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**CHAPTER 7 Health, Sanitation and Animals**

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**ARTICLE 1 Refuse in General**

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**Sec. 7-1. Definitions.**

Junk or debris means any material or object, used or new, that is not presently being used, is not presently useable or is not designed to be used in its existing condition or location, including but not limited to scrap metals, rubber pieces, rope, asphalt, concrete, plaster, tile, bricks, crates, cartons, barrels, boxes, tree limbs, leaves, dead plants and trees, trimmings from plants and trees, grass clippings, tools, fixtures, utensils, lumber, pipe and pipe fittings, machinery of any kind or parts thereof, appliances of any kind or parts thereof, vending machines, furniture, motor vehicle parts or tires, partially or fully dismantled motor vehicles, or any waste material from the premises, including building materials for or produced from remodeling or construction. Junk or debris shall not include earth and waste from remodeling or construction during the period in which a valid building permit has been issued and remains active.

Refuse means and includes any grass clippings, leaves, hay, straw, manure, shavings, excelsior, paper, ashes, rubbish, containers, boxes, glass, cans, bottles, garbage, waste and discarded building and construction materials, including, but not limited to plaster, broken concrete, bricks, cinder blocks, stones, wood, roofing material, wire or metal bindings, sacks or loose or discarded or unused material; all rubbish

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of any kind whatsoever; and any other materials commonly known as rubbish or refuse of any kind or character by any means known.

(Ord. 88 §1-1, 1969; Ord. 08-03 §4, 2008)

**Sec. 7-2. Accumulation and deposit prohibited.**

Any accumulation of refuse on any premises, improved or unimproved, in the town is prohibited and is hereby declared to be a nuisance.

(Ord. 88 §1-2, 1969)

**Sec. 7-3. Abatement.**

Whenever the board of trustees shall direct, the town clerk or his or her designee of the town shall immediately thereafter notify any owner of property, his or her agent or any person having charge of such property, in writing, that an order has been made by the board of trustees requiring the removal of any accumulated refuse, junk or debris from such property or premises within thirty (30) days after service of notice. If such property owner, agent or person having charge of such property shall not remove such refuse, junk or debris in accordance with the requirement of such order, the board of trustees may order that such refuse, junk or debris be removed by the town clerk or other agent of the board of trustees and assess the cost thereof against the property or premises. The amount so assessed shall be a lien upon the property until the same is paid; provided that, in case of failure to pay such assessment within ten (10) days after the same shall be made, the town clerk shall cause a notice of such assessment to be given to the owner of such property by publishing in an official newspaper for two (2) successive weeks, which publication shall contain a notice to such property owner of the amount assessed against his or her property, and shall designate a time and place when the board of trustees will hear any objections as to the adjustment and correctness of the amount so assessed. If such assessment is not paid within ten (10) days after the time fixed for hearing such objections, and unless the same are sustained, the town clerk shall certify such assessment to the county treasurer to be placed by the county treasurer on the tax list for the current year, to be collected in the same manner as other taxes are collected, with ten percent (10%) penalty to defray the cost of collection, as provided by the laws of the state.

(Ord. 88 §1-3, 1969; Ord. 08-03, §3, 2008)

**Sec. 7-4. Accumulation and deposit of garbage, etc., prohibited.**

No person shall deposit or place any garbage, rubbish, waste material or ashes in such a manner that the same is or tends to become a nuisance or in such a manner that endangers or tends to endanger the public health. No person having the occupancy, control or management of any premises shall cause or permit any garbage, waste material, rubbish or ashes to be accumulated thereon in such a manner that the same is or tends to become a nuisance or in such a manner as endangers or tends to endanger the public health. No person shall in any manner throw, place, scatter, deposit or bury any garbage, rubbish, waste materials or ashes in or upon any public street, alley or other public place or upon his or her own premises or the premises of another.

(Ord. 88 §1-4, 1969)

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**Sec. 7-5. Prohibited disposition.**

No hay, straw, shavings, excelsior, paper or other combustible material, sod, lawn mowings, leaves, weeds, ashes, glass, bottles, broken glass, nails, tacks, wire, cans, rocks, stones or rubbish of any kind or nature whatsoever or any other refuse or material shall be thrown or swept into any street, sidewalk, gutter, sewer, intake, alley, vacant lot or other property.

(Ord. 88 §1-5, 1969)

**Sec. 7-6. Responsibility of owners and lessees.**

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

(Ord. 88 §1-6, 1969)

**Sec. 7-7. Building materials to be removed from construction sites.**

All plaster, broken concrete, bricks, cinder blocks, stones, wood, roofing material, wire or metal binding, sacks or loose discarded or unused material of any kind resulting from the wrecking, constructing or reconstructing of any room, basement, wall, fence, sidewalk or building shall be promptly removed or discarded in such a manner as not to be scattered about by wind or otherwise, and as soon as possible be removed by the person responsible for such work. Such person shall be held liable for any scattering of such refuse upon adjacent property.

(Ord. 88 §1-7, 1969)

**Sec. 7-8. Removal required.**

Discarded automobile parts, stoves, furniture, wool, hides, junk yard refuse and packing house or slaughterhouse refuse shall be removed periodically from such respective establishments by the proprietor so that the premises are clean and orderly at all times. Silt and similar deposits from automobile wash racks shall be removed. Any accumulation of refuse that is highly explosive or inflammable which might endanger life or property shall be removed to such places as approved by the town board or the fire department, such removal shall be handled by the establishments responsible therefor.

(Ord. 88 §1-8, 1969)

**Sec. 7-9. Accumulation and use of manure.**

Other than a light spread of manure which may be applied on lawns or gardens for fertilizing purposes, manure shall not be kept on any property for any purpose, or kept in any place for later use, but shall be either plowed under or removed by the owner, occupant or agent.

(Ord. 88 §1-9, 1969)

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**Sec. 7-10. Burning of garbage and waste material.**

No person shall set on fire or burn any garbage, rubbish or waste material or any hay, grass clippings or other combustible materials without prior request for a burning permit from the town clerk.

(Ord. 84-2 §1-10, 1984)

**Sec. 7-11. Keeping of junk or debris.**

It shall be unlawful for any person to cause, maintain or permit to remain, or store, keep or allow to be stored or kept, any junk or debris on any lot or parcel of land unless such junk or debris is kept in a building or garage or is otherwise fully enclosed, screened or shielded from view by members of the public and by adjoining property owners, except that junk or debris may be stored in or on a trailer or in a truck bed if fully covered and secured for a period of time not to exceed fourteen (14) days.

(Ord. 08-03 §1, 2008)

**Sec. 7-12. Penalties.**

Any violation of this article shall be punishable only by the imposition of a civil fine in an amount not to exceed one hundred dollars (\$100.00). Each and every day during which a violation exists or continues to exist may be deemed a separate offense.

(Ord. 08-03 §2, 2008)

**Secs. 7-13—7-19. Reserved.**

**ARTICLE 2 Nuisances and Nuisance Abatement**

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**Sec. 7-20. Purpose.**

It shall be the policy of the town to promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of the town and, therefore, the board of trustees declares that every public nuisance shall be unlawful and shall be restrained, prevented, abated and enjoined.

(Ord. AB-1-89 §1, 1989)

**Sec. 7-21. Definitions.**

As used in the provisions of this article:

Agent means and includes any person acting on behalf of or in place of the owner.

Litter means and includes any and every rubbish, waste material, refuse, garbage, trash, debris, excrement, urine, offal composed of animal matter or vegetable matter or both, or any noxious or offensive matter whatever, dead bird, dead fish, fishing line, bait, chemical compound, petroleum product or compound, automobile part or accessory, tire, wheel, junk, paper, cardboard, can, lid, bottle, cap, carton, wrapper, box, wooden object, plastic object, clothing, cloth, metal object, rubber object, leather object, hide, feathers, grass clippings, leaves, cut weeds, branches cut from trees or bushes, brick, cinder block, building material, paint, concrete, sand, gravel, stone, glass, asphalt, ashes, cigarette, cigar, food or food product, solvent, dye, beverage and liquid, except water.

