

**TOWN OF PARACHUTE
ORDINANCE NO. 767-2019**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PARACHUTE, COLORADO, REPEALING AND REPLACING CHAPTER 9.01 OF THE PARACHUTE MUNICIPAL CODE TO PROVIDE AND SET FEES FOR MUNICIPAL SOLID WASTE COLLECTION SERVICES.

WHEREAS, the Town of Parachute (“Parachute” or the “Town”) is a home-rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Parachute Home Rule Charter; and

WHEREAS, by Ordinance Number 174, adopted November 18, 1981, the Town established a solid waste collection service to be codified in Chapter 9.01 of the Parachute Municipal Code (the “Code”); and

WHEREAS, as currently codified, the Code does not contain a Chapter 9.01 or provide for solid waste collection services; and

WHEREAS, the Town currently provides solid waste collection services through a contractor; and

WHEREAS; the Town desires to update its Code so as to include rules and regulations relating to the collection of solid waste; and

WHEREAS, the Town desires to reestablish fees charged for the solid waste collection services; and

WHEREAS, the Town Council finds it in the public health, safety, and welfare to amend and reenact Chapter 9.01 to establish rules and regulations relating to the disposal and collection of solid waste, and to reestablish fees for such services.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PARACHUTE, COLORADO THAT:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. Appendix A of the Parachute Municipal Code is hereby amended as follows, with double underlined text added and ~~strike through language~~ deleted. Sections of Appendix A which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

Solid Waste Collection Fees:

All residential solid waste collection service customers \$16.80
shall be charged by the Town of Parachute Waste Service
Enterprise Fund at the following rate, which shall be billed
monthly:

Section 3. Chapter 9.01 of the Parachute Municipal Code is hereby repealed and replaced as set forth in **Exhibit A** to this Ordinance.

INTRODUCED, READ, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY by a vote of 6 to 0 of the Council of the Town of Parachute, Colorado at a regular meeting held at Town Hall in the Town of Parachute, Colorado, on the 18 day of April 2019 and approved by the Mayor on the 18 day of April 2019.

TOWN OF PARACHUTE, COLORADO



By:

Roy McClung
Roy McClung, Mayor

ATTEST:

Lucy Cordova
Lucy Cordova, Town Clerk

PUBLIC NOTICE

Public notice is hereby given that an Ordinance entitled:

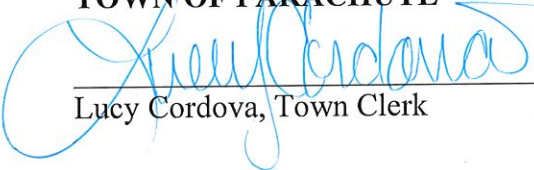
AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PARACHUTE, COLORADO, REPEALING AND REPLACING CHAPTER 9.01 OF THE PARACHUTE MUNICIPAL CODE TO PROVIDE AND SET FEES FOR MUNICIPAL SOLID WASTE COLLECTION SERVICES.

was introduced before the Town Council on April 18, 2019; that a copy of said Ordinance is posted at Town Hall; and that the Ordinance was approved at a regular meeting of the Town Council held on April 18, 2019, and approved by the Mayor on April 18, 2019.

Copies of the adopted ordinance are available for inspection at the Town Hall, Parachute, Colorado and available on the internet at <http://www.parachutecolorado.com>.

Dated this 18th day of April, 2019.

TOWN OF PARACHUTE



Lucy Cordova, Town Clerk

**TOWN OF PARACHUTE
ORDINANCE NO. 767-2019**

EXHIBIT A

**Chapter 9.01
SOLID WASTE**

9.01.010 Definitions.

For the purposes of this chapter, the following words and phrases are defined as follows:

Bulky item means refuse items that are too large or too voluminous to be placed in a residential refuse container, which include, but are not limited to, furniture or appliances, and small equipment, such as lawnmowers.

