

ORDINANCE NO. 01-2016

AN ORDINANCE BY THE GOVERNING BODY OF THE CITY OF RAWLINS, CARBON COUNTY, WYOMING, AMENDING CHAPTER 8.08 GARBAGE AND REFUSE OF THE RAWLINS MUNICIPAL CODE PURSUANT TO WYOMING STATUTES §15-1-103 (A)(XXI) AND (A)(XLI) PROVIDING MUNICIPAL AUTHORITY TO ADOPT ORDINANCES, RESOLUTIONS AND REGULATIONS NECESSARY FOR THE HEALTH, SAFETY AND WELFARE OF THE CITY.

WHEREAS, Wyoming Statute §15-1-103 (xli) provides municipal authority to adopt ordinances, resolutions and regulations, including regulations not in conflict with this act and necessary for the health, safety and welfare of the city; and

WHEREAS, Wyoming Statute §15-1-103 (xxi) provides municipal authority to purchase, lease or rent land within or without the corporate limits for the deposit of refuse matter, govern the use of the land and make reasonable rules and requirements for hauling refuse; and

WHEREAS, Wyoming Statute §15-1-103 (xiii) provides municipal authority to license, tax and regulate any business whatsoever conducted or trafficked within the limits of the city for the purpose of raising revenue; and

WHEREAS, the City of Rawlins is desirous of ensuring all municipal garbage, refuse, construction materials and demolition materials, generated, and/or accumulated, and/or collected within the corporal limits be regularly and property disposed of at the Rawlins Municipal Sanitary Landfill Transfer Station for the safety and welfare of our city; and

WHEREAS, the City of Rawlins is a participant in the State of Wyoming Municipal Solid Waste Facilities Cease and Transfer Program to assist in financing the closure and capping of the City of Rawlins Municipal Sanitary Landfill-Phase I; and

WHEREAS, the Governing Body has recognized a municipal need for this mandated state project and has requested \$7.3 Million Dollars from the State of Wyoming Municipal Solid Waste Facilities Cease and Transfer Program Grant/Loan Program; and

WHEREAS, the Governing Body was required to set forth in their application their financial plan for repayment of the requisite twenty-five percent (25%) cash matching funds and identified the landfill enterprise operating budget; and

WHEREAS, the Governing Body was awarded and accepted a grant in the amount of Three Million Six Hundred Fifty-One Thousand Dollars (\$3,651,200.00) and a loan in the amount of One Million Two Hundred Thirty-Eight Thousand Dollars (\$1,238,800.00) at the rate of zero percent (0.0%) per annum; and

WHEREAS, the Governing Body while acting in their respective fiduciary duties to the State of Wyoming desires to conduct its due diligence to ensure the municipal corporation is financially sound and able to make all of its repayment obligations under the State of Wyoming Municipal Solid Waste Facilities Cease and Transfer Program Grant/Loan Program desires to institute flow control whereby all garbage, refuse, rubbish, construction materials and demolition materials generated and/or collected within the municipal corporal limits are properly conveyed and transferred to the Rawlins Municipal Sanitary Landfill/Transfer Station for disposal.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF RAWLINS, CARBON COUNTY, WYOMING that in accordance with State Statute §151-103 Rawlins Municipal Code Section 8.08 be changed and amended as follows:

Chapter 8.08

GARBAGE, REFUSE, CONSTRUCTION AND DEMOLITION MATERIALS

Sections:

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Article I: General Provisions.

8.08.010 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- a) "Garbage" means any putrescible solid or semi-solid animal and/or vegetable waste material resulting from the handling, preparation, cooking, serving, and consumption of food; wastes from the handling, storage and sale of produce; and any other matter whatsoever that may decompose, become foul, offensive, unsanitary or dangerous to health.
- b) "Hauler" means any person or firm who regularly transports and or collects garbage, and/or refuse, and/or construction material, and/or demolition material from any premises within the corporal limits of the city required to deposit said waste to the Rawlins Municipal Sanitary Landfill Transfer Station for a fee or charge.
- c) "Refuse" means combustible and noncombustible discarded materials including but not limited to paper, wood, glass, clothing products, leaves, clippings, woods, small branches and limbs, resulting from residential and manufacturing processes.
- d) "Recycled Materials" means raw or processed material that can be removed from a waste stream, reused, and repurposed and reused into another item or use without posing unsanitary conditions and/or posing a potential health and safety concern.
- e) "Troublesome Materials" means waste materials of such nature as to require unusual handling and disposal procedures as defined by the Department of Environmental Quality

of the State of Wyoming, which additionally shall include but not be limited to, automobile equipment and tires, hazardous or dangerous solids or liquids, heavy appliances, scrap metal, bulky construction materials or demolition materials, trees or tree limbs, concrete, rock, stone, brick, asphalt or any other materials or items of similar nature.

- f) "Construction Materials" means any building material used to construct a new facility or structure and any portion thereof, including, but not limited to, stone, woods, fencing material, insulation, wire, concrete, asphaltic concrete, railroad ties, shingles, carpeting, lumber, pallets, dirt, cinder blocks, brick, plaster, asphalt, metal, plastics, or any combination thereof.
- g) "Demolition Materials" means any existing facility or structure being disposed of and any portion thereof, including but not limited to, wood, lumber, carpeting, railroad ties, concrete, dirt, asphalt, stone, cinder blocks, brick, plaster, sheetrock, metals, plastics, tree stumps, and branches, and animal waste.
- h) "Firewood" means wood cut for fuel. Such wood shall be stored no greater than six feet (6') in height.
- i) "Generate" means to produce (something i.e. garbage, refuse, construction materials, or demolition materials) or cause (something i.e. garbage, refuse, construction materials, or demolition materials) to be produced; to bring into existence.
- j) "Accumulated" means something that has accumulated or has been accumulated; the action or process of accumulating; the state of being or having accumulated; increase or growth by addition especially when continuous or repeated.
- k) "Collected" means gathered together; brought or placed together from various sources.
- l) "Transports" means take or carry [waste materials] from one place to another by means of vehicle, aircraft, or ship; a system or means of conveying [waste material] from place to place by means of a vehicle, aircraft or ship.
- m) All other relevant definitions as provided by DEQ, Solid Waste Management Rules and Regulations, Chapter I. (Ord. 6D-80 § 1; Ord. 2-80 § 1 (part); prior code § 13-1) (Ord. No. 8C-93, Amended, 08/21/93; Ord. No. 4A-94, Amended, 06/06/94; Ord. No. 07g-2002, Amended, 07/16/02, Ord. No. 05-2010, Amended 05/04/10)

Section 8.08.020 City Authority.

