

CHAPTER 14
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ARTICLE I**Littering****Sec. 14-1-10. Definitions.**

As used herein, the following words have the following meanings:

Litter means all rubbish, waste material, refuse, garbage, trash, debris or other foreign substances, solid or liquid, of every form, size, kind and description.

Public or private property includes, but is not limited to, the right-of-way of any road or highway, any body of water or water course, including frozen areas or the shores or beaches thereof, any park, playground or building, any refuge, conservation or recreation area, and any residential, farm or ranch properties, timberlands or grasslands. (Weld County Codification Ordinance 2000-1)

Sec. 14-1-20. Littering on public and private property.

A. It shall be unlawful for any person to deposit, throw or leave, or to allow, sanction, suffer or permit any person to deposit, throw or leave any litter on any public or private property or in any waters within the County, except those portions of the County which are within the limits of any incorporated municipality, unless such municipality has specifically consented to the application of this Article within the corporate limits of the incorporated municipality pursuant to Section 30-15-401(8), C.R.S.

B. A person shall be deemed to be littering public and private property, and therefore in violation of this Article, if he or she is driving or moving a vehicle on any highway and such vehicle is not constructed or loaded or the load thereof is not securely covered to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom; except that sand may be dropped for the purpose of securing traction, or water or another substance may be sprinkled on a roadway in cleaning or maintaining such roadway.

C. Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle in violation of this Article, the operator of said motor vehicle is presumed to have caused or permitted the litter to be so thrown, deposited, dropped or dumped therefrom.

D. Each twenty-four-hour period during which said litter is allowed to remain on public or private property shall constitute a separate offense under this Article. (Weld County Codification Ordinance 2000-1)

Sec. 14-1-30. Affirmative defenses.

It shall be an affirmative defense to the crime of littering of public and private property that:

A. Such property is an area designated by law, pursuant to the Solid Waste Site and Facilities Act, Section 30-20-101 et seq., C.R.S., for the disposal of such material and the person is authorized by the proper public authority to so use the property;

B. The litter is placed in a receptacle or container installed on such property for that purpose; or

C. Such person is the owner or tenant in lawful possession of such property.

Sec. 14-1-40. Violations and penalties.

A. Any violation of this Article is a Class 2 petty offense punishable, upon conviction, by a mandatory fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) upon a first conviction; by a mandatory fine of not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00) upon a second conviction; and by a mandatory fine of not less that one hundred seventy-five dollars (\$175.00) nor more than three hundred dollars (\$300.00) upon a third or subsequent conviction.

B. It is in the discretion of the Court, upon the conviction of any person and the imposition of fine under this Section, to suspend any or all of the fine in excess of the mandatory minimum fine upon the condition that the convicted person pick up litter at a time prescribed by and at a place within the jurisdiction of the Court, for not less than eight (8) hours upon a first conviction or for not less than sixteen (16) hours upon a second or subsequent conviction.

Sec. 14-1-50. Penalty assessment and schedule.

Notwithstanding the provisions of Section 14-1-40 hereof, the person charged with one (1) or more violations of this Article shall have the option of paying the below-specified penalty assessments therefor to the County Treasurer in lieu of further proceedings or defense of such violation in Court, or of appearing in Court to defend such charge. If such person elects to appear in Court, he or she shall be proceeded against as otherwise provided by law for the violations charged and shall be subject to the penalties provided in Section 14-1-40 hereof if found guilty of such charge. In the event a person elects to pay the prescribed penalty assessment as permitted herein, such payment shall constitute an acknowledgment of guilt by such person of the offense charged and shall be deemed a complete satisfaction for such violation. Upon accepting the prescribed penalty assessment, the County Treasurer shall issue a receipt to the violator acknowledging payment thereof. The penalty assessment which may be accepted and paid by the violator under the privileges of this Section shall be as follows:

First Offense	\$ 50.00
Second Offense	\$100.00
Third Offense	\$175.00
Four or More Offenses	The penalty assessment shall not apply and the violator shall be prosecuted under the provisions of Section 14-1-40, upon the issuance of a Summons to Appear.

Sec. 14-1-60. Nonliability.

The Sheriff, the Board of County Commissioners, their assistants and employees, and any person enforcing the provisions of this Article shall not be held responsible for any accident, injury or subsequent disease, of whatever kind or character, which may occur in connection with the administration of this Article. No portion of this Article shall be deemed to constitute a waiver of any immunities which the Sheriff, the Board of County Commissioners, their assistants and employees may possess, nor shall any portion of this Article be deemed to have created a duty of care with respect to any persons.

ARTICLE II
Water Testing

Sec. 14-2-10. Definitions.

As used in this Article, the following words have the meanings ascribed to them:

Permittee means that person holding a permit to discharge pollutants to state waters, with an obligation to perform certain sampling and analysis of said discharges to state waters.

Supplier means that person owning or operating a public water system, with an obligation to perform certain sampling and analysis of the drinking water being provided. (Weld County Codification Ordinance 2000-1)

Sec. 14-2-20. Testing of drinking water.

A. Scope. This Article shall apply to all sampling and analysis performed by the Department of Public Health and Environment for the benefit of public water systems, as defined at 5 CCR 1003-1, Section 1.2.2(22), and including both noncommunity water systems and community water systems.

B. Obligations of Department of Public Health and Environment. The Department of Public Health and Environment shall provide the following services to the supplier:

1. Microbiological sampling: The Department of Public Health and Environment shall collect such microbiological samples of drinking water from the subject system according to the quantity, frequency and methods required by applicable state regulations found at 5 CCR 1003-1, Article 3, and in accordance with the terms of a written agreement executed between the supplier and the Board of County Commissioners. The Department of Public Health and Environment shall be responsible for the determination of what regulations are applicable to the supplier's system.

2. Microbiological analysis: The Department of Public Health and Environment shall analyze such microbiological samples by the methods required by applicable state regulations found at 5 CCR 1003-1, Article 3.

3. Sampling and analysis for other parameters: Sampling and analysis for any other parameters in drinking water shall be conducted according to the quantity, frequency and methods in the State Primary Drinking Water Regulations found at 5 CCR 1003-1 and the written agreement.

4. Reporting: The Department of Public Health and Environment shall report the results of its analysis to the supplier in order that the supplier may make such public notifications and may keep such records as are required by applicable state or federal regulations. The Department of Public Health and Environment shall also report its results to the Colorado Department of Health in conformance with that Department's requirements.

C. Obligations of supplier.

1. Public notice: The supplier shall retain all responsibility for any notice to the public required by applicable state or federal regulations of a failure to meet safe drinking water standards or a variance from such standards.

2. Records: The supplier shall retain responsibility for the maintenance of records required by state or federal regulations. The Department of Public Health and Environment will provide to the supplier complete copies of sampling analysis reports made by the Department of Public Health and Environment pursuant to this Article.

D. Fee. The fee charged by the Department of Public Health and Environment for the sampling and analysis of public drinking water systems pursuant to this Article shall be established by separate ordinance of the Board of County Commissioners or by agreement between the supplier and the Board of County Commissioners. (Weld County Codification Ordinance 2000-1)

Sec. 14-2-30. Sampling and analysis of pollutant discharges.

A. Scope. This Section shall apply to all sampling and analysis performed by the Department of Public Health and Environment for the benefit of permittees pursuant to state regulations found at 5 CCR 1002-2, Section 6.1.0 et seq., and 5 CCR 1002-3, Section 10.1.1 et seq.

B. Obligations of Department of Public Health and Environment. The Department of Public Health and Environment shall provide the following services to the permittee:

1. Sampling: The Department of Public Health and Environment shall collect samples of pollutant discharges from the permittee's point of discharge according to the quantity, frequency and methods required by applicable state regulations found at 5 CCR 1002-2, appendices to Section 6, and 5 CCR 1002-3, Section 10.1.4 and Section 10.1.5, and in accordance with the terms of the permit. However, the quantity and frequency of collections of such samples shall not exceed the quantity and frequency of collections

specified in a written agreement executed between the Board of County Commissioners and the permittee. The Department of Public Health and Environment shall be responsible for the determination of what regulations are applicable to the permittee's system.

2. Analysis: The Department of Public Health and Environment shall analyze such samples by the methods required by applicable state regulations found at 5 CCR 1002-3, Section 10.1.4 and Section 10.1.5. The Department of Public Health and Environment shall perform only those individual tests which are specified in a written agreement executed between the permittee and the Board of County Commissioners.

3. Reporting: The Department of Public Health and Environment shall report the results of its sampling and analysis to the permittee in order that the permittee may make such notifications and keep such records as are required by applicable state regulations or the permit. The Department of Public Health and Environment shall also report its results to the Colorado Department of Health in conformance with that Department's requirements.

C. Obligations of Permittee. The permittee retains responsibility for the maintenance of records required by state or federal regulations or the permit. The Department of Public Health and Environment will provide to the permittee complete copies of sampling and analysis reports made by the Department of Public Health and Environment pursuant to this Article.

D. Fees.

1. Sampling: The fee for the collection of any sample shall be established by separate ordinance of the Board of County Commissioners or by agreement between the permittee and the Board of County Commissioners.

2. Analysis: The fees for each individual test performed per sample shall be established by separate ordinance of the Board of County Commissioners or by agreement between the permittee and the Board of County Commissioners. (Weld County Codification Ordinance 2000-1)

Sec. 14-2-40. Agreements.

A. The provisions of this Article shall be carried out by means of agreements executed between the Board of County Commissioners and the suppliers of public drinking water or the permittees for the discharge of pollutants.

B. Either party may cancel the agreements by giving notice of their intent to cancel at least thirty (30) days before the intended termination date of said agreement. Upon giving of such notice, the agreement shall remain in effect until the termination date.

Sec. 14-2-50. Department of Public Health and Environment obligations.

The Department of Public Health and Environment shall review the notices and records required by state or federal law to be submitted by suppliers and permittees, located within the County, to the Colorado Department of Health in order to advise the Colorado Department of Health of possible violations of state and federal drinking water and water pollution laws. This review shall apply to all suppliers and permittees located within the County, including those not receiving services pursuant to this Article.

ARTICLE III

Cistern Water

Sec. 14-3-10. Purpose and authority.

The Board of County Commissioners, sitting as the Board of Health, has declared the purpose of this Article to protect the public health and to eliminate and control causes of disease, infection and contamination and declare it to be in the public interest to

establish minimum standards, rules and regulations for the use of cisterns for a drinking water source. (Weld County Codification Ordinance 2000-1)

Sec. 14-3-20. Scope.

This Article shall apply to any cistern proposed or used as a drinking water source for any building or structure, as defined in Chapter 23 of this Code, in unincorporated Weld County, which has not received a building permit (and maintained the building permit in effect) from the Department of Building Inspection prior to May 1, 1993. (Weld County Codification Ordinance 2000-1)

Sec. 14-3-30. General requirements.

The use of a cistern, subject to this Article under Section 14-3-10, for a drinking or potable water source for humans is prohibited in unincorporated Weld County unless, and until, the owner or occupant of the structure using the cistern as a storage source first obtains a Cistern Usage Permit (CUP). (Weld County Code Ordinance Ordinance 2006-5)

Sec. 14-3-40. Inspection and right of entry.

The Director of Public Health and Environment, for the purpose of inspection and enforcement, is authorized to enter upon private property to determine whether or not cisterns are being used in compliance with this Article. The owner or occupant of every property having a cistern subject to this Article shall permit the Director of Public Health and Environment access to the property to conduct the required test, take samples, monitor compliance and make inspections. If the access is denied, the Director of Public Health and Environment may apply to the District Court for an order authorizing entry. (Weld County Codification Ordinance 2000-1)

Sec. 14-3-50. Permit application.

Any person who wishes to install, alter or repair a cistern in unincorporated Weld County shall first obtain, prior to commencement of construction, a permit from the Environmental Health Services (EHS) and the Department of Public Health and Environment. The following information must be provided in the permit application:

- A. Legal description of the property.
- B. Owner of the property.
- C. Owner's mailing address and telephone number.
- D. Type of building by use.
- E. Type of water supply to cistern, (i.e. water hauler, well).
- F. Type of services required in the structure.
- G. Owner's signature, or agent's signature if he or she has written permission to sign for the owner.
- H. Additional information as required by the Division.
- I. Street or road address of the property.
- J. Plans and specifications for the cistern.
- K. Documentation of efforts to obtain water from other sources, such as domestic wells or public water supply.
- L. Number of persons to be served by the cistern. (Weld County Codification Ordinance 2000-1; Weld County Code Ordinance 2006-5)

Sec. 14-3-60. Permit fees.

A. A permit fee, as set by separate ordinance of the Board of County Commissioners, shall be required of applicants for a new CUP, payable at the time of application to the EHS. Permit fees are nonrefundable, and permit applications are nontransferable. The issuance of a permit does not denote compliance with any zoning or building code requirement.

B. A permit fee, as set by separate ordinance of the Board of County Commissioners, shall be charged for the alteration or repair of an existing cistern. (Weld County Code Ordinance 2006-5)

Sec. 14-3-70. Preliminary investigation.

After receiving an application for a CUP, an evaluation of the proposed cistern shall be conducted by EHS. The evaluation may include inspection, review of building plans and specifications, or evaluation of information supplied by the Department of Building Inspection. (Weld County Code Ordinance 2006-5)

Sec. 14-3-80. Criteria for review.

The following shall be considered by the EHS in reviewing an application for a CUP:

- A. The lack of availability of another approved source of drinking water such as domestic wells or public water systems.
- B. Demonstrated need for individual water supply.
- C. Availability of an approved water source for filling the cisterns.
- D. Compliance with the performance standards of Section 14-3-130. (Weld County Code Ordinance 2006-5)

Sec. 14-3-90. Approval procedure.

A. After reviewing all of the required information, EHS may give conditional approval for a CUP, or it may recommend disapproval of the application and denial of the CUP if the proposed system cannot be made to comply with this Article. The conditional approval shall set forth conditions precedent to the issuance of the permit, including but not limited to:

- 1. Confirmation of approved water source to supply the cistern; and
- 2. Conformance with performance standards under Section 14-3-130.

B. No permit shall be issued to the applicant or a subsequent owner until the conditions have been met. (Weld County Code Ordinance 2006-5)

Sec. 14-3-100. Inspection after construction.

When construction of a cistern has been completed, the contractor or owner shall notify EHS, and a representative of the EHS shall make a final inspection within seventy-two (72) hours, or at an agreed time, after receipt of notice, with Saturdays, Sundays and holidays excepted from the calculation of the seventy-two-hour time period. (Weld County Code Ordinance 2006-5)

Sec. 14-3-110. Approval of construction.

If upon final inspection of the cistern, EHS finds it installed in accordance with this Article and the CUP, the EHS shall issue final approval for the completed system. If the inspection discloses any significant departure from the description or design of the system as stated in the application for permit, or if any aspect of the system fails to comply with this Article, approval shall be withheld and written notice of the deficiencies causing the disapproval

shall be given to the contractor or owner. Another inspection shall be made upon notification from the contractor or owner that the deficiencies have been corrected and the system brought into compliance with this Article. (Weld County Code Ordinance 2006-5)

Sec. 14-3-120. Denial of permit or plan disapproval.

A. Notice of denial. Written notice of the denial of the permit or disapproval of plan shall be served upon the applicant as provided by the Colorado Rules of Civil Procedure or by certified mail, return receipt requested. Service by mail shall be complete upon receipt by the Department of Public Health and Environment of the return receipt or upon refusal of the party to accept delivery.

B. Appeal to the Board of Health. Any person who is denied a permit or whose plans for a cistern are disapproved may appeal to the Board of Health as herein provided. The applicant must file a written appeal within ten (10) days of denial or disapproval.

C. Variance. Upon a finding that strict enforcement of regulations contained in this Article would cause undue hardship to the applicant and a further finding of the variance would not be injurious to the occupants' health or the public health, the Board of Health may authorize the issuance of the variance. Burden of proof is upon the applicant to show the variance will not conflict with the purposes of these regulations and will not adversely affect the health of any person.

D. Right to appeal. Should the Board of Health deny an appeal or a variance under Subsection C above, the applicant shall have the right to appeal such decision to the Board of County Commissioners pursuant to Section 3-8(n) of the Home Rule Charter.

