

TITLE 4
HEALTH AND SANITATION

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CHAPTER 1
FIRE DEPARTMENT

SECTION:

- 4-1-1: Established
- 4-1-2: Fire Chief Position Created
- 4-1-3: Powers And Duties Of Fire Chief
- 4-1-4: Designation Of Emergency Vehicles
- 4-1-5: Responsibilities, Rights And Restrictions

4-1-1: **ESTABLISHED:** There is hereby created a fire department to be known as the East Carbon City volunteer fire department. (1980 Code § 10-111)

4-1-2: **FIRE CHIEF POSITION CREATED:** There is hereby created the position of chief of the fire department. (1980 Code § 10-121)

4-1-3: **POWERS AND DUTIES OF FIRE CHIEF:**

- A. Supervision Of Department: The fire chief shall have responsibility for the general supervision of the department.
- B. Control And Extinguish Fire: During a fire, the fire chief shall have full authority to take all measures as he shall deem necessary, subject to state law, to control and extinguish the fire and for that purpose he is hereby made a special peace officer.
- C. Report Information To City Council: The fire chief shall, at least quarterly, report to the city council the condition of the fire equipment, the number of fires and their causes and the estimated loss therefrom, together with such other information as the city council may request or as he shall deem appropriate.

- D. **Enforce Fire Protection And Prevention:** The fire chief shall strictly enforce all of the provisions of the ordinances of the city relating to the protection against and prevention of fire.
- E. **Maintain Equipment:** The fire chief shall maintain the equipment of the department in good repair and order and ready for use.
- F. **Establish Rules And Regulations:** The fire chief, subject to the approval of the mayor and city council, shall establish rules and regulations for the operation of the department.
- G. **Delegate Duties:** The fire chief may delegate his duties to any person employed by the department, but such delegation shall not relieve the fire chief of his responsibility for the performance thereof.
- H. **Investigation Of Fires:** The fire chief shall cause all fires to be promptly investigated to determine the cause of the fire and report the cause of the fire, the time originated and such other information as may be relevant to prevent other fires. (1980 Code § 10-122)
- I. **Employ Firefighters And Personnel:** The fire chief may make recommendations to the mayor relating to the employment of firefighters and such other personnel as may be necessary to enforce the provisions of this chapter. The fire chief may employ such additional personnel as the mayor and city council may direct or authorize. (1980 Code § 10-123)

4-1-4: DESIGNATION OF EMERGENCY VEHICLES: Fire trucks and other motor vehicles used to transport fire equipment or fire personnel are hereby designated authorized emergency vehicles. (1980 Code § 10-131; amd. 2005 Code)

4-1-5: RESPONSIBILITIES, RIGHTS AND RESTRICTIONS:

- A. **Removal Of Obstructions At Fire:** The officer in charge at any fire may order the removal or destruction of any fence, building or structure, or that any utility be closed, cut or removed when deemed necessary to control, extinguish or prevent the spread of fire. (1980 Code § 10-132)
- B. **Control Of Persons:** All persons present at a fire shall obey the lawful orders of any firefighters. (1980 Code § 10-133)

- C. **Interference With Firefighters In Discharge Of Duties:** Every person at the scene of any fire who wilfully disobeys the lawful orders of any public officer or firefighter, or offers any resistance to or interference with the efforts of any firefighter, or company of firefighters to extinguish the same, or engages in any disorderly conduct calculated to prevent the same from being extinguished, or who forbids, prevents or dissuades others from assisting to extinguish the same, is guilty of an infraction and subject to penalty as provided in section 1-4-1 of this code. (1980 Code § 10-134; amd. 2005 Code)
- D. **Unlawful Interference:** Any person who shall wilfully hinder any officer or firefighter in the discharge of his duty at a fire, or in any manner injure, deface or destroy any engine, hose or other fire apparatus belonging to the city or who shall interfere with any fire company or person, or who shall wilfully break or injure any water pipe or interfere with the water or its source of supply, shall be deemed guilty of a class B misdemeanor and subject to penalty as provided in section 1-4-1 of this code. (1980 Code § 10-135; amd. 2005 Code)
- E. **Investigation After Fire Report:** The fire chief, or such other person as he shall designate, shall, after extinguishing a fire, make a prompt and thorough investigation of the cause of the fire, the time the fire began, the amount of loss and insurance, a description of the affected buildings and premises, and shall secure all other useful information available, and record the same in a record book kept for that purpose in the office of the department and shall report the same to the city council at such time as it may direct. (1980 Code § 10-136)
- F. **Right To Enter And Inspect:** The fire chief, or his deputies, upon presentation of proper credentials, shall have the right to enter upon any premises at all reasonable hours for the purpose of making inspections. (1980 Code § 10-137)
- G. **Persons Present Subject To Orders:** Every capable person eighteen (18) years or older present at a fire shall be subject to the orders of the officer in command and shall render assistance in the manner directed by the officer in command. (1980 Code § 10-138)
- H. **False Alarm:** It shall be unlawful for any person to turn in or report to the fire department a false alarm or report of a fire or to tamper or remove any part of the fire alarm system. (1980 Code § 10-139)

