

**APPLE VALLEY  
ORDINANCE O-2022-54**

**NOW THEREFORE**, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

**SECTION 1:**        **AMENDMENT** “7.10.050 Criminal Penalty For Violation” of the Apple Valley Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

7.10.050 Criminal Penalty For Violation

**AFTER AMENDMENT**

7.10.~~050~~100 Criminal Penalty For Violation

**SECTION 2:**        **AMENDMENT** “7.10.010 Purpose” of the Apple Valley Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

7.10.010 Purpose

The purpose of this Chapter is to regulate the disposal of solid waste within the boundaries of the Town of Apple Valley ("Apple Valley"), which it is required to do under the provisions of Paragraph 11 of Apple Valley's Agreement with Washington County Special Service District No. 1 ("District").

**AFTER AMENDMENT**

7.10.010 Purpose

~~The purpose of this Chapter is to regulate the disposal of solid waste within the boundaries of the Town of Apple Valley ("Apple Valley"), which it is required to do under the provisions of Paragraph 11 of Apple Valley's Agreement with Washington County Special Service District No. 1 ("District").~~

The purpose of this Chapter is to establish rules and regulations pertaining to the collection and disposal of residential solid waste produced or generated within the boundaries of Apple Valley, and establish fees for collection and disposal of such residential waste.

**SECTION 3:            AMENDMENT** “7.10.020 Findings” of the Apple Valley Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

7.10.020 Findings

- A. Apple Valley entered into an Agreement with the District whereby the District, by and through Allied Waste Transportation, Inc., dba Red Rock Waste Services ("Allied Waste"), shall provide residential solid waste collection and disposal services within the town limits of Apple Valley (hereinafter "Agreement").
- B. Under the terms of the Agreement, Apple Valley has agreed to adopt by resolution or ordinance such rules and regulations as may be necessary to prevent the dumping or disposal of any solid waste in any area other than the Washington County Landfill, or in any manner which is inconsistent with the Agreement.
- C. The Agreement requires that all residential solid waste within the boundaries of Apple Valley be disposed of through Allied Waste or be taken to the Washington County Landfill for disposal.

**AFTER AMENDMENT**

7.10.020 ~~Findings~~Definitions

- ~~A. Apple Valley entered into an Agreement with the District whereby the District, by and through Allied Waste Transportation, Inc., dba Red Rock Waste Services ("Allied Waste"), shall provide residential solid waste collection and disposal services within the town limits of Apple Valley (hereinafter "Agreement").~~
- ~~B. Under the terms of the Agreement, Apple Valley has agreed to adopt by resolution or ordinance such rules and regulations as may be necessary to prevent the dumping or disposal of any solid waste in any area other than the Washington County Landfill, or in any manner which is inconsistent with the Agreement.~~
- ~~C. The Agreement requires that all residential solid waste within the boundaries of Apple Valley be disposed of through Allied Waste or be taken to the Washington County Landfill for disposal.~~

1. DEFINITIONS. For purposes of this Ordinance, the following words or phrases shall have the following meanings.

- A. "Republic or Republic Services" shall mean Allied Waste Transportation, Inc., a Delaware corporation, d/b/a Republic Services of St. George, licensed to do business in the State of Utah.
- B. "District" shall mean Washington County Special Service District No. 1.
- C. "Town" shall mean the Town of Apple Valley.

D. "Agreement" shall mean Residential Waste Collection Agreement, dated September 1, 2020 between Washington County Special Service District No. 1 and Allied Waste Transportation, In., a Delaware corporation, d/b/a Republic Services of St. George, licensed to do business in the State of Utah, a copy of which is attached hereto as Exhibit "A" and incorporated herein by this reference.

E. "Automated or Semi-Automated Container" shall mean a waste receptacle approved by the District, with a capacity of 60 to 94 gallons, equipped with a tight-fitting, permanently attached lid and wheels for easy movement, and specifically designed for automated and semi-automated pick up.

F. "Bulky Waste" shall mean residential waste materials with lengths, weights or volumes greater than those allowed for automated containers, including but not limited to stoves, refrigerators, dryers, dishwashers, televisions, hot water tanks, washing machines, household furniture, four (4) or fewer tires, air conditioners, Christmas trees, bicycles, large toys, tree limbs of 3-6 feet in length and up to 6 inches in diameter, and Bags used for seasonal disposal of leaves. Bulky Waste does not include automobiles, more than four (4) tires, motorcycles, boats, Construction/Demolition Waste, large dead animals, Hazardous Waste, Special Waste and trees (other than Christmas trees) or limbs exceeding six (6) feet in length and six (6) inches in diameter, and other similar items. All items must be free of extraneous materials and shall be capable of being lifted into Republic's collection vehicle by two (2) men. A Resident may not place more than three Bulky Waste items out for collection per call.