A. The purpose of this chapter is to protect the public health, safety and welfare of its' citizens by regulating the accumulation, storage, conveyance, and disposal of garbage, solid waste, refuse, and construction and demolition materials to prevent fire, health or safety hazards, to eliminate undesirable pests, and to promote a positive aesthetic appearance of our community. For the protection of health, safety and general welfare of its citizens, subject to all state and federal grants of authority, the city is authorized to have the exclusive authority and responsibility within the municipal corporal limits concerning the adoption of rules, regulations and establishing minimum guidelines and standards for the collection and disposal of garbage, refuse, construction materials and demolition materials as defined in this chapter. (Ord. 2-80 §1 (part); prior code § 132)

B. Authority is granted to cities and towns in Wyoming Statutes §15-1-103(a)(xxi) and (a)(xli) to adopt ordinances, resolutions and regulations necessary for the health, safety and welfare of the city and to “purchase, lease or rent land within or without the corporate limits for the deposit of refuse matter, govern the use of the land and make reasonable rules and requirements for hauling refuse.”

Section 8.08.030 General Provision.

All garbage, refuse, construction materials and demolition materials generated and/or accumulated and/or collected within the municipal corporal limits of the City of Rawlins shall be properly conveyed and transferred to the Rawlins Municipal Sanitary Landfill/Transfer Station for disposal excepting properly recycled materials which may be removed from the waste stream, repurposed and reused by properly depositing said materials with a duly authorized recycling center permitted to accept the same. This chapter does not prohibit municipal solid waste generated or collected outside of the city from hauling such solid waste over city streets provided all haulers comply with the provisions of this chapter and with any other applicable law or ordinance.

Section 8.08.040 Notice and Evidence of Violation.

A. Any person violating any provisions of this chapter shall be so informed in writing by the City Manager or his designee. The written notice shall fix a time for compliance which shall, in no event, be less than five (5) days from the day of service of the notice. The fact that garbage or refuse remains on any owner's or occupant's premises in the city in violation of this chapter shall be prima facie evidence that the owner or occupant of the premises is responsible for the violation failure to comply with the written notice described in this section or with any section shall be deemed a misdemeanor.

B. For any violation of this chapter there shall be minimum fine of Two Hundred Fifty Dollars (\$250.00) and a maximum fine not to exceed Seven Hundred Fifty Dollars (\$750.00) and an order directing compliance with this chapter and abatement of the violation within a reasonable time. Each day of successive violations persists shall constitute a separate violation.

C. The City Manager or his authorized agent may and at his election after a notice is served upon the alleged violator as set out in this chapter, go upon the lot, parcel of land, alleyway, public utility easement (P.U.E.), public thoroughfares or sidewalk area or other property of the owner or occupant and remove the accumulated garbage or refuse therefrom. The expense of the removal shall be charged to the person violating this chapter. (Ord. 2-80 § 1 (part); prior code § 13-6; Ord. No. 07g-02, Amended 07/16/02,

Article II: Regulations

Section 8.08.050 Requirements and Regulations Conformance.

The city shall maintain a solid waste management facility (hereinafter referred to as “facility”) for the disposal of solid waste. The facility shall conform to the applicable federal, state and local laws and regulations. The city sanitary landfill shall be available to the general public upon payment of the specified fees established by resolution of the City Council as per Title 1 of

this code and in conformance with the rules and regulations promulgated under this article. (Ord. 2-80 § 1 (part): prior code § 13-21(b), Ord. Not. 07g-2002, Amended, 7/16/02)
(Ord. 08a-2008, Amended, 08/19/2008; 8.08.270, Amended, 07/16/2002)

Section 8.08.060 Use Regulations.

The City Council shall prescribe such additional rules and regulations as it may deem proper, not inconsistent with the federal, state and local laws and regulations to govern the operation of the facility. Such rules and regulations shall be in writing and copies maintained in the city clerk's office and at the facility.

Section 8.08.070 Scavenging Prohibited.

It is unlawful for anyone to separate, collect, carry off or otherwise remove or dispose of anything whatsoever from the Rawlins Municipal Sanitary Landfill Transfer Station without the direct permission of the City Manager or his designee. (Ord. 2-80 § 1 (part): prior code § 13-21(b), Ord. No. 07g-2002, Amended, 7/16/02) (8.08.280, Amended 7/16/2002)

Section 8.08.080 Hours.

The City Council shall designate the days and hours that the facility shall be open to the public. Notice of these days and hours shall be posted at the entrance. (Ord. 2-80 § 1 (part): prior code § 13-21(b); Ord. No. 07G-02, Amended 7/16/02) (8.08.290, Amended, 07/16/2002)

Section 8.08.090 Transportation of Refuse or Garbage.

