

## ORDINANCE NO. 1991

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO, REPEALING AND REENACTING IN ITS ENTIRETY CHAPTER 4.80 OF THE GOLDEN MUNICIPAL CODE REGARDING THE LICENSING OF SOLID WASTE HAULERS AND IMPLEMENTATION OF VOLUME-BASED RATES FOR COLLECTION OF SOLID WASTE AND RECYCLABLES FROM GROUP ACCOUNT RESIDENTIAL CUSTOMERS

WHEREAS, the Golden Vision 2030 Plan acknowledges the communities long-held value of promoting sustainability to preserve Golden's small town look, feel and character through the enactment, for example of volume-based rates for trash collection and the promotion of recycling; and

WHEREAS, industry and government studies demonstrate that the cost incentives provided by volume-based rates decrease the volume of solid waste collected by haulers and also serve to promote recycling; and

WHEREAS, in pursuit of the goals set forth herein City Council pursuant to Colorado Revised Statute (C.R.S.) Section 30-15-401(7)(a) adopted Ordinance No. 1868 enacting a single waste hauler program for residential properties, which is based upon volume-based rates and includes single stream recycling; and

WHEREAS, pursuant to C.R.S. § 30-15-401(7)(a) multi-family residential residences containing eight (8) or more units and commercial establishments were excluded from the single waste hauler program; and

WHEREAS, residential properties that were part of a Homeowner's Association in existence as of May 13, 2010, were also excluded from participation in the program; and

WHEREAS, to further promote the goals of the Golden Vision 2030 Plan, and the community wide benefits of the City's single waste hauler program, the City desires to require that solid waste haulers servicing Homeowner Associations provide the residents volume-based rates and recycling; and

WHEREAS, the City, to further promote sustainability the City also desires to update its licensing requirements for all other solid waste haulers providing service within the City; and

WHEREAS, the Community Sustainability Advisory Board finds that the proposed ordinance promotes the City's sustainability goals and recommends Council's approval of the ordinance.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO:

Section 1. Section 4.80 of the Golden Municipal Code, entitled "Collection of Garbage, Trash, Junk and Recyclable Materials," is deleted in its entirety, reenacted and re-titled "Solid Waste Collection and Recycling Services," to provide as follows:

**4.80.005 Legislative intent.** It is the intent of the City Council that the definition of solid waste set forth herein does not include any substance or article prohibited from being deposited in a landfill either by the landfill operator or any applicable local, state or federal laws or regulations.

**4.80.010 Definitions.** The following words, terms and phrases, when used in this chapter, shall unless the context specifically provide otherwise have the meanings ascribed to them in this section:

*Collector* shall mean the person or entity providing collection service.

*Commercial customers* shall mean any premises utilizing collection service where a commercial, industrial or institutional enterprise is carried on, including, without limitation, retail establishments, restaurants, hospitals, schools, day care centers, office buildings, nursing homes, clubs, churches and public facilities.

*Communal system for the collection of waste* shall mean an arrangement for the collection of waste from multiple properties or residences using collection containers shared by those properties or residences.

*Curbside* shall mean at or near the perimeter of the premises, whether or not there is a curb, but does not mean or permit placement on the sidewalk or in the street. If the curb and any sidewalk are of unitary construction, the term means behind the sidewalk.

*Curbside collection* shall mean the collection of solid waste or recyclables placed at a curbside location or within a dumpster site.

*Electronic equipment* shall mean any electronic device or electronic component as those terms are defined in the Colorado Hazardous Waste Regulations, 6 Code of Colorado Regulations 1007-3, Section 260.10.

*Group account* shall mean a customer account for solid waste collection services that provides for collection of waste from multiple residential customers, regardless of the method by which such services are contracted or arranged. An account for service arranged by a single property owner for collection of solid waste from multiple locations owned by that property owner shall not constitute a group account for the purposes of this chapter.

*Household recycling container* shall mean bags, bin-type containers, carts or bulk-volume dumpsters and plastic receptacles used for storing and setting out recyclable materials.

*Multi-family customers* shall mean residential properties of more than seven units for which there is a communal system for the collection of solid waste.

*Poly-cart* shall mean a durable, plastic, wheeled container with a hinged lid, manufactured and used for the collection of recyclable materials or for the collection of refuse.

