

TITLE 13. GARBAGE AND REFUSE

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Chapter 1. Collection of Garbage

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13-1-1. Definitions.

(1) **Approved Garbage Containers.** Approved garbage containers consist of 90-gallon containers for residents and of 90, 300, or 400-gallon containers for park pickup and other city uses, are molded from Phillips Marlex, C1-100, cross-linked, high-density polyethylene. These containers are designed specifically for automated collection, and have permanently attached, tight-fitting lids.

(2) **Commercial Solid Waste.** Garbage, rubbish, trash, food wastes, etc. resulting from the normal activities of commercial users.

(3) **Commercial User.** An enterprise, not a residence, such as a business, association, corporation, manufacturer, hotel, motel, resort, multi-family dwelling of more than four units, governmental or public entity, church, etc.

(4) **Community Waste.** Lawn cutting, clippings from bushes and shrubs, leaves and trees and tree branches.

(5) **Residence.** An occupied dwelling unit such as a home, trailer, or multi-family dwelling of four or less units, not including hotels, motels, or mobile home trailer parks. Each unit of a multi-family dwelling shall be considered a separate residence for purposes of billing.

(6) **Residential Solid Waste.** Garbage, rubbish, trash, food wastes, etc. resulting from the normal activities of households.

History: 12/89

13-1-2. Creation of Collection Department. There is hereby established the Clinton City Municipal Solid Waste Collection Department and System, directed and controlled by the city council.

History: 5/62, 9/84, 12/89

13-1-3. Contract. (1) The city shall grant a contract to an independent contractor to operate a solid waste collection and sanitary disposal pickup route within the city upon the terms and conditions as the city council shall require by contract.

(2) The holder of such contract shall be answerable to the city council for the conduct and operation of solid waste disposal. In the event of a complaint upon the part of any user of the solid waste collection system, the holder of the contract shall be entitled to a hearing before the city council prior to the revocation of any such contract.

History: 5/62, 9/84, 12/89

13-1-4. Residential Collection. (1) The municipality or its agent shall collect, remove and dispose of all residential solid waste, the removal of which is not otherwise provided for by the establishment or institution as herein provided. All solid waste 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 section, no solid waste shall be moved or hauled away or transported upon the streets or public ways of the municipality except by the municipality 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 section, to haul or remove solid waste in the municipality.

(3) Commercial establishments, public or quasi-public

institutions and establishments creating commercial solid waste may remove commercial solid waste themselves or may employ the services of authorized contractors to remove commercial solid waste. Authorized solid waste haulers must apply for and receive a business license to operate within the city, and written authorization from the city to do so. Haulage of solid waste must be done in the manner, at 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. Additionally, establishments as defined above may request the city to provide solid waste collection services. The city may provide for collection of commercial solid waste and will set a fee schedule and collection route to facilitate such service.

(4) Nothing contained in this section shall preclude persons from hauling their own solid waste or community waste over the streets and alleys of the municipality as the city council may authorize.

(5) Nothing in this section shall be construed as eliminating the charge made for solid waste service.

History: 12/89

13-1-5. Service Charge. (1) All residents within the municipality shall pay monthly solid waste service charges in the amount set forth by resolution of the city council.

(2) 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 recorder for no solid waste collection charges during the continued vacancy of the premises.

(3) The mayor, with the consent of the city council, may excuse needy persons who are not reasonably capable of paying the monthly charge for residential collection of solid waste from the payment of the residential rate for such period of time as may be deemed proper or necessary.

History: 5/62, 9/84, 12/89

13-1-6. Payment Method. (1) The solid waste service charges above imposed by this section shall be added to the charge made for water furnished through the water system of the municipality and shall be billed and collected in the same manner as water service charges are billed and collected.

(2) In the event that the obligee for the water service charges and the obligee for the solid waste 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 solid waste service charges may be collected with such frequency and in such manner as the city council shall, by regulation, provide. The garbage service charges approved by resolution shall be added to the charge made for water furnished through the water system of the municipality and shall be billed and collected in the same manner as water service charges are billed and collected.

History: 9/84, 12/89

13-1-7. Accumulation of Solid Waste Prohibited. It shall be unlawful for any person to accumulate solid waste or cause solid waste to be deposited upon any street or alley or upon any premises in the city without express permission from the city health officer. The health 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 health officer may designate and under such restrictions as the city council may by regulation impose. Additionally, the health officer may grant to any person permission for sorting, bailing and marketing trade waste upon premises properly equipped and maintained.

History: 9/84, 12/89

13-1-8. Containers. (1) All solid waste to be collected by the city from residential users shall be placed only in approved containers as defined in Section 13-1-1. Solid waste to be collected by the city by residential users is to be placed only in containers issued to them by the city and use of containers issued to others for solid waste disposition is prohibited. All other solid waste not collected by the city shall be placed in suitable and sufficient garbage receptacles, either receptacles with tight-fitting lids or properly and sufficiently treated water resistant paper bags manufactured specifically for use in solid waste collection.

(2) All residential users within the city shall be issued one approved container by the city. Title to containers furnished by the city to residential users shall be retained by the city and the payment made by the residents therefore shall be rental for the use thereof.

(3) Users renting containers furnished by the city, or having custody thereof, shall keep the container free from destructive or decorative markings, shall maintain the original color thereof, and shall keep the inside of said containers clean and free from build-up of fungus

or bacteria or any other type of contaminant that causes odors or facilitates deterioration of the inside or outside of such containers. Users shall be responsible for containers and shall not be negligent in the use of the containers.

(4) Residential users shall report to the city, or authorized garbage hauler, any damage to or malfunctioning containers that limit their usefulness for receipt of garbage or refuse so that the same may be returned to the supplier for repair or replacement pursuant to the supplier's warranty covering the same.

