

**RESOLUTION NO. 2021-03**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SEDONA, ARIZONA, ESTABLISHING AS A PUBLIC RECORD AMENDMENTS TO ARTICLE 8 (HEALTH AND SAFETY) BY ADDING CHAPTER 8.05, ARTICLE II. GARBAGE AND SOLID WASTE CONTAINMENT.**

WHEREAS, it is the City's responsibility to promote the health and welfare of the community; and

WHEREAS, the proper storage of solid waste and recyclable materials can help promote the sanitary condition of private and public premises within the City and minimize conflicts between wildlife and citizens; and

WHEREAS, since the City's short-term rental hotline, launched in September 2020 through end of calendar year 2020, 154 complaints have been submitted and, of those, 64 (approximately 42%) were related to the failure to properly contain trash and store waste containers.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SEDONA, ARIZONA, as follows:


Section 1. That the document attached hereto and incorporated by this reference as "Exhibit A" and titled "2021 Amendments to Article 8 (Health and Safety), adding Chapter 8.05, Article II. Garbage and Solid Waste Containment" shall constitute a public record to be incorporated by reference in Ordinance 2021-02.

Section 2. At least one (1) paper copy and one (1) electronic copy of this public record shall be kept in the office of the City Clerk for public use and inspection.


PASSED AND ADOPTED by the Mayor and Council of the City of Sedona, Arizona, this 26<sup>th</sup> day of January, 2021.

  
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Sandra J. Moriarty, Mayor

ATTEST:

  
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Susan L. Irvine, CMC, City Clerk

APPROVED AS TO FORM:

  
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Kurt W. Christianson, City Attorney

**EXHIBIT A**  
**2021 Amendments to Article 8 (Health and Safety) by adding Chapter 8.05, Article II.**  
**Garbage and Solid Waste Containment**

**Chapter 8.05**

**METHODS OF GARBAGE AND TRASH SOLID WASTE REMOVAL AND**  
**CONTAINMENT**

Sections:

- 8.05.010**     **Hauling refuse.**
- 8.05.020**     **Vehicles and receptacles to be spill proof.**
- 8.05.030**     **Spilled refuse.**
- 8.05.040**     **Dumping refuse.**
- 8.05.050**     **Definitions.**
- 8.05.060**     **Purpose and responsibility for solid waste and recyclables.**
- 8.05.070**     **Containers – General requirements.**
- 8.05.080**     **Preparation for collection.**
- 8.05.090**     **Responsibility for streets and sidewalks.**
- 8.05.100**     **Violations and abatement.**

**Article I. Garbage and Solid Waste Removal**

**8.05.010**     **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 city in violation of any of the provisions in this title. [Code 2006 § 9-1-1].

**8.05.020**     **Vehicles and receptacles to be spill proof.**

It is unlawful for any person to haul or cause to be hauled on or along any public street in the city any garbage, unless such garbage is contained in strong, watertight vehicles or vehicles with watertight receptacles, constructed to prevent any garbage from falling, leaking or spilling and any odor from escaping. [Code 2006 § 9-1-2].

### **8.05.030 Spilled refuse.**

Any person hauling any refuse along the streets of the city shall immediately replace in the conveyance used for such hauling any refuse which may fall upon any street. [Code 2006 § 9-1-3].

### **8.05.040 Dumping refuse.**

It is unlawful for any person to place or cause to be placed any refuse, trash, filth, rubbish or debris upon any public or private property within the city except as specifically permitted in this title and, in addition to any fine which may be imposed for a violation of any provision of this section, shall be liable for all costs which may be assessed pursuant to this chapter for the removal of the refuse, trash, filth, rubbish or debris. [Code 2006 § 9-1-4].

## **Article II. Garbage and Solid Waste Containment**

### **8.05.050 Definitions.**

For the purposes of this chapter, the following definitions shall apply:

"Private service providers/service provider" means any entity or person who provides for the collection, storage, treatment, transportation, processing, and disposal within the city of any solid waste of another person or entity including recyclable materials, hazardous materials, or any other types of waste, for disposal, salvage, recycling or any other purpose.

"Residential solid waste" means household trash, solid waste and recyclables produced by city residents on or in their private premises within the city.

"Responsible party" means an owner, occupant or other person or entity having control over a structure, private premises or parcel of land. The owner of the structure, private premises or parcel of land means the person(s) or entity shown in the records of the county recorder. If there is more than one owner, the owners are jointly and severally presumed to be a responsible party.

"Solid waste/trash" means all waste, including garbage, rubbish, refuse, ashes, street cleanings, dead animals, containable rubbish, filth, construction and demolition waste, brush, bulk waste, metal goods or prohibited substances when these terms are not specifically noted in this chapter.

Authorized private receptacle, Garbage, Litter, Private premises, Refuse, Rubbish, and Street shall have the same meaning as provided in S.C.C. 8.10.010

### **8.05.060 Purpose and responsibility for solid waste and recyclables.**

A. All solid waste and recycling, regardless of location within the city, shall be secured or stored in containers in such a manner as to prevent wildlife from accessing the contents of such containers. It is the intent of this chapter to encourage the proper storage of solid waste and recyclable materials for purposes of minimizing conflicts between wildlife and citizens of the city.

B. The responsible party of any private premises or business establishment shall be responsible for their solid waste or recyclables until the solid waste or recyclables are collected by the private service provider. The owner of the private premises or business establishment, as shown in the records of the county recorder, at which a violation of this chapter exists, shall be presumed to be a person having lawful control over any building, structure or parcel of land. If more than one person shall be shown as the owner of the property, said persons are jointly and severally presumed to be persons having lawful control over the building, structure or parcel of land.

