

**Effective 5/9/2017**

**Superseded 5/14/2019**

**19-6-502 Definitions.**

As used in this part:

- (1) "Governing body" means the governing board, commission, or council of a public entity.
- (2) "Jurisdiction" means the area within the incorporated limits of:
  - (a) a municipality;
  - (b) a special service district;
  - (c) a municipal-type service district;
  - (d) a service area; or
  - (e) the territorial area of a county not lying within a municipality.
- (3) "Long-term agreement" means an agreement or contract having a term of more than five years but less than 50 years.
- (4) "Municipal residential waste" means solid waste that is:
  - (a) discarded or rejected at a residence within the public entity's jurisdiction; and
  - (b) collected at or near the residence by:
    - (i) a public entity; or
    - (ii) a person with whom the public entity has as an agreement to provide solid waste management.
- (5) "Public entity" means:
  - (a) a county;
  - (b) a municipality;
  - (c) a special service district under Title 17D, Chapter 1, Special Service District Act;
  - (d) a service area under Title 17B, Chapter 2a, Part 9, Service Area Act; or
  - (e) a municipal-type service district created under Title 17, Chapter 34, Municipal-Type Services to Unincorporated Areas.
- (6) "Requirement" means an ordinance, policy, rule, mandate, or other directive that imposes a legal duty on a person.
- (7) "Residence" means an improvement to real property used or occupied as a primary or secondary detached single-family dwelling.
- (8) "Resource recovery" means the separation, extraction, recycling, or recovery of usable material, energy, fuel, or heat from solid waste and the disposition of it.
- (9) "Short-term agreement" means a contract or agreement having a term of five years or less.
- (10)
  - (a) "Solid waste" means a putrescible or nonputrescible material or substance discarded or rejected as being spent, useless, worthless, or in excess of the owner's needs at the time of discard or rejection, including:
    - (i) garbage;
    - (ii) refuse;
    - (iii) industrial and commercial waste;
    - (iv) sludge from an air or water control facility;
    - (v) rubbish;
    - (vi) ash;
    - (vii) contained gaseous material;
    - (viii) incinerator residue;
    - (ix) demolition and construction debris;
    - (x) a discarded automobile; and
    - (xi) offal.

- (b) "Solid waste" does not include sewage or another highly diluted water carried material or substance and those in gaseous form.
- (11) "Solid waste management" means the purposeful and systematic collection, transportation, storage, processing, recovery, or disposal of solid waste.
- (12)
  - (a) "Solid waste management facility" means a facility employed for solid waste management, including:
    - (i) a transfer station;
    - (ii) a transport system;
    - (iii) a baling facility;
    - (iv) a landfill; and
    - (v) a processing system, including:
      - (A) a resource recovery facility;
      - (B) a facility for reducing solid waste volume;
      - (C) a plant or facility for compacting, or composting, of solid waste;
      - (D) an incinerator;
      - (E) a solid waste disposal, reduction, pyrolyzation, or conversion facility;
      - (F) a facility for resource recovery of energy consisting of:
        - (I) a facility for the production, transmission, distribution, and sale of heat and steam;
        - (II) a facility for the generation and sale of electric energy to a public utility, municipality, or other public entity that owns and operates an electric power system on March 15, 1982; and
        - (III) a facility for the generation, sale, and transmission of electric energy on an emergency basis only to a military installation of the United States; and
      - (G) an auxiliary energy facility that is connected to a facility for resource recovery of energy as described in Subsection (12)(a)(v)(F), that:
        - (I) is fueled by natural gas, landfill gas, or both;
        - (II) consists of a facility for the production, transmission, distribution, and sale of supplemental heat and steam to meet all or a portion of the heat and steam requirements of a military installation of the United States; and
        - (III) consists of a facility for the generation, transmission, distribution, and sale of electric energy to a public utility, a municipality described in Subsection (12)(a)(v)(F)(II), or a political subdivision created under Title 11, Chapter 13, Interlocal Cooperation Act.
  - (b) "Solid waste management facility" does not mean a facility that:
    - (i) accepts and processes metal, as defined in Subsection 19-6-102(19)(b), by separating, shearing, sorting, shredding, compacting, baling, cutting, or sizing to produce a principle commodity grade product of prepared scrap metal for sale or use for remelting purposes provided that any byproduct or residual that would qualify as solid waste is managed at a solid waste management facility; or
    - (ii) accepts and processes paper, plastic, rubber, glass, or textiles that:
      - (A) have been source-separated or otherwise diverted from the solid waste stream before acceptance at the facility and that are not otherwise hazardous waste or subject to conditions of federal hazardous waste regulations; and
      - (B) are reused or recycled as a valuable commercial commodity by separating, shearing, sorting, shredding, compacting, baling, cutting, or sizing to produce a principle commodity grade product, provided that any byproduct or residual that would qualify as solid waste is managed at a solid waste management facility.