

CHAPTER 9. KAYENTA SOLID WASTE ORDINANCE

M: ¹ C/LOW
S: R/MIKE
Y: 5-0-0

Article 9-1 GARBAGE AND TRASH COLLECTION

- 9-1-1 Definitions
- 9-1-2 Collection Agency
- 9-1-3 Collection Hours
- 9-1-4 Rates

Section 9-1-1 Definitions

In this chapter unless the context requires otherwise:

- A. "Garbage" means all putrescible wastes, except sewage and body wastes, including all organic wastes that have been prepared for, or intended to be used as, food or have resulted from the preparation of food, including all such substances from all public and private establishments and residences.
- B. "Refuse" means all garbage, trash and brush.
- C. "Trash" means all nonputrescible wastes.

Section 9-1-2 Collection Agency

The Kayenta Township, the collection agent of the Township or other collectors authorized by the Kayenta Township Commission, shall collect all refuse within the township. No person, except as provided in this chapter, shall collect or gather refuse within the Township.

Section 9-1-3 Collection Hours

The hours of collection of refuse shall be designated by the manager.

Section 9-1-4 Rates

The Commission shall from time to time fix the rates and classifications for garbage and trash collection within the township and shall make such other rules and regulations as may be necessary to properly administer and enforce this chapter.

Article 9-2 PREPARATION OF REFUSE FOR COLLECTION

- 9-2-1 Preparation of Refuse
- 9-2-2 Location for Pick Up
- 9-2-3 Lids and Covers
- 9-2-4 Use of Containers

Section 9-2-1 Preparation of Refuse

All refuse shall be prepared for collection or disposed of as follows:

- A. Garbage. The customer shall furnish containers for the accumulation, storage, and collection of all garbage. Such containers shall be tightly covered and be of rust-resistant metal or plastic and shall have handles on the outside. Containers of tear resistant, pliable plastic, reinforced, treated paper or similar papers of durable, waterproof construction may be approved by the Township for single-service use. The maximum capacity of each container shall not exceed thirty-two gallons and loaded for collection shall not exceed eighty pounds in weight. Such

containers shall be kept in good repair and in a sanitary condition. Containers found to be no longer serviceable through disrepair or maintained in an unsanitary condition may be condemned by the Township for further use. Legal notice of such condemnation shall consist of a label or tag affixed to the container. Receptacles not placed in a satisfactory condition or replaced within fifteen days of said notice may be removed and destroyed by the Township.

B. Trash. Trash shall be placed in containers or tied in bundles by the customer and set out for collection. Containers may be garbage containers described above, trash bags or boxes not exceeding three square feet by four feet deep. In any event, the weight of a loaded container or bundle shall not exceed fifty pounds. Customers wishing to retain disposal boxes should mark the box "SAVE" in a readily seen manner.

C. Brush. Brush, trees and tree limbs shall be cut into such a size not to exceed four feet in length or fifty pounds in weight that one person can readily load the individual pieces into a truck or chipper and shall be piled in neat order with all long branches parallel to one another, and shall have all metal or foreign materials removed to facilitate chipping.

D. Appliances and Vehicles. The Township or the collection agent of the Township will collect discarded appliances from dwelling premises that two person can readily lift into a truck. The customer shall within twenty-four hours remove or cause to be removed all other appliances, vehicles or equipment classified as refuse from their premises or the public right of way.

E. Building Materials. All owners, contractors and builders of structures shall, upon the completion of any structure, gather up and haul away, at their sole cost and expense, all refuse of every nature, description or kind which has resulted from the building of such structure including all lumber scraps, shingles, plaster, brick, stone, concrete and other building material, and shall place the lot and all nearby premises utilized in such construction in a sightly condition. Residential customers may dispose of small amounts of building materials from time to time, providing the building materials are placed in a container as described above and contains no concrete, masonry or soil.

F. By-products. Any commercial or manufacturing establishment which by the nature of its operations creates an unusual amount of by-product refuse may be required by the Township to dispose of its own wastes as opposed to having the Township provide the service.

G. Dangerous Waste. Dangerous wastes shall be placed in a proper container, plainly marked "DANGER". The Township reserves the right to deny service for certain dangerous wastes and to require the customer to properly dispose of it by other means.

H. Soil and Concrete. Waste soil, concrete, masonry blocks, sod and rocks shall be disposed of by the owner, tenant or occupant of the premises.

Sec. 9-2-2 Location for Pick Up

A. Garbage (Residential). All collections of garbage in containers will be made from the curb of the street except that individual householders, upon private agreement with the Township or its collection agent, may contract for side yard pickup for such additional charges as may be established by the Township.

1. Storage of containers. All garbage containers shall be stored not closer to the street than the front building line of the residence.

2. Location for curb-side pickup. Garbage containers to be picked up by curb-side service shall be set behind the front curb or adjoining sidewalk immediately next to the curb or

sidewalk on the lot side of the sidewalk and shall be set out after six o'clock p.m. of the day preceding regular collection and shall be removed from the curb by seven o'clock p.m. of the day of collection.

