CITY OF LOGAN
ORDINANCE NO. 99-78

AN ORDINANCE AMENDING TITLE 8, CHAPTER 8.32, REFUSE COLLECTION AND DISPOSAL, OF THE LOGAN MUNICIPAL CODE, 1989

BE IT ORDAINED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, AS FOLLOWS:

SECTION 1: Chapter 8.32, Refuse Collection and Disposal, is hereby amended to read as follows:

Chapter 8.32

8.32.010. Definitions

For the purpose of this chapter, the following words and phrases shall have the meanings ascribed to them in this section:

A. “Business of refuse collection or refuse disposal” means the regular collection, hauling and/or disposal of refuse from any person, whether for hire or for themselves. “Regular” in this definition means a frequency of more than four times per year.

B. “Clean Fill” means sand, soil, dirt, gravel, or similar earth material with no chemical contamination.

C. “Construction & Demolition Debris” or “(C&D)” means materials from the construction, demolition, etc, of any building, structure, paving or surface construction and consisting of mixed materials, such as, but not limited to, brick, tile, wood, roofing, drywall, concrete, asphalt, flooring, and plaster. The responsible authority has final say concerning the applicability of specific materials.

D. “Gallons” means the capacity in gallons of a refuse container, it being contemplated that an ordinary refuse container shall have a minimum capacity of approximately sixty (60) gallons.

E. “Green Waste” means a recyclable refuse collected and delivered specifically for the purpose of composting; including but not limited to yard trimmings, six foot and under tree branches, Christmas trees, and leaves.

F. “Hazardous Waste” means any waste which falls under any one of the following criteria: has been named as hazardous waste and is listed in 40 CFR 261 subpart D, exhibits any of the hazardous characteristics described in 40 CFR 261 subpart C (e.g., ignitable, corrosive, reactive, toxic), is a mixture containing a listed hazardous waste, and is not exempted or excluded from regulation as a hazardous waste as described in 40 CFR 261 subpart C from RCRA Subtitle D, Part 258.20 ‘Procedures for Excluding the Receipt of Hazardous Waste’.

G. “Illegal Disposal” or “Illegal Dumping” means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste, hazardous waste, or regulated hazardous waste into or on any land or water not designated as a Class I Sanitary Landfill so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

H. “Infectious Medical Waste” means any waste from a hospital or health care facility or residence that contains sufficient pathogenic properties to render the waste a “biological hazard”. Any discarded or contaminated article or instrument from a health facility that may cause puncture or cuts. Such waste may include needles, syringes, blades, needles with attached tubing, pipettes, broken glass and blood vials.
I. "Inoperable, junked or unused vehicles" means:
1. Any vehicle, parts of which are in a state of disrepair, or parts of which have been removed therefrom rendering the same incapable of being safety or legally operated;
2. Any vehicle which has been wrecked or damaged in such a manner so that in its present condition it cannot safely or legally be operated; or
3. A motor vehicle which has not been registered for any time in excess of one year.

J. “Landfill” means an area of land or an excavation permitted by the State of Utah in which wastes are placed for permanent disposal, and that is not a land application unit, surface impoundment, injection well, or waste pile.

K. "Liquid Waste" means any waste material that is determined to contain "free liquids" as defined by Method 9095 (Paint Filter Liquids Test), as described in “Test Methods for evaluating Solid Wastes, Physical/Chemical Methods” (EPA Pub. No. SW-846).

L. "Litter" means any quantity of debris, bottles, glass, cans, plastic, metal, junk, paper, garbage, refuse, trash or miscellaneous solid or semisolid waste which is not contained or otherwise controlled for proper storage, collection or other disposal as provided for in this chapter.

M. "Owner" means any person who, alone or jointly or severally with others:
1. Shall have the legal title to any premises, dwelling or dwelling unit with or without accompanying actual possession thereof; or
2. Shall have the charge, care or control of any premises, dwelling or dwelling unit, as legal or equitable owner or agent of such owner.

N. "Person" means any institution, public or private corporation, individual, partnership or other entity.

O. "Premises" means land, buildings or other structures, vehicles or parts thereof, upon or in which refuse is stored.

P. "Private property" means exterior locations owned by private individuals, firms, corporations, institutions or organizations, including but not limited to yards, grounds, driveways, passageways, parking areas and vacant lots.