CHAPTER 2
NUISANCES

SECTION:

- 4-2-1: Definitions
- 4-2-2: Illustrative Enumeration
- 4-2-3: Prohibited Acts And Activities
- 4-2-4: Citation Issuance
- 4-2-5: Abatement Procedures
- 4-2-6: Costs Declared Lien
- 4-2-7: Penalty

4-2-1: **DEFINITIONS:** For the purpose of this chapter, terms, words and their derivatives shall be construed as specified in this section. Where terms or words are not defined, they shall have their ordinary accepted meanings within the context with which they are used.

HOBBY CAR: Any truck or automobile in the process of being restored by its owner on the premises of his private residence.

JUNK MOTOR VEHICLE: Any truck, automobile, bus, trailer, discarded farm and industrial equipment, or other motor vehicle which is not registered, licensed or safety inspected, or is wrecked, dismantled or inoperable.

NUISANCE: Any person, firm, corporation or entity doing an unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

A. Injures or endangers the comfort, repose, health or safety of others; or

- B. Offends decency; or
- C. Is offensive or unsightly to the senses; such as noises, bright lights, burning garbage; or
- D. Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage; or
- E. In any way renders other persons insecure in life or the use of property; or
- F. Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others; or
- G. Tends to depreciate the perceived value or quality of life in East Carbon City, Utah. (Ord. 00-02, 6-14-2000)

4-2-2: ILLUSTRATIVE ENUMERATION: The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions is hereby declared to be and constitute a nuisance; provided, however, this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive:

- A. Noxious or allergenic weeds and other rank vegetation.
- B. Accumulation of rubbish, trash, garbage, refuse, junk and other abandoned household furniture and appliances, materials, metal, lumber or other things.
- C. Any conditions which provide harborage for rats, mice, skunks, snakes or other vermin.
- D. Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation as defined in the building code, or is kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located.

- E. All disagreeable obnoxious odors, stenches and noises, as well as the conditions, substances or other causes which give rise to the same.
- F. The carcasses of animals or fowl not disposed of within a reasonable time after death.
- G. The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, industrial wastes or other unsafe substances.
- H. Any budding, structure or other place or location where any activity is conducted which is in violation of local, state or federal law.
- I. Any accumulation of stagnant water which has no practical agricultural purpose or which is a substantial breeding ground for mosquitos or other insects, as determined by county or state health authorities.
- J. Dense smoke, dust, noxious fumes, gas, soot or cinders, in unreasonable quantities.
- K. Keeping, storing, parking of junk motor vehicles unless properly tagged and stored as hobby cars.
- L. Used tires on roofs of mobile or manufactured homes.
- M. Bright lights flashing or steadily shining on a residence. (Ord. 00-02, 6-14-2000)

4-2-3: PROHIBITED ACTS AND ACTIVITIES:

- A. Vehicles: No more than two (2) nonlicensed vehicles which are not disassembled and are not otherwise a nuisance under this chapter shall be allowed to be stored uncovered on private residential property in the incorporated areas of the city for a period of one year. If, after a one year period, the vehicles are not licensed, they shall be considered a nuisance under this chapter. More than two (2) vehicles which are stored on private residential property in the incorporated areas of the city shall be concealed in an enclosure or behind a sight obscuring fence.

- B. **Disassembled Vehicles, Scattered Parts:** Disassembled vehicles or scattered vehicle parts stored on private residential property in the city shall be considered a nuisance under this chapter.
- C. **Maintaining Nuisance:** It shall be unlawful for any person, firm, corporation or entity to cause, permit, maintain or allow the creation or maintenance of a nuisance as specified in this chapter. (Ord. 00-02, 6-14-2000)

4-2-4: CITATION ISSUANCE: Any police officer or other designated agent of the city may issue a citation under this chapter. The officer or agent issuing the citation may, at his discretion, designate on the citation form a "fix it" provision, which provision shall give the recipient of the citation fourteen (14) days from the date of the citation in which to correct the cause of the citation. If the recipient corrects the cause and has the officer or agent who issued the citation verify the same to the court, the citation shall be dismissed without penalty. (Ord. 00-02, 6-14-2000)

4-2-5: ABATEMENT PROCEDURES:

- A. **Policy; Notice:** The city policy shall be directed toward prevention of situation or circumstances that could endanger life, devalue property, or adversely affect the health or welfare of city residents. A notice to abate a nuisance violation shall be delivered to a owner or occupant of a noncomplying property following:
 - 1. Complaint of citizen.
 - 2. Routine discovery by city personnel.
 - 3. Preplanned enforcement in a specified geographic area.
- B. **Contents Of Notice:** The notice to abate shall be signed by any peace officer or other designated agent of the city and shall contain the following:
 - 1. A requirement that the nuisance be abated within twenty one (21) days of receipt of the notice or immediately if the peace officer or agent deems the nuisance to pose an imminent danger to the health or safety of any person.
 - 2. The location of the nuisance, if the same is stationary.

