

ORDINANCE NO. 7939

AN ORDINANCE AMENDING CHAPTER 3, ARTICLE I OF TITLE VII OF THE PUEBLO MUNICIPAL CODE RELATING TO SOLID WASTES, LITTER AND DISPOSAL THEREOF AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

BE IT ORDAINED BY THE CITY COUNCIL OF PUEBLO, that: (brackets indicate matter being deleted, underscoring indicates new matter being added)

SECTION 1.

Chapter 3, Article I, Title VII of the Pueblo Municipal Code is hereby amended to read as follows:

**CHAPTER 3**

**Solid Wastes**

*Article I*  
*Litter*

**Sec. 7-3-1. Definitions.**

For the purpose of this Article, the following words shall have the meanings herein set forth:

(1) *Litter* means garbage, refuse and rubbish, as defined herein, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

(2) *Garbage* is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

(3) *Refuse* is all putrescible or nonputrescible waste including garbage, rubbish, ashes, street cleanings, dead animals, offal, droppings, abandoned appliances, nonoperational vehicles or parts therefrom.

(4) *Rubbish* is nonputrescible waste consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, branches, wood, waste building materials, glass, bedding, crockery, household furnishings and similar materials.

**(5) Hazardous waste means any chemical compound, substance or mixture that federal or state law or regulation designates as hazardous because it is ignitable, corrosive, reactive or toxic, including but not limited to solvents, degreasers, paint thinners, cleaning fluids, pesticides, adhesives, strong acids and alkalis, waste paints and ink.**

**(6) Container or receptacle means (a) a watertight container of a solid and durable metal or nonabsorbent, fire-resistant plastic with a tightly fitting, insect and rodent-proof cover or metal or plastic, or (b) a plastic bag securely tied or sealed of a material impenetrable by liquid or greases, and of sufficient thickness and strength to contain the litter enclosed without tearing or ripping under normal handling.**

**(7) Electronic equipment means any electronic device or component as those terms are defined in the Colorado Hazardous Waste Regulation, 6 Code of Colorado Regulations 1007-3, Section 260.10.**

**(8) Qualified recycling facility means a facility that arranges for or causes the recovery of useful materials from one (1) or more specified recyclable materials, including items for reuse, and shall be deemed to include only a facility that meets any federal or state standards that may be established to regulate or designate such recycling facilities.**

#### **Sec. 7-3-2. Litter.**

It shall be unlawful and a [nuisance] municipal offense for any person to throw or deposit litter, or to accumulate or permit the accumulation of litter, on occupied or vacant private or public property within the City, except that the owner or occupant of private property may maintain receptacles for collection in such a manner that litter **shall be contained in the receptacle.**[will be prevented from being carried away from such receptacle by the elements. Each receptacle shall be covered by a tightly fitted lid, which under normal circumstances will retain the receptacle's contents.]

#### **Sec. 7-3-3. Litter in public places.**

It shall be unlawful for any person to throw, sweep or deposit litter in or upon any street, sidewalk, alley or other public place within the City except in public receptacles or in authorized private receptacles for collection. The accumulation of litter in any street, sidewalk area, alley or other public place shall be presumed to have been caused or permitted by the owner or occupant of the abutting land. Litter thrown from a vehicle shall be presumed to have been thrown by the occupant if there is but one (1). If there is more than one (1) occupant, it shall be presumed to have been thrown by the driver of said vehicle.

**Sec. 7-3-4. Placement of litter in receptacles so as to prevent scattering.**

Persons placing litter in public or private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

**Sec. 7-3-5. Unlawful not to remove, charges, lien.**

(a) It shall be unlawful for any person owning or occupying real property in the City or his or her agent or representative to fail or refuse to remove all litter, trash, rubbish and debris from such property, including litter in the gutter in the front, on the sides of and to the center of the alley behind such real property. All litter shall be removed from such real property immediately upon the accumulation of the same.

(b) If the owner or occupant of such real property is given notice of not less than ten (10) days, and shall fail or refuse to remove all such debris, trash, litter and rubbish from such property and dispose of the same, the City Manager is authorized to cause the removal of such litter, debris, trash and rubbish from said real property. The cost of such removal plus twenty-five percent (25%) for incidental costs plus interest at the rate of ten percent (10%) per annum shall be charged against the property or the owner of such property. Upon recording a verified statement by the City Manager in the office of the County Clerk and Recorder to show such costs and describing the property, such charge shall be and constitute a perpetual lien on the property. Such lien shall have priority over all other liens except general tax liens and shall remain in effect until such charges and interest have been paid in full.

