

Homegrown Happiness!

RESOLUTION NO. 2015-2

**A RESOLUTION MODIFYING RULES AND REGULATIONS FOR THE
COLLECTION
AND DISPOSAL OF MUNICIPAL SOLID WASTE BY THE CITY OF BRUSH, AND
ESTABLISHING CHARGES THEREFOR**

WHEREAS, the City periodically reviews its solid waste rules and regulations; and

WHEREAS, the City desires to modify some charges for service to more accurately reflect costs of service, and to improve the financial stability of the Trash and Garbage Fund; and

WHEREAS, Section 7-4-20 of the Brush Municipal Code provides authority for adoption of these regulations.

WHEREAS, the City adopted Resolution 2014-3 concerning these rules and regulations.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRUSH:

Section 1: These regulations apply to all persons who receive municipal solid waste collection and disposal services from the City of Brush.

Section 2: Unless otherwise noted, all terms contained in these regulations are defined by their plain meaning. This section contains definitions of terms that appear throughout this regulation; and additional definitions appear in specific sections to which they apply.

(a) "Commercial solid waste" means all types of solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, multiple-family, mobile home parks, motels and hotels and excluding industrial waste.

(b) "Duplex/Two-Family" means two dwelling units structurally attached and designed to be occupied by two households living independently of each other. The units are located on one or more lots and under one ownership.

(c) "Household waste" means any solid waste, including garbage and trash derived from households.

(d) "Industrial solid waste" means solid waste generated by manufacturing or industrial processes that is not a hazardous waste regulated under Subtitle C of the Federal Resource Conservation and Recovery Act. 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 product; 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 mining waste or oil and gas waste.

(e) "Municipal solid waste" includes commercial solid waste, household waste, and industrial solid waste.

(f) "Multiple-Family" means a building containing three or more dwelling units, designed for occupancy by three or more households living independently of each other. All of the units are located on one or more lots under one ownership.

(g) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, or association, or any other legal entity.

(h) "Single-Family, Attached" means a dwelling attached to one or more other dwellings by common walls. Each dwelling unit may be held in separate ownership (i.e. condominium). The units may be located on one lot or on separate lots.

(i) "Single-Family, Detached" means a single dwelling located on one lot designed to be occupied by one household and having open space on all sides.

(j) "Solid waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows, or industrial discharges that are point sources subject to permits under 33 U.S.C. 1342, or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954 as amended.

(k) "Yard debris" means vegetative waste from a yard. This includes grass clippings, leaves, small tree limbs (no larger than an-inch diameter at the largest point), hedge clippings, and other yard wastes.

Section 3: No bulk or non-containerized liquid waste shall be received by the City for collection and disposal unless the waste is household waste other than septic waste. Containers holding liquid waste shall not be received by the City for collection and disposal unless (a) the container is a small container similar in size to that normally found in household waste; (b) the container is designed to hold the liquids for use other than storage; or (c) the waste is household waste. As used in this section, "liquid waste" means any waste material that is determined to

contain "free liquids" as defined by Method 9095 (Paint Filter Liquid Task), as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (EPA Pub. No. SW-846).

Section 4: The City shall not receive for regular collection and disposal any electronics, wet cell battery, tire, large appliance, and automobile body. All such items shall be accepted only upon special arrangement with the City upon payment of a special fee set forth in Section 9.

Section 5: (a) All household waste shall be placed in City-approved poly-karts sold by the City (approximately 96-gallons). Every residence in the City shall have **at least one** approved and usable container. All waste shall fit inside of the poly-karts, including tree branches, which can be no larger than 1" diameter.

(b) Commercial and industrial solid waste shall be placed in City-approved three or four cubic yard dumpsters either leased or sold by the City. (Existing two cubic yard dumpsters as of the date of this Resolution are grandfathered into use, 96 gallon poly-karts are allowed by Special Exception).

Section 6: (a) Cubic yard dumpsters shall be placed on a concrete pad measuring no less than eight feet by eight feet for each dumpster and no less than four inches thick. The pad shall be located in such a way as to be readily accessible to the City's collection trucks.

(b) In residential areas (to include quasi-public, multi-family, hotels/motels and mobile home areas), every dumpster pad shall be enclosed on three sides with six-foot high fencing sufficient to create a sight barrier between the waste collection site and the residences.

