



Town of Huachuca City

The Sunset City

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ORDINANCE NO. 2018-21

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," SECTION 8.10.050 "ALTERNATIVE DISPOSAL OF REFUSE" TO IMPROVE THE HEALTH AND WELFARE OF THE TOWN BY REQUIRING RESIDENTS TO USE THE TRASH COLLECTION SERVICES PROVIDED BY OR CONTRACTED BY THE TOWN.

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 the health and welfare of the Town by requiring the Town's residents to use the Town's designated trash service provider; 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 August 16, 2018, and at a subsequent meeting on September 13, 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 8.10.050 "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 residential 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. No structures on a residential lot other than the residence shall be required to have a trash service. Unless involved in commercial use.

~~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 residential owner and occupant of premises within the town trash service area 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. Residents within the Town's trash service area, but outside Town limits may use the Town's service, but are not required to do so. Town Code, subsection 8.10.010 (H), does supersede this subsection regarding recyclables and natural compost. Commercial businesses are required to have a trash service; however commercial businesses may use a trash service of their choice, including the Town trash service.~~

SECTION 4. 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 5. 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 6. 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 7. 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 13th DAY OF SEPTEMBER, 2018.


Kenneth Taylor, Mayor

ATTEST:


Jennifer Fuller, Town Clerk

Approved as to Form:


Thomas Benavidez, Town Attorney