

**TITLE 10
FIRE, HEALTH, SAFETY AND
WELFARE.**

CHAPTER 10-400. GARBAGE AND LITTER.

Part 10-410. Garbage Regulation.

10-411. Definitions.

(1) Commercial Solid Waste means garbage, rubbish, trash, food wastes, etc. resulting from the normal activities of Commercial Unit/Users.

(2) Commercial Unit/Users means an enterprise, such as a business, commercial, industrial, institutional, association, corporation, manufacturer, hotel, motel, resort, governmental entity other than Tremonton City, church, school, any development or facility that has a dumpster. Multi-family dwelling complexes that have dumpsters are considered Commercial Units for purposes of this Agreement. A Commercial Unit shall also be any development that City staff determine to have characteristics similar to the criteria contained herein.

(3) Garbage means the animal and vegetable waste or food refuse resulting from handling, preparing, cooking or consumption of food, which is associated with normal activities of a Residential Unit.

(4) Green Waste means organic landscape materials such as lawn cutting, clippings from bushes and shrubs, leaves from trees, and tree branches.

(5) Hazardous Waste means any chemical, compound, mixture, substance or article which is designated by the United States Environmental Protection Agency or the State of Utah Department of Environmental Quality to be "hazardous" as that term is defined by or pursuant to Federal, State or local law.

(6) Non-processible Waste means goods and materials which are not Residential Solid Waste and/or are prohibited by the Solid Waste Disposal Facility including the following items:

- (a) Any combustible materials (gasoline, alcohol, diesel, gun powder, etc.)
- (b) Hazardous Waste of any kind
- (c) Any material that, when incinerated, conducts electricity
- (d) Explosives
- (e) Medical or pathological wastes
- (f) Animal or human body part or remains
- (g) Any waste materials with free-draining liquids
- (h) Large home appliances such as stoves, refrigerators, freezers, washing machines, tumble dryers, dishwashers, and air conditioners.

(i) Waste materials and rubble resulting from construction, remodeling, repair or demolition operations on houses, buildings, structures, pavements, etc.

(j) Large metal objects of any kind

(k) Large sealed containers of any kind

(l) Motor vehicles or related parts

(m) Any item exceeding two (2) feet by two (2) feet by five (5) feet in dimension and or waste that is not capable of being contained in the Residential Solid Waste Containers and/or cannot be picked up by automated collection vehicles, including items such as appliances, furniture, large tree branches, lawn sod, Christmas trees, etc.

(n) Wood having a cross section exceeding nine (9) inches or five (5) feet in length

(o) Any material that is on fire or smoldering

(p) Commercial Solid Waste as defined herein

(q) Animal, vegetable, or mineral wastes derived from the commercial preparation or packaging of foodstuffs.

(7) Recycle Waste means rubbish that can be recycled excludes Green Waste, but includes clean and dry paper and cardboard, recyclable plastics, metal, aluminum, and other waste categories acceptable to the Recycle Sort and Transfer Facility.

(8) Recycle Sort and Transfer Facility means a legally permitted facility wherein Recycle Waste is sorted into like materials and thereafter transferred to another entity for recycling.

(9) Residential Solid Waste Container means a container provided by the City or its independent contractor designed specifically to hold Residential Solid Waste and be emptied by an automated collection truck.

(10) Residential Recycling Container means a container provided by the City or its independent contractor designed specifically to hold Recycling Waste and be emptied by an automated collection truck.

(11) Residential Solid Waste means garbage, Green Waste, and Rubbish produced by or associated with the normal activities of Residential Unit.

(12) Residential Unit means an occupied dwelling unit which includes but is not limited to a single-family detached dwelling, multi-family attached dwellings, multi-family stacked dwellings, multi-family twin home, accessory dwelling units, or a dwelling unit that is not considered a Commercial Unit. A Residential Unit shall also be any development that City staff determine to have characteristics similar to the criteria contained herein. Multi-family dwelling complexes that have dumpsters are considered

Commercial Units for purposes of this Agreement. Each unit of a multi-family dwelling shall be considered a separate residence for purposes of billing.

(13) Rubbish means all solid waste except Garbage, Hazardous Waste, and Non-processible Waste including; including but not limited to ashes, bedding, cardboard, paper, wood, cans, metal, glass, crockery, rubber, plastic, leather, rags, and Green Waste.

