ORDINANCE 2001-4

AN ORDINANCE AMENDING TOOELE COUNTY CODE TITLE 7, SOLID WASTE MANAGEMENT

NOW, THEREFORE, BE IT ORDAINED BY THE TOOELE COUNTY COMMISSION AS FOLLOWS:

SECTION I - PURPOSE. This ordinance is for the purpose of amending Tooele County Code, Title 7 pursuant to staff recommendations.

SECTION II - AMENDMENT. Title 7 of the Tooele County Code is amended to read as attached hereto, which attachment is by this reference made a part hereof.

SECTION III - REPEALER. Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION IV - EFFECTIVE DATE. This ordinance shall become effective 15 days after its passage provided it has been published, or at such publication date, if more than 15 days after passage.

IN WITNESS WHEREOF, the Tooele County Commission, which is the legislative body of Tooele County, passed, approved and enacted this ordinance this 2nd day of January 2001.

ATTEST:

DENNIS D. EWING, Clerk

TOOELE COUNTY COMMISSION

TERYL HUNSAKER, Chairman

COUNTY OF TOOELE COUNTY CLERK SEAL STATE OF UTAH

Commissioner Hunsaker voted aye
Commissioner White voted aye
Commissioner Rockwell voted aye

APPROVED AS TO FORM:

DOUGLAS J. AHLSTROM
Tooele County Attorney

TITLE 7

SOLID WASTE MANAGEMENT

CHAPTER 1

SOLID WASTE MANAGEMENT AND REGULATIONS

7-1-1. Purpose.

This title is for the purpose of providing a systematic collection, transportation, storage, processing, recovery and disposal system for all solid waste generated within the unincorporated areas of Tooele County. It is also for the purpose of protecting and providing for the health, safety, comfort and convenience of Tooele County and its inhabitants.

7-1-2. Definitions.

As used in this title:

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

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

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

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

(5) "Residence" means an occupied building or dwelling unit such as a home, mobile home, condominium or multi-family dwelling including apartments designed for separate housekeeping tenements, and where no business is conducted except approved home occupations, but not including hotels, motels, and mobile home parks. Each unit of a multi-family dwelling shall be considered a separate residence for purposes of billing and the administration of this title.

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

(7) "Residential user" means an adult occupying or owning a residence.

(8) "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 disposal 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, which includes household waste, commercial solid waste or industrial solid waste as such terms are defined in that part, or other types of waste governed by Subtitle D of the Resource Conservation and Recover 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.

(9) "Solid waste disposal contractor" means a person or persons engaged in the business of collecting, hauling or transporting through the streets

of Tooele County, any solid waste for disposal or for any other purpose.

7-1-3. Creation of solid waste management department.

There is hereby created a department of solid waste management, which shall be directed and controlled by the county commission. The department shall administer this title and may adopt such regulations necessary to implement it.

7-1-4. Residential collection.

(1) Except as provided herein, all residences within Tooele County shall be provided with mandatory solid waste collection, removal and disposal services and approved garbage containers by the county or its designated agent. All residential solid waste generated within the county shall be transported and delivered to a Tooele County 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 except by the county or incorporated municipalities 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 county. However, nothing contained in this section shall preclude persons from hauling their own residential solid waste over the streets or public ways to a Tooele County designated solid waste disposal facility, provided that person is regularly paying the county or a municipality for collection services.

(3) If residential users located along the Deep Creek Mountain Range are not provided collection services by the county because of the high costs of providing such services in this remote area, such residential users shall be exempt from mandatory solid waste collection and the removal provisions of this chapter. However, each residential user in this remote area shall haul their own residential solid waste to a county-designated and approved landfill at least once each week and shall pay the same fees in the same manner as other residential users who are provided collection services and containers by the county. The higher costs to provide a separate landfill for these remote areas has been determined to provide sufficient justification to assess the same fee as other residential users without providing collection garbage containers and collection services.

7-1-5. Commercial collection.

Except as provided in this section, commercial users shall collect and remove their commercial solid waste generated within the county, either directly or by employing the services of a county-licensed contractor. All commercial solid waste generated within the county shall be transported and delivered to a Tooele County designated and approved solid waste disposal facility. Owners or operators of small commercial enterprises situated in remote locations of Tooele County, including mobile home parks, that produce solid waste in amounts comparable to typical residences may, with county approval, participate in the county'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 county to pay for such services, which may include periodic payment for services or inclusion of the fees with the ad valorem taxes on the real property upon which the commercial activity is located, in the same manner as residential collection fees are assessed and collected.

7-1-6. Residential collection contract.

