

CHAPTER 15. SOLID WASTE

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Article 15-1. General Provisions

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15-1-1. Purposes.

This Chapter is enacted for the following purposes:

A. To promote the health, safety and welfare of the citizens of the City of Orem, by providing for the efficient, safe, and environmentally sound collection, transportation and disposal of solid waste.

B. To implement the Utah Solid Waste Management Act.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 669, Amended, 06/19/90)

15-1-2. Responsibility for system and its regulation.

The City shall ensure that all residential, educational, multiple-dwelling, religious, recreational and commercial/industrial premises within the City are serviced by a solid waste collection, transport and disposal system. The City shall also have the responsibility of supervising and/or regulating such systems.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 669, Amended, 06/19/90)

15-1-3. Definitions.

For the purposes of this Chapter, the following terms, phrases, words and their derivations shall have the meanings given herein:

Allowable solid waste contractor operating hours shall mean the hours between 4:00 a.m. and 8:00

p.m. Monday through Saturday, except pickups within seven hundred feet (700') of a residential area, which shall be at the least disruptive time possible, but no earlier than 7:00 a.m. or later than 8:00 p.m.

Barrel shall mean any drum made of metal, plastic, wood or other material of any size or description, not including receptacles.

Bulky waste shall mean stoves, refrigerators, water tanks, washing machines, furniture, large concrete and asphalt chunks and other waste materials, with weights and volumes greater than those allowed for containers or receptacles designated for use at any given premises.

City Manager shall mean the City Manager of the City of Orem, or his or her designee.

Commercial/industrial premises shall mean all buildings and structures, including the lots on which they are located, which are not included in the definition of residential premises, educational premises or multiple-dwelling premises.

Container shall mean any large type of solid waste depository normally used in the collection of solid waste from multiple-dwelling, educational, religious, recreational and commercial/industrial premises. It shall include dumpsters, front-end loader containers, side-loading plastic containers (300 gallons or larger), roll-off containers, and compaction units. When used in reference to a solid waste vehicle, "container" shall mean that part of such solid waste vehicle into which solid waste is emptied for transport and disposal purposes.

Educational premises shall mean educational buildings and structures, including the lots on which they are located.

Multiple-dwelling premises shall mean a building comprising two (2) or more dwelling units designed for separate housekeeping tenements, including the lot on which they are located, and where no business of any kind is conducted except such home occupations as are permitted pursuant to City ordinances.

Normal business hours shall mean the hours from 8:00 a.m. to 5:00 p.m., Monday through Friday, except holidays.

Person is any person, firm, partnership, association, corporation, company or organization of any kind.

Provider is the entity which provides the solid waste collection service, being either the City or a solid waste contractor.

Public Works Director shall mean the Public Works Director of the City of Orem, or his or her designee.

Receptacle shall mean a specially designed molded plastic solid waste depository designed and manufactured for and normally used in the collection of solid waste by an automated collection vehicle and

commonly referred to as an automated system receptacle (normally 90 gallons capacity).

Residential premises shall mean buildings and dwellings, including the lots on which they are located, comprising not more than four (4) dwelling units designed for separate housekeeping tenements and where no business of any kind is conducted except such home occupations as are permitted pursuant to City ordinance.

Solid waste shall mean trash, putrescible waste and other refuse, both separately and collectively, but shall not include hazardous or toxic wastes of any description.

Solid waste contractor shall mean any person engaged in the business of collecting, hauling or transporting through the streets of the City any solid waste for disposal or for any other purpose.

Solid waste vehicle shall mean any vehicle specifically designed and manufactured for the purpose of collecting, transporting or disposing of solid waste. (Ord. No. 661, Revised, 04/10/90; Ord. No. 669, Amended, 06/19/90; Ord. No. O-93-0002, Amended, 02/02/93)

15-1-4. Categories of collection service.

To provide for the safe, sanitary and efficient collection, transportation and disposal of solid waste within the City, the City Council hereby establishes the following categories of solid waste collection:

A. **Container service.** This category shall include all solid waste disposal services where the solid waste is placed in a container.

B. **Receptacle service.** This category shall include all solid waste disposal services where the solid waste is placed in a receptacle. All solid waste in this category must be placed in an automated system receptacle to be collected. If solid waste is on or around the receptacle, it will not be collected.

