

CHAPTER 9 HEALTH AND SANITATION

Article 9-1 GARBAGE AND TRASH COLLECTION (1)

- 9-1-1 Definitions
- 9-1-2 Collection Agency
- 9-1-3 Collection Hours
- 9-1-4 Rates

Section 9-1-1 Definitions

In this chapter unless the context otherwise requires:

- A. **“Garbage”** means all putrescible wastes, except sewage and body wastes, including all organic wastes that have been prepared for, or intended to be used as, food or have resulted from the preparation of food, including all such substances from all public and private establishments and residences.
- B. **“Refuse”** means all garbage and trash.
- C. **“Trash”** means all nonputrescible wastes.

Section 9-1-2 Collection Agency

The Town, or other collectors authorized by the Town, shall collect all refuse within the Town. No person, except as provided in this chapter, shall collect or gather refuse within the Town.

Section 9-1-3 Collection Hours

The hours of collection of refuse shall be designated by the Council.

Section 9-1-4 Rates

The Council shall from time to time fix the rates and classifications for garbage and trash collection within the Town and shall make such other rules and regulations as may be necessary to properly administer and enforce this chapter.

(1) *Section 9-240 B (22) and 36-601, A.R.S.*

CHAPTER 9 HEALTH AND SANITATION

Article 9-2 PREPARATION OF REFUSE FOR COLLECTION

- 9-2-1 Preparation of Refuse
- 9-2-2 Location for Pick Up
- 9-2-3 Lids and Covers
- 9-2-4 Use of Containers

Section 9-2-1 Preparation of Refuse

All refuse shall be prepared for collection or disposed of as follows:

- A. **Garbage:** The customer shall furnish containers for the accumulation, storage and collection of all garbage. Such containers shall be tightly covered and be of rust-resistant metal or plastic and shall have handles on the outside. The maximum capacity of each container shall not exceed twenty gallons and loaded for collection shall not exceed fifty pounds in weight. Such containers shall be kept in good repair and in a sanitary condition. 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 fifteen 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 be 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.
- D. **Appliances and Vehicles:** The customer shall remove or cause to be removed all appliances, vehicles or equipment classed as refuse from their premises or the public right of way.

CHAPTER 9 HEALTH AND SANITATION

- E. **Building Materials:** All owners, contractors and builders of structures shall upon the completion of any structure, gather up and haul away, at their sole cost and expense, all refuse of every nature, description or kind, which has resulted from the building of such structure, including all lumber scraps, shingles, plaster, brick, stone, concrete and other building material, and shall place the lot and all nearby premises utilized in such construction in a sightly condition. Residential customers may dispose of small amounts of building materials from time to time, providing it is placed in a container as described above and contains no concrete, masonry or soil.
- F. **By-Products:** Any commercial or manufacturing establishment which by the nature of its operations creates an unusual amount of by-product refuse may be required by the Town to dispose of its own wastes as opposed to having the Town provide the service.
- G. **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 the customer to properly dispose of it by other means.
- H. **Soil and Concrete:** Waste soil, concrete, masonry blocks, sod and rocks shall be disposed of by the owner, tenant or occupant of the premises.

Section 9-2-2 Location for Pick Up

- A. All refuse prepared for collection shall be placed at the rear of the lot, at the edge of the alley, 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 open for refuse service, refuse shall be set at the back of the street curb on the sidewalk or parkway. All containers and piles of refuse shall be so located as to not block the alley, sidewalk or gutter, or otherwise be a hazard to pedestrian or vehicular traffic.
- B. When necessary to set containers at the front curb, they may be set out after six o'clock p.m. of the day preceding regular collection and shall be removed from the curb by six o'clock a.m. of the day after collection.

Section 9-2-3 Lids and Covers

The lids or covers of all containers shall at all times be kept secure so that flies, other insects and animals may not have access to the contents and shall only be removed while the containers and receptacles are being filled, emptied or cleaned.

CHAPTER 9 HEALTH AND SANITATION

Section 9-2-4 Use of Containers

It is unlawful for any person to deposit, or cause to be deposited any refuse in any container that he does not own or is not entitled to use as a tenant.

Article 9-3 OTHER METHODS OF GARBAGE AND TRASH REMOVAL

9-3-1 Hauling Refuse

9-3-2 Vehicles and Receptacles to be Spill Proof

9-3-3 Spilled Refuse

9-3-4 Dumping Refuse

9-3-5 Violations (Added 10/25/16; Resolution 1529; Ordinance 376; Effective 10/26/16)

Section 9-3-1 Hauling Refuse

It is unlawful for any person to haul or cause to be hauled any refuse on or along any public street, avenue or alley in the Town in violation of any of the provisions of this chapter.