It is unlawful for any person or municipal licensed refuse hauler to allow any garbage, and/or refuse, and/or construction material, and or demolition material to spill, drop, fall or remain on the ground or any other place. Garbage, and/or refuse, and/or construction material, and/or demolition material shall be conveyed to the Rawlins Municipal Sanitary Landfill Transfer Station in an enclosed vehicle or secured with a tarp, net or webbing so that it cannot be strewn upon the streets or ground. Bagged waste must be secured in the vehicle in a manner reasonably sufficient to ensure waste material is properly contained until it is properly deposited at the Rawlins Municipal Sanitary Landfill Transfer Station. (Ord. 2-80 § 1 (part): prior code § 13-3(k), Ord. No. 05-2010, Amended 05/04/10)

Section 8.08.100 Littering.

- A. No person may throw, drop, or deposit garbage, refuse, construction or demolition materials upon any street, alley, sidewalk, or any yard or premises whether private or public except in proper containers.
- B. No person shall throw or deposit any refuse or waste materials in any body of water within the corporal municipal limits.
- C. It is declared a nuisance for any person whether owner, lessee, or renter of any land, building or premises to permit the unrestricted disposal or accumulation of garbage or refuse or construction materials or demolition materials on any property within the city. Any such accumulation is declared to constitute a nuisance and a nonconforming use of the premises.

- D. It is further unlawful to sweep or otherwise dispose of any garbage or refuse or construction materials or demolition materials on any street, gutter, alley, vacant lot, body of water or other property except as provided in this chapter. (Ord. 2-80 § 1 (part): prior code § 133(a))

Section 8.08.110 Alley, Public Utility Easements, Public Thoroughfares, Right of Way Cleanup Responsibility.

Cleanliness and compliance with ordinances of easements, alleyways, public utility easements (P.U.E.'s), public thoroughfares, and or any other public right of way insofar as garbage and refuse, high grass, weeds, dead trees, tree limbs, or any other violation of city ordinance is the responsibility of the contiguous property owners. Where storage of the weekly accumulation of refuse is in an alley, such accumulation of refuse shall be stored in containers in such a manner that protects it from animals; shelters it from weather; and otherwise secures it in a sanitary and clean manner. (Ord. 2-80 § 1 (part): prior code § 13-4 (part); Ord. No. 07g-02, Amended, 7/16/02, Ord. No. 05-2010, Amended 05/04/10)

Section 8.08.120 Construction Wood, Dead Trees, Limbs, and Other Offensive Growth.

The existence of construction wood, dead trees, limbs, weeds, long grass, or other offensive growth or conditions on developed and undeveloped parcels which endanger health and safety or that obstruct street, sidewalk, or any other traffic thoroughfare, or obstruct the free use of property so as to interfere with the comfortable enjoyment of life or property, constitutes a public nuisance violation.

- A. Developed Parcel. It shall be the duty of the owner and/or lessee and/or occupant of property within the City to cut, dig, destroy, remove, or cause to be cut, destroyed or removed all weeds, long grass, dead trees, limbs or other offensive growth having reached eight inches (8") upon such property and or upon streets and alleys within the curb line in front of, or abutting the property. However, no tree within street or ally rights-of-way shall be cut or removed without the express written consent of the City.
- B. Undeveloped Parcel. Within one hundred fifty (150) feet of any developed parcel, it shall be the duty of the owner and/or lessee and/or occupant of an undeveloped parcel to cut, dig, destroy, remove, or cause to be cut, destroyed or removed all weeds, long grass, dead trees, limbs or other offensive growth having reached eight inches (8") upon such property and or upon streets and alleys within the curb line in front of, or abutting the property.
- C. Traffic Hazards. It shall be the duty of the owner, lessee or occupant of a developed or undeveloped parcel to remove all weeds, long grass, dead trees, limbs or other offensive growth which obstructs street or sidewalk or any other traffic thoroughfare.
- D. Violations. Any violation of this section is declared to be a nuisance, and the City Manager may require the enforcement of the provisions of this section. Upon the failure of any owner, lessee or occupant of real property to comply therewith, the City Manager or his designee may cause a written notice to be given to the person who appears as the last owner of the property according to the assessment rolls of the county, and to the lessee or occupant of the property. It shall be unlawful for any such person to fail or refuse to comply

with the notice within the time aforesaid. In the event of the failure or refusal the City Manager or his designee may cause such compliance and shall immediately assess and levy the cost thereof against the property upon which the violation has occurred, or which abuts the street or alley upon which the violation has occurred, and shall proceed to collect such cost in the manner provided for the collection of city taxes, which shall, upon becoming delinquent, be subjected to the same interest, penalty and liens as other delinquent city, county or state taxes. (Ord. 2-80 § 1 (part); prior code § 13-5; Ord. No. 07g-02, Amended 7/16/02, Ord. No. 05-2010, Amended 5/4/10)

Section 8.08.130 Tree Limbs, Branches and Accumulated Landscaping Materials.

It shall be the responsibility of the owner and or occupant to remove and/or properly dispose of tree limbs, branches, bagged or piled grass clippings, bagged or piled leaves and other piles or accumulations of material resulting from landscaping or maintaining a parcel of land or lots. Mulching of said materials is permitted if doing so does not violate any other code provisions. (Ord. 2-80 § 1 (part); prior code § 13-3(g), Ord. No. 05-2010, Amended 05/04/10)

Section 8.08.140 Vending.

No person shall vend or attempt to vend or dispose of any garbage or other article of food that may be decayed or partially rotten or that may have been taken from any garbage container except for animal waste products intended for rendering. (Ord. 2-80 § 1 (part); prior code § 13-3(b))

Section 8.08.150 Business Establishment Responsibility.

All business establishments shall be responsible for keeping the sidewalks and other public ways surrounding the property free of any dirt, garbage, refuse or rubbish except that which is properly deposited in an approved receptacle. (Ord. 2-80 § 1 (part); prior code § 13-3(d))

Section 8.08.160 Container--Specifications.

