

AN ORDINANCE OF THE
BOARD OF COUNTY COMMISSIONERS
OF PITKIN COUNTY, COLORADO, REGARDING
LICENSING OF PROFESSIONAL WASTE HAULERS
OPERATING IN PITKIN COUNTY AND
ESTABLISHING PENALTIES FOR THE ACCUMULATION
OF RUBBISH UPON PRIVATE LANDS WITHIN THE COUNTY

Ordinance No. 91-1, Series 1991

IT IS HEREBY FOUND by the Board of County Commissioners of Pitkin County, Colorado, after public hearing held upon notice that:

1. In March of 1990 the Board of County Commissioners adopted a Resolution increasing County landfill tip fees for unsorted wastes and providing discounts for pre-sorted, recoverable materials in order to support the true costs of landfilling and so as to promote resource recovery by providing economic incentives for recycling within Pitkin County.
2. Sorting and recovery of recyclables from the waste stream in Pitkin County is necessary to maximize the useful life of the Pitkin County Landfill and to thereby protect the public health of the residents of this County.
3. Waste Haulers operating within Pitkin County must be licensed in order to protect the public health and welfare of residents and landfill employees in the following aspects:
 - a. Waste Haulers within Pitkin County, through their pickup and hauling activities constitute a significant component of the traffic upon County Roads and State Highway 82 within this County, contributing to the deteriorating air quality in the Roaring Fork Valley and the overcrowded and unsafe road conditions on those roads, so that licensing, regulation, and inspection of haulers and their vehicles so as to maximize the efficiency of their operations is necessary;
 - b. County goals of efficient control of all aspects of the Landfill operations and maximum utilization of recycling in order to extend the Landfill's useful life and to protect the health and welfare

of landfill employees requires the ability to direct and control professional Waste Haulers operating within the County so as to promote separation of presorted materials for recovery at the Landfill.

4. The health and welfare needs of Pitkin County, as recited above, will be best served by the institution by all licensed Waste Haulers of single truck pickup of the entire waste stream, including presorted recoverables, at all Pitkin County residences serviced by said Waste Haulers, as soon as the technology for such service becomes feasible.

5. Unregulated dumping and accumulation of rubbish and trash upon public and private lands within Pitkin County is unsightly and constitutes a present danger to the health and welfare of the residents of this County.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pitkin County, Colorado, as follows:

Section 1. No Commercial Waste Hauler may operate within the unincorporated area of Pitkin County, Colorado, without first having obtained an Annual Operating License for such activity.

Section 2. Annual Operating Licenses shall be issued on behalf of Pitkin County to Commercial Waste Haulers who meet the minimum requirements for said operations established pursuant to this ordinance by the Pitkin County Manager. Commercial Waste Haulers who wish to obtain a license shall be required to submit a completed application along with an annual license fee of \$200 per company and \$50 per vehicle to the Pitkin County Manager.

Section 3. The Pitkin County Manager shall establish regulations and minimum standards for the licensing of Commercial Waste Haulers who wish to operate within Pitkin County, which shall be subject to approval of the Board of County Commissioners and shall include at least:

- a. Minimum standards for vehicles, insurance, and equipment to be employed in trash pickup services, including standards for handling of presorted recyclables;
- b. Minimum standards for trash, waste, and recoverables pickup services which may be offered within the unincorporated area of Pitkin County;
- c. The designation of weight or volume based fee structures designed to provide economic incentive for resource recovery.

d. Upon the finding by the County Manager that the technology is available for single truck residential pickup of the entire waste stream, including presorted recoverables, utilizing existing equipment, in an economically feasible fashion, the County Manager shall give all licensed Waste Haulers notice that within ninety days of their receipt of said notice, their license with Pitkin County shall incorporate a requirement to provide such single truck residential pickup. Thereafter, no license shall be issued for Commercial Waste Hauling within Pitkin County except upon a commitment by the applicant to provide such single truck residential pickup on all applicant's routes within the County.

