

ORDINANCE NO. 492

AN ORDINANCE REGULATING AND PROVIDING FOR THE COLLECTION AND DISPOSAL OF GARBAGE AND REFUSE WITHIN THE TOWN OF HOLLY, AND PROVIDING PENALTIES FOR VIOLATION OF SAME; AND, SUPERCEDING TOWN OF HOLLY ORDINANCE NO. 224 AND TOWN OF HOLLY RESOLUTION 2004-7.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF HOLLY COLORADO:

Section 1. Disposal of Garbage and Refuse.

1.1. Definitions.

Municipal Solid Waste. Municipal Solid Waste is any solid waste (garbage and refuse) from household, community, commercial and industrial sources that do not contain hazardous waste as defined in 25-15-101 (9) of the Colorado Hazardous Waste Act unless otherwise regulated by the Colorado Department of Public Health and Environment (CDPHE).

Household Waste. Household Waste is waste generated from single and multiple residences, crew quarters, motels, bunkhouses, ranger stations, campgrounds, picnic grounds, day-use recreation areas, and schools.

Commercial Waste. Commercial Waste is primarily comprised of waste generated by stores, hotels, offices, markets, warehouses, restaurants and other non-manufacturing activities.

Section 2. Collection and Removal.

2.1. Except as herein provided, all garbage and refuse shall be collected, removed and disposed of by the Town of Holly Garbage and Landfill Department. No other person or entity shall collect any garbage or refuse within the Town, or convey same through or over any street, alley, road, or highway within the Town of Holly.

Exception: Any person, firm, place of business, or corporation electing to dispose of garbage or refuse at the landfill shall not thereby be excused from the payment of the regular charge or tariff applicable for removal by the Town.

Section 3. Receptacles and Containers.

3.1. All garbage and refuse for disposal shall be placed in bags made of material to be of a size and weight adequate in such a manner as to preclude the emitting of offensive smells, and the falling, dripping or spilling of same on the ground or on the bed of the transporting vehicle.

3.2. All bags of garbage or refuse, or a combination thereof, shall be securely fastened when placed outdoors for collection, so as to preclude the intrusion of insects, rodents or animals therein. Bags shall be placed in a receptacle, which container shall have a tight fitting lid and no defect sufficient to allow the intrusion of flies, rodents, insects, or dogs and cats.

3.3. Refuse of such size, weight, or shape not prone to being placed in such bags shall be placed in a container or containers made of metal, plastic, cardboard, or wood; container shall not exceed 50 pounds in weight when filled. Such refuse must be prepared so as to be readily and easily picked up.

3.4. Garbage and refuse, in proper containers as herein provided for, shall be placed out for collection at a place convenient to the established retrieval routes of the garbage department.

3.5. All rubbish, trash or other waste materials too bulky or heavy so as to be placed in bags or containers as set forth in Section 3 herein, including but not limited to, debris and rubbish resulting from the construction, repair, and demolition of buildings and other structures, trees or tree limbs, industrial refuse, small dead animals, furniture, and other like items, shall be removed and disposed of by the owner or occupant of the premises where same are located, at individual expense; provided, however, nothing herein shall preclude the Town from undertaking to remove any of these items, at its option, and at charges to be determined by Resolution.

Any person, firm, place of business, or corporation electing to dispose of rubbish, trash or other waste at the landfill shall not thereby be excused from the payment of the regular charge or tariff applicable for removal by the Town.

3.6. No person shall remove, handle, or disturb any garbage or refuse container placed out for collection, provided this shall not apply to persons legally collecting under this Ordinance.

3.7. Collection shall be made at such times and frequencies as the Town may, from time to time, determine in its administrative capacity.

Section 4. Disposal of Other Materials.

4.1. Definitions.

Acceptable Waste. Acceptable Waste is defined specifically in the Colorado Department of Public Health and Environment (CDPHE) regulations, which includes municipal solid waste, household wastes, agricultural waste, commercial waste, industrial waste appliances, small dead animals, construction and demolition debris, non-friable asbestos waste, non-residential tires, non-infectious medical waste, non-controlled substance waste pharmaceuticals, petroleum contaminated soils, inert materials, sludges.

Agricultural Waste. Agricultural Waste is waste resulting from the raising of crops or animals (and may include animal manure) that is returned to the soils as fertilizers or soils conditioners.

Appliances. Appliances are defined as large machines which accomplish some routine household task, which includes purposes such as cooking or food preservation, laundering, filtration, heating or cooling, whether in a household, institutional, commercial or industrial setting. The term “white goods” is also used for these items.

Asbestos Containing Material. Asbestos Containing Material (ACM) is a material that contains greater than 1% asbestos fibers by weight, volume, or area. ACM waste can be further divided into friable ACM and non-friable ACM that is not intended for further use. Potential asbestos containing materials are shingles, tiles, drywall compounds, paint texturing, and installation debris.

Construction and Demolition Debris. Construction and Demolition Debris is mainly comprised of waste material resulting from the construction or demolition of buildings or structures such as brick, concrete, lumber, sheet rock and other similar materials.

