

Agenda Item #: V-A

Meeting Date: September 24, 2018

Subject: Public hearing and consideration of Ordinance # 856 amending the Dacono Municipal Code regarding rubbish and recycling collection requirements and City residential waste and recycling services, on second reading.

Presenter: Jordan Eichen, Assistant City Manager

Background: Sections 7-2 and 7-6 of the City of Dacono Municipal Code were written to conform to the refuse collection procedures utilized by Gator Rubbish, with provisions being included for the pickup of customer-supplied 30-gallon containers, with that pickup structure being unique to Gator and generally not practiced by other companies in the industry. As part of the City's new service with Waste Connections of Denver, one 96-gallon container for trash and one 96-gallon container for recycling will be provided to every residence as primary containers (additional 96-gallon containers will be available directly from Waste Connections for \$2.00 per month each), so code needs to be amended to reflect that.

Staff also recommends adding a provision to code to clearly state that any resident who illegally disposes of hazardous materials (referred to as "Excluded Materials" in the City's contract with Waste Connections) in their everyday trash will be liable for the costs incurred to properly dispose of that Excluded Material. Such a provision would more precisely align municipal code with the Waste Connections contract.

The recommended changes are shown in the attached redline, as prepared by the City Attorney's Office.

No changes have been made since first reading.

Recommended Action: Approval of Ordinance # 856 amending the Dacono Municipal Code regarding rubbish and recycling collection requirements and City residential waste and recycling services, on second reading.

ORDINANCE NO. 856

**AN ORDINANCE AMENDING THE DACONO MUNICIPAL CODE
REGARDING RUBBISH AND RECYCLING COLLECTION
REQUIREMENTS AND CITY RESIDENTIAL WASTE AND
RECYCLING SERVICES**

WHEREAS, the City Council desires to amend Chapter 7, Article 1 of the Dacono Municipal Code to require the City's contractor to provide residents with containers for curbside refuse and recycling pickup services; and

WHEREAS, the City Council further desires to amend Chapter 7, Article 1 of the Dacono Municipal Code to clarify that radioactive, volatile, corrosive, highly flammable, explosive, biomedical, infectious, biohazardous, toxic or hazardous materials as defined by applicable federal, state or local laws or regulations are not to be discarded in containers provided to residents by the City's contractor; and

WHEREAS, the City Council further desires to amend Chapter 7, Article 1 of the Dacono Municipal Code to make other miscellaneous changes related to those stated above.

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

Section 1. Section 7-1 of the Dacono Municipal Code is hereby amended to revise the definition of "Rubbish", to read as follows (words added are underlined, words deleted are ~~stricken through~~):

Rubbish means any waste, except excluded waste, of any form, size, kind and description, including but not limited to food, paper, bottles, cans, cut plant materials including cut weeds or cut brush, wood, glass, scrap metal, scrap lumber, paper products, discarded building materials, discarded furniture or furnishings, abandoned, unused, broken or inoperable machinery or machinery parts, abandoned, unused, broken or inoperable motor vehicle hulks, bodies or parts, and any other form of waste material, junk, garbage, trash, refuse, foreign substance or debris whatsoever.

Section 2. Section 7-1 of the Dacono Municipal Code is hereby further amended to add the following definition to be inserted in alphabetical order:

Excluded waste means any radioactive, volatile, corrosive, highly flammable, explosive, biomedical, infectious, biohazardous, toxic or hazardous materials as defined by applicable federal, state or local laws or regulations.

Section 3. Subsection (b) of section 7-2 of the Dacono Municipal Code is hereby amended to read as follows (words added are underlined, words deleted are ~~stricken through~~):

(b) Rubbish containers shall be provided for each property by the City's contractor for curbside refuse and recycling pickup services. If a resident desires to use the resident's own refuse or recycling container, the City's contractor shall have sole discretion in determining whether or not the container in question is compatible with its refuse or recycling collection methods, and whether or not the resident-provided container can be used instead of the container provided by the contractor. ~~owner, tenant, lessee or occupant of the property, or by the agent or contractor of any of the foregoing.~~ Rubbish containers shall be of a kind suitable for collection purposes and shall have a tight fitting lid. ~~Containers shall not exceed fifty-five (55) pounds in weight when full, except that containers purchased from the City or~~ Containers provided by the City's contractors that are suitable for mechanical lifting may weigh up to seventy-five (75) pounds when full, ~~and~~ except for dumpsters authorized in writing by the City. Rubbish containers shall be maintained in good condition ~~and shall be similar to those offered for sale in the retail trade.~~ Containers that have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof, or any container the City's contractor has deemed incompatible with the contractor's refuse or recycling collection methods, shall be promptly replaced by the resident at the resident's cost upon notice from the City or City's contractor.

Section 4. Subsection (c) of section 7-6 of the Dacono Municipal Code is hereby amended to read as follows (words added are underlined, words deleted are ~~stricken through~~):

(c) All residential waste shall be placed in containers as provided in as permitted by Section 7-2 of this Article by the owner, tenant or occupant of each residence. ~~Residential waste services shall include the collection of residential waste from a maximum of five (5) thirty gallon rubbish containers on the scheduled collection day.~~ Containers shall be placed in the 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.

Section 5. Section 7-6 of the Dacono Municipal Code is hereby further amended to add a new subsection (g), to read as follows:

(g) It is unlawful for any person to place in a container for pickup any excluded waste. In addition to all penalties provided for herein, the City reserves the right to hold persons liable for any damages incurred by the City or the City's contractor resulting from such person's placement of excluded waste in a container for pickup.

Section 6. Subsection (a) of section 7-10 of the Dacono Municipal Code is hereby amended to read as follows (words added are underlined, words deleted are ~~stricken through~~):

(a) The City Council shall, by resolution, establish the fee to be

imposed for residential waste services. The fee shall be imposed on all premises receiving water service not excluded from service pursuant to Section 7-7, regardless of whether the City's residential waste services are actually utilized by such premises. The fee shall be billed at the same time as the charge for City water service to the residence, and such fee shall be due and payable at the same time and place as the charge for water service. The fee imposed pursuant to this section shall be the same irrespective of whether the resident uses a contractor-provided container or his or her own container.

Section 7. 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 8. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, ADOPTED ON FIRST READING, AND ORDERED PUBLISHED BY TITLE AND POSTED IN FULL this 10th day of September, 2018.

PUBLIC HEARING AND SECOND READING WILL BE THE 24th day of September, 2018, AT 6:00 P.M. AT DACONO CITY HALL, 512 CHERRY STREET, DACONO, CO.

READ, ADOPTED ON SECOND READING, APPROVED, SIGNED, AND ORDERED PUBLISHED BY TITLE this 24th day of September, 2018.

CITY OF DACONO, COLORADO

Joe Baker, Mayor

ATTEST:

Valerie Taylor, City Clerk

Summary of Ordinance No. 856, **“AN ORDINANCE AMENDING THE DACONO MUNICIPAL CODE REGARDING RUBBISH AND RECYCLING COLLECTION REQUIREMENTS AND CITY RESIDENTIAL WASTE AND RECYCLING SERVICES”**: Amends Code to require City’s contractor to provide rubbish containers for curbside refuse and recycling pickup services, and other related changes.