

ORDINANCE NO. 742
Series 1991

An Ordinance creating the authority to collect garbage and refuse within the City of Cortez, creating Chapter 31 of the Cortez City Code for the same purpose; and providing penalties for the violation of the same.

CHAPTER 31

ARTICLE I. IN GENERAL

Section 31-1. Definitions.

For purpose of this chapter, the following words and phrases shall have the meanings hereinafter set forth.

Ashes means the residue from the burning of wood, coal, coke, or other combustible material.

Bag means a closed container of moisture resistant plastic, paper, or other pliable material which is waterproof and capable of holding solid wastes during normal handling conditions and which is of sufficient strength to contain the contents put into it without breaking or rupturing.

Biodegradable means the natural breakdown of materials within one (1) year or less when placed in a biologically active compost project by the action of living organisms which may be bacteria fungi and actinomycetes.

Biologically active means an environment of a managed compost project containing the elements of heat, moisture and oxygen.

Brush means a voluntary growth of bushes or similar matter growing out of place in the location where such material is growing, and shall include all cuttings from trees and bushes, as well as high vegetable growth which may conceal filthy deposits.

Combustible trash means paper, cardboard, leaves, straw, grass clippings, sawdust, shavings, small tree and shrub clippings and all similar flammable or combustible material which has been discarded.

Commercial user means any person, firm, or corporation performing any business, occupation or profession. It shall also include buildings or structures used for residential occupancy for three (3) or more families or groups of individuals living independently of each other in separate apartments.

Garbage means decomposed animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food of any kind or character.

Hazardous waste means any chemical, compound, substance or mixture that state or federal law designates as hazardous because it is ignitable, corrosive, reactive or toxic including, but not limited to solvent, degreasers, paint thinners, cleaning fluids, pesticides, adhesives, strong acids and alkalis and waste paints and inks.

Hazardous waste shall also be interpreted to include those chemicals, compounds, substances or mixtures defined as such under the sub-title D regulations issued by the US. Environmental Protection Agency in 1988 and amendments thereto if effective, and those defined as such under the Environmental Response, Compensation and Liability Act (ERCLA).

Litter means scattered refuse or rubbish.

Recyclable material includes, but is not limited to, metals, glass, plastic, and paper products, which are intended for reuse, remanufacture or reconstitution. Recyclable material may include

used motor oil collected and transported in accordance with applicable state health and safety regulations.

Refuse means, but shall not be limited to all decomposed and non-decomposed solid wastes, except sewage and body waste, such as garbage, rejected or waste food, offal, swill, carrion, ashes, dirt, slop, waste cement, waste paper, trash, rubbish, waste or unwholesome material of any kind, street cleanings, litter, dead animals, and industrial wastes, except those substances defined as hazardous waste.

Residential user means a dwelling or structure used for residential purposes and containing not more than two (2) families or groups of individuals living independently of each other in separate apartments.

Rubbish means, but shall not be limited to, all non-decomposed solid wastes, excluding ashes, such as vehicle bodies, and solid wastes, combustible and noncombustible wastes such as paper, cardboard, cans, wood, yard clippings, leaves, dirt, grass, bedding material, weeds, litter, crockery, glassware, glass and similar materials.

Ruins means the remains of something collapsed, dilapidated or destroyed.

Sanitation supervisor means any person appointed by the public works director or city manager to perform the duties imposed upon such person by the city code.

Solid waste means solid or semi-solid discarded material including, but not necessarily limited to, ashes, combustible trash, garbage, refuse and rubbish.

Weed means an unsightly, useless troublesome or injurious herbaceous plant, when such plant is out of place at the location at which it is growing, and includes all rank vegetable growth which emits unpleasant or noxious odors, as well as high and rank vegetable growth that may conceal filthy deposit.

Wreckage means the broken, disrupted and disordered parts or material from a disabled, collapsed, destroyed or dilapidated structure, vehicle, or other object.

Yard waste means grass clippings, lawn rakings, leaves, garden vegetation, brush and other woods, free of other debris or refuse.

ARTICLE II. COLLECTION

Division I. Generally

Section 31-2. Responsibility of City.

