

Title 8
HEALTH AND SAFETY

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8.04 Offenses Relating to Safety

8.04.010 Purpose

This Chapter shall be construed in such manner as to promote maximum fulfillment of its general purposes, namely, to define offenses, describing adequately the act which constitutes each offense relating to health and safety, to give fair warning to all persons concerning the nature of the conduct prohibited, and to forbid the commission of offenses.

Section 8.04.020 Definitions

For the purposes of this Chapter the following terms, phrases, and their derivations shall have the meaning given herein:

1. “Arrow” means any missile or projectile shot or propelled from a bow.
2. “Bow” means a longbow, re-curved bow, or compound bow on which the string is not drawn mechanically or held mechanically under tension. String releases or mechanical releases,

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- which are hand drawn or hand-held with no other attachment or connection to the bow other than to the bowstring, are lawful devices,
3. "Cross bow" means a bow, which is attached at a right angle to a stock with a mechanical mechanism for holding the bowstring in a cocked position and fired from the shoulder.
 4. "Firearm" means any handgun, automatic, revolver, pistol, rifle, shotgun, or other instrument or device capable of or intended to be capable of discharging bullets, cartridges, or other explosive charges.
 5. "Pellet gun" means a handgun or rifle of .177 caliber or larger firing pellets or BB's and powered by compressed air gas.
 6. "Sling shot" means a hand held device, not drawn or held mechanically, with the arms or attachment points to which an elastic band is attached for propelling small stones or metal projectiles. Wrist-braced attachments and non-elastic projectiles pouches are considered normal components of a slingshot.

8.04.030 Throwing Missiles

No person shall knowingly throw or shoot any stone or other missile at or upon any person, animal, motor vehicle, and public property or at or upon any building, structure, tree or other public or private property not belonging to that person.

8.04.040 Prohibited Use of Weapons

- A. A person commits an offense if:
 1. He knowingly and unlawfully displays or aims a firearm at another person;
 2. Not being a peace officer, he knowingly and unlawfully fires or discharges any firearm or knowingly fires or discharges any crossbow anywhere within the Town, except at a lawfully authorized target range.
 3. He knowingly fires and discharges any air gun, gas operated gun, B.B. gun, pellet gun, slingshot, or spring gun anywhere within the Town. He knowingly and unlawfully explodes or sets off any combustible or explosion material;
 4. He knowingly sets a loaded gun, trap, or device designed to cause explosion upon being tripped or approached, and leaves it unattended by a competent person immediately present;
 5. He has in his possession a firearm while he is under the influence of intoxicating liquor or of a controlled substance, as defined in C.R.S. Section 12-232-303(7), as amended. Possession of a permit issued under C.R.S. Section 18-2-05(2) (c), as amended, shall not be a defense to a violation of this subsection; or
 6. He recklessly or carelessly shoots a bow and arrow.
- B. The chief of police may grant an exception to this Section, in writing, for contests, sporting events, construction and/or maintenance work. Said permission shall limit the time and place of such firing; and shall be subject to being revoked by the chief of police at any time after the same has been granted.
- C. Every person convicted of any violation of this Section shall forfeit such firearm or weapon illegally discharged or displayed to the Town. Any firearm or weapon forfeited pursuant to this Section shall be disposed of by the chief of police pursuant to law.
- D. It shall be an affirmative defense to any provision of this Section that the act was committed by a peace officer in the lawful discharge of his duties.

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8.04.050 Storage of explosives prohibited

It shall be unlawful for any person to knowingly store within the Town or within one (1) mile thereof any amount of gunpowder, blasting powder, nitroglycerin, dynamite, or other high explosive in excess of one (1) fifty (50) pound box or in excess of five hundred (500) caps or other devices used for the detonation of such high explosives. This Section shall not be deemed to apply to sporting goods businesses and other businesses licensed to store explosives pursuant to law.

8.04.060 Abandoned containers

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

8.08 Offenses Relating to Health

8.08.010 Purpose

This Chapter shall be construed in such manner as to promote maximum fulfillment of its general purposes, namely, to define offenses, describing adequately the act which constitutes each offense relating to public health, to give fair warning to all persons concerning the nature of the conduct prohibited, and to forbid the commission of offenses.

