

# CHAPTER 10 HEALTH & SANITATION

## ARTICLE 10-1 GARBAGE AND TRASH REMOVAL

- 10-1-1 Vehicles and Receptacles to be Spill-proof
- 10-1-2 Spilled Refuse
- 10-1-3 Dumping Refuse

### Section 10-1-1 Vehicles and Receptacles to be Spill-proof

It is unlawful for any person to haul or cause to be hauled on or along any public street in the town any garbage, unless such garbage is contained in strong, watertight vehicles or vehicles with watertight receptacles, constructed to prevent any such garbage from falling, leaking or spilling and any odor from escaping.

### Section 10-1-2 Spilled Refuse

Any person hauling any refuse along the streets of the town shall immediately replace in the conveyance used for such hauling any refuse which may fall upon any street.

### Section 10-1-3 Dumping Refuse

It is unlawful for any person to place or cause to be placed any refuse upon any public or private property within the town, except as specifically permitted in this chapter.

## ARTICLE 10-2 REMOVAL OF LITTER

- 10-2-1 Definitions
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- 10-2-3 Owner to Maintain Premises
- 10-2-4 Placement of Debris
- 10-2-5 Procedure to Compel Removal of Litter
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- 10-2-8 Appeal to Council
- 10-2-9 Removal by Town
- 10-2-10 Lien for Removal

### Section 10-2-1 Definitions

In this article, unless the context otherwise requires:

- A. **“Litter”** means any rubbish, trash, weeds, filth and debris which shall constitute a hazard to public health and safety and shall include all putrescible and non-putrescible solid wastes including garbage, trash, ashes, street cleaning, dead animals, abandoned automobiles and solid market and industrial waste; any

deposit, accumulation, pile or heap of brush, grass, debris, weeds, cans, cloth, paper, wood, rubbish or other unsightly or unsanitary matter of any kind whatsoever; and any growth of weeds, brush, grass or other vegetable growth to a height of over six inches.

- B. **“Private premises”** means any dwelling, house, building or other structure, designed or used either wholly or in part for residential, commercial or industrial purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps or vestibules belonging or appurtenant to such dwelling, house, building or other structures.
- C. **“Public place”** means any and all streets, sidewalks, boulevards, alleys or other public ways, and any and all public parks, squares, spaces, grounds and buildings.

**Section 10-2-2 Litter on Private Premises**

- A. It is unlawful for any person to throw or deposit litter in or upon any street, alley, private grounds, public grounds, school grounds or church grounds.
- B. Any violation of this section shall be punishable by a fine of no more than \$500.00 or no more than thirty days in jail or both.

**Section 10-2-3 Owner to Maintain Premises**

- A. The owner or person in control of any private premises shall at all times maintain the premises free of litter, provided that this section shall not prohibit the storage of litter in authorized private receptacles for collection.
- B. Any violation of this section shall be punishable by a fine of no more than \$500.00 or no more than thirty days in jail or both.

**Section 10-2-4 Placement of Debris**

- A. Any person, firm or corporation who shall place any rubbish, trash, filth or debris upon any private or public property not owned or under the control of said person, firm or corporation shall be guilty of a misdemeanor and, in addition to any fine which may be imposed for violation of any provision of this section, shall be liable for all costs which may be assessed pursuant to this article for the removal of said rubbish, trash, filth or debris.
- B. Any violation of this section shall be punishable by a fine of no more than \$500.00 or no more than thirty days in jail or both.

**Section 10-2-5 Procedure to Compel Removal of Litter**

The town manager shall enforce the provisions of Sections 10-2-2, 10-2-3 and 10-2-4 by prosecuting violators in the town magistrate's court pursuant to the criminal provisions of said sections or in the event of inability to prosecute violators by reason of failure to secure jurisdiction over their persons, the manager shall compel the removal of litter by the procedure outlined in Sections 10-2-6 through 10-2-10 hereof.

**Section 10-2-6 Notice to Remove**

To compel the removal of litter through the provisions of this section and of Sections 10-2-7 through 10-2-10, if a person owning or controlling any property fails, neglects or refuses to remove or properly dispose of litter, located on property owned or controlled by such person, he shall be given written notice by certified mail by the manager to remove all litter from such property within thirty days from the date the notice was received by him, and prior to the date of compliance on the notice. Such notice shall be received not less than thirty days before the date set thereon for compliance and shall contain an estimate of the cost of removal by the town, a statement that unless the person owning or controlling such property complies therewith within thirty days from the date such written notice is received that the town will, at the expense of the person owning or controlling said property, perform the necessary work at a cost not to exceed the estimate given in the notice, and that, such person may appeal in writing to the Council within thirty days from the date the notice is received by him and prior to the date of compliance. An extension of the thirty-day notice may be issued by the manager in hardship cases not to exceed two weeks from the date of compliance.

