

**GREENLEE COUNTY BOARD OF SUPERVISORS  
RESOLUTION NO. 06-06-03**

**A RESOLUTION OF THE SUPERVISORS OF GREENLEE COUNTY  
TO AMEND THE SOLID WASTE SERVICE FEE ORDINANCE.**

**WHEREAS**, the Board of Supervisors (hereinafter called "the Board") adopted a solid waste fee ordinance, and;

**WHEREAS**, the Board desires to amend said ordinance according to Statute, and;

**WHEREAS**, a public hearing pursuant to state statutes has been properly noticed and held to consider the content and merits of this resolution.

**NOW THEREFORE, BE IT RESOLVED THAT THE** certain sections of the Solid Waste Fee Ordinance are amended as follow and all other Sections remain unchanged;

**Adopted and approved this 19th day of June, 2006.**

/s/ Hector Ruedas, Chairman  
Board of Supervisors

Attest:

/s/ Kay Gale, Clerk Board of Supervisors

APPROVED AS TO FORM:

/s/ Derek Rapier, County Attorney

**GREENLEE COUNTY  
SOLID WASTE  
FEE ORDINANCE -  
AMENDMENT 2**

**ADOPTED JUNE 19, 2006**

I. DEFINITIONS

- A. "APPROVED SITE" means a solid waste disposal site permitted and approved by the Arizona Department of Environmental Quality or a transfer station south of the Gila and Salt River Base Line in Greenlee County.
- B. "BULKY ITEMS" means large items of solid waste whose size or shape precludes or complicates their handling by normal collection, processing or disposal methods. Materials defined as bulky waste will be determined on a site specific basis depending on equipment and facilities available. These items may include, but are not limited to furniture, mattresses, and barrels, among others.
- C. "COMMERCIAL HAULER" means any person who has a valid Landfill account with Greenlee County.
- D. NOT USED
- E. "COMPACTED" means compressed through hydraulic or mechanical means.
- F. "DEPARTMENT" means the Greenlee County Public Works Department.
- G. "DIRECTOR" means the Greenlee County Public Works Department Director.
- H. "INDIVIDUAL" means a person, who is not a commercial hauler, dumping refuse at an Approved Site.
- I. NOT USED
- J. "PERSON(S)" means any public or private corporation, company, partnership, firm, business, association or society of persons, or entity, including governmental entities as well as a natural person.
- K. "TRANSFER STATION" means a site established by Greenlee County for the collection of refuse to be subsequently transferred to a sanitary landfill.
- L. "SANITARY LANDFILL" means a disposal site employing an engineered method of disposing of solid waste to reduce environmental hazards by spreading and compacting all wastes to the smallest practical volume, and by applying cover material over waste.
- M. "SOLID WASTE" means all putrescible and non-putrescible solid and semi-solid wastes as defined in the permit of an Approved Site, including any

garbage, trash, rubbish, refuse, sludge, ashes, dead animals, manure, street and parking lot cleaning, and other discarded material, but excluding domestic sewage or hazardous wastes.

- N. "WHITE GOODS" means large business or household appliances, either containing Freon or not containing Freon, e.g., refrigerators, freezers, stoves, ovens, washers, dryers and hot water heaters.

## II. FEES

All persons disposing of waste at an Approved Site shall be charged a fee as shown in the Appendix. The fee shall be due in cash payable at the Approved Site at the time the person enters the Approved Site. The fee collection program will be administered by the Director.

## III. FEE ASSESSMENT, PERMITTING, ADMINISTRATION AND OPERATIONS

- A. SCHEDULE - Fees payable to the County for use of an Approved Site shall be assessed as set forth in the fee schedule incorporated herein. The fee for Commercial Haulers shall be based on weight where a scale is available; otherwise, volume rates will apply. The conversion factor is set in Appendix.

- B. AMENDMENT - This Ordinance may be amended by Resolution of the Board of Supervisors as deemed necessary by the Board of Supervisors.

