

# TOWN OF SEDGWICK

## ORDINANCE #03-2008

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF SEDGWICK, SEDGWICK COUNTY, COLORADO, FOR THE REGULATION, COLLECTION AND DISPOSAL OF REFUSE, SPECIFIC OTHER WASTE MATERIALS, FEES, ENFORCEMENT, AND PENALTIES FOR VIOLATION OF THE REGULATIONS OF THE "SANITATION DEPARTMENT" OF THE TOWN OF SEDGWICK. FURTHER PROVIDING FOR ELECTIVE ADDITIONAL COLLECTION OF WASTE MATTER.**

**WHEREAS**, Ordinance #53, as adopted in 1973, and since amended by the Board of Trustees, has, in large part, become obsolete in relation to the Sanitation Department Requirements and Regulations for the Town; and,

**WHEREAS**, with the passage of this ordinance, it shall replace the current Sanitation Ordinance by the repealing of Ordinance #53 and any other ordinances or portions thereof effecting the Town's Sanitation Department; and,

**WHEREAS**, the Board of Trustees is desirous of updating the regulations of the Sanitation Department of the Town for the benefit of the residents of Sedgwick; it is,

**HEREBY ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SEDGWICK, AS FOLLOWS:**

**Section 1. Definitions:** For the purpose of this ordinance, "Refuse" shall mean and include household waste only, such as garbage, waste paper, household trash, etc... as would normally be generated by residents of a household.

"Yard debris" shall mean and include lawn clippings, removed weeds, leaves, etc... as would normally be generated for the upkeep and care of a resident lawn, flower beds and vegetable gardens.

"Yard debris" shall not include tree trimmings, rubbish, tires, discarded wood, appliances, furniture, metals of any kind, batteries, paint, toxins, or any other items not included under the definitions of "Refuse" and "Yard debris" as strictly applied to this ordinance.

"Resident" shall refer to any person(s) domiciled within the city limits of the Town of Sedgwick, generally a customer of the Sanitation Department of the Town. Specific exceptions to this definition shall be in resolution form as adopted by the Board of Trustees. Customers of the Sedgwick Municipal Water and Wastewater Systems shall be considered as "Residents."

"Non-Resident" shall refer to any person(s) not domiciled within the city limits of the Town of Sedgwick and specifically not a customer of the Sanitation Department of the Town. Exception listed under definition of "Resident."

"Customer" shall mean any resident person on record with the Town Clerk as receiving regular service and billing from the Town for Sanitation Department services.

"Occasional Waste Matter" shall mean periodic cans, bottles, food containers, etc..., usually generated by individuals at events or on a small, sporadic basis and not specifically by "Customers" as defined.

**Section 2. Accumulation of "refuse," or "yard debris.":** The accumulation or collection or "refuse" or "yard debris" on private property within the city limits of Sedgwick shall be prohibited and declared a nuisance and shall be enforced under this ordinance or any other applicable ordinance of the Town and persons shall be subject to full enforcement of said violations of those ordinances.

**Section 3. Collections of Refuse, Yard Debris, Conditions of Service and Billing:** The Town shall provide waste receptacles for use by residents and businesses within the city limits of Sedgwick only. Any receptacle not provided by the Town will be subject to approved use, by the Board of Trustees before it may be put into active service of the sanitation department. No refuse, other than that set forth in Section 4 shall be collected by agent(s) of the Town that are not contained in the receptacles as furnished or authorized by the Town. The Town, by and through its duly authorized agent(s), employees, contractors or Town licensed operators shall be the sole agency for the collection and disposal of waste as defined and no person except the Town shall collect or dispose of such refuse except that nothing in this section shall prevent an individual from hauling their own waste matter provided that it is properly disposed of in conformity with all Town regulations, including provisions of this ordinance and statutes of the State of Colorado. *Such "self-removal" shall not affect the fees charged nor relieve any person from the payment thereof, as billed by Town, by policy, for sanitation charges.* For the ability of the Town to maintain collection and disposal of sanitation services at a cost reasonable for the residents of Sedgwick, it shall be a requirement that property with an active water account with the Town shall be assessed and required to pay the sanitation charge as billed by the Town. Persons may request sanitation service, with payment at the established rate, without having an active water account with the Town.