Q. "Public property" means exterior locations owned by any public entity or privately owned property dedicated to the public use, including but not limited to streets, sidewalks, strips between streets and sidewalks, parking lots, school grounds, parks, playgrounds, and bodies of water. (Ord. 92-55 §1 (part), 1992)

R. "Recyclable Refuse" means refuse that can be recovered from or otherwise diverted from the waste stream for the purpose of recycling, such as metals, paper, cardboard, glass, and plastic, etc.

S. "Refuse" means all solid wastes of a community, including garbage, ashes, rubbish, dead animals, street cleanings and solid market and industrial wastes, but not including body wastes. For purposes of this chapter, construction & demolition debris is considered refuse, clean fill is not considered refuse.

T. "Refuse Container" or "Authorized Refuse Container" means a receptacle of sufficient size, shape, condition, and material as authorized by the responsible authority to hold refuse for collection and/or disposal or reuse or composting purposes.

U. "Responsible authority" means the department or agency appointed by the Mayor, and duly authorized representatives who are authorized and directed by such department or agency, to implement and enforce the provisions of this chapter.
V. "Restricted waste" means materials that meet the classification of liquid waste, infectious medical waste, used motor oil, PCB waste, or lead-acid batteries, or tires.

8.32.020 Purpose
The responsible authority of the city, in order to protect the health and safety of the people of this city, is authorized and directed, by implementing and enforcing the provisions of this chapter, to control the storage, collection and disposal of refuse within the city, to provide a public refuse collection and refuse disposal service from premises within the city, so that the type and usual quantity of refuse can be safely and expeditiously handled by such public refuse collection and disposal service, and to approve and regulate the establishment, maintenance and operation of private refuse-collection systems and refuse disposal methods and sites. (Prior code §9-1-2)

8.32.030 Refuse related service, permit, and landfill fees.
A. Maximum fees for user services, permit application, landfill use, and other related services, within the city shall be established, as appropriate and necessary, by resolution of the municipal council.

B. The responsible authority shall establish appropriate fees or prices for services or commodities not otherwise covered in paragraph A. Such fees or prices include, but are not limited to recyclable or compost commodity sales, and atypical or short-term specialized services. Such fees shall be established after an examination of all relevant facts pertaining to the particular situation and shall be based as nearly as practical on the rates established by resolution; provided, however, that in establishing such fees in individual cases any lesser or greater cost to the city shall be taken into consideration.

C. Fees as provided in this section shall be payable by combined billing in conjunction with the electricity bill or by separate billing. Such fees shall be collected by the billing division or in person by the authorized representative at time of service.

8.32.040 Permits
A. It is unlawful for any person who does not possess a permit from the responsible authority, in addition to any business license required by Title 5 of this code, to engage in the business of refuse collection or refuse disposal in the City, unless acting under contract with Cache County Service Area #1 or the City of Logan

B. The responsible authority may issue permits for such applicants under the following conditions:
1. They have proper equipment and personnel to collect and dispose of refuse in accordance with the provisions of this chapter.
2. The method of disposal used is in accordance with the requirements of Section 8.32.210.
3. They are collecting and/or disposing of unacceptable refuse (described in section 8.32.160), or recyclable refuse (as defined) for themselves or for hire.
4. They are collecting and/or disposing of any refuse for themselves only.

C. Every person desiring a permit to engage in the collection and/or disposal of refuse shall make written application to the responsible authority, setting forth the name of such person, the residence address thereof or the address of the place of business, a description of the equipment to be used in the collection and/or disposal of refuse, the place of disposal and the method of disposal to be practiced. Upon approval of such application, a permit may be issued in accordance with guidelines in paragraphs A and B of this section.
D. Any person whose application for a permit has been denied may request, and shall be granted a hearing before the responsible authority, under the procedure provided by Section 8.32.080.

