

ORDINANCE NO. 2020-01

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF
TUSAYAN ADOPTING AN ORDINANCE TO PROHIBIT THE
DISCARDING AND DISTRIBUTION OF TRASH AND
MATERIALS**

WHEREAS, pursuant to A.R.S. § 9-240.B.21 a municipality has the power to abate and remove nuisances; and

WHEREAS, the Town of Tusayan (“**Town**”) Council (“**Council**”) has determined that the dumping and distribution of garbage, refuse, rubbish, sludge and other discarded materials in or on the property of another constitutes a nuisance that must be abated and removed; and

WHEREAS, the Council has determined that it is in the best interest of the Town to prohibit the dumping and distribution of garbage, refuse, rubbish, sludge and other discarded materials in or on the property of another; and

WHEREAS, the regulation of dumping and distribution of garbage, refuse, rubbish, sludge and other discarded materials will promote the public health of the residents of the Town and will preserve the natural beauty of the Town.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF TUSAYAN DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Definition.

For purposes of this Ordinance, the term "**Solid Waste**" shall mean garbage, refuse, trash, rubbish, sludge, residue or by-products of processing or treatment of discarded material, and any other solid, semi-solid or liquid discarded material resulting from domestic, commercial, mining, industrial, agricultural, municipal, or other sources or activities.

SECTION 2: Prohibition.

Whoever willfully and without right deposits Solid Waste in a commercial disposal container of another or onto the property of another or onto the property of the Town (collectively, an "**Unauthorized Disposal Location**") without the consent of the owner or other person who has legal custody, care or control of thereof shall be punished by a fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000).

SECTION 3: Severability.

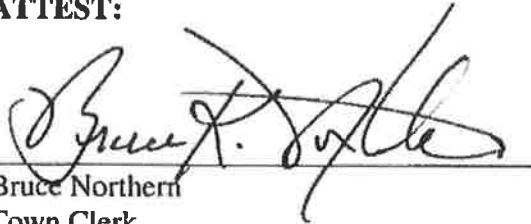
If any section, subsection, subdivision, sentence, phrase or portion of this Ordinance No. 2020-01 or its application to any person or place is held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED BY THE MAYOR AND TOWN COUNCIL of the Town of Tusayan, Arizona this 10th day of June, 2020, with an effective date upon the later to occur of Friday, July 10th, 2020 and the completion of publication and posting as required by A.R.S. §§ 9-812 and 9-813



Craig Sanderson, Mayor
Town of Tusayan

ATTEST:



Bruce Northern
Town Clerk

APPROVED AS TO FORM:



William J. Sims, III
Town Attorney