

Chapter 2

SOLID WASTE MANAGEMENT

4-2-1: DEFINITIONS, PURPOSE, AUTHORITY AND SCOPE:

A. Definitions: For the purpose of this chapter and unless defined in other sections, the terms, phrases and words shall have the following meanings:

ABANDONED VEHICLE: A vehicle is presumed abandoned if it is left unattended on a highway for a period in excess of twenty four (24) hours or on any public or private property for a period in excess of seven (7) calendar days without express or implied consent of the owner or person in lawful possession or control of the property.

AGRICULTURAL WASTE: The manure or crop residues from various agricultural pursuits, including, but not limited to, dairies and the raising of livestock and poultry; solid waste that results from the rearing and slaughtering of animals and the processing of animal products and orchard and field crops.

BULKY WASTE: Large items of solid waste, including, but not limited to, appliances, furniture, trees, branches and stumps. Items whose large size precludes or complicates handling by normal collection, processing or disposal methods.

CITY: The city of Green River, Utah.

COLLECTOR: Any person who collects or transports solid waste.

COMPACTION: The volume reduction of material under load.

COMPOST: Organic waste material that has biologically decomposed or is in the process of biologically decomposing under controlled conditions.

COMPOST PLANT: Any place or facility where composting occurs, except as provided in subsection 4-2-4H of this chapter.

COMPOSTING: The biological decomposition of organic waste under controlled conditions.

CONSTRUCTION AND DEMOLITION WASTE: Waste building materials and rubble resulting from construction, remodeling, repair or demolition operations on houses, commercial buildings, structures or pavements.

CONTAINER: City and collection agency approved metal, heavy duty paper, or plastic receptacles used for storage or disposal of solid waste.

COVER MATERIAL: Soil or other material used to cover compacted solid waste, which is free of objects that hinder compaction and free of content conducive to vector harborage, feeding or breeding.

DISPOSAL SITE: Any location, place, tract of land, or area, including any structure where solid waste is finally deposited.

DUST: Any particulate matter capable of being suspended in air.

FACILITY: Any structure, machinery, equipment or recycling, reclamation resource recovery, or processing facility, system or process used in the storage, collection, transfer, incineration, pyrolyzation, consolidation, segregation, treatment, conversion, utilization, processing, classification, volume reduction or disposal of solid waste.

GARBAGE: The animal and vegetable waste or food refuse resulting from handling, preparing, cooking or consumption of food.

GROUND WATER: Water occurring in the zone of saturation in any aquifer or soil.

HAZARDOUS WASTE: 1. Any solid waste or combination of solid wastes that, because of its quantity, concentration, physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitation reversible illness; or poses a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported, disposed or otherwise managed.

2. Any waste exempted or that does not meet the criteria as a hazardous waste under state or federal ordinances shall be exempted as a hazardous waste under this chapter.

HOUSEHOLD: The association of persons who live in the same dwelling, sharing its furnishings, facilities, accommodations and expenses.

HOUSEHOLD INCOME: All income received by all persons of a household in the calendar year next preceding the year in which a claim is filed.

INCOME: The sum of federal adjusted gross income as defined in the internal revenue code and all nontaxable income, including, but not limited to, the amount of capital gains excluded from adjusted gross income, alimony, support money, nontaxable strike benefits, cash public assistance and relief, the gross amount of any pension or annuity, including railroad retirement act benefits and veterans disability pensions, all payments received under the federal social security and state unemployment insurance laws, nontaxable interest received from the federal government or any of its instrumentalities, workers compensation, and the gross amount of "loss of time" insurance. "Income" does not include gifts from nongovernmental sources or surplus

foods or other relief in kind supplied by a public or private agency.

INDUSTRIAL WASTE: Any waste, either liquid, solid or gas, or any combination of these, resulting from any process of industry, manufacturing, trade, business, mining, agriculture, or the development of a natural resource.

INOPERABLE VEHICLE: Any automobile, truck, motor home or bus not currently registered and licensed in this state or another state, or in any of the following conditions that shall be considered unsightly or deleterious: dismantled; broken windows; flat or no tires; missing doors, fenders, hood or trunk; will not start; is not driveable; or any other condition that would result in the vehicle's failure to pass state inspection.

JUNK: Any salvaged or scrap copper, glass, iron, steel, metal, rope, rags, batteries, paper, wood, trash, plastic, rubber, tires, waste, dismantled, wrecked, or inoperable motor vehicles or parts or other articles or materials commonly designated as "junk".

LEACHATE: Liquid that has percolated through or drained from solid waste and contains extracted, dissolved or suspended material.

LITTER: Any quantity of uncontainerized paper, metal, plastic, glass or miscellaneous solid waste.

LITTERING: The wilful or negligent throwing, dropping, placing, depositing, or sweeping of solid waste onto any premises other than in approved storage container and sites.

MAYOR: The mayor of the city of Green River, Utah, or authorized representative.

MUNICIPAL SOLID WASTE: Household waste, commercial solid waste and nonhazardous sludge.

NUISANCE: Unlawfully doing an act that annoys, injures or endangers the comfort, repose, health or safety of any person, or that renders a person insecure in life or the use of property.

OPEN BURNING: A fire whose products of combustion are emitted directly into the open air without passage through a stack or chimney.

OPEN DUMP: Any disposal site that does not comply with this chapter.

OPERATOR: A person who owns, leases or manages a site or facility.

OWNER: Any person who, alone, jointly or severally with others has legal title to any premises, dwelling or dwelling unit, with or without accompanying actual possession thereof; or has charge, care or control of any premises, dwelling or dwelling unit, as legal or equitable owner, agent of the owner, lessee, or is an executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner.

PERSON: Any individual, public or private corporation and its officers, partnership, association, firm, trustee, executor of an estate, the state or its departments, institution, bureau, agency, county, city, political subdivision, or any legal entity recognized by law.

POLLUTION: The condition caused by the presence in the environment of substance of such character and in such quantities that the quality of the environment is impaired or rendered offensive to live.

PROCESSING: Any method, system or other treatment designed to change the physical form or chemical content of solid waste.

RECLAMATION FACILITY: A facility where solid wastes are stored, dismantled, segregated or reprocessed to recover salvageable materials for sale or reuse.

RECYCLING: The process by which recovered resources are transformed into new products in such a manner that the original products lose their identity.

RECYCLING FACILITY: Any place, plant or equipment designed and operated to store, collect, redistribute and return processed material to market.

REFUSE: Garbage, rubbish and other discarded material.

RESIDENTIAL SOLID WASTE: Refuse produced by or resulting from the normal activities of residential households, and excluding asphalt, concrete, dirt, rocks or other similar materials not normally associated with day to day residential household activities. Applicable to the solid waste from a building of four (4) or less separate residential units.

RESIDUE: All solids that remain after incineration, including grade siftings, ash and fly ash.

RUBBISH: All solid waste except garbage and hazardous waste, including, but not limited to, ashes, bedding, cardboard, paper, wood, cans, metal, glass, crockery, rubber, plastic, leather, rags and yard trimmings.

SALVAGING: The controlled removal of waste materials for utilization.

SANITARY LANDFILL: A site where solid waste is disposed of using sanitary landfilling techniques.

SCAVENGE: The uncontrolled removal of solid wastes from a site or facility at any point in solid waste management.

SEWAGE: Liquid or water carried wastes, or both, produced by any person, animals or fowl from residences, business building, institutions, industrial establishments, or

agricultural, recreational or other locations, including, but not limited to, septic tanks, privy vaults and cesspools, together with ground water, surface water and storm water.

SITE: Any place, tract of land or facility used for the storage, collection, transfer, conversion, utilization, processing, treatment, incineration, pyrolization, handling or disposal of solid waste.

SLUDGE: Any solid, semisolid or liquid waste having similar characteristics and effects, generated from municipal, commercial, industrial wastewater and water supply treatment plants, or air pollution control facilities.

