

## ARTICLE 8-3 SANITATION <sup>503</sup>

### Section 8-3-1 DEFINITIONS:

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

1. *Animal waste* means any unsanitary waste from the raising, containing, maintaining or grooming of animals from stables, kennels, pet pens, chicken coops, or places of residence.
2. *Brushable material* means tree limb and shrubbery clippings three (3) feet in length or longer and up to three and one-half (3 1/2) inches in diameter
3. *Commercial establishment* means any public or private place, building or enterprise utilized for the conduct of business or public assembly.
4. *Contractor* means a person, persons or corporate entity engaged in the business of collecting, removing, hauling, or transporting commercial solid waste, recyclables or special materials in the Town for disposal or any other purpose.
5. *Commercial solid waste* means all garbage and trash generated by commercial establishments, except special materials and hazardous wastes, including resorts, hotels, restaurants, schools, and churches.
6. *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 and consumption of food, including all such substances from all public and private establishments and residences.
7. *Hazardous waste* means any chemical, compound, mixture, substance, or article that is designated by the United States Environmental Protection Agency, the Arizona Department of Environmental Quality or appropriate agency of the state to be "hazardous," as that term is defined by or pursuant to federal or state law. Hazardous waste includes but is not limited to medical wastes, pathogenic materials, toxic materials, insecticides, motor oils, paints, radioactive material, explosives, flammable and corrosive materials.
8. *License* means a license issued under the terms of this Article to a provider of solid waste and recyclable removal services.
9. *Licensee* means a person or entity to which a License is issued under this article.
10. *Liquid Waste* means septic tank or cesspool pumpings.
11. *Pathogenic liquid or solid waste* means any liquid or solid waste causing or capable of causing disease.

12. *Putrescible waste* means waste which is capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors or gases and capable of providing food for or attracting birds, insects, snakes, rodents or animals capable of transferring a disease bacterium or virus from one organism to another.
13. *Recyclable material* means any post-consumer material, including but not limited to, metals, plastics, glass or paper products that may be collected, separated, cleaned, treated or reconstituted and returned to the economic stream in the form of materials or products.
14. *Refuse* means all putrescible and nonputrescible solid wastes, except human bodily wastes, including garbage, trash, rubbish, ashes, street cleanings and dead animals; abandoned, wrecked or junked vehicles or parts thereof; brushable material, and containable rubbish, construction waste.
15. *Solid waste* means refuse, debris, and all other discarded materials.
16. *Town* means the Town of Paradise Valley, acting through the Town Manager or other authorized official.
17. *Trash* means all non-putrescible solid wastes consisting of both combustible and non-combustible solid waste material.
18. *Uncontained Bulk Rubbish* means wooden and cardboard boxes, crates, appliances, large household items, and other items which by size and shape are not readily containable.

#### Section 8-3-2 LICENSES REQUIRED; CONDITIONS

- A. Collection of commercial and residential solid waste and recyclables within the Town shall only be done by a contractor licensed by the Town to perform such work. Applications for a new license or a renewal license shall include such information as may be requested by the Town including:
  - (1) The identity of the applicant. The contractor's application shall include the name, business and residence addresses of all owners, partners, general managers and principal officer, as well as business references and such other information as deemed necessary and evidence that the applicant is in good legal standing, where relevant.
  - (2) The Town must have satisfactory evidence that the contractor possesses the necessary financial, legal, administrative, and technical ability to collect, transport and dispose of commercial and residential solid waste and recyclables in a manner satisfactory to the Town and in conformity with the state or county department of health laws, rules and regulations.
- B. The contractor desiring a license to collect commercial and residential solid waste and recyclables shall submit an application in a form approved by the Town to the Town with an annual five hundred (\$500.00) dollar license fee.

- C. Any license granted by the Town shall be nontransferable and may be suspended or canceled by the Town upon failure or refusal of a licensee to comply with the provisions of this chapter and after notice and hearing respecting the same. The license shall run for the fiscal year commencing July 1 and ending June 30. Application for renewal shall be made at least thirty (30) days prior to expiration of current license. Fees may be prorated monthly on licenses issued during the fiscal year.
- D. Any License granted is subject to the general provisions of this Article in effect at the time the License is granted. If there is a conflict between the terms of the License and other codes and ordinances of the Town, the License shall control.
- E. The Town may modify license requirements from time to time to reflect changing conditions or technology.
- F. The Town reserves the right to limit the number of licenses granted, to establish boundaries for license service areas, and/or to centrally contract for any and all solid waste collection and recycling services provided within the Town.
- G. The area that may be served through License shall be the entire area within the corporate limits of the Town of Paradise Valley. The Town may grant a License for the entire Town or for such portion or portions of the Town as may be specified by the License.