3. A description of the nuisance.

4. A statement that if the nuisance is not abated as directed, that the city will abate the nuisance and assess or attach the cost thereof against the property taxes of the parcel of land where the nuisance is located, or against the person, firm, corporation or entity causing the nuisance. (Ord. 00-02, 6-14-2000)

5. A statement that any person, firm, corporation or entity violating the nuisance within the time provided shall be in violation as a class B misdemeanor, and that each day such nuisance is permitted after the time designated for abatement shall constitute a separate offense and shall be punishable as such. (Ord. 00-02, 6-14-2000; amd. 2005 Code)

6. A statement that the party receiving the notice may make a written request for a review hearing before the city council if such hearing is requested within the time permitted for abatement.

C. **Abatement By City:** Upon the failure of the person upon whom notice to abate a nuisance was served pursuant to the provisions of this chapter, a person designated by the city council shall proceed to abate such nuisance and shall prepare a statement of costs incurred in the abatement thereof. (Ord. 00-02, 6-14-2000)

4-2-6: **COSTS DECLARED LIEN:** Any and all costs incurred by the city in the abatement of a nuisance under the provisions of this chapter shall constitute a lien against the property upon which such nuisance existed, which lien shall be filed, proven and collected as provided for by law. Such lien shall be notice to all persons from the time of its recording, and shall bear interest at the highest legal rate thereafter until satisfied. (Ord. 00-02, 6-14-2000)

4-2-7: **PENALTY:** Any person, firm, corporation or entity so violating the provisions of this chapter, after having received the prescribed notice and failing to comply, shall be guilty of a class B misdemeanor and subject to penalty as provided in section 1-4-1 of this code. Each day such violation is committed shall constitute a separate offense and shall be punishable as such. (Ord. 00-02, 6-14-2000; amd. 2005 Code)

CHAPTER 3
GARBAGE AND REFUSE

SECTION:

- 4-3-1: Definitions
- 4-3-2: Collection Of Garbage
- 4-3-3: Service Charges
- 4-3-4: Regulations

4-3-1: **DEFINITIONS:** As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

COMMERCIAL GARBAGE: Refers to garbage produced in commercial establishments, public or quasi-public institutions or establishments, including restaurants, hotels, motels and similar establishments.

COMMUNITY WASTE: Lawn cuttings, clippings from bushes and shrubs, leaves and trees and tree branches.

CONTAINER OR REGULATION CONTAINER: A type of garbage or trash container of galvanized metal or other approved material and having a tight fitting lid or properly and sufficiently treated weather resistant paper bag manufactured specifically for use in garbage and refuse collection.

GARBAGE: Waste from the preparation, handling, storing, cooking or consumption of food and food products.

REFUSE: All waste matter, except garbage, attending or resulting from the occupancy of residences, apartments, hotels or other places of dwelling

and from the operation of a business. Refuse shall not be deemed to include industrial waste or waste matter resulting from the construction, demolition or repair of a building or other structure.

**RESIDENTIAL
GARBAGE:**

Garbage produced in places of private residence and dining halls not open to the public. (1980 Code § 10-411)

4-3-2: COLLECTION OF GARBAGE:

- A. All garbage and refuse shall be collected, removed and disposed of with such frequency and in such manner as the city council may from time to time establish by regulation. (1980 Code § 10-412)
- B. Except as otherwise expressly permitted by this chapter, no garbage or refuse shall be moved or hauled away or transported upon the streets or public ways of the city except by the city or its agent and except by authorized persons hauling commercial garbage or refuse as hereinafter provided. It is hereby declared to be unlawful for any person, except as permitted in this chapter, to haul or remove garbage or refuse in the city.
- C. Commercial establishments, public or quasi-public institutions and establishments creating commercial garbage, may remove commercial garbage themselves or may employ the services of authorized contractors to remove commercial garbage. Authorized garbage haulers must apply for and receive permission to do so from the city recorder. Haulage of refuse must be done in the manner, at such times and in such vehicles as may be approved for such purposes as the city council may from time to time by regulation provide.
- D. Nothing contained in this section shall preclude persons from hauling their own garbage, trash or community waste over the streets and alleys of the city in vehicles and containers approved by a sanitary inspector or such other personnel of the city as the city council may authorize.
- E. Nothing in this section shall be construed as eliminating the charge made for garbage service. (1980 Code § 10-412)