Industrial Waste. Industrial Waste is defined as all solid wastes, including mill tailings and mining wastes, resulting from the manufacture of products or goods by mechanical or chemical processes that are

not a hazardous waste regulated under 6 CCR 1007-3, the Colorado Hazardous Waste Regulations. Such waste may include, but is not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer/agricultural chemicals; food and related products/by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include oil and gas wastes regulated by the Colorado Oil and Gas Conservation Commission.

Medical Waste. Medical Waste is any infectious, pharmaceutical, or trace chemotherapy waste generated in a health care setting in the diagnosis, treatment, immunization, or care of humans or animals. Common generators of this type of waste consist of, but are not restricted to hospitals, medical clinics, veterinarians, dialysis centers, pharmacies, body art establishments, laboratories, surgery centers, doctor's offices, research facilities, pet shop and other health-related facilities and events.

Prohibited Waste. Prohibited Waste is any waste that is not accepted for disposal at the landfill. Examples of waste of this type are: hazardous waste, regulated radioactive waste, raw domestic sewage and septage, bulk liquid waste, friable asbestos waste, PCB's, dry-cleaning closed cartridge filters, Dioxin, infectious medical waste, trace chemotherapy waste, pharmaceuticals containing controlled substances, recognizable human remains, residentially generated motorized equipment waste.

Residentially Generated Motorized Equipment Waste. Residentially Motorized Equipment Waste is defined as residentially generated used motor oil, lead-acid batteries, and tires.

Waste Characterization. Waste Characterization describes the criteria and procedures for the acceptance of non-hazardous industrial or other potentially prohibited wastes, sometimes referred to as "special waste".

Section 5. Acceptable Waste at Landfill.

5.1. Waste types acceptable at the landfill are municipal solid waste, household waste, agricultural waste, commercial waste, industrial waste appliances, small dead animals, construction and demolition debris, non-friable asbestos waste, non-residential tires, non-infectious medical waste, non-controlled substance waste pharmaceuticals, petroleum contaminated soils, inert materials, sludges.

Section 6. Prohibited Waste at Landfill.

6.1. Waste types prohibited at the landfill are hazardous waste, regulated radioactive waste, raw domestic sewage and septage, bulk liquid waste, friable asbestos waste, PCB's, dry-cleaning closed cartridge filters, Dioxin, infectious medical waste, trace chemotherapy waste, pharmaceuticals containing controlled substances, recognizable human remains, residentially and commercially generated motorized equipment waste.

6.2. Generators of non-hazardous industrial waste or other potentially prohibited waste bringing the material to the landfill are required to submit a Special Waste Application and Profile form and follow specific procedures for delivery of the waste.

6.3. Landfill disposal of residentially and commercially used motor oil, lead-acid batteries, and tires is prohibited, with the limited exception of residentially generated used tires in cases where reasonable recycling options are not available.

6.4. Residential individuals without proper access to recycling facilities or collection facilities have the opportunity to demonstrate a lack of reasonable recycling options for used tires. In order to exercise this option, the individual must conduct due diligence to establish that reasonable options are not available. A finding of due diligence should be based, at a minimum, on an individual's inquiry into local recycling facilities, collection centers, and collection events. The due diligence exemption form, Acceptance of Residential Tires, is available from the landfill attendant upon delivery to landfill.

Any residential person electing to dispose of used tires at the landfill shall not thereby be excused from the payment of the regular charge or tariff applicable for landfill containment.

Section 7. Determination by Resolution.

7.1. The Board of Trustees may, by Resolution, determine and re-determine any of the following matters:

- All charges for the collection and disposal of garbage and refuse.
- The method and manner of transporting garbage and refuse.
- The adequacy of containers for refuse under Section 3.2.
- The place or places where garbage and refuse must be placed for collection under Section 3.3.
- The hours, frequencies, and routes of collection, and the hours of landfill customer availability.
- Such other matters as may be necessary to effectively implement the provisions of this Ordinance.

Section 8. Penalties.

8.1. It shall be unlawful for any person to violate any provision of this Ordinance, and any person so violating same, shall, upon conviction, be punished by a fine not exceeding Three Hundred Dollars (\$300).

Section 9. Unconstitutionality Clause.

If any section or portion of this Ordinance is held invalid by any court of competent jurisdiction, the remainder of said Ordinance, and the application of its provisions, shall not be affected thereby.

Section 10. Safety Clause.

10.1. It is the opinion of the Board of Trustees of the Town of Holly, Colorado that the passage of this Ordinance is necessary for the immediate preservation of the public peace, health and safety of said Town and of its inhabitants. It is, therefore, hereby declared that an emergency exists and this Ordinance shall take full force and effect on the date of passage.

APPROVED AND ADOPTED THIS 5th DAY OF DECEMBER, 2012.

/s/ Bradley J. Simon, Mayor

ATTEST:

/s/ Mary Rushton, Clerk/Treasurer