C. **Recycling.** No provision of this chapter shall be construed to prohibit the collection of recyclable solid waste, provided the collection is done either by the City or by a solid waste contractor licensed pursuant to the provisions of Article 15-4. All recyclable solid waste to be collected outside of the regular receptacle or container services described in Subsections A and B above shall be placed in suitable containers provided specifically for recycling purposes, with the exception of cardboard, which may be placed on the ground next to recycling containers while awaiting collection. (Ord. No. 661, Revised, 04/10/90; Ord. No. 669, Amended, 06/19/90; Ord. No. O-92-001, Amended, 02/25/92)

15-1-5. Classification of services; fees.

A. The City shall classify the solid waste collection service to be furnished each premises within the City as either a container service or a receptacle service. The City shall be the sole judge of the category

of solid waste collection service to be provided to the premises. The City shall also have the right to require any reasonable size or type of container to be used at any premises and to prescribe the frequency of pick-up. Classification shall be made before service is initiated. From time to time, the City may review such service classifications and shall make whatever adjustments are necessary to carry out the intent and purpose of the City's classification system.

B. Any person may, in writing, request that the City review the classification of his or her premises. Upon receiving such a request, the Public Works Director shall make findings as to the nature of premises served, the type of service required to accomplish the intent and purposes of this Chapter, and such other information as the Public Works Director may request. The Public Works Director shall then make a final determination of the appropriate service classification.

C. Each person receiving the services described herein from the City shall pay such fees, based on the classification of services provided, as are established by resolution of the City Council. Fees shall be paid according to billing cycles and procedures established by the City Manager. Such fees shall be deemed a civil debt owing to the City from the person receiving the services. Nothing in this section shall relieve any owner or occupant from prosecution for any violation of this Chapter. All premises classified as receptacle service shall pay the fee established by resolution of the City Council, regardless of whether or not they desire the service.

D. The City has no obligation to provide or allow receptacle service to any premises having a condemned structure, a structure scheduled for abatement, or a structure without a required occupancy permit. The City may direct any solid waste contractor to refuse container service to any premises having a condemned structure, a structure scheduled for abatement, or a structure without a required occupancy permit. (Ord. No. 661, Revised, 04/10/90; Ord. No. 669, Amended, 06/19/90; Ord. No. O-93-0002, Amended, 02/02/93)

15-1-6. Solid waste service providers.

A. Container service shall be provided by solid waste contractors licensed pursuant to the provisions of Article 15-4, provided however, that the City may provide container service to City-owned properties and any other properties deemed appropriate by the City.

B. Receptacle service shall be provided by the City or by a solid waste contractor that enters into a contract with the City to provide receptacle service and that is licensed pursuant to the provisions of Article 15-4. (Ord. No. 661, Revised, 04/10/90; Ord. No. 669, Amended, 06/19/90; Ord. No. O-93-0002, Amended, 02/02/93)

15-1-7. Regulations authorized.

The City may, by resolution, establish such additional regulations concerning the collection, transport and disposal of solid waste as it deems necessary.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 669, Amended, 06/19/90)

15-1-8. Unauthorized collection of solid waste.

It shall be unlawful for any person other than a solid waste contractor or the City to collect, remove or dispose of solid waste on a commercial basis for hire. Any person performing such unlawful collection, transport or disposal of solid waste shall be in violation of this Chapter.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 669, Amended, 06/19/90)

15-1-9. Penalties.

Any person violating any provision of this Chapter is guilty of committing a Class B misdemeanor. A separate offense shall be deemed committed for each day during or on which a violation occurs or continues.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 669, Amended, 06/19/90)

15-1-10. Termination of the right to do business as a solid waste contractor.

A. The City may suspend or revoke the solid waste contractor's solid waste permit for violating any law or any provision of this Chapter. The solid waste permit shall not be suspended or revoked without giving the permittee an opportunity to be heard as set forth in subparagraph (B), below. The revocation of the permit shall also result in the revocation of the business license of the contractor.