**Section 10-2-7 Service of Notice**

Notice shall be personally served on the owner or person controlling such property, by a police officer of the town in the manner provided in Rule 4(d) of the Arizona Rules of Civil Procedure, or mailed to the owner or person controlling such property at his last known address by certified or registered mail, or the address to which the tax bill for the property was last mailed. If the owner does not reside on such property, a duplicate notice shall also be sent to him by certified or registered mail at his last known address.

**Section 10-2-8 Appeal to Council**

Prior to the date set for compliance on the notice, the owner or person controlling such property may appeal in writing to the Council from the demand of the manager. The Council shall, at its next regular meeting after receiving the appeal, hear and determine the same and the decision of the Council shall be final. The Council may either affirm or reverse the decision of the manager or modify the scope of the work as required in the notice.

**Section 10-2-9 Removal by Town**

When any such person whom notice, as aforesaid, has been given, and on or before the date of compliance on the notice, or within such further time as may have been granted by the Council on appeal, fails, neglects or refuses to move from such property any or all litter, the manager is authorized to cause same to be removed and disposed of at the expense of the owner or person controlling such property. Upon completion of the work, the manager shall prepare a verified statement of account of the actual cost of such removal or abatement, the date the work was completed, and the street address and the legal description of the property on which said work was done, including five percent for additional inspection and other incidental costs in connection therewith, and shall serve a duplicate copy of such verified statement upon the person owning or controlling such property in the manner prescribed in Section 10-2-7. The owner or person controlling such property shall have thirty days from the date of service upon him to appeal in writing to the Council from the amount of the assessment as contained in the verified statement. If an appeal is not filed with the manager within such thirty day period, then the amount of the assessment as determined by the manager shall become final and binding. If an appeal is taken, the Council shall, at its next regular meeting, hear and determine the appeal and may affirm the amount of the assessment, modify the amount thereof, or determine that no assessment at all shall be made. The decision of the Council shall be final and binding on all persons.

**Section 10-2-10 Lien for Removal**

If no appeal is taken from the amount of the assessment, or if an appeal is taken and the Council has affirmed or modified the amount of the assessment, the original assessment or the assessment as so modified shall be recorded in the office of the county recorder and, from the date of its recording, shall be a lien on said lot or tract of land until paid. Such liens shall be subject and inferior to the lien for general taxes and to all prior recorded mortgage and encumbrances of record. A sale of the property to satisfy a lien obtained under the provisions of this section shall be made upon judgment of foreclosure or order of sale. The town shall have the right to bring an action to enforce the lien in the superior court at any time after the recording of the assessment, but failure to enforce the lien by such action shall not affect its validity. The recorded assessment shall be prima facie evidence of the truth of all matters recited therein and of the regularity of all proceedings prior to the recording thereof. A prior assessment for such purposes, and any number of liens on the same lot or tract of land may be enforced in the same action.

**ARTICLE 10-3 OPEN BURNING (Ord No 07-02)**

10-3-1 General Provisions

**Section 10-3-1 General Provisions**

A. Applicability:

1. General Prohibition.

Notwithstanding the provisions of any other rule in this Chapter, and subject to the exemptions set forth in this section, it is unlawful for any person to ignite, cause to be ignited, permit to be ignited, or suffer, allow or maintain any open outdoor fire.

2. Conditional Exemptions.

Provided a public officer, as defined in the subsections below, gives permission in writing for a fire, and immediately transmits a copy of such written permission to the Director of the Department of Environmental Quality and to the Delegated Authority, and further provided that the setting of any such fire shall be conducted in a manner and at such time as approved by the Delegated Authority, unless doing so would defeat the purpose of the exemption, the following fires are exempt from this Article:

- a. Any fire set or permitted by any public officer in the performance of official duty, if such fire is set or permission given for the purpose of weed abatement, the prevention of a fire hazard, or instruction in the methods of fighting fires.
- b. Fires set by or permitted by the state entomologist, county agricultural agents or state/county health officials of the county for the purpose of disease and pest prevention.
- c. Fires set by or permitted by the state or any of its agencies, departments or political subdivisions, for the purpose of watershed rehabilitation or control through vegetative manipulation.

3. Other Exemptions.

The following fires are exempt from regulation under this Article:

- a. Fires used only for cooking of food or for providing warmth for human beings or for recreational purposes or the branding of animals. For purposes of this exemption, a "recreational purpose" fire is an outdoor fire, which burns material other than household waste or prohibited materials, and has a total fuel area of 3 feet or less in diameter and 2 feet or less in height.
- b. Fires set by or permitted by the federal government or any of its departments, agencies or agents.

