



EAGLE MOUNTAIN CITY
City Council Staff Report
FEBRUARY 16, 2016

Project: Development Code Amendments: Chapter 8.05 (Solid Waste Management) & Chapter 10.10 (Parking)
Applicant: City Staff
Type of Action: Action Item

Chapter 8.05 Solid Waste Management

Background

The Eagle Mountain Code Enforcement Officer has requested the following changes be made to Chapter 8.05 of the Eagle Mountain Municipal Code (EMMC) adding a definition for illegal dumping, clarifying prohibited acts, and referring to fines in the Consolidated Fee Schedule.

Proposed Amendments

Staff recommends that the changes to Chapter 8.05 be adopted. Here are the proposed amendments:

Chapter 8.05 SOLID WASTE MANAGEMENT

8.05.630 Penalty.

8.05.640 Each day separate violation.

8.05.650 Mayor may request legal action.

8.05.660 Guilty persons liable for expenses.

8.05.650 Mayor may request legal action.

8.05.660 Guilty persons liable for expenses.

8.05.670 Fines

Article II. Prohibited Acts, Emergency Orders and Condemnation

8.05.010 Definitions.

For the purpose of this chapter and unless defined in other sections, the terms, phrases and words shall have the following meanings:

Abandoned Vehicle. A vehicle is presumed abandoned if it is left unattended on a highway for a period in excess of 24 hours or on any public or private property for a period in excess of seven calendar days without express or implied consent of the owner or person in lawful possession or control of the property.

“Agricultural waste” means the manure or crop residues from various agricultural pursuits, including, but not limited to, dairies and the raising of livestock and poultry; solid waste that results from the rearing and slaughtering of animals and the processing of animal products and orchard and field crops.

“Bulky waste” means large items of solid waste, including, but not limited to, appliances, furniture, trees, branches, and stumps.

“City” means Eagle Mountain City, Utah.

“Collector” means any person who collects or transports solid waste.

“Compaction” means the volume reduction of material under load.

“Compost” means organic waste material that has biologically decomposed or is in the process of biologically decomposing under controlled conditions.

“Compost plant” means any place or facility where composting occurs.

“Composting” means the biological decomposition of organic waste under controlled conditions.

“Construction and demolition waste” means waste building materials and rubble resulting from construction, remodeling, repair, or demolition operations on houses, commercial buildings, structures, or pavements.

“Container” means city and collection agency approved metal, heavy duty paper, or plastic receptacles or carts used for storage or disposal of solid waste.

“Cover material” means soil or other material used to cover compacted solid waste, which is free of objects that hinder compaction and free of content conducive to vector harborage, feeding, or breeding.

“DEQ” means Utah Department of Environmental Quality.

“Disposal site” means any location, place, tract of land, or area, including any structure where solid waste is finally deposited.

“Dust” means any particulate matter capable of being suspended in air.

“Facility” means any structure, machinery, equipment, or recycling, reclamation, resource recovery, or processing facility, system, or process used in the storage, collection, transfer, incineration, pyrolyzation, consolidation, segregation, treatment, conversion, utilization, processing, classification, volume reduction, or disposal of solid waste.

“Garbage” means the animal and vegetable waste or food refuse resulting from handling, preparing, cooking, or consumption of food.

“Ground water” means water occurring in the zone of saturation in any aquifer or soil.

“Hazardous waste” means:

1. Any solid waste or combination of solid wastes that, because of its quantity, concentration, physical, chemical, or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or poses a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported, disposed, or otherwise managed.

2. Any waste exempted or that does not meet the criteria as a hazardous waste under state or federal ordinances shall be exempted as a hazardous waste under this chapter.

“Household” means the association of persons who live in the same dwelling, sharing its furnishings, facilities, accommodations, and expenses.

“Illegal Dumping” means discarding trash, refuse, rubbish, or solid waste in an improper or illegal manner.

“Industrial waste” means any waste, either liquid, solid, or gas or any combination of these, resulting from any process of industry, manufacturing, trade, business, mining, agriculture, or the development of a natural resource.

