

**Town of Basalt
Ordinance No. 28
Series of 2016**

**ORDINANCE OF THE TOWN COUNCIL OF BASALT, COLORADO,
APPROVING AMENDMENTS TO THE MUNICIPAL CODE OF THE TOWN OF
BASALT, COLORADO AMENDING CHAPTER 7, HEALTH, SANITATION,
AND ANIMALS BY CREATING A NEW ARTICLE ENTITLED RECYCLING
AND WASTE REDUCTION; AND AMENDING THE TOWN'S FEE SCHEDULE**

RECITALS

A. The Town of Basalt ("Town") acting by and through its Town Council has the power to amend the Municipal Code of the Town of Basalt ("Town Code") pursuant to state statutes, Section 1.3, Home Rule Charter, and Section 1-58, Town Code, and all such amendments shall become a part of the Town Code.

B. The Basalt Green Team has held several meetings and has heard testimony on the need to institute mandatory curbside recycling in light of the financial issues that have surfaced with regards to the operation of the Willits public, drop-off recycling facility. The Green Team is recommending that the Town institute a pay as you throw, curbside recycling ordinance.

C. The Basalt Green Team has researched curbside recycling regulations from other jurisdictions and formulated this draft ordinance.

D. At a public hearing on September 27, 2016, the Town Council approved this Ordinance on first reading and continued and set a public hearing and second reading for this Ordinance for October 18, 2016 for a meeting beginning no earlier than 6:00 pm at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado.

E. At a public hearing and second reading on October 18, 2016 the Town Council heard evidence and testimony as offered by the Town Staff, the Applicants, and members of the public.

F. The Town Council finds and determines it is in the best interests of the Town to amend the Town Code and adopted the attached regulations as provided herein.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Basalt, Colorado, as follows:

A. Findings. The Town hereby conclusively finds and concludes as follows:

1. The Town has adopted the following Goal and objectives from the 2007 Basalt Master Plan:

Goal: Protect and enhance the natural environment, recognizing that it is the source of the community's physical and economic health. Minimize the adverse impacts associated with solid waste disposal, wastewater disposal, water and energy use, and noise and light pollution. Maintain the ecological integrity of the natural landscape, streams, surface waters and wildlife habitat areas, riparian areas, big game migration corridors and critical habitats such as critical winter range and production areas.

4.8.1 Establish policies and programs designed to address point and non-point source pollution and support the Roaring Fork Conservancy's efforts in this area;

4.8.5 Support the Roaring Fork Conservancy, CDOW and other entities that establish public education programs that foster the value of the river and wildlife lands (from CDOW), that promote ways to prevent pollution and minimize the impacts of human activities on water quality, wildlife corridors and that address the benefits of wise product use, disposal and recycling.

4.8.7 Aggressively pursue improvements to the recycling program, including relocation of the collection bins. Examine ways to increase the participation of commercial and curbside residential pick up, with the goal to recycle 30% of the total solid waste generated in the community;

2. The Town wishes to further the implementation of the Basalt Master Plan by adopting regulations which address recycling and reducing waste anticipated by the Town of Basalt Master Plan.

B. Article IX, of Chapter 7 Health, Sanitation, and Animals of the Town Code titled *Recycling and Waste Reduction* is hereby added to the Town Code as included in Exhibit "A".

C. In accordance with Section 2-381, the Fee Schedule for the Public Works Department is amended as shown on Exhibit "B".

D. The Town Manager shall be responsible for implementing the Recycling Ordinance. The Town Manager also is granted the authority to establish administrative procedures to implement this ordinance.

E. The Town Manager shall be responsible for monitoring the effectiveness of the recycle and waste reduction measures adopted by this ordinance and shall recommend to the Town Council any changes for their consideration which the Town Manager feels would better meet the goals of the Town. The Town

Manager may obtain advice from any Town Committee, such as the Basalt Green Team, valley environmental groups, staff or consultants hired by the Town. The Town Manager could recommend possible changes for future action.

