

ORDINANCE NO. 2505

REPEAL AND REENACTMENT OF CITY OF GRAND JUNCTION TRASH ORDINANCE

WHEREAS, the City trash ordinance has not been updated in many years,

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

Article 1, Chapter 14, is hereby repealed and reenacted as follows:

CHAPTER 14

GARBAGE, TRASH AND WEEDS
ARTICLE I, IN GENERAL

Sec. 14-1. Title.

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

Sec. 14-2. Definitions and rules of construction.

For the purposes of this Chapter 14 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.

ASHES is the residue from the burning of wood, coal, coke, or other combustible material.

GARBAGE is putrescible animal or vegetable wastes resulting from the handling, preparation, cooking or consumption of food.

REFUSE is all putrescible and non-putrescible solid waste, except: human body wastes, garbage, rubbish, ashes, street cleanings, dead animals, abandoned motor vehicles, solid market and industrial wastes, all material or substances which are hazardous, infectious, toxic, or contain radioactive particles or are regulated by any Federal or State law concerning hazardous, toxic or other similar substances or materials.

RESIDENTIAL means used by natural persons for living accommodations but excludes structures or uses containing 8 or more dwelling units.

RUBBISH is non-putrescible solid waste consisting of both combustible and noncombustible wastes, such as paper, cardboard,

tin cans, yard clippings, wood, glass, bedding, crockery and similar materials, but excluding ashes.

SANITATION SUPERINTENDENT or SUPERINTENDENT is the person or designee responsible for the operation of the sanitation department.

Sec. 14-3. Who may collect, dispose of rubbish.

Residential refuse accumulated in the city shall be collected, conveyed and disposed of only by the city.

Non-residential 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. Provided, however, this article 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 in addition to the amount normally collected from the producer under the rates and schedules established by the city for the particular producer and the city has authorized the disposal of such excess, and provided further than such producer or owner shall comply with the provisions of this article 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 this article.

Sec. 14-4. Supervision of collection; regulations authorized.

All refuse accumulated in the city shall be collected, conveyed and disposed of by the city or under the supervision of the sanitation superintendent. The sanitary superintendent shall have the authority to adopt 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.

Sec. 14-5. Licensing procedure; fee.

Licenses referred to hereunder shall be granted in accordance with Chapter 17, Article I of this Code and under regulations established by the city council. Such license shall be issued upon payment of a license fee of \$10.00 (ten dollars) per calendar year or portion thereof for each refuse/recycling motor vehicle or truck which operates in or on the city rights of way, such fee(s) shall be non-refundable and shall be revocable upon violation of any regulation or ordinance of the city or other applicable law. Any person operating in the city without such license shall be guilty of a misdemeanor.

Sec. 14-6. New service fee.

Whenever a sanitation account is created or is changed, a service fee in the amount of eight dollars (\$8.00) shall be charged for the creation or change of the account, unless, at the same time, water or sewer service is being commenced or changed and a fee is being charged therefor.

Sec. 14-7. Appeals from the decisions of the sanitation superintendent.

Any person aggrieved by the application of a regulation, or fee charged by, or the decision made by the sanitation superintendent may appeal to the city manager or his designee, who shall have the authority to confirm, modify or revoke any such fee or decision or the application of a regulation.

Sec. 14-8. Pre-collection practices.

(A) PREPARATION OF REFUSE:

(1) REFUSE. Each producer shall, before placing refuse for collection, drain from the refuse all free liquids and shall contain all refuse in an approved container.

(2) RUBBISH. Each producer shall drain all rubbish of liquid before depositing such rubbish for collection.

(a) CANS AND BOTTLES. Each producer shall thoroughly rinse and drain all cans and bottles before depositing same for collection.

(b) TRIMMINGS AND CLIPPINGS. Each producer shall cut tree trimmings, hedge clippings, and similar materials to lengths not to exceed four feet and shall securely tie such material in bundles not more than two feet thick before depositing such materials for collection.