B. The Public Works Director shall hear and determine all suspensions and revocations of permits and licenses. No permit or license shall be suspended or revoked until a show-cause hearing shall have been held by the Public Works Director. Written notice of such hearing shall be served at least ten (10) days prior to the date thereof upon the contractor or his agent. The notice shall state the grounds for the complaint against the contractor and the time and place where the hearing shall be held. The contractor may appeal the Public Works Director's decision to the City Manager by filing a written notice of appeal with the City Manager within ten (10) days of the Public Works Director's decision. The City Manager may affirm, reverse, modify, or remand the Public Works Director's decision. The decision of the City Manager shall be final.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 669, Amended, 06/19/90)

15-1-11. Title to solid waste.

A. **Container Service.** Title to solid waste generated from premises classified for container

service shall pass to the entity collecting the waste upon collection.

B. **Receptacle Service.** Title to solid waste generated from premises classified for receptacle service shall pass to the entity collecting the waste upon collection.

C. Nothing in this section shall prohibit the generator of the solid waste from reclaiming materials set out prior to collection.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 669, Amended, 06/19/90; Ord. No. O-93-0002, Amended, 02/02/93)

15-1-12. Exception for transporting collectors.

These provisions shall not prohibit any person transporting solid waste collected outside the corporate City limits from transporting such solid waste over City streets, provided such collectors comply with Sections 15-3-6, 15-3-7 and 15-3-8 below.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 669, Amended, 06/19/90)

15-1-13. Holidays.

Solid waste collection may be suspended on holidays designated by the Public Works Director or the solid waste contractor.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 669, Amended, 06/19/90)

Article 15-2. Duties and Responsibilities of Solid Waste Generators and/or the Public.

15-2-1. Design of receptacles.

15-2-2. Use of receptacles and containers; area around receptacles and containers.

15-2-3. Condition of receptacles and containers; abuse of receptacles and containers prohibited.

15-2-4. Placement or location of receptacles and containers; spillage.

15-2-5. Matter not to be placed in receptacles or containers, or set out for collection.

15-2-6. Preparation of solid waste for collection.

15-2-7. Placing brush and cuttings for collection.

15-2-8. Accumulation prohibited.

15-2-9. Dumping prohibited.

15-2-10. Hazardous waste prohibited.

15-2-11. Responsibility for compliance; unlawful deposits.

15-2-12. Inspections; notice; correction.

15-2-13. Scavenging prohibited.

15-2-1. Design of receptacles.

Where premises are classified for receptacle services, all receptacles used shall be provided by the entity providing collection service and shall conform to standards of an automated system solid waste

receptacle. One receptacle shall be provided as part of the normal monthly fee. Additional receptacles may be provided upon payment of an additional monthly fee. Such receptacles shall be manufactured for the purpose of receiving and holding solid waste upon premises between the times of collection. In all cases, the owner and/or occupant of the premises shall procure sufficient receptacles from the provider to handle all solid waste generated upon the premises. It shall be unlawful to use any receptacles other than those provided by the provider.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 669, Amended, 06/19/90; Ord. No. O-93-0002, Amended, 02/02/93)

15-2-2. Use of receptacles and containers; area around receptacles and containers.

A. All solid waste shall be placed in approved containers or receptacles as described herein, and shall be completely contained within the receptacles or containers.

B. It shall be the responsibility of users of all receptacles or containers to see that the area around such is kept neat, clean and sanitary at all times.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 669, Amended, 06/19/90)

15-2-3. Condition of receptacles and containers; abuse of receptacles and containers prohibited.

A. All receptacles and containers shall be kept in a safe, clean and sanitary condition by the person using them. Except as provided in subparagraph (C), below, receptacles which have deteriorated or have been damaged to the extent that the covers will not fit securely or wheels will not roll properly shall be reported to the entity providing collection service and the entity shall repair or replace the receptacle. The entity providing collection service shall be responsible for normal wear and tear of entity-owned receptacles and shall replace entity-owned receptacles that cannot be repaired. Receptacles remain the property of the entity providing collection service. Containers having jagged or sharp edges capable of causing injury to persons whose duty it is to handle containers shall be reported to the solid waste contractor and the solid waste contractor shall repair or replace the container. Solid waste contractors shall be responsible for normal wear and tear of containers and shall replace containers that cannot be repaired.

