

**ORDINANCE**

**AN ORDINANCE ADDING A NEW CHAPTER 9.44 TO THE MANITOU SPRINGS MUNICIPAL CODE CONCERNING SOLID WASTE AND RECYCLED MATERIALS SCAVENGING**

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**WHEREAS**, there has been an increased problem involving persons scavenging from solid waste and recycled materials containers in the City;

**WHEREAS**, such scavenging poses a significant risk of injury to scavengers, results in waste materials been strewn about surrounding areas, attracts domestic pets, pests, and wildlife, increases the omission of foul odors from receptacles being left open, and can result in identity theft;

**WHEREAS**, prohibiting the scavenging from solid waste containers furthers the health, safety and welfare of the public by protecting individuals from illness and injury, reducing blight and nuisance conditions, and preventing crime; and

**WHEREAS**, the City Council desires to prohibit scavenging from solid waste and recycled materials containers as set forth below.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANITOU SPRINGS, COLORADO, THAT:**

**Section 1:** A new Chapter 9.44 is hereby added to the Manitou Springs Municipal Code to provide as follows:

**9.44.010 – Scavenging from solid waste containers**

A. Definitions. For purposes of this section, “solid waste container” means any bin, automatic lift container or any other type of receptacle used for the deposit, storage, collection or transport of garbage, litter, junk, debris, refuse, swill, rubbish, waste matter, putrescible waste, hazardous waste, infectious waste, recyclable materials, or garden refuse, including without limitation metal or plastic bins and paper or plastic bags.

B. Prohibition. No person shall open, look into, search through or remove any of the contents of any solid waste container.

C. Exceptions. This section shall not apply to the following persons:

1. Any owner, tenant, lessee, or occupant of the property for which the solid waste container is used;

2. Any person acting with the consent of any owner, tenant, lessee, or occupant of the property for which the solid waste container is used;

3. Any waste removal company or any employee or contractor of a waste removal company that owns or maintains the solid waste container or is responsible for hauling away its contents, who is acting in accordance with their duties; or

4. Any employee or contractor of any city, county, state or federal government agency, who is acting in accordance with their duties.

#### **9.44.020 – Scavenging from solid waste containers**

Violations of this Chapter shall be subject to the general penalties set forth in Section 1.01.100 of the Code.

**Section 2:** 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 City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

**Section 3:** The repeal or modification of any provision of Manitou Springs Municipal Code by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

**Section 4:** This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

**Section 5:** This ordinance shall take effect five (5) days after final approval and publication.

Passed on First Reading and Ordered Published this 5th day of February 2013.

/s/ Donna Kast  
City Clerk

A Public Hearing will be held at the February 19, 2013 City Council meeting. The Council Meeting will be held at 7:00 P.M. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Ordinance Published February 7, 2013 (in full)

*City's Official Website and City Hall*

Passed on Second Reading and Ordered Published this 19th day of February 2013.

Approved: /s/ Marc A. Snyder  
Mayor and City Council

Attest: /s/ Donna Kast  
City Clerk

Published February 21, 2013 (in full)  
*City's Official Website and City Hall*