

ORDINANCE NO. 1127

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF WICKENBURG ARIZONA DECLARING THE DOCUMENT ENTITLED "DECEMBER 9, 2013 UPDATES TO ARTICLE 13-2 SOLID WASTE" AS A PUBLIC RECORD; ADOPTING THE "DECEMBER 9, 2013 UPDATES TO ARTICLE 13-2 SOLID WASTE" BY REFERENCE; AMENDING THE TOWN CODE OF THE TOWN OF WICKENBURG ARIZONA, CHAPTER 13, UTILITIES - A, BY REPEALING ARTICLE 13-2 GARBAGE AND TRASH SERVICE IN ITS ENTIRETY AND ADOPTING NEW ARTICLE 13-2 SOLID WASTE, RELATING TO THE REQUIREMENTS, REGULATIONS AND PICK UP OF SOLID WASTE, LICENSING OF COMMERCIAL SOLID WASTE HAULERS, AND DEFINING VIOLATIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, that certain document entitled "December 9, 2013 Updates to Article 13-2 SOLID WASTE," three copies of which are on file in the office of the Town Clerk, is hereby declared to be a public record and said copies are hereby ordered to remain on file with the Town Clerk; and

WHEREAS, the Town Council has determined that the proposed amendments 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 (a) Chapter 13 UTILITIES - A, by repealing Article 13-2 Garbage And Trash Service in its entirety; and (b) adding a new Article 13-2 Solid Waste to read as set forth in that certain document entitled "December 9, 2013 Updates to Article 13-2 SOLID WASTE," which document is hereby adopted and incorporated by reference.

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in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.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 16 day of Dec, 2013 by the following vote:

Approved this 16 day of Dec 2013.

AYES: 6

NAYES: 0

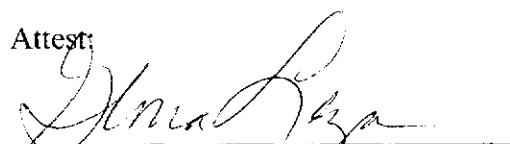
EXCUSED: 0

ABSENT: 1

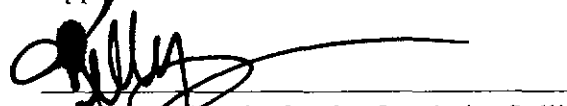
ABSTAINED: 0


John Cook, Mayor

Attest:

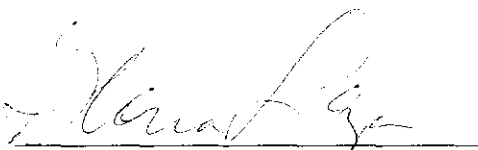

Gloria Leija, Interim Town Clerk

Approved as to Form:


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

CERTIFICATION

I, Gloria Leija, Town Clerk of Wickenburg, do hereby certify that a true and correct copy of Ordinance No. 1127 adopted by the Common Council of the Town of Wickenburg, Arizona on the 16th day of December, 2013, was posted in Town Hall, 155 N. Tegner, Suite A, Public Library, 164 E. Apache Street, Community Center, 160 N. Valentine Street, on the 17th day of December 2013.

A handwritten signature in cursive script, appearing to read "Gloria Leija", is written over a horizontal line.

Gloria Leija, Town Clerk

December 9, 2013 Updates to Article 13-2 SOLID WASTE

Article 13-2 SOLID WASTE

Section 13-2-1 Definitions

For the purposes of this article, the following words, terms and phrases shall have the meanings defined by this section, except where the context clearly indicates a different meaning:

- A. *Automated contained solid waste collection system* means a contained solid waste collection system that utilizes Town-specified solid waste containers and a solid waste collection vehicle equipped with a lifting device.
- B. *Automotive parts* means any part or combination of parts of any kind of motor vehicle, including but not limited to tires, batteries, seats, engines, fuel tanks, doors, auto glass and upholstery.
- C. *Authorized solid waste collector* means the Town or any contractor operating within the Town under a valid solid waste service permit or license.
- D. *Brush* means tree limbs and shrubbery clippings not exceeding three feet in length.
- E. *Bulk waste* means wooden and cardboard boxes, crates (except as used to contain clippings, cactus or matter which, according to the provisions of this article, will be collected by the Town), appliances, furniture, machinery, automobile parts and all other non-vegetative matter, which by reason of size or shape are not readily containable. Bulk waste also includes tree trunks, branches or limbs, regardless of length, which are ten or more inches in diameter.
- F. *Construction and demolition waste* means all debris, rubble, soil and excess materials from any construction, demolition, repair or remodeling operations, whether on private, public, residential or commercial premises, whether to the primary structure or any other structure, and whether produced by the work or at the direction of the property owner, contractor, subcontractor, agent, or any other party.
- G. *Commercial solid waste* means any solid waste produced by the operation of or as a by-product of any business, without regard to whether the business is licensed in the Town, or whether the business activity is conducted in a public business, private residence, within the Town, or any other location.
- 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, motel, motor court, motor hotel, trailer court, apartment hotel or residential building ordinarily leased for a period of less than three months.
- I. *Containable solid waste* means all putrescible and non-putrescible solid wastes, including but not limited to, wrapped garbage, wrapped small dead animals, wrapped or boxed ashes, wastepaper, excelsior, rags, bottles, crockery, bedding, clothing, carpets, leather, tin cans, metal scraps, small mechanical parts, shavings, floor sweepings, grass and weed clippings, twigs, tree limbs not exceeding four feet in length, and other similar waste and debris.
- J. *Contained solid waste* means all solid waste placed in containers for disposal.

