

CHAPTER 3. GARBAGE COLLECTION AND SOLID WASTE MANAGEMENT

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8-3-1. Purpose.

This Chapter is for the purpose of providing a systematic collection, transportation, storage, processing, recovery and disposal system for all solid waste generated within Tooele City. This Chapter is also intended for the purpose of protecting and providing for the health, safety, comfort and convenience of Tooele City and its inhabitants.
(Ord. 1993-18, 10-01-1993)

8-3-2. Definitions.

(1) "Approved garbage containers" means those containers specifically provided by the City for residential use, which containers are designated specifically for automated garbage collection and have permanently attached, tight fitting lids.

(2) "City" means Tooele City.

(3) "Commercial solid waste" means solid waste resulting from the normal activities of commercial users.

(4) "Commercial user" means an enterprise, not a residence, such as a business, association, corporation, manufacturer, hotel, motel, resort, governmental or public entities and churches, etc.

(5) "Mobile home park" means property under single ownership or management used for occupancy by mobile homes.

(6) "Person" means a person, firm, partnership, association, corporation, company or organization of any kind.

(7) "Residence" or "residential user" mean a building or dwelling comprising not more than three dwelling units designed for separate housekeeping tenements and where no business of any kind is conducted except such home occupations as are allowed by the

zoning ordinance of Tooele City. "Residence" includes condominiums but does not include hotels, motels, and mobile home parks.

(8) "Residential solid waste" means solid waste resulting from the normal activities of households and residential use.

(9) "Solid waste" means all putrescible and nonputrescible materials or substances discarded or rejected as being spent, useless, worthless, or in excess to the owner's needs at the time of discard or rejection, including garbage, refuse, industrial and commercial waste, and waste which constitutes solid waste as defined in 40 C.F.R. Part 258, the Criteria for Municipal Solid Waste Landfills ("Part 258") which includes household waste, commercial solid waste or industrial solid waste (as such terms are defined in Part 258), or other types of waste governed by subtitle D of the Resource Conservation and Recovery Act, and solid waste within the meaning of the Solid Waste Management Act, Title 19, Chapter 6, Part 5, Utah Code Annotated 1953, as amended, including demolition and construction debris.

(10) "Solid waste disposal contractor" means a person or persons engaged in the business of collecting, hauling or transporting through the streets of Tooele City, any solid waste for disposal or for any other purpose.
(Ord. 1993-18, 10-01-1993)

8-3-3. Residential collection.

(1) Except as provided for herein, all occupied residences within Tooele City shall be provided with mandatory solid waste collection, removal and disposal services and approved garbage containers by the City or its designated agent. All residential solid waste generated within the City shall be transported and delivered to a City-designated and approved solid waste disposal facility.

(2) Except as otherwise expressly permitted by this Section, no residential solid waste shall be moved, hauled away or transported upon the streets or public ways within the City except by the City or their designated agents. It is hereby declared to be unlawful for any person, except as permitted in this Section, to haul or remove residential solid waste within or from the City. Nothing contained in this Section shall, however, preclude persons from hauling their own residential solid waste over the streets or public ways within the City to a City-designated solid waste disposal facility, provided that person is regularly paying the City for collection services.
(Ord. 1993-18, 10-01-1993)

8-3-4. Commercial collection.

Except as provided for in this Section, commercial users shall collect and remove their own commercial solid waste that is generated within the City, either directly or by employing the services of a City-licensed contractor. All commercial solid waste generated within the City shall be transported and delivered to a City-designated and approved solid waste disposal facility. Owners or operators of small commercial enterprises, including mobile home parks that produce solid waste in amounts

comparable to typical residences may, with City approval, participate in the City's solid waste collection system on the same basis as residential users, provided they are located in an area that receives residential solid waste collection services and provided it makes satisfactory arrangements with the City to pay for said services, which may include periodic payment for services or inclusion of the fees with the Tooele City utility bill in the same manner as residential collection fees are assessed and collected.

(Ord. 1993-18, 10-01-1993)

8-3-5. Residential collection contract.

(1) The City may grant a contract to an independent contractor to operate a residential solid waste collection and sanitary disposal pickup service within the City upon such terms and conditions as the city council shall require by contract. 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 determine appropriate.

(2) The holder of any City collection contract shall be answerable to the city council and City Engineering Department for the conduct and operation of solid waste collection and disposal services.

(Ord. 1993-18, 10-01-1993)

8-3-6. Residential solid waste collection fees.

(1) Each owner or occupant of real property located within the City which has one or more residences located thereon shall be billed and assessed on a monthly basis charges for collection, removal and disposal services for residential solid waste and fees for City-provided approved garbage containers. Such charges and fees shall be established by resolution of the city council and shall be billed and collected by the City finance department as a part of the regular billing and collection system of Tooele City. This shall include the collection of delinquent fees.

(2) Fees for garbage pickup and can rental may be terminated only when a responsible party requests in writing that Tooele City terminate all of its utility services to the affected property.

(3) In the event that a responsible party fails or neglects or refuses to pay any fee as required by this Chapter, the City may at its discretion and after notice, terminate its utility service to the affected residence or institute a civil action to recover the delinquency, together with interest at the rate of 18% per annum and a reasonable attorney's fee.

(4) It shall be unlawful for any owner or occupant to fail to pay any fee required by this Chapter or required by a resolution adopted pursuant to this Chapter, or to seek to avoid the payment of fees legally owed.

(Ord. 1993-18, 10-01-1993)

8-3-7. Garbage containers and rental fees.