(B) REFUSE CONTAINERS:

(1) NATURE AND SIZE OF CONTAINERS. All refuse containers (except containers for yard and garden clippings and ashes) shall: have handles and separate lids; not exceed thirty-five (35) gallons in capacity; weigh no more than ten (10) pounds when empty; and, when filled, shall be of such weight that each may be handled and lifted by one person without strain. The owner or producer shall remove all non-complying containers from service and public rights-of-way.

(2) DUTY TO PROVIDE AND MAINTAIN IN SANITARY CONDITION. Every producer shall maintain his refuse containers in good condition. Any container that does not conform to the provisions of this article or that has ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof shall be promptly replaced or repaired by the owner or

producer. The Sanitation Superintendent shall have the authority to refuse collection services and/or dispose of containers for failure to comply herewith.

(3) ASHES. Ash containers shall be made of metal and have a capacity of not more than ten gallons. Ashes should be contained in paper or plastic bags but shall be cold.

(4) CURBSIDE COLLECTION. Where there is curbside collection, containers shall be kept on the premises and off the right-of-way except on days of pickup.

(C) 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 in proper containers for collection or under express approval granted by the sanitation superintendent or other authorized city official. No person shall throw or deposit any refuse in any stream, other body of water, or any place other than a lawfully designated sanitary landfill site.

(a) UNAUTHORIZED ACCUMULATIONS. Any unauthorized accumulation of refuse on any premises is hereby declared to be a public nuisance and is prohibited.

(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 onto any premises, occupied or not, within the city.

(c) No person shall place or deposit his refuse in the container of another or in a manner so that it will be collected as though it had been generated by another.

(2) POINTS OF COLLECTION/OTHER SERVICES. Refuse containers shall: (a) be placed for collection at the ground level of the right-of-way designated by the sanitation superintendent; (b) be accessible from the curb of the street or side of the alley from which collection is made; (c) not obstruct a sidewalk; (d) not be more than five (5) feet from the traveled portion of the right-of-way. City sanitation equipment operators may not enter private property to collect residential refuse. The sanitation superintendent may provide additional services when extra payment is agreed upon by both parties for the additional service rendered.

Sec. 14-9. COLLECTION PRACTICES.

(A) LIMITATION ON QUANTITY.

(1) RESIDENTIAL. The city shall collect a reasonable accumulation of refuse of each residential user during the collection period

for the standard charge. Extra accumulation or non-refuse items may be collected upon request. The city shall have the authority to refuse to collect unreasonable amounts or it may require additional charges for such amounts.

(2) COMMERCIAL. The city shall collect the amount of refuse agreed upon according to the weight, volume and frequency of collection. Additional amounts may be collected, requiring additional charges, which additional charges shall be established by the sanitation superintendent.

(B) SPECIAL REFUSE PROBLEMS:

(1) CONTAGIOUS/DISEASED REFUSE. No person shall deposit, or allow to be collected by the sanitation department, any garbage, refuse, rubbish or substance or thing which is contagious, or infectious, or contains any disease producing item or thing regulated by the Colorado Department of Health, including but not limited to those organisms or conditions controlled in Title 25, C.R.S.

(2) INFLAMMABLE OR EXPLOSIVE REFUSE. No person shall place for collection any highly inflammable or explosive material. Such material shall be lawfully disposed of by the owner or producer at the expense of the owner or producer thereof.

(3) HAZARDOUS MATERIALS. No person shall place for collection any hazardous, toxic, or poisonous substance or material, including but not limited to household hazardous wastes such as used motor oil, used anti-freeze, oil-base paint, turpentine, thinners or solvents, etc.

(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 the city who desire to haul refuse in the city or over the streets or rights-of-way in the city shall use a watertight hauling area provided with a tight cover and operated so as to prevent offensive odors escaping therefrom and to prevent refuse from being blown, dropped, or spilled.

