

ORDINANCE NO. 35

AN ORDINANCE RELATIVE TO REFUSE AND ITS COLLECTION, REPEALING ALL ORDINANCES AND SECTIONS OF ORDINANCES IN CONFLICT THEREWITH, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MEAD, WELD COUNTY, COLORADO:

Section 1.

Definitions. For the purposes of this ordinance the word "refuse" shall mean and include any grass clippings, leaves, hay, straw, manure, shavings, excelsior, paper, ashes, rubbish, containers, boxes, glass, cans, bottles, discarded automobile parts, appliances, furniture, household goods, garbage, waste, and discarded building and construction materials, including but not limited to plaster, broken concrete, bricks, cinder blocks, stones, wood, roofing material, wire or metal binding, sacks or loose discarded or unused material; all rubbish of any kind or nature whatsoever; and any other materials commonly known as rubbish or refuse of any kind or character of by any means known.

Section 2.

Accumulation of Refuse; Prohibited and Declared Nuisance. Any accumulation of refuse on any premises, improved or unimproved, in the Town is prohibited and is hereby declared to be a nuisance.

Section 3.

Abatement. Whenever the Board shall direct, the Town Clerk shall immediately thereafter notify any owner of property, said owner's agent or any person having charge of such property, in writing, that an order has been made by the Board requiring the removal of any accumulated refuse from such property or premises within THIRTY (30) days after service of said notice. If such property owner, agent or person having charge of such property shall not remove such refuse in accordance with the requirement of such order the Board may order that such refuse be removed by the Town Clerk or other agent of the Board and assess the cost thereof against the property or premises. The amount so assessed shall be a lien upon such property until the same is paid; provided, that in case of failure to pay such assessment within TEN (10) days after the same shall be made, the Town Clerk shall cause a notice of such assessment to be given to the owner of such property by publishing in a newspaper circulated in the Town for TWO (2) successive weeks, which publication shall contain a notice to such property owner of the amount assessed against such property, and shall designate a time and place when the Board will hear any objections as to the adjustment and correctness of the amount so assessed. If such assessment is not paid within TEN (10) days after the time fixed for hearing such objections, and unless the same are sustained, the Town Clerk shall certify such assessment to the County Treasurer to be placed on the tax list for the current year, to be collected in the same manner as other taxes are collected, with TEN (10%) percent penalty to defray the cost of collection, as provided by the laws of the State of Colorado.

Section 4.

Accumulation and Deposit of Refuse, etc., Prohibited. No person shall deposit or place any refuse in such a manner that the same is or tends to become a nuisance or in such a manner endangers or tends to endanger the public health. No person having the occupancy, control or management of any premises shall cause or permit any refuse to be accumulated thereon in such a manner that the same is or tends to become a nuisance or in such a manner as endangers or tends to endanger the public health. No person shall

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in any manner throw, place, scatter, deposit, or bury any refuse in or upon any public street, alley or other public place or upon his own premises or the premises of another.

Section 5.

Refuse Not to be Thrown in Street, Vacant Lot, etc. No hay, straw, shavings, excelsior, paper or other combustible material, sod, lawn mowings, leaves, weeds, ashes, glass, bottles, broken glass, nails, tacks, wire, cans, rocks, stones or rubbish of any kind or nature whatsoever or any other refuse or material shall be thrown or swept into any street, sidewalk, gutter, sewer, intake, alley, vacant lot or other property.

Section 6.

Responsibility of Owners, Lessees, etc., for Refuse on Premises. It shall be the duty of every person, whether owner, lessee or renter of any vacant lot, building or premises, including any place of business, hotel, restaurant, dwelling house, apartment, tenement or any other establishment, at all times to maintain the premises in a clean and orderly condition, permitting no deposit or accumulation of refuse or materials other than those ordinarily attendant upon the use for which such premises are legally intended. Any such accumulation shall constitute a nuisance, and shall be nonconforming in the use of such premises.

Section 7.

Building Materials to be Removed from Construction Sites. All plaster, broken concrete, bricks, cinder blocks, stones, wood, roofing material, wire or metal binding, sacks or loose discarded or unused material of any kind resulting from the wrecking, constructing or reconstructing of any room, basement, wall, fence, sidewalk, or building shall be promptly removed or discarded in such a manner as not to be scattered about by the wind or otherwise, and as soon as possible be removed by the person responsible for such work. Such person shall be held liable for any scattering of such refuse upon adjacent property.

Section 8.

Removal of Refuse From Business Required. Discarded automobile parts, appliances, furniture, household goods, wool, hides, junk yard refuse and packing house or slaughterhouse refuse shall be removed periodically from such respective establishments by the proprietor so that the premises are clean and orderly at all times. Silt and similar deposits from automobile or other wash racks shall be removed by the establishment creating such deposits. Any accumulation of refuse that is highly explosive or inflammable which might endanger life or property shall be removed to such places as approved by the Weld County Sheriff's Department, or the Mead Volunteer Fire Department, or the Mayor of the Town of Mead; such removal to be handled by the establishments responsible therefor.

Section 9.

Accumulation and Use of Manure. Other than a light spread of manure which may be applied on lawns or gardens for fertilizing purposes, manure shall not be kept on any property for any purpose, or kept in any place for later use, but shall be either plowed under or removed by the owner, occupant or agent.

Section 10.

Burning of Garbage and Waste Material. No person shall set fire or burn any refuse or other combustible materials in any ash pit or other receptacle or upon the ground, unless in an incinerator appropriately approved. Any such act is a nuisance because of smoke and odor.

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Section 11.

