

1 **BY AUTHORITY**

2 ORDINANCE NO. _____

COUNCIL BILL NO. 632

3 SERIES OF 2010

4 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.**

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

9 **Section 1.** Section 41 of Article IV of Chapter 48 of the Revised Municipal Code shall be
10 amended by deleting the language stricken and adding the language underlined as follows:

11 **“Sec. 48-41. Definitions.**

12 The following words and phrases, when used in this article, shall have the meanings
13 respectively ascribed to them:

14 (1) *Ashes* means the solid waste products of combustion of any material.

15 (2) *Building* rubbish includes waste material from construction, remodeling and repair
16 operations on houses, buildings and other structures. Building rubbish comprises a
17 great variety of matter, such as excavated earth, stones, bricks, plaster, wallpaper,
18 lumber, shingles, laths, concrete, discarded plumbing and electrical apparatus, roofing,
19 scraps of metal, etc. Neither the term household rubbish nor the term yard rubbish
20 includes building rubbish.

21 (3) *Commercial garbage* shall have the same meaning as defined by section 48-31 of
22 this code.

23 (4)(3) *Compost* material means yard rubbish, household garbage, as well as paper
24 products that are acceptable to the manager of public works.

25 (5)(4) *Eligible property* means a single-family residence or an eligible residential
26 multiunit dwelling.

27 (6)(5) *Eligible residential multiunit dwelling* means each separate residential unit
28 contained within a single structure, which single structure contains fewer than eight (8)
29 household units, occupied or unoccupied.

30 (7)(6) *Garbage* includes waste from the preparation, cooking and consumption of food,
31 market refuse and waste from the handling, storage, preparation and sale of produce.
32 Garbage originates primarily in kitchens, stores, markets, restaurants, hotels and other
33 places where food is stored, cooked or consumed, and as such does not include food
34 processing wastes from canneries, slaughter houses, packing plants or similar

1 industries, nor large quantities of condemned food products. Garbage, for purposes of
2 this article, is not included in the term household rubbish.

3 ~~(8)(7)~~ Household garbage shall have the same meaning as defined by section 48-16 of
4 this Code.

5 ~~(9)(8)~~ Household rubbish means the waste, rejected, valueless or worthless matter,
6 materials, trash and debris, including useless, unused, unwanted or discarded articles,
7 from the ordinary household; the term does not include ashes, sod, dirt, garbage, yard
8 rubbish or building rubbish.

9 ~~(10)(9)~~ Household unit means a place of human habitation containing cooking and
10 sanitary facilities, used for permanent, as opposed to transient, occupancy. This
11 includes single-family residences and each separate habitation in a residential multiunit
12 dwelling building. This category includes apartment buildings, condominiums, artist
13 lofts, retirement homes, and any other combination residence/work space building. This
14 category does not include property which is specifically designed for transient
15 occupancy, such as dormitories, motels, hotels and hospitals.

16 (11) Litter shall have the same meaning as defined by section 48-92 of this code.

17 (12) Refuse shall have the same meaning as defined by section 48-92 of this code.

18 ~~(13)(10)~~ Residential multiunit dwelling building means two (2) or more household units,
19 occupied or unoccupied, within a single structure.

20 ~~(14)(11)~~ Single-family residence means a structure designed for human habitation by
21 persons comprising a single family.

22 (15) Trash shall mean all or any ashes, building rubbish, commercial garbage,
23 garbage, household garbage, household rubbish, litter, refuse, yard rubbish, and waste
24 matter as defined herein.

25 (16) Trash container shall mean a container prescribed for trash disposal and
26 recycling by rules and regulations of the manager of public works.

27 ~~(17)(12)~~ Yard rubbish includes tree branches, twigs, grass, shrub clippings, weeds,
28 leaves and other general yard and garden waste materials. Yard rubbish may include a
29 small quantity of dirt attached to weeds, etc., but does not include sod or dirt as such.

30 (18) Waste matter includes all solid and hazardous wastes, including liquids, as those
31 terms are defined by the State of Colorado.”

32 **Section 2.** That Section 48-43 Article IV of Chapter 48 of the Revised Municipal Code shall
33 be amended by deleting the language stricken and adding the language underlined as follows:

1 **“Sec. 48-43. Improper accumulation and storage; abatement.**

2 “(a) The manager of environmental health, the manager of public works, the manager
3 of community planning and development, the manager of aviation, the director of
4 development services, or any of the authorized representatives of them or any of them,
5 may order the owner, occupant or agent of the owner of any premises upon which there
6 is an accumulation or storage of any trash rubbish, ashes, garbage or other waste
7 ~~matter~~ to remove the same within a reasonable time if such accumulation is:

8 (1) Offensive to sight; or

9 (2) In a condition which fosters the propagation of rats or vermin or flies or other
10 insects; or

11 (3) Otherwise insanitary, prejudicial or in any manner hazardous to the public
12 health;or

13 (4) Disposed in violation of any ordinance or regulation.

14 (b) Such order shall be made in writing, delivered whenever feasible, personally to the
15 owner, occupant or agent of the owner, or, where such personal delivery is not feasible,
16 posted conspicuously at the premises.

17 (c) Such order shall specify a reasonable period within which compliance shall be had.

18 (d) For purposes of ascertaining violations of this section and investigating complaints
19 made hereunder, whenever reasonable cause for investigation appears, the right of
20 entry onto any premises at any reasonable time to conduct a reasonable inspection or
21 investigation is hereby granted to the manager of environmental health, the manager of
22 public works, the manager of community planning and development, the manager of
23 aviation, the director of development services, and the authorized representatives of
24 them or any of them.

