

**ORDINANCE NO. 6
SERIES OF 2019**

**AN ORDINANCE OF THE TOWN OF CARBONDALE, COLORADO AMENDING
CHAPTER 7, ARTICLE 3 OF THE MUNICIPAL CODE OF THE TOWN OF
CARBONDALE REGARDING RESIDENTIAL TRASH AND RECYCLABLES
COLLECTION**

WHEREAS, pursuant to the Town of Carbondale’s police powers and the Carbondale Home Rule Charter, the Board of Trustees is authorized to regulate trash storage, disposal, and collection within Town limits; and

WHEREAS, Chapter 7, Article 3, of the Municipal Code sets forth Garbage and Refuse regulations applicable within the Town of Carbondale; and

WHEREAS, the 2017 Town of Carbondale Environmental Bill of Rights established that all residents and visitors shall have the right to solid waste reduction and increased recycling efforts. The same year, the Town’s Climate and Energy Action Full Plan set a 2050 goal of zero waste and identified the need to provide waste diversion programs to all residents, businesses, and construction projects; and

WHEREAS, the Town Board of Trustees has identified the following three primary goals for the management of residential trash and recyclables: (1) decrease the amount of trash managed through landfill disposal; (2) reduce traffic impacts associated with trash collection vehicles; and (3) reduce wildlife interactions associated with trash set-outs; and

WHEREAS, on January 4, 2019, the Town published a Request for Proposals for residential trash removal and recycling services within Town limits; and

WHEREAS, the Town intends to engage a qualified private solid waste hauling and/or waste management company to provide residential curbside trash and recyclables collection services; and

WHEREAS, the Board of Trustees desires to update Chapter 7, Article 3 of the Town Municipal Code to address necessary changes related to the forthcoming award of the residential curbside trash and recyclables collection services contract.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE, COLORADO that the Town of Carbondale Municipal Code shall be amended as follows:

1. The foregoing recitals are hereby adopted as findings and determinations of the Board of Trustees.

2. Chapter 7, Article 3 of the Town of Carbondale Municipal Code shall be amended by deleting the language stricken and adding the language underlined to read as follows:

Sec. 7-3-10. - Definitions.

For the purposes of this Article, the following terms, phrases, words and their derivations shall have the meanings given in this Section.

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

Garbage means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Junk means any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition, or any abandoned items of personal property.

Litter means all rubbish, waste material, refuse, garbage, trash, debris or other foreign substances, solid or liquid of every form, size, kind and description (*litter* and *refuse* shall be used interchangeably).

Refuse means all putrescible and non-putrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes (*refuse* and *litter* shall be used interchangeably).

Rubbish means non-putrescible solid wastes (excluding ashes), consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, leaves, yard clippings, tree limbs, wood, glass, bedding, crockery and similar materials. However, *rubbish* shall not include compost piles for home use that are properly maintained and contained on private property.

Collectively, the foregoing terms may be referred to as *trash* or *rubbish*.

Bear-resistant means a fully enclosed container that is listed on the Interagency Grizzly Bear Committee (IGBC) approved bear-resistant products list or an equivalent product approved by the Town.

Bulky item means refuse items that are too large or too voluminous to be placed in a residential refuse container, which include, but are not limited to, furniture or appliances, and small equipment.

Contaminated recyclables means recyclable materials with 25 percent contamination or more by volume.

Holiday means the six (6) days when the Pitkin County Landfill is closed.

Recyclable materials or *recyclables* means those materials, goods, and items deemed as single-stream recyclables by a permitted materials recovery facility or those materials, goods, and items deemed recyclable by licensed haulers operating within the Town, including but not limited to glass, aluminum, steel/tin cans, paperboard, magazines, brown

paper bags, office bags, corrugated cardboard, phonebooks & paperback books, plastic containers Nos. 1 and 2, and newspaper.

Residential trash and recyclables collection services means the curbside collection and transportation of residential trash and recyclable materials by the Town's designated service provider(s) from participants in the Town's residential trash and recyclables collection services program. Such term excludes the collection of organics (e.g. yard waste, brush, and food waste) and bulky items.

Sec. 7-3-20. - Operating services; permit.

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(c) Each trash hauler that provides garbage collection shall also provide to each customer the collection of all of that customer's recyclable materials, ~~including: glass, aluminum, tin, plastic containers Nos. 1 and 2 and newspaper,~~ either separated by material or commingled according to the trash hauler's directive. The collection of recyclable materials shall be provided no less frequently than every other week, and trash haulers shall make recycle bins available to customers upon request. Contaminated recyclables may be collected as trash.

Sec. 7-3-30. - Collection by producers and outside collectors.

(a) *Requirements for vehicles.* Any person transporting refuse in or through the Town shall use a vehicle that is watertight ~~vehiele~~ with a tight cover so as to prevent offensive odors from escaping or refuse from escaping from the vehicle; and that is compliant with all local, state and federal safety and inspection regulations.

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(d) *Hours of operation.* Trash and refuse haulers shall be limited to the following hours and days:

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(3) Saturday: 8:00 a.m. to 5:00 p.m. only with the prior approval of the Public Works Director.

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(5) Holidays. No collections shall occur on holidays.

Sec. 7-3-40. - Volumetric trash collection and recycling services.