8.08.020 Definitions

For the purposes of this Chapter the following terms, phrases, and their derivations shall have the meaning given herein:

1. "Action to abate a public nuisance" means any action taken in accordance with the provisions of Chapter 4.08 Public Nuisances relating to Health of Title 4 Public Nuisances to restrain, remove, terminate, prevent, or abate a public nuisance.
2. "Deposit" means to throw, drop, pile, place, dump, discharge, store, or leave.
3. "Garbage" means all putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food
4. "Junk" means any material or object, used or new, which is not presently usable, including, but not limited to scrap metals and their alloys, bones, rags, cloth, rubber pieces, rope, tinfoil, bottles, tools, fixtures, utensils, lumber, boxes, crates, pipe or pipe fittings, automobile or airplane tires, vehicle parts, machinery and appliances. Objects or materials shall be considered junk if they are so worn, deteriorated or obsolete as to make them unusable in their existing condition; if they are not capable of being used in their present location on the property; or if they cannot legally be used due to the absence of legal prerequisites to use.
5. "Junk vehicle" means any vehicle not capable of traveling under its own powers, not bearing current registration plates and insurance, or which for thirty days or more, is inoperable or has not been in condition to be legally operated on the streets; provided, however, that such definition shall not include vehicles which are capable of travel under their own power but which do not bear current registration plates when such vehicles are located upon vehicle sale lots which hold current auto dealer's licenses or when such vehicles are being repaired at

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- garages, body shops or other vehicle repair businesses which hold current state sales tax licenses.
6. "Litter" means any and every rubbish, waste material refuse garbage. Trash, excrement, urine, 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, feather, grass clippings, leaves, cut weeds, tree branches, bush clippings, bricks, cinder blocks building material, wood, port-o-potties, paint, concrete, sand, dirt, mud, gravel, stone, glass, asphalt, ashes, cigarette, cigar, food, or food product, solvent, dye, beverage, liquid except clean water, offal composed of animal matter or vegetable matter, or both, or any noxious or offensive matter whatever.
 7. "Public or private property" includes but is not limited to the right-of-way of any road Street, highway, or alley; sidewalk, gutter, or catch basin within said right-of-way; any park or recreation area; any building or structure; and any residential, commercial, farm or ranch properties.
 8. "Refuse" means garbage, litter, junk, or manure
 9. "Vegetation:"
 - A. "Brush" means a volunteer growth, bushes or shrubbery over the average height of twelve (12) inches; or any combination of dead brush, tree trimmings and weeds; or sage brush or other infurious, poisonous, unsightly or illegal bushes or shrubbery.
 - B. "Grass means any of various plants of the grass family used for food, fodder, grazing, and/or as lawns, in excess of twelve (12) inches.
 - C. "Weeds" means a rank growth of plants or vegetation considered undesirable, unattractive, or troublesome, which are of a height of six (6) inches or more.
 10. "Waterway" shall include but is not limited to any gulch, draw, channel, or ditch, either natural or constructed, which carries surface water, and any body of water watercourse, including banks, margins, shores, or beaches thereof

8.08.030 Offense Weeds on property

It shall be unlawful for the owner of any real property within the Town, or any agent in charge of such property, to allow or permit weeds to grow or remain when grown upon such property between the traveled roadway to the rear property line or a depth of one hundred fifty (150) feet whichever is lesser, along any alleys, or in front of such property between said property and the traveled roadway. Undeveloped lots or parcels of land may be exempted from the operation of this Section at the sole discretion of the Town manager based upon such factors as location in an undeveloped area and/or proximity to residences, commercial buildings, or other improvements.

8.08.040 Offenses--Refuse on property

It shall be unlawful for any person owning, occupying, or in control of property, or any other person, to deposit any articles or materials classified as junk or litter according to the definition set forth in section 8.08.020 on any vacant land or parcel, or adjacent to or in close proximity to any school house, church, public park, residence, or a residence's private dumpster, business or a business's private dumpster, or in a zoning district prohibiting outdoor storage or processing of junk unless such junk is screened from public view by an approved solid fence not less than six (6) feet in height, or, if the topography requires such an enclosure, in a building with four (4) solid walls and a roof. No household or commercial refuse shall be placed in any street container or other container maintained by the town, county, or any special district.

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8.08.045 OFFENSES- JUNK VEHICLES ON PROPERTY.

It shall be unlawful for any person owning, occupying, or in control of property, or any other person, to deposit any junk vehicles as defined in **section 8.08.020**, or parts thereof, on public or private property, unless screened from public view by an approved solid fence not less than six (6) feet in height or, if the topography requires such an enclosure, in a building, with four (4) walls and a roof; or unless such vehicle is stored in a lawful storage, junk or auto wrecking yard in a zone permitting such storage, junk or auto wrecking yard. Nothing in **section 8.08.045** shall be deemed or construed to prevent the city from acquiring operating and maintaining a facility for the storage of motor vehicles, vehicles, boats, machinery, or equipment.