Mayor and chief of police refer to the elected position of mayor and the appointed position of chief of police for the town or their designees.

Occupant means and includes any person who occupies the whole or a part of a building, premises or land, whether alone or with others.

Owner means and includes:

- a. Any owner or holder of any legal or equitable estate in real property, including a dominant or servient tenement, except a future or reversionary interest and except the interest of a public trustee, lien holder, mortgagee or beneficiary of a deed of trust.
- b. The owner of record, as reflected by the records of the office of the county clerk and recorder.

Person means and includes any individual, partnership, corporation, association; and the agent, servant or employee of any individual, partnership, corporation or association.

Property authorization means and includes the written or verbal authorization of an officer, department or judge of the town or the state authorizing or requiring an act which is done in

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pursuance of such authorization; and, in the case of any provision defining an offense against private property, the written or verbal authorization or permission of the owner of such property. A public officer or employee acting within the scope of his or her authority or employment shall be deemed to have proper authorization therefor.

Public nuisance includes:

- a. The conducting or maintaining of any business, occupation or activity prohibited by statute or by ordinance.
- b. The continuous or repeated conducting or maintaining of any business, occupation, operation, activity, building, land or premises in violation of statute or ordinance.
- c. Any building, structure or land open to or used by the general public, the condition of which presents a substantial danger or hazard to public health or safety.
- d. Any unlawful pollution or contamination of any surface or subsurface waters in this town, or of the air, or of any water, substance or material intended for human consumption.
- e. Any activity, operation or condition which, after being ordered abated, corrected or discontinued by a lawful order of a department or officer of the town or the county, continues to be conducted or continues to exist in violation of statute or ordinance or in violation of any regulation of the town, the county or the state.
- f. Any activity, operation, condition, building, structure, place, premises or thing which is injurious to the health or safety of the citizens of the town, or which is indecent or offensive to the senses so as to interfere with the comfortable enjoyment of life or property.
- g. Any nuisance defined or declared as such by statute or ordinance.

Public or private property includes, but is not limited to, the real property, building or structure thereon of any person, state, county, town, city, public or private corporation or the United States; the right-of-way of any street, road, railroad or highway; and any body of water, irrigation ditch or watercourse, including frozen areas thereof and the shores and beaches thereof; any park, playground building or recreation area; and any school grounds, school building or property used for school purposes.

Public place means and includes:

- a. Any street, highway, public right-of-way, sidewalk, driveway, alley, church, school building, school grounds, public building, library, fire station, park, parking lot or vacant land.
- b. The entire premises of any shopping center, restaurant, bar, store, service establishment, service station, theater, auditorium or place of amusement, except any portion of the premises reserved for the use of the owner or operator thereof or the employees of such owner or operator, and except any portion of the premises from which the general public is excluded.
- c. Any lobby, corridor, elevator, stairway, public room, common room or recreation room in a hotel, motel, office building or apartment building.

Statute means a statute of the state.

Trees and shrubs include all trees, shrubs, bushes and all other woody vegetation.

(Ord. AB-1-89 §2, 1989)

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**Sec. 7-22. Inspection of properties.**

- (a) The mayor shall have the power and authority to appoint and authorize any police officer, building inspector, zoning enforcement officer or other officer of the town to inspect and examine any public or private property in the town for the purpose of ascertaining the nature and existence of any nuisance.
- (b) Whenever necessary to make an inspection to enforce any of the provisions of this article, or whenever an authorized inspector has reasonable cause to believe that there exists any building or upon any premises such condition which constitutes a nuisance hereunder, such inspector may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed on such inspector; provided, however, that if such building or premises is unoccupied, such inspector shall first make a reasonable effort to locate the owner, occupant or other person or persons having charge or control of the building or premises, and upon locating the owner, occupant or other person or persons, shall present proper credentials and request entry. If entry is refused, such inspector shall give the owner, occupant, or if the owner or occupant cannot be located after a reasonable effort, such inspector shall leave at the building or premises a written notice of intention to inspect not sooner than twenty-four (24) hours after the time specified in the notice. The notice given to the owner or occupant or left on the premises shall state that the property owner has a right to refuse entry and that, in the event such entry is refused, inspection may be made only upon the issuance of a search warrant by a municipal judge of the town, or by a judge of any other court having jurisdiction. The requirements of this section shall not apply to public places, including privately owned vacant land, as defined in section 7-21, which may be inspected by an authorized inspector at any time without notice.
- (c) After the expiration of the twenty-four-hour period from the giving or leaving of such notice, the authorized inspector may appear before the municipal judge and, upon a showing of probable cause by written affidavit, shall obtain a search warrant entitling him or her to enter the building or upon the premises. Upon presentation of the search warrant and proper credentials, or possession of same in the case of an unoccupied building or premises, the authorized inspector may enter into the building or upon the premises using such reasonable force as may be necessary to gain entry.
- (d) For purposes of this section a determination of "probable cause" will be based upon reasonableness, and if a valid public interest and reasonable suspicion of violation justifies the intrusion contemplated, then there is probable cause to issue a search warrant. The person applying for such warrant shall not be required to demonstrate specific knowledge of the condition of the particular structure or premises to issue an order to obtain a search warrant, but must show some factual or practical circumstances that would cause an ordinarily prudent person to act. It is unlawful for any owner or occupant of the building or premises to deny entry to any authorized inspector or to resist reasonable force used by an authorized inspector, acting pursuant to this section.
- (e) Whenever an emergency situation exists in relation to the enforcement of any of the provisions of this article, an authorized inspector, upon a presentation of proper credentials or identification, in the case of an occupied building or premises, or possession of the credentials in the case of an unoccupied building or premises within the jurisdiction of the town.
  - (1) In the emergency situation such person or his or her authorized representative may use such reasonable force as may be necessary to gain entry into the building or upon the premises.
  - (2) For purposes of this subsection, an emergency situation includes any situation where there is imminent danger of loss of, of injury or damage to, life, limb or property. It is unlawful for any owner or occupant of the building or premises to deny entry to any authorized inspector or to resist reasonable force used by the authorized official acting pursuant to this section.
- (f) Any municipal judge of the municipal court of the town shall have power to issue search warrants upon a showing of probable cause as provided in subsections (c) and (d) of this section.

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(Ord. AB-1-89 §3, 1989)

**Sec. 7-23. Abatement of nuisances.**

- (a) Notice of abatement. The authorized inspector as provided by subsection 7-22(a), upon the discovery of any nuisance on public or private property in the town, shall notify the owner or occupant of the property to remove and abate from the property the thing or things herein described as a nuisance within the time specified in the notice.
  - (1) The time for abatement of a nuisance posing an imminent danger of damage or injury to or loss of life, limb, property or health shall not exceed one (1) day.
  - (2) As to other nuisances, the reasonable time for abatement shall not exceed seven (7) days, unless it appears from the facts and circumstances that compliance could not reasonably be made within seven (7) days or that a good faith attempt at compliance is being made.
  - (3) If the owner or occupant shall fail to comply with the requirements for a period longer than that named in the notice, then the mayor shall proceed to have the nuisance described in the notice removed or abated from the property described in the notice without delay; and the mayor shall have the authority to call for any necessary assistance. In no event shall the notice described in this section be required prior to issuance of a summons and complaint.
- (b) Service of notice. The written notice to abate shall be served by an authorized inspector of the town by:
  - (1) Personally delivering a copy of the notice to the owner of the property described in the notice if the owner also resides at the property;
  - (2) Personally delivering a copy of the notice to the nonowner occupant or resident of the property described in the notice and mailing a copy of the notice by certified mail, return receipt requested, to the last known address of the owner as reflected in the county real estate records; or
  - (3) Mailing a copy of the notice by certified mail, return receipt requested, to the last known address of the owner of the property described in the notice as reflected in the county real estate records if the property is unoccupied and by posting a copy of the notice in a conspicuous place at the unoccupied premises.
- (c) Contents of notice. The notice to abate issued pursuant to the provisions of this section to the owner or occupant of property upon which a nuisance was discovered shall contain the following:
  - (1) The address and other description of the property upon which the nuisance was discovered;
  - (2) The name and address of the owner of the property upon which the nuisance was discovered;
  - (3) The name and address of the occupant of the property upon which the nuisance was discovered, if known, and if different from the owner;
  - (4) A description of the thing or things or condition deemed to be a nuisance;
  - (5) The time in which the thing or things or condition are to be removed or abated from the property;
  - (6) A statement advising the owner or occupant that he or she may protest the determination of the authorized inspector with respect to any matters stated in the notice by filing a written protest pursuant to section 7-24.5 of this chapter with the municipal court within the time allowed for the removal or abatement of the nuisance described; and

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- (7) A statement that if the owner or occupant fails to comply with directions contained in the written notice or file a written protest thereto in the time allowed, the town will enter the property, abate the nuisance described therein, and assess the costs thereof to the owner of the property.

