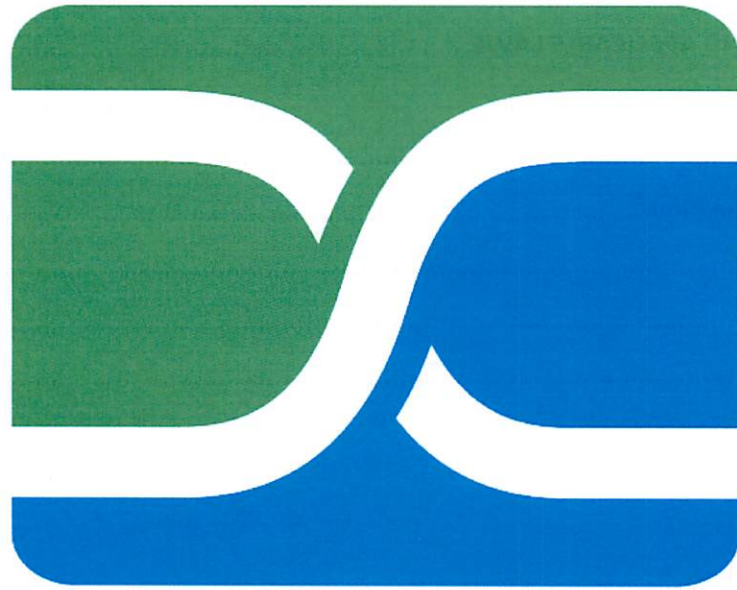


DAVIS COUNTY BOARD OF HEALTH

WASTE HAULER REGULATION



Davis

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1.0 PURPOSE

The purpose of this regulation is to preserve, promote and protect the public health, safety and general welfare of residents and visitors in Davis County by establishing minimum standards for the safe transportation and disposal of wastes.

2.0 SCOPE

This regulation is applicable within all incorporated and unincorporated areas of Davis County.

3.0 AUTHORITY AND APPLICABLE LAWS

This regulation is adopted under the authority of the Davis County Board of Health in accordance with Utah Code Annotated (UCA) Section 26A-1-121.

The Davis County Board of Health hereby adopts by reference and incorporates herein the following provisions of the UCA and the Utah Administrative Code (UAC), subject to the additions, clarifications, exceptions, and modifications set forth in this regulation: UCA: The Solid and Hazardous Waste Act as set forth in Title 19-6-101 and Hazardous Substances 19-6-502, et. Seq.: UAC:

Chapter R315-301 Solid Waste Authority, Definitions, and General Requirements;
Chapter R315-313 Transfer Stations and Drop Box Facilities;
Chapter R315-315 Special Waste Requirements;
Chapter R315-263 Standards Applicable to Transportation of Hazardous Waste and Standards Applicable to Emergency Control of Spills for All Hazardous Waste Handlers;
Chapter R317-550 Rules for Liquid Waste Operations.

4.0 DEFINITIONS

- 4.1 **COLLECTION VEHICLE:** Any vehicle, tank trailer, or combination thereof, which provides commercial collection, transportation, storage, or disposal of any waste defined as liquid waste.
- 4.2 **DEPARTMENT:** The Davis County Health Department.
- 4.3 **NUISANCE:** Any condition or hazard, or the source thereof, deleterious or detrimental to the health safety, or welfare of any Person or property.
- 4.4 **PERSON:** Any individual, firm, corporation and its officers, association, partnership, cooperative, trustee, executor or an estate, governmental agency or any other legal entity recognized by law, in the singular or plural.
- 4.5 **REFUSE:** Any solid waste, including garbage and trash.
- 4.6 **SEWAGE:** Any human or animal waste carried by water or other liquid from a dwelling, building, institution, industrial establishment, or agricultural, recreational, or other location including, but not limited to, sewer systems, septic tanks, privy vaults, and

cesspools, including any groundwater, surface water, and storm water that may be mixed with these wastes.

- 4.7 **WASTE HAULER OPERATION:** Any activity or process by which garbage, trash, refuse, household wastes, septic tank contents, offal, blood, bones, dead animals, or any other waste product is collected, transported, stored, deposited, rendered, or dumped for a fee or in contemplation of salvage for sale or gain.
- 4.8 **TRANSPORT VEHICLE:** A vehicle capable of hauling solid waste such as a truck, packer, or trailer that may be used by refuse haulers to transport solid waste from the point of generation to a transfer station or a disposal facility.
- 4.9 **WASTE:** All solid waste, liquid waste, or gaseous material, including, but not limited to, garbage, household wastes, construction or demolition waste, industrial waste, inert waste, putrescible waste, dead animals, bones, offal, special waste and waste cooking grease.

5.0 REGULATION

5.1 Right of Entry

A representative of the Department shall be allowed access to the premises of a recycling facility, transfer station or drop box facility and transport vehicle upon providing proper identification.