#### Section 8-3-3 INSURANCE AND SURETY BOND

- A. Upon the execution of a License, a Licensee shall file with the Town, and maintain in effect throughout the term of the License, insurance policies issued by an insurer licensed to conduct business in the State of Arizona, insuring with respect to the operation and maintenance of the system, comprehensive general and automobile liability coverage, including but not limited to:
  - (1) blanket contractual liability,
  - (2) completed operations liability,
  - (3) broad form property damage endorsement, including but not limited to, coverage for explosion, collapse and underground incidents, and
  - (4) automobile non-ownership liability.
- B. The Town expressly reserves the right to modify any insurance and liability requirements when it deems such action necessary to protect the public interest and welfare.
- C. This insurance shall include coverage which meets or exceeds the following minimum amounts, or exposure to loss:
  - (1) For bodily injury, including death, in the amount of \$2,000,000 combined single limit;

- (2) For property damage in the minimum amount of \$1,000,000;
  - (3) Comprehensive automobile liability for bodily injury of \$2,000,000 combined single limit; and
  - (4) Worker's compensation coverage as required by the laws, rules and regulations of the State of Arizona.
- D. Any insurance policy obtained by Licensee in compliance with this Section shall include the Town as an additional insured, shall be primary, and must be approved by the Town Risk Manager/Town Attorney. Such insurance policy shall be filed and maintained with the Town during the term of the License. Licensee shall immediately advise the Town of any litigation that would affect this insurance or reduce the amount of coverage. Any insurance or self-insured coverage carried by the Town shall be excess coverage and not contributory insurance to that provided by a Licensee.
- E. Neither the provisions of this Section nor any damages recovered by the Town thereunder shall be construed to limit the liability of Licensee to the Town for damages.
- F. All insurance policies shall contain the following endorsement: "This insurance policy may not be canceled by the insurance carrier, nor may the insurance carrier fail to renew this policy until thirty (30) days after receipt by the Town of Paradise Valley of the insurance carrier's written notice of its intention."
- G. Licensee shall be solely responsible for all premiums due and payable with respect to the insurance coverage required.

#### Section 8-3-4 INDEMNIFICATION BY LICENSEE

Each Licensee shall, at its sole expense, fully indemnify, defend, and hold harmless the Town, and in their respective capacities, the officers, agents, and employees of the Town, for, from, and against any and all claims, suits, actions, liability and judgments for damages for actual or alleged injury to persons or property, including loss of property due to an occurrence, whether or not such property is physically damaged or destroyed, wherein such injury or loss arises in whole or in part through the acts or omissions of the Licensee or of the Town, of their officers, agents, employees or contractors in connection with services pursuant to their license.

#### Section 8-3-5 PERMITS REQUIRED FOR REFUSE SERVICE; EXCEPTIONS

No person shall engage in, operate as, or represent itself to the public as one who collects, transports, disposes of, or recycles residential, commercial or industrial refuse generated within the city, except as otherwise expressly provided in this article, without having first obtained a valid license pursuant to the provisions of Article 8-3 of this Code.

#### Section 8-3-6 VEHICLE REQUIREMENTS:

- A. All vehicles used for refuse collection within the Town must be inspected and provide certification that they meet the following minimum requirements:
- (1) All vehicles must be in good condition and repair. The bodies shall be of readily cleanable construction, watertight and metal-lined to the full width and height of the body, with all seams welded.
  - (2) Vehicles shall be maintained and operated in a clean and neat manner so as to prevent refuse from spilling, leaking and blowing. All vehicles shall have enclosed bodies. Where spillage does occur, it shall be picked up immediately by the collector and returned to the vehicle or container.
  - (3) The outside of each vehicle must be clearly identified by the name and telephone number of the contractor operating the vehicle.
  - (4) Any open-top roll off container must have a cover that prevents refuse or contents from spilling or flowing onto the roadway.
- B. Unless there is a specific need for other types of collection equipment, all residential solid waste and recyclable collection vehicles shall be of the automated side loading design, intended to service 60 to 100 gallon wheeled containers.