**Section 4. Collections:** The Town will collect and dispose of "refuse" and "yard debris" under the conditions as set forth:

A. The items to be collected fall within the strict interpretations of the definitions as set forth in Section 1.

B. Items defined as "refuse" shall be contained within the receptacle as provided by or approved by the Town.

C. The items as set forth in the description of "yard debris" in Section 1 shall be "pre-bagged" by the customer in garbage bags suitable for such use. Bags shall be set in close proximity to the trash receptacle and shall be collected at the same time as the receptacle waste. If the bag(s), in which the "yard debris" is contained, is of insufficient strength to hold debris and results in the breakage of the bag and the spilling of the contents of such, it shall be incumbent upon the customer to clean up said debris and not the responsibility of the Town or agent(s) thereof.

**Section 5. Fees and Collection Days:** The fees for the set up of dumpsters, collection and disposal of "refuse" and "yard debris" and any additional collections, as may be requested by customers, charges per receptacle, size and quantity, in service by the sanitation department of the Town, along with days that waste shall be collected, as well as any other operating costs and expenses, shall be set by resolution of the Board of Trustees and may, at its discretion and discernment, be amended at anytime as required by circumstances as they exist. Public notice will be given as to any change in any fees charged, by resolution, under this ordinance. A copy of a calendar with the residential collection days legibly noted shall be created annually by the Town Clerk and shall be available at the Town Hall by the 15<sup>th</sup> of December for the next years collection schedule. A copy of any resolution of the Board of Trustees regarding any fees assessed by effect of this ordinance shall be available at the Town Hall and will be provided by the Town Clerk provided payment received of assessed fees for copies as set forth by resolution in compliance with the Revised Municipal Statutes of the State of Colorado.

**Section 6. Illegal Dumping, Ordinance Violations and Penalties:** The service provided by the Town under this ordinance is for residents of the Town of Sedgwick only unless specified in this section. It shall be unlawful for any non-resident to "dump" waste of any kind or type into the receptacles provided by the Town and shall be considered to be in violation of this ordinance and shall be subject to a fine of not less than \$100.00 (One Hundred Dollars) and not more than \$1000.00 (One Thousand Dollars) and/or sentencing of up to Three(3) Days in jail, upon conviction of violation of this ordinance in Municipal or County Court. Any and all costs that may be incurred by the Town for the prosecution, court costs, administrative fees and incarceration, along with any fines applicable shall be requested during prosecution and payable upon conviction of any violation(s) of this ordinance. It shall be unlawful for any customer of the Towns sanitation services to allow non-residents to use the receptacle provided or approved by the Town, in service, for the dumping of any "waste matter" of any kind. Any person(s)

found to be in violation shall be subject to the same punishment as aforementioned in this section. Resident violators of this ordinance shall be subject to appearance before Municipal Court. Non-resident violators of this ordinance shall be subject to appearance before Municipal or County Court at the recommendation of General Counsel of the Town.

Exceptions to Section 6.

A. This section shall not apply to persons using receptacles as provided by the Town in public settings, usually consisting of barrels with lids, for "occasional waste matter."

B. This section shall not apply to persons using receptacles as provided by the Town for use in public parks for "waste matter" as resulting from use of the park for an occasion or event.

C. This section shall not apply to persons using receptacles as provided by the Town for use in public settings for special events as occasionally hosted by the Town, Businesses, Clubs or Organizations which are held within the Town of Sedgwick.

**Section 7. Authorized "Clean-up Days":** The Board of Trustees *may*, at its discretion and by resolution, set a specific date or dates for the collection and disposal of items that are not in compliance with the definitions as set forth in Section 1, and may be different as to the collection dates as scheduled. Any such resolution shall be specific in nature, as to what items may be collected and disposed of by the Town and shall not at any time include any toxins or toxic waste matter or material or any waste matter or materials not accepted at the Towns selected disposal site. A fee, in addition to the regular fees set by resolution, may be charged for collections during an "Authorized 'Clean-up' Day" and appear on the next regular utility bill as issued by the Town. The spirit of this section is for the Town to provide residents with the opportunity to dispose of items that are not specifically defined in Section 1 to help maintain a cleaner, healthier and more visually appealing community.

**Section 8. Conflicting Ordinances - Repealed:** Upon adoption of this ordinance, any and all ordinances, in whole or in part, in conflict with this ordinance, specifically, but not exclusively, Ordinance #53, are hereby repealed.