“Inoperable vehicle” means any automobile, truck, motor home, or bus not currently registered and licensed in this state or another state, or in any of the following conditions that shall be considered unsightly or deleterious: dismantled; broken windows; flat or no tires; missing doors, fenders, hood, or trunk; won’t start; isn’t drivable; or any other condition that would result in the vehicle’s failure to pass state inspection.

“Junk” means any salvaged or scrap copper, brass, iron, steel, metal, rope, rags, batteries, paper, wood, trash, plastic, rubber, tires, waste, dismantled, wrecked, or inoperable motor vehicles or parts or other materials commonly designated as junk.

“Leachate” means liquid that has percolated through or drained from solid waste and contains extracted, dissolved, or suspended material.

“Litter” means any quantity of uncontainerized paper, metal, plastic, glass or miscellaneous solid waste.

“Littering” means the willful or negligent throwing, dropping, placing, depositing, or sweeping of solid waste on any premises other than in approved storage containers and sites.

“Mayor” means the mayor of Eagle Mountain City, Utah, or an authorized representative.

“Municipal solid waste” means household waste, commercial solid waste, and nonhazardous sludge.

“Nuisance” means unlawfully doing an act that annoys, injures, or endangers the comfort, repose, health, or safety of any person, or that renders a person insecure in life or the use of property.

“Open burning” means a fire whose products of combustion are emitted directly into the open air without passage through a stack or chimney.

“Open dump” means any disposal site that does not comply with this chapter.

“Operator” means a person who owns, leases, or manages a site or facility.

“Owner” means any person who, alone, jointly, or severally with others, has legal title to any premises, dwelling, or dwelling unit, with or without accompanying actual possession thereof; or has charge, care, or control of any premises, dwelling, or dwelling unit, as legal or equitable owner, agent of the owner, lessee, or is an executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner.

“Person” means any individual, public or private corporation and its officers, partnership, association, firm, trustee, executor of an estate, the state or its departments, institution, bureau, agency, county, city, political subdivision, or any legal entity recognized by law.

“Pollution” means the condition caused by the presence in the environment of substance of such character and in such quantities that the quality of the environment is impaired or rendered offensive to live.

“Processing” means any method, system, or other treatment designed to change the physical form or chemical content of solid waste.

“Reclamation facility” means a facility where solid wastes are stored, dismantled, segregated, or reprocessed to recover salvageable materials for sale or re-use.

“Recycling” means the process by which recovered resources are transformed into new products in such a manner that the original products lose their identity.

“Recycling facility” means any place, plant, or equipment designed and operated to store, collect, redistribute, and return processed material to market.

“Refuse” means garbage, rubbish, and other discarded material.

“Residential solid waste” means refuse produced by or resulting from the normal activities of residential households, and excluding asphalt, concrete, dirt, rocks, or other similar materials not normally associated with day-to-day residential household activities. This definition is applicable to the solid waste from a building of four or less separate residential units.

“Residue” means all solids that remain after incineration, including grade siftings, ash, and fly ash.

“Rubbish” means all solid waste except garbage and hazardous waste, including, but not limited to, ashes, bedding, cardboard, paper, wood, cans, metal, glass, crockery, rubber, plastic, leather, rags, and yard trimmings.

“Salvaging” means the controlled removal of waste materials for utilization.

“Sanitary landfill” means a site where solid waste is disposed of using sanitary landfilling techniques.

“Scavenge” means the uncontrolled removal of solid wastes from a site or facility at any point in solid waste management.

“Sewage” means liquid or water-carried wastes, or both, produced by any person, animals, or fowl from residences, business buildings, institutions, industrial establishments, or agricultural, recreational, or other locations, including, but not limited to, septic tanks, privy vaults, and cesspools, together with ground water, surface water and storm water.

“Site” means any place, tract of land, or facility used for the storage, collection, transfer, conversion, utilization, processing, treatment, incineration, pyrolyzation, handling, or disposal of solid waste.

“Sludge” means any solid, semisolid, or liquid waste having similar characteristics and effects, generated from municipal, commercial, industrial wastewater and water supply treatment plants, or air pollution control facilities.