3. **Location for side yard pickup.** Garbage containers to be picked up at the side yard, where the individual householder has provided for such pickup by private agreement, shall be placed not closer to the street than the front building line and not more than ten feet behind the front building line on the days of collection, provided, however, on the days of collection they must be placed on the street side of any enclosure.

B. **Garbage (Commercial).** Commercial garbage containers shall be located in such places as authorized by the manager or his authorized representative but in no case shall they be located between the front building line of a commercial building and the street.

C. **Trash and Brush.** Trash and brush shall be set at the front of the street curb on the street so as not to block the sidewalk, or gutter or otherwise be a hazard to pedestrian or vehicular traffic. When necessary to set trash and brush at the front curb on the street, they must be set out after six o'clock p.m. of the day preceding regular collection.

D. Nothing contained herein shall prohibit the placement of public litter containers which shall be of such size and be placed as determined by the manager.

Sec. 9-2-3 Lids and Covers

The lids or covers of all containers shall at all times be kept secure so that flies, insects and other animals may not have access to the contents of the containers and shall only be removed while the containers and receptacles are being filled, emptied or cleaned.

Sec. 9-2-4 Use of Containers

Article 9-3 OTHER METHODS OF ~~TRASH~~ GARBAGE AND TRASH REMOVAL

- 9-3-1 Hauling Refuse
- 9-3-2 Vehicles and Receptacles to be Spillproof
- 9-3-3 Spilled Refuse
- 9-3-4 Dumping Refuse

Section 9-3-1 Hauling Refuse

It is unlawful for any person to haul or cause to be hauled any refuse on or along any public street, avenue or alley in the Township, in violation of any of the provisions in this chapter.

Section 9-3-2 Vehicles and Receptacles to be Spillproof

It is unlawful for any person to haul or cause to be hauled on or along any public street in the Township 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 any odor from escaping.

Section 9-3-3 Spilled Refuse

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

Section 9-3-4 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 Township, except as specifically permitted in this chapter.

Article 9-4 REMOVAL OF LITTER

- 9-4-1 Definitions
- 9-4-2 Litter on Private Property
- 9-4-3 Owner to Maintain Premises
- 9-4-4 Procedure to Compel Removal of Litter
- 9-4-5 Notice to Remove
- 9-4-6 Service of Notice
- 9-4-7 Appeal to Commission
- 9-4-8 Removal by Township
- 9-4-9 Lien for Removal
- 9-4-10 Placement of Debris

Section 9-4-1 Definitions

In this chapter unless the context requires otherwise:

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 nonputrescible solid wastes including garbage, trash, ashes, street cleanings, 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 property" means any dwelling, house, building or other structure, designed or used either wholly or in part for private residential 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.

D. "Abandoned automobiles" means any motor vehicle or major portion thereof which is incapable of movement under its own power and will remain so without repair and/or reconstruction. It shall also mean a vehicle being repaired when such repairs take in excess of ninety (90) days. The absence of current vehicular registration as required by law shall be prima facie evidence of inoperability under this definition. This definition shall not include any motor vehicle in an enclosed building or so located upon private property as not to be readily visible from any public place or from surrounding private property. Further, this definition shall not include any motor vehicle on the premises of a business enterprise operated in a lawful place and in a lawful manner, when the keeping or maintaining of such vehicle is necessary to the operation of such business enterprise.

Section 9-4-2 Litter on Private Property

No person shall throw or deposit litter on any occupied or unoccupied private property within the Township, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any public place.

Section 9-4-3 Owner to Maintain Premises

The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.

Section 9-4-4 Procedure to Compel Removal of Litter

The manager shall enforce the provisions of Sections 9-4-2 and 9-4-3 hereby by prosecuting violators of said section in the Kayenta Navajo Nation District Court pursuant to the criminal provisions of this code. If such prosecution fails to secure compliance with the 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 Section 9-4-5 through 9-4-9 hereof.

Section 9-4-5 Notice to Remove

To compel the removal of litter through the provisions of this section and of Section 9-4-6, 9-4-7, 9-4-8 and 9-4-9 hereof, 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 the manager to remove all litter from such property within thirty (30) 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 fifteen days before the date set thereon for compliance, and shall contain an estimate of the cost of removal by the Township, a statement that unless the person owning or controlling such property complies therewith within thirty (30) days from the date such written notice is received that the Township 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 Township within thirty (30) days from the date the notice is received by him and prior to the date of compliance.

Section 9-4-6 Service of Notice

Notice shall be personally served on the owner or person controlling such property, by a Navajo police officer in the Township in the manner provided in Rule ____ of the Navajo Nation Rules of Civil Procedure, or mailed to the owner or person controlling such property at his last known address by certified or registered mail. 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 9-4-7 Appeal to Commission

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

Section 9-4-8 Removal by the Township

When any such person to 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 Township on appeal, fails, neglects or refuses to move from such property any or all litter, the manager is authorized and directed 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 9-4-6 hereof. The owner or person controlling such shall have thirty days from the date of service upon him to appeal in writing to the Commission 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 Commission 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 Commission shall be final and binding on all persons.

