

ORDINANCE NO. A2000-A158

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, MODIFYING THE LITTERING AND DUMPING VIOLATIONS OF THE TOWN CODE

WHEREAS, ARS Sections 13-1603/28-7056 prohibit criminal littering, polluting, or dumping on public property, roadways, and private property, but without prescribing minimum fines therefore, and

WHEREAS, the Town shall, under ARS 28-7056.C, cause signs to be erected at suitable intervals on public roads informing the public that it is unlawful to dump or litter along public thoroughfares, right-of-ways or airports, and

WHEREAS, the Town is authorized by ARS 9-240.B.21/.28 to enact ordinances necessary to prevent public nuisances, and prescribe penalties therefore, and has in Ordinance 96-A116 enacting the Code declared that violations of any provision of the Code are Class 2 misdemeanors, unless a provision otherwise prescribes the penalties,

***NOW, THEREFORE, be it ordained by the Common Council of the Town of
Camp Verde, that:***

1. **Repeal.** Section 10-2-4 of the Town Code of the Town of Camp Verde is hereby repealed, and replaced with the provisions of this ordinance.
2. **Definitions.** "**Littering**", either along a public roadway, on private property of another, or on public property or parks, is the casual release of small amounts of trash, garbage, rubbish, or debris. Littering includes both throwing down the material, or failure to clean it up from the property by removing it or putting it in provided trash containers in a manner that will not allow it to be blown or discharged from the receptacle. If littering occurs from a moving vehicle, the driver will be presumed to be the offender. "**Dumping**" is the deposit of household garbage or trash, construction materials, industrial waste, soils or rocks, tree or brush trimmings, litter, petroleum products, hazardous materials, or injurious materials on or along any public roadway, public property, or property of another.
3. **Violations and Penalties.** Both littering and dumping are declared Class 1 misdemeanors, punishable by fines up to \$2500 and 6 months in jail, or to the limits as may be amended by State law. The minimum fine for littering as a first offense shall be **\$500**, and for dumping, except for dumping hazardous materials, large appliances, industrial waste,

automobile parts, or injurious materials, **\$1,000**. The fine for a first offense for dumping hazardous materials, large appliances, industrial waste, automobile parts, or injurious materials, or whenever the total quantity of the material dumped, regardless of the type, exceeds **10** pounds, is **\$1,500**. Persons convicted of a second or subsequent offense under this ordinance shall be sentenced to fine that is twice the minimum for a first offense, up to the maximum fine for a Class 1 misdemeanor under State law, and shall be ordered to serve not less than **3** days in jail. In addition to any fines or jail time imposed, the Court shall order that a person convicted of littering or dumping shall be ordered to pick up and remove trash or litter from public property for a minimum of **16** hours for a first offense, and **40** hours for a second or subsequent offense, as well as either clean up the litter or dumping caused by the offender, or reimburse the Town or agency which performed the cleanup for the reasonable cost thereof. The Court shall not order personal cleanup if it would create a hardship for the offender because of physical infirmity or age, and shall schedule times and places of cleanup that would minimize interference with the offender's employment or family responsibilities.

- 4. Reward.** Any person who provides information leading to the citation of another who has violated any provisions of this ordinance shall be paid a **\$100** reward as restitution to be assessed in addition to the above penalties upon conviction of the offense.
- 5. Posting.** Signs shall be posted along major roadways and areas where there has been a history of illegal dumping or littering warning the public of the offense, the minimum fines, and a reward offered for information leading to a citation and conviction.

Passed and adopted this 2nd day of August, 2000

Brenda Hauser, Vice Mayor:

Brenda Hauser

Attest:

Deborah Barber

Debbie Barber,
Town Clerk

Approved as to Form:

Ronald C. Ramsey
Ronald C. Ramsey,
Town Attorney

Please Publish: August 11 & 16

Sent To : *Bugle*
Fax # : *7-2006*
Date : *8-7-00*
Time : *2:45 pm*
Fax'd By: *CB*

Posted by: *Cathy Brown* Date/Time: *Aug 7, 2000; 2:53 pm*