“Solid waste” means garbage, junk, inoperable vehicles, refuse, trash, rubbish, residential solid waste, hazardous waste, special waste, industrial waste, construction and demolition waste, dead animals, manure or feces, sludge, liquid or semiliquid waste, asphalt other than that being used for hard surfacing, organic materials, and waste concrete or rock larger than 12 inches in diameter; other spent, useless, worthless, or discarded materials or materials stored or accumulated for the purpose of discarding; materials that have served their original intended purpose; or waste material resulting from industrial, manufacturing, mining, commercial, agricultural, residential, institutional, recreational, or community activities.

“Special waste” means those wastes that are not considered hazardous, but may require complex or special management due to characteristics such as high moisture content or bulk.

“Storage” means the actual or intended containment of solid or hazardous waste either on a temporary basis or for a period of years in such a manner as not to constitute disposal of the waste.

“Transfer station” means a facility where solid waste is transferred from collection to haulage vehicles for transportation to another facility or site.

“Trash” means materials including, but not limited to, garbage, construction or demolition debris, clothing, rags, yard trimmings, or other refuse resulting from the conducting of any business, trade, or industry.

“Used oil” means oil which has been refined from crude oil, used, and as a result of that use, contaminated by physical or chemical impurities.

“Used oil collector” means any person who has obtained from the state of Utah a permit allowing the collection of used oil for resale to oil refining facilities or disposal by other methods approved by law.

“Waste contractor” means a person engaged in the business of collecting, hauling, or transporting garbage, refuse, agricultural or hazardous waste, sewage, sludge, dead animals, bones, or other solid waste.

“Water table” means the upper surface of the zone of saturation, if unconfined by an impervious formation, and that can be referred to in terms of elevation. [Ord. O-08-2005 § 1 (Exh. 1 § 77-1-1)].

8.05.060 Prohibited acts.

Except as otherwise provided by law, it shall be unlawful for any person:

A. To dispose of any solid waste in any place except at a facility or site that has been approved by the city.

~~B. To operate a facility or site or engage in the business of waste contractor without a valid permit from the city, unless specifically exempted elsewhere in this chapter.~~

~~C. To deposit any solid waste upon any public or private property without the consent of the owner and approval of the city.~~

~~D. To construct, alter, operate or change the operating procedure of a site or facility without the corresponding permit or approval from the city.~~

~~E. To scavenge at a site.~~

~~F. To feed farm or domestic animals on an existing site, unless approved by the city.~~

~~G. To dispose of any solid waste in a way prohibited by any applicable laws.~~

~~H. To open burn, except as provided by law.~~

~~I. To create or operate an open dump.~~

~~J. To accumulate, litter, store, collect, transport, transfer, treat, process, utilize, reclaim, recover, recycle, consolidate, incinerate or dispose of any solid waste contrary to this chapter or orders of the city.~~

~~K. To create, cause or allow insect or rodent propagation, conditions for transmission of disease, any unsanitary condition, or any other safety or public health hazards.~~

~~L. To accumulate, litter, store, collect, transport, transfer, treat, process, utilize, reclaim, recover, recycle, incinerate or dispose of any solid waste in such a way that a nuisance is created.~~

~~M.L.~~_____ To dispose of used oil, except through a used oil collector.

~~N.M.~~_____ To discharge used oil into sewers, drainage systems, surface waters, ground waters or watercourses or deposit used oil on land, unless authorized under other provision of law.

~~O.N.~~_____ To mix or commingle used oil with solid waste that is to be disposed of in landfills or otherwise by trash collection.

~~P.O.~~_____ To apply used oil to road oiling, dust control, weed abatement or other similar uses that have the potential to release used oil into the environment.

~~Q.P.~~_____ To dispose of wet paint in violation of DEQ requirements and processes. [Ord. O-08-2005 § 1 (Exh. 1 § 77-2-1)].

