

ORDINANCE NO. 1029

AN ORDINANCE ESTABLISHING A MUNICIPAL SERVICE FOR THE COLLECTION AND DISPOSAL OF ALL GARBAGE, RUBBISH AND ASHES ACCUMULATED IN THE CITY; SETTING FORTH THE AUTHORITY OF THE SUPERINTENDENT OF SANITATION; PRESCRIBING REGULATIONS FOR THE STORAGE AND COLLECTION OF GARBAGE, RUBBISH AND ASHES; PROVIDING FOR THE MAINTENANCE OF SANITARY CONDITIONS ON PUBLIC AND PRIVATE PREMISES IN THE CITY; PROVIDING FOR THE IMPOSITION AND COLLECTION BY THE CITY OF FEES FOR THE COLLECTION AND DISPOSAL OF GARBAGE, RUBBISH AND ASHES; AND PRESCRIBING PENALTIES FOR VIOLATIONS OF ITS PROVISIONS, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

SECTION 1. Short Title. This Ordinance shall be known and may be cited as the "Municipal Refuse Collection Service Ordinance of the City of Grand Junction, Colorado."

SECTION 2. Definitions. For the purposes of this Ordinance the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. "Ashes" is the residue from the burning of wood, coal, coke, or other combustible materials.
- b. "CITY" is the City of Grand Junction, Colorado.
- c. "Superintendent of Sanitation" or "Superintendent" is the Superintendent of Sanitation of the City of Grand Junction.
- d. "Garbage" is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.
- e. "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.
- f. "Refuse" is all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.

- g. "Rubbish" is nonputrescible solid wastes (excluding ashes), consisting of both combustible and non-combustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials.

SECTION 3. All refuse accumulated in the City shall be collected, conveyed and disposed of by the City, its contractors, or City-licensed operators. No other person shall collect, convey over any of the streets or alleys of the City, or dispose of, any refuse accumulated in the City.

- a. Exception for Actual Producers. This ordinance shall not prohibit the actual producer of refuse, or the owner of premises upon which refuse has accumulated, from personally collecting, conveying and disposing of such refuse, provided such refuse is of a nature not normally collectible by the City or is additional to the amount normally collected from the producer under the rates and schedules established by the superintendent for the particular producer and the superintendent has authorized the disposal of such excess, and provided further that such producer or owner shall comply with the provisions of this ordinance and with any other governing law or ordinance. Such hauling shall not affect the obligation of such producer or owner to pay the charges set forth in accordance with Section 7 hereof.

SECTION 4. Collection Supervised by Superintendent of Sanitation. All refuse accumulated in the City shall be collected, conveyed and disposed of by the City under the supervision of the Superintendent of Sanitation. The Superintendent shall have the authority to make regulations concerning the days of collection, type and location of waste containers and such other matters pertaining to the collection, conveyance and disposal as he shall find necessary, and to change and modify the same after notice as required by law, provided that such regulations are not contrary to the provisions hereof.

- a. Licenses referred to hereunder shall be granted in accordance with Chapter 50 of the 1953 Compiled Ordinances of the City of Grand Junction and under regulations established by the superintendent.
- b. Appeals. Any person aggrieved by a regulation of, or fee charged by, the Superintendent shall have the right of appeal to the City Manager who shall have the authority to confirm, modify or revoke any such regulation or fee.

SECTION 5. Precollection Practices.

- a. Separation of Refuse. Garbage, ashes and rubbish shall each be placed and maintained in separate containers.

b. Preparation of Refuse.

- (1) Garbage. All garbage before being placed in garbage cans for collection shall have drained from it all free liquids and may be wrapped in paper.
- (2) Rubbish. All rubbish shall be drained of liquid before being deposited for collection.
 - (a) Cans and Bottles. All cans and bottles which have contained food shall be thoroughly rinsed and drained before being deposited for collection.
 - (b) Trimmings and Clippings. Tree trimmings, hedge clippings and similar material shall be cut to lengths not to exceed four feet and securely tied in bundles not more than two feet thick before being deposited for collection.

c. Refuse Containers.