**(c) Notwithstanding the provisions of (a) above and as an additional obligation to remove litter, trash, rubbish and debris from real property, the occupant and the owner of any real property wherein or whereon litter, trash, rubbish or debris is produced or accumulated shall be jointly and severally responsible to provide collection services and removal of litter, trash, rubbish and debris at least every seven (7) days. Collection services shall not be contracted or arranged except with solid waste collectors licensed by the City. An individual may disposal of his or her own litter, trash, rubbish and debris, provided that it is properly disposed of at a disposal site which is certified and approved by any state.**

**(d) All movable containers and recyclable materials shall be kept in a storage area except upon collection day, when they may be placed for collection at the curb or upon the edge of the alley. Following collection, all containers shall be returned to the storage area the same day. Containers and recyclable materials shall not, at any time, be placed on the sidewalk or in the street, or in such a manner as to impair or obstruct pedestrian, bicycle or vehicular traffic.**

**Sec. 7-3-6. Disposal at designated facilities.**

(a) All rubbish, trash, litter and garbage shall be disposed of only by delivery to duly designated solid waste disposal facilities or qualified recycling facilities. It shall be unlawful and a municipal offense for any person to dump, deliver or dispose of rubbish, trash, litter and garbage anywhere within the City except at a duly designated solid waste disposal facility or qualified recycling facilities [ , if any ].

(b) Containers which are provided in any public place or facility for the disposal of litter are provided only for the purpose of disposal of litter and trash produced or generated upon or within said public place or facility or by activities lawfully conducted therein. It shall be unlawful and a municipal offense for any person to deposit or dispose of litter which is produced or generated off the site of any public place or facility in any [such] containers provided in any public place or facility for the disposal of litter.

(c) It shall be unlawful and a municipal offense for any person to dispose of litter in any container maintained by another person for disposal of litter unless the person has been granted permission to so use said container or unless the person is a business invitee of the person maintaining the container and is disposing of litter generated on the premises where the container is located.

**Sec. 7-3-7. Transport of litter, garbage and trash.**

**(a)** It shall be unlawful and a municipal offense for any person to transport litter, garbage, rubbish or trash in a vehicle operated on any street or highway within the City:

(1) In a manner which permits litter, garbage, rubbish or trash to spill, leak, drop or be deposited from the vehicle; or

(2) Without the load being adequately secured and enclosed or covered to prevent litter, garbage, rubbish or trash from dropping, spilling, leaking or otherwise escaping from the vehicle.

**(b) It shall be unlawful and a municipal offense for any person collecting or transporting litter, garbage, rubbish or trash to fail to immediately pick up all litter, garbage, rubbish or trash which drops, spills, leaks or is blown from the collecting or transporting container or vehicle.**

**Sec. 7-3-8. Jurisdiction of City Manager.**

The commercial and noncommercial collection and transportation of trash and waste materials shall be supervised by the Health Department under the general supervision of the City Manager, and the Health Department shall have the authority to make additional rules and regulations not inconsistent with the terms and provisions of this Chapter, requiring that the collection and transportation of rubbish materials shall be conducted in such manner as not to endanger the public health, and not to become a nuisance to the inhabitants of the City.

**Sec. 7-3-9. Burning material; transportation.**

It shall be unlawful to transport burning material through, over and across the streets and alleys of the City or to dispose of the same **at an approved disposal site.** [in the City dump.]

**Sec. 7-3-10. Hours of hauling.**

There shall be no [hauling] collecting or transporting of litter, garbage, refuse or rubbish through, over and across the streets and alleys designated by the City as "local residential" or "residential collector" [of the City] after the hour of 7:00 p.m. or before the hour of 6:00 a.m. [; provided, however, that trash and waste material haulers regularly licensed and permitted to operate under this Chapter shall be permitted to collect and haul such trash and waste materials at any and all times.]

