

CHAPTER 7

Health, Sanitation and Animals

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ARTICLE 1

Administration and Abatement of Nuisances

Sec. 7-1-10. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

Agent means the person designated by the Board of Trustees to enforce the provisions of this Chapter when directed to do so.

Brush means the voluntary growth of bushes that are growing out of place, including all cuttings from trees and bushes.

Garbage means any putrescent animal or vegetable waste resulting from the preparation, cooking and serving of food, or the storage and sale of produce.

Hazard to health or safety means and includes any activity so recognized by the United States, the State or this Code. Such hazards shall also include activities likely to cause foul or offensive odors, promote growth or propagation of disease-carrying insects, pollute the air or ground waters of adjacent property and create loud or offensive sounds or cause drainage and runoff to occur in other than historical patterns.

Inoperable vehicle means any automobile, truck or self-propelled vehicle which is incapable of moving under its own power, is wholly or partly dismantled or abandoned, lacks a valid current license plate or does not comply with the minimum safety requirements of the Colorado Motor Vehicle Law.

Litter means the scattering or dropping of rubbish, trash or other matter, organic or mineral.

Nuisance means any substance, act, occupation, condition or use of property declared a nuisance by this Chapter or declared a nuisance by the State or by any court or agency thereof, or known as a nuisance at common law or which is of such nature and duration as to:

- a. Substantially annoy, injure or damage the comfort, health, repose or safety of the public.
- b. In any way render the public insecure in life or in the use of property.
- c. Unlawfully and substantially interfere with, obstruct, tend to obstruct or render dangerous for passage any street, alley, highway or other public way.

Offensive or unwholesome business or establishment means any business or establishment involving the provision of goods or services to others in exchange for something of value, which business or establishment may create, foster or maintain any hazard to health or safety.

Person, as used in this Chapter, means a natural person, corporation, limited liability company, business, trust estate, partnership, association, joint stock company, joint venture, two (2) or more persons having a joint or common interest, any other legal or commercial entity, or a receiver,

executor, trustee, conservator, personal representative or any other representative appointed by order of any court.

Private property, as used in this Chapter, includes but is not limited to the right-of-way of any road or highway, a body of water or watercourse, any park, playground, recreation area, building or parcel of property, whether publicly or privately owned.

Refuse means all solid wastes, garbage and rubbish, whether combustible or noncombustible, including rubble.

Refuse container means a nonabsorbent and fire-resistant container which shall be equipped with a tightly fitting metal or nonabsorbent and fire-resistant cover or lid.

Refuse hauler means any person or company engaged in the business of collection, storing and transporting of refuse in the Town or the County, and who is licensed therefor.

Rubbish means all nonputrescent solid wastes consisting of both combustible and noncombustible wastes, including but not limited to paper, ashes, cardboard, tin cans, yard clippings, wood, glass, rags, discarded clothes or wearing apparel of any kind, or any other discarded object or thing, not exceeding three (3) feet in length.

Rubble means large brush wood, large and/or heavy yard trimmings, discarded fence posts, crates, scrap metal, discarded furniture and all other household goods or items, demolition materials, old lumber, motor vehicle parts or tires, refrigerators or other appliances, bodies or other parts thereof.

Visual blight means any unsightly condition which degrades the physical appearance of a property, thus adversely affecting the well-being and values of the surrounding neighborhood.

Weeds means any unsightly, useless, troublesome or injurious growing plant and shall include all rank vegetable growth which exhales unpleasant and noxious odors. (Ord. 11 §1, 2008; Ord. 7 §1, 2010)

Sec. 7-1-20. Prohibition of nuisances.

No person, being the owner, agent, renter, lessee, tenant or occupant or having under his or her control any building, lot, premises or unimproved real estate within the Town limits, shall maintain or allow any nuisance to be or remain thereon. (Ord. 11 §1, 2008; Ord. 7 §1, 2010)

Sec. 7-1-30. Authority of Town to declare nuisance.