*Qualified recycling facility* shall mean a facility that arranges for or causes the recovery of useful materials from one (1) or more specified recyclable materials including items for reuse, and shall be deemed to include only a facility that meets any federal or state standards that may be established to regulate or designate such recycling facilities.

*Recyclable materials* shall mean materials which have been separated from solid waste and can be recovered as useful materials and are properly prepared for the purpose of recycling, provided that such materials have been designated by the city as recyclable.

*Recycling* shall mean the process of recovering useful materials from solid waste, including items for reuse.

*Refuse* shall mean solid waste.

*Residential customers* shall mean residential properties for which a communal system for the collection of waste is not employed.

*Service* shall mean collecting, transporting or disposing of solid waste or recyclable materials.

*Solid waste* shall mean all putrescible and nonputrescible waste, excluding discarded or abandoned vehicles or parts thereof, sewage, sludge, septic tank and cesspool pumpings or other sludge, discarded home or industrial appliances, hazardous wastes, materials used as fertilizers or for other productive purposes and recyclable materials which have been source separated for collection.

*Solid waste collector* shall mean the person who provides solid waste collection service on a regular, recurring schedule.

*Source separation* shall mean to separate recyclable materials from solid waste at the waste source.

**4.80.015 License requirement.**

(a) License required. It shall be unlawful for any person to operate as a solid waste collector within the city without first obtaining a license for such activity from the city.

(b) Exemptions. The following persons or entities are not required to obtain a solid waste collection license:

(1) A civic, community, benevolent or charitable nonprofit organization that collects, transports and markets materials for resource recovery solely for the purpose of raising funds for a charitable, civic or benevolent activity;

(2) A person who transports solid waste or recyclable materials produced by such person;

(3) A property owner or agent thereof who transports solid waste or recyclable materials left by a tenant upon such owner's property, so long as such property owner does not provide solid waste collection service for compensation for tenants on a regular or continuing basis;

(4) A demolition or construction contractor or landscaper who produces and transports solid waste in the course of such occupation, where the solid waste produced is merely incidental to the particular demolition or construction work being performed by such person.

**4.80.020. Solid Waste collection requirements.**

(a) Volume-based rates.

(1) All solid waste collectors operating within the City shall charge all residential customers and group accounts, on the basis of the volume capacity (or volume capacity category) of the containers of solid waste placed for collection by each residential customer. The amount to be charged for such containers shall be determined by each solid waste collector; provided, however, that no volume capacity category shall exceed a range of variation in volume capacity of more than thirty-two (32) gallons. Collectors shall determine a rate for the thirty-two-gallon service, and that rate shall be used to determine the rates for all other service levels. Said charges shall be based upon the container size, rather than the volume of solid waste actually deposited within such containers by the residential customers. The charge for additional containers of the same volume capacity (or volume capacity category) shall be no less than the charge for the first such container. The charge for prepaid bags or labels or for solid waste volumes in excess of the residential customer or group account individual residential customer's service subscription level shall be by volume capacity and shall be proportional by volume to the collector's standard rate for a thirty-two-gallon container.

(2) In order to further ensure that the charge for the collection of solid waste is based upon volume as required above, all solid waste collectors shall provide each residential customer and each individual residential customer of a group account disposable bags, or labels to be attached to non-disposable containers, showing the volume capacity (or volume capacity category) of such containers, or shall establish another system for accomplishing the same purpose which is acceptable to the city. A solid waste collector shall arrange for provision of service to each group account in a manner that results in an individual selection by each individual residential customer of a level of service from the full range of container sizes and levels of service offered by the collector.

(3) In offering or arranging for services, a solid waste collector shall provide reasonable notice of the full range of bag or container sizes or levels of service offered by the collector, and shall provide to each residential customer and each individual residential customer of a group account that customer's requested container size or level of service.

(4) It shall be unlawful for any person to knowingly attach any label to a container exceeding in volume the volume capacity (or volume capacity category) shown on, or represented by, such label, and to place said container for collection.

(5) No solid waste collector shall collect or transport solid waste which has not been placed for collection in accordance with the requirements set forth herein or in bags or containers upon which labels have been attached. Upon emptying any such containers, the collector shall remove or otherwise void all non-compliant labels.

