

CHAPTER 9 HEALTH AND SANITATION¹

ARTICLE I. IN GENERAL

Sec. 9-1. Definitions in General

For the purposes of interpretation of this Chapter, the following words and phrases shall mean:

(a) *Business Establishment* - any structure or premises not used as a Private Premises, including retail, wholesale, warehouse, store, factory, production, processing, manufacturing, restaurant, construction, service, hospitals, governmental entities, public authorities (schools), or office uses.

(b) *Commercial or Industrial Refuse* - any refuse generated by a Business Establishment.

(c) *Commercial or Industrial Solid Waste Management Services* - the collection, storage, processing, transportation, treatment, reclamation, or disposal of Commercial or Industrial Refuse.

(d) *Container* - sixty- (60), ninety- (90), three hundred- (300), and four hundred forty- (440-) gallon plastic barrels; two- (2), three- (3), four- (4), six- (6), and eight- (8) cubic-yard metal bins; twenty- (20), thirty- (30), and forty- (40) cubic-yard roll-off containers (approximate sizes); and compactors and other containers approved by the City.

(e) *Dangerous or Hazardous Waste* - any solid waste that can cause damage or injury to property or persons and is hazardous by reason of its pathological, explosive, flammable, radiological, or toxic nature, including, but not limited to, all wastes defined by the provisions of A.R.S. § 49-921 and A.A.C. Title 18, Chapter 8, Article 2.

(f) *Public Works Director* - the Director of the Public Works Department or his/her representative.

(g) *Disposal* - the physical transfer of refuse for purposes of recovery, other processing, or for placement at a site approved by the Arizona Department of Environmental Quality or other agency having jurisdiction.

(h) *Garbage, Refuse or Trash* - 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 Private Premises.

(i) *Litter* - any rubbish, trash, weeds, filth or debris which 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

¹ Adopted as Ordinance 14-16 on 12/16/2014
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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 an unreasonable height or in unreasonable amount. Any debris created during any construction shall be considered litter for purposes of this section, as will any handbills, posters or other similar advertising material posted within the city and not removed within seventy-two hours after the time of event.

(j) *Permittee* - a Person who engages in, owns, or operates a service to collect, transport, dispose, or recycle Commercial or Industrial Refuse or Residential Refuse generated within the City and has obtained a valid permit pursuant to the provisions of this Article.

(k) *Person* - a corporation, company, partnership, firm, association, or society, as well as a natural person.

(l) *Private Premises* - 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.

(m) *Public Place* - any and all streets, sidewalks, boulevards, alleys or other public ways, and any and all public parks, squares, spaces, grounds and buildings.

(n) *Recycle* - any manual or mechanical process which involves the collection or transportation of one (1) or more of the various components of recoverable refuse which have been or will be separated, concentrated, or solid.

(o) *Residential, Commercial or Industrial Solid Waste Recycling Services* - the recycling of any Residential Refuse or Commercial or Industrial Refuse.

(p) *Residential Solid Waste Management Services* - the collection, storage, processing, transportation, treatment, reclamation, or disposal of Residential Refuse.

(q) *Residential Refuse* - any refuse generated by a Private Premises.

Sec. 9-2. Garbage and Trash Removal

(a) *Requirements for Hauling Garbage.* 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 such Garbage from falling, leaking or spilling and any odor from escaping.

(b) *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.

(c) *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 city, except as specifically permitted in this chapter.

Sec. 9-3. Use of Private Garbage Containers.

It is unlawful for any person to deposit, or cause to be deposited, any refuse in any non-public container that he does not own or is not otherwise entitled to use as a tenant or by permission of the owner or lessee of the container.

Sec. 9-4. Unattended Containers.

No Person shall place, display or maintain any unattended container for soliciting deposit of recyclable materials or donated items in any exterior location within the city limits, except in conformance with all of the following provisions:

1. Such unattended containers may be located only within the parking lot of private property lawfully zoned, developed and used for commercial or industrial purposes or at schools, churches or charitable organizations which have similar parking facilities.
2. Such unattended containers may be located only with the permission of the property owner, his agent or the person in possession of the property, and the container owner's name and current telephone number shall be displayed thereon in a conspicuous location.
3. The owner of such unattended container and the property owner shall be jointly and severally responsible for maintaining all exterior areas within twenty-five (25) feet of the container and shall keep such area free from litter at all times.

