

ORDINANCE NO. 1142

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF WICKENBURG, ARIZONA, AMENDING THE TOWN CODE OF THE TOWN OF WICKENBURG, ARIZONA, CHAPTER 13, UTILITES - A, BY AMENDING ARTICLE 13-2 SOLID WASTE, SECTION 13-2-1 DEFINITIONS, ARTICLE 13-3 SEWER SERVICE, 13-3-1 DEFINITIONS AND ARTICLE 13-5 WATER SERVICE EXTENSION, SECTION 13-5-1 DEFINITIONS BY AMENDING THE DEFINITIONS OF COMMERCIAL AND RESIDENTIAL SERVICE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, the Town Council has determined that the proposed amendments to the definitions will protect the public, health, safety and welfare and provide for standards for solid waste pick-up and hauling; and

WHEREAS, the proposed amendments are in the best interest of the public health, safety, and welfare of the Town;

NOW THEREFORE BE IT ORDAINED by the Mayor and Common Council of the Town of Wickenburg, Arizona, as follows:

Section I. In General.

The Code of Wickenburg, Arizona, is hereby amended by amending Chapter 13 UTILITES - A, Article 13-2 Solid Waste by amending Section 13-2-1 Definitions to read as follows (deleted text appears in strikeout; new text in ALL CAPS):

Section 13-2-1 Definitions

...

- H. Commercial solid waste generator means any person in charge of, owning, leasing, renting or occupying any business, industrial or commercial building other than a private residence, including, but not limited to a store, office, factory, hotel, tourist court, MOBILE HOME PARK, MOTEL, MOTOR COURT, MOTOR HOTEL, TRAILER COURT, APARTMENT COMPLEXES, CONDOMINIUMS, TOWNHOUSES AND SIMILAR CONFIGURED HOUSING COMPLEXES, APARTMENT HOTEL OR RESIDENTIAL BUILDING ORDINARILY LEASED FOR A PERIOD OF LESS THAN THREE MONTHS. ~~motel, motor court, motor hotel, trailer court, apartment hotel or residential building ordinarily leased for a period of less than three months.~~

...

CC. Residence means any structure or premises used as a domicile, dwelling, or habitation including single family dwellings, DUPLEXES, TRI-PLEXES AND FOUR-PLEXES. ~~multi-family units, duplexes, patio homes, mobile home parks, trailer courts, rooming houses, boardinghouses, assisted living facilities, apartments, condominiums, Town homes, or any complex of the foregoing.~~

DD. Residential solid waste means household garbage and rubbish produced by residents on or in their residential premises, specifically excluding:

- (1) Construction and demolition waste, whether on or off the residential premises, and whether to the primary residential structure or any other structures.
- (2) Commercial or industrial solid waste, whether produced at the residence or at any other location.
- (3) Hazardous materials.
- (4) Body waste.
- (5) Manure.
- (6) Large animals exceeding 75 pounds

EE. Residential solid waste generator means any person in charge of, owning, leasing, renting or occupying any building or buildings used solely for a family or private residential domicile, including but not limited to single family dwellings, DUPLEXES, TRI-PLEXES AND FOUR-PLEXES. ~~multi-family units, duplexes, patio homes, mobile home parks, trailer courts, rooming houses, boardinghouses, assisted living facilities, apartments, condominiums, Town homes, or any complex of the foregoing.~~

...

The Code of Wickenburg, Arizona, is hereby amended by amending Chapter 13 UTILITIES - A, Article 13-3 Sewer Service by amending Section 13-3-1 Definitions to read as follows (deleted text appears in strikeout; new text in ALL CAPS):

Section 13-3-1 Definitions

...