Electronic device means a device that is marketed by a manufacturer for use by a consumer and that is:

- (A) A computer, peripheral printer, facsimile machine, digital video disc player, video cassette recorder or other electronic device specified by rule promulgated by the State of Colorado Solid and Hazardous Waste Commission, or
- (B) A video display device or computer monitor, including a laptop, notebook, ultrabook, or network computer, television, tablet or slate computer, electronic book or other electronic device specified by rule promulgated by the State of Colorado Solid and Hazardous Waste Commission that contains a cathode ray tube or flat panel screen with a screen that is greater than four (4) inches measured diagonally.

Excluded waste means all commercial and industrial refuse, construction debris, large dead animals, institutional solid waste, hazardous waste, offal waste, stable matter, vegetable waste and special waste, highly flammable substances, liquid waste, certain pathological and biological wastes, explosives, toxic materials, radioactive materials, material that the disposal facility is not authorized to receive and/or dispose of, and other materials deemed by state, federal or local law, or in the reasonable discretion of the Town, to be dangerous or threatening to health or the environment, or which cannot be legally accepted at the applicable disposal facility.

Food waste means all compostable pre and post-consumer food waste, such as whole and partial pieces of produce, meats, bones, cheese, bread, cereals, coffee grounds, or egg shells, and food-soiled paper, such as paper napkins, paper towels, paper plates, coffee filters, paper take-out boxes, pizza boxes, or other paper products accepted by the Town's designated composting site. Food waste does not include dead animals, plastics, diapers, kitty litter, liquid wastes, ashes, pet wastes, and other materials prohibited by the Town's designated composting site.

Homeowner association means any covenant-controlled community containing eight (8) or more residential property owners, which includes a lawfully constituted and operational board or other similar entity which is empowered to enforce the community's recorded covenants.

Large dead animals means animals or portions thereof equal to or greater than ten (10) pounds in weight that have expired from any cause, except those slaughtered or killed for human use.

Licensed refuse hauler means a person or entity which has obtained current authority from the Colorado Public Utilities Commission to collect, transport or remove refuse, garbage, rubbish, recyclables or toxic refuse within the Town and registered such authority with the Town Manager.

Offal waste means waste animal (land or marine) matter from establishments such as butcher shops, slaughterhouses, food processing and packing plants, rendering plants and fertilizer plants.

Organics means food waste and yard waste separately or combined.

Recyclable materials means those materials, goods and items deemed as single-stream recyclables by the Town's designated recycling facility or those materials, goods and items deemed recyclable by other licensed collectors operating within the Town.

Refuse means all nonhazardous, solid waste, including rubbish generated at a residential unit but does not include any excluded waste.

Residential waste collection services means the collection and transportation of residential refuse and recyclables by the Town's designated service provider from those participants in the Town's residential waste collection service program.

Rubbish means all waste wood, wood chips, shavings, sawdust, pasteboard, rags, straw, used and discarded mattresses, used and discarded clothing, used and discarded shoes and boots, combustible waste pulp and other products such as are used for packaging, or wrapping, crockery and glass, ashes, cinders, floor sweepings, glass, mineral or metallic substances, and any and all other waste materials not included in the definition of excluded waste.

Refuse container means, for those persons subject to the Town's residential waste collection service program, a wheeled cart suitable for mechanical lifting with a lid for containing and setting out refuse for collection in sizes of approximately thirty-two (32) gallons, sixty-four (64) gallons and/or ninety-six (96) gallons. For all other persons "refuse container" means a metal or other nonabsorbent container equipped with a tightly fitting metal or nonabsorbent lid.

Single-stream recycling container means, for those persons subject to the Town's residential waste collection services program, a ninety-six-gallon wheeled cart suitable for mechanical lifting with lid for containing and setting out single-stream recycling materials for collection. For all other persons "single stream recycling container" means a metal or other non-absorbent container equipped with a tightly fitting metal or nonabsorbent lid.

Single-stream recycling means the co-mingling of all forms of materials, goods and items that are approved for recycling at the Town's designated recycling facility.

