

ORDINANCE NO. 1868

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLDEN AMENDING TITLE 4 OF THE GOLDEN MUNICIPAL CODE PERTAINING TO RESIDENTIAL WASTE COLLECTION SERVICES

WHEREAS, pursuant to Colorado Revised Statutes §30-15-401, the City is authorized to provide residential waste services for the collection and transportation of ashes, trash, rubbish, garbage or any other discarded materials and impose fees for such service; and

WHEREAS, City Council finds that the City's provision of residential waste services is of benefit to the community as the overall cost of service is reduced, there is less need for street maintenance, and the quality of life and public safety are benefited by not having multiple haulers operate within the City; and

WHEREAS, the City has completed all necessary statutory requirements to provide residential waste services and impose fees for such services; and

WHEREAS, City Council, in recognition of the desires of the community, is committed to recycling and finds that implementation of a single stream recycling program in conjunction with the City's collection of waste will increase the recycling of household goods; and

WHEREAS, City Council, to ensure administrative efficiency and the continuity of service regarding the collection of residential waste and recyclables, desires that the billing, payment and enforcement practices for such services be the same as those for the City's utility services; and

WHEREAS, City Council hereby finds that the following amendments to the municipal code are necessary to provide residential waste and recycling collection services and impose fees for such services.

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

Section 1. Exception Section 4.80.130 of the Golden Municipal Code is enacted to provide:

4.80.130 The service provider(s) contracted by the city to provide residential waste service collection in accordance with Chapter 4.82 of the Code, shall during the duration of such contract, be exempt from the requirements of, and all regulations enacted, pursuant to this chapter.

Section 2. Residential Waste Service Collection, Chapter 4.82 of the Golden Municipal Code is enacted to provide:

4.82.005 Scope. The provisions of this chapter shall unless otherwise specified apply only to the service provider(s) currently under contract with the city to provide residential waste service collection.

4.82.010 Definitions. For the purposes of this chapter, the following words and phrases shall mean as follows, unless specifically designated otherwise.

(a) *Homeowners' Association* means any covenant-controlled community containing two or more residential property owners, which includes a lawfully constituted and operational board or other similar entity that is empowered to enforce the community's recorded covenants and which has the power to impose assessments for its services that, if unpaid, may be made a lien on the property.

(b) *Recyclable materials* mean those goods or items deemed by the city as single stream recyclables collected and transported in accordance with the city's residential waste collection services program.

(c) *Residential waste* means garbage, junk or trash, as such terms are defined in Section 4.80.010 of the Code, which are generated from residential sources and other discarded goods subject to collection in accordance with the city's residential waste collection services program.

(d) *Residential waste collection services* means the collection and transportation of residential waste and recyclable materials by the city's designated service provider(s) from participants in the city's residential waste collection services program.

(e) *Waste and Recycling Containers* means, for those persons subject to the city's residential waste collection services program, a wheeled cart suitable for mechanical lifting with a lid for containment and setting out waste or recycling for collection in sizes of approximately 32-gallons, 64-gallons, and/or 96-gallons, or such other standard size container as staff deems appropriate.

4.82.015 Waste handling and collection requirements.

(a) Prior to being deposited for collection, all residential waste shall be drained of liquid and wrapped tightly and sealed in paper or plastic to prevent spillage.

(b) Waste containers shall be provided by the city, or the city's designated residential waste collection service provider(s).

(c) No person shall place, leave, deposit or dispose of any waste on any street, alley or other public place, or on any private property, unless the waste is wholly contained within a proper container for collection. Any accumulation of waste in violation of this chapter is declared to be a nuisance and is prohibited.

(d) Waste containers shall be kept off the street, curb, sidewalk and all other public ways, except on the scheduled day of collection, and then only for a maximum of twelve (12) hours before and twelve (12) hours after the scheduled time of collection.

(e) Hazardous Waste as defined by federal or state law, rule or regulation is not subject to collection and must be properly disposed of by residents at an authorized facility.

4.82.020 Recyclable materials – handling and collection requirements.

(a) All recyclable materials shall be drained of liquid before being deposited for collection.

(b) Recycling containers shall be provided by the city or its designated residential waste collection service provider. Such containers shall be used only for collection of recyclable materials.

(c) No person shall place, leave, deposit or dispose of any recyclable materials on any street, alley or other public place, or on any private property, unless the materials are wholly contained within a recycling container or for those persons not subject to the city's waste collection services a container approved by the collector. Any accumulation of recyclable materials in violation of this chapter is declared to be a nuisance and is prohibited.

(d) Recycling containers shall be kept off the street, curb, sidewalk and all other public ways, except on the scheduled day of collection, and then only for a maximum of twelve (12) hours before and twelve (12) hours after the scheduled time of collection.

