

ORDINANCE 2011-01

AN ORDINANCE REPEALING AND REENACTING CHAPTER 8.08, SOLID WASTE, OF THE FRUITA MUNICIPAL CODE

Section 1: The regulations concerning the collection, disposal and accumulation of solid wastes are outdated and in need of revision to reflect industry standards and practices.

Section 2: Legislative Intent. It is the intent of this ordinance to amend regulations concerning disposal of solid wastes, container sizes and weights, address hazardous wastes and update obsolete provisions of the code.

Section 3: Chapter 8.08 of the Fruita Municipal Code and Ordinance 249, S1, Ordinance 279 S2, Ordinance 1983-20, S3, and Ordinance 2000-9, S16 are hereby repealed and reenacted to read as follows:

Chapter 8.08

SOLID WASTE

Sections:

8.08.010	Definitions
8.08.020	Containers - To be provided and maintained by owner or occupant
8.08.025	Disturbing solid waste containers
8.08.030	Deposit of waste matter in public solid waste barrels prohibited
8.08.040	Accumulations unlawful
8.08.050	Hauling regulations - Vehicles to be kept clean and covered
8.08.060	Compliance with provisions required - Inspection and control authority
8.08.070	Offensive matter prohibited
8.08.080	Residential Solid Waste Collection
8.08.090	Commercial Solid Waste Collection
8.08.100	Hazardous and/or Infectious Waste Disposal
8.08.110	Penalties
8.08.120	Savings Clause

8.08.010 DEFINITIONS. As used in this Chapter:

- A. **Agricultural Solid Waste.** Solid waste that is generated by the rearing of animals, and the producing and harvesting of crops or trees.
- B. **Commercial Solid Waste.** All types of solid wastes generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, excluding residential and industrial wastes.

- C. **Construction/Demolition Waste.** Waste building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings, and other structures.
- D. **Hazardous Waste.** A waste or combination of wastes of a solid, liquid, contained gaseous, or semisolid form that State or federal law designates as hazardous because it is ignitable, corrosive, reactive or toxic, including, but not limited to solvent, degreasers, paint thinners, cleaning fluids, pesticides, adhesives, strong acids and alkalis and waste paints and inks.
- E. **Infectious Waste.** 1) Equipment, instruments, utensils, and formites of a disposable nature from the rooms of patients who are suspected to have or have been diagnosed as having a communicable disease and must, therefore, be isolated as required by public health agencies; 2) laboratory wastes, such as pathological specimens (e.g., all tissues, specimens of blood elements, excreta, and secretions obtained from patients or laboratory animals) and disposable formites (any substance that may harbor or transmit pathogenic organisms) attendant thereto; 3) surgical operating room pathologic specimens and disposable formites attendant thereto, and similar disposable materials from outpatient areas and emergency rooms.
- F. **Institutional Solid Waste.** Solid wastes generated by educational, health care, correctional and other institutional facilities.
- G. **Public Solid Waste Receptacles.** Containers provided by the City of Fruita and placed throughout the City, primarily in the downtown area and at various parks, for disposal of incidental solid wastes generated through use of the facility and for the purpose of providing a convenient method of disposal of incidental solid waste and prevent littering of streets and sidewalks.
- H. **Residential Solid Waste.** Wastes generated by the normal activities of households including, but not limited to, food wastes, rubbish, ashes, and bulky wastes. Residential solid waste shall not include agricultural waste, industrial waste, infectious waste, hazardous wastes, or construction and demolition wastes.
- I. **Solid Waste.** Garbage, refuse, sludges, and other discarded solid materials, including solid waste materials resulting from industrial, commercial, and agricultural operations, and from community activities, but does not include solid or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows or other common water pollutants. Unless specifically noted otherwise, the term “solid waste” as used in these guidelines shall not include mining, agricultural, and industrial solid wastes; hazardous wastes; sludges; construction and demolition wastes; and infectious wastes.

8.08.020 CONTAINERS - TO BE PROVIDED AND MAINTAINED BY OWNER OR OCCUPANT. Owners and occupants of property generating solid waste shall at all times

maintain in a clean condition and in good order, a container(s) for solid waste.