- K. *Contaminated materials* means any materials which, when prepared for one of the acceptable forms of collection described in this article, contain materials which are not acceptable under that particular form of collection.
- L. *Filth* means manure, excrement, or similar substance.
- M. *Fly-tight* means the lid of the container must fit flush around all contact points and prevent entry of flies or rodents.
- N. *Garbage* is putrescible and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
- O. *Hazardous material* means any chemical, compound, mixture, substance or article which is designated by the U.S. Environmental Protection Agency or appropriate agency of the state to be hazardous, as that term is defined by or pursuant to federal or state law. Hazardous material includes but is not limited to medical wastes, herbicides, pesticides, explosives, and radioactive, toxic, flammable or corrosive materials.
- P. *Household hazardous waste* means any waste that would otherwise be a hazardous waste pursuant to Arizona Revised Statutes, Title 49, and 40 Code of Federal Regulations, Part 261 but is excluded as a hazardous waste because it is generated by the normal day-to-day activities of households.
- Q. *Imminent health or safety hazard* means condition of real property, solid waste or recycling container that places a person's life, health, safety or property in high risk of peril when such condition is immediate, impending on the point of happening and menacing.
- R. *Incipient hazard* means condition of real property that can become an imminent or health hazard if further deterioration occurs that can cause unreasonable risk of death or severe personal injury.
- S. *Licensed Hauler or Licensee* means a person with a current license issued by the Town of Wickenburg for commercial or industrial recycling or solid waste management.
- T. *Litter* means all garbage, waste and debris not properly prepared for collection under this Code.
- U. *Medical waste* means materials defined as medical waste by Arizona Revised Statutes.
- V. *Metal goods* means appliances acceptable for collection under the Town's metal goods collection program, if any. "Metal goods" shall include refrigerators, freezers, ovens, stoves, air conditioners, washers, dryers and water heaters, and shall specifically exclude smaller household appliances and electronic equipment.
- W. *Open area* means any park, street, gutter, sidewalk, sewer, boulevard, alley, greenbelt, square, vacant lot, space, ground or other area where solid waste material may accumulate.
- X. *Prohibited substance* means any liquid, solid, or gas with an ignition temperature or flashpoint of less than 200 degrees Fahrenheit, including but not limited to, gasoline, benzene, naphtha, or other flammable or explosive substance; any material having a pH lower than five and one-half or higher than nine or having any other corrosive property that could be injurious or hazardous to Town collection employees or which could cause damage to equipment; any noxious or malodorous substance offensive to the senses and depriving other properties or a considerable number of persons of the comfortable enjoyment of life or property; or any hypodermic needle or syringe.

- Y. *Public Works Director* means the director of the Public Works Department or his/her designee.
- Z. *Putrescible materials* means solid waste which is capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors or gases and capable of providing food for or attracting birds, insects, snakes, rodents or animals capable of transferring a diseased bacterium or virus from one organism to another.
- AA. *Recycling container* means a container owned by the Town for use as part of the Town's recycling program, if any.
- BB. *Recyclable materials* means solid waste that has been set aside or separated from other solid waste for the purpose of being collected and recycled, and which is, at the Public Works Director's discretion, acceptable recyclable material. "Acceptable recyclable material" may include the following materials if clean and dry: paper, cardboard, chipboard, plastic containers made from polyethylene terephthalate ("PETE") or high density polyethylene ("HDPE"), other plastics #3 - #7, glass bottles and jars, steel food cans, aluminum cans, disposable aluminum bake ware and aluminum foil and other materials determined by the Public Works Director as being marketable.
- CC. *Residence* means any structure or premises used as a domicile, dwelling, or habitation including single family dwellings, 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, 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.
- FF. *Solid waste* means all wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned, wrecked or junked vehicles or parts thereof, brush, and containable rubbish, filth, construction and demolition waste, brush, bulk waste, metal goods and prohibited substances when these terms are not specifically noted in this article.
- GG. *Solid waste container* means a container owned by the Town or contracted hauler and made available for use as part of the Town's automated solid waste and recycling collection program.

HH. *Solid waste inspector* means any police officer, code enforcement officer, or other Town employee with authorization from the Public Works Director to inspect public and private properties, to issue citations and to enforce the provisions of this article.

Section 13-2-2 Purpose

The purpose of this article is to (i) protect the health and safety of the citizens of the Town, (ii) protect the environment by establishing minimum standards for the safe and sanitary collection, storage, treatment, transportation, processing, and disposal of solid waste and recyclables generated for collection by the Town of Wickenburg.

Section 13-2-3 Responsibilities of the Public Works Director

- A. The Public Works Director, in order to protect the health and safety of the citizens and the environment of the Town, is authorized and directed to implement and enforce the provisions of this Article to control the storage, collection, treatment, transportation, processing, and disposal of solid waste and recyclables. Nothing in this article is intended or shall be construed so as to infringe or supplant the authority of the Maricopa and Yavapai County Health Departments, Arizona Department of Health Services, Arizona Department of Environmental Quality or the United States Environmental Protection Agency in this area pursuant to federal and state laws.
- B. The Public Works Director shall make such schedules, rules and regulations concerning the collection, disposal and hauling of solid waste, recyclable materials and other wastes by any party; or relating to the operation of any transfer station, disposal site, recycling or waste reduction program or other similar activities or facilities.

Section 13-2-4 Hours of collection

Hours of collection of solid waste or recyclables by private and municipal collectors shall be regulated by the Town. It shall be a violation of this Article to collect or remove or to cause, permit, facilitate, aid or abet the collection or removal of solid waste or recyclables between the hours of 10:00 p.m. and 6:00 a.m.

For purposes of this section, "*private*" means any entity other than the Town, including commercial, non-profit or otherwise, collecting solid waste or recyclables.

Section 13-2-5 Authority to collect

- A. The Town, its duly authorized agents, servants or employees, and Town authorized private collectors, subject to the limitations set forth in the license, franchise, permit or contract, have the exclusive right to collect solid waste.
- B. Regular Town refuse collection services may be rendered to areas outside the Town limits at the discretion of the Town Manager and as deemed appropriate by the Public Works Director; out-of-town customers will be charged a fee set by Council resolution.

Section 13-2-6 Solid waste collection service mandatory

- A. No person or business establishment within the Town shall be permitted to avoid or refuse to accept solid waste collection service, and the failure of any party to accept such service shall not exempt that party from the payment of the charges for such service. Temporary discontinuance or suspension of solid waste service is permitted for a fee as set by Council resolution, and as allowed under Wickenburg Town Code, Section 13-1-8.

- B. In the event that the Public Works Director determines that the Town is unable to reasonably, efficiently, or safely provide collection services to certain residents, establishments or communities such as, but not limited to, proximity of other serviced areas, size or density of development, or terrain, the Town may substitute another means of collection or require the person to seek service from another source until the situation is resolved. At any time, the Town may require any resident to receive Town residential solid waste collection if the Public Works Director deems the service appropriate. Any person providing such service shall comply with all applicable provisions of this article.

