

**MILLVILLE CITY CODE  
TITLE 8 - HEALTH AND SAFETY  
CHAPTER 8.04 - GARBAGE COLLECTION AND DISPOSAL**

[8.04.010: DEFINITIONS](#)

[8.04.020: COLLECTION OF GARBAGE](#)

[8.04.030: SERVICE CHARGE](#)

[8.04.040: METHOD OF PAYMENT OF SERVICE CHARGES](#)

[8.04.050: PERMITS](#)

[8.04.060: ENFORCEMENT, SERVICE OF NOTICES AND ORDERS, HEARINGS](#)

[8.04.070: INSPECTION](#)

[8.04.080: EQUIPMENT](#)

**8.04.010: DEFINITIONS**

**COMMERCIAL GARBAGE:** Refers to garbage produced in commercial establishments, public or quasi-public institutions or establishments, including restaurants, hotels, motels and similar establishments.

**COMMUNITY WASTE:** Lawn cuttings, clippings from bushes and shrubs, leaves and trees and tree branches.

**CONTAINER OR REGULATION CONTAINER:** A type of garbage or trash container of galvanized metal or other approved material and having a tight fitting lid or properly and sufficiently treated weather resistant paper bag manufactured specifically for use in garbage and refuse collection.

**GARBAGE:** Waste from the preparation, handling, storing, cooking or consumption of food and food products.

REFUSE: All waste matter, except garbage, attending or resulting from the occupancy of residences, apartments, hotels, or other places of dwelling and from the operation of a business. Refuse shall not be deemed to include industrial waste or waste matter resulting from the construction, demolition or repair of a building or other structure.

RESIDENTIAL GARBAGE: Refers to and means garbage produced in places of private residence and dining halls not open to the public. (Prior code § 10-411)

#### **8.04.020: 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 chapter, 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 declared to be unlawful for any person, except as permitted in this chapter, 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. 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, containers approved by a sanitary inspector or such other personnel of the municipality as the governing body may authorize.
- E. The recipient of services provided in this chapter shall be subject to all collection and disposal rules and regulations as adopted by resolution of the city council.

- F. Nothing in this section shall be construed as eliminating the charge made for garbage service. (Ord. 2000-7 § 2: prior code § 10-412)

### **8.04.030: SERVICE CHARGE**

- A. The service charge for garbage collection shall be established by resolution from time to time by the governing body and shall be in an amount consistent with the amounts set forth in the contract between the municipality and the Cache County service area #1.
- B. Charges shall apply to all residences and business establishments whether or not they have also elected to haul their own garbage or employ the services of authorized garbage haulers. (Prior code § 10-413)

### **8.04.040: METHOD OF PAYMENT OF SERVICE CHARGES**

- A. The garbage service charges above imposed by this chapter shall be added to the charge made for water furnished through the water system of the municipality and shall be billed and collected in the same manner as water service charges are billed and collected.
- B. In the event that the obligee for the water service charges and the obligee for the garbage service charges do not coincide, or in the event that practical economic and administrative reasons do not make combined billing and collection feasible in the opinion of the governing body, the garbage service charges may be collected with such frequency and in such manner as the governing body shall by regulation provide. (Prior code § 10-414)

### **8.04.050: PERMITS**

It is 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 chapter; and that no permit shall be required of any agency acting under contract with the municipality. (Prior code § 10-424)

## **8.04.060: 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 or any provision of this chapter, notice of such alleged violation shall be given to the person or persons responsible therefor, 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 chapter 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.

B. Such notice may:

1. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter;
2. State that unless conditions or practices described in such notice which violate this chapter are corrected within reasonable time specified in such notice, the violator may be punished in accordance with the provisions of this chapter, or a permit which has been issued pursuant to this chapter may be suspended or revoked.

C. Any person who is affected by any notice issued in connection with the enforcement of any provision of this chapter may request, and shall be granted, a hearing on the matter before the Cache County service area #1 or its designee; provided, that such person shall file, in the office of the Cache County service area #1 a written request for such hearing and within ten (10) days after the date the notice was served. Upon receipt of such request, the Cache County service area #1 shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner

shall be given an opportunity to be heard. The hearing shall be commenced not later than ten (10) days after the day on which the request was filed, provided that, upon application of the petitioner, the Cache County service area #1 may postpone the date of the hearing for a reasonable time beyond such ten (10) day period when, in its judgment, the petitioner has submitted a good and sufficient reason for such postponement.

- 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 chapter and of the regulations adopted pursuant thereto have been complied 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 (10) days after such notice was served. In the case of any notice which states that a permit required by this chapter 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 chapter has not been taken within five (5) 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 fourteen (14) years and by mailing a copy of the notice to the last known address of the person not complying with the order.
- G. At the time set for the hearing by the Cache County service area #1, the governing body shall hear the matter and receive evidence and determine what corrective action is required, if any. The decision of the governing body shall be in writing and a copy mailed to the person not complying.
- H. Any person who does not comply with the decision of the governing body shall be guilty of a misdemeanor. The governing body may order the Cache County service area #1 to take the corrective action required if the person who does not comply fails to do so and a court action shall be commenced against such person for any costs incurred by the municipality.
- I. Whenever the Cache County service area #1 finds that an emergency exists involving a serious health hazard which requires immediate action to protect the public health, it

may without notice or hearing issue a written order reciting the existence of such an emergency and the conditions violating this chapter which require corrective action to remove such health hazard. If such corrective action is not taken, the Cache County service area #1 may take the 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 governing body shall be afforded a hearing as soon as possible, but in any case not later than three (3) days after the petition was filed. After such hearing depending upon the findings of the governing body as to whether or not the provisions of this chapter and of the regulations adopted pursuant hereto have been complied with the governing body may continue such order in effect, modify it or revoke it. (Prior code § 10-425)

#### **8.04.070: INSPECTION**

Any authorized employee or agent of Cache County service area #1, 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 § 10-426)

#### **8.04.080: 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. (Prior code § 10-427)