

# TOWN OF LEEDS

## ORDINANCE 2009-17

AN ORDINANCE OF THE TOWN COUNCIL OF LEEDS, UTAH, ESTABLISHING RULES AND REGULATIONS PERTAINING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE PRODUCED OR GENERATED WITHIN THE BOUNDARIES OF LEEDS, UTAH, AND ESTABLISHING FEES FOR COLLECTION AND DISPOSAL OF RESIDENTIAL WASTE.

WHEREAS, Washington County Special Service District No. 1 was duly created by resolution of the Washington County Commission for the purpose of developing and implementing a system for the collection and disposal of solid waste generated within the boundaries of said District; and

WHEREAS, the incorporated area of Leeds, Utah is located within the boundaries of said District; and

WHEREAS, said District and Leeds have entered into a written Agreement dated July 30, 2008 governing collection and disposal of residential solid waste generated within the boundaries of Leeds for the period of January 1, 2010 through December 31, 2019; and

WHEREAS, said Leeds Town Council desires to establish rules and regulations, including monthly fees, pertaining to collection and disposal of residential solid waste generated within its boundaries; and

WHEREAS, said Town Council now deems it necessary and desirable for the preservation and protection of the general health, safety and welfare of the residents of Leeds, Utah,

NOW THEREFORE, BE IT HEREBY ORDAINED by the Mayor and Town Council of Leeds Town, State of Utah, as follows:

1. Definitions. For purposes of this Ordinance, the following terms shall have the following meanings:
  - a. "Allied Waste" shall mean Allied Waste Transportation, Inc.
  - b. "District/Allied Waste Agreement" shall mean that certain agreement, and any amendments thereto, between Washington County Special Service District No. 1 and Allied Waste Transportation, Inc. dated November 25, 2008, a copy of which is attached hereto as Exhibit "A" and incorporated herein by this reference.
  - c. "Automated or Semi Automated" shall mean a particular method or system, including all necessary vehicles and equipment, for collection of solid waste through the use of either or both of the following: i) automated/semi-automated containers requiring mechanical pick up, and (ii) manual containers, bags, bundles or other containers

requiring pickup by hand.

- d. "Bags" shall mean plastic bags specifically designed to store refuse, with sufficient strength and thickness to contain garbage, rubbish, trash or refuse without tearing or ripping under normal handling.
- e. "District" shall mean Washington County Special District No. 1, its Administrative Control Board, or its District Manager.
- f. "District/Leeds Agreement" means the Agreement between District and Leeds dated July 30, 2008.
- g. "Commercial Property" shall mean any premises or property (i) used primarily in connection with the supply of goods or services on a regular basis or in the regular course of business, or for which a business license is required by any state law or local ordinance, or (ii) containing a structure hooked to power and water and used for human habitation on an overnight or other temporary rental basis of less than thirty (30) consecutive days, or (iii) containing a structure with more than eight (8) dwelling units which is hooked to power and water and used for human habitation on a rental basis. Commercial shall include, but shall not be limited to business establishments, hotels, motels, recreational vehicle developments and apartment.
- h. "Commercial Hauler" shall mean any person or entity who in the regular course of business or for a fee collects, transports and disposes of commercial waste.
- i. "Commercial Waste" shall mean any garbage, rubbish, trash, etc., produced by businesses or resulting from normal activities on or use of commercial property or premises.
- j. "Dumpster" shall mean any container constructed of metal, of two yards volume or more, and designed to be compatible with mechanical collection equipment.
- k. "Manual Container" shall mean a receptacle designed for hand pick up, having a capacity of greater than 20 gallons, but less than 35 gallons, constructed of plastic, metal or fiberglass, with handles of adequate strength for lifting and a tight-fitting lid capable of preventing entrance into the container by vectors. The mouth of a manual container shall have a diameter greater than or equal to that of the base. The weight of any manual container and its contents shall not exceed 60 pounds.
- l. "Private Hauler" shall mean (i) any person or entity who, as the owner, tenant or other occupant of property or premises classified as commercial, collects and disposes of solid waste generated by the use of said property, and (ii) any person or entity who collects and disposes of construction debris.
- m. "Residential Property" shall mean or refer to any property or premises containing a structure which is hooked to culinary water and power and intended or used for human habitation, but excluding: (i) property or premises containing a structure hooked to

power and water and used for human habitation on an overnight or other temporary rental basis of less than thirty (30) consecutive days, and (ii) property or premises containing a structure with more than eight (8) dwelling units, which is hooked to power and water and used for human habitation on a rental basis.