8.08.047 OFFENSES- VEHICLE PARKING

- A. No person shall park, or knowingly permit to be parked, any vehicle other than a motorcycle or moped in any front or side yard of any building for any purpose except the washing of such vehicle, unless such vehicle is parked; (1) on a portion of the yard which provides direct access to a garage from a street, or (2) on an improved side yard area having a surface of asphalt, concrete, rock, gravel or other similar inorganic material, with a border that defines the parking area and that is designed and constructed to prevent loose material, such as rock or gravel, from spilling onto any abutting public street or sidewalk. The parking of a vehicle in violation of this section is hereby declared to constitute a nuisance.
- B. Parking of commercial vehicles with a gvwr of 26,001 lbs, or more, in residential areas is limited to not more than two commercial vehicles for each dwelling unit.
- C. Major repair and restoration of occupant owned vehicles may occur only within a fully enclosed garage.
- D. Parking a vehicle upon a roadway for the principal purpose of displaying such vehicle for; greasing, painting, or repairing such vehicle except repairs necessitated by an emergency; displaying advertising

8.08.050 Offenses—Refuse along waterways

It shall be unlawful for any person owning, occupying, or in control of property, or any other person, to permit to be deposited or to deposit any refuse into a waterway for any purpose whatsoever, except that the Town manager may authorize in writing such deposit provided it will not in any way obstruct, befoul, or make unsightly said waterway.

8.08.060 Offenses--Refuse from vehicle

It shall be unlawful for any person to deposit refuse from any vehicle except into containers or places clearly provided and designated for the purpose. The operator of such motor vehicle is presumed to have caused or permitted the refuse to be so deposited there from.

8.08.070 Offenses--Disposal of refuse

It shall be unlawful for any person to fail to dispose in a sanitary manner of refuse, particularly garbage and rubbish, which accumulates or may accumulate upon the property owned or occupied by him. No person shall deposit, store, or keep such refuse where cats, dogs, or other animals may have access thereto, and no such refuse shall be kept or handled in any manner likely to cause a nuisance or injury to any other person or the public.

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8.08.080 Offenses--Vehicles and covers

All vehicles of any description conveying refuse within the Town shall be properly covered and secured so as to prevent any such refuse from being blown from or falling from such vehicle. The portion of any vehicle used for collection of refuse shall be solidly constructed so as to prevent the escape of liquids and access by insects or vermin.

8.08.090 Other offenses

Other offenses within the Town relating to the public health shall include any pollution or contamination of any surface waters, of the air, or any water, substance, or material intended for human consumption; any cellar, vault, sewer, drain, place, or property which is damp, unwholesome, nauseous, offensive, or filthy, or which is covered for any portion of the year with stagnant or impure water or which is in such condition so as to produce unwholesome or offensive odors, or which is injurious to the public health; permitting the accumulation of manure in any stable, stall, corral, yard, or any place or building in which animals are kept; keeping or collecting any stale or putrid grease or other offensive matter; having or permitting upon any property any fly or mosquito producing condition; neglecting or refusing to discontinue use of, clean out, disinfect, or fill up all privy vaults, septic tanks, or other wastewater disposal systems; and not constructing or maintaining wastewater facilities in accordance with the provisions of this Code and any regulations enacted thereby.

8.08.100 Enforcement

In addition to prosecution in the municipal court of offenses described in this Chapter, said offenses are declared by the Town to be public nuisances, and the Town manager may take action to abate or cause to be abated any such public nuisances in accordance with the provisions of Chapter 4.08 Public Nuisances Relating to Health of Title 4 Public Nuisances.

- A. Code enforcement officer duties; the duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the classification if the work is similar, related or a logical assignment to the class.
 - 1. Conducts onsite inspections and re-inspections; investigates and determines existence and type of zoning, housing, signage, health, noise, animal, public safety, property maintenance and/or nuisance code violations and recommends corrective actions to bring about compliance; determines time frames for compliance achievement; issues notices of violations and citations.
 - 2. Answers inquiries from and advises property owners, builders and the public regarding compliance with zoning regulations, property maintenance standards, structure design standards, regulatory practices and current active code enforcement cases; responds to citizen complaints regarding potential code violations; conducts research regarding property ownership, current and past permits and applications, and applicable codes; coordinates code enforcement actions with other town departments and other governmental agencies when necessary.
 - 3. Consults with and coordinates activities with the planning department personnel, the town manager, town attorney, town department heads and other town staff. Plans and recommends code enforcement strategies and policies; develops code enforcement procedures and schedules, assists planners in preparing new municipal codes or revising existing ordinances.