A. All refuse generators that use the City of Rawlins Municipal Sanitary Landfill Transfer Station Facility shall have a sufficient container capacity to contain their normal volume of solid waste between collections. All household and commercially generated solid waste shall be placed in bags that are secured prior to placement in the refuse containers. Bags used for this purpose shall be suitable for storage and disposal of sanitary wastes without bursting or ripping during transportation and loading into the refuse container. Also bags used for this purpose must be resistant to weakening by moisture and weather conditions. Exceptions are made for construction debris, demolition debris, and such other debris, which, by its size and nature, does not lend itself to bagging. Exceptions noted herein do not remove the requirement for securing loads of material being transported to the facility.

B. All bagged garbage and refuse shall be placed in containers designed for the receipt of such material and shall have tight fitting lids. Except while depositing material into the container the container shall remain closed at all times so that the contents are not susceptible to blowing, scavenging by animals or fly-breeding. No containers which are intended to be

manhandled shall be over fifty-five gallons in capacity. Manhandled containers, except fifty-five-gallon drums, shall be tapered to facilitate emptying. The gross weight of the container and contents shall not exceed eighty (80 lbs.) pounds except where bin containers have been provided by the hauler at locations approved by the zoning officer. (Ord. 2-80 § 1 (part); prior code § 13-4(a); Ord. No. 07g-02, Amended, 7/16/02, Ord. No. 05-2010, Amended 05/04/10)

Section 8.08.170 Container--Condemnation.

Where a container does not meet the specifications of this chapter or presents a health or safety hazard, the city shall place a notice of condemnation in a prominent position on the container notifying the owner that the container may no longer be utilized for the purpose of refuse storage. If the container is not replaced after seven (7) days, the owner shall be in violation of this chapter and the city may take the container to the city landfill and assess cost in addition to other remedies available to the city. (Ord. 2-80 § 1 (part); prior code § 13-4(b), Ord. No. 05-2010, Amended 5/4/10)

Section 8.08.180 Incineration.

It is unlawful to burn any garbage or refuse within the city. The burning by business establishments of paper and paper byproducts and hospital refuse may be approved following the issuance of an annual permit by the fire chief. The permit shall be issued only upon the recommendation of the health inspector, and building official after an inspection to determine that an incinerator is:

- A. Constructed in conformance with all applicable building and fired codes;
- B. Amenable to the convenient removal of ashes and refuse;
- C. So located as not to be obnoxious to occupants of adjoining buildings and properties;
- D. Meets air standards as required by the State Department of Environmental Quality, Air Quality Division. (Ord. 2-80 § 1 (part); prior code § 13-3(f)) (Ord. 11-2007, Amended, 11/06/2007)

Section 8.08.199 Building Materials or Mineral Waste.

Rock, stone, brick, concrete, dirt and other building materials or mineral wastes shall not be permitted to accumulate in alleyways, public utility easement (P.U.E.), and public thoroughfares or at the curb. Such material that is not to be used in the immediate future must be stored in a safe manner and in such a way to prevent rodent harborage. The city will not be responsible for the removal of rock, stone, brick, concrete, dirt and other building materials or mineral wastes. It shall be the responsibility of the owner to remove such articles for appropriate disposal to the Rawlins Sanitary Landfill or to an approved recycling center permitted to accept said materials. (Ord. 2-80 § 1 (part); prior code § 13-3(h), Ord. No. 05-2010, Amended 05/04/10)

Section 8.08.200 Waste Material Storage.

Waste material or refuse used in the manufacture or remanufacture of salable products may be stored in an approved manner on the premises and with the written permission of the building official. (Ord. 2-80 § 1 (part): prior code § 13-3(e))

Section 8.08.210 Hazardous Waste Disposal.

The City Council shall designate those hazardous waste materials that may be disposed at the facility under consultation with the Wyoming Department of Environmental Quality. Hazardous waste materials include but are not limited to dangerous materials or solutions, including but not limited to poisons, toxics, acids, constricts explosives, diseased, infected, radioactive waste, solid wastes resulting from industrial, mining, petroleum or manufacturing processes. Those hazardous wastes not designated in this manner shall be rendered harmless by the disposer and so certified all at his expense, before the material shall be accepted in the facility. All other hazardous waste shall be hauled to an approved landfill properly permitted to accept said hazardous waste materials. (Ord. 2-80 § 1 (part): prior code § 13-21(d); Ord. No. 07g-02, Amended, 7/16/02) (8.08.300, Amended, 07/16/2002)

Section 8.08.220 Petroleum Contaminants.

- A. Definition. "petroleum contaminants," as used in this chapter shall consist of those solid waste materials which contain or have attached to such those petroleum-based products which will evaporate and which have not been classified by either the Wyoming Department of Environmental Quality or the Environmental Protection Agency as "hazardous materials," thus specifically restricting such from disposal at municipal solid waste disposal sites, and excepting used motor oil.
- B. Conditions of Disposal.
 - 1. No petroleum contaminants, nor other petroleum-based materials, may be deposited at the municipal sanitary landfill without prior consent of the City Manager.
 - 2. No petroleum contaminants will be accepted until such have been thoroughly mixed with soils, and meet the required standards of the Wyoming Department of Environmental Quality shall be disposed of in a landfill permitted to accept said contaminated materials.
 - 3. The City Manager, or his designee, may, at his option, request any individual load be weighed at the expense of the person making the delivery. The load so requested to the weighed will not be accepted for deposit until evidence of the weight has been delivered to the city manager or his designee.
 - 4. No petroleum contaminants shall be deposited without the presence of the designated landfill personnel and the specific location of such deposit having been given to the driver of the load-carrying vehicle.
- C. Fees for Disposal of Petroleum Contaminants. Fees shall be as set by resolution of the City Council as per Title 1 of this code. (Ord. No. 07g-02, Amended 7/16/02) (Ord. 08a-2008, Amended, 08/19/2008; 8.08.185, Amended, 07/16/2002)

Section 8.08.230 Appliances, Automobile Parts and Other Large Waste.