Section 13-2-7 Customer responsibilities—General

Every person, owner, tenant or occupant within the town or otherwise receiving solid waste collection service shall:

- A. Provide for the collection, control and disposition of refuse in or upon any and all premises owned, leased or occupied by or for them.
- B. Cooperate with such agents or agencies as may be provided by law for the collection, control and disposition of refuse.
- C. Maintain and keep clean the alley adjacent to the premises owned, leased or occupied by or for them.
- D. Place or cause to be placed all refuse accumulated on the premises, owned, leased, or occupied by or for them in receptacles or containers provided to them.
- E. Keep lids for refuse containers down in a closed position at all times in order to prevent flies, except when a container is being filled, emptied or cleaned.
- F. Maintain refuse containers of sufficient number to accommodate the refuse and recycling disposal needs of such residence, premises or establishment, as determined by the director.
- G. Maintain refuse containers in good repair and in sanitary condition, free of any markings or decals not placed on the containers by the town. Containers that have become unserviceable due to ordinary wear and tear will be replaced by the town at no cost to customer. Notice that a container has been determined to be no longer serviceable through conditions other than ordinary wear and tear, or is being maintained in an unsanitary condition, shall be given as provided in section 66-274. If containers supplied by town require cleaning, painting, or refurbishing, then the cost of such work shall be charged to the customer.

Section 13-2-8 Types of service

- A. *Residences.* The Town, at its discretion, shall provide weekly automated residential solid waste collection service and weekly automated residential recycling service. Each residence receiving service under this subsection shall be provided containers for individual use and curbside collection. Additionally, residents may request additional containers for a fee, as set by Council Resolution.
- B. *Business establishments.* The Town or an authorized solid waste collector shall provide commercial solid waste collection service to business establishments as required by state, county and Town regulations. If the business establishment is serviced by an authorized solid waste collector other than the Town, the service schedule of no less than two (2) pick-ups per week shall be set by the contractor and customer subject to approval by the Public Works Director.

Section 13-2-9 Enclosures

The Town reserves the right to require commercial solid waste generators and business establishments to utilize Town or private commercial collection sufficient to properly manage the volume of solid waste generated by this business. Containers may be required to be in enclosures that shall be designed in accordance with the provisions of the Town Code and shall be properly accessible and sufficiently sized to accommodate the number of containers for the volumes of solid waste generated. All enclosures shall have proper drainage to prevent accumulation and stagnation of any liquid.

Section 13-2-10 Miscellaneous services

The Town may provide additional or variant services, including, but not limited to, dead animal collection, residential bulk waste and metal goods collection, moving box pickups, or other solid waste related activities at an hourly rate as illustrated in the Town's fee schedule, set by Council Resolution.

Section 13-2-11 Unobstructed passage in streets and alleys

- A. It shall be a violation of this Article for any person to permit trees, shrubs or brush growing upon their property to encroach on or over any public right-of-way so as to interfere with the movement of persons or vehicles. It is the responsibility of the responsible party to trim trees or shrubbery on their property and in the adjacent right-of-way back to their property line and allow 18-foot height clearance.
- B. It shall be a violation of this Code to have any obstruction, including but not limited to, parked vehicles, within 5 feet of a solid waste or recycling container placed out for collection service or to obstruct the solid waste or recycling collection operations in any other manner.

Section 13-2-12 Receptacles—General requirements

- A. It is the duty of every person, or commercial or residential solid waste generator to place or cause to be placed all solid waste accumulating on the premises in suitable receptacles or containers provided by the Town, or an authorized solid waste collector.
- B. All materials prepared for collection shall be stored in a Town-approved container until removed by the Town or an authorized solid waste collector, unless those materials are properly prepared for the Town's bulk waste collection service, if any.
- C. Solid waste and recyclables shall be stored, collected and hauled for disposal in accordance with Maricopa and Yavapai County Health Codes and Arizona Department of Health Services and Arizona Department of Environmental Quality Regulations.
- D. Any person using a Town-provided container shall be required to use and maintain the container as follows:
 - (1) All solid waste and recycling containers shall be maintained and stored in a sanitary condition. Maintain the container free of intense odors, evidence of flies in any stage of development, and any other nuisance or threat to public health or safety. Any violations of this section are subject to the "Can Cleaning" fee as set by Council resolution.
 - (2) Customer will be responsible for reporting any container damage or loss to the Town. Refuse collection containers are the property of the Town and the Town shall replace, on a one-at-a-time basis, containers that are in poor state of repair from ordinary wear and tear.

- (3) In instances where containers furnished to refuse customers are lost, destroyed or subjected to abuse as an intentional or negligent act or omission of the customer, his or her employees or members of his family, the customer shall be required to pay the pro rata costs of replacement or repair.
 - (4) Customer shall not damage the container intentionally, or use the container for any purpose other than those specified in this article. Customer shall not use the container in any manner which is unsafe, or which a reasonably prudent person would believe is unsafe.
 - (5) The lids or covers of any solid waste and recycling containers shall at all times be kept secure in such a manner to prevent intrusion of moisture, infestation of insects, and scattering of solid waste or recyclables. Covers shall be kept closed except when containers are being loaded or emptied.
- E. It shall be a violation of this Article for any person not authorized by the Town to remove, collect or disturb the solid waste and recyclables stored in such containers or to remove from a solid waste or recycling container any solid waste or recyclables set out for collection and disposal by the Town or agents of the Town or licensed solid waste haulers. This prohibition does not apply to law enforcement officers acting within the scope of their official duties.
 - F. It shall be a violation of this Article for any person to utilize the solid waste or recycling containers or receptacles assigned to other persons for the disposal of solid waste or recyclables without their permission. This does not apply to the automated solid waste or recycling collection system where residents share the use of common containers.
 - G. All boxes, cartons and crates shall be collapsed before being placed in solid waste or recycling containers. Ashes shall be soaked with water to extinguish any live embers and contained in tied bags before placement in solid waste containers.
 - H. Explosives or flammable materials of any kind shall not be placed in any solid waste or recycling container.
 - I. Corrosives, reactive, oxidizers, lead acid batteries or any hazardous waste shall not be disposed of in solid waste or recycling containers.
 - J. Pool chemical containers shall be emptied, rinsed, drained and moisture free prior to being placed in a solid waste or recycling container.
 - K. All solid waste and recyclables shall be stored in a manner that does not present a health or safety hazard or public nuisance, including but not limited to, the breeding of insects. No person shall place, deposit or allow to be placed or deposited on his or her premises or private property or any public street, alley or right-of-way any solid waste or recyclables except in a manner prescribed in this article. In the event that the violation is not corrected, the violation is considered a public nuisance that may be abated.
 - L. It is the responsible party's responsibility to properly contain solid waste or recyclables generated on their premises and to keep the area around the container continuously clear and free of all debris. If the property has alley solid waste service, the term "area" includes the alley.
 - M. It shall be a violation of this Code to place material in any solid waste or recycling container of a volume or weight which prevents the collection vehicle from emptying the container or which damages the collection vehicle or container. Maximum weight of material placed in any 90- to 100-gallon container shall not exceed 200 pounds.

