

Article 9 – 1 HEALTH AND SANITATION REGULATIONS

- 9 – 1 – 1 Definitions
- 9 – 1 – 2 Public Nuisances Prohibited
- 9 – 1 – 3 Litter Abatement
- 9 – 1 – 4 Hauling Solid Waste
- 9 – 1 – 5 Unlawful Dumping Prohibited
- 9 – 1 – 6 Actions to Abate Nuisances
- 9 – 1 – 7 Enforcement
- 9 – 1 – 8 Penalties

Section 9 – 1 – 1 Definitions

In this chapter, unless the context otherwise requires:

Dangerous or Hazardous Waste - any solid waste that can cause damage or injury to persons or property 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.

Debris - broken or discarded equipment, materials, fabrics; and rocks and soils; and uprooted or cut vegetation not stored for composting, burning or prepared for collection

Filth - any foul or putrid matter, including animal or human excreta; rotting flesh, blood or body parts; decomposing grease, fat or oils; and putrefying garbage not stored in containers for collection

Garbage – all putrescible waste, including waste accumulated from animal, food and vegetable matter; includes the waste product of food preparation, cooking, dealing in, storing and discarding meat, fish, fowl, fruits and vegetables; shall not include industrial by-products, sewage, human or animal excreta, blood and dead animals over fifty pounds

Handbill – printed sheet or pamphlet designed to be distributed by hand

Litter – discarded wastepaper, wrappers, cigarette butts, bags, bottles, cans, containers, plastic or paper plates, cups and utensils and other similar trash

Refuse – all forms of solid waste, including garbage, rubbish, and discarded equipment, furniture and materials

Rubbish – refuse other than garbage, such as cans, bottles, ashes, paper, pasteboard, cardboard, wooden boxes, brush, leaves, weeds, and cuttings from trees, lawns, shrubs and gardens, or other similar waste produced in normal course of everyday living

Solid Waste - garbage, trash, rubbish, refuse and other discarded material; but not including dangerous or hazardous waste

Weeds – uncultivated naturally growing vegetation other than trees and cactus

Section 9 – 1 – 2 Public Nuisances Prohibited; Procedure for Abating Nuisances

- A. Any accumulation of refuse, weeds, filth, debris or dilapidated structure(s) that arise to a public health or safety hazard, whether due to presence of bacteria, vermin, fire hazards or an attractive nuisance to children or other similar reasonable public health or safety concerns, is hereby declared to be a public nuisance and shall be promptly abated by the owner or occupant upon receipt of written notice from the town.
- B. In addition to any other practical means of notice to the occupant or lessee (if any), the town manager shall cause written notice to be provided to the owner, owner's authorized agent or owner's statutory agent either by personal service or certified mail to the last known address of the owner, owner's authorized agent or owner's statutory agent and the address to which the tax bill for the property was last mailed.
- C. The notice shall state with specificity the condition that must be remedied, the address and legal description of the subject property, and provide thirty days from the date of mailing or personal service in which to comply.
- D. The notice shall also state the cost to the town for remedying the nuisance, and that if compliance is not achieved in the time demanded that the town will act to abate the nuisance and impose a lien on the property for the costs incurred.
- E. The notice shall also provide the owner, occupant or lessee with a description of the process for an appeal to the town council and that such an appeal must be initiated within the time for compliance. A timely appeal to the town council tolls the time in which to comply until a decision is reached by the town council.
- F. The appeal shall be heard by the town council at a public meeting at which the owner or occupant shall have the right to examine all evidence presented by the town, cross-examine all witnesses, present witnesses and documents and otherwise be fully heard on the matter.
- G. Upon receiving all the evidence, which may include hearsay testimony in the discretion of the council, the council shall publicly deliberate the question and may convene in executive session for the purpose of receiving legal advice from its attorney before deciding the matter by means of a motion adopted by a majority vote of the quorum present.
- H. The council may make a finding that that there exists on the property a public nuisance only if evidence presented at the hearing includes a written or oral report of a person, who by reason of education, training, experience or knowledge, has particularized expertise regarding the health or safety hazard alleged to exist on the property and said report supports a finding of a public nuisance.
- I. If there is a finding that a public nuisance exists on the subject property the council shall impose a deadline for compliance, after which the town may act to abate the nuisance.
- J. The decision of the town council is final, subject only to an appeal via special action to superior court.
- K. Upon incurring any costs in abating a nuisance, including the costs of attorneys fees in bringing an action to enjoin the nuisance, the town manager shall record an assessment in the office of the county recorder, which shall become a lien upon the property and which shall be paid within the time specified in A.R.S. § 9-499.

