

**TOWN OF MIAMI**

**ORDINANCE NO. 359**

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF MIAMI, ARIZONA, AMENDING THE CODE OF MIAMI, ARIZONA, TITLE 8 HEALTH AND SAFETY, CHAPTER 8.08 GARBAGE AND TRASH COLLECTION AND DISPOSAL, SECTION 8.08.040 RATES FOR GARBAGE AND BULK TRASH COLLECTION, RELATED TO INCREASING THE FEES FOR GARBAGE AND BULK TRASH COLLECTION SERVICES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR PENALTIES.**

**WHEREAS**, the Town of Miami Town Council, on November 27, 2017, directed Town staff to provide written notice of a proposed increase in rates and fees for garbage and bulk trash collection services and to publish a Notice of Intent to increase fees pursuant to A.R.S. § 499.15 that the Town intends to increase rates and fees charge for garbage and bulk trash collection services; and

**WHEREAS**, the Town of Miami posted and published said Notice of Intent and a written report or data supporting the proposed increased fees pursuant to and as required by A.R.S. § 499.15.

**NOW THEREFORE, BE IT ORDAINED** by the Mayor and Common Council of the Town of Miami, Arizona, as follows:

**Section I.     In General.**

The Code of Miami, Arizona, Title 8 Health and Safety, Chapter 8.08 Garbage and Trash Collection and Disposal is hereby amended by amending Section 8.08.040 Rates for Garbage and Bulk Trash Collection to read as follows (deletions in ~~strikeout~~; additions in ALL CAPS):

**A.     Residential accounts:**

<b>Service</b>	<b>Fee (in Dollars)</b>
Garbage Pickup Base Rate	<del>20.00</del> 22.58
Bulk Trash Pickup Base Rate	5.00*
Lawn And Yard Waste:	
Pickup Charge	25.00
Load Charge	
Half-Trailer Load	12.50
Full-Trailer Load	25.00
Large General Household Items – Pickup Fee:	<del>25.00</del> 28.23

Additional Per Item Fees:	
One Item:	5.005.65
2-3 Items:	10.0011.25
4-5 Items:	15.0016.94
6 Items:	20.0022.58
7 Items:	25.0028.23
8 Items:	30.0033.87
9-10 Items:	35.0039.52
11-12 Items:	40.0045.16
13 Items:	45.0050.81
14 Items:	50.0056.45

\* All town residents will be charged the \$5.00 base rate for bulk trash pickup. The lawn and yard waste and large household items fees are in addition to the \$5.00 base rate.

**B. Commercial accounts:**

Commercial accounts will be charged a base fee for garbage collection of \$30.00 per month and the following additional fees will be applied to specific businesses (Upon application and approval by the Town, a commercial business has the option of contracting with an outside service for commercial garbage service and thereby avoid the monthly base fee and additional fees):

1. **Apartments:** ~~\$10.00~~11.29 per month per unit for each unit in excess of one.
2. **Food Services:**
  - a. ~~\$60.00~~67.74 per month for pickup two days per week.
  - b. ~~\$100.00~~112.90 per month for pickup three days per week.
3. **Manufacturing/Fabrication:** ~~\$90.00~~101.61 per month with additional fees if required based upon the volume and character of the garbage.

**Section II. Providing for Repeal of Conflicting Ordinances.**

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

**Section III. Providing for Severability.**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, 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 IV. Providing for Penalties.**

Any person found guilty of violating any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine not to exceed Two Thousand Five Hundred Dollars (\$2,500) or by imprisonment for a period not to exceed six (6) months, or both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as herein described.

**PASSED AND ADOPTED** by the Common Council of the Town of Miami, Arizona, this 12<sup>th</sup> day of February, 2018, by the following vote:

AYES: 6

NAYES: 0 ABSENT: 0

EXCUSED: 1 ABSTAINED: 0


**APPROVED** this 12<sup>th</sup> day of February, 2018.

  
Darryl Dalley, Mayor

**ATTEST:**

  
Karen M. Norris, Town Clerk

**APPROVED AS TO FORM:**

  
Phyllis L. N. Smiley, Town Attorney

I, KAREN M. NORRIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 359 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF MIAMI, ARIZONA, ON THE 12<sup>th</sup> DAY OF FEBRUARY, 2018, WAS POSTED IN THREE PLACES ON THE 14 DAY OF February, 2018.

  
Karen M. Norris, Town Clerk