(6) The provisions of this subsection shall not be construed as prohibiting any collector from also establishing rules and regulations regarding the maximum weight of containers of solid waste and/or recyclable materials.

(7) A collector shall not collect any overloaded container unless the collector accounts for and bills the residential customer or group account the appropriate fee or charge for the collection of excess solid waste. Loading of a container so as to prevent the lid of the container from closing securely shall be deemed to be overloading of the container for the purposes of this provision. The determination of overloading and charges therefore shall be made on an individual pick-up date basis, and there shall be no "averaging" of pick-up volumes to allow for overloading at one (1) time offset by a low volume at another time.

(b) Fixed fees.

(1) In addition to the volume-based rates required pursuant to subsection (c) above, solid waste collectors may, but are not required to, charge a fixed fee for solid waste collection services where only bags or tags are used by customers rather than reusable containers for the purpose of covering the fixed operational costs of routing service trucks for such collections. Surcharges for fuel or other special surcharges or fees shall be deemed to constitute a fixed fee and shall be permitted and charged only as set forth in this subsection.

(2) If a solid waste collector elects to charge such fixed fee, said fee shall not exceed thirty-five (35) percent of the monthly volume-based rate charged for one (1) thirty-two-gallon container per week.

(3) In the event that a solid waste collector elects to establish a fixed fee, all bills for services provided by such collector to group accounts shall clearly show the individual residential customer(s) and both the fixed fee and the volume-based rate.

(c) Refusal of recyclable materials. In the event that a collector refuses to collect any bag or container because it contains materials required to be recycled under this chapter, the collector shall not be required under this section to credit the residential customer or group account for such refused bag or container. A collector shall not collect materials required to be recycled under this chapter.

**4.80.025 Recycling requirement.**

(a) Curbside/on-site collection.

(1) Each solid waste collector licensed by the City shall make available to its multi-family and commercial customers, and other customers receiving solid waste collection services through a communal system of waste collection, at the customer's option, curbside collection of recyclable materials. Notwithstanding the foregoing, the offer of collection of recyclable materials pursuant to this subsection shall not be required if the collector provides documentation satisfactory to the City verifying that there is not sufficient space available to allow the placement of recycling containers without encroaching on needed parking areas or on the sidewalk or street, or without impairing or impeding bicycle, pedestrian or vehicular traffic.

(2) Each solid waste collector shall provide to each residential customer and each individual residential customer of a group account, as a part of any solid waste collection services provided by such solid waste collector, the collection at curbside of both solid waste and recyclable

materials. No such collector shall be permitted for any reason to divide or diminish the provision of said basic service at the request of a residential customer or a group account or individual residential customer of such account.

(b) Collection of recyclable materials; rights and duties of collectors. All collectors of solid waste and recyclable materials shall have the following duties and rights:

(1) Except for materials which customers have not properly prepared for recycling, collectors may not commingle designated recycle materials with solid waste, nor dispose of recyclable materials set out by recycling customers by any means other than at a qualified recycling facility.

(2) On or before July 1, 2015, collectors must provide to each solid waste residential customer and each solid waste individual residential customer of a group account who utilizes curbside recycling services within the city a poly-cart or similar container or bags for storing and setting out recyclable materials meeting the requirements of this subsection, clearly marked as a recyclables container or bag with words or symbols or both. Collectors must annually offer each residential recycling customer and each individual residential recycling customer of a group account, in writing, a choice of at least two (2) sizes of poly-cart or similar containers or bags which at a minimum must be at least sixty-four (64) gallons in capacity, one (1) of which must be at least ninety-six (96) gallons in capacity. The collector must provide the requested poly-cart or similar container without additional charge to such customer, except that the collector may require the payment of a refundable damage or loss deposit or a charge for lost or damaged poly-carts or similar containers, not to exceed the actual cost of the container. The collector must provide a poly-cart or similar container to any customer at any time upon request within one (1) billing period after the request is made.

(3) The collector may establish such reasonable and industry-accepted requirements for the preparation of materials for recycling as are necessary to provide for the orderly collection of recyclable materials, including requirements regarding the preparation of materials for collection, the collection of recyclable materials and requirements for source separation.