E. A permit issued under this chapter shall expire and be renewable annually, subject to the criteria contained in paragraphs A & B of this section. (Prior code §9-1-4)

8.32.041 Permitted collectors of recyclable refuse must deliver such to recycling facility

Persons collecting recyclable refuse from some source other than themselves, under authority of a permit issued for that purpose, and subsequently disposing of such collected material at any landfill or similar facility for permanent disposal shall be deemed in violation of the conditions of said permit. Reasonable and customary volume of contamination in recyclable refuse loads is not intended to constitute such violation under this paragraph.

8.32.060 Notice of Violation

Whenever the responsible authority has determined that there are reasonable grounds to believe that there has been a violation of any provision of this chapter, the responsible authority shall give notice of such alleged violation to the person or persons responsible therefor, as hereinafter provided.

A. Such notice shall:

1. Be put into writing;
2. Include a statement of the reasons why it is being issued;
3. Allow a reasonable time for the performance of any act it requires;
4. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter;
5. State that unless conditions or practices described in such notice which violate this chapter are corrected within the reasonable time specified in such notice, the violator may be punished, privileges restricted or any current permit suspended or revoked, in accordance with the provisions of this chapter. (Prior code §9-1-6 (a))
6. Be served upon the holder of a permit issued under this chapter, or upon the owner or his agent or the occupant of any premises within the city; provided, that such notice shall be deemed to have been properly served when a copy thereof has been served personally, via U.S. Postal Service, or in accordance with any other method authorized or required under the laws of this state for commencement of civil actions.

8.32.070 Enforcement

Any person failing to comply with the “notice of violation” letter (described in section 8.32.060) shall be subject to one or more of the following enforcement actions:

1. Continued or additional administrative restrictions to violator’s use of services and facilities directly related to provisions in this chapter, including but not limited to landfill and related facilities and refuse collection services, revocation of permits, as prescribed in subchapter 8.32.080 issued under subchapter 8.32.060.
2. Responsible authority removing or correcting violation, including the power to enter on the property in violation, or to authorize others to enter on such property and cause such removal or correction, at violator’s cost as provided in paragraph 3.
3. The responsible authority, upon approved completion of any work required in paragraph 2, shall prepare an itemized statement of all costs, including administrative expenses incurred by the authority, plus the cost of removal or otherwise correcting the violation of this chapter. It is determined that the minimum fee, including administrative and other costs, which can be assessed herein is one hundred dollars. The responsible authority shall mail a copy of such statement to the owner or occupant demanding reimbursement to the department of such costs by payment to the city treasurer within twenty days of the date of mailing. Such notice shall be deemed delivered when mailed postage prepaid, addressed to the owner or occupant at the last known address appearing on the records of the county assessor. (Ord. 92-55 §1 (part), 1992)

4. Criminal prosecution.

8.32.080 Hearing

Any affected person wishing to challenge a permit denial, notice of violation or non-criminal enforcement action initiated by the responsible authority may request a hearing on the matter before the responsible authority. The hearing shall be requested in writing and filed in the office of the responsible authority within 10 business days of the date of the enforcement letter or permit denial. The written hearing request shall set forth in a brief statement the grounds for which the hearing is being sought. Upon receipt of said request, the responsible authority shall set a time and place for the hearing, which when practicable, shall be within 20 days of the written request. The findings and decision of the responsible authority at the hearing shall be put in writing and mailed or personally delivered to the person requesting the hearing within 10 days of the hearing conclusion.

8.32.090 Appeal

Any affected person wishing to appeal the decision rendered at the hearing pursuant to section 8.32.080 may file a written appeal with the Mayor at the Logan City Recorder’s office within 20 days of the hearing. The Mayor may sustain, modify, or overturn the decision of the responsible authority. The Mayor’s decision will be filed with the City Recorder and responsible authority and will be the final administrative decision.