(14) Solid Waste Disposal Facility means a legally permitted landfill or burn facility wherein Residential Solid Waste is disposed in accordance with federal and state laws.

10-412. General Regulations on Garbage, Rubbish, Non-processible Waste, Hazardous Waste.

(1) Unlawful Accumulation of Waste means it shall be unlawful for any person to accumulate Garbage, Rubbish, Non-processible Waste, or Hazardous Waste at a Residential Unit or Commercial Unit/User (unless the Commercial Unit/User is specifically allowed such use by zoning regulations).

(2) Unlawful Disposal of Non-processible Waste or Hazardous Waste means it shall be unlawful for any person to dispose of Non-processible Waste or Hazardous Waste in a Residential Solid Waste Container or Residential Recycling Containers.

(3) Unlawful Burning of Waste means it shall be unlawful for any person to burn Garbage, Rubbish, Non-processible Waste, or Hazardous Waste in the open air or in any furnace or stove within the City.

(4) Unlawful Dumping means unless specifically allowed by zoning regulations, it shall be unlawful for any person to place, deposit, or dump any Garbage, Rubbish, Non-processible Waste, or Hazardous Waste upon a lot within the City limits whether such lot is occupied or vacant and whether such person so placing, depositing or dumping such waste is the owner, tenant, occupant or lessor thereof.

(5) Regulations means the City Council may adopt such regulations as are necessary to implement this Part and its objectives.

(6) Violations mean any violation of 10-412 shall be subject to the fine amount and severity of punishment contained in the City's Consolidated Bail Schedule, adopted by Resolution of the City Council.

10-413. Residential Solid Waste Collection. The City or its independent contractor shall cause to be collected and disposed of on a weekly basis all Residential Solid Waste from all Residential Units within City limits. The City or its independent contractor shall dispose of Residential Solid Waste at a Solid Waste Disposal Facility. Nothing contained in this section shall preclude persons from hauling their own Residential Solid Waste over the streets and alleys of the City so long as the persons ensure that

there is no spillage of the Residential Solid Waste upon public ways of the City.

10-414. Recycle Waste Collection. The City or its independent contractor shall cause to collect and dispose of on a basis as determined by the City Council Recycle Waste from all Residential Units within City limits that have elected to have such a service. The City or its independent contractor shall dispose of Recycle Waste at a Recycle Sort and Transfer Facility. Nothing contained in this section shall preclude persons from hauling their own Recycle Waste over the streets and alleys of the City so long as the persons ensure that there is no spillage of the Recycle Waste upon public ways of the City.

10-415. Independent Contractor's Exclusive Right. If the City uses an independent contractor to collect and dispose of Residential Solid Waste or residential Recycle Waste the City may grant to the independent contractor, within the City's corporate limits, the sole and exclusive right or franchise, for the collection and disposal of the aforementioned waste from the curbside of Residential Units. If the City grants an exclusive right for the collection and disposal of Residential Solid Waste or residential Recycle Waste it shall thereafter be unlawful for any entity to provide Residential Solid Waste or residential Recycle Waste disposal services within the City limits.

10-416. Commercial Unit/User's Waste. The City shall determine the type of receptacles, such as curbside containers or dumpsters, to be used for the collection of solid waste or recycling for Commercial Users. Commercial Unit/Users shall cause their own Commercial Solid Waste and Recycle Waste to be collected and disposed of on a frequent basis.

10-417. Residential Solid Waste Containers & Residential Recycle Waste Containers.

(1) Ownership of Residential Solid Waste Containers. Owners of Residential Units are required to purchase the solid waste containers when applying for a building permit for a new Residential Unit, with Tremonton City retaining ownership of the container. Property owners of Residential Units that request an additional can are required to pay for the purchase costs of the additional solid waste container, with Tremonton City retaining ownership. All Residential Solid Waste Containers shall remain the property of the City or its independent contractor.

(2) Ownership of Recycle Waste Containers. The City or its independent contractor shall provide to all Residential Units that have elected to have recycling services a Residential Recycle Waste Container. All Residential Recycle Waste Containers shall remain the property of the City or its independent

contractor.