(4) In the event that a collector elects to perform collection of solid waste or recyclable materials through subcontractors or agents, such agency relationship shall not relieve the collector of responsibility for compliance with the provisions of this chapter and the rules promulgated hereunder.

(5) All recyclable materials placed for collection shall be owned by and be the responsibility of the customer until the materials are collected by the collector. The material then shall become the property and the responsibility of the collector. No person other than the customer or the collector of recyclable materials shall take physical possession of any recyclable materials placed for collection.

(6) Any vehicle used for the collection of recyclables must be clearly and unambiguously marked as a recycling truck, whether by permanent decals or markings, or by signage or placards displayed at all times during such use.

(c) Frequency of collection.

(1) Curbside recycling collection services shall be provided on at least a once-weekly basis and on the same day of the week as the day of collection of solid waste from the group account customers. After July 1, 2015, or after a collector has offered and made available to its residential and or group account residential customers poly-cart or similar recycling containers or bags, whichever first occurs, said collector may modify its recycling collection schedule as long as curbside recycling collection services are provided on the same day of the week as the day of collection of solid waste from the customer and no less frequently than two (2) times per month.

(2) Collectors providing collection services to multi-family and/or commercial customers shall provide services for the collection of recyclable materials from such customers who desire such services with such frequency as is necessary to prevent overflow of the recycling containers.

(d) Customer notification.

(1) Upon the initial provision of solid waste collection services to new customers, and on or before December 31 of each year with respect to existing customers, collectors shall notify in writing such customers of the availability of the collection of recyclable materials, the range of poly-cart recycling containers available, the materials designated for recycling collection and such rules and regulations as have been established by the collector for the orderly collection of recyclable materials. Such notice shall as to residential customers and group accounts include notification of the variable-rate solid waste collection service options offered by the solid waste collector and the related volume-based rates and fixed charges.

(2) The form of notice shall be submitted to the city for review for consistency with the requirements of this chapter, and to ensure that the notice is sufficient to fully inform customers of the availability of recycling and level of service options.

(3) For group accounts, the notices required hereunder may be sent to the group representative for said account, provided that such notice shall further notify said representative of its obligation to notify all individual residential customers within the group of the availability of recycling services and the terms of variable-rate service options.

(4) All verbal and written communications with customers by or on behalf of a collector, whether in person, by telephone, in written form or through any other means, must be consistent with and clearly and accurately describe, as applicable, all components of the system employed by the collector to provide and charge for variable-rate solid waste collection and recycling services.

(5) The collector shall deliver to the city's sustainability coordinator a true and correct copy of each form of such notification sent on or before December 31 of each year.

**4.80.030 Designation of recyclable materials.**

(a) The city shall maintain a list of recyclable materials, which shall be posted on the city's website and available at the offices of the Public Works Department. The list may be amended from time in consideration of factors, which include but are not limited to the following;

(1) Local, state and federal laws and regulations, including but not limited to the requirements of this chapter;

(2) Potential for waste stream reduction;

(3) Availability of markets;

(4) Market price;

(5) Safety factors and risks of transportation; and

(6) Risks of commingling of liquid wastes.

(b) Notwithstanding the foregoing, collection for recycling of electronic equipment shall be at each collector's option; provided, however, that no collector providing collection services for electronic equipment may dispose of any such electronic equipment, but instead shall deliver any collected electronic equipment for recycling at a qualified recycling facility for electronic equipment.

(c) All collectors shall be responsible for notifying their customers of the items identified to be recycled.

**4.80.035 Application for license**

(a) Any person desiring to obtain a license to engage in the business of solid waste collection shall make written application to the office of the city clerk on forms provided by the city. All applications for renewal of a license by a licensed collector must be submitted no later than November 30 in advance of the new license year. The application shall include, without limitation, the following information:

- (1) The name and address of the applicant;
- (2) The principal place of business activity if different from the applicants address;
- (3) A list of vehicles owned and/or operated by the applicant directly in the collection of solid waste and/or recyclables, or operated or located at any time in the city during the current or pending license year, including vehicle make, color, year, U.S. Department of Transportation safety inspection identification number, cubic yard capacity, Colorado license plate number and empty tariff weight.

