

PUBLIC HEARING AND CITY COUNCIL MEETING
Tuesday, January 17, 2012 7:00 p.m.
Public Safety Building
3925 W Cedar Hills Drive, Cedar Hills, Utah

This meeting may be held electronically via telephone to permit one or more of the council members to participate.

NOTICE is hereby given that the City Council of the City of Cedar Hills, Utah, will hold a Public Hearing in connection with their Regular City Council Meeting on Tuesday, January 17, 2012, beginning at 7:00 p.m.

COUNCIL MEETING

1. Call to Order, Invocation and Pledge
2. Public Comment: Time has been set aside for the public to express their ideas, concerns, and comments (comments limited to 3 minutes per person with a total of 30 minutes for this item)

PUBLIC HEARING(S)

3. Amendments to the City Code, Title 10, Regarding Apiaries (Bee Keeping)

CONSENT AGENDA

4. Minutes from the November 15, 2011, Regular City Council Meeting
5. Minutes from the January 3, 2012, Public Hearing and City Council Meeting

SCHEDULED ITEMS

6. Review/Action on Amendments to the City Code, Title 10, Regarding Apiaries (Bee Keeping)
7. Review/Action on Amendments to the City Code, Title 4, Regarding Solid Waste and Recycling
8. Review/Action on a Contract for Park Maintenance
9. Review/Action on Resolution of Intent to Annex Property Located at Approximately 10018 North and 4800 West
10. Review/Action on Board/Committee Appointments – Planning Commission and Board of Adjustment
11. Review/Action on City Council Assignments
12. City Manager Report and Discussion

MAYOR AND COUNCIL REPORTS

13. Board and Committee Reports

EXECUTIVE SESSION

14. Motion to go into Executive Session, Pursuant to Utah State Code 52-4-204 and 52-4-205
* * * EXECUTIVE SESSION * * *
15. Motion to Adjourn Executive Session and Reconvene City Council Meeting

ADJOURNMENT

16. Adjourn

Posted this 13th day of January, 2012.

Kim E. Holindrake, City Recorder

- Supporting documentation for this agenda is posted on the City's Web Site at www.cedarhills.org.
- In accordance with the Americans with Disabilities Act, the City of Cedar Hills will make reasonable accommodations to participate in the meeting. Requests for assistance can be made by contacting the City Recorder at 801-785-9668 at least 48 hours in advance of the meeting to be held.
- The order of agenda items may change to accommodate the needs of the City Council, the staff, and the public.



CITY OF CEDAR HILLS

TO:	City Council
FROM:	Zoning Department
DATE:	January 17, 2012

City Council Agenda Item

SUBJECT:	Review/Action on Hobby Beekeeping
APPLICANT PRESENTATION:	N/A
STAFF PRESENTATION:	Brad Kearl – Zoning Administrator
BACKGROUND AND FINDINGS: The City has received requests regarding bee keeping within city limits. Currently the City does not have any regulations on bee keeping. From what staff has been able to research, Utah County does not have any regulations on bee keeping and refers only to what has been adopted by State Code which mainly states bee keepers have to register with the Department of Agriculture and get a permit. In the October 27, Planning Commission meeting, staff was instructed to further this item in order to amend the zoning ordinance regarding hobby bee keeping. November 17, 2011, Planning Commission recommended approval to the City Council to allow Apiaries and add a definition/requirement for an Apiary to the City Code.	
PREVIOUS LEGISLATIVE ACTION: None	
FISCAL IMPACT: None	
SUPPORTING DOCUMENTS: The definition for Apiary would read as attached; Apiary Requirements	
RECOMMENDATION: To amend the City Code, Title 10-2-1, Definitions, by adding a definition for Apiary and to amend the City Code, Title 10-5, Supplemental Development Standards, by adding the requirements for an apiary.	
MOTION: To approve Ordinance No. _____, AN ORDINANCE AMENDING TITLE 10 OF THE CITY CODE OF THE CITY OF CEDAR HILLS, UTAH, ADDING REQUIREMENTS RELATING TO APIARIES.	

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 10 OF THE CITY CODE OF THE CITY OF CEDAR HILLS, UTAH, ADDING REQUIREMENTS RELATING TO APIARIES.

WHEREAS, pursuant to Utah Code Annotated § 10-9a-501, the City Council of the City of Cedar Hills (“City Council”) may adopt ordinances to govern the use and development of land within the City; and

WHEREAS, pursuant to Utah Code Annotated § 10-8-84, the City Council may adopt ordinances “necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the City and its inhabitants, and for the protection of property in the City”; and

WHEREAS, the City Council, following receipt of a recommendation from the Planning Commission, has determined that it is in the best interest of the public health, prosperity, comfort, and convenience of the City of Cedar Hills, and the residents thereof, to enact certain amendments to Title 10 of the City Code dealing with the requirements relating to apiaries;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILLS, UTAH COUNTY, STATE OF UTAH:

**PART I
AMENDMENTS**

SECTION 1. Title 10, Chapter 5, of the City Code, entitled Supplementary Development Standards, is hereby amended by adding a section regarding apiaries to read as follows:

- 10-5-35: **APIARY REQUIREMENTS:** An apiary is allowed in any zone which allows single-family residential, with the following requirements:
- A. Lots may contain four (4) hives per ten thousand (10,000) square feet, but not more than eight (8) hives or equivalent capacity. Hives must be located in the side or rear yard. This applies to all zones other than R-1-20,000.
 - B. Each beekeeper shall be registered with the Utah department of agriculture and food.
 - C. Honeybee colonies shall be kept in hives with removable frames which shall be kept in sound and usable condition.
 - D. Hives shall be placed at least five feet (5') from any property line and six inches (6") above the ground, as measured from the ground to the lowest portion of the hive, provided, however, that this requirement may be waived if permission is attained in writing by the adjoining property owner.
 - E. Hives shall be operated and maintained as provided in the Utah bee inspection act.
 - F. Each hive shall be conspicuously marked with the owner's name, address, telephone number, and state registration number.

- G. Each beekeeper shall ensure that a convenient source of water is available to the colony continuously between March 1 and October 31 of each year. The water shall be in a location that minimizes any nuisance created by bees seeking water on neighboring property.

**PART II
PENALTY AND ADOPTION**

A. CONFLICTING PROVISIONS

Whenever the provisions of this Ordinance conflict with the provisions of any other Ordinance, resolution or part thereof, the more stringent shall prevail.

B. PROVISIONS SEVERABLE

This Ordinance and the various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid it is hereby declared that the remainder of the ordinance shall not be affected thereby.

C. AMENDMENT TO BE ADDED TO CITY CODE

The City Council hereby authorizes and directs that insert pages reflecting the provisions enacted hereby shall be made and placed in the appropriate Title in the City Code.

D. PENALTY

Hereafter these amendments shall be construed as part of the Zoning Ordinance of the City Code of the City of Cedar Hills, Utah, to the same effect as if originally a part thereof, and all provisions of said regulations shall be applicable thereto, including, but not limited to, the enforcement, violation and penalty provisions.

E. EFFECTIVE DATE

This Ordinance shall take effect upon its passage and publication as required by law.

**PASSED AND ORDERED POSTED BY THE CITY COUNCIL OF CEDAR HILLS, UTAH,
THIS 17TH DAY OF JANUARY, 2012.**

Eric Richardson, Mayor

ATTEST:

Kim E. Holindrake, City Recorder



CITY OF CEDAR HILLS

TO: Mayor Richardson, City Council, and Staff
FROM: Kim E. Holindrake, City Recorder
DATE: January 12, 2012

City Council Memorandum

SUBJECT: Solid Waste and Recycling
APPLICANT PRESENTATION:
STAFF PRESENTATION: Kim E. Holindrake, City Recorder

BACKGROUND AND FINDINGS:

Staff has reviewed the City's ordinance regarding solid waste and found it necessary to make changes relative to recycling and with respect to the City's solid waste disposal contract. The changes include:

- Using the term 'waste' to include all types of waste while using 'solid waste' in reference to pickup services
- Added, deleted, or redefined definitions
- Time and Place of Pickup has been reworded according to the City's waste disposal contract
- Recycling criteria has been added
- Ownership to solid waste and recyclables has been added
- Criteria to establish rates and fees has been added
- Billing and payment of fees has been added to reference to Title 7-1A-4

PREVIOUS LEGISLATIVE ACTION:

FISCAL IMPACT:

SUPPORTING DOCUMENTS:

- Proposed changes
- Proposed resolution

RECOMMENDATION

To approve the amendments with any additional changes

MOTION

To approve Ordinance No. _____, an ordinance amending Title 4 of the City Code of the City of Cedar Hills, Utah, amending the requirements relating to waste and recycling.

Chapter 1 - ~~SOLID WASTE AND RECYCLING DISPOSAL~~

4-1-1: INTENT:

The intent of the chapter shall be to:

- A. Prohibit the creation of nuisances or health hazards to the community and its residents as the result of the unsafe accumulation of ~~garbage or other~~ waste ~~material~~, or the improper disposal of ~~waste such materials~~.
- B. Prohibit the indiscriminate dumping ~~and/or accumulation~~ of ~~solid~~ waste ~~material~~ except in established disposal sites that have been approved and are maintained in accordance with public health standards.
- C. Encourage the efficient collection and disposal of ~~solid~~ waste ~~material~~ in a safe, sanitary manner.

4-1-2: DEFINITIONS:

For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein:

AUTOMATED RESIDENTIAL/MUNICIPAL SOLID WASTE CONTAINER:

As approved by the City, a container designed specifically for automated collection and equipped with wheels for easy movement by residents and other City users and a permanently attached tight-fitting lid.

AUTOMATED RESIDENTIAL/MUNICIPAL RECYCLING CONTAINER:

As approved by the City, a container designed specifically for automated collection and equipped with wheels for easy movement by residents and other City users and a permanently attached tight-fitting lid.

AUTOMATED COLLECTION VEHICLE:

A vehicle equipped with automatic features designed to empty solid waste and recycling containers.

BULKY WASTE:

Waste that is not capable of being stored in the approved containers and cannot be picked up by an automated collection vehicle including items such as appliances, furniture, large tree branches, lawn sod, Christmas trees, etc.

