

ORDINANCE NO. 01-01-2015

AN ORDINANCE AMENDING THE SANTAQUIN CITY CODE PROVIDING FOR POLICIES AND PROCEDURES FOR COLLECTION, DISPOSAL AND TRANSPORTING OF SOLID WASTE AND REFUSE WITHIN THE CITY OF SANTAQUIN, CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVERNER'S ERRORS, SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Santaquin ("the City") is a fifth-class municipality of the State of Utah; and

WHEREAS, the City of Santaquin provides collection and disposal of solid waste for the residents of the City; and

WHEREAS, policies and procedures pertaining to collection, disposal and transporting of solid waste, as found in Title 4, Chapter 4 of the Santaquin City Code (S.C.C.), and policies and procedures pertaining to the charges for utility services are revised from time to time in support of contracts with third party contractors and operational needs of the City;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SANTAQUIN CITY, UTAH, AS FOLLOWS:

SECTION I. ADDING TO S.C.C., TITLE 4 PUBLIC HEALTH & SAFETY AND AMENDING S.C.C., TITLE 8 UTILITIES.

Title 4, Chapter 4: Adding paragraph 9 as follows; and
Title 8, Chapter 5: Amending paragraph 7-C and 7-D as follows:

4-4-9: CURBSIDE RECYCLING SERVICES:

- A. Purpose: The purpose of recycling programs is to reduce the expense of disposal of solid waste and conserve valuable resources. The purpose of this section is to establish procedures by which participating residents will recycle designated materials.
- B. Regulation Criteria: The City's program for recycling of solid waste shall be based on the following criteria:
 - 1. Recycling is encouraged for all residences. All single family premises shall be automatically enrolled in the recycling program unless they "opt-out" pursuant to the provision provided section D.

2. Multi-family premises and trailer courts will not be automatically enrolled in the recycling program, however the owner of the property may enroll and must do so in writing. Once an owner of the multi-family premises or designated trailer court enrolls into the recycling program the container shall stay at the premises regardless if the premises is occupied by a tenant or if it is vacant.
3. Commercial businesses will not be automatically enrolled in the recycling program, but may do so by requesting enrollment in writing.
4. The City shall provide each participant in the program with containers that shall be used for curbside recycling. These containers shall be separate from the receptacle provided for disposal of solid waste.
5. Any residences participating in the curbside recycling program shall separate all designated recyclable materials and deposit them into the designated container.
6. The recycling container shall be collected at a minimum of every other week at times and dates determined by the City. Recycling container shall be set out by the owner or tenant of the premises on the day of collection by seven (7:00) a.m. All empty recycling containers must be removed from the curb as soon as practicable after being emptied.

C. Definitions:

DESIGNATED RECYCLABLE MATERIALS: Recyclable materials which may be reused in a valuable form following a remanufactured process. Materials that will be accepted and shall be separated for curbside recycling include the following:

1. Aluminum including soda pop cans, aluminum foil, and pie plates, etc. so long as they are scraped clean.
2. Corrugated cardboard refers to shipping containers made with corrugated paper, excluding corrugated cardboard covered in a plastic film. Boxes should be broken or cut down to fit inside the recycling container.
3. Mixed paper includes, but is not limited to, white and colored paper used in printers, copy machines and fax machines, carbonless copy paper, construction paper, letters, advertisements, circulars, magazines, catalogs, envelopes, brown paper bags, cereal boxes, paper towel and toilet paper tubes, paperback books and phone books.
4. Plastic bottles are described as plastic containers coded #1-7, including plastic caps. Empty plastic bottles which contain hazardous materials such as motor oil, antifreeze, etc., may be recycled if they are completely empty. Food need not be rinsed from plastic bottles so long as they are scraped. Labels need not be removed.

5. Tin cans are containers used for the storage of goods, such as soup cans and tuna fish cans. Food should be scraped from cans, but labels need not be removed.
6. Non-Recyclable items include glass and Styrofoam.

MULTI FAMILY PREMISES: A dwelling which includes two (2) or more independent dwelling units, each of which is designed for and occupied by only one family.

SINGLE-FAMILY RESIDENTIAL PREMISES : A dwelling unit on a separate parcel and sharing no common walls which is designed for and occupied by only one family, but which may contain one accessory apartment. A single-family dwelling together with one accessory apartment shall not constitute a multi-family dwelling, so long as the owner of the property maintains the dwelling as their primary residence.

D. Opt-Out Program

1. All single family premises who did not opt out of the program by 5pm, December 30, 2014 shall be automatically enrolled.
2. Owners of single family premises who initially “opted-out” of the recycling program prior to 5pm, December 30, 2014, or have “opted-out” during an annual “opt-out period, may enroll at a later date by providing written notice of the change.
3. A single family premises enrolled in the recycling program may “opt-out” during the month of March beginning 2016, upon submitting appropriate forms and payment of fees established in the City fee schedule.
4. New owners of a single family premises may “opt-out” of the program at the time they initially sign in for utility services in the form of a written notice which shall be on a form provided by the City.
5. The city shall maintain a list of all residences that have opted out of the program.

E. Fees and charges for recycling services are set by resolution of the City Council and may be amended from time to time. Charges for recycling services shall be made through regular monthly utility billings.