Any act, condition, substance, occupation or use of property which substantially meets the criteria of a nuisance as defined in Section 7-1-10 above may be so declared by the Board of Trustees, and nothing in Section 7-1-40 below shall be construed to limit the power of the Town to make such declaration. (Ord. 11 §1, 2008; Ord. 7 §1, 2010)

Sec. 7-1-40. Authority of County Health Department to declare nuisance.

The County Health Department has the full power to take all measures necessary to promote the public health and cleanliness; to abate all nuisances of every description on public and private property; to prevent the introduction or spreading within the Town of malignant, contagious and infectious diseases and remove, detain, isolate or quarantine any person with any such disease, or who has been exposed thereto; and to promulgate such rules and regulations as may be necessary to perform its functions. The County Health Department shall have the authority to enforce such rules of the Colorado Department of Public Health and Environment as are applicable to particular situations. (Ord. 11 §1, 2008; Ord. 7 §1, 2010)

Sec. 7-1-50. Investigation; notice to abate nuisance.

(a) The Agent or any law enforcement officer shall investigate every report of public nuisance within the Town. It shall further be the duty of the Agent or law enforcement officer to deliver a request for abatement to any person in control of any public nuisance. Any such request for abatement shall be in writing, stating the nature of the nuisance.

(b) In all cases where a nuisance is found in any building or upon any grounds or other premises within the jurisdiction of the Town, written notice shall be given to the owner and occupant or person in possession, charge or control of such building or premises to remove such nuisance. In the case where the nuisance is upon any street, avenue, sidewalk, alley, right-of-way or public grounds in the Town limits, the Agent may abate the same forthwith without such notice given. (Ord. 11 §1, 2008; Ord. 7 §1, 2010)

Sec. 7-1-60. Authority to enter property.

The Agent or any law enforcement officer or health officer may enter upon or into any lot, house or other building or premises, with the proper respect of the occupant's civil and constitutional rights, to examine the same and to ascertain whether any such nuisance exists, and shall be free from any action of liability on account thereof. (Ord. 11 §1, 2008; Ord. 7 §1, 2010)

Sec. 7-1-70. Abatement of nuisance.

(a) In addition to, or as an alternative to, prosecution or filing of a civil action in court, the Town may, after notice to abate the nuisance has been given and is not complied with in five (5) days, the Agent is authorized and empowered to order the removal of the nuisance, and shall have the authority to call for the necessary assistance to do so.

(b) Upon completion of the removal, the Agent shall certify to the Board of Trustees the cost of said removal, and shall thereupon, by certified mail addressed to the property owner, notify the property owner of the cost incurred for said work. The cost for removal shall be assessed against the owner's property in the form of a tax lien by notifying the County Treasurer if the same is not paid within thirty (30) days of the date of notice. (Ord. 11 §1, 2008; Ord. 7 §1, 2010)

Sec. 7-1-80. Filing complaint.

In addition to or in lieu of any procedure for abatement, a direct complaint may be filed by any person or law enforcement officer or the Agent who violates any provision of this Chapter. (Ord. 11 §1, 2008; Ord. 7 §1, 2010)

Sec. 7-1-90. Separate offense.

In the case of any nuisance in or upon any street, alley or other public or private grounds, the person in violation thereof shall be guilty of a separate offense for each day (twenty-four-hour period) after a notice has been given to abate the same. (Ord. 11 §1, 2008; Ord. 7 §1, 2010)

Sec. 7-1-100. Notice to abate nuisance.

(a) The Town shall give written notice to the property owner and/or occupant of said property of any violation of this Chapter, and shall give notice that said owner and/or occupant has no longer than three (3) days to abate the nuisance and comply with the requirements of this Chapter. Emergency situations shall be given notice of not longer than one (1) day.

(b) In case of the failure of any owner of such lots, tracts or parcels of land to abate the nuisance as set forth in this Chapter within the time and in the manner prescribed herein, the authorized agent shall abate the nuisance at the expense of such owner. After abatement of the nuisance, the Agent shall have a summons issued to the owner to appear in Municipal Court. (Ord. 11 §1, 2008; Ord. 7 §1, 2010)

Sec. 7-1-110. Report of costs.