SOLID WASTE: Garbage, junk, inoperable vehicles, refuse, trash, rubbish, residential solid waste, hazardous waste, special waste, industrial waste, construction and demolition waste, dead animals, manure or feces, sludge, liquid or semiliquid waste, asphalt other than that being used for hard surfacing, organic materials, and waste concrete or rock larger than twelve inches (12") in diameter, other spent, useless, worthless or discarded materials or materials stored or accumulated for the purpose of discarding materials that have served their original intended purpose; or waste material resulting from industrial, manufacturing, mining, commercial, agricultural, residential, institutional, recreational or community activities. "Solid waste" does not include solid or dissolved materials in domestic sewage or in irrigation return flows or discharges for which a permit is required under Utah Code Annotated title 28, chapter 11, as amended, or under the federal water pollution control act, 33 United States Code section 1251 et seq.

SPECIAL WASTE: Those wastes that are not considered hazardous, but may require complex or special management due to characteristics such as high moisture content or bulk.

STORAGE: The actual or intended containment of solid or hazardous waste either on a temporary basis or for a period of years in such a manner as not to constitute disposal of the waste.

TRANSFER STATION: A facility where solid waste is transferred from collection to haulage vehicles for transportation to another facility or site.

TRASH: Materials, including, but not limited to, garbage, construction or demolition debris, clothing, rags, yard trimmings or other refuse resulting from the conducting of any business, trade or industry.

USED OIL: Oil which has been refined from crude oil, used, and as a result of that use, contaminated by physical or chemical impurities.

USED OIL COLLECTOR: Any person who has obtained from the state of Utah a permit allowing the collection of used oil for resale to oil refining facilities or disposal by other methods approved by law.

WASTE CONTRACTOR: A person engaged in the business of collecting, hauling or transporting garbage, refuse, agricultural or hazardous waste, sewage, sludge, dead animals, bones or other solid waste.

WATER TABLE: The upper surface of the zone of saturation, if unconfined by an impervious formation, and that can be referred to in terms of elevation.

WORKING FACE: Any part of a disposal site where solid waste is being disposed and compacted prior to placement of cover material.

- B. Purpose: It is the purpose of this chapter to regulate the accumulation, storage, collection, transportation, processing, treatment, handling and disposal of solid wastes in a way that will protect and promote the public health, safety and welfare; prevent damage to property; prevent the spread of disease; prevent the creation of nuisances; and prevent air and water pollution.
- C. Jurisdiction Of City: All solid waste management activities which are enumerated in subsection B of this section shall be subject to the direction and control of the city.
- D. Powers And Duties: The city, by the mayor or the mayor's representative, shall be responsible for the administration of this chapter and any other powers vested in it by law and shall:
1. Require the submission of reports, plans and specifications for public or private facilities or sites as necessary to implement the provisions, requirements and standards of this chapter.
 2. Issue permits and charge fees as necessary to implement the provisions, requirements and standards of this chapter.
 3. Make inspections of any facilities or sites and issue orders as necessary to effect the purposes of this chapter.
 4. Take samples and make analyses of any solid waste or require the sampling and analysis of any such materials.
 5. Require and comment on any proposed contract or agreement between any district, city, county, governmental unit, or person for the handling, treatment, processing or disposal of any solid waste within the city.
 6. Do any and all acts permitted by law that are necessary for the successful enforcement of this chapter.

- E. Scope: It shall be unlawful for any person not to comply with any rule or regulation promulgated by the city, unless expressly waived by this chapter. (Ord. 8-13-02, 8-13-2002, eff. 8-13-2002)

4-2-2: PROHIBITIVE ACTS, EMERGENCY ORDERS AND CONDEMNATION:

- A. Prohibited Acts: Except as otherwise provided by law, it shall be unlawful for any person:

1. To dispose of any solid waste in any place except at a facility or site that has been approved by the city.
2. To operate a facility or site or engage in the business of waste contractor without a valid permit from the city, unless specifically exempted elsewhere in this chapter.
3. To deposit any solid waste upon any public or private property without the consent of the owner and approval of the city.
4. To construct, alter, operate or change the operating procedure of a site or facility without the corresponding permit or approval from the city.
5. To scavenge at a site.
6. To feed farm or domestic animals on an existing site, unless approved by the city.
7. To dispose of any solid waste in a way prohibited by any applicable laws.
8. To open burn, except as provided by law.
9. To create or operate an open dump.
10. To accumulate litter, store, collect, transport, transfer, treat, process, utilize, reclaim, recover, recycle, consolidate, incinerate or dispose of any solid waste contrary to this chapter or orders of the city.
11. To create, cause or allow insect or rodent propagation, conditions for transmission of disease, any unsanitary condition, or any other safety or public health hazards.
12. To accumulate litter, store, collect, transport, transfer, treat, process, utilize, reclaim, recover, recycle, incinerate or dispose of any solid waste in such a way that a nuisance is created.
13. To dispose of used oil, except through a used oil collector.
14. To discharge used oil into sewers, drainage systems, surface waters, ground waters or watercourses or deposit used oil on land, unless authorized under other provision of law.
15. To mix or commingle used oil with solid waste that is to be disposed of in landfills or otherwise by trash collection.

16. To apply used oil to road oiling, dust control, weed abatement or other similar uses that have the potential to release used oil into the environment.

- B. Emergency Orders: Whenever the city finds that an emergency exists requiring immediate action to protect the public health, safety or well-being, the mayor may issue an order declaring the existence of an emergency and requiring that remedial action be taken. The order shall be effective immediately, but on application to the city, the recipient of the order shall be granted a hearing within forty eight (48) hours before the mayor. On the basis of the hearing, and not more than twenty four (24) hours after adjournment of the hearing, the mayor shall revoke, modify or continue such order in effect.
- C. Prohibition Of Waste At Threatened Sites: The mayor shall prohibit waste from being accepted at any site or facility if there is a threat to the health, safety or welfare of the employees, the users of the site or facility, or the public.
- D. Condemning Or Closing A Facility Or Site:
1. Any facility or site that fails to meet the requirements of this chapter and has been found to be a threat to the public health, safety or welfare, may be condemned and closed by the city and designated by a placard posted in a conspicuous place.
 2. The city shall give notice in writing to the owner or operator of the facility or site condemned and closed.
 3. No facility or site that has been condemned, closed and placarded shall accept solid waste or be used for the accumulation, storage, treatment, handling, processing or disposal of solid waste until written approval is received from the city. The city shall remove the placard whenever, or if, the violation upon which condemnation, closing, and placarding were based has been remedied.
 4. No person shall deface or remove a placard from any facility or site that has been condemned and closed by the city.
 5. Any owner or operator affected by the condemning, closing and placarding of a facility or site may request a hearing within ten (10) calendar days of such action. The hearing shall be held before the city council within ten (10) calendar days after the request. Within ten (10) calendar days after the hearing, the city recorder shall send written notice to all parties of the decision of the city council and the reasons therefor. (Ord. 8-13-02, 8-13-2002, eff. 8-13-2002)

4-2-3: PERMITS AND BONDS:

- A. Building Permits Required:** A properly authorized building permit will be required for the construction of any facility or site. No construction building permit for a facility or site shall be issued without approval from the city.
- B. Operational Permit Required:** No business license for the operation of a facility, site or waste contractor shall be issued except upon the presentation of a signed inspection report from the city indicating that all facilities, site and vehicles to be used in handling solid waste have been inspected and approved by the city and an operational permit has been issued to the applicant for each vehicle to be used in such handling of solid waste. No person shall operate a facility or site without a corresponding valid operational permit from the city.
- C. Permit Exemptions:** The city may exempt a hazardous waste facility or site from the permit requirements if the facility or site is permitted under a hazardous waste program authorized by the state or the United States government, or both.
- D. Application Requirements:** Application for approval of a building permit for construction of a facility or site or an operational permit for operating a facility or site or engaging in the business of a waste contractor shall be in writing, setting forth the plans, specifications and reports as required in the applicable sections of this chapter. The city may prescribe the form on which the information required under this chapter shall be submitted. Applications shall be made within the following time periods:
1. For approval of a building permit for construction of a new facility, site or business, at least sixty (60) calendar days prior to the start of construction.
 2. For an operational permit to operate a new facility, site or business, prior to commencement of operation of the facility, site or business, one hundred twenty (120) days prior to the commencement of work to construct the facility; or for an operational permit to operate an existing facility, site or business, no later than one hundred eighty (180) calendar days after the effective date hereof.
- E. Issuance Of Business License:** Upon approval of the operational permit application and receipt of the bond as required in subsection K of this section, the city shall issue a business license. Such license shall expire on June 30 of each year following issuance, and be renewable within sixty (60) calendar days prior to the expiration date.

