


PUBLIC WORKS DEPARTMENT
MEMORANDUM #2011 – 46

DATE: November 10, 2011
TO: Honorable Mayor Joyce Downing and City Council Members
FROM: William A. Simmons, City Manager 
David H. Willett, Director of Public Works
SUBJECT: CB – 1759: Revisions to Chapter 16, Article 7 of the Northglenn Municipal Code

BACKGROUND

Following a very positive response to a resident interest survey, the City of Northglenn implemented a voluntary single-stream curbside recycling service beginning in May of 2011. Full implementation of the service was achieved in early October. At the present time, approximately 3,850 residential trash customers participate in this service. Recycling collection now operates 5 days a week, 52 weeks per year. It is anticipated that the program will continue to experience growth for the next few years. Chapter 16, Article 7 of the Northglenn Municipal Code (otherwise known as the trash ordinance) does not currently contain language that addresses single-stream curbside recycling. On October 20, 2011, staff met with City Council and reviewed proposed changes to the ordinance. Revisions to the current Ordinance reflecting inclusion of a voluntary curbside recycling service and council comments have been drafted and a modified Ordinance is attached to this memorandum.

BUDGET/TIME IMPLICATIONS

The 2012 Proposed Sanitation budget includes \$150,000 for the purchase of up to 2,500 additional recycling carts and \$230,000 for the purchase of a dedicated automated recycling truck.

RECOMMENDATION

Attached to this memorandum is an Ordinance which, if adopted, would revise Chapter 16, Article 7 of the Northglenn Municipal code to reflect the addition of a single-stream curbside recycling service. Staff recommends adoption of this Ordinance.

STAFF REFERENCE

David H. Willett, P.E., Director of Public Works
Norman Bell, P.W. Operations Superintendent

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Attachments: ordinance revisions

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1759
Series of 2011

Series of 2011

A BILL FOR AN ORDINANCE AMENDING ARTICLE 7 OF CHAPTER 16 OF THE NORTHGLENN MUNICIPAL CODE REGARDING TRASH COLLECTION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. Article 7 of Chapter 16 of the Northglenn Municipal Code is amended to read as follows:

Section 16-7-1. Title. This ordinance may be known and cited as the Northglenn Trash Ordinance.

Section 16-7-2. Definitions.

(a) Except as otherwise provided in this ordinance, the definitions and rules of construction contained in Sections 1-1-5 and 11-5-2 of the Municipal Code shall apply to the provisions of this article.

(b) As used in this ordinance:

- (1) "Manager" means the City Manager of the City of Northglenn.
- (2) "City" or "municipality" and all terms descriptive thereof shall mean and refer to the City of Northglenn.
- (3) "Container" means a trash OR RECYCLING container of a type provided by ordinance or regulation.
- (4) "Director of Public Works" means the Director of Public Works of the City of Northglenn, hereinafter referred to as "Director."
- (5) "Eligible residence" means a single-family dwelling and includes a house or single family residence within the City, used as a dwelling, but excludes an apartment building, condominium, hotel, motel, restaurant, and any other building used primarily for commerce or industry; provided, however, that the City Manager may approve trash collection for multiple dwellings where each dwelling unit has separate trash containers and such collection would not be unusually difficult or inconvenient for the City. An eligible residence shall also include a home occupation as defined under Section 11-5-2 of the City's Zoning Ordinance.
- (6) "Apartment building" means a multiple dwelling containing five (5) or more dwelling units.
- (7) "Garbage" means, unwanted waste material, including but not limited to waste household food consisting of vegetable or fruit or the flesh of mammals, fish or fowls and

oil, grease, offal, excrement and swill.

(8) "Supervisor of Sanitation" means the Sanitation Foreman in the Department of Public Works.

(9) "Trash" means and includes any material or substance authorized by the provisions of Section 16-7-3 of this ordinance to be collected as trash by the City of Northglenn, but does not include any material or substance excluded from municipal trash collection service by the provisions of Section 16-7-5 of this ordinance or any material or substance the collection of which is regulated under the provisions of 16-7-5 of this ordinance.