COLLECTION SERVICES:

The removal and disposal of solid waste and recyclables.

COMMERCIAL WASTE:

Garbage, rubbish, food waste, etc. resulting from the normal activities of commercial uses.

COMMERCIAL USERS

An enterprise, not a residence, such as a business, association, corporation, manufacturer, hotel, motel, resort, church, school, etc.

CONSTRUCTION/DEMOLITION WASTE:

Waste building materials and rubble resulting from construction, remodeling, repair, or demolition operations on houses, buildings, structures, or pavements.

GARBAGE:

The animal and vegetable waste or food packaging refuses resulting from handling, preparing, cooking, or consumption of food.

~~DISPOSAL: The discharge, deposit, injection, dumping, spilling, leaking, burning or placing of any solid wastes or hazardous wastes into or on any land or water.~~

HAZARDOUS WASTE:

Any chemical, compound, mixture, substance, or article that is designated by the United States Environmental Protection Agency and/or the State of Utah Department of Environmental Quality to be “hazardous” as that term is defined by or pursuant to Federal, State or local law.

~~A solid waste or combination of solid wastes, which because of its quantity, concentration or physical-chemical, or infectious character, may pose a threat to human health, safety, or welfare to animal, plant life or property, when improperly treated, stored, transported, disposed of, or otherwise managed.~~

ILLEGAL DISPOSAL:

The discharge, deposit, injection, dumping, spilling, leaking, burning, or placing of any waste into or on any land or water.

NON-PROCESSIBLE WASTE:

Goods and material that are not residential/municipal waste and/or recyclables are prohibited by the disposal facility, which may include but is not limited to the following items.

- Any loads the majority of which consists of any combustible material.
- Hazardous waste of any kind.
- Any material that when incinerated clearly conducts electricity.
- Explosives, medical or pathological waste, animal or human body parts or remains, any materials the majority of which is liquid, white goods or appliances, construction debris or non-processable proportions, large metal objects of any kind, large sealed containers of any kind, motor vehicles or related parts, any item exceeding two feet by two feet by five feet in dimensions, wood having a cross section exceeding nine inches or five feet in length, any vehicle containing material that is on fire, “Hot Load”, or drywall.
- Commercial Waste, Food Waste, and Bulky Waste.

PERSON:

An individual, family, trust, firm, joint stock company, corporation (including government corporation), partnership, association, state, municipality, commission or political subdivision of the state, or any interstate body whether organized for profit or not.

RECYCLABLES: Used or waste materials fit to undergo reuse or renewal.

RESIDENTIAL/MUNICIPAL WASTE:

Garbage and rubbish produced by or resulting from the normal activities of a residential unit or City properties.

RESIDENTIAL UNIT:

An occupied dwelling unit such as a single-family dwelling or a multi-family dwelling of four (4) or less units that is located adjacent to a public street. Each unit of a multi-family dwelling shall be considered a separate residence for purposes of billing. A dwelling unit is not occupied if the persons living therein are absent for over ninety (90) days or are absent for thirty (30) continuous days after notice to the City, whichever period is shorter.

RUBBISH:

All 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.

SOLID WASTE: Any garbage, trash, refuse, rubbish, sludge or discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from residential, ~~industrial,~~ commercial, ~~mining or agricultural activities~~ and ~~from~~ community activities, but does not include solid or dissolved materials in domestic sewage or in irrigation return flows or discharge for which a permit is required under Utah Code Annotated, as amended.

~~**SOLID WASTE FACILITY:** Any land, facility or appurtenances thereto used for the treatment or disposal of solid wastes, including hazardous wastes.~~

4-1-3: IMPROPER DISPOSAL OF ~~SOLID~~ WASTE PROHIBITED:

It shall be unlawful for any person to ~~dump or otherwise~~ dispose of any ~~solid~~ waste ~~material~~ on any property within the City. It shall also be unlawful for any ~~person~~ ~~owner of land~~ to allow ~~the disposal of waste on property belonging to or owned by said person such unlawful dumping or disposal of solid waste on property belonging to said owner.~~ It shall be unlawful to burn any ~~solid~~ waste within the city corporate limits, except as permitted by city ordinance, ~~and~~ by rules and regulations of the **Lone Peak Public Safety District**, and **by the** State Board of Health.

4-1-4: ACCUMULATION OF WASTE ~~MATERIAL~~ PROHIBITED; EXCEPTION:

It shall be unlawful for any person ~~owning or occupying any premises~~ to permit ~~solid~~ waste ~~matter~~ to **accumulate**, collect, or remain upon **any property such premises**, except that the

temporary accumulation of solid waste ~~matter~~ for subsequent disposal ~~by the city~~, as provided in this chapter, shall be permitted provided:

- A. The period of accumulation shall not exceed two (2) weeks.
- B. All accumulated solid waste shall be placed in ~~ninety (90) gallon automated collection~~ **approved residential/municipal waste** containers that conform with the provisions of subsection 4-1-5C of this chapter.