The county may grant a contract to an independent contractor to operate a residential solid waste collection and sanitary disposal service within the county upon such terms and conditions as the county commission shall require. All solid waste shall be collected, removed and disposed of with such frequency and in such manner as the county commission may from time to time determine appropriate.

7-1-7. Residential solid waste collection fees.

(1) Each owner of real property that is encumbered by one or more residences shall be assessed annually the fees for collection, removal and disposal services for residential solid waste and fees for county-provided garbage containers. Such fees shall be billed regularly and collected by the department of solid waste management.

(2) If a residence remains vacant for an entire month, the owner, lessee, or occupant of the residence

or real property upon which the residence is situated, shall make arrangements in advance with the county so that no solid waste collection fees are charged for that month. Solid waste collection fees shall be assessed for the entire month if the residence is occupied at any time during that month.

(3) The county commission may excuse on a case-by-case basis needy persons who are not reasonably capable of paying the fee for residential collection of solid waste or container fees for such period of time as deemed proper or necessary.

(4) Twelve percent interest shall be charged on delinquent residential solid waste collection fees that are delinquent over 30 days. Payments received shall first be applied to accrued interest, then to the delinquent principal.

(5) Fees left delinquent over 90 days shall become a lien against the owner's real property. Such delinquent fees shall be billed and collected by the treasurer as a part of the regular ad valorem property tax notice, billing and collection system of Tooele County.

(6) It shall be unlawful for any owner or occupant to fail to pay any fee required by this title or to seek to avoid the payment of fees legally owed.

7-1-8. Garbage containers and rental fees.

(1) Solid waste shall be collected by the county or its agent from residential users only in containers approved and issued to them by the county. 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 county 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 county. Title to such containers shall be retained by the county. The payment made by residents shall be rental for the use of the containers. Rental fees for containers shall be established by resolution of the county commission. Rental fees for the first container shall be incurred for a minimum of one month for each month or part thereof that a residence is occupied. Rental fees shall be charged and collected in the same manner as the service charge for solid waste collection services.

(3) Users renting containers furnished by the county, 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 the containers clean and free from build-up of fungus, bacteria or any other type of contaminant that causes odors or facilitates deterioration of the 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 county, 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 for repair or replacement.

(5) Containers lost or missing through no fault of the user thereof shall be replaced by the county without charge, but users shall exercise due care to protect containers against loss through theft or misappropriation. Containers shall not be removed from the premises that they have been assigned to. The owner, lessee or occupant of each residence shall be 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 county at the current rate, will be charged to anyone who damages or removes 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 county are issued to specific users by number and are non-transferrable. Upon discontinuance of use by a resident, containers shall be returned to the county or its designated agent.

7-1-9. Additional containers.

(1) Residential users may request the county provide additional garbage containers. Containers will be provided for use at an additional charge per month. That charge shall be set by resolution of the county commission. Such charge shall be incurred for a minimum of four months.

(2) When the user determines the additional containers are no longer needed, the user shall return the containers to the county 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 county, charges for such container shall continue on a month-to-month basis until it is returned.

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

7-1-10. 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 the snow or construction and in a manner that will not obstruct traffic or unduly impede snow plowing. Where there is no curb or gutter, containers shall be placed off 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) 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 county for assistance.

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

7-1-11. 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.

7-1-12. 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 county without express permission from the county or the county health department. No person shall for the purpose of final disposal dump, place or bury any solid waste within the unincorporated areas of the county. No person shall for the purpose of final disposal, burn solid waste within the unincorporated limits of the county except burning for agricultural purposes and then only when approved by the county health department. All solid waste generated within Tooele County shall be transported and delivered to a Tooele County designated and approved solid waste disposal facility.

7-1-13. 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.

7-1-14. Covering of vehicles required.

It shall be unlawful for any person to haul, convey or transport through or upon any of the public streets open solid waste in any truck, trailer or other conveyance, unless covered or contained completely in such a manner that no solid waste is capable of leaving the container or conveyance. If a vehicle or other conveyance arrives at an approved solid waste disposal facility that is not covered or contained as required by this section, the regular gate fee shall be doubled.

7-1-15. Penalty.

Any person, firm or corporation who violates the terms of this chapter by any act of omission or commission shall be deemed guilty of a class C misdemeanor and upon conviction thereof may be sentenced to pay a fine not exceeding $750.00 and to imprisonment in the Tooele County Jail not exceeding 90 days or by both such fine and imprisonment.

CHAPTER 2

FEES

Section

7-2-1. Fees.

The fees for garbage container rental and collection and disposal of permitted material at county-designated and approved solid waste facilities shall be set by resolution of the county commission.

7-2-2. Payments.