(5) 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.

(6) Containers furnished by the city are issued to specific users by number and are nontransferable. Upon discontinuance of use by a resident, containers shall be returned to the city.

History: 5/62, 9/84, 12/89

13-1-9. Additional Containers. (1) Should a residential or commercial user determine an additional can is necessary to provide for their needs, a request may be made to the city for an additional container or containers.

(2) Additional containers will be provided to a user at an additional charge per month which charge shall be set by resolution of the city council. Such charge shall be incurred for a minimum of four (4) months.

(3) At such time the user determines the additional container or containers are no longer needed, the city may be contacted for return of the containers. The additional charge shall be dropped from the monthly billings upon return of the containers provided the four months minimum has been met.

(4) Additional containers will be available subject to availability of the containers to the city. Provision of initial containers to new residents will take priority over additional cans.

History: 12/89

13-1-10. Closing of Garbage Containers Required. Approved containers shall not be overfilled to the extent that the contents may be spilled during the process of pickup and dumping into the garbage collection vehicle. All solid waste not deposited for

pickup by the city shall be placed in rainproof 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.

History: 12/89

13-1-11. Time and Place of Pickup. (1) All solid waste collection by the city shall be placed on the edge of the street next to the driveway on the opposite side of the driveway approach from the mailbox, but in no event within ten feet of a mailbox, and with the container's wheels as close to the curb as reasonably possible, with the hinge thereof to curbside and the lid opening facing toward the street. When snow or street construction prevents placing of the container against the curb, the container shall be placed not over two feet from the edge of said snow or construction and in a manner that will not obstruct traffic or unduly impede the snow plowing activities of the city. In areas of the city where there is no curb or gutter, containers shall be placed off of the traveled portion of the street, but close enough to the street that the container can be picked up without undue difficulty.

(2) Containers shall not be placed or permitted to block driveways or through traffic.

(3) 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 6:00 a.m. on the day of collection.

(4) All empty containers or garbage 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.

(5) Those physically unable to wheel containers to curbside may arrange with the city recorder for proper pickup.

(6) It shall be unlawful to park a vehicle upon a public street within the city during the hours of garbage pickup on said street in a manner that interferes with access thereto by the garbage collection vehicle.

History: 12/89

13-1-12. Disposal of 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 public ways of the municipality, 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 solid waste collection and disposal service. In the event community waste disposal service should require a charge to be made by the municipality, the determination of the charge will be made by the city council.

History: 12/89

13-1-13. Burning of Refuse Prohibited. It shall be unlawful for any person to burn garbage, market waste, manure, or other refuse or rubbish in the open air or in any furnace or stove within the municipality unless expressly allowed by state regulations or county health and burning ordinances.

History: 12/89

13-1-14. Dumping Refuse Prohibited. It shall be unlawful for any person to place, deposit, or dump garbage, ashes, market waste, paper boxes, cartons, trade waste, manure or night soil, or any other refuse upon any lot within the municipality 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.

History: 12/89

13-1-15. Transportation of Garbage into the City Prohibited. (1) No person, firm, corporation, or association shall bring into the city from beyond the corporate boundaries thereof any refuse, trash, garbage, or other debris, for the purpose of having it picked up and disposed of by the city solid waste collection department.

History: 5/62, 9/84, 12/89

13-1-16. Residential or Commercial Waste Prohibited in Public Containers. It shall be unlawful for residential and commercial users to deposit residential or commercial solid waste in public containers designated for public users on public property.

History: 12/89

13-1-17. 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 city 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 said District shall direct.

History: 12/89

13-1-18. Regulations. The city may adopt such regulations as, in its opinion, are necessary to implement this section and its objectives.

History: 12/89

Chapter 2. Garbage Dumps and Disposal of Refuse and Litter

13-2-1. Garbage Dumps Prohibited.

13-2-2. Littering of Garbage or Refuse.

13-2-3. Transportation of Garbage, Refuse or Litter.

13-2-4. Definitions.

13-2-5. Penalty.

13-2-1. Garbage Dumps Prohibited. (1) It shall be unlawful for any person, firm, or corporation to establish, create, institute, or maintain any garbage, refuse, or litter dump, landfill or any type of garbage, or refuse disposal of any kind or nature whatsoever within the corporate limits of the city without first having filed with the city council a written application for a permit to establish, maintain, and operate any such garbage dump.

(2) If any such garbage dump is established, then the city council shall fix by resolution or on that basis only the fees for licensing of such garbage dump. Nothing herein shall be construed as requiring the city council to issue such a license, it being expressly declared that the intent and purpose of this act is to prohibit the establishment of garbage dumps except in narrow situations in which the health, peace, and safety of the inhabitants of the city would not be jeopardized.

History: 5/62, 9/84

13-2-2. Littering of Garbage or Refuse. It shall be unlawful for any person, firm, or corporation to throw, discard, leave or deposit or in any manner dispose of any garbage, refuse or litter of any kind or nature whatever upon, in, or about any public street, alley, roadway, or in, or upon any public or private property within Clinton City.

History: 9/84

13-2-3. Transportation of Garbage, Refuse or Litter. It shall be unlawful for any person, firm, or corporation to transport, haul, or convey any garbage or refuse or litter upon, over, or across any of the public streets of the city without the conveyance being used being covered in a manner approved by the city council, and no garbage shall be hauled in any manner as to scatter, lose, or place the same upon the streets of the city.

History: 9/84

13-2-4. Definitions. (1) **"Garbage"** means waste from the preparation, handling, storing, cooking or consumption of food and food products.

(2) **"Refuse"** means 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.

History: 8/84

13-2-5. Penalty. Any violation of the provisions of this title shall be a class C misdemeanor.

History: 9/84