

ORDINANCE NO. 565

AN ORDINANCE AMENDING CHAPTER 16, GARBAGE AND TRASH, OF THE BERTHOUD MUNICIPAL CODE.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, LARIMER COUNTY, COLORADO, THAT CHAPTER 16 OF THE BERTHOUD MUNICIPAL CODE DEALING WITH GARBAGE AND TRASH IS HEREBY AMENDED TO READ AS FOLLOWS:

CHAPTER 16

GARBAGE AND TRASH

Section 16.1 - DEFINITIONS

The following definitions shall be applicable to this chapter unless otherwise provided:

Section 16.1-1 Garbage: All animal or vegetable matter subject to decay.

Section 16.1-2 Person: Any natural person, or any partnership, corporation or other association acting as a unit as well as individuals.

Section 16.1-3 Person In Charge Of Real Property: Any person being entitled to the possession or control of any real estate, leasehold, residence, building or premises within the Town, or any part thereof, including the agent or agents of such person or if the property is vacant the owner or owners of the real property.

Section 16.1-4 Trash: All items of personal property located in a residentially zoned area, unless:

a-1. The personal property is presently capable of being used in its customary manner and its use is characteristically associated with the use of the premises as a residence; or,

a-2. The personal property is stored on the premises within the legally constructed structure or fenced area which conceals the property from being seen by passing pedestrians or by persons standing on neighboring lots; or,

a-3. The personal property consists of building materials stored on the premises while construction is actively and legally being pursued on the premises.

b-1. Items of personal property stored for more than twelve (12) months without being used at least seasonally unless

excepted under Section a.above shall be presumed to be trash.

Section 16.1-5 Weeds: Weeds shall be construed in their customary and accepted sense and shall include plants, brush, or grass in excess of twelve inches (12") in height. This shall not include plants being grown in the customary manner but shall include plants which are customarily eliminated by herbicides such as dandelions, Canadian thistle and bind weed.

Section 16.2 - RECEPTACLES REQUIRED

It shall be the duty of all persons in charge of real property, and all other persons producing or having garbage, to provide and keep watertight garbage containers of galvanized metal or other nonabsorbent material in which all garbage shall be kept. All garbage shall be placed and kept in such containers until it is hauled away not less often than every seven (7) days, unless disposed of in a garbage disposal unit properly connected to water and sewer lines.

Section 16.3 - BUILDING MATERIALS REMOVED FROM CONSTRUCTION SITES

All discarded or unused construction materials, to include, but not be limited to, plaster, concrete, bricks, cinder blocks, stones, wood, roofing material, wire, sacks or material of any kind resulting from wrecking shall be promptly removed at least every seven (7) days. During the term which the building permit is in effect, materials shall be stored in such a manner as to be safe, neat and not be scattered about the property.

Section 16.4 - BURNING OF WASTES UNLAWFUL

It shall be unlawful for any person to burn or cause to be burned any garbage or trash within the corporate limits of the town.

Section 16.5 - ACCUMULATION OF GARBAGE OR TRASH PROHIBITED

It shall be unlawful for any person in charge of real property to cause or permit garbage or trash to be left or accumulated in the Town.

Section 16.6 - ABATEMENT OF UNLAWFUL ACCUMULATIONS

The town administrator is hereby authorized and empowered to examine or cause to be examined every premises suspected to contain an unlawful accumulation of such garbage, trash or weeds and if the same be found, to serve to the person responsible for the same or the person in charge of the real property upon which found, a written notice stating that an unlawful accumulation has been found upon the premises and directing the person to whom the notice is addressed

to eliminate the violation within a reasonable time specified in such notice. The time so provided shall be commensurate with the work required to be done to correct the unlawful condition and the danger that which this accumulation presents. In any event, the time period shall not exceed fourteen (14) days after service.

Section 16.7 - DEPOSITING WASTE MATERIALS ON PRIVATE PROPERTY

It shall be unlawful for any person to discard or abandon garbage or trash upon the premises not owned or occupied by such person, without the consent of the owner thereof or the person occupying the same and it shall be presumed that permission was not granted where the depositor does not own or reside on the premises.

Section 16.8 - CUTTING AND REMOVAL OF WEEDS

It shall be unlawful for the person in charge of real property to allow or permit weeds to grow or to remain grown upon said property. All plants shall be cut and removed before becoming weeds.

Section 16.9 - TOWN REMOVE AND ASSESS COST

If any person shall fail to comply with the preceding sections of this code, in addition to the penalty provided therefor, a written notice may be served personally or by certified mail, return receipt requested, upon the owner of such property as currently shown in the records of the town or the county assessor's office, requiring the garbage, trash or weeds to be removed within fourteen (14) days after receipt of such notice. If not removed within the stated time, the town may remove the same and assess the whole cost thereof, including 15% for inspection and other incidental costs in connection therewith, upon the land and such assessment shall be a lien until paid. If any such assessment is not paid within thirty (30) days after it is made, the same shall be certified by the town clerk to the county treasurer and placed upon the tax list for the current year, and thereby collected in the same manner as other taxes are collected, with such additional costs as may be provided by statute.

Section 16.10 - PROHIBITED ACCUMULATIONS

A. Manure: Other than a light spread of manure which may be applied on lawns or gardens for fertilizing purposes, it is unlawful for any person to keep manure on any property for any purpose, or keep manure in any place for later use, and such manure shall be either plowed under or removed by the person in charge of the real property.

Section 16.11 - NUISANCE DECLARED

Any violation of the provisions of this chapter may endanger

the public health and is hereby declared to be a public nuisance and subject to all reasonable procedures for abatement by the town.

Section 16.12 - PENALTIES

It shall be unlawful for any person to violate any of the provisions of this Ordinance. In addition to abatement procedures provided herein, the person may be charged with a violation of this chapter and may be found guilty of a separate offense for each and every day, or portion thereof during which any violation continues. The person shall be punished by a fine of not more than THREE HUNDRED DOLLARS (\$300.00). Abatement procedure and penalties shall be cumulative and are not mutually exclusive.

Section 16.13 - REPEALER

Upon the effective date of this chapter, all previously enacted ordinances creating or amending Chapter 16 of the Berthoud Municipal Code are hereby repealed.

Section 16.14 - SEVERABILITY

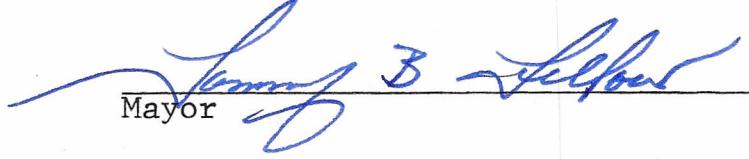
If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or application of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

Section 16.15 - EFFECTIVE DATE

This ordinance was introduced and read and a public hearing set for September 25, 1984, by the Board of Trustees of the Town of Berthoud at its meeting held this 11th day of September, 1984. After a public hearing, this ordinance was read, passed and ordered published by the Board of Trustees at its meeting this 25th day of September, 1984 and shall be effective thirty (30) days after publication.

TOWN OF BERTHOUD:

ATTEST:


Tom B. Selby
Mayor


Orabelle Patterson
Town Clerk

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