

CHAPTER XII
COLLECTION OF REFUSE AND GARBAGE

- Article 1 General Provisions
- Article 2 Collection Procedures

ARTICLE 1

GENERAL PROVISIONS

- 12-1-1 Definitions
- 12-1-2 Authorization
- 12-1-3 Rules and Regulations
- 12-1-4 Enforcement

12-1-1 Definitions

For the purpose of this Chapter, the following words and phrases shall have the meanings hereinafter defined:

(a) Garbage

Kitchen and table refuse and offal, swill and every accumulation of animal, vegetable and other matter that attends the preparation, consumption, decay or dealing in or storage of meats, fish, fowls, birds, fruits or vegetables not including dead animals and offal of slaughterhouses.

(b) Waste Matter

Broken crockery, broken bottles, broken bricks, tin cans, pasteboard boxes, paper, straw, grass clippings, sawdust, packing materials, shavings, boxes and all noncombustible waste matter, ashes and all other residue of materials burned; and other refuse and waste material other than garbage.

12-1-2 Authorization

The Town or its agents or contractors are hereby authorized and shall hereafter provide service for the hauling of garbage, rubbish, waste matter and ashes as provided in this Chapter to Town residents.

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12-1-3 Rules and Regulations

The Board shall by resolution, promulgate rules and regulations relating to the manner of preparing and accumulating garbage, rubbish, waste material and ashes for collection; the type and kind of containers to be used for such accumulation; the manner of use and care for such containers; and such other rules and regulations as, in their discretion, are necessary or desirable in the interest of maintaining efficiency and sanitary conditions in the garbage, rubbish, waste material and ashes 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 Section.

12-1-4 Enforcement

The Town Clerk shall have charge and supervision of the garbage, rubbish, waste material and ashes collection system and is empowered to employ and direct all assistants, laborers, agents, contractors, employees and Town licensed operators in the operation of the service. The Town Clerk shall enforce the terms of this section and the various rules and regulations promulgated hereunder from time to time and shall be accountable to the Mayor and Board in all matters pertaining to the exercise of said powers and duties.

ARTICLE 2

COLLECTION PROCEDURES

- 12-2-1 Exclusive Collection by Town; Exceptions
- 12-2-2 Charges for Collection Service, Lien
- 12-2-3 Tree Trimmings and Hedge Cuttings
- 12-2-4 Dead Animals
- 12-2-5 Contracting
- 12-2-6 Unauthorized Molesting or Removal of Garbage Containers
- 12-2-7 Disposition of Fees
- 12-2-8 Termination of Utilities Services

12-2-1 Exclusive Collection by Town; 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 garbage and waste material, and no person except such duly authorized agents, employees, contractors or Town licensed operators of the Town shall collect or dispose of any garbage or waste matter; whether his own or another's within the Town. Nothing in this section shall relieve any contractor of the obligation of cleaning up premises after completion of his contract. Nothing in this section shall prevent an individual from hauling his own waste material, provided, that it is properly disposed of in conformity with all Town regulations and that such individual is subject to all other provisions of the section.

12-2-2 Charges for Town Collection Services; Lien

(a) Charges

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 their discretion, are necessary or desired. Such resolution, when adopted, shall be of the same force and effect as if incorporated in this section,

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(b) Liens

The amount of charges for garbage, rubbish, waste material and ashes collection service shall be a lien upon the property served until the same is paid. In case of failure to pay the established charges for garbage, rubbish, waste material and ashes collection service by the owner or person having the occupancy, control or management of any premises within thirty (30) days after the time prescribed for payment of such charges by the Board, the Town Clerk shall cause a notice to be mailed by certified mail to such owner and to be published in a Town newspaper for two consecutive weeks. Said notices shall state the amount of charges assessed his property, and that if such charges are not paid within ten (10) days thereafter, the Town Clerk shall certify such charges as assessed to the county treasurer to be placed by him on the tax list for the current year to be collected in the same manner as other taxes are collected, with a ten percent (10%) penalty to defray the cost of collection, as provided by the laws of the State.

12-2-3 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 feet (5') in length and eighteen inches (18") in diameter. Said trimmings or cuttings shall not exceed fifty pounds (50) in weight. He shall place the same for collection in the same manner and times provided for the collection of garbage.

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12-2-4 Dead Animals

- (a) Dead animals will not regularly be picked up by the collectors under this section. In the event a dead animal must be disposed of, the Town Clerk shall be notified and the dead animal 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 hours. The Town will not pick up dead animals from places making a business of treating, handling or disposing of animals.
- (b) Dead animals of any weight or parts of dead animals shall not be placed in containers normally used for the deposit and collection of garbage, refuse, or trash.

12-2-5 Contracting

The Board of Trustees may enter into an exclusive contract or agreement with any person for the collection and disposal of ashes, trash, garbage, and refuse from and within the Town; provided, however, that prior to the signing of any such contract or agreement, there shall be furnished to the Board evidence that such person is duly licensed by the Public Utilities Commission of Colorado to operate a common carrier in the manner specified in the agreement or contract.

12-2-6 Unauthorized Activities Concerning Refuse and Garbage

No person shall molest, remove, handle or otherwise disturb any garbage or refuse containers or contents for servicing by the collectors; no person shall place within the Town limits any garbage, refuse or containers of garbage or refuse; provided, that this section does not apply to authorized persons, the owner, occupant, lessee or tenant of the business, residence, dwelling or garbage/refuse container, or their agents, who did so place the containers and contents.

Any person pleading guilty, found guilty or convicted of violating any provision of this ordinance may be incarcerated for a period not to exceed one (1) year or fined an amount not to exceed one thousand (\$1,000.00) dollars, or both.

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12-2-7 Disposition of Fees

All funds collected by the Town for collection service under this section shall be credited to a fund to be known as the "Garbage and Rubbish Collection System Fund", the proceeds of which shall be used to defray expenses, such as furnishing and maintaining of necessary equipment and payment of persons employed in the collection.

12-2-8 Termination of Utilities Services

Should any person who receives utility services from the Town, or for which the Town of Hotchkiss is the billing agency, fail to pay for all those utility services when due, all such services may be terminated, whether or not the non-paying customer has made partial payment or not. Termination shall be made after written notice of the sanction and public hearing is delivered to the non-paying customer and after the customer has had the opportunity to be heard at a public hearing before the Board of Trustees.

Nothing in this section shall limit the Town's right to assess unpaid utility bills as a lien against the real property served by utilities of the non-paying customer, as provided for elsewhere in the Code of the Town of Hotchkiss.