

KANOSH CITY ORDINANCE NO. 6-12-86

AN ORDINANCE OF THE CITY OF KANOSH.

STATE OF UTAH, REGARDING SOLID WASTE DISPOSAL

WHEREAS, the City of Kanosh ("City") has entered into an Interlocal Agreement ("Agreement") with Millard County for the disposal of solid waste and will be assessed a fee for landfill services by Millard County pursuant to said Agreement;

AND WHEREAS, it is necessary to collect a charge to pay the City's share as a participant to defray the cost of managing and disposing of solid waste and for the ultimate transportation and disposal of solid waste from convenience stations to a disposal site and the City having determined that a fee should be charged as a fixed rate for residential users and on a graduated scale for commercial and industrial users, the amounts to be fixed as hereinafter provided, until further resolution; NOW, THEREFORE,

BE IT ORDAINED by the City Council of the City of Kanosh, Utah:

SECTION 1. RESIDENTIAL USERS. A fee of \$ 3.00 shall be and hereby is imposed upon every residence and upon each single dwelling as well as upon each unit within multiple dwelling within the City of Kanosh to be paid on the first day of each month and to be added to the billing for utility charges assessing for water and electrical services. Upon payment of statements to the City under said billings, the amounts paid shall be credited first to this solid waste disposal assessment, second the electrical services and last to the water assessment. Failure to pay any of said assessment shall authorize and require the City to turn off water and/or electrical services to the premises until all charges are paid in full.

SECTION 2. COMMERCIAL AND INDUSTRIAL USERS. All commercial establishments shall pay a rate to be fixed by a schedule to be determined by the City's Department of Water and Electrical ("Department") and assigned and assessment on or before the 25th of each month.

The Department shall establish four classifications for commercial and industrial users into which one of (or more than one if multiple business activities are being carried on there) each establishment in the City shall fall and the Department shall then evaluate by percentages or other logical mathematics the proportionately rated fees which each industrial or commercial user within each class shall pay. The user within its class shall not be required to pay more, nor permitted to pay less, than the bracket within which that user is preliminarily placed by the Department.

The classes hereby fixed by this Ordinance, but which may be changed by Resolution of the City Council but otherwise shall be in effect until so changed are as follows:

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	
Magnitude of Displacement of Solid Waste Gathered in a Calendar Quarter	Classification Assigned to Displacement Volume Taken from Column No. 1	Dollar Assessment for Commercial or Industrial User According to Classification Assigned	
		Not More Than	Not Less Than
100 cubic yards or more	High	\$100/month	\$25/month
More than 25 but less than 100 cubic yards	Medium	\$24/month	\$10/month
More than 10 but Less than 25 cubic yards	Low	\$9/month	\$5/month
Less than 10 cubic yards	Minimal	----	\$3/month

Within the ranges "high", "Medium", and "low" the Department shall assign a dollar amount to be assessed within the ranges expressed in Column 3 for each Commercial and Industrial User and that amount shall be the monthly charge to the specific user

thus assessed. However, the Department shall evaluate each user, commercial or industrial, and approximate within reasonable indices the proportionate part of the charge, within the ranges fixed in Column 3, which should equitably be assessed against a commercial or industrial user and that shall be prima facie a reasonable charge and fully assessable under this ordinance. If the User demonstrates with reasonable sufficient evidence that his assessment is inequitable or unjust, the Department shall adjust the specific assessment to that User: otherwise, the assessment shall remain as determined by the Department and reported to the City Treasurer for inclusion in the monthly charge imposed. These charges shall be added to the billing for utility charges assessing for water and electrical services and the amounts so paid under aggregate billings shall be applied first to the solid waste disposal assessment, second to electrical assessments, and last to the water assessment of the commercial or industrial user and failure to pay for any of said assessments shall authorize and require the City to turn off water and/or sewer services to the premises until all charges and the cost of recommendation or turning on the water and/or sewer again shall have been paid in full.

SECTION 3. PROHIBITED ACTIVITIES.

- a. Littering. It shall be unlawful to place or allow to be placed any solid waste upon the roads, street, public or private property within this City contrary to the provisions of Millard County Ordinance No. 152, providing a comprehensive plan for solid waste disposal.
- b. Dead animals. It shall be unlawful to place any dead animal, or part thereof, in container for collection.
- c. Vehicle construction. It shall be unlawful to transport any solid waste in any vehicle which permits the contents to blow, sift, leak or fall therefrom.
- d. Scavenging prohibited. It shall be unlawful for any person to scavenge any solid waste within the boundaries of this municipality.

- e. Dumps prohibited. It shall be unlawful for any person to use or operate a dump within the boundaries of this municipality.
- f. Hazardous waste. No person shall place any hazardous waste in any container for collection, transport, processing or disposal within this municipality.

SECTION 4. PENALTIES. In addition to the remedy of turning off water and/or electrical services to premises which are served by domestic water or which are subject to solid waste assessments imposed by this Ordinance there shall be a penalty for violation of this Ordinance of not to exceed \$299.00 or by imprisonment not to exceed thirty(30) days in the county jail and a violation of this ordinance by failure to pay the assessment or by refusal to comply with any term, provision or regulation hereof shall be deemed a Class "C" Misdemeanor and punished in accordance with law the same as Class "C" Misdemeanors.

SECTION 5. PUBLICATION. In accordance with Section 10-3-711, Utah Code Annotated, 1953, a synopsis of this Ordinance shall be published in the Millard County Chronicle-Progress.

SECTION 6, EFFECTIVE DATE. This Ordinance shall be effective immediately upon publication of a synopsis thereof in the Millard County Chronicle Progress.

PASSED AND APPROVED this 12th day of June, 1986

Frank Harding
Mayor

Attest:

Cody Turner
City Recorder