4-1-5: SOLID WASTE ~~MATERIAL~~ PICKUP SERVICES:

A. City To Remove Solid Waste: The City shall provide ~~solid waste collection and disposal services~~ to all persons **owning and/or** occupying any property in the City. It shall be presumed that all dwellings, commercial establishments, and other producers of solid waste ~~material~~ are to utilize such ~~removal collection~~ **removal collection** services unless they shall have made application to and received authorization from the City ~~council~~ to remove and dispose of their own solid waste ~~matter~~.

B. **Solid Waste Material Made Available For Collection:**

- 1. All persons **owning and/or** ~~having charge of or~~ occupying any property in the City shall make all solid waste ~~created or collected~~ on said property available for collection ~~services and disposal~~ on a regular basis in accordance with the terms of this chapter ~~and with such other ordinances, rules and regulations as the city council shall make~~.
- 2. **If solid waste is determined to be unacceptable due to insufficient preparation of materials, a sticker or other form of notification explaining the proper method of preparation of recyclables shall be left at the residence.**
- 3. It shall be unlawful to accumulate and/or place in **an approved residential/municipal waste container** ~~a container for disposal pursuant to the provisions of this chapter of~~ any waste ~~matter~~ defined herein as “**non-processible hazardous** waste”.

C. Collection Containers:

- 1. The City ~~shall will~~ provide the owner and/or occupant of each residence **with** one **residential/municipal waste** ~~90-gallon automated collection~~ container. The cost for use of said container ~~shall will~~ be borne by the **owner and/or occupant** ~~service user~~ to be included as a part of the **City’s** monthly **utility** billing ~~for solid waste disposal service~~. Only **solid** waste placed in ~~said the automated collection~~ container will be collected. Additional containers may be obtained at the user's expense.
- 2. In the case of multiple dwellings, **or** commercial ~~or industrial~~ users, the City may approve the use of bulk disposal containers.
- 3. Where so authorized, bulk containers shall be so constructed as to be capable of being **collected by** ~~picked up and emptied by disposal~~ vehicles designed for that purpose. Such containers shall be of a condition and state of repair to permit safe operation and

shall be kept clean, neat, and sanitary. Said Bulk containers shall be placed at locations, as specified by the City, that which are readily accessible for collection services emptying and will not constitute a nuisance or hazard.

D. Time And Place Of Pick Up:

1. Collection services shall be once a week. Service may be delayed one (1) day on certain holidays.
2. Approved residential/municipal waste containers shall be made available for collection services no earlier than the evening prior to the day of collection and shall be removed within twenty-four (24) hours after collection. See also subsection 4-2-3C5 of this title.
3. Approved residential/municipal waste containers shall be placed within two (2) feet of the blacktop or in the gutter, if curb and gutter is present, and at a location that is readily accessible to the automated collection vehicle.

~~Individual ninety (90) gallon automated collection containers shall be set out at the front curb line not earlier than the evening prior to the day of collection and shall be removed within twenty four (24) hours after collection¹. Ownership of the contents of such containers when placed out for collection shall vest in the city. The disposal of all solid waste shall be at an approved and designated solid waste facility and in accordance with the rules and regulations now and hereinafter established for said facility.~~

4-1-6: RECYCLABLE PICKUP SERVICES:

- A. City To Remove Recyclables: The City shall provide recyclable collection services to all persons owning and/or occupying any property in the City upon request.
- B. Collection Containers: The City shall provide the owner and/or occupant of each residence, upon request, with an approved residential/municipal recycling container. The cost for use of said container will be borne by the owner and/or occupant to be included as a part of the City's monthly utility billing. Only recyclables placed in said container will be collected. Additional containers may be obtained at the user's expense.
- C. Acceptable Recyclables:
 1. A list of acceptable recyclables will be provided to the owner and/or occupant of each residence. The list will be provided yearly or when there are any changes or additions to the items that can be recycled.
 2. If recyclables are determined to be unacceptable due to insufficient preparation of materials, a sticker or other form of notification explaining the proper method of preparation of recyclables shall be left at the residence.

3. It shall be unlawful to accumulate and/or place in an approved residential/municipal recycling container anything other than acceptable recyclables.

D. Time And Place of Pickup:

1. Collection services shall be bi-weekly along with and on the same day as solid waste collection services. Service may be delayed one (1) day on certain holidays.
2. Approved residential/municipal recycling containers shall be made available for collection services no earlier than the evening prior to the day of collection and shall be removed within twenty-four (24) hours after collection. See also subsection 4-2-3C5 of this title.
3. Approved residential/municipal recycling containers shall be placed within two (2) feet of the blacktop or in the gutter, if curb and gutter is present, and at a location that is readily accessible to the automated collection vehicle.

4-1-7: TITLE TO SOLID WASTE AND RECYCLABLES: The owner and/or occupant shall relinquish title to all solid waste and/or recyclables following collection services.

4-1-8: USER CHARGES; BOARD OF EQUALIZATION:

- A. Rates And Fees Established By City Council: Rates and charges for the rental and use of automated residential/municipal solid waste and recycling containers for use, penalty fees for delinquency in payment, and other fees applicable to the operation shall be fixed from time to time by resolution of the City Council according to the city fee schedule. The City Council may also, by resolution, establish various classes of users, enact rules for levying, billing, guaranteeing, and collecting charges for city utility services.
- B. Board Of Equalization: The City Council is hereby constituted as the Board of Equalization of city utility rates to hear complaints and make corrections of any assessments or charges deemed to be illegal, unequal, or unjust.

