

ORDINANCE NO. 844

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF
PAYSON, ARIZONA, AMENDING CHAPTER 51 (GARBAGE) OF THE
TOWN CODE.

(PART 8 OF THE SYSTEMATIC CODE REVIEW AND UPDATE)

WHEREAS, on June 6, 2013, the Town Council directed the Town Attorney, working with the Town's Departments to systematically review the Town Code and to bring to the Council any recommended amendments to ensure consistency with State Law, internal consistency with other Town Ordinances/Code sections, and efficiency of Town operations; and

WHEREAS, Chapter 51: Garbage of the Town Code has been reviewed by the Town Attorney, Town Manager, Assistant Town Manager and Deputy Town Manager over Public Safety; and

WHEREAS, the Town desires to amend Chapter 51,

NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF
PAYSON, ARIZONA, DO HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 51.01 of the Town Code is amended and shall read as follows:

51.01 HAULING REFUSE.

~~(A) 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.~~

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

(B) It is unlawful for any person to haul or cause to be hauled on or along any public street in the town any garbage, refuse, or other materials for disposal unless the garbage is secured to prevent any such garbage from falling, leaking or spilling onto the ground.

(C) Any person hauling garbage, refuse, or other materials for disposal along the streets of the town shall immediately replace in the conveyance used for hauling, any refuse that falls upon the street.

~~—(D) 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 2. Section 51.02 of the Town Code is amended and shall read as follows:

51.02 TRASH AND DEBRIS REMOVAL.

(A) Any person or entity that occupies or uses any ~~residential property or commercial property within the town~~ shall be responsible for all trash, refuse, garbage or debris generated from the ~~person's or entity's occupancy of the real property~~ and shall have the duty to properly contain the trash, refuse, garbage or debris and to cause it to be ~~removed so as to be~~ disposed of at a duly operated landfill or transfer facility.

(B) No person or entity shall ~~be permitted to~~ dispose of trash, refuse, garbage, or and debris by depositing it into a container commercial bin owned, rented or provided to another person or entity ~~from a commercial refuse hauler~~ without the ~~written~~ consent of such other person ~~the renter or provider of the commercial bin.~~

Section 3. Section 51.03 of the Town Code is amended and shall read as follows:

~~51.03 EXEMPTIONS; RED TRASH CARTS.~~

~~—(A) Those persons who are not residents of the town are exempt from the provisions of this section to the extent that the town provides "Red Trash Carts" for the depositing of visitors' and transients' trash and litter, and to the extent that trash and debris are placed within a "Red Trash Cart."~~

~~—(B) Residents and part-time residents of the town are prohibited from depositing their trash and debris into the "Red Trash Carts" provided by the town.~~

51.03 DUMPING OF ANIMAL CARCASSES.

—(A) No person shall dump, deposit, or leave any animal carcass on any land not located within the National Forest.

—(B) No person shall dump, deposit, or leave any animal carcass on National Forest land within 500 feet of non National Forest land.

Section 4. Section 51.04 of the Town Code is added and shall read as follows:

51.04 MINIMUM FINE.

Any violation of this Chapter shall be subject to a minimum fine of \$50.00.

Section 5. Section 51.99 of the Town Code is repealed.

~~51.99 PENALTY.~~

~~—(A) Any person or entity that violates § 51.02(B), deposits refuse by laying it alongside a commercial bin, dumps refuse upon the ground or violates any other provision of this chapter shall be punished as provided in § 10.99.~~

~~—(B) Any person or entity that is found guilty or pleads no contest to a violation of this chapter shall be fined a minimum amount of \$50, which may neither be suspended nor forgiven.~~

Section 6. If any portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this ____ day of February, 2014, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:

Silvia Smith, Town Clerk



Timothy M. Wright, Town Attorney