The City shall make refuse collection and disposal service available to all residents of the city.

Nothing within this article shall preclude such services from being offered to City residents by private businesses involved in the hauling of trash or refuse; provided, however such private businesses shall comply with the provisions of Section 31-3, 31-6, and 31-9 and such other rules and regulations that the City Council may adopt from time to time upon recommendation of the Public Works Director or City Manager. Any user charges authorized by the City Council pursuant to resolutions enacted under the authority of Section 31-8 shall not compel industrial or commercial establishments or multifamily residences of eight (8) or more units to use or pay user charges for waste services provided by the City in preference to those services provided by private businesses involved in the hauling of trash or refuse.

The City may make collection of specified recyclable goods available to all residences of the City. At such time as this service is made available by the City, it shall be unlawful for anyone to remove from any container labeled as a "recycling" container, any material of any value, except that City employees may collect that material on behalf of the City.

Section 31-3. Regulations.

- (a) All refuse accumulated in the City shall be collected and disposed of by the City or by private trash haulers.
- (b) No person shall collect, convey over any of the streets or alleys of the city, or dispose of any refuse accumulation within the city except as provided in this article.
- (c) The Public Works Director or City Manager shall have the authority to make regulations with respect to collection and disposal of refuse by the City, which regulations may pertain to the days of collection, type and location of pickup, and conveyance and disposal of refuse. The Public Works Director or City Manager shall have the authority to modify and revoke such regulations, from time to time, subject to review and approval of the City Council. When the Public Works Director determines that it is appropriate to do so, he may require the placement of recyclable materials in containers of a specific design and placed at appropriate locations for collection. The Public Works Director shall have the authority to make regulations with respect to the purchase of containers, type of recyclable materials to be collected, frequency of collection or other items related to the collection of recyclable materials.
- (d) Nothing within this article shall prohibit the actual producers of refuse or the owners of premises upon which refuse has accumulated from personally collecting, conveying and disposing of such refuse; provided, however, such producers or owners shall comply with the provisions of this article and with any other governing laws, ordinances or regulations, and provided further that such actual producers or owners shall not be exempt from the payment of refuse collection fees unless otherwise specifically provided herein.
- (e) Nothing within this section or this article shall prohibit refuse collection outside the city from being transported over city streets to designated landfills for refuse disposal; provided, however, such collectors and transporters shall comply with the provisions of this chapter regarding the transportation of refuse as well as applicable state and federal law, including requirements relating to the "transportation of hazardous wastes."

Section 31-4. Junk and appliances.

It shall be unlawful for any person to place or leave outside any building or dwelling in the city any dilapidated furniture, appliance, machinery, equipment, building material, vehicle or portions thereof, or other items which are either wrecked, junked, dismantled or in inoperative condition, and which are not completely enclosed within a building or dwelling. All such substances shall be prohibited and abated in conformance with Chapter 12 of the Cortez City Code. This section shall not apply to authorized junk dealers or establishments engaged in the repair, rebuilding, reconditioning or salvage of equipment.

Section 31-5. Hazardous goods.

It shall be unlawful for any person to leave outside any building in a place accessible to children any appliance having an airtight snap lock or similar device without first removing the lock or door from such appliance or container. This section shall not apply to any appliance or container which has been placed adjacent to a building and

is crated, strapped or locked to such an extent that it is impossible for a child to obtain access to any airtight compartment thereof. Any such appliance or container shall be kept from public view.

Section 31-6. Hazardous wastes.

No person shall place hazardous waste in refuse containers for collection or bury or otherwise dispose of hazardous waste in or on private or public property within the city. Residents may contact the County Health Department for recommendations on disposal of hazardous waste. Highly flammable or explosive materials shall be stored and disposed of in accordance with Cortez Fire Protection District regulations at the expense of the owner or possessor of such materials. In no event shall toxic or flammable liquids or any waste liquid containing crude petroleum or its products be disposed of by discharge into or upon any gutter, street, alley, highway, storm drain, canal, ditch flood control channel, or detention pond, lake or other watercourse or upon the ground.

Section 31-7. Refuse disposed by actual producers.

