

ORDINANCE 2020-001

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA; ADOPTING AMENDMENTS TO CHAPTER 52 SOLID WASTE COLLECTION AND DISPOSAL OF THE CITY'S CODE OF ORDINANCES, BY REFERENCE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City of Sierra Vista is proposing amendments to Sections 52.02 Definitions, 52.03 Solid Waste Collection System Established, 52.09 Prohibited Acts, and 52.18 Insurance, as shown in Exhibit A; and

WHEREAS, the amendments have gone through the 30-day public comment period and all comments that have been received are attached hereto;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

That Resolution 2019-101 is hereby reaffirmed, and the amendments to Chapter 52 Solid Waste Collection and Disposal, as shown in Exhibit A, are hereby adopted.

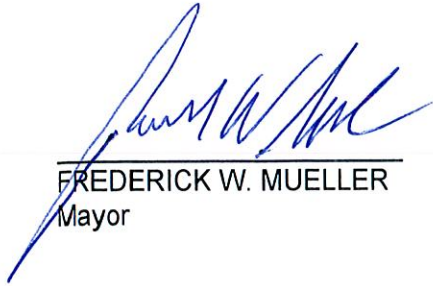
SECTION 2

All other ordinances and parts of ordinances in conflict with the provisions of this provision are hereby repealed.

SECTION 3

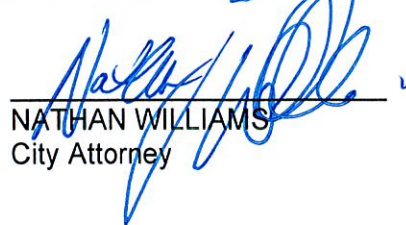
Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, such invalidity shall not affect other provisions that can be given effect without the invalid provision, and to this end, the provisions of this Ordinance are declared to be severable.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF
THE CITY OF SIERRA VISTA, ARIZONA, THIS 23ND DAY OF JANUARY 2020.



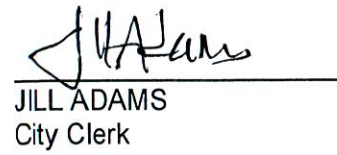
FREDERICK W. MUELLER
Mayor

APPROVED AS TO FORM:



NATHAN WILLIAMS
City Attorney

ATTEST:



JILL ADAMS
City Clerk

PREPARED BY:

Jen Osburn
Interim Budget Officer

Not applicable

EXHIBIT A

The following definitions have been revised. All other definitions remain the same.

§ 52.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COLLECTOR. The City of Sierra Vista or an authorized, licensed private solid waste or recycling hauler.

COUNTY SOLID WASTE DISPOSAL FACILITY. A Cochise County owned, operated, and maintained, solid waste disposal landfill, urban transfer station, rural drop-off site, or recycling center, utilized for the purpose of storing, processing, recycling, treating, or disposing of solid waste.

LICENSEE. A person who engages in, owns, or operates a service to collect, transport, dispose, or recycle commercial or industrial refuse or residential recycling, generated within the City, and has obtained a valid license to provide such services, pursuant to the provisions of this Chapter.

§ 52.03 SOLID WASTE COLLECTION SYSTEM ESTABLISHED.

(A) There is hereby established a system for collection, source separation, storage, transfer, processing, treatment, transportation, and disposal of solid waste. All solid waste generated within the City limits shall be collected, removed, and disposed of by officers or employees of the City, or by private collectors (business establishments only) that have obtained a commercial solid waste license or contract from the City, authorizing private collection, pursuant to the provisions of this Chapter. Recyclable materials may be collected and removed from residential properties by private collectors that have obtained a City business license pursuant to Title XI, Chapter 110 of this code. Recyclable materials may be collected and removed from commercial establishments by private collectors that have obtained a commercial solid waste license pursuant to provisions in sections § 52.15 through § 52.23 of this Chapter.

(B) Every owner, tenant, lessee, occupant, or person in possession of any building structure or premises within the City having refuse for disposal, shall be charged in accordance with the City Council adopted resolution that establishes such rates for solid waste collection services and disposal, as are necessary to assure adequate revenues are generated to cover the cost of services rendered. The responsible party for solid waste management services and associated fees related to residential property shall be the property owner. The responsible party for solid waste management services and associated fees related to commercial property shall be the property owner of a business establishment location.

(C) Solid waste deposited for collection shall become the property of the City, or authorized licensed private collector, when approved by the City, upon collection. No person shall remove any or all such solid waste so collected. Every person performing any construction work shall be responsible for collection and disposal of, at their sole cost and expense, all bricks, stones, scrap lumber and building materials, earth, sand, gravel, and all other debris from the construction work site to an authorized disposal site.

§ 52.09 PROHIBITED ACTS.

(A) It shall be unlawful for any owner or occupant to allow the accumulation of refuse upon their property or to allow the collection or disposal thereof in any manner inconsistent with the provisions of this Chapter.

(B) It shall be unlawful for any person, firm, association, or corporation to collect, transport, haul, or convey any refuse over the streets or alleys of the City in any manner inconsistent with the provisions of this Chapter.

(C) It shall be unlawful for any owner, occupant, person, firm, association, or corporation to dispose of any refuse within the City except at locations designated by the City.

(D) It shall be unlawful for any person to dump, deposit, or place, or cause to be dumped, deposited, or placed, any refuse of any character in any container not owned, maintained, or otherwise provided for the particular use of the person.

(E) It shall be unlawful to engage in the business of collecting, transporting, hauling, or conveying any refuse generated within the City for compensation except as follows:

(1) Under a valid contract, with the City to provide solid waste management services.

(2) Under an approved solid waste license, issued by the City, for the purpose of providing commercial or industrial solid waste management services, only.

(3) Recyclable materials collected, transported, hauled, or conveyed within City limits by an approved, licensed collector.

(F) It shall be unlawful for any person to permit or to suffer to accumulate in or about any yard, lot, place, or premise, or upon any street, alley, or sidewalk adjacent to the lot, yard, place, or premise, owned or occupied by the person, any garbage or refuse so as to cause such yard, lot, premise, or the street, alley, or sidewalk adjacent thereto, to be or remain in the condition as to cause or create a nuisance or offensive odor or atmosphere, or thereby to be or become or cause or create a public nuisance.

(G) No person shall burn, incinerate (except with special permit issued by the Fire Chief), bury, dump, collect, remove, or in any other manner dispose of rubbish, garbage (except with special permit) within the limits of the city. No person shall throw, discard, or deposit any rubbish, garbage, or refuse in or upon any street, alley, sidewalk, or vacant ground, or in or upon any canal, irrigation ditch, drainage ditch, or other watercourse.

§ 52.18 INSURANCE.

(A) All licensees for commercial or industrial solid waste management services and commercial recycling collection services shall secure, maintain, and keep in force throughout the term of the license, insurance coverages as required by State law and specified herein:

(1) A certificate of insurance evidencing coverage of insurance for and in the minimum amounts set forth in a schedule of required insurance coverage on file with the City Clerk's Office.

(2) Such insurance policies shall list the City as an additional insured as its interests may appear and shall require that the City be given 30 days' notice prior to cancellation for any reason. Any deductible or self insured retention shall be the responsibility of the licensee, and any self insurance amounts over \$10,000 shall require the approval of the City. The lapse of any of the above stated insurance policies shall be cause for revocation of the license.

(B) All licensees for residential recycling services shall secure, maintain, and keep in force throughout the term of the business license, insurance coverages as required by State law.