

ORDINANCE NO. 98

AN ORDINANCE PROVIDING FOR THE COLLECTION AND DISPOSITION OF RUBBISH AND GARBAGE BY THE TOWN OF FLAGLER; AUTHORIZING THE TOWN TO ESTABLISH RATES FOR SUCH SERVICES AND PROMULGATE RULES AND REGULATIONS RELATING TO RUBBISH AND GARBAGE; DECLARING THE ACCUMULATION OF RUBBISH AND GARBAGE CONTRARY HERETO A NUISANCE; AND PROVIDING PENALTIES FOR VIOLATION OF ITS PROVISIONS.

BE IT ORDAINED by the Board of Trustees of the Town of Flagler, Colorado:

Section 1. Definitions. (a) The word "rubbish" as used herein shall mean all refuse, trash, ashes, waste paper, cans, bottles, leaves, grass cuttings, shrubbery and tree trimmings, shavings and packing materials, weeds, and all other solid wastes except garbage.

(b) The word "garbage" shall mean all rejected or waste household food, kitchen refuse, and all other organic refuse resulting from the preparation of food, and decayed and spoiled food.

Section 2. Removal Required; Accumulation Prohibited. All garbage, rubbish, trash, manure and other debris within the limits of the Town must be removed from the places where the same shall accumulate and be disposed of in a manner provided in this ordinance; and any accumulation of the same on any premises in the Town contrary to this ordinance is hereby declared to be a nuisance.

Section 3. Deposit in Streets Prohibited. No garbage, rubbish, trash, debris, weeds or brush shall be discarded or deposited in any street, alley, vacant lot, sidewalk, gutter, sewer or place other than as herein prescribed.

Section 4. Removal of Rubbish and Garbage. (a) Rubbish may be removed and disposed of by the owner or occupant of the premises upon which it accumulates or by the regular employees of such owner or occupant; but otherwise rubbish shall be collected and removed only by the Town of Flagler or its agents or its contractors.

(b) Garbage shall be collected and removed only by the Town of Flagler and its agents or contractors.

Section 5. Collection Service Provided by Town. The Town may enter into exclusive agreements with any person, firm or corporation for the collection and removal of rubbish or garbage from the Town of Flagler, and the Town may also, in the alternative, make provision for the collection and removal of rubbish and garbage by its own employees or agents.

Section 6. Schedules for Collection; Charges; and Rules for Accumulation. (a) Rubbish and garbage shall be collected and removed from premises within the Town of Flagler at such intervals as the Board of Trustees of the Town, by resolution from time to time, may prescribe, and the number of collections per period of time may be varied in accordance with the character of the premises involved and the amount of rubbish and garbage accumulating thereon.

(b) The Board of Trustees of the Town may, by resolution, promulgate rules and regulations governing the accumulation of rubbish and garbage for collection, the type and kind of containers to be used for such accumulation, the manner of use and the care of such containers, and such other rules and regulations as are necessary or desirable in the interest of maintaining efficiency and sanitary conditions in the collection and removal of rubbish and garbage within the Town.

(c) Charges for the collection and removal of rubbish and garbage by the Town or by its contractors shall be fixed by resolution of the Board of Trustees, and shall take the form of a schedule of monthly rates to be charged with respect to each type of property or business within the Town and shall be graduated according to the character of the property or business involved and the amount of garbage and rubbish accumulating for disposition thereon.

(d) The schedules of collection and of charges, and the rules and regulations provided for herein, shall be kept on file in the office of the Town Clerk and open to public inspection at all times, and such schedules and rules and regulations shall be



otherwise communicated to owners and occupants of property within the Town in such manner as the Board of Trustees may direct.

Section 7. Construction and Remodeling Projects; Tree Trimming Removal. (a) The collection and removal of rubbish herein provided for by the Town shall not ordinarily include the collection and removal of rubbish or waste material arising out of or accumulating at the site of new construction or remodeling of any premises, nor the collection and removal of trees and limbs and other waste material arising out of the activities of professional tree trimmers, except that the Town may, upon such conditions and upon payment of such fees as may be set forth in the collection fee schedule, remove such material.

(b) Any person, other than a professional tree trimmer, desiring to place tree trimmings or hedge cuttings for collection, shall cause the same to be cut not more than five feet in length and 18 inches in diameter and shall place the same for collection in the same manner and time provided for the collection of rubbish.

Section 9. Rubbish and Garbage Containers. (a) Rubbish shall be kept separate from and not commingled with garbage and shall be placed in weathertight containers sufficient to hold the same without spilling or scattering until removed. Rubbish containers shall be of such type and size as can be readily lifted and dumped into a truck, and a standard metal 55-gallon barrel shall be deemed sufficient for such purpose. Rubbish shall not be deposited in ash pits or other receptacles of such nature that shoveling would be required to remove rubbish therefrom.

(b) Garbage shall be deposited in metal or plastic containers sufficient to receive that amount which may accumulate between times of collection, but no garbage container shall have a capacity exceeding ten gallons, and each shall be provided with bail or handles and a tight fitting cover. Rubbish or substances other than garbage shall not be deposited in garbage containers, and garbage shall not be wrapped. All

surplus liquid shall be drained from garbage before it is placed in containers.

(c) Rubbish and garbage containers and tree trimmings shall be placed at the rear of lots and buildings as close to the alley as is feasible, where an alley abuts the lot, otherwise at the nearest street line, and shall be accessible to collectors at all scheduled times of collection.

(d) It shall be unlawful for any person, except collection personnel in the course of their duties and the owner or other person regularly using the same, to remove, handle or otherwise disturb the containers and receptacles used for the collection and removal of rubbish or garbage as herein provided.

(e) The Town of Flagler shall not be responsible for any loss or damage to any rubbish or garbage containers.

Section 10. Disposal Sites. All matter whatsoever deposited or existing on sites for the disposal of rubbish and garbage and other waste material owned or under control of the Town of Flagler, shall be the property of the Town; and no person shall enter upon such sites, or carry off, dispose, burn or in any manner disturb or molest any matter or thing deposited or existing thereon, except under the direction and authority of the Town and in accordance with rules and regulations governing the use thereof which the Board of Trustees of the Town may adopt by resolution.

Section 11. Severability. If any provision of this ordinance shall be held invalid, such invalidity shall not affect other provisions or applications of the ordinance.

Section 12. Penalty. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not less than \$10 nor more than \$100 for each offense. Each day that a violation of any provision of this ordinance continues to exist shall be deemed to be a separate and distinct violation.

Section 13. Effective Date. Whereas, in the opinion of the Board of Trustees, an emergency exists and this ordinance is necessary for the immediate preservation of the public peace, health, and safety; therefore, this ordinance shall be in full force and effect upon the expiration of five days from and after its final passage and publication.

Passed, adopted and approved this 13th day of March, 1972.

  
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Mayor

(SEAL)

ATTEST:

  
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Town Clerk

Published: March 16, 1972.