

CHAPTER 11. MUNICIPAL SOLID WASTE

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CHAPTER 11. MUNICIPAL SOLID WASTE

Section 11-1. Title.

This article shall be known as and may be cited as the "Municipal Solid Waste Ordinance of the City of Trinidad, Colorado."

Section 11-2. Definitions and rules of construction.

For the purposes of this Chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and vice versa. The word "*shall*" is mandatory and the word "*may*" is permissive.

- (1) *Asbestos material* shall mean any material that contains more than one percent (1%) asbestos by weight or volume.
- (2) *Hazardous waste* shall mean any material, alone or mixed with other materials, which has no commercial use or value, or which is discarded or is to be discarded by the possessor thereof, either of which because of its quantity, concentration, or physical, or chemical characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed of, or otherwise managed. The term does not include: discharges which are point sources subject to permits under Section 402 of the "Federal Water Pollution Control Act," as amended; source, special nuclear, or byproduct material as defined by the Federal "Atomic Energy Act of 1954", as amended; agricultural waste from the raising of crops or animals, including animal manures, which are returned to the soils as fertilizers or soil conditioners; domestic sewage; irrigation return flows; inert materials deposited for construction for fill or topsoil placement in connection with actual or contemplated construction at such location or for changes in land contour for agricultural and mining purposes, or any waste or other materials exempted or otherwise not regulated as hazardous waste under the federal act.
- (3) *Municipal solid waste* shall mean solid waste from community, commercial and industrial sources that does not contain hazardous wastes as defined in Section 25-15-101 (6) of the Colorado Hazardous Waste Act unless otherwise regulated by the Colorado Department of Public Health and Environment.
- (4) *Recyclable materials* shall mean a type of material that is subject to reuse or recycling.
- (5) *Recyclable operation* shall mean that part of a solid waste disposal facility, or a part of a general disposal facility at which recyclable materials may be separated from other materials for further processing.
- (6) *Sanitary landfill* shall mean the final disposal of solid waste on land by a method employing compaction of the waste and covering with earth or other suitable material, in compliance with the act and these department regulations.

(7) *Scrap tire* shall mean a tire that is no longer used for its original purpose.

(8) *Scrap tire recycling* shall mean the sale of scrap tires in the used-tire market, the sale of tire casings or carcasses for retreading purposes, or the extraction of useful materials or energy from the tires through thermal, chemical, or physical processing.

Section 11-3. Who may collect, transport and dispose of municipal solid waste.

(1) All municipal solid waste generated and/or accumulated within the City shall be collected, conveyed and disposed at a sanitary landfill by a licensed contractor or City licensed municipal solid waste collection operator. No person shall hire himself/herself out to collect, convey over any of the streets or alleys of the City or dispose of any municipal solid waste without having obtained the required license issued by the City. The provisions of this Chapter, however, shall not prohibit the actual producer or generator at any municipal solid waste or the owner of the premises upon which municipal solid waste has accumulated, from personally collecting, conveying and disposing of such municipal solid waste at a sanitary landfill. Recyclable materials may be accumulated and disposed of separately from other municipal solid waste at an approved public or private recycling operation.

(2) Scrap tires may be disposed of at a sanitary landfill for scrap tire recycling.

(3) No hazardous waste or asbestos material may be accumulated nor disposed of at a sanitary landfill unless such sanitary landfill has been authorized by the Colorado Department of Public Health and Environment for such purposes.

Section 11-4. Licensing procedure - Fee.

It shall be unlawful for any person to hire himself/herself to collect, convey over any of the streets or dispose of any municipal solid waste without having obtained a license to haul municipal solid waste from the City Clerk. No license shall be issued until the applicant has paid the annual license fee of One Hundred Dollars (\$100.00) and has met the requirements of Sections 11-5 and 11-6 of the Code of Ordinances. Application shall be made in the manner set forth for business licenses in Chapter 9 of the Code of Ordinances.

Section 11-5. Vehicles used in transporting municipal solid waste.

(1) All vehicles used in the business of transporting municipal solid waste within the City, shall, at a minimum, have the following:

- (a) A permanent cover of canvas or equally suitable or superior material designed to cover the entire open area of the body of such vehicle;
- (b) A body so constructed as to be permanently leak-proof as to such municipal solid waste;
- (c) Extensions of sideboards and tailgate, if any, constructed of permanent materials.

(2) Prior to the issuance of any license or renewal of the same, the City shall inspect all vehicles

used in the transporting of solid waste to determine that such vehicles meet the requirements set forth in this Section. No vehicle shall be used in the business of transporting municipal solid waste unless it has been inspected by the City and shall have been determined to meet the requirements set forth in this Section.

Section 11-6. Insurance requirements.

Any person in the business of transporting municipal solid waste, within the City, must have, prior to commencing such operations, and at all times after commencing such operations, in each motor vehicle used in such business, a motor vehicle liability insurance policy or evidence of such policy issued by an insurance carrier or insurer authorized to do business in the State of Colorado in the sum of not less than One Hundred Fifty Thousand Dollars (\$150,000.00) for damages for or on account of any bodily injury to or the death of each person as the result of any one accident, in the sum of not less than One Hundred Fifty Thousand Dollars (\$150,000.00) for damages to the property of others as the result of any one accident, and in the sum of not less than Four Hundred Thousand Dollars (\$400,000.00) for damages for or on account of any bodily injury to or death of all persons and for damages to the property of others.