Section 9-4-9 Lien for Removal

If no appeal is taken from the amount of the assessment, or if an appeal is taken and the Commission has affirmed or modified the amount of the assessment, the original assessment or the assessment as so modified shall be recorded in the Navajo Nation District Court and from the date of its recording, shall be lien on said lot or tract of land until paid. Such liens shall be subject and inferior to the lien for Navajo Nation taxes and to all prior recorded mortgages 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 Township shall bring an action to enforce the lien in the Navajo Nation District 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 the purposes provided in this section shall not be a bar to subsequent assessment or assessments for such purposes, and any number of liens on the same lot or tract of land may be enforced in the same action.

Section 9-4-10 Placement of Debris

It is unlawful for any person to place any rubbish, trash, filth or debris upon any private or public property not owned or under the control of said person. In addition to any fine which may be imposed for violation of any provision of this section, such person shall be liable for all costs which may be assessed pursuant to this article for the removal of said rubbish, trash, filth or debris.

DEVELOPMENT OF THE KAYENTA SOLID WASTE ORDINANCE: PUBLIC INVOLVEMENT PLAN

The Kayenta Solid Waste Ordinance; Public Involvement Plan is to invoke public thought and comments into the policy development process. It is to provide and involve the Kayenta Township public the opportunity to express their wishes and concerns, pros and cons regarding a law that will affect their daily lives while living, conducting life in the Kayenta Township. The final document should reflect the sentiment and ethos of this day in Kayenta Township. Above all, this satisfies the due process requirement before enactment of local law.

To begin the development process a DRAFT 1 proposed Kayenta Solid Waste Ordinance is provided for review, comment and authorization.

The public involvement process utilized for the enactment of the KTC Chapter 8 Ordinance, Kayenta Retail Sales Tax has been reviewed. The process that will be utilized for this policy (ordinance) development is as follows:

Public Involvement Process

STEPS:

1. DEVELOP DRAFT 1
 - KTC develop DRAFT 1, Kayenta Solid Waste Ordinance.
2. DEVELOP DRAFT 2
 - Identify and select Kayenta Solid Waste Task Force.
 - Conduct Solid Waste Task Force meetings on DRAFT 1.
 - Develop DRAFT 2.
3. DEVELOP DRAFT 3
 - Distribute DRAFT 2 to Navajo Nation Department of Justice, Solid Waste Department, Navajo EPA, IHS-OEH.
 - Schedule and conduct public hearing on DRAFT 2 , elicit comments.
 - Solicit and incorporate comments from DOJ, SWD, NEPA, IHS-OEH.
 - Develop DRAFT 3.
4. ENACT Kayenta Solid Waste Ordinance
 - KTC convene on DRAFT 3, enact KTC Chapter __, Kayenta Solid Waste Ordinance
5. IMPLEMENT Kayenta Solid Waste Ordinance
 - Distribute KSWO.
 - Develop administrative procedures.
 - Codify KSWO.
 - Coordinate: Kayenta Police Department, Navajo Nation District Court, Navajo County Justice of the Peace, Arizona Department of Public Safety.

KAYENTA SOLID WASTE TASK FORCE:

The task force would be technical in nature to refine DRAFT 1. Therefore, the membership would include departments/organizations that have and will have direct roles and responsibility for administration, oversight, monitoring, enforcement and adjudication of violations of the ordinance. The membership will be selected from the following organizations:

1. Indian Health Service-Office of Environmental Health
2. Navajo Tribal Utility Authority
3. Navajo Law Enforcement - Kayenta District
4. Navajo Nation District Court
5. Navajo County Justice of the Peace
6. Businesses
7. Kayenta Unified School District
8. Kayenta Chapter
9. Navajo Department of Justice-Kayenta District Prosecutor
10. Kayenta Volunteer Fire Department
11. Community member(s)

KAYENTIA SOLID WASTE ORDINANCE

ID	Name	May			June			July			August								
		5/3	5/10	5/17	5/24	5/31	6/7	6/14	6/21	6/28	7/5	7/12	7/19	7/26	8/2	8/9	8/16	8/23	8/30
1	DEVELOP DRAFT 1																		
2																			
3	DEVELOP DRAFT 2																		
4	IDENTIFY/SELECT SWTF																		
5	COORDINATE SWTF MTGS																		
6																			
7	DEVELOP DRAFT 3																		
8	DISTRIBUTE DRAFT 2-DOJ, NIN																		
9	CONDUCT PUBLIC HEARING																		
10	SECURE COMMENTS-DOJ, NIN																		
11																			
12	ENACT KSWO																		
13																			
14	IMPLEMENT KSWO																		
15	CODIFY KSWO																		
16	DISTRIBUTE KSWO																		
17	COORDINATE: KPD, NNDC, NNP																		
18	DEVELOP ADM PROCEDURES																		