

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2015

COUNCIL BILL NO. CB15-0892
COMMITTEE OF REFERENCE:
Infrastructure & Culture

5 **A BILL**

6 **For an ordinance amending Article V of Chapter 48 and Article II of Chapter 32**
7 **of the Revised Municipal Code of the City and County of Denver regarding**
8 **solid waste haulers.**

9
10 **WHEREAS**, a local licensing system for solid waste haulers is appropriate to create a fair
11 operating environment for all haulers, ensure minimum collection safety requirements, and obtain
12 materials data to determine trash and diversion rates City-wide.

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

15 **Section 1.** That Article V of Chapter 48 of the Denver Revised Municipal Code shall be
16 amended by deleting the title ~~Rubbish Hauler~~ and replacing it with the title of Solid Waste Haulers.

17 **Section 2.** That Section 48-61, Article V, of Chapter 48 of the Denver Revised Municipal
18 Code, shall be amended by deleting the language stricken and adding the language underlined as
19 follows:

20 **Sec. 48-61. Definitions.**

21 ~~(1) The definitions found in sections 48-41 and 48-92 of this Code shall apply to this article.~~

22 (1) *Recyclable material*, when used in this article, means any type of discarded or waste
23 material that is not regulated under section 25-8-205(1)(e), C.R.S., and can be reused,
24 remanufactured, reclaimed, or recycled, but not including recycled auto parts or excluded
25 scrap metal that is being recycled, or scrap that is composed of worn out metal or a metal
26 product that has outlived its original use, commonly referred to as obsolete scrap.

27 ~~(2) *Rubbish*, when used in this article, means ashes, building rubbish, dirt, garbage, household~~
28 ~~rubbish, litter, sod, yard rubbish, or any combination of the foregoing.~~

29 (2) *Solid waste*, when used in this article, means any garbage, refuse, recyclable material,
30 sludge from a waste treatment plant, water supply treatment plant, or air pollution control
31 facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous
32 material resulting from industrial or commercial operations or from community activities.

33 ~~(3) *Rubbish hauler*, when used in this article, means any person who collects rubbish from~~
34 ~~another person or persons and transports such rubbish in or on a motor vehicle other than a~~
35 ~~motor vehicle equipped with a mechanical compactor unit or a roll-off rubbish container unit.~~

36 (3) *Solid waste*, when used in this article, does not mean:

- 1 a. Any solid or dissolved materials in domestic sewage;
- 2 b. Agricultural wastes;
- 3 c. Solid or dissolved materials in irrigation return flows;
- 4 d. Industrial discharges which are point sources subject to permits under the provisions
5 of the "Colorado Water Quality Control Act," article 8 of title 25, C.R.S.;
- 6 e. Materials handled at facilities licensed pursuant to the provisions on radiation control
7 in article 11 of title 25, C.R.S.;
- 8 f. Exploration and productions wastes, as defined in section 34-60-103(4.5), C.R.S.,
9 except as such wastes may be deposited at a commercial solid waste facility;
- 10 g. Excluded scrap metal that is being recycled; or
- 11 h. Shredded circuit boards that are being recycled.

12 ~~(4) *Roll-off rubbish container unit*, when used in this article, means any container, neither~~
13 ~~permanently attached to a motor vehicle nor designed to be drawn behind a motor vehicle,~~
14 ~~having a capacity volume of at least ten cubic yards.~~

15 (4) *Solid waste disposal site and facility*, when used in this article, means the location and
16 facility at which the deposit and final treatment of solid wastes occur.

17 ~~(5) *Solid wastes disposal site and facility*, when used in this article, means the location and~~
18 ~~facility at which the deposit and final treatment of solid wastes occur.~~

19 (5) *Solid waste hauler*, when used in this article, means any person who collects solid waste
20 from another person or persons within the City and County of Denver and transports such
21 solid waste, with the exception of an individual who transports solid waste that he or she
22 has generated.

23 **Section 3.** That Section 48-62, Article V of Chapter 48 of the Denver Revised Municipal
24 Code shall be amended by deleting the language stricken and adding the language underlined as
25 follows:

26 **Sec. 48-62. Registration required. License required.**

27 Any person who desires to transport ~~rubbish~~ solid waste from within the city ~~in or on any~~
28 ~~motor vehicle, other than a motor vehicle equipped with a mechanical compactor unit or a roll-off~~
29 ~~rubbish container unit,~~ an individual who transports solid waste that he or she has generated, shall
30 register the vehicle with the department of public works. The manager of the department of public
31 works shall designate an employee to maintain rubbish hauler registration records and shall
32 promulgate rules and regulations for the application for, and assignment of, rubbish hauler
33 registration numbers. obtain a license from the director of excise and licenses and shall maintain a
34 record of such license in each transport vehicle and at the solid waste hauler's address. It shall be
35 unlawful for any person to transport ~~rubbish~~ solid waste from within the city ~~in or on a motor vehicle~~

1 ~~without a solid waste hauler license, other than a motor vehicle equipped with a mechanical~~
2 ~~compactor unit or a roll-off rubbish container unit, which has not been assigned a rubbish hauler~~
3 ~~registration number. an individual who transports solid waste that he or she has generated.~~

