

Title 14. HEALTH AND SANITATION.

Chapters:

14.01. Hazardous Materials.

14.02. Water Conservation.

14.03. Solid Waste Management.

Chapter 14.01. Hazardous Materials.

Sections:

14.01.01. Recovery of Expenses in Responding to Hazardous Material Releases.

1. **Definitions.** For the purpose of this Ordinance, the following terms, phrases, and words shall have the following meaning:
 - a. **“Expenses”** means all costs incurred for the response, containment, removal, and disposal of hazardous materials on initial remedial action. It includes, but is not necessarily limited to, the actual labor costs of government and other personnel including workers compensation benefits, fringe benefits, administrative overhead, and any costs of equipment, equipment operation, materials, disposal, and any contract labor or materials.
 - b. **“Hazardous materials release”** means a sudden and unexpected release of any substance that, because of its quantity, concentration, or physical, chemical, or infectious characteristics, presents a direct and immediate threat to public safety or the environment, and requires immediate action to mitigate the threat.
2. **Recovery of Expenses.**
 - a. Those persons or entities whose actions cause or create, in whole or in part, a hazardous materials emergency within the boundaries of the City of Saratoga Springs are liable to the City of Saratoga Springs for all costs and expenses incurred in or arising from response to such hazardous materials release by the City of Saratoga Springs and any other political subdivision, agency, or cooperative entity. The City of Saratoga Springs shall have all rights under the law to recover all such costs and expenses, including reasonable attorney’s fees, litigation expenses, and court costs incurred in, related to, or arising out of, all cost recovery efforts and enforcement of the terms of this Ordinance.
 - b. The payment of expenses under this Section does not constitute an admission of liability or negligence in any legal action for damages.
3. **Cost Recovery Procedure.**
 - a. The City of Saratoga Springs shall investigate and determine the person or entity responsible for causing or creating the hazardous materials release and shall notify the responsible party in writing of said determination of responsibility and the amount of costs and expenses incurred by the City of Saratoga Springs in responding to the hazardous materials release.
 - b. The notice required by Subsection (3)(a) shall specify that the party determined to be responsible for causing or creating the hazardous materials release has the right to appeal the decision determining responsibility to the governing body of the City of Saratoga Springs and shall specify a deadline for filing the notice of appeal and the person or office in which it must be filed. The deadline for filing the notice of appeal shall not be less than fifteen days from the date of the notice.
 - c. In the event a notice of appeal is filed, the hearing before the governing body shall be an informal public hearing, and the parties shall not be required to adhere to the Utah Rules of Civil Procedure or evidence. The appealing party and the City

of Saratoga Springs shall each be entitled to present evidence and argument in support of their respective positions, in accordance with procedures established at the hearing by the governing body.

- d. The decision of the governing body shall be final.
4. **Action to Recover Costs.** In the event the responsible party fails or refuses to pay all of the costs and expenses determined by the City of Saratoga Springs related to or arising out of the City's response to the hazardous materials release within thirty days after assessment or after the governing body's decision on an appeal, the City of Saratoga Springs may initiate a legal action to recover such costs, including reasonable attorney's fees and costs. Nothing herein shall be construed to limit any other rights or actions, legal or otherwise, to which the City of Saratoga Springs may otherwise be entitled due to a hazardous materials release.
 5. **Expenses of other responding entities.**
 - a. In the event that personnel and equipment from other political subdivisions, agencies, or cooperative entities shall respond to assist with the hazardous materials release, then the City of Saratoga Springs shall recover costs and expenses incurred by such other political subdivisions, agencies, or cooperative entities as part of Saratoga Springs cost recovery efforts.
 - b. Upon recovery of costs and expenses from the responsible party, Saratoga Springs is authorized to reimburse such other political subdivisions, agencies or cooperative entities for their actual costs incurred in responding to the hazardous materials release.

(Ord. 11-9; Ord. 09-7)

Chapter 14.02. Water Conservation.

Sections:

14.02.01. Time-of-Day Watering Parameters.

1. **Time-of-Day Watering Parameters.** Sprinkler irrigation of all lawns and landscapes is prohibited between the hours of 10:00 a.m. and 6:00 p.m.
2. **Application.** The provisions of this ordinance shall apply to all landscapes within the City. This ordinance does not apply in the following situations:
 - a. new lawns that require frequent irrigation for establishment purposes within ninety days of planting;
 - b. short cycles required for testing, inspecting, and maintaining irrigation systems; and
 - c. other situations as permitted by the City.
3. **Penalty.** Any violation of this Section shall be an infraction, punishable by fine in accordance with the laws of the State of Utah and the Ordinances of the City of Saratoga Springs.

(Ord. 11-9; Ord. 08-11, Ord. 02-0611-001)

Chapter 14.03. Solid Waste Management.

Sections:

- 14.03.01. Definitions.
- 14.03.02. Garbage Collection.
- 14.03.03. Service Charge.
- 14.03.04. Method of Payment of Service Charges.
- 14.03.05. No Accumulation of Garbage.
- 14.03.06. Containers.
- 14.03.07. Closing of Garbage Containers Required.
- 14.03.08. Place of Pickup.
- 14.03.09. Disposal of Community Waste.
- 14.03.10. Burning of Refuse Prohibited.
- 14.03.11. Dumping Refuse Prohibited.
- 14.03.12. Limitations Upon Dumping.
- 14.03.13. Regulations.