(1) Unless prior arrangements are made with the Department of Solid Waste Management to pay solid waste disposal fees on a monthly basis, all fees shall be paid at the time of the use of the solid waste facility. Users who request to pay fees on a monthly basis shall sign an agreement supplied by the Department of Solid Waste Management.

(2) All municipalities that use a Tooele County designated and approved solid waste facility and that have their solid waste collected under a municipal contract or that collect their own residential solid waste shall, in conjunction with their hauler, directly pay Tooele County the appropriate tipping fee. Payments shall be submitted to Tooele County within 30 days of receipt of monthly billings.

(3) Individuals or companies may contract with Tooele County to pay fees on a monthly basis. The terms of payment shall be as stated in the contract.

7-2-3. Failure to timely pay.

(1) If any municipality, person or company fails to pay the fees within the time periods allowed, a late fee of $50.00 shall be charged in addition to the delinquent amount, plus interest at the rate of 1½% per month. If Tooele County initiates legal action to collect delinquent fees, late fees or interest charges, the county shall be entitled to recover a reasonable attorney's fee, plus all costs of the action.

(2) Any municipality, person or company who has failed to pay fees within 45 days of the due date or who fails to comply with any other provision of this title, may be denied access to the solid waste facility. Anyone aggrieved of a decision restricting access to the solid waste facility may within ten days request in writing to have the decision reviewed by the county commissioner responsible for the facility, whose decision shall be final.

7-2-4. Community cleanup.

(1) The county commissioner responsible for the solid waste facility may designate a specific time period during which county residents may use the facility without paying a tipping fee, provided all other applicable regulations are complied with.

(2) Persons or organizations who provide community service cleanup projects in Tooele County may haul at any time all of the solid waste they collect to the solid waste facility without paying a tipping fee, provided they receive prior written approval from the county commissioner responsible for the facility or a designee.

7-2-5. Repealed
7-2-6. Repealed.
7-2-7. Repealed.

CHAPTER 3

LANDFILLS RECEIVING WASTE ORIGINATING FROM OUTSIDE OF TOOELE COUNTY

Section

7-3-1. License.

All non-hazardous waste landfills that bring waste in from locations outside Tooele County shall only be permitted by the issuance of a non-hazardous waste landfill license. A non-hazardous waste landfill license shall be issued for a period of five years. Such licenses may be renewed upon receipt and review of a

new application. All such landfills shall be subject to the county's policies, standards, requirements, and procedures regulating and controlling their location, expansion and operation.

7-3-2. Application.

Each application for a non-hazardous waste landfill license shall be submitted to the county zoning administrator. A copy of the application that is submitted to the State of Utah, and the approved conditional use permit shall accompany the application. Submission of an application does not constitute an assurance or presumption that such use will be approved. Each application shall be evaluated on an individual basis in relation to its compliance with the standards and conditions set forth in this chapter and with the standards set by the State of Utah.

7-3-3. Review and inspections.

(1) Upon receipt of a complete application along with the required fees, the zoning administrator shall notify the environmental health division of the county health department and the director of the solid waste management of the application. A application review meeting shall be scheduled where the applicant and a representative of the environmental health and the director of the solid waste management shall attend.

(2) The application review meeting shall also include a site visit by the zoning administrator, environmental health and the director of the solid waste management along with the applicant.

(3) Within ten working days of the review meeting or the site visit, whichever is later, the environmental health division of the county health department and the director of the solid waste management shall submit a written findings and conditions to the zoning administrator.

(4) Upon receipt of the findings and conditions, the zoning administrator may issue the non-hazardous waste landfill license. Any conditions issued in the license cannot be contrary to those issued by the planning commission in the conditional use permit. When there are conflicting conditions those which are more restrictive shall prevail.

(5) At any reasonable time and upon presentation of appropriate credentials, the zoning administrator, environmental health and the director of the solid waste management may enter any waste facility and inspect the property, records, monitoring systems, activities and practices, or waste being handled for the purpose of ascertaining compliance with this chapter and the approved plan of operation for the facility. The inspector may:

(a) conduct monitoring or testing, or collect samples for testing, to verify the accuracy of information submitted by the owner or operator or to ensure that the facility is in compliance. The owner or operator may request split samples and analysis parameters on any samples collected by the inspector;

(b) use photographic equipment, video camera, electronic recording device, or any other reasonable means to record information during any inspection; and

(c) cause notice of the results of any inspection to be sent promptly to the owner or operator of the facility if not left on site.

7-3-4. License renewal.

When a license is being renewed under this chapter, the process outlined in sections 7-3-2 and 7-3-3 shall be followed.

7-3-5. Fees.

(1) All licensed non-hazardous waste landfills shall pay to the county an inspection fee and host fee.

(2) The fees for a non-hazardous waste landfill license shall be set by resolution of the county commission.