

## ORDINANCE 469-10

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AMENDING TOWN CODE CHAPTER 10 "HEALTH AND SANITATION" BY CREATING AND ADOPTING A NEW ARTICLE 10-8: RESIDENTIAL WASTE SERVICES: SOLID WASTE SERVICES; BULK WASTE SERVICES; RECYCLING SERVICES; AND ANIMAL WASTE SERVICES FOR RESIDENTIAL DWELLINGS; AND PROVIDING PENALTIES.**

WHEREAS, the Town of Queen Creek desires to preserve the health, safety and welfare of the citizens of Queen Creek, and establish a sustainable community by providing standards for the safe and sanitary provision of Solid Waste Services, Bulk Waste Services and Recycling Services for residential dwellings within the Town; and

WHEREAS, the Town Council wishes to provide a process to prescribe and enforce residential waste services regulations and to implement the application, administration, interpretation, and enforcement of these regulations in the Town.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the Town of Queen Creek, Arizona, as follows:

Section 1. That certain document titled "Town Code Chapter 10 Health and Sanitation, Article 10-8: Residential Waste Services: Solid Waste Services; Bulk Waste Services; Recycling Services; and Animal Waste Services for Residential Dwellings", which document was made public record by Resolution **819-10** of the Town of Queen Creek, Arizona, is hereby referred to, adopted, and made a part of the Town of Queen Creek Town Code as if fully set out in this Ordinance.

Section 2: If any section, subsection, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 3. Article 10-8 Penalties

### **Section 10-8-17 Carts Removal**

In addition to any other actions or remedies it may pursue, the Town has the authority to remove Town owned Solid Waste and/or Recycling Carts from Residents and/or property owners who fail to comply with the requirements of this Article.

**Section 10-8-18 Termination of Services; lien for unpaid charges**

- A. Any and all unpaid charges for Residential Waste Services provided pursuant to this Article shall constitute a lien on the real property, lot or tract of land benefited by the Residential Waste Services. The lien shall be imposed in accordance with the applicable law and unpaid charges under this Article may be consolidated with amounts subject to lien upon the Residential Waste Service Unit by the Town.
- B. In addition, delinquent charges may be collected by a civil suit, instituted in the name of the Town by the Town attorney at the request of the Town at any time after the charges become delinquent. The remedy provided by this section is cumulative and supplemental to all other remedies provided under this article.
- C. In addition, the Town may assign delinquent accounts to a bona fide collection agency for collection.

**Section 10-8-19 Enforcement as a Civil Code Violation**

Violations of this Article by any person are subject to the provisions of Article 5-7 of the Town Code and may be remedied and/or enforced through an enforcement action or any other remedy provided thereunder.

Section 4. The Town Clerk is hereby directed to publish this adopting ordinance in full.

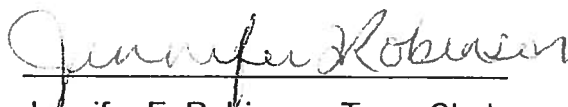
PASSED AND APPROVED by the Mayor and Common Council of the Town of Queen Creek, this 20<sup>th</sup> day of January, 2010.

FOR THE TOWN OF QUEEN CREEK:



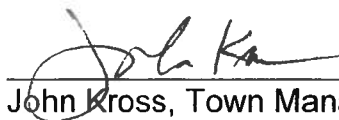
Arthur M. Sanders, Mayor

ATTESTED TO:

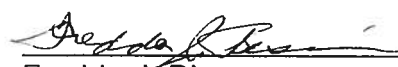


Jennifer F. Robinson, Town Clerk

REVIEWED BY:

  
John Kross, Town Manager

APPROVED AS TO FORM:

  
Fredda J. Bisman  
Mariscal, Weeks, McIntyre  
& Friedlander, PA  
Attorneys for the Town