

DAVIS COUNTY BOARD OF HEALTH

WASTE TIRE REGULATION



**Davis**

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## **1.0 PURPOSE**

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

## **2.0 SCOPE**

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

## **3.0 AUTHORITY AND APPLICABLE LAWS**

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

The provisions of the UCA:  
UCA Title 19, Chapter 6, Sections 801-823.

The provisions of the Utah Administrative Code (UAC):  
Chapter R315-314 Facility Standards for Piles Used for Storage and Treatment; and,

Chapter R315-320 Waste Tire Transporter and Recycler Requirements are hereby adopted by reference and incorporated herein subject to the additions, clarifications, exceptions, and modifications set forth in this regulation.

## **4.0 DEFINITIONS**

- 4.1 DEPARTMENT: The Davis County Health Department.
- 4.2 DISPOSE: To deposit, dump or place any Waste Tire on any land or in any water of the state.
- 4.3 NUISANCE: Any condition or hazard, or the source thereof, deleterious or detrimental to the health, safety, or welfare of any person or property.
- 4.4 PERSON: Any individual, firm, corporation and its officers, association, partnership, cooperative, trustee, executor of an estate, governmental agency or any other legal entity recognized by law, in the singular or plural.

## **5.0 REGULATION**

### **5.1 Recycler Requirements**

#### **5.1.1 Right of Entry**

The Recycler shall provide access to recycling facilities by Department staff during normal working hours in order to determine applicability of the process to these regulations.

### **5.2 General Requirements**

#### **5.2.1 Permit**

No person shall operate as a waste tire transporter without a valid permit issued by the Department. Permits must be visibly displayed on each transport vehicle. Permits cannot be transferred from person to person or from vehicle to vehicle.

#### **5.2.2 Disposal**

No Person generating or transporting waste tires shall dispose of waste tires except at an approved solid waste management facility, waste tire storage facility, and/or waste tire recycling facility.

#### **5.2.3 Storage**

Recyclers or any other persons in Davis County shall not store waste tires in such a manner that they create a fire hazard and/or Nuisance.

##### **5.2.3.1 Temporary Storage**

Temporary storage of waste tires at the site where they are generated is limited to thirty (30) days accumulation.

## **6.0 PENALTY**

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

6.1.1 Any Person who is found guilty by a court having proper jurisdictions of violating any of the provisions of this regulation; or, violating, disobeying, or disregarding any Notice or Order issued under this regulation is guilty of a class B misdemeanor;

- 6.1.2 Any Person who is found guilty of a subsequent similar violation within two years of the initial violation is guilty of a class A misdemeanor;
- 6.1.3 Each day such violation is committed or permitted to continue shall constitute a separate violation;
- 6.1.4 Conviction under this section does not relieve the Person convicted from civil liability.

**6.2 Civil and Administrative Penalties**

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

6.2.1 Any Person who violates any of the provisions of this regulation or violates, disobeys, or disregards any Notice and Order issued under this regulation shall be subject to:

- 6.2.1.1 The payment of costs incurred in the enforcement of any violation or notice issued, including costs attributable to any involved local agencies;
- 6.2.1.2 A penalty pursuant to the provisions of UCA Section 26-23-6(2).

**7.0 SEVERABILITY**

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

**8.0 FEES**

- 8.1 Waste Tire Transporter:
- |                   |                   |
|-------------------|-------------------|
| 1-5 trucks        | \$50.00 per truck |
| Additional trucks | \$10.00           |

IN WITNESS WHEREOF, the Davis County Board of Health has passed, approved and adopted this regulation this 1<sup>st</sup> day of September, 1992.

**Effective date: 1<sup>st</sup> day of September, 1992**

**Revised and Amended: August 9, 2011**

**Revised and Amended: November 8, 2016**

Davis County Board of Health

Signed:   
Scott Zigich  
Board Chairman

Attest:   
Brian Hatch, MPH  
Director of Health