Section 9-3-2 Vehicles and Receptacles to be Spill Proof

It is unlawful for any person to haul or cause to be hauled on or along any public street in the Town any garbage, unless such garbage is contained in strong, watertight vehicles or vehicles with watertight receptacles, constructed to prevent any such garbage from falling, leaking or spilling and any odor from escaping.

Section 9-3-3 Spilled Refuse

Any person hauling any refuse along the streets of the Town shall immediately replace in the conveyance used for such hauling any refuse which may fall upon any street.

Section 9-3-4 Dumping Refuse

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.

Section 9-3-5 Violations (Other Methods of garbage and Trash Removal) (Added 10/25/16; Resolution 1529; Ordinance 376; Effective 10/26/16)

A violation of this Article shall be punishable under Article 1-8 of the code.

CHAPTER 9 HEALTH AND SANITATION

Article 9-4 INTERNATIONAL PROPERTY MAINTENANCE CODE (1)

That certain document entitled The International Property Maintenance Code, 2003 Edition is hereby adopted by reference and is hereby amended as follows:

- A. Section 101.1 Title. Add after, Code of, “Clarkdale, Arizona”
- B. Section 101.3 Intent. Delete the last sentence in the paragraph starting with Repairs, alterations etc.
- C. Section 102.3 “Application of other codes” is deleted in its entirety.
- D. Section 102.6 Historic buildings is replaced with the following: The provisions of this code shall not be mandatory for existing buildings or structures individually listed on the National Register of Historic Places. Historic Districts listed on the National Register of Historic Places are subject to this code.
- E. Section 103.2 Appointment is deleted in its entirety.
- F. Section 104.2 Rule making authority is deleted in its entirety.
- G. Section 106.3 Prosecution of Violation is replaced with the following: Prosecution of Violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be prosecuted under chapter 1-8, Penalty, of the Town of Clarkdale Town Code.
- H. Section 106.4 Violation penalties is deleted in its entirety.
- I. Section 106.5 Abatement of violation is deleted in its entirety.
- J. Section 107.2.6 is deleted in its entirety.
- K. Section 111.2 Membership of the board is amended to read The “Board of Adjustment”, as described in the Town of Clarkdale Town Code shall sit as the Board of Appeals.
- L. Section 111.2.1 Alternate members is deleted in its entirety.
- M. Section 111.2.2 through 116.2 are deleted in their entirety.
- N. Section 202 General Definitions shall be amended to add:
 - a. **PRIVATE WAYS.** Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is not owned by a municipality or other unit of government.
 - b. **WEED.** A plant that interferes with the management objectives of a given area of land at a given point of time. [Arizona Cooperative Extension, University of Arizona, Tucson]
 - c. **WEED, NOXIOUS.** Non-native plants that negatively impact agriculture, navigation, or public health.
- O. Section 302.1.1 is added: Private ways. Occupants or owners of buildings that abut private ways shall be responsible for keeping that portion of property from the lot line to the middle of the private way from rubbish, garbage and weeds over 8 inches high. No rubbish or garbage shall be allowed on private ways except that which is to be removed within 24 hours by an authorized refuse service.

(1) *Section 9-499, A.R.S.*

CHAPTER 9 HEALTH AND SANITATION

- P. Section 302.2.2 is added: Stagnant water. Any receptacles, including swimming pools, fountains, and vehicle tires, that collect and store water where mosquitoes are capable of breeding, shall be removed, emptied, maintained, or treated with an approved insecticide or process so as to minimize the treat of infestation.
- Q. Section 302.4 Weeds is amended to read: All exterior property areas shall be kept free from vegetation which has become a fire hazard. It is the responsibility of the owner or agent having charge of a property to cut or remove grass and weeds in excess of eight inches [8"] high throughout the property, unless the Community Development Director, in consultation with the Fire Code Official or his designee, determines that it is not practical because of the defensible fire area of the property.
- a. Exception: Landscaping approved by the Community Development Director.
- R. Section 302.4.2 is added to read: Dangerous trees. All exterior areas shall be kept clear of trees that have become public or private nuisances. The trees shall be removed or trimmed as needed. The following conditions shall apply:
- Tree (s) is:
1. Dead and likely to fall.
 2. Overhanging a public or private way so as to be in the path of vehicles and/or pedestrians.
 3. Stricken with an infectious disease, heavily infested with parasites or insects.
 4. A threat to overhead electric lines. Property owner shall be responsible for notifying electric power supplier of trees dangerous to power lines.
- S. Section 302.8 Motor Vehicles
- Except as provided for in other regulations, no motor vehicle that is inoperable or unlicensed shall be parked, kept, or stored on any premises unless completely enclosed by a six foot (6') solid or masonry fence. No fence shall be erected without an approved permit. No more than two (2) vehicles shall be allowed in the fenced area and they shall not be visible from adjoining public or private property. This amendment shall be effective one year from the date of passage. Until that time, all vehicles stored on any premises not enclosed by the required fence, that are inoperable or unlicensed shall be completely covered with a commercial vehicle cover, and shall not be in a state of disassembly, repair or in the process of being stripped, undergoing body work, or overhaul.