Upon the completion of any work by the Town contemplated in this Chapter, the Agent shall report in writing to the Board of Trustees, which report shall make a clear statement of the work done by the Town and the expense incurred in so doing, so that the Board of Trustees may determine the cost of such work. The Agent shall make a separate report for each lot or parcel of land. (Ord. 11 §1, 2008; Ord. 7 §1, 2010)

Sec. 7-1-120. Assessment of property.

After considering the report of the Agent, the Board of Trustees shall direct the Town Clerk to determine and assess the whole cost for the abatement thereof, including five percent (5%) for the inspection and other incidental costs in connection therewith, upon the lot or tract of land from which the nuisance was abated. (Ord. 11 §1, 2008; Ord. 7 §1, 2010)

Sec. 7-1-130. Notice of assessment.

The Town Clerk, as soon as may be after such assessment is made, shall send by certified mail, return receipt requested, addressed to the owner of such lot or tract of land at the post office address, a notice of such assessment, which notice shall contain a description of the lot or tract of land, the name of the owner and the amount of the assessment. (Ord. 11 §1, 2008; Ord. 7 §1, 2010)

Sec. 7-1-140. Payment of assessment.

(a) It shall be the duty of the owner to pay such assessment or object thereto, in writing, within thirty (30) days after the receipt of such notice; and, in case of his or her failure to do so, he or she shall be liable personally for the amount of the assessment. The same shall be a lien upon the respective lot or tract of land from the time of such assessment, and the Town shall have all remedies for collection thereof provided by state statutes, for the purpose of having the same placed upon the tax list and collected in the same manner as taxes are now collected. The assessment shall be a lien against each lot or tract of land until it is paid and shall have priority over all other liens except general taxes and prior special assessments.

(b) The amount of such assessment may be paid to the Town Clerk at any time before the tax list is placed in the hands of the County Treasurer, but thereafter only to the County Treasurer. (Ord. 11 §1, 2008; Ord. 7 §1, 2010)

Sec. 7-1-150. Objection to assessment; hearing.

In the event any owner desires to object to said assessment, he or she shall, within thirty (30) days after the receipt of said notice, file a written objection thereto with the Town Clerk, who shall thereupon designate at the next regular meeting of the Board of Trustees as the date when said objector may appear and have a hearing before the Board of Trustees. (Ord. 11 §1, 2008; Ord. 7 §1, 2010)

Sec. 7-1-160. Certified assessment.

In case the owner fails to pay such assessment or object thereto within the required time as provided above, then it shall be the duty of the Town Clerk to certify the amount of the assessment to the proper county officers, who shall collect the assessment as provided for by state law for the collection of delinquent general taxes. (Ord. 11 §1, 2008; Ord. 7 §1, 2010)

Sec. 7-1-170. Cumulative remedies.

No remedy provided herein shall be exclusive, but the same shall be cumulative and the taking of any action hereunder, including charge, conviction or violation of this Chapter in Court shall not preclude or prevent the taking of other action hereunder to abate or enjoin any nuisance found to exist. (Ord. 11 §1, 2008; Ord. 7 §1, 2010)

Sec. 7-1-180. Concurrent remedies.

Whenever a nuisance exists, no remedy provided herein shall be exclusive of any other charge or action, and, when applicable, the abatement provisions of this Chapter shall serve as and constitute a concurrent remedy over and above any charge or conviction of any municipal offense or any other provision of law. Any application of this Chapter that is in the nature of a civil action shall not prevent the commencement or application of any other charges brought under this Code or any other provision of law. (Ord. 11 §1, 2008; Ord. 7 §1, 2010; Ord. 7 §1, 2010)

Sec. 7-1-190. Penalties.

Whenever in any section of this Chapter or rule or regulation promulgated hereunder, the doing of any act is required, prohibited or declared to be unlawful and no definite fine or penalty is provided for violation thereof, any person who is convicted of a violation of such section shall, for each offense, be fined as set forth in Section 1-4-20 of this Code. (Ord. 11 §1, 2008; Ord. 7 §1, 2010)

ARTICLE 2

Nuisances

Sec. 7-2-10. Public nuisances declared.

