

**CHAPTER 9**

**HEALTH AND SANITATION**

**ARTICLE 9-1 Garbage and Trash Collection**

- 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 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 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.

**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 Containers. 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. Each shall be marked with either the account name or street address. The maximum capacity of each container shall not exceed 30 gallons and loaded for collection shall not exceed 40 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 15 days of said notice may be removed and destroyed by the Town.
- B. Requirement to Bag All Garbage. All garbage placed for collection, including animal waste and cat litter, whether or not placed in containers, must be securely bagged. Heavy materials, such as cat litter, should be double-bagged to prevent tearing. Unless otherwise provided herein, any garbage placed for collection, whether in a container or not, that is not securely bagged will not be collected, and the property owner will need to arrange with the utility clerk for a special pickup and pay the associated fee, as set by Resolution of Council.
- C. Maximum Amount of Garbage to Be Placed for Collection. No more than three 30-gallon containers or the equivalent thereof in bags, will be collected from any one household on the day specified for collection. No bundle, container or bag shall exceed 40 pounds, and the total weight of garbage placed for collection shall not exceed 120 pounds. Any garbage placed for collection in excess of that limit will not be collected, and the property owner will need to arrange with the utility clerk for an unscheduled (special) garbage pickup and pay the associated fee, as set by Resolution of Council.
- D. 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 40 pounds and the combined amount of trash and garbage placed for collection shall not exceed the equivalent of three 30-gallon containers, or 120 pounds. Customers wishing to retain disposal boxes should clearly mark the box "SAVE."
- E. 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 all long branches parallel to one another, and shall have all metal or foreign materials removed to facilitate chipping.
- F. 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.

- G. 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.
- H. 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.
- I. Dangerous Waste. The Town reserves the right to deny service for certain dangerous wastes and to require the customer to properly dispose of them by other means. NOTE: These materials can be very damaging and toxic to the environment. They should not poured onto the ground or down the sink. Dangerous wastes are hereby defined as:
1. HOUSEHOLD HAZARDOUS WASTE (HHW): Any household product that is marked flammable, corrosive, explosive or poison, such as paints, varnishes, chemicals, pesticides, cleaners, and batteries. These items will not be picked up.
  2. BULK WASTE and E-WASTE (electronics): Appliances, furniture, mattresses, carpets, sinks, and other special handling items such as electronic items (computers, TVs, microwaves, copiers, cell phones, etc.). These items will not be picked up.
  3. AUTOMOTIVE: Tires, car batteries, oil, and antifreeze. These items will not be picked up.
  4. MEDICAL WASTE: Needles, bandages, and any other type of contaminated medical materials should be disposed of, if possible, through a professional disposal system or health care provider. If medical waste must be disposed of in household garbage, it must be first placed in a well-labeled, hard plastic screw top container, such as a sharps container or detergent bottle, before placing it in the trash.
  5. PAINTS:
    - a. LATEX PAINT (water-based) only: Customers may dispose of small amounts of Latex paint if it is dried to a solid (80% minimum) using kitty litter, sawdust or dirt – not sand. It should be capped in its original container and labeled "solid."
    - b. OIL-BASED PAINT will not be picked up.
  6. ANIMAL CADAVERS: No animal cadaver shall be placed in garbage containers, bags or dumpsters. Special arrangements should be made with the Public Works crew for removal of animal corpses.

- J. Soil and Concrete. Waste soil, concrete, masonry blocks, sod and rocks shall be disposed of by the owner, tenant, or occupant of the premises.

[Ord. No. 359, 10/13/09; Ord. No. 441, 10/9/18]

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 alley, sidewalk, or gutter, or otherwise be a hazard to pedestrian or vehicular traffic.
- B. Any sanitation customers of a road too narrow or too steep for the garbage truck are responsible for getting their containers to a suitable road.
- C. 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 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 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/she 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 Spillproof
- 9-3-3 Spilled Refuse
- 9-3-4 Dumping Refuse
- 9-3-5 Dumpsters
- 9-3-6 Requirement to Maintain Sanitation Account

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 in this chapter.