#### 4. Regulatory Exemptions.

For the purposes of this rule and article, the following shall neither be regarded as nor deemed open burning, however, need to be permitted by the delegated authority:

- a. The subterranean detonation of explosives.
- b. The display of fireworks for recreational purposes or pyrotechnics for musical or cinematic/theatrical functions, provided any person detonating such fireworks or pyrotechnics has a permit approved by the Quartzsite Town Council.
- c. Fires for the ceremonial destruction of flags.
- d. Fires used for special events, i.e. high school bonfires, etc.

#### B. Definitions.

"Agricultural Burning" means burning of vegetative materials related to the production and harvesting of crops and raising of animals for the purpose of marketing for a profit, or providing a livelihood, but not including the burning of household waste or prohibited materials. Burning may be conducted in fields, piles, ditch banks, fence rows, or canal laterals for purposes such as weed control, disease and pest prevention, or site preparation.

"Approved waste burner" means an incinerator constructed of fire resistant material with a top cover or screen, which is closed when in use having opening in the sides or top no greater than one inch in diameter.

"Date of Issuance" the actual date that the open burning application is signed by the Control Officer or his/her representative.

"Dangerous material" is any substance or combination of substances that is capable of causing bodily harm or property loss unless neutralized, consumed or otherwise disposed of in a safe and controlled manner.

"Delegated authority" means any of the following:

1. A county, city, town, air pollution control district, or fire district that has been delegated authority to issue open burning permits by the Director under A.R.S. §49-501(E); or
2. A private fire protection service provider that has been assigned authority to issue open burning permits by one of the authorities listed in the preceding subsection of this definition.

"Effective date of Permit" is the actual date that open burning operations may commence and are to be completed. If said burning continues then an additional permit is required.

"Emission reduction techniques" are techniques for controlling emissions from open outdoor fires to minimize the amount of emissions output per unit of area burned.

"Household waste" means any solid waste including garbage, rubbish and sanitary waste from septic tanks/holding tanks that is generated from households including single and multiple family residences, bunkhouses, ranger stations, crew quarters, RVs, campgrounds, picnic grounds, and day use recreational areas, not including construction debris, landscaping rubble or demolition debris.

"Open outdoor fire", as used in this rule, means any combustion of combustible material of any type outdoors, in the open where the products of combustion are not directed through a flue. "Flue", as used in this rule, means any duct or passage for air, gases or the like, such as a stack or chimney. Open outdoor fires can include agricultural, residential, commercial, and prescribed burning. Purposes for fires can include prevention of a fire hazard, instruction in the methods of fighting fires, watershed rehabilitation, disease and pest prevention.

"Prescribed burning" means the burning of vegetative material in predominantly undeveloped land to improve forested, open range or watershed condition.

"Prohibited materials" means nonpaper garbage from the processing, storage, service, or consumption of food; chemically treated wood; tires; explosives or ammunition; oleanders; asphalt shingles; tar paper; plastic and rubber products, including bottles for household chemicals; plastic grocery and retail bags; waste petroleum products; such as waste crankcase oil, transmission oil and oil filters; transformer oils; asbestos; batteries; anti-freeze; aerosol spray cans; electrical wire insulation; thermal insulation; polyester products; hazardous waste products such as paints, pesticides, cleaners, and solvents, stains and varnishes and other flammable liquids; plastic pesticide bags and containers; and hazardous material containers including those that contained lead, cadmium, mercury, or arsenic compounds.

## C. Permitted Burns.

### 1. Commercial Land Clearing Permit:

- a. Open burning activities, which include one-time land-clearing operations that involve non-compacted vegetative materials.
- b. Land clearing burns may be authorized by written permission from the Delegated Authority if the burning will not adversely affect

public health or safety, and will not cause or contribute to a nuisance, traffic hazard, or to a violation of any air quality standard.

- c. Authorization for the land clearing burn may be revoked by the Control Officer if the burning causes nuisance conditions, is not conducted in accordance with the specified conditions, violates any provision of an applicable permit, or causes a violation of any air quality standard.
2. Fires set for the disposal of abandoned buildings or building materials for training purposes by Quartzsite Fire District, provided that no such permit shall be issued until after an on-site inspection by the District. Building demolition burns may be authorized by written permission from the Delegated Authority if there is no practical alternative, and if the burning will not adversely affect public health or safety, and will not cause or contribute to a nuisance, traffic hazard, or to a violation of any air quality standard.
  3. Permitted fires for the destruction of dangerous materials: Fires set for the destruction of dangerous or hazardous materials are allowed when the materials are too dangerous to store and transport, provided that no such permit shall be issued until after an on-site inspection by the District. Fires set for the destruction of dangerous materials shall only be allowed where there is no safe alternative method of disposal, and when the burning of such materials does not result in the emission of hazardous or toxic substances either directly or as a product of combustion in amounts that will endanger health or safety.
  4. Bonfire Permits: Provided no prohibited materials or household wastes, as defined in §10-3-1 (B), are burned: a city, town, county statutory districts, or other political subdivision established by statute may obtain a no-cost bonfire permit for a community or civic event.
    - a. A written request from the public entity is required.
    - b. The quantity of material that may be burned during the permit term shall not exceed 20 cubic yards of non-compacted material.
- C. Permit conditions.