E. Time of appeal. Every appeal from a decision of the Board of Health must be filed within ten (10) days from the date of the decision of the Board of Health. The date of the decision shall be the date the written order is signed by the Chairman of the Board of Health.

F. Finality of denial. Denial shall become final upon the expiration of time for filing an appeal or when the final action is taken upon an appeal, whichever is later. (Weld County Codification Ordinance 2000-1)

Sec. 14-3-130. Performance standards.

The cistern shall be designed to conform to the following performance standards:

A. Location of cistern. The cistern shall be located and constructed so as to prevent freezing and in such a manner that neither underground nor surface contamination occurs from any septic tank, seepage pit, disposal field, corral, flooding or other possible source of pollution. The horizontal distance from any such source of pollution should be as great as possible, but in no case shall it be less than one hundred (100) feet. The cistern must be a fixed nonmobile facility.

B. Construction. The cistern shall be of watertight construction, such as concrete, fiberglass or plastic, with smooth interior surfaces. It shall be sized based on a usage of at least fifty (50) gallons per person per day, with a minimum size of at least one thousand five hundred (1,500) gallons, which constitutes approximately a thirty-day supply.

C. Below ground. Should the application be for a below-ground cistern, the following requirements must be met:

1. Platform and manhole: The platform shall be constructed to slope away from the four-inch sleeve. The manhole cover shall be of tight-fitting overlapping construction. The cover shall be kept locked and opened only for cleaning or filling purposes.

2. Watertight connection at top of casing: The four-inch sleeve shall be cast in the concrete platform and should extend at least six (6) inches above the platform. A watertight connection shall be made by means of a flange

and seal. Flange and seals are of one (1) piece and are available through pump manufacturers or well drillers. If the space between the concrete platform and sleeve is not tight, it must be properly sealed to prevent entrance of contamination.

3. Pump: The type of hand pump used shall embody the following features: a closed spout directed downward, and the top of the pump made watertight by means of a seal through which the pump rod operates. The cylinder shall be located within six (6) inches of the bottom of the cistern. The pump shall require no priming.

4. Drain line: A drain line shall be used only if the cistern can be drained to the ground surface. If the cistern cannot be drained to ground surface, it will have to be emptied by pumping and hand bailing. The floor of the cistern shall slope to the drain or to one (1) side if there is no drain.

D. Chlorination. The cistern shall be filled with water from a safe supply. Drainage collected from runoff is not considered a safe supply. Chlorination shall be carried on whenever water is added to the cistern and during the actual filling process to provide mixing. Chlorination may be done by adding one-half (½) to one (1) pint of any liquid laundry bleach containing five-percent available chlorine to each one thousand (1,000) gallons of water in the cistern. The one-half (½) to one (1) pint of liquid laundry bleach should be mixed with approximately five (5) gallons of water before adding to the cistern.

Sec. 14-3-140. Termination of CUP.

A CUP will terminate if another source of drinking water is available to the property, such as a domestic well or public water system. (Weld County Codification Ordinance 2000-1; Weld County Code Ordinance 2006-5)

Sec. 14-3-150. Notice of violations.

Whenever EHS determines that there has been a violation of any provision of this Article, it shall give notice of such violation to the responsible person. Such notice shall be in writing and shall particularize the violations, provide a reasonable time for correction and be addressed to the owner and occupant, if known, of the property concerned. Service of such notice shall be as provided by the Colorado Rules of Civil Procedure or by certified mail, return receipt requested, deliverable to addressee only. Service by mail shall be complete upon receipt to the EHS of the return receipt. If one (1) or more persons cannot be found or served after a diligent effort to do so, service may be made by posting a notice in a conspicuous place in or about the property affected by the notice, in which case EHS shall include in the record a statement as to why the posting was necessary. (Weld County Codification Ordinance 2000-1; Weld County Code Ordinance 2006-5)

Sec. 14-3-160. Cease and desist order.

The Director of Public Health and Environment may issue an order to cease and desist from the use of any cistern which is found by EHS to be improperly maintained, constructed, reconstructed, altered or used in violation of this Article and which has not received the timely correction in accordance with the provisions of Section 14-3-150. Such an order may be issued only after a hearing which shall be conducted by the Director of Public Health and Environment not less than forty-eight (48) hours after written notice thereof is given to the owner and occupant, if known, of the property on which the cistern is located and at which the owner may be present with counsel and be heard. The order shall require that the owner bring the system into compliance within a reasonable period of time, not to exceed thirty (30) days, or thereafter cease and desist from the use of the cistern. (Weld County Code Ordinance 2006-5)

Sec. 14-3-170. Injunction.

In any case any building or structure, as these terms are defined in Chapter 23 of this Code, is or is proposed to be provided drinking water from a cistern which has been constructed, maintained, reconstructed, altered or used in violation of this Article, the County Attorney, in addition to any other remedies provided by law, may seek an injunction or order of abatement from the District Court prohibiting such construction, use, maintenance, reconstruction or alteration without compliance with this Article. (Weld County Codification Ordinance 2000-1)

Sec. 14-3-180. Certificate of final occupancy denied.

The Department of Building Inspection may deny a request for a certificate of final occupancy where a cistern is a source of drinking or potable water if there has not been compliance with this Article.

Sec. 14-3-190. Nonliability.

This Article is not intended to create a cause of action against the County or its officers, employees or agents.

ARTICLE IV**Animals****Sec. 14-4-10. Definitions.**

As used in this Article, the following words have the following meanings:

Animal control officer means any person empowered by Weld County to enforce the provisions of this Article, as more specifically set forth in Section 14-4-110 of this Article.

Attack means violent or aggressive physical contact with a person or domestic animal, or violent or aggressive behavior that confines the movement of a person, including but not limited to cornering or circling a person.

Bodily injury means any injury inflicted on a person, other pet animal or livestock which is caused by a dog bite or other form of aggressive behavior of a dog, including chasing, cornering or circling, whereby, the victim's skin is broken or the victim experiences external or severe internal bleeding or broken bones or requires medical treatment by a licensed medical care provider or veterinarian for an injury.

Containing device means a pen, cage, motor vehicle or similar device which is capable of holding a dog within.

Control means physical restraint of a dog by use of a leash or similar tether, of no more than twenty-five (25) feet in length, by the use of a containing device or by means of confinement within a fully enclosed area such as a yard or dog run from which a dog cannot escape. *Control* also means being in compliance with the terms of Section 14-4-20 below.

County means the unincorporated portion of Weld County, and excludes those areas which are within the city limits of any incorporated municipality within the County.

Daylight hours means one-half (½) hour before sunrise until one-half (½) hour after sunset.

Dog means any animal of the *Canis familiaris* species, or any hybrid thereof.

Guard dog means any dog which has been trained to protect and/or defend properties or persons, and is kept for the purpose of deterring persons who are not authorized by the dog's owner from entering either the premises used solely for commercial or agricultural purposes or any construction site, including any area used for the storage of construction materials.

Impound means to physically confine a dog at a licensed boarding facility at the direction of an animal control officer.

Leash means a thong, cord, rope, chain or similar device which is capable of restraining a dog.

Livestock means any bovine animal, horse, mule, ass, sheep, goat, fowl or swine.

Owner means any partnership, corporation, person or the parent, guardian or custodian of a child under sixteen (16) years of age, who owns any dog or has the same in his or her care, custody or control.

Pet animal means and includes any animal owned or kept by a person for companionship or protection or for sale or adoption to others for such purposes.

Premises means real property owned, rented, leased, used, kept or occupied by a person, partnership or corporation.

Running at large means off the premises of the owner and not under the immediate physical control of the owner. (Weld County Codification Ordinance 2000-1; Weld County Code Ordinance 2007-9; Weld County Code Ordinance 2008-12)

Sec. 14-4-20. Failure to control.

It is unlawful for the owner or any person having custody of any dog to fail to control said dog within the County, except the portions of the County which are within the city limits of any incorporated municipality within the County. An owner or other person having custody of a dog shall be deemed not to control a dog under the following circumstances:

A. Any owner having more than four (4) dogs which are over six (6) months of age on his or her premises, if said premises consists of ten (10) acres or less or lies within a recorded subdivision, recorded planned unit development or platted townsite; or more than eight (8) dogs which are over the age of six (6) months, if said premises consists of more than ten (10) acres, at any time, shall be deemed to fail to control said dogs.

B. An owner shall be deemed to fail to control a dog if the dog is found *running at large* within the County, as the term is defined in this Article.

C. An owner shall be deemed to fail to control a dog if the dog inflicts bodily injury to a person or animal (pet animal or livestock belonging to another person) or damages or destroys the property of another.

D. An owner shall be deemed to fail to control a dog if the owner fails to post at least one (1) sign at the entrance of any premises upon which a guard dog is kept.

E. Affirmative defenses:

1. It shall be an affirmative defense to an alleged violation of Subsection B above if a dog is under the direction and supervision of the owner or person having custody of the dog, and the dog is actually working livestock or locating and retrieving wild game in season for a licensed hunter during daylight hours, if a dog is assisting law enforcement officers or if a dog is being trained for any of the foregoing pursuits.

2. It shall be an affirmative defense to an alleged violation of Subsection C above if a dog is acting in defense of the owner, the owner's family or the owner's premises.

3. It shall be an affirmative defense to an alleged violation of Subsection C if the dog is a guard dog, as defined in this Article, and the dog is acting to protect the premises of the owner, as long as the signage required under Subsection D above is posted.

4. It shall be an affirmative defense to an alleged violation of Subsection C if the dog has been intentionally provoked by a person who is not the owner of the dog.

5. It shall be an affirmative defense to an alleged violation of Subsection A above if a Use by Special Review permit has been approved by the Board of County Commissioners and a plat recorded in the County Clerk and Recorder's Office for a kennel in order to exceed the maximum number established in Chapters 14 and 23 of this Code. (Weld County Codification Ordinance 2000-1; Weld County Code Ordinance 2007-9; Weld County Code Ordinance 2008-12)

Sec. 14-4-30. Humane Society of Weld County.

The Humane Society of Weld County shall have the responsibility, under this Article and in accordance with a contract which shall be entered into between the Board of County Commissioners and the Humane Society, for impounding dogs whose owners are in violation of this Article. (Weld County Code Ordinance 2007-9)

Sec. 14-4-40. Impoundment of dogs.

A. Upon the execution of a contract between the County and the Humane Society of Weld County, it shall be the duty of the Humane Society to impound any dogs found running at large or off the premises of the owner, whether or not he or she is accused of any other violations set forth in Subsection 14-4-20. A, B, C or D.

B. If any dog is found running at large or off the premises of the owner or keeper in violation of this Article, or when any such animal is followed back to the premises, it may be taken up and impounded and/or the owner or keeper of the dog may be fined as provided hereafter. Those persons who have the authority to enforce the provisions of this Article may pursue any at-large dog across private property without liability for trespass. (Weld County Codification Ordinance 2000-1; Weld County Code Ordinance 2007-9; Weld County Code Ordinance 2008-12)

Sec. 14-4-50. Charges for impoundment.

A. When any dog has been picked up or apprehended for impoundment pursuant to the terms of this Article, notice of such impoundment shall be given to the owner, if known, who may thereupon recover possession of such dog upon payment of an impoundment fee and any actual and necessary veterinary costs incurred on behalf of the dog. No owner may recover possession of such dog until he or she has made payment of the cost of impoundment fee and veterinary costs. The impoundment fee shall be based upon the actual and necessary costs of impoundment and shall be set on an annual basis by the impounding facility.

B. In addition to the basic impoundment fees and necessary veterinary costs, any impounded dog shall not be released until such animal has been duly vaccinated for rabies. Upon receipt of an immunization (rabies) deposit, in an amount based upon the actual and necessary costs of immunization and which is set annually by the impounding facility, such dog may be released in order that it may be immunized. Upon proof that such dog has been duly immunized within ten (10) working days after such release, the immunization deposit shall be refunded to the dog's owner. (Weld County Codification Ordinance 2000-1)

Sec. 14-4-60. Adoption, sterilization and euthanasia.

A. If the owner of an impounded dog is known, an Animal Control Officer shall take reasonable steps to notify the dog's owner of the impound. The dog owner shall be deemed to have received notification if an Animal Control Officer contacts him or her by telephone or in person, or if the Officer posts a notice on the owner's premises.

B. Any owner or custodian of a dog who does not claim or redeem a dog which has been impounded within five (5) days from the time of an impoundment shall forfeit all right, title and interest in said dog.

C. Any dog which has been impounded and which has not been redeemed within five (5) days of such impoundment may be put up for adoption at once in accordance with the normal procedure of the impounding facility.

D. Any dog which has not been redeemed within five (5) days of the time of impoundment may be humanely euthanized under the direction of the director of the impounding facility, and removed, buried or cremated.

E. Any dog which, in the opinion of a veterinarian, is experiencing extreme pain or suffering during the initial five-day period of impoundment may be humanely euthanized under the direction of the director of the impounding facility, and removed, buried or cremated. Prior to euthanizing the dog, reasonable efforts must be made to contact the dog's owners for a period of twenty-four (24) hours after impoundment. However, if, in the opinion of the director of the impoundment facility, the dog is suffering extreme pain and suffering and it would be inhumane to postpone euthanizing the dog, the dog may be euthanized before the expiration of twenty-four (24) hours.

F. If an Animal Control Officer has reasonable grounds to believe that a dog has bitten a person or another animal and may be rabid, the Officer may direct the impoundment facility to hold the dog for as long as the Officer deems reasonably necessary, even if the dog is claimed by the owner.

G. Any person adopting an unclaimed dog pursuant to this Section shall provide proof of sterilization to the impounding facility within thirty (30) days of adoption of adult dogs of more than six (6) months of age, or at nine (9) months of age if the dog is adopted before that age. The time requirements of this sterilization requirement shall be suspended upon receipt by the impounding facility of a letter from a licensed veterinarian stating that sterilization is not recommended. (Weld County Code Ordinance 2007-9)

Sec. 14-4-70. Nonliability.

The Sheriff, the Board of County Commissioners, their assistants and employees, the Weld County Humane Society and staff thereof, and any person enforcing the provisions of this Article shall not be held responsible for any accident or subsequent disease that may occur in connection with the administration of this Article. (Weld County Code Ordinance 2007-9)

Sec. 14-4-80. Violations and penalties.

A. Any violation of Subsections 14-4-20.A, B and D of this Article, which does not involve bodily injury to any person or any animal, shall be a Class 2 Petty Offense, as defined by Section 18-1-107, C.R.S. Violations of each subsection shall be considered separate offenses, each of which is subject to a separate penalty. Upon conviction of a violation of Section 14-4-20 of this Article, and not involving bodily injury, the offender shall be punished according to the following schedule:

First Conviction	\$50.00 fine
Second Conviction	\$130.00 fine
Third Conviction	\$250.00 fine
Fourth or More Convictions	\$300.00 fine and/or imprisonment in the County Jail for not more than 90 days

B. For sentencing purposes, prima facie proof of a defendant's previous convictions shall be established when the prosecuting attorney submits to the Court the case numbers and dates of said previous convictions, or evidence of an acknowledgement of guilt by the payment of a penalty assessment in those cases. The prosecuting attorney shall not be required to plead or prove any previous convictions at trial. The record of a previous acknowledgment of guilt entered pursuant to the terms of Section 14-4-90 below shall be considered a conviction for the

purpose of determining prior convictions in sentencing. (Weld County Code Ordinance 2007-9; Weld County Code Ordinance 2008-12)

Sec. 14-4-90. Penalty assessment and schedule.

Notwithstanding the provisions of Section 14-4-80 above, any person charged with one (1) or more of the violations of Subsections 14-4-20.A, B and D of this Article, and not involving bodily injury to any person, shall have the option of paying the below-specified penalty assessments therefor to Weld County in lieu of further proceedings or defense of such violations in court, or of appearing in court to defend such charge. If such person elects to appear in court, he or she shall be proceeded against as otherwise provided by law for the violations charged and shall be subject to the penalties provided in Section 14-4-80 above if convicted of such charge. In the event a person elects to pay the prescribed penalty assessment as permitted herein, such payment shall constitute an acknowledgment of guilt by such person of the offense charged and shall be deemed a complete satisfaction for such violation. The penalty assessment which may be accepted and paid by the violator under the privileges of this Section shall be as follows:

First Offense	\$ 35.00
Second Offense within a thirty-six-month period following the First Offense	\$100.00
Third Offense within a thirty-six-month period following the First Offense	\$200.00
Fourth Offense within a thirty-six-month period following the First Offense	\$250.00
Five or More Offenses within a thirty-six-month period following the First Offense	Penalty assessment shall not apply and the violator shall be prosecuted under the provisions of Sections 14-4-20 and/or 14-4-60 of this Article, upon the issuance of a summons to appear

(Weld County Code Ordinance 2007-9)

Sec. 14-4-100. Class 2 Misdemeanors.