B. All solid waste collectors shall, immediately upon emptying receptacles or containers, return them to an upright position. All authorized collectors shall exercise reasonable care in the handling of solid waste and the receptacles or the containers.

C. It shall be unlawful for any person to willfully break, deface or damage any receptacle or container or

to permit anything to be done in connection with such receptacles or containers or the contents thereof which shall be offensive or filthy in relation to any person, place, premises or highway. If it is found that a person through negligence, willful destruction, or failure to comply with instructions causes the receptacle to be damaged, that person will be charged for a new receptacle at the current market price.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 669, Amended, 06/19/90; Ord. No. O-93-0002, Amended, 02/02/93)

15-2-4. Placement or location of receptacles and containers; spillage.

A. Residential receptacles containing solid waste shall be set out for collection in the gutter, if existing, or at the front curb line of the premises using the receptacles if there is no gutter. Receptacles shall not be set out for collection prior to the evening of the day before collection, but must be set out on the day of collection by 7:00 a.m. All empty receptacles must be removed from the curb as soon as practicable after being emptied and, in every case, must be removed from the curb the same day they are emptied.

B. Persons with deep lot access and long private drives shall bring their receptacle to the street entrance of the deep lot or long private drive for collection.

C. The user of any receptacle or container shall pick up any solid waste that has been spilled or is laying outside the receptacle or container. Solid waste vehicle operators shall not be required to pick up any solid waste that has been spilled or is laying outside the receptacle or container unless they are responsible for the spillage.

D. It shall be unlawful to block or hinder the City's or any solid waste contractor's access to any receptacle or container.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 669, Amended, 06/19/90; Ord. No. O-93-0002, Amended, 02/02/93)

15-2-5. Matter not to be placed in receptacles or containers, or set out for collection.

A. It shall be unlawful for any person to place materials excluded from the definition of solid waste into receptacles or containers or to set such materials out for collection. Such items shall be disposed of as directed by the City and at the owner's expense.

B. Apparel, bedding or other refuse from premises where highly infectious or contagious diseases have been present shall not be placed in receptacles or containers or be set out for collection. Such items shall be removed under the supervision of a Utah County Health Officer and at the owner's expense.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 669, Amended, 06/19/90)

15-2-6. Preparation of solid waste for collection.

A. Small animal waste material must be dry and mixed with sand, sawdust, commercial pet litter, or similar absorptive material, and double wrapped in paper or placed in a separate plastic bag before being placed in a container or receptacle for disposal. Other fecal material and materials impregnated with urine shall not be disposed of unless such materials are completely contained in waterproof containers.

B. Ashes, cinders or clinkers must be wrapped separately in a plastic bag or other suitable material so as to prevent dust blowing and in all cases must be sufficiently cool to be non-hazardous before being placed in a container or receptacle for disposal.

C. Grease in a free flowing state shall be reduced to a solid before being placed in a container or receptacle for disposal.

D. Solid waste that is mixed with water or other liquids shall be drained before being placed in receptacles or containers. Solid waste in a liquid state shall not be placed in any receptacle or container.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 669, Amended, 06/19/90)

15-2-7. Placing brush and cuttings for collection.

Brush, bushes, tree limbs and cuttings shall be cut into lengths that fit inside the receptacle.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 669, Amended, 06/19/90)

15-2-8. Accumulation prohibited.

A. No person owning and/or occupying any premises or lot in the City shall permit or allow solid waste to collect or remain upon such premises or lot for a period of more than one (1) week, unless written approval is granted by the City. Accumulations of leaves, grass and other materials used to produce mulch are excluded from the requirements of this section.

B. It shall also be unlawful to accumulate any of the materials specifically excluded from the definition of solid waste herein. It shall be the responsibility of the owner of the property to have all such materials removed within a reasonable time depending upon the type of the materials, but in no event shall the materials be allowed to accumulate for more than thirty (30) days.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 669, Amended, 06/19/90; Ord. No. O-93-0002, Amended, 02/02/93)

15-2-9. Dumping prohibited.

Except as provided by the terms of this Chapter, it shall be unlawful for any person to place, deposit, bury or dump upon any lot, street, alley, or into any water, waterway or container not intended for his or her use, within the corporate City limits, any solid waste or other matter constituting a nuisance.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 669, Amended, 06/19/90)

15-2-10. Hazardous waste prohibited.

