



# Town of Huachuca City

The Sunset City

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## ORDINANCE NO. 2018-20

**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's trash service area, 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 August 16, 2018, and at a subsequent meeting 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 8.10.010 "Preparation of Refuse," is amended as follows, with deletions in ~~striketrough~~ 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 ~~wrapped in paper~~ placed in plastic bags prior to ~~its placing in~~ 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 to be maintained in a clean and sanitary condition by thorough washing following each collection. Animal wastes shall be placed in plastic bags prior to loading into trash cans. 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~~ reasonably closed 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 100 pounds in weight.~~ 96 gallons for the single residential can and 300 gallons for the large 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 reasonably 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. Customers may request roll-off service thru the Town. Roll-off will be provided by the trash contractor. Roll-off service fee would be in addition to the standard trash bill, and would be paid as part of the next utility billing cycle. Roll-off dumpsters shall not be located at a residence for a span longer than thirty days and, not more than three times per year. 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. Brush, grass clippings, mulch and other green waste products need not be bagged, however all green waste items must be inside the trash can to be disposed of, so that the trash can lid can be reasonably closed.~~

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. Dangerous or Hazardous Wastes are defined as: Any solid waste that can cause damage or injury to property or persons and is dangerous or hazardous by reason of its pathological, explosive, flammable, reactive, radiological, or toxic nature including but not limited to, all wastes defined by the provisions of A.A.C. Title 18, Chapter 8, Article 2.~~

G. *[unchanged]*

~~H. No garbage shall be stored on a property in town limits long-term; rather, the property owner, tenant, lessee, occupant or other person in possession of the property shall make sure that all trash is removed from the property on a weekly basis. No trash can be stored on property for more than one week, with the exception of recyclables and natural compost. Recyclables shall be stored in reasonably covered containers and should not accumulate for more than two months. Compost shall consist only of plant and vegetable wastes, and shall not consist of meat, or dairy products, pet wastes or human wastes.~~

**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 ~~strike through~~ and additions in underlined text:

### **8.10.020 Location for pick-up.**

~~All refuse prepared for collection~~ Where alleys exist and are used for trash collection, the trash container shall be placed at the rear of the lot, at the edge of the alley facing the alley and easily accessible to the trash truck 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 used for trash collection open for refuse service, refuse shall be set at ~~the back of the~~ in front of the resident's house, near street curb on the sidewalk or parkway and facing the street. ~~All containers and piles of refuse~~ The trash container 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 at their scheduled time.

**SECTION 3.** The Code, Chapter 8.10 "PREPARATION OF REFUSE FOR COLLECTION," Section 8.10.090 "Dumping refuse," is amended as follows, with deletions in ~~strike~~ 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 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