

ORDINANCE NO. 09-50

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA, RELATING TO AMENDMENT OF THE PLANNING AND ZONING CODE TO SECTION 301 DEFINITIONS AND SECTION 400 USE DISTRICTS FOR PROPOSED DEFINITIONS AND RESTRICTIONS ON SOLID WASTE LANDFILLS AND OTHER PROHIBITED USES IN THE TOWN OF DEWEY-HUMBOLDT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Whereas**, landfills in Dewey-Humboldt have been a frequent suspected cause of risks to health and welfare;

**Whereas**, landfills in Dewey-Humboldt have been a frequent cause of enforcement actions by state regulatory agencies;

**Whereas**, there are more than enough landfills within a 10-minute drive from the Town borders for all anticipated landfill needs of the Town;

**Whereas**, for these reasons the Town Council has determined that landfills within the Town of Dewey-Humboldt should be a prohibited use; and

**Whereas**, the Planning and Zoning Commission of the Town voted to recommend approval of the proposed Text Amendments with modifications to the Town Council, amending the Planning and Zoning Ordinance, Section 301 Definitions by adding the terms: Land Disposal, Solid Waste Landfill and Solid Waste, and Section 400 by adding provision for the prohibition of specific uses, primarily landfills.

**Now therefore, the Town Council of the Town of Dewey-Humboldt does ordain as follows:**

1. The Town Zoning Code § 301 is hereby amended to add the following definitions:  
**LAND DISPOSAL (of Solid Waste)** - the placement of solid waste in or on land, excluding manure generated on the property, as regulated by State and local jurisdictions.  
**SOLID WASTE** - any garbage, trash, rubbish, waste tire, refuse, sludge from a waste treatment plant, water supply treatment plant or pollution control facility and other discarded material, including solid, liquid, semisolid or contained gaseous material.  
**SOLID WASTE LANDFILL** - a facility, area of land or excavation in which solid wastes are placed for permanent disposal.
2. The Town Zoning Code § 400 is hereby amended to read as follows (with the new amendment language underlined):  
**SECTION 400 USE DISTRICTS**

Those areas of the Town of Dewey-Humboldt subject to the provisions of this Ordinance are hereby divided into Use Districts that together with the General Provisions (where applicable) control the uses and structures, and their manner of installation and operation in the various Town areas.

A. Prohibited Uses

1. Any use or structure not specifically permitted by the District Provisions (or analogous to a permitted use or structure) shall be deemed prohibited and unlawful (nor shall same be considered an accessory use or structure for the District).
2. Land disposals, solid waste landfills and any similar storage or processing facilities of solid waste are prohibited in all Use Districts within the Town of Dewey-Humboldt. This prohibition does not restrict the development of a waste-water treatment facility for the treatment of waste produced by a development for business or residential uses, in accordance with regulations of ADEQ/EPA and other regulatory agencies.
3. Only if the limitations of this Section 400A, and other uses specifically prohibited in specific Use Districts, are amended or limited by legislative change or judicial interpretation, then any deviation from the strict interpretation, application and enforcement of such provisions shall require application for the issuance of a Conditional Use Permit by the proposed user and/or property owner, and the approval and issuance of such Conditional Use Permit by the Town Council. The application for such must illustrate how external effects shall be mitigated through the term of such use (air, subterranean, noise, glare and/or aesthetic). Otherwise, no use permit is available.

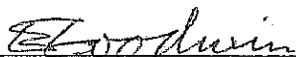
B. Zoning Districts

The following comprises the various Zoning Districts and their order (from higher to lower) in applying the change of use provisions of the Ordinance:

*(The remainder of Section 400 is not changed)*

3. The provisions of this ordinance and the code it incorporates are hereby declared to be severable, and if any section, sentence, clause, or phrase of this ordinance shall, for any reason, be held to be invalid or unconstitutional, such decisions shall not affect the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the validity of any part thereof.
4. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force as soon as possible as provided by law, and shall be codified as of July 1, 2009.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Yavapai County, Arizona, this 21<sup>st</sup> day of April 2009.

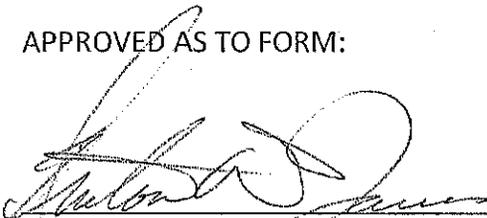


Earl Goodwin,  
Mayor

ATTEST:

  
\_\_\_\_\_  
Judy Morgan  
Town Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Kenton Jones, Town Attorney