A. Except as otherwise provided herein, no person shall collect or dispose of:

1. Any unmarked sealed barrel for any reason;

2. Any sealed or unsealed barrel suspected of containing hazardous waste;

3. Any hazardous waste of any description.

B. Subsection (A) above shall not apply to persons licensed pursuant to federal and state law to dispose of hazardous wastes.

C. Violation of this section by any person shall be grounds for criminal prosecution. Violation by a solid waste contractor or any person employed by a solid waste contractor shall be grounds for suspension or revocation of the license and permit granted the contractor in addition to criminal prosecution and/or civil liability.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 669, Amended, 06/19/90)

15-2-11. Responsibility for compliance; unlawful deposits.

A. The occupant of any premises within the City shall be primarily responsible for the sanitary condition of the premises and any receptacle or container on the premises. The owner of any unoccupied property shall be primarily responsible for the sanitary condition of the property. It shall be unlawful for any person to place, deposit, or allow to be placed or deposited on his premises or property any solid waste, except as permitted by the terms of this Chapter.

B. It shall be unlawful for any person to place solid waste in receptacles or containers paid for by others without permission from the person paying for the receptacle or container.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 669, Amended, 06/19/90)

15-2-12. Inspections; notice; correction.

Authorized City representatives may, with a proper warrant or with the consent of the owner or occupant of the premises, inspect any premises or lot within the corporate City limits in order to examine the sanitary conditions of the property and to determine whether the property is in compliance with all applicable provisions contained in this Chapter. Authorized City representatives may also inspect any premises or lot that is open to the public or in plain view. All persons shall, within three (3) days after written notice of any violation, comply with all applicable City ordinances and regulations.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 669, Amended, 06/19/90)

15-2-13. Scavenging prohibited.

A. It shall be unlawful for any person to remove, sort through, or scavenge solid waste contained in a container or receptacle set out for collection.

B. This section does not apply to:

1. Law enforcement officers engaged in investigation of any crime under federal, state, or local law.

2. Providers under a contractual or legal obligation to collect solid waste.

3. The owner or authorized user of a container or receptacle or a person receiving permission from the owner or authorized user to sort through or remove the contents of a container or receptacle.

C. No person, other than a designated Provider, may place solid waste into a solid waste vehicle.

(Ord. No. O-05-0029, Enacted, 1/13/2005)

Article 15-3. Duties and Responsibilities of Service Providers

15-3-1. Allowable solid waste contractor operating hours

15-3-2. Solid waste collection schedule.

15-3-3. Furnishing of and design of containers.

15-3-4. Frequency of collection.

15-3-5. Solid waste vehicle requirements.

15-3-6. Requirements while transporting.

15-3-7. Parking of solid waste vehicles.

15-3-8. Disposal of solid waste.

15-3-1. Allowable solid waste contractor operating hours.

No solid waste container pick-ups shall take place outside the allowable solid waste contractor operating hours as defined herein. Solid waste contractors shall schedule container pick-ups for containers within seven hundred feet (700') of residential areas at the least disruptive time possible, but no earlier than 7:00 a.m. or later than 8:00 p.m.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 669, Amended, 06/19/90; Ord. No. 681, Amended, 02/26/91; Ord. No. O-93-0002, Amended, 02/02/93)

15-3-2. Solid waste collection schedule.

The solid waste contractor shall collect solid waste from each container customer in accordance with a schedule established by the customer and the solid waste contractor. The schedule must comply with allowable solid waste contractor operating hours as defined in Sections 15-1-3 and 15-3-1. The solid waste contractor shall supply the City with a current copy of all such schedules (containing names of accounts and pick-up schedules) at the initiation of the schedule.

Changes thereto shall be supplied to the City as requested thereafter.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 669, Amended, 06/19/90; Ord. No. O-93-0002, Amended, 02/02/93)

15-3-3. Furnishing of and design of containers.

