

ORDINANCE NO. 628-16

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF PAGE, COCONINO COUNTY, ARIZONA AMENDING THE CODE OF THE CITY OF PAGE, ARIZONA, CHAPTER 9, ARTICLE 9-1 SUBSECTIONS 9-1-1 PURPOSE AND SCOPE, 9-1-2 DEFINITIONS, 9-1-3, ENFORCEMENT AUTHORITY, 9-1-4 INSPECTIONS, 9-1-5 PUBLIC NUISANCES PROHIBITED, 9-1-8 ENFORCEMENT, 9-1-8.1 INFORMAL MEDIATOR INTERVENTION AND SUMMARY ACTION, 9-1-8.2 ABATEMENT, 9-1-8.3 CIVIL AND CRIMINAL ENFORCEMENT; AND ARTICLE 9-2 SUBSECTIONS 9-2-2 CONTRACT WITH PRIVATE COMPANY-FIXING OF SERVICES AND RATES; AND ADDING SUBSECTIONS 9-2-4 RESIDENTIAL TRASH, RUBBISH OR GARBAGE, AND RECYCLABLE AND/OR HAZARDOUS MATERIALS COLLECTION, AND 9-2-5 MANUFACTURED HOUSING/RV PARK TRASH, RUBBISH OR GARBAGE AND RECYCLABLE AND/OR HAZARDOUS MATERIALS COLLECTION, AND COMMERCIAL, PUBLIC/SEMI-PUBLIC, BUSINESS PARK TRASH, RUBBISH OR GARBAGE AND RECYCLABLE AND/OR HAZARDOUS MATERIALS COLLECTION.

WHEREAS, the Mayor and Common Council have established a code enforcement program in the Community Development Department; and

WHEREAS, the Mayor and Common Council have determined that a number of ordinances dealing with Nuisance issues are in need of being amended to address existing code enforcement issues in the community; and

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF PAGE, COCONINO COUNTY, ARIZONA, as follows:

Section 1: That Chapter 9 Article 9-1 PUBLIC NUISANCE AND PROPERTY MAINTENANCE, Section 9-1-2 Definitions of the Code of the City of Page, Arizona is hereby adopted as set forth as follows:

Garbage: HOUSEHOLD WASTE (INCLUDING SINGLE AND MULTIPLE FAMILY RESIDENCES AND SOME COMMERCIAL ENTERPRISES SUCH AS HOTELS, OFFICES, RESTAURANTS AND OTHER SUCH BUSINESSES) THAT IS PERMITTED TO BE PLACED IN ON SITE RECEPTACLES. ~~An accumulation of spoiled or discarded animal or vegetable material resulting from the handling, preparation, cooking or consumption of food for humans or animals, as well as other organic waste material subject to rapid decomposition.~~

Section 2: That Chapter 9 Article 9-1 PUBLIC NUISANCE AND PROPERTY MAINTENANCE, Section 9-1-3 Enforcement Authority of the Code of the City of Page, Arizona is hereby adopted as set forth as follows:

- A. The City of Page Community ~~Resource Officer~~ COMMUNITY ENHANCEMENT TECHNICIAN, in coordination and cooperation with such other designated city officials, is hereby authorized and directed to

enforce all provisions of this article.

- B. In enforcing this article, the City ~~OF PAGE Community Resource Officer~~COMMUNITY ENHANCEMENT TECHNICIAN, peace officer, or other designated city official, may take one (1) or more of the following actions by first utilizing the least punitive action and progressing to more severe actions only as necessary for compliance.
1. Informal intervention with the responsible party.
  2. Where the violation is on public property, such as noncompliant posting of signs in a public right-of-way, take summary action to remove the violation and, where possible, serve notice of the action or written warning, issue a Civil or Criminal Citation.
  3. Issue a Notice and Order to Abate to the responsible party in accordance with the procedures set forth in this article.
  4. Issue a Criminal or Civil Citation to the responsible party in accordance with the procedures set forth in this article.
  5. In the case of an imminent hazard or a building or structure which is unfit for human habitation, with the concurrence and approval of the City Manager, take emergency remedial action or issue an order to vacate the premises in accordance with the procedures set forth in this article.
- C. The authority of the City ~~Community Resource Officer~~COMMUNITY ENHANCEMENT TECHNICIAN to enforce the provisions of this article is independent of and complementary to the authority of other designated city officials to enforce the provisions of any other statute, code or regulation. The remedies provided for in this article are cumulative and in addition to any other remedies established by law, and this article shall not be interpreted as limiting the penalties, actions or abatement procedures which may be taken by the City or other officials under other laws, ordinances, or rules.