(2) DISPOSAL. Disposal of refuse by persons allowed under paragraph (c)(1) above, shall be made outside the city limits, unless otherwise specifically authorized by the sanitation superintendent. The sanitation superintendent shall have the authority to permit the disposal of such material in a city sanitary landfill if one exists, provided the charge as provided in this article is paid.

(3) RULES AND REGULATIONS. The utilities manager shall have the authority to adopt such other regulations concerning individual collection and disposal, and/or relating to the hauling of refuse in or over the rights-of-way in the city by outside collectors as

he shall find necessary, subject to the right of appeal as set forth in section 14-7 hereof.

Sec. 14-10. FEES.

(A) COLLECTION AT GROUND LEVEL OF THE RIGHT-OF-WAY. The fees for collection and disposal of refuse placed for collection at ground level of the right-of-way, and within 5 feet of the travelled portion of the right-of-way from which collection is made, shall be at the following monthly rates, collected monthly with the water bill:

(1) RESIDENTIAL RATE. The following rate shall apply for all residential uses:

(a) Single-family dwellings: Seven dollars and zero cents (\$7.00) per month for weekly collection of all refuse. Residential rates shall apply to mobile homes, travel trailers, and equivalent structures or vehicles which are used as a residence.

(b) Double or multifamily dwellings: the following monthly rates shall apply to weekly collection of all refuse at a single pickup point for each structure:

2 units . . .	\$11.22
3 units . . .	\$15.50
4 units . . .	\$19.76
5 units . . .	\$24.10
6 units . . .	\$28.37
7 units . . .	\$32.64
8 units . . .	\$36.90

(c) Senior citizen rate: A person who is sixty-five (65) years of age or older and is a head of a household (as defined by the Internal Revenue Code of 1986) may certify as to such facts on forms to be supplied by the finance department of the city and, having so certified, is entitled to receive a reduction of one dollar (\$1.00) per month from the basic minimum rate applicable to the residence of such person for residential refuse removal.

If a multifamily residential user has eight (8) or more units in one structure and one collection point, the superintendent may charge such owner, at the owner's request, according to the commercial rate as set forth in paragraph (A)(2)(a) of this section.

(2) COMMERCIAL RATE: All non-residential, assembly, institutional, business and commercial uses shall be charged the commercial rate set forth below:

(a) The minimum charge shall be nine dollars and ninety-eight cents (\$9.98) per month for weekly collection of up to one hundred seventy-five (175) gallons of refuse. Rates for more frequent collection (based on five (5) thirty-five gallon containers being

equal to one hundred seventy-five (175) gallons) per pickup shall be:

Once a week service . . . \$9.98
 Twice a week service . . . \$17.29
 Three times a week service . . . \$24.71
 Four times a week service . . . \$32.08
 Five times a week service . . . \$39.50
 Six times a week service . . . \$46.92

For each additional thirty-five (35) gallons per pickup or part thereof, an additional charge of one dollar and eighty-three cents (\$1.83) shall be added to the monthly rate.

(b) The monthly rental and service charge for the collection of sanitation tanks shall be as follows:

							Tank Size in Cubic Yards
	1	2	3	4	6	8	10
Rental /month	\$2.61	\$5.23	\$6.27	\$7.32	\$9.41	\$11.50	\$14.63
First tank, weekly pickup	12.12	24.35	32.40	40.60	55.39	70.02	81.20
Each collection twice to six (6)	11.02	22.10	31.35	40.60	55.39	70.02	81.20
Additional tank, weekly pickup	9.25	18.24	23.88	29.52	40.60	55.39	58.99
Each collec	8.26	16.62	23.09	29.52	40.60	55.39	58.99

tion twice to six (6)							
Special Pickups	3.68	7.40	9.67	11.98	16.20	20.38	23.96

1. The monthly service charge for handling compacted material placed in tanks, from stationary compactors, shall be three times the standard tank rate.