Section 4: Any regulation or standard adopted by the County pursuant to the provisions of Section 3 of this Ordinance shall be made subject to the following procedures;

A. The County Manager shall initially publish all such proposed regulations or standards in writing. Publication, for the purpose of this provision, shall mean mailing of such proposed regulations or standards to all Pitkin County licensed Waste Haulers and the publication in a newspaper of general circulation in Pitkin County of a public notice describing in summary fashion said proposed regulations or standards, indicating that a copy of the regulations or standards may be obtained in the County Manager's office, and stating that interested parties shall have 15 days from the date of publication in which to submit written comments to the County Manager.

B. Upon the expiration of 15 days following the publication of notice of the proposed regulations or standards, the County Manager may adopt final regulations or standards, either in the form as originally proposed, or modified in accordance with written comments received by the County Manager from interested parties. Such final regulations or standards shall be mailed to all Pitkin County licensed Waste Haulers and to any interested party who submitted comments upon the proposed regulations or standards. All such regulations and standards shall include a brief statement of the right of interested parties to appeal.

C. Any interested party and any Pitkin County licensed Waste Hauler may appeal any finding, regulation or standard of the Pitkin County Manager by submitting a written request for appeal addressed to the County Manager and Board of County Commissioners within ten (10) business days of the mailing of the final regulation or standard. All appeals shall be heard by the Board of County Commissioners at a regular or special public meeting. Upon filing of an

appeal), the Board shall schedule an appeal hearing within thirty (30) days. The review by the Board shall be de novo, at which time interested parties shall be entitled to appear and present such evidence as they deem appropriate. Interested parties may be represented by counsel. Upon the conclusion of said hearing, the Board may adopt, reject or adopt with amendment the standard or regulation of the County Manager.

Section 5. It shall be a misdemeanor for any person, firm or entity to engage in any commercial waste hauling within the unincorporated area of Pitkin County without first having obtained a license for said operation. Each separate commercial pickup of waste at any site or deposit of waste at the Pitkin County Landfill, without a license therefor as required herein, shall constitute a violation of this requirement which shall be punishable by a fine of \$300.00 or 90 days in the County Jail, or both.

Section 6. Commercial waste hauling, for the purposes of this Ordinance, shall be defined as the provision of a service of hauling waste or trash for another for a fee, by either private or public entity, on a regular or periodic basis, but shall not be construed to include the hauling of trash or waste by a construction contractor, which activity is directly associated with construction or excavation activities on lands within the County.

The term waste shall be construed to include "garbage," "rubbish," "trash" and "junk" and shall include all wastes from the preparation of food, condemned food products and all refuse and waste from the handling, storage, preparation and sale of produce, and all substances, which are discarded from dwellings, rooming houses, hotels, clubs, restaurants, boarding houses, eating places, shops, stores or other places of business or residence.

Section 7. (a) It shall be unlawful for any person or entity to dump or to allow to be deposited or accumulate any garbage, rubbish, waste, trash or junk upon any public or private property not designated as a landfill or upon the alleys behind or the sidewalks or roadways in front of said properties, excepting industrial tracts and agricultural lands as defined in Section 30-15-401, (1), (a), (I), CRS 1973.

(b) Every owner or occupant of premises within Pitkin County shall keep the area within 10 feet of their trash storage facility free of garbage, rubbish, waste, trash and junk.

(c) The collection and disposal of garbage, rubbish, waste, trash and junk within Pitkin County shall be as often as

necessary to prevent a public health danger, fire danger or inhibition of right-of-way access.

(d) No person transporting garbage, rubbish, waste, trash or junk within Pitkin County shall allow any to fall or be blown from the container or vehicle.

Section 8. Upon determining that garbage, rubbish, waste, trash or junk has been dumped upon either public or private property in violation of Section 7 hereof by any person, or has been allowed to accumulate on any private property within unincorporated Pitkin County, any employee of the Aspen/Pitkin Environmental Health Department, or its designee may issue a Citation to the person responsible for the dumping or the owner of the property on which such materials have accumulated.

