

**ORDINANCE O-23-04**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF BISBEE, ARIZONA, AMENDING THE CITY OF BISBEE CODE, CHAPTER 9 HEALTH AND SANITATION; AND CEMETERY, ARTICLE 9.1 GENERAL PROVISIONS, SECTION 9.1.5 RESPONSIBLE PARTY, EXEMPTIONS, AND REDUCTIONS, BY REPEALING AND REPLACING SUBSECTION 9.1.5(C)(3) PROVIDING FOR QUALIFICATION AND INCOME VERIFICATION REQUIREMENTS FOR THE LOW-INCOME SANITATION PROGRAM; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Bisbee, Arizona (“City”) has previously adopted a low-income policy and fee structure for sanitation rates; and,

**WHEREAS**, the City desires to continue to provide this low-income program, but has found that amendments to the program are necessary in order to avoid fraud, waste and abuse of the program; and,

**WHEREAS**, the City deems it necessary to improve the guidelines and requirements for the participation in the low-income sanitation program consistent with the changes to the low-income sewer utility program.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA, THAT:**

**Section 1.** The City of Bisbee Code, Chapter 9 Health and Sanitation; and Cemetery, Article 9.1 General Provisions, Section 9.1.5 Responsible Party, Exemptions, and Reductions, is hereby amended by repealing and replacing Subsection 9.1.5(C)(3) in its entirety with the new language of Subsection 9.1.5(C)(3) as set forth below:

**9.1.5 Responsible Party, Exemptions, and Reductions**

C. Reduction for Low Income Account Holders - A policy providing for discounts for low-income households, is hereby established.

...

3. To be eligible for this reduced sanitation rate benefit program, you, the Account Holder, must meet the same program minimum qualifications and verification requirements as established for the low-income sewer utility program as provided for in City Code Sections 13.2.2(A)(3)(c) - (1), (2), (3) and (6).

**Section 2.** Providing for Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict with this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

**Section 3.** 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 4.** Effective Date. The effective date of this Ordinance shall be thirty (30) days after its adoption.

**PASSED, APPROVED AND ADOPTED** by the Mayor and Council of the City of Bisbee on this 21<sup>st</sup> day of March, 2023.

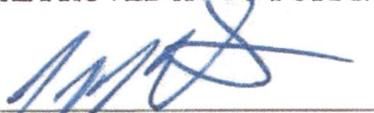
**APPROVED:**

  
Ken Budge, Mayor

**ATTEST:**

  
Ashlee Coronado, City Clerk

**APPROVED AS TO FORM:**

  
Joseph Estes, City Attorney  
Gust Rosenfeld, PLC