4-3-3: SERVICE CHARGES:

- A. **Imposed:** All residents and all business establishments within the city shall pay the city garbage service charges as established by resolution of the city council. (Ord. 10-413.A87, 8-25-1987; amd. 2005 Code)
- B. **Applicability:** Charges shall apply to all residences and business establishments whether or not they have also elected to haul their own garbage or employ the services of authorized garbage haulers.
- C. **Vacancies:** If a dwelling unit or a place of business has remained vacant for an entire month, the owner or possessor of the site may make arrangements with the city recorder for no garbage collection charges during the continued vacancy of the premises.
- D. **Exceptions To Payment Of Charges:** The mayor, with the consent of the city council, may excuse needy widows and elderly persons who are not reasonably capable of paying the monthly charge for residential collection of garbage from the payment of the residential rate for such period of time as may be deemed proper or necessary. (Ord. 10-413.A87, 8-25-1987)
- E. **Billing:**
1. The garbage service charges imposed by subsection A of this section shall be added to the charge made for water furnished through the water system of the city and shall be billed and collected in the same manner as water service charges are billed and collected.
 2. In the event that the obligee for the water service charges and the obligee for the garbage service charges do not coincide, or in the event that practical economic and administrative reasons do not make combined billing and collection feasible in the opinion of the city council, the garbage service charges may be collected with such frequency and in such manner as the city council shall by regulation provide. (1980 Code § 10-414)

4-3-4: REGULATIONS:

- A. **No Accumulation Of Garbage:** It shall be unlawful for any person to accumulate garbage or refuse or cause garbage or refuse to be deposited upon any street or alley or upon any premises in the city

without express permission from the city. The city may permit the feeding or processing of garbage or refuse upon premises properly equipped and maintained so as to prevent the creation of a nuisance or a hazard to health, or permit the depositing of ashes and other dry material for filling purposes at such places as the city may designate and under such restrictions as the city council may by regulation impose. Additionally, the city may grant to any person permission for sorting, bailing and marketing trade waste upon premises properly equipped and maintained. (1980 Code § 10-415; amd. 2005 Code)

B. Containers:

1. **Requirements:** All garbage and refuse shall be placed in suitable and sufficient garbage receptacles, either receptacles with tight fitting lids or properly and sufficiently treated water resistant paper bags manufactured specifically for use in garbage and refuse collection, or plastic bags manufactured specifically for use in garbage and refuse collection.

2. **Size:** Containers shall not exceed a thirty (30) gallon capacity for receiving and holding garbage, market waste or other refuse which may accumulate.

3. **Weight:** Receptacles shall not be filled to exceed seventy five (75) pounds in weight, including the weight of the receptacle. Metal receptacles shall be provided with handles for convenient lifting. (1980 Code § 10-416)

C. Closing Of Containers Required: All garbage and market waste must be placed in rainproof and flyproof receptacles of the type herein required and the receptacle shall be tightly closed in such manner as to prevent offensive odors or flies. (1980 Code § 10-417)

D. Time And Place Of Pick Up:

1. All garbage and refuse subject to garbage collection by the city shall be placed at a pick up point at or near the premises designated from time to time by regulation adopted by the city council and at such time or times as shall be designated by regulation of the city council.

2. Until otherwise provided by regulation, garbage and refuse must not be set out upon the street for collection prior to the evening of the day before collection and must be set out on the day of collection

before the hour of collection designated by regulation of the city council.

3. All empty receptacles must be removed from the street as soon as practicable after being emptied, and in every case, must be removed from the street the same day they are emptied. Receptacles shall not be permitted to remain on any street longer than may be necessary for the removal of the contents. (1980 Code § 10-418)

E. Community Waste:

1. Community waste may be disposed of by residents and business establishments in vehicles provided by them, subject to regulation by the city council as to the places of disposal and as to the type of vehicle used to avoid spillage upon the public ways of the city, hazards to safety and the prevention of nuisances.

2. The city council from time to time may provide for the collection and disposal of such types of community waste as it may decide to collect and haul in connection with its regular garbage, waste collection and disposal service. In the event community waste disposal service would require a charge to be made by the city, the determination of the charge will be made by negotiation with the residents or business enterprises and the residents or business enterprises will be given an opportunity to choose from among services offered by persons other than the city. (1980 Code § 10-419)

F. Burning Of Refuse Prohibited¹: It shall be unlawful for any person to burn garbage, market waste, manure or other refuse in the open air or in any furnace or stove within the city. (1980 Code § 10-420)

G. Dumping Refuse Prohibited: It shall be unlawful for any person to place, deposit, or dump garbage, ashes, market waste, paper boxes, cartons, trade waste, manure or night soil, or any other refuse upon any lot within the city whether such lot is occupied or vacant and whether such person so placing, depositing or dumping such refuse is the owner, tenant, occupant or lessor thereof or has the same under his jurisdiction and control. (1980 Code § 10-421)

H. Limitations Upon Dumping: Dumping waste and garbage shall be permitted only in such places as are designated by the city council.

