ORDINANCE NO. 2015-17

AN ORDINANCE OF IVINS CITY, UTAH, ADOPTING A PROGRAM FOR MANDATORY CURBSIDE COLLECTION OF RESIDENTIAL RECYCLABLE MATERIALS AND ESTABLISHING RULES, REGULATIONS AND FEES FOR SAME

WHEREAS, Washington County Special Service District No. 1 (hereafter "the District") 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 the District, including Ivins City of (hereafter the "City"); and

WHEREAS, the District and the City believe that it is both necessary and desirable to institute a program for collection of recyclable materials produced by owners or occupants of residences in order to conserve landfill space, protect the environment, and encourage conservation of resources; and

WHEREAS, the District and the City have entered into a separate "Agreement for Curbside Residential Recycling Collection Services" for implementation of said curbside residential recycling collection program and other related matters within the City; and

WHEREAS, the Ivins City Council desires to establish rules, regulations and monthly fees pertaining to said curbside residential recycling collection services; and

WHEREAS, the Ivins City Council deems it necessary and desirable for the preservation and protection of the health, safety and welfare of the residents of Ivins City, Utah,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF IVINS CITY, STATE OF UTAH:

1. Definitions. For purposes of this Ordinance, the following terms shall have the following meanings:

(a) bi-weekly: every other week.

(b) curb or curbside: within 3 feet of any curb, sidewalk or other location immediately adjacent to any street, highway or road which is accessible to waste collection vehicles.

(c) overall residential recycling participation rate: the number of residences or residential units, calculated at the end of each quarter and expressed in a percentage, who participate or are required to participate in curbside residential recycling collection services when compared to the total number of residences or residential units in all municipalities that have elected to participate in the curbside residential recycling collection program.

(d) recyclable materials: those materials listed in Exhibit "B" attached hereto and by this reference incorporated herein, but specifically excluding glass, plastic bags, used oil, paint, hazardous waste, bulky waste, special waste and stable matter.

(e) residential recycling container: a waste receptacle specifically approved by Washington County Special Service District No. 1 for residential recycling, with a capacity of 90-100 gallons, equipped with a tight-fitting, permanently attached lid and wheels for easy movement, and specifically designed for automated pick up.

(f) residence or residential unit: any home or other structure which is hooked to culinary water and power, is intended or used for human habitation, receives weekly collection of residential waste under the Residential Waste Collection Agreement using individual 94 gallon automated containers, and is billed as a residential unit in accordance with said Residential Waste Collection Agreement.

For purposes of this ordinance, a residence or residential unit does not include: (a) units in an apartment complex with more than eight (8) dwelling units, (b) units in condominium or townhome complexes used primarily, when considered as a whole, for rental purposes, (c) dwelling units in residential developments which, because of limited access, receive weekly collection of residential waste using dumpsters instead of individual 94 gallon containers, (d) units in RV Parks used primarily for overnight or other temporary rental of less than 30 consecutive days, and (e) motels and hotels.

(g) Residential Waste Collection Agreement: means the agreement between Washington County Special Service District No. 1 and Allied Waste Services, Inc (now known as Republic Waste Services, Inc.) dated November 25, 2008.

2. Establishment of Curbside Residential Recycling Collection Program. Subject to the terms and conditions stated herein, the Ivins City Curbside Residential Recycling Collection Program (hereafter "the curbside recycling program") is hereby established.

3. Collection Service. The City, by and through Dixie Waste Services, Inc., shall provide or make available bi-weekly collection service to each residence or residential unit within the City of recyclable materials placed at or near the curb in residential recycling containers which shall be delivered, maintained, repaired and replaced by Washington County Special Service District No. 1.

4. Terms of Agreement to Control. All aspects of said curbside recycling collection service shall be governed by and shall be subject to the terms and conditions of "Curbside Residential Recycling Collection Agreement" between Washington County Special Service District No. 1 and Dixie Waste Services, Inc., a copy of which is attached hereto as Exhibit "A" and incorporated herein by this reference.

5. Availability of Curbside Recycling Collection Service. Curbside residential recycling collection service shall be provided or shall be made available to all residences or residential units, as defined herein, within the corporate limits of the City.