2. The monthly service charge for handling and servicing portable compactors shall be based on the capacity of the unit and shall be three times the comparable tank rate.

(3) INDUSTRIAL RATE. All industrial users shall be charged the industrial rate.

(a) The minimum charge shall be nineteen dollars and sixty-four cents (\$19.64) per month for weekly collection of up to one hundred seventy-five (175) gallons of refuse not to exceed a total of two hundred fifty (250) pounds in weight.

(b) Additional service by frequency or volume may be provided an industrial user on a cost basis determined by the sanitation superintendent based on the frequency, volume, weight, loading-out difficulty and nature of material to be disposed of.

(B) COLLECTION AT OTHER THAN GROUND LEVEL OF THE RIGHT-OF-WAY. Where the collection of refuse from other than ground level of the right-of-way and not within five (5) feet of the traveled portion of the right-of-way is accepted by the sanitation superintendent, the fee shall be than of section 14-10(A) (2) (a) plus a fee set by the sanitation superintendent to cover the cost of the extra service rendered.

(C) DELINQUENT ACCOUNTS. An account is delinquent if not paid in full within ten (10) days after the due date on the bill. If the bill is not paid in full within that time, the service may be discontinued and other city services including water and sewer may be shut off. Refuse services shall resume when all fees and charges owed to the City are paid in full, plus the greater of two dollars (\$2.00) per month or two percent simple interest on the delinquent amount for each month, or portion of a month, that the account was delinquent. In addition, water and sewer service may be discontinued to enforce collection of delinquent refuse accounts. The city may proceed for collection of unpaid charges in the manner provided by law for the collection of a municipal

claim. Any unpaid charges pursuant to this article shall be a personal debt of the owner of the lands benefited or served and in addition shall constitute a lien upon each lot, land, building and premises served or benefited, and in the event said charges are not paid when due, the city clerk may certify to the county treasurer a lien to be by him placed upon the tax list for the current year to be collected in the manner other taxes are collected, plus a ten (10) percent administrative charge to defray the cost of collection, and all laws of the State of Colorado for the assessment and collection of general taxes, including the laws of the sale of property for taxes and redemption of the same shall apply.

Sec. 14-11. RESPONSIBILITIES OF OWNER OF PREMISES.

(A) The owner of the premises, as well as the occupant or occupants thereof, shall be subject to the terms of this article, shall be jointly and severally liable for payment of all charges authorized by this chapter, and the failure to timely pay all charges authorized by this chapter shall constitute a misdemeanor violation hereof.

(B) The owner of the premises and each adult occupant thereof shall be jointly and severally responsible to, within thirty (30) days of any change of use or structure, notify the utility accounting department of such change of building structure and/or use to insure correct monthly charges. The city shall have no obligation to credit or refund any account unless such timely and proper notice is given.

(C) GENERAL PENALTY PROVISION. It is unlawful for any person to violate, disobey, omit, neglect, refuse to comply with, or resist the enforcement of any provision of this article or to commit any act or omission proscribed herein. Such act, or failure to act, is hereby declared to be a misdemeanor. Where no specific penalty is provided therefor, the violation of any provision of this chapter shall be punishable by a fine not exceeding one thousand dollars (\$1,000) or imprisonment for a term not exceeding ninety (90) days or both such fine and imprisonment. Each calendar day or portion thereof any violation of any provision of this chapter shall continue shall constitute a separate offense.

Introduced this 6th day of February, 1991.

PASSED and ADOPTED this 20th day of February, 1991.

William E. McCurry

President of the Council

Attest:

Neva B. Lockhart, CMC

City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 2505, was introduced, read, and ordered published by the City Council of the City of Grand Junction, Colorado, at a regular meeting of said body held on the 6th day of February, 1991, and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, at least ten days before its final passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 21st day of February, 1991.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk

Published: February 8, 1991

Published: February 22, 1991

Effective: March 24, 1991