Section 13-2-13 Town ownership of Town-provided containers

- A. The Town may place a receptacle or receptacles approved by the Town at each residence or establishment that is authorized or required to receive residential collection service from the Town.
- B. Each person or entity which shall contract with, or accept garbage service from the Town, using a Town-owned receptacle, shall, by acceptance of such service, recognize the right of the Town to enter upon the premises of such person or entity to retake possession of the garbage receptacle(s) upon termination of service, or temporary suspension, and shall be deemed to have extended to the Town an express license to so enter the premises for that purpose.
- C. The Town will furnish one solid waste and one recyclable container for the accumulation, storage, and collection of solid waste. Additionally, such residents may request additional containers for a fee, as set by Council resolution.
- D. If a solid waste or recycling container is in violation of this Article and presents a health or safety hazard, the solid waste inspector shall issue a notice of violation to the responsible party. In the event the violation is not corrected, the violation is considered a public nuisance that may be abated in a method compliant with all Town, County and State regulations. All expenses related to the abatement shall be the billed to the responsible party.

Section 13-2-14 Construction and demolition materials

Construction and demolition solid waste shall not be placed in a solid waste or recycling container. If such construction and demolition solid waste is generated, the responsible party is responsible for the removal and disposal of such solid waste. All construction and demolition solid waste shall be removed promptly and shall not be stored in any location where it may be blown or otherwise dispersed beyond the construction site. In the event that the violation is not corrected, the violation is considered a public nuisance that may be abated in compliance with the procedures set forth in Section 10-5-3(B) of this Code.

Section 13-2-15 Residential collection requirements

- A. All residential solid waste generators for whom Town-supplied solid waste service is available shall subscribe to the municipal solid waste service, and shall pay the fee assessed.
- B. The Public Works Director may require any residential solid waste generator regularly generating solid waste that exceeds 100 gallons or 200 pounds of solid waste within a collection period to acquire an additional container or containers, subject to the appropriate fee per container, or any resident regularly generating solid waste that requires special handling, to schedule a special bulk waste collection subject to the appropriate collection fees.
- C. Only properly prepared materials shall be acceptable for collection under this article.
- D. The frequency of contained solid waste collections shall be in accordance with the Maricopa and Yavapai County Health Codes and the Arizona Department of Environmental Quality Regulations.
- E. Collection days shall be as designated by the Public Works Director.
- F. The Public Works Director shall determine the service level required and method of collection.
- G. Only the Town shall be authorized to remove any Town-owned solid waste or recycling container from its assigned location. It shall be a violation of this Code for any other person to remove a container from the address to which it is assigned.

- H. Residences receiving collection under any of the Town's collection programs are limited to one empty of the container being serviced, per collection day.

Section 13-2-16 Automated residential solid waste and recycling collection

- A. *Proper preparation for collection.* All residential solid waste prepared for collection by the Town's automated residential solid waste collection program shall be prepared for collection as follows:

- (1) Containers set out for collection must be placed in the street in front of the house to which they are assigned, with the wheels adjacent to the curb of the sidewalk, and the lid opening toward the street. Where there is no sidewalk, the container must be placed at the edge of the street, within two feet of the pavement or improved road, as applicable. Some areas are designated for alleyway collection, as determined by the Public Works Director. Containers will be placed in alleyway with opening facing the alleyway.

Containers will not be collected from private driveways, or when placed within 5 feet of a vehicle, mailbox or other obstruction to safe collection as determined by the Public Works Director. At no time may containers be left on the sidewalk. All variances require the written authorization of the Public Works Director.

All refuse intended for collection by Town shall be deposited in containers furnished by the Town or licensed solid waste hauler. Such containers, on regular collection days, shall be located at a pick-up point designated by the Public Works Director, which in some instances may be off the customer's property and located on public right-of-way or private right-of-way used by the general public.

The Public Works Director shall designate the pick-up points, taking into consideration any inconvenience to refuse customers and the size and maneuverability of Town collection equipment, provided if a customer is not satisfied as to the designated pick-up point, he or she may appeal in writing to the Town Manager. Upon appeal, the Town Manager shall render his or her decision within fourteen (14) days after receipt of the written appeal.

- (2) To ensure containers are placed out on time, containers may be placed at the curb after 6:00 p.m. on the day preceding collection. Containers for street collection shall be placed at the curb for service no later than 6:00 a.m. on the day of collection. Containers must be removed prior to 11:00 p.m. of the day of collection. It shall be a violation of this Code to place or permit containers to remain adjacent to the curb except upon regular collection days. Containers shall be stored, between collection days, on the user's property so as not to interfere with pedestrian or vehicular traffic.
- (3) The lids of containers set out for residential solid waste collection must be entirely closed.
- (4) All solid waste prepared for residential solid waste collection including grass clippings must be bagged and securely tied to exclude flies and other pests. Loose branches and brush may not be bagged under the condition that the un-bagged material empties readily during normal collection conditions.
- (5) The contents of the container must be arranged so that they fall out easily when serviced by authorized collection vehicles. The Town shall not be required to remove any materials which remain in the container after the container has been serviced by the collection vehicle.
- (6) All household medical and infectious solid waste, including lancets, syringes and hypodermic needles, must be properly contained before disposing of in the solid waste container. Household and infectious waste must be placed in plastic bags and securely tied before placing

in the solid waste container. Lancets, syringes and hypodermic needles must be placed in a rigid, leak-proof and puncture-resistant container with a secured and taped lid and must be clearly labeled identifying the contents before placing in the solid waste container. Depositing or disposing of household medical and infectious waste or lancets, syringes and hypodermic needles in any recycling container is prohibited.