- A. Residential solid waste shall be placed in disposable plastic bags with the top securely tied or in secured containers no larger than thirty two (32) gallons. The combined weight of the contents and bag or containers shall not exceed fifty (50) pounds. The container shall be a watertight receptacle of a solid and durable grade of metal or fire resistant plastic and shall be provided with a suitable handle or handles on the outside and with a tightly fitting metal or plastic cover equipped with a handle. The container must not have anything within the container to prevent the free discharge of the contents.
- B. Business establishments which have solid waste in quantities sufficient to make impractical its storage in thirty-two (32) gallon containers, shall provide other suitable means of containment so as to prevent it from being scattered along the streets and alleys. Solid waste shall be deposited in such manner as to be readily accessible to the collection crews.
- C. All containers that have deteriorated to the extent of having jagged or sharp edges capable of causing injury to the collector or others whose duty it is to handle the containers or to such an extent that the lid shall not fit tightly or securely, will be condemned by the city acting through the code enforcement officer.

8.08.025 DISTURBING SOLID WASTE CONTAINERS. Any person who disturbs or scavenges the contents of containers referred to in this Chapter commits a noncriminal municipal offense.

8.08.030 DEPOSIT OF WASTE MATTER IN PUBLIC SOLID WASTE RECEPTACLES PROHIBITED. No person, firm or corporation shall cause or permit any waste, as those terms are defined in Section 8.08.010, accumulated on the premises occupied by such person, firm or corporation to be deposited in public solid waste receptacles.

8.08.040 ACCUMULATIONS UNLAWFUL. The occupant and the owner of any premises wherein any waste, as those terms are defined in Section 8.08.010, is produced or accumulated shall be jointly and severally responsible to provide for removal of waste to the degree necessary to maintain the premises in a clean and orderly condition. Allowing the accumulation of waste within or upon any private alley, yard, or area, except when it is temporarily deposited for immediate removal, is declared a public nuisance and subject to the provisions of Chapter 9.11 of this Code.

8.08.050 HAULING REGULATIONS - VEHICLES TO BE KEPT CLEAN AND COVERED. It is unlawful for any person to remove or carry or cause to be removed or carried, on or along the streets and alleys of the City, any garbage, rubbish or waste unless the same are located in enclosed containers or if the bulk is so great that the material cannot be enclosed, then, adequate covering is provided to prevent the material scattering from the vehicle which is hauling it. Every vehicle that hauls garbage, rubbish or waste shall be loaded so that none of it shall fall, drip or spill on the ground, and every such truck shall be kept clean, well painted and maintained.

8.08.060 COMPLIANCE WITH PROVISIONS REQUIRED - INSPECTION AND CONTROL AUTHORITY. All persons, firms and corporations shall at all times comply strictly with the terms and provisions of this Chapter and waste containers shall at all times be under the inspection and control of the City's code enforcement officer and the police of the City of Fruita.

8.08.070 OFFENSIVE MATTER PROHIBITED. It is a noncriminal municipal offense for any person to throw or deposit or cause or permit to be thrown or deposited any animal or vegetable substance, any dead animal, human body waste, garbage or other offensive matter whatsoever upon any street, avenue, alley, sidewalk or public grounds.