A. A dog owner commits a Class 2 Misdemeanor if the owner's dog commits a violation of Subsection 14-4-20.C of this Article.

B. Any person convicted of a Class 2 Misdemeanor under this Section shall be fined not less than two hundred fifty dollars (\$250.00) and not more than one thousand dollars (\$1,000.00) and/or imprisoned in the County Jail for not more than one hundred eighty (180) days. (Weld County Code Ordinance 2007-9; Weld County Code Ordinance 2008-12)

Sec. 14-4-110. County dog control officers.

A. The Sheriff, undersheriff or any deputy sheriff and any officer, agent or employee of the Humane Society of Weld County, if the Humane Society is under contract with the County, shall have the authority to enforce the provisions of this Article and, within the meaning of Section 30-15-102(3), C.R.S., shall be considered County dog control officers.

B. Whenever a County dog control officer has personal knowledge of any violation of this Article, he or she may issue a citation or summons and complaint to the violator, stating the nature of the violation with sufficient particularity to give notice of said charge to the violator. (Weld County Code Ordinance 2007-9)

Sec. 14-4-120. Disposition of fines and penalties.

All fines and penalties paid for violations of this Article, including convictions, shall be paid into the Weld County Treasury. (Weld County Code Ordinance 2007-9)

ARTICLE V
Rules and Regulations for
Body Art Establishments

Sec. 14-5-10. Purpose.

The purpose of these regulations is to establish the safe and sanitary practice of body art, the safe and sanitary physical environment where body art is performed, and the safe and sanitary conditions of equipment utilized in body art procedures. (Weld County Code Ordinance 2002-8)

Sec. 14-5-20. Definitions.

As used herein, the following words have the following meanings:

Aftercare instructions mean written instructions given to the client, specific to the body art procedure rendered. These instructions shall include information regarding when to seek medical treatment, if necessary.

Antiseptic means a substance that inhibits growth of bacteria and other microorganisms when applied to the skin (e.g., chlorhexadine gluconate, alcohol, iodophor). It should not be used to decontaminate inanimate objects.

Body art establishment means any location, whether temporary or permanent, where the practices of body art are performed.

Body art means the practice of physical body adornment by establishments or artists utilizing, but not limited to, the techniques of body piercing, tattooing, branding, sculpting and scarification. This definition does not include practices conducted under the supervision of a physician licensed to practice medicine under Colorado law nor piercing of the outer perimeter or lobe of the ear by means of sterilized stud-and-clasp ear piercing systems.

Body artist means any person who performs body art procedures.

Branding means a potentially invasive procedure in which a permanent mark is burned into or onto the skin using either temperature, mechanical or chemical means.

Contaminated means the presence or reasonably anticipated presence of blood, infectious materials or other types of impure materials that have corrupted a surface or item through contact.

Contamination means to make unfit for use by the introduction or potential introduction of blood, infectious materials or other types of impure materials.

Department means the Weld County Department of Public Health and Environment, or its authorized agents and employees.

Disinfectant means an EPA-registered hospital-grade disinfectant which has effectiveness against *Salmonella choleraesuis*, *Staphylococcus aureus* and *Pseudomonas aeruginosa* or a 1:100 dilution of 5.25% sodium hypochlorite (chlorine bleach) and water, made fresh daily, dispensed from a spray bottle and used to decontaminate inanimate objects and surfaces.

Disinfection means to destroy or inhibit pathogenic microorganisms on inanimate objects or surfaces.

Gloves mean those which are disposable and single use, and are labeled for surgical or examination purposes. Gloves for instrument cleaning shall be heavy-duty, single-use and waterproof.

Hectographic means a copy made from a prepared gelatin surface to which the original document has been transferred.

Infectious waste or regulated waste means blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials; items caked with blood or other potentially infectious materials that can release these materials upon handling; contaminated sharps; and human pathological/anatomical waste.

Invasive means entry through the skin or mucosa either by incision or insertion of an instrument body ornament, or any other means.

Jewelry means any ornament inserted into the body, which must be made of surgical implant-grade stainless steel; solid 14k or 18k white or yellow gold; niobium, titanium or platinum; or a dense, low-porosity plastic, which is free of nicks, scratches or irregular surfaces.

Person in charge means the owner, manager or individual present at the body art establishment who is responsible for the operation at the time of an inspection. If no individual is responsible, then any employed person present is the person in charge. If multiple body artists share operation of the establishment, then each artist shall be considered a person in charge and shall be accountable for all requirements of this regulation with regard to common areas and practices in addition to his or her own separate areas and practices.

Piercing means puncturing or penetration of the skin or mucosa of a person and the insertion of jewelry or other adornment in the opening, except that puncturing of the outer perimeter or lobe of the ear with sterilized stud-and-clasp ear piercing system shall not be included.

Pre-sterilized instruments mean those that are commercially sterilized by the manufacturer. Packaging shall bear a legible sterilization lot number and expiration date.

Procedure area means any surface of an inanimate object that contacts the client's skin during a body art procedure and all surfaces where instruments and supplies are placed during a procedure.

Scarification means an INVASIVE procedure in which the intended result is the production of scar tissue on the surface of the skin.

Sculpting means a modification of the skin, mucosa, cartilage or tissue of the body for nonmedical purposes.

Sharps mean all objects (sterile or contaminated) that may purposely or accidentally cut the skin or mucosa including, but not limited to, single-use needles, scalpel blades and razor blades. It does not include disposable safety razors which have not broken the skin.

Sharps container means a puncture-resistant, leakproof, rigid container that can be closed for handling, storage, transportation and disposal and is labeled with the Universal Biological Hazard Symbol.

Sterilization means a process that results in the total destruction of all forms of microbial life, including highly resistant bacterial spores.

Sterilizer means an autoclave that is designed and labeled by the manufacturer as a medical instrument sterilizer and is used for the destruction of microorganisms and their spores.

Tattooing means inserting pigment under the surface of the human skin or mucosa by pricking with a needle or other means, to permanently change the color or appearance of the human skin or to produce an indelible mark or figure visible through the human skin. Examples of this technique include, but are not limited to, eye liner, lip color, lip liner, camouflage, stencil designs and freehand designs.

Universal precautions means a set of precautions designed to prevent transmission of human immunodeficiency virus (HIV), Hepatitis B and other blood-borne pathogens as defined by the Centers for Disease Control. Under universal precautions, blood and certain body fluids of all individuals are considered infectious. (Weld County Code Ordinance 2002-8)

Sec. 14-5-30. Minimum requirements for body artists.

All body artists shall comply with the following:

A. Possess and demonstrate knowledge of universal precautions, disinfection and sterilization techniques, procedures for infection and exposure control required in Section 14-5-100, and the infectious waste management plan required in Section 14-5-100.D.

B. Receive vaccination against Hepatitis B (HBV) or provide a written statement to the manager or owner of the body art establishment stating that he or she declines the vaccination. (Weld County Code Ordinance 2002-8)

Sec. 14-5-40. Minimum requirements for body art establishments.

A. The body art establishment must have a person in charge at all times who is responsible for the operation.

B. The following information on each employee of a body art establishment shall be on file and available for inspection by the Department.

1. Full legal name.

2. Home address.

3. Home phone number.

4. Proof that all employees handling sharps and/or infectious waste have either completed or were offered and declined, in writing, the Hepatitis B vaccination series. This offering shall be included as a pre-employment requirement and comply with Section 14-5-30.B.

C. The person in charge shall have access to the following information, and it shall be on the premises for review by the Department:

1. Contract or agreement for sharps disposal and/or other infectious or regulated waste disposal.
2. Spore test log and test results.
3. Client records for three (3) years.
4. Manufacturer's information on sterilization equipment.
5. Infection and exposure control written procedures.
6. Establishment license posted in a prominent location. (Weld County Code Ordinance 2002-8)

Sec. 14-5-50. Reporting requirements.

Serious infections, complications or diseases resulting from any body art procedure that become known to the person in charge/body artist shall be reported to the Department within twenty-four (24) hours after discovery. (Weld County Code Ordinance 2002-8)

Sec. 14-5-60. Client records.

A. The person in charge shall have access to and shall maintain client records on the premises for a minimum of three (3) years. The client records shall be available for review by the Department.

B. The following information shall be documented and used by the body artist to determine the client's suitability for receiving a body art procedure. In order to assure, insofar as possible, the proper healing of a client following a body art procedure, the client shall be asked to disclose if he or she has any of the following:

1. Diabetes.
2. Hemophilia.
3. Skin diseases or skin lesions.
4. Allergies or adverse reactions to latex, pigments, dyes, disinfectants, soaps or metals.
5. Treatment with anticoagulants or other medications that thin the blood and/or interfere with blood clotting.
6. Any other information that would aid the body artist in the client's body art healing process evaluation.
7. Communicable disease.

C. The client consent form for all procedures shall include the following:

1. Name, address and current phone number of the client.
2. Date of the procedure.
3. The type and location of the body art.
4. Documentation that both written and verbal instructions regarding risks, outcome and aftercare were given to the client, including:
 - a. Name, address and phone number of the establishment and the name of the body artist who performed the procedure.
 - b. Direction of when to consult a physician, to include signs of infection, allergic reaction and expected duration of healing.
 - c. Detailed description of how to care for the body art procedure site.
 - d. Explanation that body art should be considered permanent.
 - e. Possible side effects from the procedure.
 - f. Indication that this facility is licensed by the Department. (Weld County Code Ordinance 2002-8)

Sec. 14-5-70. Application and review of plans.

A. Application. Any person desiring to operate a body art establishment shall make written application for a license and pay license and applicable plan review fees using forms provided by the Department. Each application form shall include the name and address of each applicant, the location of the facility, a description of the body art to be performed, the local and State sales tax identification numbers, and the signature of the applicant.

B. Construction plans and specifications. All new, remodeled, temporary and mobile body art establishments require Department-approved plans. These plans must be approved prior to temporary events, operation of a mobile unit or commencing work, and in advance of the application for any building, plumbing and electrical permits.

1. All facilities shall be constructed and completed in accordance with all applicable local fire, electrical, plumbing and building codes, including the layout of the reception area, the procedure areas, the cleaning and sterilization area and the toilet facilities.

2. Detailed plans and specifications of a proposed new body art establishment and/or proposed extensive remodeling of a body art establishment shall be submitted to the Department for review and approval at least two (2) weeks prior to the start of any construction or extensive remodeling. Approval by the Department of both the plans and specifications is necessary before construction begins. All revisions of approved plans and specifications shall require resubmission for approval.

3. Contents of the plans and specifications shall demonstrate that the facility will comply with this Chapter of the Code. A plan-view scale drawing of the establishment shall be provided. The plans shall include the location of all equipment, plumbing fixtures and connections, ventilation systems and other pertinent information.

C. Pre-opening inspection. Whenever the submittal of plans and specifications is required, the Department shall conduct a pre-opening inspection of the new or extensively remodeled body art establishment prior to the opening of that establishment for operation. The purpose for that inspection shall be to determine compliance with the approved plans and specifications and with the requirements of these rules and regulations. A request for the inspection shall be submitted at least fourteen (14) days in advance of the date of an intended opening.

D. Written procedures. Each application for a body art establishment shall be accompanied by the written procedures described in Section 14-5-100 of this Article.

E. Annual renewal of the operating license is required thirty (30) days prior to the date of expiration and shall require a submittal of the information required in the application, except that the complete renewal application may indicate that there has been no change where appropriate.

F. The body art establishment operator shall place the license in a conspicuous place in the facility. The license shall not be assignable or transferable and shall apply only to the premises described therein.

G. The Department shall be notified by the licensee of the change of the operator of the body art establishment within thirty (30) days of the change. Notification shall be in writing and shall contain the name of the present and new operator and the date the new operator is to be responsible for the body art establishment. The new licensee is responsible for making application for an amended license under the requirements of this Article.

H. The Board of County Commissioners will set the plan review and annual license fee by separate ordinance, which may be no greater than required to offset the actual costs of the Department's services associated with administering the body art program.

- I. Grounds and procedures for revocation, denial or suspension of license:
 1. Obtaining or attempting to obtain a license by fraudulent means or misrepresentation of any fact.
 2. Violation of this Chapter of the Code.
 3. Refusal to permit entry by the Department or personnel or other agents for the plan review or other inspection.
 4. Conduct of practices determined by the Department to be detrimental to the health, safety and welfare of the patrons of the body art establishment.
 5. Conviction of any felony or for any misdemeanor which affects the ability of the licensee to meet the requirements of this Article, including, but not limited to, any crime involving fraud, deceit, assault or moral turpitude. (Weld County Code Ordinance 2002-8)

Sec. 14-5-80. Facility and operational requirements.

A. All procedure areas and instrument cleaning areas shall have floors, walls and ceilings constructed of smooth, nonabsorbent and easily cleanable material. Outer openings shall provide protection against contamination from dust and other contaminants. The room in which body art is done shall have an area of not less than one hundred (100) square feet.

B. Toilet facilities shall be provided and shall be made available to both patrons and employees during all business hours. Floors and walls within toilet facilities shall be constructed of smooth, nonabsorbent and easily cleanable material.

C. The premises shall be maintained clean and in good repair.

D. At least fifty (50) foot-candles of artificial light shall be provided at the level where the body art procedure is performed and in instrument cleaning and sterilization areas.

E. All surfaces, including, but not limited to, counters, tables, equipment, chairs, recliners, shelving and cabinets in the procedure area and instrument cleaning room, shall be made of smooth, nonabsorbent materials to allow for easy cleaning and disinfection.

F. Hand sinks shall be supplied with hot and cold running water delivered through a mixing faucet and under pressure. Hand sinks shall be easily accessible to each procedure area and shall be located so that one (1) artist does not potentially contaminate another artist's area. Each hand sink shall be provided with soap and disposable towels or a hand-drying device providing heated air. In addition, a hand sink shall be provided in, or adjacent to, each toilet room.

G. Distinct, separate areas shall be used for cleaning equipment, wrapping/packaging equipment and the handling and storage of sterilized equipment.

H. Instrument cleaning sinks, hand-washing sinks and, where provided, utility sinks shall be separate and shall only be used for their designated purpose.

I. Water shall be supplied from a source approved by the Department.

J. Sewage, including liquid wastes, shall be discharged to a sanitary sewer or to a sewage system constructed, operated and maintained according to law.

K. Refuse, excluding infectious wastes, shall be placed in a lined waste receptacle and disposed of at a frequency that does not create a health or sanitation hazard.

L. All facilities shall have a waiting area that is separate from the body art procedure area and from the instrument cleaning, sterilization and storage areas.

M. Reusable cloth items shall be mechanically washed with detergent in water at a minimum of one hundred forty (140) degrees Fahrenheit, unless an approved disinfectant is applied in the rinse cycle or the dryer uses heat above one hundred forty (140) degrees Fahrenheit, as specified by the manufacturer. Clean cloth items shall be stored in a clean, dry environment until used. Soiled laundry shall be stored in a nonabsorbent container until removed for laundering and shall be stored separate from clean cloths.

N. Animals shall not be allowed in the body art procedure areas or the instrument cleaning, sterilization or storage areas. Fish aquariums and/or service animals shall be allowed in waiting rooms and nonprocedural areas.

O. All chemicals shall be labeled with contents, properly stored and used according to label instructions.

P. All body art establishments shall be completely separated from areas used for human habitation, food preparation or other such activities that may cause potential contamination of work surfaces.

Q. Utensil washing and utility sinks with threaded faucets shall be equipped with backflow prevention devices approved by the Department.