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Prepares correspondence to educate the public and advise individuals on the status of code enforcement activities. Develops permit conditions standards, streamline checklists, deposit for inspections. Maintains accurate, complete records of complaints, inspections, violations and citations; prepares periodic written reports detailing code enforcement activity and results for presentation to the planning department and town manager, planning & zoning commission and town council. Receives training and advises town staff, property owners, builders and the public regarding compliance with title 24 accessibility requirements and associated ada regulations. Performs inspections for tree removals, one-versus two-unit dwellings, riprap placement/removal.

8.08.101 Removal by town—costs assessment

- A. If any person fails to comply with sections 8.08.030 or 8.08.040, the town manager or his or her authorized representative may cause to be served, whether personally or by mail, an administrative citation upon the owner, lessee, occupant or the agent of such owner, lessee or occupant, or any person having care and control of such lot or parcel of land. Such personal service, or such written notice mailed to the last known address of the record owner of the property by certified mail, or to the manager, lessee, occupant or the agent of such owner, lessee or occupant, shall be deemed adequate notice. Such service shall be valid for a period of one hundred eighty (180) days. The owner, lessee, occupant or the agent of such owner, lessee or occupant, or any person having care and control of such lot or parcel of land, shall be responsible to maintain said property. Failure to maintain property for ninety (90) days after receiving notice shall be considered a separate violation.
 - 1. If after receiving the administrative citation to correct pursuant to the section **8.08.101** and the city’s authorized representative performs a second or further inspection (other than an inspection showing compliance) within ninety (90) days after the first notice for the same property and finds a second or further violation of the same type, the owner, lessee, occupant or the agent of such owner, lessee or occupant, or any person having care and control of such lot or parcel of land shall be assessed a \$100.00 inspection fee. Such fee shall be paid to the Town within thirty (30) days of notice thereof from the Town.
- B. If the weeds or litter are not removed within the stated time, the Town may remove the same and assess the whole cost thereof upon the property and the assessment shall be a lien until paid. If any assessment is not paid within thirty (30) days after it is made, the same shall be certified by the town clerk to the county treasurer for Rio Blanco County and placed upon the tax list for the current year, and thereby collected in the same manner as other taxes are collected, with a ten (10%) percent penalty thereon to defray the costs of collection.
- C. In addition to any other penalty or procedure for collection, any costs incurred by the Town to remove weeds or litter herein shall be billed by the town to the owner or agent In charge of the property, and such charges shall be billed and collected in the same manner as and together with charges for utilities provided by the town to such owner or agent. In the event that such charges become delinquent, a late charge of two (2%) shall be added to the principal amount due of such delinquent charges for each full month that such charges

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remain unpaid. Any owner or agent who fails to pay such charges shall receive a notice by mail demanding payment within ten (10) calendar days. Should such payment not be made or some contractual payment schedule agreeable to the town manager not be made, utility services to that owner or agent may be discontinued.

8.08.110 RIGHT OF ENTRY GENERALLY

Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever an administrative officer has reasonable cause to believe that there exists in any building or upon any premises any 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 him or her; provided, however, that if such building or premises is occupied, such inspector shall first present proper credentials and request entry. If entry is refused, the authorized inspector shall give the owner or occupant, or if the owner or occupant cannot be located after a reasonable effort, he or she 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. After complying with all notice requirements, and prior to entry into an occupied premise, the inspector shall first obtain an order from the court finding sufficient probable cause of a violation of the nuisance law and issuing an inspection warrant authorizing entry into the occupied premises. The requirements of this section shall not apply to public places, including privately owned vacant land, as defined in section 8.08.020 which may be inspected by an administrative officer at any time without notice.

8.08.120 RIGHT OF ENTRY IN AN EMERGENCY.

- A. Whenever an administrative officer has reason to believe that a nuisance exists, and that such nuisance constitutes an emergency presenting imminent danger or serious injury to persons or property, the administrative officer, his or her authorized representative or a police officer may immediately enter into any building or upon any premises within the jurisdiction of the town for purposes of inspection or abatement without notice or judicial action.
- B. 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.
- C. For purposes of this section, an emergency situation includes situation where there is imminent danger of loss of, or 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 administrative officer or to resist reasonable force used by the authorized official pursuant to this section.

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