8.32.130 Emergency action

Whenever the responsible authority finds that an emergency exists involving a serious health hazard which requires immediate action to protect the public health, the responsible authority may without notice or hearing issue a written order reciting the existence of such an emergency and the conditions violating this chapter which required corrective action to remove such health hazard. If such corrective action is not taken, the responsible authority may take such action including the abatement of any nuisance as may be necessary to protect the public health. Notwithstanding other provisions of this chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the mayor shall be afforded a hearing as soon as possible. After such hearing, depending upon findings of the mayor as to whether or not the provisions of this chapter and of the regulations adopted pursuant thereto have been complied with, the mayor shall continue such order in effect, or modify it, or revoke it. (Amended during 1989 codification; prior code §9-16 (h))

8.32.140 Inspection

The responsible authority, after identifying himself or herself, shall have the power to enter at reasonable times upon private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of the provisions of this chapter and where necessary shall obtain a search warrant from a court having jurisdiction. (Prior code §9-1-7)

8.32.150 Refuse acceptable for collection
The following refuse shall be considered to be acceptable for collection by the responsible authority:

A. Garbage: putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and or consumption of foods;

B. Ashes: the cold residue from the burning of wood, coal, coke or other combustible materials;

C. Rubbish: nonputrescible solid wastes, excluding ashes, consisting of paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, metals and similar materials;

D. Dead animals: small, dead animals not exceeding seventy-five pounds each in weight, which die in the normal course of community activity excluding condemned animals, animals from a slaughterhouse, or other animals normally considered industrial refuse. These excluded animals may be removed by the responsible authority upon request. (Prior code §9-1-8)

8.32.160 Unacceptable refuse

The following refuse shall be considered not to be acceptable for collection (except by special arrangement) by the responsible authority:

A. Hazardous wastes or waste materials with chemical properties such as flammability, toxicity, acidic, caustic, oxidizer, radio-active, explosive, and compressed gas.

B. Construction & Demolition Debris (C&D), except by special arrangement with the responsible authority.

C. Materials which have not been prepared for collection in accordance with these regulations.

D. Any other material which in the judgment of the responsible authority is dangerous to equipment or unfeasible to handle. (Prior code §9-1-9)

E. Restricted waste material that meets the classification of liquid waste, infectious medical waste, used motor oil, PCB waste, lead-acid batteries, or tires.

8.32.180 Collection—Places to be served

The responsible authority shall collect all refuse acceptable for collection as provided in Section 8.32.150, from all family or apartment dwellings and institutions, business and industrial establishments, not otherwise handled by permitted persons under provisions of section 8.32.040. This shall not preclude the responsible authority from withholding services pursuant to section 8.32.070. (Prior code §9-1-11)

8.32.190 Collection—Frequency

A. Refuse service shall be available for collection by the responsible authority, as described in section 8.32.180 of this chapter, at least once per week.

B. At the discretion of the responsible authority, collection services may or may not be provided on generally recognized City holidays, or on any City holiday established by ordinance. (Prior code §9-1-12)

8.32.200 Refuse placed for collection

A. All household refuse to be collected by the responsible authority shall be placed, in an authorized refuse container, on the curb in front of the residence, no more than 24 hours prior to the established
collection day for the area in question, All empty refuse containers shall be removed from the street before the end of the collection day, after being emptied. No such container shall be permitted to remain on any street longer than 24 hours after being emptied. (Ord. 90-72, §1, 1990: prior code §9-1-13)

B. At business establishments utilizing authorized refuse containers which are designed for placement at the curb or on street (normally 100 gallon or less) such containers shall be placed at such time and place as shall be designated by the responsible authority. All empty refuse containers, so described in this paragraph, shall be removed from the street before the end of the collection day, after being emptied. No such container shall be permitted to remain on any street longer than 24 hours after being emptied.

C. Refuse must be placed in container so the lid can be reasonably closed. Excess refuse on top of, next to, overflowing from, etc is considered overloaded. Persons overloading containers may be subject to service restrictions or other actions as appropriate pursuant to section 8.32.070.

8.32.210 Transport and Disposal

A. All disposal of refuse shall be by a method or methods in accordance with requirements of state and local law and shall include the maximum practicable rodent, insect and nuisance control at the place or places of disposal.

B. No garbage shall be fed to hogs, unless such garbage has been heat-treated to kill any disease agents therein by boiling for thirty minutes or by other equally effective means.

C. Animal offal and carcasses of dead animals shall be buried or cremated as directed by the responsible authority or shall be rendered at forty pounds per square inch of steam pressure or higher or shall be heated by equivalent cooking.