F. Operational Permit Fees: Operational permits shall be issued for two (2) year periods and may be renewed under the terms and requirements of this chapter. Each applicant shall pay a fee with the permit application of one thousand dollars (\$1,000.00) and agree to reimburse the city for all costs incurred by the city to review and consider the application as well as all costs incurred prior to the filing of the application to respond to the applicant concerning the site of the landfill.

1. Each operational permit shall require the payment of the operational permit fee no later than thirty (30) days after the end of each calendar quarter ending March 31, June 30, September 30, and December 31. The required fee shall be calculated based on the total tonnage of solid waste delivered to the facility for which the permit is issued during the calendar quarter prior to the date the fee payment is due. The fee payable shall be the amount of tonnage delivered to the permitted facility multiplied by the charges per ton as follows:

From the date construction starts and for the remainder of that municipal fiscal year in which construction starts, the fee will be ten thousand dollars(\$10,000.00).

Second municipal fiscal year, fifty cents (\$0.50).

Third municipal fiscal year, seventy five cents (\$0.75).

Fourth municipal fiscal year, one dollar (\$1.00).

After year four, an amount equal to five percent (5%) of the gross revenue from landfill operations or one dollar (\$1.00) per ton, whichever is greater.

2. For a waste contractor, the fee shall be eighty five dollars (\$85.00) per vehicle of ten (10) wheels or less; each trailer shall be considered as a vehicle.
3. A late fee of eight hundred twenty five dollars (\$825.00) shall be charged in addition to the permit fee for every business applying subsequent to the time periods specified in subsection D of this section.
4. No operational permit fee is refundable for any reason.

G. Fee Exemptions: The following exemptions shall be made to the permit fee requirement:

1. Governmental agencies applying for a permit may be exempted from paying the fee unless there is some rule or policy of that agency allowing for the payment of a fee.
2. With the approval of the city council, a volunteer special recycling collection center or resource recovery activity, including, but not limited to, paper, bottle and can drives or sites for disposal of inert wastes, may be issued a permit without cost or bond requirement, or both. Any approval provision shall not be construed as an exemption from complying with the requirements of this chapter.

3. Municipal solid waste originating in the city.

- H. Permit Not Transferable: No permit shall be transferable from one person to another, one site or facility to another, or one vehicle to another.
- I. Suspension Or Revocation: Construction approval of any permit issued pursuant to this chapter may be denied, suspended or revoked by the city council for any of the following reasons:
1. Failure of the reports, plans or specifications to show that the facility or site will be constructed, operated or maintained in accordance with the requirements and standards of this chapter.
 2. Submission of incorrect or false information in the application, reports, plans or specifications.
 3. Failure to construct, operate or maintain the facility, site or vehicles in accordance with the application, reports, plans and specifications approved by the city and the state.
 4. Operation of the facility, site or business in a way that causes or creates a nuisance or hazard to the public health, safety or welfare.
 5. Violation of any ordinances, restrictions or requirements adopted by the city.
 6. Violation of any condition upon which the permit was issued.
 7. Failure to pay the permit fee or post the surety bond.
 8. Failure to pay any deficiency in the required bond.
 9. Failure of the owner or operator of a facility or site to permit or allow the city to conduct inspections to determine compliance with this chapter.
- J. Hearing: If any permit is denied, suspended or revoked, the applicant may request a hearing within ten (10) calendar days of such action. The hearing shall be held before the city council within ten (10) calendar days after the request. Within ten (10) calendar days after the hearing, the city shall send written notice to all parties of the decision of the city council and the reasons therefor.
- K. Bond Required: Prior to the issuance of a permit, the applicant shall file with the city a surety bond in favor of the city to ensure operation, maintenance and closure of the facility or site in accordance with subsections 4-2-6G and H of this chapter.

1. Surety bonds submitted for sanitary landfills, land disposal sites and processing facilities shall be:

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| 0_15 tons/day maximum design capacity | \$ 5,000 .00 |
| 16_200 tons/day maximum design capacity | 10,000 .00 |
| 201_700 tons/day maximum design capacity | 15,000 .00 |
| 701 or more tons/day maximum design capacity | 20,000 .00 |

2. Each bond shall provide assurance for the operation or maintenance of a finished sanitary landfill, land disposal site or processing facility for a period of two (2) years after the landfill, disposal site or processing facility is completed or closed as provided in subsections 4-2-6G and 4-2-6H of this chapter.
3. Government operated facilities and sites are exempted from the surety bond requirement.

The city may exempt a hazardous waste facility or site from the bond requirements if the facility or site is bonded under a hazardous waste program authorized by the state or the United States government, or both. (Ord. 8-13-02, 8-13-2002, eff. 8-13-2002)

4-2-4: ACCUMULATION AND STORAGE OF WASTE:

- A. Accumulation Prohibited: It shall be unlawful for any person to accumulate, throw, discard, deposit, place, sweep, dump, conduct or allow any person to accumulate, throw, discard, deposit, place, sweep, dump or conduct any solid waste or litter into or upon any public place, private premises, street, road, alley, property abutting any alley, stream, well, spring, canal, ditch, gutter, lot or any other property or place, above or below ground level.
- B. Exceptions:
 1. This section shall not apply to waste thrown, deposited or placed in containers meeting the requirements of this chapter and provided for the person's use, or a facility or site approved by the city.
 2. This section shall not apply to spreading of manure or other materials upon the land for fertilizing or conditioning the soil, provided a nuisance or health hazard is not created.

3. This section does not preclude solid waste from being temporarily accumulated for immediate removal, if approved by the city.
 4. This section does not preclude the construction or operation of a compost pile, as provided in this section.
 5. This section does not apply to junk and scrap metal accumulated on the premises of a business enterprise lawfully situated and licensed for the same, if a nuisance or health hazard is not created.
- C. Abandoned Vehicles: It shall be unlawful for any person to abandon a vehicle upon any highway or public or private property without the express or implied consent of the owner or person in lawful possession or control of the property. For the purpose of this section, a vehicle shall be presumed to be abandoned if it is left unattended on a highway for a period in excess of twenty four (24) hours or on any public or private property for a period in excess of seven (7) calendar days without express or implied consent of the owner or person in lawful possession or control of the property.
- D. Accumulation Of Abandoned Vehicles: It shall be unlawful for any person to cause or permit any scrap metal, dismantled, junked, wrecked, abandoned or inoperable vehicles or vehicle parts to remain on any property or premises, unless in connection with a lawfully situated and licensed business or in an enclosed accessory structure such as a garage or barn, provided such building does not impose a threat to life safety, or a nuisance or health hazard and is constructed in accordance with all municipal ordinances and state building codes and zoning regulations at the time of the original building construction. Carports are not considered "enclosed" for the purpose of this chapter.
- E. Removal Of Abandoned Vehicles: Any abandoned or inoperable vehicle on private property and not owned by the property owner may be removed upon the property owner's request.
- F. Cleaning Vacated Premises: Any person vacating a dwelling, storeroom or any other structure or the immediate grounds shall remove all garbage, trash, and refuse and leave the property in a sanitary condition within twenty four (24) hours after vacating.
- G. Removal Of Dead Animals: It shall be unlawful for any owner of a dead animal to knowingly permit said dead animal to remain upon any public street or property or private premises. If the owner of the dead animal does not remove and properly dispose of it himself, or cause it to be properly removed and properly disposed of within twenty four (24) hours after receipt of notice from the city, the city may cause it to be removed and

disposed of and shall assess against the owner the actual costs of removal and disposal. The city may avail itself of all remedies at law to enforce removal, disposal and recovery of cost. If ownership of the dead animal cannot be determined, the owner of the property on which the dead animal is located shall be responsible for proper removal and disposal of the animal, and the assessing and recovering of costs shall apply to the property owner.