"Residential" shall include, but shall not be limited to, single homes, mobile homes, town homes, condominiums and apartments not contained in or a part of an apartment complex of more than eight (8) units, but shall exclude hotels, motels, recreational vehicle developments and apartment complexes with structures containing more than eight (8) dwelling units. Except as may be specified hereinafter, each unit of a structure on property or premises classified as residential shall be considered a separate residence for the purpose of billing and collection.

- n. "Residential Waste" shall mean garbage, rubbish, trash, bulky waste, and other waste produced by or resulting from the normal activities on or use of residential property or premises. Residential waste does not include hazardous waste, special waste or stable matter.
  - o. "Semi-Automated/Automated Container" shall mean a waste receptacle which is approved by District, with a capacity of 60 or 94 gallons and is equipped with a tight-fitting, permanently attached lid and wheels for easy movement, and which is specifically designed for automated or semi-automated pickup.
  - p. "Solid Waste" shall have the same meaning as specified in Section 19-6-502(7), Utah Code Annotated, 1953, as amended.
2. Use of Washington County Landfill. All solid waste generated within the corporate limits of Leeds, except as otherwise provided in District's rules and regulations, shall be transported to and disposed of at the Washington County Landfill.
  3. Collection and Disposal of Residential Solid Waste. Pursuant to the District/ Leeds Agreement, Leeds shall provide automated residential waste collection and disposal service once each week to residences located within the boundaries of Leeds in accordance with the District/Allied Waste Agreement.
  4. Mandatory Use of Service. The use by all residents of said automated residential waste collection and disposal service is hereby declared to be mandatory, provided that an owner or occupant of residential property or premises may, in addition to utilizing said service, haul his or her own residential solid waste to the Washington County Landfill in accordance with District's rules and regulations.
  5. Mandatory Use of Automated/Semi-Automated Containers. Each residence or residential unit within the incorporated areas of Leeds shall be required to utilize an automated/semi-automated container(s) which has(have) been approved and delivered to the property by District, except that collection of residential waste may be accomplished by use of dumpsters in:

- a. Condominium or townhome developments already utilizing dumpsters prior to the date of this ordinance, and
- b. Condominium, townhome or other high density developments established after January 1, 2010, where use of dumpsters is approved by District and Leeds.

Any waste in excess of that placed in the automated/semi-automated container(s) may be placed for collection in bags or manual containers located in close proximity to the automated/semi-automated container(s).

- 6. Residential Waste Collection Procedures. All residential solid waste shall be placed for collection by 6:00 a.m. of the day scheduled for collection. Automated/semi-automated containers shall be placed within three (3) feet of the curbside, blacktop or other roadway surface, with three (3) feet clearance on either side of the container from parked cars or other objects, and at other locations readily accessible to collection vehicles and personnel. All empty waste containers shall be removed from the street as soon as reasonably practicable but not later than 24 hours after being emptied.
- 7. Establishment of Residential Fees. There is hereby established a monthly residential solid waste collection and disposal fee for each residence or residential unit in Leeds, consisting of the following amounts:
  - a. The amount to be paid to Allied Waste pursuant to the following schedule:
 

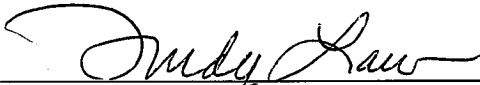
From 1/1/2010 - 12/31/2011	\$5.65 per month per residence
From 1/1/2012 - 12/31/2013	5.95 per month per residence
From 1/1/2014 - 12/31/2015	6.20 per month per residence
From 1/1/2016 - 12/31/2017	6.45 per month per residence
From 1/1/2018 - 12/31/2019	6.70 per month per residence
  - b. The amount of \$4.45 per month per residence, increased by ten cents (\$0.10) every two years, or such other amount as may be specified by a resolution approved by the affirmative vote of 75% of the members of District's Administrative Control Board, for operation of the Washington County Landfill and District's administrative expenses, and
  - c. The amount of \$1.60 per month per residence, increased by ten cents (\$0.10) every two years, or such other amount as may be specified by a resolution approved by the Leeds Town Council, to offset the cost of billing and collection by Leeds
- 8. Residential Fee Established for Availability of Service. The residential fee established hereby is for the availability of residential solid waste collection and disposal service provided by Leeds through District and its authorized agent, Allied Waste Transportation, Inc., and said fee shall be due and owing when said service is available, regardless of whether said service is actually utilized.