Section 9. Violation of Section 7 of this Ordinance shall be a class 2 petty offense pursuant to Colorado Statute and shall be subject to the following schedule of fines:

1st offense: \$50 fine

2nd offense: \$100 fine

3rd and following offenses: \$300 fine

Section 10. (a) Upon the determination of the Aspen/Pitkin Environmental Health Department, the Sheriff's Office, the Fire Marshall or their designee that the owner of any parcel of property within unincorporated Pitkin County has permitted garbage, rubbish, waste, trash or junk to accumulate in violation of Section 7 hereof, a notice may be issued by posting same in a prominent location on said property and mailing a copy of such notice to the owner at the last known address for that person from the records of the County Treasurer. Upon the expiration of 10 days from the date of the posting of said notice, if said accumulated garbage, rubbish, waste, trash or junk has not been removed, the Environmental Health Department, or its designee, may cause to have the same removed. Upon said removal, the Aspen/Pitkin Environmental Health Department, or its designee, shall prepare an invoice for the entire cost of said removal, including a 5% fee for inspection and incidental costs, which shall be assessed against the property and submitted to the property owner for payment. Said assessment shall be a lien against the property until paid and shall have priority over all other liens.

(b) If conditions which violate any provision of this Ordinance are determined by the Environmental Health Department, its designee or the Fire Marshall of the fire district the offense is located in, to be an immediate public health danger, fire hazard or a hazard in blocking emergency access, they shall

cause the immediate removal of the violation. In such case, a minimum fee of fifty dollars (\$50.00) shall be charged against such premises and against the owner or occupant thereof.

Section 11. Should any section or sections of this Ordinance be determined by a Court of competent jurisdiction to be unconstitutional or invalid for any reason, then that section or sections shall be deemed severable and the remaining provisions of this Ordinance shall continue in full force and effect.

Section 12. This Ordinance may be published upon final adoption by title and short outline only.

INTRODUCED, FIRST READ, AND SET FOR PUBLIC HEARING ON THE 13TH DAY OF NOVEMBER, 1990.

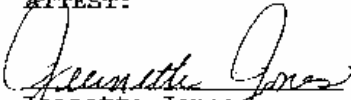
SET FOR SECOND READING AND PUBLIC HEARING ON THE 27TH DAY OF NOVEMBER, 1990.

NOTICE OF PUBLIC HEARING PUBLISHED IN THE ASPEN TIMES ON THE 31ST DAY OF JANUARY, 1991.

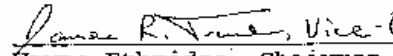
APPROVED AND ADOPTED UPON THIRD READING AND CONTINUED PUBLIC HEARING ON THE 12th DAY OF February, 1991.

PUBLISHED AFTER ADOPTION IN THE ASPEN TIMES ON THE 21 DAY OF February, 1991.

ATTEST:

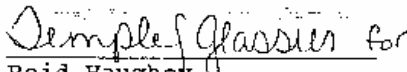

Jeanette Jones
Deputy Clerk & Recorder

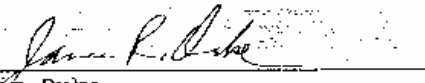
BOARD OF COUNTY COMMISSIONERS
OF PITKIN COUNTY, COLORADO

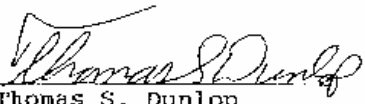
BY:  Vice-Chairman
Wayne Ethridge, Chairman for

DATE: _____

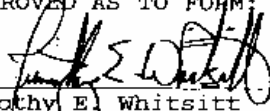
RECOMMENDED FOR ADOPTION:


Reid Haughey
County Manager


Jim Duke
Director of Resource Recovery


Thomas S. Dunlop
Director of Environmental Health

APPROVED AS TO FORM:


Timothy E. Whitsitt
County Attorney

pccah/wp/12.48B

of a basis as waste hauling services are provided, and shall give the hauling of recoverables the same priority as is given to the hauling of waste.

PITKIN COUNTY:

Reid Haughey 10/17/91
County Manager Date

ATTEST:

Susan Murphy 10/17/91
Administrative Office Manager

pccah/wp/2.2