- H. Compost: A person may keep or maintain compost on his property for home gardening if the following requirements are met:
1. The compost shall be located and maintained to prevent the spread of disease, the propagation or harborage of insects or rodents, the creation of any odor or nuisance, or any other condition that might affect the public health, safety or welfare.
 2. The compost shall not be used or sold as a commercial product or used in any licensed business operation unless the requirements of approval, permits, and operation given in sections 4-2-3 and 4-2-6 of this chapter are complied with.
- I. Handbills And Leaflets: Every person distributing commercial handbills, leaflets, flyers, advertising or information material shall prevent these materials from littering public or private property.
- J. Containers Provided: To facilitate proper disposal of litter by pedestrians and motorists, public establishments and institutions shall provide adequate containers that are emptied and maintained in good condition and meet the prescribed standards in this chapter. The requirements shall be applicable, but not limited to, fast food outlets, shopping centers, convenience stores, supermarkets, service stations, commercial parking lots, mobile canteens, motels, hospitals, schools and colleges.
- K. Construction And Demolition Projects: It shall be unlawful for the owner, agent or contractor in charge of any construction or demolition project to cause, maintain, permit or allow to be caused, maintained or permitted, the accumulation of any litter on the site before, during or after completion of the construction or demolition project.
1. It shall be the duty of the owner, agent or contractor to have on the site adequate containers for the disposal of litter and to make appropriate arrangements for its collection or final disposition at an authorized facility.
 2. It shall be unlawful for the owner, agent or contractor in charge of any construction or demolition project to place, for city furnished bulky waste collection, waste from construction or demolition projects.

3. The owner, agent or contractor may be required by the city to show proof of appropriate collection, or if personally transported, of final disposition at an authorized facility.

L. Loading And Unloading Operations: Any owner or occupant of an establishment or institution where litter is attendant to the packing or unpacking or loading or unloading of materials at exterior locations shall provide suitable containers for the disposal and storage of such litter. It shall be the duty of such owner or occupant to remove at the end of each working day any litter that has not been containerized at exterior locations.

M. Keeping Property Clean:

1. It shall be the duty of the owner or occupant of property to keep property free of litter. This requirement applies not only to removal of loose litter, but to materials that are or become trapped at fence and wall bases, grassy and planted areas, borders, embankments or other lodging points.
2. The owner or occupant whose property faces on municipal sidewalks, strips between streets and sidewalks, or strips between such properties and streets shall be responsible for keeping those sidewalks and strips free of litter.
3. It shall be unlawful to sweep or push litter from sidewalks and steps into streets. Sidewalk and step sweepings shall be picked up and put into household or commercial solid waste containers.

N. Sanitary Storage Of Waste Materials Required: The owner or occupant of any premises, residence, business establishment, institution, industry or recreation area shall ensure that all solid waste generated by such premises or establishment is stored to prevent the attraction, harborage, or breeding of insects or rodents or both and eliminate conditions harmful to public health or that create safety hazards, odors or nuisances.

O. Sufficient Containers Required: Except as otherwise provided herein, each premises, residence, business establishment, institution, industry, construction or demolition project, or recreation area shall provide a sufficient number of containers meeting the requirements in subsections Q through T of this section, suitable for the type of material accumulated. The containers shall be sufficient to prevent overflowing and to accommodate all waste and litter accumulated between scheduled collections.

P. Automated Collection Solid Waste Containers:

1. All dwellings and commercial units shall utilize the city furnished automated collection solid waste containers.
2. It shall be unlawful to deface or otherwise damage city furnished automated collection solid waste containers.
3. The city may supply additional automated collection solid waste containers to dwelling and commercial units, upon written request, at the fees set forth in the consolidated fee schedule and for minimum time periods established by the city.

- Q. Containers Provided: No waste contractor shall supply to customers solid waste storage containers that do not meet the requirements of this chapter. The name and phone number of the waste contractor shall be legibly written on the container in letters at least one inch (1") high.
- R. Maintenance Of Containers: If a waste contractor furnishes storage containers, the contractor shall be responsible for maintaining the containers in clean and good condition unless they are furnished under other terms, conditions or agreements. The waste contractor shall plan and work with the property owner or occupant, or both, for placement of the storage containers to minimize traffic and other problems on the property and for the general public.
- S. Loading Of Containers: Automated collection solid waste containers shall not be packed tightly with solid waste such that the waste will not easily slide out of the container when emptied. Automated collection solid waste containers shall not be filled with residential solid waste weighing more than two hundred (200) pounds.
- T. Containers To Be Kept Closed: Containers shall be kept securely closed at all times except when placing waste in or emptying waste from the container. All containers, including nonreusable containers, shall be stored and securely closed to prevent insects, rodents and other animals from gaining access to the contents and to prevent littering. The city may exempt containers used for the storage of rubbish from the cover requirements of this section.
- U. Standards Of Storage Containers: Containers used for the storage of solid waste shall meet the following minimum requirements:
1. Reusable type containers shall be:

- a. Constructed of metal, plastic or rubber; durable; rust and corrosion resistant; watertight; and insect and rodentproof;
 - b. Kept clean and sanitary;
 - c. Outfitted with tight fitting lids or covers;
 - d. Provided with handles or devices sufficiently strong and accessible that the container may be handled conveniently;
 - e. Constructed with wide necks and mouth and tapered sides to prevent clogging and littering, if the containers are emptied manually; and
 - f. Capable of being emptied without the collector coming into physical contact with the solid waste.
2. Nonreusable containers shall be constructed of reinforced weather resistant kraft paper or plastic designed specifically for the storage and collection of solid waste and have holding strength capable of withstanding stress until after collection. Plastic bags used for the storage and collection of solid waste shall be a thickness of 2.0 mils or more.
 3. Pasteboard boxes may be used for the storage and collection of waste material if the boxes can be easily handled and placed in the collection vehicle; weigh no more than fifty (50) pounds (23 kilograms) when filled; are filled with dry waste; are dry when collected; and are tightly covered to prevent littering.
 4. Wooden boxes, barrels and similar containers may be used if they have tight fitting covers.
 5. Other types of containers shall meet the requirements of this chapter and be approved by the city and collection agency.
- V. Storage Of Bulky Waste: Bulky waste, or waste too large or otherwise unsuitable for storage containers, shall be stored temporarily in a way that does not create a health hazard, nuisance, fire hazard, rodent harborage or litter. No person shall store or leave outside any unattended or discarded ice box, refrigerator, freezer, washer, dryer or other similar bulky waste without removing or sealing any door or latch attached thereto and otherwise prevent it from being a hazard to children.
- W. Storage Of Agricultural Waste: Agricultural waste shall be stored to prevent insect or rodent production or sustenance, conditions for transmission of disease to man or animals, water and air pollution, and to minimize odors and nuisance conditions. No person having charge of any stable, stall, shed, coop, apartment or yard where any animal is kept, or in any place where manure or liquid discharges from any animal accumulate or collect, shall permit such stable, stall, shed, coop, apartment or yard to be

kept unclean or unsanitary. Manure stacks shall be constructed or established and maintained to prevent runoff and leachate from entering surface or ground water.