1. See also section 4-6-5 of this title.

Dumping shall be subject to such rules and regulations as may be formulated by the city council. (1980 Code § 10-422)

- I. Regulations Adopted By City Council: The city council may adopt such regulations as in its opinion are necessary to implement this chapter and its objectives. (1980 Code § 10-423)

CHAPTER 3

GARBAGE AND REFUSE

ARTICLE A. SOLID WASTE TRANSFER STATION

SECTION:

- 4-3A-1: Participation; Adjustments
4-3A-2: Fee For Depositing Waste
4-3A-3: Rules, Regulations And Requirements

4-3A-1: **PARTICIPATION; ADJUSTMENTS:** East Carbon City and Sunnyside City shall participate in the use of, cost of, operation of, and the cost of construction of the waste handling facility on a basis of seventy five percent (75%), twenty five percent (25%) respectively. Adjustment in the participation factors will be made by the East Carbon City council with the concurrence of Sunnyside City council. East Carbon City will be the lead city for purposes of construction and operation of the facility. Sunnyside City council, or its representative, shall be consulted concerning operational or policy changes as they become necessary. (Ord. 93-2, 11-23-1993)

4-3A-2: **FEE FOR DEPOSITING WASTE:** East Carbon City council may, if deemed necessary, defray the cost of operation of the facility by imposing a fee for disposing of waste at the facility. (Ord. 93-2, 11-23-1993)

4-3A-3: **RULES, REGULATIONS AND REQUIREMENTS:**

- A. Operation; Attendant: East Carbon City council shall determine the extent to which the waste handling facility shall be manned. The attendant, if used, will be an employee of East Carbon City.
- B. Hours Available: The drop box waste handling facility will be available to the public only at regularly scheduled business hours.

East Carbon City council shall, by resolution, set such business hours as are deemed necessary.

- C. **Unacceptable Materials:** Waste material of any kind which will not physically fit into a waste container shall not be accepted at the facility, i.e., tree limbs and construction debris must be reduced in size to the extent they can be placed in a drop box.
- D. **Rummaging Or Salvaging:** Rummaging or salvaging items from the waste material shall not be permitted at the facility.
- E. **Littering:** This article shall reenforce section 7-4-2 of this code in regard to littering on or about property within the jurisdiction of the East Carbon City police department (interlocal agreement with Sunnyside City and Carbon County). (Ord. 93-2, 11-23-1993)

CHAPTER 4

GENERAL HEALTH REGULATIONS

SECTION:

- 4-4-1: Board Of Health
- 4-4-2: Health Director
- 4-4-3: Permit Required
- 4-4-4: Applications
- 4-4-5: Unwholesome Food
- 4-4-6: Removal Of Garbage
- 4-4-7: Discharge Of Sewage Pollution
- 4-4-8: Inadequate Plumbing

4-4-1: **BOARD OF HEALTH:**

- A. Established: The southeastern district health department is hereby designated as the board of health of the city. (1980 Code § 10-211)
- B. Powers And Duties:
 - 1. Contract With Health Department: The city may contract with the southeastern health department on such terms and conditions as the parties may agree to enforce the provisions of this chapter and such other ordinances of the city, which authorize or require action or impose any duty on the board of health.
 - 2. Adopt Rules And Regulations: The board of health shall adopt such rules and regulations as it shall deem necessary to govern its meetings and conduct.
 - 3. Review And Approve Applications And Permits: The board of health shall review and approve all applications for permits to operate any business or engage in any construction for which a permit is required from the board of health, pursuant to any ordinances or regulations of the city.

4. Recommend Rules And Regulations: The board of health shall recommend to the mayor for promulgation by the city council such health rules, regulations and ordinances as it deems necessary for the health of the persons within the city. (1980 Code § 10-212)

4-4-2: HEALTH DIRECTOR:

A. Position Created: The health director of the southeastern district health department is hereby designated as the health director of the city. (1980 Code § 10-221)

B. Powers And Duties:

1. Appoint Or Designate Assistant: The health director may appoint or designate any qualified person to act as his assistant for the purpose of enforcing the ordinances of the city.

2. Enforce Terms And Conditions Of Contract: Subject to the terms and conditions of the contract between the southeastern district health department, the health director shall:

a. Be the executive officer of the board of health.

b. Enforce all ordinances of the city and the state which relate to the health and welfare of the residents of the city.

c. Enforce all rules, regulations and ordinances relating to:

(1) Plumbing, sanitation, contagious infectious diseases, quarantine and sewage disposal.