(10) "Special pickup" means and includes any collection of trash, or other material or substance for which the approval of the Director or the Director's designated representative is required under the provisions of this ordinance.

(11) "Special Service" means collection from a location other than by sidewalk as approved in writing by the Director.

(12) "Municipal facility" means and includes any building, park, structure, or premises owned or operated by the City of Northglenn.

(13) "RECYCLABLE" MEANS ANY MATERIAL AUTHORIZED BY THE PROVISIONS OF SECTION 16-7-5 OF THIS ORDINANCE TO BE COLLECTED BY THE CITY OF NORTHGLENN.

Section 16-7-3. Trash Collection.

(a) The Director shall collect as trash, when placed in containers as required by this ordinance:

- (1) Cans;
- (2) Glass, crockery, ceramics or pottery;
- (3) Cold ashes in double container (bag) and sealed;
- (4) Cloth;
- (5) Bedding, except bed springs and mattresses;
- (6) Bones;
- (7) Paper, paper products or cardboard;
- (8) Plastic or plastic products;
- (9) Weeds, yard clippings, grass clippings, leaves, hay or straw;
- (10) Wood shavings, or sawdust in double container (bag) and sealed;
- (11) Any dry, non putrid material, whether combustible or noncombustible, not otherwise provided for or regulated by the provisions of this ordinance;
- (12) Waste household food not to exceed a reasonable amount;
- (13) Pet feces in double plastic bags and sealed;
- (14) Sod or soil will be collected as trash by the City only if placed in approved containers and does not, when combined with other materials, exceed the weight capacity of the container.
- (15) Wood, wood products, lumber, fiberboard, wallboard, or other wooden building materials;
- (16) Brush, shrubs or tree branches; and
- (17) Plastic pipe, plastic sheets, or other plastic materials.

(b) Trash which is not confined within containers shall not be collected by the City

collection crews. It shall be the property owner's responsibility to assure all trash remains in containers prior to collection.

Section 16-7-4. Materials Not Collected.

(a) The Director shall not collect as trash any of the following materials:

- (1) Appliances with severed refrigeration lines or coolant systems unless the owner agrees to sign an indemnification statement provided by the City;
- (2) Hot ashes or coals. Hot ashes, coals or other hot materials shall not be placed for collection. Persons placing hot ashes, coals or other hot materials for collection shall be liable for such damages as may occur to trash collection equipment and other property and shall be liable for cleanup expenses.
- (3) Biological/medical wastes, dead animals or animal parts, radioactive materials, smoke detectors, PCB's (oil transformers or oil filled capacitors), dioxin, antifreeze or motor oil or antifreeze mixed with motor oil, radiator flushes, car cleaners/waxes, degreasers, deodorizers, drain cleaners, expired medicines, floor cleaners/waxes, furniture polish, insecticides, lacquers, laundry products, mothballs, oven cleaners, paints, paint thinners, paint removers, rodent poisons, rug cleaners, rust removers, silver cleaners, spot removers, toilet bowl cleaners, weedkillers, window cleaners, wood preservatives, photographic chemicals, unstable chemicals or explosives, and any other materials that may, from time to time, be restricted from solid waste landfills by Federal and State law.

(b) The Director shall not collect as trash any material, substance or object described in Section 16-7-3 of this ordinance which is not placed in containers as required by the provisions of this ordinance.

Section 16-7-5. Materials Collected As Special Pickups Including AND Recyclables.

(a) The Director, in the Director's discretion, may authorize a special pickup for the collection of the following materials ~~and recyclables~~:

- (1) Junk
- (2) Metallic pipe, sheet metal or other metallic materials weighing not more than forty (40) pounds
- (3) Stoves, water heaters, washing machines, laundry drying machines, dishwashers, refrigerators, freezers, air conditioners, television sets, or other majors appliances of like size and weight,
- (4) Bedsprings, box springs or mattresses,
- (5) Furniture
- (6) Wooden and steel fence posts with concrete bases removed.
- (7) Tires (subject to Federal disposal fee charged per Section 16-7-20), engine blocks, transmissions, automotive sheet metal parts.
- (8) One gallon containers with five (5) gallon limit per week of motor, gear and transmission oil, antifreeze (mixed antifreeze and motor oil not accepted), automotive batteries.
- (9) Other materials not collectible as trash under the provisions of this ordinance. Subject to

the special service charges enumerated under Section 16-7-19-20. Each eligible residence may have one major appliance of each type picked up one time within any calendar year at no charge. Additional items shall be subject to special service charges under Section 16-7-19-20.