- X. Provision For New Building Site: Before a building permit is issued for construction of a commercial building or multiple dwelling units, plans for the adequacy, location and accessibility of solid waste containerization and storage facilities shall be approved by the city.
- Y. Storage Rooms: Storage houses, rooms or areas used to store solid waste shall be of rodentproof construction, readily cleanable, and have proper drainage. Storage rooms or buildings not refrigerated shall be adequately vented and all openings screened to prevent entrance or egress of insects or rodents. Storage houses, rooms or areas used to store solid waste shall be kept in good repair, free from rodent or insect production, and any nuisance or unsanitary condition.
- Z. Location Of Containers: Solid waste and containers used for the storage of solid waste shall be stored at least three feet (3') (0.91 meters) from the property line of another person and located in places convenient for authorized users. No container shall be placed where it creates a nuisance.
- AA. Unauthorized Use Of Container: No person shall tamper, modify, remove or deposit solid waste in any container that has not been provided for his use, without the permission of the container owner. No person shall deposit solid waste from any business, apartment house, multiple dwelling or public building in any receptacle for disposal of litter by pedestrians. (Ord. 8-13-02, 8-13-2002, eff. 8-13-2002)

4-2-5: COLLECTION FEES, TRANSPORTATION AND STORAGE:

- A. Solid Waste Collection Fees: The owner of every residential dwelling unit or multi-family dwelling unit, and the owner of every commercial business shall be responsible and liable for the monthly charges enumerated in the consolidate fee schedule for solid waste collection services. For the purpose of this chapter, commercial business shall include all governmental buildings, churches, parks and other nonbusiness units. The charge for such services shall be billed on a periodic basis to each address of which the city has record. In those instances where the periodic utility bill is currently being sent to a tenant at the owner's request, solid waste collection services may be similarly billed.

B. Billing And Delinquency:

1. The city shall cause billing for solid waste collection services to be rendered periodically at rates established in the consolidated fee schedule, in a manner approved by the city council.
2. Fees and charges levied in accordance herewith shall be a debt due to the city, unless otherwise determined by the city council. If this debt is not paid within thirty (30) days after billing, it shall be deemed delinquent and shall be subject to recovery in a civil action for which the city may recover reasonable attorney fees and collection costs or shall be certified as an unpaid service charge to the county treasurer for collection with the property tax.

C. Deposits Required: The city may require that all users of solid waste collection services who are not the owners of the premises, pay to the city, for deposit with the city treasurer, an amount sufficient to cover the cost of solid waste collection services that may accumulate. The amount deposited shall not be less than two (2) times any monthly or bimonthly bill for solid waste collections over the preceding year on such premises, but in no case shall the amount be less than fifteen dollars (\$15.00). The city shall issue a receipt of deposit. The city treasurer shall refund the amount deposited to the holder; provided, that all solid waste bills and other charges have been paid. All bills for solid waste collection services must be paid promptly without reference to said deposit. Whenever any user of solid waste collection services has failed to pay for solid waste collection services rendered to such premises, the city may apply the money deposited, or any part thereof, to the payment of any such delinquent bills.

D. Indigent Abatement: Any tenant or real property owner of any residential single-family dwelling unit or multiple-family dwelling unit shall be granted a one hundred percent (100%) annual abatement of the above charges for residential solid waste collection services in any given year, subject to the following:

1. The applicant shall file with the city an application for abatement, in a form approved by the city, which shall set forth sufficient facts to support the applicant's eligibility to receive the abatement.
2. The applications shall include an affidavit setting forth the eligibility of the applicant for the abatement. The affidavit shall be signed by both husband and wife if they seek abatement of a dwelling unit in which they both reside.
3. The applicant shall reside for not less than ten (10) months of each year in the residence for which the abatement is requested. (Ord. 8-13-02, 8-13-2002, eff. 8-13-2002)
4. The applicant's total household income for the year in which a claim for abatement has been filed shall not exceed the maximum annual income allowable according to the

standards set, which shall be eight thousand dollars (\$8,000.00). (Ord. 8-13-02, 8-13-2002, eff. 8-13-2002; amd. 2003 Code)

5. Any decision by the city relative to the abatement of residential solid waste collection fees may be appealed to the mayor by filing a written notice of said appeal with the mayor within ten (10) business days following the written decision of the city. Any decision of the mayor may be appealed to the city council by filing a written notice of appeal with the city council within ten (10) days following the written decision of the mayor. The decision of the city council shall be final.
 6. No abatement of fees for residential solid waste collection services shall be applied retroactively. The charges for any person applying for an abatement shall be abated only from the date the application is approved by the city, forward. Such abatement shall be effective only for the next succeeding twelve (12) month period.
- E. Customer's Duties And Liabilities: The storage containers shall be in the possession and control of the customer. The customer shall be responsible for the cleanliness and safekeeping of the storage containers. The customer shall not make any alterations or improvements to the storage containers without the prior written consent of the waste contractor. Customer shall be responsible for loss or damage in excess of reasonable wear and tear.
- F. Approved Collection And Transportation Required: Solid waste shall be collected and transported by means approved by the city in order to prevent public health and safety hazards, unsanitary conditions and nuisances.
- G. Removal Of Waste By Owner Required: All solid waste not collected and hauled by the city or its contracted agent in its regular waste collections shall be collected, hauled and disposed of by the owner, occupant or licensed waste contractor as required by this chapter.
- H. Frequency Of Collections: Solid waste, except bulky waste, shall be removed from the storage containers on premises and disposed at least once a week. Waste of every kind shall be removed from commercial, industrial, institutional, residential and recreational properties as often as necessary to prevent a nuisance, overfilling of storage containers, rodent harborage, or the creation of a fire hazard or unsanitary conditions, and at minimum of once a week to prevent other adverse health or nuisance conditions.
- I. Placement Of Containers For Collection: The city may designate the time and place of solid waste collected and hauled by the city. Containers of solid waste shall not be set out upon

the street prior to the evening of the day before scheduled collection and shall be set out before seven o'clock (7:00) A.M. on the scheduled collection day. All empty containers shall be removed from the street the same day they were emptied.

- J. Uncontained Waste: No person shall place or cause to be placed upon any street or alley for collection any loose paper, yard trimmings, or other solid waste. All such waste shall be properly contained, baled or securely tied before collection is made.
- K. Bulky Waste Collection: The city may designate the time and place for collection of bulky waste. No bulky waste shall be placed on any curbside or roadside earlier than one day prior to the scheduled collection date. Bundles of small limbs, twigs and shrubs too large for containers shall be securely tied before being placed for bulky waste collection. It shall be unlawful to place on any curbside or roadside any of the following materials: construction and demolition waste, commercial waste, car bodies, tires, used oil, batteries, hazardous materials, rocks, brick, broken concrete or dirt.
- L. Burning Or Hot Waste: No person shall place smoking, smoldering or burning waste for collection, and no collector or hauler shall provide service if waste materials show evidence of smoking, smoldering or burning. All waste in transit that must be dumped in an emergency due to smoking, smoldering or burning shall be cleaned up by the collector or hauler. The operator of the vehicle shall immediately notify the police and fire departments having jurisdiction.
- M. Spillage From Container: No person, waste contractor or any employee of a governmental entity engaged in the collection and transportation of solid waste shall permit, allow or cause any solid waste to fall and remain on any property, place, building, premises, street, road or highway. If spillage occurs, the material shall be picked up immediately by the collector and returned to the vehicle or container and the area properly cleaned. If the waste was not properly contained pursuant to the requirements of this chapter, the waste shall be cleaned by the person responsible for the improper containerization of the waste.
- N. Transportation Of Waste Material: The waste collector shall be responsible for the satisfactory transportation of all solid waste to an approved site or facility. No person, waste contractor or any employee of a governmental entity engaged in waste collection and transportation shall:
1. Permit or allow any vehicle loaded with manure, slops, swill, refuse, solid waste, or any other type of waste material to remain standing upon any public street any longer than necessary for loading and transporting.