8.05.630 Penalty.

Any person who is found guilty of violating any of the provisions of this chapter, either by failing to do those acts required herein, or by doing a prohibited act, is guilty of a Class B misdemeanor pursuant to Utah Code, [and subject to fines in the Consolidated Fee Schedule as adopted by the City Council](#). [Ord. O-08-2005 § 1 (Exh. 1 § 77-6-8)].

8.05.640 Each day separate violation.

Each day such violation is committed or permitted to continue shall constitute a separate violation. [Ord. O-08-2005 § 1 (Exh. 1 § 77-6-9)].

8.05.650 Mayor may request legal action.

The city attorney or, if appropriate, the county attorney may initiate legal action, civil or criminal, requested by the mayor, to abate any condition that exists in violation of this chapter or other provisions of Utah law. [Ord. O-08-2005 § 1 (Exh. 1 § 77-6-10)].

8.05.660 Guilty persons liable for expenses.

In addition to other penalties imposed by a court of competent jurisdiction, any person found guilty of violating this chapter shall be liable for all expense incurred by the city in removing or abating any nuisance, source of filth, cause of sickness or infection, health hazard or sanitation violation. [Ord. O-08-2005 § 1 (Exh. 1 § 77-6-11)].

8.05.670 Fines

The penalties associated with violations shall be consistent with the Consolidated Fee Schedule adopted by the City Council

Chapter 10.10 Parking

Background

The Eagle Mountain Code Enforcement Officer has requested the following changes be made to Chapter 10.10 of the Eagle Mountain Municipal Code (EMMC) regarding parking on public streets without being moved, clarifying winter parking restrictions, and referring to the Consolidated Fee Schedule for fines.

Proposed Amendments

Staff recommends that the changes to Chapter 10.10 be adopted. Here are the proposed amendments:

Chapter 10.10 PARKING

Sections:

Article I. General Restrictions

10.10.010 “No parking” zones.

10.10.020 Obstructing traffic prohibited.

10.10.030 Parking on public streets without being moved

Article II. Winter Restrictions

10.10.040 Parking prohibited when snow accumulates.

10.10.050 Vehicles subject to removal.

10.10.060 Depositing snow in streets prohibited.

10.10.070 Enforcement.

Article III. Commercial, Recreational and Agricultural Vehicles

10.10.080 Definitions.

10.10.090 Parking prohibited on public streets – Exceptions.

10.10.100 Towing authorized.

Article I. General Restrictions

10.10.010 “No parking” zones.

It shall be unlawful to park any vehicle or leave any vehicle standing unattended in Eagle Mountain City on park strips, sidewalks or a city street marked as a “no parking” zone either by signage or by curb marking established by authority of the city council. [Ord. O-13-2005 § 1].

10.10.020 Obstructing traffic prohibited.

It shall be unlawful to park any vehicle, or leave any vehicle standing unattended, on any street or roadway in Eagle Mountain City which will prevent the flow of two-way traffic on the street. This section shall apply to motor vehicles, trailers of every kind and nature, and other obstructions left standing in the roadways of Eagle Mountain City, Utah. [Ord. O-13-2005 § 2].

10.10.030 Parking on public streets without being moved

It is unlawful to leave any vehicle parked on a public street for longer than seventy-two (72) hours without being moved.

Article II. Winter Restrictions

~~10.10.030~~ 10.10.040 Parking prohibited when snow accumulates.

It is unlawful to park vehicles, trailers, or other property constituting obstructions to traffic on the streets of Eagle Mountain City from November 1st to March 15th of the succeeding year whenever snow accumulate on streets in the city. [Ord. O-12-2005 § 1].

~~10.10.040~~ 10.10.050 Vehicles subject to removal.

Vehicles and other obstructions on streets and roads of Eagle Mountain City parked in violation of this article are subject to fines according to the consolidated fee schedule as adopted by the City Council and/or towing and removal by the city to facilitate maneuvering snowplows and snow removal operations. [Ord. O-12-2005 § 2].

~~10.10.050~~ 10.10.060 Depositing snow in streets prohibited.

It shall be unlawful to place, plow, or dump snow in the streets and roads of Eagle Mountain City. Violations are subject to fines according to the consolidated fee schedule as adopted by the City Council [Ord. O-12-2005 § 3].