(b) THE DIRECTOR SHALL COLLECT AS RECYCLABLES, WHEN PLACED IN AUTHORIZED CONTAINERS AS DEFINED IN THIS ORDINANCE, THE FOLLOWING: CARDBOARD, OFFICE PAPER, MAGAZINES, PAPERBOARD, JUNK MAIL, PHONE BOOKS, BROWN PAPER BAGS, PLASTIC CONTAINERS, GLASS BOTTLES AND JARS, ALUMINUM AND STEEL CANS, EMPTY AEROSOL CANS. THE DIRECTOR MAY, IN THE DIRECTOR'S DISCRETION, AMEND THE LIST OF ACCEPTABLE RECYCLABLE ITEMS DEPENDENT UPON CURRENT RECYCLING TECHNOLOGY AND MARKET VIABILITY.

~~(b)~~ (c) When any trash is placed for collection in violation of the provisions of Section 16-7-4 of this ordinance, the Director may, in the Director's discretion, authorize such trash to be collected and a warning notice describing the violation to be issued. The warning notice shall include an explanation that trash collection will be discontinued or will not be made in the future unless the violation is corrected. The warning notice shall be serviced in one of the following ways:

- (1) By delivering the same to any persons of the age of eighteen (18) years or more, residing on the premises from which such trash is collected;
- (2) By attaching the same to any trash container left at such premises; or
- (3) By affixing the same to the front gate of any fenced premises or to the front door of any residence on unfenced premises.

~~(c)~~ (d) The Director, when any material not collectible as trash OR RECYCLABLE under the provisions of this ordinance is placed for collection, may in the Director's discretion, authorize such material to be removed and disposed of, and a warning notice issued and served as provided by Section 16-7-5(b).

~~(d)~~ (e) The Director may, in the Director's discretion direct that any trash placed for collection in violation of any of the provisions of this ordinance shall not be collected.

Section 16-7-6. Scheduled Trash and Recyclables Collection.

(a) To the extent possible, the Director shall collect trash from each eligible residence at least once a week, except as otherwise provided by this ordinance.

(b) TO THE EXTENT POSSIBLE, THE DIRECTOR SHALL COLLECT RECYCLABLES FROM EACH ELIGIBLE RESIDENCE ONCE EVERY OTHER WEEK, EXCEPT AS OTHERWISE PROVIDED BY THIS ORDINANCE.

~~(b)~~ (c) The days, dates and times of collection shall be scheduled by the Director, but the Director shall schedule no regular collection of trash on Saturdays and Sundays, and shall permit no collection to occur earlier than 7:00 a.m. on Mondays, Tuesdays, Wednesdays, Thursdays and Fridays.

(e) (d) Trash AND RECYCLABLES will not be picked up on the following legal holidays Thanksgiving, Christmas and New Years Day, but will be picked up on the next business day.

Section 16-7-7. Eligibility for Trash Collection.

(a) The collection of trash, RECYCLABLES and other materials as provided by this ordinance shall be limited to eligible residences. Residential service to all eligible residences as provided by this ordinance shall be mandatory, except that upon written request, the Director may agree to suspend residential service for any billing period not less than thirty (30) nor more than ninety (90) days.

(b) The City shall not provide trash collection AND DISPOSAL OR RECYCLING service to:

- (1) Apartment buildings, condominiums;
- (2) Commercial buildings, commercial establishments, or any business enterprise;
- (3) Industrial buildings, industrial establishments or any industrial enterprise; or
- (4) Any person, firm, corporation, establishment organization or building not expressly eligible for such service by the provisions of this ordinance.

Section 16-7-8. Limitations on Trash AND RECYCLABLES Collection.

(a) Unless as otherwise provided in this ordinance, the maximum trash volume collected at any one regular weekly pick-up shall be limited to no more than three (3) approved trash containers.