(c) In commercial and industrial areas, dumpster pads may be enclosed, and if enclosed, shall meet the same standards as required in residential areas except such enclosures need not be sight barriers.

Section 7: All municipal solid waste to be collected by the City shall be placed as designated either in the alleyway, on the curb line immediately adjacent to the property, or on the interior roadway in such a manner as to be readily accessible to the trash truck. Curbside collection shall be set out no later than 7:00 A.M., but not earlier than 24 hours prior to the day of the scheduled collection. Trash not enclosed in an approved container is considered a special trash collection and may be arranged on a case by case basis by contacting City Hall (842-5001).

Section 8: The property owner(s) and the person(s) having the occupancy, control or management of the lots or parcels within the City shall be jointly and severally responsible for the maintenance of a safe, sanitary and litter-free environment.

Section 9: There is hereby imposed and shall be paid for the collection and disposal of municipal solid waste by the City of Brush the following fees (once weekly collection and monthly charge unless noted):

(a) Residential:

1. Single family residence (attached or detached), up to three City-approved poly-karts, \$21.00 per month.
2. Duplex/Two-Family, \$42.00 per month up to three City-approved poly-karts per unit.
3. Single family residences with an incidental commercial use thereto, \$21.00 for three poly-karts plus \$15.00 for up to two additional poly-karts.

(b) Commercial:

As defined in Section 5(c) above, up to two City-approved poly-karts per entity per week collection, \$21.00 per month. Grandfathered two cubic yard dumpster, \$20.00 per pick-up; or three cubic yard dumpsters \$23.00 per pick-up, each not to exceed five collections per week. Businesses shall contract with the City for the number of collections required. The City reserves the right to require the lease (or entity desired optional purchase) of an additional three cubic yard dumpster or to renegotiate the contracted number of collections.

(c) Industrial:

Business consisting of manufacturing or industrial process, \$20.00 per collection for grandfathered two cubic yard dumpster, and \$23.00 per collection for three cubic yard dumpster.

(d) Commercial and Industrial dumpster leasing:

Cubic yard dumpsters owned and leased out by the City for the regular collection of commercial and industrial solid waste, \$5.00 per month.

(e) Special collections:

1. Motor vehicles: \$250.00 per unused, stripped, or abandoned automobile, payable prior to collection and accompanied by the certificate of title transferring ownership to the Morgan County Department of Solid Waste Management, plus labor and equipment time at established rate, minimum charge of one hour clock time each; other vehicles shall not be collected.
2. Wet-cell batteries: \$10.00 per battery.
3. Tires: \$10.00 per tire up to-16 inch rim and up to 10 inch by 22 inch, \$50.00 per off-road, and \$300.00 per heavy equipment and tractor.

4. Large home appliances (refrigerator excluding freon), air conditioners, furniture, mattresses: \$25.00 per item, plus labor and equipment time at established rate, minimum charge of one hour clock time each.

5. Dead animals: \$10.00 per carcass weighing less than 100 pounds; no heavier carcasses accepted; and owner or keeper of animals shall arrange for collection of carcass within twelve hours of death.

6. Dumpster rental: \$25.00 per month for a three cubic yard dumpster, plus dumpster collection rates per collection. Maximum of 2 months rental.

7. Cardboard boxes may be placed by container (not broken down).

(f) Future increases:

1. For years 2016, 2017, & 2018 trash rates for residential, commercial & industrial use will increase each year by the 2015 Denver-Boulder CPI rate and effective January 1st of each year.

Section 10: All charges and fees provided for herein shall be payable as provided in Section 7-4-20 of the Brush Municipal Code unless advance payment is required by these regulations.

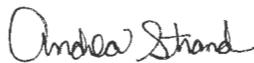
Section 11: Any person who violates any of the provisions of these regulations shall be subject to the penalty specified in Section 1-4-20 of the Brush Municipal Code.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRUSH that this Resolution shall be effective for municipal solid waste collection and disposal service rendered upon adoption.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRUSH that all other Resolutions in conflict herewith, be and the same hereby are repealed.

PASSED, ADOPTED and APPROVED at a regular meeting of the City Council of the City of Brush on March 9, 2015.

ATTEST:



Andrea Strand
City Clerk



Chuck Schonberger
Mayor

