

Founded 1876
Incorporated 1899

TOWN OF JEROME, ARIZONA

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Celebrating Our 110th Anniversary
1899 – 2009

ORDINANCE NO. 359

AN ORDINANCE OF THE TOWN OF JEROME AMENDING THE JEROME TOWN CODE SECTION 9-2-1-G, CREATING SECTION 9-3-5 AND SECTION 9-3-6 OF THE JEROME TOWN CODE AND AMENDING ORDINANCE NO. 337, DATED 10/10/2006, TO ADD THE FOLLOWING DEFINITIONS AND CHARGES FOR DUMPSTER RENTALS AND PICKUPS; NEW REGULATIONS FOR PRESENT DUMPSTER USERS; GUIDELINES FOR SMALL BUSINESS AND RESIDENTIAL SANITATION ACCOUNTS; AND TO INCLUDE DEFINITIONS OF DANGEROUS WASTES AND ESTABLISHING REGULATIONS FOR NON ACCEPTABLE MATERIALS.

WHEREAS, the Town of Jerome Common Council is empowered to establish services, fees for services and other charges; and,

WHEREAS, the Town of Jerome Common Council mandate, as empowered, that each and every resident and commercial business in the Town of Jerome shall have a sanitation account for their garbage to be removed by the Town's sanitation service and, each and every resident and commercial business is deemed to have trash to be removed; this shall also be applicable to out of town residents and businesses needing a sanitation account; and

WHEREAS, the Town of Jerome has incurred increased tipping fees from the land fill and has run a deficit for the fiscal year 2008-2009 due to the increase in tipping fees, increased refuse and gasoline prices; and

WHEREAS, such fees and charges are an important revenue source to support the activities of the Town, such as, but not limited to trash collections, tipping fees, and other sanitation expenditures; and,

WHEREAS, the following increases have been incorporated into the Town of Jerome's Adopted Budget for the fiscal year 2009-2010; and,

WHEREAS, the Town Council, with Public Hearings and in compliance with State law, as needed, will set the rates by resolution, as necessitated by increased tipping fees, increased refuse and gasoline prices, etc.; and

WHEREAS, the Town of Jerome will/did hold Public Hearings, Post Notice, and Publish in a local Newspaper, on the proposed services, rates, fees, and charges for Sanitation on First reading the 6th day of October, 2009, Second reading the 13th day of October, 2009, and possible adoption the 1st day of December, 2009, and if approved by the Jerome Town Council, these rates, charges, fees, non acceptable materials and new regulations will go into effect thirty (30) days from the date of approval, pursuant to A.R.S. § 9-511.01.

THEREFORE, BE IT ORDAINED, by the Jerome Common Council that the Jerome Town Code, Section 9-2-1-G DANGEROUS WASTES is to include Subsections 1 through 6 as follows:

9-2-1-G: Dangerous Waste Section 9-2-1-G of the Jerome Town Code, Dangerous Waste, states that dangerous wastes shall not be picked up. 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. Dangerous wastes are hereby defined as:

1. HOUSEHOLD HAZARDOUS WASTE (HHW) includes any leftover household product that is marked flammable, corrosive, explosive or poison, such as paints, varnishes, pesticides, cleaners, and batteries. HHW is dangerous to people, pets and the environment, and if placed in the garbage, can create environmental and public health hazards. These items will NOT be picked up.
2. BULK WASTE and E-WASTE (electronics – also see Hazardous Materials below: *[Because of the toxic nature and bulk of these items, they are not collected as part of the regular household garbage collection.]*) Appliances, furniture, mattresses, carpets, sinks, and other special handling items such as electronic items (computers, TVs, microwaves, copiers, cell phones, etc.) will NOT be picked up.
3. AUTOMOTIVE: Tires, car batteries, oil, and antifreeze will NOT be collected.
4. HAZARDOUS MATERIALS: CHEMICALS, PESTICIDES and FLAMMABLES: ALWAYS READ THE LABEL!! Use it up according to the label. (*Pouring it on the ground harms our streams, rivers or ground water; pouring it down the sink is harmful and difficult to treat at the waste water treatment facility.*) These items will NOT be picked up.
5. MEDICAL WASTE: For safety reasons, residents who dispose of products used in Home Health Care need to take special care for everyone involved, including our Sanitation employees. It is always better to use a professional disposal system, so if you currently have a doctor or home health care provider that accepts your needles, bandages, IV bags, etc., please continue to use this means of disposal. If you do not have access to this, please place needles/bandages, or any other type of contaminated medical materials, in a WELL LABELED, HARD PLASTIC SCREW TOP CONTAINER (a Sharps container or a WELL LABELED detergent bottle will work) before placing it in the trash. Pharmaceuticals should be placed in the trash – not down the toilet or sink.
6. 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. NO OIL-BASED PAINT will be picked up.
(NOTE: It can be very damaging and toxic to the environment. Pouring it on the ground can harm our streams, rivers or ground water; pouring it down the sink can be harmful and difficult to treat at the waste water treatment facility. It is best to use it up or dry it out.)