4 **Section 4.** That Section 48-63, Article V of Chapter 48 of the Denver Revised Municipal
5 Code shall be amended by deleting the language stricken and adding the language underlined as
6 follows:

7 **Sec. 48-63. Marking of vehicles and containers required.**

8 Any ~~motor vehicle~~ or container transporting rubbish ~~solid waste from~~ within the city ~~in or on~~
9 ~~any motor vehicle, other than a motor vehicle equipped with a mechanical compactor unit or a roll-~~
10 ~~off rubbish container unit by an individual who transports solid waste that he or she has generated,~~
11 shall have a label containing the name of the rubbish solid waste hauler and the telephone number
12 of the rubbish solid waste hauler, and the rubbish hauler's registration number painted on printed
13 on both the right and left sides of the vehicle, or on the street facing side of the container, in letters
14 or numbers at least ~~two (2)~~ three (3) inches in height ~~in a color contrasting to the color of the~~
15 ~~vehicle. and easily readable from outside the vehicle or container.~~ It shall be unlawful for any
16 person to drive, park, stand, or operate within the city, any ~~motor vehicle or container~~ transporting
17 rubbish, solid waste other than a motor vehicle equipped with a mechanical compactor unit or a
18 roll-off rubbish container unit, if the vehicle or container is not marked as required by this section.

19 **Section 5.** That Section 48-64, Article V of Chapter 48 of the Denver Revised Municipal
20 Code shall be amended by deleting the language stricken and adding the language underlined as
21 follows:

22 **Sec. 48-64. Rubbish Solid waste haulers to maintain solid waste disposal site and facility**
23 **receipts.**

24 It shall be unlawful for any ~~rubbish solid waste~~ hauler to deposit any ~~rubbish solid waste~~ in a
25 solid waste disposal site and facility without obtaining a receipt from the solid wastes disposal site
26 and facility. Rubbish Solid waste haulers shall maintain a copy of all receipts obtained from any
27 solid wastes disposal site and facility for at least one year from the date of deposit.

28 **Section 6.** That Section 48-65, Article V of Chapter 48 of the Denver Revised Municipal
29 Code shall be amended by adding the language underlined as follows:

30 **Sec. 48-65. Rules and Regulations.**

31 The manager of public works or the director of excise and licenses shall be empowered to
32 prescribe such rules and regulations as the manager or director may deem proper and not
33 inconsistent with the Charter and ordinances, to govern the licensing and operation of solid waste
34 haulers.

35 **Section 7.** That Section 48-66, Article V of Chapter 48 of the Denver Revised Municipal
36 Code shall be amended by adding the language underlined as follows:

1 **Sec. 48-66. Suspension, Revocation, and Other Sanctions.**

2 The director of excise and licenses may, on the director’s own motion or on complaint, and
3 after investigation and a show-cause hearing at which the licensee shall be afforded an opportunity
4 to be heard, suspend, revoke, or fine any license previously issued by the director for any violation
5 of this article or any rule or regulation or law promulgated under this article.

6 **Section 8.** That Section 48-67, Article V of Chapter 48 of the Denver Revised Municipal
7 Code shall be amended by adding the language underlined as follows:

8 **Sec. 48-67. Fees.**

9 Annual license fees under this article shall be as prescribed in section 32-116.

10 **Section 9.** That Section 48-68, Article V of Chapter 48 of the Denver Revised Municipal
11 Code shall be amended by adding the language underlined as follows:

12 **Sec. 48-68. Effective Date.**

13 This ordinance becomes effective one hundred eighty (180) days from its publication date.

14 ~~**Secs. 48-65-90. — Reserved.**~~

15 ~~**Secs. 48-69—48-90. Reserved.**~~

16 **Section 10.** That Article II of Chapter 32 is amended by restoring Section 32-116 and
17 amending it to read as follows:

18 **Sec. 32-116. Reserved Solid Waste Haulers.**

19 Each solid waste hauler shall be subject to the following application and annual license
20 fees, with annual license fees based on the number of vehicles specified in its license:

- 21 (1) Application Fee..... \$25.00
- 22
- 23 (2) License Fees:
- 24
- 25 a) 1-2 vehicles \$100.00
- 26 b) 3-9 vehicles \$300.00
- 27 c) 10-20 vehicles \$600.00
- 28 d) 21+ vehicles \$1,200.00
- 29
- 30
- 31

32 **REST OF PAGE INTENTIONALLY LEFT BLANK**

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1 COMMITTEE APPROVAL DATE: November 18, 2015
2 MAYOR-COUNCIL DATE: November 24, 2015
3 PASSED BY THE COUNCIL: _____, 2015

4 _____ - PRESIDENT

5 APPROVED: _____ - MAYOR _____, 2015

6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER

9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2015; _____, 2015

10 PREPARED BY: Jessica Brody, Assistant City Attorney DATE: November 25, 2015

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, City Attorney for the City and County of Denver

16 BY: _____, Assistant City Attorney DATE: _____, 2015