- (1) Duty to Provide and Maintain in Sanitary Condition. Refuse containers shall be maintained in good condition. Any container that does not conform to the provisions of this Ordinance or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof shall be promptly replaced upon notice. The Superintendent shall have the authority to refuse collection services for failure to comply herewith.
- (2) Garbage. Garbage containers shall be made of metal, equipped with suitable handles and tight fitting covers, and shall be water tight.
 - (a) Capacity. Garbage containers shall have a capacity of not more than ten (10) gallons.
 - (b) Sanitation. Garbage containers shall be of a type approved by the City Health Officer and shall be kept in a clean, neat and sanitary condition at all times.
- (3) Ashes. Ash containers shall be made of metal and have a capacity of not more than ten (10) gallons.
- (4) Rubbish. Rubbish containers shall be of a kind suitable for collection purposes, and shall be of such weight that they can be handled by one man.

d. Storing of Refuse.

(1) Public Places. No person shall place any refuse in any street, alley or other public place, or upon any private property whether owned by such person or not, within the City except it be in proper containers for collection or under express approval granted by the Superintendent. Nor shall any person throw or deposit any refuse in any stream or other body of water.

(a) Unauthorized Accumulation. Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of refuse within thirty days after the effective date of this Ordinance shall be deemed a violation of this Ordinance.

(b) Scattering of Refuse. No person shall cast, place, sweep or deposit anywhere within the City any refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway, or other public place, or into any occupied premises within the City.

e. Points of Collection. Refuse containers shall be placed for collection at ground level on the property, and accessible to and not more than ten (10) feet from the curb of the street or side of the alley from which collection is made, provided that containers may be placed for collection at other than ground level and at a distance of more than ten (10) feet when approved by the Superintendent and an additional payment for the extra service is agreed upon by both parties.

SECTION 6. Collection Practices.

a. Limitation on Quantity.

(1) Residential. The Superintendent shall collect a reasonable accumulation of refuse of each family during a collection period for the standard charge.

(2) Commercial. The Superintendent shall collect a reasonable accumulation of refuse of hotels, restaurants and other businesses and institutions during the collection period at a fair charge based upon the average weight or volume. The Superintendent shall have the authority to refuse to collect unreasonable amounts or to make an additional charge for such amounts.

b. Special Refuse Problems.

- (1) Contagious Disease Refuse. The removal of wearing, bedding or other refuse from homes or other places where highly infectious or contagious diseases have prevailed should be performed under the supervision and direction of the City Health Officer. Such refuse shall not be placed in containers for regular collections.
- (2) Inflammable or Explosive Refuse. Highly inflammable or explosive materials shall not be placed in containers for regular collection but shall be disposed of as directed by the Superintendent at the expense of the owner or possessor thereof.

c. Collection by Actual Producers and Outside Collectors.

- (1) Requirements for Vehicles. Persons who desire to dispose of waste material not included in the definition of refuse and collectors of refuse from outside of the City who desire to haul over the streets of the City, shall use a water-tight vehicle provided with a tight cover and so operated as to prevent offensive odors escaping therefrom and refuse from being blown, dropped or spilled.
- (2) Disposal. Disposal of refuse by persons so permitted under subsection (1) above shall be made outside the City limits, unless otherwise specifically authorized by the Superintendent. The Superintendent shall have the authority to permit the disposal of such material on the City Dump provided the charge as provided in Section 7 is paid.
- (3) Rules and Regulations. The Superintendent shall have the authority to make such other reasonable regulations concerning individual collection and disposal and relating to the hauling of refuse over the City streets by outside collectors as he shall find necessary, subject to the right of appeal as set forth in Section 4 hereof.

d. Refuse Property of City. Ownership of refuse material set out for collection or deposited on the City dump shall be vested in the City.

SECTION 7. Fees.

a. Ground Level: Within 10 Feet. The fees for collection and disposal of refuse placed for collection at ground level and not more than ten (10) feet distant from the curb of the street or side of the alley from which collection is made shall be at the following monthly rates, collected quarterly with the water bill, as follows:

- (1) Single-Family Dwellings With Five Rooms or Less. For single-family dwellings with five rooms or less, One and 50/100 Dollars (\$1.50) per month for garbage, rubbish, and ashes.