Multiple dwelling premises, educational premises and commercial/ industrial premises shall be supplied with containers by the authorized collector servicing such premises unless the premises are classified for receptacle service, or, unless the customer owns approved container(s). All containers shall be so constructed as to be capable of pick-up and emptying by solid waste vehicles designed for that purpose and shall be so constructed as to prevent the spillage or loss of any solid waste during the loading or transportation of solid waste. All containers shall have the name and telephone number of the authorized collector printed or displayed on the container. Such information shall be put in a location on the container so that the information is easily visible. Contractors shall ensure that all containers are kept in such condition and repair as to ensure safe operation, and shall keep containers in a neat, clean, and sanitary condition.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 669, Amended, 06/19/90)

15-3-4. Frequency of collection.

To prevent any nuisances or health hazards, removal of solid waste shall be provided at least once a week from all residential premises and as frequently as the City may order from all other premises. The City may order more frequent removals from any premises in the City.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 669, Ren&Amd, 06/19/90, 15-3-5)

15-3-5. Solid waste vehicle requirements.

It shall be unlawful for any person or governmental entity to operate any solid waste vehicle within the corporate City limits unless the solid waste vehicle conforms to the following minimum requirements:

A. The solid waste vehicle body, container and associated equipment must be in such condition and repair as to ensure their safe operation.

B. The container of the solid waste vehicle must be metal lined with steel or other suitable metal to the full length, width and height of the container, and must be welded at all seams so as to prevent the escape of any solid waste. The container shall be so constructed as to prevent the spillage or loss of any solid waste during the loading or transportation of the solid waste.

C. The name and telephone number of the solid waste vehicle owner (either the City or the solid waste contractor operating the solid waste vehicle) shall be displayed on both sides of the solid waste vehicle in

legible letters and numbers at least four inches (4") in height.

D. All solid waste vehicles shall be kept in a neat and clean condition while operating within the corporate City limits.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 669, Ren&Amd, 06/19/90, 15-3-6)

15-3-6. Requirements while transporting.

It shall be unlawful for any person to transport upon the streets within the City any waste of any kind, unless the same is completely contained in a solid waste vehicle or is covered sufficiently to prevent the spilling or blowing of the waste, or the escape of noxious or offensive odors, from the vehicle. If a solid waste contractor causes solid waste to be deposited on the streets of the City, the contractor shall be responsible to clean up the material. If he fails to do so, the City may do it and charge the solid waste contractor the cost incurred.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 669, Ren&Amd, 06/19/90, 15-3-7)

15-3-7. Parking of solid waste vehicles.

It shall be unlawful for any person to permit, suffer, allow or cause any solid waste vehicle controlled by him or her which is loaded with waste of any kind to be or remain standing on any street within the City longer than is necessary for the purpose of loading the solid waste vehicle or moving the same to its destination in accordance with applicable traffic laws and regulations, excluding emergency breakdowns.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 669, Ren&Amd, 06/19/90, 15-3-8)

15-3-8. Disposal of solid waste.

All solid waste collected in the City that is not being recycled shall be disposed of at the Utah County Special Service District Transfer Station, or at the Utah County Special Service District Landfill if the Transfer Station is not yet operating.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 669, Ren&Amd, 06/19/90, 15-3-9; Ord. No. O-93-0002, Amended, 02/02/93)

Article 15-4. Requirements to Commence Business as a Solid Waste Contractor

15-4-1. Solid waste vehicle inspection requirement.

15-4-2. Permit requirement.

15-4-3. Business license requirement.

15-4-4. Insurance requirement.

15-4-1. Solid waste vehicle inspection requirement.

A. All solid waste contractors, prior to making application for the solid waste contractor permit and business license required below, shall present each solid waste vehicle to be used in such business to the City for inspection and approval pursuant to the standards set forth herein. Provided the solid waste contractor shall have given at least ten (10) days prior notice, the City shall inspect all solid waste vehicles within twenty-four (24) hours of the time the solid waste vehicle is delivered to the City for inspection. The time from 5:00 p.m. Friday to 8:00 a.m. Monday shall be excluded for purposes of calculating the twenty-four (24) hour period specified above.

B. If it is determined that a solid waste vehicle does not meet the applicable standards, the solid waste contractor shall have seven (7) days in which to make all of the necessary repairs and corrections and to present the solid waste vehicle for re-inspection or to appeal the decision that the solid waste vehicle does not meet the applicable standards. During this seven (7) day period, any currently valid permits held by the solid waste contractor shall not be revoked or suspended due to failure of the solid waste vehicle to pass inspection. The City reserves the right to re-inspect any solid waste vehicle at any time if it has a reasonable suspicion that the solid waste vehicle does not comply with applicable standards.

