



12.

**Plan of Operation for Kayenta Transfer Station
KTCD-047-98**

RESOLUTION OF THE KAYENTA TOWNSHIP COMMISSION
Kayenta, Arizona

Approving the Plan of Operation for the Kayenta Transfer Station

WHEREAS:

1. The Kayenta Township Commission (KTC) was established and authorized by the Navajo Nation Council by resolutions CJA-3-96 and CN-76-96, more specifically cited in the Plan of Operation, Section III, Jurisdiction, B., "The KTC shall have the jurisdiction over all planning and control of that area authorized and designated by the Navajo Nation Council in November 1985 (Resolution CN-86-85) and the official Survey Plat filed with Navajo County and submitted to Bureau of Indian Affairs (incorporated by reference herein) hereinafter referred to as the Township area."; and
2. The KTC identified solid waste as one of its priority responsibility in the Chapter 9; Retail Sales Tax Ordinance; and
3. The KTC completed construction of a basic one unit compactor transfer station and is operational; and
4. An six month operating budget was approved for the transfer station as part of the Budget Amendment on November 22, 1998, and implementation of the program is underway; and
5. A Plan of Operation for the Kayenta Transfer Station is developed and herein attached as Exhibit A.

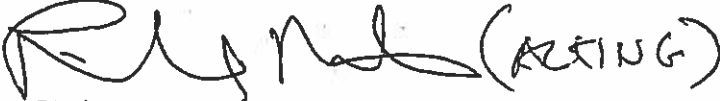
NOW THEREFORE BE IT RESOLVED THAT:

1. The Kayenta Township Commission hereby approves the Plan of Operation for the Kayenta Transfer Station, herein attached as Exhibit A.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Kayenta Township Commission at a duly called meeting at Kayenta, Navajo Nation, (Arizona), at which a quorum was present and that same was passed by a vote of 3 in favor, 0 opposed, and 0 abstained, this **20th** day of **December, 1998**.

Motion: Richard P. Mike
 Second: Yazzie Leonard

 (ACTING)

Chairperson
 Kayenta Township Commission

CHAPTER 10. KAYENTA SOLID WASTE ORDINANCES

Article 10-1 GARBAGE AND TRASH COLLECTION

10-1-1 Definition

10-1-2 Collection Agency

10-1-3 Collection Hours

10-1-4 Rates

Section 10-1-1 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, food or have resulted from the preparation of food, including all such substances from all public and private establishments and residents.
- B. "Refuse" means all garbage, trash and brush
- C. "Trash" means all nonputrescible waste.

Section 10-1-2 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 10-1-3 Collect Hours

The hours of collection of refuse shall be designed by the manger

Section 10-1-4 Rates

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

Article 10-2 PREPARATION OF REFUSE FOR COLLECTION

10-2-1 Preparation of refuse

10-2-2 Location for Pick up

10-2-3 Lids and Covers

10-2-4 Use of Containers

Section 10-2-1 Preparation for Refuse

All refuse be prepared for collection and disposal 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 outsides. 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 pound in weight. Such container shall be kept in good repair and in a sanitary condition. Container 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 legal or tag affixed to the container. Receptacles not placed in satisfactory condition or replace 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 costumer 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 pound. 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 by piled in a 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 persons can readily lift into a truck. The costumer 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 building of such structure including all lumber scrapes, 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 costumers may dispose of small amount 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-product. Any commercial or manufacturing establishments which by the nature of is operations creates an unusual amount of by-products refuse may be required by the Township to dispose of its own waste as opposed to having the Township provide the service.
- G. Dangerous Waste. Dangerous waste shall be place in proper container, plainly marked "DANGER". The Township reserves the right to deny service for certain dangerous wastes and to require the costumer to properly dispose of it by other mans.

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.

Section 10-2-2 Locations for Pick Up

A. Garbage (Residential). All collections of garbage in containers will be made from the curb of the streets except that individual household, upon private agreement with the Township or its collection agent, may contract for side yard pickup for such additional charges 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 residents.
2. Location for curbside pickup. Garbage containers to be pickup by curb-side service shall be set behind the front curb or adjoining sidewalk immediate next to the curb or sidewalk on the side lot 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 household has provided for such pick up 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 street.

C. Trash ad 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 and 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.

Section 10-2-3 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 be removed while the container and receptacles are being filled, emptied and cleaned.

Section 10-2-4 Use of Containers. *Narrative – type of containers*

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 waste including garbage, trash, ashes, street cleaning, 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 and dwelling, house building or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporary 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 Places" means any and all streets, sidewalk, boulevards, alleys or other public ways, and any and all public parks, squares, spaces, grounds and building.

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 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 a n enclosed building or so located upon private property as not to be readily visible from any public place of 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 10-4-2 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 deposit by the elements upon any public place.

Section 10-4-3 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 10-4-4 Procedure to Compel Removal of Litter

The manager shall enforce the provisions of Sections 10-4-2 and 10-4-3 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

Article 10-3 OTHER METHODS OF GARBAGE AND TRASH REMOVAL

- 10-3-1 Hauling Refuse
- 10-3-2 Vehicle and Receptacles to be Spillproof
- 10-3-3 Spilled Refuse
- 10-3-4 Dumping Refuse

Section 10-3-1 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 10-3-2 Vehicles and Receptacles to be Spillproof

It is unlawful for any person to haul or cause to be hauled any refuse 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 10-3-3 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 10-3-4 Dumping Refuse

It is unlawful for any person to place or cause to be placed any refuse upon any⁶ public or private property within the Township, except as specifically permitted in this chapter.

Article 10-4 REMOVAL OF LITTER

- 9-4-1 Definitions
- 9-4-2 Litter of 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 fro Removal
- 9-4-10 Placement of Debris

Section 10-4-1 Definitions

In this chapter unless the context requires otherwise:

jurisdiction over their persons, the manager shall compel the removal of litter by the procedure outlined in Section 10-4-5 through 10-4-9 hereof.

Section 10-4-5 Notice to Remove

To compel the removal of litter through the provisions of this section and of Section 10-4-6, 10-4-7, 10-4-8 and 10-4-9 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 10-4-6 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 10-4-7 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 10-4-8 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 10-4-6 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 10-4-9 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 10-4-10 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.