Heavy appliances, automobile parts and other waste materials not reducible to the weight and size limits described in this chapter shall be rendered in a safe condition and it shall be the responsibility of the owner to remove the articles immediately to the Rawlins Municipal Sanitary Landfill Transfer Station. (Ord. 2-80 § 1 (part): prior code § 13-3(i))

Section 8.08.240 Dead Animals.

All game and animal hides, heads, carcasses and feet must not be kept on any premises and must be disposed of at the Rawlins Municipal Sanitary Landfill Transfer Station within twelve (12) hours after being dressed.

(Ord. No. 07g-02, Amended, 7/16/02) (8.08.130, Amended, 07/16/2002, Amended 05/04/2010)

Section 8.08.250 Animal Waste Rendering.

The removal of rendered animal waste products shall be totally the responsibility of the person or company providing the service and such materials shall be kept in closed sanitary containers approved by the health inspector and disposal in the sanitary landfill shall be under the complete supervision of the city. (Ord. 2-80 § 1 (part): prior code § 13-3(c).

Article III: Collection Regulations.

Section 8.08.260 Collection and Hauling Method.

A. It is deemed in the best interest of the city that all garbage, refuse, construction materials and demolition materials generated, and/or accumulated and/or collected in the corporal limits shall be collected, conveyed and disposed of by licensed private competitive hauler contractors to the Rawlins Municipal Sanitary Landfill Transfer Station. The municipal licensed hauler is to comply with the restrictions and provisions stated in this chapter and any agreement between the hauler and the City. The collection of the hauler's fee is his sole responsibility and the city shall not be held accountable for its collection.

B. Any private person or entity not engaged in the business of hauling garbage, refuse, construction materials or demolition materials, hauling his or her own garbage, and/or refuse, and/or construction material, and/or demolition material, shall deposit said municipal waste at the Rawlins' Municipal Sanitary Landfill Transfer Station and is held responsible for complying with all but Sections 8.08.270 through 8.08.340 of this Chapter. (Ord. 2-80 § 1 (part): prior code § 13-11; Ord. No. 07g-02, Amended, 7/16/02, Ord. No. 05-2010, Amended 05/04/10) (8.08.190, Amended, 07/16/2002, 05/04/2010).

Section 8.08.270 Equipment.

Each licensed hauler shall provide covered tank or truck, so constructed that the contents do not leak or spill therefrom, in which all garbage collected by him shall be conveyed to the sanitary landfill, unless the garbage utilized is for commercial purposes. The truck or conveyance used shall be kept clean and as free from offensive odors as possible, and shall not be allowed to stand in any street, alley or public place longer than is reasonably necessary to collect garbage. Each truck or conveyance licensed through the City must show proof of an annual DOT inspection. Said inspection must have been made within three months of the time of licensing that truck or

conveyance with the City. (Ord. 2-80 § 1 (part): prior code § 13-12; Ord. No. 07g-02, Amended, 7/16/02)(8.08.200, Amended, 07/16/2002)

Section 8.08.280 Hauler License -Required.

It is unlawful for any person to collect refuse and/or garbage and/or construction materials and/or demolition materials for hire without having first secured from the City Clerk a license to do so. (Ord. 2-80 § 1 (part): prior code § 13-13(a); Ord. No. 07g-02, Amended 7/16/02) (8.08.210, Amended, 07/16/2002)

Section 8.08.290 Hauler License-Application.

Any person desiring a license required by Section 8.08.250 shall make application therefor to the city clerk on forms provided for that purpose. (Ord. 2-80 § 1 (part); prior code § 13-13(b))

Section 8.08.300 Hauler License-Issuance.

Upon approval of the application by the City Manager, and after the payment of the required fee established by resolution of the City Council as per Title 1 of this code, the city clerk shall issue a license applied for under Sections 8.08.250 through 8.08.360. (Ord. 2-80 § 1 (part): prior code § 13-13©; Ord. No. 07g-02, Amended, 7.16.02) (Ord. 08a-2008, Amended, 08/19/2008; 8.08.230, Amended, 07/16/2002)

Section 8.08.310 Hauler License-Revocation.

The license of a hauler may be revoked for persistent and repeated failure on his part to properly collect garbage, and/or refuse, and/or construction material, and or demolition material. The license of a hauler may be revoked for repeated failure to properly convey all garbage, refuse, construction materials and demolition materials generated and/or collected within the municipal corporal limits of the City of Rawlins to the Rawlins Municipal Sanitary Landfill/Transfer Station. It is unlawful for any hauler whose license has been revoked to collect garbage, refuse, construction materials, demolition materials and/or waste material within the city; provided, that no license shall be revoked except upon a hearing before the city council upon three (3) days' notice in writing given to the hauler. (Ord. 280 § 1 (part): prior code § 13-13(d))

Section 8.08.320 Hauler Records Filed with City Clerk.

Haulers shall provide to the City Clerk before the tenth (10) of each month, a list of customers, size of containers for that customer, and frequency of pickup in alpha numeric order. (Ord. No. 07g02, Amended, 07/16/02) (8.08.250, Added, 07/16/2002)

Section 8.08.330 Hauler Rules and Regulations.

The city council from time to time shall adopt reasonable rules and regulations not inconsistent with this chapter nor federal or state rules and regulations, to govern the operation of private haulers and to promote the health, safety and general welfare. (Ord. 2-80 § 1 (part): prior code § 13-14)

Section 8.08.340 Hauler Rules and Regulations Governing Operations of Haulers.