14.03.01. Definitions.

1. **“Commercial garbage”** means garbage produced in commercial establishments, public or quasi-public institutions, or establishments, including restaurants, hotels, motels, and similar establishments.
2. **“Community waste”** means lawn cuttings and clippings from bushes and shrubs, leaves and trees, and tree branches.
3. **“Container”** or **“regulation container”** means a type of garbage or trash container of galvanized metal, or other approved material, having a tight fitting lid or properly and sufficiently treated weather resistant bag manufactured specifically for use in garbage and refuse collection.
4. **“Garbage”** means waste from the preparation, handling, storing, cooking, or consumption of food and food products.
5. **“Residential garbage”** means garbage produced in places of private residence and dining halls not open to -the public.
6. **“Refuse”** means 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.

(Ord. 11-9; Ord. 99-0112-2)

14.03.02. Garbage Collection.

1. The City or its agent shall collect, remove, and dispose of all residential and 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 City Council may from time to time establish by regulation.
2. 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 City except by the City or its agent and except by authorized person hauling commercial garbage or refuse as hereinafter provided. It is hereby declared unlawful for any person, except as permitted in this part, to haul or remove garbage or refuse in the City.
3. 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 City Manager. 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 City Council may from time to time by regulation provide.
4. Nothing contained in this Section shall preclude persons from hauling their own garbage, trash, or community waste over the streets and alleys of the City as the City Council may authorize.
5. Nothing in this Section shall be construed as eliminating charges for garbage service.

(Ord. 11-9; Ord. 99-0112-2)

14.03.03. Service Charge.

1. All residents and all business establishments within the Municipality shall pay the City garbage service charges as set by resolution of the City Council.
2. Charges shall apply to all residences and business establishments whether or not they have also elected to haul their own garbage or employ an authorized garbage hauler.
3. If a dwelling unit or a place of business has remained vacant for an entire month, the owner or possessor of the site may make arrangements with the City Manager for no garbage collection charges during the continued vacancy of the premises.
4. The Mayor, with the consent of the City Council, may excuse persons who are not reasonably capable of paying the monthly charge for residential collection of garbage from the payment of the residential rate for such period of time as may be deemed proper or necessary.

(Ord. 11-9; Ord. 99-0112-2)

14.03.04. Method of Payment of Service Charges.

The garbage service charges above imposed by this part shall be billed and collected in a manner established by the City Manager.

(Ord. 11-9; Ord. 99-0112-2)

14.03.05. No Accumulation of Garbage.

It shall be unlawful for any person to accumulate garbage, refuse, or community waste, or to cause garbage, refuse, or community waste to be deposited upon any street or alley or upon any premises in the City.

(Ord. 11-9; Ord. 99-0112-2)

14.03.06. Containers.

All garbage and refuse to be collected shall be placed in suitable and sufficient garbage receptacles as provided by the City or its agent.

(Ord. 11-9; Ord. 99-0112-2)

14.03.07. Closing of Garbage Containers Required.

All garbage must be placed in receptacles provided by the City or its agent, and the receptacle shall be tightly closed in such a manner as to prevent offensive odors or flies.

(Ord. 11-9; Ord. 99-0112-2)

14.03.08. Place of Pickup.

1. All garbage and refuse subject to garbage collection by the City shall be placed at a pickup point at or near the premises designated from time to time by regulations adopted by the City Council and at such time or times as shall be designated by regulations of the City Council.
2. 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 City Council.
3. 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 the street longer than may be necessary for the removal of the contents.

(Ord. 11-9; Ord. 99-0112-2)

14.03.09. Disposal of Community Waste.

1. Community waste may be disposed of by residents and business establishments in vehicles provided by them subject to regulation by the City Council as to the places of disposal and as to the type of vehicle used to avoid spillage upon public ways of the City, hazards to safety, and the prevention of nuisances.
2. The City Council from time to time may provide for the collection and disposal of such types of community waste as it may decide to collect and haul in connection with its regular garbage, waste collection, and disposal service. In the event community waste disposal service requires a charge to be made by the City, the determination of the charge will be made by the City Council.

(Ord. 11-9; Ord. 99-0112-2)

14.03.10. Burning of Refuse Prohibited.

It shall be unlawful for any person to burn garbage, market waste, manure, or other refuse in the open air or in any furnace or stove within the Municipality.

(Ord. 11-9; Ord. 99-0112-2)

14.03.11. Dumping Refuse Prohibited.

It shall be unlawful for any person to place, deposit, or dump garbage, ashes, market waste, paper boxes, cartons, trade waste, manure or night soil, or any other refuse upon any lot within the City regardless of whether such lot is occupied or vacant and whether such person so placing, depositing, or dumping such refuse is the owner, tenant, or occupant thereof or has the same under his jurisdiction and control.

(Ord. 11-9; Ord. 99-0112-2)

14.03.12. Limitations Upon Dumping.

Dumping waste and garbage shall be permitted only in such places as are designated by the City Council. Dumping shall be subject to such rules and regulations as may be formulated by the City Council.

(Ord. 11-9; Ord. 99-0112-2)

14.03.13. Regulations.

The City Council may adopt such regulations as in its opinion are necessary to implement this part and its objectives.

(Ord. 11-9; Ord. 99-0112-2)