

SAHUARITA ORDINANCE NO. 2025-179

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF SAHUARITA, ARIZONA, AMENDING THE SAHUARITA TOWN CODE, TITLE 8 HEALTH AND SANITATION, BY AMENDING TO CHAPTER 8.05 COLLECTION OF SOLID WASTE; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES AND ESTABLISHING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF SAHUARITA, ARIZONA, AS FOLLOWS:

- Section 1.** The Code of the Town of Sahuarita, Arizona, Title 8 Health and Sanitation, Chapter 8.05 Collection of Solid Waste is hereby amended to read as set forth in that certain document entitled, “The Town of Sahuarita Collection of Solid Waste Amendment – Chapter 8.05 (2025),” which document is hereby adopted and incorporated by reference as set forth in Exhibit A.
- Section 2.** All tables of contents shall be modified as necessary to reflect the changes set forth in this ordinance.
- Section 3.** The various Town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance and sections of the Town Code.
- Section 4.** All ordinances, resolutions, or motions and parts of ordinances, resolutions or motions of the Town Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the date of this ordinance. All internal reference within the Town Code to any affected provision are hereby updated.
- Section 5.** If any section, subsection, sentence, clause, phrase or portion of this ordinance, or any part of this amendment to the Town Code, 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 6.** In addition to the penalties set forth in Section 7 below, the failure of a commercial solid waste collector to abide by the stated requirements within this chapter may result in a permit violation fee of double the amount of original permit fee as set by a fee schedule adopted from time to time by the town.
- Section 7.** ENFORCEMENT AND PENALTIES

(A) The Town shall notify each responsible party of the subscription requirements, to include all fee plans and options. The notice shall be in writing sent by first class U.S mail. Once subscription is secured, contractor shall provide waste and recycling services.

(B) Failure of a responsible party to subscribe to residential solid waste collection services shall be pursued by the town by way of certified mail/return receipt requested and first-class U.S. mail to the responsible party and notification shall be made to the town manager or designee on a quarterly basis.

(C) Failure of a responsible party to comply with this or any other provisions of this article may be issued a notice of violation by certified mail/return receipt requested and first-class U.S. mail by the town containing the following information:

(1) Identification of property in violation.

(2) Detailed statement of violation in reference to article provisions.

(3) Date violation occurred.

(4) Business contact information of the citing officer or official.

(5) The action required to come into compliance.

(6) Time period to come into compliance and re-inspection date (minimum grace period of 14-calendar days).

(7) Consequences for continued non-compliance.

(D) Should the responsible party fail to comply, the Town Manager or designee may direct compliance as per paragraph (E).

(E) Civil citations may be pursued only after the notice set forth in paragraph (C) has been refused, ignored, or full compliance has failed.

(F) The following process shall be followed to gain compliance with this article:

(1) If the responsible party fails to comply with a notice of violation, a civil/criminal action to enforce the provision of this article may be commenced and a summons shall be issued in accordance with the procedures set forth in Arizona Revised Statutes and applicable town ordinances. Jurisdiction of proceedings in this article shall be in the municipal court of the town.

(2) The town manager or designee shall be responsible for filing civil and criminal citations with the municipal court with the following minimum penalties:

(a) First offense during a 24-consecutive month period: civil penalty of \$350;

(b) Second offense during the same 24-consecutive month period: civil penalty of \$600;

(3) The 24-consecutive month period shall be calculated from when the first violation is committed. The responsible party shall receive the progressively higher civil penalties noted above in paragraph (F)(2). In no event shall the court reduce the minimum dollar penalties referenced above.

(4) The owner of record, as reflected in the Pima County Recorder's Office, may be presumed to be a person having lawful control over the building, structure or parcel of land that is the subject of the violation. If more than 1 person is recorded as the owner of the property, the persons may be jointly and severally presumed to be the persons having lawful control over the building, structure or parcel of land.

(G) *Civil hearing procedure.* A person lawfully served with a civil citation or complaint shall appear at the time and place stated in the citation or summons or may appear prior to the time and admit or deny the allegations of the complaint. Allegations not denied at the time of appearance are deemed admitted. If the allegations are admitted, the court shall enter judgment for the town and impose the minimum dollar sanction as noted above. If the defendant denies the allegations, the court shall set the matter for hearing/trial. Civil hearings are to be held informally and held without a jury, and the town is required to prove the allegations by a preponderance of the evidence. Technical rules of evidence do not apply, except for statutory provisions related to privileged communications. If the defendant elects to be represented by counsel, the defendant shall notify the court at least 10 court days prior to the hearing date. If the court finds in favor of the defendant, the court shall enter an order dismissing the citation or complaint. If the court finds in favor of the town, the court shall enter judgment for the town and impose the minimum civil penalties and criminal fines referenced above and other appropriate terms/conditions.

(H) *Appeal of civil court hearing/trial.* Any party may appeal the judgment of the municipal court to the superior court under A.R.S. § 12-124. Appeals from civil proceedings shall be in accordance with the Superior Court Rules of Appellate Procedure-Civil.

Section 8. Pursuant to A.R.S. § 19-142, this Ordinance shall become operative 30 days after its passage.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF SAHUARITA, ARIZONA this 27th day of January, 2025.

APPROVED:



Mayor Tom Murphy

CERTIFICATION OF RECORDING OFFICER

State of Arizona)
County of Pima) ss.

I, the undersigned, Lisa Cole, MMC, being the duly appointed, qualified Town Clerk of the Town of Sahuarita, Pima County, Arizona, certify that the foregoing Ordinance is a true, correct, and accurate copy of Ordinance No. 2025-179, passed and adopted at a Voting Meeting of the Council of the Town of Sahuarita, Pima County, Arizona, held on the 27th day of January, 2025, at which a quorum was present and by 6-0 vote, all voted in favor of the said ordinance.

Given under my hand and sealed this 27th day of January, 2025.

SEAL:

Lisa Cole

Lisa Cole, MMC
Town Clerk



APPROVED AS TO FORM:

Jon M. Paladini

Jon Paladini, Town Attorney

[Exhibit on File at Town of Sahuarita
Town Clerk's Office
375 West Sahuarita Center Way
Sahuarita, Arizona 85269]