Sec. 9-5. Inspections.

City of Maricopa may inspect annually single-family residential containers. Inspections will determine resident compliance with applicable laws and regulations, and ensure that refuse haulers are providing fly-tight containers in good condition. The City shall maintain an inspection log.

Secs. 9-6 – 9-20. Reserved.

ARTICLE II. PROPERTY MAINTENANCE

Sec. 9-21. Owner to Maintain Premises

(a) It is unlawful for an Person to fail to maintain residential or commercial real property under his control, in a clean manner, free from garbage, trash and waste, including but not

limited to, solid waste, contamination, garbage, remodeling and demolition debris, hazardous materials and recyclables.

(b) It is unlawful for any Person to interfere with or prevent the City from administering or enforcement this Chapter. However, nothing in this Chapter shall be construed to limit the pursuit of any remedy in any court of competent jurisdiction for property rights by the owner of any property within the City.

Sec. 9-22. Litter on Private Property

No Person shall throw or deposit litter on any occupied or unoccupied private property within the city, 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.

Sec. 9-23. Placement of Debris

It is unlawful for any Person, firm or corporation to 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 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 article for the removal of said rubbish, trash, filth or debris.

Sec. 9-24.²

REPEALED BY ORDINANCE 17-05

Sec. 9-25.

REPEALED BY ORDINANCE 17-05

Sec. 9-26. Service of Notice

REPEALED BY ORDINANCE 17-05

Sec. 9-27. Removal by City

REPEALED BY ORDINANCE 17-05

² Sections 9-24, 9-25, 9-26, 9-27, 9-28, 9-29 were Repealed by Ordinance 17-05 adopted 06/06/2017

Sec. 9-28. Lien for Removal

REPEALED BY ORDINANCE 17-05

Sec. 9-29. Remedies for Violation

REPEALED BY ORDINANCE 17-05

Secs. 9-30 – 9-50. Reserved.

ARTICLE III. REFUSE SERVICE.³

Sec. 9-51. Permit Required for Refuse Service; Exemptions

(a) Except as otherwise provided in this Section, no Person shall engage in, operate as, or represent himself to the public as one who is in the business of collecting, transporting, disposing, or recycling Residential Refuse or Commercial or Industrial Refuse generated within the City unless that Person has obtained a valid annual permit from the City pursuant to the provisions of this Article. Any person found guilty of violating this provision, shall be guilty of a class 3 misdemeanor.

(b) The City must have satisfactory evidence that the permit applicant possesses the necessary equipment and qualifications to collect, transport and dispose of Residential Refuse or Commercial or Industrial Refuse in a manner satisfactory to the City and in conformity with the state or county department of health laws, rules and regulations.

(c) Any community, charitable, philanthropic, or similar organization may collect, transport, dispose of, or recycle Residential Refuse or Commercial or Industrial Refuse without a permit upon approval of the Public Works Director provided that no part of the earnings or receipts from such activities inure to the benefit of any private shareholder, individual, or corporation and provided that the organization was not established to circumvent the requirements of this Article.

(d) The permit applicant desiring an annual permit to collect Residential Refuse or Commercial or Industrial Refuse shall submit to the Public Works Director:

- (1) an application as set forth in this Article;
- (2) a non-refundable application fee in an amount to be determined by Council; and,
- (3) a license bond in an amount to be determined by Council.

