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Chapter 8-02

Smoking in Public Places

8-02-010 Legislative intent.

The purpose of this chapter is to protect the public health by prohibiting smoking in certain common areas where the public is likely to gather in close proximity and requiring no-smoking areas in certain public places. (Ord. 734 §1, 1987)

8-02-020 Definitions.

The following terms and phrases shall have the following meanings unless the context clearly indicates otherwise.

(A) *Alcoholic beverages* means any fermented malt beverage, as defined in section 5-32-030 of this code, or any malt, vinous, or spirituous liquor as defined in section 5-28-030 of this code.

(B) *Commercial establishment* means all places of business to which the public is invited or in which the public is permitted, except restaurants and taverns.

(C) *Employer* means any person, partnership, corporation, including municipal corporation, which employs more than four persons.

(D) *Public*, used as a noun, refers to the people at large. *Public*, used as an adjective, refers to a place, use, or activity which is open or accessible to any member of the public.

(E) *Restaurant* means an establishment licensed as a hotel/restaurant or brew pub under the liquor laws of the State of Colorado, or any establishment engaged in the sale of prepared food and beverages and has seating for on-premises consumption of food.

(F) *Smoke* or *smoking* means the lighting of any cigarette, cigar, or pipe, or the possession of any lighted cigarette, cigar, or pipe, regardless of the composition of the burning material.

(G) *Tavern* means an establishment licensed as a tavern under the liquor laws of the State of Colorado whose primary business is the sale of alcoholic beverages by the drink. (Ord. 734 §1, 1987; Ord. 1747 §1, 2003)

8-02-030 Prohibition of smoking in certain public places.

No person shall smoke in any of the following locations:

(A) In any elevator or restroom while such elevator or restroom is available for public use;

(B) In any theater, auditorium, or room in which a public meeting or hearing is being conducted, including recesses;

(C) In any theater, auditorium, or room in which a motion picture is being exhibited, or in which a live performance of theater, ballet, or opera or a live concert is being presented, if such event is open to the public, whether or not payment for admission is required, except that where meals or alcoholic beverages by the drink are sold during the actual performance or presentation, the provisions of section 8-02-040, applicable to restaurants, shall apply in lieu of this subsection;

(D) In any auditorium, arena, or room being used for athletic or sporting activities by or for the public or for conducting an athletic or sports event and exhibiting it to the public, whether or not payment for admission is required, including bowling alleys and pool halls;

(E) In any room being used for the principal purpose of providing instruction or training in a trade, craft, business, skill, or athletic or sports activity, or of providing child care or primary, secondary, or higher education;

(F) In any area of a hospital, doctor's office, or other health care facility open to the general public, including waiting rooms, public hallways, and lobbies, except specially designated and physically separate smoking areas;

(G) In any area of a grocery store, retail store, or other commercial establishment open to the general public. Retail stores which are primarily engaged in the sale of tobacco and tobacco products shall be exempt from this provision;

(H) In any area of a museum, gallery, or library open to the general public;

(I) In any lobby, hallway, corridor, or stairway which is open to the general public, except that up to twenty-five percent of a lobby may be designated as a smoking area;

(J) In any building or structure owned or leased by the city for any municipal purpose;

(K) In any outdoor service line where more than one person is giving or receiving services of any kind, whether or not such service involves the exchange of money; or

(L) Within twenty feet of the front entrances, operable windows, passageways, and ventilation systems of smoke-free establishments, except for passersby who do not stop. (Ord. 734 §1, 1987; Ord. 954 §1, 1993; Ord. 1747 §2, 2003)

8-02-040 Smoking prohibited in restaurants and taverns.

Smoking shall be prohibited in restaurants and taverns, provided, however, that a restaurant or tavern may provide a smoking area to accommodate patrons who request seating in such area so long as it constitutes no more than 40% of the floor area open to the public, and meets the following criteria:

(A) The ventilation system for any area in which smoking is permitted is separate from the heating, cooling, and ventilation system for any nonsmoking area, and the smoking area system is designed and ventilated in accordance with the International Mechanical Code, Chapter 4, as required for "smoking lounges";

(B) It is physically separated from the nonsmoking area by a roof and four walls with doors as needed for ingress and egress;

(C) A designated smoking area under this section may not include any waiting area, lobby, hallway, elevator, restroom, or area adjacent to a self-service food line or cash register nor require passage through the smoking area to reach nonsmoking areas or amenities; and

(D) Any service or amenity which the establishment chooses to provide to patrons, other than smoking, shall at all times be at least as available in the nonsmoking majority portion of the establishment as in the designated smoking area. This requirement includes, without limitation, live entertainment and games. (Ord. 734 §1, 1987; Ord. 1747 §3, 2003)

8-02-050 Private functions.

Smoking is allowed in private drinking establishments operated by local or national chapters of nonprofit fraternal organizations that require exclusive, nonpublic membership and which are licensed as a club in accordance with the liquor laws of the State of Colorado, and in rooms or halls being used exclusively for a private social or business function at the discretion of the sponsor of the function. (Ord. 734 §1, 1987; Ord. 1747 §4, 2003)

8-02-060 Places of employment.

(A) Within 120 days of the effective date of the ordinance codified herein, each employer within the city shall adopt, implement, and maintain a written smoking policy which shall specify whether and to what extent smoking is allowed on the employer's premises.

(B) The smoking policy shall be given to current employees upon its adoption, and to future employees when they are hired. (Ord. 749 §1, 1987)

8-02-070 Signs required to be posted.

Signs with letters no less than one inch high or symbols no less than three inches high shall be posted as follows:

(A) Where smoking is prohibited in an establishment or outdoor area, a sign using the words *No Smoking* or the international no-smoking symbol shall be posted conspicuously either on all public entrances or in a position clearly visible on entry into the establishment or to those waiting in an outdoor service line.

(B) Where certain areas of an establishment are designated as smoking areas pursuant to this chapter, a sign using the words *No Smoking Except in Designated Areas* shall be posted conspicuously either on all public entrances or in a position clearly visible on entry into the establishment.

(C) Where smoking is permitted in an entire establishment, a sign using the words *Smoking Permitted* or the international smoking symbol shall be posted conspicuously either on all public entrances or in a position clearly visible on entry into the establishment. (Ord. 749 §1, 1987; Ord. 1747 §5, 2004)

8-02-080 Responsibility of proprietors.

The owner, lessee, principal manager, and person in charge of any premises regulated under this chapter shall be responsible for compliance with the provisions of this chapter. (Ord. 749 §1, 1987)

Chapter 8-04

Garbage

8-04-010 Definitions.

For the purposes of this chapter, the following words shall have the following meanings:

(A) *Garbage* means and includes any and all rejected or waste household food, offal, swill, kitchen refuse, and every accumulation of refuse, animal, fish, fowl, fruit, or vegetable matter, liquid or otherwise.

(B) *Person* means and includes all natural persons, associations of natural persons, partnerships, firms, or corporations acting in their own behalf or in a fiduciary or representative capacity.

(C) *Rubbish* means and includes debris of all kinds, all accumulations of waste, refuse, and rejected animal, mineral, or vegetable matter, except garbage and manure.

(D) *Trash* means and includes ashes, waste paper, cans, bottles, broken glass and china, sawdust, leaves, weed and grass cuttings, shrubbery and tree trimmings, shavings, and packing material not including garbage, manure, or debris. (Ord. 18 Art. 1 §1, 1962)

8-04-020 Trash or garbage; deposit prohibited; receptacle required.

(A) It is unlawful to deposit or cause to be deposited in any street, public or private alley, vacant lot, or upon any premises within the city, any trash, rubbish, garbage, debris, manure, or any filthy, nauseous, or offensive matter of any kind.

(B) It is unlawful to deposit or cause to be deposited any trash, rubbish, garbage, or other material in a private, business, or commercial trash or garbage receptacle or container without the consent of the owner.

(C) The owner, occupant, tenant, or person in possession of each building or structure shall provide for a trash, rubbish, or garbage container or receptacle, and shall cause all trash, rubbish, and garbage to be deposited and contained in such container or receptacle. (Ord. 561 §1, 1984)

8-04-030 License; required; application.

(A) No person shall engage in the business of collecting trash, rubbish, or garbage within the city without first making application to the city clerk for a license. Each application shall contain the following information:

- (1) Name, address, and phone number;
- (2) Doing business as;
- (3) Public Utility Commission permit number;
- (4) Number and description (weight, model, type, capacity, etc.) of vehicles used;
- (5) Number of employees;
- (6) References and experience;
- (7) Site of disposal of trash and waste material; and

(8) Applicant shall submit rate schedule with application and shall advise the city of any change in rates within thirty days after making such changes.

(B) Before there are any negotiations for a garbage collection license, the applicant must first obtain authority from the public Utilities commission to operate such business within the corporate limits of the city. (Ord. 18 Art. 1 §2, 1962; Ord. 85 §2, 1968)

8-04-040 License; fee.

Upon approval of a garbage collection application, the city clerk shall issue the license upon the payment of a fee in the sum of \$150.00 per year, and \$1.00 per sticker. The clerk shall issue a receipt together with stickers to be placed on the vehicles in a clearly legible location. Stickers shall not be transferable. The licensees operating under this chapter shall pay the tax separately to the city clerk on or before August 1st of each year. All licenses issued pursuant to this chapter shall expire on the thirty-first of July of each year succeeding issuance, unless sooner revoked by the city council. (Ord. 18 Art. 1 §4, 1962; Ord. 85 §4, 1968)

8-04-050 Fees prorated; limitation.

In the case of any new applicant commencing the collection and removal of trash, rubbish, and garbage after this chapter becomes effective, the license fee levied in this chapter shall be a pro rata portion of the tax levied for the whole year, but in no case shall the tax paid be less than one-half of the amount levied for the whole year. (Ord. 18 Art. 1 §5, 1962)

8-04-060 Scope of provisions.

Nothing in this chapter shall be deemed as making it mandatory for any person to patronize licensees under this chapter when the person properly or legally disposes of his or her trash, rubbish, or garbage by other means, as long as he or she abides by sanitation laws on the subject. No person shall charge for the collection of trash, rubbish, or garbage except the holder of a license issued pursuant to this chapter. (Ord. 18 Art. 1 §6, 1962)

8-04-070 Licensee responsibilities designated.

(A) The licensee shall hold the city harmless from any claims arising from the collection of rubbish, trash, and garbage.

(B) The holder of a license under this chapter shall have the sole burden and responsibility of disposing of waste and trash collected, and shall hold the city harmless should any claim be made regarding the collection or disposal thereof, and shall give a surety bond in the principal amount of \$1,000.00 to the city. No license shall be transferable. (Ord. 18 Art. 1 §7, 1962; Ord. 85 §4, 1968)

8-04-080 Equipment standards.

The equipment standards of each trash and rubbish hauler shall be as follows:

(A) Permanent cover of canvas, or equally suitable material, to cover the entire area of the truck body;

(B) The truck body constituted so as to be permanently leakproof to ashes and rubbish; and

(C) Extensions of the sideboards and tailgates, if any, shall be of permanent material. (Ord. 18 Art. 1 §8, 1962)

8-04-090 Vehicle markings.

The licensee shall display on both sides of every vehicle operated in the conduct of a garbage collection business his or her name, address, and telephone number, in permanent, plain, and legible figures and letters not less than five inches in height and of a color contrasting to that of the body of such vehicle. The figures and letters shall be kept in such condition as to permit them to be easily distinguished and read at a distance of at least sixty feet. (Ord. 18 Art. 1 §9, 1962)

8-04-100 License; revocation.

The city council, after a hearing, shall have the power to revoke, at any time, the license of the collection contractor for failure to properly perform the terms and covenants of the license, or for other good cause shown. (Ord. 18 Art. 1 §10, 1962)

8-04-110 License; refusal when.

The city council shall hear every application for a license under this chapter, and shall refuse a license if the character of the applicant or its officers or directors is such that a violation of any provisions of this chapter

is likely to result if a license were granted, or if, in the city council's opinion, licenses granted for a particular locality are adequate for the reasonable needs of the community. (Ord. 18 Art. 1 §11, 1962)

8-04-120 Receptacles; storage prohibited where; exception.

It shall be unlawful for any person to store any trash or garbage receptacle within the right-of-way of any street or alley, or on any sidewalk or curb within the city, except that such trash or garbage receptacle may be placed within a street or alley right-of-way, for a period of not more than twenty-four hours, for the purpose of pickup. (Ord. 18 Art. 1 §12, 1962; Ord. 85 §5, 1968)

8-04-130 Garbage disposal units; city council findings.

Most of the dwellings in the city dispose of garbage through garbage disposal units connected into sanitary drainage systems, and the council finds that such systems of garbage disposal are superior to systems of accumulating garbage to be periodically collected and carried away, and such systems of garbage disposal tend to promote health and suppress disease. The council feels it is in the best interest of the city that garbage disposal units be required in all new construction. (Ord. 18 Art. 2 §1, 1962)

8-04-140 Garbage disposal units; definitions.

(A) *Garbage* as used in sections 8-04-140 through 8-04-160, is intended to include waste from the preparation, cooking, and consumption of food, condemned food products, and all refuse waste from the handling, storage, preparation, and sale of produce.

(B) *Garbage disposal unit* means an electrically powered device installed under and in direct connection with a sink or similar receptacle supplied with water, in which food waste and garbage is, by means of a grinding and flushing operation, discharged directly into a sanitary drainage system, or food-waste disposal equipment utilizing gas incineration. (Ord. 18 Art. 2 §2, 1962)

8-04-150 Garbage disposal units; required when.

From and after the effective date of the ordinance codified in this chapter, no residential, restaurant, or other commercial-type building containing kitchens shall be constructed without the installation of a garbage disposal unit in any such building. (Ord. 18 Art. 2 §3, 1962)

8-04-160 Civil action.

The city may, at its option, proceed by injunction, abatement, suit for collection or any other legal action which it may deem advisable for the enforcement of this chapter and collection of the fees provided for herein; provided that such election shall not in any way be deemed a waiver of or release of any person from the penalties provided for in section 1-12-020. Conviction under this chapter shall not preclude the city from proceeding with any other legal action that it may deem advisable. (Ord. 18 Art 3 §1, 1962; Ord. 1393 §5, 1999)

Chapter 8-08

Weeds and Rubbish

8-08-010 Short title.

This chapter is known and may be cited as the "Broomfield Weed and Rubbish Ordinance." (Ord. 931 §1, 1992)

8-08-020 Purpose.

It is the intent of the city to require the removal of weeds, brush, and rubbish of all kinds from lots and tracts of land within the city as authorized and permitted by section 31-15-401(1)(d), C.R.S. (Ord. 931 §1, 1992)

8-08-030 Definitions.

When not clearly otherwise indicated by the context, the following words and phrases used in this chapter have the following meanings:

(A) *Building material* includes, but shall not be limited to, 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 used or the debris from such materials that have been used in construction or in modifying any building or structure on any real property, or used to enhance or create landscaping improvements to any real property.

(B) *Noxious weeds* means any weed species included on the state Noxious Weed List as maintained by the Colorado Department of Agriculture such as Canada thistle, diffuse knapweed, field bindweed and other weeds contained on said list.

(C) *Property owner* means any occupant or person in possession of the property.

(D) *Rubbish* means and includes all waste and litter, whether combustible or noncombustible, trash, garbage, refuse of any kind, including but not limited to ashes, cans, paper, wrappings, cigarettes, cardboard, branches, wood, waste building materials, glass, crockery, abandoned household furnishings, carcasses, or dead animals and other like materials. *Rubbish* also includes dilapidated, damaged or unusable merchandise including but not limited to parts of machinery or motor vehicles that can no longer be used for their intended purposes, large appliances not in use, 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, and/or any item of merchandise that is so dilapidated or deteriorated that it cannot be reasonably used for its intended purpose.

(E) *Weeds* means any vegetation, including woody shrubs, not part of a planned and maintained landscape or city open land. (Ord. 931 §1, 1992; Ord. 1711 §1, 2003; Ord. 1795 §1, 2005)

8-08-040 Unlawful growth, accumulation, and storage.

(A) *Unlawful growth.*

(1) *Weeds.* It is unlawful for a property owner or lessee to permit weeds to grow to a height exceeding twelve (12) inches. For the purposes of this chapter, *property owner* shall include any occupant or person in possession of the property.

(a) *Exceptions.* The provisions of subparagraph (A)(1) herein shall not apply to:

(i) Flower gardens, vegetable gardens, cultivated or tended shrubbery, and ornamental or native grasses not used as a turf grass;

(ii) Any property larger than twenty (20) acres with an approved PUD, but no approved site development plan;

(iii) Any property larger than one (1) acre in a RR or any A-1 zoning district;

(iv) City-owned open lands as defined in the Broomfield Master Plan and including city-owned open lands as approved on a final plat or site development plan, or as acquired or leased by the city for open land;

(v) Any property subject to a recorded conservation easement or officially designated as an environmentally sensitive area or a jurisdictional wetlands;

(vi) Golf course lands with planned growth of vegetation for buffer or rough;

(vii) Property capable of use for the grazing of livestock, if such property is completely enclosed by a fence; or

(viii) Property used or managed for the growing of crops for commercial purposes or for consumption.

(2) *Noxious weeds.* Notwithstanding any other provisions in this section, it is unlawful for any property owner or lessee to fail to comply with state statutory and regulatory requirements regarding noxious weeds.

(B) *Unlawful accumulation.*

(1) In any area zoned for residential use, the outside accumulation of rubbish upon or around any residential lot, including porches or landings of such buildings, is unlawful. In areas zoned for multifamily use, the common areas parking areas and streets must also be kept clear of rubbish, except for common trash enclosure areas.

(2) In areas zoned for commercial and industrial use, the proprietor, landlord, or management agency shall be responsible for seeing to it that the premises of a commercial center, commercial establishment, or complex, including the parking lot and specifically including that part of any street right-of-way adjoining the premises and outside the curb line are kept free of rubbish. The proprietor, landlord, or management agency shall see to it that the premises are cleaned of such rubbish at least each day and take all reasonable steps to provide containers for rubbish and to order his or her employees and tenants to use them.

(C) *Unlawful outside storage.* In any area zoned for residential use, it is unlawful to store outside, uncovered, upon any real property building materials, unless there is in force a valid building permit issued by the city for construction of a new, or modification of an existing, structure upon said real property and said materials are intended for use in connection with such construction or modification. Building materials may be stored inside an enclosed building on the real property, or may be stacked and covered in the rear of any residentially zoned real property, whether or not a building permit is in force. (Ord. 931 §1, 1992; Ord. 1795 §2, 2005)

8-08-050 Notice and assessment.

(A) Any person who violates this article will be served a written notice of violation. Service of the notice may be by first class mail properly addressed to the dwelling or building located on the lot or tract of land in violation of this chapter; by a conspicuous posting of the written notice of violation upon the dwelling or building located on the lot or tract of land in violation of this chapter; or by personal service upon a natural person over the age of eighteen years who occupies a dwelling or building on a lot or tract of land in violation of this chapter. A true copy of the notice of violation will be sent by first class mail to the owner of record, as shown on the records of the county, of the lot or tract of land in violation of this chapter.

(B) If a notice of violation cannot be served in any manner specified above, the notice of violation will be sent by first class mail to the owner of record of such lot or tract of land as shown on the records of the county.

(C) The notice will state that the weeds, rubbish, or unlawful outside storage must be removed within seven days from the date of the notice and, if not removed by the owner or occupant, the city will remove the weeds, rubbish, or unlawful outside storage and assess the whole cost thereof, including \$25.00 for inspection and incidental costs, upon the lots or tracts of land from which weeds, rubbish, or unlawful outside storage are removed, except that if a second or subsequent notice for a violation of section 8-08-040 is served within an eighteen-month period, the compliance period shall be reduced from seven days to three days.

(D) The assessment is a lien against each lot or tract of land until paid and has a priority over all other liens, except general taxes and prior special assessments. The lien may be foreclosed upon by the city at any time in the same manner as provided by the laws of the state for the foreclosure of mechanic's liens. The lien foreclosure is subject to all rights or redemption granted by article 39 of title 38, C.R.S. (Ord. 931 §1, 1992; Ord. 1319 §1, 1998; Ord. 1795 §3, 2005)

8-08-060 Payment of assessment.

(A) If the weeds or rubbish are not removed by the owner or the occupant within the time period specified in the notice, the city is authorized to enter upon the lot or tract of land and remove the weeds or rubbish and assess the whole cost thereof, including \$25.00 for inspection and incidental costs, upon the lots or tracts of land from which the weeds, brush, or rubbish is removed.

(B) The city will send a statement of costs by first class mail to the owner of record. The amount of the costs in the statement is due and payable by the owner of record to the city within thirty days from the date of the statement. If the amount is not paid by the date due, interest on any unpaid balance due to the city shall accrue at the legal rate specified in section 5-12-101, C.R.S.

(C) The city clerk is authorized to record a statement of lien with the clerk and recorder for the county in which the lot or tract of land is located if the assessment is not paid by the owner within thirty days from the date of the statement. (Ord. 931 §1, 1992; Ord. 1319 §2, 1998)

8-08-070 Collection of assessment and foreclosure.

A failure by the owner of record to pay the statement of costs constitutes a debt due and owing the city. The city has the right to recover the amount of the assessment as provided by law in any court of competent jurisdiction. (Ord. 931 §1, 1992)

8-08-080 Certification to the county treasurer.

If the owner of record fails to pay the amount specified in the statement of costs, the city clerk may certify the amount due and owing to the county treasurer for collection of the assessment. The county treasurer shall collect the assessment, together with a ten-percent penalty for the cost of collection, in the same manner as other taxes are collected. (Ord. 931 §1, 1992; Ord. 1196 §18, 1996; Ord. 1568 §17, 2001)

8-08-090 Exemption.

The city council may exempt by resolution certain publicly or privately owned lots and tracts of land from enforcement under this chapter, provided that the city council finds and determines that such lots or tracts of land are natural open space, a natural park, a conservation area, an erosion control area, or an irrigation ditch right-of-way or easement. (Ord. 931 §1, 1992)

Chapter 8-10

Control; Construction Materials and Debris

8-10-010 Control of construction materials and debris.

It shall be unlawful for any builder, contractor, or person in possession and control of any real property, during any stage of the construction of any structure upon said property to fail to use reasonable care to prevent any construction material or debris to be carried by the wind from such property to the property of another or to any public way or place. The term *construction material or debris* shall include, by way of illustration but not limitation, the following: paper, sticks, lumber, roof shingles, siding, and cans or containers of construction materials. It shall be prima facie evidence of failure to use reasonable care if construction material or debris attributable to any builder, contractor, or person are found on the property of another or on any public way or place other than the construction site. (Ord. 383 §1, 1980)

Chapter 8-14

Vehicle Emission Control Standards

8-14-010 Definitions.

The following definitions shall apply to the interpretation and enforcement of this chapter and all regulations adopted hereunder:

(A) *Air contaminant* means any fume, smoke, particulate matter, vapor, gas, or any combination thereof, but not including water vapor, or steam;

(B) *City manager* means the city manager of Broomfield or his or her designated representative;

(C) *Compliance* means satisfactory adherence to the requirements of this chapter and any rules and regulations promulgated and adopted hereunder;

(D) *Emission* means the discharge or release into the atmosphere of one or more air contaminants;

(E) *Opacity* means the degree to which an emission reduces the transmission of light, expressed in percentage of the obscuration;

(F) *Particulate matter* means any material, except uncombined water, that exists in a finely divided form as liquid or solid;

(G) *Qualified observer* means an observer who has achieved certification by the Colorado Department of Health Pollution Control Division after satisfactorily completing a course in observing, grading, and recording visible emissions in terms of opacity;

(H) *Smoke* means small gas-borne particles resulting from incomplete combustion and consisting predominantly, but not exclusively, of carbon and other combustible materials;

(I) *Vehicle* means all vehicles propelled by power, other than muscular power, including by way of example but not by limitation, automobiles, trucks, construction equipment, vehicles which operate only upon rails or tracks laid in place on the ground, farm tractors, and any other machines used for any purpose within the city. (Ord. 434 §1, 1981)

8-14-020 Four-stroke-cycle engines.

No person shall cause to be emitted into the atmosphere from any vehicle with a four-stroke-cycle gasoline engine any visible emission for a period greater than five consecutive seconds. (Ord. 434 §1, 1981)

8-14-030 Two-stroke-cycle engines.

No person shall cause to be emitted into the atmosphere from any vehicle with a two-stroke-cycle gasoline engine any visible emission for a period greater than ten consecutive seconds, if such emission is of twenty-percent opacity, or greater. (Ord. 434 §1, 1981)

8-14-040 Diesel-fueled engines.

(A) No person shall cause to be emitted into the atmosphere from any vehicle with a diesel-fueled engine, except diesel-fueled locomotives for switching and railroad yard use, any visible emission for a period greater than ten consecutive seconds, if such emission is of thirty-percent opacity, or greater.

(B) No person shall cause to be emitted into the atmosphere from any diesel-fueled locomotive for switching and railroad yard use any visible emission for a period greater than ten consecutive seconds, if such emission is of forty-percent opacity, or greater.

(C) Emissions otherwise in violation of subsections (A) and (B) above, shall be exempt if the emissions are a direct result of cold-engine start-up. (Ord. 434 §1, 1981)

8-14-060 Rules and regulations.

The city manager may devise, promulgate and enforce rules and regulations deemed necessary for the proper and effective enforcement of the provisions of this chapter. Such rules and regulations shall be consistent with the provisions of this article and the standards established herein. Where applicable, such rules and regulations shall be developed in consultation with the county health department. (Ord. 434 §1, 1981)

8-14-070 Enforcement.

Sections 8-14-030 and 8-14-040 shall be enforced by qualified observers in the police department. All other provisions of this chapter may be enforced by a member of the police department. All persons authorized to enforce this chapter may exercise their discretion and issue a warning rather than a summons and complaint. The warning shall notify the individual of the nature of the violation and recommend that the cause of the violation be remedied as soon as possible. (Ord. 434 §1, 1981)

8-14-080 Exemptions.

Temporary activities which violate the provisions of this chapter may be exempted from the provisions of this chapter by a written permit from the city manager. The city manager shall consider, among other factors, the duration of the proposed activity and the economic hardships that may be imposed if the permit is denied. (Ord. 434 §1, 1981)

Chapter 8-15

Burning Restrictions

8-15-010 Definitions.

The following words and phrases shall have the indicated meanings:

(A) *High pollution day* means that period of time declared to be a high pollution day by the Colorado Department of Health.

(B) *Sole source of heat* means one or more solid fuel-fired heating devices which constitute the only source of heat in a private residence for purposes of space heating. If there is a furnace or heating system designed to heat the residence, a solid fuel-fired heating device or devices shall be considered to be the sole source of heat only if the furnace or heating system is disconnected from its energy source, e.g. heating oil, natural gas, electricity, or propane.

(C) *Solid fuel-fired heating device* means a device designed for solid fuel combustion so that usable heat is derived for the interior of a building, and includes solid fuel-fired stoves, fireplaces, and furnaces or boilers. *Solid fuel-fired heating device* does not include a barbecue device used solely for the cooking of food or natural gas-fired fireplace logs. (Ord. 794 §1, 1988)

8-15-020 High pollution prohibition.

(A) It shall be unlawful for any person to operate a solid fuel-fired heating device during a high pollution day unless that person has an exemption granted pursuant to section 8-15-030 below. It shall be the duty of all persons owning or operating a solid fuel-fired device to be aware of any declaration of a high pollution day by the Colorado Department of Health.

(B) At the time of the declaration of a high pollution day, the city shall allow three hours for the burndown of existing fires in solid fuel-burning devices prior to the initiation of enforcement. (Ord. 794 §1, 1988)

8-15-030 Exemptions.

(A) A person may operate a solid fuel-fired heating device during a high pollution day if he or she has previously obtained an exemption from the city manager or his or her designee. An exemption may be granted if the applicant submits a sworn statement either (1) that he or she relies on a solid fuel-burning device as his or her sole source of heat and that said device was installed prior to the effective date of the ordinance codified herein, or (2) that he or she relies on an electrical heating system as his or her primary source of heat and that said system was installed prior to the effective date of the ordinance codified herein.

(B) An exemption obtained under this section shall be effective for one year from the date it is granted and may be renewed upon submission of a new sworn statement as provided in subsection (A) above.

(C) A person may operate a fuel-fired heating device during a high pollution day if the device is either certified or approved for such burning by the Colorado Department of Public Health and Environment. (Ord. 794 §1, 1988; Ord. 1385 §1, 1999)

8-15-040 Defense.

It shall be an affirmative defense to a charge of burning on a high pollution day under section 8-15-020 above that a power outage, interruption of natural gas supply, or temporary equipment failure existed at the time and location of the violation, which did not result from any action of the person charged with the violation. (Ord. 794 §1, 1988)

8-15-050 Rental dwelling units.

It shall be unlawful for a solid fuel-fired heating device to be the sole source of heat in any rental dwelling unit. Any violation of section 8-15-020 above by the tenant of such a dwelling unit shall be construed to be a violation by the owner of the dwelling unit if a solid fuel-fired heating device is the tenant's sole source of heat. In such a case, the owner, and not the tenant, shall be liable for any penalty imposed. (Ord. 794 §1, 1988)

8-15-060 Inspections.

For the purpose of determining compliance with the provisions of this chapter, the chief of police, a city police officer, or a community services officer is authorized to make inspections to determine whether solid fuel-fired heating devices are being operated on high pollution days. If any person refuses or restricts entry or free access to any part of the premises, or refuses inspection of any device, the chief of police, a city police officer, or a community services officer may seek from the municipal court a warrant for inspection and order that such person refusing inspection be required to permit an inspection at a reasonable time, without interference, restriction, or obstruction. The court shall have full power, jurisdiction, and authority to enforce all orders issued under the provisions of this chapter. (Ord. 794 §1, 1988)

Chapter 8-16

Health Nuisances

8-16-010 Nuisances designated.

Anything which is injurious to the health or morals, or indecent or offensive to the senses, or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property is declared a nuisance, and as such shall be abated. (Ord. 15 §1, 1963)

8-16-020 Authority designated.

(A) The county health department has the full power to take all measures necessary to:

- (1) Promote health and cleanliness;
- (2) Abate all nuisances of every description on public and private property;
- (3) Prevent the introduction or spreading within the city of malignant, contagious, and infectious diseases, and to remove, detain, isolate, or quarantine any person attacked by or having any such disease, or who has been exposed thereto; and
- (4) Promulgate such rules and regulations as may be necessary to perform its functions.

(B) The county health department shall have the authority to enforce such rules of the Health Department of the State of Colorado as are applicable to particular situations. (Ord. 15 §2, 1963)

8-16-030 Junkyards and dumping grounds declared nuisance.

All places used or maintained as junkyards or dumping grounds, or for the wrecking or disassembling of automobiles, trucks, tractors, or machinery of any kind, or for the storing or leaving of worn-out, wrecked or abandoned automobiles, trucks, tractors, trailers, boats, and housetrailer, or machinery of any kind, or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders, or by other persons, which places are kept in such manner as to essentially interfere with the comfortable enjoyment of life or property by others, are declared to be nuisances. (Ord. 15 §3, 1963)

8-16-050 Discharge of nauseous liquids prohibited.

It is unlawful to discharge out of or from, or permit to flow from any house or place, any foul or nauseous 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 city. (Ord. 15 §5, 1963)

8-16-060 Stale matter prohibited.

It is unlawful to keep, collect, or use, or cause to be kept, collected, or used in this city, any stale, putrid, or stinking fat, grease, or other matter. (Ord. 15 §6, 1963)

8-16-070 Deposit of articles in sewers prohibited.

It is unlawful to deposit in or throw into any sewer, sewer inlet, or privy vault having a sewer connection any article whatsoever that might cause such sewer, sewer inlet, or privy vault to become nauseous or offensive to others, or injurious to public health. (Ord. 15 §7, 1963)

8-16-080 Deposit of offensive matter on streets or in water supply prohibited.

It is unlawful to throw or deposit, or cause or permit to be thrown or deposited, any offal composed of animal or vegetable substance, or both, or any dead animal, excrement, garbage, or other offensive matter whatever upon any street, avenue, alley, sidewalk, or public grounds. No person in this city shall throw or deposit, or cause or permit to be thrown or deposited, anything specified in any part of this chapter, or any other substance that would tend to have a polluting effect, into the water of any stream, ditch, pond, well, cistern, trough, or other body of water, whether artificially or naturally created, or so near any such place as to be liable to pollute the water. (Ord. 15 §8, 1963)

8-16-090 Littering prohibited.

(A) It is unlawful to throw upon or deposit in any street, alley, sidewalk, or public grounds in this city any paper, old clothes, cloth of any kind, boots, shoes, hats, leather, hair, grass, junk cars, straw or hay, trash, or any other thing, on public streets or alleys, except in public receptacles and authorized private receptacles.

(B) It is unlawful for any person, while a driver or passenger in a vehicle, to throw or deposit litter upon any street or other public place within the city, or upon private property. (Ord. 15 §9, 1963)

8-16-100 Flammable liquids; transport in certain vehicles prohibited where.

It is unlawful for any tank vehicle used for the purpose of transporting flammable liquids and having a cargo tank capacity in excess of 1,000 gallons to operate on or travel over or upon any of the streets, highways, avenues, alleys, boulevards, or other public places within the city, except U.S. Highway 287 and Colorado 1, and east on Midway Boulevard to Laurel Street. (Ord. 15 §11, 1963)

8-16-110 Flammable liquids; storage prohibited; exceptions.

It is unlawful to store or cause to be stored or parked any tank vehicle carrying flammable liquids or gases upon any streets, ways, or avenues of the city, or in any other part of the city, except those areas zoned for such uses. (Ord. 15 §12, 1963)

8-16-130 Abandoned refrigerator or icebox prohibited unless locking device removed.

It is unlawful for any person to leave or permit to remain outside of any dwelling, building, or other structure, or within any unoccupied or abandoned building, structure, or dwelling under his or her control, in a place accessible to children, any abandoned, unattended, or discarded icebox, refrigerator, or other container which has a door or lid, snap-lock, or other locking device which may not be released from the inside, without first removing the door or lid, snap-lock, or other locking device. (Ord. 15 §81, 1963)

8-16-140 Open well, cistern, or excavation deemed nuisance; exceptions.

It is declared that excavations exceeding five feet in depth, cisterns and wells, or any excavations used for storage of water are public nuisances unless the same are adequately covered with a locked lid, or other covering weighing at least sixty pounds, or are securely fenced with a solid fence to a height of at least five feet. It is unlawful for any person to permit such a nuisance to remain on premises owned or occupied by him or her. (Ord. 15 §82, 1963)

8-16-150 Nuisance; author designated; notice to abate.

Any state of things prohibited by this chapter shall be deemed a nuisance, and any person who makes or causes such a nuisance to exist shall be deemed the author thereof; provided that any person who has possession or control of any private ground or premises, whether he or she is the owner or not, in or upon which any nuisance exists or may be found, whether such nuisance has been heretofore or shall be hereafter created, shall be deemed guilty of a separate offense, as the author of a nuisance, for every period of forty-eight hours' continuance of such nuisance after due notice given to abate the same. The written notice of forty-eight hours may be given and served by the chief of police, or other officers as he or she may designate. (Ord. 15 §91, 1963)

8-16-160 Nuisance; abatement; procedure.

Should any nuisance, within or upon any private premises or grounds as provided in section 8-16-150, not be abated forthwith after the notice provided in section 8-16-150 is given, the city council may declare the

same to be a nuisance and order the chief of police to abate the same, which order shall be executed without delay. The chief of police shall have the authority to call for necessary assistance to abate the nuisance. (Ord. 15 §92, 1963)

8-16-170 Nuisance; summary abatement when.

In case of any nuisance in or upon any street, avenue, alley, sidewalk, highway, or public grounds in the city, the chief of police or supervisor of streets may abate the same forthwith without the notice required in section 8-16-160 being given. (Ord. 15 §93, 1963)

8-16-180 Nuisance; abatement; authority to engage assistance and incur expense.

Any officer who is duly authorized to abate any nuisance specified in this chapter shall have authority to engage the necessary assistance, and incur the necessary expense to abate the nuisance. (Ord. 15 §94, 1963)

8-16-190 Nuisance; abatement; recovery of expenses.

The expense incurred by the city in abating any nuisance may be recovered, by proper action, from the author thereof. (Ord. 15 §95, 1963)

8-16-200 Right of entry.

The mayor, chief of police, councilmen, or any other persons who may be directed or deputized by the city council, may enter upon or into any lot, house, or other building or premises, with proper respect for the occupant's constitutional rights, to examine the premises and to ascertain whether any nuisance exists, and shall be free from any action or liability on account thereof. (Ord. 15 §96, 1963)

8-16-210 Nuisance; not specified; procedure generally.

In all cases where no provision is made in this chapter defining what are nuisances and how the same may be abated or prevented, in addition to what may be declared such in this chapter, those offenses which are known to the common law of the land and the statutes of Colorado as nuisances may, in case the same exists within the city limits of the city, be treated as nuisances and proceeded against as provided in this chapter, or in accordance with any other provision of law. (Ord. 15 §97, 1963)

Chapter 8-17

Property Nuisances

8-17-010 Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

(A) *Concrete flatwork* includes property improvements constructed of concrete such as walks, drives, patios, and porches.

(B) *Dead landscaping* means an area of dead vegetation, including lawns, trees, weeds, and shrubs, comprising over fifty percent of the entire landscaped area and not including dormant vegetation in the winter months.

(C) *Overgrown landscaping* means trees, shrubs, and other plantings which have grown in a way that obstructs or encroaches upon walks, drives, patios, porches, or the property of another.

(D) *Property owner* means any occupant or person in possession of the property or the record owner of such property. (Ord. 1891 §1, 2008)

8-17-020 Property nuisance designated.

Any property upon which at least three of the following conditions exists shall be deemed a property nuisance and a violation of the municipal code:

- (1) Damaged, broken, or missing siding on ten percent or more of the surface of the structure.

- (2) Roof disintegrating or roof with damaged, broken, or missing shingles on ten percent or more of the roof area.
- (3) Missing doors or missing or broken garage door.
- (4) Deterioration of concrete flatwork consisting of spalling, flaking, or broken areas exceeding ten percent of the area or a vertical displacement between sections of over two inches.
- (5) Dead or overgrown landscaping.
- (6) Fencing with missing or broken sections, or in excess of twenty-five percent of the surface area of the fence with peeling paint.
- (7) Windows with sections or pieces of glazing missing.
- (8) Peeling paint exceeding twenty-five percent of the wall area of the structure.
- (9) Weeds – exceeding twelve inches (B.M.C. 8-08-040(A)).
- (10) Rubbish – Unlawful Accumulation – waste, refuse, appliances, deteriorated items (B.M.C. 8-08-040(B)).
- (11) Unlawful Outdoor Storage – uncovered building materials without an active permit (B.M.C. 8-08-040(C)).
- (12) Abandoned refrigerator – discarded refrigerator in area accessible to children (B.M.C. 8-16-130).
- (13) Junk or inoperable vehicle – expired/ missing plates or inoperable (B.M.C. 8-20-020).
- (14) Obstructing passage – items or vegetation obstructing a public sidewalk or trail (B.M.C. 9-40-020).
- (15) Detached trailer – a trailer on a public street not attached to a towing vehicle (B.M.C. 10-12-040).
- (16) Encroachment – vegetation, fencing, or items extending onto public property (B.M.C. 12-08-020).
- (17) Off street parking – parking on an area without adequate asphalt, concrete, or rock (B.M.C. 17-32-080). (Ord. 1891 §1, 2008)

8-17-030 Notice and correction period.

If there is probable cause to believe a violation of this chapter exists, a written notice of violation shall be issued to the property owner. Such notice shall state the date issued, the violations that must be corrected, and a time limit of twenty-one days to correct the violations and bring the property into compliance. An extension of this time period may be granted for reasonable cause. (Ord. 1891 §1, 2008)

8-17-040 Violation; penalty.

If, after the time limit specified in the notice of violation, the causes of the violation have not been removed or corrected, a summons and complaint shall be issued to the property owner. Violation of this chapter shall be punishable in accordance with chapter 1-12, B.M.C. (Ord. 1891 §1, 2008)

8-17-050 Suspension.

In the event of a natural disaster or other emergency, the City and County Manager is authorized to administratively suspend the provisions of this chapter for such areas of the city and county and for such time period as he or she determines to be appropriate. (Ord. 1891 §1, 2008)

Chapter 8-20

Junk Vehicles, Repair of Vehicles

8-20-010 Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

(A) *Hobby* means the repairing, reconditioning, or rebuilding of all vehicles which is done for personal enjoyment or entertainment only, with no profits, compensation, or reimbursement of any kind involved.

(B) *Junk vehicle* means any self-propelled vehicle designed for highway travel under its own power which is not capable of such travel in its existing mechanical condition; or any dismantled, partially dismantled, discarded, wrecked, demolished, or partially demolished vehicle; or any vehicle designed for highway travel not bearing a current license plate or license certificate.

(C) *Vehicle* means a machine propelled by power other than human power designed to travel along the ground, in the air, or through water by use of wheels, treads, runners, slides, wings, or hulls and to transport persons or property or pull non-self-propelled vehicles or machinery, and includes, without limitation, automobile, airplane, boat, truck, trailer, motorcycle, motor scooter, moped, tractor, buggy, and wagon. (Ord. 324 §1, 1978; Ord. 467 §1, 1982)

8-20-020 Junk vehicles prohibited.

(A) It shall be unlawful for any person to store or keep any junk vehicle or parts thereof on any premises, or within any zoning district, or anywhere within the city unless in a fully enclosed structure.

(B) In the event of the storage or keeping of such junk vehicles or parts thereof in the city, the persons responsible for the violation of this section shall include the owner of the junk vehicle or parts thereof; the occupant or lessee of the premises where stored or kept; and the owner of such premises.

(C) Exceptions:

(1) Any vehicle registered as a collector's item by the State of Colorado under the provisions of section 42-15-101 and 102, C.R.S., provided that such vehicles are maintained in such a manner that they do not constitute a health hazard, a safety hazard, or a fire hazard and are effectively screened from ordinary public view by means of a solid fence, trees, shrubbery, or other appropriate means. Such storage areas shall be kept free of weeds, trash, and other objectionable items.

(2) Vehicles stored or kept on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise, provided that any dismantled, discarded, wrecked, demolished, or partially demolished vehicle is stored in a fully enclosed structure or in a junkyard, as defined in section 17-04-235 of this code, which has been approved in accordance with chapter 17-30 of this code. (Ord. 324 §1, 1978; Ord. 467 §2, 1982)

8-20-030 Investigation.

The city manager or his or her authorized representative is hereby authorized to investigate any matter at any place within the city which reasonably appears to be in violation of the provisions of this chapter. (Ord. 324 §3, 1978)

8-20-040 Notice.

(A) If, after an investigation, there is probable cause for believing a violation of this chapter exists, a written notice of violation shall be issued immediately to the owner of the vehicle or any person in charge or control of the vehicle or the property owner, or his or her agent, manager, tenant, resident, lessee, renter, or occupant of the premises on which such vehicle is located. Such notice of violation shall state the date issued, the name of the person to whom the notice is issued, the violation involved and a time limit of fifteen days given to remove or correct the cause of such violation, and be signed by the issuing officer, except that for second or subsequent violations of this chapter within an eighteen-month period the time limit shall be five days.

(B) For the purposes of this section, the tenant, occupant, or lessee shall be deemed agent of the owner of the premises. (Ord. 324 §4, 1978; Ord. 467 §3, 1982; Ord. 1319 §3, 1998)

8-20-050 Issuance of summons and complaint.

If, after the time limit specified in the notice of violation, the cause of such violation has not been removed or corrected, a summons and complaint shall be issued to the person named on the notice of violation unless satisfactory arrangements for an extension of time have been made with the police department. In the event that the owner of the vehicle, or the owner or his or her agent, manager, tenant, resident, lessee, renter, or occupant of the premises on which such vehicle or junk is located cannot be located in order to serve such

notice of violation, then a summons and complaint shall be issued against the vehicle, describing the vehicle by make, year, and model. (Ord. 467 §4, 1982; Ord. 1319 §4, 1998)

8-20-060 Effecting removal.

(A) Upon the failure, neglect, or refusal of any owner or agent of the owner so notified, to properly dispose of such vehicle or parts thereof within the time limits herein set forth, the city manager, or his or her authorized representative, is authorized and empowered to remove the same at the expense of such owner or agent of the owner, plus a sum not exceeding \$40.00 for the administrative expenses of the city.

(B) In case the owner or agent of the owner of such property fails to pay such costs within the thirty days after a statement therefor has been rendered, the city manager, or his or her authorized representative shall order the vehicle disposed of as an abandoned vehicle under section 22-21 of the Model Traffic Code and report the same to the city clerk who shall assess the costs against the property in question. Such assessment shall constitute a perpetual, first, and prior lien on the property involved, subject to general taxes and prior special assessments. The city clerk shall certify to the county treasurer the assessments which are not paid within twenty days after the date of assessment. Ten percent of the amount shall be added to the assessments to pay the cost of collection. (Ord. 324 §6, 1978)

8-20-070 Hobby repair work.

It is unlawful for any person to repair, keep, or work on any vehicle as a hobby, unless such hobby is conducted in and totally contained within a residential or commercial garage, and conducted in such a manner so as not to create a safety, health, or fire hazard; except that this shall not apply to minor repair and maintenance activities such as, by way of illustration, the changing of oil, spark plugs, tires, so long as said minor work does not exceed a reasonable length of time, such as by way of illustration, two days. Repair of vehicles purchased for repair and resale or vehicles repaired for any compensation received shall not be considered a hobby and shall be governed by the zoning ordinances of the city. (Ord. 324 §7, 1978)

Chapter 8-24

Lost, Abandoned, Stolen, and Confiscated Property

8-24-010 Custodian of property.

The chief of police shall designate an employee of the police department to act as the custodian of all lost, abandoned, stolen, and confiscated personal property coming into the possession of the city. It shall be the duty of such custodian to keep a record of all property placed in his or her custody, including date and place of finding or recovery, serial numbers, a description of the property, the date and method of disposal of the property, and the name and address of all claimants, and except as otherwise provided in this chapter, the custodian shall cause such property to be safely stored until disposal. (Ord. 474, §1, 1982)

8-24-020 Property held as evidence.

The custodian shall keep all personal property seized or held as evidence for use in any pending or prospective trial, unless otherwise ordered by a court having jurisdiction, or unless the prosecuting attorney has authorized otherwise, until final disposition of charges, including appeals or the lapse of time for filing of appeals. Thereafter, unless otherwise ordered by a court having jurisdiction, the custodian shall dispose of the property in accordance with the provisions of this chapter. (Ord. 474 §1, 1982)

8-24-030 Finder of property.

(A) If the finder of lost, abandoned, or stolen property is an officer or employee of the city and has taken possession of such property in the course of his or her employment, the city shall be deemed the finder and such property shall be delivered to the custodian.

(B) If the finder of lost, abandoned, or stolen property is a private person who brings property he or she has found to the city, such property shall be delivered to the custodian. Upon such finder's making a report concerning the location and circumstances of the finding, he or she shall be issued a receipt for the property which shall declare his or her right to reclaim possession thereof. (Ord. 474 §1, 1982)

8-24-040 Disposition generally.

All lost, abandoned, stolen, or confiscated property which has been delivered to the custodian, not being held pending disposition of charges pursuant to section 8-24-020, shall be subject to disposition in accordance with the provisions of this chapter, except for vehicles or other property, the disposition of which is regulated by other ordinance or state statute. (Ord. 474 §1, 1982)

8-24-050 Investigation into ownership.

Upon coming into possession of personal property which has no known owner, the custodian shall notify the director of the police department, who shall cause an investigation to be made into the ownership of the property. (Ord. 474 §1, 1982)

8-24-060 Notification of owner.

(A) If the owner of lost, abandoned, or stolen property is known or is determined as a result of investigation, the custodian shall give notice in writing to the owner that such property is in the possession of the police department, that it may now be reclaimed, and that it will be sold or otherwise disposed of by the city unless the owner reclaims the property within sixty days after the date of the notice. The notice shall be sent to the owner at his or her last known address by regular first class United States mail, postage prepaid.

(B) If the owner of the property is unknown and is not determined by investigation, the custodian shall periodically, and not less than once each year, cause notice to be published in a newspaper of general circulation in the city, which notice shall be published on three different days, and which shall contain the following:

- (1) A description of the lost, abandoned, or stolen property then in the possession of the custodian;
- (2) A statement that the property will be disposed of by the city unless the owner thereof reclaims the property within sixty days after publication of the notice. (Ord. 474 §1, 1982)

8-24-070 Delivery to owner.

When any lost, abandoned, or stolen property, contraband excluded, is claimed by any person, the custodian, after requiring and obtaining satisfactory proof of ownership, shall release the property to the apparent owner, unless being held pending disposition of charges pursuant to section 8-24-020. For the purposes of this chapter, *contraband* means any item of property, the possession of which is unlawful pursuant to this code or state or federal statutes. (Ord. 474 §1, 1982)

8-24-080 Return to finder.

If an apparent owner has not made claim to property by the expiration of the time period set forth in the mailed or published notice, any finder of record shall be notified, which notice shall give twenty days after mailing of the notice to claim the property. If the finder, within said twenty-day period, makes a request for the property, the property shall be returned to his or her possession. (Ord. 474 §1, 1982)

8-24-090 Escheat.

If no claimant establishes a right to any lost, stolen, or abandoned property by the expiration of the time period set forth in the mailed or published notice, and no finder has claimed the property within the time period set forth in a notification to any finder, the property shall escheat to the City of Broomfield and the owner or person entitled to the property shall be forever barred from any and all claim or right to such property or the proceeds thereof. (Ord. 474 §1, 1982)

8-24-100 Disposal of property.

(A) Contraband shall be destroyed or turned over to an appropriate authority. If the custodian releases any contraband to any agency, a signed receipt therefor shall be obtained.

(B) All money not having special numismatic value shall be deposited in the general fund of the city, and a receipt therefor shall be obtained from the finance director.

(C) Unclaimed property which has escheated to the city in accordance with section 8-24-090, may be retained by the city for its own use. After the property has escheated, the custodian shall circulate a list of the

unclaimed property to all city departments, and on the written request of a department head, shall be released to any department able to make use of the property. A signed receipt for any property so released to a city department shall be obtained.

(D) Any unclaimed property which cannot be used by any department shall be disposed of as surplus property in accordance with the provisions of chapter 3-12 of this code. (Ord. 474 §1, 1982)

8-24-110 Unauthorized removal of property.

It is unlawful for any person to remove any property whatsoever from out of the custody and possession of the police department or any authorized agent thereof, without having first obtained a release of said property from the custodian. This section shall apply to all persons irrespective of ownership or any claim or right any person may have with respect to such property. (Ord. 474 §1, 1982)

Chapter 8-32

Water Emergencies

8-32-010 Emergencies to be declared by the city council.

Whenever, in the judgment of city council, there exists a serious water shortage of treated water due to mechanical failure or damage, drought, raw water shortage, or other cause, such that there is not likely to be sufficient treated water for the customary and usual uses of treated water for any period of time, the council may, by resolution, declare a *water emergency* which shall curtail the permissible uses of treated water supplied by the city, as detailed in this chapter. (Ord. 447 §1, 1981)

8-32-020 Temporary emergencies to be declared by city manager.

Whenever, in the judgment of the city manager, there exists a serious shortage of treated water due to mechanical failure or damage, drought, raw water shortage, or other cause, such that there is not likely to be sufficient treated water for the customary and usual uses of treated water, for a period of time until the next regular council meeting, the city manager may declare a "temporary water emergency" which shall be effective only until the next council meeting, but shall otherwise be of the same force and effect as a water emergency declared by the city council. (Ord. 447 §1, 1981)

8-32-030 Duration.

Every water emergency declared by council shall contain a definitive termination date which shall be within six months of the resolution declaring the water emergency. Nothing in this section shall be construed to mean that the city council may not declare successive emergencies should the need arise, nor to impose any total limit on the number or duration of emergencies declared. (Ord. 447 §1, 1981)

8-32-040 Effect.

The declaration of a water emergency shall be accomplished by a determination as to what uses of treated water shall be prohibited or restricted. Such determination may include any combination of the following, as city council may deem necessary or appropriate:

(A) Class C. Prohibits or restricts watering of lawns, washing of vehicles, ornamental or decorative uses (including, but not limited to display fountains or pools).

(B) Class B. Prohibits or restricts use of water for commercial or industrial purposes, unless necessary to prevent damage to equipment or injury to people.

(C) Class A. Prohibits or restricts any use of treated water except for drinking and eating purposes. (Ord. 447 §1, 1981)

Chapter 8-36

Hazardous Substances

8-36-010 Federal and state regulations to be complied with.

It shall be unlawful for any person to use, store, or transport any hazardous substance, as defined in section 8-40-020, in or through the city unless he or she shall fully comply with all applicable statutes, rules, and regulations of the United States and of the State of Colorado, as they may be enacted, promulgated, or amended from time to time. (Ord. 557 §1, 1984)

8-36-020 Storage; reporting required.

It shall be unlawful for any person to store any hazardous substance, as defined in section 8-40-020, in the city, in any quantities greater than necessary or customary for ordinary individual or family use, unless he or she shall first have reported such storage to the city's emergency response authority, as established by chapter 8-40 of this code, the police department and the waste management division of the department of health. Such report shall include a listing of the maximum quantity of each such hazard type as designated in article 22 of title 29, section 107, C.R.S., the exact location of each such material stored, and if the storage will be temporary, the approximate date on which the storage will start and stop. Any person using any hazardous substance in such quantity shall update and amend the information so reported on an annual basis and upon request of the city's emergency response authority or the police department. (Ord. 557 §1, 1984)

8-36-030 Responsibility.

Any person using, storing, or transporting any hazardous substance, as defined in section 8-40-020, shall be responsible for any damage or injury caused by such material substance, and for the cost of control, containment, neutralization, and disposal of such substance. (Ord. 557 §1, 1984)

8-36-040 Right of entry and inspection.

Upon presentation of proper credentials, any officer of the emergency response authority and the police department may enter at reasonable times any premises in the city and may inspect any vehicle in the city, if he or she has reasonable cause to believe that the terms of this chapter are being violated. (Ord. 557 §1, 1984)

8-36-050 Penalty.

The penalty for violation of the terms of this chapter shall be as provided in chapter 1-12, B.M.C. (Ord. 557 §1, 1984)

Chapter 8-40

Emergency Response Authority

8-40-010 Designation of emergency response authority.

The north metro fire rescue district is hereby designated as the emergency response authority for hazardous substance incidents occurring within the city. (Ord. 558 §1, 1984; Ord. 1652 §2, 2001)

8-40-020 Definitions.

As used in this chapter, unless the context otherwise requires:

(A) *Hazardous substance* means any substance, material, waste, or mixture designated as a hazardous substance by article 22 of title 29, section 101, C.R.S.

(B) *Hazardous substance incident* means any emergency circumstance involving the sudden discharge of a hazardous substance which, in the judgment of an emergency response authority, threatens immediate and irreparable harm to the environment or the health and safety of any individual other than individuals exposed to the risks associated with hazardous substances in the normal course of their employment. *Hazardous substance incident* includes those incidents of spilling, dumping, or abandonment of a hazardous substance,

whether or not such spilling, dumping, or abandonment is found to threaten immediate and irreparable harm, but such term does not include any discharge of a hazardous substance authorized pursuant to any federal, state, or local law or regulation.

(C) *Person* means any individual, public or private corporation, partnership, association, firm, trust or estate, the state or any department, institution, or agency thereof, any municipal corporation, county, city and county, or other political subdivision of the state, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

(D) *Private property* means any property under the control, management, or operation of any person other than a governmental agency. (Ord. 558 §1, 1984)

8-40-030 Statutory authority.

The emergency response authority is subject to and controlled by article 22, of title 29, C.R.S. (Ord. 558 §1, 1984)

Chapter 8-44

Revocation and Suspension of Food Establishment Licenses

8-44-010 Local licensing authority.

The "authority" as referred to in this chapter is the local licensing authority established in sections 5-28-050 and 5-32-050, B.M.C. The authority is hereby directed and authorized to conduct proceedings to suspend or revoke a retail food establishment license in accordance with the Colorado Food Protection Act, part 16 of article 4 of title 25, C.R.S. (Ord. 1714 §1, 2003)

8-44-020 Initiation of proceedings to suspend or revoke license.

Pursuant to section 25-4-1611, C.R.S., the Health and Human Services Department shall initiate proceedings by written recommendation for hearing by the authority to assess a penalty against, suspend, or revoke a retail food establishment license pursuant to this chapter. (Ord. 1714 §1, 2003)

8-44-030 Penalty assessment, revocation, suspension, and hearings.

(A) The authority may, after a hearing at which the licensee is afforded an opportunity to be heard, assess a penalty against, suspend or revoke a licensee or certificate of license for any violation of the Food Protection Act, part 16 of article 4 of title 25, C.R.S., any rule adopted pursuant to that act, or any of the terms, conditions, or provisions of such license or certificate of license. A written notice of assessment of penalty, suspension, or revocation, as well as any required notice of hearing, shall be sent by certified mail to the licensee at the address of record contained in the license or certificate of license. Penalty, revocation, and suspension hearings shall be conducted in accordance with the authority's standard hearing procedures.

(B) Penalties and revocation or suspension of a license or certificate of license pursuant to this chapter shall be in addition to any other penalties prescribed by the Food Protection Act, part 16 of article 4 of title 25, C.R.S. No suspension shall be for a period longer than six months. When a license or certificate of license is suspended or revoked, no part of the fees paid for a license shall be returned to the licensee. (Ord. 1714 §1, 2003)

Chapter 8-50

Penalty for Violation

8-50-010 Violation; penalty.

Any person convicted of violating any provisions of this title shall be punishable by a fine of not more than \$500.00 per violation. (Ord. 1393 §8, 1999)