**Section 3: That Chapter 9 Article 9-1 PUBLIC NUISANCE AND PROPERTY MAINTENANCE, Section 9-1-4 Inspections of the Code of the City of Page, Arizona is hereby adopted as set forth as follows:**

- A. The City ~~Community Resource Officer~~COMMUNITY ENHANCEMENT TECHNICIAN, or such other designated city official, is hereby authorized to make inspections for violations of this article in the normal course of job duties or in response to a citizen complaint when there is reason to believe that a violation of this chapter has been or is being committed and where necessary to certify

compliance with an enforcement action.

**Section 4: That Chapter 9 Article 9-1 PUBLIC NUISANCE AND PROPERTY MAINTENANCE, Section 9-1-5 Public Nuisances Prohibited of the Code of the City of Page, Arizona is hereby adopted as set forth as follows:**

- A. It shall be unlawful to maintain any condition defined as or deemed to be a nuisance or hazard to the public health, safety, or welfare by any statute of the State of Arizona or any code or ordinance adopted by the City of Page, ~~OR ANYTHING WHICH IS INDECENT OR OFFENSIVE TO THE SENSES, OR WHICH INTERFERES WITH THE COMFORTABLE ENJOYMENT OF LIFE OR PROPERTY.~~
- B. ANY ATTRACTIVE NUISANCE, DANGEROUS TO CHILDREN AND OTHER PERSONS INCLUDING, BUT NOT LIMITED TO, ABANDONED, BROKEN, OR NEGLECTED HOUSEHOLD APPLIANCES, EQUIPMENT AND MACHINERY, ABANDONED FOUNDATIONS OR EXCAVATIONS, OR IMPROPERLY MAINTAINED OR SECURED POOLS, HOT TUB OR SPA.
- C. IT IS UNLAWFUL FOR ANY PERSON TO ERECT OR MAINTAIN WITHIN THE CITY ANY ABOVE GROUND ELECTRIC FENCE.
- ~~B-D.~~ It shall be unlawful for any person to cause or allow the storage of any abandoned or junk vehicle except where such storage is in complete compliance with this article and the City of Page Zoning Code.
  - 1. In residential areas, all abandoned or junk vehicles being stored, restored or repaired for longer than fourteen (14) days shall be kept safely within a lawful building or structure or behind a lawful fence in such a manner as to not be visible from beyond the lot boundaries.
  - 2. Abandoned or junk vehicles shall not be stored on the premises of a business enterprise unless the enterprise is lawfully licensed under the Page City Code for such purpose, or such storage is necessary to the operation of the business enterprise, and such storage is otherwise in conformance with the Page City Code and Zoning Ordinance.
- ~~G-E.~~ No person shall allow, deposit, store, accumulate or maintain garbage, trash, refuse, rubbish, litter, or junk that is visible from beyond the lot boundaries, except for temporary storage of such materials in an authorized receptacle for collection in compliance with ARTICLE 9-2 OF THIS ORDINANCE ~~the city of Page Agreement for Garbage Collection.~~
- ~~D-F.~~ No person shall deposit, discard, store, maintain, or knowingly permit to remain on land, under his control, in a place accessible to children,

any icebox, refrigerator, ice chest, or other airtight or semi-airtight container or appliance which has a capacity of one and one-half cubic feet or more and/or an opening of twenty square inches or more and which has a door or lid equipped with hinge, latch or other fastening device.

G. ALL PERSONS OWNING OR OCCUPYING LAND, WHETHER IMPROVED OR UNIMPROVED, SHALL KEEP THE SIDEWALKS OR PUBLIC PLACES FRONTING OR BORDERING THEIR PROPERTY, FREE OF GARBAGE, TRASH, REFUSE, RUBBISH, LITTER OR JUNK; PROVIDED, HOWEVER, THIS SECTION SHALL NOT PROHIBIT THE TEMPORARY STORAGE OF SUCH MATERIALS IN AUTHORIZED RECEPTACLES FOR COLLECTION IN COMPLIANCE WITH ARTICLE 9-2 OF THIS ORDINANCE.