1. **DEFINITIONS.** For purposes of these rules and regulations, City Ordinance 8.08.010 applies with the additional language for the following defined terms and their derivations shall have the following meanings. If there is any conflict with these terms and terms found in City ordinances the City at its sole discretion will determine which term applies to haulers:
 - a. "Hauler" means any person or firm who regularly transports garbage, and/or refuse, and/or construction material, and/or demolition material from any premises within the corporal limits of the city required to deposit said waste to the Rawlins Municipal Sanitary Landfill Transfer Station for a fee or charge.
 - b. "Garbage" means that portion of solid waste that is normally disposed of by and originating from the occupants of the City's residential dwelling units, businesses, industrial, and commercial establishments (which is typically referred to as "Garbage and/or Municipal Solid Waste" in the City of Rawlins Municipal Code, as amended from time to time), located in the incorporated areas of the City, which consists of household wastes from private residences, commercial waste which originates in wholesale, retail, or service establishments such as restaurants, stores, markets, theaters, hotels, and warehouses, and institutional waste material originating in schools, hospitals, research institutions, and public buildings. In no event shall garbage include (1) any Hazardous Waste or (2) any Unacceptable Waste.
 - c. "Refuse" means combustible and noncombustible discarded materials including but not limited to paper, wood, glass, clothing products, leaves, clippings, woods, small braches and limbs, resulting from residential and manufacturing processes.
 - d. "Construction Materials" means any building material used to construct a new facility or structure and any portion thereof, including, but not limited to, stone, woods, fencing material, insulation, wire, concrete, asphaltic concrete, railroad ties, shingles, carpeting, lumber, pallets, dirt, cinder blocks, brick, plaster, asphalt, metal, plastics, or any combination thereof.
 - e. "Demolition Materials" means any existing facility or structure being disposed of and any portion thereof, including but not limited to, wood, lumber, carpeting, railroad ties, concrete, dirt, asphalt, stone, cinder blocks, brick, plaster, sheetrock, metals, plastics, tree stumps, and branches, and animal waste.
 - f. "Hazardous Waste" means (1) any material or substance which, by reason of its composition or characteristics, is (a) toxic or hazardous waste as defined in either the Solid Waste Disposal Act, 42 USC 6901 *et seq.*, as replaced, amended, expanded, or supplemented, or any laws of similar purpose or effect, and such policies or regulations thereunder, or under relevant state law as replaced, amended, expanded, or supplemented, or any laws of similar purpose or effect, and any rules, regulations, or policies thereunder, or (b) special nuclear or by-products material within the meaning of the Atomic Energy Act of 1954; (2) other material which any governmental agency or unit having appropriate jurisdiction shall determine from time to time is harmful, toxic, or dangerous, or otherwise ineligible for transfer or

disposal; and (3) any material which would result in process residue being Hazardous Waste under (1) and (2) above.

- g. “Unacceptable Waste” means that portion of solid waste, exclusive of Hazardous Waste, such as, but not limited to: (1) explosives, pathological and biological waste, radioactive materials, ashes, foundry sand, cesspool and other human waste, liquid wastes, human remains, sewerage, and sludge; and (2) that which in the reasonable judgment of the Hauler may be evidence of illegal activities or present a substantial endangerment to health or to safety, or has a reasonable probability of adversely affecting the operation of the License to Hauler’s business.
 - h. “Troublesome Materials” means waste materials of such nature as to require unusual handling and disposal procedures as defined by the Department of Environmental Quality of the State of Wyoming, which additionally includes but is not limited to, automobile equipment and tires, hazardous solids or liquids, heavy appliances, scrap metal, bulky construction materials or demolition materials, trees or tree limbs, concrete rock, stone, brick, asphalt or any other materials or items of similar nature.
 - i. “Recycled Material” means raw or processed material that can be removed from a waste stream, reused, and repurposed and reused into another item or use without posing unsanitary conditions and/or posing a potential health and safety concern.
 - j. “Generate” means to produce (something i.e. garbage, refuse, construction materials, or demolition materials) or cause (something i.e. garbage, refuse, construction materials, or demolition materials) to be produced; to bring into existence.
 - k. “Accumulated” means something that has accumulated or has been accumulated; the action or process of accumulating; the state of being or having accumulated; increase or growth by addition especially when continuous or repeated.
 - l. “Collected” means gathered together; brought or placed together from various sources.
 - m. “Transports” means take or carry [waste materials] from one place to another by means of vehicle, aircraft, or ship; a system or means of conveying [waste material] from place to place by means of a vehicle, aircraft or ship.
 - n. All other relevant definitions as provided by DEQ, Solid Waste Management Rules and Regulations, Chapter I.
2. **NON-EXCLUSIVE LICENSE TO HAUL.** This License to Haul is a non-exclusive License to Haul granted to Hauler recognizing that more than one License to Haul may be granted to allow others to perform the same acts or offer the same services for the same or lesser extent than is hereby granted including the reservation by the City to not renew this license and collect and dispose of Garbage in the City in any manner the City deems in the best interest of the health, safety and welfare of the City.
3. **DISPOSAL OF GARBAGE, REFUSE, CONSTRUCTION MATERIALS, AND DEMOLITION MATERIALS:** All garbage, refuse, construction materials and demolition materials generated and/or collected within the municipal corporal limits of the