25 (e) If any order lawfully issued pursuant to subsection (a) is not complied within such
26 reasonable time as is specified therein, the manager of environmental health, the
27 manager of public works, the manager of community planning and development, the
28 manager of aviation, the director of development services, or the authorized
29 representatives of any of them may, after notice to persons of record interest in the
30 property, order the particular instance of improper accumulation or storage of trash
31 ~~rubbish, ashes, garbage or other waste matter~~ removed by the city and the persons of
32 record interest shall be responsible for the costs and expenses of removal, ~~and the~~
33 The procedures outlined in subsection (h) for the collection of the costs and expenses

1 thereof shall apply additionally to the penalty by this Code provided.

2 (f) It shall be unlawful to refuse to comply with any order lawfully issued in pursuance
3 of subsection (a).

4 (g) It shall be unlawful to hinder, prevent or refuse to permit any lawful inspection or
5 investigation authorized in pursuance of subsection (d).

6 (h) If the owner, occupant or agent of the owner shall fail within thirty (30) days after
7 billing to pay the costs and expenses of the removal of the improper accumulation or
8 storage of trash ~~rubbish, ashes, garbage or other waste matter~~ by the city, a lien may
9 be assessed against the property for such costs. To initiate such a lien, the manager of
10 environmental health, the manager of public works, the manager of community
11 planning and development, the manager of aviation, the director of development
12 services, or the authorized representatives of any of them shall certify a statement
13 thereof to the manager of finance who shall record a notice of such lien with the clerk
14 and recorder. An action or other process provided by law may be maintained by the city
15 to recover or collect any amounts, including interest and administrative costs, owing
16 under this provision.”

17 **Section 3.** That Section 48-44 of Article IV of Chapter 48 of the Revised Municipal Code shall
18 be amended by deleting the language stricken and adding the language underlined as follows:

19 **“Sec. 48-44 Illegal Dumping~~Unlawful disposal and removal; manager's authority over~~
20 ~~dump area.~~”**

21 “(a) It shall be unlawful for any person, in disposing of or removing any trash ~~rubbish,~~
22 ~~garbage, litter, refuse, or other waste matter,~~ to dump, litter, deposit or cause to be
23 deposited on any public or private property ~~premises~~ other than those premises lawfully
24 designated for waste storage, treatment or disposal ~~as official city dumps by the~~
25 ~~manager of public works or an authorized representative;~~ provided, however, that it
26 shall be lawful to deposit bits of waste paper and the like in ~~waste disposal~~ trash
27 containers maintained throughout the city by the manager of public works and any
28 authorized representatives.

29 ~~(b) It shall be unlawful to dispose of or remove ashes to any premises other than~~
30 ~~those reserved for that purpose within the area or areas designated as official city~~
31 ~~dumps by the manager of public works or any authorized representatives.~~

32 ~~(b)(c)~~ It shall be unlawful to ~~deposit~~ dump, litter, deposit or cause to be deposited any
33 trash ~~garbage or food processing wastes from canneries, slaughter houses, packing~~

1 houses or similar industries, condemned food products or waste petroleum products at
2 any official city dump, except when and where permitted and except in accordance with
3 the rules and regulations promulgated by the manager of public works under the
4 authority of this section.

5 ~~(c)(d)~~ The manager of public works shall have the authority to prescribe rules and
6 regulations in the following matters to implement and enforce this Chapter, including but
7 not limited to the following:

8 (1) ~~Designation of the area or areas of the official city dumps;~~

9 ~~(2) Areas segregated within such dump areas for the disposal of certain materials; and~~

10 ~~(3) Prohibitions of certain materials altogether, such as food processing wastes, waste~~
11 ~~petroleum products, etc.;~~

12 ~~(4) (2) Designation and use of trash containers;~~

13 ~~(3) Administrative citations for illegal dumping or unlawful disposal.”~~

14 **Section 4.** That Section 48-44.5 of Article IV of Chapter 48 of the Revised Municipal Code
15 shall be amended by deleting the language stricken and adding the language underlined as follows:

16 **“Sec. 48- 44.5. Unlawful disposal of trash rubbish in certain containers.**

17 (a) It shall be unlawful for any person who is not a resident of the city to deposit any
18 trash rubbish, ~~or other waste matter~~, in city-owned trash containers which are
19 designated by the department of public works for residential use only.

20 (b) It shall be unlawful for any resident of Denver to deposit any trash rubbish, ~~or other~~
21 ~~waste matter~~ in city-owned trash containers in violation of the rules and regulations of
22 the manager of public works.

23 (c) It shall be unlawful for any commercial user to deposit any trash rubbish ~~or waste~~
24 ~~matter~~ in city-owned trash containers.

25 (d) It shall be unlawful for any person to deposit any trash in privately owned trash
26 containers without the owner’s permission.”

1 COMMITTEE APPROVAL DATE: July 20, 2010
2 MAYOR-COUNCIL DATE: July 27, 2010
3 PASSED BY THE COUNCIL: _____, 2010
4 _____ - PRESIDENT
5 APPROVED: _____ - MAYOR _____, 2010
6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER
9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2010; _____, 2010
10 PREPARED BY: Jacqueline H. Berardini, - Assistant City Attorney DATE: July 29, 2010
11 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
12 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 David R. Fine, City Attorney
16 BY: _____, Assistant City Attorney
17 DATE: _____, 2010