~~E. All persons owning or occupying land, whether improved or unimproved, shall keep the sidewalks or public places fronting or bordering their property, free of garbage, trash, refuse, rubbish, litter or junk; provided, however, this section shall not prohibit the temporary storage of such materials in authorized receptacles for collection in compliance with Article 9-2 of this ordinance the City of Page Agreement for Garbage Collection. All persons owning or occupying land, whether improved or unimproved, except land designated Parks/Open Space, Future Development, or Residential Estate, shall not allow, maintain, or accumulate weeds or grass in excess of eight (8) inches high.~~

F.H. No owner or occupant of land, whether improved or unimproved, shall allow trees, shrubs, or plant growth on that land to encroach upon or impede, obstruct or interfere with passage on, any street, sidewalk, easement or alley within the City or to obstruct visibility of any traffic control device or signal, OR DEAD, DECAYED, DISEASED OR HAZARDOUS TREES, WEEDS, HEDGES, AND OVERGROWN OR UNCULTIVATED VEGETATION WHICH IS IN A HAZARDOUS CONDITION OR WHICH IS LIKELY TO HARBOR RATS, VERMIN OR OTHER PESTS. THIS SECTION DOES NOT APPLY TO PROPERLY MAINTAINED COMPOST BINS.

G.I. No owner or occupant of land, whether improved or unimproved, except on land designated as Parks /Open Space or Future Development, shall ALLOW, MAINTAIN, OR ACCUMULATE WEEDS, GRASS OR OTHER PLANT GROWTH THAT ARE DEAD, DORMANT, STICKER, OR DUE TO HEIGHT OR DRYNESS, CONSTITUTE A HAZARDS AS DEEMED BY THE FIRE MARSHAL. WHEN IN THE OPINION OF THE FIRE MARSHAL, THE LARGE SIZE OR TERRAIN OF PROPERTY MAKES THE CUTTING OF ALL WEEDS OR GRASSES

IMPRACTICAL, THE FIRE MARSHAL, OR DESIGNEE, MAY, BY WRITTEN ORDER, ALLOW AND LIMIT THE REQUIRED CUTTING OF WEEDS AND GRASSES TO A FIREBREAK OF NOT LESS THAN FIFTEEN FEET (15') IN WIDTH CUT AROUND THE COMPLETE PERIMETER OF THE PROPERTY AND AROUND ANY STRUCTURES EXISTING UPON THE PROPERTY, UNLESS THE FIRE MARSHAL, OR DESIGNEE DETERMINES THAT A FIREBREAK OF A LESSER WIDTH WILL PROVIDE ADEQUATE PROTECTION AGAINST FIRE SPREAD AT THE PARTICULAR LOCATION.~~allow plant growth or weeds which are dead, dormant, sticker or potentially injurious to humans or animals or so dry as to be readily flammable or combustible or that may otherwise constitute a fire hazard or other threat to public health or safety. Nothing in this Article shall prohibit plant or weed growth, with the exception of noxious weeds, utilized for grazing on land designated as Residential Estate.~~

- ~~H.~~J. No person or owner shall deposit into, sweep upon or allow or permit to drain into any public right-of-way or place any hazardous material, garbage, trash, refuse, rubbish, litter or junk, or similar matter which is offensive to sight or smell or impedes passage or is detrimental to public health.
- ~~I.~~K. It is unlawful for the owner or occupant of land to cause or permit disagreeable or obnoxious odors to emanate beyond the boundaries of the land.
- ~~J.~~L. It is unlawful to occupy any building or other structure which is unfit for human habitation in violation of Chapter 7 of the Page City Code.
- ~~K.~~M. It is unlawful to allow any swimming pool or similar body of water to stagnate and thereby become eutrophic, polluted, or offensive to the senses and unsafe for its intended use in violation of any applicable health and safety code.
- ~~L.~~N. No owner or occupant of land, whether improved or unimproved, shall cause or permit unreasonable quantities of smoke, noxious fumes, gas, soot or cinders to emanate beyond the boundaries of that land except with a fire department burning permit.
- ~~M.~~ No owner or occupant of a building or structure within the City shall permit graffiti on any building or structure or fail to eradicate graffiti from such building or structure in violation of Article 10-2 of this code. ~~Graffiti is defined within this code.~~
- ~~N.~~O. It is unlawful for any owner or occupant of land to fail to properly repair or replace any collapsed or fallen fence adjacent to the public right-of-way.
- ~~O.~~P. In accordance with Chapter 8 of this code, except for specific permitted

