

Title 7

HEALTH AND SANITATION

Chapters:

7.04 Rubbish Collection

Chapter 7.04

RUBBISH COLLECTION

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7.04.010 Short Title. This Chapter shall be known and may be cited as rubbish collection Ordinance. (Ord. 131 §1, 1969; Ord. 14-1 976 (part), 1976).

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 when not inconsistent with the context. Words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directive.

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

B. “Common pickup point” means the practice of two (2) or more residential customers placing their refuse and refuse containers close together in one place, so that the collection of their refuse can be easily made without having to move the vehicle used to collect the refuse.

C. “Garbage” means putrescible animal, vegetable, or mineral waste.

D. “Party” means any person, firm, partnership, association, corporation, company, or organization of any kind.

E. “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.

F. “Residential” means non-commercial, non-transient customers whose refuse is derived principally from their own ordinary domestic activities.

G. “Rubbish” means non-putrescible solid waste, excluding ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials.

H. “Superintendent of Sanitation” or “Superintendent” means the party appointed to that position by the Town Manager.

(Ord. 131 §3, 1964; Ord. 14-1976 (part), 1976; Amended Ord. 15-2012, §1, 2012).

7.04.030. Collection System Established. A system for the collection and disposal of refuse is established for the benefit of all persons residing within the Town of Eagle. This system shall serve all commercial, industrial and residential establishments within the Town, except for customers of licensed refuse haulers, as authorized by this Chapter. Refuse shall be collected at least once a week by the Town from all locations within the Town limits, unless otherwise deemed appropriate or necessary by the Town Administrator.

7.04.035 Authorization to Haul Refuse. Only the following may collect, transport or remove refuse, garbage, rubbish or toxic refuse from any location within the Town of Eagle:

A. An individual may remove refuse from his own property, using his own equipment:

B. The Town, utilizing the collection system herein established:

C. Licensed and registered refuse haulers.

No other person shall collect, transport or remove refuse, garbage, rubbish or toxic refuse over any of the streets or alleys of the Town.

7.04.038 Licensed Refuse Haulers.

A. Only those refuse haulers who have obtained current authority from a Colorado Public Utilities Commission, and have been licensed by the Town may collect, transport or remove

refuse, garbage, rubbish or toxic refuse within the Town, except as otherwise provided in this Chapter.

B. Every licensed refuse hauler shall use a packer type truck or vehicle, or a truck or vehicle equipped with a type metal lining or side frames and a flame proof cover attached to such lining or side frames to prevent the loss of any contents thereof. Every licensed trash hauler shall identify such truck or vehicle in the manner required by law, rule or regulation of the Colorado Public Utilities Commission.

C. In order to qualify for a Town license, a refuse hauler must produce evidence of applicable licenses and permits issued by the State of Colorado, must show an ability to carry out such activity in conformance with this Chapter, and shall pay an annual licensing fee pursuant to Chapter 5.02 of the Eagle Municipal Code. Failure of a refuse hauler licensed under this Section to pay the required fee, or to carry out refuse collection, conveyance or disposal in accordance with the requirements of this Chapter shall render that refuse hauler liable to suspension or revocation of the license granted under this Section. Suspension or revocation shall be effected by the Town after a hearing at which the licensee has been given an opportunity to be heard on such matter.

7.04.039 Licensed Refuse Haulers-Contract. Any industrial or, commercial establishment or multi-family residence of eight (8) or more units exempted by the provisions of Section 30-15-401(7), C.R.S., from the payment of the rates and charges for the Town refuse collection system shall file a valid contract for refuse removal services with a licensed refuse hauler with the Town Administrator at least thirty (30) days prior to the beginning of the next month in which the customer intends to cease using the Town's refuse collection system. Failure of the customer to so file the contract shall make the customer responsible for payment of the refuse removal fees set forth in this Chapter.

7.04.040 Collection – Supervision.

A. All refuse in the Town shall be collected, conveyed, and disposed of only by supervision of the Superintendent of Sanitation. The Superintendent shall have the authority to make regulations concerning the days and frequency 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 of this Chapter.