D. "Commercial services" shall means service for any business, industrial or commercial building other than a private residence, including, but not limited to a store, office, factory, hotel, tourist court, MOBILE HOME PARK, MOTEL, MOTOR COURT, MOTOR HOTEL, TRAILER COURT, APARTMENT COMPLEXES, CONDOMINIUMS, TOWNHOUSES AND SIMILAR

CONFIGURED HOUSING COMPLEXES, APARTMENT HOTEL OR RESIDENTIAL BUILDING ORDINARILY LEASED FOR A PERIOD OF LESS THAN THREE MONTHS. ~~motels, motor courts, motor hotels, trailer courts, apartment hotels or residential buildings ordinarily leased for a period of less than three months.~~

...

- W. "Residential services" shall mean service to any structure or premises used as a domicile, dwelling, or habitation including single family dwellings, DUPLEXES, TRI-PLEXES AND FOUR-PLEXES. ~~multi-family units, duplexes patio homes, mobile home parks, trailer courts, rooming houses, boardinghouses, assisted living facilities, apartments, condominiums, town homes, or any complex of the foregoing.~~

...

The Code of Wickenburg, Arizona, is hereby amended by amending Chapter 13 UTILITES - A, Article 13-5 Water Service Extension by amending Section ~~13-3-1~~ Definitions to read as follows (deleted text appears in strikeout; new text in ALL CAPS): *13-5-1*

13-5-1
Section ~~13-3-1~~ Definitions *CL*

...

- D. "Residence Services": shall mean any structure or premises used as a domicile, dwelling, or habitation including single family dwellings, DUPLEXES, TRI-PLEXES AND FOUR-PLEXES. ~~multi-family units, duplexes patio homes, mobile home parks, trailer courts, rooming houses, boardinghouses, assisted living facilities, apartments, condominiums, town homes, or any complex of the foregoing.~~
- E. "Commercial Services": shall mean any person in charge of, owning, leasing, renting or occupying any business, industrial or commercial building other than a private residence, including, but not limited to a store, office, factory, hotel, tourist court, MOBILE HOME PARK, MOTEL, MOTOR COURT, MOTOR HOTEL, TRAILER COURT, APARTMENT COMPLEXES, CONDOMINIUMS, TOWNHOUSES AND SIMILAR CONFIGURED HOUSING COMPLEXES, APARTMENT HOTEL OR RESIDENTIAL BUILDING ORDINARILY LEASED FOR A PERIOD OF LESS THAN THREE MONTHS. ~~motels, motor courts, motor hotels, trailer courts, apartment hotels or residential buildings ordinarily leased for a period of less than three months.~~

...

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, 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 remaining portions thereof.

Section IV. Providing for Penalties.

Any person found guilty of violating any provision of this Ordinance shall be guilty of a class one misdemeanor, and subject to the penalties set forth in Section 1-8 of the Wickenburg Town Code. Each day that a violation continues shall be a separate offense punishable as herein described.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Wickenburg, Arizona, this 18th day of August, 2014, by the following vote:

Approved this 18th day of August, 2014.

AYES: 7

NAYES: 0

EXCUSED: 0

ABSENT: 0

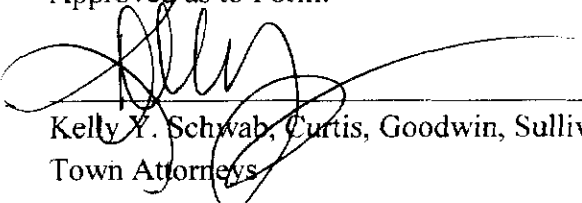
ABSTAINED: 0


John Cook, Mayor

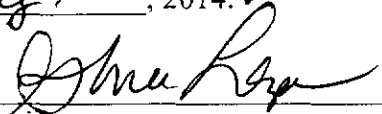
Attest:

Gloria Leija, Town Clerk

Approved as to Form:


Kelly Y. Schwab, Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.
Town Attorneys

I, Gloria Leija, Town Clerk of Wickenburg, do hereby certify that a true and correct copy of Ordinance No. 1142 adopted by the Common Council of the Town of Wickenburg, Arizona, on the 18 day of Aug, 2014, was posted in 3 places on the 21 day of Aug, 2014.



Gloria Leija, Town Clerk