or licensed activities, it shall be unlawful for any person to display any article for sale outdoors on any property, whether improved or unimproved, or on any public place; and no owner or occupant of property, whether improved or unimproved, shall allow or permit such outdoor displays. This provision shall not apply to garage or yard sales.

~~P.~~ Q. In residential zones, it shall be unlawful for any person to park or store and for an owner or occupant of land to allow or permit any person to park or store on the owner's or occupant's land any commercial vehicle having a gross vehicle weight rating (GVWR) exceeding fourteen thousand (14,000) pounds, except that temporary parking is permitted for the purpose of delivery or the loading and unloading of household goods.

~~Q.~~ R. No person shall place any sign in any public right-of-way or attach any sign to any public utility structure, traffic control device, traffic light standard, or similar structure, except signs erected by a public utility or government agency and those permitted by city ordinance or other law, but only for those places, times and specific purposes permitted.

~~R.~~ S. All vacant or abandoned buildings shall be secured against unauthorized entry at all times.

~~S.~~ T. It shall be unlawful for any person to willfully or negligently permit or cause the escape or flow of water from the municipal water system in such quantity as to cause flooding, impede vehicular or pedestrian traffic, create a hazardous condition to such traffic, create a condition which constitutes a threat to the public health and safety, or cause damage to the public streets or alleys of the City.

U. IT SHALL BE UNLAWFUL FOR ANY PERSON TO WILLFULLY OR NEGLIGENTLY DEPOSIT, ALLOW TO BE DEPOSITED, OR FAIL TO PREVENT THE DEPOSIT OF LEAVES, GRASS, WEEDS, SAND, STONES, OR THE LIKE ON A PUBLIC SIDEWALK, ALLEY, STREET, RIGHT-OF-WAY, OR OTHER PUBLIC PROPERTY. IT SHALL ALSO BE UNLAWFUL FOR A PROPERTY OWNER OR OCCUPANT OF PROPERTY TO WILLFULLY OR NEGLIGENTLY ALLOW THE ACCUMULATION OF SAID DEBRIS ON A PUBLIC SIDEWALK, ALLEY, STREET, OR RIGHT OF WAY ON SAID PROPERTY.

**Section 5: That Chapter 9 Article 9-1 PUBLIC NUISANCE AND PROPERTY MAINTENANCE, Section 9-1-8 Enforcement of the Code of the City of Page, Arizona is hereby adopted as set forth as follows:**

After appropriate or necessary investigation, documentation and inspection, the City ~~Community Resource Officer~~ COMMUNITY ENHANCEMENT TECHNICIAN, a Peace Officer, or other designated city official may take, in compliance with Section 9-1-3(B), one (1) or more of the following actions:

- A. Informal verbal or written notice to abate
- B. Informal mediation or intervention with the responsible party.
- C. Summary action to remove the violation, followed by appropriate notice, warning or enforcement action.

- D. Issue a Formal Notice and Order to Abate.
- E. Issue a Criminal or Civil Citation with notice to appear
- F. Take emergency action for abatement or vacation of premises.

Subsection 9-1-8.1 Informal Mediator Intervention and Summary Action

- A. Informal mediation or intervention. Whenever in the judgment of the City ~~Community Resource Officer~~ COMMUNITY ENHANCEMENT TECHNICIAN, or other designated official, action short of formal citation or Notice and Order to Abate is likely to achieve satisfactory and timely compliance, informal intervention, including written and verbal communication providing up to fourteen (14) days in which to remedy the violation(s), may be used.
- B. Summary action. Where obvious and elemental violations occur and entry onto private property is not necessary to enforcement, e.g., in the case of illegal posting of advertising in public rights-of-way, the City ~~Community Resource Officer~~ COMMUNITY ENHANCEMENT TECHNICIAN, or other designated official, may remove or summarily abate the violation. In such cases, evidence of the violation shall be forwarded to the City Code Enforcement Officer, or other appropriate official for identification of the responsible party and follow-up enforcement.