R. Sharps and infectious/regulated waste must be handled in a manner consistent with Section 25-15-401, C.R.S.

1. Discarded sharps shall be disposed of in sharps containers.

2. Infectious/regulated waste other than sharps shall be placed in impervious, tear-resistant plastic bags, which are red in color and marked with the Universal Biological Hazard Symbol.

3. Sharps and infectious/regulated waste shall be disposed of by an approved, off-site treatment facility, or waste may be treated on site if the treatment complies with all federal, state and local requirements.

4. On-site treatment requires a written plan outlining disposal as required in Section 14-5-100.D. (Weld County Code Ordinance 2002-8)

Sec. 14-5-90. Temporary, special event and mobile body art requirements.

A. All provisions of these regulations shall apply with the following exceptions:

1. Hand wash facilities shall be easily accessible to each procedure area and designated for use by artists only. Hand wash facilities shall comply with Section 14-5-80.F or temporary hand wash facilities shall consist of soap, single-use paper towels and an adequate supply of potable water dispensed through a continuous flow spout. Wastewater shall be collected and disposed of in a sanitary manner.

2. Body artists may bring pre-sterilized instruments, or instruments which have been sterilized at another location with documentation showing a negative spore test result within the previous thirty (30) days. On-site sterilization units may be used and shall comply with Section 14-5-110.C.

B. After the last procedure is completed, all procedure areas shall be cleaned and disinfected. (Weld County Code Ordinance 2002-8)

Sec. 14-5-100. Infection and exposure control written procedures.

Every body art establishment shall have and comply with written procedures for infection and exposure control. All procedures developed for the written plan shall be in compliance with standards and all local and state regulations. These written procedures shall include, but are not limited to:

- A. Instrument cleaning and sterilization.
- B. Cleaning and disinfection of the procedure areas, as required in Section 14-5-120.B.7.
- C. Universal precautions procedures.
- D. Infectious Waste Management plan, consistent with Section 25-15-401, C.R.S., including segregation, identification, packaging, storage, transport, treatment, disposal and contingency planning for blood spills or loss of containment of infectious/regulate waste. (Weld County Code Ordinance 2002-8)

Sec. 14-5-110. Instruments/sterilization.

- A. Instrument cleaning.
 1. All instruments that penetrate body tissue shall be properly cleaned prior to packaging and sterilization. All other instruments shall be cleaned, disinfected and sterilized after each use.
 2. All instruments, excluding single-use needles, placed in the procedure area shall be repackaged and resterilized.
 3. Employees shall wear heavy-duty, single-use, and waterproof gloves while cleaning instruments.
 4. Used instruments shall be soaked in a disinfectant until cleaning can be performed. The solution shall be changed in a time as recommended by the solution manufacturer.
 5. Instruments shall be disassembled for cleaning.
 6. All instrument components shall be cleaned, either manually or in an ultrasonic cleaner, using the appropriate cleaning agent specific to the type of cleaning performed.
- B. Instrument packaging/wrapping.
 1. Employees shall wear clean gloves while packaging/wrapping instruments.
 2. Instruments shall be wrapped or packaged with a sterilizer indicator on or in each package.
 3. All packages shall be labeled with the time and date of sterilization. Packages will no longer be considered sterile six (6) months after the date of sterilization.
- C. Instrument sterilization.
 1. The sterilizer shall be designed and labeled as a medical instrument sterilizer.
 2. The operator's manual for the sterilizer shall be available on the premises and the sterilizer shall be operated according to the manufacturer's recommendations.
 3. The sterilizer shall be cleaned and maintained according to the manufacturer's specifications.
 4. A sterilizer load log shall be maintained for a minimum of three (3) years at the facility and made available for inspection. The log shall contain the following documentation for each load:
 - a. Description of instruments contained in the load.
 - b. Date of sterilization load, and time or other unique identifier if more than one (1) load is processed during a single day.

- c. Sterilizer cycle time and temperature.
 - d. Indication of proper sterilization of instruments, as evidenced by the appropriate color indicator change on each package. The indicator used shall be compatible with the sterilization process being used.
 - e. Action taken when the appropriate color indicator change did not occur.
5. Sterilizer monitoring.
- a. Sterilizer monitoring shall be performed at least monthly (unless more frequent monitoring is specified by the manufacturer) by using a commercial biological monitoring (spore) system.
 - b. All biological indicators shall be analyzed by a laboratory independent from the establishment.
 - c. Biological indicator test results shall be maintained on the premises for a minimum of three (3) years and must be available for inspection at all times.
- D. Instrument storage.
1. Hands shall be washed prior to handling sterilized instrument packs.
 2. After sterilization, the instruments shall be stored in a dry, clean area reserved for storage of sterile instruments.
- E. Single-use items.
1. Single-use items shall not be used on more than one (1) client and shall be disposed of after the procedure.
 2. Contaminated single-use needles, razors and other sharps shall be disposed of immediately in approved sharps containers. (Weld County Code Ordinance 2002-8)

Sec. 14-5-120. Body art procedure.

- A. Prohibitions include:
1. Procedures performed on any person who is noticeably impaired by drugs or alcohol.
 2. Smoking, eating and drinking in the procedure and/or instrument cleaning areas.
 3. Procedures performed on skin surfaces that have sunburn, rash, pimples, boils, infections or moles, or manifest any evidence of unhealthy conditions.
- B. The following procedures shall be practiced by all body artists:
1. Thoroughly wash hands with soap and warm water for at least fifteen (15) seconds before and after serving each client. Following thorough washing, hands shall be dried using clean, disposable paper towels or a hand-drying device providing heated air.
 2. Wear new, clean gloves for each procedure. If a glove is pierced, torn or contaminated, both gloves must be properly removed and discarded. Hands shall be washed prior to donning a new pair of gloves.
 3. Change drapes, lap cloths or aprons between each client. If multi-use, these items shall be washed according to Section 14-5-80.M prior to reuse.
 4. Wear new, clean gloves while assembling instruments and supplies to be used in the procedure. All sterilized instruments shall remain in the sterile packages until opened in front of the client.
 5. Dispense all substances used in the procedures from containers in a manner to prevent contamination of the unused portion. For example, substances from multi-use containers shall be dispensed into single-use portions and shall be applied to only one (1) client.

6. Discard single-use ointment tubes, applicators and supplies after the procedure.

7. After each client, use a disinfectant according to label instructions, and a single-use paper towel to wipe all surfaces touched during the procedure. Surfaces include, but are not limited to, counters, tables, equipment, chairs, recliners, shelving, cabinets and supplies.

C. Procedures specific to tattooing.

1. The use of hectographic or single-use stencils shall be required for applying a tattoo outline to the skin, except that, when the design is drawn freehand, nontoxic single-use markers or other nontoxic single-use devices shall be used. Multi-use stencils are prohibited unless they can be properly disinfected between uses.

2. Before placing the design on the skin, the body artist shall clean the area with soap and, if necessary, shave off any hair with a disposable, single-use safety razor or a disinfected multi-use razor. The area shall be treated with an antiseptic prior to stencil application.

3. Inks, dyes or pigments in single-use containers shall be used for each client. Any remaining unused dye or pigment shall be discarded immediately following the tattoo procedure.

4. Excess ink, dye or pigment applied to the skin during tattooing shall be removed with a clean single-use product.

5. After the procedure is completed, the area shall be covered with clean gauze or an appropriate bandage and held in place with a suitable skin tape.

D. Procedures specific to body piercing.

1. All body-piercing needles shall be sterile, single-use and manufactured for either medical or body-piercing purposes. All needles shall be disposed of immediately after use in a sharps container.

2. Only sterilized jewelry or new jewelry that has been disinfected and is clean and in good condition shall be used.

3. Stud-and-clasp systems shall be used according to manufacturers' instructions and shall only be used on the earlobe or the outer perimeter of the ear. (Weld County Code Ordinance 2002-8)

Sec. 14-5-130. Inspections.

A. Agents of the Department, after proper identification, shall be permitted to enter any body art establishment during business hours for the purpose of making inspections, investigating complaints and to determine compliance with these regulations. Agents of the Department shall only enter a procedure area with the client's consent.

B. The agents shall be permitted to examine documents or true copies of documents relative to requirements of these regulations.

C. Whenever an inspection of a body art establishment is made, the findings shall be recorded and shall describe violations that exist. A copy of the completed report shall be furnished to the person in charge. (Weld County Code Ordinance 2002-8)

Sec. 14-5-140. Compliance procedures.

A. No body art establishment may operate in any portion of the County, nor may any person practice the art of body art on a person other than himself or herself without obtaining a license from the Department. Establishments or individuals that continue to operate or practice without a license from the Department, or which operate in violation of these regulations, will be subject to enforcement provisions under this Article of the Code.

B. The Board of Public Health, after an administrative hearing at which the licensee shall be afforded an opportunity to be heard, may assess penalty fees for violations of this regulation not to exceed two hundred fifty dollars (\$250.00) for each day of violation, as specified in Section-25-4-2102, C.R.S. The hearing, except as set forth in this Article, shall be conducted in accordance with Section 2-4-50 of this Code. The amount of the penalty shall be determined after considering factors in aggravation or mitigation listed in Section 2-4-50.O of this Code.

C. Suspension or revocation of licenses.

1. Licenses issued under the provisions of this regulation may be suspended temporarily or revoked by the Board of Public Health for failure of the licensee to comply with the requirements of this regulation. Whenever a licensee or operator has failed to comply with any provisions of this Chapter, a hearing to consider the revocation or suspension of the license may be scheduled by the Department before the Board of Public Health pursuant to Section 2-4-50.O of this Code.

2. Summary suspension. The Director of the Department may summarily suspend a license issued under this Chapter for a period not to exceed ten (10) days upon a finding that any operator or employee has violated or failed to comply with any provisions of this Chapter resulting in an emergency circumstance which requires immediate action pending a hearing on suspension or revocation of a license. The Director first must find that the conduct of the licensee/operator or other agents or employees or the condition of a body art establishment presents an imminent danger to the health, safety and welfare of the residents of the County and patrons of the establishment prior to issuing such an order pending a hearing on suspension or revocation of a license. The licensee or permit holder shall receive written notice of such summary suspension. The temporary suspension shall become effective three (3) days after the date of mailing the written notice by certified mail, return receipt requested, to the licensee, or on the date of service of the notice upon the licensee pursuant to the Colorado Rules of Civil Procedure. Notice of suspension shall be served upon the operator pursuant to the Colorado Rules of Civil Procedure and by posting at the establishment. A hearing on the temporary suspension shall be held before the Board of Public Health not later than ten (10) days after the effective date of the temporary suspension. The written notice of temporary suspension shall include notice of the time and place of such hearing. The Board of Public Health may extend the temporary suspension for an additional ten (10) days at such hearing or hear the issue of suspension or revocation at such hearing.

3. Any person whose license has been suspended may, at any time, make application for reinstatement of the license. Within ten (10) days following receipt of a written request, including a statement signed by the applicant which specifies that the conditions causing suspension have been corrected, and the submission of the appropriate re-inspection fees, the Department shall reinspect the body art establishment or evaluate documentation provided by an operator. If the applicant is in compliance with the provisions of this regulation, the license will be reinstated except that once the Board of Public Health has commenced to hear the issue, no reinstatement may occur without concurrence of that Board. (Weld County Code Ordinance 2002-8)

Sec. 14-5-150. Delegation of authority to impose penalty assessments.

The Board of County Commissioners delegates to the Board of Public Health the authority to impose penalty assessments pursuant to Section 25-4-2102, C.R.S., for violations of State Regulations 5 CCR 1010-22 and to issue licenses, and to consider suspensions and revocation of existing licenses pursuant to this Article of the Code. Nothing in these regulations is intended to create a duty of care or create liability on the part of the Board of County Commissioners or any agency, officer or employee of the County. (Weld County Code Ordinance 2002-8)

ARTICLE VI

Domestic Septage

Division 1
Definitions

Sec. 14-6-10. Definitions.

As used herein, the following words have the following meanings:

Adjacent, when used to indicate land in the immediate vicinity of a lot, means land which shares a boundary line with the lot in question or which would share a boundary line were it not for the separation caused by a street or alley.

Agronomic rate means the rate of application of nitrogen to plants that is necessary to satisfy the plants' nutritional requirements, accounting for any applicable nitrogen credits, as published in the most current guidance by the Colorado State University Cooperative Extension Service and such that the amount of nitrogen which passes below the root zone of the crop to groundwater is minimized.

County means the County of Weld, a home rule county in the State of Colorado.

Development means the placement, construction, erection, reconstruction, movement and/or alteration of buildings and/or other structures, the placement of paved areas, drainage improvements or alterations on the historic flow of drainage patterns or amounts and the placement of lighting and/or other appurtenances related to any and all uses.

Domestic septage means liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device or similar treatment works that receives only domestic sewage. *Domestic septage* does not include liquid or solid material removed from a septic tank, cesspool or similar treatment works that receives either commercial wastewater or industrial wastewater and does not include grease removed from a grease trap at a restaurant.

Dwelling, multi-family means a building containing four (4) or more dwelling units, other than mobile homes or manufactured homes, arranged, designed and intended to be occupied by four (4) or more living units.

Dwelling, single-family (single-family dwelling) means a dwelling unit or manufactured home, other than a mobile home, arranged, designed and intended to be occupied by not more than one (1) living unit. The projected view of any exterior wall of a dwelling unit or manufactured home shall not be less than twenty (20) feet.

Dwelling, three-family or triplex means a building containing three (3) dwelling units, other than mobile homes or manufactured homes, arranged, designed and intended to be occupied by not more than three (3) living units.

Dwelling, two-family or duplex means a building containing two (2) dwelling units, other than mobile homes or manufactured homes, arranged, designed and intended to be occupied by not more than two (2) living units.

Master plan means a document or series of documents prepared and adopted according to state law which sets forth policies for the future of a municipality.

Neighborhood, when used in this Chapter in reference to a particular lot, is intended to describe in a general way the land area which is in the vicinity of the lot in question and which will be affected to a greater extent than other land areas in the County by uses which exist on the lot or are proposed for it. A *neighborhood* always includes lots which are adjacent to the lot under consideration and, depending upon the land use in question, may include more remote areas as well.

Nonpublic contact sites means sites that are not frequently visited by the public. This includes but is not limited to agricultural land, forests and reclamation sites located in unpopulated areas (e.g., a strip mine located in a rural area).

Structure means an object constructed or installed by man, including but not limited to buildings, towers, smoke stacks, overhead transmission lines, signs, drill rigs and cranes. (This definition applies only to *structure* when used in the A-P [Airport] Overlay District defined in Chapter 23 of this Code.)

Suitable soil means a soil which will effectively filter effluent by removal of organisms and suspended solids before the effluent reaches any highly permeable earth such as joints in bedrock, gravel or very coarse soils and which has percolation rates slower than five (5) minutes per inch and has a vertical thickness of at least five (5) feet beneath the plow line of the site and the top of the high groundwater table.

Use means any purpose for which a structure or a tract of land may be designed, arranged, intended, maintained or occupied and also any activity, occupation, business or operation which is carried on in or on a structure or on a tract of land. (Weld County Code Ordinance 2005-6)

Division 2

Domestic Septage Regulations

Sec. 14-6-110. Intent and applicability of domestic septage regulations.

A. The intent of the domestic septage permit procedure is to ensure that the quality of material applied on land in the County for beneficial uses is applied in a manner which will protect and promote the health, safety and general welfare of the present and future residents of the County.

B. A domestic septage permit shall be required for the application of domestic septage in the unincorporated areas of the County.

C. Any contiguous parcels, up to six hundred forty (640) acres, which are owned by the same individual or group of individuals may be permitted one (1) domestic septage permit. The required evaluations and analysis results shall be submitted for each one hundred sixty (160) acres or fraction thereof. There shall be a minimum fee for up to one hundred sixty (160) acres, with the fee for each additional acre pro rata. The County may require more intensive sampling where multiple crops are grown.

D. Domestic septage disposal sites and facilities that have been issued a certificate of designation from the Board of County Commissioners are exempted from the provisions of this Section of the Code.

E. Any person filing an application for a domestic septage permit shall comply with the County procedures and regulations in this Article.

F. Applications for a domestic septage permit shall be completed as set forth in Section 14-6-130 of this Article. The completed application and application fee shall be submitted to the Department of Public Health and Environment.