D. It is unlawful for any person, except the responsible authority or its designated agent or contractor, and those persons possessing a permit, to regularly haul or transport refuse upon the streets and public ways of the City; provided, however, upon a showing of necessity or convenience to the City, the responsible authority may authorize any person, as provided in Section 8.32.930, to haul and transport its refuse upon the streets and public ways of the City.

E. It is unlawful for any person, while transporting refuse or otherwise, intentionally or carelessly to throw, cast, put into, drop or permit to fall from a vehicle and remain in any street, gutter, sidewalk or public place any stones, gravel, sand, coal, dirt, manure, garbage, leaves, lawn or hedge clippings or rubbish of any kind or any other substance which shall render such highway unsafe or unsightly or shall interfere with travel thereon.

F. It is unlawful for any person to transport refuse that is not covered so as to keep the waste material contained in the transport vehicle during transport on any street or public right-of-way.

G. It is unlawful for any person to burn papers, boxes, dry rubbish or similar materials unless it is burned in an incinerator approved by the responsible authority, and controlled so as not to create a smoke or odor nuisance. Hours of burning will be regulated and posted by the responsible authority.

8.32.220 Equipment

A. All public or private vehicles used for the collection or disposal of refuse shall have enclosed bodies or suitable provision for covering the body. Provision and use of tarpaulin or canvas cover to enclose open bodies of collection vehicles may be permitted when specifically approved by the responsible authority.

B. Vehicles used for the collection or disposal of garbage, or of refuse containing garbage, shall have watertight, metal bodies of easily cleanable construction, shall be cleaned at sufficient frequency to prevent nuisance or insect-breeding and shall be maintained in good repair. (Prior code §9-1-15)
SECTION 2: This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, THIS 21st DAY OF JULY, 1999.

AYES: Doug Thompson, Hilder, Alfred, Pearce
NAYS: None
ABSENT: None

ATTEST: 
Lois Price, City Recorder

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved, this 12th day of AUGUST, 1999.

Douglas E. Thompson, Mayor
PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF CACHE

On this 17th day of August, 1999, personally appeared before me Felicia Tepedino who being first duly sworn, deposes and says that she is the chief clerk of the Cache Valley Publishing Co., publishers of The Herald Journal a daily newspaper published in Logan, City, Cache County Utah, and that the advertisement

LEGAL NOTICE

SUMMARY OF AN ORDINANCE AMENDING the Logan Municipal Code, 1989, passed by the Logan Municipal Council, is as follows:

ORD. 99-78. An ordinance was passed July 21, 1999 and approved August 12, 1999 amending Title 8, Chapter 3.32, Refuse Collection and Disposal. 8.32.010 is added establishing definitions for certain words and phrases in the chapter. 8.32.030 regarding fees stipulates that maximum fees for services and permits shall be established by resolution of the municipal council. Other fees shall be established by the "responsible authority." 8.32.040 addresses permits for the business of refuse collection, and clarifies when such business license permits for refuse collection of disposal in the City may be issued. The section also states that permitted collectors of recyclable refuse must deliver such to a recycling facility. 8.32.070 sets revised regulations for violation of the chapter, including enforcement, hearing, and appeal. 8.32.160 clarifies types of refuse which are unacceptable for collection (except by special arrangement). 8.32.180 and 8.32.190 address refuse collection and clarify places to be served and frequency of collection. 8.32.200, Refuse placed for collection, clarifies that household refuse shall be placed in authorized refuse containers no more than 24 hours prior to the collection date. It also requires all empty containers to be removed from the street before the end of the collection day, after being emptied. No container shall be permitted to remain on any street longer than 24 hours after being emptied. The section also addresses placement of business establishments refuse containers.

Full text of the ordinance may be reviewed at the Office of the Logan City Recorder, City Hall, 255 N. Main, during regular business hours.