- (4) A description of the system to be used to account for and charge volume-based rates, as required for all residential customers and group accounts and a plan describing the structure and operation of the recycling collection services to be offered to each customer class. The description of the system shall include a detailed description of the means by which individual residential customers of a group account are notified of the full range of sizes of bags or containers provided for solid waste collection and by which all customers are provided curbside recycling. In addition, the description shall provide sufficient detail to allow the city to determine the means by which volume-based rates are applied to individual residential customers of a group account receiving solid waste-hauling services, such as the formula used to set volume-based rates, and the methods used to offer and account for the volume-based charges.

(b) The city clerk shall determine whether an application meets the requirements of this chapter, and whether all taxes, fees, penalties, interest or other financial obligations of the applicant to the city have been met, and whether the applicant is in current compliance with the requirements of this chapter. The city clerk may request such additional information as he or she deems relevant to a determination of whether the requirements of this chapter will be met by the applicant. The city clerk may deny any application if the city clerk reasonably determines that any requirements of this chapter will not be met by the operation proposed by the applicant, or if the applicant is ineligible for a license under the terms of a revocation by the city manager.

(c) Upon a determination by the city clerk of whether a license shall issue under this section, the city clerk shall give written notice to the applicant of his or her decision thereon. An applicant whose application has been denied may, within twenty (20) days after such decision is mailed, petition the city manager for a hearing on the denial. The city manager shall notify the applicant in writing of the time and place of the hearing. After such hearing, the city manager shall make such order in the matter as he or she deems just and proper and shall furnish a copy of such final order to the applicant.

**4.80.040 License requirements; fees and insurance.** Upon approval of a license application, but prior to issuance, the collector shall furnish the city clerk the following:

- (1) An annual license fee in the amount determined by resolution of city council for each vehicle identified by applicant as providing services within the city.

- (2) Proof that the collector has obtained a general comprehensive liability/automobile insurance policy protecting the collector from all claims for damage to property or for bodily injury, including death, which may arise from operations under or in connection with this license and providing limits of coverage of not less than One Million Dollars (\$1,000,000) for bodily injury and property damage per occurrence or in the aggregate.

- (3) Proof that each vehicle identified as providing service within the city has been registered with the U.S. Department of Transportation.

**4.80.045 Term of license.** All licenses issued pursuant to this chapter shall run from the date of issuance until the 31st day of December of the year in which such license is issued. All licenses shall expire on December 31 of each year. Licenses are not transferable or assignable.

**4.80.050 Plans, recordkeeping and reports.**

(a) Each collector must accurately and completely account for and record, and report to the city using a form provided by the city, the following:

(1) The specific manner in which solid waste collection and recycling services have been delivered in compliance with this chapter, including but not limited to a complete list of all rate schedules used to charge for such services, as well as the frequency of collection of solid waste collection and recycling services;

(2) A description of any system used to impose and verify charges for solid waste volumes in excess of customer subscription levels;

(3) The number of residential accounts, group accounts, including all individual residential customers within such account(s), multi-family and commercial customers who received solid waste collection from the collector, by category; and

(4) The number of customers within each category that subscribe to each level of solid waste and recycling services, as well as the number of customers that utilize prepaid bag or tag services, and the number of recycling poly-carts or similar containers provided to customers, by size of such carts and containers .

(b) Prior to implementation of any substantial change of its operational systems, plans or structures which are required to be reported for issuance of a license or annually hereunder, the collector must submit such changes to the city for its review.

(c) All information submitted to the city pursuant to this section shall constitute public information, except as otherwise provided in the Colorado Open Records Act C.R.S. § 24-72-100.1et. seq. Any such information constituting confidential customer records or financial proprietary information and identified as such by the licensee shall be maintained as confidential and not subject to disclosure by the city, unless otherwise required by court order or as agreed by the party-in-interest. If the city receives a request for public inspection or a request for release of any collector's customer records or collector financial information to a third party, the city shall provide timely notice of such request to the licensee.