G. A domestic septage permit shall be for a period of one (1) year and is renewable for additional one-year periods only by grant of the Board of Public Health. The permit shall be considered for renewal upon submittal sixty (60) days prior to the expiration date of the permit. Any expansion or enlargement of the area for which the domestic septage permit is issued shall require a new application under the provisions of this Section. The applicant shall be entitled to twenty-one (21) days' notice prior to any hearing at which the Board of Public Health may refuse to renew any portion of the permit.

H. The Board of County Commissioners hereby delegates the authority to review, issue and revoke

domestic septage permits to the Board of Public Health, the Public Health Officer and the Department of Public Health and Environment, as set forth in this Article. (Weld County Code Ordinance 2005-6)

Sec. 14-6-120. Operating standards for domestic septage permit.

Prior to incorporation of the domestic septage into the soil, an applicant for a domestic septage permit shall demonstrate conformance with the EPA 40 C.F.R. Part 503 Rule for land application of domestic septage to nonpublic contact sites and with the following operation standards. The applicant shall continue to meet these standards if the domestic septage permit is approved, including all of the terms and conditions set forth in the permit.

A. Domestic septage must meet one (1) of three (3) conditions in order to meet the requirements for pathogen destruction and vector attraction reduction.

1. The domestic septage must be subsurface injected.

2. The domestic septage must be surface applied and incorporated into the soil within six (6) hours of application.

3. The pH of the domestic septage must be raised to twelve (12) or higher by alkali addition and, without the addition of more alkali, shall remain at twelve (12) or higher for thirty (30) minutes. It is recommended that all applications of domestic septage be incorporated into the soil.

B. Domestic septage shall not be applied on saturated soil during precipitation events.

C. No domestic septage shall be applied in a quantity which would result in the domestic septage running off the application site identified in the domestic septage permit.

D. No domestic septage shall be applied to frozen or snow-covered land.

E. No domestic septage shall be applied in a manner which results in ponding of the septage or overloading of a portion of the field with nutrients, or be allowed to collect in low areas and road ditches and create a nuisance condition.

F. A domestic septage application site shall not be irrigated within twenty-four (24) hours after domestic septage application has taken place.

G. No domestic septage shall be applied to land which is currently receiving biosolids from a wastewater treatment plant, has received such material within the previous eighteen (18) months or is permitted for such use under this Section.

H. Food crops with harvested parts that touch the septage/soil mixture and are totally above the land surface shall not be harvested for fourteen (14) months after application of domestic septage.

I. Food crops with harvested parts below the surface of the land shall not be harvested for thirty-eight (38) months after application of domestic septage.

J. Animal feed, fiber and those food crops that do not touch the soil surface shall not be harvested for thirty (30) days after application of domestic septage.

K. Animals shall not be grazed on the land for thirty (30) days after the application of domestic septage.

L. Turf grown on the land where domestic septage is applied shall not be harvested for one (1) year after application of the domestic septage when the harvested turf is placed on either land with a high potential for public exposure or a lawn.

M. Domestic septage shall only be applied on land with a low potential for public exposure. Access shall be restricted for thirty (30) days after the application of domestic septage.

N. Domestic septage shall be applied uniformly by either subsurface injection or surface application. If applied on the surface, a deflector must be used on the discharge tube of the vehicle to sufficiently and evenly spread the domestic septage.

O. Domestic septage applied on the surface shall be incorporated into the soil within six (6) hours of application, with the exception of lime-stabilized domestic septage.

P. Annual domestic septage application rates shall not exceed twenty-five thousand (25,000) gallons per acre, per year.

Q. No domestic septage shall be applied:

1. Within a minimum of five hundred (500) feet of a residence, business or recreational area.
2. Within a minimum of fifty (50) feet of the property line of the application site.
3. Without the depth of the annual high groundwater level having been established as greater than five (5) feet in depth.
4. Within five hundred (500) feet of the wellhead of a well supplying water for human consumption.
5. Within one hundred (100) feet of the wellhead of any water well.
6. On land located upgradient, and within one (1) mile of the point at which surface waters are diverted for use in a public water system.
7. Within the boundaries of a one-hundred-year floodplain.
8. On land within three hundred (300) feet of any body of surface water.
9. On land within fifty (50) feet of a dry streambed.
10. With pollutant levels in excess of the following maximum septage pollutant concentration limits contained in Table 14.1, below:

**Table 14.1
Maximum Septage Pollutant Concentration Limits**

<i>Pollutant</i>	<i>Mg/kg, dry weight basis</i>
Arsenic	41.0
Cadmium	39.0
Copper	1,500.0
Lead	300.0
Mercury	17.0
Molybdenum	
Nickel	420.0
Selenium	100.0
Zinc	2,800.0

11. On land having a trace element level that equals or exceeds the following maximum cumulative standards contained in Table 14.2, below:

**Table 14.2
Maximum Cumulative Soil Standards (Mg/kg)**

<i>Pollutant</i>	<i>Mg/kg</i>
Arsenic	20.0
Cadmium	2.0
Copper	60.0
Lead	150.0
Mercury	1.0
Molybdenum	4.0
Nickel	25.0
Selenium	5.0
Zinc	125.0

R. Soil sampling shall be conducted prior to septage application and on a once-per-application basis thereafter. Sampling conducted subsequent to the initial application event shall occur after completion of the cropping cycle, i.e., after harvest, but prior to any additional application.

S. Soil samples shall be analyzed for pH, nitrate as N, phosphorus and those metals described in Table 14.2, above.

T. The owner or operator of record of the property for land application of domestic septage shall be responsible for maintaining the following records:

1. A record of all persons or entities transporting and applying domestic septage to the site.
2. Daily records to show all loads received and applied at the site.
3. Transporter log records and invoice records maintained by the operator on site which shall contain, at a minimum, the following information:
 - a. Name of licensed septic cleaner pumping the system.
 - b. Name, address and location of septic system serviced.
 - c. Date and time of servicing.
 - d. Type of system and description of all wastes pumped.
 - e. Gallons collected.
 - f. Application location.
 - g. Date and time of application.
4. All records shall be kept on file and available for inspection for a period of four (4) years from the point in time when the first application occurs at the site.
5. All persons transporting domestic septage in the County shall be licensed as septic cleaners.

U. All domestic septage applied at permitted sites shall be analyzed using a method approved by the Department of Public Health and Environment, for the following parameters: pH, nitrate as N, phosphorus, potassium, sodium, arsenic, cadmium, copper, lead, mercury, molybdenum, nickel, selenium and zinc. Composite samples of domestic septage from different septic tanks may be tested to determine the character of the sludge. Composite samples shall be taken in a manner that provides for a good representation of all domestic septage included.

V. All foreign and nonorganic objects must be screened from the domestic septage prior to land application. (Weld County Code Ordinance 2005-6)

Sec. 14-6-130. Application requirements for domestic septage permit.

The purpose of the application for a domestic septage permit is to give the applicant an opportunity to demonstrate through written and graphic information how the proposal complies with the standards of this Chapter. The following supporting documents shall be submitted as a part of the application:

- A. The following general information shall be on a form provided by the Department of Public Health and Environment:
1. The name, address and telephone number of the domestic septage transporter and applicator.
 2. The name and address of the property owners proposed for the domestic septage permit if different from above.

3. A legal description of the property where the domestic septage is to be applied.
 4. The total acreage of the property under consideration.
 5. Existing land use of the property under consideration.
 6. Existing land uses of all properties adjacent to the property under consideration.
 7. Present zone and overlay zones, if appropriate.
 8. Signatures of the transporter, applicator and property owners or their authorized legal agent.
 9. The name, mailing address and phone number of any irrigation ditch company with irrigation ditches on the parcel under consideration for a domestic septage permit.
- B. Hydrologic data pertaining to the site, including:
1. The location and depth of all wells within one (1) mile, depth to water, water use, yield and an evaluation of the impact of the proposed application on the groundwater.
 2. The location of all lakes, rivers, streams, springs and bogs within one (1) mile of the site.
 3. The depth to the annual high groundwater table.
 4. The location of any mapped one-hundred-year floodplain on the proposed site.
 5. The location of any public water system well, intake or diversion facility located within one (1) mile of the proposed site.
- C. Soils data pertaining to the site, including:
1. Soils classification of each field as mapped or described by the U.S. Department of Agriculture, Soil Conservation Service or equivalent.
 2. Soil test data, including the parameters of Subsection 14-6-120.S. The Department may require more intensive sampling where multiple crops are grown.
 3. Soil test data demonstrating that five (5) feet of suitable soil will exist at all sludge application sites between the plowline and the top of the high groundwater table.
 4. The proposed application rate of the domestic septage at the site. Evidence shall be submitted that demonstrates that any domestic septage application will be conducted at the agronomic rate of the proposed crops. The determination of the agronomic rate shall consider historic crop yields at the proposed site and reasonable, realistic crop yield goals. In no case shall the application rate exceed twenty-five thousand (25,000) gallons per acre per year.
 5. The types of crops to be grown on the land and the number of acres of each crop.
- D. An operation and management plan for the site, including:
1. Methods of domestic septage application and incorporation.
 2. Any provisions for storage of domestic septage at the site, including type of storage and spill containment and cleanup procedures.
 3. Types and use of all crops grown on the site during and for eighteen (18) months after cessation of the domestic septage application.
 4. A schedule of domestic septage application, harvesting and fallowing of crop lands.

E. Irrigation methods and schedule for the site.

F. The number of gallons of domestic septage to be applied per acre.

G. The results of piezometric tube monitoring or test bores or other groundwater level monitoring results verifying the annual high groundwater level at the minimum depth which occurs on the site.

H. Results of test bores or other results verifying the minimum depth to bedrock which occurs on the site.

I. Alternate septage disposal plans, the name and address of the site, the name and address of any operator and a copy of the contract.

J. A written statement demonstrating the applicant's ability to apply domestic septage either by direct injection or surface application with immediate incorporation into the soil.

K. A written statement demonstrating that the applicant has alternate methods of disposal available during cold weather months when injection or incorporation is not possible.

L. A written statement demonstrating that the applicant can and will off-load a minimum of sixty (60) feet from County roads.

M. A written statement demonstrating that at no time will an application site have an odor reading of greater than a seven-to-one (7:1) dilution/threshold as measured according to Regulation #2 of the Colorado Air Quality Control Regulations.

N. A written statement demonstrating that the applicant has the ability to prevent, control and abate spillage.

O. A written statement demonstrating that the applicant can and will handle, store and apply domestic septage in a manner that controls fugitive dust, blowing debris, odor and other potential nuisance conditions.

P. A written statement demonstrating how the proposed use will be compatible with the existing surrounding land uses.

Q. A written statement demonstrating how the proposed use will be compatible with the future development of the surrounding area as permitted by the existing zone and with future development as projected by Chapter 22 of this Code or the adopted master plans of affected municipalities.

R. A written statement demonstrating how adequate provision for the protection of the health, safety and welfare of the inhabitants of the neighborhood and the County will be maintained.

S. A map that shows and complies with the following requirements:

1. The minimum size of the map shall be eight (8) inches by eleven (11) inches.
2. The scale shall be a suitable scale allowing for legible reading.
3. Section, township and range.
4. North arrow.
5. Outline of the perimeter of the property under consideration.
6. The location and names of all roads abutting the property under consideration.
7. The location and name of any water features or irrigation ditches within the perimeter of the property under consideration.
8. All existing and proposed structures on the property under consideration.

9. The location of all occupied dwellings and other occupied structures within a one-mile radius of the property under consideration.

T. A description of the method used to screen the domestic septage.

U. Any additional information as may be required by the Department of Public Health and Environment or Board of Public Health in order to determine that the application meets the requirements of this Chapter.

V. The minimum number of copies required for processing the application shall be five (5) unless the application is submitted electronically, and then one (1) copy is required.

W. A certified list of the names, addresses and the corresponding parcel identification numbers assigned by the County Assessor to the owners of property of the surface estate within five hundred (500) feet of the property subject to the application. The source of such list shall be the records of the County Assessor, or an ownership update from a title abstract company or attorney derived from such records or from the records of the County Clerk and Recorder. If the list was assembled from the records of the County Assessor, the applicant shall certify that such list was assembled within thirty (30) days of the application submission date. (Weld County Code Ordinance 2005-6)

Sec. 14-6-140. Duties of Department of Public Health and Environment for issuance of domestic septage permit.

A. The Department of Public Health and Environment shall be responsible for processing all applications for domestic septage permits in the unincorporated areas of the County. It shall also have the responsibility of ensuring that all application submittal requirements are met prior to initiating any official action as listed below. Substantial compliance with the notice and referral procedures in this Section of the Code shall be deemed sufficient so long as there are no material departures from the procedures which would deprive a citizen of due process.

B. Upon determination that the application submittal is complete, the Department of Public Health and Environment shall:

1. Set a Board of Public Health hearing date not more than sixty (60) days after the complete application has been submitted.

2. Arrange for legal notice of the Board of Public Health hearing to be published in the newspaper designated by the Board of County Commissioners for publication of notices. At the discretion of the Department of Public Health and Environment, a second notice may be published in a newspaper which is published in the area in which the domestic septage permit is proposed. The date of publication in a newspaper designated by the Board of County Commissioners shall be at least ten (10) days prior to the hearing.

3. Provide a sign for the applicant to post on the property under consideration for a domestic septage permit. The sign shall be posted adjacent to and visible from a publicly maintained road right-of-way. In the event that the property under consideration is not adjacent to a publicly maintained road right-of-way, the applicant shall post one (1) sign in the most prominent place on the property and post a second sign at the point at which the driveway (access drive) intersects a publicly maintained road right-of-way. The sign shall be posted by the applicant, who shall certify that the sign has been posted for the ten (10) days preceding the hearing date. The sign shall show the following information:

a. The permit number.

b. The date and place of public hearing.

c. The location and phone number of the public office where additional information may be obtained.

- d. The applicant's name.
- e. The size of the parcel of land.
- f. The type of request.

4. Refer the application to the following agencies, when applicable, for their review and comment. The agencies named shall respond within fourteen (14) days after the mailing of the application by the County. The failure of any agency to respond within fourteen (14) days may be deemed to be a favorable response to the County. The reviews and comments solicited by the County are intended to provide the County with information about the proposed domestic septage permit. The Department of Public Health and Environment may consider all such reviews and comments and may solicit additional information if such information is deemed necessary. The reviews and comments submitted by a referral agency are recommendations to the County.

- a. The planning commission or governing body of any municipality and county whose boundaries are within a three-mile radius of the parcel under consideration for a domestic septage permit.
- b. The planning commission or governing body of any city or town that has included the parcel in its master planning area.
- c. The Department of Planning Services.
- d. The Department of Public Works.
- e. Any irrigation ditch company with facilities on the parcel under consideration for a domestic septage permit.
- f. Any other agencies or individuals whose review the Department of Public Health and Environment may deem necessary.

5. Prepare a staff recommendation for use by the Board of Public Health addressing all aspects of the application, its conformance with the standards contained in this Chapter and comments received from agencies to which the proposal was referred.

6. Give notice of the permit application and the public hearing date to those persons listed in the application as owners of property located within five hundred (500) feet of the parcel under consideration. Such notification shall be mailed, first class, not less than ten (10) days before the scheduled public hearing. (Weld County Code Ordinance 2005-6)

Sec. 14-6-150. Duties of Board of Public Health for issuance of domestic septage permit.

A. The Board of Public Health shall hold a public hearing to consider the application and shall either issue or deny all or any portion of the domestic septage permit. In making a decision on the proposed domestic septage permit, the Board of Public Health shall consider the recommendation of the Department of Public Health and Environment, facts presented at the public hearing and the information contained in the official record, which includes the case file of the Department of Public Health and Environment. The Board of Public Health shall approve all or any portion of the domestic septage permit, unless it finds that the applicant has not met one (1) or more of the standards or conditions of Paragraphs 1 through 9 below. The applicant has the burden of proof to show that the standards and conditions of Paragraphs 1 through 9 below are met. The applicant shall demonstrate:

- 1. That the septage will be applied either by direct injection or surface application with immediate incorporation into the soil.
- 2. That alternate methods of disposal are available during cold weather months when injection or incorporation are not possible.

