**ORDINANCE NO. 21-03**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF PATAGONIA, ARIZONA, ADOPTING THE AMENDMENTS TO "THE CODE OF THE TOWN OF PATAGONIA, ARIZONA, APPROVING AND ADOPTING AMENDMENTS TO CHAPTER 9 (“HEALTH, SANITATION AND ENVIRONMENT), ARTICLE 9-2 (“SOLID WASTE COLLECTION AND DISPOSAL”), SECTION 9-2-3 (“RESIDENTIAL CUSTOMER PREPARATION OF SOLID WASTE”); PROVIDING FOR SEVERABILITY AND PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES OR RESOLUTIONS; DECLARING AN EMERGENCY AND SETTING AN EFFECTIVE DATE**

**WHEREAS**, the Town of Patagonia (“Town”) is authorized and empowered to have control of the finances, property and employees of the municipal corporation and to have power within the limits of the Town to oversee all phases of services to the residents of the Town pursuant to A.R.S. §§ 9-240 and 9-499.01 *et seq.*; and

**WHEREAS**, the Town provides and controls operations of its trash pickup service for the benefit of property owners within and without the Town’s corporate boundaries pursuant to A.R.S. § 9-240(B)(5)(a) and 9-511, *et. seq.*; and

**WHEREAS**, certain garbage customers have dumped raw garbage in the collection cans; and

**WHEREAS**, the Town’s sanitation workers who pick up the raw garbage have sometimes been splashed by the raw garbage while the raw garbage is dumped in the truck, which poses health and safety risks for the sanitation workers and can pose health and safety risks for residents in the vicinity; and

**WHEREAS**, this Ordinance requires garbage customers to bag their trash prior to putting the garbage in the trash collection cans; and

**WHEREAS**, the Town seeks to protect public health, safety, and welfare by enacting reasonable regulations to protect the health and safety for residents of the Town and for sanitation workers who work for the Town; and

**WHEREAS,** it is necessary for the preservation of the peace, health, and safety of the Town of Patagonia, Arizona, that an emergency be declared to exist to assure that sanitation workers of the Town and residents are protected from raw garbage, and that this Ordinance be effective immediately upon its passage and adoption.

**WHEREAS**, all other provisions relating to Chapter 9 (“Health, Sanitation, and Environment”) in the Town Code shall remain unchanged until further notice; and

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**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF PATAGONIA, ARIZONA:**

**Section 1:** Chapter 9 of the Town Code is hereby amended by amending Section 9-2-3 (“Residential Customer Preparation of Solid Waste”), to read as follows:

**Article 9-2 SOLID WASTE COLLECTION AND DISPOSAL**

**Sec 9-2-3 RESIDENTIAL CUSTOMER PREPARATION OF SOLID WASTE**

1. 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. All solid waste is to be **bagged** and in the container for the purpose of health and safety to the sanitation workers. Trash containers will be used 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 have covers on them to prevent any rain or animal infiltration.
2. All containers shall be readily accessible to the collector, and several containers grouped in one place whenever possible.
3. The maximum weight when loaded of each container shall not exceed fifty pounds.
4. 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.
5. 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.
6. 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.
7. All limbs or trees shall be cut into sufficiently short lengths to be loaded easily into trucks.
8. 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.

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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 sanitation workers may reasonably lift onto a truck.

**Section 3:** All Ordinances and Resolutions and parts of Ordinances or Resolutions in conflict with the provisions of this Ordinance, or any part of the Code adopted herein by reference, are hereby repealed.

**Section 4:** The recitals above are fully incorporated in this Ordinance by reference.

**Section 5:** Because of the urgent need for the implementation of the Town’s regulations to protect the health and safety of the Town’s sanitation workers, the immediate operation of this Ordinance is necessary for the preservation of the health, safety, and general welfare. An emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and Council as required by law.

**Section 6**: If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of these amendments to the Town Code of the Town of Patagonia, Arizona adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof, which can be given the effect without the invalid provision, and to this end the provisions of this Ordinance are severable.

**Section 7:** The various Town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

**Section 8:** Pursuant to A.R.S. § 9-812, after the effective date of this Ordinance, the Town Manager is directed to publish notice of adoption for two consecutive weeks in a newspaper published win the county.

**Section 9:** Pursuant to A.R.S. § 9-813, after the effective date of this Ordinance, the Town Manager is directed to post this Ordinance at Town Hall and on the Town’s website.

**PASSED AND ADOPTED by the Mayor and Council of the Town of Patagonia, Arizona, this 31st day of August, 2021, by the following vote:**

AYES: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

NAYS: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ABSENT: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

EXCUSED: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ABSTAINED: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

APPROVED this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2021.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Andrea Wood**,** Mayor

ATTEST:

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Ron Robinson, Town Manager/Town Clerk

APPROVED AS TO FORM

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Bobby Yu, Town Attorney

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 21-03 ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF PATAGONIA ON THE \_\_\_\_ DAY OF \_\_\_\_\_\_\_\_\_\_\_\_\_, 2021, WAS POSTED IN THREE PLACES ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2021.

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Ron Robinson, Town Manager/Town Clerk