- (a) The actual producers of refuse or the owners of premises upon which refuse is accumulated who desire to personally collect and dispose of such refuse shall do so in compliance with regulations of the City.
- (b) The Public Works Director shall promulgate rules and regulations subject to the approval of the City Council concerning individual collection and disposal.
- (c) Nothing in this section shall be construed to exempt actual producers of refuse or the owners or premises upon which refuse is accumulated from the fees for refuse collection which are provided for in this article unless otherwise specifically exempted from payment of such fees.

Section 31-8. Responsibility of owner of premises.

The owner of the premises, as well as the occupant thereof, shall be responsible for compliance with the terms of this article and liable for any violation thereof.

Section 31-9. Fees

- (a) The fees to be charged and collected by the City for refuse collection, the frequency of pickup service to be offered by the City, and the fees to be charged by the City for special services concerning the collection and transportation of refuse shall be determined by the City Council. The schedule of fees and frequency of pickups shall be determined and enacted by resolution adopted by the City Council, which resolution shall also specify an effective date for the fees and charges specified in the resolution. Such resolution may also specify a minimum residential user charge which charge may be imposed and collected whether the residential property owner actually uses City sanitation services or not. Such charges are hereby determined to be necessary in order to allow the City to provide basic sanitation and trash collection service to the residents of the city, which service promotes the public health, safety and welfare. Said fees shall be subject to any limitation imposed by C.R.S. 30-15-401(7), as amended.

- (b) The fees determined by Council action in the form of a resolution are hereby assessed against the properties within the city receiving and benefitting from basic refuse collection service. If such fees are not paid within thirty (30) days after normal City billing such services, the amount so assessed shall become a lien upon the property receiving or benefitting such service or upon the property which is subject to a user charge as determined by resolution of the Council. Collection of such assessment shall be in the manner provided by law.

(c) Any interruption of sanitation service due to the request of the customer lasting less than twenty-one (21) days shall be deemed to be a continuation of service for the entire month for billing purposes and shall not be subject to a credit against the customer's billing. Interruptions of service requested by the customer in excess of twenty-one (21) days may be adjusted on a customer's billing on a pro rata basis; provided, however, a request for discontinuation of service shall not exempt the owner or occupant of residential premises from any user charges imposed by the City pursuant to the fee resolution duly adopted by the City Council.

(d) Fees determined by Council action in the form of a resolution may be set so as to encourage the reduction, reuse and/or recycling of materials through a structure which allows for the charging of higher rates or charging of penalties for the collection of more than two (2) containers per residential dwelling unit per week. Fees or penalties may be set and collected in a manner established by resolution of the City Council.

Section 31-10. Transportation.

(a) Any vehicle used to transport refuse, trash, tree or shrubbery trimmings must have suitable covers to prevent the loss of contents on property or roadways.

(b) It shall be unlawful for any person to drive or move any vehicle upon any public way unless such vehicle is so constructed or loaded as to prevent its contents from dropping, shifting, leaking or otherwise escaping therefrom; provided, however, sand or other abrasives may be dropped for purposes of securing vehicle traction and provided, further, that water, salt or other substances may be sprinkled upon roadways in the course of cleaning, clearing or maintaining such roadways by appropriate City departments.

Section 31-11. Dead animals.

(a) No person shall deposit or otherwise place for collection any carcass or portion of any animal, bird, or reptile.

(b) Any person in the city having knowledge of the existence or location of a dead animal, bird, or reptile, shall immediately notify the animal control officer of the location of such dead animal, bird, or reptile and shall provide such additional information as the animal control officer or his designated agent may require.

(c) These provisions shall be interpreted so as to be harmonious with the provision of Chapter 5 of the Cortez City Code.

Section 31-12. Construction sites and transportation of materials.

(a) All persons having secured a building permit from the City shall, prior to the commencement of any construction activity, furnish or place on the premises upon which construction is to occur, a container or fenced-in area of suitable size and design to contain all refuse which might be removed or disturbed from the premises by wind or other elements.

(b) If such container or fenced area is filled, the person securing the building permit shall cause such container or fenced area to be emptied and its contents removed to an appropriate sanitary landfill.

(c) No person shall allow refuse, rubbish or other waste to blow or be carried from the premises for which the building permit is secured.