3. That a minimum of sixty (60) feet from County roads will be maintained when off-loading.
4. That at no time shall an application site have an odor reading of greater than a seven-to-one (7:1) dilution/threshold according to Regulation #2 of the Colorado Air Quality Control Regulations.
5. That the ability to prevent, control and abate spillage of domestic septage shall be maintained.
6. That the methods of handling, storage and application of the domestic septage shall control fugitive dust, blowing debris, odor and other potential nuisance conditions.
7. That the use will be compatible with the existing surrounding land uses.
8. That the use will be compatible with the future development of the surrounding area as permitted by the existing zone and with future development as projected by Chapter 22 of this Code or the adopted master plans of affected municipalities.
9. That there is adequate provision for the protection of the health, safety and welfare of the inhabitants of the neighborhood and the County.

B. Where reasonable methods or techniques are available to mitigate any negative impacts which could be generated by the approval of the domestic septage permit upon the surrounding area, the Board of Public Health may condition the decision to approve all or any portion of the permit upon implementation of such methods or techniques, and may require sufficient performance guarantees to be posted with the County to guarantee such implementation.

C. Upon the Board of Public Health making its decision on the domestic septage permit, a record of such action and a copy of the permit shall be kept in the files of the Department of Public Health and Environment and a copy sent to the Clerk to the Board's office.

D. If the Board of Public Health determines that the applicant has not met the standards or conditions of Paragraphs A.1 through A.9 above and denies all or any portion of a domestic septage permit, the applicant may request, within thirty (30) days of the Board of Public Health's decision, to appear before the Board of County Commissioners in a public hearing. The Department of Public Health and Environment shall schedule the hearing before the Board of County Commissioners, using the notice requirements of Paragraphs 14-6-140.B.2 and B.3 above, and notify anyone who testified at the Board of Public Health's hearing. The Board of County Commissioners will consider the application and determine if the applicant has met the standards or conditions of Paragraphs A.1 through A.9, above. The Board of County Commissioners may reverse, affirm or modify the Board of Public Health's decision. (Weld County Code Ordinance 2005-6)

Sec. 14-6-160. Permit renewal application for domestic septage permit.

A. The purpose of the renewal application for a domestic septage permit is to give the applicant an opportunity to demonstrate, through written and graphic information, how the renewal complies with the standards of this Chapter. The following information shall be submitted as a part of the renewal application to renew all or any portion of a domestic septage permit:

1. A renewal application form as provided by the Department of Public Health and Environment.
2. An explanation of any changes that are requested or that have occurred since the issuance of the domestic septage permit.
3. All other domestic septage permit renewal requirements shall be the same as outlined in Section 14-6-120 of this Article.

B. The Department of Public Health and Environment shall be responsible for processing all applications for the renewal of domestic septage permits in the unincorporated areas of the County. The duties of said Department for processing a domestic septage permit renewal shall be the same as outlined in Section 14-6-140 of this Article. At the discretion of said Department upon the request of the permittee, the notice and posting requirements on all or any portion of the permit may be waived when a domestic septage permit is considered for renewal based upon the remoteness, nature of the domestic septage, characteristics of the soil, type of crop, enforcement actions and prior public comments or complaints.

C. The duties of the Board of Public Health for considering a renewal of a domestic septage permit shall be the same as outlined in Section 14-6-150 of this Article. (Weld County Code Ordinance 2005-6)

*Division 3
Enforcement*

Sec. 14-6-210. Violations.

The County, through its Board of Public Health, Public Health Officer, Department of Public Health and Environment or other departments so authorized, may enforce the provisions of this Article and the terms, requirements and conditions of an approved domestic septage permit through methods included in this Code or through other methods adopted by resolution or ordinance by the Board of County Commissioners. Failure to abide by such terms, requirements and conditions may result in a revocation of the domestic septage permit. (Weld County Code Ordinance 2005-6)

ARTICLE VII

Biosolids

*Division 1
Definitions*

Sec. 14-7-10. Definitions.

As used herein, the following words have the following meanings:

Adjacent, when used to indicate land in the immediate vicinity of a lot, means land which shares a boundary line with the lot in question, or which would share a boundary line were it not for the separation caused by a street or alley.

Biosolids means the accumulated treated residual product resulting from a domestic wastewater treatment works. *Biosolids* does not include grit or screenings from a wastewater treatment works, commercial or industrial sludges (regardless of whether the sludges are combined with domestic sewage), sludge generated during treatment of drinking water or domestic or industrial septage.

County means the County of Weld, a home rule county in the State of Colorado.

Development means the placement, construction, erection, reconstruction, movement and/or alteration of buildings and/or other structures, the placement of paved areas, drainage improvements or alterations on the historic flow of drainage patterns or amounts, and the placement of lighting and/or other appurtenances related to any and all uses.

Dwelling, multi-family means a building containing four (4) or more dwelling units, other than mobile homes or manufactured homes, arranged, designed and intended to be occupied by four (4) or more living units.

Dwelling, single-family (single-family dwelling) means a dwelling unit or manufactured home, other than a mobile home, arranged, designed and intended to be occupied by not more than one (1) living unit. The projected view of any exterior wall of a dwelling unit or manufactured home shall not be less than twenty (20) feet.

Dwelling, three-family or triplex means a building containing three (3) dwelling units, other than mobile homes or manufactured homes, arranged, designed and intended to be occupied by not more than three (3) living units.

Dwelling, two-family or duplex means a building containing two (2) dwelling units, other than mobile homes or manufactured homes, arranged, designed and intended to be occupied by not more than two (2) living units.

Master plan means a document or series of documents prepared and adopted according to state law which sets forth policies for the future of a municipality.

Neighborhood, when used in this Chapter in reference to a particular lot, is intended to describe, in a general way, the land area which is in the vicinity of the lot in question and which will be affected to a greater extent than other land areas in the County by uses which exist on the lot or are proposed for it. A *neighborhood* always includes lots which are adjacent to the lot under consideration and, depending upon the land use in question, may include more remote areas as well.

Structure means an object constructed or installed by man, including but not limited to buildings, towers, smokestacks, overhead transmission lines, signs, drill rigs and cranes. (This definition applies only to *structure* when used in the A-P (Airport) Overlay District).

Use means any purpose for which a structure or a tract of land may be designed, arranged, intended, maintained or occupied and also any activity, occupation, business or operation which is carried on in or on a structure or on a tract of land. (Weld County Code Ordinance 2005-6)

Division 2
Biosolids Regulations

Sec. 14-7-110. Intent and applicability of biosolids regulations.

A. The intent of the biosolids permit procedure is to ensure that the quality of material applied on land in the County for beneficial uses is applied in a manner which will protect and promote the health, safety and general welfare of the present and future residents of the County.

B. A biosolids permit shall be required for the application of biosolids in the unincorporated areas of the County.

C. Any contiguous parcels which are owned by the same individual or group of individuals may be permitted in one (1) biosolids permit. There shall be a minimum fee for up to one hundred sixty (160) acres, with the fee for each additional acre pro rata.

D. The County may require more intensive sampling where multiple crops are grown.

E. Sites and facilities that have been issued a certificate of designation in accordance with Section 30-20-101, C.R.S., from the Board of County Commissioners are exempted from the provisions of this Section.

F. Any person filing an application for a biosolids permit shall comply with the County procedures and regulations in this Article.

G. Applications for a biosolids permit shall be completed as set forth in Section 14-7-130 of this Article. The completed application and application fee shall be submitted to the Department of Public Health and Environment.

H. A biosolids permit shall be for a period of one (1) year and is renewable for additional one-year periods only by grant of the Board of Public Health. The permit shall be considered for renewal upon submittal ten (10) days prior to the scheduled Board of Public Health hearing. Any expansion or enlargement of the area for which the biosolids permit is issued shall require a new application under the provisions of this Section.

I. The Board of County Commissioners hereby delegates the authority to review, issue and revoke biosolids permits to the Board of Public Health, the Public Health Officer and the Department of Public Health and Environment, as set forth in this Article. (Weld County Code Ordinance 2005-6; Weld County Code Ordinance 2008-15)

Sec. 14-7-120. Operating standards for biosolids permit.

An applicant for a biosolids permit shall comply with all of the terms and conditions set forth in the permit, with the statements and representations made in the applicant's application materials submitted pursuant to Section 14-7-130 of this Article. (Weld County Code Ordinance 2005-6)

Sec. 14-7-130. Application requirements for biosolids permit.

The purpose of the application for a biosolids permit is to give the applicant an opportunity to demonstrate, through written and graphic information, how the proposal complies with the standards of this Chapter. The following supporting documents shall be submitted as a part of the application:

A. The following general information shall be on a form provided by the Department of Public Health and Environment:

1. The name, address and telephone number of the biosolids transporter and applicator.
2. The name and address of the property owners for the proposed biosolids permit, if different from above.
3. A legal description of the property where the biosolids are to be applied.
4. The total acreage of the property under consideration.
5. Existing land use of the property under consideration.
6. Existing land uses of all properties adjacent to the property under consideration.
7. Present zone and overlay zones, if appropriate.
8. Signatures of the transporter, applicator and property owners or their authorized legal agent.
9. The name, mailing address and phone number of any irrigation ditch company with irrigation ditches on the parcel under consideration for a biosolids permit.

B. Evidence that demonstrates the use will be in compliance with the Colorado Department of Public Health and Environment Biosolids Regulations, 5 C.C.R. § 1002-64.

C. A letter of intent to apply biosolids that includes all information mandated in the Colorado Department of Public Health and Environment Biosolids Regulation, found at 5 C.C.R. § 1002-64.

D. A written statement outlining an alternate biosolids management plan. This shall include the name and address of the generator, the name and address of any contractor and, if applicable, the name and address of the user.

E. A written statement demonstrating the applicant's ability to apply biosolids either by direct injection or surface application with immediate incorporation into the soil. If the applicant does not plan immediate incorporation, a written statement shall be submitted demonstrating why it is not feasible and necessary for reasons of remoteness, nature of the biosolids, characteristics of the soil or type of crop.

F. A written statement demonstrating that the applicant has alternate methods of disposal available during cold weather months when injection or incorporation is not possible. Surface application on frozen ground shall be allowed only if specifically requested in the application.

G. A written statement demonstrating that the applicant can and will off-load a minimum of sixty (60) feet from County roads.

H. A written statement that the applicant is aware that, if excessive heavy truck hauling of biosolids causes dust problems to the adjacent property owners, the applicant shall be required to provide an adequate dust suppressant (potable water, calcium chloride or magnesium chloride) for approximately three hundred (300) feet at each affected residence. Determination of application shall be designated by the Public Works Department based on complaints, average daily traffic counts and the increase of heavy truck hauling associated with this operation.

I. A written statement demonstrating that the applicant has reviewed the maps made available by the Public Works Department and is aware of the County roads and restricted bridges that should be avoided by truck traffic.

J. A written statement demonstrating that at no time will an application site have an odor reading of greater than a seven-to-one (7:1) dilution/threshold as measured according to Regulation #2 of the Colorado Air Quality Control Regulations.

K. A written statement demonstrating that the applicant has the ability to prevent, control and abate spillage.

L. A written statement demonstrating that the applicant can and will handle, store and apply biosolids in a manner that controls fugitive dust, blowing debris, odor and other potential nuisance conditions.

M. A written statement demonstrating how the proposed use will be compatible with the existing surrounding land uses.

N. A written statement demonstrating how the proposed use will be compatible with the future development of the surrounding area as permitted by the existing zone and with future development as projected by Chapter 22 of this Code or the adopted master plans of affected municipalities.

O. A written statement demonstrating how adequate provision for the protection of the health, safety and welfare of the inhabitants of the neighborhood and the County will be maintained.

P. A map that shows and complies with the following requirements:

1. The minimum size of the map shall be eight (8) inches by eleven (11) inches.
2. The scale shall be a suitable scale allowing for legible reading.
3. Section, township and range.
4. North arrow.
5. Outline of the perimeter of the property under consideration.
6. The location and names of all roads abutting the property under consideration.

7. The location and name of any water features or irrigation ditches within the perimeter of the property under consideration.

8. All existing structures on the property under consideration.

9. The location of all occupied dwellings and other occupied structures within a five hundred-foot radius of the property under consideration.

Q. Any additional information as may be required by the Department of Public Health and Environment or Board of Public Health in order to determine that the application meets the requirements of this Chapter.

R. The minimum number of copies required for processing the application shall be five (5), unless the application is submitted electronically, and then one (1) copy is required.

S. A certified list of the names, addresses and corresponding parcel identification numbers assigned by the County Assessor to the owners of property of the surface estate within five hundred (500) feet of the property subject to the application. The source of such list shall be the records of the County Assessor or an ownership update from a title abstract company or attorney derived from such records or from the records of the County Clerk and Recorder. If the list was assembled from the records of the County Assessor, the applicant shall certify that such list was assembled within thirty (30) days of the application submission date. (Weld County Code Ordinance 2005-6; Weld County Code Ordinance 2008-15)

Sec. 14-7-140. Duties of Department of Public Health and Environment for biosolids permit.

A. The Department of Public Health and Environment shall be responsible for processing all applications for biosolids permits in the unincorporated areas of the County. It shall also have the responsibility of ensuring that all application submittal requirements are met prior to initiating any official action as listed below. Substantial compliance with the notice and referral procedures in this Section of the Code shall be deemed sufficient, so long as there are no material departures from the procedures which would deprive a citizen of due process.

B. Upon determination that the application submittal is complete, the Department of Public Health and Environment shall:

1. Set a Board of Public Health hearing date not more than sixty (60) days after the complete application has been submitted.

2. Arrange for legal notice of the Board of Public Health hearing to be published in the newspaper designated by the Board of County Commissioners for publication of notices. At the discretion of the Department of Public Health and Environment, a second notice may be published in a newspaper which is published in the area in which the biosolids permit is proposed. The date of publication in a newspaper designated by the Board of County Commissioners shall be at least ten (10) days prior to the hearing.

3. Provide a sign for the applicant to post on the property under consideration for a biosolids permit. The sign shall be posted adjacent to and visible from a publicly maintained road right-of-way. In the event that the property under consideration is not adjacent to a publicly maintained road right-of-way, the applicant shall post one (1) sign in the most prominent place on the property and post a second sign at the point at which the driveway (access drive) intersects a publicly maintained road right-of-way. The sign shall be posted by the applicant, who shall certify that the sign has been posted for the ten (10) days preceding the hearing date. The sign shall show the following information:

a. The permit number.

- b. The date and place of public hearing.
 - c. The location and phone number of the public office where additional information may be obtained.
 - d. The applicant's name.
 - e. The size of the parcel of land.
 - f. The type of request.
4. Refer the application to the following agencies, when applicable, for their review and comment. The agencies named shall respond within fourteen (14) days after the mailing of the application by the County. The failure of any agency to respond within fourteen (14) days may be deemed to be a favorable response to the County. The reviews and comments solicited by the County are intended to provide the County with information about the proposed biosolids permit. The Department of Public Health and Environment may consider all such reviews and comments and may solicit additional information if such information is deemed necessary. The reviews and comments submitted by a referral agency are recommendations to the County.
- a. The planning commission or governing body of any municipality and county whose boundaries are within a three-mile radius of the parcel under consideration for a biosolids permit.
 - b. The planning commission or governing body of any city or town that has included the parcel in its master planning area.
 - c. The Department of Planning Services.
 - d. The Department of Public Works.
 - e. Any irrigation ditch company with facilities on the parcel under consideration for a biosolids permit.
 - f. Any other agencies or individuals whose review the Department of Public Health and Environment may deem necessary.
5. Prepare a staff recommendation for use by the Board of Public Health addressing all aspects of the application, its conformance with the standards contained in this Chapter and comments received from agencies to which the proposal was referred.
6. Give notice of the permit application and the public hearing date to those persons listed in the application as owners of property located within five hundred (500) feet of the parcel under consideration. Such notification shall be mailed, first class, not less than ten (10) days before the scheduled public hearing. (Weld County Code Ordinance 2005-6)

Sec. 14-7-150. Duties of Board of Public Health for issuance of biosolids permit.