G. "Commercial shall mean or refer to property:

(1) used primarily in connection with the supply of goods or professional services on a regular basis or in the regular course of business, and for which a business or other license is required by state law or local ordinance, and

(2) A hotel, motel, recreational vehicle rental park used for overnight or short term rental of less than thirty (30) days, or an apartment complex of more than eight (8) units used for a rental term of more than thirty (30) days.

H. "Commercial Hauler" shall mean any person or entity who in the regular course of business or for a fee collects and disposes of commercial waste.

I. "Commercial Waste" shall mean non-hazardous waste materials produced by businesses or resulting from normal activities on or use of commercial property or premises.

J. "Curbside" shall mean at or near any curb, sidewalk or other location immediately adjacent to any street, highway or road which is safely accessible to Republic's waste collection vehicles.

K. "Dumpster or Roll-off" shall mean any metal container with a volume of 1.5 cubic yards or more, designed for storage of waste and to be compatible with collection equipment.

L. "Hazardous Waste" shall mean a solid waste or combination of solid wastes, other than Household Waste, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed, and as further defined in R315-2-3 of the Utah Administrative Code.

M. "Household Waste" shall mean any waste material, including garbage, trash, and sanitary wastes in septic tanks, derived from households, including single-family and multiple-family residences, apartments, hotels, and motels, bunk houses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas.

N. "Infectious Waste" shall mean a solid waste that contains or may reasonably be expected to contain pathogens of sufficient virulence and quantity that exposure to the waste by a susceptible host could result in an infectious disease. Infectious Waste is included in Household Waste unless subject to regulation in accordance with R315-316(1) of the Utah Administrative Code.

O. "Residence or Residential" shall mean the use of property or premises containing a structure which is hooked to culinary water and power and is intended or used for human habitation, including but not limited to:

- (1) single homes,
- (2) mobile homes,
- (3) town homes,
- (4) condominiums,
- (5) short-term vacation rentals (VRBO's) of less than 30 days,
- (6) apartments not contained in or as part of an apartment complex of more than eight
- (8) units.

Except as may be specified hereinafter, each residential unit or structure on property or premises classified as residential shall be considered a separate residence for purpose of billing and collection.

P. "Residential Waste" shall mean household waste, bulky waste, and other non-hazardous waste produced by or resulting from the normal activities on or use of residential property or premises. Residential Waste includes but is not limited to waste wood, wood products, tree trimmings, grass cuttings, dead plants, seeds, leaves, chips, shavings, saw-dust, printed matter, paper, pasteboard, plastic, aluminum cans, flattened cardboard boxes, wooden boxes, rags, loose straw, used and discarded mattresses, used and discarded clothing, used and discarded shoes and boots, combustible and waste pulp and other products such as are used for packaging or wrapping crockery and glass, cold ashes, cinders, floor sweepings, glass, mineral or metallic substances and any and all other waste materials not included in the definition of bulky waste, construction/demolition waste, dead animals, garbage or hazardous waste. Residential Waste does not include special waste or stable matter as defined herein.

Q. "Special Waste" shall mean discarded solid waste that may require special handling or other solid waste that may pose a threat to public safety, human health, or the environment. Special waste includes:

- (1) ash
- (2) automobile bodies
- (3) infectious waste subject to regulation under R315-316(1) of the Utah Administrative Rules
- (4) waste tires
- (5) dead animals
- (6) asbestos
- (7) waste exempt from the hazardous waste regulations under R315-261-4
- (8) very small quantity generator hazardous waste as defined by R315-260-10
- (9) waste containing PCB's
- (10) petroleum contaminated soils
- (11) waste asphalt
- (12) sludge
- (13) stable matter

**SECTION 4:            AMENDMENT** “7.10.030 Regulation Of Disposal Of Solid Waste Within Apple Valley Boundaries” of the Apple Valley Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

7.10.030 Regulation Of Disposal Of Solid Waste Within Apple Valley Boundaries

It shall be unlawful to dispose of solid waste within the boundaries of Apple Valley except by contract with Allied Waste, through the District, or dispose of said waste at the Washington County Landfill.