2. Haul, convey or transport any manure, tree limbs, brush, clippings, solid waste, or any other type of waste material in any open truck, transfer vehicle, open trailer, or other open conveyances for a distance of five (5) blocks or more without making a waste collection stop, unless covered completely or secured to prevent littering. The duties and responsibilities imposed by this subsection shall be applicable to both the owner of the vehicle and the operator.
 3. Operate any vehicle used for the collection and transportation of solid waste in a way that the contents fall, leak or spill. If spillage occurs, the material shall be picked up immediately by the collector or transporter and returned to the vehicle and the area properly cleaned.
 4. Convey, transport or haul any swill, sewage, sludge, fecal material or other similar solid waste except in a sanitary receptacle or vehicle especially constructed for that purpose and with a current permit from the city.
 5. Carry or haul any sewage or contents of any grease trap between the hours of eleven o'clock (11:00) P.M. and five o'clock (5:00) A.M. from May 1 to October 30 and between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M. from November 1 to April 30, unless authorized by the city.
- O. Unloading Of Waste Material: All solid waste material shall be unloaded only within a facility or site approved by the city, and all unloading shall be done according to the requirements of the approved site and the city. Unless warranted by an emergency such as severe weather conditions, equipment breakdown or accident, no solid waste shall be allowed to remain or be stored in any collection or hauling vehicle in excess of twenty four (24) hours.
- P. Inspection Of Vehicle: Vehicles used by waste contractors to haul or transport solid waste shall be inspected and approved by the city. Upon making application for the required permit or license, or both, each vehicle used in such business shall be made available to the city for inspection. If the vehicle meets the requirements of subsection Q of this section and is approved, the following documents shall be issued:
1. An inspection report signed by the mayor or representative stating that the vehicle identified by the report has passed inspection.
 2. Two (2) permit stickers that shall be placed on the vehicle by the mayor or representative to identify the vehicle as having been inspected for the current year. Such stickers shall not be removed, except by the city, so long as the vehicle is used for hauling.
 3. A receipt showing payment of the permit fee.

- Q. Vehicle Requirements: Each vehicle to be used by a waste contractor in the collection or transportation of solid waste shall meet the following requirements:
1. The vehicle body shall be clean, easily cleanable and in good condition and repair.
 2. The body shall be metal lined with steel and welded at all seams or constructed of other materials approved by the city.
 3. The size capacity of the vehicle body or tank shall be certified by the manufacturer or a size certification company approved by the city.
 4. The vehicle shall be easily loaded and emptied.
 5. The tailgate or hopper of the vehicle shall be constructed so that the contents of the body will not spill or blow from the vehicle while in motion.
 6. A heavy duty canvas or other acceptable heavy duty cover that is adequate in size to cover the open body of the vehicle shall accompany the vehicle.
 7. The outside of the body shall be painted and identified by the name and telephone number of the person or company owning the vehicle and the size capacity of the truck body or tank in letters and numbers that are legible and at least three inches (3") (7.5 centimeters) in height.
 8. All equipment attached to a vehicle hauling liquid or hazardous waste, including, but not limited to, pumps, hoses, valves, and the containers or tanks, or both, used to contain the waste shall be watertight and in good repair.
 9. The vehicle shall comply with all applicable air pollution and noise control ordinances and regulations.
- R. Report Required: At the request of the city, a waste contractor or other person collecting and hauling solid waste shall report to the city: 1) the names and addresses of all places of business or person; 2) where collection of solid waste is made; and 3) where such waste is hauled or deposited. The report shall be made as required by the city.
- S. Continuing Compliance Required: A collection vehicle that fails to meet the requirements of this chapter shall be repaired or corrected within the time specified in the notice of violation. If the corrections are not made to the collection vehicle within the time specified in the notice of violation, its use shall be discontinued, and the permit issued the owner of the vehicle shall be revoked pursuant to the revocation provision of subsection 4-2-3I of this chapter.
- T. Equipment To Be Maintained: All equipment used for the collection and transportation of solid waste shall be maintained in good condition and cleaned with a frequency and

method determined by the city to prevent the propagation or attraction of flies, rodents or other vectors and prevent the creation of a nuisance.

- U. Transportation Of Only Approved Waste: A vehicle shall be used to collect and transport only that type of solid waste for which it was approved when the permit was issued. (Ord. 8-13-02, 8-13-2002, eff. 8-13-2002)

4-2-6: DISPOSAL SITES:

- A. Sanitary Disposal Required: Solid waste shall be disposed in a way that will protect the public health, safety and welfare and prevent air and water pollution.
- B. Disposal Of Waste Restricted: No person, city, town, municipality, county, or other government unit shall dispose of any solid waste at any place except at a disposal site approved by the city, which is operated and maintained in accordance with the requirements of this chapter.
- C. City Approval And Bond Required: No construction or operation of a disposal facility or site shall be initiated before plans and specifications are approved in writing by the city. No significant modifications shall be made in any disposal site or its operations without approval of the city. No person shall operate a disposal site without first obtaining a valid permit from the city and posting a bond, if required in section 4-2-3 of this chapter.
- D. Report, Application And Approval Required For Permit: The city regulates the construction and operation of waste disposal sites under the land use authority granted to the city under the provisions of state law. All waste disposal sites are conditional uses within the industrial zone established under the zoning ordinances of the city. The term "application" used in this section is an application for a conditional use permit and the permit under this section which may be issued by the city upon approval of the application and site condition is a conditional use permit. Each conditional use permit issued under this section shall be annually renewable and may be reviewed by the city based on the failure of the permittee to comply with all of the terms and conditions for operation of the site specified by the city and the state. Before issuance of approval to construct or a permit to operate a disposal site, an application for a permit and a report shall be submitted to the city for review and approval. The report shall be prepared by a registered professional engineer, except this requirement may be waived by the city if justified by the size, simplicity or location of the disposal site. The application shall be submitted on a form provided by the city with the operational permit, application and

required fee. Unless otherwise directed by the city, the report shall include the following information:

1. The names or persons responsible for actual operation and maintenance of the site and the number of personnel to be employed at the site.
2. The present and future population and area to be served by the proposed site.
3. Evidence of land ownership or lease agreements.
4. The total area of the proposed site.
5. A plat, map, or aerial photograph that accurately shows the exact location of the proposed disposal site, current land use and zoning within one-fourth ($\frac{1}{4}$) mile (402 meters) of the site. The map or aerial photograph shall be of sufficient scale to show all homes, industrial buildings, airports, wells, watercourses, surface drainage channels, rock, outcroppings, roads, general topography, and other applicable details. All such details shall be identified and indicated on the plat, map or aerial photograph.
6. A soil description to a depth of at least five feet (5') (1.5 meters) below the proposed site or proposed excavations and a general description of geology of the area. Data shall be obtained by soil boring, trenching or other methods approved by the city.
7. A description of surface water within one-fourth ($\frac{1}{4}$) mile (402 meters) of the land disposal site, including seasonal variations; a description of minimum and maximum ground water elevations throughout the site; ground water flow patterns; and ground water quality and quantity. In addition, the city may require ground water monitoring wells and a water quality sampling and analysis program of ground and surface waters prior to construction and operation of a site, during operation of a site, and after closure of a site. If the program is required, the following provision of the program shall be submitted to city approval:
 - a. The number, location and depth of the wells;
 - b. Methods of construction of the wells;
 - c. The name of the person to perform the sampling, the sampling frequency, and sampling period;
 - d. The type of analysis that is to be performed;
 - e. The methods of analysis; and
 - f. The name of the laboratory performing the analysis.
8. The availability, source, and characteristics of cover material.
9. Potential leachate and decomposition gas generation, including the amount and physical and chemical characteristics; proposed leachate and decomposition gas

control systems, if necessary, including the methods of monitoring, collection, treatment, and necessary disposal.

10. The anticipated type, quantity, and source of solid waste to be deposited at the site.
11. The intended operating program and procedures, including:
 - a. The hours and days of operation;
 - b. Existing and proposed utilities;
 - c. The method and plan of landfilling;
 - d. The type and availability of equipment for efficient excavating, earth moving, spreading, compaction and other needs;
 - e. Fencing for control of access and the prevention of scattering of waste material by wind;
 - f. Provisions for fire control;
 - g. Provisions for handling special or hazardous wastes or both;
 - h. Employee facilities; and
 - i. Any other pertinent information that clearly indicates the orderly development, operation and completion of the sanitary landfill.
12. Evidence of year round accessibility, including an all weather road to the site.
13. The expected life span of the site, the anticipated use of the land following completion as a disposal site, and the program for maintaining the site following closure, as required in subsection G of this section.
14. Any other information specifically requested by the city to ensure compliance with this chapter.