(e) Upon approval of a permit, Solid Waste permittees shall submit to the Public Works Director a report listing all trucks expected to operate within the City during the term of the

³ Amended by Ordinance 16-02 Adopted on 01/19/2016

permit and financial documentation of expected fee collection during the term of the permit. Within thirty (30) days from the end of each quarter, the Solid Waste permittee shall submit to the Public Works Director a per-vehicle fee in an amount established by city council or two percent (2%) of the gross receipts, whichever is greater. The Solid Waste permittee shall immediately notify the Public Works Director in the event the expected trucks operated within the City or fee collection as indicated in the report becomes inaccurate. The City may perform an annual audit to establish the permittee's gross receipts from the collection within the city.

(f) Governmental agencies engaged in the collection, transportation, disposal, or recycling of Residential Refuse or Commercial or Industrial Refuse within the City shall be exempt from the provisions of this Article.

(g) This Section shall not be construed to prevent individual property owners from hauling their own Refuse from their own premises to a legal point of disposal or recycling.

(h) All Persons who primarily collect and dispose of or recycle scrap metal, scrap plastic, waste motor oil, human excreta, animal excreta or remains, yard wastes, medical wastes, infectious wastes, hazardous wastes, toxic wastes, residual construction debris, or any other similar category of solid waste that either requires a special state, county, or federal permit to handle or constitutes a limited category of waste that the private hauler specializes in collecting shall be exempt from the permit provisions of this Article.

Sec. 9-52. Permit Application

(a) Every applicant for a permit under this Article or for renewal thereof shall file an application with the Public Works Director on the form provided by that officer and shall provide the following information and declarations:

(1) The name, local address, permanent home and business address, and local telephone number(s) of the individual applying and of the organization or Persons on whose behalf the application is made.

(2) If the organization on whose behalf the application is made is a joint venture, partnership, or limited partnership, the names, local and permanent street addresses, and local telephone numbers of all partners and their percentage of participation. If the organization is a corporation, the names, local and permanent street addresses, and local telephone numbers of all officers and the names, local and permanent street addresses, and telephone numbers of all shareholders owning an interest of five percent (5%) or more of the outstanding shares and their percentage of participation.

(3) The names, local and permanent street addresses, and local telephone numbers of all officers of the organization on whose behalf the application is made.

(4) Facts demonstrating that the applicant has arranged for the disposal or recycling of all Residential Refuse or Commercial or Industrial Refuse collected and the location of such disposal or recycling site.

(5) A description of all vehicles and equipment that the applicant owns or has under

his control that will be used for the collection, transportation, disposal, or recycling of Residential Refuse or Commercial or Industrial Refuse; the address(es) where all such vehicles will be kept and the land use classification under the Maricopa Zoning Code of such location(s); a declaration that the applicant has sufficient equipment in good mechanical condition to adequately conduct the business of Residential Refuse or Commercial or Industrial Refuse management or Residential Refuse or Commercial or Industrial Refuse recycling services if granted a permit; and facts demonstrating that said vehicles and equipment conform to all applicable provisions of A.R.S. Title 28 as amended.

(6) If applicable, a plan for the recycling of the Residential Refuse or Commercial or Industrial Refuse that indicates, at a minimum:

(i) How such Refuse shall be sorted and separated for recycling purposes and who shall do the sorting and separating;

(ii) How such Refuse shall be collected and transported for recycling purposes;

(iii) Where such Refuse shall be disposed of and processed for recycling purposes and who shall do the processing;

(iv) Whether the applicant proposes to offer any incentives to encourage recycling and if so, the nature of such incentives; and

(v) Any other information demonstrating what the applicant will do to promote the availability of Residential Refuse or Commercial or Industrial Refuse management or Residential Refuse or Commercial or Industrial Refuse recycling services and to stimulate competition in rendering such services.

(7) Other information and identification as the Public Works Director may require in order to discover the truth of the matters set forth in the application or to determine whether a permit should be granted. This may include submission to fingerprinting and photographing by the Maricopa Police Department for the purpose of a police investigation in cases where there is reason to doubt the truthfulness of the application or reason to require further information regarding the qualifications and capabilities of the applicant.

(8) Other information as the Public Works Director may require which demonstrates that the applicant is able to render efficient and effective Residential Refuse or Commercial or Industrial Refuse management or Residential Refuse or Commercial or Industrial Refuse recycling services and that the public health, safety, and welfare would be served by the granting of the permit to the applicant.