- (7) All prescription drugs and medicines shall be disposed of according to the guidelines in this article unless there are specific disposal instructions on the drug label or patient information form, or unless a pharmacy or other licensed agency can provide disposal for such items. Prescription drugs and medication shall not be flushed down the toilet unless instructed by this documentation. If no disposal instructions are provided, prescription drugs and medicine shall be disposed in the household trash. Medications shall be removed out of their original containers and mixed with an undesirable substance. A small amount of water or other liquid shall be added to solid medications to cause the pills or capsules to dissolve. Coffee grounds or cat litter shall be added to liquid medication to absorb the medication. Blister packs shall be wrapped in multiple layers of duct tape or opaque tape. Unused ampules, vials and intravenous fluid bags should not be opened and shall be wrapped with duct or other opaque tape to minimize breakage and then placed in an opaque plastic container, such as an empty yogurt or margarine tub. Medication that has been combined with the undesirable substance shall be placed in a sealable bag, empty can or other container to prevent leaking into the garbage. The top of the container can be duct taped to the bottom of the container for additional security.
- (8) Recyclable materials must not be bagged and must be placed in the container in such a manner that they separate under the normal operating procedures of the applicable materials recovery facility.
- (9) Only recyclable materials shall be collected by the Town's residential recycling collection program.

Section 13-2-17 Residential bulk waste collection

- A. All materials prepared for the Town's residential bulk waste collection program, if such a program exists, shall be prepared for collection and disposed of in accordance with this section.
- B. It shall be a violation of this Article to place bulk waste out for collection before collection is scheduled.
- C. Bulk waste shall be placed out for collection no later than 6:00 a.m. on the scheduled day of collection.
- D. Bulk waste placed out for collection shall be in neat stacks.
- E. Bulk waste placed out for curbside collection shall be placed on the resident's property, parallel to the street or curb. The Public Works Director may designate alternative placement and collection points. Bulk waste shall not be placed on the sidewalk or in the street, behind a fence or any obstruction or barrier.
- F. Bulk waste shall not be placed within five feet of any fixed object, solid waste or recycling container or in any manner which would interfere with or be hazardous to pedestrians, bicyclists, equestrians or motorists.
- G. No more than five cubic yards of brush or bulk shall be collected from a single residence on a scheduled brush or bulk collection date.

- H. The amount of bulk waste placed out for collection shall not exceed a total un-compacted volume of 10 cubic yards per fiscal year. The responsible party shall arrange for the commercial transportation and licensed disposal for additional bulk waste over 10 cubic yards per fiscal year.
- I. Century plants, cacti, and similar plants which are difficult to handle, or may present a danger to collection employees, shall be contained in boxes or containers after having been cut to lengths of no more than three feet. Any such container or box shall enable municipal collection workers to pick up the container or box without risk of exposure to the contents, and shall weigh, when loaded, no more than 50 pounds per container.
- J. Items of bulk waste which are acceptable for normal residential collection are:
- (1) Tree limbs and branches less than six feet in length and 8 inch in diameter and palm fronds.
 - (2) Metal or automobile parts and material less than 50 pounds.
 - (3) Pipe less than four feet in length and less than 50 pounds.
 - (4) Household items, furniture, appliances, bicycles, and other durable goods.
 - (5) Bagged or boxed leaves, weeds, grass, small vegetation clippings and hedge clippings.
 - (6) Construction and demolition waste generated by a resident less than 25 pounds.
 - (7) Cardboard boxes.
- K. Items of bulk waste which are not acceptable for normal residential collection include:
- (1) Tree limbs and branches more than six feet in length.
 - (2) Metal material in excess of 50 pounds.
 - (3) Pipe more than four feet in length or over 50 pounds.
 - (4) Un-bagged leaves, weeds, grass and small vegetation and hedge clippings.
 - (5) More than 25 pounds of construction and demolition solid waste generated by a resident or any amount generated by a contractor.
 - (6) Cement, cement blocks, brick, asphalt, stones and dirt.
 - (7) Lead acid batteries or any hazardous, infectious or medical solid waste.
 - (8) Metal or automobile parts and material more than 50 pounds.
 - (9) Automotive tires or tires of any other type.
- L. It shall be a violation of this Article to place unacceptable bulk waste items or improperly placed bulk waste items out for collection. The responsible party shall remove and dispose of all bulk waste improperly placed and any unacceptable items of bulk waste at their own expense. The Public Works Director may require that yard waste be separated from other bulk waste for collection in an alternative manner.

- M. In the event a violation is not corrected, the violation is considered a public nuisance that may be abated.

Section 13-2-18 Commercial collection requirements

- A. All commercial solid waste generators shall maintain their alleys and the area surrounding the solid waste containers free from solid waste and other potential hazards to the public health, safety, or welfare. Where unusual or inordinate waste material is generated, special collections shall be arranged with the Town.
- B. Commercial establishments may, by contract, receive Town solid waste collection services and Town-owned or contractor-owned containers. These containers shall be positioned by the Town no more than 300 feet from an entrance to the commercial structure as designated by the commercial solid waste generator and approved by the Town. Collection employees shall at all times have convenient accessibility to said containers.
- C. All commercial solid waste prepared for commercial solid waste collection shall be prepared in accordance with this section. This section shall apply to all business establishments serviced within the Town of Wickenburg, whether serviced by the Town or any other authorized solid waste collector. Business establishments shall be required to contract with an authorized solid waste collector to dispose of all waste produced onsite.

