



ORDINANCE 346

AN ORDINANCE FOR WASTE DISPOSAL SERVICES (AND REPEALING RESOLUTION 09-02)

WHEREAS, the collection of trash, rubbish, garbage and waste within the City of Creede is a matter deemed to be of concern to the health, safety and welfare of Town residents and is in need of a uniform policy and enforceable through appropriate liens and penalties; and

WHEREAS, The City of Creede, a Colorado Town, pursuant to C.R.S. 30-15-401(7.5)(c)(III), has the authority to contract for waste disposal services; and

WHEREAS; The City of Creede, a Colorado Town, pursuant to C.R.S. 30-15-401(d)(1), has the authority to provide for the removal of rubbish of all kinds and assess the cost thereof as a lien on and against the property served; and

WHEREAS, The Board of Trustees may, from time to time, enter a contract to collect and haul waste, garbage, rubbish and trash from the town; and

WHEREAS, Resolution No. 09-02 for Waste Disposal Services was approved January 13, 2009 by the Board of Trustees and it was decided an Ordinance would be more desirable.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, A COLORADO TOWN, AS FOLLOWS:

Section 1: Repeal. Resolution # 09-02 is hereby repealed in its entirety and replaced by this Ordinance.

Section 2: Definitions The following words, terms and phrases, when used in these policies, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Waste shall mean garbage, rubbish and trash.

Garbage shall mean and include any and all rejected or waste food, meat, vegetable, fruit, offal, swill and carrion and other like materials from any source.

Rubbish shall mean inorganic refuse matter, such as tin cans, glass, ashes, sweepings, yard trash and other like material.

Section 3: Trash not to be thrown in street, alley, vacant lot, etc. It is unlawful to deposit or cause to be deposited or cast in any street, alley, and public place or upon any private property without the consent of the owner or occupant thereof, any garbage, rubbish or trash.

Section 4: Responsibility of owners, lessees. 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 trash or materials contrary to the provisions of these policies.



Section 5: Building materials at construction sites. All plaster, broken concrete, bricks, cinder blocks, stones, wood, roofing material, wire or metal bindings, 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 properties.

Section 6: Uncollected garbage deemed nuisance, failure to comply. Fermenting, putrefying, odiferous or unsightly garbage, rubbish or trash dumped in the open or uncollected at the proper time, due to failure of any owner or occupant of property within the Town limits to comply with the terms of these policies or any rule or regulation under this policy, is deemed a nuisance and a violation of this Ordinance.

Section 7: Violations designated. It is unlawful and a violation of these policies for any person to:

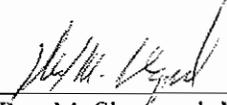
1. Permit the accumulation of any garbage, rubbish or trash on premises owned, controlled or occupied by such person.
2. Throw or permit to be deposit, any garbage, rubbish or trash upon any street, alley or public or private way within the town boundaries.
3. Keep or maintain any garbage in an unsanitary, unhealthy or unsafe condition.

Section 8: Public Welfare. The Board of Trustees hereby finds, determines and declares that this ordinance is promulgated under the general police power of the City of Creede and that it is promulgated for the health, safety, welfare and convenience of the public. The Board of Trustees further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 9: Severability. If any clause, sentence, paragraph or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 10: Effective Date. This Ordinance shall become effective upon approval by the Board of Trustees.

INTRODUCED, APPROVED AND ADOPTED, upon motion made at the regular Board Meeting of the City of Creede, a Colorado Town held on the 10th day of February 2009.

 Feb 10, 09
 Rex M. Shepperd, Mayor Date

ATTEST:


 Pamela J Wilson, City Clerk Date