- L. The town may bring an action to foreclose the lien, and upon judgment of foreclosure may sell the property to satisfy the lien in accordance with law. Failure to initiate an action to foreclose shall not affect the validity of the lien.
- M. A recording of the assessment shall be prima facie evidence of the regularity of all proceedings prior to the recording of the assessment.

Section 9 – 1 – 3 Litter Abatement

- A. No person shall throw, deposit or sweep litter into or upon any street, gutter, sidewalk or other public place within the town except in public trash receptacles; nor shall they throw, deposit or sweep litter into or upon any private property not owned by the person.
- B. No person shall drive or move any truck or other vehicle within the town unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place.
- C. No person shall throw or deposit any handbill upon any sidewalk, street or other public place within the town; nor shall any person distribute handbills upon a sidewalk, street or public place having notice that recipients thereof are throwing the handbills onto the sidewalk, street or public place.
- D. No person shall leave a handbill in or upon private premises unless the handbill is placed or deposited in a location, which shall not include a mailbox, so as to prevent the handbill from being blown or drifted about the premises or sidewalks, street or other public places.
- E. The owner or person in control of any private property shall at all times maintain the premises free of litter; but this section shall not prohibit the storage of litter in authorized private receptacles for collection, or within any building when not in violation of any health, fire, building or any other regulation, ordinance, order or statute.

Section 9 – 1 – 4 Hauling Waste

- A. It is unlawful for any person to haul or cause to be hauled on or along any public street in the town any garbage or filth unless contained in strong, watertight vehicles or vehicles with watertight receptacles, constructed to prevent any leaking or spilling.
- B. It is unlawful for any person to haul or cause to be hauled on or along any public street in the town any rubbish or debris without a tarp or other means to ensure that the rubbish or debris shall not be spilled or escape from the vehicle.
- C. Any person hauling any refuse, filth or other waste that spills or escapes from the vehicle shall immediately collect all spilled waste and properly dispose of same.

Section 9 – 1 – 5 Unlawful Dumping Prohibited

- A. It is unlawful for any person to place or cause to be placed any refuse, filth or debris upon any public or private property within the town except as specifically permitted in this chapter, whether or not the person owns the property.

- B. In addition to any other penalty provided by law, a person who violates this section shall be responsible for all costs incurred to remove or abate the refuse, filth or debris.

Section 9 – 1 – 6 Abatement of Nuisances

Any nuisance defined in the chapter may be abated by any manner available at law.

Section 9 – 1 – 7 Enforcement

Police officers shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter. They shall have the authority to eject from any town building, park or other town property any person or persons violating any provision of this chapter and further to seize and confiscate any property, thing or device used in violation of this chapter.

Section 9 – 1 – 8 Penalties

Any person, whether as principal, owner, agent, tenant, employee or otherwise who violates any provision of this article, or fails to comply with any provision of this article, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable as provided in Article 1 – 8 of this code. The conviction of any person hereunder shall not relieve such person from the responsibility to correct such violation, nor prevent the enforcement, correction or removal thereof in any manner authorized by law. Every day that a nuisance is permitted to exist, or caused to continue to exist under this article, shall be deemed a separate violation.

