

WILLARD CITY ORDINANCE 2026-01

AN ORDINANCE AMENDING CHAPTER 12.20 GARBAGE AND LITTER OF THE WILLARD CITY MUNICIPAL CODE; AND PROVIDING AN EFFECTIVE DATE FOR THESE CHANGES.

Section 1 – Recitals

WHEREAS, the City of Willard (“City”) is a municipal corporation duly organized and existing under the laws of Utah; and

WHEREAS, the City Council finds that in conformance with UC §10-3-702, the governing body of the City may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct, or condition authorized by the laws of the State of Utah or any other provision of law; and,

WHEREAS, the City has previously adopted and promulgated City ordinances and rules; and

WHEREAS, the City Council recognizes the need to periodically review and update City ordinances; and

WHEREAS, the City Council finds that certain changes to the Willard City Municipal Code in regards to garbage collection and garbage can ownership should be made, including amendments to the language in Chapter 12.20; and

WHEREAS, the City Council finds that the public convenience and necessity, public safety, health, and welfare are at issue in this matter and requires action by the City as noted above;

NOW THEREFORE, be it ordained by the City Council of Willard City, in the State of Utah, that the following portions of the Willard City Municipal Code be, and the same is, changed and amended as follows:

SECTION 2: AMENDMENTS

- a. The language of Willard City Municipal Code, Chapter 12.20, Section 12.20.010 is hereby repealed in its entirety and replaced with the language as found on the attached Exhibit “A”, including the additions of Sections 12.20.011, 12.20.012, 12.20.013, 12.20.014, 12.20.015, 12.20.016, and 12.20.017.**
- b. The language of Willard City Municipal Code, Chapter 12.20, Section 12.20.020 – Litter-Handbills shall remain unchanged.**
- c. The initial garbage collection and can start-up fee for new residents of the City, either newly built homes or move-ins, shall be \$135. The City Council may adjust this fee by resolution in the future.**

The forgoing Recitals are fully incorporated herein.

SECTION 3: PRIOR ORDINANCES AND RESOLUTIONS That the above changes, where they may have been taken from prior City Ordinances and Resolutions, are listed here for centralization and convenience; and that the body and substance of those prior Ordinances and Resolutions, with their specific provisions, where not otherwise in conflict with this Ordinance, are reaffirmed and readopted.

SECTION 4: REPEALER OF CLAUSE All orders, ordinances, and resolutions regarding the changes enacted and adopted which have been adopted by the City, or parts thereof, which conflict with this Ordinance are, for such conflict, repealed, except that this repeal will not be construed to revive any act, order, or resolution, or part.

SECTION 5: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be held or declared to be unconstitutional, invalid, inoperative, or unenforceable to any extent whatsoever, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional, invalid, inoperative, or unenforceable.

SECTION 6: DIRECTION Willard City Staff is hereby authorized to make non-substantive clerical corrections to formatting, numbering, and internal references in this ordinance for publication and codification purposes, provided such corrections do not alter the intent or effect of the adopted language.

SECTION 7: EFFECTIVE DATE This Ordinance shall be effective as of the date of signing and after being published or posted as required by law.

PASSED AND ADOPTED this _____ day of _____ 2026.

	AYE	NAY	ABSENT	ABSTAIN
Jacob Bodily	_____	_____	_____	_____
Rod Mund	_____	_____	_____	_____
Mike Braegger	_____	_____	_____	_____
Rex Christensen	_____	_____	_____	_____
Jordon Husley	_____	_____	_____	_____

WILLARD CITY

Travis Mote
Willard City Mayor

ATTEST:

Diana Mund, Willard City Recorder

RECORDER'S CERTIFICATION

STATE OF UTAH)
: ss.
County of Box Elder)

I, Diana Mund, the City Recorder of Willard City, Utah, in compliance with UCA §10-3-713 and UCA §10-3-714 do hereby certify that the above and foregoing is a full and correct copy of "**AN ORDINANCE AMENDING CHAPTER 12.20 GARBAGE AND LITTER OF THE WILLARD CITY MUNICIPAL CODE; AND PROVIDING AN EFFECTIVE DATE FOR THESE CHANGES.**" adopted and passed by the City Council of Willard City, Utah, at a regular meeting thereof on _____, 2026 which appears of record in my office, with the date of posting or publication being _____, 2026.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City this _____ day of _____ 2026.

