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### **9.1 Purpose**

Huntsville Town provides garbage service to its citizens in an effort to provide and encourage a beautiful, healthy and sanitary environment; and to keep the town's roads, park, and other town facilities free of litter. The purpose of this Title establishes regulations on garbage control.

### **9.2 Garbage Collection Services**

Huntsville Town shall offer contract garbage collection services for the residences of Huntsville Town. Those residing outside of Huntsville Town with Huntsville Town water hookups may also participate with contract garbage collection if appropriate agreements are made between Huntsville Town and the contracted garbage service provider. A separate garbage service and receptacle shall be required for each residence with garbage service.

### **9.3 Garbage Services Billing**

Huntsville Town garbage billing policies will be similar to Huntsville Town culinary water billing policies.

- A. Statements for garbage pickup will be mailed to residents with their water bill. Garbage pickup charges become delinquent after the last day of the month they are issued. A late notice will be included in the bill of the following month with a discontinued garbage service notice to follow fourteen days later. In the event all delinquencies are not paid in full by the next billing cycle, garbage service will be discontinued and the garbage receptacle returned to Huntsville Town.
- B. In the event the garbage service has been discontinued for failure to pay garbage charges; such service may be resumed only upon payment to Huntsville Town of a deposit which shall be established by resolution.
- C. If the owner rents the property served by the garbage service to another party, then the renting party may be required to deposit with Huntsville Town an amount to be established by resolution before the garbage service is resumed. This amount is refundable after six months if there are no delinquent garbage service bills associated with the garbage service to the property. Huntsville Town may at its discretion, grant a waiver to the deposit.

### **9.4 Theft of Services**

A person commits theft of services if he/she leaves inappropriate garbage in Huntsville Town receptacles located anywhere in Huntsville Town.

- A. Inappropriate garbage is that which comes from individual residences, personal property, or any other source not associated with the use of Huntsville Town facilities to avoid the payment of garbage services. This is garbage which normally would be picked up by residential or property owner's garbage service. Huntsville Town receptacles should not be used for the disposal of trash from individual residences or personal property.
- B. Theft of services, as defined in Utah Code Section 76-6-409, (1-2):

1. A person commits theft if he obtains services which he knows are available only for compensation by deception, threat, force, or any other means designed to avoid the due payment for them.
2. A person commits theft if, having control over disposition of services of another, to which he knows he is not entitled, he diverts the services to his own benefit or to the benefit of another who he knows is not entitled to them.

C. Exceptions to the above may be granted by the Huntsville Town Council.

### 9.5 Litter

It shall be unlawful for anyone to litter Huntsville Town roadways, alleyways, right-of-ways, and facilities. Facilities include the park, cemetery, Huntsville Town Hall, sheds, and any other Huntsville Town property or right-of-ways. Littering is defined by Utah Code Section 41-6-114 (1-7) and written as follows:

- A. It shall be unlawful for any person to throw, deposit, or discard, or to permit to be dropped, thrown, deposited, or discarded upon any public road, highway, park, recreation area, or other public or private land, or waterway, any glass bottle, glass, nails, tacks, wire, cans, barbed wire, boards, trash or garbage, paper or paper products, or any other substance which would or could mar or impair the scenic aspect or beauty of the land in the town whether under private, state, county, municipal or federal ownership without the permission of the owner or person having control or custody of the land.
- B. Any person who drops, throws, deposits, or discards, or permits to be dropped, thrown, deposited, or discarded, upon any public road, highway, park, recreation area, or other public or private land or waterway any destructive, injurious, or unsightly material shall:
  1. Immediately remove the material or cause it to be removed; and
  2. Deposit the material in a receptacle designed to receive the material.
- C. Any person distributing commercial handbills, leaflets, or other advertising shall take whatever measures are reasonably necessary to keep the material from littering public or private property or public roadways.
- D. Any person removing a wrecked or damaged vehicle from a public road, highway, park, recreation area, or other public or private land shall remove any glass, injurious substance dropped from the vehicle, or liquids spilled from the damaged vehicle upon the road or highway, or in the park, recreation area, or other public or private land.
- E. It shall be unlawful to throw any lighted material from a moving vehicle.
- F. Any person transporting loose cargo by truck, trailer, or other motor vehicle shall secure the cargo in a reasonable manner to prevent the cargo from littering or spilling on both public and private property or public roadways.
- G. Any person in charge of a construction or demolition site shall take reasonable steps to prevent the accumulation of litter at the construction or demolition site.