Section 11-7. Suspension or revocation of license.

In addition to the penalties set forth in Section 11-13 of the Code of Ordinances, violation of either Section 11-5 or 11-6 shall be grounds for suspension or revocation of the license to transport municipal solid waste. Any person suspected of such violation shall be provided a written notice of the alleged violation by the City Clerk, which notice shall advise the licensee of the date and time of the hearing on said violation. The City Clerk shall hold a hearing on the alleged violation on the date and time set in the notice, at which the licensee shall be present. Should the City Clerk find that a violation has occurred, she/he shall suspend or revoke the license to transport municipal solid waste.

Section 11-8. Storage and placement of municipal solid waste.

(1) All municipal solid waste accumulated for collection and disposal shall be placed in a leak proof metal or plastic container. Grass clippings, tree trimmings and other similar vegetative waste shall be likewise kept in a metal or plastic container or boxed or bagged except that tree trimmings need not be kept in a container, box or bag, provided they are cut into strips of no greater than three feet in length and piled or stacked neatly. All municipal solid waste containers shall be kept free of rodents, insects, bugs and other vectors. Placement of all containers for the accumulation of municipal solid waste shall be on private property except that such containers may be placed on public property fronting the residences or place of business where such municipal solid waste is generated or accumulated for convenience on such day that the municipal solid waste is collected for disposal. Such placement shall not create an obstruction to the proper passage of vehicles or pedestrians. Once such municipal solid waste is collected, such container(s) shall be promptly replaced on private property.

(2) Municipal solid waste accumulated for collection and disposal by a duly licensed contractor or

municipal solid waste collection operator shall be so collected and disposed of no less frequently than once per week.

Section 11-9. Scattering of municipal solid waste.

No person shall cast, place, sweep, or deposit anywhere within the City any municipal solid waste in any manner, that may result in such municipal solid waste being carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place or place any solid waste in any trash receptacle either owned by another or provided for use and benefit of another by a private hauler of solid waste.

Section 11-10. Accumulation and use of manure.

It shall be unlawful for any owner, occupant or agent of property to keep any manure for any purpose other than to spread it lightly on lawns or gardens for fertilizing purposes.

Section 11-11. Burning of municipal solid waste.

It shall be unlawful for any person to set fire to or burn any garbage, rubbish or waste material or any hay, grass clippings or any other combustible materials, including waste paper, in any receptacle or upon the ground.

Section 11-12. City Landfill fees.¹

(1) Fees assessed for the disposal of garbage, trash, and tire carcasses, and all other types of acceptable refuse at the Trinidad Landfill shall be at the following rates for each delivery: (Ord. 1696, eff., 8-16-02)

- (a) Sixty-five cents (\$.65) per container of waste material not to exceed thirty five (35) gallons in volume. (Ord. 1696, eff., 8-16-02)
- (b) All vehicles-typical municipal waste-\$3.75 per cubic yard.(Ord. 1696, eff., 8-16-02)
- (c) Special waste shall not be subject to the rate set forth in subsection (b) and instead shall be subject to the following rates. (Ord. 1696, eff., 8-16-02)

	Disposal fee
(I) Special wastes such as contaminated soil, sand trap waste, non-friable asbestos, and other similar wastes which require additional handling by landfill personnel (Ord. 1696, eff., 8-16-02)	\$ 6.00 per cubic yard

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(II)	Passenger car tires and light truck tires up to and including a 16 ½" wheel size (per tire) (Ord. 1696, eff., 8-16-02)	\$1.00
(II)	Medium duty and heavy duty truck tires ranging in size larger than a 16 ½" wheel up to and including a 22 ½" wheel (per tire) (Ord. 1696, eff., 8-16-02)	\$ 2.50
(III)	All tires sizes larger than a 22 ½" wheel up to and including heavy equipment tires (per tire) (Ord. 1696, eff., 8-16-02)	\$15.00

(d) A surcharge of \$0.25 per cubic yard for anticipated future landfill closure expenses shall be added to the foregoing fees, set forth in subsections (b) and (c) with the revenues from such surcharge to be placed in a restricted fund, to be used for landfill closure purposes only. (Ord. 1696, eff., 8-16-02)

(2) Such fees shall be in effect and added to the monthly utility bill commencing with the adoption of this ordinance and shall be due and payable with said utility bill. Any individual who is not a customer of one or more of the City's utility services shall be billed the following month for the prior month's charges and payments are due and payable upon receipt of statement.

(3) All garbage, rubbish, or other waste material under the control of the City at the City landfill, shall be the property of the City, and it shall be unlawful for any person to enter upon such sites, or carry off, dispose of, burn or in any manner disturb or molest any matter or item deposited or existing upon such sites, except under the direction or authority of the Refuse Superintendent or his/her designee.

(4) All vehicles hauling municipal waste for disposal at the landfill shall be enclosed or tarped. Any person who does not comply with this requirement shall be assessed a double charge for disposal of his/her load. (Ord. 1696, eff., 8-16-02)

Section 11-13. Penalty for violation.

Any person convicted of violating any provisions of this Article shall be punished by a fine not to exceed Three Hundred Dollars (\$300.00) or by imprisonment not to exceed ninety (90) days. (Ord. 1441, 11/17/92.)