

ORDINANCE NO. 6

AN ORDINANCE FOR THE TOWN OF SAN LUIS, ARIZONA,
PROVIDING PROCEDURES FOR HEALTH AND SANITATION,
INCLUDING GARBAGE AND TRASH AND LITTER COLLECTION
AND REMOVAL;

BE IT ORDAINED BY THE TOWN COUNCIL OF SAN LUIS,
ARIZONA, AS FOLLOWS:

Article 1 GARBAGE AND TRASH COLLECTION

Section 1 Definitions

In this chapter unless the context requires otherwise:

- 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 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 3 Collection Hours

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

Section 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.

Article 2 PREPARATION OF REFUSE FOR COLLECTION

Section 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 thirty 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 described above, or boxes not exceeding two square feet by three 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 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 and shall be piled in neat order with long branches parallel to one another, and shall have all metal or foreign materials removed to facilitate chipping.

- D. Appliances and Vehicles. The town will collect disregarded appliances from dwelling premises that one person can readily lift into a truck. The customer shall remove or cause to be removed all other appliances, vehicles, or equipment classes as refuse from their premises or the public right of way.
- 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 slightly 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 2 Location for Pick Up

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 shall be so located as to not block the alley, sidewalk, or gutter, or otherwise be a hazard to pedestrian or vehicular traffic.

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 nine o'clock p.m. of the day of collection.

Section 3 Lids and Covers

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

Section 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 3 OTHER METHODS OF GARBAGE AND TRASH REMOVAL

Section 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 2 Vehicles and Receptacles to be Spillproof

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.

all public parks, squares, spaces, grounds and buildings.

Section 2 Litter on Private Property

No person shall throw or deposit litter on any occupied or unoccupied private property within the town, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any public place.

Section 3 Owner to Maintain Premises

The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.

Section 4 Procedure to Compel Removal of Litter

The chief of police shall enforce the provisions of Sec. 2 and 3 of Art. 4 hereby by prosecuting violators of said section according to law. If such prosecution fails to secure compliance with the provisions of said sections, or in the event of inability to prosecute violators by reason of failure to secure jurisdiction over their person, the chief of police shall compel the removal of litter by the procedure outlined in Sec. 5 through 9 of Art. 4.

Section 5 Notice to Remove

To compel the removal of litter through the provisions of this section and of Sec. 6, 7, and 9 of Art. 4 hereof, if a person owning or controlling any property fails, neglects or refuses to remove or properly dispose of litter located on property owned or controlled by such person, he shall be given written notice by the chief of police or authorized person to remove all litter from such property within thirty days from the date the notice was received by him, and prior to the date of compliance on the notice. Such notice shall be received not less than thirty days before the date set thereon for compliance, and shall contain an estimate of

Section 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 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.

Article 4 REMOVAL OF LITTER

Section 1 Definitions

In this chapter unless the context requires otherwise:

- A. "Litter" means any rubbish, trash, weeds, filth and debris which shall constitute a hazard to public health and safety and shall include all putrescible and nonputrescible solid wastes including garbage, trash, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial waste; any deposit, accumulation, pile, or heap of brush, grass, debris, weeds, cans, cloth, paper, wood, rubbish or other unsightly or unsanitary matter of any kind whatsoever; and any growth of weeds, brush, grass, or other vegetable growth to a height of over six inches.
- B. "Private premises" means any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps or vestibules belonging or appurtenant to such dwelling, house building or other structures.
- C. "Public place" means any and all streets, sidewalks, boulevards, alleys, or other public ways, and any and

the legal description of the property on which said work was done, including five percent for additional inspection and other incidental costs in connection therewith, and shall serve a duplicate copy of such verified statement upon the person owning or controlling such property in the manner prescribed in Sec. 6 of Art. 4 hereof. The owner or person controlling such property shall have thirty days from the date of service upon him to appeal in writing to the council from the amount of the assessment as contained in the verified statement. If an appeal is not filed with the clerk within such thirty day period, then the amount of the assessment as determined by the chief of police shall become final and binding. If an appeal is taken, the council shall, at its next regular meeting, hear and determine the appeal and may affirm the amount of the assessment, modify the amount thereof, or determine that no assessment at all shall be made. The decision of the council shall be final and binding on all persons.

Section 9 Lien for Removal

If no appeal is taken from the amount of the assessment, or if an appeal is taken and the council has affirmed or modified the amount of the assessment, the original assessment or the assessment as so modified shall be recorded in the office of the county recorder and from the date of its recording, shall be a lien on said lot or tract of land until paid. Such liens shall be subject and inferior to the lien for general taxes and to all prior recorded mortgages and encumbrances on record. A sale of the property to satisfy a lien obtained under the provisions of this section shall be made upon judgment of foreclosure or order of sale. The town shall have the right to bring an action to enforce the lien in the superior court at any time after the recording of the assessment, but failure to enforce the lien by such action shall not affect its validity. The recorded assessment shall be prima facie evidence of the truth of all matters recited therein, and of the regularity of all proceedings prior to the recording thereof. A prior assessment for the purposes provided in this section shall not be a bar to a subsequent assessment or assessments for such purposes, and any number of liens on the same lot or tract of land may be enforced in the same action.

the cost of removal by the town, a statement that unless the person owning or controlling such property complies therewith within thirty days from the date such written notice is received that the town will, at the expense of the person owning or controlling said property, perform the necessary work at a cost not to exceed the estimate given in the notice, and that such person may appeal in writing to the council within thirty days from the date the notice is received by him and prior to the date of compliance.

Section 6 Service of Notice

Notice shall be personally served on the owner or person controlling such property, by a police officer of the town in the manner provided in Rule 4(d) of the Arizona Rules of Civil Procedure, or mailed to the owner or person controlling such property at his last known address by certified or registered mail, or the address to which the tax bill for the property was last mailed. If the owner does not reside on such property, a duplicate notice shall also be sent to him by certified or registered mail at his last known address.

Section 7 Appeal to Council

Prior to the date set for compliance on the notice, the owner or person controlling such property may appeal in writing to the council from the notice of the chief of police or other authorized person. The council shall, at its next regular meeting after receiving the appeal, hear and determine the same and the decision of the council shall be final. The council may either affirm or reverse the decision of the chief of police or modify the scope of the work as require in the notice.

Section 8 Removal by Town

When any such person to whom notice, as aforesaid, has been given, and on or before the date of compliance on the notice, or within such further time as may have been granted by the council on appeal, fails, neglects or refuses to mover from such property any or all litter, the chief of police or other authorized person is authorized and directed to cause same to be removed and disposed of at the expense of the owner or person controlling such property. Upon completion of the work, the chief of police or authorized person shall prepare a verified statement of account of the actual cost of such removal or abatement, the date the work was completed, and the street address and

Section 10 Placement of Debris

Any person, firm or corporation who shall place any rubbish, trash, filth or debris upon any private or public property not owned or under the control of said person, firm or corporation shall be guilty of a misdemeanor and, in addition to any fine which may be imposed for violation of any provision of this section, shall be liable for all costs which may be assessed pursuant to this article for the removal of said rubbish, trash, filth or debris.

PASSED AND ADOPTED by the Common Council of the Town of San Luis, Arizona this 10th day of April, 1980.

Josefina C Rodriguez
Mayor

ATTEST:

Herman Trauenfelcher
Clerk

[Signature]
Attorney