(b) Trash AND RECYCLABLES shall be collected by the City only on the days and at the times schedules by the Director, except as otherwise required or permitted by the provisions of this ordinance.

(c) In the Director's discretion, the Director may authorize the special pick-up of rubbish, debris, refuse or junk other than trash, except garbage, on a regular trash collection. Such materials shall be placed in accordance with Section 16-7-9(a). Loading time is limited to ten (10) minutes per residence. Loading time in excess of ten (10) minutes will be charged the fee as listed in Section 16-7-19 per ten (10) minute interval.

Section 16-7-9. Residence Collection Requirements.

(a) Trash AND RECYCLABLES shall be collected from an eligible residence only if:

- (1) Such trash AND RECYCLABLES ARE ~~is~~ placed in the containers, as required by this article;
- (2) Such containers are to be placed in the gutter with the wheels and handle facing towards the residence no closer than two (2) feet from each other and no closer than six (6) feet from any parked vehicle and to be directly accessible from the street or at a place specifically designated by the Director for collection, not later than 7:00 o'clock a.m. on the day

scheduled for collection;

(3) No such container shall be placed for collection prior to 5:00 o'clock p.m. the day before collection;

(4) Such trash AND RECYCLABLES ARE is generated by a resident of the City in the normal operation of a domicile;

(5) Trash AND RECYCLING Containers shall be removed from the curblane location no later than 7:00 o'clock p.m. on the day scheduled for trash collection; and

(6) The Director shall consider any written request by an eligible residence to deviate from the required curblane placement of trash OR RECYCLING containers, pursuant to 16-7-9(a)(2), without additional fee upon a showing of need and good cause.

Section 16-7-10. Containers.

(a) All trash AND RECYCLABLES to be collected by the City, except as otherwise provided in this section, shall be placed in the following authorized type of container:

(1) Trash containers: In order to assure compatibility with the City's equipment, eligible residences shall be required to use trash containers purchased from the City for a one time fee. Such containers shall have a capacity of not more than ninety-six (96) gallons and not less than sixty-four (64) gallons. The maximum weight capacity of a trash container is 300 lbs.

(2) RECYCLING CONTAINERS: RESIDENTS PARTICIPATING IN RECYCLING SHALL BE FURNISHED WITH A NINETY SIX (96) GALLON CONTAINER. RECYCLING CONTAINERS SHALL BE IDENTIFIED BY A BLUE LID AND EMBOSSED CITY LOGO ON THE SIDES OF THE CONTAINER AND SHALL REMAIN PROPERTY OF THE CITY.

(b) It shall be unlawful for any person to place or dump residential or commercial trash, garbage, RECYCLABLES or waste material in any container or receptacle located on private or public property which such person does not own or have the legal right to possess, unless such person has written permission from the owner ~~or lessor~~ of the trash container. This section shall not apply to containers which are placed in locations open to the public for public use for the deposit of trash, garbage, RECYCLABLES or waste material generated at the public facility.

Section 16-7-11. Special Service, and Fees.

(a) The base fee for City collection of trash from each eligible residence is listed in Section 16-7-19. The City of Northglenn shall have as security for the collection of all trash charges, rates, and penalties including other charges as specified in Section 16-7-8 and Section 16-7-11(d) a lien upon the real property served by such trash service, which lien shall become effective immediately upon the billing of such trash services and shall not be discharged until payment is made of all such trash charges, rates and penalties as provided by Section 16-10-6(j). The fee for trash collection and disposal services shall be billed monthly to each such eligible residence together with such eligible residence utility services billing pursuant to Section 16-10-6 of the Municipal Code. The billing for such trash collection fee, and any other fees as specified by this Section, shall become delinquent two (2) days before the next month's billing of the affected customers.

(b) In the Director's discretion, the Director may authorize collection of trash placed in a location other than as required by this article. This Special Service may be billed to such owner, at a fee as listed in Section 16-7-19, in addition to the regular monthly fee, payable to the City of Northglenn, together with such regular monthly fee.