### 9.6 Littering and Theft of Services Penalties

Littering and theft of services (inappropriate garbage in town receptacles):

- A. Any person violating any of the provisions of this ordinance is guilty of a class C misdemeanor and shall be fined not less than one hundred dollars (\$100) for each violation.
- B. The sentencing judge may impose as additional penalties the requirements that the offender devote at least four hours in cleaning up of litter caused by him and existing litter from a safe area designated by the sentencing judge.

### 9.7 Huntsville Town Landfill

Only yard waste will normally be accepted in the Huntsville Town Landfill. Yard waste means vegetative matter resulting from landscaping, land maintenance, and land clearing operations including tree trimmings, grass clippings, prunings, and other discarded organic material generated from yards, gardens, parks, and similar types of facilities. Yard waste does not include garbage, paper, plastic, lumber, metal, sludge, septic deposits, or manure.

- A. A fee per ton of waste will be established by resolution, with a minimum fee for any load. As Huntsville Town has no scales, the weight will be estimated by the representative of Huntsville Town operating the landfill at that time.
- B. All loads must be secured so as no waste is deposited on the roads en route to the landfill.
- C. With the approval of the designated Huntsville Town Council member, inert construction/demolition waste or other materials will be allowed at the Huntsville Town Landfill. Inert waste is noncombustible, non-hazardous solid wastes that retain their physical and chemical structure under conditions of disposal. It includes materials such as rock, brick, and concrete (excluding rebar and other reinforcing materials).
- D. Construction/demolition waste, from Huntsville Town publicly owned buildings or projects, will be allowed at the Town Landfill. This will save the Town from being accessed fees to use an alternative disposal facility.

### 9.8 Hazardous Waste

All hazardous waste shall be disposed of in a manner compliant with the requirements of the Weber-Morgan County Health Department. No waste deemed hazardous by the Weber-Morgan County Health Department shall be deposited in any garbage receptacle provided or contracted for by Huntsville Town, or in any public garbage receptacle in any public place.

The Weber County Transfer Station has the ability to accept various types of hazardous waste, and they should be consulted for this purpose. Otherwise, the Weber-Morgan County Health Department shall be consulted for disposal.

The improper disposal of hazardous waste is a criminal matter, and the Weber County Sheriff shall be contacted upon any prima facie evidence of such criminal hazardous waste disposal observed by any Huntsville Town Official or any resident citizen of Huntsville Town.

### 9.9 Enforcement

State, County, and Huntsville Town Law Enforcement Officers are empowered to issue citations to any person violating any of the provisions of this section and may serve and execute all warrants, citations, and other process issued by any court in enforcing this Title.

### 9.10 Liability Exemption

If any section, sentence, clause or phrase of this Title is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Title.

This Garbage Ordinance shall take effect upon approval by the Huntsville Town Council.

PASSED and ADOPTED this 15th day of May 2008.

\_\_\_\_\_  
Mayor, James C. McKay

ATTEST:

Dated this 15th day of May 2008.

\_\_\_\_\_  
Clerk/Recorder, Gail Ahlstrom

Vote of the Town Council	yea	nay
Council Member Ferre	___	___
Council Member Johnson	___	___
Council Member Sorenson	___	___
Council Member Truett	___	___
Mayor McKay	___	___