(9) Whether the applicant has ever had any application for a like permit denied, revoked, suspended, or canceled by any public entity and the reason given therefor.

(10) Proof that the applicant has obtained all insurance as required by State law.

(11) An emergency notification number (twenty-four hour availability). In the event of

an emergency, the Police or Fire Department may need to contact a representative of the company.

(b) Every permittee, as a condition to retention of such status, shall immediately file with the Public Works Director any changes in the information and declarations furnished under Subsection (a), as such occur from time to time.

(c) A nonrefundable application fee shall be paid to the City with each initial and each renewal application for purposes of paying for the cost of processing such application and ensuring compliance with the permit in an amount to be determined by Council and as set forth in Exhibit A,

(d) A license bond shall be paid to the City with each initial and each renewal application in an amount to be determined by Council and set forth in Exhibit A.

Sec. 9-53. Evaluation and Disposition of Permit Applications; Terms and Conditions

(a) The Public Works Director shall issue or reissue a permit only after the applicant/permittee demonstrates that it is capable and qualified to render reliable Residential Refuse or Commercial or Industrial Refuse management or Residential Refuse or Commercial or Industrial Refuse recycling services and that the public health, safety, and welfare will be substantially served by the issuance or reissuance of the permit.

(b) In making the determination required above, the Public Works Director may consider, among other things, the application, all pertinent information, and whether:

(1) The applicant/permittee has been convicted of a felony within five (5) years prior to application.

(2) The applicant/permittee has had a civil judgment entered against him within five (5) years of the date of the application in a case involving allegations of misrepresentation, fraud, dishonesty, or price-fixing where the subject matter involved the rendering of refuse collection, transportation, or recycling services.

(3) The applicant/permittee has violated or failed to comply with this Article or any sanitation law of this state or any other jurisdiction.

(4) The applicant/permittee has been delinquent for more than forty-five (45) days in the payment of taxes or fees to the City or to any unit of government having jurisdiction.

(5) The applicant/permittee has filed with the City or any other city any document that contains information which is false or misleading.

(6) The applicant/permittee is unable to pay debts as they fall due in the regular course of business or is otherwise in such financial condition that he cannot continue in business with safety to his customers or the public.

(c) In case of a partnership, corporation, or any other group or association, it is sufficient

cause for denial or revocation of a permit if any member of such persons or officer or director thereof has performed an act or failed to perform an act which would be cause for denying or revoking a permit of an individual agent for such Person.

(d) Permits issued under this Article shall have a term of twelve (12) months from the date of issuance. The permit shall authorize Residential Refuse or Commercial or Industrial Refuse management or Residential Refuse or Commercial or Industrial Refuse recycling services Citywide subject to the permittee's compliance with the permit, all requirements of this Chapter, and all requirements of county, state, and federal law.

(e) All permittees shall furnish their customers with containers consistent with the permit issued under this Article and necessary and appropriate to maintain a clean and sanitary condition on the customers' premises. Such containers shall display conspicuously the business name of the permittee and telephone number and shall be located so as:

- (1) Not to interfere with vehicular or pedestrian traffic;
- (2) Not to interfere with City-owned containers; and
- (3) To conform with all requirements of law.

(f) Permittees shall not remove refuse from any business establishment that is located within five hundred feet (500') of a Private Premises between the hours of 7:00 P.M. and 6:00 A.M.

(g) Except as authorized for recycling purposes under this Article, no permittee shall collect, remove, salvage, transport, or dispose of any Refuse or other waste of any kind produced by, kept on, or accumulated within or upon any Private Premises, including single-family dwellings, multifamily dwelling units, duplexes, patio homes, mobile home parks, trailer courts, rooming houses, boardinghouses, apartments, condominiums, townhouses, assisted living facilities, or complexes of any of the foregoing.

(h) All contracts for service executed by a permittee under this Article shall contain a clause subjecting the contract to cancellation by the customer in the event the permittee's permit is revoked by the City.