Subsection 9-1-8.2 Abatement

- A. Administrative Abatement.
  - 1. Abatement commenced pursuant to A.R.S. Section 9-499 (as amended) shall be known as an Administrative Abatement. The purpose of an Administrative Abatement is to compel the person or responsible party of the 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 of the City. Notice of Abatement shall be given in accordance with the procedures set forth in this chapter and only after informal mediation or intervention has failed to remedy the violation.
  - 2. Notice to Abate. If the City ~~Community Resource Officer~~ COMMUNITY ENHANCEMENT TECHNICIAN, or other designated official, determines that a violation of this article has occurred, he or she shall advise the responsible party by written notice and order to comply that the violation must be corrected and removed from the property. The notice shall be given to the responsible party not less than thirty (30) days

before the date set for compliance if the violation is to be abated by administrative procedure pursuant to A.R.S. Section 9-499 (as amended). If the property owner is not the defendant or responsible party named in the action, notice shall also be given to the owner in accordance with the procedures set forth in this chapter. The notice shall include:

- a. A legal description of the premises, street address, tax parcel number, and a summary of violations known to exist together with the code section references.
  - b. A detailed description of the condition(s) constituting the violation(s) along with legal citation(s) of applicable code, statutory or regulatory provision(s).
  - c. Re-inspection date, if any.
  - d. The estimated cost of abatement together with costs of additional inspections and other incidental connected costs.
  - e. A Description of the Appeal Process. Pursuant to A.R.S. Section 9-499 (as amended), the responsible party may appeal both the notice and the assessments by requesting a hearing before the City Council within the time set for compliance. If no timely appeal is made, or the City Council affirms the abatement, the City may remove, abate, enjoin or cause the removal of the violation after the compliance time has elapsed.
  - f. Name, business address, and business phone number of the ~~City Community Resource Officer~~COMMUNITY ENHANCEMENT TECHNICIAN and/or other city official who issued the notice.
3. The costs for abatement, plus associated legal costs, shall be recorded as an assessment on the property and collected as provided in A.R.S. Section 9-499 (as amended), including commencing a sale of the property and judgment of foreclosure in Superior Court. A prior assessment under the statute shall not be a bar to subsequent assessments, and any number of assessments on the same lot or tract of land may be enforced in the same action.
  4. Service of the Notice to Abate shall be deemed complete on the date it is hand delivered or mailed certified mail, return receipt requested, addressed to the property owner or responsible party. If personal service or mailed service is not practicable, service of notice also shall be deemed effective upon notification through a one-time public notice published in a newspaper of general circulation within the City and by posting a duplicate notice on the property for a period of thirty (30) days. Nothing

herein shall preclude the City from giving additional verbal or written notice at its discretion.

5. Notice pursuant to Subsection 9-1-8.1(A) shall occur prior to commencement of other enforcement proceedings, including civil or criminal proceedings. Abatement will not preclude also seeking civil or criminal enforcement actions.
6. Statement of account. When the City has undertaken action to abate the nuisance, the City ~~Community—Resource Officer~~ COMMUNITY ENHANCEMENT TECHNICIAN, or other authorized official, shall prepare a verified statement of the actual costs of abatement, including an administration charge of five (5) percent and serve said statement in accordance with the procedures as set forth within this chapter.
7. Recording of violation and/or lien of assessment. The Notice to Abate and statement of account and any assessment lien recorded by the City shall run with the land. The City, at its sole discretion, may record a Notice and Order to Abate or a statement of account with the Coconino County Recorder and thereby cause compliance by an entity thereafter acquiring such property. When the property is brought into compliance, a Satisfaction of Notice to Abate shall be recorded with the Coconino County Recorder. When an assessment lien is paid off, a satisfaction of the lien shall be recorded.

