



# Town of Huachuca City

The Sunset City

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## ORDINANCE NO. 2018-25

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF HUACHUCA CITY, ARIZONA, AMENDING THE TOWN CODE, TITLE 8 "HEALTH AND SAFETY," CHAPTER 8.05 "GARBAGE AND TRASH COLLECTION," SECTION 8.05.040 "FEES FOR REMOVAL OF GARBAGE AND RUBBISH" TO REMOVE THE FEE AMOUNTS FROM THE TOWN CODE AND TO ALLOW THE TOWN COUNCIL TO ESTABLISH AND AMEND A FEE SCHEDULE BY RESOLUTION.**

**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**, the Town Council wishes to amend the Code to remove the specific fee amounts from the Code and to allow the Town Council to establish and amend a fee schedule by resolution; 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 October 11, 2018, and at a subsequent meeting on October 25, 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 8.05 "GARBAGE AND TRASH COLLECTION," Section 8.05.040 "Fees for removal of garbage and rubbish," is amended as follows, with deletions in ~~strike~~through and additions in underlined text:

### **8.05.040 Fees for removal of garbage and rubbish.**

**A. Fees Within the ~~Town~~ Town's Service Area.** There shall be assessed and charged against the owner, occupant or lessee of all occupied premises within the ~~town limits~~ town's service area, a fee fees for collection and removal of garbage, rubbish and

refuse. The fees shall be established by the council as a fee schedule, adopted and amended by the council from time to time, as follows:

~~1. Single-Family Residences. There shall be one garbage and refuse container for every four family residences or as determined by the common council. The monthly fee shall be \$12.00 for each residence for fiscal years 2014-2015, 2015-2016, 2016-2017, 2017-2018, 2018-2019 and 2019-2020. In fiscal years 2020-2021 and beyond, the single-family residence fee will be \$13.00. Garbage and refuse collection shall be twice a week.~~

~~2. Multi-Family Units and Commercial Enterprises. The monthly fee assessed to each multi-family unit and commercial enterprise shall be \$48.00 for each container. Garbage and refuse collection shall be twice a week. The number of containers needed by any multi-family or commercial enterprise shall be determined by the common council based upon the amounts of garbage and refuse to be collected.~~

~~B. Fees Outside the Town. There shall be assessed and charged against the occupant or owner of all occupied premises outside the incorporated town limits who are members of the town's garbage collection system or have access to town-owned garbage and refuse containers, a fee for collection and removal of garbage, rubbish and refuse, as follows:~~

~~1. Single-Family Residences. There shall be one garbage and refuse container for every four family residences or as determined by the council. The monthly fee shall be \$12.00 for each such single-family residence. Garbage and refuse collection shall be twice a week.~~

~~2. Multi-Family Units and Commercial Enterprises. The monthly fee assessed to each commercial enterprise shall be \$48.00 for each container. Garbage and refuse collection shall be three times a week. The number of containers needed by any multi-family unit or commercial enterprise will be determined by the council based upon the amount of garbage and refuse to be collected.~~

C. *[Renumbered to subsection "B", otherwise unchanged]*

**SECTION 2.** 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 3.** 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 4.** 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 5.** 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 25th DAY OF OCTOBER, 2018.**

  
Kenneth Taylor, Mayor

ATTEST:

  
Jennifer Fuller, Town Clerk

Approved as to Form:

  
Thomas Benavidez, Town Attorney