

TOWN OF JOHNSTOWN, COLORADO

ORDINANCE NO. 2024-259

AN ORDINANCE ADDING SECTION 7-54 TO THE JOHNSTOWN MUNICIPAL CODE PROHIBITING THE BURNING OF GARBAGE AND REFUSE IN THE TOWN OF JOHNSTOWN

WHEREAS, the Town of Johnstown, Colorado (“Town”) is a Colorado home rule municipality, duly organized and existing under the laws of the State of Colorado and the Town’s Home Rule Charter; and

WHEREAS, the Town Council is vested with authority to administer the affairs of the Town; and

WHEREAS, Article III of Chapter 7 of the Johnstown Municipal Code (“Code”) contains regulations concerning garbage and refuse in the Town; and

WHEREAS, based on the guidance and instruction of Town Staff, the Town Council finds that the burning of garbage and refuse presents a substantial danger and hazard to the health, safety and welfare of the community; and

WHEREAS, Town Staff recommends that the Town Council, for the health, safety and welfare of the community, adopt an amendment to Article III of Chapter 7 of the Code to prohibit the burning of garbage and refuse within Town; and

WHEREAS, based on the recommendation of Town Staff, the Town Council desires to add Section 7-54 to Article III of Chapter 7 of the Code to accomplish the foregoing; and

WHEREAS, the Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the preservation of the public health, welfare, peace, safety and property and that this Ordinance is in the best interests of the citizens of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, THAT:

Section 1. Section 7-54. Section 7-54 is hereby added to Article III of the Johnstown Municipal Code to provide as follows:

Sec. 7-54 – Burning of refuse prohibited.

It shall be unlawful for any person to burn or cause to be burned refuse in the Town.

Section 2. Severability. If any part of provision of this Ordinance, or its application to any person or circumstance, is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance that can be given effect without the invalid provision,

part or application, and to this end the provisions and parts of the Ordinance are declared to be severable.

Section 3. Publication; Effective Date. This Ordinance, after its final passage on final reading, shall be numbered, recorded, published and posted as required by the Home Rule Charter of the Town of Johnstown, Colorado (“Charter”) and the adoption, posting and publication shall be authenticated by the signature of the Mayor and the Town Clerk. This Ordinance shall become effective upon final passage as provided by the Charter. Copies of the entire Ordinance are available at the office of the Town Clerk.

INTRODUCED AND APPROVED on first reading by the Town Council of the Town of Johnstown, Colorado, this _____ day of _____, 2024.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____ By: _____
Hannah Hill, Town Clerk Michael P. Duncan, Mayor

PASSED UPON FINAL APPROVAL AND ADOPTED on second reading by the Town Council of the Town of Johnstown, Colorado, this _____ day of _____, 2024.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____ By: _____
Hannah Hill, Town Clerk Michael P. Duncan, Mayor