C. The solid waste contractor shall pay a fee in an amount established by City Council resolution for each waste disposal solid waste vehicle inspected or re-inspected by the City.

D. The Public Works Director shall give to the owner of each solid waste vehicle that meets the requirements enumerated herein a completed and signed inspection form verifying that the solid waste vehicle has passed inspection. The solid waste vehicle inspection form for the solid waste vehicle(s) to be used by the solid waste contractor shall be presented at the time of application for the solid waste contractor permit, and no such permit shall be issued without at least one (1) inspection form being properly filled out and signed by the Public Works Director. Other solid waste vehicles may be inspected and approved during the permit year. This inspection is in addition to and is not a substitute for a Utah state vehicle inspection. The inspection shall be valid for a period of one (1) year, or the portion of one (1) year necessary to coincide with the City's fiscal year.

E. If the Public Works Director determines that the solid waste vehicle does not meet the requirements specified in this Chapter, the solid waste vehicle owner shall have the right to have the solid waste vehicle inspected by a competent third party. The third party shall be any person mutually acceptable to both the

City and the solid waste contractor and he shall inspect the solid waste vehicle to determine if it meets the standards set forth in this Chapter. The decision of the third party shall be final and may be contested by either party only by legal action.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 669, Amended, 06/19/90; Ord. No. O-93-0002, Amended, 02/02/93)

15-4-2. Permit requirement.

A. It shall be unlawful for any solid waste contractor to collect, transport or dispose of any solid waste within the corporate City limits without first obtaining a valid solid waste contractor permit from the City. Granting of such permits shall be contingent on the applicant producing the signed vehicle inspection form(s) provided for in Section 15-4-1 above, together with proof of insurance as requested in Section 15-4-4 and with a list of any premises to be served by the applicant and the beginning date of such service unless such information has previously been supplied by the applicant. This permit shall not constitute a grant of franchise nor shall it confer any vested rights but shall be a permit to perform the services specified in this Chapter subject to the restrictions and limitations contained herein. The permit shall be nontransferable and shall be valid for a period of one year, or the portion of one (1) year necessary to coincide with the City's fiscal year.

B. All applications shall be approved or denied by the Public Works Director within fifteen (15) days of receipt thereof.

C. Any person whose application for a permit has been denied may, in writing, appeal the denial to the City Manager, who shall, within ten (10) days, affirm or reverse the denial. The decision of the City Manager shall be final.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 669, Amended, 06/19/90)

15-4-3. Business license requirement.

It shall be unlawful for any solid waste contractor to collect, transport or dispose of solid waste within the corporate City limits without first obtaining a valid business license from the City. Granting of the license shall be in accordance with pertinent sections of the Orem City Code. The business license shall be obtained only after all solid waste vehicles to be used in the City by the solid waste contractor have been inspected and approved and a solid waste contractor permit has been obtained.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 669, Amended, 06/19/90)

15-4-4. Insurance requirement.

A. It shall be unlawful for any solid waste contractor to collect, transport or dispose of solid waste within the corporate City limits without first furnishing

the City with certificates of insurance or other evidence of insurance, from insurers acceptable to the City, showing the following types and amounts of insurance:

<u>Coverages</u>	<u>Limits of Liability</u>
Worker's Compensation	Statutory
General Liability	\$1,000,000.00 each occurrence
Automobile Bodily Injury Liability	\$1,000,000.00 each occurrence
Automobile Property Damage Liability	\$1,000,000.00 each occurrence

B. Each certificate of insurance or the insurance policy shall contain express language indicating that the City of Orem will receive at least thirty (30) days' notice of the insurance policy's cancellation. The solid waste contractor shall provide the certificate of insurance or insurance policy to the City on an annual basis.

C. Cancellation of any insurance policy after the grant of a permit and business license shall be grounds for suspension of the permit and business license unless the City is immediately furnished with replacement certificates or other evidence of insurance.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 669, Amended, 06/19/90; Ord. No. 681, Amended, 02/26/91)