

Chapter 2

THE PRIDE, HEALTH AND SAFETY

SECTIONS:

- 5-2-1: Definitions**
5-2-2: Unlawful Acts
5-2-3: Enforcement and Penalties
5-2-4: Severance Clause

5-2-1: Definitions

The following definitions shall apply in the interpretation of this Ordinance:

1. Abandoned Vehicle means a machine propelled or pulled by power other than human power and designed to travel along the ground by use of wheels, treads, tracks, runners, or slides and shall include, without limitation, automobiles, trucks, motorcycles, tractors, field machinery, buses, campers, snowmobiles, all-terrain vehicles, trailers, bulldozers, earth-moving or compacting equipment, backhoes or truck bed/boxes which are: (Ord. 2-1999, eff. 7-10-1999)
 - a. inoperable; or (Ord. 2-1999, eff. 7-10-1999)
 - b. not capable of travel in connection with their normal power source; or (Ord. 2-1999, eff. 7-10-1999)
 - c. partially or wholly dismantled; or (Ord. 2-1999, eff. 7-10-1999)
 - d. Without current license plates, unless exempt from registration. (Ord. 2-1999, eff. 7-10-1999)

2. Hazardous or Toxic Substances means EPA-defined hazardous and toxic material described in the Resource Conservation and Recovery Act. (Ord. 2-1999, eff. 7-10-1999)

3. Noise Pollution means sound that is unduly offensive to any reasonable person. (Ord. 2-1999, eff. 7-10-1999)

4. Person means any natural person, firm, partnership, association or corporation. (Ord. 2-1999, eff. 7-10-1999)

5. Public Nuisance,
Class 3 has the meaning set forth in C.R.S. §16-13305.
(Ord. 2-1999, eff. 7-10-1999)
6. Rubbish means:
- a. any trash, garbage or litter; (Ord. 2-1999, eff. 7-10-1999)
 - b. any abandoned vehicle or any abandoned objects or materials, including without limitation, newspapers, magazines, glass, metal, plastic, packaging or construction materials, furniture, appliances, animal waste and carcasses of animals; (Ord. 2-1999, eff. 7-10-1999)
 - c. EPA-defined Hazardous and Toxic Substances or any noxious matter of any kind; (Ord. 2-1999, eff. 7-10-1999)
 - d. any object likely to cause injury to any person, or to create a traffic hazard; (Ord. 2-1999, eff. 7-10-1999)
 - e. anything of an unsightly nature to a reasonable person. (Ord. 2-1999, eff. 7-10-1999)
7. Served means placing the item in the U.S. mail, certified, return receipt requested, to the owner at the owner's last known address as shown on the County's assessment roll and to the occupant at the property address. (Ord. 2-1999, eff. 7-10-1999)

5-2-2: Unlawful Acts

It shall be unlawful for any person:

- A. To allow the accumulation of Rubbish on any property under such person's control, possession or ownership. (Ord. 2-1999, eff. 7-10-1999)
- B. To dump or dispose of Rubbish in the Town, except in those places permitted or duly authorized by the Trustees for such purpose. (Ord. 2-1999, eff. 7-10-1999)
- C. To transport Rubbish except in a manner that keeps the Rubbish from littering public rights-of-way and the property of others. (Ord. 2-1999, eff. 7-10-1999)

- D. To fail or refuse to comply with any order issued pursuant to this Ordinance. (Ord. 2-1999, eff. 7-10-1999)
- E. To generate, or allow to be generated, any Noise Pollution from an owner or occupant's property. (Ord. 2-1999, eff. 7-10-1999)
- F. To store and Hazardous or Toxic Substances, except under conditions authorized by state or federal law. (Ord. 2-1999, eff. 7-10-1999)
- G. To maintain a Public Nuisance, Class 3. (Ord. 2-1999, eff. 7-10-1999)

5-2-3: Enforcement and Penalties

1. Enforcement Process

- a. Any person may submit a signed written complaint to the zoning officer whenever Rubbish accumulates on any property in the Town. The zoning officer may place the matter on the agenda for consideration at a regular meeting of the Trustees, or the zoning officer or any Trustee may initiate complaints which shall be considered at a regular meeting of the Trustees. (Ord. 2-1999, eff. 7-10-1999)
- b. If the Trustees, after visual inspection of the site by them or their designated representative, determine that a violation exists, they may authorize the zoning officer to issue a notice and order to both the owners and occupants, if they are different, of the property, directing such Persons either to remove the Rubbish within twenty work days from the date of service of the notice, or to appear at an administrative hearing to show cause why the order should not be enforced. The notice and order shall be Served. If either the owner or occupant fails or refuses to accept the certified letter, the Trustees may serve the notice and order in the same manner as provided in Rule 4 of the Colorado Rules of Civil Procedure. (Ord. 2-1999, eff. 7-10-1999)
- c. Within 20 work days of the date the notice and order are Served, the owner or occupant may

- d. request in writing, and they shall be granted, a show cause hearing. Notice of the show cause hearing shall be Served on the owner or occupant and shall be sent by regular mail to any other party who has expressed an interest in the matter. The hearing shall be conducted by either the municipal
- e. judge or the zoning officer not less than 10 nor more than 20 work days from the date of the written request for show cause hearing. The owner and occupant shall have a full and fair opportunity to show cause by any relevant evidence or witnesses why the notice and order should not be enforced, or why it should be delayed in its enforcement. Any other interested party shall have the same opportunity to present evidence or witnesses. The officer convening the hearing shall consider all such evidence and testimony, along with any presentation made by the Town in reaching his or her decision. (Ord. 2-1999, eff. 7-10-1999)
- f. Each day that the Rubbish continues unremoved after the date of expiration of the twenty (20) work day period provided for in paragraph 4.a.iii of this Ordinance shall constitute a separate violation of this Ordinance. (Ord. 2-1999, eff. 7-10-1999)
- g. Violation of this Ordinance shall be punishable by a fine of not more than three hundred dollars per violation. (Ord. 2-1999, eff. 7-10-1999)

2. Administrative Entry and Seizure Warrant.

- a. The Town may enter upon private property for the purpose of Rubbish removal after an administrative entry and seizure warrant has been obtained from a court of competent jurisdiction. (Ord. 2-1999, eff. 7-10-1999)
- b. The warrant shall be fully executed in accordance with the directions of the issuing court. A copy of the issued warrant shall be Served, and proof of execution of the warrant, including a written inventory of any property impounded, shall be

submitted to the issuing court. (Ord. 2-1999, eff. 7-10-1999)

3. Impoundment

- a. Impoundment of removed Rubbish shall occur at any time so ordered by the court. (Ord. 2-1999, eff. 7-10-1999)
- b. Upon impoundment of Rubbish, notice showing information as to the impoundment location, the person to contact for reclaiming the property, and the conditions and time limit for retrieving impounded items, as provided in paragraph 4.c.iii, below shall be Served. (Ord. 2-1999, eff. 7-10-1999)
- c. Impoundments shall be for a period not to exceed 90 days from the date the notice of impoundment is Served, whereupon the impounded items shall be regarded as abandoned and may be disposed of by the Town as it sees fit. If the owner of the impounded items seeks in writing to reclaim them within the 90-day period, the impounded items shall be released upon the occurrence of all of the following within not less than 100 days from the date the notice of impoundment is Served: (Ord. 2-1999, eff. 7-10-1999)
 1. All of the impounded items are removed from impound; (Ord. 2-1999, eff. 7-10-1999)
 2. satisfactory evidence is provided that the owner will move the items to a site that will not result in a violation of this Ordinance or the zoning regulations; (Ord. 2-1999, eff. 7-10-1999)
 - the Town has verified that the property from which the impounded items were removed has remained in compliance with this Ordinance; and (Ord. 2-1999, eff. 7-10-1999)
 4. all costs, including storage costs for impoundment, reasonable attorney fees and costs, have been paid in full, in cash, money

order, or cashier's check. (Ord. 2-1999, eff. 7-10-1999)

3. Additional Remedies

The remedies provided in this Ordinance shall be in addition to any other remedies which may be available to the Town. Nothing contained in this Ordinance shall be construed to preclude the Town from seeking such other remedies in addition to, or In lieu of, the remedies provided for in this Ordinance. (Ord. 2-1999, eff. 7-10-1999)

5-2-4: Severance Clause

If any part of this Ordinance is for any reason held to be invalid, the remaining portions shall remain in effect. (Ord. 2-1999, eff. 7-10-1999)