TOWN OF MORRISON, COLORADO
BOARD OF TRUSTEES

ORDINANCE NO. 439

AN ORDINANCE REQUIRING USE OF THE TOWN'S CHOSEN CONTRACTOR FOR REMOVAL OF REFUSE AND RECYCLABLES AND SETTING RATES IN CONNECTION THEREWITH

WHEREAS, the Town of Morrison is a Colorado home rule municipality operating under a Charter approved by the electorate pursuant to Article XX of the Colorado Constitution and governed by its elected Board of Trustees; and

WHEREAS, the Board of Trustees has authority pursuant to the Home Rule Charter and C.R.S. §31-16-101, et seq. to adopt and enforce all ordinances; and

WHEREAS, the Board of Trustees is also authorized, pursuant to CRS § 30–15–401 to contract with a private entity to provide exclusive trash collection services to residents of the Town; and

WHEREAS, in the exercise of this authority, the Board provided written notice to all parties who lawfully provide waste services within the Town, giving a six-month public notice in a newspaper of general circulation within the Town prior to requiring the use or initial imposition of the Towns exclusive contractor for removal of refuse and recyclables; and

WHEREAS, at the conclusion of the notice period, the Town received three proposals for the exclusive right to provide refuse and recyclable trash removal within the Town; and

WHEREAS, having reviewed the submitted proposals, the Town has chosen Allied Waste Transportation Inc., a Delaware corporation, d/b/a Republic Services of Denver (the "Contractor") to provide those services for a five-year, exclusive term; and

WHEREAS pursuant to the authority granted to it by the CRS §30–15–401 the Board of Trustees wishes to require residents within the Town to use the services of the Contractor.

NOW THEREFORE BE IT ORDAINED by the Board of Trustees of the Town of Morrison, Colorado as follows:

Section 1. **Exclusive trash service provider designated.** Pursuant to the authority granted to it by the Home Rule charter, CRS §31-15-101 et seq. and CRS §30–15–401, the Board of Trustees hereby amends the Morrison Municipal Code by re-numbering Section 5-3-4 as 5-3-5 and adopting a new Section 5-3-4 to read as follows:

5-3-4 EXCLUSIVE REFUSE AND RECYCLABLE COLLECTION, TRASH AND REFUSE STORAGE, ENCLOSURE AND DISPOSAL

A. Designated Contractor.

On and after February 1, 2017, residential refuse and recyclable collection service shall be provided by the Town's Designated Contractor: Allied Waste Transportation Inc., d/b/a Republic Services of Denver or its authorized successor in interest (the "Contractor"). Such refuse and recyclable collection services shall be provided to and used by residents of the Town pursuant to that certain Agreement for Residential Refuse and Recycling Collection Services entered into between the Town and the Contractor, as it may be amended from time to time.

B. Prohibition on commercial collection; exceptions.
Except as provided by subsection C below, on and after February 1, 2017, no residential refuse or recyclables may be collected by any private contractor for hire other than the Town's Designated Contractor. Provided however, any residential customer may choose, at their own personal expense, to personally remove their refuse and recyclables from the Town, but may not employ any commercial trash or refuse removal contractor for that purpose, it being the intention of the Board of Trustees to fully exercise its authority granted by CRS §30–15–401 to restrict residential refuse and recyclable collection within the Town to a single company chosen by the Town.

C. Applicability; exceptions.
This Section applies to and governs only the removal of residential refuse and recyclables within the Town. For purposes of this Section, "residential reuse and recyclables" shall mean such items generated by single-family residences and multi-family buildings containing seven (7) or fewer dwelling units. All commercial establishments, as well as multiple family dwellings of eight (8) dwelling units or more, are not required to use the residential refuse and recycling removal services provided by the Town through the Town's Designated Contractor. Owners of such commercial establishments or multi-family buildings of eight dwelling units or more may contract with a refuse and recyclable removal company of their choice or may separately contract with the Town's Designated Contractor under such terms as the parties may agree.

D. Enforcement.
Any person violating the prohibition on contracting with a refuse collection company not approved by the Town as described above, shall be subject to citation to the Municipal Court for violation of this section, provided, however, notwithstanding Section 5-3-5 no incarceration may be sought or imposed for such violation.

E. Fee for Services.
The Town may charge a fee for the residential refuse and recyclables collection service provided by the Town's Designated Contractor. The fee for the period February 1, 2017 to January 31, 2018 is hereby waived. On and after February 1, 2018, the fee shall be established by the Board of Trustees acting by resolution. The fee shall be included on bills for Town water service under Section 8-1-8 and may be enforced and collected in the same manner as fees, rates, and charges for water service.

Section 2. The introductory paragraph of Section 5-3-3.A of the Morrison Municipal Code is amended to read:

5-3-3: GARBAGE, TRASH AND REFUSE STORAGE, ENCLOSURE AND DISPOSAL:

A. Requirement To Provide Containers: TO THE EXTENT NOT INCLUDED WITHIN THE MANDATORY PROGRAM FOR USE OF THE TOWN'S EXCLUSIVE REFUSE AND RECYCLING CONTRACTOR SET FORTH IN SECTION 5-3-4, . . .

Section 3. **Effective date.** This ordinance shall take effect thirty (30) days after adoption and publication as provided by Section 3.14 of the Home Rule Charter.

INTRODUCED, READ, PASSED AND ADOPTED this 6th day of December, 2016, by a vote of 7 ayes and 0 nays.

TOWN OF MORRISON:

Sean K. Forey, Mayor

ATTEST:

Charla Bryant, Town Clerk

TOWN OF MORRISON SEAL COLORADO