- (2) Single-Family Dwellings With Six Rooms or More. For single-family dwellings with six rooms or more, One and 75/100 Dollars (\$1.75) per month for garbage, rubbish and ashes.
- (3) Dwellings of More Than One Unit. For dwellings of more than one unit, One and 50/100 Dollars (\$1.50) for the first unit and One Dollar (\$1.00) for each additional unit per month for garbage, rubbish, and ashes. The owner of three units or more may elect to pay the fees of subsection (4) below.
- (4) Commercial. For hotels, motels, rooming houses, restaurants, and other businesses and institutions and for dwellings of three units or more electing to come within this subsection, the fees shall be based upon the average amount of refuse material and the frequency of collection, and shall be fixed by the Superintendent subject to the right of appeal to the City Manager.

b. Other Than Ground Level: More Than 10 Feet. Where the collection of refuse from other than ground level or from more than ten (10) feet from the curb of the street or side of the alley is accepted by the Superintendent, the fee shall be that of subsection a. above plus a fee set by the Superintendent, subject to appeal to the City Manager, which shall be deemed by him to cover the cost of the extra service rendered.

c. Delinquent Accounts. All accounts shall be considered delinquent if not paid by the 10th of the month following the close of the quarterly billing period. All delinquent accounts are subject to stoppage of service without notice. If a delinquent account is not paid within thirty (30) days, the Superintendent shall cease all refuse collection for that account unless otherwise directed by the City Manager. Service shall be resumed thereafter only on payment of the accumulated fees for the period of collection and the period of non-collection plus Two Dollars (\$2.00) unless the City Manager specifically directs otherwise.

- (1) Legal Remedy. The stoppage of services hereinbefore authorized for non-payment of collection charges shall be in addition to the right of the City to proceed for the collection of such unpaid charges in a manner provided by law for the collection of a municipal claim.

d. Use of City Dump. Any person having the permission of the Superintendent to use the City dump for the disposal of refuse shall pay a fee fixed by the Superintendent, subject to the right of appeal to the City Manager, such fee shall be based on the cost of disposal.

SECTION 8. Penalties. Any person who shall be convicted of a violation of this Ordinance shall be punished by a fine of not less than One Dollar (\$1.00) nor more than Three Hundred Dollars, (\$300.00).

SECTION 9. Separability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of legal jurisdiction, such section shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining sections hereof.

SECTION 10. Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 11. Title. This Ordinance shall be designated and known as Chapter 26, Municipal Refuse Collection Service Ordinance appended to the 1953 Compiled Ordinances of the City of Grand Junction, Colorado, and may be cited as such.

SECTION 12. Emergency. It is hereby declared that a special emergency exists; that this ordinance is necessary for the preservation of the public peace, health and safety; and that this ordinance shall take effect upon its passage.

Passed and adopted this 18th day of December, 1957.

/s/ John S. Emerson
President of the City Council

ATTEST:

/s/ Helen C. Tomlinson
City Clerk

I HEREBY CERTIFY that the foregoing emergency ordinance, entitled, AN ORDINANCE ESTABLISHING A MUNICIPAL SERVICE FOR THE COLLECTION AND DISPOSAL OF ALL GARBAGE, RUBBISH AND ASHES ACCUMULATED IN THE CITY; SETTING FORTH THE AUTHORITY OF THE SUPERINTENDENT OF SANITATION; PRESCRIBING REGULATIONS FOR THE STORAGE AND COLLECTION OF GARBAGE, RUBBISH AND ASHES; PROVIDING FOR THE MAINTENANCE OF SANITARY CONDITIONS ON PUBLIC AND PRIVATE PREMISES IN THE CITY; PROVIDING FOR THE IMPOSITION AND COLLECTION BY THE CITY OF FEES FOR THE COLLECTION AND DISPOSAL OF GARBAGE, RUBBISH AND ASHES; AND PRESCRIBING PENALTIES FOR VIOLATIONS OF ITS PROVISIONS, AND DECLARING AN EMERGENCY was introduced, read, passed and adopted as an emergency ordinance, numbered 1029 and ordered published by the unanimous vote of the members of the City Council of the City of Grand Junction, at a regular meeting of said Council held on the 18th day of December, 1957.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of said City, this 19th day of December, 1957.

/s/ Helen C. Tomlinson
City Clerk

Proof of Publication Dec. 21, 1957
Proof of Publication Nov. 12, 1957