Public nuisances shall include, but not be limited to, the acts or conditions contained in this Article. (Ord. 11 §1, 2008; Ord. 7 §1, 2010)

Sec. 7-2-20. Unwholesome business.

Offensive or unwholesome businesses or establishments are prohibited. It shall be unlawful for any person to allow or suffer upon his or her premises, or any premises which he or she is entitled to possess, any offensive or unwholesome business or establishment within the Town or within one (1) mile beyond the outer limits of the Town as such outer limits are now or may hereafter constituted. (Ord. 11 §1, 2008; Ord. 7 §1, 2010)

Sec. 7-2-30. Junkyard and dumping grounds.

All places used or maintained as junkyards or dumping grounds, for the wrecking or disassembling of automobiles, trucks, tractors or machinery of any kind or for the storage or leaving of worn out, wrecked or abandoned automobiles, trucks, tractors, trailers, boats and house trailers or machinery of any kind, or of any parts thereof for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which places essentially interfere with the comfortable enjoyment of life or property by others, are hereby declared to be nuisances. (Ord. 11 §1, 2008; Ord. 7 §1, 2010)

Sec. 7-2-40. Handbills, flyers, posters and placards.

Any handbill, flyer, poster, placard or painted or printed matter which shall be stuck, posted or pasted on any public or private house, vehicle, store or other building or upon any fence, power pole or telephone pole or other structure, or thrown or deposited upon any street, alley, public or private place without the permission of the owner or occupant or the property, shall be deemed a nuisance. (Ord. 11 §1, 2008; Ord. 7 §1, 2010)

Sec. 7-2-50. Littering.

It is unlawful for any person to deposit, throw or leave any refuse on any public or private property or on any water or watercourse. (Ord. 11 §1, 2008; Ord. 7 §1, 2010)

Sec. 7-2-60. Accumulation of garbage, refuse and other matter.

(a) It shall be the duty of every person, whether owner, lessee or renter of any vacant lot, building or premises, including any place of business, hotel, restaurant, dwelling house, apartment, tenement or any other establishment, at all times to maintain the premises in a clean and orderly condition, permitting no deposit or accumulation of garbage, refuse, trash or other waste or discarded material, including discarded building and construction materials other than those ordinarily attendant upon for the use for which such premises are legally intended. Any such accumulation shall constitute a nuisance.

(b) Materials used in the operation of a business shall be stored so as to be concealed from the public in a fully enclosed building for that purpose and shall not constitute a health or fire hazard. (Ord. 11 §1, 2008; Ord. 7 §1, 2010)

Sec. 7-2-70. Transporting garbage, manure.

Every cart or vehicle used to transport garbage, manure, swill or offal in any street in the Town shall be fitted with a substantial tight box thereon so that no portion of such substance will be scattered or thrown into such street. (Ord. 11 §1, 2008; Ord. 7 §1, 2010)

Sec. 7-2-80. Pollution.

No person shall throw, deposit or cause or permit to be thrown or deposited any item, including animal or vegetable substance, dead animal, excrement, garbage or other offensive matter, upon any street, avenue, alley, sidewalk or public or private grounds. No person shall throw, deposit or cause or permit to be thrown or deposited in the Town anything specified in any foregoing part of this Section into the water of any stream, ditch, pond, well or other body of water, whether artificially or naturally created, or near any such place as to pollute the body of water. (Ord. 11 §1, 2008; Ord. 7 §1, 2010)

Sec. 7-2-90. Deposit of items in sewer system.

It is unlawful for any person to deposit or cause to be deposited garbage in the sewage system in the Town, unless it is first shredded by an approved mechanical grinder. (Ord. 11 §1, 2008; Ord. 7 §1, 2010)

Sec. 7-2-100. Sludge accumulation.

In the operation of a sewage treatment plant, sludge shall not be accumulated beyond the design requirements of the plant and/or system. (Ord. 11 §1, 2008; Ord. 7 §1, 2010)

Sec. 7-2-110. Stagnant ponds.

Stagnant water on any lot within the Town limits is not allowed, and every owner or occupant of a lot with a stagnant pond is hereby required to drain it or prevent the accumulation of stagnant water. (Ord. 11 §1, 2008; Ord. 7 §1, 2010)

Sec. 7-2-120. Sewer inlet.