A. The Board of Public Health shall hold a public hearing to consider the application and shall either issue or deny all or any portion of the biosolids permit. In making a decision on the proposed biosolids permit, the Board of Public Health shall consider the recommendation of the Department of Public Health and Environment, facts presented at the public hearing and the information contained in the official record, which includes the case file of the Department of Public Health and Environment. The Board of Public Health shall approve all or any portion of the biosolids permit unless it finds that the applicant has not met one (1) or more of the standards or conditions of Paragraphs 1. through 10. below. The applicant has the burden of proof to show that the standards and conditions of Paragraphs 1. through 10. below are met. The applicant shall demonstrate:

- 1. That the use will be in compliance with the Colorado Department of Public Health and Environment Biosolids Regulations found at 5 C.C.R. § 1002-64.

2. That the biosolids will be applied either by direct injection or surface application with immediate incorporation into the soil. The Board of Public Health may grant a permit where, if immediate incorporation is not planned, the Board of Public Health is satisfied that it is not feasible and necessary for reasons of remoteness, nature of the biosolids, characteristics of the soil or type of crop.

3. That alternate sites are available during cold weather months when injection or incorporation is not possible. Surface application on frozen ground shall be allowed only if specifically requested in the application.

4. That a minimum of sixty (60) feet from County roads will be maintained when off-loading.

5. That at no time shall an application site have an odor reading of greater than a seven-to-one (7:1) dilution/threshold as measured in accordance with Regulation #2 of the Colorado Air Quality Control Regulations.

6. That the ability to prevent, control and abate spillage of biosolids shall be maintained.

7. That the methods of handling, storage and application of the biosolids shall control fugitive dust, blowing debris, odor and other potential nuisance conditions.

8. That the use will be compatible with the existing surrounding land uses.

9. That the use will be compatible with the future development of the surrounding area as permitted by the existing zone and with future development as projected by Chapter 22 of this Code or the adopted master plans of affected municipalities.

10. That there is adequate provision for the protection of the health, safety and welfare of the inhabitants of the neighborhood and the County.

B. Where reasonable methods or techniques are available to mitigate any negative impacts which could be generated by the approval of the biosolids permit upon the surrounding area, the Board of Public Health may condition the decision to approve all or any portion of the permit upon implementation of such methods or techniques and may require sufficient performance guarantees to be posted with the County to guarantee such implementation.

C. Upon the Board of Public Health making its decision on the biosolids permit, a record of such action and a copy of the permit shall be kept in the files of the Department of Public Health and Environment office and a copy sent to the Clerk to the Board's office.

D. If the Board of Public Health determines that the applicant has not met the standards or conditions of Paragraphs A.1. through A.10. above and denies all or any portion of a biosolids permit, the applicant may request, within thirty (30) days of the Board of Public Health's decision, to appear before the Board of County Commissioners in a public hearing. The Department of Public Health and Environment shall schedule the hearing before the Board of County Commissioners using the notice requirements of Paragraphs 14-7-140.B.2. and B.3. above, and notifying anyone who testified at the Board of Public Health's hearing. The Board of County Commissioners will consider the application and determine if the applicant has met the standards or conditions of Paragraphs A.1. through A.10. above. The Board of County Commissioners may reverse, affirm or modify the Board of Public Health's decision. (Weld County Code Ordinance 2005-6; Weld County Code Ordinance 2008-15)

Sec. 14-7-160. Permit renewal application for a biosolids permit.

A. The following information shall be submitted as a part of any renewal application to renew all or any portion of a biosolids permit:

1. A renewal application form as provided by the Department of Public Health and Environment.
2. An explanation of any changes that are requested or that have occurred since the issuance of the biosolids permit.

B. The Department of Public Health and Environment shall be responsible for processing all applications for the renewal of biosolids permits in the unincorporated areas of the County.

C. At the discretion of the County Health Officer, for sites where violations of the Weld County Code or the Colorado Department of Public Health and Environment Biosolids Regulation (5 C.C.R. § 1002-64) have been documented in the most recent twelve (12) months, or where substantial changes are reported, the applicant shall be required to submit an application that meets all the requirements of a new application as defined in Section 14-7-130 above.

D. The duties of the Board of Public Health for considering a renewal of a biosolids permit shall be the same as outlined in Section 14-7-150 above. (Weld County Code Ordinance 2005-6; Weld County Code Ordinance 2008-15)

*Division 3
Enforcement*

Sec. 14-7-210. Violations.

The County, through its Board of Public Health, Public Health Officer, Department of Public Health and Environment or other departments so authorized may enforce the provisions of this Article and the terms, requirements and conditions of an approved biosolids permit through methods included in this Code or through other methods adopted by resolution or ordinance by the Board of County Commissioners. Failure to abide by such terms, requirements and conditions may result in a revocation of the biosolids permit. (Weld County Code Ordinance 2005-6)

**ARTICLE VIII
Rules and Regulations for
Methamphetamine Laboratory Cleanup**

Sec. 14-8-10. Authority and purpose.

Pursuant to Subsections 25-1-507(1)(h) and (j), C.R.S., the Department of Public Health and Environment is authorized to enforce this Chapter in the County. The purpose of this Chapter is to ensure that chemical contamination of properties from the manufacturing of methamphetamine is cleaned or the properties demolished, to prevent harm to subsequent occupants, visitors and users of the properties and users of neighboring properties, and to protect the environment. (Weld County Code Ordinance 2005-10)

Sec. 14-8-20. Definitions.

As used herein, the definitions adopted in Section 25-18.5-101, C.R.S., relating to illegal drug laboratories, and definitions adopted by the Colorado

State Board of Health in 6 C.C.R. 1014-3, Section 3.0 relating to Regulations Pertaining to the Cleanup of Methamphetamine Laboratories, are hereby adopted by reference. In addition, the following definitions are adopted:

Certificate of compliance means an official document that will be recorded with the Weld County Clerk and Recorder. The document is intended to rectify a certificate of noncompliance once a property has met the cleanup conditions stated herein.

Certificate of noncompliance means an official document that will be recorded with the County Clerk and Recorder when a property has failed to comply with this Article.

Closure placard means a sign posted on a property or a portion of a property by the Department, which indicates that no person may lawfully occupy or use a property, except for the purpose of decontamination or demolition.

Consultant means an Industrial Hygienist as defined in Section 24-30-1402, C.R.S.

Contractor means one (1) or more individuals or commercial entities hired to perform the cleanup and/or remediation of the contaminated property, in accordance with 6 C.C.R. 1014 3. The Department may establish qualification requirements for cleanup contractors.

Department means the Department of Public Health and Environment, or its authorized agents and employees.

Fit for use means a designation by the Department that a property or a portion of a property has been decontaminated or demolished in accordance with this Chapter, cleanup levels required by 6 C.C.R. 1014-3 have been achieved and all applicable fees have been paid.

Imminent health hazard means a condition that requires immediate corrective action to prevent endangerment of public health.

Initial observation means a determination by a qualified law enforcement officer that a property may be contaminated by chemicals from the manufacturing of methamphetamine.

Personal property means any property that is not real property, including but not limited to: vehicles, clothing, appliances, furniture and electronics.

Preliminary assessment means a documented evaluation of a property by a consultant to determine the current condition, including the nature and extent of observable and detectable contamination, chemical storage and disposal.

Unfit for use means a designation by the Department of Public Health and Environment that a property or a portion of a property has not been decontaminated in accordance with this Chapter, has contaminant levels from the manufacturing of methamphetamine in excess of those specified in 6 C.C.R. 1014-3 or appropriate fees have not been paid and may not be used or occupied, except for the purpose of decontamination or demolition.

Work plan means a plan written by a consultant of the actions planned to decontaminate a property contaminated by the manufacturing of methamphetamine. (Weld County Code Ordinance 2005-10)

Sec. 14-8-30. Powers and duties.

The Department shall have the power and authority to administer this Chapter and may:

A. Make appropriate investigations, inspections, reviews and evaluations regarding any property reasonably believed to have chemical contamination from the manufacturing of methamphetamine.

B. Place closure placards on a contaminated property.

- C. Issue notices and orders to a property owner to decontaminate or demolish a property in accordance with this Chapter, and in accordance with 6 C.C.R. 1014-3.
- D. Issue permits and charge fees as approved by the Board of County Commissioners to implement this Chapter.
- E. Provide oversight of decontamination activities required in accordance with this Chapter.
- F. Deny, suspend or revoke a decontamination permit of any person who fails to comply with the requirements of this Chapter.
- G. Order the closure of any property that fails to meet any requirement of this Chapter.
- H. Establish qualifications for contractors and consultants.

These powers and duties shall pertain to properties located in both incorporated and unincorporated areas of the County, unless the municipal governing authority has internal statutes and/or procedures. The municipal governing authority may opt to utilize the Department for the final "fit for use" determination. (Weld County Code Ordinance 2005-10)

Sec. 14-8-40. Decontamination/demolition.

- A. The Department shall require the owner of a property to restore it to a condition that is fit for use by either decontamination or demolition, at the option of the property owner.
- B. A property owner shall cause his or her property to be fit for use by either decontamination or demolition in accordance with this Chapter: Section 25-18.5-103, C.R.S., and 6 C.C.R. 1014-3.
- C. Decontamination of properties shall be conducted within the time lines outlined in this Section and shall not exceed six (6) months after notification has been served to the property owner in accordance with this Chapter.
- D. A property owner who chooses to cause his or her property to be fit for use by demolition shall complete such demolition within thirty (30) days following notice by the Department that the property is unfit for use, or within such additional time as may be approved by the Department, upon written request of the property owner.
- E. The processing of a property used for the manufacturing of methamphetamine by law enforcement does not constitute decontamination.
- F. No personal property, as defined in this Chapter, may be removed from the structure unless it will be disposed or appropriately decontaminated in accordance with 6 C.C.R. 1014-3. (Weld County Code Ordinance 2005-10)

Sec. 14-8-50. Procedures.

- A. Contaminated property reports.
 1. Law enforcement agencies are encouraged to report properties known or suspected of being contaminated by the manufacturing of methamphetamine to the Department.
 2. If a property owner knows or reasonably suspects that his or her property has been used in the manufacturing of methamphetamine, the owner shall report the potentially contaminated property, along with his or her name and address, and all other owners' names and addresses, to the Department.
 3. Any person who knows or reasonably suspects that a property has been used in the manufacturing of methamphetamine may file a report with the Department.
 4. Before taking any other action with regard to such a report filed by a property owner or any other person, the Department shall forward the information to the appropriate law enforcement

agency. The Department shall only proceed after the law enforcement agency has completed its investigation.

B. Closure placards. Within twenty-four (24) hours upon receipt of notification, the Department will post a closure placard, as set forth in Appendix 14-A to this Chapter, or request the appropriate law enforcement agency to post a closure placard, on a property when the initial observation by a law enforcement agency has verified that the property was used for the manufacturing of methamphetamine and is, therefore, potentially harmful to human health. Each exterior doorway of the property, or other appropriate place on the property, shall be posted with closure placards.

1. Entry of any property posted with a closure placard is restricted to:
 - a. The property owner.
 - 1) Owners of personal property contained within a property posted with a closure placard shall notify the owner of the real property before entering.
 - b. The consultant.
 - c. Decontamination or demolition contractor personnel.
 - d. Department or law enforcement personnel, in the performance of their official duties.
2. Any person entering a property posted with a closure placard shall wear appropriate personal protective equipment to protect from inhalation and dermal contamination.
 - a. Prior to entering a property posted with a closure placard, every effort should be made to allow the structure to air out.
 - b. Any person entering a property posted with a closure placard does so at his or her own risk. The Department takes no responsibility for any injury incurred at any time by any person entering a property posted with a closure placard.
3. A closure placard shall display the following information:
 - a. Any special prohibitions or conditions in effect.
 - b. The address of the posted site.
 - c. The name and telephone number of the Department.
 - d. That removal of any items from the property is prohibited, except as allowed by this Section.
4. When closure placards are posted, the Department shall immediately notify the property owner, by certified mail, that the property is unfit for use and order the owner to comply with Section 25-18.5-103(1), C.R.S., by either decontamination or demolition of the property, at the option of the property owner.
5. The Department may take additional measures to ensure that access to the property is secured, including but not limited to requiring perimeter fencing. These security measures shall remain in place until the Department has made a determination that the property is fit for use or until the property is demolished.

C. Preliminary assessment.

1. Within thirty (30) days following receipt of a compliance order from the Department, the property owner shall either demolish said property or submit a preliminary assessment prepared by a consultant in accordance with 6 C.C.R. 1014-3. The preliminary assessment shall be used by the Department to determine if the property is fit for use or unfit for use.

a. If the preliminary assessment reasonably indicates that contaminant levels do not exceed cleanup levels specified in 6 C.C.R. 1014-3, the Department shall designate the property fit for use, the closure placards shall be removed and no further action shall be taken. The property owner shall receive written notice of this determination, along with other governing agencies, as applicable, and this notice will be kept on file at the Department.

1) A fee will be assessed for review of the preliminary assessment. If the resulting determination warrants cleanup, this fee may be applied towards the decontamination permit fee.

b. If the preliminary assessment reasonably indicates that contaminant levels do exceed cleanup levels specified in 6 C.C.R. 1014-3, the Department shall notify the property owner that a work plan prepared by the property owner's consultant in accordance with Section 25-18.5-103(1), C.R.S., shall be submitted to the Department.

D. Work plan. When notified of the requirement for a work plan, the property owner shall submit the work plan to the Department within fifteen (15) days, except that, when one (1) or more imminent health hazards have been identified by the Department, the work plan or other emergency action may be required sooner than fifteen (15) days. The Department may also extend the deadline for a work plan, provided that there is no substantially increased threat to public health.

1. The Department shall approve the work plan before issuing a decontamination permit for the property.

2. If deemed necessary by the Department, modifications to the work plan may be ordered. The Department shall approve any modifications to the work plan prior to implementation.

E. Decontamination permit.

1. The Department shall require a permit for the decontamination of any property contaminated by the manufacturing of methamphetamine.

2. A decontamination permit shall only be issued after the Department receives a preliminary assessment, an approved work plan, a completed permit application and the applicable fee from the property owner.

3. The decontamination permit fee shall cover a one-time review, approval and inspection process as follows:

a. Approval of the work plan.

b. Review of the final report.

c. A final property inspection.

4. Additional services. Additional reviews, inspections, reinspections or requests for Department services will result in additional hourly fees as authorized by the Board of County Commissioners.

F. Final report. A final report prepared by a consultant shall be submitted by the property owner to the Department following completion of the decontamination. The final report shall be prepared in accordance with the requirements of 6 C.C.R. 1014-3. The Department shall review the final report and conduct a final property inspection to determine whether the property is fit for use or unfit for use. The Department may require additional testing in order to make this determination. The Department shall maintain the final report for a period of five (5) years.

G. Determination.

1. Fit for use.

a. The Department shall determine that the property is fit for use if it has been decontaminated in accordance with this Chapter and the requirements of 6 C.C.R. 1014-3 and all fees have been paid.

b. After a property has been determined to be fit for use, Department placards shall be removed from the property and the decontamination permit finalized indicating that the property is fit for use. The decontamination permit will be forwarded to the property owner and copies sent to other local governing agencies as appropriate.

2. Unfit for use.

a. The Department shall determine that the property is unfit for use if it has not been decontaminated in accordance with this Chapter or the requirements of 6 C.C.R. 1014-3, or if applicable fees have not been paid.

b. If it is determined that the property is unfit for use, it shall remain closed until decontamination or demolition is complete.

c. If the property owner contests a Department determination that a property is unfit for use, the owner may have the consultant submit a reevaluation based on the original work plan, in order to come into compliance with the applicable requirements. The Department will then reevaluate its determination.

d. If the property is determined to be unfit for use after reevaluation, a new work plan must be submitted by the consultant, detailing how the property will be brought into compliance. An additional service fee will be assessed.

3. A determination by the Department that a property meets the requirements of this Chapter, and 6 C.C.R. 1014-3 does not supersede the regulatory authority of other local, state or federal agencies which may also have required closure of the property. (Weld County Code Ordinance 2005-10)

Sec. 14-8-60. Property owner responsibilities.