Section 13-2-19 Prohibited substances

- A. No person shall deposit or cause to be deposited in any solid waste container which is serviced by the Town any prohibited substance as defined in this article. The Public Works Director may, by special agreement, contract to haul prohibited substances when placed in special containers and clearly labeled. Unless the Public Works Director has contracted by special agreement to haul the prohibited substances, it is the responsibility of the generator of such substances to ensure their removal.
- B. Construction and demolition waste, defined in this article, shall not be placed in solid waste containers. Removal of construction waste shall be the responsibility of the owner of the real property upon which such waste is generated. Small quantities of construction and demolition waste may be collected through the bulk waste program as per the conditions of that program.
- C. Unacceptable materials that will not be collected under this article may subject the producer to a fine under this article and will be the generator's responsibility to ensure their removal. Unacceptable material may be removed by the Town at the generator's expense as set forth in this article. Unacceptable material may be collected through special collection events that are periodically scheduled by the Public Works Director.
- D. Prohibited materials. The following materials are unacceptable for collection under any collection program described in this article:
- (1) Improperly prepared materials means any acceptable material that is not properly prepared for collection. "Improperly prepared for collection" shall include otherwise acceptable materials which are set out for collection at the wrong time or in the wrong place.
 - (2) Tires and other automotive parts. No tires or other auto parts greater than 50 pounds shall be acceptable. "Automotive parts" includes any part or combination of parts of any kind of motor vehicle, including but not limited to tires, batteries, seats, engines, fuel tanks, doors, auto glass, and upholstery.

- (3) Dirt, rock, masonry, soil, sod, gravel, cement, concrete, masonry blocks, bricks, tile or any other similar materials exceeding 50 pounds shall not be acceptable.
- (4) Gardening and landscape business waste. No landscapers, tree trimmers, lawn maintenance businesses or similar operators may dispose of yard-waste or any other solid waste in solid waste containers unless the waste is generated solely from the grounds of the property and the property owner or manager has approved such disposal.
- (5) Fire hazards. No hot ashes, hot cinders, burning matter, loose sawdust, flammable or volatile liquids, or any other material which presents a fire hazard shall not be acceptable.
- (6) Hazardous material.
- (7) Medical waste.
- (8) Contaminated materials.

Section 13-2-20 Prohibited acts

In addition to all other requirements set forth in this Article, it shall be a violation of this Article to:

- A. Place or cause to be placed any solid waste upon any public or private property not owned or under the bulk waste generator's control;
- B. Place or cause to be placed in a solid waste container any garbage, waste, rubbish, containable rubbish, filth or dead animal which is not contained within a securely fastened leak-proof plastic bag, unless otherwise exempted by this article;
- C. Place or cause to be placed more than a limited amount of filth in a solid waste container; as established by the Public Works Director;
- D. Place or cause to be placed any solid waste in a container not owned or maintained by said property owner;
- E. Fail to restrain any vicious animal and prevent interference with collection employees acting in the course of their duties;
- F. Bury, dump, dispose or release upon any street, alley, right-of-way or public land, any solid waste or recyclables including construction and demolition solid waste, unless otherwise permitted in this Article.
- G. Fail to remove the construction and demolition waste from the premises within 30 days from the date on which it was placed upon the premises, or not later than the final building inspection, the clearance of public utilities, or the issuance of a certificate of occupancy, whichever comes first.
- H. Burn solid waste except in incinerators that may be permitted by the county and the Town. Any burning of solid waste must comply with the rules and regulations established by the Arizona Department of Health Services and the United States Environmental Protection Agency.
- I. Interfere with authorized collection of solid waste in any way.
- J. To knowingly collect, place or cause to be placed or collected any hazardous waste or similar materials from any container or any public or private property, except as specifically permitted by the Arizona Department of Environmental Quality or the United States Environmental Protection Agency.

- K. Collect, transport or receive any solid waste or other wastes within or upon any public or private streets in the Town, or anywhere in the Town, except in leak-proof containers or vehicles so constructed that no solid waste or other wastes leak or sift through, fall out or be blown from such container or vehicle. Any person collecting or transporting any solid waste or other wastes shall immediately pick up all solid waste or waste which drops, spills, leaks or is blown from the collecting or transporting container or vehicle, and shall otherwise clean the place onto which any such solid waste or wastes were dropped, spilled, blown or leaked.
- L. Deposit or cause to be deposited, in any recycling container, anything other than acceptable recyclable materials.
- M. Remove, collect, or disturb solid waste in a container that is set out for collection for the purposes of recycling or disposal by the Town, its agents, unless authorized by the owner of the solid waste.
- N. Remove, collect, or disturb recyclable materials deposited for collection at any of the Town's designated recycling drop-off and collection centers. Town employees acting within the scope of their employment are not subject to the prohibitions described in this section.

Section 13-2-21 Abatement of Violations

- A. The owner of record, as recorded in the Maricopa or Yavapai County Records' Office records of the property at which a violation of this article exists, may be presumed to be a person having lawful control over any building, structure or parcel of land. If more than one person shall be recorded as the owner of the property, said persons may be jointly and severally presumed to be persons having lawful control over the building, structure or parcel of land.
- B. If a responsible party served with a notice of violation or citation by the Town fails to correct the violation within the period specified, the Town may correct or abate the condition as described in the notice and, in addition to any fine which may be imposed for a violation of this article, the responsible party shall be liable for all costs which may be assessed pursuant to this article for the correction or abatement of the condition.
- C. If in the opinion of the Public Works Director the condition constitutes an imminent health or safety hazard, the Public Works Director may immediately abate the hazard without notice. Such abatement of an imminent health or safety hazard shall be limited to the minimum work necessary to remove the hazard.

Section 13-2-22 Solid waste license required for use of public roads and alleys by solid waste collection vehicles

It is a violation of this Article for any person or entity to collect and transport, or cause to be collected and transported, any solid waste on or along any public street or alley in the Town without such person or entity obtaining and maintaining a solid waste license from the Town for the period during which such solid waste is to be collected and hauled on or along any such public street or alley unless excepted from the provisions by law. For the purposes of this section, solid waste shall also include recyclable materials.

Section 13-2-23 License exceptions

The provisions of this article shall not be applicable to any person or entity collecting and transporting solid waste on or along a public street or alley in the Town when:

- A. Persons who collect, transport or dispose of medical waste, infectious waste, hazardous waste, toxic waste or any other similar category of solid waste for which the person has obtained a required state, county or federal permit to engage in such activities.
- B. This exemption shall not extend to collection, transportation or disposition of materials not enumerated herein.
- C. Such person is an owner or occupant of property from which solid waste is taken to a designated recycling point within the Town to the extent such trash is eligible for deposit at such recycling point;
- D. Such person is an owner or occupant of property wherein such person has or has caused to be generated small amount of nonhazardous building materials from time to time and transports such materials in his or her own vehicle to a proper point of disposal;
- E. Persons who engage in the activities described in this article only secondarily or incidentally to other services or activities (e.g. lawn services, tree trimming services, contracting, etc.).