(2) Producing, storing, keeping and selling meat, dairy or other foods or food products.

(3) The quarantine and disposal of all animals affected with any contagious or infectious diseases.

d. Have the power to impose and maintain a strict quarantine of all infected persons and premises having contagious or infectious diseases, and to require such persons or premises to be disinfected.

e. Have the right and authority, when he shall deem necessary to secure or preserve the public health, to enter into or upon any premises, building or other place during the daytime to examine,

analyze or test any building, structure, premises, product or goods manufactured, stored or kept within the city for the purposes of enforcing this chapter. (1980 Code § 10-222; amd. 2005 Code)

4-4-3: **PERMIT REQUIRED:** It shall be unlawful for any person to engage in any of the following businesses or activities without first obtaining a permit from the board of health:

- A. Food Or Food Products For Human Consumption: Handling, selling, offering for sale, preparing or serving any food or food products or beverages or water intended for human consumption.
- B. Public Swimming Pool: Operating or permitting public access to any public swimming pool.
- C. Public Dump: Commercially operating any public dump, garbage or refuse collection or disposal facility, or cleaning out or installing any privy, cesspool or septic tank.
- D. Fumigation Of Pests: Fumigating or eradicating pests, insects, vermin or any other infestation from any building occupied or to be occupied by humans. (1980 Code § 10-213)

4-4-4: **APPLICATIONS:**

- A. Applications for a permit from the board of health shall be made in writing to the city recorder, together with an application fee as established by the city council. The application fee required by this subsection shall be nonrefundable and shall be in addition to all other fees, deposits or taxes which may be imposed.
- B. The application shall be referred by the city recorder to the board of health for review and recommendation. The board of health shall then forward the application with its recommendations to the mayor for approval or disapproval by the city council. (1980 Code § 10-214; amd. 2005 Code)

4-4-5: **UNWHOLESOME FOOD:** It is a class B misdemeanor, subject to penalty as provided in section 1-4-1 of this code, for any person to sell or offer for sale any unwholesome food or beverage

which has been condemned by any government food inspector. (1980 Code § 10-223; amd. 2005 Code)

4-4-6: REMOVAL OF GARBAGE:

- A. Upon Vacating Premises: It shall be unlawful for any person, upon vacating or moving from any dwelling, storeroom or other building, to fail to remove all garbage, rubbish or ashes from such *building or* premises and the grounds appurtenant thereto, or to fail to place the same in a thoroughly sanitary condition within twenty four (24) hours after the premises are vacated.
- B. Rental Property: In situations where rental property is so vacated, the owner of the property shall be concurrently responsible with the tenant thereof for compliance with this section. (1980 Code § 10-224)

4-4-7: DISCHARGE OF SEWAGE POLLUTION:

- A. Conform To Standards: It shall be unlawful for any person to discharge or permit the discharge of any sewage or filth from any premises into and upon any public highway, stream, watercourse or public place, or into any drain, cesspool or private wastewater disposal system which does not conform to standards established by the state division of health or by the city.
- B. Connection To Public Sewer System: The health director may order a connection for sewage disposal to be made with the public sewer system provided by the city if such is available; provided, that the public sewer system is within three hundred feet (300')¹ of the premises.
- C. Prevention: The health director shall use all due measures to prevent the fouling of any streams, watercourses, reservoirs or any source furnishing water to any of the inhabitants of the city. (1980 Code § 10-225)

1. See also section 8-2-2 of this code.

4-4-8: **INADEQUATE PLUMBING:** The health director shall have power to require the prompt repair of all leaks or other defects in plumbing throughout the city. He shall have power to condemn and abate all plumbing which is deficient under the plumbing ordinances. When, in the opinion of the health director, a change in occupants, type of business or other cause requires changes in plumbing, he shall have the power to compel the installation of an increased number of plumbing fixtures and a change in their type or capacity, and to make such other alterations or increases as may be necessary for the health and safety of the occupants of the building and of the public generally. (1980 Code § 10-226)

CHAPTER 5
LITTER; HANDBILLS

SECTION:

- 4-5-1: Definitions
 4-5-2: Handbills And Posters; Restricted Activity
 4-5-3: Litter Regulations
 4-5-4: Handbill Regulations

4-5-1: **DEFINITIONS:** For the purpose of this chapter:**AUTHORIZED
RECEPTACLE:**

A public or private litter storage and collection receptacle.

**COMMERCIAL
HANDBILL:**

Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter or literature:

A. Which advertises for sale any merchandise, product, commodity or thing;

B. Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest in sales thereof;

C. Which directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind, for which an admission fee is charged for the purpose of private gain or profit. However, the terms of this subsection shall not apply where an admission fee is charged or a collection is taken up for the purpose of defray-

ing the expenses incident to such meeting, theatrical performance, exhibition or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; provided, that nothing contained in this subsection shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition or event of any kind without a license, where such license is or may be required by any law of this state, or under any ordinance of the city; or

D. Which, while containing reading matter other than advertising matter is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as advertiser or distribution.