(d) Each collector licensed pursuant to this chapter shall maintain accurate and complete records of the services provided to each residential customer, group accounts, including all individual residential customers within such account(s), multi-family and commercial customers, the charges to such customer and payments received, the form and recipients of any notice required pursuant to this chapter, and any underlying records, including any books, accounts, contracts for services, written records of individual level of service requests, invoices, route sheets or other records necessary to verify the accuracy and completeness of such records. It shall be the duty of each collector to keep and preserve all such documents and records, including any electronic information, for a period of three (3) years from the end of the calendar year of such records, except for paper records of route sheets, which may be discarded one (1) year after the end of the calendar year of such route sheets.

(e) Promptly upon a request by the city clerk or the clerk's authorized designee in connection with an audit or other investigation he or she has initiated, a licensee shall make the records retained pursuant to this chapter available, at its place of business or in such other reasonably convenient location as the licensee shall specify, for review by the city clerk or the clerk's authorized designee for the purpose of enforcing the requirements of this chapter.

(f) A licensee shall make available for review by the city such records in its possession as may be relevant to the investigation of any complaint regarding such licensee that has been submitted to the city or is under investigation by the city.

(g) All collectors shall accurately and completely report to the city the following information, which shall be deemed to constitute public information:

(1) Number of tons of solid waste collected in the city from all residential, group account, multi-family and commercial customers, and any other customer category, reported by category of



customer. The weight of solid waste collected shall be documented and verified based on actual load weight measurements of a representative solid waste load no less frequently than on a calendar quarter basis, using a scale certified by the State of Colorado, which actual weight information shall also be described and reported.

(2) Number of tons of each type of recyclables collected through the commercial and multi-family recyclables collection program.

(3) Number of tons of each type of household recyclables collected through the residential and group account curbside recyclables collection program.

**4.80.055 Disposal of solid waste.** All licensees shall dispose of all solid waste only at a disposal site which approved by the State of Colorado.

**4.80.060 Identification and vehicle equipment standards.** Each vehicle used by the licensee in the performance of collection services shall bear an identification sticker issued by the city clerk, which must be affixed in a conspicuous location upon the vehicle, which identification sticker shall be issued by the city clerk at the time the license is granted.

Each vehicle used for collections services shall have a permanent cover which encloses the entire area of any open bed and all collection vehicles must be constructed so as to contain all solid waste within the vehicle.

**4.80.065 Hours of operation.** No collector shall operate any vehicle for the purpose of collection of solid waste or recyclable materials on any street designated by the city as "local residential" or "residential collector" between the hours of 7:00 p.m. and 7:00 a.m.

**4.80.070 Investigation of reports, records and other items relating to compliance with this Article.** For the purpose of ascertaining the correctness of any reports, plans or other documents submitted or required to be prepared and maintained by a licensed collector pursuant to this chapter, or for the purpose of determining compliance with any requirements of this chapter of any person, whether or not the same is licensed under this chapter, the city clerk or the clerk's authorized designee may hold investigations, including audits, and hearings concerning any matters covered by this chapter, and may examine any relevant books, papers, records or memoranda of any such person and may require the attendance of such person, or any officer or employee of such person, or of any person having knowledge of transactions involved, and may take testimony and proof of the information. Except for routine or random audits, any such investigation shall be based upon reasonable suspicion of a violation as determined by the city clerk or the clerk's authorized designee. The city shall provide advance notice to the affected solid waste collector of its intent to conduct an investigation under this section, unless the city clerk or the clerk's authorized designee determines that provision of such notice may compromise the purpose of the investigation.

**4.80.075 Suspension or revocation of license.** The city manager may, after written notice of no less than fourteen (14) days and an opportunity for a hearing if requested by the licensee to be held within thirty (30) days of such notice, suspend or revoke any license issued under this chapter if the city manager finds by a preponderance of the evidence that the licensee has failed to comply with any provision of this chapter or has violated other applicable laws intended to protect the public health, safety or the environment. No period of suspension shall exceed six (6) months in duration. In the event of a revocation of a license, the city manager may further declare such licensee ineligible for licensure under this chapter for a period of up to one (1) year from the date of revocation, if he or she reasonably

determines that the circumstances so warrant. In lieu of suspension or revocation of a license under this section, or as a condition of future eligibility for licensure, if a licensee is declared ineligible for the same, the city manager may establish reasonable terms and conditions for continuation of a license or such future eligibility. A license shall be subject to immediate suspension in the event of violation of any such terms and conditions for continuation of a license. The city manager may appoint an independent hearing officer to perform any or all of the manager's duties of set forth in this section.