Section 13-2-24 License application

The Town Public Works Director has the authority to issue Commercial Hauler Licenses. A class A License is required for persons providing commercial or industrial solid waste management services alone or in conjunction with commercial or industrial recycling. A Class B License is required for persons that solely provide commercial or industrial solid waste management services in the Town. A Class C License is required for persons that solely provide commercial or industrial recycling.

Applicants for a solid waste license, or for annual renewal thereof, shall file a Town application form to include the following:

- A. The name(s), local address, permanent home and business address and telephone number of the individual(s) applying for the license and the organization or persons on whose behalf the application is completed;
- B. The name(s), business address and telephone number of all owners, partners, general managers and principal officers;
- C. Evidence that the applicant possesses the adequate equipment and necessary qualifications to collect, transport and dispose of the solid waste in a manner satisfactory to the Public Works Director and in conformity with all applicable federal, state, county and Town laws, rules and regulations;
- D. A description of any violations of a Solid Waste License within the last three (3) years;
- E. Other information as the Public Works Director may require verifying the applicant's qualifications and information submitted in the application. Such information may include an audited financial statement and other indicators of financial stability of the applicant;
- F. A nonrefundable license application fee as established by Council resolution.
- G. In consideration for the right to use the public rights-of-way within the Town to operate a commercial or industrial recycling or solid waste management service, a person providing such services shall pay an annual license fee, in consideration for the right to use the public rights-of-way, as established by Council Resolution. Annual license fees shall be paid within ten (10) days from issuance of the License and within thirty (30) days prior to each subsequent anniversary date of the issuance of the License to renew.

H. Required insurance verification.

Section 13-2-25 License Conditions

- A. A License is not effective until applicant has executed the License.
- B. The Public Works Director shall issue a solid waste license to each applicant upon satisfactory submittal of a license application, insurance and payment of fees. Application for renewal shall be submitted to the Town at least 30 days prior to the annual expiration of the current license.
- C. License is for one (1) fiscal year period.
- D. Licenses are nontransferable.
- E. Licensee is to comply with all applicable laws and regulations.
- F. Licensee is to comply with the hours of collection established by the Public Works Director.
- G. The Licensed hauler shall indemnify and hold the Town harmless from any loss, harm, claim, cost or liability of any kind arising out of operation of the Licensee's business. The Licensee shall reimburse the Town for all costs including litigation costs and attorney fees in connection with any such claim or liability.
- H. Licensee consents to allow the Town's authorized representatives to examine any property or records of the Licensed Hauler which relate to license compliance, at all reasonable times. Licensee may identify confidential records which may impact competition to be excluded from inspection.

Section 13-2-26 Vehicle requirements

All vehicles used for solid waste collection and transportation within the Town must have all required vehicle licenses or certificates in place at the time of initial license application and each license renewal. Vehicles may be inspected by the Public Works Department or the police department at any time on a random basis during the term of the license. All vehicles must meet the following requirements throughout the term of the license:

- A. Vehicles must be in good condition and repair and comply with current Arizona Department of Transportation standards. The bodies shall be of readily cleanable construction and watertight. A current garbage hauler license issued by the Maricopa and/or Yavapai County Health Departments must be maintained for all vehicles.
- B. Vehicles shall be maintained and operated in a clean and neat manner so as to prevent solid waste from spilling, leaking and blowing from the container onto the roadway;
- C. All open top roll-off containers must be covered or tarped when in transit to prevent solid waste or contents from spilling or blowing from the container onto the roadway;
- D. Vehicles shall be equipped with an approved backup protection device;
- E. The outside of each vehicle must be clearly identified with the name and phone number of the licensee operating the vehicle. All letters shall be no less than three (3) inches in height, legible from a distance of ten (10) feet and shall be displayed on both sides and rear of the vehicle. Each vehicle shall additionally display one Town-provided decal, affixed permanently and clearly visible on the driver's side door. Only vehicles with a Town decal may be used in the performance of the license.

Section 13-2-27 Container requirements

- A. Licensee shall have joint responsibility with the solid waste customer to keep and maintain sufficient standard commercial containers as to accommodate the disposal needs of the establishment.
- B. Containers may be inspected annually. If the container fails to meet such standards as set forth herein, the Public Works Director may issue a notice of violation to the responsible party by means of tagging the container and delivery of a Notice of Violation in person or by first class certified mail, return receipt requested. Any violation not addressed within seven (7) calendar days may result in a civil sanction as set by fee schedule. Each day that the violation continues is a separate offense.
- C. Licensee shall at all times maintain its containers, roll-off bodies and solid waste compactors in sanitary conditions and good repair as may be determined by the Public Works Director. All licensee-owned containers, roll-off bodies and solid waste compactors shall be painted and have the licensee's name and telephone number legibly identified with lettering at least three (3) inches in height and legible from a distance of ten (10) feet.
- D. Licensee shall service only containers, roll-off bodies or solid waste compactors consistent with the license issued under this article. The commercial containers, roll-off bodies and solid waste compactors shall be located on the customer's property so as not to interfere with vehicular or pedestrian traffic and shall be in conformance with all license and Town Code requirements.
- E. If a violation presents a health or safety hazard in the judgment of the Town, the Public Works Director may remove the container and dispose of it at the responsible party's expense.

Section 13-2-28 Seizure and impoundment of containers

- A. In addition to any other penalties set forth in this Article, any solid waste container which is placed or maintained at a commercial, industrial, or multi-family establishment in violation of any Town or state law may be seized and impounded by the Town, at the owner's expense. Prior to the seizure and impoundment of any solid waste container, the Town shall conspicuously post upon said container a notice of violation which sets forth the specific violation and the date in which the container will be seized if the violation has not been corrected. The notice of violations shall be posted at least ten days prior to the seizure of the container.
- B. The owner of any container which is impounded pursuant to the provisions of this section shall have 30 days to pay the Town cost of seizure and storage, as set by Council resolution, to retrieve the container. If the owner of a container has failed to pay the applicable cost or failed to retrieve the container within 30 days of its seizure, the Town is authorized to dispose of the container upon such condition and terms as determined by Town.