(Ord. AB-1-89 §4, 1989; Ord. 04-07 §1, 2004)

**Sec. 7-24. Action to abate a public nuisance.**

- (a) When a public nuisance has not been voluntarily abated within the time specified in the notice to abate, the following procedure shall apply:
- (1) If the owner or occupant of the property fails or refuses to comply with the directions of the written notice and does not file a written protest to such notice, as provided in section 7-24.5 below, then the authorized inspector, using any necessary assistance, may enter upon such property for the purpose of removing the thing or things or abating the condition described in the notice as a nuisance; or
  - (2) The town may bring an action in the municipal court to have the nuisance declared as such by the court and for an order enjoining the public nuisance or authorizing its restraint, removal, termination or abatement by the owner, the person who caused the nuisance, the person who allowed the nuisance to be caused or to continue, the mayor or designated representatives.
  - (3) The action to declare and abate a public nuisance shall be brought by the town in the name of the people of the town by the filing of a complaint. Trial shall be to the court, and the Colorado Municipal Court Rules shall apply.
    - a. A notice of appearance shall be served with the summons and complaint. The appearance date shall be not less than twenty-one (21) days from the date of service of the summons and complaint. The trial shall be held upon the appearance date, unless the court grants a continuance for good cause shown.
    - b. The respondent shall file a response on or before the appearance date set forth in the notice of appearance.
    - c. Upon the date and at the time set for appearance and trial, if the respondent has filed no response and fails to appear and if the town proves that proper service was made on the respondent at least twenty-one (21) days prior to the appearance date, the court may grant such orders as are requested by the town; except that the court shall order the enforcement by the town to be stayed for ten (10) days and that a copy of the court's order be mailed to the respondent at his or her last known address. Failure to appear on any date set for trial shall be grounds for entering a default and judgment thereon against a nonappearing party. For good cause shown, and prior to enforcement, the court may set aside an entry of default and the judgment entered thereon.
    - d. Any violation of any injunction or order issued by the municipal court in an action to abate a public nuisance may be punished as a contempt of court or by fine as set forth in this code. Unless the violation by its nature cannot be corrected, each day's failure to comply with an injunction or order to abate shall constitute a separate violation for which an additional penalty may be imposed.
    - e. The judgment of the municipal court may be appealed to the district court.
- (b) The remedies specified in this section shall be in addition to all other remedies provided by law.

(Ord. AB-1-89 §5, 1989; Ord. 04-07 §2, 2004)

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**Sec. 7-24.5. Protest of notice of abatement.**

- (a) The owner, his or her agent, or the occupant of the property subject to a notice of abatement, within the time stated in such notice for removal of the thing or things or abatement of the condition described therein, may protest the findings of the authorized inspector with respect to any matter stated in the notice, by filing a written notice of protest with the municipal court. The municipal court shall deliver a copy of the protest to the authorized inspector who issued the notice. Upon receipt of a notice of protest, the authorized inspector shall file with the municipal court of the town the notice to abate and the written notice of protest.
- (b) Within twenty-one (21) days after receipt of the protest by the town, the municipal court shall schedule and conduct a hearing on the protest. At the hearing, the protesting party and representatives of the town shall appear in person. Both parties may be represented by legal counsel. The parties shall have the right to present evidence and arguments, to confront and cross-examine any witness and to oppose any testimony or statement relied upon by an adverse party. The municipal court may receive and consider any evidence that has probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs.
- (c) Once the municipal court has scheduled a hearing on the protest, written notice of such hearing shall be mailed to the protesting party and given to the authorized inspector who signed the notice of abatement. Such notice of hearing shall be mailed to the protesting party and given to the authorized inspector not less than seven (7) days prior to the scheduled hearing.
- (d) Upon the filing of a written protest as provided herein, the period of time for removal of the thing or things or abatement of the condition described in the original notice of abatement shall be extended until final disposition of the protest by the municipal court, plus the amount of time granted in the original notice, or as otherwise ordered by the municipal court.

(Ord. 04-07 §3, 2004)

**Sec. 7-25. Abatement assessment and collection.**

- (a) Any person who causes a public nuisance or allows a nuisance to be caused or to continue shall be liable for the costs of abatement, plus a fifteen-percent (15%) surcharge for inspection and administrative costs. Such costs may be collected by the town in a civil action or assessed and filed as a lien against any property on which the abatement was performed, as specified in this section.
- (b) If the town desires to file a lien against any property on which abatement is performed, the town shall assess the entire cost of abatement plus any surcharge upon the property on which the nuisance was abated. The town shall send, by certified mail with return receipt requested, addressed to the property owner, a notice of assessment containing a description of the property and the amount of the assessment.
- (c) Unless the property owner objects pursuant to subsection (d) below, the property owner shall pay such assessment within thirty (30) days after the date of the notice. The assessment shall be a lien upon the property from the date of the notice, to be collected in the same manner as taxes are collected, with priority over all other liens except general taxes and prior special assessments.
- (d) If the property owner objects to said assessment, he or she shall, within thirty (30) days after the date of the notice, file a written objection with the town administrator, who shall hold a hearing on the matter. The town administrator's decision on the objection shall be final, subject only to judicial review as provided by law.

(Ord. AB-1-89 §6, 1989; Ord. 90-2 §1, 1990; Ord. 09-16 §1, 2009)

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**Sec. 7-26. Acts which constitute a violation.**

- (a) It shall be a violation of this article for any person:
- (1) To create, operate, maintain or conduct any nuisance as defined in this article; or
  - (2) To interfere with or prevent, or attempt to interfere with or prevent, the abatement of any nuisance by the mayor or his or her designated representative(s) of the town pursuant to the provisions of this article.
- (b) Any person who makes or causes any nuisance to exist shall be deemed the author of the nuisance. Moreover, any person who has possession or control of any private ground or premises, whether he or she is owner of the property or not, where any nuisance exists or is found, shall be deemed the author of the nuisance. Each and every day during which any nuisance continues shall be deemed a separate offense and shall be prosecutable and punishable as a separate offense.

(Ord. AB-1-89 §7, 1989)

**Sec. 7-27. Offensive trade or business.**

Whenever the pursuit of any trade, business or manufacture or maintenance of any substance or condition of things results in a condition detrimental to the health, safety or general welfare of the inhabitants of the town, such pursuit shall be deemed a nuisance and shall be abated. By way of illustration, but not limitation, the pursuit of the following trades or businesses within the town shall constitute unlawful nuisances:

- (1) Junkyards and dumping grounds. All places used or maintained, or permitted to be used or maintained, as junkyards or dumping grounds, for the wrecking or disassembling or automobiles, trucks, tractors or machinery of any kind, for the storing or leaving of worn out, wrecked or abandoned automobiles or machinery of any kind, for any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, when such places are kept in such manner to interfere with the comfortable enjoyment of life or property by others. Nothing in section 7-26 shall be deemed or construed to prevent the town from acquiring, operating and maintaining a facility for the storage of motor vehicles, vehicles, boats, machinery or equipment.
- (2) Slaughterhouses and rendering plants. All places used or maintained or permitted to be used or maintained for slaughtering animals, bone crushing, bone boiling, bone rendering, bone burning, fat boiling, fat rendering, fat drying, gut cleaning or making glue, or the manufacture of fertilizing materials of any kind or description when such places are operated in an unclean or offensive manner, or when such places are operated so as to interfere with the comfortable enjoyment of life or property by others.
- (3) Construction sites. All places at which construction or excavation operations occur and from which trucks or other vehicles emerge from the site and carry onto or deposit in any street or other public place any mud, dirt, sticky substance or other litter which causes a hazard to automobile traffic or which otherwise causes a detriment to the health, safety or welfare of the inhabitants of the town.
- (4) Storage operations. All places at which the owner or occupant keeps, stores or permits to be kept or stored any building materials, construction materials, paper, trash, waste material or litter upon any property in such a manner to cause a fire hazard or other detriment to the health, safety or general welfare of the inhabitants of the town, or in such a manner that the stored materials may be blown or deposited upon any other public or private property.

