

**ORDINANCE NO. 2009**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
GOLDEN, COLORADO, AMENDING CHAPTER 4.80 OF THE  
GOLDEN MUNICIPAL CODE PERTAINING TO SOLID WASTE  
COLLECTION AND RECYCLING SERVICES**

WHEREAS, on November 13, 2014, City Council adopted Ordinance No. 1991, which repealed and reenacted Chapter 4.80 of the Golden Municipal Code regarding the licensing of Solid Waste Collection and Recycling Services; and

WHEREAS, the Ordinance requires that collectors provide residential customers volume-based rates for solid waste services and the option of two different container sizes for recycling services; and

WHEREAS, in recognition of the administrative and logistical demands of providing such services the City desires to delay the collector's required commencement of such services until January 1, 2016.

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

Section 1. Section 4.80.020 (a) (1), "Solid Waste Collection Requirements," of the Golden Municipal Code is amended to provide:

(1) Effective January 1, 2016, 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.

Section 2. Section 4.80.025 (b) (2) and (c) (1), "Recycling Requirement," of the Golden Municipal Code is amended to provide:

(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:

(2) On or before January 1, 2016, 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.

*(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 January 1, 2016, 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.

Section 3. 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 4. 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.

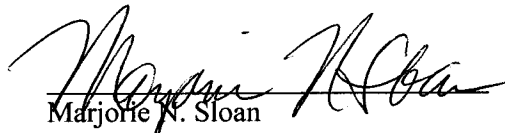
Section 5. The repeal or modification of any provision of the Municipal Code of the City of Golden by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. 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 6. This ordinance is deemed necessary for the protection of health, welfare and safety of the community.

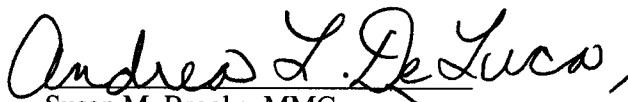
Section 7. Violations of this ordinance shall be punishable as set forth in Section 1.01.110 of the Golden Municipal Code.

Introduced, read, passed and ordered published this 23rd day of April, 2015.

Passed and adopted upon second reading and ordered published this 14th day of May, 2015.

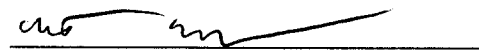
  
Marjorie N. Sloan  
Mayor

ATTEST:

  
Susan M. Brooks, MMC  
City Clerk  
*Deputy*



APPROVED AS TO FORM:


  
David S. Williamson  
City Attorney  
By Matthew Munch  
Assistant City Attorney

I, Susan M. Brooks, 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 April, 2015, 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 14th day of May, 2015, 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 14th day of May, 2015.

Witness my hand and official seal of the City of Golden, Colorado, this 14th day of May, 2015.



ATTEST:

  
Susan M. Brooks, MMC, City Clerk of  
the City of Golden, Colorado  
*Deputy*