**AFTER AMENDMENT**

7.10.030 ~~Regulation Of Disposal Of Solid Waste Within Apple Valley Boundaries~~ Use of Washington County Landfill

~~It shall be unlawful to dispose of solid waste within the boundaries of Apple Valley except by contract with Allied Waste, through the District, or dispose of said waste at the Washington County Landfill.~~

All residential waste generated within corporate limits of Town shall be transported to and disposed of at the Washington County Landfill or such other waste disposal facility as may be approved by the District.

**SECTION 5:            AMENDMENT** “7.10.040 Solid Waste Collection And Disposal Services Fees” of the Apple Valley Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

7.10.040 Solid Waste Collection And Disposal Services Fees

- A. The Apple Valley Town Council estimates that the monthly billing, collection and payment to District, of all residential fees for residential solid waste removal from all residences located within the Apple Valley Town limits, costs the town the amount of \$194.00 per month.
- B. Based on the estimated number of residents within the Apple Valley Town limits of 175, each resident should be assessed the amount of \$12.50 per month for the costs and labor incurred by Apple Valley in providing monthly billing, collection, and payment to District of all residential fees for residential solid waste removal from all

residences located within the Apple Valley Town limits.

- C. Enactment Of Fee. Each resident shall be assessed the amount of \$12.50 per month for the costs and labor incurred by Apple Valley in providing monthly billing, collection, and payment to District of all residential fees for the removal of solid waste from all residences located within the Apple Valley Town limits. This amount shall be added to the amounts District requires pursuant to Paragraph 5 (a) through (c) of the Agreement.

#### AFTER AMENDMENT

##### 7.10.040 ~~Solid Waste Collection And Disposal Services Fees~~Required Use of Automated/Semi-Automated Containers

- ~~A. The Apple Valley Town Council estimates that the monthly billing, collection and payment to District, of all residential fees for residential solid waste removal from all residences located within the Apple Valley Town limits, costs the town the amount of \$194.00 per month.~~
- ~~B. Based on the estimated number of residents within the Apple Valley Town limits of 175, each resident should be assessed the amount of \$12.50 per month for the costs and labor incurred by Apple Valley in providing monthly billing, collection, and payment to District of all residential fees for residential solid waste removal from all residences located within the Apple Valley Town limits.~~
- ~~C. Enactment Of Fee. Each resident shall be assessed the amount of \$12.50 per month for the costs and labor incurred by Apple Valley in providing monthly billing, collection, and payment to District of all residential fees for the removal of solid waste from all residences located within the Apple Valley Town limits. This amount shall be added to the amounts District requires pursuant to Paragraph 5 (a) through (c) of the Agreement.~~

Except for residential developments approved by Town where density and lack of access by waste collection vehicles requires the use of dumpsters or roll-offs as a means of residential waste collection, each residence or residential unit within the incorporated areas of Town shall be required to utilize for residential waste collection service an automated/semi-automated container or containers which have been approved and delivered to the property by Town or its authorized agent.

**SECTION 6:            ADOPTION** “7.10.050 Residential Waste Collection And Disposal Services Provided” of the Apple Valley Municipal Code is hereby *added* as follows:

#### BEFORE ADOPTION

7.10.050 Residential Waste Collection And Disposal Services Provided (Non-existent)

#### AFTER ADOPTION

7.10.050 Residential Waste Collection And Disposal Services Provided(*Added*)

A. Town shall provide to each residence within its boundaries weekly curbside collection of:

1. Residential waste placed in automated/semi-automated containers or in dumpsters or roll-offs; and
2. Bulky waste placed at or near the curb or edge of the roadway.

B. Except where the use of dumpsters or roll-offs are authorized, residential waste shall be placed for collection in accordance with the following:

1. All residential waste shall be placed for collection in automated/semi-automated containers.
2. All residential waste shall be placed for collection by 6:00 a.m. of the day scheduled for collection.
3. No hazardous waste, infectious waste or special waste shall be placed for collection in any automated/semi-automated container or any dumpster or roll-off.
4. Automated/semi-automated containers shall be placed within three (3) feet of the curbside, blacktop or tother roadway surface, with three (3) feet clearance on either side of the container from parked cars or other objects, and at other locations readily accessible to collection vehicles and personnel.
5. All empty waste containers shall be removed from the street as soon as reasonably practicable but not later than 24 hours after being emptied.
6. Bulky waste shall be placed at or near the curbside, blacktop or other roadway surface, or at other locations readily accessible to collection vehicles and personnel.

