

Chapter 7.04 SOLID WASTE REGULATIONS*

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***Note to Chapter 7.04**

* Prior ordinance history: Ords. 4-1958, 3-1968, 27-1975, 31-1976, 34-1977, 35-1977, 35-1979, 18-1980, 3-1983, 4-1983, 2-1986, 9-1986, 10-1987, 3-1988, 2-1989, 5-1990, 29-1990, 14-1991, 11-1993 and 12-1993.

7.04.010 Short title.

This chapter shall be known and may be cited as the "Collection Service Ordinance" of the town of Carbondale, Colorado. (Ord. 7-2004 (part)).

7.04.020 Definitions.

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

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

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

"Junk" is 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

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disposition.

"Litter" shall mean 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).

"Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

"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 (refuse and litter shall be used interchangeably).

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

"Town" is the town of Carbondale, Colorado.

(Ord. 7-2004 (part)).

7.04.030 Operating services-Permit.

A. Any trash hauler providing residential trash service within the town shall also provide recycling services to its residential trash customers. Before any such trash hauler may commence providing trash collection and recycling services to residential trash customers, the hauler shall apply for and obtain a permit from the town. The application shall include a written plan for collection of residential trash on a volumetric based billing system, a statement of the charges proposed to be made to the customer and the plan for recycling. The public works director, in its discretion, may approve or disapprove the application. The permit fee shall be fifty dollars.

B. Permits issued by the town shall be valid for one year. Application for renewal shall be made prior to the expiration of an existing permit and shall be granted or denied by the public works director.

C. Each 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, newspaper, either separated by material or commingled according to the hauler's directive. The collection of recyclable materials shall be provided no less frequently than every other week and haulers shall make recycle bins available to customers upon request.

D. Nothing in this section shall be construed as prohibiting any hauler from also establishing rules regarding the safe maximum weight of containers as well as pricing for special collection of bulky items or of individual bags of garbage provided the price of collection of an individual bag of garbage is not less than that of a base unit of periodic garbage collection. (Ord. 7-2004 (part)).

7.04.040 Collection by actual producers and outside collectors.

A. Requirements for Vehicles. Any person transporting refuse in or through the town shall use a watertight vehicle with a tight cover so as to prevent offensive odors from escaping or refuse from escaping from the vehicle.

B. Disposal. No person shall dispose of any refuse at any location within the town without the prior written approval of the public works director.

C. Rules and Regulations. The public works director shall have the authority to make such other reasonable regulations concerning individual collection and disposal and relating to the hauling of refuse over the town streets by outside collectors as he shall find necessary, subject to the right of appeal as set forth in Section 7.04.130.

D. Hours of Operation. Trash and refuse haulers shall be limited to the following hours and days:
Monday through Friday seven a.m. to seven p.m.

Exceptions will be made for school properties while school is in session to permit collection to begin at six a.m.

Saturday eight a.m. to five p.m.

Sunday no residential collection, commercial collection only upon specific request and shall be for same hours as Saturday collection. (Ord. 7-2004 (part)).

7.04.050 Volumetric trash collection and recycling services.

Private trash haulers providing residential collection services within the town are required to provide a volumetric collection and billing program which is designed to encourage reduction of trash being placed in landfills and also provides recycling services to each residential customer served. (Ord. 7-2004 (part)).

7.04.060 Refuse containers.

Duty to provide and maintain in sanitary condition.

A. Refuse containers shall be maintained in good condition.

B. Garbage containers shall be made of plastic or metal and equipped with suitable handles and tight fitting covers and shall be weather tight. (Ord. 7-2004 (part)).

7.04.070 Storing of refuse.

A. Public Places. No person shall place any refuse, refuse container or dumpster in any street, alley or other public place or upon any private property whether owned by such person or not, within the town except in proper containers for collection. Nor shall any person throw or deposit any refuse in any stream or any other body of water.

B. Unauthorized Accumulation. Any unauthorized accumulation of refuse on any premises is a nuisance and is prohibited. Failure to remove any existing accumulation of refuse within fifteen days after notice by the town shall be deemed a violation of this chapter.

C. Scattering of Refuse. No person shall cast, place, sweep or deposit anywhere within the town any refuse in such a manner that it may be carried away by animals or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place, or into any occupied premises within the town. ~~Whenever litter or junk is thrown or deposited from any motor vehicle in violation of this section, the operator of said motor vehicle is presumed to have caused or allowed the litter or junk to be so thrown or deposited.~~

D. Burning of Refuse. No person shall at any time set fire to, burn or attempt to burn any garbage, rubbish or debris in the town, without the prior written approval of the public works director. (Ord. 7-2004 (part)).

7.04.080 Discarding trash in containers or on property of others.

No person shall:

A. Place or discard any refuse in or upon the real property in a refuse container of another without the prior consent of the owner or person having lawful control of the real property or container where the refuse is discarded;

B. Place or discard refuse in a container owned by the town or on real property owned by the town without the prior written permission of the town manager, except in approved containers approved for public use. (Ord. 7-2004 (part)).

7.04.090 Special refuse problems.

A. Contagious Disease Refuse. The removal of wearing, bedding or other refuse from homes or other places where highly infectious or contagious diseases have prevailed shall be performed under the supervision and direction of the public works director. Such refuse shall not be placed in containers for regular collections. Contagious disease refuse shall include bodily wastes or

instruments that may contact these wastes that may transmit bloodborne pathogens.

B. Combustible or Explosive Refuse. Highly combustible or explosive materials shall not be placed in containers for regular collection but shall be disposed of as directed by the public works director at the expense of the owner or possessor thereof.

C. Hazardous materials classified as regulated hazardous waste by the state or any of its agencies having jurisdiction or the federal government or any of its agencies having jurisdiction shall not be placed in containers for regular collection. (Ord. 7-2004 (part)).

7.04.100 Hazardous materials.

No person shall knowingly, intentionally or recklessly leave for collection or disposal within the town any burning or smoldering material, any flammable liquid or compound in a breakable container, live ammunition, any explosive or any materials listed in the "Code of Federal Regulations for Hazardous Materials" or as regulated by the Environmental Protection Agency. (Ord. 7-2004 (part)).

7.04.110 Recycled materials.

No residential trash hauler shall deposit recycled materials in a landfill unless the recycled 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. (Ord. 7-2004 (part)).

7.04.120 Nuisance.

Any person who commits any of the acts described in Section 7.04.080 or 7.04.100 is deemed to engage in a public nuisance per se. In addition to any other applicable civil or criminal penalties, a person who engages in or causes such public nuisance shall be liable to the town for all reasonable costs it incurs to eliminate the nuisance, to put out fires caused by the nuisance, to reclaim the area affected by the fire, and to repair or replace any real or personal property lost or damaged as a result of such acts. (Ord. 7-2004 (part)).

7.04.130 Appeals.

Any waste hauler aggrieved by a regulation of, or fee charged by the public works director shall have the right of appeal to the town board of trustees, who shall have the authority to confirm, modify or revoke any such regulation or fee. (Ord. 7-2004 (part)).

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