Town Disposal Sites. All refuse disposal sites which may be owned or under the control of the Town, together with all matter whatsoever deposited or existing thereon or therein, shall be the property of the Town, and no person shall enter upon such sites, or carry off, dispose of, burn or in any manner disturb or molest any matter of thing deposited or existing upon such sites, except under direction or authority of the Board.

Section 12.

Town to Provide Collection Service. The Town or its agents, contractors or Town licensed operators may furnish refuse collection service as provided in this ordinance to any persons resident within the Town.

Section 13.

Contract. The Board may enter into a contract or agreement with any person for the collection and disposal of refuse, or any portion thereof, throughout the Town, or it may at its discretion make provision for the collection and disposal of refuse.

Section 14.

Collection of Refuse by Other Than Town Prohibited; Exceptions. The Town, by and through its duly authorized agents, employees, contractors or Town licensed operators, shall be the sole agency for the collection and disposal of refuse, and no person except such duly authorized agents, employees, contractors or Town licensed operators of the Town shall collect or dispose of any refuse whether his own or another's within the Town. Nothing in this ordinance shall relieve any contractor or builder of the obligation of cleaning up premises after completion of such work. Nothing in this section shall prevent an individual from hauling his own refuse, provided, that it is properly disposed of in conformity with all Town regulations, and that such individual is subject to all provisions of this ordinance.

Section 15.

Charges for Town Collection Service. The Board shall, by resolution, establish charges for collection service under this section, prescribe the time and manner of payment of such charges and adopt measures designed to enforce the payment thereof such as, in its discretion, are necessary or desirable. Such resolution, when adopted, shall be of the same force and effect as if incorporated in this ordinance.

Section 16.

Collection of Tree Trimmings and Hedge Cuttings. Any person desiring to place tree trimmings or hedge cuttings for collection shall cause the same to be cut not more than FIVE (5') feet in length and EIGHTEEN (18") inches in diameter. Such person shall place the same for collection in the same manner and times provided for the collection of garbage.

Section 17.

Collection of Dead Animals.

(a) Dead animals not in excess of ONE HUNDRED (100) pounds will be picked up by the collectors under this ordinance on regular designated days of collection, but in no event shall the person having such dead animal allow it to remain undisposed of for a period longer than TWELVE (12) hours. In the event a dead animal must be disposed of on a day other than the regularly designated collection day, the Town Clerk shall be notified between 8:00 a.m. and 4:00 p.m.

(b) Dead animals in excess of ONE HUNDRED (100) pounds will be removed by the collectors at the owner's own expense, upon the payment of a fee as

set by resolution of the Board. In no event shall a dead animal remain undisposed of for a period longer than TWELVE (12) hours. The Town will not pick up dead animals from places making a business of treating, handling or disposing of animals.

(c) Dead animals of any weight shall not be placed in containers.

Section 18.

Unauthorized Molesting, Removal of Garbage, Containers Prohibited. No person shall molest, remove, handle or otherwise disturb any garbage or refuse containers or contents for servicing by the collectors; provided, that this section does not apply to the owner, occupant, lessee or tenant of the residence or dwelling so placing the containers and contents.

Section 19.

Promulgation of Rules and Regulations by Board of Trustees. The Board shall by resolution, promulgate rules and regulations relating to the manner of preparing and accumulating refuse for collection; the type and kind of containers to be used for such accumulation; the manner of use of and care for such containers; and such other rules and regulations as, in its discretion, are necessary or desirable in the interest of maintaining efficiency and sanitary conditions in the refuse collection system and service within the Town; and such resolutions, when adopted, shall be of the same force and effect as if incorporated in this ordinance.

Section 20.

Enforcement of Section. The Board shall have charge and supervision of the refuse collection system. It is empowered to employ and direct all assistants, laborers, agents, contractors, employees, and Town licensed operators in the operation of the service. It shall enforce the terms of this section and the various rules and regulations promulgated hereunder from time to time.

Section 21.

Severability. The sections of this ordinance are hereby declared to be severable, and if any section, provision, or part thereof shall be held unconstitutional or invalid, the remainder of this ordinance shall continue in full force and effect, it being the legislative intent that this ordinance would have been adopted even if such unconstitutional or invalid matter had not been included therein. It is further declared that if any provision or part of this section, or the application thereof to any person or circumstances, is held invalid, the remainder of this ordinance and the application thereof to other persons shall not be effected thereby.

Section 22.

General Penalty; Continuing violations. Whenever in this ordinance or any other ordinance or resolution of a Town or any rule or regulation promulgated under the provisions of this ordinance any act is prohibited or declared to be unlawful or in offense or a misdemeanor or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefore, any person who shall be convicted of the violation of any such provision of this code or other ordinance or resolution of the Town hereafter enacted or of such rules or regulations shall be punished by a fine of not more than THREE HUNDRED AND NO/100 (\$300.00) DOLLARS or by imprisonment in jail not exceeding NINETY (90) days or by both such fine and imprisonment.

Every day any violation of this ordinance or any other ordinance or resolution of the Town or any rule or regulation promulgated under the

provisions of this ordinance shall continue shall constitute a separate offense.

Section 23.

Repeal of Inconsistent Ordinances. Each and every ordinance or parts of ordinances in conflict herewith is hereby repealed.


Section 24.

In the opinion of the Board of Trustees of the Town of Mead, Weld County, Colorado, this ordinance is necessary for the immediate protection and preservation of the public health, safety, convenience and general welfare, and it is enacted for that purpose and shall be in full force and effect FIVE (5) days after passage and final publication.

Approved, adopted and ordered published by the Board of Trustees of the Town of Mead on the 2nd day of February, 1970.

ATTEST:

MAYOR:



VIRGINIA FREI, TOWN CLERK



R.W. MARKHAM

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