Exceptions:

1. Any business lawfully existing within the Commercial and Industrial Zoning Districts.
 2. There shall be no limit to the number of vehicles or their condition as long as they are completely enclosed in an approved structure.
- T. Section 302.8.1 shall be amended by adding: Boats and trailers. Boats, trailers, and non-motorized camper vehicles shall be required to comply with Section 302.8.
- U. Section 303.1 Swimming pools shall be amended by adding: Swimming pools, regardless of

CHAPTER 9 HEALTH AND SANITATION

the age of the occupants of the property where the pool is located, shall meet all State of Arizona and 2002 National Electrical Code requirements.

- V. Section 303.2 Enclosures shall be deleted in its entirety.
- W. Section 304.3 Premises identification shall be amended by adding: Any structure whose rear lot line is adjacent to a street or alley shall post address numbers as required by this section so as to be easily identified from the street or alley.
- X. Section 307.3.1 Garbage facilities shall be deleted in its entirety.
- Y. Section 308.1 Infestation shall be amended to read: All structures shall be kept free from insects, rodents, dangerous, destructive, non-domesticated animals, including snakes, skunks, and other animals regarded as pests. All structures containing any or all of the above listed animals shall be promptly exterminated by approved processes. After extermination, proper procedures shall be taken to prevent re-infestation.

Article 9-5 ABATEMENT OF RUBBISH AND DILAPIDATED STRUCTURES

(Created 2/14/2012 Resolution 1389 – Ordinance 341; Effective 3/14/2012)

9-5-1 Definitions

9-5-2 Abatement

Section 9-5-1 Definitions

For purposes of this Article, the following definitions shall apply, unless the context clearly indicates or requires a different meaning:

DILAPIDATED means in a state of disrepair or ruin as a result of age, misuse, neglect or fire.

RUBBISH, PREMISES, PRIVATE WAYS, WEED as defined in Section 9-4 of Town Code.

PROPERTY includes buildings, grounds, lots and other structures that are constructed or placed on land.

Section 9-5-2 Abatement (Revised 10/25/16; Resolution 1529; Ordinance 376; Effective 10/26/16)

- A. The owner, lessee, or occupant of property is required to remove rubbish, trash, weeds, or other accumulation of filth, debris or dilapidated structures which constitute a hazard to public health and safety from buildings, grounds, lots, contiguous sidewalks, streets and alleys.

CHAPTER 9 HEALTH AND SANITATION

- B. Written notice to remove shall be served on the owner, the owner's authorized agent, lessee, or occupant of property, by certified mail or personal service, with a specific date to remove the rubbish, trash, weeds or other accumulation of filth, debris or dilapidated structures. The notice shall be given not less than thirty days before the day set for compliance. The notice shall include the legal description and street or mailing address of the property and a cost for removal or compliance estimated by the Town. It may also include a list of contractors or professional services available to abate the violation. The notice shall be recorded in the County Recorder's office in the county in which the property is located. If compliance is subsequently satisfied, the Town will record a release.
- C. If the owner, the owner's authorized agent, lessee, or occupant of property does not remediate the violation and abate the condition that constitutes a hazard to public health and safety, the Town may remove, abate, and enjoin or cause their removal. The actual costs of removal, injunction, or abatement, including any additional inspection, associated legal costs, and other incidental connected costs, shall become an assessment upon the property, unless the owner, occupant, or lessee reimburses the Town for the costs of abatement within ten (10) days after receipt of notice of the amount due.
- D. If the assessment is not paid, the assessment shall be recorded and enforced as a lien on the property as provided in Arizona Revised Statutes, section 9-499 (as amended). If the Town so elects, sale of the property to satisfy any assessment obtained pursuant to this section shall be made upon judgment of foreclosure and order of sale. All assessments shall run with the land.
- E. It is a violation of this Section to place any rubbish, trash, filth or debris upon any private or public property not owned or under the control of the person, firm, or corporation placing rubbish, trash, filth or debris. A violation shall be punishable under Article 1-8 of the code; any violation brought as a criminal misdemeanor offense shall be a class 1 misdemeanor. In addition to any fine or penalty which may be imposed for a violation of any of the provisions of this section, the person, firm or corporation shall be liable for all costs which may be assessed for the removing, abating or enjoining the rubbish, trash, filth or debris.
- F. The owner, the owner's authorized agent, lessee, or occupant of property may

CHAPTER 9 HEALTH AND SANITATION

appeal the notice to remove rubbish, trash, weeds, or other accumulation of filth, debris or dilapidated structures and the assessment to the Town Council or a board of citizens appointed by the Town Council unless the removal or abatement is ordered by a court.