



Town of Huachuca City

The Sunset City

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ORDINANCE NO. 2018-11

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF HUACHUCA CITY, ARIZONA, AMENDING THE TOWN CODE, TITLE 8 "HEALTH AND SAFETY," CHAPTER 8.10 "PREPARATION OF REFUSE FOR COLLECTION," SECTIONS 8.10.010 "PREPARATION OF REFUSE," 8.10.020 "LOCATION FOR PICK-UP," 8.10.050 "ALTERNATIVE DISPOSAL OF REFUSE" AND 8.10.090 "DUMPING REFUSE" TO IMPROVE THE HEALTH AND WELFARE OF THE TOWN, IMPROVE THE TOWN'S TRASH COLLECTION EFFORTS AND TO ALLOW FOR THE POSSIBILITY OF ENGAGING A PRIVATE ENTERPRISE TO PROVIDE TRASH COLLECTION SERVICE.

WHEREAS, the Town Council of the Town of Huachuca City has adopted by Resolution No. 84-002 a code known as the Town Code of the Town of Huachuca City, Arizona [the "Code"], and has amended and republished the Code from time to time, as authorized by A.R.S. section 9-240 (B) (28); and

WHEREAS, pursuant to A.R.S. section 49-741, the Town is responsible for ensuring that there is safe and sanitary disposal of solid waste generated within its jurisdiction, but need not duplicate a service provided by a private enterprise; and

WHEREAS, pursuant to A.R.S. section 49-746 (B), the Town shall prescribe rules for the delivery of recycling and solid waste management services for commercial, industrial and multifamily residential properties that promote availability of these services and competition in the delivery of these services; and

WHEREAS, the Town Council wishes to amend the Code to improve trash collection activities within the Town, and to allow for the possibility of engaging a private enterprise to provide this service; and

WHEREAS, as required by the Code, section 2.25.040, this Ordinance was first read at a public meeting of the Town Council on April 26, 2018, and at a subsequent meeting on July 12, 2018.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Huachuca City, Arizona, as follows:

SECTION 1. The Code, Chapter 8.10 "PREPARATION OF REFUSE FOR COLLECTION," Section 8.10.010 "Preparation of Refuse," is amended as follows, with deletions in ~~strikethrough~~ and additions in underlined text:

8.10.010 Preparation of refuse.

All refuse shall be prepared for collection or disposed of as follows:

A. Garbage. All garbage shall be drained of excess liquids and placed in plastic bags prior to loading it into the container for collection, excepting business establishments accumulating large quantities of garbage daily shall not be required to wrap garbage; provided, the containers are maintained in a sanitary condition by thorough washing following each collection. The customer town or other collectors authorized by and under contract with the town shall furnish containers for the accumulation, storage and collection of all garbage. Such containers shall be tightly covered and be of rust-resistant metal or plastic and shall have handles on the outside. The maximum capacity of each container shall not exceed 35 gallons and loaded for collection shall not exceed 96 gallons for the single residential can and 300 gallons for the community can. The maximum capacity of the can loaded for collection shall not exceed 75 pounds in weight for the 96 gallon can and shall not exceed 250 pounds in weight for the 300 gallon can. Garbage should not be protruding from the can such that the container lid cannot be completely closed. Such containers shall be kept in good repair and in a sanitary condition. Any refuse left outside the container shall not be picked up by the service provider, but shall be the responsibility of the customer. Containers found to be no longer serviceable through disrepair or maintained in an unsanitary condition may be condemned by the town for further use. Legal notice of such condemnation shall consist of a label or tag affixed to the container. Receptacles not placed in a satisfactory condition or replaced within 15 days of said notice may be removed and destroyed by the town.

B. Trash. Trash shall be placed in containers ~~or tied in bundles~~ by the customer and set out for collection. Containers ~~may~~ shall be the garbage containers described above, ~~or boxes not exceeding three square feet by four feet deep. In any event, the weight of a loaded container or bundle shall not exceed fifty pounds. Customers wishing to retain disposal boxes should mark the box "SAVE" in a readily seen manner.~~

C. Brush. ~~Brush shall be cut into such a size that one person can readily load the individual pieces into a truck or chipper, shall be piled in neat order with all long branches parallel to one another and shall have all metal or foreign materials removed to facilitate chipping. All brush shall be disposed of by the owner, tenant or occupant of the premises.~~

D. *[unchanged]*

E. *[unchanged]*

F. Dangerous Waste. ~~Dangerous wastes shall be placed in a proper container, plainly marked "DANGER."~~ The town reserves the right to deny service for certain dangerous wastes and to require requires the customer to properly dispose of it by other lawful means.

