

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2014

COUNCIL BILL NO. CB14-0941
COMMITTEE OF REFERENCE:
Infrastructure and Culture

A BILL

For an ordinance granting a certificate of designation to the Denver Zoological Foundation, Inc. to operate a waste to energy system at the Denver Zoo.

WHEREAS, the City has authority pursuant to Article VII of Chapter 48, Denver Revised Municipal Code and pursuant to § 30-20-101 *et seq.*, C.R.S. to issue certificates of designation for solid waste disposal facilities in the City and County of Denver; and

WHEREAS, no solid wastes disposal facility may be operated in Denver without a certificate of designation issued by the City; and

WHEREAS, the Denver Zoological Foundation, Inc. has submitted an application for a certificate of designation for solid wastes disposal facility, as required by law; and

WHEREAS, the waste to energy system will be used to convert waste generated at the Denver Zoo and urban forest residue from Denver Parks into energy that will power the Denver Zoo; and

WHEREAS, the waste to energy system will be located at the Denver Zoo in an area where no residential development exists or is allowed; and

WHEREAS, because the waste to energy system will be located at the Denver Zoo it will be convenient and accessible to its primary user, the Denver Zoological Foundation, Inc.; and

WHEREAS, because the waste to energy system will have no adverse effect on the use or value of property in the vicinity; and

WHEREAS, the Denver Department of Environmental Health has reviewed the application submitted by the Denver Zoological Foundation, Inc. and recommended approval with conditions; and

WHEREAS, Colorado Department of Public Health and Environment has reviewed the application submitted by the Denver Zoological Foundation, Inc. and recommended approval with conditions; and

WHEREAS, City Council, has reviewed the recommendations of the Department of Environmental Health and the Colorado Department of Public Health and Environment and has held a public hearing at a regular council meeting, as required by §48-102(c), Denver Revised Municipal Code; and

1 **WHEREAS**, City Council has duly considered the factors set forth in §48-103, Denver
2 Revised Municipal Code.

3 **NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY**
4 **OF DENVER:**

5 **Section 1.** A certificate of designation, in the form of this ordinance, is hereby issued to
6 the Denver Zoological Foundation, Inc. for a solid wastes disposal facility. This certificate of
7 designation may not be transferred, assigned or conveyed.

8 **Section 2.** The responsible operator of this facility shall be the Denver Zoological
9 Foundation, Inc. The operator shall be solely liable for operating the facility in accordance with the
10 terms of this certificate of designation and all applicable laws.

11 **Section 3.** The certificate of designation is issued for the operation of a waste to energy
12 system to dispose of waste generated at the Denver Zoo and urban forest residue from Denver
13 Parks and convert this waste into energy that will power the Denver Zoo.

14 **Section 4.** The solid waste disposal site and facility is located in a building at the Denver
15 Zoo at 2300 Steele Street, Denver Colorado 80205.

16 **Section 5.** The waste to energy system shall operate in accordance with the terms and
17 conditions of the design and operational plan in the Application for Certificate of Designation Solid
18 Waste Incinerator Facility at the Denver Zoo dated October 10, 2014, in accordance with the
19 conditions imposed in both the Colorado Department of Public Health and Environment approval
20 letter dated July 29, 2014 and the Denver Department of Environmental Health approval
21 memorandum dated October 14, 2014, as the regulatory agencies may allow each of these
22 documents to be amended from time to time. Copies of these documents are attached and
23 incorporated in this certificate of designation.

24 **Section 6.** This certificate of designation shall be filed with the City Clerk and shall be
25 recorded in the real property records of the Clerk and Recorder of the City and County of Denver,
26 under City Clerk's Filing No. 2014-0996. Any amendments to the operating conditions shall be
27 filed and recorded in the same manner as this certificate of designation.

28 **Section 7.** This certificate of designation may be temporarily suspended or revoked for
29 cause, after reasonable notice and public hearing.

30

1 COMMITTEE APPROVAL DATE: December 3, 2014
2 MAYOR-COUNCIL DATE: December 9, 2014
3 PASSED BY THE COUNCIL: _____, 2014
4 _____ - PRESIDENT
5 APPROVED: _____ - MAYOR _____, 2014
6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER
9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2014; _____, 2014
10 PREPARED BY: Jessica R. Brody, Assistant City Attorney DATE: December 10, 2014
11 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
12 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
13 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
14 §3.2.6 of the Charter.
15 D. Scott Martinez, Denver City Attorney
16 BY: _____, Assistant City Attorney DATE: _____, 2014