

SALT LAKE CITY ORDINANCE

No. _____ of 2007

(Refuse Fund Fees)

AN ORDINANCE AMENDING SECTION 9.08.030 AND SECTION 9.08.115
OF THE SALT LAKE CITY CODE, RELATING TO GARBAGE AND RECYCLING
PICK UP SERVICES.

Be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. That Section 9.08.030 of the Salt Lake City Code, relating to
garbage and recycling pick up services be, and the same hereby is, amended as follows:

9.08.030 Garbage, Green Waste, And Recycling Pick Up Services:

The city will provide for the collection and disposal, at the expense of the property owner, of garbage, community waste, stove ashes, recyclable material, and other such refuse from residences, eligible multi-family properties, ~~and~~ eligible businesses, churches, and non-profit organizations as provided herein. Said collection shall be under the supervision of the department of public services pursuant to the following:

A. Garbage And Recycling Pick Up Services To Residences:

1. **Garbage Service To Residences And Responsibility For Payment:** Except where water, sewer, and garbage service to the owner's premises is properly terminated or the owner notifies in writing the director of public services that the owner's garbage will be picked up by a private collector, the owner of every residence shall be responsible and liable for the below enumerated monthly charges for garbage service. The charge for such service shall be billed with the city's regular water and sewer billings to the owner, as shown on the records of the public utilities department, of such dwelling units ~~as the department of public utilities has records~~, and directly to the address of all other such residences provided by the director of the city's department of public services. In those instances where the water and sewer bill is currently being sent to a tenant or other occupant at the owner's request, the garbage service will be similarly billed. However, the owner is responsible to pay and is liable for all charges for garbage service furnished to the residence if such tenant or occupant shall fail to pay the same.

2. Charges For Garbage Service To Residences:

a. Beginning in March 2008, automated garbage containers will be available in 90-gallon, 60-gallon, and 30-gallon sizes. Any resident who changes garbage container size must continue to use the new garbage container size for at least twelve months before the resident may again change the size of the garbage container.

Monthly charges for general garbage pick up service provided to residences for the city's fiscal year 2007-2008 shall be ten-seven dollars and seventy-two-cent five cents (\$7.25+0.75) per month for the first automated 30-gallon container. The monthly charge shall be nine dollars and twenty-five cents (\$9.25) per month for the first automated 60-gallon garbage container. The monthly charge shall be eleven dollars and twenty-five cents (\$11.25) for the first automated 90-gallon garbage container. The first automated refuse-garbage container shall be delivered to residences without a delivery charge. Additional 30-gallon automated garbage containers can be obtained for ten-seven dollars seventy-and twenty-five cents (\$7.25+0.75) each per month plus a delivery fee of eleven dollars (\$11.00) each. Additional 60-gallon automated garbage containers can be obtained for nine dollars and twenty-five cents (\$9.25) each per month plus a delivery fee of eleven dollars (\$11.00) each. Additional 90-gallon automated garbage containers can be obtained for eleven dollars and twenty-five cents (\$11.25) each per month plus a delivery fee of eleven dollars (\$11.00) each. These fees are subject to modification by future city councils.

3. Charges For Green Waste Service To Residences:

a. Beginning in March 2008, automated green waste containers will be available to residents on a subscription basis. The minimum subscription period will be twelve months. Green waste service shall be provided for nine months each year beginning on March 1 and ending on November 30.

The total cost to subscribers will be forty two dollars (\$42.00) per subscription year. The subscription cost will be allocated evenly and charged each month during the subscription year. The monthly charge for green waste service pick up for the city's fiscal year 2007-2008 shall be three dollars and fifty cents (\$3.50) per month for the first automated container. The first automated green waste container shall be delivered to subscribers without a delivery charge. Additional green waste containers can be obtained on a twelve month subscription basis. The fee will be three dollars and fifty cents (\$3.50) each per month per container plus a delivery fee of eleven dollars (\$11.00) each. These fees are subject to modification by future city councils.

34. Recycling Pick Up Services Available To Residences: Owners or occupants of residences may elect to subscribe to the city's recycling pick up service. Owners or occupants of residences will not be charged for this service in addition to the fee set forth in subsection A2 of this section.

B. Recycling Pick Up Service Available To Eligible Multi-Family Property Owners, And Eligible Businesses, Churches, and Non-Profit Organizations:

1. **Recycling Pick Up Service:** Owners of eligible multi-family properties and eligible businesses, churches, and non-profit organizations may elect to subscribe to the city's recycling pick up service. A business, church, non-profit organization, or multi-family complex located outside of the service provider's normal routes may not be eligible to subscribe to the recycling program. Such service shall be billed with the city's regular water and sewer billings to owners, as shown on the records of the public utilities department, of eligible multi-family properties and eligible businesses, churches, and non-profit organizations ~~as the department of public utilities has records.~~ In those instances where the water and sewer bill is currently being sent to a tenant or other occupant of the premises named in the department of public utilities application at the owner's request, the recycling pick up service will be similarly billed. However, the owner is responsible to pay for the recycling pick up service furnished such tenant, or any other occupant of the premises named in the department of public utilities application, if such tenant or occupant shall fail to pay the same. The city may collect from private streets with a signed written agreement between the department of public services and the private street owner.

2. **Charges For Recycling Pick Up Services:** Charges for recycling pick up service provided to the owner of an eligible multi-family property or eligible business, church, or non-profit organization for the city's fiscal year 2007~~2~~-2008~~3~~ shall be three dollars fifty-and seventy-five cents (\$3.750) per month for the first automated recycling container. Additional automated recycling containers can be obtained for three dollars fifty-and seventy-five cents (\$3.750) each per month. Automated recycling containers shall be delivered to eligible multi-family properties and businesses without a delivery charge. These fees ~~shall remain the same through fiscal year 2006-2007,~~ are subject to modification by future city councils.