Any article or materials accumulated in any sewer, sewer inlet or privy vault that shall have a sewer connection which cause or might cause such sewer, sewer inlet or privy vault to be noxious or offensive to others or injurious to public health, are hereby declared to be nuisances. (Ord. 11 §1, 2008; Ord. 7 §1, 2010)

Sec. 7-2-130. Discharge of noxious liquids.

The discharge out of or from any house or place of foul or noxious liquid or substance of any kind whatsoever into or upon any adjacent ground or lot or into any street, alley or public place in the Town is hereby declared a nuisance. (Ord. 11 §1, 2008; Ord. 7 §1, 2010)

Sec. 7-2-140. Stale matter.

The accumulation of any stale, putrid or stinking fat or grease or other matter, other than normal weekly trash accumulation, is hereby declared to be a nuisance. (Ord. 11 §1, 2008; Ord. 7 §1, 2010)

Sec. 7-2-150. Dead animals.

The body of any animal which has died and which is not disposed of after twenty-four (24) hours after death is hereby declared to be a nuisance. (Ord. 11 §1, 2008; Ord. 7 §1, 2010)

Sec. 7-2-160. Depositing dog waste.

No owner of any dog shall allow or permit the depositing of fecal waste material by such dog within any public area or on private property within the Town unless such waste material is promptly removed from the area or deposited in a trash container. (Ord. 11 §1, 2008; Ord. 7 §1, 2010)

Sec. 7-2-170. Removal of inoperable vehicle.

Any inoperable vehicle parked on any lot or parcel of property in the Town is a nuisance. For purposes of this Section, *inoperable vehicle* shall mean any vehicle, including but not limited to motor vehicles, trailers, motorcycles, snowmobiles and ATVs, which does not have current license or registration, is incapable of moving or operating on its own power or as originally manufactured, or is missing, in the judgment of authorized Town officials, any significant component part. However, not more than two (2) unlicensed inoperable vehicles owned by the owner or occupant of the property may be stored, for repair or restoration purposes only and not for sale, or in the side or rear yard of the property if screened from public view by a permanent opaque wall or fence at least six (6) feet in height. (Ord. 11 §1, 2008; Ord. 7 §1, 2010)

Sec. 7-2-180. Loudspeakers and sound trucks.

The playing, operation or use by any person within the Town of any loudspeaker, sound amplifier, radio or phonograph, with loudspeaker or sound amplifier or any instrument of any kind or character which emits loud and raucous noises and attached to and upon or within any vehicle (or establishment) or upon or within any building or structure shall be deemed a public nuisance, unless the owner or user thereof first applies to and receives a special event permit from the Board of

Trustees to operate such device or is located within the MU/TC District. (Ord. 11 §1, 2008; Ord. 7 §1, 2010)

Sec. 7-2-190. Storage of explosives.

(a) The storage of explosives, such as dynamite, is not permitted.

(b) Cartridges or components for reloading of cartridges or components for muzzle loading firearms are exempt from this Section. (Ord. 11 §1, 2008; Ord. 7 §1, 2010)

Sec. 7-2-200. Unused appliances or similar items.

Any unused, inoperable or abandoned refrigerator, washer, dryer, freezer or other appliance within any accessible yard, lot or carport within Town limits is declared a nuisance. (Ord. 11 §1, 2008; Ord. 7 §1, 2010)

Sec. 7-2-210. Windows and doors.

It is declared a nuisance for the owner of any vacant building to fail to replace any broken window or door or fail to secure any other means of entry into such building within seventy two (72) hours after notice is given by the Town. (Ord. 11 §1, 2008; Ord. 7 §1, 2010)

Sec. 7-2-220. Building, structure or property in condition detrimental to health, safety and welfare.

No building, structure or property shall be used, kept, maintained or operated in or retained within the Town if the use, keeping, maintaining or operation of the same is dangerous or detrimental to public safety or general welfare, including but not limited to buildings or structures that are abandoned, boarded up, partially destroyed or left unreasonably in a state of partial construction. (Ord. 11 §1, 2008; Ord. 7 §1, 2010)

Sec. 7-2-230. Fences in disrepair.