Article 9 – 2 SOLID WASTE COLLECTION AND DISPOSAL

- 9 – 2 – 1 Responsibility of Waste Generators
- 9 – 2 – 2 Collection of Solid Waste by Town
- 9 – 2 – 3 Residential Customer Preparation of Solid Waste
- 9 – 2 – 4 Commercial Customer Preparation of Solid Waste
- 9 – 2 – 5 Prohibited Acts
- 9 – 2 – 6 Collection and Disposal Fees

Section 9 – 2 – 1 Responsibility of Waste Generators

- A. Every person occupying or controlling premises within the town is responsible to properly collect, control and dispose of all solid waste produced or occurring in or upon any and all premises owned, leased or occupied by or for them, in the manner provided in this chapter.
- B. Any person occupying or controlling property generating solid waste and collected by the town is responsible for payment of all fees for such service, and if said person is not the owner, then the owner shall be jointly responsible for paying fees accruing after receipt of notice from the town that the occupant is thirty days or more in arrears.
- C. Every person engaged in construction work shall be responsible for collection and disposal, at their sole cost and expense, of all construction debris generated at the work site to a proper disposal site.
- D. The owner or occupant shall remove, or cause to be removed, at his/her sole cost and expense, all solid waste not collected by the town due to its size, weight or physical or chemical properties, and until such waste is removed, shall store it in a manner that minimizes its health and safety hazards.

Section 9 – 2 – 2 Collection of Solid Waste by the Town

- A. All residential properties in the town shall be served by the town with solid waste collection services.
- B. All commercial properties shall either:
(1) contract with the town for collection of solid waste; or
(2) contract with a private entity engaged in the business of collecting and disposing of solid waste and which has a business license issued by the town; or
(3) properly transport and dispose of all waste generated on the property.
- C. This article shall not prohibit the actual producers of refuse, or the owners of premises upon which refuse has accumulated, from personally salvaging, collecting, conveying and disposing of such refuse without a license, provided such producers or owners comply with the provisions of this chapter and with any other governing law or ordinance.
- D. No person not contracting with the town for solid waste collection services shall dispose of any solid waste in a container or receptacle for collection by the town, other than to dispose of litter.
- E. The town manager shall prepare a solid waste collection schedule setting forth the routes and times for the collection of solid waste within and without the town limits, which shall be submitted for approval by the council. Upon approval, the town manager shall cause individual notice to be provided to each customer, to include the time by which solid waste must be set out for collection.
- F. Any call for service by a customer in addition to the regular scheduled route and time shall be cause for an additional pick-up fee. This fee shall not apply if the customer complains that the solid waste was set out timely but was not collected, unless the town has photographic evidence that the customer's set-out was untimely.
- G. All solid waste collected by the town or delivered for disposal at the town landfill shall be the property of the town and removal of any or all of such solid waste shall be unlawful unless authorized by the town manager in writing.
- H. The town's solid waste collection service shall not include collecting the following waste, which shall be the joint responsibility of the owner and occupant for proper disposal in accordance with this chapter:
(1) fallen or cut trees or large limbs of trees;
(2) material resulting from the repair, construction or demolition of buildings and structures;
(3) solid waste resulting from industrial processes;
(4) dangerous materials or substances such as poisons, acids, caustics, biohazardous materials, radioactive materials and explosives;
(5) manure from stables;
(6) excavated rock or soil;
(7) dismantled or discarded automobiles, trucks or trailers or any parts thereof weighing in excess of fifty pounds;
(8) dead animals in excess of fifty pounds.
- I. Household hazardous wastes shall be collected at times determined by the town manager, who shall cause notice of such collection times to be given to all residential customers.