#### Section 8-3-7 RESIDENTIAL COLLECTION; SERVICES

- A. The contractor shall collect solid waste and recyclable materials from residences in accordance with the provisions of this Article.
- B. The contractor shall offer to all customers twice-per week collection of solid waste and at least semi monthly collection of recyclables. The Town may at its option, make application to appropriate state and/or Maricopa County agency for a waiver of twice weekly solid waste collection for areas in which recyclables are collected weekly, such that solid waste and recyclables will each be collected once weekly.

#### Section 8-3-8 RESIDENTIAL SOLID WASTE AND RECYCLABLE CONTAINERS; SPECIFICATIONS; CARE; PLACEMENT

- A. All solid waste and recyclable containers must conform to the following requirements.
1. Contractors shall provide each owner, agent, or occupant of every dwelling where refuse accumulates a suitable and approved container for receiving and storing solid waste.
  2. Solid waste shall be stored in durable, nonabsorbent, noncombustible, watertight, and easily cleanable containers of rust resistant metal, rubber, plastic or other similar material, with close fitting covers and having adequate handles and wheels to facilitate handling.

3. The size and shape of residential containers shall be determined by the contractor but shall have a capacity of not less than thirty (30) nor more than one-hundred (100) gallons.
  4. Containers for the storage of solid waste shall be maintained in such a manner as to prevent the creation of a nuisance or a menace to public health. Containers that are broken or otherwise fail to meet the requirements of the rules shall be promptly replaced, by the contractor, with an approved container.
  5. It is the responsibility of the owner, agent, or occupant of every dwelling or commercial structure where refuse accumulates to maintain the solid waste container in a clean and sanitary condition, free from odors.
  6. Containers may be used only for the purpose of collecting and storing solid waste and recyclable materials.
  7. Residential solid waste and recycling generators with containers shall place containers at the curb line in front of their residences on the scheduled collection days. Containers shall not be placed for collection before 6:00 p.m. on the day preceding the date of collection, and after the containers are emptied, they shall be removed from the curb line on the day of collection. Containers shall be stored, between collection days, in such a manner that they are not readily visible from the street.
  8. To ensure optimal use of containers and auxiliary collection equipment and/or prevent the injury or harm to those collecting refuse or recyclables, the contractor may set weight limitations and/or require waste generators regularly exceeding the weight limitations to purchase additional containers as may be reasonable.
- B. Failure of the owner or occupant to comply with the requirements of this section will subject the owner or occupant of the property to penalties for violation of the Town Code.
- C. The abatement procedure for a resident, owner or occupant who fails to comply with the requirements of this section is defined in section 8-5-2 of the Town Code.

#### Section 8-3-9 FREQUENCY OF COLLECTION; HOURS

- A. The frequency of solid waste collection shall be in accordance with the regulations of the state or county agency with jurisdiction.
- B. Collection is allowed on weekdays from 6:00 A.M. to 6:00 P.M. Commercial waste removal service is also allowed on weekends and holidays. The Town reserves the right to further regulate days of collection to achieve more efficient service routing within the Town.

### Section 8-3-10 OWNER OR OCCUPANT REQUIREMENTS

- A. All owners, or residents if the property is not owner occupied, of real property within the Town limits shall obtain solid waste collection services in accordance with the requirements of this Article from a provider licensed by the Town pursuant to this Article.
- B. Nothing in this section requiring use of a licensed solid waste collection provider shall preclude the following:
  - 1. Collection of usable clothing, furniture and other household items by recognized charities.
  - 2. Removal of tree trimmings and other landscaping materials by property owners, occupant or property owner's or occupant's agents.
  - 3. Removal of recyclable materials such as aluminum cans, newsprint and other paper, glass, metal and plastic by the property owner, occupant, or agents for deposit at a recycling center or donation through suitable recycling containers in public areas.
  - 4. Removal of unserviceable furniture and appliances, and construction debris by property owners or occupants in vehicles owned or leased by them or family members.
  - 5. Removal of construction and demolition debris by building, renovation or landscaping contractors using their own vehicles or by haulers specializing in this service.
  - 6. One-time collection no more than once each calendar quarter for major housecleaning and when vacating a residence.