B. Court Ordered Abatement.

1. In addition to any other abatement procedure provided in this chapter, in accordance with A.R.S. Section 9-500.21 the City Manager or designee, or the City Attorney's office, may apply to the Municipal Court for an order permitting the City to abate any condition that constitutes a violation of this Public Nuisance Code.
2. After notice to the owner and any responsible party, the Judge or court hearing officer shall conduct a hearing. The hearing shall be informal and open to the public. Evidence may be taken from any interested party and considered in determining whether a condition in violation of the public nuisance ordinance exists and what, if any, abatement action should be permitted. Any person who fails to appear after notice of the hearing may be deemed to have waived any right to introduce evidence. The court's determination shall be based on the preponderance of evidence.
3. If the City seeks court-ordered abatement as a remedy in addition to any sanction, penalty, incarceration, restitution, or fine, it shall assess the abatement costs as set forth in this chapter and/or those established in the judgment and sentence.

The court may allow an appropriate time for compliance and abatement by the responsible party, but compliance will not preclude the City from requesting criminal penalties depending on how the violators were charged. Failure by the defendant or responsible party to comply with abatement will result in the filing of an assessment lien on the property, as described in A.R.S. Section 9-499 (as amended), and may also subject the party to additional criminal citations for interference with judicial proceedings under A.R.S. Section 13-2810 (as amended).

4. Appeal of Court Decision. Any party may appeal the judgment of the court to the Superior Court. Appeals from civil proceedings shall be in accordance with the Superior Court Rule of Appellate Procedure. Civil Execution of any judgment shall be stayed pending appeal.

**Subsection 9-1-8.3 Civil and Criminal Enforcement**

- A. Authority to issue Civil and Criminal Citations. The City ~~Community Resource Officer~~ COMMUNITY ENHANCEMENT TECHNICIAN, any peace officer and any other city official authorized by the City Manager may issue a citation pursuant to this article.
- B. Civil or criminal enforcement in the Page Magistrate Court may be commenced by the issuance and filing with the court a Uniform Arizona Traffic Ticket Complaint form.
- C. Long form complaint. Any prosecutor, City ~~Community Resource Officer~~ COMMUNITY ENHANCEMENT TECHNICIAN, peace officer and any other city official authorized by the City Manager may file a long form complaint with the Page Magistrate Court in accordance with the Arizona Rules of Criminal Procedure.

**Section 6: That Chapter 9 Article 9-2 GARBAGE-TRASH, RUBBISH OR GARBAGE AND RECYCLABLE AND/OR HAZARDOUS MATERIALS Collection, of the Code of the City of Page, Arizona is hereby adopted as set forth as follows:**

9-2-1 Exclusive Right

9-2-2 Contract with Private Company- Fixing of Service and Rates 9-2-3 Use of Containers

9-2-4 RESIDENTIAL TRASH, RUBBISH OR GARBAGE AND RECYCLABLE AND/OR HAZARDOUS MATERIALS COLLECTION

9-2-5 MANUFACTURED HOUSING/RV PARK TRASH RUBBISH OR GARBAGE AND RECYCLABLE AND/OR HAZARDOUS MATERIALS COLLECTION

9-2-6            COMMERCIAL, PUBLIC/SEMI-PUBLIC, BUSINESS PARK TRASH, RUBBISH OR GARBAGE AND RECYCLABLE AND/OR HAZARDOUS MATERIALS COLLECTION

**Section 7: That Chapter 9 Article 9-2 GARBAGE-TRASH, RUBBISH OR GARBAGE AND RECYCLABLE AND/OR HAZARDOUS MATERIALS Collection, Section 9-2-2 Contract with Private Company-Fixing of Services and Rates of the Code of the City of Page, Arizona is hereby adopted as set forth as follows:**