All permits shall include the following:

1. Contact Information. A means of contacting the permittee.
2. Permit term. The term of the temporary open burning permit, which shall:

- a. For a demolition permit or a destruction of hazardous materials permit, is the actual date that open burning operations may commence and are to be completed. If said burning is not complete, then an additional permit is required.
  - b. Not, regardless of term, authorize any violation of any burning ban that a local fire department/district may impose for purposes of public safety or other purposes.
  - c. For a training exercise permit, not exceed a permit specified 7-day period from the effective date.
  - d. For a commercial land clearing burn permit, not exceed sixty (60) days from the effective date, provided that the permittee may, upon application but without cost, be allowed one sixty (60) day extension of such a land clearing permit.
  - e. For a bonfire, not exceed a 3-day period, which dates shall be specified in the permit.
3. Permits subject to suspension orders.

All permits shall note that all burning be extinguished at the discretion of the Delegated Authority or his authorized representative during periods of inadequate atmospheric smoke dispersion, including:

- a. When an air stagnation advisory is issued by the Director of ADEQ or the National Weather Service;
  - b. When an air pollution emergency episode alert, warning, or emergency is declared;
  - c. During periods of excessive visibility impairment; or
  - d. During periods of extreme fire danger, or during periods when smoke is blown into populated areas so as to create or threaten to create a public nuisance.
4. Burn Management Provisions
- a. The fire must be constantly attended, with reasonable control tools (water or dirt) on hand at all times, and the person conducting the burn must have a copy of the burn permit on-site during open burning.

- b. When the burn is completed, the fire must be completely extinguished.
- c. A requirement that each open burn be started using items that do not cause the production of black smoke.
- d. A requirement that the burning pit, burning pile, or approved waste burner be at least 50 feet from the nearest other dwelling unit.
- e. The person conducting the open burning must notify the local firefighting agency, fire district or municipal fire department, prior to commencement of open burning.
- f. Open burning shall be conducted only during atmospheric conditions which<sup>1[1]</sup>:
  - i. Prevent dispersion of smoke into populated areas;
  - ii. Prevent visibility impairment on traveled roads or at airports that result in a safety hazard;
  - iii. Do not create a public nuisance or adversely affect public safety;
  - iv. Do not cause any adverse impact to visibility; and
  - v. Do not cause uncontrollable spreading of the fire.
- g. The permittee shall not conduct open burning when:
  - i. The National Weather Service has issued an air stagnation advisory for the affected area;
  - ii. When any stage air pollution episode is declared.

E. Emergency.

Whenever the Mayor and Town Council determine that an emergency exists due to the threat or danger of fire within the Town, the Mayor may, by proclamation, make such orders and regulations as are deemed appropriate, up to and including the prohibition of any and all types of fires and burning including smoking. The proclamation shall be posted in at least three (3) public places within twenty-four (24) hours after the Mayor signs such proclamation. Any person violating the terms of the proclamation shall be guilty of a class one misdemeanor and upon conviction therefore shall be punished as provided in Article 1-8 of this Code.

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<sup>1[1]</sup> This is the reason permits are only good for the day of issuance.

F. Compliance with unlawful burning ordinance and open burning permit.

Any person to whom an open burning permit is issued, must comply with the provisions of this section and the provisions of the burning permit. Any person in violation of this section or the burning permit issued to them shall be guilty of a civil violation punishable as set forth in Article 1-8 of this Code.

G. Violations

Failure to obtain a permit, or failure to comply with the conditions of a permit, shall be subject to civil and/or criminal penalties in any of the following statutes: A.R. S. §§13-1706, 49-502, 49-511, 49-512, 49-513, or 49-514, including, but not exclusive of, application of Article 1-8 of this Code.

H. Limited scope of rule.

Nothing in this rule shall authorize or permit any practice, which is a violation of any statute, ordinance, rule or regulation.

**ARTICLE 10-4 LA PAZ COUNTY HEALTH PERMIT REQUIRED (Ord No 07-18)**

10-4-1 La Paz County Health Permit Required

**Section 10-4-1 La Paz County Health Permit Required**

It is unlawful for any person to carry on any trade, calling, profession, occupation or business, specified in this article, which is required to obtain a La Paz County Health Permit to conduct business without first having obtained said permit.