

**TOWN OF LYONS, COLORADO
ORDINANCE 1082**

AN ORDINANCE OF THE TOWN OF LYONS, COLORADO AMENDING SECTION 6-6-70 OF THE LYONS MUNICIPAL CODE FOR THE PURPOSE OF REQUIRING WASTE HAULERS TO REPORT ANNUAL DATA TO THE BOULDER COUNTY RESOURCE CONSERVATION DIVISION BY JANUARY 31, EACH YEAR, VIA BOULDER COUNTY'S RETRAC SOFTWARE OR OTHER SOFTWARE DESIGNATED BY BOULDER COUNTY.

WHEREAS, The Town of Lyons (the "Town"), and Colorado municipalities are generally empowered by C.R.S. Section 31-15- 401 to require the collection and disposal of trash, waste, rubbish, garbage, or industrial waste products or any other discarded materials; and

WHEREAS, municipalities are also empowered by C.R.S. Section 31-15-501 to regulate businesses operating within the Town, and specifically to regulate the activities of persons in the business of collecting and transporting trash and other refuse by requiring each such person to secure a license from the Town and charging a fee therefore; and to require adherence to such reasonable standards of health and safety as the Town's Board of Trustees may prescribe and to prohibit any such person from commercially collecting or disposing of such materials without a license or when not in compliance with such standards of health and safety as may be prescribed by the Board; and

WHEREAS, the Town's Board of Trustees desires to require every person in the business of transporting discarded materials to and from disposal sites to have, before commencing such operations, in such motor vehicle a motor vehicle liability insurance policy or evidence of such policy issued by an insurance carrier or insurer authorized to do business in the state of Colorado; and

WHEREAS, persons or companies in the business of hauling waste, electronics, recyclables and compostable within the Town, through their collection and transportation activities are able to supply the Town with information necessary for long-term solid waste management planning and therefore should be required to submit annual information about their hauling activities to the Town; and

WHEREAS, the Town desires to encourage waste reduction in order to further the waste diversion goals supported by the Town; and

WHEREAS, on July 6, 2015, the Board of Trustees (the "Board") passed Ordinance No. 977 which created an ordinance for the licensing of those in the business of collecting and transporting discarded materials within the Town of Lyons; and

WHEREAS, it is the intent of this Ordinance to create obligations to: (1) obtain information for long-term solid waste planning; and (2) protect the health, safety and welfare of the public.

THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, THAT:

Section 1. The above recitals are hereby incorporated by reference.

Section 2. Section 6-6-70 of the Lyons Municipal Code is hereby amended from the previous Section 6-6-70 to read in full as follows:

Sec. 6-6-70. - Licensee requirements.

(a) Annual reporting. All haulers must submit annual reports for discarded materials collected from within the Town. Annual reports must include the following information:

•Weight (in tons) of the following:

- Discarded materials
- Garbage
- Recycled construction and demolition materials
- Recyclable materials (by commodity) or aggregated into commingled containers; mixed paper; single stream (commingled containers combined with mixed paper)
- Compostables
- E-waste
- Other information deemed necessary as waste diversion reports are further developed

•Name and location of landfill, recycling, composting, C&D, e-waste, facility(s) used.

Reports shall be submitted to the Boulder County Resource Conservation Division by January 31, each year, via Boulder County's ReTRAC software or other software designated by Boulder County.

(b) Service for multifamily customers and commercial customers. Haulers who collect discarded materials including recyclable materials and compostable materials from multifamily customers and/or commercial customers shall offer such services with a frequency as is necessary to prevent overflow from the collection containers utilized for the collection and preparation of such material by such multifamily customer and commercial customers.

(c) Town to supply information. The Town may produce an educational flyer about recycling and waste reduction opportunities. Haulers shall copy and

distribute this flyer, not to exceed one (1) sheet of paper in length, to all their residential customers and multifamily customers, at no charge to the Town.

In the event the hauler elects to perform collection of waste, including compostable material, through subcontractors or agents, such agency relationship shall not relieve the hauler of responsibility for compliance with the provisions of this subsection or any rule promulgated hereunder.

Section 3. Code Revisions. Because this Ordinance revises an entire Section of the Lyons Municipal Code, minor changes such as the format, numbering, and other such changes may be necessary to unify the revised code. The Town Clerk is hereby authorized to make such changes provided that neither the intent of this Ordinance nor substantive content is altered.

Section 4. Severability. Should any one or more sections or provisions of this Ordinance enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 5. Repeal. Any and all ordinances, resolutions, or codes, or parts thereof, which are in conflict or inconsistent with this ordinance are repealed, to the extent of such conflict or inconsistency exists. The repeal of any such ordinance, resolution, or code or part thereof, shall not revive any other section or part of any ordinance, resolution, or code provision. This repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or code hereby repealed prior to this ordinance taking effect.


Section 6. Codification of Amendments. The codifier of the Town's Municipal Code, Municipal Code Corporation, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of Section 2 of this Ordinance within the Lyons Municipal Code.

Section 7. Effective Date. This Ordinance shall become effective thirty (30) days after publication following final passage in accordance with Section 2-2-160 of the Lyons Municipal Code.

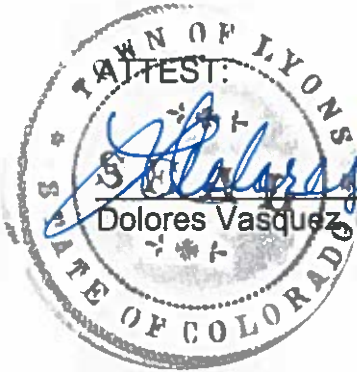

INTRODUCED AND PASSED ON FIRST READING THIS 4 DAY OF MAY 2020.

INTRODUCED, AMENDED, PASSED, ADOPTED AND ORDERED PUBLISHED ON SECOND READING THIS 18 DAY OF MAY 2020.

TOWN OF LYONS, COLORADO



Nicholas Angelo, Mayor


TOWN OF LYONS
STATE OF COLORADO
ATTEST:
Dolores Vasquez, MMC – Town Clerk


Attachments:

Exhibit A: Redline of LMC Section 6-6-70

EHXIBIT A

Sec. 6-6-70. - Licensee requirements.

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 - Compostables
 - E-waste
 - Other information deemed necessary as waste diversion reports are further developed
 - Name and location of landfill, recycling, composting, C&D, e-waste, facility(s) used.
- ~~Reports will be submitted to the Town, 432 5th Avenue, P.O. Box 49, Lyons, CO 80540, by January 31, each year, using a Town of Lyons Hauler Report Form provided by the Town.~~
- Reports shall be submitted to the Boulder County Resource Conservation Division by January 31, each year, via Boulder County's ReTRAC software or other software designated by Boulder County.
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