B. Any party aggrieved by a regulation of the Superintendent shall have the right to appeal to the Board of Trustees, who shall have the authority to confirm, modify or revoke any such regulation.
(131 §4, 1969; Ord. 14-1976 (part), 1976: Ord).

7.04.050 Pre-collection Practices. The following practices are required prior to collection:

A. Separation of Refuse. Garbage, ashes, and rubbish shall be placed and maintained in

separate containers.

B. Preparation of Refuse:

1. 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. All rubbish shall be drained of liquid before being deposited for collection.
3. Tree trimmings, hedge clippings, and similar material shall be cut to lengths not to exceed four feet (4') and securely tied in bundles not more than two (2') feet thick before being deposited for collection.

C. Refuse Containers: Refuse containers shall be of a type approved by the Superintendent and shall be kept in a clean, neat and sanitary condition at all times. (Amended Ord. 15-2012, §2, 2012)

D. Storing of Refuse.

1. No party shall place any refuse in any street, alley, or other public place, or upon private property whether owned by such person or not, within the Town except 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.
2. Any unauthorized accumulation of refuse on any premises is declared to be a nuisance and is prohibited. Any person who knowingly fails to remove any accumulation of refuse within thirty (30) days commits a non-criminal municipal offense. (Amended Ord. 10-2001 §16, 2001).
3. No party shall cast, place, sweep or deposit anywhere within the Town any refuse in such a manner that it may be carried or deposited by the elements upon any street, alley, sewer, parkway, or other public place, or into any occupied premises within the Town. (Ord. 131 §5, 1969; Ord. 14-1976 (part), 1976).

7.04.060 Collection-Practices. The following regulations apply to special refuse problems:

A. Contagious Disease Refuse. The removal of wearing apparel, 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 Superintendent at the expense of the owner or occupant thereof. Such refuse shall not be placed in containers for refuse collection.

B. Flammable or Other Explosive Refuse. Highly flammable or explosive refuse materials shall not be placed in containers for refuse collection but shall be disposed of as directed by

the Superintendent at the expense of the owner or possessor thereof. (Ord. 12-2004 §6 (part), 2004).

C. Collection by Actual Producers or Outside Collectors.

1. Parties who desire to dispose of waste material not included in the definition of refuse and collectors of refuse from outside the Town who desire to haul over the streets of the Town, shall use watertight vehicles 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 of refuse by parties so permitted under this subsection shall be made outside the Town limits, unless otherwise specifically authorized by the Superintendent. The Superintendent shall have the authority to permit the disposal of such material on the Town dump provided the charge as provided in Section 7.04.080 is paid.

3. The Superintendent shall have the authority to make such other reasonable regulations concerning individual collections 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 7.04.040.

(Ord. 131 §6,1969; Ord. 14- 1976 (part), 1976).

7.04.065 Deposit Restrictions.

A. It shall be unlawful to dispose of refuse, garbage, rubbish or toxic refuse, to throw or deposit the same, or to cause the same to be thrown or deposited, upon any street, alley, gutter, park or other public place, or to throw or deposit the same in any vacant lot or back yard, or to store or keep the same otherwise than in cans or receptacles as required by this Chapter. It shall also be unlawful for any person to store, deposit, or keep refuse, garbage, rubbish or toxic refuse in locations such that rats or other rodents can have access thereto or feed thereon. It shall be unlawful to deposit or leave any refuse, garbage, rubbish or toxic refuse or any abandoned object or substance in such a place or condition that it can be blown by the wind so as to be scattered or cause clouds of dust or particles. Any person who knowingly violates this subsection commits a non-criminal municipal offense. (Amended Ord. 10-2001 §17, 2001).

B. It shall be unlawful for any person, without permission or license, to throw or deposit refuse, garbage, rubbish or toxic refuse in any can, receptacle or container belonging to another. Any person who knowingly violates this subsection commits a non-criminal municipal offense. (Amended Ord. 10-2001 §18, 2001).

C. It shall be unlawful for any person, firm or corporation to knowingly dispose of any toxic refuse in any manner other than provided by this Chapter, or by federal or State regulation. Any person who knowingly violates this subsection commits a Class A municipal offense. (Amended Ord. 10-2001 §19, 2001).