5.2 Operating Permits

A Person shall not operate a Waste Hauler Operation without a valid operating permit issued by the Department. Department issued permits are not transferable between Persons or collection and transport vehicles.

5.2.1 Change of Ownership

Any time that a recycling facility, collection vehicle or transport vehicle changes ownership, the new owner shall obtain an operating permit.

5.2.2 Renewal

Operating permits must be renewed within 30 days of expiration.

5.2.2.1 A late fee may be assessed every 30 days.

5.2.3 Validity

An operating permit shall be valid for one calendar year.

5.2.4 Exemptions

An exemption to the permit requirement is made for the following activities and conditions:

5.2.4.1 Removal of such materials or Wastes from a private residence by volunteer citizens in times of disaster or emergency.

5.2.4.2 Removal of yard waste by a Person. This exemption does not relieve the Person from compliance with any other requirement of this regulation.

5.2.4.3 A Person who only transports construction and demolition waste that is generated as a result from the operation of their business.

5.3 General Regulation

5.3.1 No Waste Hauler Operation or Recycling Operation shall operate in a manner that creates a nuisance or a hazard to public health.

5.3.2 All Waste collected must be transported to an approved transfer station, drop box facility or other permitted solid waste facility

5.3.3 Exemption

5.3.3.1 Clean fill used for grading provided the material is not contaminated and is used in compliance with all local, state and federal regulations.

5.4 Collection and Transport Vehicle

5.4.1 Collection and Transport vehicles shall be easily cleanable and maintained in good repair.

5.4.2 Collection and Transport vehicles shall be designed and constructed to prevent littering or discharge.

5.4.2.1 If a littering or discharge occurs during collection or transportation, the vehicle operator shall immediately collect materials and remediate contaminated surroundings.

5.4.3 The following must be affixed to the vehicle and easily visible:

5.4.3.1 The business name of and contact information i.e. telephone number of the Person owning the vehicle in characters that are a minimum of eight (8) inches in height.

5.4.3.2 The Department issued permits.

5.5 Waste Storage Container Requirements

- 5.5.1 Waste storage containers provided to customers shall be maintained with fitted lids and/or doors.
 - 5.5.1.1 In-use roll-off bins are exempt from this requirement if a NUISANCE is not presented.
- 5.5.2 Containers shall be constructed of painted metal, durable plastic, or rubber; and maintained in a clean condition, and kept in good repair.
- 5.5.3 Except for the day of collection, containers shall be placed in areas least offensive to adjoining properties.
- 5.5.4 Containers for non-residential use must have the name and telephone number of the Person responsible for the container, posted on the container in at least three (3) inch high letters and numbers.

6.0 PENALTY

6.1 Criminal Penalties Pursuant to UCA Section 26A-1-123

- 6.1.1 any Person who is found guilty by a court having proper jurisdiction of violating any of the provisions of this regulation; or violating, disobeying, or disregarding any Notice or Order issued under this regulation is guilty of a class B misdemeanor;
- 6.1.2 any Person who is found guilty of a subsequent similar violation within two years of the initial violation is guilty of a class A misdemeanor;
- 6.1.3 each day such violation is committed or permitted to continue shall constitute a separate violation;
- 6.1.4 conviction under this section does not relieve the Person convicted from civil liability.

6.2 Civil and Administrative Penalties

The exercise of civil and administrative penalties shall be subject to the Board of Health's Adjudicative Hearing Procedures Regulation.

- 6.2.1 Any Person who violates any of the provisions of the regulation or violates, disobeys, or disregards any Notice or Order issued under this regulation shall be subject to:
 - 6.2.1.1 the payment of costs incurred in the enforcement of any violation or notice issued, including costs attributable to any involved local agencies;
 - 6.2.1.2 a penalty pursuant to the provisions of UCA Subsection 26-23-6(2).

7.0 SEVERABILITY

If any provision, clause, sentence, or paragraph of this regulation or the application or circumstances shall be held to be invalid, such invalidity shall not affect the other provisions or applications of this regulation. The valid part of any clause, sentence, or paragraph of this regulation shall be given independence from the invalid provisions or application, and to this end the provisions of this regulation are declared to be severable.

8.0 FEES

8.1 Waste Vehicle Permit: \$75.00

IN WITNESS WHEREOF, the Davis County Board of Health has passed, approved and adopted this regulation this 7th day of November, 1972.

Effective date: 7th day of November, 1972.

Revised and Amended: June 8, 1982.

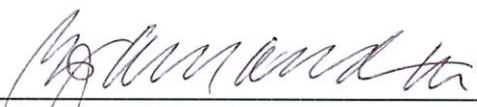
Revised and Amended: March 13, 2007.

Revised and Amended: November 8, 2011.


Revised and Amended: May 9, 2017

Davis County Board of Health

Signed: _____


Dr. Gary Alexander
Board Chairman

Attest: _____


Brian Hatch, MPH
Director of Health