(3) Residential Solid Waste and Recycle Waste. All Residential Solid Waste and Recycle Waste shall be placed in a Residential Solid Waste Container and Residential Recycling Container, respectively.

(4) Closure of Container Lid. Persons shall close the lid of Residential Solid Waste Containers and Residential Recycling Containers so as to prevent offensive odors or flies. Persons shall be required to collect or clean up waste that escapes a Residential Solid Waste Container or Residential Recycling Container.

(5) Time and Place of Pickup. Residential Solid Waste Containers and Residential Recycle Waste Containers shall be placed on a street at or near the Residential Unit. Residential Solid Waste Containers and Residential Recycle Waste Containers shall not be set out upon the street for collection prior to the evening of the day before collection. All emptied Residential Solid Waste Containers and Residential Recycle Waste Containers shall be removed from the street as soon as practicable after being emptied, and in every case, shall be removed from the street the same day they are emptied.

10-418. Service Charge.

(1) Service Charge for Residential Solid Waste. All occupants of Residential Units within City limits shall pay a service charge for the collection and disposal of Residential Solid Waste as adopted by rate resolution by the City Council. Service charges shall apply to all occupants of Residential Units whether or not they elected to haul their own Residential Solid Waste. Occupants who shall vacate their Residential Unit for a time and have their water turned-off by the City may, prior to their leaving, have their Residential Solid Waste service temporarily discontinued by contacting the City Office and requesting their Residential Solid Waste Container be picked up.

Service Charge for Recycle Waste. All occupants of Residential Units within the City limits that elect to have Recycle Waste collection and disposal service shall pay a service charge for said service as adopted by rate resolution by the City Council. (Ord. No. 13-09)

Part 10-430. Litter - Handbills.

10-431. Definitions. For the purposes of this part:

(1) Authorized Receptacle means a public or private litter storage and collection receptacle.

(2) Commercial Handbill means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter or literature:

(a) Which advertises for sale any merchandise, product, commodity, or thing;

(b) Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest in sales thereof;

(c) Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purpose of private gain or profit. However, the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind, when either the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order, provided that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any kind without a license, where such license is or may be required by any law of this state, or under any Ordinance of this City; or

(d) Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as advertiser or distributor.

(3) Garbage means waste from preparation, cooking, or consumption of food, condemned food products and all refuse and waste from the handling, storage, preparation and sale of produce. Garbage originates primarily in kitchens, stores, markets, restaurants, hotels and other places where food is handled, stored, sold, cooked or consumed.

(4) Litter means Garbage, Refuse, and Rubbish as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety, welfare or appearance of the City.

(5) Newspaper means any newspaper of general or local circulation or any periodical or current magazine regularly published with not less than four issued per year, and sold to the public.

(6) Non-Commercial Handbill means any printed or written matter, any sample, or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or

otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper.

(7) Park means a park, reservation, playground, beach, recreation center or any other public area in the City, owned or used by the City.

(8) Refuse means all putrescible and non-putrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, and solid market and industrial wastes.

(9) Rubbish means non-putrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, wrapping, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

(10) Vehicle means every device in, on, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively on stationary rails or tracks.

10-432. Litter in Public Places. No person shall throw or deposit litter in or on any street, sidewalk or other public place except:

(1) In authorized receptacles for collection or in official municipal garbage dumps, or

(2) For collection as authorized by the City Council.

10-433. Placement of Litter in Receptacles So as to Prevent Scattering. Persons placing litter in authorized receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements on any street, sidewalk or other public place or on private property.

10-434. Sweeping Litter into Gutters Prohibited Except as Otherwise Authorized by the City Council. No person shall sweep into or deposit in any gutter, street or other public place the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

10-435. Merchants' Duty to Keep Sidewalks Free of Litter. No person owning or occupying any place of business shall sweep into or deposit in any gutter, street or other public place the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business shall keep the sidewalk in front of their business premises free of litter.

10-436. Litter Thrown by Persons in Vehicles. No person, while a driver or passenger in a vehicle, shall throw or deposit litter on any street or other public place, or on private property

10-437. Truck Loads Causing Litter. No person shall drive or move any truck or other vehicle unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited on any street, alley or other public place. Nor shall any person drive or move any vehicle or truck, the wheels or tires of which carry onto or deposit on any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matters of any kind.