F. If any part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance and the Town Council hereby declares it would have passed this Ordinance and each part, section, subsection, sentence, clause or phrase thereof regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

G. This Ordinance shall be effective 14 days after final publication of the Ordinance in accordance with the Town Home Rule Charter. Residential waste haulers shall have sixty (60) days from the effective date of this Ordinance to apply for a waste hauler permit and ninety (90) days from the effective date of this Ordinance to comply with the terms set forth in this Ordinance. The Town Manager, at his sole discretion, may extend the deadlines set forth above on a case by case basis.


READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING TO BE HELD ON October 18, 2016 by a vote of 7 to 0 on September 27, 2016.

READ ON SECOND READING AND ADOPTED, by a vote of 6 to 0 on October 18, 2016.

TOWN OF BASALT

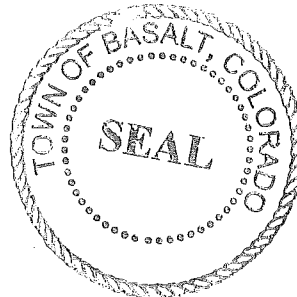
By: 
Jacque R. Whitsitt, Mayor

ATTEST:


Pamela Schilling, Town Clerk

Ord28_-Recycling_Ordinance

First Publication: Thursday, October 6, 2016
Final Publication: Thursday, October 27, 2016
Effective Date: Thursday, November 10, 2016



The following language is proposed to be added to the Town Code

Exhibit A

Chapter 7, Article IX Recycling and Waste Reduction.

Sec 7-185. Purpose. The Town wishes to further the implementation of the Basalt Master Plan through the implementation of the Recycling and Waste Reduction regulations in this Article in order to recycle a significant percentage of the solid waste generated by the Community.

Sec 7-186. Definitions.

For the purposes of this Article, the following terms, phrases, words and their derivations shall have the meanings given in this Section. Collectively, these items may be referred to as *trash* or *rubbish*.

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

Compostable material or compostables means any organic material that will naturally degrade including, but not limited to:

1. Animal or vegetable based food scraps resulting from the preparation, cooking and serving of food;
2. Organic materials including paper products and products designed to completely break down in a commercial composting facility;
3. Organic material that has been completely segregated from trash by the generator for the purpose of being composted or otherwise processed through natural degradation into soil amendment, fertilizer or mulch.

Garbage means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Litter means all rubbish, waste material, refuse, garbage, trash, debris or other foreign substances, solid or liquid of every form, size, kind and description (*litter* and *refuse* shall be used interchangeably).

Recyclables means glass, aluminum, tin, plastic containers Nos. 1 through 7, paper (including magazines and newspaper), corrugated cardboard, and brown paper bags, either separated by material or commingled according to the trash hauler's directive.

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 (*refuse* and *litter* shall be used interchangeably).

Rubbish means non-putrescible solid wastes (excluding ashes), consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, leaves, yard clippings, tree limbs, wood, glass, bedding, crockery and similar materials. However, *rubbish* shall not include compost piles for home use that are properly maintained and contained on private property.

Wildlife-resistant means a trash enclosure that meets the requirements of Town Code Section 7-166, *Acceptable Wildlife Containers and Enclosures*.

Sec. 7-187, Operating Services, Permit- Residential Haulers

(a) Any trash hauler providing residential trash service within the Town shall also provide recycling services to its residential trash customers. Before the trash hauler may commence providing trash collection and recycling services to residential trash customers, the hauler shall apply for and obtain a permit from the Town. The application shall include a written plan for collection of residential trash on a volumetric-based billing system, a statement of the charges proposed to be made to the customer and the plan for recycling. Each hauler shall submit an annual report to the Town Manager of the weight in tons of garbage, trash, recyclable materials and compostable materials collected within the Town limits. For loads that contain garbage and recyclables originating in part from within the Town limits and in part originating outside the Town limits, the reported quantities may be estimated by the trash hauler. The report shall be submitted prior to January 31st of each new calendar year. The Public Works Director, in his or her discretion, may approve or disapprove the application. The permit fee shall be as set forth in the Town's Fee Schedule.