Section 9 – 2 – 3 Residential Customer Preparation of Solid Waste

- A. All residential customers shall set out their solid waste at the location and prior to the time designated in the notice of solid waste collection routes, utilizing trash containers for the sanitary accumulation, storage and collection of solid waste. Such containers shall be of rust-resistant metal or plastic, shall have handles on the outside and shall either be covered to prevent rain water from accumulating inside or vented to allow the rain to drain out of the container.
- B. All containers shall be readily accessible to the collector, and several containers grouped in one place whenever possible.
- C. The maximum weight when loaded of each container shall not exceed fifty pounds.
- D. All containers shall be in good repair. Worn-out, defective or malfunctioning containers shall be replaced by the customer within ten days of notice. Failure to replace defective containers shall be cause for refusal by the town to collect the customer's solid waste, but the customer shall not be relieved of the responsibility for paying collection fees.
- E. All customers shall be responsible for cleaning up refuse spilled from their containers by animals and shall remove their containers from the sidewalk, street or traveled portion of the alley as soon as practical following pick-up.
- F. Bulky refuse, including green waste, shall be bagged or tied in bundles or placed in boxes or containers not to exceed three feet square by four feet in depth and shall not exceed fifty pounds in weight.
- G. All limbs or trees shall be cut into sufficiently short lengths to be loaded easily into trucks.
- H. Upon written notification from the town that a dangerous or unsanitary condition exists regarding the customer's solid waste storage or accumulation, the customer shall promptly abate the nuisance.
- I. Residential customers shall segregate dangerous or hazardous waste from the normal waste stream and shall set it out separately at the times designated for collection, or otherwise properly dispose of it.
- J. Furniture and appliances may be set out for collection by the town at regular collection times, provided that any tag necessary for disposal has been obtained and the piece of furniture or appliance is no bigger than what two men may reasonably lift onto a truck.

Section 9 – 2 – 4 Commercial Customer Preparation of Solid Waste

- A. All commercial generators of solid waste shall contract with the town or a private entity for adequate collection times and containers and shall utilize adequate waste storage practices so that the storage of solid waste on site does not create unsanitary or unwholesome conditions.
- B. The town may refuse to contract with any commercial or manufacturing establishment which by nature of its operation creates an unusual amount or type of by-product waste not readily susceptible of disposal in the normal waste stream. The manufacturer and owner of the property shall be jointly responsible for proper transport and disposal of all said waste.

Section 9 – 2 – 5 Prohibited Acts

- A. Hot coals or ashes shall not be placed in refuse containers.
- B. No person shall burn, incinerate, bury, dump, collect, remove or in any other manner dispose of garbage or malodorous refuse within the town limits unless authorized by the mayor and council; provided that papers and wood may be burned in a metal or other suitable non-combustible container, properly secured and made safe for burning; and further provided that small brush or weeds may be burned in a safe manner upon prior inspection and approval of the fire department.
- C. No rubbish, brush or weeds shall be burned after sundown.
- D. No person shall dump, deposit or place any solid waste in any container not owned, maintained or otherwise provided for the particular use of that person, except to dispose of incidental litter in public waste containers.
- E. No person not the owner may remove, collect or disturb solid waste in a container that is set out for collection unless authorized by the town manager in writing.
- F. No person shall fail to remedy a health hazard arising from the condition of their solid waste storage or accumulation within the time required in a written notice from the town.
- G. No person shall dump, throw or deposit any garbage, rubbish or offensive matter or material in any gutter, street, alley, public place, lot, or water course within the town, but must deposit all refuse in a suitable container for collection or properly transport it for disposal at the town landfill.

Section 9 – 2 – 6 Collection and Disposal Fees

- A. The town council by resolution shall adopt a schedule of fees for the collection and disposal of solid waste generated in the town. The fee schedule shall set forth the basic charge for residential pick-up plus any additional charges and commercial charges based on the size of refuse containers and frequency of pick-ups. The fee schedule may include rates for collection outside of town limits, a charge for late payments and a discount rate for low income residential pick-up.
- B. The town council by resolution shall adopt a schedule of fees for dumping at the town landfill. The fee schedule shall distinguish between solid waste generated within and without town limits, and shall distinguish between waste generated by residential, commercial and governmental units. The schedule may include specific fees for solid waste that requires special handling, such as tires or other bulky waste.
- C. Fees may be collected from any person made responsible for their payment by this article. Upon following the procedures for written notice of fee arrearages set forth in Section 12 – 2 – 6, outstanding waste collection fees shall become a lien upon the property.

