

ORDINANCE NO.

21-03
Series of 2021

**TITLE: AN ORDINANCE AMENDING CHAPTER 7, ARTICLE 1 OF
THE HUDSON MUNICIPAL CODE RELATING TO
RESIDENTIAL TRASH SERVICE**

WHEREAS, in 2009, the Town satisfied the notice requirements and the request for proposal process set forth in C.R.S. § 30-15-401(7.5) to select a single residential waste service provider to provide residential waste disposal services within the Town;

WHEREAS, the Town Council passed Resolution 09-11, Series 2009, selecting a single residential waste service provider and awarding it an exclusive contract to offer residential waste service in Town;

WHEREAS, since that time the Town has consistently selected a single residential waste service provider by awarding an exclusive contract for services; and

WHEREAS, the Town wishes to codify its selection of a single residential waste service provider, the requirement to use such provider, and the Town's ability to impose fees and penalties for failure to do so.

BE IT ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF HUDSON, COLORADO, THAT:

Section 1. Section 7-12 of the Hudson Municipal Code is hereby relocated to a new Section 7-15.

Section 2. Chapter 7, Article 1, of the Hudson Municipal Code is hereby amended by the addition of a new Section 7-12 entitled "Sole Provider of Service" to read as follows:

Sec. 7-12. Sole Provider of Service.

(a) The Town by contract with a third party shall be the sole agency for the collection and disposal of residential refuse and no disposal company, unless authorized by the Town, shall collect or dispose of any refuse. Nothing in this Section shall prevent an individual from hauling his or her own refuse, provided that it is properly disposed of in conformity with all Town regulations.

(b) The Town Council is hereby authorized to enter into an exclusive contract or agreement with a disposal company for the collection and disposal of refuse for residential units within Town and use of that disposal company for residential properties with less than eight units shall be mandatory.

Section 3. Chapter 7, Article 1, of the Hudson Municipal Code is hereby amended by the addition of a new Section 7-13 entitled "User Fee" to read as follows:

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Sec. 7-13. User Fee.

- (a) The Town shall establish a user fee for the removal of refuse from residential units by resolution.
- (b) The owner of the property receiving refuse removal services shall be solely responsible for such user fee.
- (c) A disposal company receiving an exclusive contract or agreement with a Town for the collection and disposal of refuse for residential units within Town shall bill owners directly.

Section 4. Chapter 7, Article 1, of the Hudson Municipal Code is hereby amended by the addition of a new Section 7-14 entitled "Rules and Regulations" to read as follows:

Sec. 7-14. Rules and Regulations.

The Town Council may, by resolution, promulgate rules and regulations relating to the manner of preparing and accumulating refuse for collection; the type and kind of containers to be used for such accumulation; the manner of use and care for such containers; and such other rules and regulations as, in its discretion, be necessary or desirable in the interest of maintaining efficiency and sanitary conditions for the refuse services within Town.

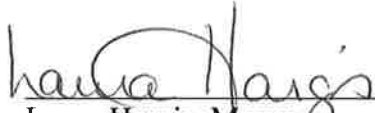
Section 5. Safety Clause. The Town Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town of Hudson, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 6. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 7. Effective Date. This Ordinance shall become effective ten (10) days after final publication by title only.

INTRODUCED, READ BY TITLE, AND ADOPTED ON FIRST READING this 3rd day of March, 2021.

TOWN OF HUDSON, COLORADO



Laura Hargis, Mayor

ATTEST:



Charity Campfield, CMC, Town Clerk

PASSED by a vote of 6 for and 0 against AND ORDERED PUBLISHED BY TITLE ONLY, with a complete copy available for public inspection and acquisition in the office of the town clerk this 17th day of March, 2021.

TOWN OF HUDSON, COLORADO



Laura Hargis, Mayor

ATTEST:



Charity Campfield, CMC, Town Clerk

APPROVED AS TO FORM:



Corey Y. Hoffmann, Town Attorney



