

**ORDINANCE NO. 25B**

**AN ORDINANCE PROVIDING FOR THE REGULATION OF TRASH SERVICE IN THE TOWN OF STRATTON, COLORADO BY ESTABLISHING FEES FOR TRASH SERVICE AND THE PROCEDURES AND PENALTIES FOR NON-PAYMENT THEREOF AND ESTABLISHING DISPUTE PROCEDURES.**

WHEREAS, the Town of Stratton, Colorado has entered into a franchise agreement whereby trash service is provided to the residential and commercial consumers of the Town;

WHEREAS, the Town of Stratton, Colorado has adopted Ordinance No. 18B and 23B adopting the franchise agreement for trash service;

WHEREAS, the Board of Trustees of the Town finds that in order to preserve the health, safety and welfare of the citizens of the Town, regulations relating to water, sewer and trash services are necessary;

WHEREAS, the Board of Trustees of the Town finds that water, sewer and trash services are reasonably related in that they help to preserve the health, safety and welfare of the citizens of the Town.

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF STRATTON, COLORADO:**

**Section 1. Purpose.** The purpose of this Ordinance is to set forth the fees related to non-payment of trash service and the penalty and procedures for failure to pay trash service, including the procedures for disputing charges.

**Section 2. Failure to Pay Trash Charges.** All consumer trash accounts, whether residential or commercial shall be due and payable, without notice on the 10<sup>th</sup> day of each calendar month that trash service is provided. An assessed penalty shall be added to all accounts not paid by the 10<sup>th</sup> of the month. If the consumer fails to pay the same by the last day of the month in which the trash service is provided, notice of the account shall be sent to the consumer from the Town Clerk of the Town of Stratton and if the account is not paid by the 10<sup>th</sup> day of the following month, the Town shall turn off the water delivered to the consumer, but only after 48 hours notice has been given that such water shall be turned off. The word consumer in this Ordinance when used by itself shall apply to any residential or commercial consumer. All notices required herein shall be given through the United States Mail and the time required in such notice shall start when the same is delivered to the United States Post Office located in Stratton, Colorado. In the event that the consumer has been granted a suspension of service by the Board of Trustees in accordance with the applicable Ordinance, this section shall not apply.

**Section 3. Applicable Fees for Trash Service.**

Late fee \$15.00  
Violation fee \$250.00 to \$500.00 – at the Judge’s discretion.

**Section 4. Dispute Procedure for Trash Service.** Any residential or commercial consumer of the Town of Stratton may dispute the monthly charges of their water, sewer and trash services. A dispute must be filed either orally or in writing with the Town Clerk within 10 days after receiving the notice of charges due and owing. The Town Clerk shall have the authority to resolve the dispute at his or her discretion. If the Town Clerk cannot resolve the issue, then the consumer shall have the option of presenting the dispute to the Board of Trustees. If it is determined that the charges were improperly assessed, then those assessments shall be corrected and any late fees shall be voided.

**Section 5. Violation.** Any person who violates any provisions of this Ordinance shall, upon conviction thereof, be fined a fee up to the maximum violation fee and the cost of prosecution, and shall be imprisoned up to 30 days in jail, or both. It is expressly provided that any consumer, whether residential or commercial being charged with violation of this Ordinance shall have the opportunity of a trial to the court or to a jury as he may so request.

**Section 6. Inconsistent Ordinances.** All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance, are hereby repealed.

**Section 7. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this Ordinance and they shall remain in full force and effect, it being the intent that this Ordinance shall stand, notwithstanding the invalidated or unconstitutionality of any part thereof.

**Section 8. Immediate Effect.** It is hereby declared that an emergency exists and that this Ordinance is necessary for the immediate preservation of the public health, peace, welfare and safety of the residents of the Town of Stratton, Colorado, and shall be in full force and effect after its passage and publication as provided for by law.

**INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this 10<sup>th</sup> day of May, 2007.**

The seal of the Town of Stratton is circular with the words "TOWN OF STRATTON" around the perimeter and "SEAL" in the center. Below the seal is a signature and the name "Paulette Thompson, Town Clerk".  
**Paulette Thompson, Town Clerk**

A handwritten signature in cursive script, appearing to read "Dana M. Siekman".  
**Dana Siekman, Mayor**