4-1-96: BILLING AND PAYMENT OF FEES; COLLECTION, ENFORCEMENT: See Title 7-1A-4 of this Code.

~~A. Fees Set By Resolution: The city council, by resolution, shall adopted a schedule of fees and charges for the rental and use of automated collection containers and collection and disposal of solid wastes. The fee schedule shall be filed with the city recorder and may be amended from time to time. The charges set forth on the schedule shall apply to all residences, and to all commercial, industrial and other premises where solid waste is produced, whether or not the owner or occupants elect to utilize the service.~~

~~B. Collection; Discontinuance Of Service: The fees hereinabove imposed shall be collected monthly as part of the customer utility billing. Failure to pay fees will result in the discontinuance of utility services.~~

4-1-107: PENALTY:

Violation of any of ~~Failure to comply with~~ the provisions of this article ~~as set forth herein~~ shall be ~~deemed a nuisance and punishable as~~ a class C misdemeanor and, upon conviction, subject to penalty as provided in section 1-4-1 of this code.

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 4 OF THE CITY CODE OF THE CITY OF CEDAR HILLS, UTAH, AMENDING THE REQUIREMENTS RELATING TO WASTE AND RECYCLING.

WHEREAS, pursuant to Utah Code Annotated § 10-9a-501, the City Council of the City of Cedar Hills (“City Council”) may adopt ordinances to govern the use and development of land within the City; and

WHEREAS, pursuant to Utah Code Annotated § 10-8-84, the City Council may adopt ordinances “necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the City and its inhabitants, and for the protection of property in the City”; and

WHEREAS, the City Council, following receipt of a recommendation from the Planning Commission, has determined that it is in the best interest of the public health, prosperity, comfort, and convenience of the City of Cedar Hills, and the residents thereof, to enact certain amendments to Title 4 of the City Code relating to waste and recycling;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILLS, UTAH COUNTY, STATE OF UTAH:

**PART I
AMENDMENTS**

SECTION 1. Title 4, Chapter 1, of the City Code, entitled Solid Waste Disposal is hereby amended to read as follows:

Chapter 1 – Waste and Recycling

4-1-1: INTENT:

The intent of the chapter shall be to:

- A. Prohibit the creation of nuisances or health hazards to the community and its residents as the result of the unsafe accumulation of waste or the improper disposal of waste.
- B. Prohibit the indiscriminate disposal and/or accumulation of waste except in established disposal sites that have been approved and are maintained in accordance with public health standards.
- C. Encourage the efficient collection and disposal of waste in a safe, sanitary manner.

4-1-2: DEFINITIONS:

For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein:

AUTOMATED RESIDENTIAL/MUNICIPAL SOLID WASTE CONTAINER:

As approved by the City, a container designed specifically for automated collection and equipped with wheels for easy movement by residents and other City users and a permanently attached tight-fitting lid.

AUTOMATED RESIDENTIAL/MUNICIPAL RECYCLING CONTAINER:

As approved by the City, a container designed specifically for automated collection and equipped with wheels for easy movement by residents and other City users and a permanently attached tight-fitting lid.

AUTOMATED COLLECTION VEHICLE:

A vehicle equipped with automatic features designed to empty solid waste and recycling containers.

BULKY WASTE:

Waste that is not capable of being stored in the approved containers and cannot be picked up by an automated collection vehicle including items such as appliances, furniture, large tree branches, lawn sod, Christmas trees, etc.

COLLECTION SERVICES:

The removal and disposal of solid waste and recyclables.

COMMERCIAL WASTE:

Garbage, rubbish, food waste, etc. resulting from the normal activities of commercial uses.

COMMERCIAL USERS

An enterprise, not a residence, such as a business, association, corporation, manufacturer, hotel, motel, resort, church, school, etc.

CONSTRUCTION/DEMOLITION WASTE:

Waste building materials and rubble resulting from construction, remodeling, repair, or demolition operations on houses, buildings, structures, or pavements.

GARBAGE:

The animal and vegetable waste or food packaging refuses resulting from handling, preparing, cooking, or consumption of food.

HAZARDOUS WASTE:

Any chemical, compound, mixture, substance, or article that is designated by the United States Environmental Protection Agency and/or the State of Utah Department of Environmental Quality to be "hazardous" as that term is defined by or pursuant to Federal, State or local law.

ILLEGAL DISPOSAL:

The discharge, deposit, injection, dumping, spilling, leaking, burning, or placing of any waste into or on any land or water.

NON-PROCESSIBLE WASTE:

Goods and material that are not residential/municipal waste and/or recyclables are prohibited by the disposal facility, which may include but is not limited to the following items.