(b) Permits issued by the Town shall be valid for one year. Application for renewal shall be made prior to the expiration of an existing permit and shall be granted or denied by the Public Works Director. The Town may perform an audit at the Town's discretion to determine if the annual report submitted is accurate.

(c) Each trash hauler that provides garbage collection shall also provide to each customer the collection of all of that customer's recyclable materials, including: glass, aluminum, tin, plastic containers Nos. 1 through 7, paper (including magazines and newspaper), corrugated cardboard, and brown paper bags, either separated by material or commingled according to the trash hauler's directive. Haulers are not required to collect hazardous materials. The collection of recyclable materials shall be

offered no less frequently than once per week, and trash haulers shall make recycle bins available to customers upon request. It is also encouraged, but not required that trash haulers collect compostable materials.

(d) Nothing in this Section shall be construed as prohibiting any trash hauler from also establishing rules regarding the safe maximum weight of containers, as well as pricing for special collection of bulky items or of individual bags of garbage, provided that the price of collection of an individual bag of garbage is not less than that of a base unit of periodic garbage collection.

Sec. 7-188, Collection by Producers and Outside Collectors

(a) *Requirements for vehicles.* Any person transporting refuse in or through the Town shall use a watertight vehicle with a tight cover so as to prevent offensive odors from escaping or refuse from escaping from the vehicle.

(b) *Disposal.* No person shall dispose of any refuse at any location within the Town without the prior written approval of the Public Works Director.

(c) *Hauler Guidelines.* The Public Works Director shall have the authority to prepare other such guidelines for the Town Council's adoption concerning individual collection and disposal and relating to the hauling of refuse over the Town streets by outside collectors as he or she shall find necessary, subject to the right of appeal as set forth in Section 7-192 of this Article.

(d) *Hours of operation.* Trash and refuse haulers shall be limited to the following hours and days:

- (1) Monday through Friday: 7:00 a.m. to 7:00 p.m.
- (2) Saturday: 8:00 a.m. to 5:00 p.m.
- (3) Sunday: No residential collection.

Sec. 7-189 Volumetric Trash Collection and Recycling Services

Private trash haulers providing residential collection services within the Town shall provide a volumetric collection and billing program which is designed to encourage reduction of trash being placed in landfills, and shall provide recycling services to each residential customer served.

Sec. 7-190 Refuse and Recycle Containers

- (a) It is the duty of the customer to keep and maintain containers in a good and sanitary condition.
- (b) Garbage containers shall be made of plastic or metal, shall be equipped with suitable handles and tight-fitting covers and shall be weather-tight.
- (c) Garbage containers shall be Wildlife Resistant as defined in Section 7-166.
- (d) Recycling containers provided by the waste haulers shall clearly communicate what is permitted to be recycled.

Sec. 7-191 Recycled Materials

No residential trash hauler shall deposit recycled materials in a landfill unless the recycled materials have been contaminated or are otherwise not acceptable for recycling. Trash haulers shall use their best efforts to maximize the amount of material being recycled.

Sec. 7-192 Appeals

Any waste hauler aggrieved by a guideline or fee charged by the Public Works Director may appeal to the Town Council.

Exhibit B

Excerpt from Fee Schedule

Language underlined is being added to the Town Fee Schedule. Language with ~~strikethrough~~ shows language being deleted from the Town Fee Schedule.

Code Section	Subject	Fee	Deposits or Mitigation
Section 7-34	Permit for dumping and disposal	\$50	
<u>Section 7-187</u>	<u>Permit for Waste Hauler</u>	<u>\$100</u>	
Section 11-53	Permit for excavation in any street, alley, or sidewalk	Permit Fee: \$100 Insp. Fee: \$50	Asphalt: \$10/sq. ft. Concrete: \$12/sq.ft. Gravel: \$5/sq. ft. Grass: \$5/sq. ft. Curb & Gutter: \$20/lin. ft.
Section 18-13	Tree Removal Permit	\$0.	Per Code Section 18-13