Diana Mund
City Recorder

EXHIBIT “A”

Exhibit Attached to Ordinance 2026-01

AMENDMENT TO CHAPTER 12.20 GARBAGE AND LITTER OF THE WILLARD CITY MUNICIPAL CODE

WILLARD MUNICIPAL CODE

12.20 Garbage and Litter

- 12.20.010 Definitions
- 12.20.011 Contract Authorized
- 12.20.012 Collection, Hauling or Disposal; License Required
- 12.20.013 Disposal of Refuse
- 12.20.014 Commercial and Industrial Properties
- 12.20.015 Fees and Charges; Discontinuance of Services
- 12.20.016 Prohibited Acts and Activities
- 12.20.017 Penalty
- 12.20.020 Litter-Handbills

12.20.010 Definitions

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

DWELLING: A building or portion thereof used exclusively for residential occupancy, including single-family, two-family, and multi-family dwellings, but not including hotels, motels, condominiums, lodging houses, apartments, group homes, or tourist homes.

DWELLING UNIT: One or more rooms in a dwelling, occupied by one family for living, sleeping, and eating purposes.

REFUSE: Includes and means all animal and vegetable refuse from kitchens of residences, hotels, cafes, restaurants, and places where food is prepared for human consumption, including all animal and vegetable refuse from such kitchens; and also, all condemned or decayed or unsound vegetables, meat, fish, fruit, and all waste and offal therefrom from markets, stores and factories. The term "refuse" shall also include normal household trash, cardboard boxes, grass, leaves, yard trimmings, tree limbs, and shrub trimmings; provided, however, that it shall not include waste from slaughterhouses, hot stove ashes, or coals, dirt, sod, rocks, concrete, flammable materials such as oil, gas or paint, large bulky items such as appliances, furniture, metal objects, construction, remodeling or demolition debris, car parts, mattresses, rolls of carpet, animal carcasses, or hazardous wastes.

STOVE ASHES: Includes the residue of material burned in stoves and in furnaces in private residences but shall not include the residue from furnaces in apartment houses, hotels, business houses, heating, or manufacturing plants. An "apartment house" is defined as a building comprising three (3) or more units designated for separate housekeeping tenements with heat furnished in common.

12.20.011 Contract Authorized

The City Council shall have the power at any time it may deem advisable to contract with any person, firm, or corporation for the hauling and disposal of refuse, rubbish, and similar wastes from residential property.

12.20.012 Collection, Hauling or Disposal; License Required

It shall be unlawful for any person, firm, or corporation to engage in the business of collection, hauling, or disposal of refuse, swill, rubbish, or similar

wastes within the corporate limits of the City without first having obtained a license so to do from the City Council.

12.20.013 Disposal of Refuse

A. ***Container Provided:*** The City shall provide every owner or lessee of a dwelling or dwelling unit within the corporate limits of the City (“resident”), that is not provided by City requirement with other waste hauling services, one 90-gallon automated refuse collection container with a lid at no cost other than the rate that is paid for refuse collection and disposal.

1. For new residents of the City, either newly built homes or move-ins, there shall be an initial start-up fee charged, which charge shall be set by the City Council by resolution.
2. For those residents generating more refuse than will fit in one 90-gallon automated refuse collection container each week, the city will provide a second ninety (90) gallon automated refuse container for an additional charge to be set by the City Council by resolution, which charge shall be added to the resident's monthly bill. Additional containers shall be provided for a minimum of six (6) months.

B. ***Ownership of Refuse Collection Containers:*** The City shall own all refuse collection containers that are provided to the residents of the City. If a resident has previously purchased their own refuse collection container and it becomes damaged and needs to be replaced, the City shall provide one 90-gallon automated refuse collection container at no cost other than the rate that is paid for refuse collection and disposal, as outlined in Section 12.20.013(A).

C. ***Placement in Cans:*** All refuse shall be placed in a ninety (90) gallon automated refuse collection container with a lid. Containers shall at all times be kept securely closed and be kept in such place and in such manner as to prevent offense.

D. ***Set Out for Collection:*** Only 90-gallon automated refuse collection containers with lids containing refuse to be hauled away by the person, firm, or corporation contracting with the City for refuse removal, shall be placed at the curbside in the location and position designated by the operator no later than six o'clock (6:00) A.M. on the day of collection. Containers shall be set out for collection on the street at least four feet (4') from other automated containers and obstructions such as trees, mailboxes, or parked vehicles. Containers must be placed in the gutter or, where there is no gutter, within two feet (2') of blacktop with the container handle facing the residence. All empty receptacles must be removed from the street as soon as practical after being emptied, and in every case must be removed from the street on the day they are emptied.

12.20.014 Commercial and Industrial Properties

The occupants or owners of all commercial and industrial property, including trailer parks, condominiums, and apartment houses with five (5) or more units, shall arrange and pay for their own refuse collection and disposal in accordance with the provisions of this chapter. The occupants or owners of apartment houses with two (2), three (3) or four (4) units have the option of using the City's refuse collection services or arranging and paying for their own refuse

collection service.