(Ord. AB-1-89 §8, 1989)

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**Sec. 7-28. Littering public or private property.**

- (a) It shall be unlawful and deemed a nuisance for any person to deposit, throw or place any litter upon any street, alley, sidewalk or public grounds in the town except in public receptacles or authorized private receptacles.
- (b) It shall be unlawful and deemed a nuisance for any person, while an operator or passenger of any vehicle, to deposit, throw or place any litter in or upon any street, alley, sidewalk or public grounds in the town except in public receptacles and authorized private receptacles.
- (c) It shall be unlawful and deemed a nuisance to operate any truck, trailer or vehicle in such a manner that the load or any portion of the content of such vehicle is blown or deposited in or upon any street, alley, sidewalk or public grounds in the town.
- (d) It shall be unlawful and deemed a nuisance for any person to deposit, throw or place any papers, newspapers, handbills, letters, samples or political literature in or upon any public street, alley, sidewalk or public grounds in the town.
- (e) It shall be unlawful and deemed a nuisance for any person, except an authorized public employee or officer, or a person who has previously obtained a permit to do so from the town:
  - (1) To post, place, glue, staple, nail, affix or attach any handbill, poster, placard, sign, announcement or other painted or printed material upon or to any street, alley, sidewalk, lawful sign, telephone pole, power pole or any public or private dwelling, store or other building or fence within the town without the permission of the owner or occupant of such property; or
  - (2) To post, place, glue, affix or attach any handbill, poster, placard, announcement or other painted or printed material in or upon any passenger automobile within the town without permission of the owner of the automobile.
- (f) It shall be unlawful and deemed a nuisance for any person to deposit, throw or place any litter on any public or private property or in any water in the town unless:
  - (1) Such property is an area designated by law, ordinance or regulation for the disposal of such material by such person who is authorized by the proper public authority to so use such property;
  - (2) The litter is placed in a receptacle or container installed on such property for such purpose; or
  - (3) Such person is the owner or occupant in lawful possession of such property, or has first obtained written consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of said owner or occupant and does not create a public nuisance as that term is defined in section 7-21 of this article.

(Ord. AB-1-89 §9, 1989)

**Sec. 7-29. Unclean stable or stall; manure fertilizer offensive in odor; building offensive in odor or to sight.**

- (a) Any animal or fowl enclosure in which any animal or fowl shall be kept, or in any other place within the town in which manure or liquid discharges of such animals or fowls shall accumulate, and which is maintained in an unsanitary condition, allowing an offensive odor to escape therefrom or providing an insect or rodent attractant, shall be deemed a nuisance.
- (b) Manure or any other organic material used on premises within the town for fertilizing purposes shall not be allowed to become offensive in odor, offensive to sight, an attraction to insects or rodents or otherwise create an unsanitary condition.

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- (c) Whenever manure or any other organic material shall accumulate and affect the health of the public, it may be forbidden and designated a nuisance under the provisions of this article.
- (d) It shall be unlawful and constitute a nuisance for any person in the town to allow any building or premise or appurtenance thereof to become offensive in odor, offensive to sight, or create an unsanitary or hazardous health condition.

(Ord. AB-1-89 §10, 1989)

**Sec. 7-30. Offensive locations.**

- (a) Stagnant ponds. Any cellar, vault, drain, sewer, pond of water or other place in the town that shall be noxious or offensive to others or injurious to public health through an accumulation or deposition of noxious, offensive or foul water or other substances, or be conducive to the breeding of mosquitoes, shall be unlawful and deemed a nuisance.
- (b) Open wells, cisterns or excavations. It is hereby declared that excavations exceeding five (5) feet in depth, cisterns and wells of an excavation used for storage of water within the town are public nuisances unless the same are adequately covered with a locked lid or other covering weighing at least sixty (60) pounds, or are securely fenced with a solid fence to a height of at least five (5) feet; and it shall be unlawful for any person to permit such nuisance to remain on premises owned or occupied by him or her.
- (c) Stale matter. It shall be unlawful and deemed a nuisance to keep, collect or use, cause to be kept, collected or used, or permit to be kept or used in the town, any stale, putrid or stinking fat or grease or other matter.
- (d) Sewer inlet. It shall be unlawful and deemed a nuisance to deposit in or throw into, or permit to be deposited in or thrown into, any sewer, sewer inlet or privy vault that shall have a sewer connection, any article whatsoever that might cause such sewer, sewer inlet or privy vault to overflow, backup or otherwise become noxious or offensive to others, or to become injurious to public health, safety or general welfare of the residents of the town.

(Ord. AB-1-89 §11, 1989)

**Sec. 7-31. Offensive discharges.**

- (a) Noxious liquids. It shall be unlawful and deemed a nuisance to discharge out of or from, or permit to flow from any house or place in the town any foul or noxious liquid or substance of any kind whatsoever, into or upon any adjacent ground or lot, or into any street, alley or public place in the town.
- (b) Liquid fuel products. The board of trustees hereby finds and declares that the leakage of twenty-five (25) gallons or more of liquid fuel products into the environment of the town from any tank, line or delivery vehicle constitutes a danger to the health, safety and welfare of the general public and the citizens of the town and is therefore a public nuisance.
  - (1) To aid in preventing the leakage of liquid fuel products, the owner, station manager or leaseholder, as operator of each underground liquid fuel installation located in the town, shall cause to be posted in a conspicuous place at said installation a true copy of the Colorado Oil Inspection Regulations concerning Instruction Requirements for Leak Detection.
  - (2) Such owner, station manager or leaseholder, as operator, shall also maintain and reconcile accurate daily inventory records on all underground liquid fuel tanks for indication of possible leakage from tanks or piping.

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- (c) Leaking receptacles, offensive channels. Any unclean, leaking, foul, unsafe or dangerous, defective or filthy drain, ditch, trail or gutter, or any leaking or broken slop, garbage or manure box or receptacle of like character, whenever or wherever found in the town, shall be deemed a nuisance.
- (d) Harmful chemicals. It shall be unlawful and deemed a nuisance for any property owner to apply or use any herbicide, pesticide, insecticide, rodenticide, disinfectant, fumigant or other harmful chemical, gas or vapor upon his or her property in such a manner that the harmful chemical, gas or vapor leaks, escapes, migrates or flows from his or her property and deposits in or on any other public or private property.

(Ord. AB-1-89 §12, 1989)

**Sec. 7-32. Weed control.**

- (a) All owners and occupants of land in the town shall prevent property owned or occupied by them, including the alleys behind and from the sidewalk areas in front of such property, from becoming overgrown in weeds.
- (b) It shall be unlawful and shall be deemed a nuisance for the owner or occupant of any property, including the alleys behind and from the sidewalk areas in front of such property, except property zoned as agricultural or open space, to permit weeds to grow on such property to a height of more than six (6) inches.
- (c) It shall be unlawful and shall be deemed a nuisance for the owner or occupant of any property zoned as agricultural or open space, including public right-of-way, to permit weeds to grow on such property to a height of more than six (6) inches, within a distance of one hundred (100) feet from any public street, highway or park, or within a distance of one hundred (100) feet from property lines adjoining any residential, commercial, industrial or open zone or use.
- (d) Weeds shall be controlled by cutting, spraying or other lawful and suitable method of weed control.