(i) In the event the City Council determines that legitimate governmental purposes would be advanced by having the City exclusively provide Residential Refuse or Commercial or Industrial Refuse management or recycling services and it is not otherwise prohibited by law, the Council may act to prohibit the issuance of permits to perform such services. The City shall not be liable to any permittee for any damages of any kind claimed to result from the actions taken pursuant to this Section. All permits issued for Residential Refuse or Commercial or Industrial Refuse management or recycling services shall bear a statement indicating that the permit shall expire at the end of twelve (12) months and that it is not automatically renewable. The permit shall indicate that the permittee understands that it will not be entitled to damages of any kind in the event that the City Council determines that such permits will not be issued in the future. All permits shall be acknowledged.

(j) All permittees engaging in recycling shall report annually to the Public Works Director on forms provided stating the amounts and type of Refuse collected for recycling during the preceding year.

Sec. 9-54. Renewal of Permits

Permits may be renewed annually by the Public Works Director or designee upon application by a permittee and if the Public Works Director or designee makes the findings required by Section 9-53 of this Article. Application for permit renewal shall be submitted by permittees not less than forty-five (45) days prior to the expiration of the current permit and shall be submitted in the same manner as prescribed in Section 9-52.

Sec. 9-55. Interest in Multiple Permits Prohibited

No Person shall have an interest in more than one (1) permit issued pursuant to the provisions of this Article. For the purposes of this Section, the word "interest" includes ownership or control of five percent (5%) or more of any joint venture, partnership, or limited partnership or of the outstanding shares of a corporation.

Sec. 9-56. Permit Requirement for Annexed Areas

With respect to any Person providing Residential Refuse or Commercial or Industrial Refuse management or Residential Refuse or Commercial or Industrial Refuse recycling services in any area at the time of its annexation by the City, all such Persons shall be subject to the requirements of this Article. Within thirty (30) days of the effective date of annexation, Persons engaging in Residential Refuse or Commercial or Industrial Refuse management or Residential Refuse or Commercial or Industrial Refuse recycling services in the annexed area who wish to continue operating after annexation shall apply to the Public Works Director for a permit pursuant to this Article

Sec. 9-57. Transfer of Permits Prohibited

Permits issued under the provisions of this Article and all other rights or privileges created under this Article shall have no property value to the holder and may not be sold, transferred, or assigned.

Sec. 9-58. Insurance

All permittees for Residential Refuse or Commercial or Industrial Refuse management or recycling services shall secure, maintain, and keep in force throughout the term of the permit insurance coverages as required by State law.

Sec. 9-59. Revocation of Permit

Any permittee that is found responsible for three (3) civil citations pursuant to the Maricopa City Code within six (6) months may have the permit revoked for a period of twelve (12) months. Notice of proposed revocation shall be served by personally delivering or by mailing by registered mail to the permittee, with service becoming effective either immediately upon personal service or five (5) calendar days from the date of mailing. The revocation shall become effective eleven (11) calendar days after receipt unless permittee has filed a request for a hearing pursuant to Section 9-60 of this Article. Once a permit has been revoked, the permittee must wait twelve (12) months before reapplying for a permit with the Public Works Division.

Sec. 9-60. Appeal from Denial or Revocation; Procedure and Notice

Any Person whose request for a permit is denied or who has received notice of proposed revocation may, within ten (10) calendar days after receipt of notice of such denial or revocation, file in the office of the Public Works Director a written request for a hearing before the Public Works Director. Such request shall contain the name and address of the Person, together with a brief statement as to why such denial or proposed revocation should be reversed. The decision of the Public Works Director may be appealed by the applicant or permittee within seven (7) days after receipt thereof to the City Manager. The decision of the City Manager shall be final.

Sec. 9-61. Dangerous or Hazardous Waste

No permittee shall collect, cause to be collected, place, or cause to be placed any dangerous or hazardous waste or similar materials from or in any container or from or upon any public or private property except as specifically permitted by the Arizona Department of Environmental Quality or the federal Environmental Protection Agency.