- Any loads the majority of which consists of any combustible material.
- Hazardous waste of any kind.
- Any material that when incinerated clearly conducts electricity.
- Explosives, medical or pathological waste, animal or human body parts or remains, any materials the majority of which is liquid, white goods or appliances, construction debris or non-processible proportions, large metal objects of any kind, large sealed containers of any kind, motor vehicles or related parts, any item exceeding two feet by two feet by five feet in dimensions, wood having a cross section exceeding nine inches or five feet in length, any vehicle containing material that is on fire, “Hot Load”, or drywall.
- Commercial Waste, Food Waste, and Bulky Waste.

PERSON:

An individual, family, trust, firm, joint stock company, corporation (including government corporation), partnership, association, state, municipality, commission or political subdivision of the state, or any interstate body whether organized for profit or not.

RECYCLABLES: Used or waste materials fit to undergo reuse or renewal.

RESIDENTIAL/MUNICIPAL WASTE:

Garbage and rubbish produced by or resulting from the normal activities of a residential unit or City properties.

RESIDENTIAL UNIT:

An occupied dwelling unit such as a single-family dwelling or a multi-family dwelling of four (4) or less units that is located adjacent to a public street. Each unit of a multi-family dwelling shall be considered a separate residence for purposes of billing. A dwelling unit is not occupied if the persons living therein are absent for over ninety (90) days or are absent for thirty (30) continuous days after notice to the City, whichever period is shorter.

RUBBISH:

All 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.

SOLID WASTE:

Any garbage, trash, refuse, rubbish, sludge or discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from residential, commercial, and community activities, but does not include solid or dissolved materials in domestic sewage or in irrigation return flows or discharge for which a permit is required under Utah Code Annotated, as amended.

4-1-3: IMPROPER DISPOSAL OF WASTE PROHIBITED:

It shall be unlawful for any person to dispose of any waste on any property within the City. It shall also be unlawful for any person to allow the disposal of waste on property belonging to or owned by said

person. It shall be unlawful to burn any waste within the city corporate limits, except as permitted by city ordinance, by rules and regulations of the Lone Peak Public Safety District, and by the State Board of Health.

4-1-4: ACCUMULATION OF WASTE PROHIBITED; EXCEPTION:

It shall be unlawful for any person to permit waste to accumulate, collect, or remain upon any property except that the temporary accumulation of solid waste for subsequent disposal, as provided in this chapter, shall be permitted provided:

- A. The period of accumulation shall not exceed two (2) weeks.
- B. All accumulated solid waste shall be placed in approved residential/municipal waste containers.

4-1-5: SOLID WASTE PICKUP SERVICES:

A. City To Remove Solid Waste: The City shall provide collection services to all persons owning and/or occupying any property in the City. It shall be presumed that all dwellings, commercial establishments, and other producers of solid waste are to utilize such collection services unless they shall have made application to and received authorization from the City to remove and dispose of their own solid waste.

B. Solid Waste Made Available For Collection:

- 1. All persons owning and/or occupying any property in the City shall make all solid waste on said property available for collection services on a regular basis in accordance with the terms of this chapter.
- 2. If solid waste is determined to be unacceptable due to insufficient preparation of materials, a sticker or other form of notification explaining the proper method of preparation of recyclables shall be left at the residence.
- 3. It shall be unlawful to accumulate and/or place in an approved residential/municipal waste container any waste defined herein as "non-processible waste".

C. Collection Containers:

- 1. The City shall provide the owner and/or occupant of each residence with one approved residential/municipal waste container. The cost for use of said container shall be borne by the owner and/or occupant to be included as a part of the City's monthly utility billing. Only solid waste placed in said container will be collected. Additional containers may be obtained at the user's expense.
- 2. In the case of multiple dwellings or commercial users, the City may approve the use of bulk containers.
- 3. Where so authorized, bulk containers shall be so constructed as to be capable of being collected by vehicles designed for that purpose. Such containers shall be of a condition

and state of repair to permit safe operation and shall be kept clean, neat and sanitary. Said containers shall be placed at locations, as specified by the City, which are readily accessible for collection services and will not constitute a nuisance or hazard.

D. Time And Place Of Pick Up:

1. Collection services shall be once a week. Service may be delayed one (1) day on certain holidays.
2. Approved residential/municipal waste containers shall be made available for collection services no earlier than the evening prior to the day of collection and shall be removed within twenty-four (24) hours after collection. See also subsection 4-2-3C5 of this title.
3. Approved residential/municipal waste containers shall be placed within two (2) feet of the blacktop or in the gutter, if curb and gutter is present, and at a location that is readily accessible to the automated collection vehicle.

4-1-6: RECYCLABLE PICKUP SERVICES:

A. City To Remove Recyclables: The City shall provide recyclable collection services to all persons owning and/or occupying any property in the City upon request.

B. Collection Containers: The City shall provide the owner and/or occupant of each residence, upon request, with an approved residential/municipal recycling container. The cost for use of said container will be borne by the owner and/or occupant to be included as a part of the City's monthly utility billing. Only recyclables placed in said container will be collected. Additional containers may be obtained at the user's expense.