Section 9-3-2 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.

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 Dumpsters

- A. Definitions. There are three types of dumpsters, which are defined as follows:
1. Type A: containers for short term use for building clean-up and/or construction projects.
  2. Type B: containers for regular monthly use by sanitation accounts; i.e., restaurants, bars, retail shops, or residential neighborhoods.
  3. Type C: containers placed in various locations by the Town of Jerome Sanitation Department; i.e., for residential use in multi-family dwellings, apartments, and/or by multi-business accounts where a dumpster would be of better use than individual cans because of high impact use or due to locations where it is difficult to maneuver the sanitation truck.
- B. The Town of Jerome will NOT accept the following items in Type A, B, or C dumpsters: cement fragments, rocks, dirt, heavy construction materials, wood pieces longer than four feet, and sheetrock or construction sheeting larger than four feet by four feet. No dumpster shall hold more than one-half its capacity in wood, sheetrock, or construction sheeting. In the event that these items are in excess of one-half of the capacity, these items will carry an added surcharge in addition to rental fees and pick-up/emptying fees, all as set by Resolution of Council.
- C. See Section 9-2-1 (I), "Dangerous Waste," of the Jerome Town Code for special handling of items that will not be picked up.

[Ord. No. 359, 10/13/09; Ord. No. 441, 10/9/18]

Section 9-3-6 Requirement to Maintain Sanitation Account.

Each residence and commercial business in the Town of Jerome shall have a sanitation account. All sanitation account holders shall be responsible for payment of sanitation fees, regardless of whether or not they choose to use the Town's trash collection service.

[Ord. No. 359, 10/13/09; Ord. No. 368, 1/12/10; Ord. No. 441, 10/9/18]

ARTICLE 9-4 Removal of Litter

- 9-4-1 Definitions
- 9-4-2 Litter on Private Property
- 9-4-3 Owner to Maintain Premises
- 9-4-4 Procedure to Compel Removal of Litter
- 9-4-5 Notice to Remove
- 9-4-6 Service of Notice
- 9-4-7 Appeal to Council
- 9-4-8 Removal by Town
- 9-4-9 Lien for Removal
- 9-4-10 Placement of Debris

Section 9-4-1 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 non-putrescible 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 all public parks, squares, spaces, grounds and buildings.

Section 9-4-2 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 9-4-3 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 9-4-4 Procedure to Compel Removal of Litter

The Clerk shall enforce the provisions of Section 9-4-2 and 9-4-3 hereby by prosecuting violators of said section in the Jerome Magistrate's Court pursuant to the criminal provisions of this code. 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 persons, the Clerk shall compel the removal of litter by the procedure outlined in Sections 9-4-5 through 9-4-9 hereof.

Section 9-4-5 Notice to Remove

To compel the removal of litter through the provisions of this section and of Sections 9-4-6, 9-4-7, 9-4-8, and 9-4-9 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/she shall be given written notice by the Clerk to remove all litter from such property within thirty (30) days from the date the notice was received by him/her, and prior to the date of compliance on the notice. Such notice shall be received not less than thirty (30) days before the date set thereon for compliance, and shall contain an estimate of the cost of removal by the Town, a statement that unless the person owning or controlling such property complies therein within thirty (30) 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 (30) days from the date the notice is received by him/her and prior to the date of compliance.

Section 9-4-6 Service of Notice

Notice shall be personally served on the owner of 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/her 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/her by certified or registered mail at his/her last known address.

#### Section 9-4-7 Appeal to the 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 demand of the Clerk. The Council shall, at this 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 Clerk or modify the scope of the work as required in the notice.

#### Section 9-4-8 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 move from such property any or all litter, the Clerk 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 Clerk 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 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 Section 9-4-6 hereof. The owner or person controlling such property shall have thirty (30) days from the date of service upon him/her 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 (30) day period, then the amount of the assessment as determined by the Clerk 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 9-4-9 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 of 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.

Section 9-4-10 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 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.