4.82.025 Waste and recycling responsibility.

Waste and recyclable materials shall be gathered, deposited, disposed of and placed in the manner provided for in this chapter by the owner, tenant, lessee or occupant of the property, or the agent or contractor of any of the foregoing, and each of the foregoing persons may be held jointly and severally liable for any violation of this chapter.

4.82.030 City residential waste and recyclable materials collection services.

(a) The city's designated residential waste collection service provider(s) shall furnish residential waste collection services as provided in this chapter for all residents within the city, except those specifically excluded in section 4.82.035 below.

(b) All waste and recyclable materials shall be placed in waste and recyclable containers by the owner, tenant, or occupant of each residence. Containers shall be placed in the street or alley adjacent to each residence on a schedule as established by the city. If there is no adjacent alley, containers shall be placed on the street in front of the residence.

(c) Bulk waste and recyclable material, as defined by the city, shall be removed by private arrangement with the city's residential waste collection services provider(s) or another licensed provider authorized to haul waste or recyclables within the city, or by the resident. Neither the city, nor its designated residential waste collection service provider(s), or licensed operators, shall have any obligation to collect or transport any waste or recyclables not in a proper container, or any containers not properly placed for collection.

(d) It shall be unlawful for any person to set out or allow to be set out, deposited, or stored for collection, any waste or recyclable materials other than that which has accumulated from the regular residential use of the premises upon which such waste or recyclables are set out, deposited, or stored for collection.

4.82.035 Premises excluded from services.

Except as otherwise provided in this chapter, the city shall not provide residential waste collection services to the following:

(a) All commercial and industrial establishments and multifamily residences containing eight (8) or more units are excluded from the city's residential waste collection services program.

(b) All residential properties that are part of a Homeowners' Association that is in existence as of May 13, 2010, and that provides their residents waste collection and recycling services. In the event a Homeowners' Association ceases to provide such services for more than thirty (30) days, the residents' exemption shall terminate. Homeowners' Associations may, however, subject to the requirements set forth in this chapter, participate in the city's residential waste collection services program.

4.82.040 Residential waste and recyclable hauling.

Nothing in this chapter shall prohibit any person from contracting for or hauling one's own waste and recyclable materials, providing it is collected and disposed of in conformity with all applicable city ordinances, rules and regulations.

4.82.045 Residential waste collection services fee.

(a) City council shall, by resolution, establish the fee to be imposed for residential waste collection services. The fee shall be imposed on all city residents receiving city water service not excluded from residential waste collection service pursuant to section 4.82.035 above, regardless of whether the city's residential waste collection services are actually utilized by such resident. The fee shall be billed in conjunction with the charge for city water service and such fee shall be due and payable at the same time and place as the charge for water service.

(b) The fee for residential waste collection services and the charge for water service are hereby declared to be parts of one (1) debt to the city insofar as the same affect any one (1) resident, and the refusal or failure to pay any part of such debt for any period of service shall be sufficient cause for the city to avail itself of any or all remedies as set forth and in accordance with the provisions of Chapter 13.08 of the Code; provided, however, that water service shall not be disconnected for non-payment of the residential waste collection service fee.

4.82.050. Residential waste collection services accounting and budgeting.

The finance director shall segregate residential waste collection services, expenses and revenues separate from the general fund expenditures and revenues and provide a general accounting for the expenditures and revenues. For each budget cycle, a projection of residential waste collection services expenditures and revenues shall be made as part of the city budget process.

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.

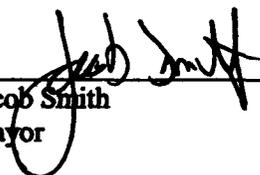
Section 5. The repeal or modification of any provision of the Municipal Code of the City of Golden by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. 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 the 22nd day of April, 2010.

Passed and adopted upon second reading and ordered published this 13th day of May, 2010.

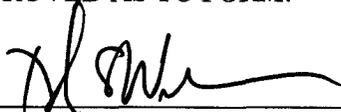


Jacob Smith
Mayor



Susan M. Brooks
City Clerk, MMC

APPROVED AS TO FORM:



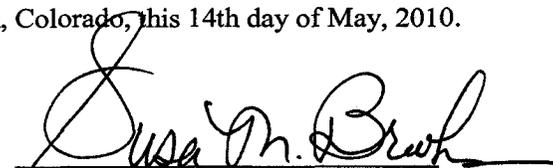
David S. Williamson
City Attorney

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 at a regular business meeting of the City Council of said city, held on the 22nd day of April, 2010, 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 May, 2010, 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 May, 2010.

Witness my hand and official seal of the City of Golden, Colorado, this 14th day of May, 2010.



ATTEST:



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