Solid waste means useless, unwanted or discarded materials with insufficient liquid content to be free-flowing, that result from domestic, industrial, commercial, agricultural, governmental and community operations, which require proper storage, collection, transportation and disposal to prevent environmental pollution inimical to public health, safety and welfare. Solid waste does not include sewage, earth or material used to fill land in accordance with building codes, mining residues, slag, dissolved or suspended solids in industrial waste water effluents which are not

acceptable for disposal in any sanitary sewage treatment system or any material included in the definition of excluded waste.

Special waste means nonhazardous solid waste that is subject to additional governmental regulations or special handling requirements in its collection, transportation, processing or disposal as a result of the characteristics of or processes which generate such waste. Special waste includes, but is not limited to:

- (1) Waste iron from a commercial or industrial activity;
- (2) Waste generated by an industrial process or a pollution control process;
- (3) Waste which may contain free liquids;
- (4) Waste which may contain residue and debris from the cleanup of a spill of petroleum, chemical or commercial products or wastes, or contaminated residuals;
- (5) Articles from the cleanup of a facility which generates, stores, treats, recycles or disposes of chemical substances, commercial products or wastes;
- (6) Wastes which are nonhazardous as a result of proper treatment pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976 ("RCRA");
- (7) Asbestos containing or asbestos bearing material that has been properly secured under existing federal, state, or local laws, rules and regulations;
- (8) Containers that once contained hazardous substances, chemicals, or insecticides so long as such containers are "empty" as defined by RCRA;
- (9) Municipal or commercial solid waste that may have come into contact with any of the wastes described herein this subsection;
- (10) Filter cake sludge wastes from waste water treatment processes;
- (11) Wastes containing any regulated polychlorinated biphenyls; ash, sludge, tires and powders; and
- (12) Electronic devices.

Vegetable waste means putrescible solid waste resulting from the processing of plants for food by commercial establishments such as canneries. This definition does not include food waste or waste products resulting from the preparation and consumption of food in places such as cafeterias and restaurants.

Yard waste means leaves, grass, and clippings of woody, as well as fleshy plants. Materials larger than four (4) inches in diameter or four (4) feet in length are excluded. Bundles of yard waste up to two (2) feet in diameter by four (4) feet in length, and no more than fifty-five (55) pounds, shall be allowed, and must be secured by degradable string or twine, not nylon or other synthetic materials. Un-flocked whole Christmas trees cut to less than four (4) feet in height are acceptable.

9.01.020 Closure of Town Dump; Burial and Deposit of refuse prohibited.

- A. The property formerly used as a town dump, which is located approximately one mile south of the current corporate limits is hereby closed, and no person shall trespass upon that property for any purpose.

- B. It shall be unlawful for any person to bury refuse, recyclable, or excluded waste anywhere within the Town.
- C. It shall be unlawful for any person to deposit or cause to be deposited any refuse, recyclable, or excluded waste into the Town's waste or stormwater system.

9.01.030 Solid Waste Collection System Established

- A. A system for the collection and disposal of refuse, recyclables, and other waste is established for the benefit of all persons residing within the Town limits. This system shall serve all commercial, industrial and residential establishments within the Town, except for exempt customers of licensed refuse haulers. Refuse shall be collected at least once per week by the Town or its refuse hauler contractor from all locations within the Town limits, and more often when deemed necessary or appropriate by the Town Manager.
- B. The Town Manager has the authority to adopt additional written rules and regulations concerning collection and disposal of refuse and/or relating to the hauling of refuse in and over the streets of the Town, as he or she may deem necessary. The types and quantities of items that the Town shall collect through special services shall be determined from time to time by the Town Manager, who shall provide notice to Town trash customers of such special services. A copy of all written rules and regulations shall be available for inspection at the Town Clerk's office during regular business hours.