C. Acceptable Recyclables:

1. A list of acceptable recyclables will be provided to the owner and/or occupant of each residence. The list will be provided yearly or when there are any changes or additions to the items that can be recycled.
2. If recyclables are determined to be unacceptable due to insufficient preparation of materials, a sticker or other form of notification explaining the proper method of preparation of recyclables shall be left at the residence.
3. It shall be unlawful to accumulate and/or place in an approved residential/municipal recycling container anything other than acceptable recyclables.

D. Time And Place of Pickup:

1. Collection services shall be bi-weekly along with and on the same day as solid waste collection services. Service may be delayed one (1) day on certain holidays.
2. Approved residential/municipal recycling containers shall be made available for collection services no earlier than the evening prior to the day of collection and shall be removed within twenty-four (24) hours after collection. See also subsection 4-2-3C5 of this title.

3. Approved residential/municipal recycling containers shall be placed within two (2) feet of the blacktop or in the gutter, if curb and gutter is present, and at a location that is readily accessible to the automated collection vehicle.

4-1-7: TITLE TO SOLID WASTE AND RECYCLABLES: The owner and/or occupant shall relinquish title to all solid waste and/or recyclables following collection services.

4-1-8: USER CHARGES; BOARD OF EQUALIZATION:

- A. Rates And Fees Established By City Council: Rates and charges for the rental and use of automated residential/municipal solid waste and recycling containers for use, penalty fees for delinquency in payment, and other fees applicable to the operation shall be fixed from time to time by resolution of the City Council according to the city fee schedule. The City Council may also, by resolution, establish various classes of users, enact rules for levying, billing, guaranteeing, and collecting charges for city utility services.
- B. Board Of Equalization: The City Council is hereby constituted as the Board of Equalization of city utility rates to hear complaints and make corrections of any assessments or charges deemed to be illegal, unequal, or unjust.

4-1-9: BILLING AND PAYMENT OF FEES; COLLECTION: See Title 7-1A-4 of this Code.

4-1-10: PENALTY: Violation of any of the provisions of this article shall be a class C misdemeanor and, upon conviction, subject to penalty as provided in section 1-4-1 of this Code.

**PART II
PENALTY AND ADOPTION**

A. CONFLICTING PROVISIONS

Whenever the provisions of this Ordinance conflict with the provisions of any other Ordinance, resolution or part thereof, the more stringent shall prevail.

B. PROVISIONS SEVERABLE

This Ordinance and the various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid it is hereby declared that the remainder of the ordinance shall not be affected thereby.

C. AMENDMENT TO BE ADDED TO CITY CODE

The City Council hereby authorizes and directs that insert pages reflecting the provisions enacted hereby shall be made and placed in the City Code, Title 4.

D. PENALTY

Hereafter these amendments shall be construed as part of the Health and Safety Ordinance of the City Code of the City of Cedar Hills, Utah, to the same effect as if originally a part thereof, and all provisions of said regulations shall be applicable thereto, including, but not limited to, the enforcement, violation and penalty provisions.

E. **EFFECTIVE DATE**

This Ordinance shall take effect upon its passage and publication as required by law.

**PASSED AND ORDERED POSTED BY THE CITY COUNCIL OF CEDAR HILLS, UTAH,
THIS 17TH DAY OF JANUARY, 2012.**

Eric Richardson, Mayor

ATTEST:

Kim E. Holindrake, City Recorder



CITY OF CEDAR HILLS

TO:	Mayor and City Council
FROM:	David Bunker, City Engineer/PW Director
DATE:	1/17/2012

Planning Commission Agenda Item

SUBJECT:	Park Maintenance Contract Extension
APPLICANT PRESENTATION:	David Bunker
STAFF PRESENTATION:	David Bunker, City Engineer/Public Works Director
BACKGROUND AND FINDINGS: <p>The City currently has a parks maintenance contract with Wilkinson Outdoor Maintenance that began January 2008 with a term ending December 31, 2011. The contract has an additional provision as follows: "At the end of this term, the CONTRACTOR may be extended no more than two (2), three year (3-year) terms if agreed by the CITY and CONTRACTOR."</p> <p>The City has been very pleased with the performance of Wilkinson Outdoor Maintenance, and feels it would be prudent to continue with the three year extensions based on continued performance. The first contract extension would begin January 1, 2012 and end December 31, 2014.</p>	
PREVIOUS LEGISLATIVE ACTION: Original Contract approved January, 2008.	
FISCAL IMPACT: Annual contract based on acreage is approximately \$105,000. An annual 2% increase is included in the current contract.	
SUPPORTING DOCUMENTS: N/A	
RECOMMENDATION: Staff recommends the City Council approve the contract extensions based on performance criteria.	
MOTION: To approve/not approve the park maintenance contract extension with Wilkinson Outdoor Maintenance beginning January 2012 and ending December 31, 2014.	