(Ord. AB-1-89 §13, 1989; Ord. 92-5 §1, 1992; Ord. 92-11 §1, 1992)

**Sec. 7-33. Trees and shrubs.**

- (a) Trees, shrubs and other vegetation which are dead, broken, diseased or infested by insects so as to endanger the well-being of other trees, shrubs or vegetation or constitute a potential threat or hazard to people or property within the town are hereby declared a nuisance.
- (b) The town arborist as designated by the mayor shall give written notice to the owner or occupant of any property abutting town rights-of-way or other public property of any condition deemed unsafe caused by trees and other vegetation overhanging or projecting from such abutting property and onto or over such right-of-way or other public property with such unsafe condition. It shall be the duty of the town arborist to correct any such unsafe condition immediately upon the expiration of the notice periods specified in the notice of abatement.
- (c) It shall be unlawful and deemed a nuisance for any person, firm or corporation to cut, trim, spray, remove, treat or plant any tree, vine, shrub, hedge or other woody plants upon access-controlled arterials or other public parks and greenbelts within the town, unless authorized or directed by the town arborist.
- (d) It shall be unlawful and deemed a nuisance for any person to injure, damage or destroy any tree, shrub, vine, hedge or other vegetation in or upon public rights-of-way or other public property within the town, except any person who notifies the town arborist of such injury, damage or destruction and

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makes arrangements to repair or replace such vegetation or pay for the cost of such repair or replacement.

- (e) It shall be unlawful and deemed a nuisance to sell or import into the town or plant or cause to be planted any female cottonwood trees (*Populus spices*), boxelder (*Acer Negundo*) or siberian elm (*Ulmus pumila*) or other undesirable plants as designated by ordinance upon any property within the town, and the planting or setting out of these certain plants is declared to be a menace to public health, safety and welfare and a public nuisance.

(Ord. AB-1-89 §14, 1989)

**Sec. 7-34. Illuminated buildings or premises.**

It shall be unlawful and deemed a nuisance for any person in the town to maintain any building or premises or appurtenance thereof, to be illuminated in such a manner that is offensive, interferes with the comfortable enjoyment of life or property of others, or is otherwise a detriment to the health, safety or welfare of the inhabitants of the town.

(Ord. AB-1-89 §15, 1989)

**Sec. 7-35. Offensive or unhealthy uses.**

- (a) No building, vehicle, structure, receptacle or other thing used, or to be used, for any purpose whatever, shall be used, made, kept, maintained or operated in or retained within the town if the use, keeping, maintaining or operation of the same shall be the occasion of any nuisance, danger or detriment to the public health.
- (b) Every other act or thing done, made, committed, allowed or continued on any public or private property or place by any person, which is detrimental to health, offensive to sight, smell or hearing, or causes damage or injury to any of the inhabitants of the town, and not otherwise specified in this article, shall be deemed a nuisance.

(Ord. AB-1-89 §16, 1989)

**Sec. 7-36. Door removal required.**

It is unlawful and deemed a nuisance for any person to store, keep or junk any icebox, refrigerator, deep freeze or other container having an air-tight compartment having an enclosed volume of four thousand three hundred (4,300) cubic inches without first removing the door or doors therefrom; except any such container when it is in active use or when it is stored or kept for sale by any person engaged in the business of selling within the town.

(Ord. 90-2 §1, 1990)

**Sec. 7-37. Illegal vehicles.**

- (a) Definitions.

Approved hard-finished parking surface shall mean a hard surface customarily used for the parking of motor vehicles as approved by the town administrator or his or her designee, which surface shall include, but not be limited to, pavement, concrete or gravel. Such surface must be well

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drained, free of weeds and of sufficient depth to support vehicles parked thereon, preventing accumulation of mud that can be carried onto adjoining street pavement. Provided, however, no residential lot shall contain more than forty percent (40%) of the total lot area in the front and side yard portions of the lot as an approved hard-finished parking surface.

Illegal vehicle shall mean any motor vehicle, trailer, semi-trailer or other vehicle that is required, pursuant to the laws of the state, to have attached thereto a valid, unexpired license plate, and which:

- a. Does not bear a valid, unexpired license plate;
- b. Is substantially damaged, wrecked, dismantled or otherwise inoperable;
- c. Is abandoned within the meaning of chapter 8, article 2 of this code; or
- d. Is displayed, parked, stored, kept or left on the front or side yard of residentially used real property on an unimproved surface not intended or customarily used for the parking of motor vehicles in a residential or commercial area, including but not limited to grass, dirt or other areas not having an approved hard-finished parking surface.

(b) Unlawful acts.

- (1) It shall be unlawful and deemed a nuisance for any person to display, store, keep, park or leave any illegal vehicle upon any public or private property in the town.
- (2) It shall be unlawful and deemed a nuisance for any person, being the owner or tenant in possession of any real property in the town, to cause or permit any illegal vehicle to be put upon or kept upon any real property within the town.

(c) Exceptions. The provisions of this section shall not be deemed or construed to prevent the keeping or storage of junk cars or cars in a state of repair in compliance with the provisions of the zoning and land use ordinances of the town, as follows:

- (1) Upon the premises of any automotive repair or automobile storage business;
- (2) When such vehicle is kept completely inside a completely enclosed building or is screened by an opaque fence in good repair in the back yard portion of any lot, which fence may not be less than six (6) feet in height so that said vehicle is not visible from any adjacent street, right-of-way or abutting land; provided, however, that a property owner may seek approval from the town administrator or his or her designee for a permit to erect a fence in excess of six (6) feet but not more than ten (10) feet in height if the relative grades require that the fence be in excess of six (6) feet in order to effectively screen the vehicle.

(d) Removal - disposition - impounding.

- (1) The town is hereby authorized to issue a notice to abate, pursuant to section 7-23 of this article, requiring the removal of any illegal vehicle displayed, stored, kept, parked or remaining on any property within the town within the time stated in such notice to abate.
- (2) After the expiration of the time set forth in the notice to abate, the illegal vehicle therein described shall be subject to removal and impoundment by the town as provided in this section. In no event shall the town be required to issue a summons and complaint prior to removal of said illegal vehicle.
- (3) A notice to abate for the removal of illegal vehicles issued under the provisions of this section shall be given by attaching a copy of such order or an official notice to the illegal vehicles described in such notice to abate.
- (4) If any illegal vehicles are removed and impounded by the town, said vehicles shall be impounded and placed in an authorized town impoundment lot.

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- (5) Any illegal vehicles removed and impounded pursuant to this section shall be held, stored, reclaimed and disposed of in accordance with the procedures of chapter 8, article 2 of this code.
- (e) Presumption in reference to illegal parking or storage of vehicles. In any prosecution charging a violation of this section, proof that the particular vehicle described in the notice to abate or in a summons and complaint was parked, stored or kept in violation of this section, together with proof that the defendant named in the notice to abate or summons and complaint was, at the time of such parking, the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked, stored or kept such vehicle at the place where, and for the time during which, such violation occurred.
- (f) Other remedies. In addition to the remedies set forth herein, the town shall also be entitled to exercise all other remedies authorized by law for violations of this section, including the following:
  - (1) Bringing an action in the municipal court pursuant to the provisions of section 7-24 of this article; and/or
  - (2) Seeking a fine for the violation of this section in the amount set forth in section 1-51 of this code. Each day that any such violation continues shall be a separate and distinct offense; provided, however, that the town shall not be authorized to seek imprisonment in the county for any such violation; and/or
  - (3) The town shall be authorized in accordance with the provisions of section 7-25 of this article to assess the costs associated with the illegal parking or storing of vehicles by filing any such costs as a lien against any property upon which the removal of any such vehicles was performed.

(Ord. 13-06 §1, 2013; Ord. 13-07 §10, 2013)

**Sec. 7-38. Removal and control of noxious plants.**

- (a) It shall be unlawful and a nuisance for any landowner, lessee, agent, occupant or person in possession or control of any occupied or unoccupied lot or tract of land within the town or any part thereof, including the sidewalk, alley or street adjacent to the same, to permit the growth of noxious plants.
- (b) The following words, terms and phrases, when used in this section, will have the following meanings except where the context clearly indicates a different meaning:

Alien plant means a plant species which is not indigenous to the state, nor to the native plant community in which it is found.

