

**TOWN OF HUGO
ORDINANCE NO. 303**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF
HUGO, COLORADO REPEALING AND REPLACING ORDINANCE NO.
176, REGARDING THE STORAGE, COLLECTION AND DISPOSAL OF
GARBAGE, REFUSE AND JUNK**

WHEREAS, to promote the public health, safety and welfare, the Board of Trustees of the Town of Hugo desires to regulate the storage, collection and disposal of garbage, refuse and junk.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Town of Hugo as follows:

Section 1. GARBAGE, REFUSE AND JUNK.

A. Purpose. The accumulation of garbage, refuse and junk encourages the infestation of rodents, pests and vermin, compromises the public health resulting from dangerous and unsanitary conditions, constitutes a fire hazard and threat to public safety and general welfare, and otherwise erodes the aesthetic conditions of the community, degrading the quality of life of the citizens of the Town.

B. Definitions. As used in this Ordinance, the following terms shall have the following meanings:

Ashes: Residue from fires used for cooking, heat or other purposes.

Building materials: Lumber, bricks, concrete or cinderblocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, sand, gravel, dirt, rocks, nails, screws or any other materials, or the debris from such materials, used in construction or modifying any building, structure or landscaping improvement on any real property.

Garbage: Any animal or vegetable waste resulting from the preparation, cooking and serving of food, or the storage or sale of produce, and includes any discarded, damaged or dilapidated household items, wearing apparel of any kind.

Junk: Any manufactured goods, appliances, fixtures, furniture, machinery, salvage material, scrap metal, scrap material, and other items in such condition of deterioration or disrepair so as to be unusable in their existing state, typically of a larger size than refuse.

Owner: Any person leasing, owning, occupying, having the right of possession and/or control of any property real or personal located within the Town boundaries.

Property: The area of the owner's lot or tract of land, improved or vacant, and the area to the center of the alley adjacent to the lot or tract of land, and the sidewalk, parking area, curb, and gutter adjacent to said lot or tract.

Refuse: Combustible trash, including without limitation paper, cartons, boxes and barrels; noncombustible trash, including without limitation metals, tin cans, dirt, small quantities of rock and pieces of concrete, glass, crockery, and other mineral wastes; street rubbish including without limitation street sweepings, dirt, leaves, catch basin dirt, and contents of litter receptacles. Refuse shall not include earth and wastes from building operations, nor solid wastes resulting from industrial processes and manufacturing operations such as food processing wastes, boiler house cinders, lumber scraps, and shavings.

Rubbish: All accumulation of waste; refuse; rejected animal, mineral or vegetable matter; manure; ashes; wastepaper; cans; bottles; leaves; grass cuttings; shrubbery and tree trimmings; weeds; or other waste material. Rubbish shall also mean discarded construction materials, including without limitation lumber, plaster, roofing material, gravel, bricks, sheetrock, concrete blocks and landscaping ground cover.

Unusable merchandise: Parts of machinery or motor vehicles, appliances and electronics that can no longer be used for their intended purpose, remnants of wood, metal, plastic or any other material or cast off material of any kind, whether or not same could be put to some reasonable use, or any item of merchandise that is so dilapidated or deteriorated that it cannot be reasonably used for its intended purpose.

C. Collection.

1. There is hereby established a system of refuse collection, transportation and disposal within the Town. The Town Clerk Administrator or their designee shall coordinate the collection of garbage and refuse within the Town. Such collection shall be made weekly, weather permitting, provided that the garbage or refuse offered for collection in accordance with this Ordinance.

2. The Town shall collect only properly bagged garbage and refuse and shall not collect ashes, junk or rubbish that is not bagged.

3. The Town shall make collection only if the container is placed adjacent to the alley at the rear property line or at an alternate location as designated by the Town.

4. Fees for collection shall be established by resolution of the Board.

5. The Town shall not collect junk or unusable merchandise and shall not be obligated to collect any garbage or refuse that fails to meet the requirements set forth herein.

D. Container Requirements.

1. Residential Properties. Every residential user shall maintain a container for the storage of garbage and refuse, which shall be a receptacle of a solid and durable metal or plastic provided with a tightly fitting cover capable of containing one week's accumulation of refuse in closed, plastic bags not to exceed 33-gallons each. The container shall be covered or sealed at all times except when depositing garbage or refuse.

2. Commercial Properties. Every commercial user shall maintain a 3-yard dumpster subject to specifications provided by the Town Clerk Administrator, unless the commercial user produces a quantity of refuse that does not exceed the residential user requirements herein. Such dumpster shall be covered and shall be fully compatible with the Town's garbage truck weight requirements and lift dimensions.

3. Compliance Period. All users shall have sixty (60) days from the Effective Date of this Ordinance to obtain the required container for their user classification.

E. Unlawful Disposal and Storage.

1. It is unlawful for any person to throw or deposit garbage, junk, refuse or rubbish upon any street, alley, gutter, park or other public place.

2. It is unlawful to dump or otherwise deposit any garbage, junk, refuse or rubbish within the Town.

3. It is unlawful to keep, place or deposit garbage, junk, refuse or rubbish on any private property except as described herein pending collection by the Town. Such keeping of garbage, junk, refuse or rubbish shall be subject to a nuisance violation.

4. It is unlawful to dispose of animal waste without first securing it in a separate plastic container prior to placement in a larger receptacle.

F. Billing and Delinquencies.

1. Charges for garbage and refuse collection shall be billed monthly and included with the user's regular municipal utility bills.

2. Failure to timely pay for collection services shall cause service to be suspended until payment is made.

G. Violation and Penalties. Any person who violates any provision of this Ordinance shall be subject to the Town's general penalty provision and each day a violation continues shall be a separate offense.

Section 2. Ordinance No. 176 is hereby repealed.

Section 3. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that anyone, or part, or parts be declared unconstitutional or invalid.

Section 4. Safety. The Board of Trustees finds that the adoption of this Ordinance is necessary for the protection of the public health, safety and welfare.

Section 5. Effective Date. This Ordinance shall become effective thirty (30) days after publication.

Adopted and ordered published this 11 day of August, 2026.

(Seal)

Kara Emmerling, Mayor

Attest:

Sara Lancaster, Town Clerk Administrator