Section 13-2-29 Reports

- A. All licensees under this division shall provide two copies of the quarterly report; one to the Town Clerk and a second to the Public Works Department with the following information, in writing, each calendar quarter, or portion thereof, that the license is in effect:
 - (1) The number of customers being serviced within the Town limits itemized as follows:
 - a. Single-family residential accounts.
 - b. Multi-family accounts.
 - c. Commercial/industrial accounts.

- (2) The total number of containers being serviced.
 - (3) The total number of tons of solid waste collected and sites where deposited.
 - (4) The total number of tons recycled and sites where deposited.
- B. The reports shall be submitted not later than the last day of the month following the end of the quarter. All reports submitted pursuant to this section shall remain confidential to the extent allowed under federal and state law.
 - C. Upon the written request of the Public Works Director, licensee shall provide all other information as may become necessary to conform or assist in conforming to all applicable federal, state, county, or Town laws, articles resolutions, rules and regulations concerning solid waste, recycling, source reduction or similar activities.

Section 13-2-30 Prohibited practices

It shall be a violation of this Article and a violation of the terms of the license issued for any licensee to engage in any of the following practices:

- A. Failure to comply with any provision of this article or of a license between the Town and licensee.
- B. Provision of solid waste collection services to residential and commercial waste generators in the Town without a license provided under the provisions of this article, and unless such license is in full force and effect.
- C. Failure to comply with any of the provisions of Title 49, Arizona Revised Statutes or Arizona Administrative Code, Title 18, Article 8 or any applicable county regulation.
- D. To contract, combine or conspire with one or more other licensees under this article or persons for the purpose of restraining competition or limiting competition for the provision of solid waste collection services to commercial generators.
- E. To engage in predatory pricing practices in violation of the Arizona Uniform Antitrust Act.
- F. To provide solid waste collection services to any single family dwelling units or accounts without a written agreement executed by the Town.

Section 13-2-31 Cause for denial, modification, or revocation

- A. Licenses may be denied, modified, or revoked by the Town after notice and hearing for any of the following causes:
 - (1) Fraud, misrepresentation, or false statement contained in the application.
 - (2) Any material violation of this article including payment of fees, or failure to meet any other licensing requirements after notice and opportunity to cure within the reasonable time specified by the Town.
 - (3) Conducting a business in violation of any federal, state, county or local law, including Title 49 Arizona Revised Statutes.
 - (4) The licensee is convicted of untrue, fraudulent, misleading or deceptive advertising.

(5) The licensee is a corporation and is no longer qualified to transact business in the State of Arizona.

(6) Willful, grossly negligent, or repeated violations of this article, the license, or any other applicable law or regulation relating to the provision of solid waste collection services.

B. A license shall not be revoked if the licensee's violation of the license is the result of force majeure.

Section 13-2-32 Denial of license—Appeal

A. Any decision by the Public Works Director to deny an application shall be in writing and set forth the findings and reasons for the decision. The decision shall be mailed to the applicant.

B. Any aggrieved person may appeal a decision by the Public Works Director to deny a license application.

C. The appeal shall be filed with the Town Clerk no later than 15 days after receipt of the Public Works Director's decision, and shall consist of a written statement fully describing the grounds for appeal.

D. The Town Clerk shall schedule a hearing within 30 days of receipt of the appeal, and notice shall be mailed to the appellant.

E. The Town Manager shall preside over a Hearing on the appeal.

F. Following a Hearing on the appeal, the Town Manager shall render a written decision on the appeal, setting forth the findings and reasons for the decision.

G. Any aggrieved person may appeal the Town Manager's decision to Superior Court.

Section 13-2-33 Notice of license violations—Opportunities for cure; termination; appeal

A. If the Public Works Director determines that a licensee is in violation of this Code or the license, the Public Works Director may:

(1) Find that the licensee is in violation of the terms of the license and order corrective action; or

(2) In the case of a material violation, terminate the license, following a Hearing.

B. Notice of the violations shall be served by certified mail to the licensee and shall set forth the nature of the violation. The licensee shall:

(1) Cure any such violation within the time specified by the Town or take reasonable steps to cure said violation and diligently continue such efforts until said violation is cured. Licensee shall report to the Town, in writing, at ten (10) day intervals as to its efforts, indicating the steps taken to cure said violation and reporting the licensee's progress until such violation is cured.

(2) Within twenty (20) days of receipt of such notice, respond to the Town in writing, if the licensee contests the Town's determination that a violation has occurred. The response should include such information or documentation as necessary to support the licensee's positions.

C. If the licensee in its response contests the Town's determination that a violation has occurred within fifteen (15) days of the notice, the Public Works Director shall schedule a hearing.

- D. Following a hearing, if the Public Works Director determines that the licensee has committed a violation, the determination shall be in writing, including findings of facts and reasons for its decision. The decision of the Public Works Director shall become final unless a licensee requests a public hearing before the Hearing Officer appointed by the council within fifteen (15) days of its receipt of the Public Works Director's decision.
- E. If a public hearing before the Town Manager is requested by licensee, it shall be de novo and it shall convene within thirty (30) days of the request. All witnesses shall be sworn and shall be subject to cross-examination; however, formal rules of evidence shall not apply. The hearing Officer's decision, which shall include findings of fact, shall be made not later than twenty (20) calendar days after the conclusion of the hearing. In that decision, the Hearing Officer may:
- (1) Find that licensee is not in violation of the license;
 - (2) Find that licensee is in violation but that such violation was with just cause and waive any penalty that may otherwise be imposed;
 - (3) Find that licensee is in violation of the terms of the license and requires corrective action;
 - (4) In the case of a material violation, declare the licensee in violation and revoke the license.
- F. In addition to all other rights and powers retained by the Council under this article or otherwise, the Hearing Officer shall have the right to revoke the license and all rights and privileges of the licensee for any of the reasons set forth in this article.

Section 13-2-34 Interim solid waste license

An applicant for a solid waste license whose application has been denied, or a solid waste contractor whose solid waste license has been revoked, may obtain an interim solid waste license to conduct operations pending its appeal to the Council appointed Hearing Officer or to the Superior Court. An application for an interim solid waste license may be submitted and issued in the same manner as for a Commercial Hauler License.