Any fence which comes into disrepair or is not maintained is hereby declared a nuisance. (Ord. 11 §1, 2008; Ord. 7 §1, 2010)

ARTICLE 3

Garbage and Refuse

Sec. 7-3-10. Refuse containers required.

It is unlawful for any owner, operator or manager of any single-family or multi-family residence, apartment house, condominium, boardinghouse, private club, commercial or industrial establishment or any other premises to fail to provide or make available at all times one (1) or more refuse containers, as defined in Section 7-1-10 of this Chapter, at the premises owned, operated or managed by him or her. (Ord. 4, 1989; Ord. 7 §1, 2010)

Sec. 7-3-20. Refuse storage.

All refuse, except rubble, shall be stored in refuse containers at a designated place on the premises, either inside or outside, easily accessible to refuse haulers within the Town. (Ord. 4, 1989; Ord. 7 §1, 2010)

Sec. 7-3-30. Rubble storage.

Rubble need not be stored in refuse containers, but shall not be allowed to accumulate and shall be stored in such a manner as not to constitute or create an unsanitary or unsightly condition or a health or fire hazard. (Ord. 4, 1989; Ord. 7 §1, 2010)

Sec. 7-3-40. Garbage wrapping required.

It is unlawful for any person to place garbage or any other putrescible material in any refuse container unless the garbage or putrescible material is wrapped in paper or other material in such a manner as to prevent spillage or leakage. (Ord. 4, 1989; Ord. 7 §1, 2010)

Sec. 7-3-50. Burying and burning of garbage or trash unlawful.

(a) It is unlawful for any person to bury or cause to be buried, to burn or cause to be burned, whether in a burning device or by open burning, any garbage, trash or rubble or any material within the Town.

(b) Exceptions to the ban on burning may be granted with the prior written approval of the Board of Trustees or its duly authorized representative under the following conditions:

- (1) When conducted for the purpose of Fire Department training;
- (2) When conducted for the purpose of removing a fire hazard;
- (3) When burning wood rubble under safe conditions; or
- (4) When otherwise lawfully conducted as a small fire, bonfire or barbecue in conjunction with recreational activity. (Ord. 6 §1, 1999; Ord. 7 §1, 2010)

ARTICLE 4

Trees

Sec. 7-4-10. Prohibited trees.

(a) It is unlawful to sell or import into the Town, or to plant or cause to be planted within the corporate limits of the Town, any female box-elder tree (*Acer negundo*).

(b) The owner of any property within the Town, upon which any female box-elder tree has been planted after the effective date of this Article, shall cut and remove such tree from his or her property after being given two (2) days' written notice to do so by the Town.

(c) In case of the failure of any owner of such property to cut and remove such box-elder tree planted after the effective date of this Article, the Town shall cut and remove such box-elder tree.

(d) It is unlawful and deemed a nuisance to sell or import into the Town or plant or cause to be planted any female cottonwood trees (*Populus spices*), Siberian elm (*Ulmus pumila*) or other undesirable plants as designated by ordinance upon any property within the Town. The planting or setting out of these certain plants is declared to be a menace to public health, safety and welfare and a public nuisance. (Ord. 7 §1, 2010)

Sec. 7-4-20. Trees and limbs in public right-of-way.

It shall be the duty of the owner of any property adjacent to the public right-of-way to remove any trees or limbs located in or above the public right-of-way when such trees or limbs constitute a danger to public safety. Such trees and limbs shall constitute a nuisance. For the purposes of this Section, a danger to public safety shall include all trees and limbs which hinder visibility or which may otherwise affect public health, safety and welfare, and trees and limbs which present a structural defect which may cause the tree or limb to fall on a person or on property of value. (Ord. 7 §1, 2010)

Sec. 7-4-30. Trees and shrubs.

(a) Trees, shrubs and other vegetation which are dead, broken, diseased or infested by insects so as to endanger the well-being of other trees, shrubs or vegetation or constitute a potential threat or hazard to people or property within the Town are hereby declared a nuisance.

