

CHAPTER 7-12: GARBAGE COLLECTION AND DISPOSAL

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7-12-010. Definitions.

For purposes of this Chapter the following terms shall have the following meanings:

- (a) "Commercial Property" includes all property which is not a "dwelling unit" as defined in this Section.
- (b) "Dump" means to discard or relinquish control or possession of, and includes any act of littering.
- (c) "Dwelling unit" means a residential, single family dwelling and each separate apartment dwelling of a duplex, triplex or fourplex up to and including four apartments, and including upstairs, basement, garage or detached apartment or housing units. The term does not include apartment buildings of four or more units designed for separate households, commercial, manufacturing, or industrial property used for those purposes and also does not include condominium developments, planned unit developments, churches or other institutional users.
- (d) "Garbage" shall mean all waste and other objects or substances ordinarily or usually discarded by persons at private (as distinguished from commercial, manufacturing, or industrial) property units or dwelling units, except sewage, and animal or human body waste. The term shall also include rubbish, offal, refuse, trash, tree cuttings not exceeding three inches in width, shrub trimmings, and grass and weed clippings, as such words are commonly defined, and as the same are properly contained or bundled as provided herein or by regulations of the City. The word "garbage" shall not include tree branches and trunks, construction materials, lawn sod, and other materials not defined herein as garbage. These latter objects or substances shall be delivered by the owner of applicable property units to a sanitary land fill designated for such purpose.
- (e) "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, sludges from air or water control facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris, discarded automobiles and offal, but not including sewage and other highly diluted water carried materials or substances and those in gaseous form.
- (f) "Person" shall mean and include individuals, companies, firms, corporations, partnerships, trusts, associations or combination thereof.

7-12-020. Unauthorized Dumping and Accumulation.

- (a) City Land. No person shall dump garbage on any street or other real property owned by the City other than in containers provided for garbage disposal.
- (b) Private Land. No person shall dump garbage on real property owned by another person:
 - (1) Without the previously obtained consent of the person owning the property;

(2) Or even with such consent, if garbage thus dumped shall remain in such property in violation of any applicable federal, state or local law.

7-12-030. Garbage Services to be Provided.

The City shall provide garbage collection and disposal service for all dwelling units as defined herein within the boundary limits of the City. All persons owning or occupying commercial property and real property not otherwise herein provided for, shall remove such garbage in a manner which is consistent with these provisions and shall dispose of all Solid Waste as defined herein by delivering such waste for processing to the Davis County Solid Waste Management and Energy Recovery Special Service District.

7-12-040. Service Charge.

(a) Imposed. There is hereby levied and imposed upon the owner or owners of each dwelling unit served by the City (or its contractor or agent) in accordance with the preceding Section, a monthly service charge for each such dwelling unit. The City may place said service charge on a bill for other services.

(b) Late Charges. The City may also impose late charges and interest on any past due service charges or unpaid part thereof. Collection of said late charges may be effected through such action as the City may deem necessary including, but not limited to: termination and disconnection of water service to delinquent dwelling units; litigation in court of competent jurisdiction for collection; enforcement of penalties provided for; and/or other methods as the City may deem proper from time to time.

(c) Payment by Occupant. The owner or owners of the dwelling unit or units serviced are responsible for payment of the service charge or charges levied and imposed hereunder. However, an occupant or person in possession or control of a property unit other than the owner may pay the service charge and thereby cause a credit on the corresponding property, however, nothing herein shall relieve the property owner from responsibility for payment of charges imposed hereunder.

(d) Amount. The amount of the monthly service charge and all associated late charges and interest may be set or altered by resolution of the City Council.

7-12-050. Rules and Regulations.

The City may promulgate rules and regulations relating to garbage collection and disposal within the City in the manner and form provided in Title 2 of these Ordinances.

7-12-060. Containers.

(a) All garbage collected by the City or its contractor from dwelling units within the City shall be placed only in approved garbage containers which are the approved one hundred five (105) gallon containers furnished residential users by the City or its contractor and constructed of high-density polyethylene. Said containers are equipped with wheels and permanently attached, tight fitting lids. No garbage shall be collected unless it is placed in a garbage container approved by the City. Use of containers issued to others for garbage disposal is prohibited.

(b) All containers furnished for dwelling units shall be kept free from destructive or decorative markings and users 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 or substance that causes odor or facilitates deterioration of the inside or outside of such containers. Residential users and owners of dwelling units shall report any damage to or malfunctioning of the containers to the authorized garbage hauler. Residential users shall exercise due care to protect containers against loss through theft

or misappropriation. Upon discontinuance of use by the residential user, containers shall be returned to the owner thereof.

(c) Approved garbage containers shall not be overfilled to the extent that the contents may be spilled during the process of pick-up and dumping into the garbage collection vehicle. All garbage subject to garbage collection by the City or its Contractor 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 5 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. Containers must be placed to have clear access from the street to be picked up with the automated collection trucks. Users having two or more containers shall place each container at least two feet distant from the next container to allow proper pick-up. When snow or street construction prevents placing of the approved garbage 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. Containers shall not be placed or permitted to block driveways or through traffic. Unless otherwise provided by regulation, garbage 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 a.m. on the day of collection. All empty garbage 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. It shall be unlawful to park a vehicle upon a public street within the City during the hours of garbage pick-up on said street in a manner that interferes with access to garbage containers by the garbage collection vehicle.

7-12-070. Covering of Vehicles Required.

No person shall transport through or upon any of the public streets of the City, any garbage or other trash or material in open trucks, open trailers, or other open vehicles unless covered completely by a means capable of preventing the material transported from leaving the vehicle.

7-12-080. Spilling on Streets.

No person operating a motor vehicle shall permit to fall from such vehicle any garbage, trash, or refuse on any public street in the City.