Biological management means the use of an organism to disrupt the growth of undesirable plants.

Chemical management means the use of herbicides or plant growth regulators to disrupt the growth of undesirable plants.

Control means preventing a plant from forming viable seeds or vegetative propagules.

Cultural control means those methodologies or management practices conducted to favor the growth of desirable plants over undesirable plants, including but not limited to maintaining an optimum fertility and plant moisture status in an area, planting at optimum density and spatial arrangement in an area and planting species most suited to an area.

Landowner or owner means any owner of record of any land, including an owner of record of any easement, right-of-way or other estate in land.

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Mechanical control means those methodologies or management practices that physically disrupt plant growth, including but not limited to tilling, mowing, burning, flooding, mulching, hand-pulling and hoeing.

Native plant means a plant species which is indigenous to the state.

Noxious plant means an alien plant or parts thereof, which meets one (1) or more of the following additional criteria:

- a. It aggressively invades or is detrimental to economic crops or native plant communities;
- b. It is poisonous to livestock;
- c. It is a carrier of detrimental insects, diseases or parasites;
- d. The direct or indirect effect of the presence of such plant is detrimental to the environmentally sound management of natural or agricultural ecosystems; or
- e. It is a plant commonly known as leafy spurge (*Euphorbia esula*), diffuse knapweed (*Centaurea diffusa*), Russian knapweed (*Acroptilon repens*), spotted knapweed (*Centaurea maculosa*), Canada thistle (*Cirsium arvense*) and musk thistle (*Carduus nutans*).

Plant growth regulator means a substance used for controlling or modifying plant growth processes without appreciable phytotoxic effect at the dosage applied.

- (c) The town, through its employees or agents, shall have the right to enter upon any premises, lands or places, whether public or private, for the purpose of inspecting for the existence of noxious plant infestations, when at least one (1) of the following circumstances has occurred:
  - (1) The landowner or occupant has requested an inspection;
  - (2) A neighboring landowner or occupant has reported a noxious plant infestation and requested an inspection; or
  - (3) An authorized agent or employee of the town has made a visual observation from any public place and has reason to believe that an infestation exists.
- (d) No entry upon any premises, lands or places shall be permitted by the town's employees or agents until the landowner or occupant has been notified, either orally, by certified mail or by the posting of a notice at a conspicuous place on such premises, land or place, that such inspection is pending. Whenever possible, agents and employees of the town shall schedule and conduct inspections with the permission of the landowner or occupant.
- (e) If, after receiving notice that an inspection is pending, the landowner or occupant denies access to the town's inspector, the inspector may petition the municipal court for a search warrant pursuant to section 7-22 of this article. It shall be unlawful and a violation of this section for a landowner or occupant to deny access for an inspection to any employee or agent of the town who presents a search warrant.
- (f) The town, through its agents and employees, shall give notice to the landowner or occupant of any premises, lands or places upon which any noxious plants are discovered and advise such owner or occupant of the presence of such noxious plants. The notice shall name the noxious plants, advise the landowner or occupant to control the noxious plants and specify the best available control methods, including but not limited to biological management, chemical management, mechanical control or cultural control. Whenever possible, the town shall discuss the development of a management plan for the control of noxious plants with the affected landowner or occupant either by personal service, certified mail or posting in a conspicuous place at the affected premises, lands or places.
- (g) Within a reasonable time after receipt of the notice regarding the presence of noxious plants, not to exceed ten (10) days, the landowner or occupant shall either:

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- (1) Comply with the best available control methods as specified in the notice; or
  - (2) Acknowledge the terms of the notice and submit an acceptable alternative management and control plan and schedule for complying with the notice.
- (h) In the event the landowner or occupant fails to comply with the notice to control the identified noxious plants or the management plan, the town shall have the authority to:
- (1) Provide for and compel the control of such noxious plants at such time, upon such notice and in such manner as the town chooses; and
  - (2) To assess the whole cost thereof, including an additional fifteen percent (15%) for inspection and other incidental costs in connection therewith, upon the lot or tract of land where the noxious plants are located. Such assessment shall be a lien against each lot or tract of land until paid and shall have priority over all other liens except general taxes and prior special assessments. Such assessment may be certified to the county treasurer and collected and paid over in the same manner as provided for the collection of taxes. Any amount remaining unpaid may be carried over and charged on the tax roll of the succeeding year, and any unpaid balance so carried over shall bear interest at the rate established by the commissioner of banking pursuant to Section 39-21-110.5, C.R.S., until paid. In addition, it shall be unlawful and a violation of this section for any landowner or occupant to fail or refuse to comply with a notice to control or a management plan.
- (i) The town, through its employees and agents, shall have the right to enter upon any premises, lands or places, whether public or private, for the purpose of ensuring compliance with requirements of a notice of control or a management plan.

(Ord. 96-12 §1, 1996)

**Secs. 7-39—7-49. Reserved.**

**ARTICLE 3 Waste Systems**

[Sec. 7-50. Privy regulations.](#)

[Sec. 7-51. Private sewer, septic tank or cesspool.](#)

[Sec. 7-52. Discharges onto the ground.](#)

[Sec. 7-53. Toilet connection.](#)

[Sec. 7-54. Permits.](#)

[Secs. 7-55—7-69. Reserved.](#)

**Sec. 7-50. Privy regulations.**

It shall be unlawful for any person, firm or corporation to use or maintain within the town any privy which fails to comply with the following regulations, to-wit:

- (1) Any privy shall be a sanitary earth pit privy, with concrete footers and slabs and equipped with screened vents. The riser shall be constructed of concrete or impervious treated wood. The seat and lid shall be hinged.

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- (2) No privy shall be constructed nearer than fifty (50) feet from any well or other source of water supply.

(Ord. 46 §1, 1951)

**Sec. 7-51. Private sewer, septic tank or cesspool.**

It shall be unlawful for any person, firm or corporation to use or maintain, within the town, any private sewer, septic tank or cesspool from which sewage shall be discarded in such a manner that it shall flow or be exposed upon the surface of the ground.

(Ord. 46 §2, 1951)

**Sec. 7-52. Discharges onto the ground.**

It shall be unlawful for any person, firm or corporation to use or maintain any sink, drain, urinal or toilet which discharges any waste material on the surface of the ground.

(Ord. 46 §3, 1951)

**Sec. 7-53. Toilet connection.**

It shall be unlawful for any person, firm or corporation using water from the water works of the town to connect with said water system any hopper type or frostproof toilet.

(Ord. 46 §4, 1951)

**Sec. 7-54. Permits.**

No person, firm or corporation shall construct any privy, septic tank, cesspool or other type of sewage disposal facilities without receiving a permit therefor from the town clerk.

(Ord. 46 §5, 1951)

**Secs. 7-55—7-69. Reserved.**

**ARTICLE 4 Animals**

[Sec. 7-70. License, application, fee and vaccination.](#)

[Sec. 7-71. Registration and replacement tag fee.](#)

[Sec. 7-72. Dogs or cats running at large.](#)

[Sec. 7-73. Vicious dogs or cats.](#)

[Sec. 7-74. Impounding and redemption.](#)

[Sec. 7-75. Rabies control.](#)

[Sec. 7-76. Disturbance of peace and quiet by animal.](#)

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[Sec. 7-77. Control of animals.](#)

[Sec. 7-78. Unlawful to break impoundment facility.](#)

[Sec. 7-79. Number of animals limited.](#)

[Sec. 7-80. Humane treatment and care of animals.](#)

[Sec. 7-81. Penalties - Animals.](#)

[Sec. 7-82. Prohibited animals.](#)

[Sec. 7-83. Definitions.](#)

[Sec. 7-84. Backyard chicken hens.](#)

[Secs. 7-85—7-89. Reserved.](#)

**Sec. 7-70. License, application, fee and vaccination.**

- (a) No person shall own, keep or harbor any dog which has attained the age of five (5) months, within the limits of the town without first having obtained a license. Application for the license shall be made to the town clerk.
- (b) Each applicant for a license shall be required to pay a fee for each neutered or spayed dog and an annual fee for each unneutered or unspayed dog prior to the issuance of a license; such fees shall be as adopted by the town by resolution of the board of trustees. Any person who wishes to use the reduced fee for neutered or spayed animals shall present to the town clerk a signed statement from a licensed doctor of veterinary medicine that such animal has been neutered or spayed. License fees may include a multiple-year license.
- (c) The clerk shall not issue any license to any applicant until such applicant shall produce and display to the clerk a certificate from a licensed doctor of veterinary medicine showing that such dog has been vaccinated for rabies.
- (d) Licenses issued for dogs in the town shall expire after one (1) year. Dogs brought into town during the year shall have thirty (30) days to obtain a current license.