**Sec. 7-3-11. Sweeping litter into gutters prohibited.**

No person shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot, or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

**Sec. 7-3-12. Merchants duty to keep sidewalks free of litter.**

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the City shall keep the sidewalk in front of their business premises free of litter.

**Sec. 7-3-13. Littering in places of public assemblage; duty to provide receptacles.**

(a) The owner or person in control of any property which is held out to the public as a place for assemblage, the transaction of business, recreation or as a public way and including but not limited to shopping centers, fast-food outlets, convenience stores, stores, hotels, restaurants, bars, motels, industrial establishments, office buildings, apartment buildings, housing projects, loading and unloading docks, gas stations, churches and other places of worship, hospitals and clinics shall keep the premises clean of all litter thrown or left on said premises and shall take measures, including daily cleanup of the premises, to prevent litter from drifting or blowing to adjoining premises.

(b) Receptacles of sufficient size and number shall be placed on all premises, public and private, referred to in Subsection (a) of this Section, for the disposition of litter.

(c) The owner or person in control of any property which is held out to the public as a place for assemblage, the transaction of business, recreation or as a public way shall conspicuously identify receptacles for the disposal of litter.

#### **Sec. 7-3-14. Construction sites to be maintained.**

All construction and demolition contractors shall be responsible for maintaining their work sites in a reasonably clean and litter-free condition, including the removal of all litter blown or deposited upon the site. The contractor shall provide a sufficient number of refuse receptacles or bulk containers for the disposal of all loose debris, building material waste and other refuse produced by those working on the site. All such waste, refuse and debris shall be securely contained in such receptacles and bulk containers by the end of each working day. [Contractors shall not be responsible for dispersal of such waste, after it is so secured, by winds of unusual high velocity.]

#### **Sec. 7-3-15. Hazardous waste and electronic equipment.**

**No persons shall place hazardous waste or electronic equipment in a container for collection or bury or otherwise dispose of hazardous waste or electronic equipment in or on private or public property in the City. Residents may contact the Pueblo City-County Health Department for recommendations on disposal of hazardous waste. Highly flammable or explosive materials shall be stored and disposed of in accordance with the Fire Department Regulations at the expense of the owner or possessor of such materials. All electronic equipment must either be stored and presented or delivered to a licensed solid waste collector for recycling, or delivered to a qualified recycling facility for electronic equipment.**

#### **Sec. 7-3-[15]16. Penalties for violation.**

The following provisions shall apply to a violation of any of the provisions of this Chapter:

(1) It is unlawful and a municipal offense for any person to violate any of the provisions of this Chapter.

(2) Every person convicted of a violation of any of the provisions of this Chapter shall be punished by a fine not exceeding [three hundred dollars (\$300.00)] **one thousand dollars (\$1,000.00)** or by imprisonment for a term not exceeding [ninety (90) days] **one year**, or both by such fine and imprisonment.

(3) In addition to the penalties provided herein, any person convicted of a violation of the provisions of this Chapter shall be assessed a fee to be known as the *Community Solid Waste Clean-up Surcharge* in the amount of five dollars (\$5.00). The community solid waste clean-up surcharge shall be imposed at the time of conviction and may not be suspended or waived by the Court. For purposes of this Subsection, *conviction* shall include all guilty pleas, findings of guilt and deferred sentences entered on any violation of this Chapter. The community solid waste clean-up surcharge shall be collected by the Municipal Court and paid into the City's general fund.

**(4) Every real property owner remains liable for violations of obligations imposed upon an owner by this Chapter even though an obligation is also imposed on the occupant of the property and even though the owner has by agreement imposed on the occupant the duty of maintaining the property or furnishing required containers and collection.**

**Sec. 7-3-[16]17. Community solid waste clean-up program.**

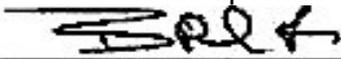
The City Manager shall annually recommend to the City Council, as part of the City budget process, any fees that may be assessed under Section 7-3-15(3), and the appropriation of such fees to fund any community clean-up program for reduction or disposal of solid waste from areas located within the City.

SECTION 2.

This Ordinance shall become effective January 1, 2009.

INTRODUCED November 24, 2008

BY Vera Ortegon  
Councilperson

APPROVED:   
PRESIDENT of City Council

ATTESTED BY:   
CITY CLERK

PASSED AND APPROVED: December 8, 2008