

ORDINANCE N<sup>o</sup> 10-61

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, AMENDING TOWN CODE § 150.08; AMENDING TOWN CODE § 150.01; PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR REPEAL OF ANY ORDINANCE OR PART OF ORDINANCES OR CODE PROVISIONS IN CONFLICT THEREWITH.

**Whereas**, Arizona Revised Statutes § 9-499 requires that the governing body of a city or town, by ordinance, shall compel the owner, lessee or occupant of property to remove rubbish, trash, weeds or other accumulation of filth, debris or dilapidated structures which constitute a hazard to public health and safety from buildings, grounds, lots, contiguous sidewalks, streets and alleys;

**Whereas**, when the current Town building codes were adopted, that section of the International Property Maintenance Code, 2006 Edition, related to Rubbish and Garbage, was deleted in its entirety; and

**Whereas**, this Ordinance is adopted for the purpose of promoting the health, safety and general welfare of the residents of the Town by: complying with state law; mitigating the hazards associated with rubbish and garbage; and setting forth standards and procedures for maintaining property in such cases.

**Now, Therefore**, Be it ordained by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona:

1. Amendment of Property Maintenance Code. Town Code § 150.08 is hereby amended as follows:

1.1. Part (B), Chapter 2, Section 202, which formerly read, "SECTION 202 — DEFINITIONS is amended by deletion of code official and replacement with Building Official," is amended and replaced in its entirety by the following:

SECTION 202 — DEFINITIONS is amended as follows:

The definition of the term **RUBBISH** is amended by appending the following: "For the purposes of this Property Maintenance Code, and without expanding the definition above, the term *rubbish* encompasses any reference in A.R.S. § 9-499 to trash, debris, or accumulation of filth."

1.2. Part (B), Chapter 3, Section 307, which formerly read, "Rubbish and Garbage is amended by deletion in its entirety," is amended and replaced in its entirety by the following:

Section 307.1 — **Accumulation of rubbish or garbage** is hereby deleted and replaced in its entirety by the following: "307.1 — **Accumulation of rubbish or garbage**. All exterior property, premises, buildings, grounds, lots, contiguous sidewalks, streets, and alleys shall be free from any accumulation of rubbish or garbage that: (1) constitute a hazard to public health and safety; or (2) are larger than 3' in diameter."

Section 307.4 — **Dumping.** Any person, firm or corporation that places any rubbish or garbage upon any private or public property not owned or under the control of that person, firm or corporation is guilty of a class 1 misdemeanor or a civil violation, or both; and, in addition to any fine or penalty which may be imposed for a violation of any provision of this section, is liable for all costs which may be assessed pursuant to this section for removing, abating or enjoining the rubbish or garbage.

2. Amendment of Administrative Code. Town Code § 150.01 is hereby amended as follows:

2.1. Part (B), Chapter 1, Section 101.1, which formerly read, "Title. These regulations shall be known as the Dewey-Humboldt Administrative Building Code for the incorporated areas of Dewey-Humboldt, hereinafter referred to as 'this code'," is amended and replaced in its entirety by the following:

**Title.** These regulations shall be known as the "Town Administrative Code."

2.2. All references anywhere in the Town Code to the "Dewey-Humboldt Administrative Building Code," "Town Administrative Code, 2007 Edition," or to the "Town Administrative Code, 2006 Edition" are hereby amended to say "Town Administrative Code."

2.3. Part (B), Chapter 1, Section 113, is amended by moving and renumbering that portion of § 113.6 following the end of (2)(B) as new § "113.5 — **Responsibility**," consolidating the 4 separate, unnumbered paragraphs into one paragraph; and by inserting the following between §§ 113.3 and new 113.5:


113.4 — **Notice of violation.** Written notice of any code violation must be provided to the owner, the owner's authorized agent or the owner's statutory agent and to the occupant or lessee. The notice shall be served either by personal service or by certified mail. If notice is served by certified mail, the notice shall be mailed to the last known address of the owner, the owner's authorized agent or the owner's statutory agent and to the address to which the tax bill for the property was last mailed. The notice shall be given not less than thirty days before the day set for compliance and shall include the legal description of the property and the cost of code violation abatement to the Town if the owner, occupant or lessee does not comply. The owner shall be given not less than thirty days to comply. The Code Official may record the notice in the Yavapai County Recorder's Office; but if the notice is recorded and compliance with the notice is subsequently satisfied, the Code Official shall record a release of the notice.

3. Effective Date. That this Ordinance shall be effective at the soonest date after its passage and approval, according to law.

4. Savings Clause. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance as amended is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance.


5. Repeal. All other code provisions, ordinances, or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed as of the effective date hereof.

**PASSED AND ADOPTED** by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this 19<sup>th</sup> day of January 2010.



Len Marinaccio, Mayor

ATTEST:

  
Judy Morgan, Town Clerk

APPROVED AS TO FORM:

  
Ethan Wolfinger, Town Attorney

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