**SECTION 7:            ADOPTION** “7.10.060 Establishment Of Residential Fees and Billing” of the Apple Valley Municipal Code is hereby *added* as follows:

**BEFORE ADOPTION**

7.10.060 Establishment Of Residential Fees and Billing (Non-existent)

**AFTER ADOPTION**

7.10.060 Establishment Of Residential Fees and Billing(*Added*)

A. There is hereby established a monthly residential waste collection and disposal fee for each residence or residential unit in Town, which shall include the following amounts:

1. The amount to be paid to Republic in the amount of \$6.90 per month per residence, which shall be subject to an annual increase of 2.5%; and
2. The amount to be paid to the District for administrative costs and expenses in the amount of \$4.45 per month per residence, which shall be subject to an annual increase of ten cents (\$.10); and
3. Such amount as may be established from time to time by resolution of the Town Council for administrative costs and expenses incurred by Town in billing and collection.

B. The residential fee established hereby for basic collection service is for the availability of service provided by Town through the District and its authorized agent, Republic, and said fee shall be due and owing when service is available, regardless of whether said service is actually utilized.

C. Fees for residential waste collection and disposal services provided by Town shall be paid on a monthly basis, and shall be included in any billing for other municipal services supplied by Town. Payments for residential waste collection and disposal services not received on or before the last day of the month following the month for which services were provided shall be deemed delinquent and shall thereafter bear interest at the rate of 5 per cent per month until paid in full, and shall be subject to all collection practices or procedures as may be established from time to time by ordinance.

**SECTION 8:            ADOPTION** “7.10.070 Collection Of Commercial Waste” of the Apple Valley Municipal Code is hereby *added* as follows:

#### BEFORE ADOPTION

7.10.070 Collection Of Commercial Waste (Non-existent)

#### AFTER ADOPTION

7.10.070 Collection Of Commercial Waste(*Added*)

Nothing in this ordinance shall preclude the owner or lessee of any commercial property or premises from transporting his or her own commercial waste to the landfill, or contracting for its removal with a commercial hauler properly licensed by District and authorized to conduct business within the Town. Commercial property owners must have their own separate billing and may not place its commercial waste into residential dumpsters/cannisters.

**SECTION 9:**            **ADOPTION** “7.10.080 Commercial Or Private Haulers” of the Apple Valley Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

7.10.080 Commercial Or Private Haulers (Non-existent)

AFTER ADOPTION

7.10.080 Commercial Or Private Haulers(*Added*)

No private or commercial hauler shall be allowed to collect or dispose of commercial solid waste generated by businesses or through the use of commercial property within Town without having first obtained from District a license to operate as a private or commercial hauler.

**SECTION 10:**            **ADOPTION** “7.10.090 Collection Vehicles” of the Apple Valley Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

7.10.090 Collection Vehicles (Non-existent)

AFTER ADOPTION

7.10.090 Collection Vehicles(*Added*)

A. All trucks or other vehicles used by any private or commercial hauler to collect or transport solid waste within Town shall:

1. Be maintained in a good mechanical condition,
2. Be equipped with fully enclosed sides and bottom and otherwise constructed as to prevent the contents of the vehicle from spilling or blowing while the vehicle is in motion,
3. Clearly bear on the outside of the body of the vehicle the name and telephone number of the hauler, and
4. Comply with all provisions of all applicable state or federal regulations or laws concerning the collection, transportation or disposal of solid waste.

B. All solid waste transported by any private or commercial hauler shall be contained, tied or enclosed in such a manner that leaking, spilling or blowing are prevented during transportation.

**SECTION 11:            REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

**SECTION 12:            SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**SECTION 13:            EFFECTIVE DATE** This Ordinance shall be in full force and effect from October 19, 2022.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

\_\_\_\_\_.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Mayor   Frank Lindhardt	_____	_____	_____	_____
Council Member   Andy McGinnis	_____	_____	_____	_____
Council Member   Barratt Nielson	_____	_____	_____	_____
Council Member   Kevin Sair	_____	_____	_____	_____
Council Member   Robin Whitmore	_____	_____	_____	_____

Attest

Presiding Officer

\_\_\_\_\_  
Jenna Vizcardo, Town Clerk, Apple Valley

\_\_\_\_\_  
Frank Lindhardt, Mayor,, Apple Valley