GARBAGE:

Waste from the preparation, cooking or consumption of food, condemned food products and all refuse and waste from the handling, storage, preparation and sale of produce. Garbage originates primarily in kitchens, stores, markets, restaurants, hotels and other places where food is handled, stored, sold, cooked and consumed.

LITTER:

Is "garbage", "refuse" and "rubbish", as defined herein, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety, welfare or appearance of the city.

NEWSPAPER:

Any newspaper of general or local circulation or any periodical or current magazine regularly published with not less than four (4) issues per year and sold to the public.

**NONCOMMERCIAL
HANDBILL:**

Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet,

newspaper, magazine, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper.

- PARK:** A park, reservation, playground, beach, recreation center or any other public area in the city, owned or used by the city.
- REFUSE:** Putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals and solid market and industrial wastes.
- RUBBISH:** Nonputrescible solid wastes consisting of both combustible and noncombustible waste, such as paper, wrapping, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.
- VEHICLE:** Every device in, on or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively on stationary rails or tracks. (1980 Code § 10-431)

4-5-2: HANDBILLS AND POSTERS; RESTRICTED ACTIVITY: No person or business shall post, stick, stamp, paint or otherwise fix, or cause the same to be done by any person, any notice, placard, bill, card, poster, advertisement or other paper or device calculated to attract the attention of the public, or upon any sidewalk, curb or any other portion or part of any public way or public place or any lamppost, electric light, telegraph, telephone or railway structure, hydrant, shade tree or tree box, or upon the columns, trusses, girders, railings, gates or other parts of any bridge or other public structure or building, or upon any pole, box or fixture of the fire alarm or police telegraph system, except such as may be authorized or required by the laws of the United States or state, and the ordinances of the city. (1980 Code § 10-449A)

4-5-3: LITTER REGULATIONS:

- A. **Public Places:** No person shall throw or deposit litter in or on any street, sidewalk or other public place except:
1. In authorized receptacles for collection or in official city garbage dumps; or
 2. For collection as authorized by the city council. (1980 Code § 10-432)
- B. **Placement In Receptacles:** Persons placing litter in authorized receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements on any street, sidewalk or other public place or on private property. (1980 Code § 10-433)
- C. **Sweeping Into Gutters Prohibited:** No person shall sweep into or deposit in any gutter, street or other public place the accumulation of litter from any building or lot or from any public or private sidewalk or driveway, except as authorized by the city council. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter. (1980 Code § 10-434)
- D. **Merchants' Duty To Keep Sidewalks Clear:** No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business shall keep the sidewalk in front of their business premises free of litter. (1980 Code § 10-435)
- E. **Thrown By Person In Vehicle:** No person, while a driver or passenger in a vehicle, shall throw or deposit litter on any street or other public place, or on private property. (1980 Code § 10-436)
- F. **Truck Loads Causing Litter:** No person shall drive or move any truck or other vehicle unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited on any street, alley or other public place. Nor shall any person drive or move any vehicle or truck, the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind. (1980 Code § 10-437)

- G. **Parks:** No person shall throw or deposit litter in any park, except in authorized receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements on any part of the park or on any street or other public place. Where authorized receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein. (1980 Code § 10-438)
- H. **Lakes And Fountains:** No person shall throw or deposit litter in any fountain, pond, lake, stream or any other body of water in a park or elsewhere within the city. (1980 Code § 10-439)
- I. **Occupied Private Property:** No person shall throw or deposit litter on any occupied private property, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements on any street, sidewalk or other public place or on any private property. (1980 Code § 10-447)
- J. **Vacant Lots:** No person shall throw or deposit litter on any open or vacant private property, whether or not owned by such person. (1980 Code § 10-448)

4-5-4: **HANDBILL REGULATIONS:**

- A. **Throwing Or Distributing In Public Places; Penalty:** No person shall throw or deposit any commercial or noncommercial handbill in or on any sidewalk, street or other public place within the city. Unless otherwise authorized by the city council, it is an infraction, subject to penalty as provided in section 1-4-1 of this code, for any person to hand out, distribute or sell any commercial handbill in any public place; provided, however, that it shall not be unlawful on any sidewalk, street or other public place for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it. (1980 Code § 10-440; amd. 2005 Code)
- B. **Placing On Vehicles:** Unless otherwise authorized by the city council, no person shall throw or deposit any commercial or noncommercial handbill in or on any vehicle; provided however, that it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof a noncommercial handbill to

any occupant of a vehicle who is willing to accept it. (1980 Code § 10-441)

