

ORDINANCE NO. 10-17

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF HOLBROOK, ARIZONA, AMENDING THE CITY CODE, CHAPTER 4, SECTION 4-11, SANITATION, BY AMENDING SECTION 4-11-2 COLLECTION AGENCY, SECTION 4-11-5, RATES, RULES AND REGULATIONS, ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR REPEAL AND SEVERABILITY.

WHEREAS, the City of Holbrook desires to revise Holbrook City Code for Sanitation Collection within the City limits of the City of Holbrook; and

WHEREAS, the State Legislature has revised Statute for collection of commercial solid waste and recycling; and

WHEREAS, Staff has reviewed the Sanitation Code and is recommending the following changes; and

WHEREAS, said amendment is authorized by A.R.S. § 9-462.01.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HOLBROOK, ARIZONA:

**Section 1.** AMENDMENT

Chapter 3 of the City of Holbrook City Code, Article 4-11-2, Collection Agency and 4-11-4, Rates, Rules and Regulations is hereby amended to read as follows, with deletions shown as strikethroughs, and with added language shown in CAPS and underlined:

4-11-2 Collection Agency

The City or other collectors authorized by the City shall collect all residential refuse within the City. ~~COMMERCIAL REFUSE AND RECYLING~~ COMMERCIAL REFUSE AND RECYLING ~~No person, except as provided in this chapter~~ MAY BE COLLECTED BY EITHER THE CITY OR PRIVATE ENTERPRISE WITHIN THE MUNICIPALITY. THE MUNICIPALITY SHALL PRESCRIBE RULES FOR THE DELIVERY OF RECYCLING SERVICES AND COMMERCIAL OR INDUSTRIAL SOLID WASTE MANAGEMENT SERVICES THAT PROMOTE AVAILABILITY OF THESE SERVICES AND PROMOTE COMPETITION IN THE DELIVERY OF THESE SERVICES.

4-11-4 Rates, Rules and Regulations

The Council shall from time to time by resolution may establish regulations, fix rates and classification for garbage and trash collection within the city. SANITATION SERVICE CHARGES AND FEES AS ESTABLISHED BY RESOLUTION ARE IMPOSED UPON ALL RESIDENTIAL ACCOUNTS WITHIN CORPORATE CITY LIMITS WHENEVER WATER SERVICE IS TURNED ON UNLESS A VACATION RATE ACCOUNT IS ESTABLISHED.

**Section 2** That any and all other prior ordinances or parts of ordinances in conflict herewith are hereby repealed to that extent.

**Section 3** That any person found guilty of violating any provisions of this ordinance may be punished by a fine of up to \$2,500.00, or by imprisonment for up to six (6) months in jail, or by both such fine and imprisonment. Each day a violation continues shall constitute a separate offense punishable as hereinabove provided.

**Section 4** If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of these amendments of any court of competent jurisdiction, such decision adopted herein is for any reason held to be invalid or unconstitutional by the decision shall not affect the validity of the remaining portions thereof.

**Section 5** That the City Clerk is hereby authorized and directed to publish and post this Ordinance in accordance with State law.

**Section 6** The effective date of this Ordinance shall be thirty (30) days following adoption.

**PASSED AND ADOPTED** by the Mayor and Council of the City of Holbrook, Arizona, this 11th day of January 2011.

  
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Jeff Hill, Mayor

**ATTEST:**

  
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Cher Reyes, OMC, CPM, City Clerk

**APPROVED AS TO FORM:**

  
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Marlene Pontrelli, City Attorney