CITY OF CEDAR HILLS

TO: Mayor Richardson, City Council, and Staff
FROM: Kim E. Holindrake, City Recorder
DATE: January 12, 2012

City Council Memorandum

SUBJECT: Annexation (10018 N and 4800 West)
APPLICANT PRESENTATION:
STAFF PRESENTATION: Kim E. Holindrake, City Recorder

BACKGROUND AND FINDINGS:

The owners, Rhinehart Land Company, of real property located at approximately 10018 North and 4800 West have consented to have their property annexed into the City of Cedar Hills. The property is just under four acres and is a small island within the City along the west boundary. The property is identified for annexation on the City's Annexation Policy Plan. The process of annexation is according to UCA 10-2-418 and UCA 10-2-425 as follows:

- The Council adopts a resolution of intent
- Noticing:
 - Publish (within 14 days following the resolution adoption) a notice (once a week for three successive weeks) stating the intent to annex, date, time, place of the public hearing, and a description of the area to be annexed.
 - Notice on the Utah Public Notice Website.
 - Written notice to the board of each local district and special service district whose boundaries contain some or all of the area proposed for annexation.
- The public hearing is to be held no earlier than 30 days after the adoption of the resolution.
- Upon conclusion of the public hearing the Council may adopt an ordinance approving the annexation of the area.
- A notice of impending boundary action is then sent to the Lt. Governor's office who will issue a certificate of annexation.
- All documents are then recorded at the Utah County Recorder's office.

SUPPORTING DOCUMENTS:

- Proposed resolution with map and legal description
- Request to initiate annexation
- Site map

RECOMMENDATION

To approve the resolution

MOTION

To approve Resolution No. _____, a resolution indicating the intent of the City Council to annex a portion of an existing island or peninsula; identifying the area proposed for annexation; authorizing a public hearing on the proposed annexation; and providing for the publication of notice of said hearing.

RESOLUTION NO. _____

A RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO ANNEX A PORTION OF AN EXISTING ISLAND OR PENINSULA; IDENTIFYING THE AREA PROPOSED FOR ANNEXATION; AUTHORIZING A PUBLIC HEARING ON THE PROPOSED ANNEXATION; AND PROVIDING FOR THE PUBLICATION OF NOTICE OF SAID HEARING.

WHEREAS, Section 10-2-418, Utah Code Annotated, 1953, as amended, establishes a procedure and criteria for the annexation of unincorporated territory within an existing island or peninsula, and

WHEREAS, the real property sits within an existing island or peninsula of unincorporated territory situated contiguous to the boundaries of the City of Cedar Hills, and

WHEREAS, the owners of the real property have given their consent to bring the property into the City limits, and

WHEREAS, the City desires to effectuate the annexation in accordance with procedures set forth under State Law,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Cedar Hills, Utah:

SECTION 1. The City Council hereby acknowledges that certain real property within an existing island or peninsula be annexed into the City of Cedar Hills, in accordance with the terms of the State Law relating to annexation of property within an island or peninsula (UCA 10-2-418). An annexation plat showing the location of the area proposed for annexation and designating the area as the “**Jacobs Annexation**” is set forth on Exhibit A, which exhibit is attached hereto and by this reference made part of this Resolution.

SECTION 2. The City Council hereby indicates its desire and intent to annex the territory identified on Exhibit A.

SECTION 3. The City Council hereby authorizes the City Recorder to publish and distribute a Notice of Intent to Annex as required by law.

SECTION 4. The provisions of this Resolution shall take effect upon its passage.

PASSED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILLS, UTAH, THIS 17TH DAY OF JANUARY, 2012.

Eric Richardson, Mayor

ATTEST:

Kim E. Holindrake, City Recorder



CITY OF CEDAR HILLS

TO: Mayor Richardson, City Council, and Staff
FROM: Kim E. Holindrake, City Recorder
DATE: January 13, 2012

City Council Memorandum

SUBJECT: Board and Committee Appointments
APPLICANT PRESENTATION:
STAFF PRESENTATION: Mayor Richardson

Mayor Richardson will make his appointments at the meeting.

PLANNING COMMISSION

BACKGROUND AND FINDINGS:

Donald Steele, Daniel Zappala, and David Driggs (1st alternate) were appointed to the Planning Commission on January 3, 2012. The final appointment is for a 2nd alternate.

RECOMMENDATION:

MOTION:

To affirm Mayor Richardson's appointment of _____ as 2nd alternate on the Planning Commission.

BOARD OF ADJUSTMENT

BACKGROUND AND FINDINGS:

Darin Lowder was appointed to the Board on January 3, 2012, which filled the vacancy created by Carl Volden who moved from the City a few months ago. The term ending December 31, 2016 needs to be filled.

RECOMMENDATION:

MOTION:

To appoint _____ to a five-year term on the Board of Adjustment with a term ending December 31, 2016.



CITY OF CEDAR HILLS

TO: Mayor Richardson, City Council, and Staff
FROM: Kim E. Holindrake, City Recorder
DATE: January 12, 2012

City Council Memorandum

SUBJECT: City Council Assignments
APPLICANT PRESENTATION:
STAFF PRESENTATION: Mayor Richardson

BACKGROUND AND FINDINGS:

Mayor Richardson will make his recommendations for Council assignments at the meeting.

_____ Recreation/Golf/City Facilities (with)
_____ Recreation/Golf/City Facilities (with)

PREVIOUS LEGISLATIVE ACTION:

FISCAL IMPACT:

SUPPORTING DOCUMENTS:

RECOMMENDATION

MOTION

To confirm Mayor Richardson's recommendations for City Council assignments.