(1) Solid waste shall be collected by the City or its agent from residential users only in containers approved and issued to them by the City. The use of any other type

of containers or the use of approved containers issued to another residence is unlawful and prohibited. All other solid waste not collected by the City shall be placed in suitable and sufficient garbage receptacles, either with tight fitting lids or durable water resistant containers manufactured specifically for use in solid waste collection.

(2) Every residential user shall be issued at least one approved garbage 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 therefor shall be rental for the use thereof. Rental fees for containers shall be established by resolution of the city council. Rental fees for garbage containers may be prorated for any part of a month that water service is supplied. Garbage container rental fees shall be charged and collected in the same manner as the charge for solid waste collection services.

(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 container. 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 solid waste so that the same may be returned to the supplier for repair or replacement if they are covered by warranty, or for repair or replacement by the City or its agent.

(5) Containers shall not be removed from the premises that they have been assigned to. The owner, lessee, or occupant of each residence shall be held responsible for each container issued to that residence. No hot ashes or flammable or explosive materials shall be deposited in a garbage container. A purchase fee, based on the cost to the City at the current rate, will be charged to anyone who damages, removes, or loses a garbage container from the property that the container has been assigned to. The purchase fee may be added to the collection fees and collected in the same manner.

(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 or its designated agent.

(Ord. 2024-05, 03-20-2024) (Ord. 1993-18, 10-01-1993)

8-3-8. Additional containers.

(1) Should a residential user determine that an additional container is necessary, 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 months.

(3) At such time the user determines the additional

container or containers are no longer needed, the user shall return said container(s) to the City at which time the additional charge will be deleted from the billing provided the four months minimum has been met. If an additional container is not returned to the City, charges for such container shall continue on a month-to-month basis until returned.

(4) Additional containers may be rented subject to availability of the containers to the City. Providing initial containers to new residents will take priority over providing additional containers to residents who already have been issued one container.

(Ord. 1993-18, 10-01-1993)

8-3-9. Time and place of pickup.

(1) All residential solid waste containers 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 or edge of the road 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) Unless 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 7:00 a.m. on the day of collection.

(4) All empty containers 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 make arrangements with the City for assistance.

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

(Ord. 1993-18, 10-01-1993)

8-3-10. Closing of garbage containers required.

No garbage containers shall be overfilled to the extent that the lid does not remain firmly closed at all times or to such an extent that the contents may be spilled during the process of pickup and dumping into the garbage collection vehicle.

(Ord. 1993-18, 10-01-1993)

8-3-11. Accumulation or disposal 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 or the County Health Department. No person shall for the purpose of final disposal dump, place or bury any solid waste within the incorporated areas of the City. No person shall for the purpose of final disposal, burn solid waste within the incorporated limits of the City except burning for agricultural purposes and then only when approved by the City or the County Health Department. All solid waste generated within Tooele City shall be transported and delivered to a Tooele City designated and approved solid waste disposal facility.

(Ord. 1993-18, 10-01-1993)

8-3-12. Unlawful use of solid waste containers.

It shall be unlawful for commercial users to deposit commercial solid waste in residential containers. It shall be unlawful for residential users to deposit residential solid waste in any commercial user's solid waste containers.

(Ord. 1993-18, 10-01-1993)

8-3-13. Covering of vehicles required. (Repealed.)

(Ord. 2020-14, 04-15-2020) (Ord. 1993-18, 10-01-1993)

8-3-14. (Renumbered to Section 3-1-29)

8-3-15. Regulations.

The city council or city engineering department may adopt such regulations from time to time as, in its opinion may be necessary to implement the provisions of this Chapter.

(Ord. 1993-18, 10-01-1993)

8-3-16. Civil Penalty.

(1) Any violation of this Chapter shall be punishable by a civil penalty of \$100.

(2) Each day of violation shall be a separate violation subject to an additional civil penalty.

(Ord. 2020-10, 04-15-2020) (Ord. 1993-18, 10-01-1993)

8-3-17. Unlawful to allow garbage to accumulate.

It shall be unlawful for any person to allow garbage or other refuse to accumulate upon the premises occupied by such person.

(Ord. 2016-03, 01-20-2016) (Ord. 1967-3, 08-14-1967)

8-3-18. Befouling gutters and ditches.

It shall be unlawful for any person to sweep or deposit any paper or other rubbish in any gutter or ditch within the garbage district.

(Ord. 2016-03, 01-20-2016) (Ord. 1967-3, 08-14-1967)

8-3-19. Dumping of garbage and waste.

It shall be unlawful for any person to dump, deposit, leave or cause or permit to be dumped, deposited or left, any garbage or offensive material, vegetable waste, or any other waste food products, animal by-products, ashes, or

any other refuse or waste material, except at such times and places as may be designated by the Mayor in accordance with the terms of this chapter.
(Ord. 2016-03, 01-20-2016) (Ord. 1967-3, 08-14-1967)

8-3-20. Dumping of refuse in designated areas.

No refuse, ashes or like waste material shall be dumped or deposited at any place within the city, except at the city disposal area or such places as shall be designated by the Mayor as authorized disposal areas, and all such dumping shall be done in accordance with the rules and regulations established by the Mayor.
(Ord. 2016-03, 01-20-2016) (Ord. 1967-3, 08-14-1967)

8-3-21. Appeals.

A person subject to a civil penalty for violation of this Chapter may appeal the penalty within 10 calendar days as provided in Chapter 1-28 (Administrative Hearing Officer).
(Ord. 2020-10, 04-15-2020)