**Section 9. Severability:** If any word, sentence, paragraph, phrase, section, subsection or provision of this ordinance, or the enforcement thereof, shall be found to be invalid, it shall not effect the remaining portion of this ordinance or any word, sentence, paragraph, phrase, section, subsection or provision of this ordinance which shall be given effect without the invalid provision(s) or application, and to this end, the provisions of this ordinance are declared to be severable. The Board declares that it would have approved this ordinance regardless of any portion(s) which may be declared severed.

**Section 10. Emergency Clause:** The Board of Trustees finds and determines that the passage of this Ordinance is necessary for the immediate preservation of the public health and safety of the inhabitants of the Town of Sedgwick, Colorado and determines that it shall become effective Five(5) days following its publication.

**THIS ORDINANCE HAS BEEN;**

INTRODUCED, READ, VOTED ON AND ADPOTED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF SEDGWICK, SEDGWICK COUNTY, COLORADO, THIS 1<sup>ST</sup> DAY OF DECEMBER, 2008 AND IS HEREBY ORDERED PUBLISHED BY "TITLE ONLY".

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Attest:  
Town Clerk

SEAL

# TOWN OF SEDGWICK

## AMENDMENT OF ORDINANCE #03-2008

**AN AMENDMENT OF ORDINANCE #03-2008 BY THE BOARD OF TRUSTEES OF THE TOWN OF SEDGWICK, SEDGWICK COUNTY, COLORADO, BY THE REPEALING OF SECTION #3 AND ADDITION OF REPLACEMENT WORDING FOR SECTION #3.**

**WHEREAS**, Ordinance #03-2008 was adopted for clarification and updating of the Sanitation Department of the Town of Sedgwick, in part, by the repealing of Ordinance #53; and,

**WHEREAS**, said Ordinance does contain a "Severability clause," allowing it to become effective as dated; and,

**WHEREAS**, amending said Ordinance has been recommended by General Counsel; it is,

**HEREBY ORDAINED BY THE BOARD OF TRUSTEES AS FOLLOWS:**

- A. "Section 3" of Ordinance #03-2008 is hereby repealed.
- B. "Section 3" shall be replaced with the following wording:

**Section 3. Collections of Refuse, Yard Debris, Conditions of Service and Billing:**  
The Town shall provide waste receptacles for use only by customers (Residents - see definition, Section 1, for purposes of this Ordinance) of the Sanitation Department. Any receptacle not provided by the Town will be subject to approved use, by the Board of Trustees, before it may be put into active service of the Sanitation Department. No refuse, other than that set forth in Section 4 shall be collected by agent(s) of the Town that are not contained in the receptacles as furnished or authorized by the Town.

The Town, by and through its duly authorized agent(s), employees, contractors or Town licensed operators shall be the agency for the billing of services provided by the Sanitation Department. Nothing in this Ordinance shall prohibit any resident from contracting with a private trash hauler that is in full compliance with applicable rules and regulations of the Town and the State of Colorado. Nothing in this Ordinance shall prohibit any resident from "self removal" of waste matter provided that it is properly disposed of in conformity with all Town regulations, including provisions of this ordinance and statues of the State of Colorado.

*In compliance with C.R.S. §30-15-401(4), (5), and (7)(a) - all residents are advised that such contracting with private trash hauler or self removal of waste matter*

*shall not affect the fees charged by the Town nor relieve any person from the payment thereof, as billed by the Town, by policy, for sanitation charges.*

Persons may request sanitation service, with payment at a rate that shall be established by the Board, without having an active water/wastewater account with the Town.

Exemptions from Section 3

In compliance with C.R.S. §30-15-401(7)(a) - Industrial, commercial establishments and multifamily residences consisting of eight or more units are exempt from required payment of services to the Town unless they are a specific customer of the Sanitation Department of the Town.

**THIS AMENDMENT TO ORDINANCE #03-2008 HAS BEEN;**

INTRODUCED, READ, VOTED ON AND ADOPTED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF SEDGWICK, SEDGWICK COUNTY, COLORADO, THIS 2<sup>ND</sup> DAY OF FEBRUARY, 2009, IS HEREBY ORDERED PUBLISHED BY "TITLE ONLY" AND SHALL BECOME EFFECTIVE UPON PUBLICATION.



Mayor



Attest:

Town Clerk

SEAL