

**TOWN OF NEW CASTLE, COLORADO
ORDINANCE 2011-7**

**AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL
AMENDING THE MUNICIPAL CODE CONCERNING LITTERING ON
PUBLIC AND PRIVATE PROPERTY.**

WHEREAS, § 9.40.040 of the Municipal Code (the "Code") makes it a crime to knowingly deposit or leave any litter on any property within the Town; and

WHEREAS, it has become apparent to the Town that the current fine structure for violations of § 9.40.040 does not provide a sufficient offset for the expenditure of Town resources, nor does it serve as a sufficient deterrent to curb littering; and

WHEREAS, Town Staff has conducted research into the current fine structure of neighboring municipalities; and

WHEREAS, the Town is authorized pursuant to the police powers set forth in § 31-15-401 of the Colorado Revised Statutes and through its home rule powers to impose a fine for littering; and

WHEREAS, the Town Council wishes to maintain a campaign on proper waste disposal to prevent aesthetic, ecological and environmental degradation, fire prevention and endangerment of public health; and

WHEREAS, the Town Council wishes to encourage a sense of pride and ownership amongst the citizens of New Castle to maintain proper waste disposal to prevent aesthetic, ecological and environmental degradation, wildfires and endangerment of public health; and

WHEREAS, the Town desires to consider amendments to the New Castle Municipal Code to amend the fines for littering.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO:

1. Recitals. The foregoing recitals are incorporated herein as findings and determinations of the New Castle Town Council.

2. Amendment. The Town Council hereby repeals and reenacts the following sections of Town of New Castle Municipal Code as follows:

Sections 9.40.040(C) and (E) of the New Castle Municipal Code are amended as follows:

C. The term "litter" used in this section means all rubbish, waste material, refuse, garbage, trash, debris, cigarette or cigar butts, or other foreign substances, solid or liquid, of every form, size, kind and description.

E. Littering is punishable, upon conviction, by a fine of no less than twenty-five dollars (\$25.00), up to five hundred dollars (\$500.00).

3. Effective Date. This Ordinance shall be effective fourteen days after final publication pursuant to section 4.3 of the Town Charter.

INTRODUCED on September 20, 2011, at which time copies were available to the Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the Town as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the Town of New Castle, Colorado on October 4, 2011, read by title and number, passed without amendment, approved, and ordered published as required by the Charter.

TOWN OF NEW CASTLE, COLORADO

By: Frank Breslin
Frank Breslin, Mayor

ATTEST:

Melody Harrison
Melody Harrison, Town Clerk