### Section 8-3-11 ANIMAL WASTE

- A. Wastes from animals or other pets shall be disposed of in the following manner:
  - 1. Wastes from small animals or pets shall be placed in a plastic bag, securely tied and then placed in a solid waste container.
  - 2. Wastes from larger animals, such as horses and other livestock kept as pets or and is placed in an approved plastic bag, securely tied and then placed in a solid waste container.
  - 3. All animal wastes shall be removed from pens, stables, yards, cages and other enclosures and disposed of in the manner prescribed above or composting as often as necessary to prevent occurrence of a health hazard or public nuisance as defined by 8-4-1 of the Town Code.
  - 4. All animal owners and custodians shall immediately clean up and properly dispose of wastes left by their animals on any public street, sidewalk, right-of-way, or private property.

### Section 8-3-12 PROHIBITED DISPOSAL

The following types of refuse shall not be placed in containers, in the right-of-way, or curbside:

1. Hazardous wastes;
  2. Septic tank or cesspool pumpings and similar liquid waste.
  3. Dirt, rock, construction or demolition material.
  4. Appliances, furniture, bulky automotive parts, tires, paint, or concrete blocks.
- A. Dead dogs, cats, and other animals weighing less than seventy-five (75) pounds upon any public right-of-way will be removed and disposed of upon notification of the Town's Department of Public Works or of a private removal and disposal organization in the business of providing this service. Dead animals shall not be placed in solid waste containers.
- B. Any person who is in the business of trimming trees, shrubs, grass, or brush for compensation shall be solely responsible for removal and disposal of all brush, tree trimmings, grass, leaves or similar landscaping or plant material generated in connection with such activity.
- C. Any refuse which is placed for collection but which does not comply with the provisions of this chapter will not be collected and will subject the owner or occupant of the property, or the owner or occupant of abutting property, in the case of non-complying refuse in the right-of-way, to penalties for violation of the Town Code.
- D. The abatement procedure for a resident, owner or occupant who fails to remove items placed for collection that do not conform to the requirements of this chapter is defined in section 8-5-2 of the Town Code.
- E. No person shall place or cause to be placed any garbage, debris, trash, refuse, papers or other materials upon any public or private property within the Town except as specifically permitted in this chapter or at sites designated by the Town Council.

### Section 8-3-13 BURNING GARBAGE

No person shall burn or attempt to burn garbage within the town limits.

### Section 8-3-14 BUILDING CONTRACTORS TO LEAVE AREAS CLEAN

All owners, contractors and builders of structures shall, upon the completion of any such structure, remove and dispose 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 leave the lot and all nearby premises utilized in such construction



in a clean and well kept condition within five (5) working days. Failure to comply with this section will subject the responsible party to penalties for violation of the Town Code.

#### Section 8-3-15 ACCUMULATING COMBUSTIBLE RUBBISH;

- A. No person shall place upon or permit to remain upon any roof or in any court, yard, vacant lot, alleyway or open space any accumulation of wastepaper, waste hay, grass, straw, weeds, litter or combustible or inflammable waste or rubbish of any kind. All weeds, grass, vines and other growth which endanger property or may be subject to fire shall be cut down and removed by the owner or occupant of the property.
- B. Hay may be stored in the town where the hay is properly baled and properly stacked; provided, that storage of hay does not violate the provisions of this code or any other ordinances of the town.
- C. Failure to comply with this section will subject the responsible party to penalties for violation of the Town Code.

#### Section 8-3-16 SPILLAGE AND CLEANUP

No person shall deposit or cause to be deposited upon any street, alley or premises in the town any garbage, trash, or refuse of any kind. It shall be the duty of all refuse collection personnel to immediately clean up any refuse spilled during the collection process. Failure to comply with this section will subject the responsible party to penalties for violation of the Town Code.

#### Section 8-3-17 PENALTY FOR VIOLATION

Any person found guilty of violating any of the provisions of this Article shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed two thousand five hundred dollars (\$2,500). Each day that a violation continues shall be a separate offense punishable as described. In the alternative to the criminal penalty, the health officer or his designee may proceed pursuant to this Article by citation for civil sanctions(s) or declare such violations to be a public nuisance. The procedure for civil actions shall be as outlined in §8-6-5 of this code and the procedure for nuisance abatement shall be as outlined in Article 8-5 of this code.