12.20.015

Fees and Charges; Discontinuance of Services

A. *Authority to Charge:* The City Council may, in its discretion and when it shall determine that the public interest shall be best served thereby, arrange for the collection by the City Treasurer, of any charges for collections of refuse by a contractor of the City under the provisions of this chapter, and shall arrange for such collection service and bill for the charge of such service on the regular statement for water service on said premises; provided, that the two (2) charges must be at all times separately listed, and that the proceeds therefrom must at all times be kept separate and apart and not commingled in a single fund or account by the City Treasurer.

B. *Prompt Payment Required:* In the event that any charges made under the provisions of Subsection (A) of this section are not promptly paid when due, the City may proceed to collect the same as a debt due to the City and may sue therefor in any court of competent jurisdiction.

C. *Temporary Discontinuance of Services:* Refuse collection services may be discontinued during periods that the premises are vacant and water has been shut off, under the following conditions: the public works department picks up all containers assigned to the premises and no automated containers are found or used on the premises during such periods.

12.20.016

Prohibited Acts and Activities

A. *Placement Outside of Collection Days:* It shall be unlawful for any person, firm, or corporation to place or deposit in or on any of the public streets, alleys, or parks in the city any refuse except on regular refuse collection days and in automated refuse collection containers.

B. *Prohibited Materials:* When unapproved or prohibited materials are placed in a container, the public works director may remove or have removed the container or containers and terminate services, in whole or in part. The City Council may, in its discretion, decide to continue service but add a fine as a civil penalty for the placement of the unapproved or prohibited materials; to be set by the City Council by resolution, which charge shall be added to the resident's monthly bill.

C. *Refusal to Remove Refuse:* It shall be unlawful for any person, firm, or corporation to permit refuse, swill, rubbish, or similar wastes to accumulate or remain on or about the premises, under the control of such person, for such period of time as to become objectionable or unsanitary; and every person, firm, or corporation is hereby required to remove, or provide for the removal of, such refuse, swill, rubbish, and similar wastes before the same become objectionable or unsanitary.

D. *Refuse Falling on Streets:* It shall be unlawful for any person hauling refuse, rubbish, swill, manure, or matter of any kind to permit or allow any such matter to fall upon and remain in any street, alley, or park within the corporate limits of the city, or to deposit any such matter at any place except a dumping ground or

incinerator as authorized by the City Council. It shall be unlawful for any person, firm, or corporation hauling or collecting refuse to conduct such operation in such a manner as to cause any unnecessary noise, damage to refuse containers (City-owned or privately owned), or disturbance.

- E. ***Painting or Defacing Containers:*** Automated containers shall not be painted, marked, or otherwise defaced; provided, that a resident may repaint a container using the original container color in order to cover over the colors of paint, unauthorized markings, or graffiti. If a resident fails to restore a container to its original color and appearance, after being notified by the public works department, the department may provide a replacement container, and the replacement costs shall be paid for by the resident.
- F. ***Vacant Premises:*** When premises are vacant, the property owner is responsible for placing all automated containers in a secure location to protect against theft or vandalism. If the failure to place any containers in a secure location results in container loss, theft, or vandalism, the property owner shall be responsible for the replacement cost of the container.
- G. ***Container Replacement Fee:*** Whenever a resident is required to pay for the cost of replacing any automated container under the provisions of this chapter, the fee for container replacement shall be the current replacement cost of the container. A resident shall be required to pay for the cost of replacing a container when it has been found that they have caused, or allowed to be caused, damage to the container.
- H. ***Accumulation:*** All persons, firms, or corporations having accumulation of refuse and similar wastes, as defined in this chapter, are hereby charged with the responsibility of making proper arrangements for the removal of the same, not inconsistent with the provisions of this chapter; and any person, firm, or corporation failing so to do, and permitting the accumulation of the same, shall be guilty of a Class C Misdemeanor, and in addition, the City Council may, in its discretion, arrange for the removal of such accumulated refuse and/or rubbish from such premises, and may charge the costs of such removal to the owner or occupant of the premises on which such accumulation was permitted, such charge to be deemed a debt due the city, and the City may proceed to collect such expenses by legal action in any court of competent jurisdiction if such is not paid promptly on demand.

12.20.017

Penalty

- A. Any person or corporation who violates Section 20.20.16(A) shall be guilty of an Infraction and shall be punished with a \$100 fine. If placing the garbage can outside of collection days causes an accident with a snow plow, City-owned vehicle, or a privately-owned vehicle, the person or corporation shall be guilty of a Class C misdemeanor, and upon conviction, shall be punished with up to a \$750 fine and up to ninety (90) days in jail and shall be responsible for restitution for damages.
- B. Any person or corporation who violates Section 20.20.16(B), (C), (D), (E), (F), or (H) shall be guilty of a Class C misdemeanor, and upon conviction, shall be punished with up to a \$750 fine and up to ninety (90) days in jail.