3. **Promotion And Education Requirements Regarding Recycling Pick Up Service In Multi-Family Properties, And Businesses, Churches, and Non-Profit Organizations:** The business owner or manager of any eligible business, church, or non-profit organization who has subscribed to the city's recycling pick up service must distribute general recycling information and current program recycling guidelines to every each employee of such entity within fourteen (14) days ~~of after such employee's commencement of employment~~ and to all employees of the business entity annually. The owner or manager of any eligible multi-family property who has subscribed to the city's recycling pick up service must distribute general recycling information and current program recycling guidelines to every each tenant housed in the complex within thirty (30) days ~~of after such tenant's commencement of occupancy~~ and to all tenants housed in the complex annually. If requested, the city will assist by providing educational flyers.

C. Billing:

1. **Periodic Billing Statements:** The department of public utilities shall cause billings for garbage collection and recycling pick up services to be rendered periodically at rates established in this chapter. In the event partial payment is made on a combined bill, the payment shall be applied first to franchise fees due, and then to each service on a pro rata basis as determined by the director of public utilities.

2. **Delinquency:** Fees and charges levied in accordance herewith shall be a debt due to the city. If this debt is not paid within thirty (30) days after billing it shall, at the option of the director of public utilities, be deemed delinquent and subject to recovery in a civil action for which the city may recover reasonable attorney fees, and/or said department shall have the right to terminate water, sewer, garbage collection, and recycling pick up services to said premises. Any uncollected amount due from the owner on any inactive, terminated, or discontinued account may be transferred to any active account under the owner's name and upon failure to pay said bill after at least five (5) days' prior written notice, water, sewer, and/or garbage collection, and recycling pick up services to that account and premises may be discontinued.

3. **Restoration Of Service:** Water, sewer, garbage, and recycling pick up service shall not be restored until all charges shall have been paid.

D. Deposits Required From Nonowners: All new water, sewer, and garbage collection service users who are not the owners of the premises shall pay to the department of public utilities for deposit with the city treasurer an amount sufficient to cover the cost of garbage collection services ~~which that~~ may accumulate. The amount deposited shall be not less than twice any monthly or bimonthly bill for garbage collection over the preceding year on such premises, but in no case shall it be less than ten dollars (\$10.00). The department of public utilities shall issue a certificate of deposit. The amount deposited shall be refunded by the city treasurer to the holder upon the surrender of the certificate properly endorsed, provided all garbage bills and other charges are paid. All bills for garbage service must be paid promptly without reference to said deposit. Whenever any user of garbage collection services ~~shall have failed~~ fails to pay for garbage services rendered to such premises, the money deposited or any part thereof may be applied to the payment of such delinquent bills by the department of public utilities. The owner of the premises will be required to pay any deficiency ~~the remainder~~.

E. Abatement: Those owners, ~~each year,~~ granted indigent abatement for taxes on their dwelling by Salt Lake County under section 59-2-1107~~6~~ et seq., Utah Code Annotated, or its successor, shall be granted a fifty percent (50%)

annual abatement of the above garbage pick up charges during the year of such abatement.

F. Enterprise Fund: All funds received from garbage service and recycling pick up service shall be placed in the garbage enterprise fund and left separate and apart from all other city funds. The collection, accounting, and expenditure of all such funds shall be in accordance with existing fiscal policy of the city.

G. Vacancies: ~~In the event~~ If a residence being served is vacant and the owner is trying to sell it, or it is or will be vacant because of an extended vacation of the occupant, the owner may apply to the public services director in writing for termination of garbage service for a specified period. The automated ~~garbage~~ refuse and recycling container(s) will be picked up and returned pursuant to the owner's request upon payment of an ~~ten~~ eleven dollar (\$11.00) service fee. If said service fee is paid, no garbage, green waste, or recycling collection fee shall be charged during the period of vacancy.

SECTION 2. That Section 9.08.115 of the Salt Lake City Code, relating to compliance with and enforcement of recycling pick up service laws be, and the same hereby is, amended as follows:

9.08.115 Compliance With And Enforcement Of Recycling and Green Waste Pick Up Service Laws:

In evaluating whether an infraction regarding the recycling or green waste pick up service has occurred, city staff or the city's contractor has the right to visit the premises of multi-family properties, businesses, residences, churches, and nonprofit organizations that subscribe to the recycling pick up service or residences that subscribe to the green waste service to determine the presence and capacity of recycling or green waste containers, the presence and quantities of recyclable material in recycling containers, the presence and quantities of green waste in green waste containers, the presence of signs, flyers, stickers, and other information ~~which that~~ promotes recycling, and to engage in discussion with tenants, employees, and owners regarding their recycling or green waste program.

The city may initiate an enforcement action based on its own observations or notification by the service provider or other third parties for failure to comply with this code and rules promulgated thereunder governing the recycling or green waste pick up service infractions. The city or its service provider will notify the resident or owner in writing describing the nature of the failure to comply ~~infraction.~~

The city reserves the right to discontinue recycling or green waste pick up service for any residence, multi-family property, or business that fails to comply with this code and rules promulgated thereunder governing the recycling or green waste pick up service.

For a period of six (6) months after the recycling or green waste pick up service has been discontinued due to infractions, the residence owner, multi-family property owner, or business owner ~~will~~ shall not be allowed to subscribe to the recycling or green waste pick up service.

SECTION 2. That this ordinance shall take effect immediately upon the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this _____ day of _____, 2007.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2007.

Published: _____.

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date 4-23-07
By Boyd Ferguson

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