**4.80.080 Notices.** All written notices required to be mailed, served or given to any person under the provisions of this chapter shall be hand delivered or mailed, postage prepaid, addressed to such person at the last known address of such person on file with the City and shall be deemed to have been received by such person when so mailed or delivered.

**4.80.085 Review of decisions of the city manager.** Any license or other person subject to final action of the city manager or as applicable the independent hearing officer under this chapter may apply for review of such action in the Jefferson County District Court in accordance with Rule 106 (a)(4) of the Colorado Rules of Civil Procedure.

**4.80.090 Violations.** It shall be unlawful for any person to:

(1) Fail or refuse to make or file any record, report, application or other document required to be made or filed by this chapter or to make any false or fraudulent record or report or any false or fraudulent statement in any such document;

(2) Operate as a solid waste collector within the city without the license required by this chapter or to continue to do business during a period of suspension of such license or after such license is revoked; or

(3) Aid or abet another in any attempt to evade any requirements imposed by this chapter.

**4.80.095 Additional regulations.** The city clerk and or the city manager in regards to the duties and responsibilities imposed upon them pursuant to this chapter may make such additional rules and regulations as either deem necessary or convenient for the administration and enforcement of this chapter.

**4.80.100 Exclusion.** The city's contractual residential waste collection service provider, as set forth in chapter 4.82 of the Code shall in the performance of its contractual duties be exempt from any rule, regulation or requirement of this chapter during the pendency of its contract with the city.

**Section 2.** If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

**Section 3.** All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof is hereby repealed to the extent of such inconsistency or conflict.

**Section 4.** The repeal or modification of any provision of the Municipal Code of the City of Golden by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of

sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

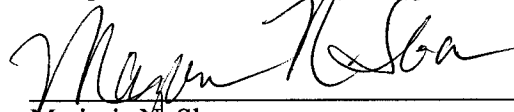
Section 5. This ordinance is deemed necessary for the protection of health, welfare and safety of the community.

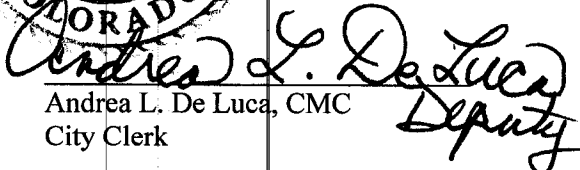
Section 6. Violations of this ordinance shall be punishable as set forth in Section 1.01.110 of the Golden Municipal Code.

Introduced, read, passed and ordered published the 23<sup>rd</sup> day of October, 2014.

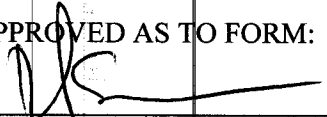
Passed and adopted upon second reading and ordered published this 13<sup>th</sup> day of November, 2014.



  
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Marjorie N. Sloan  
Mayor

  
Andrea L. De Luca, CMC  
City Clerk

APPROVED AS TO FORM:

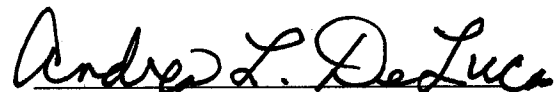
  
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David S. Williamson  
City Attorney

I, Andrea L. De Luca, Deputy City Clerk of the City of Golden, Colorado, do hereby certify that the foregoing ordinance was introduced on first reading and read and a public hearing was held at a regular business meeting of the City Council of said city, held on the 23rd day of October, 2014, and was published as a proposed ordinance in the Golden Transcript, legal newspaper, as the law directs seven days or more prior to its passage. A public hearing was held on the 13th day of November, 2014, and the said proposed ordinance was read on second reading. The ordinance was passed by the City Council and ordered published in the aforesaid newspaper, as the law directs on the 13th day of November, 2014.

Witness my hand and official seal of the City of Golden, Colorado, this 14<sup>th</sup> day of November, 2014.



ATTEST:

  
\_\_\_\_\_  
Andrea L. De Luca, CMC, Deputy City  
Clerk of the City of Golden, Colorado

فصلنامه علمی و پژوهشی  
مجله علمی و پژوهشی  
پایه اول

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