(Ord. 11-01 §1, 2011; Ord. 13-13 §25, 2013)

**Sec. 7-71. Registration and replacement tag fee.**

- (a) Upon proper application and payment of fees as provided in this article, the town clerk shall issue all licenses required by this article, shall keep a suitable book for the registration of dogs, shall register therein all dogs whose owners, keepers or harborers have paid the fee herein provided, and shall keep a record of the date of registration, the name, sex, breed and color of each dog so registered.
- (b) The town clerk shall furnish to the person causing such dog to be registered a suitable metal tag bearing a number corresponding to that of the license issued for such dog. Each dog so licensed shall be provided by its owner, keeper or harborer with a collar of suitable material to which such license tag shall be securely fastened thereto on such dog at all times while the dog is off the owner's property. Any owner who is requested to do so by an authorized town official shall promptly present the tag to such official as proof of the dog's proper registration. In the alternative, any owner, keeper or harborer may at his or her expense, have a microchip containing an identification number implanted into the dog, and such dog need not have a license tag as otherwise provided herein.

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- (c) No person shall use or permit the use of a license tag for an animal other than the animal for which the tag was duly issued.
- (d) A duplicate metal license tag may be obtained from the town clerk upon payment of a fee as adopted by the town by resolution of the board of trustees if such tag is lost or destroyed.

(Ord. AC-85-1 §3, 1985; Ord. 92-13 §1, 1992; Ord. 11-01 §2, 2011; Ord. 13-13 §26, 2013)

**Sec. 7-72. Dogs or cats running at large.**

- (a) No owner, keeper, harbinger or any other person who has assumed responsibility for a dog or cat shall permit such dog or cat to run at large within the town. The dog or cat shall be presumed to be running at large when it is neither on the premises of the owner, keeper, harbinger or other responsible person, nor on a leash ten (10) feet or less in length, attached to the dog or cat and held by or tied to a person. A dog or cat is presumed to be at large when it is found at any place within the town other than upon the premises of its owner, keeper or harbinger and if it is found in any public area designated as being off limits for dogs or cats, if such area has been designated by the board of trustees by resolution as being off limits to dogs or cats and appropriate signs have been posted giving notice of the fact that dogs or cats are not allowed.
- (b) This section shall not apply to seeing eye dogs accompanied by their masters nor dogs or cats participating in dog or cat shows, dog or cat exhibits or dog or cat training activities to the extent that such exhibits and activities are conducted in compliance with law.

(Ord. AC-85-1 §4, 1985; Ord. 92-13 §1, 1992)

**Sec. 7-73. Vicious dogs or cats.**

- (a) It shall be unlawful for any person to own, possess, keep, exercise control over, maintain, harbor, transport or sell within the town any vicious dog or vicious cat.
- (b) Any dog or cat which has bitten any person shall immediately be impounded in accordance with this article for a period of at least ten (10) days by the Weld County Humane Society or another appropriate impounding agency.
- (c) No person shall willfully cause, instigate, encourage or promote any dog to aggressively threaten, attack, attempt to bite, or bite any person or other animal in the town; provided, however, that no violation of this subsection shall be deemed to have occurred where a dog is caused or encouraged to attack any person engaged in attacking or molesting another person.
- (d) For purposes of this section, a vicious cat is defined as any cat that bites or attacks a person at any place within the town, whether on public property or on private property.
- (e) For purposes of this section, a vicious dog is defined as a dog which, at any place in the town, attacks or bites a human being, or dog, cat or domestic animal, or which repeatedly charges against a fence in an attempt to attack or charges to the end of its lead in an attempt to attack, or has bitten or attempted to bite, or aggressively threatened by charging, baring its teeth, growling and snapping, or otherwise demonstrates vicious behavior toward a human being or another animal; provided, however, that no dog shall be deemed vicious solely by reason of having attacked, threatened, attempted to bite or bitten under the following circumstances:
  - (1) When a person attacked such dog or engaged in such conduct reasonably calculated to provoke such dog to attack, threaten or bite such person or another person;

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- (2) When a person is engaged in provoking or stopping a dog fight or any altercation between such dog and another animal;
  - (3) When any person is engaged in attacking or molesting another person;
  - (4) When any person is engaged in unlawfully entering into or upon the fenced or enclosed portion of the premises upon which such dog is kept, or into or upon any automobile or other vehicle parked or stored in, upon or on the street adjacent to such premises;
  - (5) When any person is engaged in unlawfully entering into or upon any vehicle in which such dog is kept or confined;
  - (6) When any other animal is engaged in the unauthorized entry into or upon the fenced or enclosed portion of the premises upon which such dog is kept; or
  - (7) When any person other than an authorized police officer or code enforcement officer is engaged in capturing or attempting to capture such dog in the absence of the owner, excepting any person attempting to capture such dog on such person's own property.
- (f) No person shall intentionally, willfully or negligently cause any dog to attack or bite any person, dog, cat or domestic animal.
- (g) The municipal judge shall order the humane destruction of any dog or cat which has bitten or attacked persons or other animals without provocation.

(Ord. AC-85-1 §5, 1985; Ord. 92-13 §1, 1992; Ord. 99-11 §1, 1999)

**Sec. 7-74. Impounding and redemption.**

- (a) Any town employee authorized by the board of trustees may impound any dog or cat found to be running at large within the town. Any dog or cat so impounded shall not be released by the town or the agency having control of the dog or cat until the appropriate impound fee has been paid either to the agency having control of the dog or cat or to the town. The owner or other person having legal right to possession of the dog or cat which has been impounded pursuant to this article may redeem the dog or cat any time while the dog or cat is still at such an impound facility by paying a redemption fee, which redemption fee will be determined by the town clerk. The town clerk shall, no less frequently than annually, prepare a schedule setting forth the fees and boarding costs which must be paid prior to redemption. Such schedule shall be available from the town clerk upon reasonable request.
- (b) Any dog or cat which has been impounded and not redeemed shall be disposed of in a humane manner by the Weld County Humane Society or a doctor of veterinary medicine no sooner than seventy-two (72) hours after the dog or cat has been impounded unless disease, injury or other unforeseen circumstance requires sooner disposition.
- (c) The town animal control officer shall cause a summons and complaint to be issued charging a violation of section 7-72 of this article to each person who redeems a dog or cat if that person or a member of his or her immediate family has redeemed the same dog or cat from the town's impound facility within the preceding six (6) months. Nothing in this section shall be construed to limit the authority of any police officer or employee of the town to issue a summons and complaint for any violation of this chapter, including first-time violations.
- (d) The animal control officer or other town employee shall make or cause to be made a written record of all impoundments and redemptions of dogs or cats. Any person who has had a second redemption within a six-month period of time may be charged additional redemption fees in accordance with the schedule prepared by the town clerk as set forth in subsection (a) above.

