

## ORDINANCE NO. 243

AN ORDINANCE CONCERNING THE COLLECTION AND DISPOSAL  
OF TRASH, ASHES, AND GARBAGE IN THE TOWN OF BERTHOUD,  
AND PROVIDING PENALTIES FOR THE VIOLATION OF ITS  
PROVISIONS.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD:

Section 1. (a) The term "trash" as used in this Ordinance shall be taken to mean all substances which are neither ashes nor garbage, discarded from dwellings, rooming houses, hotels restaurants, boarding houses, apartments, eating places, shops stores and other places of business.

(b) The word "garbage" as used in this Ordinance consists of every accumulation of animal, vegetable, and other matter that attends the preparation, consumption, decay or dealing in, or storage of meats, fish, fowls, fruit, foods or vegetables. The term "garbage" does not include dish water or waste water.

Section 2. Every owner or occupant of premises within said town shall deposit and cause to be deposited all garbage which may accumulate on any premises owned or occupied by him, in fly-tight, covered, metal containers, and all trash and ashes which may accumulate on such premises shall be placed in suitable containers separate and apart from garbage containers.

Section 3. The metal containers in which garbage shall be deposited, as provided in the foregoing section of this Ordinance shall be of a capacity not to exceed twenty-five (25) gallons each, shall have a fly-tight cover, be leakproof and be provided with a bail or side handles.

Section 4. All garbage containers as required by the foregoing section of this Ordinance, shall be kept readily accessible to the collector, near the alley line and so that they shall not be a public nuisance or offensive in any degree and the Health Officer of said town shall be the exclusive judge of the sufficiency of each ash, trash and garbage can or receptacle and the manner and place of keeping the same.

Section 5. It shall be unlawful for any person having ashes, trash and garbage in the said town to throw or deposit the same, or cause the same to be thrown or deposited, upon any street, alley, gutter, park or other public place, or to throw or deposit the same in or upon any vacant lot or back yard or to store or keep the same otherwise than in cans or receptacles as required by this Ordinance; and it shall be unlawful to have, store, deposit or keep garbage where rats can have access thereto or feed thereon. Each day's violation of this section shall be treated and considered, and the same shall be a separate and distinct offense.

Section 6. Garbage shall be collected and removed by employees of the town or persons under contract with the town for that purpose as often as considered necessary for the average household. This shall not, however, preclude removal of garbage at other times at the instance and expense of any owner or occupant of premises, nor shall it excuse such owner or occupant for any violation of Section 5 of this Ordinance. Each owner or occupant of premises shall cause all trash and ashes to be removed at his own expense at sufficiently frequent intervals to avoid violations of Section 5 of this Ordinance.

Section 7. The Board of Trustees may enter into contract or agreement with any person, firm, or corporation for the collection of garbage throughout the town, or it may at its discretion make provision for the collection and removal of garbage by its own employees or agents.

Section 8. 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 more than fifty (\$50.00) dollars, or by imprisonment in jail for not more than ten (10) days.

Section 9. If any section, subsection, sentence, clause or phrase of this Ordinance for any reason is held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Trustees of the Town of Berthoud hereby declares that it would have passed this Ordinance and each section, subsection, sentence clause and phrase thereof irrespective of the fact that any one or more of these be declared unconstitutional.

Section 10. Ordinance Number 132 of the Town of Berthoud and all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

Section 11. The Board of Trustees of the Town of Berthoud hereby finds and declares that this Ordinance is necessary for the immediate preservation of the public peace, health and safety.

Section 12. In the opinion of the Board of Trustees an emergency exists and therefore this Ordinance shall take effect and be in force five (5) days after its publication.

Passed and adopted by the Board of Trustees of the Town of Berthoud, Colorado, and approved by the Mayor this 11th day of May, A.D., 1954.

OD May 0  
Mayor

Attest:

Viola Barrowman  
Clerk