G. *[unchanged]*

SECTION 2. The Code, Chapter 8.10 "PREPARATION OF REFUSE FOR COLLECTION," Section 8.10.020 "Location for Pick-up," subsection (A), is amended as follows, with deletions in ~~striketrough~~ and additions in underlined text:

8.10.020 Location for pick-up.

A. All refuse prepared for collection shall be placed at the rear of the lot, at the edge of the alley and in an easily accessible manner, providing such alley exists and is used as a refuse collection route. Where alleys do not exist or are not open for refuse service, refuse shall be set at the back of the street curb on the sidewalk or parkway. All containers and piles of refuse shall be so located as to not block the alley, sidewalk or gutter, or otherwise be a hazard to pedestrian or vehicular traffic. It is the homeowner, business owner or tenant's responsibility to make sure the trash container can be picked-up by the trash truck without it being obstructed. Trash containers that are blocked by cars or other items will not be picked-up by the trash truck. Trash containers that are not set out for pick-up as scheduled will not be emptied during that trash cycle. No special routes will be driven to accommodate customers who failed to have their containers ready for pick-up.

SECTION 3. The Code, Chapter 8.10 "PREPARATION OF REFUSE FOR COLLECTION," Section 8.10.050 "Alternative Disposal of Refuse," is amended as follows, with deletions in ~~striketrough~~ and additions in underlined text:

8.10.050 Alternative disposal of refuse.

A. ~~Except as provided in this section, no~~ No owner, tenant, lessee, occupant or other person in possession of any building, structure or premises within the town shall avoid or refuse to accept the garbage and trash disposal services provided for in this chapter. Any such avoidance or refusal shall not exempt such person from the payment of the charges for such services.

~~B. Any owner, tenant, lessee, occupant or person in possession of any building, structure or premises within the town shall have the right to make other provisions for the collection, removal and disposal of his garbage and trash in such manner and at such place as shall be first approved by the clerk, and it shall be unlawful for any person, failing to use the town provided service, to fail to make town approved provision for the regular disposal of his garbage and trash at a dump approved by the town. Every owner and occupant of premises within the town limits shall use the refuse collection and disposal system herein provided, and shall deposit or cause to be deposited in accordance with this article, all rubbish and garbage that is of such nature, that is perishable or may decompose, or may be scattered by wind or otherwise, which is accumulated on such premises.~~

SECTION 4. The Code, Chapter 8.10 “PREPARATION OF REFUSE FOR COLLECTION,” Section 8.10.090 “Dumping refuse,” is amended as follows, with deletions in ~~strike through~~ and additions in underlined text:

8.10.090 Dumping refuse.

A. For the purpose of the protection and preservation of the health and welfare of the inhabitants of the town, it is hereby established that the place for the dumping and depositing of refuse and garbage shall be the Huachuca City Landfill located at 600 Skyline Drive, Huachuca City, AZ 85616 within the town and use of any other site within the town shall constitute unlawful dumping. It is unlawful for any person to place or cause to be placed any refuse upon any public or private property within the town, except as specifically permitted in this chapter.

B. The rules and regulations governing use of the town landfill site shall be those established by the town.

SECTION 5. All ordinances, parts of ordinances, resolutions, parts of resolutions, policies, and parts of policies in conflict with the provisions of this Ordinance, or any part hereof, are hereby repealed.

SECTION 6. If any section, subsection or portion of this Ordinance is for any reason held to be invalid or unenforceable by the decision of a court of competent jurisdiction, such decision shall not affect the validity or enforceability of the remaining portions hereof.

SECTION 7. As provided in the Code, Section 1.05.110, any person found guilty of violating any provision of the Code, including this Ordinance, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not to exceed one thousand dollars or by imprisonment for a period of not to exceed six months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as hereinabove described.

SECTION 8. The Town Clerk is hereby directed, pursuant to the Code, sections 2.25.080 and 2.25.090, to post this Ordinance in three or more public places within the Town, and to publish this Ordinance as required by A.R.S. 9-812 and 39-204.


PASSED AND ADOPTED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, THIS 12th DAY OF JULY, 2018.


Kenneth Taylor, Mayor

ATTEST:


Jennifer Fuller, Town Clerk

Approved as to Form:


Thomas Benavidez, Town Attorney