- A. If the City Council elects to contract with a private company to provide municipal trash, RUBBISH OR GARBAGE, INCLUDING RECYCLABLE AND/OR HAZARDOUS MATERIALS collection services to the residents of the City, then the method and frequency of ~~trash~~-SUCH collection, and the rates for ~~trash~~-SUCH collection and disposal shall be fixed by the City Council in a written contract with the private company providing the service. The terms of any such contract or amendments thereto, as may from time to time be adopted and approved by the City Council, are expressly incorporated by reference into this chapter and made a part hereof as though fully set forth herein.
- B. All contracts and amendments thereto which may be entered into by the City Council to provide municipal trash, RUBBISH OR GARBAGE, INCLUDING RECYCLABLE AND/OR HAZARDOUS MATERIALS disposal and collection services to the City and its residents are established and declared to be a public record, and each contract which may be approved by the City Council shall be maintained in the office of the City Clerk for public inspection and review during normal business hours of that office.
- C. In the event the services, schedules, or procedures for garbage collection as provided for in the City of Page Agreement for Garbage Collection is amended or altered, the City Manager shall be responsible for taking reasonable steps to notify the community of such changes prior to their implementation.

**Section 8: That Chapter 9 Article 9-2 GARBAGE-TRASH, RUBBISH OR GARBAGE AND RECYCLABLE AND/OR HAZARDOUS MATERIALS Collection, SECTION 9-2-4 RESIDENTIAL TRASH, RUBBISH OR GARBAGE, AND RECYCLABLE AND/OR HAZARDOUS MATERIALS COLLECTION of the Code of the City of Page, Arizona is hereby adopted as set forth as follows:**

- A. STORAGE OF CONTAINERS. EXCEPT FOR MULTI-FAMILY DWELLINGS, ALL TRASH, RUBBISH OR GARBAGE, INCLUDING RECYCLABLE AND/OR HAZARDOUS MATERIALS COLLECTION

CONTAINERS SHALL BE STORED NO CLOSER TO THE STREET THAN THE FRONT BUILDING LINE OF THE PRINCIPAL DWELLING.

- B. CONTAINER MUST CLOSE. EXCEPT FOR MULTI-FAMILY DWELLINGS, ALL TRASH, RUBBISH OR GARBAGE, INCLUDING RECYCLABLE AND/OR HAZARDOUS MATERIALS COLLECTION CONTAINERS MUST REMAIN CLOSED, WITH A TIGHT FITTING LID AT ALL TIMES. THERE SHALL BE NO CONTENTS OF ANY TRASH, RUBBISH OR GARBAGE, INCLUDING RECYCLABLE AND/OR HAZARDOUS MATERIALS COLLECTION CONTAINER VISIBLE DUE TO AN OPEN OR UNSECURED LID. NO TRASH, RUBBISH OR GARBAGE, INCLUDING RECYCLABLE AND/OR HAZARDOUS MATERIALS SHALL BE PLACED OR STORED OUTSIDE OF AN APPROVED CONTAINER.
- C. CONTAINER LOCATION FOR CURB-SIDE PICKUP. EXCEPT FOR MULTI-FAMILY DWELLINGS, TRASH, RUBBISH OR GARBAGE, INCLUDING RECYCLABLE AND/OR HAZARDOUS MATERIALS COLLECTION CONTAINERS WAITING TO BE PICKED UP BY CURB-SIDE SERVICE SHALL BE PLACED IMMEDIATELY ADJACENT TO THE STREET SIDE OF THE CURB.
- D. CONTAINER CURB-SIDE PICKUP LOCATION TIMEFRAME. EXCEPT FOR MULTI-FAMILY DWELLINGS, TRASH, RUBBISH OR GARBAGE, INCLUDING RECYCLABLE AND/OR HAZARDOUS MATERIALS COLLECTION CONTAINERS SHALL BE SET OUT AFTER 6:00 P.M. ON THE DAY PRECEDING REGULAR COLLECTION AND SHALL BE REMOVED FROM THE CURB BY 6:00 P.M. ON THE DAY OF COLLECTION. ALL OTHER TIMES ALL TRASH, RUBBISH OR GARBAGE, INCLUDING RECYCLABLE AND/OR HAZARDOUS MATERIALS COLLECTION CONTAINERS MUST BE STORED AS REQUIRED IN SECTION 9-2-4 A. ABOVE.
- E. TRASH, RUBBISH OR GARBAGE AND RECYCLABLE AND/OR HAZARDOUS MATERIALS COLLECTION AREAS FOR MULTI-FAMILY DWELLINGS.
1. TRASH, RUBBISH OR GARBAGE, INCLUDING RECYCLABLE AND/OR HAZARDOUS MATERIALS COLLECTION AREAS WHICH GENERATE NOISE AND/OR ODORS SHALL NOT BE LOCATED IN FRONT OF A PRINCIPAL RESIDENTIAL BUILDING.
  2. GARBAGE AND RECYCLING CONTAINERS MUST BE FULLY ENCLOSED VIA A SOLID 6 FOOT WALL OR FENCE AND VIEW OBSTRUCTING GATE AND LOCATED ON A CONCRETE SURFACE. THE ENCLOSURE SHALL BE SOFTENED WITH