9.01.040 Town residential refuse and recyclable services.

- A. The Town's contractual residential waste collection service provider shall furnish residential waste collection services as provided in this section for all residents within the Town, except for those specifically excluded from such services.
- B. Bulky items shall be removed in accordance with the contractual requirements of the Town's residential waste collection services provider, or by other providers authorized to haul refuse within the Town, or by the resident in accordance with the requirements set forth in this chapter. Neither the Town, nor its contractors or licensed operators, shall have any obligation to collect or transport any refuse not in a proper container, or from any containers not properly placed for collection.
- C. It shall be unlawful for any person to set out, or allow to be set out, deposited, or stored for collection, any refuse other than that which has accumulated from the regular residential use of the premises upon which such refuse is set out, deposited, or stored for collection.

9.01.050 Refuse—Collection requirements.

- A. Prior to being deposited for collection, all refuse shall be drained of liquid.
- B. Refuse containers, for those subject to the Town's residential waste collection service program, shall be furnished by the Town or its contractor.
- C. For those persons subject to the Town's residential waste collection services program, all refuse shall be placed in the refuse containers by the owners, tenant, or occupant of each residence. Containers shall be placed with their lids closed at the curb adjacent to each residence on a schedule as established by the Town.
- D. No person shall place, leave, deposit or dispose of any refuse on any curb or other public place, or on any private property, unless the refuse is wholly contained within a proper refuse container for collection. Any accumulation of refuse in violation of this chapter is declared to be a nuisance and is prohibited.
- E. Refuse containers shall be kept off the curb and all other public ways, except on the scheduled day of collection, and then only for a maximum of twelve (12) hours before and twelve (12) hours after the scheduled time of collection.
- F. Household hazardous waste shall be disposed of as required by the Garfield County Landfill.

9.01.060 Recyclables — Collection requirements.

- A. All recyclable materials shall be drained of liquid before being deposited for collection.
- B. For those persons subject to the Town's residential waste collection services program, all recyclable materials shall be placed in the containers provided by the Town or its contractor to the owner, tenant, or occupant of each residence. Containers shall be placed in the curb adjacent to each residence on a schedule as established by the Town. Such containers shall be used only for collection of materials deemed recyclable by the Town's designated waste collector's recycling facility.
- D. No person shall place, leave, deposit or dispose of any recyclable materials on any curb or other public place, or on any private property, unless the recyclable materials are wholly contained within a single-stream recycling container approved by such person's collector. Any accumulation of recycling materials in violation of this chapter is declared to be a nuisance and is prohibited.
- E. Recycling containers shall be kept off the curb and all other public ways, except on the scheduled day of collection, and then only for a maximum of twelve (12) hours before and twelve (12) hours after the scheduled time of collection.

9.01.070 – Refuse and Recyclables — Responsibility.

Refuse and recyclable materials shall be gathered, deposited, disposed of, and placed, in the manner provided for in this chapter, by the owner, tenant, lessee or occupant of the property, or the agent or contractor of any of the foregoing, and each of the foregoing persons may be held jointly and severally liable for any violation of this chapter.

9.01.080 Residential waste collection services fees.

Town Council shall, by resolution, establish the fees to be imposed for residential waste collection services as set forth in Appendix A of the PMC. The fees shall be imposed on all Town residents receiving Town water service not excluded from waste collection services pursuant to this chapter regardless of whether any or all of the Town's residential waste collection services are actually utilized by such resident. The fee shall be billed in conjunction with the charge for Town water service and such fee shall be due and payable at the same time and place as the charge for water service. The Town furthermore has all remedies in collection of outstanding refuse collection service fees as are available for unpaid water service charges under PMC chapter 9.17, including but not limited to suspension of services.

9.01.090 Premises excluded from service.

All commercial and industrial establishments and multifamily residences containing eight (8) or more units are excluded from the Town residential waste collection service program.

9.01.100 Refuse hauling.

Nothing in this chapter shall prohibit any person from contracting for or hauling one's own refuse, recyclable or organic materials, providing it is collected and disposed of in conformity with all applicable Town rules and regulations.

9.02.110 Unlawful acts.

It shall be unlawful for any person to engage in the following acts:

- A. Depositing any excluded waste in any residential refuse or recyclable container.
- B. Vandalism of a refuse or recyclables container provided by the Town or its contractor.