

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2010
4

COUNCIL BILL NO. 633
COMMITTEE OF REFERENCE:
Greenprint

5 **A BILL**

6 **For an ordinance amending Article IV of Chapter 48 of the Revised Municipal**
7 **Code of the City and County of Denver regarding illegal dumping and conforming**
8 **changes to Chapters 12.**

9 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

10 **Section 1.** That Section 48-46 of Article IV of Chapter 48 of the Revised Municipal Code shall
11 be amended by deleting the language stricken and adding the language underlined as follows:

12 **“Sec. 48-46. Enforcement.**

13 (a) The manager of environmental health, the manager of public works, the manager
14 of community planning and development, the manager of aviation, and the director of
15 development services, or any of the authorized representatives of them or any of them,
16 ~~is~~ are hereby empowered to enforce the provisions of this article, including, but not
17 limited to, the power to issue legal process to enforce this article.

18 (b) Charges of violations of the provisions of this article shall ~~may~~ be preferred filed by
19 the manager of environmental health, the manager of public works, the manager of
20 community planning and development, the manager of aviation, the director of
21 development services, or any other law enforcement officer of the city in the county
22 court.

23 (c) The authorized representatives of the manager of public works, the manager of
24 community planning and development, the manager of aviation, the director of
25 development services, or any of them, are “enforcement officials” who may issue an
26 administrative citation for violation of this article or any order issued pursuant to this
27 article in accordance with article XII of chapter 2 of the code and any implementing
28 regulations.

29 (d) The manager of environmental health or his authorized representatives may issue
30 an administrative citation for violation of this article or any order issued pursuant to this
31 article in accordance with subsections 24-5 (b) through (k) of the code and any
32 implementing regulations.”

33 **Section 2.** That a new Section 48-47 of Article IV of Chapter 48 of the Revised Municipal
34 Code shall be added by adding the language underlined as follows:

35 **“Sec. 48-47. Penalties.**

1 (a) Each manager and director authorized to enforce the provisions of this article
2 shall coordinate with the manager of public works to establish policies to assist in the
3 assessment of civil penalties for administrative citations issued for illegal dumping or
4 unlawful disposal.

5 (b) Except as provided in subparagraph (c), the penalties assessed for each
6 administrative citation issued for illegal dumping or unlawful disposal, in violation of any
7 provision of this article, shall not exceed the following amounts regardless of the
8 number of violations per citation:

9 (1) First administrative citation: one hundred and fifty dollars (\$150.00).

10 (2) Second administrative citation: five hundred dollars (\$500.00).

11 (3) Third and each subsequent administrative citation: nine hundred and ninety-
12 nine dollars (\$999.00).

13 (c) The penalty for illegal dumping or unlawful disposal of trash in excess of 50
14 pounds, 32 gallons, or 2 cubic feet, whichever is greater, in violation of any provision of
15 this article, shall be assessed in at least the following amount:

16 (1) First administrative citation: five hundred dollars (\$500.00).

17 (2) Second administrative citation: seven hundred fifty dollars (\$750.00).

18 (3) Third and each subsequent administrative citation: nine hundred and ninety-
19 nine dollars (\$999.00).

20 (4) In addition to any other fine or penalty imposed, an order to pay restitution for
21 the cost, if any, of abating illegal dumping or unlawful disposal may be entered.

22 (d) Payment of the penalty shall not excuse the failure to correct the violations nor
23 shall it bar further enforcement action by the city.

24 **Section 3.** That subsection 12-19 (a) of Article II of Chapter 12 of the Revised Municipal
25 Code shall be amended by deleting the language stricken and adding the language underlined as
26 follows:

27 **“Sec. 12-19. Appeals; neighborhood inspection services.**

28 “(a) Any property owner or other party subject to a notice of a violation, order, or other
29 citation issued by the neighborhood inspection services division of the community
30 planning and development agency may appeal the notice of violation, order, or citation
31 if such an appeal is expressly authorized by this Code to be brought under this section.

32 Under no circumstances shall a decision, determination, requirement, order, citation,
33 permit, or certification made, issued, denied, rescinded, or revoked under the landmark

1 preservation ordinance (chapter 30), solid waste ordinance (chapter 48), the zoning
2 ordinance (chapter 59) or the building code be appealed under this section. Any
3 appeal under this subsection (a) must be brought within ten (10) days of the date of
4 service of the notice of violation, order, or citation.”

5 COMMITTEE APPROVAL DATE: July 20, 2010

6 MAYOR-COUNCIL DATE: July 27, 2010

7 PASSED BY THE COUNCIL: _____, 2010

8 _____ - PRESIDENT

9 APPROVED: _____ - MAYOR _____, 2010

10 ATTEST: _____ - CLERK AND RECORDER,
11 EX-OFFICIO CLERK OF THE
12 CITY AND COUNTY OF DENVER

13 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2010; _____, 2010

14 PREPARED BY: Jacqueline H. Berardini, - Assistant City Attorney DATE: July 29, 2010

15 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
16 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
17 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
18 3.2.6 of the Charter.

19 David R. Fine, City Attorney

20 BY: _____, Assistant City Attorney

21 DATE: _____, 2010