Article 9 – 3 TOWN TREES AND PARKS

- 9 – 3 – 1 Findings
- 9 – 3 – 2 Purpose
- 9 – 3 – 3 Town Tree and Park Committee: Creation and Composition

- 9 – 3 – 4 Town Tree Plan
- 9 – 3 – 5 Maintenance of Town Trees
- 9 – 3 – 6 Planting, Removing or Cutting Trees on Public Property Prohibited
- 9 – 3 – 7 Posting on Town Trees Prohibited
- 9 – 3 – 8 Maintaining Trees on Private Property to Avoid Public Nuisance

Section 9 – 3 – 1 Findings

Trees provide a benefit to the community by assisting in the abatement of particulates and other air pollutants, enhancing the visual image of the community, abating noise pollution, and providing welcome shade to buildings, streets and public spaces that moderates high temperatures and cooling costs in the warm and sunny climate of southern Arizona.

Section 9 – 3 – 2 Purpose

This article is intended to promote and protect the public health, safety and general welfare by providing guidelines for the protection, maintenance and management of tree resources within the town.

Section 9 – 3 – 3 Town Tree and Park Committee: Creation and Composition

- A. There is hereby established a town tree and park committee, which shall consist of at least five persons appointed by the town council. Members of the committee shall serve for a term of two years and may be re-appointed by the council at the expiration of their terms.
- B. The council shall appoint a chairperson, who shall preside at meetings and be responsible for the orderly conduct of committee business.
- C. The town manager or designee shall be a non-voting executive secretary to the committee.
- D. The tree and park committee shall conduct their meetings in accordance with the Arizona open meeting laws.

Section 9 – 3 – 4 Town Tree and Park Plan

- A. The committee shall prepare and annually update for approval and adoption by the council a town tree and park plan that will serve as the guiding document for the care, maintenance and expansion of the town's tree resources and enhancement of the town's open spaces.
- B. The plan shall be divided between a five-year plan and a long-term vision and shall include the following elements:
 - 1. Recommended species and specifications of trees, bushes and shrubs to be planted in or removed from town parks and rights of way.
 - 2. Requirements for the care, preservation, pruning, planting, replanting, removal or disposition of trees in town parks and rights of way.
 - 3. Guidelines for the location, pruning and spacing of trees in parks and rights of way.

4. Public outreach to foster community support for the town tree plan and to encourage voluntary use of the town tree plan as guidance for planting and maintaining trees on privately owned property.
- C. The plan shall further be prepared in accordance with the guidelines and requirements of the National Arbor Day Foundation for the town to be designated a “Tree City USA.”

Section 9 – 3 – 5 Maintenance of Town Trees and Parks

- A. The town manager shall conserve, maintain and enhance the town’s tree and park resources in accordance with the town tree and park plan.
- B. The town manager is authorized and directed to remove, prune or otherwise dispose of trees on town property or rights-of-way that are in an unsafe condition or are otherwise injurious to sewers, sidewalks, electric power lines, gas lines, water lines or other public improvements, or which have become infected with injurious pests or disease.

Section 9 – 3 – 6 Planting, Pruning or Removing Trees on Public Property Prohibited

No person shall plant, prune, remove, cut above the ground or disturb any tree within any town right-of-way, park or other public place without first obtaining a permit from the town manager. All such permits shall be issued in conformity with the town tree plan.

Section 9 – 3 – 7 Posting on Town Trees Prohibited

It shall be unlawful for any person to nail, affix by stapling or gluing, or in any other manner cause to be attached to a tree located in the town rights-of-way, park or town property, any sign, letter, reflector or number.