E. Basis And Procedure For Plan Approval: The following conditions and procedures of plan approval shall be followed:

1. Plan approval will depend, in part, upon adequate isolation and avoidance of excessively irregular topography, ground water elevations; extremely pervious soil formations; surface rock formations and outcroppings; and close proximity to natural drainage channels. There shall be at least five feet (5') (1.5 meters) of separation between the bottom of disposal trenches and the highest ground water elevation. Exceptions to this requirement will be considered on a case by case basis, but only if the site can be modified to demonstrably preclude any wetting of deposited waste by ground water.

2. Upon approval of the plans and supporting information, persons conamed will be notified in writing by the city. Approval will include appropriate limitations of types of solid waste to be accepted.
3. The city may revise its approval or disapproval to construct or operate a site in order to make it compatible with new ordinances that are adopted by the city.

F. Minimum Site Requirements: Unless otherwise ordered or approved by the city, each sanitarylandfill or land disposal site shall be designed, constructed, operated and maintained to meet the following minimum requirements:

1. Only waste for which the site has been designed and for which the city has given approval shall be accepted at the site.
2. The site shall be designed, constructed, operated and maintained in a way that will protect the health and safety of individuals employed at the site, users of the site, and the public.
 - a. A safety manual shall be available for use by employees and they shall be instructed in application of the manual's procedures.
 - b. Personal safety devices, including, but not limited to, hard hats, gloves, safety glasses and footwear, shall be required for site employees.
 - c. Safety devices, including, but not limited to, rollover protective structures, seat belts, audible reverse warning devices and fire extinguishers, shall be provided on all equipment used to spread and compact solid wastes or cover material.
3. Qualified personnel shall be at the site to supervise activities during all hours of scheduled operation.
4. The site shall not allow uncontrolled public access, and the site shall be accessible only when operating personnel are on duty.
5. A sign shall be posted at the entrance of the site that indicates the name, permit number, hours of use, penalty for unauthorized use, necessary safety precautions, types of waste accepted or prohibited, and any other pertinent information to ensure the safety and health of the public and employees. Signs shall be posted to direct traffic in an orderly manner, to show general discharge area, restrictions and access to hazardous waste or special waste disposal area, and to maintain efficient operating conditions.
6. The supervisor or other responsible person shall keep records of amounts and types of solid waste accepted. This may be done by weighing the material brought to the site, measuring the volume of waste deposited, or estimating the area filled on the site. This amount and location of area completed shall be recorded and kept on file. Such records shall be made available to the city upon request.

7. Dust shall be controlled at the site and along access roads as necessary to maintain the comfort and health of employees and users of the site and to comply with applicable air pollution control ordinances and regulations.
8. Access roads and the site shall be cleaned as often as necessary to prevent unsightly conditions caused by blowing papers and other misplaced refuse.
9. All solid waste shall be unloaded and deposited only in those areas of the site designated by site personnel and as authorized by the city in the plan approval.
10. Adequate equipment for trenching, compacting and covering shall be available.
11. All solid waste shall be compacted to the greatest degree practical. The working face shall be limited to the smallest area practical to confine the amount of exposed waste without interfering with effective operation procedures.
12. At least six inches (6") (15.2 centimeters) of covered material shall be placed daily over all solid waste received each day or as often as directed by the city, after compaction to the smallest practical volume. Cells that will not have additional solid waste placed on them for three (3) months or more shall be covered with twelve inches (12") (30.5 centimeters) of cover material. A minimum of two feet (2') (61 centimeters) of cover material shall be placed over any completed segment of the site.
13. Salvaging shall be conducted in a way that it prevents injury, interference with required site operations, and the creation of a health hazard, nuisance or vector harborage. Drugs, cosmetics, foods, beverages, hazardous chemicals, poisons, pesticides, pathogenic or medical wastes, syringes, needles, or other similar materials capable of impairing public health shall not be salvaged unless approved by the city. Scavenging shall be prohibited.
14. Insects and rodents or other disease or nuisance vectors shall be controlled at the site through minimization of food and harborage and through initiation of additional control programs if vector populations become established.
15. No open burning shall be permitted. Provisions shall be made to extinguish any fires in solid waste being delivered to the site or that occur at the working face or within equipment or personnel facilities.
16. A disposal site shall not cause:
 - a. A discharge of pollutants into waters of the United States that is in violation of the requirements of the national pollutant discharge elimination system (NPDES) under section 402 of the clean water act, as amended.
 - b. A discharge of dredged material or fill material into waters of the United States that is in violation of the requirements under section 401 of the clean water act, as amended.
 - c. Nonpoint source pollution of waters of the United States that violates applicable legal requirements implementing an area wide water quality management plan that has

been approved by the administrator of the United State environmental protection agency under section 208 of the clean water act, as amended.

17. Surface water runoff shall be controlled at the site by the following measures:
 - a. Final grading of the site shall promote rapid surface runoff without excessive erosion.
 - b. The site shall be equipped with suitable channelling devices, including, but not limited to, ditches, berms or dikes, to divert surface runoff from the land area contiguous to the site.
 - c. Final cover material shall be well compacted to enhance runoff while minimizing infiltration.
 - d. Runoff not contaminated by solid waste or by leachate shall be routed to a settling basin or by other equally effective control measures to remove sediment before discharge to a receiving stream.
 - e. The final soil cover on any completed portion of the site shall be seeded or otherwise vegetated to minimize erosion and maximize evapotranspiration.
18. A disposal site shall not contaminate an underground drinking water source of the ground water beyond the boundary of the disposal site as established in the plan approved by the city. For the purpose of this section, "contaminate" means the introduction of a substance that would cause the concentration of that substance in the ground waterto exceed the maximum contaminant level specified by state or federal law or the city, or the introduction of a substance that would cause an increase in the concentration of that substance in the ground water if the existing concentration of that substance exceeds the maximum contaminate level specified by state or federal law, or the city.
19. Surface water, ground water, and decomposition gases shall be monitored to determine when remedial action plans are to be implemented:
 - a. Monitoring wells or other monitoring devices shall be installed and maintained as approved or directed by the city.
 - b. Samples from the monitoring wells or other monitoring devices for surface and ground water shall be collected and analyzed prior to disposal of solid waste in order to obtain baseline data.
 - c. Samples shall be collected from all monitoring wells or devices and analyzed at least once a year and more often if directed by the city. Copies of the required analysis shall be submitted to the city within thirty (30) calendar days after sampling, unless otherwise directed by the city.
 - d. Monitors or suitable probes shall be used to enable detection of gases migrating from the site. Explosive gases shall be monitored for their presence above the lower explosive limit. Toxic or asphyxiating gases shall be monitored periodically on a schedule approved by the city.

20. If required by the city, leachate control shall be accomplished by one or more of the following practices:
- a. The bottom of the disposal site shall be five feet (5') (1.5 meters) or more above the seasonal high ground water table.
 - b. Leachate monitoring devices shall be approximately placed to monitor the passage of leachate from the site to the ground water.
 - c. The water table shall be lowered.
 - d. There shall be no uncontrolled hydraulic connection between the site and standing or flowing surface water. Surface runoff diversion structures shall be constructed surrounding the landfill that are capable of diverting away from the landfill all of the surface water runoff from upland drainage areas. Disposal sites located in the 100-year floodplain shall have a dike of sufficient structural strength and height to prevent inundation.
 - e. If natural hydrogeologic conditions are unable to eliminate the impact of the total quantity of leachate upon underlying ground water, the bottom of the site shall be lined with low permeability soil or other approved material. If natural hydrogeologic conditions are virtually incapable of eliminating the impact of any leachate upon the underlying ground water, the escape of leachate from the bottom and sides of the site shall be prevented by the placement of liners and constant drainage systems. Such liners shall have:
 - (1) A permeability of one by ten (1 x 10) (to the minus 7th degree) centimeters per second (one inch or 2.54 centimeters per year), or less.
 - (2) The ability to resist physical and chemical attack by leachate.
 - (3) The capability of maintaining integrity for the design life.
 - (4) A minimum thickness of twelve inches (12") (30.5 centimeters) for natural soil liners and a minimum thickness of twenty (20) mils for synthetic membrane liners, unless otherwise approved by the city.
 - f. Leachate collection, treatment and disposal shall be:
 - (1) Discharged into a municipal or industrial wastewater treatment system if the discharge does not impede the operation of the wastewater treatment system;
 - (2) Disposed of by controlled application onto the surface of land if sufficient acreage is available and hydrology, soil type, vegetation, topography and climate for leachate disposal are suitable and ground water contamination will not occur;
 - (3) Recirculated onto active or completed sections of the site; or
 - (4) Accomplished using other methods approved by the city. (Ord. 8-13-02, 8-13-2002, eff. 8-13-2002)

