

TOWN OF JOHNSTOWN, COLORADO

ORDINANCE NO. 2021-215

**AN ORDINANCE REPEALING AND READOPTING ARTICLE
IV OF CHAPTER 7 OF THE JOHNSTOWN MUNICIPAL CODE
CONCERNING WASTE COLLECTION**

WHEREAS, the Town of Johnstown, Colorado (“Town”) is a municipal corporation duly organized and existing under its Home Rule Charter adopted pursuant to Article XX of the Constitution of the State of Colorado; and

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

WHEREAS, Article IV of Chapter 7 of the Johnstown Municipal Code regulates waste collection services in the Town; and

WHEREAS, Town staff recommends that the waste collection regulations be amended to reflect, among other updates, that the Town shall provide recycling collection services in addition to residential waste collection services; and

WHEREAS, to effectuate the foregoing, the Town Council desires to amend and modify Article IV of Chapter 7 of the Johnstown Municipal Code; 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, AS FOLLOWS:

Section 1. Article IV of Chapter 7 of the Johnstown Municipal Code is hereby repealed in its entirety and readopted to read as follows in its entirety:

ARTICLE IV – Waste Collection

ARTICLE IV – Waste Collection

Sec. 7-61. Town refuse collection services.

- (a) Except as otherwise provided in this Article, the Town shall provide, by contract with a third party, refuse collection services for residents in the Town. Unless otherwise authorized by the Town Manager, the Town shall not provide refuse collection services to: (i) multifamily residences containing three or more units or (ii) non-residential customers, including commercial and industrial establishments.

- (b) Customers may opt out of the Town-provided refuse collection services by notifying the Town Finance Director, in writing, at least twenty (20) days before the first day of the next month of the desire to cancel the service. Said customers shall not be eligible to participate in any services or benefits offered to customers who participate in the Town-provided refuse collection services. Said customers shall remain bound by all other parts of the ordinances of the Town concerning or pertaining to waste collection and removal.
- (c) For purposes of this Article, *refuse collection services* shall include the collection and disposal of all trash, rubbish, garbage and other such waste material. *Refuse collection services* shall not include dumpster services nor shall it include disposal of refrigerators, washers, dryers and other large or bulky items or material that is or contains radioactive, volatile, corrosive, highly flammable, explosive, biomedical, infectious, biohazardous, toxic or hazardous material. Bulk refuse material not collected as part of the Town-provided refuse collection services shall be removed by separate arrangement with the Town's third-party contractor, another Town-licensed contractor or the resident in compliance with this Article.

Sec. 7-62. Town recycling collection services.

- (a) Except as otherwise provided in this Article, the Town shall provide, by contract with a third party, recycling collection services in the Town. The recycling collection services shall be available to all customers utilizing the Town-provided refuse collection services.
- (b) Customers may opt out of the Town-provided recycling collection services by notifying the Town Finance Director, in writing, at least twenty (20) days before the first day of the next month of the desire to cancel the service.
- (c) For purposes of this Article, *recycling collection services* shall consist of the disposal of materials that are collected separately for the purpose of such materials being re-processed into new or different products or packaging materials, provided that such materials are designated as recyclable by the Town's third-party service provider.

Sec. 7-63. Specifications for containers.

- (a) Customers utilizing the Town-provided refuse or recycling collection services shall place refuse and recycling materials in containers furnished by the Town's third-party service provider. Such containers shall be used, as appropriate to each container, only for the collection of refuse and recycling materials. On the day of collection, customers shall place the containers in a readily accessible location adjacent to the residential or non-residential unit for handling by the Town's third-party service provider. The containers shall not be overloaded by weight or volume. Said customers shall also comply with rules regarding the containers imposed by the Town's third party-service provider, including the location of the containers for pick-up and weight or volume restrictions
- (b) Customers not utilizing the Town-provided refuse collection services shall place all refuse and, if applicable, recycling materials in suitable and enclosed containers furnished by such customer.
- (c) Containers for refuse and recycling collection services shall be kept off the street, curb, sidewalk and all other public ways, except for the period beginning 6:00 p.m. on the day prior to the day of collection and ending 9:00 p.m. on the day of collection.

Sec. 7-64. Refuse collection providers.

- (a) Refuse collection providers operating in the Town shall obtain, and maintain at all times when doing business in the Town, a Town business license.
- (b) Refuse collection providers operating in the Town shall: (i) obtain, and maintain at all times when doing a business in the Town, comprehensive general and automobile liability insurance policies in an amount sufficient to protect against damage and liability that may arise from their activities in the Town; (ii) name the Town as an additional insured party on the liability insurance policies; and (iii) upon the Town's request, provide certificates of insurance coverage to the Town.

Sec. 7-65. Persons served by water taps to receive service and pay the costs and billing.

- (a) Customers receiving Town-provided refuse or recycling collection services shall be billed and shall pay said charges monthly with such customer's water bill in the amount set forth by resolution of the Town Council in the Town Fee Schedule.
- (b) For customers utilizing the Town-provided refuse or recycling collection services, the assessments for refuse and recycling collection services shall be determined by the individual water tap billings. Where more than one single family is living in a residential dwelling served by only one water tap, an additional charge shall be made for each single-family unit.

Sec. 7-66. Lien and collection of unpaid bills; cessation of service.

- (a) The assessment provided in Section 7-65 shall be a lien against each lot or tract of land where said water tap serves until fully paid and shall have priority over all other liens except general taxes and prior special assessments. In case such assessments are not paid, the Town may certify the assessments to the County Treasurer who shall collect the assessments, together with a penalty for the cost of collection in the amount provided by law.
- (b) In addition to the foregoing, the Town may proceed to collect any unpaid assessments in any other manner allowed by law and may cease providing refuse or recycling collection services.

Section 2. Severability. If any part or 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 this Ordinance are declared to be severable.

Section 3. Code revisions. Minor changes such as the format and other changes to unify the revised Code may be necessary. The Town Clerk is hereby authorized to make such changes, provided that neither the intent nor substantive content will be altered by such changes.

Section 4. Publication; Effective Date; Recording. This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Town's Home Rule Charter ("Charter") and the adoption, posting and publication shall be authenticated by the signature of the Mayor and the Town Clerk and by the Certificate of Publication. 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 _____, 2021.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor

PASSED UPON FINAL APPROVAL AND ADOPTED on second reading by the
Town Council of the Town of Johnstown, Colorado, this ____ day of _____,
2021.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor