

Providence Gateway Master Association Rule – Dumpster Usage

1. Purpose

The purpose of this Rule is to protect the health, safety, and welfare of Owners and Occupants, to maintain the cleanliness and appearance of the Project, and to control Association costs related to waste removal. Because improper use of dumpsters creates nuisances, safety hazards, and additional expenses that must be borne by all Owners, this Rule establishes clear standards for dumpster use and provides enforcement mechanisms to ensure compliance with the Declaration and applicable law.

2. Authority

Adopted under Declaration §§ 5.2 (Common Area modifications), 5.9 (Rules), 5.10 (Enforcement Rights), 5.21 (Other Necessary Rights), 8.10 (Individual Assessments), 11.2 (Nuisance), and 11.5 (Unightly Items), and consistent with the general powers granted to Utah nonprofit corporations under Utah Code § 16-6a-302, this Rule governs all use of Association dumpsters and garbage disposal facilities. Improper disposal of waste is deemed a nuisance, a violation of the Governing Documents, and subject to fines and cost recovery.

3. General Standards

- 3.1. **Household Garbage Only** – Dumpsters are for bagged, household garbage generated from within the Project.
- 3.2. **Bagging Required** – All garbage must be placed in securely tied plastic bags before being deposited. Loose garbage is prohibited.
- 3.3. **Boxes** – All boxes must be broken down, flattened, and placed inside the dumpster.
- 3.4. **Lids** – Dumpster lids must be kept closed at all times after use.
- 3.5. **Placement** – Trash must be placed fully *inside* a dumpster, not on the ground, beside, behind, or on top. Lids must close completely after use. If one dumpster is full, Occupants must use another dumpster. Any trash left in or around the enclosure other than inside a dumpster is a violation of this Rule.

4. Prohibited Items

Dumpsters may *not* be used for:

- 4.1. Furniture, mattresses, appliances, or bulky household items¹
- 4.2. Tires, electronics, hazardous waste, paint, or chemicals²

¹ Too large for standard municipal collection; must be handled as bulk waste. If placed in dumpsters, they cause overflow, block lids, and increase removal costs.

² Considered hazardous or special waste. Local municipal and county solid waste systems do not accept them in regular trash; they must be taken to a household hazardous waste facility or another permitted facility. Improper disposal may result in fines, surcharges, or cleanup costs.

- 4.3. Remodeling or construction debris (including flooring, drywall, wood, or fixtures)³
- 4.4. Yard waste (branches, dirt, grass clippings)⁴
- 4.5. Any item that prevents dumpster lids from closing⁵
- 4.6. Any other item designated by applicable law or by the Association's waste hauler as prohibited from municipal waste collection.⁶

5. Owner and Occupant Responsibility

5.1. Prohibited Items – Owners and Occupants are responsible for removing all prohibited items listed in Section 4, as well as other large or bulky items, at their own expense by hauling them to a landfill, transfer station, or donation center. Dumping prohibited items in or around Association dumpsters is strictly forbidden.

5.2. Compliance and Liability – All Owners and Occupants are bound by and shall comply with this Rule by virtue of their ownership or occupancy within the Project. Each Owner is responsible for ensuring compliance by all Occupants, tenants, guests, invitees, and contractors of the Owner's Dwelling. Owners shall be jointly and severally liable for any violations committed by such parties.

6. Enforcement

6.1. Violations – Any improper use of dumpsters, including deposit of prohibited items, failure to bag garbage, or failure to close lids/enclosures, constitutes a violation of this Rule and the Declaration.

6.2. Fines – Violations are subject to fines under Utah Code § 57-8a-208 and the Association's Fine Schedule as adopted and amended from time to time by the Board pursuant to Declaration § 5.10. Fines may escalate for repeated offenses.

6.3. Removal Costs – The Association may remove improperly dumped items immediately, without notice or obligation to store them. All removal, hauling, disposal, administrative, and legal costs, including reasonable attorney fees incurred in connection with enforcement, may be charged to the Responsible Owner as an Individual Assessment pursuant to Declaration § 8.10. "Responsible Owner" includes any Owner liable under Section 5.2 of this Rule for violations by Occupants, tenants, guests, invitees, or contractors.

6.4. Unidentified Violations – If responsibility for prohibited dumping cannot be identified, the Association may charge removal costs as a Common Expense or allocate them to the Neighborhood Association or Service Area primarily served by that dumpster.

³ Dumpsters are contracted for household garbage. Construction debris is heavy, can damage dumpsters and hauling equipment, and must be taken directly to a landfill or a construction waste facility at the Owner's expense.

⁴ Not accepted in regular dumpsters because it creates weight and volume problems. Local green waste programs are available, and designated landfill areas accept yard waste for proper disposal.

⁵ Lids must remain closed to prevent odors, pests, litter, and snow/rain accumulation. Overflow items also create health and safety hazards and trigger extra hauling charges.

⁶ Ensures that if applicable law, local ordinance, or the Association's waste hauler updates its prohibited list, those items are automatically prohibited without amendment to this Rule.

7. Monitoring

Pursuant to Declaration §§ 5.2 (Common Area modifications), 5.9 (Rules), 5.21 (Other Necessary Rights), and 11.2 (Nuisance), and consistent with the general powers granted to Utah nonprofit corporations under Utah Code § 16-6a-302, the Association may install and operate video surveillance cameras in Common Area dumpster enclosures to deter violations and identify violators.

8. Posting

This Rule, or a summary of it, may be posted at each dumpster enclosure. Use of the dumpsters shall serve as notice of and agreement to comply with these requirements.

9. Reporting

Violations may be reported to the Board or Manager. Reports should include, to the extent available, the name of the violator, unit number, and photos. Reports will be considered by the Association in determining enforcement action.

10. Terms

All capitalized terms used in this Rule and not expressly defined herein shall have the meanings given to them in the Master Declaration of Covenants, Conditions, and Restrictions for Providence Gateway, as amended from time to time.

11. Adoption

This Rule was duly adopted by the Board of Directors of the Providence Gateway Master Association in accordance with Utah Code §§ 57-8a-217 and 16-6a-813. This Rule is effective as of the date the last director below signed this written consent.


Richard Crosbie, Director


Kierstin Baker, Director

David Jarrett
David Jarrett, Director

END OF RULE