(c) In the Director's discretion, the Director may authorize collection of trash OR RECYCLABLES from an eligible residence on days other than days scheduled for trash collection if the owner, requests such service twenty-four (24) hours in advance and pays a fee as listed in Section 16-7-19, in addition to the regular monthly fee, to the City for each such special collection. Such material shall be placed in accordance with Section 16-7-9(a). Loading time is limited to ten (10) minutes per residence.

Section 16-7-12. Administration.

(a) The provisions of this ordinance shall be administered and enforced by the Director who may delegate the duties and authority conferred on the Director by this ordinance to officers or employees of the City.

(b) The Director may promulgate regulations to implement enforcement and administration of this ordinance.

(c) The Director and any person acting at the Director's direction shall be authorized to enter the front yard of any resident whose trash OR RECYCLABLES ARE is collected under the provisions of Section 16-7-11.

(d) The Director shall cause all trash collected by the City to be deposited in dump sites approved by the City Council of the City of Northglenn and meeting the standards provided by the statutes, ordinances and regulations of the State of Colorado, the Tri-County Health Department, the County of Adams and City of Northglenn.

(e) The Director shall cause all landfill fees, dump fees and other proper charges for disposal of City trash to be promptly paid.

Section 16-7-13. Incineration--Misdemeanor. ~~(a)~~ No person shall willfully burn or attempt to burn in the City any garbage or any materials listed in Section 16-7-4.

Section 16-7-14. Property Claim.

(a) All refuse AND RECYCLABLE MATERIALS authorized by this Article 7 of Chapter 16, to be collected by the City of Northglenn shall become the property of the City of Northglenn immediately upon placement by owners, lessees, or occupants of eligible residences within the City at the location required by this Article 7 of Chapter 16.

(b) It shall be unlawful for any person, other than the owner, lessee, occupant of an eligible residence who placed refuse OR RECYCLABLE MATERIALS for collection or an authorized agent of the City, to remove for such person's own use any such refuse; OR RECYCLABLE MATERIALS once placed for collection pursuant to the requirements of Article

7 of Chapter 16 of the Municipal Code of the City of Northglenn.

Section 16-7-15. Violations--Penalty. Any violation of any of the provisions of this Article 7 of Chapter 16 of the Northglenn Municipal Code shall, upon conviction thereof, be punishable as provided in Section 1-1-10(a)(2) of this Code.

Section 16-7-16. Termination of Service.

(a) The Director may in the Director's discretion terminate trash AND RECYCLING collection serviceS from any eligible residence or other place where any dog or other pet resides which bites, or attempts to bite a City employee performing the employee's duties pursuant to this ordinance, or at which other safety hazards exist which interfere with or hinder any City employee in the course of the employee's duties pursuant to this ordinance.

(b) The Director may in the Director's discretion terminate the trash AND RECYCLING collection and disposal serviceS provided by this ordinance at any eligible residence or other place where any owner, tenant, occupant or other person has failed, either intentionally or unintentionally, to comply with any requirements of this ordinance or order of the Director made pursuant to this ordinance.

Section 16-7-17. Hearing and Review.

(a) On written request of any person affected by an order or decision of the Director, the Director shall hold a hearing to determine whether such order or decision should be sustained, modified or revoked. If such order or decision involves a violation of this article, the Director shall also determine whether or not such violation has occurred and whether trash AND RECYCLING collection and disposal serviceS should be terminated permanently or the conditions to be imposed to reinstate collection service, if any.

(b) Regardless of the provisions of 16-7-16(a) of this article, whenever any person whose trash AND RECYCLING collection and disposal serviceS has been refused, interrupted or terminated under any provisions of this article shall commence full compliance with this article and the regulations and orders of the Director made pursuant thereto, the Director shall cause the trash AND RECYCLING collection and disposal serviceS to be resumed.

(c) A decision or determination of the Director under the provisions of this section may be appealed to the City Manager by filing with the City Manager a written request for reconsideration. No filing fee or other fee shall be required for such appeal. Upon the filing of the written request provided by this section, the Manager shall cause the appeal to be heard at the Manager's discretion, but no later than two weeks after receipt of the request. Any decision of the City Manager on such appeal shall be final.