10-438. Litter in Parks. No person shall throw or deposit litter in any park except in authorized receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements on any part of the park or on any street or other public place. Where authorized receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

10-439. Litter in Lakes and Fountains. No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or any other body of water in a park or elsewhere.

10-440. Throwing or Distributing Commercial Handbills in Public Places. No person shall throw or deposit any commercial or non-commercial handbill in or on any sidewalk, street or other public place. Unless otherwise authorized by the City Council, it is unlawful for any person to hand out, distribute or sell any commercial handbill in any public place, provided, however, that it shall not be unlawful on any sidewalk, street, or other public place for any person to hand out or distribute, without charge to the receiver thereof, any non-commercial handbill to any person willing to accept it. Violation of this Ordinance shall be subject to the fine amount and severity of punishment contained in the City's Consolidated Bail Schedule, adopted by Resolution of the City Council.

10-441. Placing Commercial and Non-commercial Handbills on Vehicles. Unless otherwise authorized by the City Council, no person shall throw or deposit any commercial or non-commercial handbill in or on any vehicle, provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof a non-commercial handbill to any occupant of a vehicle who is willing to accept it.

10-442. Depositing Commercial and Non-commercial Handbills on Uninhabited or Vacant Premises. No person shall throw or deposit any commercial or non-commercial handbill in or on any

private premises which are temporarily or continuously uninhabited or vacant.

10-443. Prohibited Distribution of Handbills Where Properly Posted. No person shall throw, deposit or distribute any commercial or non-commercial handbill on any private premises.

10-444. Distributing Commercial and Non-commercial Handbills at Inhabited Private Premises. No person shall throw, deposit or distribute any commercial or non-commercial handbill in or on private premises which are inhabited, unless such handbills are properly packaged and placed on private property in such a manner so as to prevent their being carried or deposited by the elements on any street, sidewalk, or other public place or on private property. It shall be necessary to obtain a permit from the City Recorder prior to the distribution of commercial handbills. Fees for said permit shall be subject to the amount contained in the City's Consolidated Fee Schedule, adopted by Resolution of the City Council. (Ord. No.97-11 and 08-14.1)

10-445. Exemption for Mail and Newspapers. The provisions of this part shall not apply to the distribution of mail by the United States, nor to newspapers except that newspapers shall be placed on private property in such a manner so as to prevent their being carried or deposited by the elements on any street, sidewalk, or other public place or on private property.

10-446. Posting Notice Prohibited. No person shall post or affix any notice, poster or other paper or device calculated to attract the attention of the public, to any lamp post, public utility pole or shade tree, or on any public structure or building, except as may be authorized or required by law.

10-447. Litter on Occupied Private Property. No person shall throw or deposit litter on any occupied private property, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements on any street, sidewalk or other public place or on any private property.

10-448. Litter on Vacant Lots. No person shall throw or deposit litter on any open or vacant private property whether or not owned by such person.

10-449. Handbills and Posters.

(1) No person or business shall post, stick, paint or otherwise fix, or cause the same to be done by any

person, any notice, placard, bill, card, poster, advertisement or other paper or device calculated to attract the attention of the public, upon any sidewalk, curb, or any other portion or part of any public way or public place or any lamp post, electric light, telegraph, telephone or railway structure, hydrant, shade tree or tree-box, or upon the columns, trusses, girders, railings, gates or other parts of any bridge or other public structure or building, or upon any pole, box or fixture of the fire alarm or police telegraph system, except such as may be authorized or required by the laws of the United States, or State, and the Ordinances of this City.

(2) It shall be unlawful to distribute indiscriminately to the public by leaving at houses or residences in the City any cards, circulars, handbills, samples of merchandise, or any advertising matter whatsoever without having first secured a permit therefor. This section shall not be construed to apply to the sale of articles by licensed peddlers.

(3) Applications for such permit shall be made to the Recorder and shall contain a statement of the nature of the article, cards or advertisement to be distributed, the name of the applicant and the name of the manufacturer or distributor of such article or service advertised.

(4) Licenses shall be issued only to persons of good character. The Chief of Police shall make or cause to be made an investigation into the character of each applicant and shall report the results thereof to the Recorder before any such license is issued.

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