

ORDINANCE NO. 17 - \_\_\_\_\_

AN ORDINANCE OF THE TOWN OF RIDGWAY, COLORADO AMENDING CHAPTER 9-2 OF THE RIDGWAY MUNICIPAL CODE TO PROVIDE FOR MANDATORY ANIMAL-RESISTANT TRASH CONTAINERS FOR ALL PROPERTIES WITHIN THE TOWN OF RIDGWAY, DEFINING ANIMAL-RESISTANT CANS, CONTAINERS AND DUMPSTERS, AND AMENDING THE SHORT-TERM RENTAL REGULATIONS IN CHAPTER 7-3 TO REFERENCE THE ENTIRE CHAPTER 9-2 FOR TRASH AND RECYCLING UTILITY SERVICES, AND REVISING REGULATIONS AND RATES FOR TOWN CURBSIDE SOLID WASTE AND RECYCLING SERVICE, AND DECLARING AN EMERGENCY.

**WHEREAS**, the Town Council of the Town of Ridgway desires to ensure the safety of the community and the safety of our wildlife; and

**WHEREAS**, when wildlife has access to trash, it brings them closer to our homes, businesses and public spaces, creating a potentially dangerous situation for animals and people and creating a nuisance for the community by distributing trash; and

**WHEREAS**, the Town Council desires to compel compliance with Town regulations making trash inaccessible to animals; and

**WHEREAS**, the Town has received numerous complaints on bears in town accessing garbage, and birds distributing trash from open trash receptacles into the streets and public places; and

**WHEREAS**, the Town's current regulations in Chapter 9 Section 2 state "Animal resistant cans and containers are preferred"; and

**WHEREAS**, the Town Council has discussed the necessity of requiring animal-resistant cans and containers for a number of years and the past couple of years have seen an increase in wildlife access to garbage throughout the Town; and

**WHEREAS**, the Town of Ridgway Municipal Code Section 2-4 currently provides for Administrative Enforcement of the Ridgway Municipal Code including issuance of Notices of Violation and Citations for violations of the Ridgway Municipal Code including violations of Chapter 9 Section 2, with penalties assessed from \$150 for the first citation and up to \$999 for the third violation; and

**WHEREAS**, the Town of Ridgway needs to revise its regulations and rates to dovetail with the provisions of its contract for Solid Waste Collection services,

**WHEREAS**, the Town Council has determined it is necessary and appropriate to change the Town's regulations for trash to preserve the public health, safety and welfare of the Ridgway community.

**WHEREAS**, without enacting this emergency ordinance the Town may have inconsistent rates and terms associated with a new refuse and recycling contract beginning June 1, 2018.

**NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF RIDGWAY, COLORADO**, as follows:

**SECTION 1.**

Subsection 9-2-1(C) is added, as follows:

\* \* \*

(C) Any trash hauler who provides a refuse container to a town customer shall only provide animal-resistant refuse cans, animal-resistant containers or animal-resistant dumpsters, which meet the requirements set forth herein or is approved by a Town-designated official, except for large “roll-off” containers that are intended for temporary use and that do not have manufactured animal-resistant lids.

\* \* \*

Subsection 9-2-4(B) of the Ridgway Municipal Code, is amended, as follows:

\* \* \*

(B) No trash cans may be used except those as specified by these regulations and approved by the Town of Ridgway.

\* \* \*

Subsection 9-2-4(D) of the Ridgway Municipal Code, is amended, as follows:

\* \* \*

(D) All refuse cans and refuse containers shall be animal-resistant, except for large “roll-off” containers intended for temporary use that do not have manufactured animal-resistant lids, and except for those cans and containers used for yard-trimmings such as grass, leaves and branches. Animal-resistant refuse cans and animal-resistant refuse containers means a fully enclosed container that can be constructed of pliable materials, but must be reinforced to deter access by wildlife. The container must employ a sturdy lid that has a latching mechanism preventing access to its contents by wildlife. Wildlife Resistant Containers must meet the standards of testing by the Living With Wildlife Foundation and a “passing” rating by the Interagency Grizzly Bear Committee (IGBC) as bear resistant for 60 minutes.

\* \* \*

Subsection 9-2-4(H) of the Ridgway Municipal Code, is amended, as follows:

\* \* \*

(H) When common dumpsters are used, they shall be screened by fencing. All common dumpsters shall be animal-resistant. Animal-resistant dumpster enclosure means an enclosed structure consisting of four (4) sides and a secure metal door or cover, which shall have a latching device of sufficient design and strength to prevent access by wildlife.

\* \* \*

Subsection 9-2-4(I) of the Ridgway Municipal Code is added, as follows:

\* \* \*

(I) If a container or enclosure is damaged, allowing access by wildlife, repairs must be made within seventy-two hours after written notification by a Town official.