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(Ord. AC-85-1 §6, 1985; Ord. 92-13 §1, 1992)

**Sec. 7-75. Rabies control.**

- (a) The owner of every dog, cat or other animal which is subject to rabies shall cause such dog, cat or other animal to be inoculated against rabies and shall obtain from a licensed veterinarian a rabies vaccination certificate which shall contain the following information:
  - (1) The name, address and telephone number of the owner of the vaccinated dog, cat or other animal;
  - (2) The date of the vaccination, the date of the expiration of the vaccination and the type of vaccine used;
  - (3) The year and number of the dog or cat license;
  - (4) The type of animal;
  - (5) The breed, age, color and sex of the animal; and
  - (6) The signature of the veterinarian administering the vaccine.
- (b) The owner of any animal that bites any human being shall report the occurrence to the town, shall deliver the animal to the town and shall provide such information as may be requested to the official receiving the animal.
- (c) Any animal which is found within the town and which is suspected to be carrying rabies or parvo shall immediately be turned over to the animal control officer. The animal control officer shall, at the owner's expense, quarantine the animal for an appropriate period of time and take such other steps as may be necessary to prevent the spread of rabies or parvo.
- (d) No person shall kill any suspected or confirmed rabid animal except upon the written consent of the animal control officer, in defense of a human being or other animal or to prevent the escape of such suspected or confirmed rabid animal.

(Ord. AC-85-1 §7, 1985; Ord. 92-13 §1, 1992)

**Sec. 7-76. Disturbance of peace and quiet by animal.**

No owner, keeper, harbinger or other person who has assumed responsibility for any animal shall permit such animal to disturb the peace and quiet of any other person by barking, whining, howling or making any other noise in a successive or continuous manner. The animal control officer or other town employee shall have the authority, without liability, to use all reasonable means to abate such disturbance of the peace and quiet, including the authority to impound such animal upon receipt of a signed complaint by a person whose peace and quiet has been disturbed. This section does not authorize any town employee to enter any animal owner's premises without express legal authority. If an animal is impounded under this section, such animal shall not be destroyed pursuant to section 7-74 until the owner of the animal has been notified of the animal's impoundment and has had an opportunity to redeem the animal. No person shall be convicted of a violation of this section unless at least one (1) complaining witness testifies at the trial, which witness may be an animal control officer or police officer, or other collaborating evidence is presented and received.

(Ord. AC-85-1 §8, 1985; Ord. 92-13 §1, 1992)

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**Sec. 7-77. Control of animals.**

No owner, harborer or other person who has accepted responsibility for any animal within the town shall permit such animal to be off the premises of the owner, harborer or other person who has accepted responsibility for the animal. If such animal is not on the premises of the owner, harborer or other responsible person, the animal must be on a leash of ten (10) feet or less in length.

(Ord. AC-85-1 §9, 1985)

**Sec. 7-78. Unlawful to break impoundment facility.**

It shall be unlawful for any person to break, open, destroy or damage any impoundment facility, animal trap, fence or enclosure designed to contain animals, or to take, remove or attempt to remove from such facility any animal impounded therein without having first paid the fees provided in this article.

(Ord. AC-85-1 §10, 1985)

**Sec. 7-79. Number of animals limited.**

- (a) No person shall keep or harbor more than four (4) cats and/or dogs over the age of five (5) months within the town without having first obtained legal authority to operate a veterinary facility or animal shelter.
- (b) No person shall keep or harbor any other animals, wild, domestic, exotic or livestock, within the town which are not specifically permitted, other than pet animals.

(Ord. AC-85-1 §11, 1985; Ord. 90-15 §1, 1990; Ord. 92-13 §1, 1992)

**Sec. 7-80. Humane treatment and care of animals.**

It shall be unlawful for any owner, keeper, harborer or other person who has assumed responsibility for an animal to:

- (1) Fail to provide adequate food, water, shelter, veterinary services and humane care necessary to maintain good health and to prevent suffering;
- (2) Physically abuse any animal;
- (3) Abandon any animal or leave the animal unattended for more than forty-eight (48) consecutive hours;
- (4) Intentionally or maliciously kill or injure any animal unless necessary to defend a human being or other animal from attack; or
- (5) Confine any animal in a vehicle or structure without allowing ventilation so as to prevent the animal from suffering heat exhaustion, stroke or death, or confine any animal in any parked closed vehicle for more than one (1) hour.

(Ord. AC-85-1 §12, 1985)

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**Sec. 7-81. Penalties - Animals.**

- (a) Any person who is found guilty of a violation of section 7-72 and section 7-77 of this article shall be punished by a fine of not less than forty dollars (\$40.00) nor more than two hundred dollars (\$200.00) for the first violation, a fine of not less than sixty dollars (\$60.00) nor more than four hundred dollars (\$400.00) for the second violation, and a fine of not less than seventy-five dollars (\$75.00) nor more than the amount set forth in section 1-51 of this code for a third violation within any twenty-four-month period of time.
- (b) Any person who violates any other provision of this article shall be punished by a fine not exceeding the amount set forth in section 1-51 of this code or by a jail sentence of not more than ninety (90) days, or by both such fine and imprisonment. In addition to the above penalties, the court shall impose such costs as may be appropriate and shall order the payment of restitution to any aggrieved person or entity as may be appropriate in the court's discretion.

(Ord. AC-85-1 §13, 1985; Ord. 92-13 §1, 1992; Ord. 96-4 §3, 1996; Ord. 13-07 §11, 2013)

**Sec. 7-82. Prohibited animals.**

It is unlawful for any person to keep or harbor any animals which are not specifically permitted, other than pet animals, within the town. The keeping of such animals within the town is declared to be a nuisance.

(Ord. 90-15 §2, 1990)

**Sec. 7-83. Definitions.**

For the purpose of this article, certain words and terms are defined as follows:

Animal shall mean every nonhuman species of the animal kingdom, both domestic and wild.

Cat shall mean any member of the species *Felis catus*.

Dog shall mean any member of the species *Canis familiaris*.

Pet animals shall mean dogs, cats, guinea pigs, hamsters, mice, turtles, aquarium fish, cage birds and other animals of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter, including as many as, but not more than, four (4) rabbits. It shall not include domesticated sheep, horses, cattle, goats, swine, fowl, wildlife, hogs, ducks, geese, livestock or any or all other animals which are not specifically permitted by this article.

(Ord. 90-15 §3, 1990; Ord. 95-2 §1, 1995)

**Sec. 7-84. Backyard chicken hens.**

It shall be unlawful to place or maintain backyard chicken hens unless a permit is obtained pursuant to this section, and provided that the conditions and requirements set forth in this section are met. For purposes of this section, a backyard chicken hen is defined as a chicken hen kept pursuant to this section and not otherwise defined as poultry kept or maintained as a use by right or use by special review in an agriculturally zoned district.

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- (1) Backyard chicken hens are allowed only in the Residential one (R-1) zoning district with a duly issued permit and payment of the applicable fee as adopted by the town by resolution of the board of trustees.
- (2) No more than six (6) backyard chicken hens are permitted per dwelling unit.
- (3) Roosters are prohibited.
- (4) All backyard chicken hen coops shall meet the following requirements:
  - a. Be predator-proof with a solid roof.
  - b. Be limited to a maximum of one hundred twenty (120) square feet (includes coop space and chicken run).
  - c. Be no taller than seven (7) feet at the highest point of the roof.
  - d. Not be located between the rear of the principal structure and the front yard lot line.
  - e. The coop shall have a minimum five-foot setback from any side or rear property line.
  - f. Water shall be provided onsite and accessible to chicken hens at all times.
  - g. During daylight hours, the chicken hens shall have access to a chicken run that is adequately fenced and protected from predators and shall also have access to a chicken coop.
  - h. From dusk until dawn, chicken hens shall be protected from predators by being enclosed within a chicken coop.
- (5) Chicken coops and chicken runs shall be maintained and shall be regularly cleaned to control dust, odor and waste and not constitute a nuisance, safety hazard or health problem to surrounding properties.
- (6) No on-site slaughtering is allowed.
- (7) Chicken feed shall be stored in a resealable, airtight, predator-proof container.
- (8) Chicken waste shall only be stored in a resealable, airtight, predator-proof container.

(Ord. 13-10 §1, 2013; Ord. 13-13 §27, 2013)

**Secs. 7-85—7-89. Reserved.**