(b) The Town shall give written notice to the owner or occupant of any property abutting Town rights-of-way or other public property of any condition deemed unsafe caused by trees and other vegetation overhanging or projecting from such abutting property and onto or over such right-of-way or other public property with such unsafe condition. The Town shall correct any such unsafe condition immediately upon the expiration of the notice period specified in the notice of abatement.

(c) It is unlawful and deemed a nuisance for any person to cut, trim, spray, remove, treat or plant any tree, vine, shrub, hedge or other woody plant upon access-controlled arterials or other public parks and greenbelts within the Town, unless authorized or directed by the Town.

(d) It is unlawful and deemed a nuisance for any person to injure, damage or destroy any tree, shrub, vine, hedge or other vegetation in or upon public rights-of-way or other public property within the Town, except any person who notifies the Town of such injury, damage or destruction and makes arrangements to repair or replace such vegetation or pay for the cost of such repair or replacement. (Ord. 7 §1, 2010)

ARTICLE 5

Wildlife Protection

Sec. 7-5-10. Purpose.

The purpose of this Article is to protect and maintain wildlife in the Town and surrounding areas to minimize the risk of dangerous interaction between humans and wildlife. (Ord. 5 §1, 2005; Ord. 7 §1, 2010)

Sec. 7-5-20. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

Resident means any person, firm, corporation or organization within the Town or on Town-controlled land.

Wildlife means any undomesticated animal, including but not limited to elk, deer, sheep, lynx, skunks, bears, raccoons, coyotes, beavers, porcupines, mountain lions, bobcats and foxes.

Wildlife-proof refuse container means any refuse container which has been certified to be wildlife-proof by the Colorado Division of Wildlife, the U.S. Park Service or the U.S. Forest Service.

Wildlife-resistant refuse container means a fully enclosed metal or plastic container or Dumpster with a metal or plastic lid. The lid must have a latching mechanism which prevents access to the contents by wildlife. (Ord. 5 §2, 2005; Ord. 7 §1, 2010)

Sec. 7-5-30. Residential refuse disposal.

(a) All residential containers that receive garbage and/or refuse edible by wildlife must either be wildlife-resistant or wildlife-proof or be kept within a fully enclosed and secured structure.

(b) Residents with curbside pickup shall place their refuse containers at the curb, alley or public right-of-way at or after 6:00 a.m. of the morning of the pickup; wildlife-proof containers may be placed curbside after 6:00 a.m. of the day before. After pickup, the containers must be resecured in an appropriate manner before the end of the same day. (Ord. 5 §3, 2005; Ord. 7 §1, 2010)

Sec. 7-5-40. Special event refuse disposal.

Outdoor special event sites shall be kept free from the accumulation of refuse edible by wildlife. Refuse must be collected from the grounds at the close of each day's activities and shall be deposited into appropriate containers or enclosures secured in a manner to prevent access by wildlife or shall be removed to a disposal site. (Ord. 5 §4, 2005; Ord. 7 §1, 2010)

Sec. 7-5-50. Construction site refuse disposal.

All construction sites must have a designated container that receives refuse edible by wildlife or such refuse shall be removed from the site by the end of each day. Such container shall be a wildlife-proof container. (Ord. 5 §5, 2005; Ord. 7 §1, 2010)

Sec. 7-5-60. Feeding wildlife prohibited.

(a) No person shall intentionally or unintentionally feed or provide food in any manner for wildlife on public or private property within the Town. Persons will be considered to be in violation of this Article if they leave or store any garbage, refuse or food product in a manner that would create an attraction for wildlife.

(b) No person shall leave or store any refuse, food product, pet food, grain or salt in a manner which would constitute a lure, attraction or enticement for wildlife.

(c) Between the dates of April 15 and November 15 of each year, all bird feeders must be suspended on a cable or other device so that they are inaccessible to wildlife, and the area below the feeders must be kept free from the accumulation of seed debris.

(d) This Section does not apply to:

(1) Any individual, company or corporation that is duly licensed by the State or otherwise entitled under law to possess a wildlife species.

(2) Any action that is officially sanctioned by the State that would require feeding, baiting or luring of wildlife. An example of one (1) such action would be scientific projects dealing with capturing and tagging wildlife.