(d) Persons obtaining proper building permits in accordance with the provisions of subsection (a) and comply with the provisions of this chapter shall be exempt from the payment of a refuse collection fee during the period of construction.

(e) The City shall not be responsible for the collecting or hauling of building materials originating from private property preliminary to, during or subsequent to the construction of new buildings or from the demolition of existing structures. Such materials shall be removed by the owner of the property or by the contractor. Neither a new certificate of occupancy nor a signed final inspection shall be issued or granted by the department of public works until scrap building materials and other refuse have been removed from the premises by the owner or contractor.

(f) Persons engaged in demolition who have obtained a permit from the City must remove the debris and structural parts resulting from such demolition and contain such materials from scattering in the same manner as set forth above with regard to construction sites. The conveyance or transporting of such materials from the site shall be in accordance with existing City ordinances. The removal of demolition debris shall be exempt from refuse collection fees.

(g) Persons mixing concrete or transporting concrete on city streets shall not drop or leave waste concrete upon such streets or upon any property within the city, unless permission of the property owner has first been obtained. No persons shall transport concrete upon the public streets of the city except in a proper truck or vehicle which prevents spillage or leakage of concrete upon the public streets.

Section 31-13. (Reserved for Future)

(a) The City may make collection of yard waste for recycling purposes available to all city residences, between April 1 and November 15 of each year. Collection of properly sorted and stored yard waste shall not require the payment of additional fees or penalties. When not properly sorted or stored, the yard waste shall be treated as refuse and fees or penalties as set forth by resolution of the City Council shall apply.

(b) Yard waste for collection as recycled goods shall be placed adjacent to the recycling containers in owner-furnished receptacles which are water-tight, and are of either a durable grade of plastic, galvanized metal, or other suitable material approved by the Director of Public Works, having a five-gallon to thirty-three gallon capacity, with lifting handles on opposite sides of adequate size and strength, a tightly fitting cover, and shall be clearly designated with identification indicating "compost", "grass and leaves" or other easily identifiable insignia.

Alternatively, yard waste for collection as recycled goods may also be placed in rigid paper bags or biodegradable-photodegradable polyethylene bags. The paper bags must be a thirty gallon size and made of recyclable and biodegradable two-ply high strength kraft paper, or equal, having approximate dimension of sixteen (16) inches by twelve (12) inches by thirty-five (35) inches and printed with the terms or words "compost", "grass and leaves" or other easily identifiable insignia. The biodegradable-photodegradable polyethylene bags must break down in a period of one (1) year or less when placed in a biologically active compost project, and shall be perforated with approximately three-sixteenths (3/16) inch punched holes in the top three-fourths (3/4) of the bag to provide oxygen and moisture to enter the bag. Such bags shall have approximate dimensions of thirty-three (33) inches by forty (40) inches by one and five-tenths (1.5) mil and shall be printed with either the terms or words "compost", "grass and leaves" and other easily identifiable insignia.

(c) Tree trimmings, hedge clippings and similar material, if not in biodegradable bags, shall be cut to length not to exceed four (4) feet and securely tied in bundles not more than two (2) feet thick before being deposited for collection.

Division 2. Containers.

Section 31-14. Preparation for collection.

(a) All owners, occupants or other persons in charge of any premises within the city from which refuse is collected, whether by the City or by private collection firms, shall place all garbage, trash, waste or refuse in tied disposable bags or in water tight cans which shall:

- (1) Be of sufficient size to hold not less than five (5) gallons (nineteen (19) liters) nor more than thirty-three (33) gallons (one hundred twenty-five (125) liters);
 - (2) Contain not in excess of fifty (50) pounds (twenty-three kilograms) of garbage, trash, waste or refuse in any one (1) bag, can, or container;
 - (3) Have closing-fitting covers and be rodent-proof;
 - (4) Have handles on the sides of adequate size and strength for the container; and
 - (5) Have no ragged or sharp edges or other defects likely to hamper or injure the person collecting the contents.
 - (6) Containers/dumpsters provided by the City of Cortez.
- (b) All bags, cans and containers which are used for holding combustible or noncombustible garbage, waste, rubbish or refuse shall be furnished and maintained by the owner, occupant or other person in charge of the premises, in good condition.
- (c) All cans or containers which do not conform to the requirement of this section or which have ragged or sharp edges or other similar defects which hamper or which may injure the person collecting the contents thereof must be replaced by a proper can, container or receptacle within ten (10) days subsequent to notice to that effect from the Sanitation Supervisor of the Public Works Department. Any such can or container which is not so replaced by the owner or occupant of the premises within ten (10) days after such written notification may be collected and disposed of as rubbish by the Sanitation Department.