Private trash haulers providing residential collection services within the Town shall provide a volumetric collection and billing program with a minimum 80 percent escalator between service levels, which is designed to encourage reduction of trash being placed in landfills, and shall provide recycling services to each residential customer served.

Sec. 7-3-50. - Refuse containers.

(a) Trash and recyclable containers may be provided by the customer or the permitted hauler. It is the duty of the customer to ~~provide~~ and maintain containers in a sanitary condition.

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Sec. 7-3-60. - Storing of rubbish, trash and similar substances.

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(b) No person, including but not limited to an owner, occupant, lessee, person in possession or control, homeowners' association officer, property manager or agent of a given premises, shall place any refuse or garbage container in any street, alley or other public place or upon any private property, whether or not owned by such person, within the Town, except in proper containers for collection, as provided in Section 7-3-50 above. No person shall place any such refuse or garbage container, except for bear-resistant containers, in any public street right-of-way for trash collection purposes by the Town or a private trash hauler, except for on the day collection occurs. For purposes of determining compliance with this requirement, refuse and garbage containers may be stored in a public street right-of-way only between 6:00 a.m. and 8:00 p.m. on the day of collection, except for trash containers that are bear-resistant, as such containers may be stored in a public street right-of-way between 5:00 p.m. the day before collection to 8:00 p.m. on the day of collection. Placement of refuse or garbage containers outside of ~~these~~ this time periods shall result in the levying of fines, pursuant to Subsection (g) below. Except for between 6:00 a.m. and 8:00 p.m. on the day of collection, and except in the instance that a refuse or garbage container is bear-resistant, as defined in Section 7-3-10 above, all refuse and garbage containers must be stored in secure enclosures when not out for collection.

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(g) *Violation* . Fines for a violation of this Section shall be \$100.00 for a first offense, \$250.00 for a second offense, \$500.00 for a third offense and pursuant to Section 1-4-20 of this Code for any additional violation. The Town shall waive the fine for any first offense, provided that the offender provides the Town with the offender's proof of purchase of a bear-resistant container for the subject property. On the third offense, the offender shall automatically receive a bear-resistant container and shall be billed for the cost of the same.

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Sec. 7-3-100. - Recyclable materials.

No residential trash hauler shall deposit recyclable materials in a landfill unless the ~~recyclable~~ materials have been contaminated or are otherwise not acceptable for recycling. Trash haulers shall use their best efforts to maximize the amount of material being recycled.

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Sec. 7-3-130. Contract for residential trash and recyclables collection services.

The Town Manager or his or her designee may negotiate, on behalf of the Town, a residential trash and recyclables collection services contract with any qualified person so long as the contract does not give the person the right to exclude other qualified persons from also providing residential trash and recyclables collection services within the Town. To become effective, such a contract must be ratified by resolution of the Board of Trustees. The contractual residential collection service provider shall furnish residential trash and recyclables collection services for all residents within the Town, except those specifically excluded in section 7-3-150, below. The Town's contractual residential collection service provider shall in the performance of its contractual duties be exempt from the requirement to secure a permit pursuant to section 7-3-20, above; provided, however, that if the service provider performs other collection services within the Town outside of the contract for residential trash and recyclables collection services, it shall remain subject to section 7-3-20.

Sec. 7-3-140. Private Removal.

Nothing in this article shall prohibit any person from contracting for or hauling one's own trash and recyclable materials, so long as such hauling or removal complies with all applicable local, county, and state regulations and laws. However, such private removal shall not relieve any person of any collection charges under Section 7-3-160, below for services which are made available to that person under Section 7-3-130, above.

Sec. 7-3-150. Premises excluded from service.

(a) All commercial and industrial establishments and multifamily residences containing eight (8) or more units are excluded from the Town residential trash and recyclables collection services program.

(b) Residential properties that are part of a homeowner association, planned urban development, or neighborhood group with a trash and recyclables collection contract in effect as of the effective date of this Ordinance are excluded from the Town residential trash and recyclables collection services program until the expiration of the respective existing contract term, at which time all such residential properties not otherwise excluded from service under subsection 7-3-150(a), shall become subject to the residential trash and recyclables collection services program. No such contracts may be renewed after the effective date of this Ordinance.

Sec. 7-3-160. Residential curbside trash and recyclables collection fee.

(a) The Board of Trustees shall, by resolution, establish the different service level fees to be imposed for residential trash and recyclables collection services. The service fee shall be imposed on all Town residents receiving Town water service not excluded from residential waste collection service pursuant to section 7-3-150, above, regardless of whether the Town's residential waste collection


services are actually utilized by such resident. The service fee shall be billed in conjunction with the charge for Town 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(s) for residential curbside trash and recyclables collection services and the charge for Town water service are hereby declared to be parts of one (1) debt to the Town 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 Town to avail itself of any or all of the remedies as set forth in Chapter 13 of the Code, as may be amended from time to time.

3. This Ordinance shall become effective thirty (30) days after posting publication in accordance with the Town's Home Rule Charter.

INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED this 19th day of March, 2019.

TOWN OF CARBONDALE


Dan Richardson, Mayor

ATTEST:


Cathy Derby, Town Clerk



Posted: _____
Published: _____
Effective: _____

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