Section 9 – 3 – 8 Maintaining Trees on Private Property to Avoid a Nuisance

- A. It is hereby declared to be a public nuisance and it shall be unlawful for any person to permit any tree growing on private property to overhang a public right-of-way or public space in an unsafe manner, either due to causing sight visibility hazards, physical obstruction of vehicles or passers-by or from apparent imminent collapse.
- B. The town manager is hereby authorized and directed to notify persons whose trees are public nuisances that they must abate such nuisance promptly, or failing to do so, the town will abate the nuisance and all costs in such abatement shall be charged to the owner or occupant of the property on which the tree is growing.

Article 9 – 4 PARK REGULATIONS

- 9 – 4 – 1 Parks to be Kept Clean and Sanitary
- 9 – 4 – 2 Richardson Park
- 9 – 4 – 3 Serving Alcoholic Beverages in a Town Park or Building
- 9 – 4 – 4 Overnight Parking Regulations
- 9 – 4 – 5 Special Events Regulations

Section 9 – 4 – 1 Parks to be Kept Clean and Sanitary

- A. All users of public parks shall clean up after themselves and leave the park in a clean and sanitary condition.

- B. Where public waste receptacles are not provided, all litter shall be carried away from the park by the person responsible for its presence and properly disposed of.
- C. All animals and small children shall be properly supervised to prevent them from defecating or urinating in any sand lot or wood chip area where small children play or congregate.

Section 9 – 4 – 2 Richardson Park

- A. The portion of the town park known as Richardson Park shall be closed to public use from 10:00 p.m. to 5:00 a.m. each day.
- B. No glass containers are allowed at any time in the portion of the town park known as Richardson Park.

Section 9 – 4 – 3 Serving Alcoholic Beverages in a Town Park or Building

- A. Any organized group of persons planning to serve spirituous or alcoholic beverages in a town building or park must first apply to the town manager for a permit upon compliance with any and all applicable state liquor licensing laws. This requirement for a town permit shall not apply to a casual gathering in the park of a small number of persons.
- B. This permit is in addition to any rental fees that may be involved, and at the discretion of the town manager, may be conditioned upon a certificate of liability insurance of the responsible party in charge of the planned activity or gathering.
- C. The permit shall also state that the person in charge will be responsible for the eviction or removal from the premises of any person or group of persons for disorderly conduct.
- D. Non-profit organizations, in conjunction with approval from the town council, may apply for a Special Events License from the Arizona Department of Liquor Control for the purpose of selling alcohol in conjunction with a special event.

Section 9 – 4 – 4 Overnight Parking Regulations

- A. Overnight parking of recreational vehicles, overnight camping in motor vehicles, and other kinds of overnight camping in the town park is prohibited unless a special permit has been obtained from the town council.
- B. Special permits shall not be issued for overnight parking or camping for more than two consecutive nights.

Section 9 – 4 – 5 Special Events Regulations

- A. Any private or public function to be held in the town park shall agree to have a responsible party sign an agreement with the town to adhere to the following rules:
 - 1. Music will be held to a reasonable noise level as to be determined by the town marshal's department, which may require that the volume be decreased after 10 p.m.;
 - 2. The park will be cleaned up immediately after the function;

3. The crowd will behave reasonably and the person in charge will assume the responsibility to make sure this happens;
9 – 4 – 5 HEALTH, SANITATION AND ENVIRONMENT 9 – 4 – 5

- 4. The person in charge will be totally responsible for any damage done to town property and for any other problems that might arise; and
- 5. The person in charge will be responsible for making sure the crowd and band follows any directives the town marshal's department may issue.
- 6. The responsible party shall provide at their expense a required number of portable toilets to accommodate the expected attendance at the function as is stated below.

MINIMUM ATTENDANCE	WOMEN	MEN
50 TO 100 PERSONS	1	1
100 TO 350 PESONS	2	2
350 TO 700 PERSONS	3	3
700 TO 1000 PERSONS	5	5

B. The town manager or designee shall provide a copy of the agreement to the marshal's office before the event.