- City of Rawlins shall be properly conveyed and transferred to the Rawlins Municipal Sanitary Landfill/Transfer Station for disposal.
4. **EMPLOYEE TRAINING.** All employees shall receive training approved or conducted by the City not to exceed four hours per year on recognition of hazardous waste, unacceptable waste, nuisance violations and reporting procedure. If the training is provided by the hauler it shall be completed within one month of initial employment. Training provided by the city shall be scheduled in cooperation with hauler and attended by all of haulers employees involved in the actual pick up or transportation of solid waste.
 5. **BUSINESS OFFICE.** The Hauler shall maintain an office and business telephone service within the City for the convenience of its customers during normal business hours. Telephone calls and complaints will be addressed in a timely manner.
 6. **FEES PAID TO CITY BY HAULER:**
 - a. Dump fees (tipping fees) will be set by the City Council or provided in City ordinance Section 1.01.110.
 - b. License fee as required by City ordinance 8.08.230 and set by the City Council or provided in City ordinance Section 1.01.110.
 - c. All municipal fees shall be paid to the City on or before the 5th day of each month by check, cash or ACH transfer.
 - d. If fees are not paid in full within ten (10) days, the nonpayment shall result in the forfeiture of the Hauler performance bond or at the discretion of the City the City may require the Hauler to pay land use fees at City Hall prior to use of the landfill or make other arrangements satisfactory to the City.
 7. **HAULER'S IDENTITY.** The name of Hauler's business and contact information shall be conspicuously displayed on all of its equipment, its containers, including its trucks.
 8. **UNIFORMS.** Employees of the Hauler that are engaged in collection and disposal shall wear uniforms of a nature readily identifiable as employees of the Hauler obtaining this Grant of Authority to Haul, such as shirts, hats or outer garments bearing the Hauler's business name or emblem.
 9. **INFORMATION TO CITY.** In the event that hauler intends to change fees or service the City Manager will be contacted in writing one month prior to the change.
 10. **BOND.** Simultaneously with the execution of these rules and regulations and license, the Hauler shall deposit with the City Clerk a bond running in favor of the City guaranteeing the faithful performance by the Hauler under the terms of the rules and regulations and the License to haul specifically referring to these rules, regulations and License to haul. The bond shall be a cash bond or performance bond with good and sufficient surety acceptable to the City in an amount of One Hundred Thousand Dollars (\$100,000.00). The bond will be used by the City in the event the City incurs a financial loss due to a violation of the rules, regulation and license up to the amount of loss.
 11. **INDEMNITY.** The Hauler does hereby release and agree to indemnify, defend and save harmless the City, its agents, employees and representatives from and against all claims, actions, causes of action, demands, judgments, costs, expenses and all damages of every kind and nature (collectively "Losses"), incurred by or on behalf of any person or corporation whatsoever, predicated upon injury or death to any person or loss of or damage

- to property of whatever kind or ownership but only to the extent such Losses arise out of or are connected with, directly or indirectly, the operations of the Hauler. The obligations of the Hauler in this Section shall not apply to the extent that any such Losses are caused by the negligence, willful misconduct or breach of these rules and regulations by the City, its agents, employees and representatives or other parties not affiliated with Tenant.
12. **LIABILITY INSURANCE.** The Hauler shall maintain insurance coverage for losses to persons and property in the amounts of One Million Dollars (\$1,000,000.00) liability to persons, and One Million Dollars (\$1,000,000.00) liability to property, which insurance coverage policy or evidence thereof shall be filed with the City Clerk to show continuous compliance with this condition for coverage for as long as the License to Haul exists. Policy must state that the City shall be notified in the event of cancelation or modification.
 13. **HOURS OF COLLECTION (Residential).** All Garbage collected from every residential building shall be collected at least once a week between the hours of 7 a.m. to 7 p.m.
 14. **HOURS OF COLLECTION (Commercial).** All Garbage collected from businesses, industrial and institutional establishments in the City will be collected at the discretion of Hauler at such times as are necessary with a minimum of one (1) time per week. For the purpose of this Section, business, industrial and institutional establishments shall include, but not be limited to, stores, markets, restaurants, hospitals, factories and similar establishments.
 15. **HOLIDAYS.** The Hauler may collect or transport on Holidays but the City landfill/transfer station may at City discretion observe New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving and Christmas each year and if so will suspend operations on those holidays.
 16. **INCLEMENT WEATHER.** When weather conditions are such that the Hauler's collection of Garbage would result in danger to the License to Hauler's staff, area residents, or property, the Hauler shall collect only in areas that in its reasonable discretion do not pose a danger to life or property. Following a service interruption, the Hauler shall provide collection service on the day following the regular service day when normal conditions resume with the following day's service provided on the next day, and so forth. If weather has interrupted service for several days, the Hauler shall collect reasonably accumulated amounts of Garbage on the following week's regularly scheduled collection day.
 17. **FEES FOR COLLECTION.** The fee for collection and disposal is that amount negotiated between Hauler and customer.
 18. **COMPLIANCE WITH LAW.** Hauler's operation of its business, including the operation of its vehicles, shall be in conformity with Federal, State and Local Laws including Rules and Regulations.
 19. **USE OF STREETS AND ALLEYS.** The Hauler understands and accepts this License to Haul with no assurance from the City whatsoever that the City will clear any way for the exclusive use of the Hauler in the operation of its vehicles other than the normal cleaning of streets and dedicated alleys in the manner and according to priorities assigned by the City officials. It being further expressly understood that the City grants no permission or authorization to Hauler to enter upon private property or alleys not dedicated for public use.