(3) The feeding of wild birds, unless the bird feeder begins to attract other forms of wildlife. (Ord. 5 §6, 2005; Ord. 7 §1, 2010)

Sec. 7-5-70. Penalty assessment.

Violation of any provision of this Article by any person, whether as owner or occupant, shall be handled in the following manner:

(1) First violation: The first violation of this Article will result in a notice of violation to an alleged offender. The alleged offender will be warned and informed of the proper precautions necessary to prevent the defining of wildlife and the necessary actions to meet the provisions of this Article, which may include, but not be limited to: removal of wildlife attractants, time limits of the placements of curbside refuse containers and use of wildlife-resistant containers. The notice shall include a reasonable time schedule for compliance. An alleged offender who timely complies with the first notice of violation will not be subject to the penalty provisions of this Article.

(2) Second violation: The second violation of this Article will result in another notice of violation, as well as a summons and compliant. Two (2) notices of violations within a twelve-month period will subject the violator to the penalty provision of this Article. Failure to comply

with the first notice of violation within the designated time frame may be deemed a second violation. The second notice of violation shall include a compliance schedule when applicable.

(3) Subsequent violations: Offenders who have violated this Article more than two (2) times within a twelve-month period or continue to fail in achieving timely compliance with a previous notice will be subject to a graduated schedule as set forth in Section 7-5-80 below. (Ord. 5 §7, 2005; Ord. 7 §1, 2010)

Sec. 7-5-80. Penalties.

(a) The graduated fine schedule for the penalty assessment procedure is as follows:

(1) First violation: warning.

(2) Second violation within twelve (12) months of the first violation, or failure to comply with the designated compliance schedule associated with the first violation: fine of one hundred fifty dollars (\$150.00) up to two hundred fifty dollars (\$250.00).

(3) Successive violations within twelve (12) months of the previous violation, or failure to comply with the designated compliance schedule associated with the second or subsequent violation: fine of two hundred fifty dollars (\$250.00) up to one thousand dollars (\$1,000.00).

(b) In addition to the criminal enforcement set forth above, the Town may seek an injunction or other appropriate civil relief to enforce the provisions of this Article. (Ord. 5 §8, 2005; Ord. 7 §1, 2010)

Sec. 7-5-90. Violators' responsibilities.

In addition to the penalties outlined above, upon order of the Town or County Sheriff Department, violators will be required to perform all necessary actions to remove or abate attractions of wildlife. This may include, but shall not be limited to: the removal of bird feeders or pet food, cleaning or appropriate storage of barbeque grills and/or the required use of wildlife-resistant containers and/or wildlife-proof containers. (Ord. 5 §9, 2005; Ord. 7 §1, 2010)

Sec. 7-5-100. Notice of violation.

A resident shall be deemed to have been issued an appropriate notice of violation if it is personally served upon the resident, posted on the resident's premises or placed in the U.S. Mail, postage prepaid and addressed to the resident according to the last known address given by the resident to any Town or County government department. If the identity of the resident is not known, the person or entity responsible for payment of the garbage removal services for the subject location will be held responsible to complying with this Article and for any penalties assessed pursuant to the same. (Ord. 5 §10, 2005; Ord. 7 §1, 2010)

ARTICLE 6

Animal Regulations

Sec. 7-6-10. Adoption of County regulations.

The Town reserves the right to enter into intergovernmental agreements with Eagle County Animal Services to perform animal control services and adopt the Eagle County animal regulations as amended. (Ord. 1 §1, 2001; Ord. 7 §1, 2010)

Sec. 7-6-20. Copies on file.

Copies of the current animal control regulations for the Town shall be available at the Town offices. (Ord. 1 §2, 2001; Ord. 7 §1, 2010)

Sec. 7-6-30. Power of the Court.

In addition to any penalties which may be imposed, the Court shall have the authority, upon making a finding that an animal constitutes a nuisance or that an animal constitutes a real and present danger to the citizens and people present in the Town, to order that the animal be destroyed in a humane fashion. (Ord. 1 §3, 2001; Ord. 7 §1, 2010)