21. Decomposition gases shall be prevented from migrating to other property or from concentrating in such volume that a danger of explosion or toxicity hazard is created. The concentration of explosive gases generated by the site shall not exceed twenty five percent (25%) of the lower explosive limit for the gases in a site structure, except for gas control or recovery system components. Explosive gases shall not exceed the lower explosive limit for the gases at the property line. For the purpose of this section, "lower explosive limit" shall mean the lowest percentage by volume for mixture of explosive gases that will produce a flame in the air at 78.8 degrees Fahrenheit, and atmospheric pressure using a testing method approved by the city. Gas control shall be accomplished: (Ord. 8-13-02, 8-13-2002, eff. 8-13-2002; amd. 2003 Code)
- a. By restricting from disposal at the site volatile solid waste materials with a known high potential for release of harmful gases as a result of chemical reaction;
 - b. By construction barriers of natural or artificial materials to prevent the horizontal migration of gases;
 - c. By constructing venting or exhaust systems consisting of gravel filled trenches, or perforated pipe or both;
 - d. By providing a combination of barriers or venting systems; or
 - e. By using other methods approved by the city. (Ord. 8-13-02, 8-13-2002, eff. 8-13-2002)
22. Wastewater treatment plant sludges containing no free moisture shall be placed on the working surface and covered with municipal solid waste. (Ord. 8-13-02, 8-13-2002, eff. 8-13-2002; amd. 2003 Code)
23. Bulky wastes, including, but not limited to, automobile bodies, furniture, appliances and similar items shall be crushed and deposited on the working face near the bottom of the cell or in a separate disposal area. Other bulky items, including, but not limited to, demolition and construction debris, tree trunks, stumps and large timbers shall be deposited on the working face near the bottom of the cell or in a separate disposal area.
24. Dead animals received at the site shall be deposited on the working face at or near the bottom of the cell with other solid waste or in a separate disposal area, provided they are covered immediately with at least six inches (6") (15.2 centimeters) of cover material to prevent odors and the attraction, propagation and harborage of rodents and insects.
25. Any land disposal site disposing of garbage that may attract birds and that exists within ten thousand feet (10,000') (3,048 meters) of any airport runway used by turbo jet aircraft or within five thousand feet (5,000') (1,524 meters) of any airport runway used by only piston type aircraft shall ensure there is not a bird hazard to aircraft.
26. In addition to the requirements given in this chapter, a disposal site located in the 100-year floodplain shall not:

- a. Restrict the flood that has a one percent (1%) or greater chance of recurring in any year or a flood of a magnitude equalled or exceeded once in every one hundred (100) years on the average over a significantly long period;
 - b. Reduce the temporary water storage capacity of the floodplain; and
 - c. Result in solid waste being washed out or carried away by the waters of a flood.
27. Adequate shelter and sanitary facilities shall be available for facility or site personnel, which shall include, but not necessarily be limited to, protection from cold and wet weather, hand washing and toilet facilities, and drinking water.

G. Closing Of Land Disposal Sites:

1. Any person owning or operating a disposal site shall, prior to closure of the site, furnish the city at least a thirty (30) calendar day written notice.
2. If directed by the city, a maintenance program shall be initiated immediately following closure of a completed site and continued by the owner or operator for as long as deemed necessary by the city. The maintenance program may include, but not necessarily be limited to, the following:
 - a. Monitoring and analysis of surface water, ground water and decomposition gases;
 - b. Leachate and decomposition gas management, including collection, storage, transportation and treatment;
 - c. Land surface care, including proper drainage, erosion prevention, settlement and vegetation.

H. Closing Of Existing Or Abandoned Open Dumps: Existing or abandoned open dumps shall be closed within two (2) years following the effective date hereof, or sooner if ordered by the city and in accordance with the following requirements:

1. Absence of rats and other vermin shall be positively established. If rats or other vermin are present, an extermination procedure shall be established and carried out by qualified individuals prior to closing.
2. All fires shall be extinguished before final cover of earth is applied.
3. All solid wastes shall be consolidated, compacted and covered with at least two feet (2') (81 centimeters) of suitable cover material.
4. The final grading shall be accomplished to provide proper surface drainage and to avoid ponding.
5. If feasible, the area should be planted with grass or other vegetation.

6. Any other corrective measures to protect the public health, safety or welfare shall be made as directed by the city. (Ord. 8-13-02, 8-13-2002, eff. 8-13-2002)

4-2-7: NOTICE OF VIOLATION, ENFORCEMENT, APPEAL, PENALTY:

- A. City To Notify Owners: If the mayor or representative has inspected any property and has found and determined that the property is in violation of this chapter or has reasonable grounds to believe that there has been a violation of any part of this chapter, the mayor or representative shall give notice of the violations to the owner or other responsible person thereof.
- B. City To Issue Written Notice Of Violations: Prior to initiating a court complaint for the violation of this chapter, the mayor or representative shall issue a notice pursuant to subsection A of this section and shall:
1. Describe the property;
 2. Give a statement of the cause for its issuance;
 3. Set forth an outline of the remedial action that complies with the provisions of this chapter; and
 4. Set a reasonable time for the performance of any required remedial act.
- C. City To Service Notice: The mayor or representative shall serve notice upon the owner of the property or other responsible person pursuant to subsections A and B of this section. Service shall be deemed complete if the notice is served in one of the following ways:
1. Served in person;
 2. Sent by certified mail to the last known address of the owner or other responsible person; or
 3. Published in a newspaper of general circulation.
- D. City To Endure Compliance: It shall be the duty of the mayor or representative upon the presentation of proper credentials, to make inspections of any property where solid waste is accumulated, stored, or where a facility or site is located or will be located as is necessary to ensure compliance with this chapter.

- E. Inspections Made: Inspections may be made with the consent of the owner of property or any lawful occupant over the age of sixteen (16). If consent is not granted, search may be made pursuant to an administrative search warrant issued by a court of competent jurisdiction.
- F. Report Of Inspections: Owners may request a factual report of inspections. Upon request, the owner or other responsible person of any property shall receive a report setting forth all facts found that relate to the owner's compliance status.
- G. Right To Appeal: Within ten (10) calendar days after the city has given a notice of violations, any person aggrieved by the notice may request in writing a hearing before the city. The hearing shall take place at a regularly scheduled council meeting after the city council notice is received. A written notice of the city council's final determination shall be given within ten (10) calendar days after adjournment of the hearing. The city council may sustain, modify or reverse the action or order. (Ord. 8-13-02, 8-13-2002, eff. 8-13-2002)
- H. Penalty: Any person who is found guilty of violating any of the provisions of this chapter, either by failing to do those acts required herein, or by doing a prohibited act, is guilty of a class B misdemeanor pursuant to Utah Code Annotated, and subject to penalty as provided in section 1-4-1 of this code. If a person is found guilty of a subsequent similar violation within two (2) years, he is guilty of a class A misdemeanor pursuant to Utah Code Annotated. (Ord. 8-13-02, 8-13-2002, eff. 8-13-2002; amd. 2003 Code)
- I. Each Day Separate Offense: Each day such violation is committed or permitted to continue shall constitute a separate violation.
- J. Mayor May Request Legal Action: The city attorney or, if appropriate, the county attorney, may initiate legal action, civil or criminal, requested by the mayor, to abate any condition that exists in violation of this chapter.
- K. Guilty Persons Liable For Expenses: In addition to other penalties imposed by a court of competent jurisdiction, any person found guilty of violating this chapter shall be liable for all expense incurred by the city in removing or abating any nuisance, source of filth, cause of sickness or infection, health hazard or sanitation violation. (Ord. 8-13-02, 8-13-2002, eff. 8-13-2002)