C. The responsible party of any private premises or business establishment shall be responsible for the sanitary condition of said private premises or business establishment and for the proper storage, containment, and placement for collection of all solid waste and recyclables pursuant to this chapter. Except as provided in this chapter, no person shall bury, dump, dispose, transport, release, or allow to be released upon any street, alley, right-of-way or public land, any solid waste or recyclables, including construction and demolition waste and tires.

D. Each responsible party shall be responsible for compliance with the terms of this chapter and jointly and severally liable for any violation thereof.

### **8.05.070 Containers – General Requirements**

A. Every responsible party, person or commercial or residential solid waste generator shall place, or cause to be placed, all solid waste and recycling accumulating on the private premises or business establishment in containers provided by their service provider.

B. All materials and solid waste prepared for collection shall be stored in a container provided by the service provider until removed by that service provider, unless those materials are properly prepared for a bulk waste collection service.

C. Any user of a solid waste or recycling container provided by a service provider shall be required to use and maintain the container as follows:

1. Cleaning. All containers shall be used, maintained and stored in a clean and sanitary condition.

2. The user shall bag and securely tie all putrescible material in solid waste containers, thereby maintaining the container free of intense odors, evidence of flies in any stage of development, and any other nuisance or threat to public health or safety.

3. Lids or Covers. The lids or covers of any container(s) shall at all times be kept fully closed and secure in such a manner to prevent intrusion of moisture, infestation of insects, and scattering of solid waste or recyclable materials. Covers or lids shall be kept closed except when containers are being loaded or emptied.

D. It is the responsible party's obligation to properly contain solid waste or recyclable materials generated on their private premises or business establishment and to keep the area around the container continuously clear and free of all debris.

E. It shall be a violation of this chapter to overload or overfill a container. Solid waste and recycling containers shall at all times be kept in such a manner as to preclude the scattering of solid waste and recyclable materials from a container assigned to or associated with that property, private premises or business establishment. If such spilling or scattering of solid waste does occur, it shall be the immediate responsibility of the responsible party to remove and properly dispose of such spillage. For the purposes of this section, the term "property" includes adjacent private or public property or right-of-way if the solid waste has been scattered to such locations from a container assigned to or associated with the subject property.

F. Solid waste containers shall be placed out for collection at the edge of the right-of-way or street.

G. No person other than a responsible party for where the container is located or the service provider where the container is located shall remove any material or solid waste from the container, place any material or

solid waste within the container, or tamper with the container.

### **8.05.080 Preparation for collection.**

A. All residential solid waste for collection shall be prepared for collection as follows:

1. Residential solid waste and recycling containers may be placed at edge of the street, right-of-way or collection point after 12:00 p.m. on the day preceding collection. All containers must be placed so as not to interfere with pedestrian or vehicular traffic. Containers must be removed from the street, right-of-way, or collection point prior to 11:59 p.m. on the day of collection. No container shall be permanently stored in the public right-of-way without approval from the city manager or designee.

2. All solid waste and recycling containers shall be stored, between collection days, on the private premises or business establishment in a manner that minimizes the container's visibility. This could be inside a garage, behind a fence, vegetation or other screening in a side yard, or otherwise obscured from view from a public street. The designated collection days shall be determined by the service provider.

3. Lids must be closed except when containers are being loaded or emptied. All solid waste and recycling must fit securely into the container with the lid closed for collection. The lids of containers set out or used for residential solid waste or recycling collection must be entirely closed. No solid waste or recycling may be set or stored around the perimeter of the container.

B. The responsible party must provide sufficient containers at the private premises or business establishment to accommodate the amount of solid waste generated by the private premises or business establishment to comply with this chapter. It shall be unlawful, and no responsible party shall permit or allow the accumulation of solid waste upon any property within the city except in containers provided for the disposal of such solid waste.

### **8.05.090 Responsibility for streets and sidewalks.**

A. Each responsible party in control of any land abutting a sidewalk or street must maintain the sidewalk, or street free from:

1. The accumulation of solid waste;

2. Trees, shrubs, or brush impeding pedestrian or vehicular traffic; and

3. Other conditions that present a health, fire, or safety hazard.

B. Pursuant to this section, the responsible party is required to maintain any portion of a street, that has been opened for public use, between the curb line and the abutting property line including sidewalks.

### **8.05.100 Violations and abatement.**

A. It is unlawful and a civil infraction for any person to violate any provision of this chapter. A first violation shall result in the imposition of a civil penalty of \$100.00. A second violation on the same private premises or business establishment within 180 days of the first violation shall result in the imposition of a civil penalty of \$200.00. Any subsequent violations on the same private premises or business establishment shall result in a civil penalty not less than \$250.00 nor more than \$2,500.00 per violation under SCC 1.15.010. In addition to any fine imposed pursuant to this section, upon request by the city, the court may enjoin the alleged violation of any provision of this chapter and a person in violation of this chapter must make restitution to the city for all cleanup and disposal costs incurred by the city.

B. Failure to correct the initial violation of this chapter within a reasonable time, not to exceed twenty-four (24) hours, constitutes a continuing violation and shall be grounds for the issuance of a subsequent citation for a violation of this chapter and a separate violation shall be deemed committed on each day a violation occurs or continues.

C. If in the determination of the city manager or designee the condition constitutes an incipient hazard, or an imminent health or safety hazard, the Director or designee may immediately abate the hazard without notice. Such abatement of an imminent health or safety hazard shall be limited to the minimum work necessary to remove the hazard and the responsible party shall be charged for the cost of the abatement.