(d) All waste material deposited in any refuse bag or container shall comply with the following:

- (1) Garbage shall be strained of all liquids.
- (2) Dangerous trash items and all waste material of an injurious nature such as broken glass, lightbulbs, sharp pieces of metal, fluorescent tubes and television tubes shall be securely wrapped to prevent injury to the collection crews.
- (3) Such waste materials shall not be of a flammable or explosive nature.
- (4) Incinerated items shall be completely free of combustion.
- (e) No building materials, sod, rocks, large pieces of hard metal, concrete blocks or concrete shall be placed for city collection.
- (f) The removal and disposal of wearing apparel, bedding or other refuse from homes or other places where highly infectious or contagious diseases have prevailed shall be performed under the supervision and according to the rules and regulations of the state health department. Such refuse shall not be placed in bags, cans, or containers for regular City Sanitation collection.

(g) No hazardous waste or refuse such as poison, acids, caustics, chemicals, infected materials or explosives shall be placed in any receptacle for collection by the City, nor shall the same be collected by the City. Hazardous waste must be disposed of in accordance with the provision of this chapter.

(h) All trash, such as boxes, cartons and crates shall be collapsed and secured at the collection site.

(i) Tree trimmings, hedge clippings and similar material shall be cut to length not to exceed four (4) feet and securely tied in bundles not more than two (2) feet thick before being deposited for collection. All such refuse may be placed beside normal refuse containers. Tree and shrubbery branches and limbs and trimmings cut by landscape service, tree service contractors, commercial workmen or resulting from the clearing of land, shall not be the responsibility of the City.

Section 31-15. Accumulation of refuse.

It shall be unlawful, and no person shall permit or allow the accumulation of refuse upon any property within the city except in bags, cans, or containers provided for the disposal of such refuse.

Section 31-16. Mobile homes

(a) Each mobile home lot shall have suitable garbage cans as defined in this chapter.

(b) Mobile home parks. Handled in accordance with Section 31-19(4).

Section 31-17. Certain businesses to provide receptacles.

Each fast-food or drive-in restaurant, convenience store or other business generating refuse disposed of by customers shall provide at least one (1) appropriate trash receptacle at or near each door from which a customer may exit the business establishment. Such trash receptacles shall be kept free of grease and other matter that may attract insects or create offensive odors.

Section 31-18. Trash receptacles furnished by city-determination of necessity.

(a) When the Public Works Director determines that it is more feasible to furnish service to a residence or business through the use of a bin or container provided by the City, the occupants or owners of such residential or business property shall use the container provided by the City.

(b) When it is determined by the Public Works Director that service is more feasible through the use of individual receptacles and a container is not provided by the City, the occupants or owners of the premises shall furnish receptacles meeting requirements of Section 31-14.

Section 31-19. Specifications of use of receptacles.

The provisions of this section shall apply to bins and containers which are provided by the City for either residential or commercial refuse collection furnished by the City or which are provided pursuant to agreement for the use thereof by the owner, occupant or other person in charge of premises within the city which utilizes City Sanitation services.

(1) The Public Works Director may require owners, occupants or other persons in charge of premises within the city who conduct commercial operations, shopping centers, mobile home parks or apartment complexes which generate quantities of refuse greater than that of the average resident or household

within the city to utilize bins or containers furnished by the City for refuse collection and to pay the fees therefor established by resolution duly adopted by the City Council.