Lois Price, Recorder
Publication Date: August 17, 1999

LEGAL NOTICE

SUMMARY OF AN ORDINANCE AMENDING the Logan Municipal Code, 1989, passed by the Logan Municipal Council, is as follows:

ORD. 99-78. An ordinance was passed July 21, 1999 and approved August 12, 1999 amending Title 8, Chapter 3.32, Refuse Collection and Disposal. 8.32.010 is added establishing definitions for certain words and phrases in the chapter. 8.32.030 regarding fees stipulates that maximum fees for services and permits shall be established by resolution of the municipal council. Other fees shall be established by the "responsible authority." 8.32.040 addresses permits for the business of refuse collection, and clarifies when such business license permits for refuse collection of disposal in the City may be issued. The section also states that permitted collectors of recyclable refuse must deliver such to a recycling facility. 8.32.070 sets revised regulations for violation of the chapter, including enforcement, hearing, and appeal. 8.32.160 clarifies types of refuse which are unacceptable for collection (except by special arrangement). 8.32.180 and 8.32.190 address refuse collection and clarify places to be served and frequency of collection. 8.32.200, Refuse placed for collection, clarifies that household refuse shall be placed in authorized refuse containers no more than 24 hours prior to the collection date. It also requires all empty containers to be removed from the street before the end of the collection day, after being emptied. No container shall be permitted to remain on any street longer than 24 hours after being emptied. The section also addresses placement of business establishments refuse containers.

Full text of the ordinance may be reviewed at the Office of the Logan City Recorder, City Hall, 255 N. Main, during regular business hours.

Lois Price, Recorder
Publication Date: August 17, 1999

LEGAL NOTICE

SUMMARY OF AN ORDINANCE AMENDING the Logan Municipal Code, 1989, passed by the Logan Municipal Council, is as follows:

ORD. 99-78. An ordinance was passed July 21, 1999 and approved August 12, 1999 amending Title 8, Chapter 3.32, Refuse Collection and Disposal. 8.32.010 is added establishing definitions for certain words and phrases in the chapter. 8.32.030 regarding fees stipulates that maximum fees for services and permits shall be established by resolution of the municipal council. Other fees shall be established by the "responsible authority." 8.32.040 addresses permits for the business of refuse collection, and clarifies when such business license permits for refuse collection of disposal in the City may be issued. The section also states that permitted collectors of recyclable refuse must deliver such to a recycling facility. 8.32.070 sets revised regulations for violation of the chapter, including enforcement, hearing, and appeal. 8.32.160 clarifies types of refuse which are unacceptable for collection (except by special arrangement). 8.32.180 and 8.32.190 address refuse collection and clarify places to be served and frequency of collection. 8.32.200, Refuse placed for collection, clarifies that household refuse shall be placed in authorized refuse containers no more than 24 hours prior to the collection date. It also requires all empty containers to be removed from the street before the end

LEGAL NOTICE

SUMMARY OF AN ORDINANCE AMENDING the Logan Municipal Code, 1989, passed by the Logan Municipal Council, is as follows:

ORD. 99-78. An ordinance was passed July 21, 1999 and approved August 12, 1999 amending Title 8, Chapter 3.32, Refuse Collection and Disposal. 8.32.010 is added establishing definitions for certain words and phrases in the chapter. 8.32.030 regarding fees stipulates that maximum fees for services and permits shall be established by resolution of the municipal council. Other fees shall be established by the "responsible authority." 8.32.040 addresses permits for the business of refuse collection, and clarifies when such business license permits for refuse collection of disposal in the City may be issued. The section also states that permitted collectors of recyclable refuse must deliver such to a recycling facility. 8.32.070 sets revised regulations for violation of the chapter, including enforcement, hearing, and appeal. 8.32.160 clarifies types of refuse which are unacceptable for collection (except by special arrangement). 8.32.180 and 8.32.190 address refuse collection and clarify places to be served and frequency of collection. 8.32.200, Refuse placed for collection, clarifies that household refuse shall be placed in authorized refuse containers no more than 24 hours prior to the collection date. It also requires all empty containers to be removed from the street before the end of the collection day, after being emptied. No container shall be permitted to remain on any street longer than 24 hours after being emptied. The section also addresses placement of business establishments refuse containers.

Full text of the ordinance may be reviewed at the Office of the Logan City Recorder, City Hall, 255 N. Main, during regular business hours.

Lois Price, Recorder
Publication Date: August 17, 1999