~~10.10.060~~ 10.10.070 Enforcement.

It is the policy of Eagle Mountain City that this article will be enforced consistently with the fines adopted in the consolidated fee schedule during periods requiring snowplowing or snow removal from the streets and roads of Eagle Mountain City. [Ord. O-12-2005 § 4].

Article III. Commercial, Recreational and Agricultural Vehicles

~~10.10.070~~ 10.10.080 Definitions.

A. "Commercial vehicle" means a tractor or motor vehicle with more than two axles, trailer, or semi-trailer used or maintained for the transportation of persons or property that operates:

1. As a carrier for hire, compensation, or profit; or
2. As a carrier to transport the vehicle owner's goods or property in furtherance of the owner's commercial enterprise.

B. "Recreational vehicle" means a vehicular unit other than a mobile home, primarily designed as a temporary dwelling for travel, recreational, or vacation use that is either self-propelled or pulled by another vehicle. "Recreational vehicle" includes:

1. A travel trailer;
2. A camping trailer;
3. A motor home;

4. A fifth wheel trailer; and

5. A van. [Ord. O-11-2007 § 1].

~~10.10.080~~ 10.10.090 Parking prohibited on public streets – Exceptions.

A. It is unlawful to park any:

1. Commercial vehicle, agricultural vehicle, recreational vehicle, occupied or empty trailer or truck on any public street within a residential zone of the city for a period of time longer than **twenty-four (24) hours**;

2. Agricultural vehicle, recreational vehicle, occupied or empty trailer, or truck within the front yard area of any residential zone of the city; or

3. Commercial vehicle on any lot or parcel within any residential zone of the city.

B. Exceptions. This section shall not restrict the temporary parking or stopping of a city vehicle or of a vehicle owned and/or operated by a public utility for the purpose of conducting repairs or related work. This section shall not restrict the temporary parking of vehicles actively used to deliver building supplies and materials to property in any residential zone, nor shall it prohibit the temporary parking of vehicles used while performing work upon property in residential zones. [Ord. O-11-2007 § 2].

~~10.10.090~~ 10.10.100 Towing authorized.

In addition to all other penalties authorized by law, and at the expense of the owner, any vehicle or trailer parked in violation of this article may be towed to impound. [Ord. O-11-2007 § 3].

ORDINANCE NO. O- -2016

**AN ORDINANCE OF THE CITY COUNCIL OF EAGLE MOUNTAIN CITY, UTAH
AMENDING CHAPTERS 8 AND 10 OF THE EAGLE MOUNTAIN
MUNICIPAL CODE FOR SOLID WASTE MANAGEMENT AND PARKING**

WHEREAS, the Eagle Mountain City Council (the “Council”) met in regular meeting on February 16, 2016, to consider, among other things, amending sections of the Eagle Mountain Municipal Code;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Eagle Mountain City, Utah:

1. The City Council finds that all required public hearings have been held and all legal requirements have been met to amend the sections of the Municipal Code which are attached to this Ordinance as Exhibit A.
2. Chapter 8, Section 8.05 Solid Waste Management, and Chapter 10, Section 10.10 Parking, are amended. They are hereby amended as set forth more specifically on Exhibit A.
3. This Ordinance shall take effect upon its first posting or publication.

ADOPTED by the City Council of Eagle Mountain City, Utah, this 16th day of February, 2016.

EAGLE MOUNTAIN CITY, UTAH

Chris Pengra, Mayor

ATTEST:

Fionnuala B. Kofoed, MMC
City Recorder

CERTIFICATION

The above Ordinance was adopted by the City Council of Eagle Mountain City on this 16th day of February, 2016.

Those voting aye:

- Adam Bradley
- Colby Curtis
- Stephanie Gricius
- Benjamin Reaves
- Tom Westmoreland

Those voting nay:

- Adam Bradley
- Colby Curtis
- Stephanie Gricius
- Benjamin Reaves
- Tom Westmoreland

Fionnuala B. Kofoed, MMC
City Recorder

EXHIBIT A