LANDSCAPING ON ANY SIDE VISIBLE FROM A PUBLIC OR PRIVATE STREET. THE ENCLOSURE SHALL BE LOCATED INSIDE PARKING COURTS OR AT THE END OF PARKING BAYS. LOCATIONS SHALL BE CONVENIENTLY ACCESSIBLE FOR COLLECTION AND MAINTENANCE AND SHALL NOT BLOCK ACCESS DRIVES DURING COLLECTION OPERATIONS.

**Section 9: That Chapter 9 Article 9-2 GARBAGE-TRASH, RUBBISH OR GARBAGE AND RECYCLABLE AND/OR HAZARDOUS MATERIALS Collection, Section 9-2-5 MANUFACTURED HOUSING/RV PARK TRASH, RUBBISH OR GARBAGE AND RECYCLABLE AND/OR HAZARDOUS MATERIALS COLLECTION of the Code of the City of Page, Arizona is hereby adopted as set forth as follows:**

ALL TRASH, RUBBISH OR GARBAGE, INCLUDING RECYCLABLE AND/OR HAZARDOUS MATERIALS IN COMMON STORAGE AND COLLECTION AREAS SHALL BE COMPLETELY ENCLOSED VIA A SOLID 6 FOOT WALL OR FENCE AND VIEW OBSTRUCTING GATE AND LOCATED ON A CONCRETE SURFACE. REFUSE COLLECTION AREAS SHALL BE READILY ACCESSIBLE TO COLLECTION VEHICLES, WITHOUT SUBSTANTIALLY ENCUMBERING ADJACENT PARKING AND VEHICULAR ACCESS. IF THE REFUSE COLLECTION AREA CAN BE SEEN FROM THE EXTERIOR OF THE PARK, THE ENCLOSURE SHALL BE SOFTENED WITH LANDSCAPING ON ITS MOST VISIBLE SIDES.

**Section 10: That Chapter 9 Article 9-2 GARBAGE-TRASH, RUBBISH OR GARBAGE AND RECYCLABLE AND/OR HAZARDOUS MATERIALS Collection, Section 9-2-6 COMMERCIAL, PUBLIC/SEMI-PUBLIC, BUSINESS PARK GARBAGE AND RECYCLING of the Code of the City of Page, Arizona is hereby adopted as set forth as follows:**

ALL TRASH, RUBBISH OR GARBAGE, INCLUDING RECYCLABLE AND/OR HAZARDOUS MATERIALS COLLECTION STORAGE AND COLLECTION AREAS SHALL BE COMPLETELY ENCLOSED VIA A SOLID 6 FOOT WALL OR FENCE AND VIEW OBSTRUCTING GATE AND LOCATED ON A CONCRETE SURFACE. REFUSE COLLECTION AREAS SHALL BE READILY ACCESSIBLE TO COLLECTION VEHICLES, WITHOUT SUBSTANTIALLY ENCUMBERING ADJACENT PARKING AND VEHICULAR ACCESS. IF THE REFUSE COLLECTION AREA CAN BE SEEN FROM THE FRONT OF THE PROPERTY THE ENCLOSURE SHALL BE SOFTENED WITH LANDSCAPING ON ITS MOST VISIBLE SIDES.

**PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF PAGE, COCONINO COUNTY, ARIZONA this 22<sup>nd</sup> day of June,**

2016, by the following vote:

Ayes	<u>7</u>
Nays	<u>0</u>
Abstentions	<u>0</u>
Absent	<u>0</u>

CITY OF PAGE

By William R. Deak  
Mayor

ATTEST:

Kim L. Larson  
CITY CLERK

APPROVED AS TO FORM:

[Signature]  
CITY ATTORNEY