AND THEREFORE, BE IT ORDAINED, by the Jerome Common Council that Article 9-3-5 and Article 9-3-6 are hereby added to the Jerome Town Code as follows:

Article 9-3-5 DUMPSTERS:

1. Definitions - There are three types of dumpsters, which are defined as follows:
 - a. Type A: containers for short term use for building clean-up and/or construction projects.
 - b. Type B: containers for regular monthly use by sanitation accounts; i.e., restaurants, bars, retail shops, or residential neighborhoods.

- c. 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
2. 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 4 ft., and sheetrock or construction sheeting larger than 4 ft. x 4 ft. No dumpster shall hold more than ½ its capacity in wood, sheetrock, or construction sheeting. In the event that these items are in excess of ½ the capacity, these items will carry an added surcharge of \$200.00 per dumpster, per pick-up. This charge is in addition to the \$125.00 rental and \$95.00 pick-up/emptying fees.
3. See Dangerous Wastes Section 9-2-1-G of the Jerome Town Code for special handling of items that will not be picked up.

Article 9-3-6 SMALL BUSINESS AND RESIDENTIAL ACCOUNTS REGULATIONS:

1. Small business and residential sanitation accounts will supply trash can(s), marked with either account name or street address. These can(s) will be picked-up/emptied one (1) time a week.
2. The Town's trash receptacles in the business district will continue to be for public use.
3. No trash can, container, or barrel weighing over 40 pounds will be picked up by the Sanitation Department (OSHA requirement).

AND THEREFORE, BE IT ORDAINED, by the Jerome Common Council that Ordinance 337 be amended as follows:

A. DUMPSTER FEES

1. Type A dumpster, those rented for 30 days, or any part of a 30 day period, is \$125.00. This fee covers the delivery and return service of the empty dumpster only. Emptying service will be charged at the rate of: \$95.00 per pick-up/emptying. Account owners must contact the Utilities Clerk at Town Hall to arrange all/any additional emptying/pick-ups. If additional emptying/pick-up service is NOT arranged with the Utilities Clerk neither the sanitation truck nor crew is authorized to provide the additional service.
2. Type B dumpster will be emptied/picked-up 1-3 times per week and billed monthly as a regular or business sanitation account.
3. Type C dumpsters will be emptied/picked-up 1-2 times per week.
4. If prohibited items are found in the Dumpster, as described in Amended Town Code, Section 9-3-5(1) (d) the items will carry an added surcharge of \$200.00 per dumpster, per pick-up. This surcharge is in addition to the \$125.00 rental and \$95.00 pick-up/emptying fees. This surcharge shall also apply to customers with regularly billed monthly accounts.
5. See Dangerous Wastes Section 9-2-1-G of the Jerome Town Code for special handling of items that will not be picked up.

B. SMALL BUSINESS AND RESIDENTIAL FEES FOR ADDITIONAL PICK-UPS/EMPTYING:

1. Any additional non-scheduled small business or residential emptying/pick-up(s) required will be charged at the rate of: \$45.00 each. Account owners must contact the Utilities Clerk at Town Hall to arrange any/all additional emptying/pick-ups. If additional emptying/pick-up service is NOT arranged with the Utilities Clerk neither the sanitation truck nor crew is authorized to provide the additional service. Additional pick-ups include, but are not limited to: bag(s), box(es), can(s), or other containers (not dumpsters).
2. Yard wastes shall be collected in bags placed curbside for regular pickup, and shall be billed at the rate of \$2.50 per bag on your monthly statement. If a dumpster is filled with yard waste, an additional tipping fee will be charged to that account.

ORDINANCE #359: If adopted, this Ordinance will go into effect on December 1, 2009.

Violations and Penalties

Any person found guilty of violating any provision of this Ordinance shall be guilty of a Class 1 Misdemeanor. Each day that a violation continues shall be a separate offence and shall be punishable as an individual offense.

PASSED AND ADOPTED by the Common Council of the Town of Jerome, Arizona, this

13 day of October, 2009, for the following vote:

AYES: 5 NAYES: _____

ABSENT: _____ EXCUSED: _____

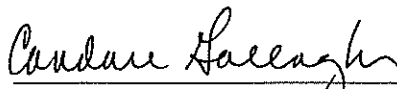
ABSTAINED: _____

APPROVED this 19 day of October, 2009.




Al Palmieri, Mayor

ATTEST:



Candace Gallagher, Town Manager/Clerk

APPROVED AS TO FORM:


Kathleen G. Williamson, Williamson & Young, PC
Town Attorney

I, the duly appointed Deputy Clerk of the Town of Jerome, Arizona, or my representative, hereby certify that Ordinance No. 359 was posted in accordance with A.R.S. § 9-813 on the following dates and times, and at the following places:

	DATE	TIME	PLACE
1	10.15.09	1:00 pm	301 Main Street, second floor, exterior posting case
2	10.15.09	1:00 pm	970 Gulch Road, side of Gulch Fire Station
3	10.15.09	1:00 pm	601 Clark Street, Jerome Town Hall, entry hall
4	10.15.09	1:00 pm	Jerome Post Office (courtesy location)


R.A. Shemaitis, Deputy Clerk