\* \* \*

## **SECTION 2.**

Subsection 7-3-13(I)(6) of the Ridgway Municipal Code regarding Short Term Rentals, is amended as follows:

\* \* \*

(6) Adequate animal-resistant trash and recycle containers shall be provided and information on placement for collection shall be provided in the short-term rental as stated in Ridgway Municipal Code Section 9-2.

\* \* \*

## **SECTION 3.**

Subsections 9-2-3 and 9-2-6, of the Ridgway Municipal Code are amended to read as follows.

### **9-2-3 CHARGES FOR REFUSE COLLECTION SERVICES.**

(A) (1) The base monthly charge for recycling services for each residential dwelling unit shall be \$9.62 for weekly pick up of one Town or contractor supplied recyclable container.

(2) The base monthly charge for each single family residential dwelling unit shall be:

\$16.15 for customers using up to 65 gallons of customer provided animal-resistant cans or an animal-resistant poly cart acceptable to contractor; customers may arrange to lease or purchase an animal-resistant poly cart from contractor.

(3) Unless the Town authorizes the use of individual cans or containers, the base monthly charge for lots with three or more dwelling units in one or more buildings, shall be \$35.43 for each one-yard animal-resistant common dumpster, \$60.95 for each two-yard animal-resistant common dumpster, and \$90.60 for each three-yard animal-resistant common dumpster utilized by the customer.

(4) In addition to the base monthly charge customers shall be subject to a fuel surcharge as set out by the Town's current solid waste collection contract as authorized by the Town Council.

(B) Customers requiring or desiring additional services shall make arrangements with the Town or contractor for such service and pay any additional charges determined to be necessary.

(C) Customers who leave more refuse out for collection than allowed pursuant to Subsection (B) shall be subject to a surcharge at the rate of \$14.05 per cubic yard, (1/2 cubic yard minimum) or according to a schedule of additional charges included in the agreement with a contractor. An extra 64-gallon animal-resistant poly cart one time per week with regular service is an additional \$23.19 per pickup, and an extra 18-gallon recycle container with regular service is an additional \$9.28 per pickup.

(D) Customers whose premises are vacant, and who have qualified for the water service vacancy rate, shall not be charged for Refuse Collection Service while on the water vacancy rate, so long as they do not have any refuse placed for collection.

\* \* \*

#### **9-2-6 RECYCLABLES**

Materials that may be placed for collection as recyclables include: aluminum cans, steel cans; plastics #1- #6: milk jugs, pop bottles, detergent bottles; Tin Cans #10: domestic size canned goods, coffee cans; Glass (All Colors): beer, pop, wine bottles; Newsprint, phone books; White Office Paper: envelopes; Glossy Print: catalogs, magazines, junk mail; Pressboard/ Paperboard: cookie boxes, cracker boxes, cereal boxes, pasta boxes; Corrugated Cardboard: brown paper grocery sacks, limited to 5 medium sized boxes per pickup – broken down and placed under bin. No other materials may be placed in the recyclable containers.

The Town shall advise customers of any changes in recyclables.

#### **SECTION 4.**

Emergency Declared. The Town Council of the Town of Ridgway hereby finds this ordinance must take effect immediately to protect the public health, safety and welfare, because it is necessary to have rates consistent with terms of the solid waste collection contract, and therefore declares that an emergency exists.

**SECTION 5.**

Effective Date and Duration. Pursuant to Article III, Section 3-8 of the Charter, this Ordinance shall be effective immediately upon adoption, as it is necessary for the immediate preservation of the public health and safety of the citizens of the Town for the reasons recited herein. The rates provided for herein shall be effective as of the effective date of contract rate changes.

**SECTION 6.**

Publication of Notice. Pursuant to Article III, Section 3-8 of the Charter, the Town Clerk shall publish this Ordinance by title upon adoption by the Town Council.

**SECTION 7.**

Severability. The provisions of this Ordinance are severable, and the invalidity of any section, phrase, clause or portion of this Ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of this Ordinance.

INTRODUCED before the Town Council of the Town of Ridgway, Colorado on the \_\_\_\_ day of \_\_\_\_\_, 2018.

TOWN OF RIDGWAY, COLORADO, A HOME-RULE MUNICIPALITY

By \_\_\_\_\_  
John Clark, Mayor

ATTEST:

\_\_\_\_\_  
Pam Kraft, MMC, Town Clerk

Approved As to Form:

\_\_\_\_\_

BO JAMES NERLIN, Town Attorney

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Ridgway, Colorado, this \_\_\_\_ day of \_\_\_\_\_, 2018.

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CERTIFICATE OF TOWN CLERK

The foregoing Ordinance was introduced at a meeting of the Ridgway Town Council on \_\_\_\_\_, 2018, published by title and posted thereafter, and adopted by the Ridgway Town Council on \_\_\_\_\_, 2018.

(SEAL)

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Pam Kraft, MMC, Town Clerk