8.08.080 RESIDENTIAL SOLID WASTE COLLECTION.

- A. Authority to Contract. The City by and through its duly authorized employees, its contractors or City licensed operators shall be the sole agency for the collection of residential solid waste from single family dwelling units and multi-family residences of less than eight (8) units where each dwelling unit of a multi-family residence uses an individual disposal container, and no person except such duly authorized employees of the City, its contractors or City licensed operators shall collect the same. This Section shall not be construed so as to prevent an individual resident from hauling his own waste matter providing it is disposed of properly and in conformity with all City, County and State regulations. However, such individual hauling does not relieve a resident from the payment of the monthly charge imposed in Section 8.08.080 (G) of the Fruita Municipal Code. Nothing in this Chapter shall be constructed to relieve any contractor of the obligation of cleaning up premises after completion of a contract. The authority to contract went into effect on April 5, 1983 with approval of a majority of those voting in a special election on that date.
- B. Scope of Contract. The City, its contractors, or City licensed operators shall furnish weekly residential solid waste collection and disposal service as herein provided to all persons resident within the City.
- C. Charges for Service - Residential. The owner or tenant or occupant of a single family dwelling unit and multi-family residences of less than eight (8) units within the City limits shall pay a monthly fee to the City in an amount established annually by resolution of the Fruita City Council for the collection and removal of residential solid waste for each single family residence or for each dwelling unit of a multi-family residence that uses an individual disposal container for each dwelling unit. The amount of said charge and the manner of billing may be changed at any time by resolution of the City Council. Any resident may be billed an additional charge to be fixed by the City Manager for picking up solid waste which does not comply with the requirements of this Section.
- D. Delinquent Accounts. Collection of amounts due for residential solid waste collection services are subject to the provisions of Chapter 3.20, Uniform Collection Ordinance. The City of Fruita shall not shut off or attempt to have shut off domestic water service to

any resident or residence of the City for nonpayment of residential solid waste removal charges.

E. Placing of Waste Matter for collection:

1. Any person desiring to place residential solid waste for collection shall place the containers at the front of the premises of each residential property, or at the rear of the premises where there is an alley, not later than 7:00 a.m. on those days designated by the City Manager for collection of residential solid waste in the zone in which the resident is located.
2. Containers for solid waste and recyclable materials shall not, at any time, be placed on the sidewalk or in the street or alley, or in such a manner as to impair or obstruct pedestrian, bicycle or vehicular traffic.

F. Tree Trimmings and Hedge Cuttings. Any persons desiring to place tree trimmings or hedge cuttings for collection shall cause the same to be securely tied in bundles not heavier than fifty (50) pounds, nor more than four (4) feet in length and twelve (12) inches in diameter. Heavy tree branches, tree trunks or stumps shall not be included.

8.08.090 COMMERCIAL SOLID WASTE COLLECTION. The owner, tenant or occupant of any restaurant, hotel, store, office, motor court, commercial enterprise or other building with businesses (except single family dwelling units and multi-family residences of less than eight (8) units where each dwelling unit of a multi-family residence uses an individual disposal container), shall contract on an individual basis with private refuse hauling contractors and will be billed by and pay directly to said contractor. Nothing in this Chapter shall be construed as preventing a commercial establishment from hauling its own waste matter providing it is properly disposed of in conformity with all City and County regulations, but such commercial establishment shall still be subject to all other provisions of this Chapter.

8.08.100 HAZARDOUS AND/OR INFECTIOUS WASTE DISPOSAL. No person shall place hazardous or infectious waste in containers for collection or bury or otherwise dispose of hazardous waste in or on private or public property within the City. All hazardous and/or infectious waste shall be disposed of in accordance with County, State and Federal regulations. Residents may contact the Mesa County Solid Waste Management division for information on proper disposal of hazardous wastes. Any person who violates any of the provisions of this Section commits a Class A municipal offense.

8.08.110 PENALTIES. Except as otherwise provided in the Sections of this Chapter, any corporation, firm, agent or person violating any provision of this Chapter shall be deemed guilty of a noncriminal offense. Each day said violation continues shall constitute a separate offense. The failure, neglect, or refusal to pay the collection charges by any person liable therefore is hereby specifically deemed to be a violation of this Chapter and shall subject such person to the penalties herein provided.

8.08.120 SAVINGS CLAUSE. If any Section, subsection, paragraph, sentence or clause, or phrase of this Chapter or the application of same to any particular set of persons or circumstances should for any reason be held invalid, such invalidity shall not affect the remaining portions of this ordinance, and to such end, the various provisions of this Chapter are declared to be severable.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL
THIS 4TH DAY OF JANUARY 2011**

CITY OF FRUITA

H. Kenneth Henry, Mayor

ATTEST:

Margaret Steelman, City Clerk