When the Department closes a property, the property owner shall use reasonable means to keep the property secured against entry or occupancy by anyone, except as provided by this Chapter, until such time as the Department determines that the property is fit for use or the property is demolished. If the property owner does not maintain the security of the property, the Department may use any reasonable means to secure it and may charge any costs incurred to the owner. (Weld County Code Ordinance 2005-10)

Sec. 14-8-70. Enforcement.

A. Department inspections may be made with the consent of the property owner, occupant or other responsible person. If consent is not granted, a search may be made pursuant to a search warrant issued by a court of competent jurisdiction.

B. If the Department has inspected a property and determined that the property owner is in violation of this Chapter, or has reasonable grounds to believe that the property owner is in violation of this Chapter, the Department shall issue an appropriate notice and order to the property owner.

C. A notice and order issued by the Department shall:

1. Describe the property where the violation has occurred, and the owner or owners of the property.
2. Identify the violations according to one (1) or more sections of this Chapter.

3. Identify the requirements to achieve compliance with this Chapter.
4. Set a reasonable time period for the property owner or owners to achieve compliance.

Any administrative hearing would be held in accordance with Section 2-4-50 of this Code.

D. The Department shall serve a notice and order by certified mail to the last known address of the property owner. Other methods of service may be substituted if reasonably calculated to give actual notice to the owner of the property.

E. If the property owner fails to comply with the order and no appeal has been properly filed, the Department may file in the office of the County Clerk and Recorder a certificate of noncompliance, describing the property and certifying that the property is in violation of Department regulations as set forth in a notice and order. If a certificate of noncompliance is filed and, subsequently, all violations have been corrected and all fees have been paid, the Department shall file a certificate of compliance with the County Clerk and Recorder, certifying that the violations described in the notice and order have been corrected.

F. Within five (5) working days after a property owner has received a notice and order, he or she may request, in writing, an administrative hearing with the Health Officer. An appeal may be filed to contest the specific terms of the notice and order or contest the underlying basis for the notice and order. If the Department does not receive the written request for an administrative hearing within the five (5) working days, the notice and order is final and may not be appealed to any administrative entity or court.

G. Any person conducting any activity, operation or condition in violation of this Chapter who, after being ordered to abate, correct or discontinue such activity, operation or condition, continues in violation of the order may be prosecuted pursuant to the provisions of Sections 16-13-307, and 16-13-305(1)(f), C.R.S., as a Class 3 public nuisance.

H. Each day any violation of this Chapter is committed or permitted to continue shall constitute a separate violation.

I. Upon approval by the Board of County Commissioners, the Department may file suit or request criminal prosecution through the Office of the District Attorney, or otherwise as provided by law, for injunctive relief, imposition of civil or criminal sanctions, collection of fees and such other relief as is provided by law to correct any condition that exists in violation of this Chapter.

J. In addition to any penalties imposed by a Court of competent jurisdiction, any person found guilty of violating a provision of this Chapter shall be liable for all expenses incurred by the Department in removing or abating any nuisance condition caused by the violation, including administrative fees that the Board of County Commissioners may adopt.

K. The Regulations set forth in this Article shall apply in all areas of the County, including but not limited to within incorporated municipalities, unless such municipality has adopted regulations regarding the same subject and which are no less strict than those herein set forth. (Weld County Code Ordinance 2005-10)

ARTICLE IX

Noise

Sec. 14-9-10. Intent and applicability.

A. It is hereby declared to be the intent of the Board of County Commissioners to protect the citizens of the County from excessive, unreasonable and unnecessary noise.

B. This provision of the Code shall apply within the unincorporated territory of the County. (Weld County Code Ordinance 2008-4)

Sec. 14-9-20. Definitions.

For purposes of this Article, certain terms or words used herein shall be interpreted as defined in this Section. The following specific words and phrases, when appearing in this Chapter in uppercase letters, shall have the meanings stated in this Section.

Agricultural Equipment means any equipment, vehicle, machine or device which is used on a farm or ranch, as those terms are defined in Sections 31-1-102(3.5) and 31-1-102(13.5), C.R.S., for the planting, growing and harvesting of agricultural products, or for the raising, care, maintenance, breeding and production of livestock. *Agricultural equipment* includes airplanes used for crop dusting.

Ambient Noise Level means the lowest sound level repeating itself during a six-minute period, as measured with a sound level meter. The minimum sound level shall be determined with the noise source silent and in the same location as the measurement of the sound level of the source when emitting the sound under investigation.

Commercial Area means an area where offices, clinics and the facilities needed to serve them are located; an area with local shopping and service establishments located within walking distance of the residents served; a tourist-oriented area where hotels, motels and gasoline stations are located; a large integrated shopping center; a business strip along a main street containing offices, retail business and commercial enterprises; a central business district; or a commercially dominated area with limited multiple-unit dwellings.

Construction Activities means any and all activity incidental to the erection, demolition, assembling, alteration, installation or equipping of buildings, structures, roads and appurtenances thereof, including land clearing, grading, excavating and filling.

dB(A) means a sound level in decibels measured in the "A" scale of a standard sound level meter having characteristics defined by the American National Standards Institute, Publication S1.4-1971.

Decibel means a unit used to express the magnitude of a change in sound level. The difference in decibels between two (2) sound pressure levels is twenty (20) times the common logarithm of the ratio of that sound pressure level to a reference level of $2 \times 10^{-5} \text{N/m}^2$.

Device means any equipment or mechanism which is intended to produce or which produces sound when installed, used or operated.

Excessive Noise means any sound which is, or may be:

- a. Harmful or injurious to the health, safety or welfare of any individual;
- b. Of such a volume, frequency and/or intensity that it unreasonably interferes with the enjoyment of life, quiet, comfort or outdoor recreation of an individual of ordinary sensitivity and habits; or
- c. Unreasonably interferes with the value of real property or any business conducted thereon.

Industrial Area means an area where manufacturing, processing or fabrication of any commodity, storage and warehousing, wholesale sales of equipment, materials and supplies, repair, servicing and rental of vehicles and other commodities and other similar activities are conducted.

Muffler means a device consisting of a series of chambers or baffle plates or other mechanical design for the purpose of receiving exhaust gas from an internal combustion engine and which is effective in reducing noise.

Person means any individual, association, partnership or corporation, and includes any officer, employee, department, agency or instrumentality of any association, partnership or corporation, the State or any instrumentality of the State.

Property Boundary means an imaginary line along the ground surface and its vertical extension, which separates the real property owned by one (1) person from that owned by another person, but not including property divisions within a building.

Public Right-of-Way means any street, avenue, boulevard, highway, sidewalk, alley or similar place which is owned or controlled by a governmental entity.

Public Space means any real property or structures thereon which are owned or controlled by a governmental entity.

Residential Property means any property which is occupied by a residence, including single-family or multi-family dwellings and apartments, and is located in a platted major residential subdivision, planned unit development or minor subdivision, or is located in the R, R-1, R-2, E, E-1, M or M-1 Zone District. It also includes hotels and motels, educational facilities, hospitals, nursing homes and similar institutions. Undeveloped areas adjacent to residential areas are considered to be residential areas for purposes of this Article.

Sound means an oscillation in pressure, stress, particle displacement, particle velocity or other physical parameter, in a medium with internal forces. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

Sound Level means the weighted sound pressure level obtained by the use of the sound level meter and frequency weighing network, as specified in the American National Standards Institute Specifications.

Sound Pressure means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space as produced by sound energy.

Sound-Producing Device means any equipment or machine for the production, reproduction or amplification of speech, music or other sound, including but not limited to radios, televisions, phonographs, tape or compact disc players, musical instruments, walkie-talkies, CB radios or synthesizers.

Vehicle means any device which is capable of moving itself or of being moved from place to place upon wheels or endless tracks. *Vehicle* does not include any wheelchair, as defined by Section 42-1-102(113), C.R.S.; any farm tractor or implement of husbandry designed primarily or exclusively for use and used in agricultural operations; any device moved by muscle power; any device moved exclusively over stationary rails or tracks; or any device designed to move primarily through the air. (Weld County Code Ordinance 2008-4)

Sec. 14-9-30. Prohibition of excessive noise.

No person shall engage in the following activities:

A. Knowingly make, cause or permit to be made, or continue any excessive noise, as defined in this Article.

B. Exceed the sound levels provided for in Section 14-9-40 below, and as measured in Section 14-9-50 below.

C. Operate a vehicle in a public right-of-way and exceed the sound level provided for in Section 14-9-50 below. (Weld County Code Ordinance 2008-4)

Sec. 14-9-40. Maximum permissible noise levels.

A. Sound levels shall be measured as provided for in Section 14-9-50 below.

B. Sound levels are hereby established for each type of property during specific hours of the day. Any sound level which exceeds the level set for a type of property at any time of day is prohibited.

<i>Land Use</i>	<i>Maximum Noise (dB(A)) 7:00 a.m. — 9:00 p.m.</i>	<i>Maximum Noise (dB(A)) 9:00 p.m. — 7:00 a.m.</i>
Residential Property or Commercial Area	55 dB(A)	50 dB(A)
Industrial Area or Construction Activities	80 dB(A)	75 dB(A)
Nonspecified Areas	55 dB(A)	50 dB(A)

C. Between the hours of 9:00 p.m. and 7:00 a.m., the noise levels set forth above may be exceeded by up to ten (10) decibels for up to fifteen (15) minutes in a one-hour period.

D. Vehicles operating in the public right-of-way are subject to the following maximum noise levels:

<i>Vehicle Class (GVWR)</i>	<i>Maximum Noise in Speed Limit 35 m.p.h. or less zone</i>	<i>Maximum Noise in Speed Limit over 35 m.p.h. zone</i>
Manufacturer's gross vehicle weight rating (MGWR) over 10,000 pounds (4,536 kg), or any combination of vehicles towed by such motor vehicle	86	90
Any other motor vehicle or any combination of vehicles towed by any motor vehicle, including but not limited to automobiles, motorcycles, vans or light trucks, with a gross vehicle weight rating (GVWR) less than 10,000 pounds (4,536 kg)	80	84

E. No person shall operate, anywhere in the County, any vehicle that is not equipped with a muffler in constant operation which is properly maintained to prevent noise in excess of that set forth in this Section; nor shall any person operate, in unincorporated Weld County, any vehicle having a muffler that has been equipped or modified with a cutoff, bypass or similar device or modification. (Weld County Code Ordinance 2008-4)

Sec. 14-9-50. Measurement and classification of noise.

A. For the purpose of measuring a noise to determine if a person has violated Section 14-9-40 above, the following requirements for measurements must be met:

1. A noise originating within a public right-of-way or other public land shall be measured at a distance of at least twenty-five (25) feet from the source of the noise.
2. A noise originating on private property shall be measured at or within the boundary of the property from which the noise complaint is made.
3. A noise shall be measured on a weighing scale on a sound level meter of standard design and quality and in accordance with the standards promulgated with the American National Standards Institute.
4. Measurements with sound level meters shall be made when a wind velocity at the time and place of such measurement is not more than five (5) miles per hour, or more than twenty-five (25) miles per hour with a windscreen properly attached to the microphone.
5. Vehicle noise shall be measured at a distance of at least twenty-five (25) feet from the mid-point of the lane being monitored, and at a height of at least four (4) feet above the immediate surrounding surface.

B. No person shall operate or cause to be operated a motor vehicle, including a motorcycle, off a public right-of-way in a manner that causes the emission of a sound level which exceeds the limits set forth in Section 14-9-40 above. (Weld County Code Ordinance 2008-4)

Sec. 14-9-60. Exceptions.

The provisions of this Article shall not apply to:

A. Any noise resulting from any authorized emergency vehicle responding to an emergency call or acting in time of emergency.

B. The sound made by any burglar, fire, personal safety or other warning device.

C. Any noise made during the operation of aircraft or other activities which are preempted by federal law, with respect to noise control.

D. Any noise made during the operation of agricultural equipment which is used on a farm or ranch in the production of agricultural products.

E. Sounds made by dogs and by farm animals, including but not limited to bovines, goats, horses, fowl and llamas.

F. Any noise related to the operation of a railroad.

G. Any noise related to the production, promotion or holding of cultural, entertainment, athletic or patriotic events (including but not limited to concerts), which are sponsored by the State, any political subdivision of the State or any of its lessees, licensees or permittees.

H. Any noise related to the use of property for the purposes of conducting speed or endurance events involving motor or other vehicles, but only where such use has been authorized by resolution, variance permit or nonconforming use authorized by the political subdivision or governmental agency having jurisdiction to authorize such use, and only during the specific period of time that such use is authorized.

I. Any noise made by public utilities regulated pursuant to Title 40, C.R.S.

J. The sound made by a lawnmower, snow blower or other power or hand tool.

K. Any noise related to a temporary assemblage permitted by the Board of County Commissioners pursuant to the provisions set forth in Chapter 12, Article I, of this Code.

L. Any noise produced in the course of normal mining operations or oil and gas exploration, drilling and production.

M. Any noise produced by persons engaged in lawful hunting activities or from properties used by gun clubs.

N. Any noise produced at a construction site. (Weld County Code Ordinance 2008-4)

Sec. 14-9-70. Violations and penalties.

A. Any law enforcement officer, authorized officers of the Department of Planning Services or the Health Official of the County is authorized to issue citations, summonses and complaints for violations of Sections 14-9-40 and 14-9-50 of this Article.

B. Violations of provisions of this Article shall constitute a Class II petty offense. In addition, violations of this Article may be enforced through the penalty assessment procedure set forth in Section 16-2-201, C.R.S.

C. The graduated fine schedule for the penalty assessment procedure is:

1. Thirty dollars (\$30.00) for the first violation.

2. Sixty dollars (\$60.00) for the second violation within twelve (12) months of the first violation.
3. Three hundred dollars (\$300.00) for each successive violation within twelve (12) months of the first violation.

In addition to any other penalty, persons convicted of a violation of this Article shall be subject to a surcharge of ten dollars (\$10.00), payable to the Clerk of the Court. (Weld County Code Ordinance 2008-4)

Sec. 14-9-80. Prosecution.

It is the responsibility of the County Attorney to enforce the provisions of this Article, according to the County Court Rules of Criminal Procedure. (Weld County Code Ordinance 2008-4)

Sec. 14-9-90. Civil enforcement.

The Board of County Commissioners may seek civil relief, including but not limited to injunctive relief and mandamus, to enforce the provisions of this Article. (Weld County Code Ordinance 2008-4)

ARTICLE X

Pandemic Health Emergency

Sec. 14-10-10. Declaration by County Health Officer.

In addition to the authorities granted the County Health Officer by and through the state statutes, the Health Officer shall have authority to declare a pandemic health emergency if, in his or her professional judgment, illness or health conditions within the County exist such that an emergency has been created thereby. The Health Officer shall declare that the pandemic health emergency has ended when, in his or her professional judgment, illness or health conditions within the County no longer are an emergency. (Weld County Code Ordinance 2009-11)

Sec. 14-10-20. Press releases.

In the event that the County Health Officer has declared a pandemic health emergency to exist, the Health Officer shall be the designee of the County government to provide press releases regarding medical and health conditions, including but not limited to what health precautions should be exercised by citizens and County employees. All press releases regarding the continuity of County government operations shall be made by the Board of County Commissioners, or by the Public Information Officer pursuant to the provisions of Section 2 15-20 of this Code. (Weld County Code Ordinance 2009-11)

Sec. 14-10-30. Authority to provide vaccinations.

In the event that the County Health Officer has declared a pandemic health emergency to exist, the Health Officer shall have the authority to distribute vaccinations. (Weld County Code Ordinance 2009-11)

APPENDIX 14-A

Closure Placard



**WELD COUNTY DEPARTMENT
OF PUBLIC HEALTH AND
ENVIRONMENT**

1555 N. 17th Avenue * Greeley, CO 80631
(970)304-6415 * Fax (970)304-6411

**DUE TO CHEMICAL CONTAMINATION FROM THE
MANUFACTURE OF METHAMPHETAMINE:**

This building at _____, Weld County, Colorado

**MAY BE HAZARDOUS TO HUMAN HEALTH AND IS
HEREBY ORDERED**

◆◆◆ CLOSED TO ENTRY ◆◆◆

Except as provided in Chapter 14, Article VI, of the Weld County Code

SPECIAL CONDITIONS AND/OR PROHIBITIONS:

(Weld County Code Ordinance 2005-10)

