

ORDINANCE NO. 10-08

AN ORDINANCE OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, ADOPTING THE "TOWN OF FOUNTAIN HILLS SOLID WASTE DISPOSAL AND RECYCLING REGULATIONS" BY REFERENCE AND AMENDING THE FOUNTAIN HILLS TOWN CODE, CHAPTER 10, HEALTH AND SANITATION, RELATING TO SOLID WASTE DISPOSAL AND RECYCLING.

WHEREAS, the Mayor and Council of the Town of Fountain Hills (the "Town Council") desire to accomplish the adopted Town Council goal of creating a town-wide curbside recycling program covering the corporate limits of the Town of Fountain Hills (the "Town"); and

WHEREAS, the Town Council has determined that it is in the Town's best interests to unify solid waste collection and recycling into a single hauler system to reduce the heavy truck traffic on Town streets, reduce vehicle emissions and enhance public safety; and

WHEREAS, the Town Council has determined that the its goals can best be accomplished by the Town taking responsibility for residential curbside solid waste collection and recycling; and

WHEREAS, certain amendments to the Town Code are necessary to carry out the Town Council's desire to implement a solid waste collection and recycling program.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA as follows:

SECTION 1. The foregoing recitals are incorporated as if fully set forth herein.

SECTION 2. The document known as the "Town of Fountain Hills Solid Waste Disposal and Recycling Regulations" (the "Solid Waste Regulations"), three copies of which are on file in the office of the Town Clerk, which document was made a public record by Resolution No. 2010-28 of the Town of Fountain Hills, Arizona, is hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance.

SECTION 3. The Fountain Hills Town Code Chapter 10 (Health and Sanitation), is hereby amended by deleting Article 10-1 (Methods of Garbage and Trash Removal) in its entirety and replacing it with the Solid Waste Regulations.

SECTION 4. Any person who fails to comply with any provision of the Solid Waste Regulations shall be subject to civil and criminal penalties as set forth in Section 10-1-15 therein, including civil penalties of not more than \$500 base fine. Criminal penalties shall constitute a class one misdemeanor, punishable by a fine not to exceed \$2,500.00 or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense.

SECTION 5. If any provision or any portion of any provision of this Ordinance is for any reason held to be unconstitutional or otherwise unenforceable by a court of competent jurisdiction, such provision or portion thereof shall be deemed separate, distinct and independent of the remaining provisions of this Ordinance and shall be severed therefrom without affecting the validity of the remaining portions of this Ordinance.

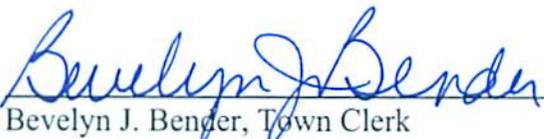
SECTION 6. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps and execute all documents necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Mayor and Council of the Town of Fountain Hills, Arizona, November 4, 2010.

FOR THE TOWN OF FOUNTAIN HILLS:

ATTESTED TO:


Jay T. Schlum, Mayor


Bevelyn J. Bender, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:


Richard L. Davis, Town Manager


Andrew J. McGuire, Town Attorney