

10-412. COLLECTION OF GARBAGE.

- A. The municipality or its agent shall collect, remove and dispose of all residential, commercial garbage the removal of which is not otherwise provided for by the establishment or institution as herein provided. All garbage and refuse shall be collected, removed and disposed of with such frequency and in such manner as the governing body may from time to time establish by regulation.
- B. Except as otherwise expressly permitted by this part, no garbage or refuse shall be moved or hauled away or transported upon the streets or public ways of the municipality except by the municipality or its agent and except by authorized persons hauling commercial garbage or refuse as hereinafter provided. It is hereby declared to be unlawful for any person, except as permitted in this part, to haul or remove garbage or refuse in the municipality.
- C. Commercial establishments, public or quasi-public, institutions and establishments creating commercial garbage, may remove commercial garbage themselves or may employ the services of authorized contractors to remove commercial garbage. Authorized garbage haulers must apply for and receive permission to do so from the recorder/clerk. Haulage of refuse must be done in the manner, at such times and in such vehicles as may be approved for such purposes as the governing body may from time to time by regulation provide.
- D. Nothing contained in this section shall preclude persons from hauling their own garbage, trash or community waste over the streets and alleys of the municipality in vehicles and containers approved by a sanitary inspector or such other personnel of the municipality as the governing body may authorize.
- E. Nothing in this section shall be construed as eliminating the charge made for garbage service.

10-415. NO ACCUMULATION OF GARBAGE. It shall be unlawful for any person to accumulate garbage or refuse or cause garbage or refuse to be deposited upon any street or alley or upon any premises in the municipality without express permission from the municipal health officer. The health officer may permit the feeding or processing of garbage or refuse upon premises properly equipped and maintained so as to prevent the creation of a nuisance or a hazard to health, or permit the depositing of ashes and other dry material for filling purposes at such places as the health officer may designate and under such restrictions as the governing body may by regulation impose. Additionally, the health officer may grant to any person permission for sorting, bailing and marketing trade waste upon premises properly equipped and maintained.

10-416. CONTAINERS.

- A. All garbage and refuse shall be placed in suitable and sufficient garbage receptacles, either receptacles with tight fitting lids or properly and sufficiently treated water resistant paper bags manufactured specifically for use in garbage and refuse collection, or plastic bags manufactured specifically for use in garbage and refuse collection.
- B. Containers shall not exceed a 30 gallon capacity for receiving and holding garbage, market waste or other refuse which may accumulate.
- C. Receptacles shall not be filled to exceed 75 pounds in weight including the weight of the receptacle. Metal receptacles shall be provided with handles for convenient lifting.

10-417. CLOSING OF GARBAGE CONTAINERS REQUIRED. All garbage and market waste must be placed in rainproof and flyproof receptacles of the type herein required, and the receptacle shall be tightly closed in such manner as to prevent offensive odors or flies.

10-418. TIME AND PLACE OF PICKUP.

- A. All garbage and refuse subject to garbage collection by the municipality shall be placed at a pickup point at or near the premises designated from time to time by regulations adopted by the governing body and at such time or times as shall be designated by regulations of the governing body.
- B. Until otherwise provided by regulation, garbage and refuse must not be set out upon the street for collection prior to the evening of the day before collection and must be set out on the day of collection before the hour of collection designated by regulations of the governing body.
- C. All empty receptacles must be removed from the street as soon as practicable after being emptied, and in every case, must be removed from the street the same day they are emptied. Receptacles shall not be permitted to remain on any street longer than may be necessary for the removal of the contents.

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10-424. PERMITS. It shall be unlawful for any person who does not possess an unrevoked permit from the Cache County Service Area #1 in addition to any business license required by the municipality to engage in the business of refuse collection or refuse disposal for compensation in the municipality. The Cache County Service Area #1 shall issue permits for such applicants; provided that such permits shall be limited to persons having proper equipment and personnel to collect and dispose of refuse in accordance with the provisions of this part; and that no permit shall be required of any agency acting under contract with the municipality.

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10-425. ENFORCEMENT, SERVICE OF NOTICES AND ORDERS, HEARINGS.

A. Whenever the Cache County Service Area #1 has determined that there are reasonable grounds to believe that there has been a violation of any provision of this part, notice of such alleged violation shall be given to the person or persons responsible therefore, as hereinafter provided. 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. Be served upon the holder of a permit issued under this part or upon the owner or agent or the occupant of any premises within the municipality; provided, that such notice shall be deemed to have been properly served when a copy thereof has been served personally or in accordance with any other method authorized or required under the laws of this state for commencement of civil actions.

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D. After such hearing, the Cache County Service Area #1 shall sustain, modify, or withdraw the notice, depending upon its findings based on such hearing as to whether or not the provisions of this part and of the regulations adopted pursuant thereto have been compiled with. If the Cache County Service Area #1 sustains or modifies such notice, it shall be deemed to be an order. Any notice shall automatically become an order if a written request for a hearing has not been filed in the office of the Cache County Service Area #1 within ten days after such notice was serviced. In the case of any notice which states that a permit required by this part may be suspended or revoked, the Cache County Service Area #1 may suspend or revoke such permit if an order is issued and corrective action has not been taken within the time specified in the notice.

E. The proceedings at such hearing, including the findings and decision of the Cache County Service Area #1, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the Cache County Service Area #1. Such record shall include, also, a copy of every notice or order issued in connection with the matter.

F. If the corrective action ordered by the Cache County Service Area #1 under this part has not been taken within five days after such decision or order thereof, the Cache County Service Area #1 shall give notice that the governing body shall hear the matter. Notice of the hearing shall be given by personal service or by leaving a copy at the residence or place of business of the person not complying, with anyone at such address who is over the age of 14 years and by mailing a copy of the notice to the last known address of the person not complying with the order.

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10-426. INSPECTION. Any authorized employee or agent of Cache County Service Area #1, after identifying himself, 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 part and where necessary shall obtain a search warrant from a court having jurisdiction.

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10-427. 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 Cache County Service Area #1.

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.