F. Enforcement:

1. Enforcement of this section shall be under the direction of Santaquin City and its authorized representatives or designees.

2. The city or the city's contractor may place an education notice tag on doors or recycling containers, informing residents of any violation of this section and possible penalties.

4-4-10: PENALTY:

Any person violating any of the provisions of this Chapter, whether by act of commission or act of omission, shall upon conviction thereof be deemed guilty of an infraction and shall be subject to penalty as provided in Section 1-4-1 of this Code.

8-5-7: CHARGES:

C. Charges For Utility Services:

1. Garbage: Each separate family dwelling or business unit including any multiple-family or multi-business dwelling, trailer court or other structure provided solid waste collection by the city or the city's contractor, shall be billed on a per receptacle basis as outlined in the city fee schedule.
2. Curbside Recycling: Each separate family dwelling or business unit including any multiple-family or multi-business dwelling, trailer court or other structure enrolled in the City's curbside recycling program (See Santaquin City Code 4-4-9) by the city or the city's contractor, shall be billed on a per receptacle basis as outlined in the city fee schedule.
3. Secondary Water: Base rates and usage rates for secondary water will be billed per meter connection as outlined in the city fee schedule.
4. Culinary Water And Sewer: Base rates for these utility services shall be billed on a per unit basis. Each separate family or business unit of any two-family dwelling, multiple-family or business dwelling, trailer court or other structure shall be billed on a per unit basis. If a structure, having up to two (2) units, is serviced by only one meter for power, gas, and/or water (e.g., accessory apartments, "cooking kitchens", etc.), it will be charged base rates as a single unit. Units may or may not be separately metered depending upon the existence of physical metering capabilities. When more than one unit shares a single meter, charges shall be billed to the owner/landlord or homeowners' association. (Ord. 11-01-2012, 11-28-2012, eff. 11-29-2012)

D. Usage: Consumption charges are billed as follows:

1. Culinary Water: Culinary water meters shall be read once each month, as close to the fifteenth day of the month as possible (may vary by a few days due to weather,

holidays, or other extenuating circumstances). Customers are billed for actual usage, at a rate set forth on the uniform fee schedule.

2. Pressurized Irrigation Water: Pressurized irrigation water meters shall be read once each month, as close to the fifteenth day of the month as possible (may vary by a few days due to weather, holidays, or other extenuating circumstances). Customers shall be billed for actual usage, at a rate set forth on the uniform fee schedule.
3. Sewer: Sewer charges shall be calculated using the meter readings from culinary water meters, which are read once each month. Customers shall be billed for actual usage, at a rate set forth on the uniform fee schedule.
4. Garbage: Garbage is billed per month at a rate set forth by the uniform fee schedule. Billing changes to garbage service will not be reflected on the utility bill until the following month.
5. Curbside Recycling: Curbside Recycling is billed per month at a rate set forth by the uniform fee schedule. Billing changes to curbside recycling service will not be reflected on the utility bill until the following month.

SECTION II. Codification, Inclusion in the Code, and Scrivener's Errors

It is the intent of the City Council that the provisions of this ordinance be made part of the City Code as adopted, that sections of this ordinance may be re-numbered or re-lettered, that the word *ordinance* may be changed to *section*, *chapter*, or other such appropriate word or phrase in order to accomplish such intent regardless of whether such inclusion in a code is accomplished, sections of the ordinance may be re-numbered or re-lettered. Typographical errors which do not affect the intent of this ordinance may be authorized by the City without need of public hearing by its filing a corrected or re-codified copy of the same with the City Recorder.

SECTION III. Severability

If any section, phrase, sentence, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION IV. Effective Date

The City Recorder shall deposit a copy of this ordinance in the official records of the City on January __, 2015, and before 5:00 p.m. on that same day, shall place a copy of this

ordinance in three places within the City. This ordinance shall become effective at 5:00 p.m. on January __, 2015.

PASSED AND APPROVED this the __ day of January, 2015.

Kirk F. Hunsaker, Mayor

ATTEST:

City Recorder

Councilmember Keith Broadhead _____
Councilmember Matt Carr _____
Councilmember David Hathaway _____
Councilmember Nick Miller _____
Councilmember Amanda Jeffs _____

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, SUSAN B. FARNSWORTH, City Recorder of Santaquin City, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of an ordinance passed by the City Council of Santaquin City, Utah, on the ___ day of _____, 20___, entitled

“““

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Santaquin City Utah this ___ day of _____, 20___.

SUSAN B. FARNSWORTH
Santaquin City Recorder

(SEAL)

AFFIDAVIT OF POSTING

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, SUSAN B. FARNSWORTH, City Recorder of Santaquin City, Utah, do hereby certify and declare that I posted in three (3) public places the ordinance which is attached hereto on the ___ day of _____, 20__.

The three places are as follows:

- 1. _____
- 2. _____
- 3. _____

I further certify that copies of the ordinance so posted were true and correct copies of said ordinance.

SUSAN B. FARNSWORTH
Santaquin City Recorder

The foregoing instrument was acknowledged before me this ___ day of _____, 20__, by SUSAN B. FARNSWORTH.

My Commission Expires:

Notary Public

Residing at: Utah County