D. Each day's violation of this Section shall be treated and considered to be a separate and distinct offense. Said offense shall be deemed one of strict liability.

7.04.070 Fees.

A. All owners of occupied residential dwelling units and all owners of occupied commercial or industrial establishments shall be assessed the cost of the Town's refuse collection system in at least the minimum rates set forth in this Section. This charge shall be for the operation and maintenance of the Town's refuse collection system. Such fees charged for refuse collection by the Town shall be billed monthly. Payment therefore shall be ten (10) days following the date of mailing of the statement by the Town, unless a different date due is shown on said statement. Fees for refuse collection service shall be paid in advance for the following month. Such fees shall be assessed against every owner of an occupied residential unit and every owner of an occupied commercial or industrial establishment, regardless of whether or not the Town's refuse collection system is used by said owner, except for those industrial or commercial establishments or multi-family residences of eight (8) or more units exempted by the provision of Section 30-15- 401(7), C.R.S.

In the event refuse collection is discontinued during the billing period at the request of an owner or occupant because of non-occupancy of a residential unit or commercial or industrial establishment, the fee shall be prorated based on the number of days in the billing period service was provided. In such an event, a rebate shall be given.

B. Fees charged by the Town for refuse collection shall be established from time to time by resolution of the Board of Trustees. Adjustments to said fees shall be based on the annual Denver-Boulder Consumer Price Index (CPI-U), annual tipping fee adjustments made by the Eagle County Landfill and quarterly fuel surcharge adjustments in accordance with an Agreement entered into by the Town and its contractor, Vail Honeywagon Enterprises, Inc. for refuse collections and disposal services. (Amended Ord. 35-2002 §1, 2002; Amended Ord. 56-2003 §1, 2003; Amended Ord. 45-2006 §1(part), 2006; Amended Ord. 15-2012, §3, 2012) (Amended Ord. 28-2001 §1, 2001; Amended Ord. 45-2006 §1 (part), 2006; Amended Ord. 15-2012, §3, 2012).

C. Each dumpster or similar high capacity container classified as commercial shall be considered as one (1) user, regardless of the number of parties using such container, and shall be billed as such. The Town shall have the right to determine the number of pickups from a dumpster per week, to be determined on the basis of the quantity of material commonly placed in a dumpster. The Town shall have the right to choose whether to bill each dumpster use separately, or bill the owner of the dumpster for the entire charge for that dumpster.

D. The Town may impose a higher charge for refuse which is greater in size than containers allowed under this Chapter, or where the refuse output of a party is so considerable that more pickups per week are required than those indicated above for that party's category, or because the Town will necessarily incur additional or extraordinary expenses due to the nature and classification of the refuse deposited. The determination of the additional charge shall be made by the Town Administrator, and shall bear a reasonable relationship to the additional service which is required, or additional or extraordinary expenses incurred by the Town for that party's refuse. Such decision by the Town Administrator shall be subject to appeal to the Town Board of Trustees.

E. In the event of any dispute between any person and the Town regarding refuse collection, the procedures set forth in Section 7.04.040 of the Eagle Municipal Code shall be followed.

F. All fees and assessments levied under this Chapter which have not been paid when due shall be deemed to be delinquent. In such an event, refuse collection by the Town may be suspended for non-payment. Such suspension shall not relieve the person owing such assessment the duty of complying with the requirements of this Chapter and all public nuisance laws.

G. All assessments and fees provided by this Chapter shall become and remain a lien on the premises until said fees and assessments have been paid to the Town. This lien on the premises may be foreclosed by an action at law or in equity in the name of the Town in any court having jurisdiction thereof. In the event the fees and assessments are not paid when due, such delinquent amount shall be certified to the County Treasurer to be placed on the tax list for the current year, and to be collected in the same manner as other general taxes are collected, with ten percent (10%) added to defray the costs of collection, pursuant to Section 31-20-105, C.R.S., as amended. All laws of this State for the assessment and collection of general taxes, including the laws for the sale of property for taxes and redemption of the same, shall apply.

H. If the Town must resort to court action for collection of amounts due it under this Chapter, the Town shall also be entitled to recover its reasonable attorney's fees and other expenses incurred in such action.

(Amended Ord. 15-2012, §3, 2012)