### C. COMMERCIAL HAULERS' PERMIT AND FEES

1. A Commercial Hauler shall obtain a "Commercial Hauler Permit" to conduct business within the unincorporated areas of Greenlee County, or to use an Approved Site operated by Greenlee County, in whole or in part.
2. No Commercial Hauler shall be allowed to use any Approved Site operated by Greenlee County, in whole or in part, without first having a valid "Commercial Hauler Permit".
3. A "Commercial Hauler Permit" is an annual permit issued by the Director upon the completion of the required application form. This permit shall be renewed annually, depending upon satisfactory compliance with the terms and conditions of this Ordinance.
4. The Director shall administer this Ordinance and may appoint designated representatives to assist in administration. Director may

authorize the designated representative to act on his behalf.

5. No Commercial Hauler shall be permitted to deposit solid waste in any Approved Site without the express written permission of the Director.
  6. With approval of the Board of Supervisors, the Director may enter into agreements that modify terms of this ordinance.
  7. The County may request an independent audit of any Commercial Hauler. The Hauler shall pay for the audit.
- D. DETERMINATION OF CHARGES - The Director shall determine the fee. The person shall, at the time of use, abide by the decision and will be allowed to dump one load of solid waste. If a person believes he has been incorrectly charged, he may submit an affidavit to the Director, stating his complaint and ask for reconsideration. The Director shall make a decision in writing in 5 business days. Depending on the Director's determination of the load's status, any difference between fees may be refunded.
- E. WASTE - The Director shall accept at an Approved Site all wastes generated inside Greenlee County as allowed in the permit for an Approved Site.
- F. EXCLUSION OF WASTE - The Director shall exclude from an Approved Site all wastes generated outside Greenlee County and carted by a Commercial Hauler, unless the Board of Supervisors has approved such disposal. The Director shall collect a fee on all wastes generated outside Greenlee County and carted by an individual. The Director may request positive identification to determine residency.
- G. SPECIAL WASTES - A person may be charged for special handling services at an Approved Site that require relocation of personnel or equipment from normal operations. Wastes that require special handling services include, but are not limited to asbestos and asbestos-containing materials. All waste shall be handled according to the permit for an Approved Site.
- H. BILLING
1. Any Commercial Hauler may, upon application, pay solid waste disposal fees through a monthly billing from the Department.
  2. Monthly bills shall be due and payable upon receipt.
  3. Any bill unpaid after 15 days shall be considered in arrears.
  4. Any person in arrears on a monthly billing may be required to provide

a cash deposit in a reasonable amount to the Department to continue monthly billings.

5. The deposit may be applied by the Department against any amount unpaid sixty days after date of billing.
6. When such a person no longer desires a monthly billing, any amount remaining in the cash deposit will be returned to the person.
7. The Director may cancel a monthly billing privilege due to non payment.
8. Alternate payment schedules as approved by the Director may be arranged.

#### I. DELINQUENCY

1. Monthly bills in arrears shall be delinquent and charges shall be added.
  - a. Interest at the rate of one and one-half percent per month on the sum of delinquent payments, compounded monthly, and;
  - b. any legal and administrative expenses incurred necessary to secure payment.
2. When a payment has been delinquent for more than sixty days, a written notice may be sent to the address listed for such account, stating the total delinquent payments then due and the period for which the payment has been delinquent.
3. If the delinquent payments are not paid within ten working days from the date of the delinquency notice, the Director or his agents may take appropriate steps to collect all outstanding payments.

#### J. MISCELLANEOUS

1. Users of an Approved Site shall obey all posted signs.
2. Solid waste, while being transported to an Approved Site, shall be covered, tied or otherwise secured so waste will not be blown or lost from the transport vehicle. When a good faith effort is not evident by covering, tying, or otherwise securing the load to prevent waste from being blown or being lost from the transport vehicle, the user shall be

charged a fee upon entering an Approved Site for an Unsecured Load.