Section 16-7-18. Changes in Fees and Charges. Prior to increasing any fee or charge related to trash AND RECYCLING collection and disposal, a resolution to consider such increase(s) "Consideration Resolution" shall be introduced at a regular meeting of City Council by any member thereof. The Consideration Resolution shall be read in full except when copies are available to the Council and to those persons in attendance at the meeting, then it may be read by

title only. The Consideration Resolution shall be approved or rejected by a vote of the Council. If approved for consideration, Council shall hold a Public Hearing, regarding the proposed rate increase(s). Prior to Public Hearing, details regarding the proposed rate increase(s) shall be posted in full, including the day, hour, and place at which Council shall hold the Public Hearing regarding the proposed rate increase. After Public Hearing, a Resolution regarding the rate increase(s) shall be approved or rejected by a vote of Council.

Section 16-7-19. Billing Disputes.

(a) Charges for services provided under this article shall be billed to each account monthly.

(b) A bill for services provided under this article shall become delinquent two days before the next month's billing for the affected account.

(c) Interest charges shall be applied to all delinquent balances (including principal and accrued interest). The interest rate shall be that as established pursuant to Section 16-10-6(d).

(d) If the account is delinquent on two (2) monthly bills and the customer has failed to make payment arrangements with the Finance Director as provided under Section 16-10-6(g), trash AND RECYCLING collection may be terminated. The City shall comply with the notification requirements under Section 16-10-6(e)(1), and individuals facing service termination may seek an administrative hearing before the Finance Director in the same manner as provided under Section 16-10-6(e)(1).

Section 16-7-20. Trash Collection Fee and Charge Rate Table.

(This table shall be revised to reflect the rates currently in place without the necessity of enacting an amending ordinance.)

(a) TRASH COLLECTION FEES AND CHARGES

DESCRIPTION OF SERVICE	FEE
Mandatory Charges: Monthly Residential Basic Service Fee (Mandatory) (Res.#03-74, Series of 2003)	\$12.25
Passenger tires	\$2.00 each or e CURRENT MARKET COST
Light truck & other tires	\$5.00 each or e CURRENT MARKET COST
Special Pickups -- Pursuant to Section 16-7-5(a) (Except as otherwise noted)	Effective July 1, 2006, pursuant to Section 16-7-20 of the Northglenn Municipal Code, there shall be no fee for special trash pickups pursuant to 16-7-5(a) for two (2) special pickups per calendar year per eligible residence, provided that such special pickup is limited to ten (10) items or less. Commencing with the third special pickup per eligible residence per calendar year, there shall be a charge of \$7.50 for the first ten (10) items. An

appointment shall be made with the Director to determine the cost of any additional items in excess of ten (10) items. All other fees, including the charge for excess appliances, remain in effect.

Move-outs, abatements, & other collections authorized by Director As determined by Director

Construction materials / debris (roll-off rental required for large quantity) As determined by Director

Roll-off dumpster (based upon availability) \$180.00 per use

More than one major appliance of each type per year. \$10.00 each excess appliance

Appliances containing Freon (each appliance) \$15.00 or current cost

Poly Cart Fees 64 gallon container - \$58.00; 96 gallon container - \$60.00

RECYCLING CARTS THE CITY SHALL FURNISH ONE NINETY SIX (96) GALLON RECYCLING CART TO ANY RESIDENT REQUESTING RECYCLING SERVICE AT NO COST. THE CITY SHALL RETAIN OWNERSHIP OF ALL RECYCLING CARTS. IN THE EVENT A RECYCLING CART IS LOST, STOLEN, DAMAGED OR VANDALIZED, THE RESIDENT SHALL BE RESPONSIBLE FOR THE REPLACEMENT COST IN ACCORDANCE WITH THE TRASH CART FEE SCHEDULE.

(b) Waiving of Fees and Charges. City Council has authorized the Director to periodically waive certain fees and charges for special cleanup events, promotional & recycling programs.

(NOTE: These fees and charges set forth above are pursuant to Ordinance No. 1151, 1996 and 1541, 2009, except as otherwise noted.)

INTRODUCED, READ AND ORDERED POSTED this ____ day of _____, 2011.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

PASSED ON SECOND AND FINAL READING this ____ day of _____,
2011.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney