

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:

Abandoned vehicle means a vehicle which has been left with the intention not to retain possession of or assert ownership over it. The intent need not coincide with the act of leaving. It is prima facie evidence of the necessary intent that:

- a. The vehicle has been left for more than thirty (30) days unattended and unmoved; or
- b. License plates or other identifying marks have been removed from the vehicle; or
- c. The vehicle has been damaged or is deteriorated so extensively that it has value only for junk or salvage; and
- d. The owner has been notified by the Town to remove the vehicle, and it has not been removed within fourteen (14) days after notification.

Brush means voluntary growth of bushes and such as are growing out of place at the location where growing, and shall include all cuttings from trees and bushes; and also high and rank shrubbery growth which may conceal filthy deposits.

Inoperable vehicle means any automobile, truck, tractor, motorcycle or self-propelled vehicle which is in a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned or unable to perform the functions or purpose for which it was originally constructed. The existence of any of the following conditions shall raise the presumption that a vehicle is inoperable:

- a. Absence of an effective registration plate upon such vehicle.
- b. Placement of the vehicle or parts thereof upon jacks, blocks, chains or other supports.
- c. Absence of one (1) or more parts of the vehicle necessary for the lawful operation of the vehicle upon the streets and highways.

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

Nuisance means any state of things prohibited by or allowed to exist in violation of this Chapter or any of the provisions hereof and not otherwise specified.

Refuse means and includes any grass clippings, leaves, hay, straw, manure, shavings, excelsior, paper, ashes, rubbish containers, boxes, glass, cans, bottles, garbage, waste and discarded building and construction materials, including but not limited to plaster, broken concrete, bricks, cinder blocks, stones, wood, roofing material, wire or metal binding, sacks or loose discarded or unused material; all rubbish of any kind or nature whatsoever; and any other materials commonly known as rubbish or refuse of any kind or character or by any means known.

Rubbish means any type of debris, trash, waste or rejected matter.

Trash means any worn out, broken up or used refuse, rubbish, toppings, twigs, leaves of trees or worthless matter or material.

Weed means an unsightly, useless, troublesome or injurious growing herbaceous plant, and shall include all rank vegetable growth which exhales unpleasant and noxious odors and also high and rank vegetable growth that may conceal filthy deposits.

Wrecked or junked vehicle means any vehicle formerly used for transportation which does not have a current Colorado registration or does not meet the requirements of a safe vehicle under state law, and has been inoperative for a period of at least thirty (30) days. The term does not include wrecked or junked vehicles within fully enclosed buildings or vehicles held for sale by motor vehicle dealers. (Prior code 9-1-1, 9-1-2, 9-1-22; Ord. 17 §1, 1992; Ord. 45 §1, 1995; Ord. 4 §1, 2009)

Sec. 7-1-20. Common law nuisances.

Any nuisance which has been declared to be such by state courts or statutes or known as such at common law shall constitute a nuisance in the Town, and any person causing or permitting any such nuisance shall be in violation of this Article. (Ord. 4 §1, 2009)

Sec. 7-1-30. Author of nuisances.

Any state of things prohibited by this Article shall be deemed to be a nuisance; and any person who shall hereafter make, cause to be made or exist, maintain, continue, increase, suffer or permit any nuisance specified in this Chapter, and any person who shall hereafter make, cause to be made or exist, maintain, continue, suffer or permit any state of things prohibited by this Article, in any manner specified herein and not otherwise specified shall be deemed the author of a nuisance. (Prior code 9-1-3; Ord. 17 §1, 1992; Ord. 4 §1, 2009)

Sec. 7-1-40. Prohibition of nuisances.

No person being the owner, agent or occupant of, or having under his or her control, any building, lot, premises or unimproved real estate within the limits of the Town, shall maintain or allow any nuisance to be or remain therein. (Ord. 4 §1, 2009)

Sec. 7-1-50. Ascertaining nuisances.

Whenever the pursuit of any trade, business or manufacture or the maintenance of any substance or condition of things shall, upon investigation, be considered by the Town Manager dangerous to the health of any of the inhabitants of the Town, the same shall be considered a nuisance and shall be abated. (Ord. 4 §1, 2009)

Sec. 7-1-60. Constitution of separate offense.

In the case of a nuisance in or upon any street, alley or other public or private grounds, the author thereof shall be deemed guilty of a separate offense for every period of twenty-four (24) hours' continuance thereof after notice has been given to abate the same. (Prior code 9-1-9; Ord. 17 §1, 1992; Ord. 4 §1, 2009)

Sec. 7-1-70. Filing complaint.

In addition to or in lieu of any procedure for abatement, a direct complaint may be filed by any person or police officer against any person who violates any provision of this Chapter. (Ord. 4 §1, 2009)

Sec. 7-1-80. Abatement of nuisance; notice.

(a) In all cases where a nuisance shall be found in any building or upon any grounds or other premises within the jurisdiction of the Town, twenty-four (24) hours' notice shall be given, in writing, signed by the Town Manager, to the owner of said premises or the occupant or person in possession, charge or control of such building or other premises where he or she is known and can be found, to abate such nuisance and comply with the requirements of this Chapter. However, in the case where accumulated refuse has been deemed to be the nuisance, the Town Manager shall require the removal of such accumulated refuse within thirty (30) days of such notice.

(b) Should any such nuisance, within or upon any public or private premises or as aforesaid, not be abated forthwith after the notice herein provided shall be given, the Town Marshal and any deputy shall have authority to abate any such nuisance, whether the same is upon private or public ground or premises, and to call for any necessary assistance and incur the necessary expense for the abatement of such nuisance.

(c) The Town Marshal or deputy may, if necessary in the interest of public safety, remove and abate any such nuisance summarily without notice if he or she reasonably believes that attempts to provide notice as set forth in Subsection (a) above would be unsuccessful or result in unnecessary delay.

(d) The expense incurred by the Town in abating any nuisance may be recovered from the author thereof as set forth in this Chapter. (Prior code 9-1-4; Ord. 17 §1, 1992; Ord. 4 §1, 2009)

Sec. 7-1-90. Right of entry.

The Town Manager, Town Marshal or any other authorized person may enter upon or into any lot, house or other building or premises, with the proper respect for the occupant's constitutional rights, to examine the same and to ascertain whether any such nuisance exists, and shall be free from any action or liability on account thereof. (Ord. 4 §1, 2009)

Sec. 7-1-100. Report of costs.

Upon the completion of any work by the Town contemplated by this Chapter, the Public Works Director shall report, in writing, to the Town Manager, which report shall make a clear statement of the work done by the Town and the expense incurred in so doing, so that the Town Manager may determine the cost of such work. The Public Works Superintendent shall make a separate report for each lot or parcel of land. (Ord. 4 §1, 2009)

Sec. 7-1-110. Assessment of property.

After considering the report of the Public Works Superintendent, the Town Manager shall 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 lots and tracts of land from which the nuisance was abated. (Ord. 4 §1, 2009)

Sec. 7-1-120. 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 lots or tracts of land at the reputed post office address, a notice of such assessment, which notice shall contain a description of the lots or parcels of land, the name of the owner and the amount of the assessment. (Ord. 4 §1, 2009)

Sec. 7-1-130. 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 parcel 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. 4 §1, 2009)

Sec. 7-1-140. 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 schedule a hearing before the Town Council within thirty (30) days when said objector may appear before the Town Council. (Ord. 4 §1, 2009)

Sec. 7-1-150. Certified assessment.

In case the owner shall fail 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. 4 §1, 2009)

Sec. 7-1-160. 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 the Municipal Court, shall not preclude or prevent the taking of other action hereunder to abate or enjoin any nuisance found to exist. (Ord. 4 §1, 2009)

Sec. 7-1-170. Concurrent remedies.

Whenever a nuisance exists, no remedy provided for 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. 4 §1, 2009)

Sec. 7-1-180. Violations and penalties.

Any person who violates any of the provisions of this Chapter shall be subject to the provisions of Section 1-4-20 of this Code. If a deadline for removal or abatement of the nuisance has expired, no notice, other than the initial notice given in this Article, shall be required. (Prior code 9-1-5, 9-1-7; Ord. 17 §1 1992; Ord. 4 §1, 2009)

ARTICLE 2

Nuisances

Sec. 7-2-10. Accumulation to constitute nuisance.

Whenever there shall be in or upon any lot or piece of ground within the limits of the Town any damaged merchandise, litter, trash, rubbish, garbage, wrecked car, inoperable cars or other wrecked vehicles or an accumulation of junk vehicles or junk of any type upon any private or public property, except in areas specifically zoned in Chapter 16 of this Code for said purposes or otherwise designated by the Town for such purposes, the existence of any such material or items shall constitute a nuisance and shall be a violation of this Article. (Ord. 4 §1, 2009)

Sec. 7-2-20. Posting handbills, posters and placards.

Any handbill, poster, placard or painted or printed matter which shall be stuck, posted or pasted upon any public or private house or other building or upon any fence, power pole, telephone pole, streetlight pole, traffic control post or other structure without the permission of the owner, agent or occupant of the house shall be deemed a nuisance and may be abated as provided in this Chapter. (Ord. 4 §1, 2009)

Sec. 7-2-30. Stagnant ponds.

The permitting of stagnant water on any lot or piece of ground within the Town limits is hereby declared to be a nuisance. Every owner or occupant of a lot or piece of ground within the Town is hereby required to drain or fill up said lot or piece of ground whenever the same is necessary so as to prevent stagnant water or other nuisances from accumulating thereon. It is unlawful for any such owner or occupant to permit or maintain any such nuisance. (Ord. 4 §1, 2009)

Sec. 7-2-40. Nuisances on public property.

(a) No person shall throw or deposit, or cause or permit to be thrown or deposited, any offal composed of animal or vegetable substance or both, any dead animal, excrement, garbage or other offensive matter upon any street, alley, sidewalk or public grounds.

(b) No person shall throw upon or deposit in any street, alley, sidewalk, park or public grounds in or belonging to this Town any paper, old clothes, tin cans, boards or boxes, cloth of any kind, boots, shoes, hats, leather, hair, straw, hay, manure or rags. No person shall spit, expectorate or throw or deposit any spit, saliva, expectoration, tobacco juice or tobacco quid in or upon any sidewalk or in or upon any floor of any public building within the Town.

(c) Any person who throws, deposits or causes to be thrown or deposited upon any street, alley or other public place any earth, sand, dirt, rocks, boulders, plaster, lime or other material shall be deemed the author of a nuisance. (Prior code 9-1-16, 9-1-21; Ord. 17 §1, 1992; Ord. 4 §1, 2009)

Sec. 7-2-50. Streams and water supply.

No person shall throw or deposit or cause or permit to be thrown or deposited in the Town anything specified in any foregoing part of this Section, 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. (Prior code 9-1-16; Ord. 17 §1, 1992; Ord. 4 §1, 2009)

Sec. 7-2-60. Sewer inlet.

No person shall, in the Town, deposit in or throw into any sewer (sanitary or storm) or sewer inlet any article that might cause the sewer or sewer inlet to choke up or become nauseous or offensive to others or injurious to public health. (Prior code 9-1-12; Ord. 17 §1, 1992; Ord. 4 §1, 2009)

Sec. 7-2-70. Privies.

No person shall maintain, keep, permit or suffer to exist any privy, cesspool, water closet or any other receptacle whatsoever for human excrement or other substances, which is not in compliance with applicable plumbing and building codes adopted by the Town. (Prior code 9-1-19; Ord. 17 §1, 1992; Ord. 4 §1, 2009)

Sec. 7-2-80. Water closets.

Nothing in this Article shall be construed to prevent the use of a water closet suitably connected with a sewer for the discharge of contents, which water closet shall have suitable water service for keeping the same clean, and which water closet and attendant plumbing shall be constructed in accordance with applicable plumbing codes adopted by the Town. (Prior code 9-1-18; Ord. 17 §1, 1992; Ord. 4 §1, 2009)

Sec. 7-2-90. Nauseous liquids.

No person shall discharge or allow to be discharged out of or from, or permit to flow from, any business, residence or property any foul or nauseous liquid or substance of any kind into or upon any

adjacent ground or lot or into any street, alley or other public place. (Prior code 9-1-11; Ord. 17 §1, 1992; Ord. 4 §1, 2009)

Sec. 7-2-100. Cellars, vaults, drains and sewers.

Any cellar, vault, drain, sewer or other place upon or within any private premises or grounds that is nauseous or offensive to others or injurious to public health, through an accumulation or deposit of nauseous, offensive or foul water or other substance, shall be deemed a nuisance. (Prior code 9-1-14; Ord. 17 §1, 1992; Ord. 4 §1, 2009)

Sec. 7-2-110. Deposit of nauseous or offensive substances.

(a) No person shall deposit upon, throw upon or cause to be deposited or thrown upon the private premises of others, or upon private premises which he or she may own in whole or in part, in which he or she may have any property interest or of which he or she may have possession or control, any substance whether liquid, solid or otherwise, that he or she should reasonably know to be, or to become through an accumulation or deposition thereof, nauseous or offensive to others or injurious to public health.

(b) No person shall deposit upon or in any place in the Town, not authorized elsewhere in this Chapter, any substance which emits smells or odors or is otherwise detrimental to public comfort or public health. No person in possession or control of any premises shall maintain, permit or suffer to exist any substance in any such place not authorized by this Chapter. (Prior code 9-1-13, 9-1-20; Ord. 17 §1, 1992; Ord. 4 §1, 2009)

Sec. 7-2-120. Stale matter.

No person shall keep, collect or use, or cause to be kept, collected or used, any stale, putrid or stinking fat or grease or other stale matter, or render or fry out the same, other than such matter kept for normal weekly trash accumulation. (Prior code 9-1-11; Ord. 17 §1, 1992; Ord. 4 §1, 2009)

Sec. 7-2-130. Transporting garbage, manure.

Every vehicle or trailer used to transport manure, garbage, swill or offal in any street in the Town shall be fitted with a substantial tight box thereon so that no portion of such filth will be scattered or thrown into such street. (Ord. 4 §1, 2009)

Sec. 7-2-140. Dumping on property.

No person shall use any land, premises or property within the Town for the dumping or disposal of any garbage, trash, litter, rubbish, offal, filth, excrement, discarded building materials or combustible materials of any kind. (Ord. 4 §1, 2009)

Sec. 7-2-150. Slaughterhouse prohibited.

No slaughterhouse or other place for slaughtering animals shall be kept within the Town, nor shall any person keep any green, unsalted hides for a period exceeding twenty-four (24) hours. (Prior code 9-1-10; Ord. 17 §1, 1992)

Sec. 7-2-160. Corrals, barns and pens.

Any corral, barn, stable, pen or other place in the Town, or within one (1) mile of the corporate limits thereof, where horses, cattle, sheep, swine or other animals are kept or where any business or establishment is maintained or carried on, that is nauseous, unwholesome or offensive to others or injurious to the public health, shall be deemed a nuisance. (Prior code 9-1-15; Ord. 17 §1, 1992; Ord. 4 §1, 2009)

Sec. 7-2-170. Dead animal removal.

When any animal larger than a dog dies in the Town, it shall be the duty of the owner or keeper thereof to remove the body of such animal forthwith beyond the limits of the Town. If such body is not forthwith removed, the same shall be deemed a nuisance, and such owner or keeper will be the author of the nuisance. When the body of any such dead animal is in any street, highway or public grounds in the Town, it shall be the duty of the Town Marshal to cause such body to be removed forthwith beyond the limits of the Town. Any dead animal so removed from the Town shall be burned or buried in the earth sufficiently deep to prevent the escape of effluvia injurious to the public health. (Prior code 9-1-17; Ord. 17 §1, 1992; Ord. 4 §1, 2009)

Sec. 7-2-180. Noisemakers.

The use of music, noisemakers or loudspeakers on the streets of the Town for the sale or vending of products, advertising or other commercial purposes is hereby declared to be a nuisance and is prohibited by the terms of this Chapter. (Ord. 4 §1, 2009)

Sec. 7-2-190. Inoperable vehicles.

It is unlawful for any person or agent, either as owner, lessee, tenant or occupant of any lot or land within the Town, to park, store or deposit or permit to be parked, stored or deposited thereon an inoperable vehicle unless such vehicle is enclosed in a garage or other building. The provisions of this Section shall not apply to any person or agent with one (1) vehicle inoperable for a period of less than thirty (30) consecutive days, or to any person who is conducting a business enterprise in compliance with existing zoning regulations. (Ord. 4 §1, 2009)

Sec. 7-2-200. Abandoned, wrecked and junked vehicles.

(a) An abandoned, wrecked or junked vehicle, as defined in this Chapter, is declared a public nuisance.

(b) It is unlawful for any owner or occupant of any real property within the Town to permit an abandoned, wrecked or junked vehicle to remain upon such real property for more than thirty (30) days. An owner or occupant of such real property shall notify the Town Manager as soon as he or she becomes aware that a vehicle has been abandoned on his or her property.

(c) It is unlawful for any owner of an abandoned, wrecked or junked vehicle to allow the same to be parked or kept upon any real property, including public property, in the Town for more than thirty (30) days.

(d) Abatement and enforcement procedures.

(1) The Town Manager may designate any employee of the Town to inspect all premises and places within the Town as often as is practical to determine whether an abandoned, wrecked or junked vehicle is stored within the Town. Upon satisfactory evidence to the Town Manager that such vehicle exists, he or she shall cause to be issued and served a written notice to the owner or occupant of the real property upon which the vehicle is found, or to the owner of the vehicle if such vehicle is on public property. Such notice shall require that the vehicle be removed within fourteen (14) days from the date of such notice. The notice shall be served personally by an employee of the Town upon the owner of the real property if he or she can be found within the Town; or if not, upon the occupant of the property upon which the vehicle is found. If it not possible to serve the notice personally upon the owner or occupant of the real property, then the Town Manager shall cause the notice to be posted in some conspicuous place on the primary residence upon the property; and if there is no such primary residence, then upon the vehicle. If the vehicle is stored upon public property, the notice shall be placed upon the vehicle. Nothing in this Section shall be construed to prevent the removal of a vehicle from public property to place the same out of a position of danger to the traveling public or Town employees, pending disposal of the vehicle.

(2) At the end of the fourteen-day period, if such vehicle has not been made operable or placed within an enclosed building, the Town Manager or designated employee shall have the right to go upon the real property to remove the vehicle and abate the nuisance. The vehicle may be stored by the Town and then sold at public auction. The proceeds from such auction shall be applied to the costs of removal, storage and payment of any fine incurred by the vehicle owner or the owner of the real property upon which the vehicle was stored, if such owner consented to the storage. If the auction proceeds are not claimed by any person having the right thereto within ninety (90) days after the auction, such money shall be placed in the Town's general fund. If no bids are offered for the vehicle, the Town may sell it for salvage and/or cause it to be removed for disposal. The Town may bid on any auctioned vehicle.

(3) In order to give notice of a vehicle which has been abandoned or stored within the Town, where the owner of the real property upon which it is abandoned or stored did not consent to such abandonment or storage, the Town Manager may cause the requisite notice to be served upon the owner of the vehicle by certified mail, return receipt requested. Service of such notice shall be deemed to have been completed when the addressee signs the return receipt or refuses to accept delivery of the notice. If the owner cannot be determined, the notice may be placed upon the vehicle.

(4) If the owner of real property within the Town who has consented to the abandonment or storage of a vehicle on his or her real property fails to pay the costs incurred by the Town to cause such vehicle to be removed and sold or disposed of, within thirty (30) days after being notified of his or her obligation to pay such costs, the Town Clerk is authorized to cause such costs to be placed against the property upon which the vehicle was abandoned or stored. The Town Clerk shall mark the same delinquent on the Town's tax roll and certify such delinquency to the County Treasurer and County Commissioners, who shall extend such delinquencies upon the real property tax rolls of the County and collect the same in the manner set forth for general property taxes. Upon certification of the delinquent assessment, any penalties, together with interest at the rate of twelve percent (12%) per annum thereon, shall also become due.

(5) Any administrative decision made pursuant to this Section may be appealed by an aggrieved property owner or vehicle owner to the Town Council; provided that such appeal is filed, in writing, with the Town Clerk within seven (7) days following the date the administrative decision is made, or the date a notice under this Section is given in person, signed for or refused. Any person filing an appeal which is determined by the Town Council to be frivolous or groundless may be required to pay the attorneys' fees incurred by the Town to resolve the appeal. Upon receipt of such appeal, the Town Clerk shall schedule a public hearing to consider the appeal. Notice of such hearing shall be published once in the Town's official newspaper, at least ten (10) days prior to said hearing. At said appeal hearing, the Town Council shall consider the appeal and render a decision based upon the requirements and considerations of this Section. Unless it adopts a motion to overrule the appealed decision, the decision shall stand. (Prior code 9-1-22; Ord. 17 §1, 1992; Ord. 45 §1, 1995; Ord. 4 §1, 2009)

Sec. 7-2-210. Dangerous and unsafe buildings.

(a) Any building, structure or tenement of any kind situated within the limits of the Town which, by reason of natural decay, defective structure or otherwise, has become unsafe and dangerous to the individuals inhabiting the same, and to those passing along the streets, alleys or highways of the Town, shall be and the same is hereby declared a nuisance.

(b) Whenever a building, structure or other tenement is discovered to be in the condition mentioned above, notice by any of the individuals set forth in Section 7-1-80 of this Chapter shall be given at once to the owner, agent or occupant of the same, to immediately repair, remedy or abate the nuisance. The notice required hereunder shall be written or printed, and may be signed by the Town Marshal or a deputy marshal. Such written or printed notice shall be served by leaving a copy thereof with the party to be notified.

(c) Any owner, agent or occupant of any building, structure or tenement, who shall allow or permit the same to become a nuisance, or who shall permit the same to remain a nuisance for a period of twenty-four (24) hours, or such longer time as reasonably set by the serving official, after notice duly served upon him or her, to remedy or repair the same, or to abate the nuisance, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished in accordance with the provisions of Section 1-4-20 of this Code.

(d) If any owner of such building, structure or tenement is not a resident of the Town and such building is not occupied; or if any owner, agent or occupant of any such building, structure or tenement fails or refuses to repair or remedy the same after notice as aforesaid, then the Town may proceed to remedy and abate the nuisance at the expense of the owner of the building, structure or tenement, and the costs and expenses thereof shall be assessed upon the lot or lands upon which said building, structure or tenement stands, and collected as a special assessment in the manner and form prescribed by ordinance. (Prior code 9-1-6, 9-1-7; Ord. 17 §1, 1992 Ord. 4 §1, 2009)

Sec. 7-2-220. Vacant residential dwellings.

All broken windows in a vacant dwelling shall be replaced by the owner or agent within seventy-two (72) hours after notice is given by the Town Marshal. (Ord. 4 §1, 2009)

Sec. 7-2-230. Accumulation of refuse prohibited.

Any accumulation of refuse or other material on any premises, improved or unimproved, in the Town is prohibited and is hereby declared to be a nuisance. (Ord. 4 §1, 2009)

Sec. 7-2-240. Responsibility for refuse on premises.

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 refuse or materials other than those ordinarily attendant upon the use for which such premises are legally intended. (Ord. 4 §1, 2009)

Sec. 7-2-250. Removal of refuse from business.

Discarded refuse, including automobile parts, stoves, furniture and junkyard refuse, shall be removed periodically by the proprietor so that the premises are clean and orderly at all times. Silt and similar deposits from automobile wash racks shall be removed. Any accumulation of refuse that is highly explosive or flammable which might endanger life or property shall be removed to such places as approved by the Town Marshal or the Fire Chief. Such removal shall be handled by the establishments responsible therefor. (Ord. 4 §1, 2009)

ARTICLE 3

Weeds and Brush

Sec. 7-3-10. Undesirable Plant Management Advisory Commission designated.

The Town Council is appointed to act as the Undesirable Plant Management Advisory Commission for the Town and shall have the duties and responsibilities as provided by state statute. (Ord. 4 §1, 2009)

Editor's Note: Section 35-5.5-101, C.R.S., establishes the requirements for undesirable plant management in the State.

Sec. 7-3-20. Declaration of nuisance.

Any noxious weeds or brush found growing in any lot or tract of land in the Town is hereby declared to be a nuisance, and it is unlawful to permit any such weeds or brush to grow or remain in any such place. (Ord. 4 §1, 2009)

ARTICLE 4

Trees

Sec. 7-4-10. 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. 4 §1, 2009)

Sec. 7-4-20. Control of 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 public property or public right-of-way 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, unless a person notifies the Town of such damage or destruction and makes arrangements to repair or replace such vegetation or pay for the cost of such repair or replacement. (Ord. 4 §1, 2009)

ARTICLE 5

Animals

Division 1

Dogs

Sec. 7-5-10. Definitions.

Whenever the following words or phrases are used in this Article, they shall have the meanings herein ascribed to them, unless the context indicates otherwise:

At large means off the premises of the owner or guardian, not under the control of a person and restrained by a substantial chain or leash not exceeding ten (10) feet in length, or physically confined without access to passers-by, except in such areas designated by the Town Council by resolution, and pursuant to such rules and regulations as are established by resolution of the Town Council.

Dog means both the male and female of the species.

Neutered means a spayed or castrated dog.

Owner means any person firm, association or corporation owning, keeping or harboring a dog. (Prior code 8-1-1; Ord. 14 §§1, 2, 1999; Ord. 10 §§1, 2, 2001; Ord. 4 §1, 2009)

Sec. 7-5-20. License and registration required.

(a) All dogs kept, harbored or maintained by their owners in the Town shall be licensed and registered if over three (3) months of age. The owner shall state at the time application is made for such license, his or her name and address and the name, breed, color and sex of each dog owned or kept by him or her. Such application shall be accompanied by a certificate from a licensed veterinarian that the dog has been vaccinated for rabies in the manner provided for in Section 7-5-40 below and payment of a fee amount which shall be established by resolution of the Town Council. The provisions of this Section shall not be intended to apply to dogs whose owners are nonresidents temporarily within the Town, to dogs brought into the Town for the purpose of participating in any dog show, nor to "seeing-eye" dogs properly trained to assist blind persons when such dogs are actually being used by blind persons for the purpose of aiding them in going from place to place.

(b) Upon payment of the license fee, the Town Clerk shall issue to the owner a metallic tag for each dog so licensed. The shape of the tag shall be changed every year and shall have stamped thereon the year for which it was issued.

(c) Each license and registration so issued by the Town Clerk shall be for the period from January 1 through December 31 of the year in which it is issued.

(d) There shall be a grace period of thirty (30) days for compliance by owners from each due date for licenses and registrations required under this Article. (Prior code 8-1-2; Ord. 14 §3, 1999; Ord. 10 §3, 2001; Ord. 4 §1, 2009)

Sec. 7-5-30. Tag and collar.

Every owner shall be required to provide each dog with a collar to which the license tag must be affixed, and shall see that the collar and tag are constantly worn. In case a dog tag is lost or destroyed, a duplicate will be issued by the Town Clerk or designee upon presentation of a receipt showing the payment of the license fee for the current year and the payment of a fee as established by resolution of the Town Council for the issuance of a duplicate tag. Dog tags shall not be transferable from one (1) dog to another, and no refund shall be made on any dog license fee. (Prior code 8-1-3; Ord. 14, 1999 §4; Ord. 4 §1, 2009)

Sec. 7-5-40. Vaccination.

It is unlawful to own, keep, harbor or possess any dog over the age of six (6) months which has not been vaccinated against rabies. The owner shall have the dog vaccinated by a licensed veterinarian, and shall keep the vaccinations current. The vaccines used will be ones licensed by the U.S. Department of Agriculture and approved by the Colorado Department of Public Health and Environment and will provide for at least a two-year duration of immunity. A certificate of vaccination shall be completed in duplicate by the veterinarian, one (1) copy to be issued to the dog owner and one (1) copy retained in the veterinarian's file. In the event that the dog is not of age to be properly vaccinated, the vaccination shall be waived until the dog has reached such age and shall then be immediately obtained as provided herein and a certificate delivered to the Town. (Prior code 8-1-4; Ord. 14 §4, 1999; Ord. 4 §1, 2009)

Sec. 7-5-50. Vaccination certificate to accompany application.

No dog shall be licensed as provided in Section 7-5-20 above unless a valid certificate of rabies vaccination accompanies the application for the license. (Prior code 8-1-5)

Sec. 7-5-60. Dogs running at large.

No person owning or keeping any dog shall fail to keep the dog on the premises of the owner or keeper unless the dog is:

- (1) On a chain or leash not exceeding ten (10) feet in length held by a person; or
- (2) Physically confined without access to passers-by. (Prior code 8-1-6; Ord. 14 §6, 1999; Ord. 10 §4, 2001; Ord. 4 §1, 2009)

Sec. 7-5-70. Unattended dogs prohibited in public areas.

(a) It is unlawful to leave a dog on any street, alley or other public property unless attended by the owner or some other person, regardless of whether or not said dog is attached to a leash or a rope; provided, however, that it shall be lawful to leave an unattended dog in a motor vehicle so long as the dog does not leave the motor vehicle except in compliance with Section 7-5-60 above or unless it is otherwise a violation of this Code.

(b) Notwithstanding the provisions of this Section, the Town Council may, at its sole discretion, authorize by resolution the establishment of particular places on public property where dogs may be tied or hitched to a fixed object subject to such rules and regulations as may be promulgated by the Town Council. (Prior code 8-1-7; Ord. 14 §7, 1999; Ord. 9 §1, 2002; Ord. 4 §1, 2009)

Sec. 7-5-80. Dogs excluded from parks.

It shall be unlawful for an owner, keeper or any other person to allow any dog to enter or be in any public park within the Town, whether leashed or unleashed, with the exception of Totem Pole Park, Verzuh Rotary Park, parts of the 8th Street Greenway and Academy Park, wherein dogs shall be permitted as long as all dogs shall be leashed therein at all times, and dog excrement shall be promptly removed and all other rules and regulations regarding dogs are obeyed. Dogs may also be permitted to be unrestrained in such areas designated by the Town Council by resolution and pursuant to such rules and regulations as are established by resolution and pursuant to such rules and regulations as are established by resolution of the Town Council. (Ord. 32 §1, 2010)

Sec. 7-5-90. Obligations of owner.

The owner of any dog shall:

- (1) Not allow any dog to obstruct or interfere with any person or motor vehicle on public property.
- (2) Keep and maintain such dog so that it does not, by noise or other activity, injure or interfere with the rights of other persons.
- (3) Commit no inhumane or cruel action against such dog.

(4) Be liable and responsible for any damages caused by such dog at all times that it is off of the owner's premises.

(5) Remove animal excrement.

a. No owner of any animal shall fail to prevent such animal from defecating upon any property other than the premises of the owner of such animal.

b. It is a specific defense to a charge of violating this Subsection that the defecation occurred on private property with express permission of the owner or all tenants thereof.

c. It is a specific defense to a charge of violating this Subsection that the owner immediately removed or cleaned up such deposit and disposed of it by depositing it in a toilet or a receptacle ordinarily used for garbage and covered by a lid or in an otherwise lawful and sanitary manner.

d. The violation of this Paragraph is a strict liability offense punishable on the first conviction by a fine of twenty-five dollars (\$25.00), and a fine of fifty dollars (\$50.00) for the second conviction within two (2) years. For a third and subsequent offense within two (2) years, the general penalty provisions of Section 7-5-180 of this Article shall apply. (Prior code 8-1-9; Ord. 10 §5, 2001; Ord. 9 §2, 2002; Ord. 4 §1, 2009)

Sec. 7-5-100. Impounding of dog.

It shall be the duty of the Town Marshal or any other official designated by the Town Manager to catch and impound any dog that is not wearing a proper license as herein provided, that is not under proper control or confined to premises as herein provided or is in violation of any section of this Article, in a pound to be designated by the Town Manager; provided, however, that if any dog cannot be safely caught and impounded because of its dangerous or vicious propensities, such dog may be destroyed. (Prior code 8-1-10; Ord. 4 §1, 2009)

Sec. 7-5-110. Notice to owner and period of impounding.

Upon the impounding of any dog, it shall be the duty of the person impounding such dog to notify the owner thereof, if known. If the owner is not known, there shall be posted at the main door of the Town Hall, for a period of not less than three (3) days, a notice containing a description of the dog impounded. Any dog so impounded shall be kept for a period of three (3) days unless sooner redeemed by its owner. A fraction of a day shall be computed as being a full day for the purposes of this Section. (Prior code 8-1-11; Ord. 4 §1, 2009)

Sec. 7-5-120. Disposition of impounded dog.

Any owner may redeem a dog from the dog pound upon proof of ownership thereof and payment of a care and maintenance fee related to the actual cost of impounding such dog not to exceed an amount set by resolution of the Town Council per day or any portion of a day that a dog is maintained at the dog pound or any greater fee that might be charged by a veterinarian for the impounding of such dog and upon payment of a redemption fee as set by resolution of the Town Council and upon written proof of vaccination and registration of the dog, as provided by this Article. If the owner of a dog has not redeemed the same within three (3) days after impounding such dog and notice being given as required by

this Article, then such dog may be euthanized or redeemed by any other person paying the required fee and having such dog vaccinated and registered as provided by this Article. (Prior code 8-1-12; Ord. 4 §1, 2009)

Sec. 7-5-130. Hydrophobia.

Whenever the Mayor shall apprehend danger from hydrophobia in the Town, it shall be his or her duty to issue a proclamation requiring any and all persons owning or keeping any dog to securely muzzle such animal for such period as he or she may fix in said proclamation, and during said time it shall be unlawful for any owner or keeper of any dog to allow the same to go off of or leave the owner's or caretaker's premises without being muzzled as required by such proclamation. (Prior code 8-1-13; Ord. 4 §1, 2009)

Sec. 7-5-140. Vicious or dangerous dogs.

(a) Definition. For purposes of this Article, a *vicious or dangerous dog* means any dog which:

- (1) Bites any person in a public place;
- (2) Bites any person in a place upon private property where persons not owning said property are likely to be present by reason of invitation which is either direct or implied;
- (3) Jumps upon any person in a public place, or in a place upon private property where persons are likely to be present by direct or implied invitation, while evidencing growling, barking or any other aggressive or intimidating behavior;
- (4) Attacks or bites any other animal in any public place or upon any private property not owned or occupied by the owner or custodian of said dog; or
- (5) Has or is suspected of having rabies or any other disease dangerous to humans or other animals.

(b) Unlawful to keep a vicious or dangerous dog. It is unlawful to keep, harbor or maintain any vicious or dangerous dog within the Town.

(c) Disposition of vicious or dangerous dogs. Upon a finding by the Municipal Court that a dog is vicious or dangerous as defined herein, the Town Marshal and Town Manager shall have any one (1) or combination of the following powers to dispose of said dog:

- (1) Confiscate and destroy the dog in some humane fashion.
- (2) Order the dog permanently removed from Town.
- (3) Order the dog confined to certain areas of the Town or certain areas of property within the Town.
- (4) Establish any other condition deemed reasonable to protect the public.

Any dog suspected by the Town Marshal's Department of being a vicious or dangerous dog shall be deemed a public nuisance and may be confiscated by the Town Marshal's Department and held pending a determination by the Municipal Court that said dog is vicious or dangerous at or before the next regularly

scheduled session of Municipal Court. If the Municipal Judge finds, by a preponderance of evidence available, that a dog is vicious or dangerous, the Municipal Judge may order any one (1) or more of the dispositions set forth in Paragraphs (1) through (4) above, regardless of any finding that the owner of said dog has violated Subsection (b) above. (Prior code 8-1-14; Ord. 7 §1, 1988; Ord. 4 §1, 2009)

Sec. 7-5-150. Interference with officer.

No person shall hinder or delay the Town Marshal or other police officer, in the discharge of the duties enjoined upon him or her by this Article. (Prior code 8-1-16)

Sec. 7-5-160. Unlawful to poison dog.

It is unlawful for any person to poison any dog or distribute poison in any manner whatsoever with the intent or for the purpose of poisoning any dog within the Town, and any person violating this Section shall be punished as hereinafter provided. (Prior code 8-1-17; Ord. 4 §1, 2009)

Sec. 7-5-170. Authority to destroy and dispose of dog.

(a) Any dog unprovokedly biting, attacking or assaulting human beings or other animals, either on public or private property, except where such human being or animal is trespassing upon or destroying or defacing the property of the owner of such dog, may be destroyed by the Town Marshal or other police officer.

(b) Upon destruction of the dog as provided in Subsection (a) above, the Town Marshal shall immediately dispose of the body. (Prior code 8-1-15, 8-1-18; Ord. 4 §1, 2009)

Sec. 7-5-180. Violations and penalties.

(a) A person in violation of Section 7-5-60 or 7-5-70 of this Article shall be fined not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00). If a third offense of Section 7-5-60 or 7-5-70 occurs within six (6) months from the date of the first offense, the owner shall be issued a summons to appear in Municipal Court and, if found guilty, the owner shall be ordered to remove such dog permanently from the Town. A person in violation of Section 7-5-20 of this Article shall be fined not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00). In assessing such fines, the Municipal Judge shall not have the authority to reduce, suspend or otherwise allow a fine less than the minimum fines set forth herein.

(b) A person in violation of any provision of this Article other than Section 7-5-20, 7-5-60 or 7-5-70 shall be fined not less than twenty-five dollars (\$25.00) not more than three hundred dollars (\$300.00), by imprisonment nor exceeding ninety (90) days, or by both such fine and imprisonment.

(c) The Town may institute injunction, abatement or any other appropriate action to prevent, enjoin, abate or remove any violation of this Article.

(d) Any person violating any provision of this Article shall be liable to the Town for any expense, loss or damage, including reasonable attorney's fees, occasioned by reason of such violation.

(e) The remedies provided by this Article are cumulative and not exclusive and are in addition to any other remedies provided by law. (Prior code 8-1-19; Ord. 4 §1, 2009)

*Division 2
Livestock*

Sec. 7-5-310. Purpose.

The purpose of these regulations is to provide for the orderly and safe keeping and treatment of livestock within the Town. While the keeping of livestock provides benefit and enjoyment to those residents who choose to do so, it also has the potential to create nuisances to property and business owners in proximity to such activities. Through these regulations, the Town may ensure that the activities of residents who choose to keep livestock do not infringe on the use and enjoyment of property and the conduct of business within the Town. (Ord. 14 §1, 2011)

Sec. 7-5-320. Definitions.

The definitions and terms used in this Article are defined as follows:

Animal nuisance means any noise, odor, waste or other by-product of the keeping of domestic livestock which disturbs, disrupts or prevents the use and enjoyment of property, the conduct of business or violates certain portions of this Article.

Keeping of livestock means the boarding of domesticated livestock animals on property within the Town boundaries for the purpose of food production or other agricultural uses.

Livestock animals means animals generally used for food production or other agricultural purposes, including but not limited to chickens, pigs, ducks, goats, cows, sheep and horses.

Running at large shall be taken and held to apply to any of such animals driven or straying away from the property or premises of the owner or keeper thereof or from any point within the Town, into and upon the streets, alleys, public parks or other public places of the Town, or upon the property or premises owned, held or occupied by any person within the Town. The term shall also apply to such animals when picketed; provided, however, that such term shall not apply to animals driven through the Town upon and along the streets thereof.

Shelter means any structure or device used to house livestock as protection from weather, predators or other similar hazards. (Ord. 14 §1, 2011)

Sec. 7-5-330. Keeping of livestock.

(a) Except as hereinafter provided, residents of the Town may keep the following livestock animals on property in Town: up to six (6) chicken hens or rabbits or combination of chicken hens and rabbits and no more than one (1) potbellied pig. The total number of livestock animals on a property at any given time may not exceed seven (7). Livestock animals not permitted in the Town include, but are not limited to cows, sheep, goats, llamas, ducks, geese and all pigs not otherwise identified in this Division.

(b) All livestock animals must be kept under adequate shelter, protected from weather, predators and other hazards and must at all times be contained in a secure and humane area entirely on private property. Said shelter must protect the livestock from foxes, coyotes, bears, mountain lions, hawks, eagles, domestic dogs and other predators. Said shelter must be a permanent, stick-built structure or approved

prefabricated model as determined by the Building Official. Shelters above thirty (30) inches in height may not be located in front yards, and must satisfy design review and comply with building setback and all Code requirements as identified in Chapters 16 and 18 of this Code.

(c) The keeping of livestock animals and the activities associated with the keeping of livestock animals, such as feeding, cleaning and storage, must not violate this Article relative to the protection of wildlife in the Town. Feed must be stored in a bear-proof container if located outdoors. All applicable animal treatment, abandonment and control laws apply to livestock animals.

(d) No livestock animal shall create a nuisance to any private property owner or the conduct of business. Animal waste products must be removed from the site regularly, and the accumulation of waste or excrement shall be deemed a nuisance. The Town shall determine if an activity or condition on a property containing livestock animals constitutes a nuisance and can require the owner to remedy the situation or remove the livestock animals at the sole expense of the owner.

(e) The production of animals or animal products for commercial sale, with the exception of eggs produced by chicken hens, shall not be permitted under this Division. A person producing chicken hen eggs for commercial sale must possess a Town business license and a sales tax license and any relevant state licenses or permits. The slaughter of animals for the purpose of meat production for commercial sale is not permitted by this Division. (Ord. 14 §1, 2011)

Sec. 7-5-340. Running at large prohibited.

No livestock animals, horses, asses, mules, cattle, sheep or swine shall be permitted to run at large within the corporate limits of the Town. (Ord. 14 §1, 2011)

Sec. 7-5-350. Impoundment of animals running at large.

It shall be the duty of the Town Marshal, any police officer or any person appointed in writing by the Town Marshal for said purpose, to take up, stable or impound any such animals designated in Section 7-5-340 above found running at large. (Ord. 14 §1, 2011)

Sec. 7-5-360. Interfering with officer.

Any person who obstructs, hinders or delays the Town Marshal, the Building Official or other officer in the discharge of any duty arising under this Article, who opens or breaks open, or who, in any manner, directly or indirectly aids or assists in opening or breaking open any pen or enclosure, with the intent of releasing any animal described in Section 7-5-340 confined therein pursuant to the provisions of this Division, shall on conviction thereof be fined in the sum of not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each offense. (Ord. 14 §1, 2011)

Sec. 7-5-370. Penalties.

(a) A persons found to be in violation of any provision of this Division shall be subject to a fine not to exceed one hundred dollars (\$100.00) for each offense, and/or be made to remove nuisance livestock animals or remedy conditions deemed to be a nuisance at the discretion of the Town. Each instance of violation shall be deemed a separate offense for purposes hereof.

(b) If any animal is found running at large contrary to the provisions of this Article, the Town Marshal may, instead of impounding such animal as described in Section 7-5-350 above, file a complaint with the Municipal Judge against the owner of said animal. Upon the hearing of said complaint, if it is proved that any such owner has theretofore and during the preceding twelve (12) months allowed his or her animal to run at large in the Town contrary to this Division or that theretofore and during the preceding twelve (12) months any animal belonging to such owner had been impounded, then said owner shall be subject to a fine of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00) for each offense. (Ord. 14 §1, 2011)

Sec. 7-5-380. Exemptions.

The following shall be exempt from the requirements of this Division:

- (1) Properties zoned "A-O," "R1A" and "P" and approved for agricultural uses; and
- (2) Portions of Town Blocks 1, 2, 11 and 12 in the "R1" zone where historical agricultural uses exists.

This exemption shall be abandoned as portions of the applicable property are sold and approved for residential development. (Ord. 14 §1, 2011)

*Division 3
Wildlife Protection*

Sec. 7-5-510. Definitions.

The definitions and terms used in this Article are defined as follows:

Enforcement officer means any Town Marshal, Community Service Officer or designated Town official.

Person or persons means any lawful person or entity that is the owner, manager, operator, resident, tenant, employee, homeowners' association or other responsible party for any subject property, or division thereof, or of any business located on said subject property.

Wildlife means any nondomestic mammal or avian indigenous to the Crested Butte area, including but not limited to bear, elk, deer, raccoon, coyote, beaver, skunk, badger, bobcat, mountain lion, porcupine and fox.

Wildlife-resistant Dumpster means a Dumpster with a metal lid that has a latching device which prevents wildlife access to its contents.

Wildlife-resistant refuse container means any fully enclosed polycart or metal container with a lid. The lid must have a latching mechanism, which prevents access to the contents by wildlife. Wildlife-resistant containers must be approved by the Town or its contractor. (Ord. 10 §3, 2007; Ord. 9 §3, 2008)

Sec. 7-5-520. Wildlife-resistant refuse containers or enclosure required.

(a) Any refuse container, whether residential or commercial, regardless of size, that receives refuse which is edible by wildlife shall be: (1) an approved wildlife-resistant refuse container; (2) a wildlife-resistant Dumpster; or (3) a refuse container which is stored within a building, house or garage.

(b) Any restaurant waste grease must be deposited in a wildlife-proof commercial grease container or a container which is stored within a building, house or garage. (Ord. 10 §3, 2007)

Sec. 7-5-530. Maintenance and operation of wildlife-resistant refuse containers and Dumpsters.

(a) Wildlife-resistant refuse containers and Dumpsters must be kept closed and secure when refuse is not being deposited.

(b) It shall be the responsibility of any person to keep all refuse containers, Dumpsters and grease containers in good and operable condition and repair when in use. (Ord. 10 §3, 2007; Ord. 9 §4, 2008)

Sec. 7-5-540. Residential refuse disposal.

(a) All residential containers that receive refuse edible by wildlife, except wildlife-resistant refuse containers, must be secured inside the home, garage, business or wildlife-resistant trash enclosure. Persons unable to keep their refuse container inside the home, garage, business or wildlife-resistant trash enclosure shall store their refuse in a wildlife-resistant refuse container.

(b) Persons with curbside pickup shall place their refuse containers at the curb between the hours of 6:00 a.m. and 6:00 p.m. of the day for scheduled collection; except that any wildlife-resistant refuse container may be placed for curbside pickup between the hours of 6:00 p.m. on the day preceding the day for scheduled collection and 6:00 p.m. of the day for scheduled collection. After pickup, all refuse containers, except wildlife-resistant refuse containers, must be re-secured inside the home, garage, business or wildlife-resistant enclosure by 6:00 p.m. on the day for scheduled collection. Wildlife-resistant refuse containers must also be removed from the curb after pickup by 6:00 p.m. on the day for scheduled collection. (Ord. 10 §3, 2007; Ord. 9 §5, 2008)

Sec. 7-5-550. Feeding of wildlife.

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

(b) Bird feeders are permitted; however, between the dates of April 15 and November 15, all feeders must be suspended on a cable or other device so that they are inaccessible to bears, and the area below said feeders must be kept free from the accumulation of seed debris. (Ord. 10 §3, 2007)

Sec. 7-5-560. Construction site refuse disposal.

All construction sites must have a designated container that receives refuse edible by wildlife. This container shall be either a wildlife-resistant refuse container or a container that is emptied at the end of each workday and then securely stored inside a trailer or building. (Ord. 10 §3, 2007)

Sec. 7-5-570. Interference with enforcement officer.

No person shall interfere with, molest, hinder or impede any enforcement officer in the discharge of his or her duties as herein prescribed or violate any of the provisions of this Article. (Ord. 10 §3, 2007)

Sec. 7-5-580. Enforcement.

(a) Enforcement officers may issue a warning notice, a citation requiring the purchase of a wildlife-resistant refuse container or a summons and complaint to any person in violation of this Article.

(b) An enforcement officer shall have the right to inspect property concerning any wildlife concern or potential wildlife attractant. (Ord. 10 §3, 2007)

Sec. 7-5-590. Penalty assessment.

The violation of any provision of this Article by any person shall be unlawful and subject the offending person to fines in amounts not to exceed one hundred dollars (\$100.00) for the first offense; two hundred dollars (\$200.00) for the second offense; and three hundred dollars (\$300.00) for the third offense. Any additional offense after the third offense shall subject the offending person to the issuance of a summons and fines not to exceed one-thousand dollars (\$1,000.00) for each offense. Each day that such violation continues to exist shall be deemed a separate offense. (Ord. 10 §3, 2007; Ord. 9 §6, 2008)