PURPOSE

For the purpose of this ordinance, the following terms shall have the meanings ascribed to them:

DISPOSAL:

The discharge, deposit, injection, dumping, spilling, leaking, burning or placing of any solid wastes or hazardous wastes into or on any land or water.

HAZARDOUS WASTE:

A solid waste, or combination of solid wastes which, because of its quantity, concentration or physical, chemical or infectious character, may pose a threat to human health, safety or welfare, or to animal, plant life or property, when improperly treated, stored, transported, disposed of or otherwise managed.

PROPERTY OWNER:

The person or entity listed in the tax records of Daggett County as the owner of the land.

PERSON:

An individual, family, trust, firm, joint stock company, corporation (including government corporation), partnership, association, state, municipality, commission or political subdivision of the state, or any interstate body, whether organized for profit or not.

SOLID WASTE:

Any garbage- waste matter, trash, refuse, sludge or discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from residential, industrial, commercial, mining or agricultural activities and from community activities, but does not include solid or dissolved materials in domestic sewage or in irrigation return flows or discharge for which a permit is required under Utah Code Annotated, as amended.

GARBAGE:

Means and includes kitchen and table refuse and also every accumulation of animal waste, vegetable waste and other matter that attends the preparation, consumption, decay or storage of meat, fish, fowl, fruits and vegetables.

WASTE MATTER:

Means and includes crockery, bottles, tin cans, trimmings from lawn and gardens, pasteboard boxes, rags, paper, cold ashes, sawdust shavings and packing material; but not including rocks, dirt, lawn sod, fence posts, wire, building materials and building or demolition waste, hot ashes or coals, bulky scrap metal (scrap iron or steel), oil, gas or paint, acid-type batteries, dead animals, car bodies and parts, furniture and major household appliances.

SOLID WASTE FACILITY:

Any land, facility or appurtenances thereto used for the treatment or disposal of solid wastes, including hazardous wastes.

2018-01-02 DISPOSAL OF SOLID WASTE

A. Use of Approved Sites: It shall be unlawful for any person to dispose of any solid waste at any site or facility within the Town limits except those sites approved by the Town. It shall be unlawful for any person to dispose of any solid waste in any manner within the Town limits except those approved by the Town. Commercial businesses not served by Town collection must contract for or arrange for disposal in an approved facility and must transport in covered containers.

B. Utilize Collection Service: All persons having charge of or occupying any property in the Town shall make all solid waste created or collected on said property available for collection and disposal on a regular basis in accordance with the terms hereof and with such ordinances, rules and regulations as the Town council shall make, and shall be liable for fees charged in connection with such collection and disposal.

2018-01-03 ACCUMULATION IN CONTAINERS

A. Use of Containers: No person shall permit the accumulation for more than two (2) weeks in or upon his premises of any solid waste. Solid waste shall not be placed or kept out of doors except in covered containers. When provided by the Town or the Contractor all residential garbage and waste matter to be collected shall be placed in a covered storage container provided by the hauler or the Town. Containers shall be placed at curb side no later than 7:00 a.m. on the day of collection and if multiple containers are used at any one residence, such containers shall be placed three (3) feet from each other.

2018-01-04 COLLECTION OF WASTE

A. Service Provided by Town or Contract: The Town may provide for the weekly collection and disposal of residential waste and refuse either by a department of the town or by contract with one or more duly licensed contractors and shall establish and notify all property owners and occupiers within the town of such rules and regulations as deemed necessary concerning the manner and frequency of collection and methods of disposal.

B. Mandatory Service; User Fees: All residential property in the Town shall be served under such provisions as are adopted, containers will be provided by the Town or the Contractor and the entire costs shall be paid through user fees.

C. Placement of Containers for Collection: Persons served shall be responsible for taking containers to the street for collection and shall take in empty containers within twenty-four (24) hours after collection. Responsibility to containment, clean up and proper disposal of spills or overflow of trash onto the street shall rest with the property owner.

D. Use of Dumpster: A 30-yard dumpster is provided to accommodate disposal of certain large, non-hazardous waste. Kitchen garbage and animal waste are prohibited from this dumpster service. This service is provided for Town residents only and is paid through the

user fees billed to each Town resident. It shall be unlawful for any person to dispose of any waste in this container who is not a resident of the Town. Private contractors and businesses must make prior arrangements with the Town or provide their own means of waste collection and disposal.

E. Disposal at Solid Waste Facility: The disposal of all solid waste shall be at an approved and designated solid waste facility and in accordance with the rules and regulations now and hereinafter established for said facility.

2018-01-05 FEE SCHEDULE

A. Schedule Adopted by Town Council: A schedule of fees shall be adopted by the Town Council for the collection and disposal of solid waste, which schedule shall be filed with the Town Recorder and may be amended from time to time.

B. Monthly Payments; Service Discontinued for Nonpayment: Said fees shall be collected monthly as part of the residential trash billing and shall be paid by all persons who have the service available to them. Failure to pay fees will result in the discontinuance of residential trash service and may result in collection action against the property owner. A late payment penalty of \$10.00 per month shall be added to all accounts that are more than 59 days past due. The property owner and the occupant shall be liable for all costs of collection including all court costs and attorney fees.

2018-01-06 BURNING UNLAWFUL

It shall be unlawful to burn any solid waste within the corporate limits of the Town except as permitted by Town ordinance and by rules and regulations of the fire department.

2018-01-07 PENALTY

Failure to comply with the provisions as set forth in this ordinance shall be deemed a nuisance, punishable as a class C misdemeanor and, upon conviction thereof, subject to penalty as provided by law.

Effective Date. This ordinance shall become effective immediately upon publication or posting as set forth by State law. A notice of enactment of the ordinance shall be posted on the public notice website.

Passed and approved this _____ day of _____, 2018.

Attest: _____ Mayor _____
Town Recorder

Certificate of Posting/Publication

I, _____, the duly appointed and acting recorder for the Town of Dutch John, Utah, hereby certify that a copy of the Ordinance No. 2018-01 was posted in 3 public places, within the town on this _____ day of _____, 2018.

Town Recorder

Passed and approved this 23 day of July, 2018.



Attest: Harriet Dickerson Mayor William Rogers
Town Recorder

Certificate of Posting/Publication

I, Harriet Dickerson, the duly appointed and acting recorder for the Town of Dutch John, Utah, hereby certify that a copy of the Ordinance No. 2018-01 was posted in 3 public places, within the town on this 27 day of July, 2018.

Harriet Dickerson
Town Recorder