

ORDINANCE NO. 1129

**AN ORDINANCE AMENDING THE EXISTING CHAPTER 15, "GARBAGE AND REFUSE"
FORT MORGAN MUNICIPAL CODE, (2010)**

WHEREAS, this Ordinance is intended to amend Chapter 15, "Garbage and Refuse" of the Fort Morgan Municipal Code, (2010)

THEREFORE, BE IT ORDAINED BY THE COUNCIL OF FORT MORGAN, COLORADO:

Section 1. That the following sections of Chapter 15, Garbage and Refuse, are hereby deleted in there entirety:

Section 15-1-20.	Accumulation and deposit of garbage.
Section 15-1-30.	Accumulation and refuse
Section 15-1-90.	Abatement of nuisances

Section 2. That the following sections of Chapter 15, Garbage and Refuse, are hereby amended as follows:

Sec. 15-1-70. Removal of refuse.

Unused and inoperable motor vehicles and machinery, parts of such motor vehicles and machinery, stoves, furniture, wool, hides, junkyard refuse and all other refuse that is too large for the containers provided in Section 15-1-50 above shall be removed by the owner or occupant from such respective properties and disposed of at the expense of the owner or occupant. The accumulation of any such refuse on any premises in the City, improved or unimproved, shall be subject to the provisions of Article I, Chapter 6, of this Code.

Sec. 15-1-80. Construction site building materials.

It shall be the sole responsibility of the owner or occupant of the premises to see to the removal and disposal of all refuse created in the process of constructing, reconstructing or wrecking any building or part of a building, fence or sidewalk or other improvement upon the premises. Refuse created in the process of constructing, reconstructing or wrecking any building or part of building, fence or sidewalk or other improvement upon the premises shall not be placed in the containers provided in Section 15-1-50 above.

Sec. 15-1-160. Penalties for violation.

Except for a violation of the provisions of Section 15-1-70 and Subsection 15-1-50(c) of this Article for which a specific penalty is provided, any person who violates the provisions of Sections 15-1-10 through 15-1-130 of this Article, who does an act therein declared to be unlawful or who fails, neglects, omits, resists or refuses to comply with the provisions thereof or with a lawful order given pursuant thereto, or any of the regulations or requirements thereof, shall be punished by the assessment of a penalty in accordance with the provisions of Section 1-4-10 of this Code. In any case in which a violation of the provisions of this Article is alleged, all questions of fact and law and the penalty to be assessed in accordance herewith shall be heard and decided by the Municipal Judge, and there shall be no trial by jury.

Section 3. Repeal. All or parts of Ordinances covering the same matters as embraced in this Ordinance are hereby repealed and all Ordinances or parts of Ordinances inconsistent with

the provisions of this Ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any Ordinance hereby repealed prior to the effective date of this Ordinance.

Section 4. Validity. If any part or parts of this Ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each part hereof irrespective of the fact that any one part or parts be declared invalid.

Section 5. Interpretation. This Ordinance shall be so interpreted and construed as to effectuate its general purpose. Article and section headings of the Ordinance shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any Article or Section thereof.

Section 6. Certification. The City Clerk shall certify to the passage of this Ordinance and make not less than three copies of the adopted Code available for inspection by the public during regular business hours.

Section 7. Severability. In the event any part of this Ordinance is found to be unenforceable by a Court of competent jurisdiction, it shall not affect the enforceability of the other portions of the Ordinance.

Section 8. Effective date. The City Council hereby finds, determines, and declares that this ordinance is necessary for the immediate preservation of the public peace, health, and safety. This Chapter 15 "Garbage and Refuse" shall be effective as to all violations of the Code committed five (5) days after final publication.

READ AND PASSED ON FIRST READING AND ORDERED PUBLISHED IN FULL on the 17th day of July, 2012.



THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

BY: 
Mayor


City Clerk

PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED
PUBLISHED by title only the 7th day of August, 2012.



THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

BY: 
Mayor

ATTEST:


City Clerk

STATE OF COLORADO)
COUNTY OF MORGAN)
CITY OF FORT MORGAN)

CERTIFICATE

I, John Brennan, the duly appointed, qualified and acting Clerk of the City of Fort Morgan, Colorado, do hereby certify and attest that the foregoing **Ordinance No. 1129** was, as a proposed **Ordinance** duly and legally presented to the City Council of the City of Fort Morgan, Colorado, at a regular meeting on the 17th day of July, 2012. Said **Ordinance**, as proposed, was duly read at length at said regular meeting, and thereafter the same was, on the 20th day of July, 2012, published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado. Said proposed **Ordinance** was again taken up and read a second time, duly and legally passed, approved and adopted at a Regular Meeting of the City Council held on the 7th day of August, 2012. Within five (5) days after its final passage, said **Ordinance** was published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado.


City Clerk