3. The Director may set at least one day each month when individuals may dump Construction and Demolition Debris without charge.
4. By written agreement, the Director may cause alternate payment arrangements including providing in kind services.
5. By written agreement, the Director may reduce Fees for recycling

IV. REGULATION OR STORAGE, COLLECTION, TRANSPORTATION, DISPOSAL AND RECLAMATION OF SOLID WASTE.

- A. RULES - A.R.S. 49-704, A.R.S. 49-765, and the Waste Management Rules, as promulgated by the Arizona Department of Environmental Quality and codified in the Arizona Administration Code, Title 18, Article 5, R18-8-601 et. seq. , as they may be amended from time to time, are hereby incorporated by reference as the Greenlee County rules regulating the storage, collection, transportation, disposal and reclamation of solid waste. The Director is authorized to enforce these rules to protect public health and safety and the environment and to prevent and abate public nuisances.
- B. SALVAGING - The Director may permit salvaging of solid waste at an Approved Site. Salvaging is subject to such terms and conditions as the Director determines to be appropriate to comply with this Ordinance and other applicable law and regulations.

V. RESPONSIBILITY FOR SOLID WASTE DISPOSAL AND RECOVERY OF DISPOSAL COSTS

- A. UNLAWFUL DUMPING - When solid waste is dumped or deposited improperly, not authorized by law, and items in the solid waste identify the same person as the owner or recipient of that item, there shall be a rebuttable presumption that the person is responsible for the unlawful dumping of solid waste.
- B. COSTS - If a person disposes of solid waste improperly, or in a manner not authorized by law, and Greenlee County arranges for or executes the lawful disposal of the solid waste, that person shall be responsible to Greenlee County for all reasonable costs and expenses associated with the transportation and disposal of the solid waste.
- C. RECOVERY - If a person disposes of solid waste improperly, or in a manner

not authorized by law, and the owner of the property on which the solid waste was unlawfully dumped, deposited or disposed of arranges for or executes the lawful disposal of solid waste, the person in violation shall be responsible to the property owner for all reasonable costs and expenses associated with the transportation and disposal of the solid waste.

- D. COLLECTION - If Greenlee County or a property owner sues to collect their reasonable costs and expenses as provided in Subsections B and C of this Section, the court may award a reasonable amount as attorney's fees to Greenlee County or the suing property owner.
- E. REMEDIES - If any person stores, collects, transports, disposes or reclaims solid waste violating this Ordinance, the Director, acting through the County Attorney, besides the other remedies provided by this Ordinance and applicable law, may pursue all remedies available at law or equity to prevent or abate any unlawful act or cause removal of any unlawful deposit.

#### VI. DEDICATION OF COLLECTED FEES

All fees, penalties, and interest that are collected pursuant to this Ordinance shall be dedicated to the costs incurred by Greenlee County to provide solid waste disposal services and this program. When general funds have been expended for such services in any fiscal year, revenues generated in the fiscal year may be used to reimburse the general fund to the extent so expended. In no event shall these revenues be used for other general fund purposes, except such direct reimbursement of solid waste disposal services. If excess funds are collected, those revenues shall be deposited in the Landfill Development Fund.

#### VII. PENALTIES AND FINES

- A. VIOLATION - A violation of this Ordinance is a Class 2 misdemeanor. Any person who violates this Ordinance may be subject to a fine not to exceed seven hundred fifty dollars (for a person) (\$750.00) or ten thousand dollars (for an enterprise) (\$10,000) or a term of imprisonment not to exceed four (4) months, or both.
- B. RESTITUTION - Besides the penalties prescribed by subsection A. or by A..R.S. 13-1603 (Criminal littering or polluting), a person who violates this Ordinance may be subject to pay for restitution cost, for clean up cost, and/or for enforcement cost.

#### VIII. EFFECTIVE DATE

This ordinance shall become effective when adopted by Resolution. The



Department is directed to carry out the appropriate provisions of this Ordinance as rapidly as possible as the Director determines to be appropriate to achieve public awareness and compliance.

IX. SEVERABILITY

The provisions of this ordinance are severable. If any provision of this Ordinance or the application thereof is held to be invalid, such invalidity shall not affect other provisions and their applications that can be given effect without the invalid provisions or application.