20. **PROHIBITION AGAINST PRICE FIXING.** Hauler shall at no time enter into any acts with any other Hauler or prospective Hauler in an attempt to regulate or fix costs for the purpose of avoiding or eliminating competition in charges to customers for collection and disposal of Garbage in the City.
21. **TERMINATION BY HAULER.** The Hauler shall have the right to terminate this license for any reason upon ninety (90) days written notice to the City. Failure of the Hauler to provide said notice upon elective termination shall result in a forfeiture of the Haulers' performance bond up to the amount of any financial loss to the City.
22. **AMENDMENT.** These rules and regulations may be amended from time to time by the City pursuant to Wyoming Statutes and City Ordinances.
23. **TERM OF GRANT OF AUTHORITY TO HAUL.** These rules and regulations and the License to Haul shall continue in effect from July 1 to June 31 of each year unless terminated or amended as herein provided. License fee for license purchased after July 1 will be prorated.
24. **ASSIGNMENT OR TRANSFER.** These rules and regulations and the License to Haul may not be assigned or transferred without the consent of the City and surety.
25. **FORCE MAJEURE.** The Hauler shall not be in default under these rules and regulations in the event that the collection, transportation and/or disposal services of the Hauler are temporarily or permanently interrupted for any of the following reasons: riots; war or emergency declared by the President, Congress or the Governor of Wyoming; sabotage; acts of terrorism; civil disturbance; insurrection; explosion; natural disasters such as flood, earthquakes, blizzards, landslides and fires; strikes, lockouts and other labor disturbances; or other catastrophic events which are beyond the reasonable control of the Hauler. The Hauler shall resume its services as soon as it is able to do so and shall collect Garbage not collected during the period of interrupted service.
26. **LAW TO GOVERN; VENUE.** The laws of the State of Wyoming shall govern these rules and regulations without regard to any otherwise governing principles or conflicts of laws. In the event of litigation between the parties, venue in state trial courts shall lie exclusively in the Second Judicial District, County of Carbon.
27. **MISCELLANEOUS PROVISIONS**
 - (a) **Governmental Immunity.** The City of Rawlins specifically retains all immunities and defenses available to it as a governmental entity pursuant to the Wyoming Governmental Claims Act, Wyo. Stat. §1-39-101 et seq., and all other applicable laws. Designation of venue, choice of law, enforcement action, and similar provisions will not be considered as a waiver of governmental immunity. The City shall have no indemnification obligations that exceed or are in contravention of any applicable law, including, but not limited to, Wyoming Constitution Article 16, Sections 6 and 7, which prohibit indemnification by the City.
 - (b) **Notices.** All notices, requests, demands and other communications under these rules and regulations shall be in writing and shall be deemed to have been duly given on the date of service if served personally on the party to whom notice is to be given, or on the day of mailing if mailed to the party to whom notice is to be given, by first

class mail, registered or certified, postage prepaid, or by express delivery with handling prepaid, and properly addressed as follows:

City Manager, City of Rawlins, P.O. Box 953, Rawlins, Wyoming 82301. Hauler:

Any party may change an address for purposes of this paragraph by giving the other party written notice of the new address in the manner set forth above.

(c) Nondiscrimination. Hauler shall comply with the Civil Rights Act of 1964, the Wyoming Fair Employment Practices Act, Wyo. Stat. §27-9-105 et seq., and the Americans with Disabilities Act (ADA), 42 W.S.C. §12101, et seq. Hauler shall assure that no person is discriminated against based on the grounds of age, race, sex, creed, color, national origin, ancestry, qualified disability, or pregnancy in connection with the performance of these rules and regulations.

(d) Documented Workers. The Hauler will not knowingly employ or contract with an illegal alien; the Hauler shall not enter into a contract with a subcontractor that fails to certify to City that the subcontractor shall not knowingly employ or contract with an illegal alien.

(Ord. 2-80 § 1 (part): prior code § 13-21(e); Ord. No. 07g-02, Amended, 7/16/02)(8.08.310 Amended, 07/16/2002)(Ord. 06-2012)

Section 8.08.350 Other Disposal Sites.

It is unlawful for any person to use land or places within the jurisdiction of the city for the purpose of dumping ashes, refuse, garbage, waste or other matter other than the sanitary landfill provided in this article. (Ord. 2-80 § 1 (part): prior code § 13-22, Ord. No. 05-2010, Amended 5/4/10)

Article IV: Fees

Section 8.08.360 Use of Fees.

All charges, fees or other income shall, upon delivery to the city treasurer, be deposited to the credit of the sanitation fund of the city to be made available and defray the expense of proper maintenance of the city's solid waste management system. (Ord. 2-80 § 1 (part): prior code § 1323(b))

Section 8.08.370 Use Fees.

All fees imposed and collected for access to or use of the facility shall be established by resolution of the City Council, as described in City Ordinance 1.01.110. (Ord. 6C-87 § 1; Ord. 986: Ord. 6D-80 § 3; Ord. 2-80 § 1 (part): prior code § 13-23(c)) (Ord. No. 6B-93, Amended, 06/15/93/: Ord. No. 07g-02, Amended, 7/16/02, Ord. No. 05-2010, (Amended 05/04/10) (8/08.350, Amended, 07/16/2002, 05/04/2010)

Section 8.08.380 Fee Payment.

All fees chargeable under this article shall be due and payable at the office of the city treasurer on or before the tenth day of the month following the date of the bill. (Ord. 2-80 § 1 (part): prior code § 13-23(d))

Section 8.08.390 Penalty for Failure to Pay Fees.

All accounts under this article shall be carried in the names of the respective property owners and the owner, agent, tenant, purchasers and lessee of each such place or abode or place of business shall, each and all, be jointly and severally liable for the payment of all fees under this chapter. Failure to pay any fees when due shall constitute a violation of the provisions of this chapter. Collection of the fees relating to this chapter when delinquent may be enforced by civil action at law brought by the city in any court with competent jurisdiction. This remedy is cumulative and not exclusive and shall be in addition to all penalties provided by this chapter for violation of any of the provisions of this chapter. (Ord. 2-80 § 1 (part): prior code § 13-23(e)) (Ord. 08a-2008, Amended, 08/19/2008)

Section 8.08.400 Limitation.

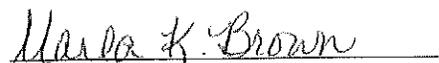
No materials shall be accepted at the facility which originate outside of the service area approved under the Wyoming Department of Environmental Quality Permit unless permission is first granted to deposit the material by the Department of Environmental Quality and approval of the City Manager or his designee. (Ord. No. 07g-02, Amended, 7/16/02) (8.08.390, Amended, 07/16/2002)

PASSED, APPROVED AND ADOPTED this 5th day of January, 2016.

CITY OF RAWLINS, a Wyoming
Municipal Corporation


Robert L. Grauberger, Mayor

ATTEST:


Marla K. Brown, City Clerk

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