9. Quarterly Billing. Fees for residential waste collection and disposal services provided by Leeds shall be paid on a quarterly basis, and shall be included in any billing for other municipal services supplied by Leeds, including water, power, sewer, etc. All payments for residential solid waste collection and disposal services not received on or before the tenth (10<sup>th</sup>) day of the month following the month during which bills were sent out shall be deemed delinquent and shall thereafter bear interest at the rate of eighteen per cent (18%) per annum until paid in full, and shall be subject to all collection practices or procedures as may be established from time to time by ordinance.
10. Collection of Commercial Waste. Nothing in this ordinance shall preclude the owner or lessee of any commercial property or premises from transporting his or her own commercial waste to the landfill, or contracting for its removal with a commercial hauler properly licensed by District and authorized to conduct business within the Town of Leeds.
11. Commercial or Private Haulers. No private or commercial hauler shall be allowed to collect or dispose of commercial solid waste generated by businesses or through the use of commercial property within Leeds without having first obtained from District a license to operate as a private or commercial hauler.
12. Collection Vehicles. All trucks or other vehicles used by any private or commercial hauler to collect or transport solid waste within Leeds shall: (a) be maintained in a good mechanical condition, (b) be equipped with fully enclosed sides and bottom and otherwise constructed as to prevent the contents of the vehicle from spilling or blowing while the vehicle is in motion, (c) clearly bear on the outside of the body of the vehicle the name and telephone number of the hauler, and (d) comply with all provisions of all applicable state or federal regulations or laws concerning the collection, transportation or disposal of solid waste.
13. Transportation of Waste. All solid waste transported by any private or commercial hauler shall be contained, tied or enclosed in such a manner that leaking, spilling or blowing are prevented during transportation.
14. BE IT FURTHER ORDAINED that this Ordinance shall take effect on January 1, 2010, after publication and posting required by law, and shall supersede any other ordinance or provision in conflict with the terms hereof.

ORDINANCE 2009-17 PASSED AND WAS ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LEEDS, WASHINGTON COUNTY, STATE OF UTAH, ON THIS 18<sup>th</sup> DAY OF November 2009, AND BECOMES EFFECTIVE ON November 19, 2009.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR TRUDY LAW	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COUNCILMAN JARED WESTHOFF	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COUNCILMAN ALAN ROBERTS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COUNCILMAN KEITH SULLIVAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COUNCILMAN FRANK LOJKO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

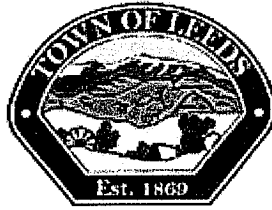


Trudy Law, Mayor  
TOWN OF LEEDS

ATTEST:



Debbie Shakespeare, Town Clerk/Recorder



## TOWN OF LEEDS

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E-mail: [leedstownhall@beyondbb.com](mailto:leedstownhall@beyondbb.com)  
Website: [www.leedstown.org](http://www.leedstown.org)

### CERTIFICATE OF POSTING

I, Debbie Shakespeare, duly appointed and acting Clerk/Recorder for the Town of Leeds,  
hereby certify that the forgoing ordinance 2009-17  
was passed by the Leeds Town Council on the 18<sup>th</sup> day of November, 2009,  
and that copies of the foregoing ordinance were posted at three public places within the Town  
this 19<sup>th</sup> day of November 2009, which public places were:

Leeds Town Hall  
Leeds Post Office  
Leeds Market

Dated this 19<sup>th</sup> day of November 2009.

Debbie Shakespeare  
Debbie Shakespeare, Clerk/Recorder