- C. **Depositing On Uninhabited Or Vacant Premises:** No person shall throw or deposit any commercial or noncommercial handbill in or on any private premises which are temporarily or continuously uninhabited or vacant. (1980 Code § 10-442)
- D. **Prohibiting Distribution Where Properly Posted:** No person shall throw, deposit or distribute any commercial or noncommercial handbill on any private premises, if requested by anyone thereon not to do so or if there is placed on said premises in a conspicuous position near the entrance thereof a sign bearing the words "no trespassing", "no peddlers or agents", "no advertisements", or any similar notice, indicating in any manner that the occupants of the premises do not desire to be molested or to have their right of privacy disturbed or to have any such handbills left on such premises. (1980 Code § 10-443)
- E. **Distributing At Inhabited Private Premises:** No person shall throw, deposit or distribute any commercial or noncommercial handbill in or on private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant or other person then present in or on such private premises. However, in case of inhabited private premises which are not posted, as provided in this section, such person, unless requested by anyone on such premises not to do so, may place or deposit any such handbill in or on such inhabited private premises if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets or other public places, and except that mailboxes may not be so used when prohibited by federal postal law or regulations. (1980 Code § 10-444)
- F. **Exception For Mail And Newspapers:** The provisions of this chapter shall not apply to the distribution of mail by the United States, nor to newspapers, except that newspapers shall be placed on private property in such a manner so as to prevent their being carried or deposited by the elements on any street, sidewalk or other public place or on private property. (1980 Code § 10-445)
- G. **Posting Notice Prohibited:** No person shall post or affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any lamppost, public utility pole or shade tree, or on any public structure or building, except as may be authorized or required by law. (1980 Code § 10-446)

CHAPTER 6
BURNING PERMITS

SECTION:

- 4-6-1: Permit Required And Requirements
- 4-6-2: Liability For Causing Wildland Fire
- 4-6-3: Revocation Of Permit
- 4-6-4: Closed Fire Season
- 4-6-5: Prohibited Burning
- 4-6-6: Penalty

4-6-1: PERMIT REQUIRED AND REQUIREMENTS:

- A. Any person wanting to burn during the specified open burn season within the boundaries of the city shall first obtain authorization to burn by obtaining a burn permit from the fire chief or his/her designee.
- B. A burn permit shall only be issued to a person over the age of eighteen (18).
- C. A burn permit shall be valid for two (2) days from the date of issuance. Burning will only be allowed during daylight hours.
- D. A burn permit shall be required when burning tree limbs, brush, range grass, grain, stubble or hay land, except that a burn permit is not required for burning of fence lines, cultivated lands, canals or irrigation ditches provided; the individual notifies Price communications center at 637-0893, of the approximate time that the burn will occur and within a reasonable time when it ends.
- E. A burn permit received from the city does not relieve the individual from personal liability due to neglect or incompetence.

- F. If a fire escapes control of the permittee and necessitates fire control action or does injury to the property of another, this shall be prima facie evidence that the fire was not safely controlled.
- G. An individual receiving a burn permit or conducting a burn exempt from a burn permit shall notify Price communications (dispatch center) of the approximate time each burn will start and at the time each burning stops; and check the state burn index by contacting Price communications center prior to any burn to see if a burn is allowed or not allowed on the particular day that they wish to burn. (Ord. 04-05, 4-13-2004)

4-6-2: **LIABILITY FOR CAUSING WILDLAND FIRE:** Any person responsible for the existence or spread of a wildland fire necessitating suppression action shall be liable for the payment of the costs of the suppression action. (Ord. 04-05, 4-13-2004)

4-6-3: **REVOCAION OF PERMIT:** The fire chief, or his/her designee, or the police department may revoke, postpone or cancel a permit when either finds it necessary in the interest of public safety. (Ord. 04-05, 4-13-2004)

4-6-4: **CLOSED FIRE SEASON:**

- A. The period from May 16 to October 31 of each year is a closed fire season throughout the city.
- B. The fire chief may advance or extend the closed season wherever and whenever the chief determines such action is necessary.
- C. The alteration of the closed season shall be done by posting notice in the city hall at least seven (7) days in advance of the date the change is effective. Notice will also be posted at the post office. (Ord. 04-05, 4-13-2004)

4-6-5: **PROHIBITED BURNING¹:** No person shall burn any trash, garbage or other wastes, or shall conduct any salvage operation by open burning at any time. (Ord. 04-05, 4-13-2004)

1. See also subsection 4-3-4F of this title.

4-6-6: **PENALTY:** Any violation of this chapter shall be a class B misdemeanor, subject to penalty as provided in section 1-4-1 of this code. (Ord. 04-05, 4-13-2004; amd. 2005 Code)