- (2) The Public Works Director may furnish refuse collection service through bins or containers provided by the City to persons other than commercial users under appropriate agreements with the City, provided the director finds that such service is economically feasible and City bins and containers are available for such service.
- (3) The Public Works Director may require individual residents or businesses utilizing City sanitation services to utilize a City provided bin or container in lieu of individual receptacles if such bin or container is not located an unreasonable distance from the individual residence or business and collection from such bin or container is reasonably required by conditions encountered in the operation of the City refuse collection and disposal system.
- (4) The Public Works Director may require the owner of any apartment building, shopping center, mobile home park or similar property having separate units which generate refuse to:
 - a. Provide and maintain suitable refuse facilities;
 - b. Utilize City bins or containers;
 - c. Deposit or cause to be deposited all refuse in such receptacles or containers;
 - d. Place all receptacles in a place convenient and safe for removal; and
 - e. Make payment directly to the City of all such City services rendered to such apartment.
- (5) All persons receiving refuse collection service through bins or containers provided by the City shall comply with rules and regulations established by the Public Works Director for the use, care, and location of such containers and shall keep the lids and covers furnished for such containers on such containers in a tight or closed position at all times except when they are being filled or emptied.
- (6) All persons receiving refuse collection service through bins or containers provided by the City shall, if required by the Public Works Director, as a condition to receive collection service, provide suitable level ground, cement or an asphalt pad constructed to specifications of the City engineer, upon which to locate City bins and containers and shall further provide any appropriate safety devices for use in connection with such bins and containers which may be reasonably required by the Public Works Director.
- (7) It is unlawful for any person or entity other than such persons as are required and authorized by this section to receive refuse collection service through bins and containers provided by the City, to deposit refuse or any other material in such bins and containers provided by the City. The Public Works Director or his designated agent is authorized to place on all bins or containers provided by the City for refuse collection, a notice that unauthorized dumping is prohibited by this section. The prohibitions of this section shall also apply to unauthorized dumping within bins or containers provided by the City at public parks or upon other public property.

Section 31-20. Location; time of placement.

- (a) The provisions of this section shall apply to all owners, occupants and other persons in charge of premises in the City, excluding those whose bins or containers are provided by the City.

(b) Refuse bags, cans and containers, including cans or bags, shall be placed out for collection on the designated pickup day at ground level at the edge of the right of way of a street or alley. Such placement shall not be within any fenced or enclosed area. Containers may be placed for collection at other than ground level in case of hardship when approved by the Sanitation Supervisor, and in such case shall be subject to payment of a special charge. If the Public Works Director finds that service from a right of way is hazardous or otherwise not feasible because of weather conditions, he may notify the owner or occupant of the premises in question of the hazardous condition and shall specify within such notification the location to be utilized for the placement of a receptacle for collection purposes.

(c) Refuse bags, cans and containers shall at all times be kept in such manner as to preclude the scattering of garbage, trash, and refuse. If such spilling or scattering does occur, it shall be the responsibility of the owner or occupant to remove and properly dispose of such spillage. No refuse shall be stored in the city right of way.

Section 31-21. Violation-penalty.

Any person, firm, association or corporation who violates any of the provisions of this chapter, whether he does so willfully or otherwise, shall be guilty of a misdemeanor. Any person, firm, association or corporation convicted of violating any of said provisions shall be fined in the sum of not less than five (\$5.00) dollars and not more than three hundred (\$300.00) dollars, or shall be imprisoned for not more than ninety (90) days, or shall be punished by both fine and imprisonment. Every day that a violation of this chapter continues shall be deemed a separate violation.

This ordinance shall be set for public hearing on Tuesday, the 27th day of August, 1991, at 7:30 p.m., in the City Council Chambers of City Hall, 210 East Main Street, Cortez, Colorado. All persons desiring to be heard concerning this ordinance may appear at the stated time and place.

APPROVED FOR PUBLIC HEARING AND SECOND READING THIS 13th day of August, 1991.

ATTEST:

Elizabeth Reynolds
City Clerk, Elizabeth Reynolds

Roger W. Smith
ROGER W. SMITH, Mayor

PASSED, APPROVED, AND ADOPTED ON SECOND READING the 27th day of August, 1991.

ATTEST:

Elizabeth Reynolds
City Clerk, Elizabeth Reynolds

Roger W. Smith
ROGER W. SMITH, Mayor