6. Establishment of Residential Fees. The owner or occupant of each residence or residential unit within the City for which curbside recycling collection service is provided or made available shall be required to pay to the City the amount of $3.62 per month until such time that the overall residential recycling participation rate reaches 70%, at which time the residential fee shall be the amount of $2.94 per month. The foregoing notwithstanding, however, the Ivins City Council, after receipt of a written request by an owner and after a hearing on such request, shall have authority to grant a variance to the above provisions based on a showing of undue hardship or other extraordinary circumstances.

7. Monthly Billing. Fees for curbside recycling collection service described herein shall be paid on a monthly basis, and shall be included in any monthly billing or statement for other municipal services supplied by the City, including water, power, sewer, etc., and shall be subject to all collection procedures for utility services provided by the City.

8. Curbside Recycling Program in Addition to Regular Waste Pickup. The curbside residential recycling collection services provided for herein shall supplement and shall be in addition to the regular residential waste collection services currently being provided by the City in accordance with the Residential Waste Collection Agreement, and the monthly fee for the curbside residential recycling collection services described herein shall be in addition to the monthly fee for said regular residential waste collection services.

9. Date of Commencement of Program. The curbside residential recycling collection service and payment of monthly fees, as described herein, shall commence on January 1, 2016, provided that the overall residential recycling participation rate as of November 1, 2015 is 50% or higher.

BE IT FURTHER ORDAINED that this Ordinance shall take effect 30 days after publication and posting as required by law.

PASSED AND ADOPTED BY THE IVINS CITY COUNCIL, STATE OF UTAH, ON THIS _____ DAY OF AUGUST, 2015 BY THE FOLLOWING VOTE:

	AYE	**NAY**	**ABSTAIN**	**ABSENT**
George E. Elwell, Jr.	_____	_____	_____	_____
Cheyne McDonald	_____	_____	_____	_____
Lesley Mendenhall	_____	_____	_____	_____
Steven Roberts	_____	_____	_____	_____
Ron Densley	_____	_____	_____	_____

_____

Chris Hart, Mayor

ATTEST:

_____
Kari Jimenez, Ivins City Recorder

Exhibit "B"
RECYCLABLE MATERIALS

METAL CANS, MILK AND JUICE CARTONS

1. **Aluminum Cans, Trays & Foil (trays and foil must be cleaned)**
2. **Aseptic Packaging & Gable Top Containers (milk and juice cartons)**
3. **Steel Cans**
4. **Tin Cans**

PLASTICS: (The numbers below are found in chasing arrows on the bottom of the plastic container)

1. **#1 PETE Soda, Water, & Flavored Beverage Bottles (#1 clear and all colored)**
2. **#2 HDPE Milk & Juice Jugs (clear)**
3. **#2 HDPE Detergent & Fabric Softener Containers (colored)**
4. **#3 PVC Narrow Neck Containers Only (health & beauty aid products, household cleaners)**
5. **#4 LDPE Grocery Containers (margarine tubs, frozen dessert cups, six and twelve pack rings)**
6. **#5 PP Grocery Containers (yogurt cups and narrow neck syrup and ketchup bottles)**
7. **#6 PS clean Styrofoam without any food waste**
8. **#7 Plastic Narrow Neck Containers Only**
9. **Plastic buckets, such as kitty litter buckets (5 gallon maximum size and no metal handle)**

Note: If the number in the chasing arrow on the container is #1, #2, #3, #4, #5, #6, or #7 and it meets the criteria outlined below in section D. Other Container Criteria, the container may be recycled

ACCEPTED RESIDENTIAL PAPER FIBER LIST:

1. **Newspaper, including inserts (remove plastic sleeves)**
2. **Cardboard (No Waxed Cardboard)**
3. **Kraft (brown paper) bags**
4. **Magazines, Catalogs, & Telephone Books**
5. **Office & Computer paper, notebook, school, & gift wrap (no metal clips, spirals, ring binders)**
6. **Chipboard (cereal, cake & food, gift boxes, etc.)**
7. **Carrier Stock (soda, beer can carrying cases)**
8. **Junk Mail & Envelopes (no plastic cards, stick on labels)**
9. **Paperback and Hard Cover Books**
10. **Empty pizza boxes**

OTHER CONTAINER CRITERIA:

1. **All containers are to be empty**
2. **No motor oil, insecticide, herbicide or hazardous chemical containers**
3. **No plastic bags (return to grocery or department store)**
4. **No plastic film (no plastic sheets, tarps, or wrap)**